



TOWN OF SAUGERTIES

ZONING BOARD OF APPEALS

4 High Street Saugerties, NY 12477

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December 3, 2018
Meeting Minutes

Present: Jeanne Goldberg, Samantha Dederick, Patti Kelly, and Tim Scott

Also Present: Alvah Weeks: Town Building Inspector, Mike MacIsaac: Town Board Liaison, and Kim Smith: Zoning Board Secretary, Dan McCarthy from Praetorious & Conrad: representing John Blundell

Absent: Joe Mayone, and Henry Rua

Discussion:

- Jeanne called the meeting to order at 7:13pm
- Pledge started by Sam Dederick
- Jeanne designated Tim Scott to join the board in Joe Mayone's absence
- Tim accepted
- Jeanne gave a winter weather warning, and advised that no business is more important than anyone risking their lives to attend a ZBA meeting. She reminded everyone that if there is ever bad winter weather occurring on a meeting night that she will cancel the meeting and start a phone chain to reach out to everyone and that meeting will be rescheduled.

New Business:

John Blundell/Angelo Ferrono

58 Finger Hill Road

Saugerties, NY 12477

File #: 18-0012

SBL #: 17.4-2-21, and 17.4-2-25

- Dan McCarthy from Praetorious & Conrad was there to represent John Blundell, and he brought a large color coded map of the properties to display for the board for easy viewing
- Dan advised that Mr. Blundell had his company survey the land that he was looking to purchase from Mr. Ferrono, tax lot #25, on Finger Hill Road
- This property is zoned Moderate Density Residential in an Sensitive Area Overlay

- The applicant would like an Area Variance as Lot #25 does not currently have access to Finger Hill Road, so Mr. Blundell would like to also purchase a section of lot #21 measuring 38' x 25' from Mr. Ferrono so that he can create a driveway
- The issue with this is that lot #21 is only 0.784 acres, it is a preexisting nonconforming lot and this deduction of square footage will make it even smaller. After the requested land deduction lot #21 will be 0.764 acres. Lot #25 is currently 20.111 acres, and with the proposed added square footage the lot will be 20.131 acres
- Jeanne explained that this is an unusual appeal as there was no denial from the Building Inspector first. The appeal first went to the Town Planning Board, so there is no denial from the Building Department needed.
 - Jeanne quoted NY State Town Law, Section 277.6
 - "Notwithstanding any provision of law to the contrary, where a plat contains one or more lots which do not comply with the zoning regulations, application may be made to the ZBA for an area variance pursuant to Section 267-b of this article, without the necessity of a decision or determination of an administrative official charged with the enforcement of the zoning regulations. In reviewing such application the ZBA shall request the Planning Board to provide a written recommendation concerning the proposed variance."
- Jeanne mentioned that this is a Sensitive Area Overlay, and that each parcel must be double the usual required acreage in order to be legal. This is why the Town of Saugerties Planning Board was not able to resolve this issue.
- Dan advised that the Finger Hill Road physically ends at lot #21
- Sam asked if there was any legal right of way in place for lot #25, Dan advised no, and the board all went over to the map for closer inspection
- Jeanne asked how lot #25 has been accessed in the past
- Dan advised that there is a gravel road on the property, but it hasn't been an issue before as the same family owned both lots. If the lots are sold separately the new owner of lot #25 needs a legal right of way in place
- When asked for the dates of previous sale of the lots Dan stated that some of the dates of sale were unclear. He will look into this matter further and get back to the board
- Dan mentioned that lot #21 is currently uninhabited and has a gravel driveway. He believes that if the proposed section of land from lot #21 is sold to Mr. Blundell that there is still plenty of room for that lot to access the road, as there will still be 15' of access remaining to Finger Hill Rd.
- Jeanne asked if Mr. Ferrono is selling lot #21, who exactly is appealing?

- Dan stated that Mr. Ferrono, who lives in Chicago is selling both lot #25 and lot #21. Dan advised that Mr. Ferrono is aware of these proposed changes and supports his coming in front of the Zoning Board of Appeals tonight. Mr. Blundell wishes to buy only lot #25 and went to Mr. Ferrono with this plan for lot #25 to access Finger Hill Rd, as Mr. Blundell does not wish to buy all of lot #21.
- Sam advised that she is not sure she feels comfortable granting that many square feet to Mr. Blundell and lot #25, and therefore leaving lot #21 very little access to Finger Hill Road, and that lot #21 will have a hard 45 degree angle of a driveway to get onto their land from the public road
- Sam mentioned maybe Mr. Blundell would consider granting Mr. Ferrono, or any future owners of lot #21 a legal right of way to access Finger Hill Road if sold the proposed section of lot #21
- Patti suggested that maybe some square footage from lot #25 be given back to lot #21, so that lot #21 is not made smaller. The property lines are just revised, in an even swap of square footage.
- Jeanne advised Mr. McCarthy that going forward the board discusses then votes on if they wish to set up a Public Hearing for the appeal, or if they need more information from Mr. Blundell before scheduling a Public Hearing
- Patti advised that Mr. Blundell and Mr. Ferrono may not have explored all of their options before coming up with this proposal
- Sam stated that maybe lot #21 could just grant lot #25 legal right of way, and then no lines would need to be rewritten
- Jeanne mentioned that by signing the ZBA application the board was given the right to make site visits to the property for further inspection. Dan understood.
- Jeanne advised that she is going to reach out to the Planning Board for a written recommendation regarding this appeal.
- At 8:01pm Patti made a motion to postpone the Public Hearing for this appeal, and request that Mr. Blundell attend the next meeting so that he can speak directly to the board about all possible options, 2nd by Tim.
- Voice Vote – Jeanne – yes, Sam – yes, Patti – yes, Tim – yes, 4 – 0 in favor of postponing Public Hearing
- Mr. McCarthy left the meeting.

Old Business

Dennis Lazaroff

RE: Landowners of Sportsman Club

50 Quarry Road

Saugerties, NY 12477

File #: 18-0005

SBL #: 8.4-2-1.111

- Mr. Lazaroff was not in attendance at the meeting
- The board will wait to hear from applicant to proceed

Discussion:

- A motion was made by Patti at 8:10 pm to accept the November 5, 2018 ZBA meeting Minutes, 2nd by Sam
- Vote taken to approve meeting minutes as written, 4-0 in favor, October minutes approved.
- The board recognized that everyone received the last Planning Board meeting minutes
- Jeanne wishes to revisit some suggested changes to the zoning law that were previously suggested, but never put in place
- Jeanne shared with the board that she sent an email to Mr. Shuster in regards to rewriting the Zoning Law
- Jeanne advised that if the ZBA has an appeal that requires legal help or the assistance of a paid expert right now the Town pays for said help. She advised that it could save the Town thousands of dollars if the law was rewritten to require the applicant to pay for said help. She advised that this language is already in place for the Town Planning Board.
- Jeanne mentioned that Joe had previously suggested that the Public Hearing notices be sent to anyone within 200 feet of said property. Currently the law requires that letters be sent to anyone within 500ft. This will ultimately save the applicant money.
- She advised that suggestions were made in the past to also update the law regarding Saw Mills and Aquifers, and that she urges that some of these changes are made.
- Jeanne advised that the board will continue to work on updating the governing rules after the holidays
- Tim made a motion to adjourn the meeting, seconded by Patti, vote taken 4-0 in favor
- Meeting ended at 8:17 pm

Respectfully Submitted,
Kim Smith
ZBA Secretary
Approved 3/4/19