



# TOWN OF SAUGERTIES

## ZONING BOARD OF APPEALS

4 High Street Saugerties, NY 12477

Tel: (845) 246-2800, ext. 333

Fax: (845) 246-0461



### Minutes December 1, 2014 Meeting

**Present:** Jeanne Goldberg, Brian Sawchuk, Sam Dederick, Joe Mayone, Henry Rua, Donn Avallone.

**Also Present:** Applicants Chris Dickson & Debra Ricks, Alvah Weeks, Jr., Building Inspector, Mr. James Bruno, T and Ed Raymond.

~ Meeting started at 7:01pm by Jeanne and Pledge said by Joe Mayone.

### **New Appeal(s):**

Dickson, Chris  
13 Brinner Ln.  
Saugerties, NY 12477

File #14-0005/Use Variance  
SBL#: 9.1-1-23.120

- Property located at 2141 Old Kings Hwy and owned by Mark Danza who resides at 314 Old Rt. 32 Saugerties, NY 12477.
- Appeal started at 7:01pm, applicant Chris Dickson was present with his girlfriend Debra Ricks.
- Mr. Dickson addressed the Board and stated that he bought the property back in 1998, subdivided it in 2009-2010, put up his garages on the vacant land that was subdivided off then sold the property with the garage on it in 2009-2010. He started the business of sandblasting and spray-foam insulation over 15 years ago and only until recently did he start having issues with a neighbor. The Dept. of Environmental Conservation (D.E.C) has been out to his property and they have found no issues with any contaminants. Mr. Dickson said he knows now this business is not allowed per Zoning. He also stated that the sandblasting job is a one day a week job and 90% of it is done inside the garages and he rarely goes outside to do the work and if he does he takes all necessary precautions to keep it safe. He wants continue his livelihood and does not get why he is assessed commercially if this is not allowed.
- Brian asked if Chris Dickson owns the property, no he does not he sold it to Mark Danza and he rents it from him now.
- Jeanne asked if there is a lease, no he is month to month.
- Henry asked if there was any break in the use when the subdivision or sale happened, no he stayed working.

## **Dickson Appeal Cont'd:**

- Ms. Ricks asked if she and Chris do all this work and it gets denied what do they do. Plus all they've been told is how hard it is to get a Use Variance and they are nervous. She asked if the Board has that authority to shut a man's business down and keep him from providing for his family. They've looked into moving to a new location but it would be thousands of dollars to do so and they don't have that kind of money.
- Jeanne said the Board is not in the business of putting people out of business but they have to follow the law and yes, it is a difficult process and there is a lot of paperwork that is needed to be done.
- Ms. Ricks asked what happens if they are denied. Jeanne said you file an Article 68 and take it to court.
- Ms. Ricks asked if they make the noise and dust issue that the neighbor has with this business go away will this negate needing a variance. No.
- Sam asked if he was assessed as commercial. He said at one point it was but he fought it to be changed.
- Board said get old tax bills to help.
- Ms. Ricks gave the Board a letter from property owner Mark Danza stating that he is ok with the appeal and knows the business is on the property and if fine with it. Jeanne however, returned the letter because it was not signed. Board requested that the letter be signed and returned. Ms. Ricks also submitted copies of a survey map showing where the buildings are located on the property in questions, all members got a copy.
- Donn asked that if Mr. Dickson had any information/correspondence from the Dept. of Environmental Conservation to bring it to the next meeting or bring copies in to the secretary.
- Motion made by Sam Dederick to determine the SEQRA as an Unlisted Action and 2<sup>nd</sup> by Jeanne. Vote taken, 5-0.
- Joe asked Mr. Dickson for a bit of clarification. He bought the land in 1998, yes. When was it sold to Danza, 2009-2010.
- Ms. Ricks asked what Unlisted means, Jeanne explained.
- Chris stated that he has three (3) neighbors within 500' or less to this garage and none of them have ever had a problem with it or complained and they live on the properties.
- Jeanne said to the applicant that you are not here in-front of the Board because of the complaint you are here in-front of the Board because your business you are running is illegal according to the Zoning Law. Jeanne asked if the applicant ever made an attempt to see in the last 15 years if this type of business was legal or not.
- Joe asked is the spray foam business illegal too? No it is just a truck parked at the property and the spray foam business is a traveling company.
- Jeanne asked for DBA's or descriptions of businesses.
- Alvah tried to clarify a bit for the Board since they had so many questions. Alvah stated that when the structure was built Mr. Dickson owned the property and this was a home occupation. Since he sold the property he cannot say it is a home occupation now.

### **Dickson Appeal Cont'd:**

- Board asked if the bought the property back could it be a home occupation again, no because there is no house there.
- Jeanne asked if anyone had any further questions, none.
- Motion made by Brian to schedule the Public Hearing for 1/5/15 2<sup>nd</sup> by Sam, voice vote 5-0.
- UCPB needs to be notified since on County Highway. Brian made a motion to send to UCPB, 2<sup>nd</sup> by Joe, Voice vote 5-0.
- Appeal closed at 7:45pm.
- All information for Public Hearing given to applicants.

### **Discussions:**

1. Motion made by Jeanne to approve November's meeting minutes with one change on page 3, 2<sup>nd</sup> by Brian. Vote 5-0.
2. All received their Panning Board Minutes.
3. No other discussions.

~ Motion made by Joe to adjourn the meeting, 2<sup>nd</sup> by Henry.

~ Meeting ended at 8pm.

Respectfully submitted,  
Kathleen Blundell, Sect.