

Not approved

TOWN OF SAUGERTIES
ZONING BOARD OF APPEALS
4 HIGH STREET
SAUGERTIES, NY 12477

MINUTES

JULY 12, 2004

Present: Dan Ellsworth, Dick Conley, Jeanne Goldberg. Bill Geick and Henry Rua absent.

NEW APPEALS

1. 05-07-04

JAMES O'REILLY
323 HARRY WELL ROAD
SAUGERTIES, NY 12477

PROPERTY INVOLVED BEITER , HARRY WELLS ROAD AND RT 32
FOR THE PURPOSE : PROTESTING DECISION OF PLANNING BOARD

Mr. O'Reilly present and presented board with additional information that stated the Building Inspector did not certify the site plan which includes the Lot 6 / Lot 4 boundary line change, therefore making the action of the Planning Board not valid.

TALK OF TOWN 1/03

Question: Does the Zoning Board of Appeals have the authority to grant relief from site plan conditions implemented by the Town Planning Board as part of a site plan review process?

Answer: No. Any person aggrieved by a decision of the authorized board of a town issuing site plan approval may apply to the Supreme court for review. ... Jurisdiction of the zoning board of appeals "limited to hearing and deciding appeals from and reviewing any order, requirement, decision , interpretation or determination made by the administrative official charged with the enforcement (or administration) of any (zoning) ordinance or local law. (material added)...

(T)he jurisdiction of a zoning board of appeals to review zoning decisions or grant relief with use or area variances is limited to relief from decisions and determinations of the administrative official charges with the enforcement of the ordinance or local law and does not apply to the site plan or special permit decisions or determinations rendered by a town planning board." *Legal FAQs.*

ZONING LAW FOR TOWN OFFICIALS (Association of Towns)

274-a 10; 274-b 9; 282

" Any person or persons, jointly or severally aggrieved by any decision of the planning board ... may have the decision reviewed by a special term of the supreme court in the manner provided by article seventy-eight of the civil practice law and rules provided the proceeding is commenced within thirty days after the filing of the decision in the office of the town clerk."

It was suggested to Mr. O'Reilly that he revise his application to appeal a decision or lack of decision of the Building Inspector not the Planning Board. Mr. O'Reilly is entitled to fees back on Motion of Jeanne seconded by Dick 3/0. Can be applied to new appeal.

2. 06-07-04

DIANA SOGARO
207 WEST SAUGERTIES ROAD
SAUGERTIES, NY 12477

SECTION INVOLVED 5.1 BULK REGULATIONS FRONT YARD WIDTH
FOR THE PURPOSE OF SUBDIVIDING LOT

Ms. Sogaro present. Property corner of Hideaway Lane and West Saugerties Road. Has a lot with a cottage on it which is rented. wants to divide 2 acres off from it to put residence and garage on. Will meet all set back requirements.

Public Hearing scheduled for August 2. Applicant informed notices had to be mailed July 13. Given information.

3. ROBERT & SAMANTHA DEDERICK
P.O. BOX 722
SAUGERTIES, NY 12477

PROPERTY AT 1902 OLD KINGS HIGHWAY(ASBURY / KATSBAAN)
SECTION INVOLVED
FOR THE PURPOSE

No one present to represent this appeal. It was totally unclear what was being appealed (see notes at end)

OLD BUSINESS

1. 02-04-04 JOSEPH GRANDSTAFF

Jeanne Goldberg stated she had read the comments from the Public Hearing but had not visited the property. Decision tabled until August meeting.

2. 04-05-04 RICHARD SYRACUSE

Board has received a response from the U.C. Planning Board to a letter written to Teresa Rusinek, Cornell Cooperative Extension regarding AG. districts.

" #3 The next review for District 4 is March 2007. Ulster County has not retained any lands in Ag Districts when the landowner has requested that they be removed.

Land owners of properties that are removed from Ag Districts for development purposes must complete an Agriculture Data Statement and address the impacts to the district."

ZONING LAW FOR TOWN OFFICERS

2.8.3-A 2.

Agricultural data statement: submission, evaluation. Any application for a special use permit, site plan approval, use variance, or subdivision approval requiring municipal review and approval by the town board, planning board, or zoning board of appeals, pursuant to this article, that would occur on property within an agricultural district containing a farm operation or on property with boundaries within five hundred feet of a farm operation located in an agricultural district, shall include an agricultural data statement. The town board, planning board, or zoning board of appeals shall evaluate and consider the agricultural data statement in its review of the possible impacts of the proposed project upon the functioning of farm operations within such agricultural district. The information required by an agricultural data statement may be included as part of any other application form required by local law, ordinance or regulations."

Secretary to write applicant and request an agricultural data statement.

Letter had been sent to Planning Board 6/10 requesting a response on this project. No response received. secretary to write and again ask for a response. Also to ask the Planning Board to be lead agency in the SEQRA determination. Applicant has been asked for a long EAF,. Letter received from Mr. Jeremy Wilkening, Director of Real Estate Development fro Rural Ulster Preservation Company stating that " RUPCO and Mr. Syracuse agree to extend the time period in which the ZBA must make a decision on our appeal to 62 days after a determination of significance under SEQR. Mr. Shuster is working on the EAF Long Form and a revised application so you may initiate lead agency coordination with the Planning Board."

Members of audience allowed to ask questions.

Mr. Randall: how do people know when EAF is received? Is there any requirement for size of buffer ?

Bill Trumpbour: explained penalty for early removal from an ag district benefit. Are wet lands being considered ?

Bob Riley: Who does EAF ?

It was brought to the attention of the public that the public hearing was closed.

DISCUSSION

1. Minutes for June tabled due to lack of voting quorum
2. Planning Board minutes for May received.
3. Bill received from Laura Zeizel. MOTION m/s/c/ Jeanne / Dick to pay bill 3/0
4. C.A.C meeting July 15. subjects to be discussed: Blasting & horse rules. Guest speaker on aquifers
- 5 Training in New Paltz July 15. Jeanne will try to attend.
6. Board given copies of the enacted Gateway and Waterfront Overlay Districts law and the proposed amendments.
7. West Group bill approved on MOTION m/s/c/ Jeanne/ Dick. 3/0
8. Governing Rules tabled until more members present.
9. Letter received from U.C. Planning Board requesting adoption of a Resolution excluding rear, side yard setback from county review.
Resolution # 1 of 2004 adopted on Motion Jeanne seconded by Dick 3/0
10. Need to work on next year's budget.

Next meeting August 2 at 7 pm at Frank D. Greco Senior Center.

Meeting adjourned on motion of Jeanne seconded by Dick

NOTE:

After meeting neighbor of property subject of Dederick appeal explained to Board what the issues were. It was recommended that an appeal had to be against an action or lack of action of building inspector. Recommendation to withdraw appeal until there was an action to appeal. Appeal was returned to building department asking for clarification. May be an interpretation or an appeal. Permit was granted to replace existing mobile home with same size (one bedroom) residence. Garage cannot exceed existing footprint. Paul took appeal but was not in office at time. Alvie took notes to give to Paul.

Elaine C. Henkel
Secretary