



# TOWN OF SAUGERTIES

## ZONING BOARD OF APPEALS

4 High Street Saugerties, NY 12477

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

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**October 1, 2018**  
**Meeting Minutes**

**Present:** Samantha Dederick, Joseph Mayone, Henry Rua, Patti Kelly, and Tim Scott

**Absent:** Jeanne Goldberg

**Also Present:** Alvah Weeks: Town Building Inspector, Mike MacIssac: Town Board Liaison, Kim Smith: Zoning Board Secretary, Peter Tully, John Denier and Randy Richers

- Sam called the meeting to order at 7:04pm
- Sam, the Vice Chairperson, announced that Jeanne would not be attending tonight's meeting, and that she would be acting Chairperson for the evening
- Tim Scott, alternate was not present at the start of the meeting
- Pledge started by Joe Mayone

### **Public Hearing**

Peter C. Tully

73 George Saile Road

Saugerties, NY 12477

File #: 18-0010

SBL #: 2.4-2-62

- Property located at 73 George Saile Rd
- This property is zoned Moderate Density Residential
- The owner is requesting a 12' area variance to build a 20' x 30' storage structure for a boat
- Zoning law requires a minimum side yard of 25', and there is only 13' from the shared property boundary line
- Sam asked if we received all the return receipt stubs from the 500 feet letters sent to Mr. Tully's neighbors.
- Kim advised yes, they were given to her by Mr. Tully before the start of the meeting
- Sam asked Mr. Tully if he received any feedback from his neighbors

- Mr. Tully stated that he did not hear from any of his neighbors.
- Sam asked the board if anyone had any other questions, the entire board responded “No further questions”
- Sam advised that she is very knowledgeable about this appeal as she has been out to the property twice to conduct research. She stated that Mr. Tully allowed her to measure the property lines where the proposed structure will be located and answered all of her questions.
- Patti made a motion to close the Public Hearing, 2<sup>nd</sup> by Joe, vote taken 5-0 in favor
- Public Hearing ended at 7:08pm
- Sam advised Mr. Tully that the Zoning Board of Appeals has 62 days to make a final decision, and that once the decision is made we have 5 business days to notify him of said decision.
- Mr. Tully understood, and left the building.

### **New Appeals**

John Denier & Randy Richers

PO Box # 918

Saugerties, NY 12477

Property Located: 2891 Route 32

File #18-0011

SLB#: 17.2-5-24

- Started at 7:09 pm
- Property located at 2891 Route 32
- This property is zoned General Business (APO)
- The property is currently being used for storage and owners would like to build a car wash
- Sam recused herself as a board member and acting chairperson for personal reasons, and advised that she will move and listen to the appeal as a private citizen
- Sam appointed Patti as acting chair for this appeal, Patti accepted
- Patti asked why Randy Richers didn't sign the application, and have it notarized, as the copies the board received were not signed by him and notarized
- Mr. Denier and Mr. Richers stated that yes Randy signed the application and it was notarized
- Kim looked up the original documents and advised that yes the original is signed by Mr. Richers and notarized. She will make copies of the original and get them to the board as soon as possible.

- Mike MacIssac interrupted to ask Patti if she wanted to designate Tim Scott, alternate, as he just arrived to the meeting
- Patti designated Tim to be a full board member in Jeanne's absence, the board voted on it, Joe – yes, Henry – yes, Sam – yes, Patti – yes, 4-0 in favor
- Patti asked if the applicants had the balancing audit that was mentioned in their application
- Mr. Denier advised that a balancing audit has not been completed yet. He advised that he can get that info for the board in time for the for the November meeting
- Patti stated that now the board must decide how to proceed from here, do they wait until they have the full application
- Mr. Richer said that at this time they are only seeking guidance from the Zoning Board, as he is aware that the property is located on aquifer protection land
- Alvah advised the applicants that a Car Wash is not a qualified business in that district due to the Aquifer Protection in place
- The applicants stated that they feel that the Aquifer is no longer an issue due to advances in technology of the equipment that they plan on using. The applicants advised that they will draw very little water from the aquifer and that the water is then reused to support the car wash.
- Patti advised that they need to meet all requirements for a use variance before the board can proceed, and that the board would need the details of the technology explained to them in greater detail at the next meeting
- Patti asked the board if they wished to postpone the appeal until the November 5<sup>th</sup> meeting, so that the applicants can get all the necessary info required
- The board voted; Joe – yes, Henry – yes, Tim – yes, Patti – yes, 4-0, therefore the new appeal has been postponed until the next meeting
- Kim advised Mr. Denier & Mr. Richer that all information for the November 5, 2018 meeting needs to be submitted by October 24, 2018. They understood.
- Mr. Denier & Mr. Richer left the meeting at 7:16pm.

### **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, even after speaking to the ZBA Secretary to confirm that he would be at the October 1, 2018 meeting
- The board will wait to hear from applicant to proceed

## Discussion

- Sam joined the board again and assumed the position of the Chairperson
- Sam asked her fellow board members if they were ready to discuss the Tully Public Hearing, a vote was taken, all agreed 5 – 0 that they were ready to discuss the appeal
- At 7:19pm Patti made a motion to accept Mr. Tully’s area variance application based upon the following five criteria
  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, location of the driveway, septic and well
  3. The requested area variance is considered moderate at 12 feet, and not substantial, as Zoning Law requires a minimum side yard of 25 feet, and there is 13 feet from the shared parcel boundary line
  4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions or the neighborhood
  5. The alleged difficulty is self-created, but the location for the proposed storage structure 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
- Joe 2<sup>nd</sup> the motion to approve the appeal, vote was taken Henry – yes, Joe – yes, Patti – yes, Sam – yes, Tim – unable to vote on the matter as he missed the Public Hearing, Approved 4 – 0
- The Board then discussed the upcoming New York Planning Federation training that they are all attending on October 24, 2018 and carpooling details
- Joe made a motion to adjourn the meeting, seconded by Henry, vote taken 5-0 in favor
- Meeting ended at 7:21 pm

Respectfully Submitted,  
Kim Smith  
ZBA Secretary  
Approved 11/5/18