



TOWN OF SAUGERTIES

ZONING BOARD OF APPEALS

4 High Street Saugerties, NY 12477
Tel: (845) 246-2800, ext. 373
Fax: (845) 246-0461



ZBA Monthly Meeting December 9, 2010

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

Absent: Bruce Leighton

Also Present: Richard Rothe representing Kris Rothe, Bill Anderson representing Dan Traver and Alvah Weeks, Jr., building inspector.

~ Meeting started at 7:00pm.

NEW APPEALS:

1. Dan Traver
15 Collins Rd.
Saugerties, NY 12477

-SBL#17.2-5-10.300

-File#10-0009

- Property located at 15 Collins Rd.

- 13' front yard area variance needed to construct an addition 20' x 24' to front portion of house.

- Bill Anderson, contractor, representing Dan Traver.

- Board asked Mr. Anderson to come forward and address the board on what Mr. Traver would like to do.

- Dan would like to expand his living room off the front end of his residence. His parents live a few doors down and he has a few more houses near him. If you face the residence he would not be able to put it on the left side because he would encroach on the side property line and need a bigger variance, his bedroom and driveway are on the right side of the house, and the back portion would not work either because it would go on his septic and pool. He wants it off the front because that is where the living room is and that is what he wants to expand.

- House is currently 62' from the center of the road and he wants to come out 20'. So a 13' variance would be needed to comply with the zoning setbacks.

- Joe R stated that they like to look at the property to see where the applicant wants to build and would the homeowner mind them coming out? Mr. Anderson said no.

- Mr. Anderson was asked by Jeanne if Collins Rd is a Town maintained road, yes it is.

- Jeanne asked where the road was located because she could not find it when she went out, Collins Rd is the first left off of Hommelville Rd.

- Mr. Anderson stated that he will act as the contact for the project.

- Public Hearing is set for January 3, 2011 at 7pm. Mr. Anderson was given all the information to send to all residents within 500' of Dan's property.

- Motion made by Joe R. for SEQR determination as TYPE II 617.5 (c) (12) Setbacks, motion was seconded by Jeanne, vote taken; all in favor, 5-0 carried.

- Motion to schedule Public Hearing for Dan Traver for January 3, 2011 at 7pm made by Jeanne seconded by Joe R., vote taken; 5-0 carried.

New Appeals Cont'd:

2. Kris Rothe

72 Wegebauer Rd.
Saugerties, NY 12477

-File#10-0008

-SBL#:17.3-4-8

-Property located at 31 Fishcreek Rd on the corner of Payton Ploss and Fishcreek.

- House built and turned into a two family residence without a building permit, original building permit was only for a single family residence.

- 1.2 acre variance would be needed to comply with zoning setbacks for a two family residence on this property.

- No one showed at time discussion started.

- Alvah stated that when he went out to do the final inspection on the residence he went into the basement and observed that it was turned into an apartment without proper paperwork submitted to the building department. Plus the parcel is located where 1 acre per dwelling unit is needed so a two family home could not exist on this property because it is less than 1 acre. So he could not issue a Certificate of Occupancy because she does not have enough property nor the correct paperwork.

- The original structure on this property was a cottage and it burned so the new structure on the property is allowed, but only as a one family.

- Jeanne asked why it could not be an accessory apartment Alvah said no it could not be an accessory apartment because it does not have a minimum of 1800 square feet and that the Board would have to grant two (2) variances one (1) to make it an accessory use apartment because it is over 600square feet and two (2) because the existing apartment is 800 square feet plus.

- Brian stated that if we grant this variance it will set a precedent and make people think that they can build whatever they want and come ask questions later.

- Joe R. asked if the board votes against this what will happen on the building department side. Alvah stated that the kitchen would have to be pulled out because once there is no food preparation then it is a single family residence.

- Joe R asked if we could consider this a hardship, other members stated No because people live there without a Certificate of Occupancy and because Kris Rothe does not even live there.

- Brian said it is a 100+% increase in property if this variance is granted.

- At 7:45pm, 15minutes into the discussion, Richard Rothe showed representing Kris Rothe.

- Richard addressed the Board on how this process got started. Mrs. Rothe's late husband purchased the structure in question and Mrs. Rothe put the structure on property she purchased on Fishcreek Rd. The house was put up for Mrs. Rothe sister and brother-in-law. In the process of building the home Mrs. Rothe son needed a place to live so she finished the basement off as a 1 bedroom apartment for him.

- The Board asked why she didn't get a permit to finish the basement, he said he didn't know she turned it into a basement apartment because he only set the house and weatherized it.

- Brian asked who did the job, Richard did not know however, per Alvah Weeks he said that Tom Mayone did the work.

- The house is built at grade so all entrances to apartment and living is ok per code.

- Board stated that this is a huge variance being requested, 1.2 acres.

New Appeal Rothe Cont'd

- Joe R asked where Kris Rothe lives in the house, Richard stated that its Kris' sister and brother-in-law on the first floor and Kris' son in the apartment. That it is approved for a 3 bedroom septic and that is what the house is, two bedrooms upstairs and one downstairs. Joe R again asked then where does Kris live, Richard stated that she lives on Wegebauer Rd.
- Board asked why the contractor did not get a permit, Richard said that he came in midstream of the project and did not ask questions just followed what Kris wanted.
- Two story above grade, walk out basement where the apartment is. Steps in the back you walk up to get to the 2nd floor.
- She does not rent it out it was a generous gift given to her sister and her own son.
- Jeanne asked if they lived in the modular before it was moved to Fishcreek Rd., no, no one was living in it prior to it being placed on Fishcreek Rd.
- Jeanne made motion to schedule the Public Hearing for this appeal on January 3, 2011 at 7pm Joe M. 2nd motion, vote taken, 4-0 approved.
- Joe M asked if there were any other apartments located on this road or near this house, yes there are but they are larger and very old.
- Richard Rothe was given all information to send to all residences within 500'.
- Jeanne made the motion for SEQR to be determined as TYPE II 617.5 (c)(13) area variances for residences 2nd by Joe M. vote taken 4-0 approved.

DISCUSSION(S):

1. Henry had to leave at 7:30pm.
 2. Motion made by Jeanne to approve November's minutes as written, 2nd by Joe R., vote taken, 5-0 carried.
 3. SEQR determination for Traver and Rothe approved, to be mentioned at opening of Public Hearings along with Voda's.
 4. All received Planning Board minutes.
 5. Meeting dates for 2011 approved by Board.
 6. All okay with Jason Krauss being on January's agenda.
- ~ Motion made by Jeanne to adjourn the meeting, 2nd by Joe M., vote taken 4-0 approved.
- ~ Meeting ended at 8pm.