



TOWN OF SAUGERTIES

ZONING BOARD OF APPEALS

4 High Street Saugerties, NY 12477

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March 5, 2018 Meeting Minutes

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

Absent: Henry Rua

Also Present: Alvah Weeks, Building Inspector and Michael Vetere III, representing applicant

-Jeanne called the meeting to order at 7:13 pm

-Pledge started by Joe Mayone.

Public Hearing:

Guerin, Steven & Erica
Gwenies Girls LLC
270 Blue Mt. Rd.
Saugerties, NY 12477

File #18-0001

SBL#: 17.2-1-29

- Public Hearing started at 7:14 pm.
- Michael Vetere III from Vetere Land Surveying was present to represent the owners.
- Received certified mailing cards (10 of 18) from Michael Vetere III, two letters were returned; one was refused and the second was marked as vacant.
- No one present from the community for the public hearing.
- Michael Vetere III reviewed the appeal: Applicants are requesting a 22.14' side yard area variance due to the fact that the property's width does not meet the zoning setback standards of 125' wide. The applicants would like to do a lot line revision with the planning board and they need to have the variance granted before they proceed with the planning board. The SEQRA was determined to be a Type II 617.5(c)(12).
- 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.
- Mr. Vetere informed the Board that he was in the process of submitting all necessary documentation to the Planning Board for the March 20th meeting to get a preliminary decision from them for the lot line revision, based on the final decision of the Zoning Appeal. Jeanne questioned the procedure of going before the Planning Board before receiving the Zoning Board's final decision and Mr. Vetere III stated that he often does this to save time. If it is approved by the Zoning Board he will not have to wait an additional month to get the approval from the Planning Board.
- Jeanne informed Mr. Vetere III that the Board now had 62 days to render a decision and the owner would be notified by mail once a decision was made.
- Public Hearing closed by Jeanne at 7:19 pm. Mr. Vetere III left the meeting at this time.

New Appeals:

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

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

- Kevin Conklin, Architect and Mr. Patrick Melick were present.
- The property is located at 13 Martha's Court and is zoned MDR (moderate density residential)
- On the original application the applicant was requesting to build a 2' addition to their existing garage with additional living space above and was requesting a 21' side yard variance to meet the required 25' setback. However, at the meeting it was brought to the Board's attention that the owner's would actually be building a 3' addition to their existing garage footprint and would need to change the request to a 22' side yard variance.
- The applicants wanted the additional space in the garage to make it more spacious and have the ability to park two cars comfortably.
- The existing driveway already goes over the property line onto the neighbor's property
- The board requested the locations of the septic, leach field and well. Mr. Melick stated that the leach field and septic are both in the front yard of the house but the well is in the rear on the left side of the house.
- Due to the demographics of the house the left side yard is all a hill and does not allow access to the back yard. Therefore, the only access to the well for maintenance and repairs would be from the right side yard.
- The Board's concern is, if the variance is approved and the addition is built there will be only 2' left on the right side of the garage for maintenance/repair vehicles to access the backyard.
- The Board did not have any further questions
- Patti made the motion for the SEQRA determination as a Type II 617.5(c)12 and 2nd by Jeanne. Vote was taken, all in-favor 5-0.
- Patti made the motion to set the public hearing for the above appeal for Monday April 2, 2018 at 7pm and 2nd by Joe. Vote taken 5-0.
- The applicant was given the information and letter to be mailed to all neighbors' within 500' of their property, to be mailed Certified, return receipt.
- 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.
- Appeal ended at 7:43 pm, Mr. Melick and Mr. Conklin left at this time.

Jason & Nicole Rogers
658 Manorville Road
Saugerties, NY 12477

File#: 18-0003
SBL#: 8.1-2-1.200

- The property is located at 658 Manorville Road and is zoned LDR (low density residential)

- The owner, Mr. Jason Rogers was present. Applicant is 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 yard is on a slope and is rock, the location for the detached garage is the only flat location on the property.
- The board requested the locations of the septic, leach field and well. Mr. Rogers stated that the leach field and septic are both in the front yard of the house, the well is located in the home in a room in the back left corner.
- The Board did not have any further questions
- Sam made the motion for the SEQRA determination as a Type II 617.5(c)12 and 2nd by Patti. Vote was taken, all in-favor 5-0.
- Patti made the motion to set the public hearing for the above appeal for Monday April 2, 2018 at 7pm and 2nd by Joe. Vote taken 5-0.
- The applicant was given the information and letter to be mailed to all neighbors' within 500' of their property, to be mailed Certified, return receipt.
- 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
- Appeal ended at 7:52 pm, Mr. Rogers left at this time.
- The Board requested Alvah explain the front yard setback in a Low Density Residential. He explained that a 75' setback is required from the center line of the road. The current setback is 50', therefore, requiring a 25' variance.

Public Hearing Discussion/Decision:

Guerin, Steven & Erica
 Gwenies Girls LLC
 270 Blue Mt. Rd.
 Saugerties, NY 12477

File #18-0001
 SBL#: 17.2-1-29

- Jeanne asked the Board if they were ready to discuss and make a decision at this time, all were in favor.
- Discussion began at 7:55 pm.
- 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. Since this is a pre-existing condition there will be no effect on the character of the neighborhood.
 2. There is no other feasible method for the applicant to pursue, other than an area variance because of the pre-existing location of the driveways on both properties.
 3. The requested variance is substantial but many other properties around it have similar size frontages. The property lines, of this property and those like it, have been grandfathered into the zoning law since they were created before the zoning laws were put into effect.
 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 not self-created but is the result of the zoning laws that were put into effect after establishing the lot lines. 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 side yard variance of 22.14' and 2nd by Donn.
- A vote was taken:
Dederick – yes, Mayone – yes, Avallone – yes, Kelly – yes, Goldberg - yes
- Therefore, by a vote of 5-0 the motion is passed unanimously and the appeal is granted
- Discussion/decision ended at 8:08 pm.

Discussions:

1. The meeting minutes from February 5, 2018 meeting were reviewed. Patti made the motion to accept the minutes as written with changes, 2nd by Donn. Voice vote 5-0, Accepted
 2. Planning Board minutes received.
 3. No new trainings have been attended.
- The Board expressed their deep appreciation to Donn for all of his hard work and dedication over the years. Everyone would like to wish him all the best.
 - Patti made the motion to adjourn the meeting, Joe 2nd vote taken 5-0.
 - Meeting ended at 8:15 pm

Respectfully submitted,
Becky Bertorelli, Sect.