



TOWN OF SAUGERTIES

ZONING BOARD OF APPEALS

4 High Street Saugerties, NY 12477

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ZBA Monthly Meeting October 7, 2013

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

Also Present: Alvah Weeks, Jr., Mr. & Mrs. Robinson, Marie Douglas, Mr. Kaufman, & Mr. Turco.

- ~ The meeting began with the Pledge of Allegiance
- ~ The meeting opened at 7:05pm by Jeanne Goldberg.

Public Hearing:

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

File#: 13-0016

SBL#: 18.10-4-29

- Property located at 3878 Rt. 9W. Zoned HDR. Applicant wishes to construct a 384 sq.ft. addition onto their home. Applicant is requesting a variance of 13'.
- Public Hearing was opened at 7:08pm with applicants present and no one from the public in attendance.
- Applicant brought forward the Certified Return Receipts from his mail out and also presented the Board with a new drawing of his addition where he scaled back on the layout of the addition and is now only asking for a 10' variance. He stated that the closest point to the property line will now be only 5'. All members received a copy of the new layout.
- Board thanked Mr. Robinson for the change of the layout.
- Board asked why house was built on an angle, Applicants said it was built 50+ years ago, that is how they bought it, they were told it was originally a farm so maybe that was why the houses are so close together and why the house was built on an angle.
- Jeanne asked the Board if they had any more questions. None.
- Board closed the Public Hearing at 7:35pm, Mr. Robinson was informed that the Board now had 62 days to make a decision on this matter and that he would be notified in writing within 5 business days of said decision.
- Mr. Robinson thanked the Board for their time.

PUBLIC HEARINGS CONT'D:

2. 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. Zoned Industrial and is within the Aquifer Protection Overlay.
- Applicant gave the Board each a copy of the SHORT FORM EAF. Since the Board was just seeing it for the first time they needed time to review the information.
- Marie dropped off the Certified Return Receipts to the secretary of the ZBA in the office prior to the meeting.
- After reviewing the answers on the SHORT FORM and after much discussion and correction a motion was made by Henry and 2nd by Brian for a Negative Declaration (Neg Dec) for this Unlisted Action. A vote was taken 5-0 approved.
- Applicant stated that in spring of 2005 the original tanks were put there and that no building permit was ever needed for the tanks or the business. The only building permit ever needed was when the original owners built the garage on the property to house their equipment for the lawn care business.
- Board asked if it was ok to make a site visit, applicant said that was fine.
- Henry was asked by Jeanne if Kings Hwy was/is a County Rd. Henry said yes it is. Jeanne informed the applicant that the Board now needs to send all of this information to the Ulster County Planning Board for their review.
- Joe made the motion to refer this project to the UCPB which was 2nd by Sam and a vote was taken, all agreed 5-0.
- Board opened Public Hearing at 7:55pm. No one from the public was present.
- Marie was present at meeting and she came forward to address the Board with all her findings/paperwork.
- Marie stated that in 2004 they purchased the property to facilitate their fuel oil and water business and at that time of their purchase there were no restrictions/laws that kept them from doing this. Then in 2005 a complaint was made to the Building Department about the business which the company then had to have a meeting with the Planning Board to clarify if a Site Plan Approval was needed or Special Use Permit needed. Chairman at the time, William Creen, determined in that workshop meeting that a special use permit was not needed to operate this type of business. Ever since then they have operated this business there. Rosendale is where there water comes from. Having this location saves them time and money and is safer. Due to the competition from other businesses in the Rosendale/New Paltz area they cannot change their prices too much so they have this location for convenience sake and to make their business more cost effective. Previous owner stored harsh chemicals in that garage with no objection from any neighbors or the town. Applicant stated that they have no chemicals in their water.
- Jeanne asked for a copy of this letter to be sent to them via the secretary, Marie said she would send it to the secretary. As of 10/17/13 nothing has been sent yet.
- Brian mentioned that Marie only focused on expenses and finances for the sale of the property and what is done at that property and did not compare the property to all allowable uses in that zoning like she is supposed to do. Marie stated that really nothing is allowed per the Zoning Law. Board explained what Marie has to do with regards to comparing the property in question to the surrounding properties and how

TRACKSIDE PH CONT'D:

their property is unique and compares and contrasts to the allowable uses in that zoning.

- Brian, Sam and Alvah mentioned to her to contact the gentleman who did the Aquifer report, Steve Winkley (sp), to see if he could help her determine better if her property is fully in the aquifer overlay and give her more assistance with this matter. Alvah gave her Mr. Winkley's(sp) information.
- Board then informed the applicant what she had to do with each step of the appeals process.
- Jeanne did inform the applicant that #4 of the 4 criteria she must meet was not self-created since the Zoning Law and the overlay created the issue at hand.
- Jeanne asked that since there is still material/paperwork needed can the Board have permission to keep the Public Hearing open. The applicant was ok with this and the Board took a vote to keep the Public Hearing open with 5-0 vote.
- The applicant was informed of November's meeting and that her attendance is needed and to please submit all new findings prior to the meeting so the Board has more time to review them. She was also requested to email the letter she read to the Board to the secretary so the secretary could forward it to all the Board members.
- Public hearing was postponed at 8:30pm.

DISCUSSION(S):

1. Jeanne asked for a motion to approve the minutes from September's meeting. Sam requested that an addition be made to her statement and Donn also asked for additional words to be added to his one statement too. Both changes are located on page 3. A motion was made by Brian to accept the minutes with changes and was 2nd by Sam. A vote was taken, 5-0 all in-favor.
2. Planning Board minutes were received by all members.
3. Board discussed writing letters to two of the applicants that have been on the "pending" list for over a year. Board asked for the secretary to sign them up for a class on November 7th. Board discussed going to the Hyde Park meeting. Board asked that the secretary order books for some of the Board members that do not have certain books pertaining to the Zoning Board of Appeals.
4. Sam asked if the Board could make a decision on the Robinson Appeal.

DECISION:

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

File#: 13-0016
SBL#: 18.10-4-29

1. It was determined that an undesirable change would not be produced in the character of the neighborhood nor would a detriment to nearby properties be created by the granting of this area variance. Due to the houses being close together and the fact that the house was built at an angle it will not be out of character to the other properties in the vicinity of this property.
2. The benefit sought by the above named applicant cannot be achieved by any other feasible method than this variance because of the slope in the property, the location of the garage, and the placement and angle on which the house was originally built eighty to ninety years ago, thus making the property a pre-existing non-conformity.

DECISION ROBINSON CONT'D:

3. The applicant is requesting a substantial variance but due to the conditions of the property and the medical condition of the occupant documented by a letter from a doctor indicating the need to reduce the use of stairs, the granting of the variance is the only way to allow the owners the full use of their property. In addition, the applicant has reduced his initial variance requested by redesigning the addition.

4. The proposed variance will not have an adverse effect or impact on the conditions of the environment of the neighborhood because the pre-existing houses are already close together.

5. The alleged difficulty was not self-created because the houses in that area were placed and the properties delineated more than eighty years ago long before zoning requirements were established.

- A motion was made by Mayone and 2nd by Dederick to grant the new requested side yard area variance of 10' (original request was 13') to the applicant so they could build their addition based on the 5 criteria mentioned above.
- A vote was taken:
Goldberg – yes, Mayone – yes, Rua – yes, Sawchuk – yes, Dederick – yes.

~ Joe made the motion to adjourn the meeting, 2nd by Henry, a vote was taken 5-0 all in-favor, the meeting ended at 9:01pm.

Respectfully submitted,
Kathleen Blundell, Sect. ZBA