



# TOWN OF SAUGERTIES

## ZONING BOARD OF APPEALS

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### ZBA Monthly Meeting Minutes August 4, 2014

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

**Absent:** Joe Mayone.

**Also Present:** Jim Bruno; Liaison, Alvah Weeks, Jr.; Building Inspector, Kathleen Taylor, Gail Pflgebraar, Erick Krein, and John Brink.

~Meeting started at 7:05pm by Jeanne and Pledge started by Henry.

#### **Public Hearing:**

Kathleen Taylor  
81 Elm St.  
Saugerties, NY 12477

File#:14-0004  
SBL#:17.1-4-14

- Property located at 303 Blue Mt. Rd., Zoned MDR with Waterfront Overlay.
- Applicant requesting a 14' side yard area variance to place a structure 15' x 18' to be utilized as a garage with storage area above.
- Meeting started at 7:06pm, applicant present and secretary received all certified return receipts that were returned to the applicant.
- Jeanne opened the meeting to the public that was present.
- Mr. Erick Krein was present with Aunt Gail Pflgebraar who lives next door to property in question.
- Ms. Taylor, Mr. Krein, and Mrs. Pflgebraar all came up to the table with the Board to discuss/address the issues and concerns they had with this project.
- Mr. Krein asked the applicant to move the garage to the other side of the property so that his aunt will not have to see it or to take down the existing out building and put the garage there. The applicant said that she cannot place it on the other side of the property because it will cross her septic field and that the existing outbuilding is a functioning building and wants to keep it and she also wants to keep the existing porch because she will eventually turn it into her kitchen. Mr. Krein mentioned she should then build a 2<sup>nd</sup> story on the residence and then turn porch into garage or to move her septic field.
- Mr. Krein stated he and his aunt do not want it close to the property line they share and wants it moved or changed.
- Ms. Taylor had a bigger survey map but she had left it at home so she left the meeting with Board's permission and went to pick it up. She left at 7:16pm.

**Taylor Public Hearing Cont'd:**

- Another neighbor, John Brink, was at the meeting too. His property is on the other side of Ms. Taylor's, his is a rental property though. He too stated that he does not want it that close to his property line either, so he does not like the proposal of Mr. Krein's idea to move it.
- While the Board and public waited, Jeanne gave Mr. Krein a copy of the list of the criteria that the Board must follow when granting a variance. Mr. Brink did not want a copy when he was asked.
- Mrs. Phleghaar stated again that she did not want it on this side of the property.
- Mr. Krein asked the Board what happens if someone does not like the outcome of what happens. Jeanne stated that an Article 78 can be filed in a legal attempt to reverse the decision.
- Mrs. Taylor returned at 7:30, she did not have the map she as she could not find it.
- Mrs. Pflleghaar and nephew Erick strongly feel there are other places on property to place garage and would like other options to be looked at.
- Ms. Taylor respects what they were saying however, she is very limited to placing things on her property because she has to be so far from the property lines, so far from the Plattekill Creek, so far from her well, leach field and septic, and her pump up chambers and existing drains. Plus if she put it where she would not need a variance it would be far away from the house and in the winter she would have to hike to get to it and when she is older that is not what she'll want to do.
- Mr. Krein wanted to discuss the five (5) criteria that the Board must consider. Board agreed to it.
- Henry asked Mr. Krein how far away is his aunt's house from the property line and Mrs. Phleghaar stated that her house is 68' wide and her property is 100' wide and Henry stated that then possibly your house is too close to the line too.
- Mr. Krein and Mrs. Pflleghaar feel it would be a detriment if granted because they will have to look at it. He feels it could go in another location. He feels it is a substantial variance. He feels it would have an adverse effect on the environment because it will be close to the Plattekill Creek and who knows what will be stored in it or leak. Finally, he feels that it is self-created.
- Ms. Taylor stated that she plans to return as many trees as she can to the property that she had to cut down and if not put more vegetation there because she wants a secluded cabin and keep its original feel and look. She does not plan to urbanize it in any way.
- She stated that it took her 6 months to get her well and septic plans approved because of the neighboring properties and how close their wells and septic fields are to her property lines and that the house was just a cabin with an outhouse. She will be installing plumbing, water, electric, and well.
- Mrs. Pfllegghar has been there since 1989 and feels that Ms. Taylor created this issue and that Ms. Taylor should have done her homework.
- Ms. Taylor said knew it was not a 100% guarantee on getting the variance but she did all her homework and then some.
- Mr. Brink, the other neighbor, thought it was not a buildable lot and that it would never sell so he never thought to buy it. Jeanne asked if there was a way for Ms. Taylor to mark out with paint or rope where she would like to place the proposed garage. Ms. Taylor agreed.
- Someone mentioned turning the porch into the garage. She said no because the porch will eventually become the kitchen.

**Taylor Public Hearing Cont'd:**

- Jeanne asked what the cone on the property was for, Ms. Taylor said it is where the well will be and the field will be the septic field.
- Septic is based on a 1 bedroom home only.
- Mr. Krein said for Ms. Taylor should move her septic and lines so she can move the garage someplace else. Ms. Taylor does not want to move anything with regards to her septic and well because she spent too much time and money already.
- Jeanne explained to the applicant that the Board is charged with granting the smallest variance possible. Jeanne asked again if there was any other spot she is willing to move it to.
- Ms. Taylor said she is trying to be respectful for where she wants it now and whatever happens; happens.
- Jeanne asked if anyone else had any more questions.
- Samantha asked if the garage could be moved on to the opposite side of the property. Ms. Taylor said not really because of the well and septic and she does not want to build over her pipes in case something ever happens.
- Jeanne stated that since not all the Board members went to the site, was it ok if they went back out once she marked the property. She was fine with this.
- Henry asked if Alvah Weeks, building inspector, could go out and take a look too. He will and he'd be happy to take any member with him.
- Alvah also stated that she is very restricted because of property, terrain, and placement of septic and well and to change any of this she would have to talk to the Health Dept. and her engineer Chris DiChiaro. But she also meets the criteria of an undersized lot per the Zoning Law.
- Ms. Taylor feels that this will not be an eye sore in any way shape or form.
- Mrs. Pflgebraar and Mr. Krein just asked to keep the 5 criteria in mind.
- Jeanne closed the Public Hearing at 8:26pm.
- Jeanne informed the applicant that the Board now has 62 days to make the decision on this appeal and once decision is made the applicant will be notified within 5 business days and that the decision will not be made tonight because of the members needing to see the site again.
- The neighbors then stated that the Board members have permission to go on their properties and see what the garage would look like from their view. Jeanne said if they do this they will knock on the door to see if anyone is home.

**DISCUSSION(S):**

1. Jeanne made the motion to approve minutes from July as written with one change on Page 2, the word "variance" was forgotten. Sam 2<sup>nd</sup> motion, all were in-favor, vote was taken 3-0, Mayone – absent, Rua – abstained.
2. All received Planning Board minutes.
3. Members of Board that went to the recent training discussed how the speaker talked about how the alternate cannot sit at the table with the Board unless they are called up due to absence of a Board member or previously at the table when an appeal was heard. Board wants to get more information on this issue and discuss it further.

~ Motion made by Brian to adjourn meeting, 2<sup>nd</sup> by Samantha vote taken, all in-favor.  
~ Meeting ended at 8:48pm.

Respectfully submitted,  
Kathleen Blundell  
ZBA Secretary