



ZONING BOARD OF APPEALS
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December 4, 2023

PRESENT: Bill Schirmer (Chair), Henry Rua (Vice-Chair), Tim Scott Jr, Randy Ricks, & Holly Strutt (Alternate)

ALSO PRESENT: Becky Bertorelli (Zoning Board Secretary)

ABSENT: Joe Mayone

PLEDGE

Schirmer asked Strutt to join the Zoning Board as a full member in Mayone's absence.

PUBLIC HEARING

JOHN MULLEN JR.: APPLICATION FOR A 0.38 ACRE BULK AREA VARIANCE

176 Cole Bank Road

Saugerties, NY 12477

File#: 23-006

SBL#: 16.2-1-13.200

The property is located in the Low Density Residential (LDR) zoning district. The applicant is requesting a 0.38 acre bulk area variance to meet the 4 acre bulk requirement for the zoning district. Joe Mihm represented that applicant.

Schirmer opened the public hearing at 7:04 pm. No one was present from the public for this public hearing. Rua-what is the intended solution for this section of land? Mihm-there is no intended use for the area that is overlapping with the adjoining neighbor and no solution regarding ownership of that section of land is being sought at this time. The applicant needs the area variance to allow for the creation of a parcel that is undersized for the zoning district. Ricks-a lot of those overlapping areas can be found throughout the Town. Tom Conrad was present from Praetorius & Conrad, P.C. for a different application. Praetorius & Conrad, P.C. was the surveyor for the 2002 survey, which was certified in 2008. In 2014 Eagle's Nest, the adjoining neighbor, had a survey done which showed that there was an overlap of a small section of property as shown on a 1927 map, which was submitted by Eagle's Nest. This section seems to be on both surveys for Mullen and Eagle's Nest. From what has been presented the 1927 map was not available at the time that Praetorius & Conrad did the survey on the Mullen parcel. The surveyor is obligated to show an overlap even though it has not been resolved. Rua-who pays taxes? Conrad-the two parcel owners' would have to go through the legal procedure to determine who the actual owner of the overlap is but until then it will show up on both surveys as an existing overlap. Schirmer-the 1927 map may not have been filed. We are not here to resolve the discrepancy, and will not change the tax maps until resolved. Ricks-as of right now it looks like both adjoining parcels own that area.

Since there were no additional comments regarding this application a motion was made by Ricks, seconded by Scott, to close the public hearing. Board vote: Strutt-Aye, Ricks-Aye, Scott-Aye, Rua-Aye, Schirmer-Aye. Motion carried. The public hearing was closed at 7:16 pm.

A motion was made by Ricks, seconded by Scott, to approve the 0.38 acre bulk area variance based on the following 5 criteria:

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 Article 15 proceeding under the Real Property Actions and Proceedings Law (which is not preferred due to time constraints) or a Quit Claim Deed from the adjacent property owner (which the adjacent property owner is not willing to do).
3. The requested variance is not substantial.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood, the area is not being changed in any way.
5. The alleged difficulty is not self-created as it is a result of two filed conflicting deeds, a property overlap.

Board vote: Strutt-Aye, Ricks-Aye, Scott-Aye, Rua-Aye, Schirmer-Aye. Motion carried.

SCOTT KOLB: APPLICATION FOR THE FOLLOWING -

- **BULK - 0.87 ACRES**
- **LOT WIDTH - 88'**
- **SIDE YARD SETBACK - 21'6"**

21 Oakledge Park
Saugerties, NY 12477
File#: 23-007
SBL#: 17.20-1-9

The property is located in the Moderate Density Residential (MDR) zoning district with Sensitive Area Overlay (SA) and Waterfront Overlay (WO). Represented by Tom Conrad, Praetorius & Conrad, P.C.

Schirmer opened the public hearing at 7:20pm. Public comments:

- Bruce & Pat Chargois, 19 Oakledge Park-total support of the applicant's requests. They will not affect anything for the neighborhood. The requests were clearly explained to us. We have lived here for 20+ years. Everything that they have done since they purchased the property has been top notch.

Kolb-the adjoining neighbor, Lewis Trust, will be acquiring the land to help with snow storage and parking. It will give them a buffer on one side of their existing garage, where they have no buffer on either side currently. Ricks-why not split the difference? Kolb-trying to keep it simple. We will have 3.5' left on that side of the garage for maintenance.

Since there were no other comments a motion was made by Rua, seconded by Scott, to close the public hearing. Board vote: Strutt-Aye, Ricks-Aye, Scott-Aye, Rua-Aye, Schirmer-Aye. Motion carried. The public hearing was closed at 7:28 pm.

A motion was made by Rua, seconded Scott to approve the variances as requested based on the following 5 criteria:

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 if the lot line was moved to the middle of the proposed variance a side yard area variance would be required for both parcels.
3. The requested variance is substantial but it is necessary to keep the transfer of property simple and the non-conformance is just being transferred from one property to the other.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood, only affecting the two parcels property line between them.
5. The alleged difficulty is self-created but will help with maintenance of the property being transferred.

Board Vote: Strutt-Aye, Ricks-Aye, Scott-Aye, Rua-Aye, Schirmer-Aye. Motion carried.

ELLEN KOLBER: APPLICATION FOR A 19' SIDE YARD AREA VARIANCE

434 Band Camp Road
Saugerties, NY 12477
File#: 23-008
SBL#: 17.1-5-48.2

The property is located in the Moderate Density Residential (MDR) zoning district. The applicant is requesting a 19' side yard area variance to build a detached garage and meet the zoning requirements for the district.

At the applicant's request the public hearing has been rescheduled for the January 8, 2024 meeting.

NEW APPEAL

NONE

OLD BUSINESS

NONE

BOARD DISCUSSION

- Ricks-the shed on Band Camp Circle, which we approved an area variance, is not being used for storage. Schirmer-a complaint would have to be filed with the Building Department as being in violation of the approved use.
- A motion was made by Scott, seconded by Rua to approve the November 13, 2023 draft minutes. Board vote: Strutt-Aye, Ricks-Aye, Scott-Aye, Rua-Aye, Schirmer-Aye. Motion carried.
- Planning Board meeting minutes were received.

ADJOURNMENT

A motion was made by Rua, seconded by Scott, to adjourn the meeting as there are no further items to discuss. Board vote: Strutt-Aye, Ricks-Aye, Scott-Aye, Rua-Aye, Schirmer-Aye. Motion carried. Meeting adjourned 7:51 pm.

Respectfully submitted,

Becky Bertorelli

Secretary

Zoning Board of Appeals