



TOWN OF SAUGERTIES

ZONING BOARD OF APPEALS

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ZBA Monthly Meeting

May 2, 2011

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

Absent: Alvah Weeks, Jr.

Also Present: John Farcher, Bruce Leighton, Mike Vetere, Wayne Spada, and Denise Michelini.

~ Meeting started at 7:10pm by Joe Roberti, Sr.

Public Hearing:

SMD Property Mgmt LLC
Lox of Bagels
Farcher, John & Barbara
3103 Rt. 9W
Saugerties, NY 12477
File #: 11-0002
SBL#: 29.9-1-9

- Property located at 3103 Rt. 9W
- Certified Return Receipt cards were received at the opening of the Public Hearing.
- Public Hearing opened at 7:10pm, applicant John Farcher present.
- Joe R. asked the public to address the Board if they had any questions or comments and to state their name and address, no one from the public was in attendance at this meeting.
- Joe R. then addressed the Board if they had any questions.
- Henry asked the applicant if the sign that is going to be installed is going to have planters and lights and the applicant stated that yes it will have flowers and spot lights.
- Brian asked why the applicant needs the variance and the applicant stated that he would like it that size because with the cars going by at such a fast pace they will be able to see it and see what the store has to offer.
- Brian then commented on the fact that the Board is charged with granting the smallest variance allowed.
- The applicant stated that he would really like the sign to be 56 total square feet but knows that would be a hard variance to grant.
- Sam then asked if the new sign will be in the same position as the old one or in a different spot. The applicant stated that it will be roughly in the same location.
- Henry made the comment that he likes the planting and sign because it will be a very nice sign and it seems like it is going with the idea of what the Town Board and CPC has been asking to be done.
- Jeanne confirmed that the new sign will in fact be 1ft. shorter than the existing sign, yes it will be.

Farcher Public Hearing Cont'd:

- Joe R. asked if there were any other comments or questions.
- Joe R. then informed the applicant he would be given written notice of decision within 62 days.
- The applicant left with saying that it will look so much better if he gets this and he promises it will be nice.
- Public Hearing closed at 7:20pm.

Spada, Michael
1887 Rt. 32
Saugerties, NY 12477
File #: 11-0004
SBL#: 28.4-7-2.210

- Property located at 1887 Rt. 32
- Received Certified Return cards at opening of meeting.
- Public hearing opened at 7:21pm, with applicants and Mr. Michael Vetere present.
- Joe R. opened public comment to the public; however, no one from the public was in attendance at the meeting.
- Joe R. then read the letter that Planning Board Chairman C. Howard Post sent to the Zoning Board regarding this subdivision and variance.
- Jeanne stated that she disagrees with the letter but it does state their intentions so she is ok with the letter.
- Mr. Vetere stated that the variance they are applying for is to gain access because they do not have road frontage that is needed.
- Mr. Vetere then showed the Board a map of the land in question and stated that a neighbor (Tim Mauro) is willing to sell the applicants his land that is by their proposed subdivision so they can gain access to it from his dead lot. Mr. Vetere said it is just an idea not set in stone, not even sure if it will happen, they still want to go for the variance because they would need a State Curb Cut if they bought the dead parcel from Tim Mauro.
- The Board mentioned that it would have a better site vision from this new parcel but that it is a State issue not a Zoning Board issue, however, the Board will have to make their decision off of what the applicants submitted and not this new idea.
- Joe R. asked the Board if they had any other questions, no one did.
- The applicants and Mr. Vetere were told that the Board had 62 Days from today to make their decision and that they would be notified in mail once that decision has been made.
- The Public Hearing was closed at 7:34pm.

DISCUSSION(S):

Spada, Michael

- He is not asking for a variance to go to the road he needs a variance to go across a person's property.
- Joe R. – if they want another entrance they would have to deal with the State and this is all conjecture because we do not know if Tim Mauro is going to give the property to the Spada's.
- Joe R. asked if the Board had the ability to vote on either appeal in front of the Board.
- Jeanne is not ready to vote on the appeal because she is unclear on what kind of variance the Board is trying to give the Spada's and because they brought in an alternative entrance to the property.

DISCUSSION(S) CONT'D:

Spada, Michael

- Henry stated that we cannot vote on the new entrance because we do not know if they Spada's have purchased that land or not.
- The applicant has public access just needs a Right-of-Way and that law says that you need 15' of frontage to the road.
- Jeanne wants to look at the property again because she is not clear on how the Board can issue an area variance for property when the owner of the property is not here at the meeting.
- The Board as a whole asked the secretary of the Zoning Board of Appeals to call the acting agent Mr. Michael Vetere and ask him that the Right-of-Way that the Spada's want established whose property is it on and have a letter written to us giving us a clear example that all the owners give permission for this to happen.
- Discussion closed.

Farcher, John & Barbara (LOX OF BAGELS)

- Board discussed letter that Supervisor Greg Helsmoortel gave to Mr. Farcher to give to the Board.
- Joe R. asked if the Board was able to make a decision on this appeal.

1. Minutes from April's meeting motion made by Jeanne to approve as written with one change on the 2nd page from "would" to "could". 2nd by Joe M. Vote was taken all in-favor, meeting minutes approved.

DECISION(S):

Farcher, John & Barbara
Lox of Bagels
SMD Property Mgmt. LLC
3103 Rt. 9W
Saugerties, NY 12477
File #: 11-0002
SBL#: 29.9-1-9

- Henry made the motion to approve the appeal based on the fact that it is reducing the current sign size, it will make the area look better, and it promotes a good appearance for the Gateway Overlay as long as it is built per the plans submitted. 2nd by Jeanne.
- By basing the decision of the 5 criteria's the Board is to follow this is what they determined:
 1. There would be no detriment to near-by properties by granting this variance.
 2. There are no other feasible methods for this to be achieved.
 3. There would be no environmental effects to the neighboring areas it will be a positive change and enhance the neighborhood.
 4. The variance being asked for is substantial but there is no other feasible way for the applicant to achieve what he would like.
 5. The alleged difficulty is not self-created.
- A vote was taken:
Sawchuk – yes, Rua – yes, Mayone – yes, Goldberg – yes, Roberti – yes; 5-0.
- Therefore, the motion is passed and the appeal is granted.

~ Motion made by Joe M. to adjourn the meeting 2nd by Jeanne; Vote taken, all in-favor, meeting adjourned at 8:45pm.