



# TOWN OF SAUGERTIES

## ZONING BOARD OF APPEALS

4 High Street Saugerties, NY 12477

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**October 7, 2019**  
**Meeting Minutes**

**Present:** Jeanne Goldberg, Samantha Dederick, Patti Kelly, Joe Mayone, Henry Rua, & Tim Scott; Alternate

**Also Present:** Paul Andreassen: Town Board Liaison, Kim Smith & Kevin Freeman: Zoning Board Secretaries

**Discussion:**

- Jeanne called the meeting to order at 7:05pm, followed by the Pledge

**New Business:**

**Dan Graap**

**151 Patterson Road**

**Saugerties, NY 12477**

**Property: 154 Patterson Road**

**SBL #: 9.3-5-32.200**

- Mr. Graap thanked the Board for the hearing and their service.
- Jeanne advised Mr. Graap that he had no standing for this appeal for Interpretation since he was not the owner.
- The property in question is currently bank owned.
- Jeanne explained that he is not an owner or an agent for the bank who owns the property.
- Mr Graap cited the Helen Francello case: Sam recalled it was the neighbors in that case who asked for the interpretation.
- Jeanne reiterated that per the advice of our attorney his appeal could not be heard by the ZBA since he does not have standing; that he might consult an attorney or have standing if he had a contract with the bank and the sale of the property was contingent upon the ZBA's decision.

**Public Hearings:**

**Dr. George Siber**

**113 Emerick Rd**

**Saugerties, NY 12477**

**File #: 19-0008**

**SBL #: 9.3-6-6.200**

- This property is zoned Low Density Residential (HDR).
- This is in regards to an existing dock into the Hudson River, built 2011.
- The existing dock extends into the river 110 feet, and is a total of 924 square feet.
- The applicant is asking for an Area Variance of distance for 80 feet, and an area variance in square footage of 774 square feet, as existing deck exceeds allowable amount per Zoning Law.
- Zoning Law allows a dock size of 150 square feet, and distance into river of 30ft.
- Neighbors Michael and Katrina Birkin came to testify. Katrina felt the dock fit unobtrusively into the cove.
- Jeanne said that some Board Members had made a site visit. The owner had done due diligence with permits from the DEC, Army Corps and Coastal Management.
- Dr. Siber explained that the dock builders were not aware of the Town ordinances at the time.
- 7:18 a motion to close was proposed by Patti to close the Public Hearing for this appeal, seconded by Joe, a vote was taken and passed 5-0 in favor. Dr. Siber was informed that the board had 62 days to render a decision.

**Donna & Michael Allen**  
**11 Village Drive**  
**Saugerties, NY 12477**  
**File #: 19-0009**  
**SBL #:29.5-6-10**

- This property is zoned High Density Residential (HDR).
- The applicant wishes to add 12 ft by 20 ft onto an existing garage to be able to fit two vehicles inside.
- HDR requires a 15 ft side yard. The proposed addition will only leave a 6 ft side yard.
- The applicant is asking for an Area Variance of 9 ft.
- Patti asked the Allen's if they had discussed the proposed addition with the neighbor most affected by it. They explained that they had not.
- Sam asked about the property line, if they owned to the driveway or the fence
- Mr. Allen said they had removed the stakes marking the footprint of the addition for landscaping.
- Sam asked about the grade, noting the ground slopes away from the present garage.
- Mr. Allen said the garage addition would have some foundation out of the ground, probably brick-faced.
- Patti asked where the nearest fire hydrant was located.
- Mr. Allen indicated across Stevens Court.
- Jeanne asked if it was possible to put the addition on the other side of the house.
- Mr. Allen indicated the existing screen porch and said the gas and water lines run under that portion of the property.
- Sam mentioned the regulation about 25% property coverage and that would include the pool and pool house.

- Mr. Allen estimated the size of the house to be 2,200square feet.
- Sam asked if there was a Public Hearing for the neighbor's sun room addition.
- Mr. Allen said yes and they he and Mrs. Allen had signed on.
- Sam and Henry did an estimation for present coverage at a pool (15'x30'), shed (10'x16'), house (24'x40' est) and garage (14'x20'), reminding the Allen's that the Boards decisions set a precedent. She was concerned that the impacted neighbor could lose value, sunlight and airflow.
- Mrs. Allen advised that the neighbors can't see out of their sun room due to landscaping.
- Jeanne said the Board will ask the Fire Department to look at the 11' gap between structures, especially if gasoline is kept in the garage.
- Mr. Allen asked how long they would have to wait.
- Jeanne advised them of at least a month, until the next ZBA meeting on Monday November 4<sup>th</sup>.
- Mr. Allen asked if he could expedite as he had contractors and winter was approaching.
- Joe asked that Mr. Allen put back the stakes and Mr. Allen agreed to do so.
- 7:40 a motion to close the Public Hearing was proposed by Henry, seconded by Patti, a vote was taken 5-0 in favor.

### **Discussion:**

- Minutes for the September meeting were submitted for acceptance
- Patti made a motion for clarification to the entry for File #: 19-0010 to reference NYS Law 274-a-3. Motion to accept was unanimous.
- Patti also noted that Local Law 5 was passed by the Town Board where the ZBA can ask for escrow for professional services as needed.
- Verizon had communicated with the board. Jeanne said she would write their representative, Mr. Olson.
- Patti noted that Verizon said the Town specified the Fire Department location, citing unknown "Town Officials", in essence skirting the Planning Board.
- Sam suggested asking Verizon back to a ZBA meeting prior to a Public Hearing.
- Jeanne had received zero communication from Verizon until the previous Friday. She said she would wait to hear what Mr. Olson has to say.

### **Decisions:**

- The board discussed the Siber Appeal and discussed if it meets the required five criteria
  - It was determined that the dock cannot be achieved by any other means, as the cove where it is located is very shallow
  - An undesirable change will not be produced in the character of the neighborhood nor would a detriment to nearby properties be created, and the applicants neighbors are ok with the dock, and it's location.
  - While the requested area variance is substantial, it is necessary and cannot be achieved by any other means.

- The proposed variance will not have an adverse effect or impact on the physical or environmental conditions or the neighborhood, as it was already approved by the Army Corps of Engineers, DEC and Department of State.
  - The alleged difficulty is not self-created, as the applicant received all the approvals that he was aware that he needed at the time and came before the Zoning Board as soon as he realized that he required our approval. Also the current location and length of the dock is a necessity due to the shallow depth of the cove.
  - A motion was made by Patti to pass the Siber Variance. 2<sup>nd</sup> by Sam. A vote was taken 5-0 in favor.
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- Jeanne asked that the Board to hold off on making a decision about the Allen case, until the next meeting.
  - Patti noted that the neighbor built their slab for the addition after they moved in.
  - Patti noted the houses were built in 1957, before zoning.
  - Sam estimated the coverage of 1850square feet, below the maximum.
  - Jeanne asked if the fire chief could come and inspect the proposal.
  - Henry noted the issue with the neighbor's sun room and asked if the Allen's addition would materially change the character of the neighborhood. The Town did not enforce against the sun room.
  - 8:15 Joe made a motion to adjourn, 2<sup>nd</sup> by Henry. Passed unanimously.

Respectfully Submitted,  
Kevin Freeman &  
Kim Smith  
ZBA Secretary