



TOWN OF SAUGERTIES

ZONING BOARD OF APPEALS

4 High Street Saugerties, NY 12477

Tel: (845) 246-2800, ext. 333

Fax: (845) 246-0461



ZBA Monthly Meeting September 9, 2013

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

Absent: Bruce Leighton

Also Present: Alvah Weeks, Jr., Larry Robinson, Peter Kaufman, George Turco

~ Meeting started at 7:05pm by Jeanne Goldberg.

NEW APPEALS:

Robinson, Lawrence
3878 Rt. 9W
Saugerties, NY 12477

File#: 13-0016

SBL#: 18.10-4-29

- Property located at 3878 Rt. 9W and zoned High Density Residential.
- Applicant present at time of meeting.
- Appeal started at 7:05pm.
- Applicant is requesting a 13' side yard area variance for proposed addition of 384 sqft.
- Jeanne asked Mr. Robinson to discuss what he wanted to do.
- Mr. Robinson stated that the addition is because his wife's health (her knees) is not good and the doctor suggested she not do steps any longer. This addition would eliminate steps and should they have to be denied they would have to move and they do not want to move. The addition would consist of bedroom, bathroom, and laundry room (see plans in files). His property is already non-conformity to begin with since he is too close to the property lines. This is the only logical place to put the addition. He spoke with the neighbor on that side of the property and she is ok with it. He feels it will not be an eyesore because it would run in-line with all the other buildings in the area.
- Mr. Robinson brought a copy of his survey, board already had a copy.
- Jeanne explained to Mr. Robinson what an area variance is and that the board needs to schedule a public hearing.
- Jeanne asked the board if they had any questions.
- Brian asked if the Robinson's ever considered the elevator chair for the steps in the house. No he hasn't because the stairway is narrow and is three parts.
- Sam asked if they could move the addition to the south end of the property by the garage. He feels it will eliminate the back yard and the entrance is already in the back and they'd have to reconfigure the entire kitchen and doors.

Robinson Appeal Cont'd:

- Jeanne mentioned that the Board has to give the minimum variance allowed by law, would you move it 3' over. He feels it will eliminate the upstairs bathroom window and he needs a window.
- Mr. Robinson said he would have to totally reconfigure downstairs if the moves it over and the rear yard slopes.
- Jeanne asked that if the variance doesn't get approved what would happen. They would have to move because we wouldn't be able to live there anymore because of the steps. Plus he has a landscaping business and he has trucks and equipment and he worries if he has to move where he can bring this stuff to.
- Jeanne stated it is a large percentage (%) if granted and it could set precedence in the future.
- Donn mentioned that he and Henry were discussing if the applicant moves the proposed addition to an angle it would eliminate the need for a variance. Mr. Robinson feels it will devalue his house, he doesn't want a crooked house and that the space between the house and the garage would be too small.
- Jeanne mentioned that the Board needs to do a site visit and does he mind, no he is ok with it.
- Donn mentioned that what he stated is just a suggestion only.
- Brian asked for a note from the doctor stating that his wife should avoid stairs.
- Jeanne asked that if they make any changes to the plans to please have them submitted to the building department on or before Sept. 26th.
- Sam made the motion to set a Public Hearing for October 7 at 7pm and 2nd by Joe. A vote was taken and all in agreement.
- Appeal ended at 7:36pm.
- Mr. Robinson was given all his information for the public hearing

NEW APPEALS CONT'D:

Trackside Properties Inc.
P. Marie Douglas
738 Neighborhood Rd.
Lake Katrine, NY 12449

File#: 13-0015

SBL#: 28.2-3-17.121

- Property located at 849 Kings Hwy and is zoned Industrial and is in the Aquifer Protection Overlay.
- Applicant is requesting a Use Variance to have four (4) above ground water tanks for a pool water delivery service/business.
- Mr. Peter Kaufman and Mr. George Turco were present at the meeting for this appeal. Mr. Turco owns the pool water company and is Ms. Douglas' father and Mr. Kaufman is the neighboring property owner.
- Appeal started at 7:37pm.
- The purpose of having the tanks is to avoid having to have the trucks go back and forth to the Rosendale offices to refill the tanks or to unload any unused water. It is very dangerous to ride with a half full tanker of water and its more convenient to drop the water in a tank then to drop all the water in someone's yard or to refill at this site and not drive all the way to Rosendale.
- Board asked what size are the tanks on site now. There are four (4) 10,000 gallon tanks with dimensions of 8 x 30.

TRACKSIDE APPEAL CONT'D:

- Sam asked where the water was coming from and Mr. Turco stated that it is a mixture of the well on site and the extra from the trucks and the main water comes from their caves in Rosendale that is tested and approved by the Health Department.
- Donn made mention that the Order to Remedy (OTR) states that it is an oil company not water company so what is it. Mr. Turco said it is a water company and no oil was ever in the tanks and that the tanks have been up there since the fall of 2012 and used all this summer and they have a fence around them. The oil was only there in the trucks and that is it. No oil was ever in storage containers.
- Alvah explained how in 2004 the business was ok and permitted by right in that zoned district and no planning board approvals were needed to have a fuel oil storage facility however in 2007 when the zoning law was being amended this type of business was deemed not allowed and that the only reason the Building Department became involved with this issue was because we received a complaint from the DEC via email (see BD file for DEC email) for illegal storage of oil and oil tanks on the above mentioned property. However, through later correspondence it was determined only to be water storage, though still not allowed.
- Sam asked if there were oil trucks still on site now, no not now.
- Jeanne asked where the water is from, Rosendale.
- Joe asked how much water is pumped from ground and how much is from reserve. For the season 50,000 gallons from the site on Kings Hwy and about 15% is used per Mr. Turco.
- Per Mr. Turco and Mr. Kaufman having this site is more for convenience and safety than anything else.
- Jeanne explained to both men that all four (4) items pertaining to a Use Variance have to be met or the appeal is denied.
- Mr. Kaufman asked what the definition of Bulk is in the zoning law. Jeanne read from page 134 in the town zoning law for the definition of bulk. Mr. Kaufman responded by saying that per that definition any in-ground pool would be considered bulk water storage then, Sam agreed it was a possibility. He stated what he was really looking for with the definition of bulk was a number.
- Jeanne asked was there storage before this on the property. No, but the delivery trucks had oil in them. Had there been storage before this it may have been easier to handle. Jeanne also asked if it was a landscaping business, yes it was and before that it was a farm.
- Donn asked if there were any provisions in the zoning law about taking water from a well in the Aquifer district and selling it.
- Mr. Kaufman asked what uses fall under facility. Jeanne again looked in the zoning law and found no definition for that.
- Brian asked if there were any chemicals in the water in the tanks or trucks. No there are no chemicals.
- Jeanne again mentioned what it takes to do a Use Variance and asked the applicants if they wished to continue with the process. Mr. Turco said yes he does wish to continue.
- A motion was made by Brian and 2nd by Joe to schedule the public hearing for October 7th at 7pm. Mr. Turco was given all the information for the mailings for the public hearing.
- Jeanne informed Mr. Turco that all the paperwork needed is to be submitted before the 7th of October. And that this variance is needed to operate or he needs to go to the Town Board to get a zoning change.
- Jeanne made the motion to list this application as Unlisted with Short Form. The motion was 2nd by Sam and a vote was taken, all were in-favor. Short Form paperwork was given to Mr. Turco.
- Jeanne asked the Board if they had any more questions, no one did.

TRACKSIDE APPEAL CONT'D:

- Public hearing was scheduled for October 7th and the applicants were told that should you obtain any new information or not have enough time to get the information completed to then please call the secretary and reschedule but do it before the 26th of September.
- Appeal ended at 8:10pm.

DISCUSSIONS:

1. Brian made a motion to accept the minutes from August's meeting as written and 2nd by Henry with a vote of 5-0.
2. All members received minutes.
3. SEQRA CLASSIFICATIONS:
 - a. 13-0016: Sam made a motion to classify as a Type II 617.5(c)(13) and 2nd by Jeanne. A vote was taken and all were in favor 5-0.
 - b. 13-0015: Jeanne made the motion to set as an Unlisted Action with Short Form and 2nd by Sam. A vote was taken and all were in favor 5-0.
4. Both appeals had their public hearings scheduled for October 7th at 7pm.
5. Board discussed the new applications and voted on all the changes. Sam made a motion to accept the changes with Mr. Redder's advice and 2nd by Henry. A vote was taken and all were in-favor 5-0. Starting in October all new appeals/applicants will be given the new applications.
6. Board discussed budget and all were ok with it. Jeanne created a new letter to give to applications so no confusion would be made when they have to appear in-front of the Board. All members were ok with this; this letter will now be given too at time of application process. Joe asked why we as a Board do not say the Pledge of Allegiance at the start of the meeting. Board stated we should do this a vote was taken and all were in favor 5-0 now at the start of every meeting we will say the Pledge of Allegiance.

~ Motion was made by Sam to adjourn the meeting at 8:31pm; motion was 2nd by Joe with a vote of 5-0.

~ The next meeting will be held on October 7 at 7pm at the Senior Center.

Respectfully submitted,
Kathleen Blundell