



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 January 9, 2012

Present: Jeanne Goldberg, Joe Mayone, Henry Rua, Brian Sawchuk, Samantha Dederick, Donn Avallone (alternate).

Also Present: Bruce Leighton, Alvah Weeks, Jr., Mr. Graap, Chris Dichiaro, Mr. & Mrs. George Beisel, Norman Senecal, Mr. & Mrs. Maestro and son, Mike Maxwell, and Sam Altiero.

~ Meeting started at 7:07pm by new Chair to ZBA Jeanne Goldberg.
~ Jeanne started meeting by introducing the new Board Members for 2012 and reading a letter that she asked all members of the Board and Public to respect each other, only one person talk at a time and to have all cell-phones turned off or on silent and to take all conversations out in the hall if need be. Jeanne and the Board also gave the Secretary flowers for her birthday.

Public Hearing:

Graap, Daniel
18 Hanover Cir.
Mahopac, NY 10541

File#: 11-0009

SBL#: 9.3-5-8

- Property located at 151 Patterson Rd. in the Hamlet of West Camp.
- Public Hearing was re-opened at 7:11pm as a continuation from Dec. 5, 2011's meeting.
- Jeanne asked that the public hearing be set aside for the moment until Alvah Weeks Jr., the Building Inspector arrived.
- Mr. Dichiaro asked if the Board could hold off the Public Hearing for another month (February) so that the Town has time to figure out the Right-of-Way situation with Patterson Rd. and Mr. Graap's issue.
- Jeanne said ok but there were other issues to discuss and she still wished to hold off until Alvah showed.
- Public Hearing was put on hold at 7:12pm.

New Appeal:

Land & Sea Grill
Celeste Maestro
395 Rt. 212
Saugerties, NY 12477

File #: 11-0010

SBL#: 17.4-1-1

- Property located at 395 Rt. 212
- Applicant is requesting a sign variance of 24sq.ft. to make the new sign on the property a total of 56sqft. And not the allowable 32sqft. as allowed by the Zoning Law.
- Appeal opened at 7:12pm. Applicant and his son addressed the Board.

Land & Sea Cont'd:

- The applicants stated that they wish to construct a new sign to be in compliance with the Town Zoning Law pertaining to signs and they showed the Board a rough sketch of what their new sign would look like.
- They would remove their existing marquee sign and build new sign with planter underneath it similar to what Lox of Bagels just made, however, theirs will be shorter and wider.
- They would make it out of all "green construction," cedar shake roof, old sign will be taken down, and it will be an illuminated sign.
- Henry had a question for the applicants regarding the size of this sign because they are requesting 25sq.ft. but Henry asked can they take it down to 16sq.ft? The applicant's son said yes it could be taken down smaller.
- Henry stated that if you are comparing it to Lox you would have to change it.
- Applicant said they would make it narrower.
- Jeanne and Henry informed the applicants that by law the Board has to grant them the smallest variance possible.
- Sam asked if this would be the only sign, the roof sign will still be there but the pole sign will be gone.
- Jeanne informed them about the public hearing and all information was given to the applicant regarding the public hearing that was scheduled for February 6, 2012 at 7pm.
- Jeanne stated that she would recuse herself if they wished since she lives near the property.
- Motion was made by Joe M. to set the public hearing for February 6th at 7pm and 2nd by Sam. A vote was taken all were in-favor (5-0). Motion passed.
- Appeal was closed at 7:21pm.

PUBLIC HEARING: (cont'd)

Graap, Daniel
18 Hanover Cir.
Mahopac, NY 10541

File#: 11-0009

SBL#: 9.3-5-8

- Appeal re-opened at 7:22pm.
- Jeanne asked Alvah Weeks to discuss the issue with the road.
- Alvah said he has a meeting to meet with Doug Myer (Hwy Super) and Chris DiChiaro on site at 151 Patterson Rd. to discuss the issues with the Right-of-Way and try to establish who is to maintain it. Alvah stated that that portion of the road has been abandoned by the Town for roughly 15years.
- Jeanne made mention that there is inadequate information regarding this variance because they do not know who owns the road and therefore not knowing what size variances are needed it will make it difficult to make a decision.
- Jeanne asked the applicant if they chose to wait another month, yes they do because they want an answer with the road.
- Brian asked if they would withdraw the application if the issues are not resolved, yes they would, they feel they would have to.
- Jeanne informed the public in the audience that it would not be fair to have a public hearing because they do not have enough information to go off of.
- Henry asked if the Board would keep it open until this is resolved.
- Applicant requested that it be kept open.

Public Hearing Cont'd Graap:

- Motion made by Henry to keep the Public Hearing open until issue is resolved. The motion was 2nd by Joe M. A vote was taken and all were in favor 5-0.
- Mr. Graap is open to public comment if the Board agreed to it.
- Jeanne said no because they did not have enough information to make a discussion.
- Jeanne also told the applicants that depending on your variance with the road you may have to re-do the variance papers.
- Mr. Graap was ok with that.
- Public Hearing will be re-opened on Feb 6th, 2012.
- Applicant is required to attend every meeting.
- Public asked if it takes a couple of months will there ever be a public comment or time to read letters? Jeanne said not until all issues are resolved and not votes will be made or taken until public comment has been had once ready.
- Public hearing adjourned at 7:35pm.

NEW APPEAL:

Norman Senecal
688 Churchland Rd.
Saugerties, NY 12477

File#:11-0011
SBL#: 28.11-2-20.100

- Property located at 688 Churchland Rd.
- Brian asked if this variance request was from the result of a neighbors' complaint, yes it is.
- Jeanne asked if was the neighbor on the right, yes that neighbor is 60+ feet away from applicants house.
- Jeanne asked if he minded if the Board, not as a group, makes a trip to his property to see the area in question.
- Mr. Senecal said he had no problem with that but just asked that they call so he can explain the situation at hand regarding his future plans with his land and why the sheds that are on the property now have to remain where they are.
- Jeanne asked that he have better plans made up for the Public Hearing. Mr. Senecal asked if they could be hand drawn, Jeanne said yes that is fine.
- Henry asked if the garage that he wants to put up in the future would need a variance; no he said he could fit it in to comply with the setbacks required.
- Henry asked how long the shed in question has been up on the property. Mr. Senecal stated since Hurricane Irene so three months.
- Brian asked why he couldn't move it over.
- Mr. Senecal said that if he moved it over to the other side of his property he would have to drive over his septic tank and that is not a good idea to do and that is why he does not want to move it over.
- Sam asked how the shed was anchored to the ground, Mr. Senecal stated just dug in, not in concrete.
- Henry asked if he could flag off the areas in question so that when they go out they can see what he is talking about, Mr. Senecal said yes he'd be happy to do that.
- Brian said he had many questions that he definitely wants to see the property.
- The Board asked Mr. Senecal when he is available he said he works Monday thru Thursday and is available Friday Saturday or Sunday and to call him on his cellphone.
- Jeanne said the Board will be sure to call his cellphone.

Senecal Appeal Cont'd:

- He asked for the weekend to have the property flagged out, Board said that is fine.
- Jeanne asked again that he bring in a sketch plan to the Public Hearing.
- Jeanne asked for a motion to schedule the public hearing
- Motion made by Brian to set the public hearing for February 6, 2012 at 7pm 2nd by Henry vote taken all in favor.
- Mr. Senecal was given all the information for his public hearing.
- Appeal ended at 7:57pm.

DISCUSSIONS:

1. December minutes asked to be approved, however, Sam had a question. She questioned if Brian really said 98' under the Graap Public Hearing. Brian said he could have but not sure what it was referring to because of so many side conversations going on at the time. Henry made the motion that the minutes be approved as written, 2nd by Brian however Jeanne had a request before the vote was taken. Jeanne asked that the minutes be amended so that the actual letter she wrote was written into the minutes and not attached. Henry felt that as long as they were on file that they didn't need to be attached. Vote taken on amended motion all in favor (5-0). Vote taken on Amended minutes all in favor (5-0). Letter will be stapled to minutes and kept on file should anyone ever want to see it.
2. Jeanne will try to bring in approved classes for credits for the Board Members. Jeanne recommended the members go to the Planning Federation Meeting. Brian asked what is the protocol for how the Board gets their credits. Just show that you attended a meeting and the hours of attendance. If no credit paper given out just show a copy of the sign in sheet.
3. SEQR Classifications for Norman Senecal and Land and Sea Grill.
 - a. Land and Sea Grill: Jeanne made the motion to classify the appeal as a TYPE II 617.5(c)(2) Brian 2nd the motion a vote was taken, all were in-favor. Motion passed 5-0.
 - b. Norman Senecal: Brian made the motion to classify the appeal as a TYPE II 617.5 (c)(13) (area variances for residences) Jeanne 2nd the motion, a vote was taken, all were in-favor. Motion passed 5-0.
4. The secretary to the Zoning Board of Appeals read and distributed a letter to the Board from former Chairman Joseph Roberti, Sr. thanking the Board for their time and dedication to the ZBA.
5. A discussion was started regarding the Graap Appeal with the Board asking Bruce if the Town Board has discussed this matter of the road and right-of-way. No they have not according to Bruce. He is however attending a meeting on 1-10-12 at 10am with Alvah, Chris Dichiaro, and Doug Myer (hwy super) to discuss the matter at hand. Brian stated that he would like to go but on behalf of the CAC and not as a ZBA member. Jeanne said she would like to be present for the sake of the ZBA. Bruce does not know what will come of this or legal ramifications but he encourages whoever wants to attend to attend. Donn asked what does this play on applicants' variance. The Board said it changes his variance and decides if he is a corner lot with two road fronts and the sizes of his variances being requested.

Henry made the motion to adjourn the meeting. Motion was 2nd by Joe. A vote was taken and all were in-favor (5-0). Meeting adjourned at 8:41pm.