



ZONING BOARD OF APPEALS
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March 6, 2023

PRESENT: Bill Schirmer (Chair), Tim Scott Jr, Randy Ricks & Patti Kelly (Alternate)
ABSENT: Henry Rua (Vice-Chair) and Joe Mayone
ALSO PRESENT: Becky Bertorelli (Zoning Board Secretary), Kevin Brown (Building Inspector/Assistant Zoning Administrator)

Schirmer called the meeting to order at 7:00 pm. Schirmer-asked Kelly to serve as a full member and announced that a quorum was reached.

PLEDGE

PUBLIC HEARING

COMMERCIAL STREET PARTNERS: APPLICATION FOR TWO (2) SIDE YARD AREA VARIANCES.

Chris LaPorta, Passero Associates (Representative)
260 Glasco Turnpike/Route 9W
Saugerties, NY 12477
SBL#: 29.9-6-6 & 29.9-6-7
File #: 23-001

The site is located in the High Density Residential (HDR) zoning district. The applicant has updated their request to a 33' side yard area variance on the north side of the proposed pool location to include the entire fenced area around the pool. The 46' side yard area variance on the north side of the proposed maintenance building location remains the same.

The public hearing was opened at 7:01pm by Schirmer. Public comments:

- Linda Hering, 19 Belknap Lane-concerned with the pool enclosure and that it is only 17' from the edge of Belknap Lane, which is a private right-of-way. What is the applicant's plan for the area between the road and the fence line where all the existing screening has been removed? Request that evergreens be used in that area instead of deciduous trees. The current state of Belknap is not great, it crumbles towards the applicant's property. Who will provide mowing on the strip of land that runs from Belknap towards the proposed maintenance building that is presumably owned by the County? Kelly-have the construction vehicles used Belknap to enter the applicant's property? The road seems to be in pretty bad shape. Hering-concerned with the noise that the pool area will bring. Will the pool be open to the public? How will you keep others out? What type of traffic congestion will that create? I currently hear the hum of the condensers that were installed behind Unit #1. The wildlife has been displaced and the rats that were once on the

applicant's property have moved over to Belknap. Will the tenant's be allowed dogs? How will they be monitored? That is a concern as well.

- Maurice Hodder, 20 Trinity Court-the proposed maintenance building is 80' from my property line, 120' from my front door, and not 150' as stated in the notice of intent letter submitted by the applicant. From the site plan that was submitted it shows trees are proposed on three sides of the maintenance building and only two are proposed on the side that faces by house. I propose another location for the maintenance building that will not require any variances. This location is closer to Glasco Turnpike. Why does the building have to be so large? It is proposed to be located right in front of my residence and I will see it right out my front door.

LaPorta-we have previously spoken to both neighbors during our initial site plan review with the Planning Board, not during this process with the Zoning Board of Appeals. We removed the existing natural vegetation at Ms. Hering request because it was overgrown and undesirable. The applicant proposes heavy landscaping around the pool area and a 6' vinyl fence on the north and west side. This will provide screening and keep the sound from Belknap Lane. A 4' fence is proposed on the interior to the site. The reason we are requesting a variance on the pool area is that when the original site plan was approved the pool was within the setback requirements. When the pool was designed it was determined that a variance was required to meet the clearance necessary. The fenced area will be screened by landscaping. No construction vehicles have been using Belknap Lane but will check with the construction team to ensure they are not using it. Hering-what are the requirements about fencing in the pool area. Brown-the applicant is only required to install a 4' fence around the perimeter of the pool. Hering-evergreens instead of deciduous. LaPorta-that is an easy switch, will discuss with the applicant. Ricks-it looks like the pool was just stuck in the original site plan without any actual planning. The letter of intent has errors in it and is very misleading, one item is that it states that the neighbors were spoken to. LaPorta-there are errors in the letter, I will update and take responsibility for those errors, including the statement that the maintenance building will be at least 150' from any neighboring property line. Hering-light pollution, noise pollution and security continue to be a concern. What will stop tenants from roaming off property onto Belknap? Especially up the easement. LaPorta-look at landscaping to help with the light and noise impacts. Can provide a temporary screening fence if the residents on Belknap would like, they just have to let us know. The long term landscaping will be properly maintained. Kelly-is there anything that can be done to try and unmark the easement area? There are trees proposed along the easement area which makes that area more prominent. Can it be blended into the property better? LaPorta-yes we can look at changing that landscaping. Nothing is proposed to that turn around area on Belknap. Ricks-will there be parking by the pool? How will tenants access that area? LaPorta-yes, parking and sidewalks are proposed through the development to make walking to that area more inviting. Will look at the other location proposed by Mr. Hodder for the maintenance building, need to look at grading in that area. The UCPB comments are still outstanding.

Schirmer-consider options to relocate the maintenance building. The Board will have to await a referral response from the UCPB. A motion was made by Kelly, seconded by Scott, to keep the public hearing open until the April 3, 2023 meeting. Board vote: Ricks-Aye, Scott-Aye, Kelly-Aye, Schirmer-Aye. Motion carried.

Brown-just would like to comment that there is a discrepancy with what is actually considered part of the pool structure and to be considered when requesting the size of the variance needed. Never have considered everything that is within the fenced area as part of the structure. Always

understood the pool structure to be anything within 3'-5' of the pool structure that is bonded to it. Wherever the pool is bonded to, up to the break in the concrete, is considered part of the actual structure when determining setback requirements. The break in the concrete pour would create the end of the bonded area. Will contact NYS to see how they interpret the structure of the pool.

JOSEPH SAMALIN: APPLICATION FOR 0.21 ACRE BULK AREA VARIANCE.

138 Ralph Vedder Road
Saugerties, NY 12477
SBL#: 8.1-3-34.100
File #: 23-002

The 7.79 acre parcel is located in the Low Density Residential (LDR) zoning district with Sensitive Area Overlay (SA) and is . The applicant is requesting a 0.21 acre bulk area variance to build a second home and conform to the 8 acre bulk requirement by zoning.

Schirmer opened the public hearing at 7:47pm. No one from the public was present for the hearing. A motion was made by Kelly, seconded by Scott, to close the public hearing. Board vote: Ricks-Aye, Scott-Aye, Kelly-Aye, Schirmer-Aye. Motion carried. The public hearing was closed at 7:48 pm.

Schirmer-asked the Board and discussed the five criteria for the area variance used to make a decision, per our zoning law, and determined:

- The request does not create an undesirable change in the character of the neighborhood
- The request can not be achieved by some method feasible that would not require a variance
- The request is substantial but it is necessary
- The request will not have an adverse effect on the physical or environmental conditions in the neighborhood
- The request is not self-created

A motion was made by Ricks, seconded by Kelly, to approve the 0.21 acre bulk variance. Board vote: Ricks-Aye, Scott-Aye, Kelly-Aye, Schirmer-Aye. Motion carried.

NEW APPEAL

CARLY LYNN: APPLICATION FOR 40'6" FRONT YARD AREA VARIANCE.

611 Band Camp Circle
Saugerties, NY 12477
SBL#: 17.1-5-35
File#: 23-003

The property is located in the Moderate Density Residential (MDR) zoning district. The applicant is requesting a 40'6" front yard variance for an existing shed, to conform zoning setback requirements. There is an old shed that is located on the parcel but is not usable. The applicant has built the new shed within the setback requirement in the MDR district. The shed is under 12'x12' and the applicant thought that a building permit would not be required. However, there is electricity in the shed which requires a building permit, regardless of the size. The shed is not a

permanent structure. Kelly-can you move the shed to the location where the old shed was?
Lynn-it would be financially difficult and the old shed will need to be removed, which I am not ready to do so yet. Schirmer-since the electricity in the shed triggered the building permit it led to the Building Inspector's reviewing the site where the shed was built. Brown-when the Building Department visited the site it was determined that the shed is not only within the setback but also located within the Town right-of-way, which is 25' from the centerline of the Town road. Lynn-I am one of two owners on Band Camp Circle that live there permanently. Most of the owners live there part time. Several structures on the road sit close to the road. Brown-yes, but those are pre-existing.

Schirmer-I think the best thing is for the Board members to visit the site and take a look at the location of the shed. We can set a public hearing. A motion was made by Kelly, seconded by Ricks, to set the public hearing for April 3, 2023. Board vote: Ricks-Aye, Scott-Aye, Kelly-Aye, Schirmer-Aye. Motion carried. A motion was made by Kelly, seconded by Scott, to declare this a Type II Action under SEQRA. Board vote: Ricks-Aye, Scott-Aye, Kelly-Aye, Schirmer-Aye. Motion carried.

OLD BUSINESS

THE ZBA HAS NOT YET RECEIVED THE SCOPING DOCUMENT FROM TARPON TOWERS II/VERIZON WIRELESS PERTAINING TO THE PROPOSED CELL TOWER AT THE MT. MARION FIREHOUSE.

BOARD DISCUSSION

- A motion was made by Scott, seconded by Ricks, to approve the February 6, 2023 ZBA minutes as written. Board vote: Ricks-Aye, Scott-Aye, Kelly-Aye, Schirmer-Aye. Motion carried.

ADJOURNMENT

A motion was made by Scott, seconded by Ricks, to adjourn the meeting as there are no further items to discuss. Board vote: Ricks-Aye, Scott-Aye, Kelly-Aye, Schirmer-Aye. Motion carried. Meeting adjourned 8:07pm

Respectfully submitted,

Becky Bertorelli
Secretary
Zoning Board of Appeals