



TOWN OF SAUGERTIES

ZONING BOARD OF APPEALS

4 High Street Saugerties, NY 12477

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April 2, 2018 Meeting Minutes

Present: Jeanne Goldberg, Samantha Dederick, Joe Mayone and Patti Kelly (alt.)

Absent: Henry Rua

Also Present: Alvah Weeks, Building Inspector and Mike Maclsaac, Liaison

-Jeanne called the meeting to order at 7:05 pm

-Pledge started by Joe Mayone.

Public Hearing:

Jason & Nicole Rogers
658 Manorville Road
Saugerties, NY 12477

File#: 18-0003

SBL#: 8.1-2-1.200

- Public Hearing started at 7:07 pm.
- Mr. Rogers was present.
- Received certified mailing cards (5 of 8) from Mr. Rogers, one letter was returned.
- One neighbor was present from the community for the public hearing, but did not speak regarding the appeal.
Jeanne reviewed the appeal: Applicants are requesting a 25' front yard area variance to construct accessory use structure/garage and meet the required setback of 50' from the public right of way on Town Road.
- The SEQRA was determined to be a Type II 617.5(c)(12).
- Patti asked Mr. Rogers where the existing garage for the home is, he explained that it is on the right side of the house and is attached.
- Jeanne asked the Board if they had any questions. The Board was satisfied with the information that had been submitted and had no further questions.
- Joe made a motion to close the public hearing, second by Patti.
- A vote was taken:
Dederick – yes, Mayone – yes, Kelly – yes, Goldberg – yes; 4-0 closed
- Jeanne explained that the Zoning Board will have 62 days to make a decision from the close of the Public Hearing and the applicant would receive written notification within 5 days of that decision.
- Public Hearing closed at 7:09 pm. Mr. Rogers left the meeting at this time.

Patrick & Stephanie Melick
13 Martha's Court
Saugerties, NY 12477

File #: 18-0002
SBL#: 8.4-11-20

- Public Hearing started at 7:10 pm.
- Mrs. Melick was present
- Received certified mailing cards (32 of 34) from Mrs. Melick.
- One couple was present for the public hearing, Robert and Margaret Lachmann, the neighbor that owns the property next to the Melick's where the variance is being requested. Their property currently would have to be used to access the Melick's backyard in the event of necessary replacement or repairs to their well or any maintenance on the side or back of house, even more so if they do the addition to the garage.
- Jeanne reviewed the appeal: The applicant was requesting to build a 3' addition to their existing garage with additional living space above and requesting a 22' side yard variance to meet the required 25' setback.
- The SEQRA was determined to be a Type II 617.5(c)(12).
- The Lachmann's have submitted a notarized letter stating that they would allow the Melick's to use their property for access to their backyard for repairs/replacement when necessary.
- Joe asked Mr. & Mrs. Lachmann if the access, or right of way, will go with the deed of the property if it is sold in the future? They responded that they do not have any intentions of selling the property and had not thought of that option. They would need time to think about that.
- When Patti had done a site visit she noted that the property line is next to a telephone pole and it seemed the current paved parking spot of the Melick's is already partially on the Lachmann's property. Mrs. Melick stated that this was correct.
- It was noted that the Lachmann's have two separate parcels and the one in question is not a buildable lot, according to building department setbacks, and cannot be sold as an individual lot.
- Sam stated that the main concerns of the Board are as follows:
 - Board is concerned that notarized letters of agreement would not be acceptable as a permanent solution.
 - If the Lachmann's wish to provide an easement to the Melick's, it would need to be deeded.
- Mrs. Melick was concerned that there were several issues that still needed to be addressed.
- Jeanne explained that the Public Hearing can be kept open, upon request of the applicant, in order to address the issues as mentioned.
- Mrs. Melick requested that the Public Hearing be kept open to give the Lachmann's some time to think about the deed amendment. She asked the Board what would have to be done to answer their concerns before closing the public hearing.
- The Board stated that an "Easement" or "Right of Way" would need to be added to the deed of the Lachmann's property.
- Another option that was mentioned was that Mr. & Mrs. Melick along with Mr. & Mrs. Lachmann come to an agreement for the sale of a partial piece of the property in question to fulfill the setback and do a lot line revision.
- Patti made a motion to keep the public hearing open at this time, second by Sam.

- A vote was taken:
Dederick – yes, Mayone – yes, Kelly – yes, Goldberg – yes; 4-0 to keep the public hearing open
- Jeanne explained that the Zoning Board will have 62 days to make a decision from the close of the Public Hearing and the applicant would receive written notification within 5 days of that decision.
- Discussion was ended at 7:27 pm. Mrs. Melick and Mr. & Mrs. Lachmann left the meeting at this time.

New Appeals:

John & Ana Marvin
210 Riverside Drive
Malden, NY 12453

File #: 18-0004
SBL#: 18.10-2-4.210

- Mr. & Mrs. Marvin were present to represent themselves.
- The property is located at 210 Riverside Drive and is zoned HDR (high density residential)
- Applicant is requesting a 40' Variance for an extension of their dock outward into the Hudson River, zoning law permits a 30' extension and the owners would like to create a 70' extension.
- Applicant is also requesting a 212.5 square foot area variance because they would like to build a 362.5 square foot dock and zoning law permits a 150 square foot dock.
- Mr. Marvin distributed copies of documents explaining the project with diagrams provided by the contractor, for the Board's review.
- The Board noted that the chains and blocks being used in the diagram extend out further into the riverbed than the 70' length of the dock. Patti expressed her interest in knowing the exact distance they extend from the end of the dock and the weight of the blocks themselves.
- Mr. Marvin showed the Board a color copy of the location map, one was given to Becky and she will email copies to the Board.
- Mr. Marvin stated that the draft of the boat is 2 ½', for the Board's reference.
- Jeanne explained the process to the applicants, the Board will have to do some review to determine the SEQRA classification and complete the necessary short form that goes along with this type of appeal.
- Jeanne asked Mr. Marvin if the applicable applications were submitted to the Department of Environmental Conservation, Army Corp. and NYS Department of State Coastal Management. Mr. Marvin informed the Board that the contractor has done this and they are awaiting approval and permits to be issued.
- The Board reviewed the Short Environmental Assessment Form as submitted by the applicant with the original application. Jeanne requested that the applicant update the form to check off "Parkland" on #4.
- The part of the river the dock will be built on is close to the channel.
- A Public Hearing was not scheduled at this time in order to give Jeanne time to speak with Dan Shuster, Saugerties Town Planner, to determine if this application will have to go to the Ulster County Planning Board as well.
- Sam made a motion to delay the Public Hearing, second by Joe.
- A voice vote was taken:

Dederick – yes, Mayone – yes, Kelly – yes, Goldberg – yes; 4-0 to delay the public hearing at this time

- Appeal ended at 7:50 pm, Mr. & Mrs. Marvin left at this time.

Public Hearing Discussion/Decision:

Jason & Nicole Rogers
658 Manorville Road
Saugerties, NY 12477

File#: 18-0003

SBL#: 8.1-2-1.200

- Jeanne asked the Board if they were ready to discuss and make a decision at this time, all were in favor.
- The five (5) criteria regarding the balancing test that states that the Board shall balance benefit to the applicant with detriment to health, safety and welfare to the community:
 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 existence of rock in the only other location that could be used for the location of the garage.
 3. The requested variance is substantial but many other properties around it have similar size frontages with structures the same distance from the road.
 4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood, for the reasons stated above.
 5. The alleged difficulty is self-created but the location for the proposed garage is the only feasible location. The benefit to the applicant is balanced by the lack of detriment to the health, safety and welfare of the neighborhood.
- Therefore, a motion was made by Sam to grant the 25' front yard variance to build the garage and 2nd by Jeanne.
- A voice vote was taken:
Dederick – yes, Mayone – yes, Kelly – yes, Goldberg - yes
- Therefore, by a vote of 4-0 the motion is passed unanimously and the appeal is granted
- Discussion/decision ended at 8:15 pm.

Discussions:

1. The meeting minutes from March 5, 2018 meeting were reviewed. Jeanne made the motion to accept the minutes as written with changes, 2nd by Patti. Voice vote 4-0, Accepted
 2. Planning Board minutes received.
 3. No new trainings have been attended.
- Jeanne handed out the Short EAF Part II & III forms to the Board to complete on their own, regarding Appeal #18-0004. They will review it at the next meeting.
 - Joe presented the Board with a project that he has been working on regarding the process of sending out notice of Public Hearing for applicants. The current process is that the applicant must send out a notice via certified mail with return receipt which will cost \$6.70/each to everyone within 500' of the applicant's property lines. Joe put together a list of three properties located within High Density Residential and showed the difference in the amount of notices that would have to go out for the 500' requirement versus a 250'

requirement. The difference was significant. Example: 20 Plenty Street went from 50 notices to 18 notices. The Board will be discussing this further to try and make the process a less costly one for the applicant in the future. This would require a change in the zoning law. This will be forwarded to the Planning Board to see if they would like to address this issue along with the Zoning Board. No vote was taken and Jeanne will present to Dan Shuster, Saugerties Town Planner.

- Jeanne made the motion to adjourn the meeting, Joe 2nd vote taken 4-0.
- Meeting ended at 8:16 pm

Respectfully submitted,
Becky Bertorelli, Sect.