



**TOWN OF SAUGERTIES  
ZONING BOARD OF APPEALS**  
4 High Street Saugerties, NY 12477  
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**May 4, 2020  
WebEx Meeting Minutes**

**Present:** Jeanne Goldberg, Henry Rua, Patti Kelly, Joe Mayone, Tim Scott & Holly Strutt,  
Alternate

**Absent:**

**Also Present:** Paul Andreassen: Town Board Liaison, Alvah Weeks: Town Building Inspector,  
Kevin Freeman: Zoning Board Secretary

- Jeanne called the meeting to order at 7:00pm
- Jeanne asked Holly Strutt to participate as a full member for the Public Hearings since she was present for the March meeting. Since Henry Rua was absent in March, he was recused from the Public Hearings.

**PUBLIC HEARING(S):**

7:10pm Mr Schuman was called

**Robert Schuman  
3185 Rt 9W  
Saugerties, NY 12477  
File #: 20-0001  
SBL #: 29.5-1-11.310**

- This property is zoned General Business / Gateway Overlay
- The applicant wishes to construct 60' x 28' storage building
- General Business / Gateway Overlay requires a 50ft back yard. The building will come within 37ft of back property line
- The applicant is asking for an Area Variance of 13ft

Jeanne made a motion that the application be considered on the basis of SEQR Type 2 617.5 C9, Patti seconded.

The motion passed unanimously.

Patti asked Mr Schuman if he received all the certified mail receipts back and he answered that he had.

Jeanne opened up for public comment. There was none.

Joe made the motion to close the public hearing, Patti seconded and it passed unanimously.

Motion to close the Public Hearing was made by Joe, seconded by Tim. Passed unanimously.

7:17pm Mr Bilheimer was called

**Steven Bilheimer**  
**3646 Rt 32**  
**Saugerties, NY 12477**  
**File #: 20-0002**  
**SBL #: 8.2-5-26**

- This property is zoned Low Density Residential
- The applicant wishes to construct 24' x 28' attached garage
- Required setback is 30'. The building will come within 28' of side property line
- The applicant is asking for an Area Variance of 2'

Patti recommended the application be considered on the basis of SEQR Type 2 617.5 C17

Tim made a motion that the application be considered on the basis of SEQR Type 2 617.5 C17, Joe seconded.

The motion passed unanimously.

Jeanne opened up for public comment. There was none.

Tim made the motion to close the public hearing, Joe seconded and it passed unanimously.

7:20pm Ms Kurdiani was called

**Irina Kurdiani**  
**78 Fierro Road**  
**Saugerties, NY 12477**  
**File #: 20-0004**  
**SBL #: 18.10-2-13**

- The applicant wishes to add a rear deck and stairway to house.
- The applicant is asking for an Area Variance of 19' 9" for the deck.
- The applicant is asking for an Area Variance of 9' for the stairway.

Ms Kurdiani was represented by Scott Roeber

Patti asked Mr Roeber if he knew when the house was constructed. He wasn't sure, but estimated it was built in the 1930s or 1940s.

Patti made a motion that the application be considered on the basis of SEQR Type 2 617.5 C17, Joe seconded.

The motion passed unanimously.

Patti questioned the measurements and Mr Roeber confirmed that the deck would be 28' x 8.5' Since the building is not parallel to the property line, there are inconsistencies in the variance request.

Patti questioned the side fence and was told it belonged to the neighbor.

Patti voiced concern about the proposed staircase being only 6' from the neighbors' home. It was explained that the applicant wishes to install a spiral staircase on the interior and so the external stairs were also required for access of materials, furniture and such.

Patti asked if he or the applicant had spoken to the neighbors who would be impacted by the stairway variance. He said no but their certified mail receipt had been returned. He said he sent out 43 letters and only one was returned as undeliverable. Holly asked for confirmation that the most impacted neighbor was not the undeliverable letter. He checked and found their receipt.

Jeanne opened up for public comment. There was none.

Jeanne made the motion to close the public hearing, Patti seconded and it passed unanimously.

### **NEW BUSINESS:**

**Elder Monroy Argueta**  
**15 Belknap Lane**  
**Saugerties, NY 12477**  
**File #: 20-0005**  
**SBL #: 29.9-6-2**

- The applicant wishes to turn a single family residence into a two family residence by adding a second floor with an outside entrance
- The property is .24 acres or 10,454.4 sqft
- The applicant is asking for an Area Variance of 11,325.6 sqft to make a full .50 acres required by zoning law

Jeanne reappointed Henry as a member for new business. Holly returned to alternate

Mr Argueta was represented by his builder, Mr Ajiataz

Jeanne asked what year the house was built. Mr Argueta went to check his records.

Jeanne asked about the dimensions of the second floor and the deck on the top floor.

Jeanne noted the property was on .24 acre

Henry estimated the house to be built in the 1950s. Mr Argueta ascertained it was built in 1962.

Jeanne noted that the request is for 108% variance. Meaning .5 acre for a 2-family house.

Alvah outlines the requirement, agreeing with Jeanne's assessment.

Henry had issue with the verbal assurance from the Building Department

Jeanne asked who the applicants spoke to at the Building Department. They couldn't remember a name other than a young lady and said they visited the Department twice.

Jeanne noted the submission was denied by Kevin Brown and apologized for any confusion and noted it was a very large variance.

Mr Ajiataz explained that they wanted to start construction as the roof is in poor condition and they had already ordered trusses.

Alvah noted the location was general business, same as high-density residential and the requirement was for 10,000sqft. Alvah asked how many sqft the house occupied now and Jeanne answered 10,454.4sqft.

Alvah mentioned that adding an accessory apartment up to 600sqft would not change the bulk and would be permitted, This is different from making the home a 2-family. It can contain only a single bedroom

Mr Ajiataz asked the next step and Patti replied that to go ahead with the request 108% is a large variance but held up Alvah's option and asked if he and his client consider the alternative and suggested they talk directly to inspectors.

Alvah explained the details of the accessory apartments.

Patti said that when they talked with the Building Department perhaps there was confusion about the difference between an apartment and a 2-family house.

Mr Ajiataz said they would consider revising their application.

Alvah explained that habitable space does not include hallways, bathrooms and closets.

Mr Ajiataz said he would confer with his client and Alvah offered to meet with them on Monday to discuss the design to avoid the need for a variance from the ZBA.

There were questions if they would withdraw the appeal. Jeanne offered 3 choices: Withdraw the appeal, go ahead and schedule a Public Hearing or wait to withdraw depending on decision made in consultation with Alvah.

Jeanne suggested they go ahead with the Public Hearing and, if they decide to cancel, let the board know in writing.

Alvah sent Mr Ajiataz zoning information by email.

Jeanne made a motion to set a Public Hearing for June 1<sup>st</sup>. Patti seconded. Passed unanimously.

Kevin gave verbal instructions on the procedure. He will wait to send them out until after Mr Ajiataz meets with Alvah.

### **Discussion:**

- Following is discussion and voting on the three applications with public hearings at this meeting. Holly was back to vote and Henry was excused from voting as he was absent from the three initial presentations.
- On the subject of Mr Schulman's application for a rear yard variance of 13', Jeanne asked for discussion. Patti motioned that the appeal be approved, utilizing the 5 required criteria in the balance of interest to the benefit of the applicant if the variance is granted weighed against any detriment to the neighborhood or community. Joe seconded. . Roll call vote was 5-0 in favor of granting the variance.
- Mr Bilheimer's appeal was considered. Patti motioned that the 2' variance for a garage be approved , utilizing the 5 required criteria in the balance of interest to the benefit of the applicant if the variance is granted weighed against any detriment to the neighborhood or community. Jeanne seconded. Roll call vote was 5-0 in favor of granting the variance.
- Ms Kurdiani's variances were discussed. Only Jeanne and Patti did a site visit. Holly looked at the plans closely. Jeanne noted the plans were confusing. Patti noted that the neighbor most impacted by the outdoor stairway had not raised any objections. The use of the external staircase for moving purposes made sense to her. Jeanne noted the lack of communication from the neighbor. Holly asked about the process considering attendance. Kevin noted that the letters went out prior to the change in meeting format but it was noted that Scott sent his out with instructions to check the town website for information on how to attend. Jeanne had trouble understanding the deck variance. Holly asked about the size of the lot and was told by Jeanne that it was pre-existing and before zoning. Patti noted the deck edges a cliff over River Road. Jeanne made the motion to grant the 6' side variance and 9.8' rear yard variance. Patti noted the property line was not parallel. Patti seconded. Jeanne utilized the 5 required criteria in the balance of interest to the benefit of the applicant if the variance is granted weighed against any detriment to the neighborhood or community. Roll call vote was 5-0 in favor of granting the variances.
- Vote on the March 2<sup>nd</sup> minutes, Holly noted correction to Scott's name. Noted by Kevin. Patti motioned to accept the minutes with one correction; seconded by Holly. Passed unanimously.
- Jeanne asked about additional business. There was none. Jeanne publicly thanked Patti and Kevin for their contributions.
- Tim motioned to adjourn. Henry seconded. Motion passed unanimously

Meeting adjourned 8:37pm

Respectfully Submitted,  
 Kevin Freeman  
 ZBA Secretary