

ZONING BOARD OF APPEALS

4 HIGH STREET

SAUGERTIES, NY 12477

REGULAR MEETING

JUNE 5, 2006

Present: Jeanne Goldberg, Bill Geick, Brian Sawchuk. Joe Roberti and Henry Rua absent.

NEW APPEALS

1. 05-06-06 ROBERT & CATHY LINDHORST

 20 BLUE STONE PARK ROAD

 SAUGERTIES, NY 12477

SECTION INVOLVED 5.1 BULK REGULATIONS SIDE YARD SET BACK

FOR THE PURPOSE OF BUILDING AN ATTACHED GARAGE AND BREEZEWAY
6 FEET FROM PROPERTY LINE

Mr. Lindhorst representing.

Existing house is 40 feet from side line. Breeze would be 10' x 17'. Garage would be 24' x 30'. Existing driveway is black top. Has stone retaining walls along side of house where breezeway would be. Applicant asked to submit correct measurements of lot with new site sketch showing existing measurement.

Public Hearing scheduled for July 10. Applicant given information.

OLD BUSINESS

1. 15-09-05I JOHN STOWELL, as per court order.

Mr. Redder was unable to attend but had spoken to Jeanne. There is no time frame requirement for action.

Court order states: "...(d)emonstrating the Board was arbitrary or capricious, that is, it took the action without a sound basis in reason or without regard for the facts; acted in excess of its jurisdiction; in violation of law procedure, positive statutory or constitutional requirements; or in abuse of its discretionary power. "

“ The Board refusal to apply the area requirements without giving any explanation is by definition arbitrary and capricious.”

“The Board having failed in its duty to consider the area requirements and having failed to give any explanation that would justify a finding that the area requirements are not applicable, the Boards decision is not entitled to any weight or judicial deference.”

“Remanding the Stowell’s application to the Board for a determination of whether the Local Laws exempt new construction from the area requirements. ... (until) (t)he Board renders a determination that addressed the issue of area requirements and explains why they do not apply in the Stowell’s case.”

The Board felt the decision should be made by the full board. A motion was made by Bill seconded by Brian to table the decision until the July meeting. 3/0

DISCUSSION

1. Minutes for April 3 approved on Motion of Bill seconded by Brian 3/0
2. Minutes for April 24 approved on Motion of Bill seconded by Brian 3/0
3. Planning Board minutes for May received
4. Ellie collected tests from Jeanne, Bill and Brian, to give to Nancy
5. Association of Town school July 13 at Roosevelt Library, Hyde Park. Jeanne and Brian expect to attend.
6. GIS training June 10 and 11. Joe and Brian to attend
7. Update on Levine: Jeanne drew attention to letter from Alvie to Staub requesting an engineered plan.

Next meeting July 10, 2006 at 7 PM at Frank D. Greco Senior Center.

Meeting adjourned on Motion of Bill seconded by Jeanne.