



# TOWN OF SAUGERTIES

## ZONING BOARD OF APPEALS

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### ZBA Monthly Meeting June 6, 2011

**Present:** Joe Roberti, Jeanne Goldberg, Joe Mayone, Henry Rua, Brian Sawchuk and Samantha Dederick.

**Absent:** Bruce Leighton, Liaison

**Also Present:** Alvah Weeks, Jr.

~ Meeting started at 7:08pm by Joe Roberti, Sr.

### **DECISION:**

Spada, Michael  
1887 Rt. 32  
Saugerties, NY 12477

File#: 11-0004  
SBL#: 28.4-7-2.210  
Property located at 1887 Rt. 32

- Joe R. opened meeting by reading a letter from the Planning Board Chairman C. Howard Post dated 5-24-11 regarding the subdivision and subsequent area variance needed for the property in-question.
- Joe R. read the letter from Denise Michelini regarding ownership of land to create the right-of-way and subdivision.
- Jeanne asked what is the variance being requested?
- Henry stated it is not an area variance to which Jeanne said then what is it.
- Jeanne then read the minutes from Planning Board dated May 15, 2011 stating what the Planning Board had required for this appeal and stated again what are we giving an area variance to?
- Sam then read Town Law Section 280a.
- Joe R. stated that since the Board received all the information that was requested of the applicants that the Board approve the variance that is being requested. Jeanne 2<sup>nd</sup> the motion in order to discuss the issue.
- Brian stated that he does not know what the Board is giving a variance for so he would have to abstain from the vote should a vote be taken right now.
- Henry tried to clarify that with the Town Law and County requirements require the right-of-way to access a property to be a minimum of 25' so the Board would be granting a variance to use a Right-of-Way that is only 15' in width so the Spada's are requesting a 10' variance.
- Jeanne questions why it took the Board so long to figure this out, how did we miss this?
- Joe R. asked if the vote could be taken, no because Jeanne had more questions.
- Brian said it is a variance to use a smaller Right-of-Way (25' to 15') asking for a 10' variance to get to the land in the back. So we are giving a width variance.
- Jeanne gave letter of her ideas for the granting of this appeal to the board. Joe R. read the letter aloud to the Board.
- Joe R. then amended his previous motion stating Jeanne's letter and it was 2<sup>nd</sup> by Brian.

## **DECISION CONT'D: (SPADA)**

- The Board then went through the list determining the grounds for the variance.

1. It will not cause an undesirable change in the area because a driveway exists.
2. No other alternative way to accomplish this to subdivide.
3. Requested variance is substantial.
4. There would be no adverse effect or impact on the neighborhood.
5. The alleged difficulty was self-created.

-A vote was taken and all were in favor, therefore, the motion was passed and the appeal was granted.

## **DISCUSSION(S):**

1. Board was informed that Candace Voda of Hommelville Rd. that was denied her variance to continue building a carport on her property has since been taken down and that at the next meeting a formal letter from the Building Department will be given.
2. Motion made by Jeanne to approve the minutes for May with two (2) changes, both on page 3. The first change was to take out the "and" before 2<sup>nd</sup> in the Discussions section listed as 1. The second change was under Decisions/Farther to take out the "and" before 2<sup>nd</sup>.
3. All received the Planning Board minutes.
4. All received the letter from Planning Board.
5. All received the letter from Denise Michelini regarding the Spada Appeal.
6. All received the Open Development Area memo from Dan Shuster.

-Brian asked if we should resend the Decision sent to John Farther/SMD Properties because it did not state that he had to build the sign per the plan submitted because the minutes said so. The Board agreed that Alvah Weeks, Building Inspector, can now deal with it and he can inform the Board of any changes made.

Henry made the motion to adjourn the meeting which was 2<sup>nd</sup> by Joe R. Vote was taken all in-favor, meeting was adjourned at 8:27pm.