



TOWN OF SAUGERTIES

ZONING BOARD OF APPEALS

4 High Street Saugerties, NY 12477

Tel: (845) 246-2800, ext. 373

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ZBA Monthly Meeting December 3, 2012

Present: Jeanne Goldberg, Joe Mayone, Brian Sawchuk, Henry Rua, Samantha Dederick, Donn Avallone.

Absent: Bruce Leighton, Liaison

Also Present: Alvah Weeks, Jr., Mario Tagliaferro, Frank Fabiano, Gaetana Ciarlante

~ Meeting started at 7:04pm by Jeanne Goldberg.

Public Hearings:

1. Tagliaferro, Mario
P.O. Box 691
Glasco, NY 12432

File#: 12-0009

SBL#: 29.46-3-15

- Property located at 25 Geneva St. in Glasco.
- Applicant was present at meeting and handed in all of his certified returned copies of his mail outs.
- Public Hearing started at 7:05pm.
- Jeanne read what the applicant wishes to do and asked the applicant if he had anything new to show the Board. The applicant did not have anything new for the Board.
- Jeanne asked the audience if anyone had any questions for this appeal, one person present.
- Present for this appeal was Gaetana Ciarlante of Glasco, she wanted to know what this appeal was for because she was confused.
- It was explained that he wishes to demolish the existing residence and then rebuild with a modular residence that will be for himself and that the reason he is doing this is so he can conform with the Zoning Law regarding section 9.3.2 for Undersized Lots. Due to the fact that he is increasing the footprint of the new home he needs the variance of 208.4sq.ft. to comply.
- Ms. Ciarlante was ok with the explanation given and has no issues with this project. She is happy that it will be for him.
- Jeanne asked the Board if they had any other questions since no one else was in attendance to speak. Sam asked about the driveway. Jeanne also had concerns regarding this matter of the shared driveway between the front house and the house in question.
- The applicant informed the Board that the houses are on separate deeds and that the driveway is on his deed for the rear residence and that he has an agreement with his parents who own the front property that should an issues arise he has permission to take over the front residence.

PUBLIC HEARING TAGLIAFIERRO (CONT'D):

- Jeanne asked that according to the plans the rear bump out on the existing residence will not be replaced when the new house is constructed.
- The applicant stated yes, he will leave it off so he has room now to mow behind the house and that it will give him more space off the rear property line.
- Henry suggested that the applicant sit down with his attorney and his parents and draw-up an agreement stating that should something arise in the future that he will be covered when it comes to the driveway and the front house that is currently apartments.
- The applicant fully agreed with that and said he would look into it.
- Jeanne asked the Board, the applicant and the public if there were any more questions, no one had any.
- Jeanne then closed the public hearing at 7:20pm and informed the applicant that the Board now has 62 days to make their decision regarding this appeal and that as soon as it has been made then he will receive a letter within 5 business days stating his outcome.
- The applicant thanked the Board.

2. Saugerties Community Church/Om Sai Ram Inc.
Fabiano, Frank (pastor)
P.O. Box 206
Glasco, NY 12432

File#: 12-0010

SBL#: 18.1-4-19.200

- Property located at 2778 Rt. 32.
- Public Hearing opened at 7:22pm.
- Applicant present at time of meeting and applicant turned in all of his certified return receipt mail-outs.
- Jeanne informed applicant that because he is located on a County Highway that the Board had to send his appeal to the Ulster County Planning Board and since they have not responded yet to our application that as a Board, they cannot make a decision on this appeal until they have heard from them.
- Jeanne suggested that with his permission and with the Board's input that they keep the Public Hearing open until January's meeting since they will have heard from the Ulster County Planning board by then and then close the public hearing in January and then the Board will have 62 days to approve it.
- Mr. Fabiano is ok with this because the person is who is volunteering their time to build the sign is held up with other projects.
- Mr. Fabiano was told that he would have to come to January's meeting and that would be his last meeting and once a decision was made he would be notified.
- Jeanne then stated that it is better to leave it open until January's meeting on the off chance that the Board has to cancel January's meeting due to a storm or anything and it's to protect the applicant so he does not have to re-do all this work.
- Both the Board and the applicant are in-favor of this.
- Therefore, the Public Hearing will remain open until January 7, 2013.
- Ended at 7:30pm, but still open.

OLD BUSINESS:

Pellegrini, Gianfranco
16 Arthur Ln.
Saugerties, NY 12477

File#: 12-0001

SBL#: 17.2-5-36

- Property located at 2769 Rt. 32 also known as the Wynkoop House.
- As of this meeting date no new news on this project. Leave it on the agenda.

PENDING BUSINESS:

Newburgh Garden Corp.
P.O. Box 1107
Beacon, NY 12508

File#: 12-0004

SBL#: 18.1-1-26

- Property located on Peoples Rd. on the Rt. 32 side.
- Currently no physical address due to it being vacant.
- Property is located in the MDR-SA Zoning District and the General Business Zoning District.
- The applicants wish to construct a Senior Residence.
- At this time the appeal is on hold. However, on Wednesday before thanksgiving, the owner of the property Mr. Sam Gheberial called the Building Department and asked how he could get the property re-zoned so that he could build the Senior Residence without going in-front of the Zoning Board. The Board agreed that as long as it was not spot zoning then he could but that he would have to take it up the Supervisor and the Town Board.

DISCUSSIONS:

1. Jeanne asked for comments on the Minutes to be approved for November. No one had any comments. Sam made the motion to approve as written and 2nd by Joe. A vote was taken all were in-favor, motion passed and minutes approved as written.
2. All received Planning Board minutes.
3. A few discussions were held.
 - a. A discussion on the sign law and issues arising.
 - b. A letter was sent to Mr. Schuman an applicant written by Jeanne stating that he needed to inform the Board on what he would like to do and to have it in a timely manner. As of the meeting he did not have anything sent in. However, he did call the Sect. for the ZBA and stated he would have information in for the January meeting.
 - c. Board agreed that the new schedule for 2013 is ok.
 - d. Board discussed Fabiano's appeal versus Schuman's appeal.
4. All the Board members will be attending a meeting in Hyde Park to receive their annual credits needed.

DECISION(S):

Tagliafierro, Mario
P.O. Box 691
Glasco, NY 12432

File#: 12-0009

SBL#: 29.46-3-15

- Property located at 25 Geneva St. in Glasco.

- Sam has concerns because the houses are so close together and when he demos the house if it damages the surrounding properties could the Zoning Board be held liable. The Board and Alvah Weeks agreed that no, the Board would not be held liable that the applicant would be.

- Joe mentioned that the Board should maybe put a conditional on the approval to get a road maintenance agreement in place regarding the shared driveway. The Board agreed that since they spoke with the Applicant about it and he agreed to it that it is his responsibility and not the Boards to get that in place.

- Henry feels that by granting this variance it would do no harm to the area or the characteristics of the neighborhood. The Board decided to vote on it based on the 5 criteria's.

1. It was determined that; no undesirable change will be produced in the neighborhood nor would a detriment to nearby properties be created in granting this variance.

2. The benefit sought could be achieved by other feasible means by building a smaller house, however, the existing residence is already small and what the applicant is requesting is not an outrageous request.

3. The requested variance is not a substantial variance. To meet the 5,000sq.ft. requirement only 208.4sq.ft. is being requested or 4.168%.

4. The proposed variance will have no adverse effects or impact on the physical or environmental conditions in the neighborhood. It will improve the area by taking away an older building and replacing it and it follows the flow of the neighborhood.

5. The alleged difficulty was self-created by wanting a larger footprint of the residence, however, the area in question most of the residences were built on smaller lots so with that factor it does not preclude granting the appeal.

A motion was made by Henry to approve the appeal of an Area Variance of 208.4sq.ft. to build a new residence on the above mentioned property and the motion was 2nd by Joe.

A vote was taken:

Goldberg – yes, Mayone – yes, Sawchuk – yes, Rua – yes, Dederick – yes; 5-0 in-favor. Therefore, the motion is passed and the appeal is granted.

~ Joe made the motion to adjourn the meeting that was 2nd by Sam.

~ Meeting ended at 8:30pm.

Merry Christmas and Happy New Year to all.
Next meeting will be held on January 7, 2013.

Respectfully submitted,
Kathleen Blundell
ZBA Sect.