



TOWN OF SAUGERTIES

ZONING BOARD OF APPEALS

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ZBA Monthly Meeting September 13, 2010

Present: Joe Roberti, Sr., Jeanne Goldberg, Brian Sawchuk, Henry Rua, Samantha Dederick

Absent: Joe Mayone

Also Present: Alvah Weeks, Jr., Bruce Leighton, Leo Boice, Chris St. John, Doug Meyer

~Meeting started at 7:05pm.

Public Hearing:

SBL#28.4-3-1.210

File#:10-0005

Mt. Marion Materials & Sons Inc.

Leo Boice

P.O. Box 21

Mt. Marion, NY 12456

-Property in-question is located at 534 Glasco Tpk. Mr. Boice would like to construct a new salt shed 60' high needing a height variance of 20'.

-Public hearing was opened to those that wished to speak.

Chris St. John of 494 Glasco Tpk. whose property is next to Mt. Marion Materials spoke to the Board regarding his water, what it is that Mt. Marion Materials wants to build and wanted to know if the Kings Hwy water project was going to be extended to give everyone good water. The Board informed Chris St. John that they do not know about the water project and that if he wanted an answer that he should go to the next Town Board Meeting to find out that information. Chris St. John stated that he adds more salt to this water to filter it more than normal. He is concerned because the previous property owners polluted the wells around that area and he is concerned that this new building will contaminate more, but he is for the building if Mr. Boice can prove it will not contaminate. Mr. Boice informed Mr. St. John that the building was going to be another salt shed 60' high. Mr. St. John asked if it would create more jobs, Mr. Boice said it will create one (1) to two (2) more jobs for his company but create many for the trucking companies. Mr. St. John's main concern is the drinking water. The Board asked Mr. St. John if he has ever had his water tested or brought his concerns to the Town Board, he does have his water tested and no, he has never addressed the concerns he has with the Town Board, nor did he go to any of the meetings regarding the Kings Hwy water project. Mr. Boice said that of the four (4) wells contaminated because of the salt shed Cargill has gone out of their way to fix the problems by drilling a new well and adding those properties to the well. Jeanne asked if this was in writing or documented somewhere. Mr. St. John said that it was a court order some 30+ years ago, but is not sure. Mr. St. John said he protests the building if it is going to contaminate more wells.

PUBLIC HEARING CONT'D:

-The Board asked if the traffic would increase because of this new salt shed and Mr. Boice said that there would be more on Kings Hwy. Joe R. asked if the trucks would haul at night, Mr. Boice said rarely do they haul at night. Mr. Boice was asked if his salt comes by rail he said yes and that he gets it from the mines up north mainly.

-Doug Meyers addressed the Board stating that he lives near the site and is the son of the former owner Sonny Meyers. Mr. Meyers addressed the issues that Mr. St. John brought up. He informed the Board that 35 years ago Hurley Salt moved the salt to the Mt. Marion area and no regulations were in place at the time then nor are there any now. Hurley Salt placed the salt on a black top pad and three (3) years later the problem with the aquifer started. Cargill found this out and they immediately fixed the three (3) homes' wells and about four (4) years ago the fourth (4th) home was added to the well set up by Cargill. The well that was drilled giving the four (4) homes access to the well was NEVER court ordered it was done by Cargill and Sonny Meyers. He also informed the Board that the well was drilled to the East of the salt container because the aquifer runs North to South. Cargill is also trying to work with the Town, the last he knew, to get the water project to run down the rest of Kings Hwy, again the Board said we do not know anything of that. He feels that the second building would be a great asset and it would cause no problems to the area.

-Joe R. asked the public if they had any more questions, no one spoke.

-Jeanne asked if Mr. Boice would be doubling the size of his storage now – yes he is. Also asked can the trucks that go there now fit inside the container – yes they can but the newer trucks are longer so in-order to dump the loads safely they need a higher building. Who has the final say in stating that the salt won't leak into the ground, asked Alvah. Alvah said that is not his departments issue and that he is unaware of who would be incharge of that, maybe the DEC handles it if there is a complaint, but not sure. The Board asked if the DEC required permits, no they do not according to Mr. Boice, he is responsible and since he has taken over that property he has 100% improved the site.

-Jeanne informed Mr. Boice that the Board now has 62 days from today to make the decision on his property and he would be notified in writing when his decision was ready.

-Public Hearing closed at 7:45pm.

OLD BUSINESS:

File#05-09-09
SBL#8.2-2-1
Tadeusz Rutkowitzki
Rt.32/Kelly Rd.
Saugerties, NY 12477

-The shed has been moved and no further action is needed. The property owners were notified and this is now closed. The Board thanked Alvah for going out and doing the inspection.

DECISION:

File#10-0004
SBL# 28.4-11-14
Zani, Angelo
583 Glasco Tpk.
Saugerties, NY 12477

- Area variance needed (side yard) of 15'-0" to construct new two car garage 24' x 26'.
- Brian mentioned that Mr. Zani purchased the property with the existing problem on it and that it is already non-conforming and now it will make it even more non-conforming. However, his is trying to improve the property and to do so he needs to fix the garage.
- Henry went to the site to see what Mr. Zani wants to do and he spoke with many of the neighbors and they all thought it was a great thing because he has done a lot of improvements to that home and it makes the neighborhood look a lot nicer.
- Henry made motion to grant the variance, 2nd by Joe R. Vote taken, all in-favor, non-opposed therefore, the motion is passed 4-0 and the variance of 15' is granted based on the 5 Criteria's.
 1. No undesirable change to the neighborhood being created by granting the variance. Mr. Zani is improving the site.
 2. No other feasible way to complete project because he has a rather large above ground septic and leech field on his property and he is landlocked.
 3. The variance requested is substantial.
 4. No adverse environmental or physical impact will be created.
 5. The alleged difficulty is self-created because of the size of the garage, however, he has no choice because he needs to move his furnace and oil tank into garage to prevent it from freezing and his insurance company will not cover the garage without it being fixed.

DISCUSSIONS:

1. Cannot approve Augusts' meeting minutes because all that attended that months meeting were not in attendance today.
 2. July meeting minutes approved with one correction. Approved.
 3. Planning Board minutes received.
 4. Had a brief discussion on the changing the notices to the public regarding public hearings, Jeanne mentioned talking to the Planning Board about this too, maybe have Jeremy look into other towns. Jeanne volunteered to write up a letter to the Planning Board – then said she did not want to.
- Discussed Mt. Marion Materials variance regarding the SEQR determination. Question asked if the variance was denied would he build it to the size not needing a height variance, no because the trucks would not be able to get into the building.
 - The Board agreed it is a simple variance for height so it would automatically make it a TYPE II SEQR however, per Jeanne, since he is doubling his storage capacity of the salt shed it should be an Unlisted Action because it could affect the environment.
 - Motion made by Jeanne that the Salt Storage Shed be listed as an Unlisted Action rather than a Type II Brian 2nd motion, vote take 2 -2, not approve, held over until next meeting.
 - o Joe R. – no; Henry – no; Jeanne – yes, Brian – yes
 - Henry and Joe R. feel that if the DEC does not require permits then why should we do an action that is above and beyond what is needed. We cannot guarantee that there will not be an environmental impact on the property because of this building.
 - Others on the Board feel it is to cover the Zoning Board should anything happen.
 - Therefore, motion for Unlisted Action has been tabled until October's meeting.

~Jeanne made motion to close the meeting, 2nd by Brian. Vote taken 4-0.
 ~ Meeting ended at 8:50pm.