



TOWN OF SAUGERTIES

ZONING BOARD OF APPEALS

4 High Street Saugerties, NY 12477

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August 6, 2018 Meeting Minutes

Present: Jeanne Goldberg, Samantha Dederick, Joseph Mayone, Henry Rua, Patti Kelly, and Tim Scott (alternate)

Also Present: Alvah Weeks: Building Inspector, Greg Chorvas: Superintendent of Parks and Grounds Town of Saugerties, and Mike MacIssac: Town Board Liaison

- Jeanne called the meeting to order at 7:05p.m.
- Pledge started by Joe Mayone
- Jeanne announced the resignation of Becky Bertorelli as Zoning Board of Appeals Secretary, and welcomed new ZBA Secretary, Kim Smith
- Jeanne stated that next month's meeting is not on Monday September 3, 2018, as that is Labor Day. The meeting is scheduled for Monday September 10th, and that happens to also be Rosh Hashanah. She asked that if anyone has any issues with the meeting taking place on that day or needing anything postponed that they email the new ZBA Secretary, Kim Smith. The following meeting is scheduled for October 1st.

Public Hearing:

John & Ana Marvin
210 Riverside Drive
Malden, NY 12477
File #: 18-0005
SBL #: 8.4-2-4.210

- Public Hearing began at 7:27pm
- Mr. & Mrs. Marvin were present
- Mr. Chorvas was present from the public

A motion was made by Sam to have this appeal listed as SEQR Type II 617.5(c)(10)- Decks, 2nd by Patti. Voice vote was taken: Jeanne-Yes, Sam-Yes, Joe-Yes, Henry-Yes, Patti-Yes. Motion passed unanimously.

Sam asked that two items be updated on the Marvin's variance before starting the public hearing. Part I: she believes there is a math mistake on application when calculating total square feet of dock requested. Part II: she would like to add the length of chains down to the anchors to the variance.

Mr. Marvin stated that he doesn't agree that the chains need to be part of the variance. He feels that the variance should be determined by Alvah Weeks.

Sam stated that she believes the chains to be an integral part of the dock and therefore should be included in variance.

Part I- The total square feet of the dock requested is 240 sq. ft., code allows 150 sq. ft. The application was for a variance of 110 sq. ft. Sam noticed that the math was wrong and should be requesting only a 90 sq. ft. variance.

Mr. Marvin approved said changes.

Part II – Should the length of chains from the dock to the anchor be included in the variance as it is an integral part of the dock.

Alvah Weeks stated that the proposed design of the dock will not be permanently affixed to the bottom of the river.

Mr. Marvin agreed that only the anchors will stay at the bottom of the Hudson, the docks will come out.

Sam said that 15ft. addition to variance would be the minimum amount that needs to be added to include the chains.

Henry stated that if the dock was anchored and he pulled up with a 30 foot boat he would tie off to the dock, or anchor and tie. The other option is to park the boat further out in the river with only the boats anchor and use a smaller boat to get from 30 foot boat to a shorter dock. Henry declared that having to park a larger boat further out into the Hudson could be a dangerous alternative.

Henry does not think the chain should be added to the variance, Joe and Patti agreed that the chain should not be added.

Jeanne mentioned that Sam received information regarding the DOS/Army Corp/DEC decisions. DOS advised that letters were sent out on 4/5/18 and again on 5/14/18 requesting additional information, and then closed due to lack of adequate response. The DEC said that the request is incomplete for lack of information.

A copy of the decision Sam was sent from DOS was given to Mr. and Mrs. Marvin, as they say that they were not aware of this from Dock Doctors.

Mr. Marvin stated that if it's under 400 sq. ft. there are no permits required. If he altered the dock design to get rid of the fingers on the dock he will not need to move forward with approvals.

Mr. Marvin requested a conditional variance be granted that is contingent upon getting the approvals from the DOS, Army Core and DEC.

Sam made a motion to update application to request a variance for 90 sq. ft. instead of 110 sq. ft., 2nd by Patti. Voice vote taken, 5-0, motion carried.

Mr. Chorvas stated that he was there to represent the interest of Malden Mini Park, and that the proposed dock will have no impact or issues on the neighboring park. He also stated that he spoke with Fred Costello and Paul Andressan and they both concur.

Jeanne then asked if anyone present had anything to add, Alvah and the board said no.

Jeanne then asked Mr. and Mrs. Marvin if they wished to keep the public hearing open until he receives the rest of the information that was requested. She advised that if the public hearing is closed the board has 62 days and then a decision must be made.

Mr. Marvin requested that the public hearing be closed and that a conditional variance be granted.

Joe stated that he is concerned that the Marvin's will not be able to get the information requested in before the 62-day deadline.

Mr. Marvin is not worried about the deadline. Any changes that they would be asked to make to the dock design by the other agencies would mean that he would have to resubmit.

A motion was made by Patti, 2nd by Henry to close the public hearing at 7:31 p.m., vote taken 5-0.

Jeanne advised that he would be notified within five days of a decision being made.

Mr. Chorvas as well as Mr. and Mrs. Marvin left at this time.

Old Business:

Dennis Lazaroff
RE: Landowners of Sportsman Club
50 Quarry Rd.
Saugerties, NY 12477
File #: 18-0005
SBL #: 8.4-2-1.111

Jeanne wanted to let the board know that Mr. Lazaroff requested in writing that his appeal be put off until the October 1, 2018 meeting, as his lawyers were unable to attend tonight, and the September meeting falls on a religious holiday.

Public Hearing:

Myles Schillinger
46 John Carle Road
Saugerties, NY 12477
File #: 18-0007
SBL #: 28.3-7-15
Requesting: 75 sq. ft. variance
SEQR Type II

- Public Hearing began at 7:34 p.m.
- Mr. Schillinger was present.
- No one was present from the public.

Jeanne stated that the request is only for 12.5% over the allowable 600 sq. ft.

Mr. Schillinger stated that the request is for an accessory structure that is handicapped accessible for his daughter. He advised that the unit was designed by an architect and the allowable 600 feet would not allow it to be fully wheelchair accessible.

Alvah advised that habitable space does not include closets and hallways.

There were no further questions.

A motion was made by Joe to close the public hearing, 2nd by Henry, voice vote 5-0. Public hearing was closed at 7:39pm.

Discussions:

1. A motion was made by Patti, 2nd by Joe to approve July 2nd, 2018 meeting minutes as written, all in favor, Henry abstained, carried.
2. Lazaroff: wait until he appears, but he is automatic Type II.
3. Mellick:

The Melick's and their neighbor came to an arrangement where the Melick's will buy land from the neighbor, resulting in a lot line revision. A variance is no longer required; therefore, the appeal was withdrawn on July 30, 2018.

Jeanne commended the board for helping come to a conclusion that was beneficial to both parties involved.

Jeanne stated that a Public Hearing is automatically closed with a withdrawal of appeal.

4. Schillinger: A motion was made by Patti to grant the area variance of 75 square feet, 2nd by Joe.

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.
2. There is no other feasible method for the applicant to pursue, other than an area variance, because of the layout of the property and the location of the driveway which provides wheelchair accessibility.
3. The requested variance is 12.5% over the allowable 600 square feet, and therefore is not substantial.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood.
5. The alleged difficulty is not self-created but the result of an accident creating the need for a habitable space with wheelchair accessibility. The benefit to the applicant is balanced by the lack of detriment to the health, safety and welfare of the neighborhood.

A vote was taken:

Goldberg – yes, Dederick – yes, Mayone – yes, Kelly – yes, Rua – yes.

Therefore, by a vote of 5-0 the motion is passed unanimously, and the appeal is granted.

5. A motion was made by Joe, 2nd by Henry and Patti, to adjourn the meeting, voice vote 5-0. Meeting adjourned at 7:48pm.

Respectfully Submitted,
Kim Smith, ZBA Secretary

DRAFT