

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

MINUTES

MARCH 6, 2006

Present Joe Roberti, Jeanne Goldberg, Brian Sawchuk, Bill Geick. Henry Rua absent. Also present Nancy Campbell.

PUBLIC HEARINGS

1 01-01-06 EUGENE BRICE CONTINUATION
17 HUDSON STREET
GLASCO, NY 12432

SECTION INVOLVED 5.1 REAR YARD SETBACK
FOR THE PURPOSE OF BUILDING A DECK 15 FEET FROM PROPERTY LINE

Mr. Brice present with Jason Kovacs, Esq.. They presented a copy of a certified survey map with description.

Mr. David VanBenschoten, Esq. Representing Mrs. Matthews. He questioned whether a side yard variance was also needed.

Mr. Brice: from house to edge of ledge is 3-5 feet. Jog is approx 4 feet.

Mr. VanBenschoten : The rear yard is in dispute. Mrs. Matthews is claiming title by adverse possession. Claimed they have been planting flowers there for years.

Motion by Jeanne seconded by Brian to keep public hearing open until April 3. Applicant to submit 7 copies of a drawing showing accurate setbacks. 4/0

2 02-02-06 PHILIP LOUGHRAN / VINCENT DePOALA
276 MALDEN TURNPIKE
SAUGERTIES, NY 12477

SECTION INVOLVED 6.6.7.1 DISCONTINUANCE OF A PRE-EXISTING BUSINESS
FOR THE PURPOSE OF RE-OPENING AN EATING ESTABLISHMENT

Mr.DePoala presented green receipts.

1 John Roberti, 269 Malden Turnpike: Questioned what type of business.

Was there going to be a bar? What hours? Does not want drunks coming out at 3 or 4 AM. Katsbaan Inn was no problem. Chef Fischetti had a different crowd, more drinking and loud music.

2 Carol Roberti, 269 Malden Turnpike: Concerned about septic system and the stream behind. Traffic on road has increased because of H.I.T.S.

3 Claudia Johnson, 283 Malden Turnpike: across street. Concerned about garbage.

4 Bob Pino, next door; Concerned about well.

5. Linda Pino, next door: Shares entrance with property. Concerned about entrance and cars parking on their property.

6 Lisa Uvino: Parking area too small for building.

7 Phil Uvino: Tried to buy place several years ago. Needed a lot of work then.

8 Mr. Johnson, 283 Malden Turnpike: Was under the impression that it could not reopen. Lost sale of his house because someone thought it might become a restaurant again.

Owner currently living in building. Is not a restaurant anymore.

9 Vincent DePoala- Bar would only be open when the restaurant is open. Will probably be closed by midnight. Not a drinking establishment, Would be an eating establishment with a bar. Is taxed as a commercial building. Would have approx. 50 seats and parking for approx 70 cars. Has room along side to expand parking. Still has fixtures for a restaurant inside.

Public Hearing Closed.

MINUTES

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MARCH 6, 2006

NEW APPEALS

1 03-03-06 ROBERT J. AND ROBERT H. PEASE, JR.
 276 RIVKA ROAD
 SAUGERTIES, NY 12477
PROPERTY LOCATED 2917 RT 9W, GLASCO
SECTION INVOLVED 5.1 BULK REGULATIONS REAR YARD SET BACK
FOR THE PURPOSE CONSTRUCTING A MOTOR CYCLE SALES / REPAIR SHOP

Mr. Pease representing.
G.B. district requires 50 foot rear yard. Has 140 feet road frontage. Wants to move building back because behind is a steep hill and unusable property. Is in the Gateway Overlay District. Wants to put parking in front. Does not want the expense of putting retaining walls in back. Existing house will be taken down and a new building put up.
Public Hearing scheduled for April 3. Applicant given information.

2 04-03-06 MATTHEW C. PHILLIPS
 P.O. BOX 155
 SAUGERTIES, NY 12477
PROPERTY LOCATED 1905 OLD KINGS HIGHWAY, KATSBAAN
SECTION INVOLVED 5.1 BULK REGULATIONS, FRONT YARD SETBACKS
FOR THE PURPOSE BUILDING A GARAGE IN FRONT YARD

Mr. Phillips representing
Has septic in rear. Has two black walnut trees he does not want to disturb. Building to be 35 x 50. Has a 40' motor home and wants to buy a boat besides his vehicles.
Public Hearing scheduled for April 3. Applicant given information.

DECISION

1 02-02-06 PHILIP LOUGHRAN / VINCENT DePOALA

Property is registered as pre-existing. Building was moved to site when Thruway was build. Malden Turnpike is a truck route.
If changed to conforming use cannot be changed back to non-conforming. Property is close to Thruway service center access road.
6.6.7.1.” In the case of a discontinuance of a pre-existing business the provisions of 6.4.2 shall apply”
6.4.2. “ A use which is discontinued for a longer period than set forth [five years] shall thereafter be replaced only by a use permitted in the district in which the property is located except that upon issuance of a permit by the Zoning Board of Appeals a building which housed a non-conforming use may be used for a similar or more restricted use. The Board shall consider, in addition to those criteria set forth in Section 8.2.3, the size, condition, and adoptability of other uses in arriving at its decision.” Other uses permitted in a R2 zone besides residential: Public Open Space, Agricultural Crops and Livestock, Forestry, Postal Services, Resort Hotel or Lodge, Bed and Breakfast, Crematories, Public Golf Courses, Sports Clubs, Riding Academies, Skating Rink, Hospitals, Schools, Religious Organizations, Museums, Government Buildings, Country General Store, Convenience Food Store, Eating Places and Antique Shops.
Size of property would restrict uses. Eating places are allowed in a R2 zone with a special permit from the Planning Board.
8.3.2 “ Consideration shall be given to the health, safety and welfare of the public in general and the residents or users of the proposed use and of the immediate neighborhood in particular.” The building has been a restaurant since the 1950’s. Re-establishment of use would not be detrimental to the orderly development of the area and adjacent properties. Except for residence of owner, structure has had no other use.
MOTION by Joe seconded by Jeanne to grant the appeal with the understanding that a building permit is required and the Building Department would have oversight of the entire project inclusive of signage, lighting, parking and all other aspects within the purview of a building permit.
Roberti – yes; Goldberg – yes; Sawchuk – yes; Geick – yes; Rua – absent.
The motion is passed and the appeal is granted. Applicant has the right to re-establish an eating place.

DISCUSSION

- 1 Minutes for February approved on Motion of Jeanne seconded by Joe
- 2 Planning Board Minutes for February received.
3. Article 78. Dan and Ellie wrote response and sent to George. Ellie and Joe signed response.
4. Dennis Doyle of U.C. Planning Department to speak on March 9 at 7 pm. All who can to attend.
5. No word on Training by County or G.I.S. Training.
6. Received copies of material from D.O.S.
7. Nancy Campbell passed out notebooks for training. Each member needs to complete 5 sections prior to June to be certified. Members to take the test at the end of the chapters and get answers to Nancy either at Town Hall or at the April or May meetings. Town Board passed a regulation that members must be certified.
8. SEQR for Pease- Type 2 on Motion of Jeanne seconded by Joe 4/0
SEQR for Phillips - Type 2 on Motion of Joe seconded by Brian. 4/0
9. At April meeting Board needs to select a Vice Chair.

Next meeting will be April 3 at 7 pm at the Frank D. Greco Senior Center.
Meeting adjourned on Motion of Bill seconded by Joe.