



TOWN OF SAUGERTIES

ZONING BOARD OF APPEALS

4 High Street Saugerties, NY 12477

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February 6, 2017 Meeting Minutes

Present: Jeanne Goldberg, Samantha Dederick, Donn Avallone, Patti Kelly; Alternate

Absent: Joe Mayone & Henry Rua

Also Present: Khattar Elmassalemah from Praetorious & Conrad, Alvah Weeks, Jr; Building Inspector, Jimmy Bruno; Town Board Liaison, Luke Fletcher from Verizon and others for Verizon.

- ~ Pledge said by Donn
- ~ Patti was asked to join the meeting due to the absence of Joe and Henry
- ~ Jeanne wanted to welcome Becky Bertorelli, the new ZBA Sect. who will be taking over for Katie.
- ~ Meeting started at 7pm

NEW APPEAL(S):

Verizon Wireless
338 Rt. 212
Saugerties, NY 12477

SBL#: 17.16-2-26

File #: 16-0004

- Property/Building is owned by 777 J&M Corp out of Kingston NY
- Applicant wishes to place an additional wall sign on the East Side of the existing building which will require a Use Variance.
- Mr. Luke Fletcher was present for Verizon as well as a representative from Saxton Sign Corp.
- Appeal started at 7pm
- Mr. Fletcher is asking for additional signage they currently have a wall sign and a monument sign. They use only 1/3 of the monument sign the other two spaces on the sign are empty. The one store there, speedy mart, has never joined the monument sign and the other store front has been vacant for 3+ years. They will use the same lighting system as the wall sign there now. They are hoping this will capture the attention of more customers and bring in business. Many people drive past it and it is a difficult location to make a "u turn." They would like it to be like CVS who has two signs. They feel if they have this second sign their customers will know where they are and the business will start to do better than it is now.

VERIZON CONT'D:

- Patti mentioned that Verizon is very data driven and wanted to know if Verizon had any data stating that more people use the Kingston stores because this one is hard to find, and that business is doing poorly because of lack of signs. Mr. Fletcher said that he had no data just word of mouth and they use demographics (traffic counts and market shares which this store is 45%) They are capturing very low numbers and they want to increase them.
- Patti asked why people need to go to the store, what purpose. Mr. Fletcher stated that customers come to the store for upgrades, troubleshooting on their phones, pay a bill, or have questions.
- Patti asked if they knew that the zoning law does not allow two wall signs but only a wall sign and a free standing sign. No they did not know this.
- Donn asked Mr. Fletcher if the monument sign he keeps referring to means the freestanding sign by the road, yes.
- No more questions from the Board.
- Jeanne asked Mr. Fletcher if he was an attorney, no he owns the store/business.
- Jeanne wanted to make it known to the applicant that there is much difficulty in obtaining a use variance (NYS Law even states this). If your store front were on a corner lot this would not be an issue but since you are not on a corner lot it is not allowed. All four (4) criteria for a Use Variance need to be met in order for this to be approved. This states it on the application that was filled out too.
- Mr. Fletcher claims he has gotten many variances all over NYS and if they don't get this variance then the store will have to close.
- Jeanne asked how Speedy Mart is doing, Mr. Fletcher could not answer that but he assumes not well.
- The building was built for Verizon and they cover the majority of the cost of rent for the building.
- Donn stated that the applicant and owner of property chose to put up a building in an area of town where numerous signs are not allowed and that he has been told this twice now. Back in 2013 when you were first here nothing has changed and you have stated the same things. We do not make the law we can only follow it.
- Motion made by Donn and 2nd by Patti to set the Public Hearing from Monday March 6th at 7pm. Vote taken 4-0, Mr. Fletcher was given the Public Hearing paperwork.
- Appeal ended at 7:30pm. Mr. Fletcher will contact the secretary to let the Board know if they will pursue this or not.

Discussion on Verizon:

- Sam mentioned if they got rid of the monument sign could this just be an area variance. No not allowed.
- Jeanne stated this does not need to be sent to the Ulster County Planning Board.
- SEQRA will be determined the night of the Public Hearing if they come back.

DECISION/DISCUSSION:

Glasco Apts. LLC
224 Old Rt. 32
Saugerties, NY 12477

SBL#: 29.46-6-20.100
File #: 16-0003

- Decision to be made to turn the bottom portion of a former deli into two (2) 2 bedroom apts. Located at 38 Glasco Tpke. in the Hamlet of Glasco.
- Khattar present at meeting. Started at 7:40pm.
- Size of downstairs building is 3,000sqft. total is 6,000sqft. but not all is living space, estimated guess of what is living space maybe 4500sqft for top and bottom. The size of the entire lot is 11,325sqft. There will be 4 apartment units total.
- The applicants have agreed to go from 2 2bedroom units to 1 1bedroom and 1 2 bedroom so the variance being requested is 11,424.4sqft.
- Patti feels the benefit outweighs the negative, that it is not a detriment to the neighborhood, the parking of cars will not be an issue, having re-read the real estate letter made it helpful to see that apartments will be the only option for this site. This is not a typical situation and there are not many structures like this to create precedence and taking the building from a non-conforming to a conforming site.
- Donn feels compelled to vote in favor but wants the parking issues discussed with the Planning Board.
- Patti feels it is more beneficial to have the bottom built up than have it vacant.
- A motion was made by Jeanne and 2nd by Patti to grant the variance of 11,424.4sqft. to turn the bottom portion of the building into a one 1 bedroom unit and a one 2 bedroom unit with the following conditions:
 - o They must go to the Planning Board for a site plan approval in regards to the parking and landscaping
 - o Meet with the Highway Superintendent to discuss the issues with the side road to lessen the confusion with who can drive through it.
- A vote was taken 4-0, all were in-favor.
- Discussion on decision ended at 8pm.

DISUCSSION(S):

1. Patti made the motion to accept the January meeting minutes as written and 2nd by Donn, Vote taken 3-0, Jeanne abstained due to her absence at that meeting.
2. All received their Planning Board minutes.
3. The SEQR will be determined at the next meeting Verizon attends
4. Public Hearing was sent for Verizon on 3/6/17.
5. Jeanne discussed training for the Board.

DECISION:

Glasco Apts. LLC
224 Old Rt. 32
Saugerties, NY 12477

SBL#: 29.46-6-20.100
File #: 16-0003

At a meeting of the Zoning Board of Appeals held on Monday, February 6, 2017 the above appeal was considered and the following was determined based on the five (5) criteria regarding the balancing test that states that the Board shall balance benefit to the applicant with detriment to health, safety, and welfare to the community:

1. It was determined that an undesirable change will not be produced in the character of the neighborhood nor would a detriment to nearby properties be created due to the fact that there are other apartment buildings in the area of this property and the applicants are turning a once vacant store into living space. This will improve the character of the neighborhood by upgrading the outside of the building as well as addition landscaping and improving parking.
2. The benefit being sought cannot be achieved by any other means as the building is on a pre-existing non-conforming lot.
3. The requested variance is substantial but the owners have agreed to lessen the variance to 11,424.4sq.ft. from their original 14,674.4sqft. and they have reduced their original request from two 2 bedroom apartments to one 1 bedroom apartment and one 2 bedroom apartment.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood as there are other apartment buildings in this area.
5. The alleged difficulty is self-created because they bought a building knowing they would need to make adjustments to it however, they are doing their best to lessen the variance size needed.

Therefore, a motion was made by Jeanne to grant the variance of 11,424.4sqft to add 3 additional bedrooms (one 1 bedroom apartment and one 2 bedroom apartment) and 2nd by Patti with the following conditions:

- The applicants are to go to the Planning Board for a Site Plan Review for parking and landscaping.
- Meet with the Town of Saugerties Highway Superintendent to determine the best way to provide parking in the former side road, while maintaining and possibly improving the safe traffic flow for the triangular corner on Glasco Turnpike and Delaware Ave.

A vote was taken:

Goldberg – yes, Kelly – yes, Dederick – yes, Avallone – yes.

Therefore, by a vote of 4-0 all were in-favor the motion is passed and the appeal is granted with the conditions stated.

~Donn made the motion to adjourn the meeting, 2nd by Patti, vote taken 4-0, meeting ended at 8:05pm

~ The next meeting will be held on March 6, 2016 at 7pm at the Saugerties Senior Center.

Respectfully submitted,
Katie Cappello, Sect.