

TOWN OF SAUGERTIES
ZONING BOARD OF APPEALS
4 HIGH STREET
SAUGERTIES, NY 12477

REGULAR MEETING

NOVEMBER 2, 2009

Present: Joe Roberti, Jeanne Goldberg, Joe Mayone, Brian Sawchuk, Henry Rua and Sam Dederick. Also Nancy Campbell, Alvah Weeks and Jeremy Kane,

PUBLIC HEARING

1. 05-09-09 TADEUSZ & JOLANDA RUTKOWSKI
 37 JEFFERSON STREET
 BROOKLYN, NY 11206

PROPERTY LOCATED AT 129 KELLY ROAD
SECTION INVOLVED 5.1 FRONT YARD SETBACKS
FOR THE PURPOSE OF CONSTRUCTING A STORAGE SHED 34' FROM CENTER OF ROAD

Mr. And Mrs. Rutkowski representing and presented green cards.

FRED GENTILE: Has the property across the street. Has six acres. Has done a lot of work. Does not want to look at a two story storage shed. Expects to pay 6 to 8 thousand dollars in taxes because he has a view of the mountains. Does not want to look at this shed.

JERRY BRAUNER; 108 Kelly Road. Shed sat for a while with one story. The second story was added. Now it is a big eye sore. If it were moved it would be less visible. Also worried about the septic on that site

What measures have been taken to prevent this from happening again?

JEAN BACH; 21 George Saile Road. 12 x 12 x two story seems like an awfully big building not to need a building permit.

JASON BACH: 21 George Saile Road. Maybe the town should pay to have the building moved since the applicants were not told about the set back.

JG: Did you go into the building department or call on phone?

BS: Did you say you couldn't put in a septic system ?

JM; Can the shed be moved ? Is it on a foundation?

MRS. RUTKOWSKI; Went in to the building department. There is about two acres out of the seven that are buildable. The well was put in the wrong location. The shed is not on a foundation. Was built on site. Could be moved.

Public Hearing Closed

2. 09-10-09 GEORGE PRINZ AND INGRED SMITH
 42 DOOLEY DRIVE
 SAUGERTIES, NY 12477

PROPERTY LOCATED AT 73/75 RIVER ROAD, MALDEN
SECTION INVOLVED 5.1 FRONT YARD SET BACK
FOR THE PURPOSE OF EVENTDING STRUCTURE 33' FROM CENTER OF ROAD

Mr. Prinz representing. Has submitted green receipt cards previously.

ARIS MOSHOS; 424 YORK STREET; He has ignored all waterfront rules. Has removed all trees. Should not be allowed the variance. Could go up if he wants more room.

MIKE A. MAXWELL 77 RIVER ROAD; He has a ¾ of an acre lot with 30% under water. What is square footage of house. (4764 sq. ft.) Houses in neighborhood run 1200 to 1600 sq. ft. House is at high tide mark along the river. It is called a patio but it is living space. DEC wants a 50 foot buffer along river. He has eliminated that and now he wants to go closer to the street. Is there room on the end of the house to go out. He could go up.

MIKE P. MAXWELL 98 RIVER ROAD: Lot has been entirely cleaned. Now wants to encroach on the road. Will lessen visibility. Maxwell family owns 4 houses and a boat house. Has been there over 100 years. Proposed house will change character of neighborhood. Can go toward the north or can go up.

NORM PURE 88 RIVER ROAD: Is a dead end road. Most of the houses have been there since the 60's except Dr. Patel. Why should it be allowed?

CATHY PURE 88 RIVER ROAD: It comes closer to looking like a big box in the area. All the trees are gone. There are two buildings on the property.

LOUISE MAXWELL PURE: Is it legal to have two addresses for one lot ?

GEORGE PRINZ: There is a garage and a house. The garage was used as a studio. Garage will not be attached to the house. Will be a separate maid's quarters.

The garage that was attached to the house was taken down.

Property has water and sewer.

Public Hearing Closed

NEW APPEALS

1. 10-11-09 CHRISTINE M. MUSCARELLA
P.O. BOX 1
MT. MARION, NY 12456

PROPERTY LOCATED AT 651 GLASCO TURNPIKE

SECTION INVOLVED 5.1 SIZE OF LOT

FOR THE PURPOSE OF DIVIDING (1) 2.685 ACRE LOT INTO (1) .545 ACRE AND (1) 2.140 ACRE LOTS.

Mrs. Muscarella and Caitlin Guariglia representing.

It is one lot that is divided by Glasco Turnpike. The small lot has two houses on it with two septic systems and a shared well. Wants to divide the property at Glasco Turnpike.

Public Hearing scheduled for December 7, 2009. Applicant given information.

DISCUSSION

1. Minutes for October approved on Motion of Jeanne seconded by Joe R. 5/0

2. Board received a draft copy of the Planning Board minutes for Oct.

3. Board received information on U.C. Planning Board seminar

4. Town Board will be holding a public hearing on the budget on November 9 at 6 p.m.

5. SEQRA for Muscarella. Type 2 on Motion by Jeanne seconded by Joe R. 6.17 (5) (c) (13) 5/0

6. It was announced Katie Blundell will be the new ZBA secretary starting January 2010.

DECISION

1. 07-09-09-A ELISE MULLER vs DKB BUILDERS AS A HOME OCCUPATION

Joe R.: Reviewed evidence. Concurs with Mr. Weeks that the business is legal under our zoning laws. Took a ride up there and visited the site. Most of the comments that were given that night was traffic woes, which should be addressed to the proper agencies. Don't see anything that Mr. Weeks did to violate the law.

Jeanne: I agree. I think it is going overboard in saying it is a home occupation. I think he just lives there and happens to drive a truck. He is not doing any work there. He is self employed, who happens to have his trailer there and his pick up truck that he drives back and forth to work. He takes his children to the school bus in the morning. I'm not even sure that it is a home occupation.

Sam: if he does his book work at the kitchen table, I guess he is working there.

Mr. Weeks: His home is his base of operation. No manufacturing – no nothing there. His office space. He doesn't have an office outside of his home.

Jeanne: DKB Builders meets the requirements of the Zoning Law for a home occupation in that "Any person may conduct one or more businesses, trades, or professions from his residence as an accessory use" because he is not violating any of the standards that are required for a home occupation. (6.2)

Brian: Confirming the interpretation of the CEO/BI and therefore her appeal to overturn the decision of the CEO/ BI should be denied.

Jeanne Made a motion :that after thorough review of all documents provided by the applicant and the Code Enforcement Officer, and after hearing the comments from the public hearing, there was no indication that there were any adverse effects from traffic, noise, vibration, odors, smoke, glare, electrical interference beyond that normally generated by permitted uses in the same district (6.27) and therefore DKB Builders meets the requirements of the Zoning law for an home occupation and the appeal is denied. Seconded by Brian. Roberti – yes; Goldberg – yes; Mayone – yes; Sawchuk – yes; Rua – yes. The Motion is passed and the appeal is denied.

2. 07-09-09-B ELISE MULLER vs BLUE MOUNTAIN PAVING AS A NON-CONFORMING USE.

Joe R.: Mr. Lydecker is at the end of the road. Does have equipment there. Equipment goes to the job and comes back. No way anyone can see the equipment unless they drive to the end of the road. One part of the appeal was that they drove over the wild flowers. The only flowers were along the side of the road. I pictured somebody had a flower bed near the road and people cut the corner, that is not the case. The other thing was the traffic, which is some other agency. Mr. Lydecker has a business. He doesn't live on the property. It is a pre-existing business, a non-conforming business. I examined Mr. Weeks evidence and I examined the applicant's evidence. As far as the applicant's complaint, it has no standing, as far as what they were complaining about. I believe that Mrs. Rothberg's question and Mr. Weeks' explanation about the old law and the new law was very helpful.

Jeanne: I think it is very important to distinguish between a pre-existing business and a non-conforming use which this appears to be. Which is allowed but cannot expand and is not on the official pre-existing business registration list. Mr. Beiter had established a business on the site prior to zoning with a SIC as major group 17. Mr. Lydecker's business also is a SIC major group 17. Because Mr. Lydecker does private driveways and small parking lots, he falls under 1771. He does not do roads or bridges or highways.

A Motion was made by Jeanne seconded by Joe R. to deny the appeal based on the fact that Blue Mountain Paving is a continuation of a non-conforming use and allowed to operate under the zoning law. Roberti – yes; Goldberg – yes; Mayone – yes; Sawchuk – yes; Rua – yes. The Motion is passed and the appeal denied.

The next meeting will be December 7, 2009 at 7 pm at the Frank D. Greco Senior Center

Meeting adjourned on Motion of Jeanne seconded by Brian. 5/0