

TOWN OF SAUGERTIES
ZONING BOARD OF APPEALS
4 HIGH STREET
SAUGERTIES, NY 12477

REGULAR MEETING

APRIL 7, 2008

Present: Joe Roberti, Jeanne Goldberg, Joe Mayone, Henry Rua and Brian Sawchuk. Also Alvah Weeks, Nancy Campbell and Jeremy Kane.

ELECTION

A Motion was made by Joe M. seconded by Brian to elect Jeanne as Vice Chair. Jeanne accepted. Roberti, Mayone, Rua and Sawchuk yes.

Joe R. addressed the applicant. Although he is a neighbor within 500 feet, Joe felt he would be able to decide according to the law but was willing to recuse himself if the applicant wished. Applicant had no objections to Joe remaining at the table.

PUBLIC HEARING

1. 05-02-08 DAREN STAMP
 2286 RT 32
 SAUGERTIES, NY 12477

SECTION INVOLVED 4.1 SCHEDULE OF USE FOR A R3 DISTRICT
FOR THE PURPOSE OF OPERATING A BED& BREAKFAXE AND FOOD PREPARATION UNIT

Mr. Stamp presented green receipt cards.

Speakers: Veronica Kugleman, Jason Wallach, Steve Wallach, John Greco, Thomas Misasi, Joe Riccio and Ray Zarcone.

Mr. Roberti explained that Mr. Stamp was allowed to operate a Bed and Breakfast in a R3 zone with a special use permit from the planning board. He was at the Zoning Board for a use variance to operate a restaurant.

Mr. Stamp presented drawings and some pictures of the property and explained what was going to happen. The neighbors asked questions about the plans.

JOHN GRECO: (Speaking as a neighbor not as an attorney for the town) Applicant has failed to produce the statuary requirements for a use variance. There is no economic proof the applicant cannot realize a reasonable return under current zoning. He hasn't attempted to sell the property. Hasn't informed the board how much he paid for the property or how much the assessment is. The property is one of the largest parcels in the area and the previous owner put an addition on the house for residential purposes. The property is surrounded by residential properties. Mr. Stamp purchased the property knowing what the zoning was. Mr. Stamp has not proved himself to be a good neighbor. He took down all the existing trees and burnt debris for many nights.

STEVE WALLACH, Esq. Raised the same points that Mr. Greco raised. There is no tradition of a business being on that property. In fact the entire subdivision of Ebel Court and Seyler's Terrace are for residential purposes. He represents Peter Fondino, Jean Fondino and Laura Wallach, who have restrictions in their deeds which he believes applies to all properties in the subdivision.

"Premises conveyed subject to the following restrictions that shall run with the land herein conveyed and shall insure for the benefit of the parties of the 1st part, successors and assigned, may be enforced by any of them by action, injunction or otherwise. Said covenant shall not be construed as binding upon parties of the first part as to any other land in said development unless expressly so stated in subsequent deeds. Neither the parties of the second part or their heirs or assigned shall or will at any time herein effect, erect or permit upon any part of the land herein described: Any road house, restaurant, bar, grill, picnic grounds or other place of amusement, or any public garage or filling station or any bill boards, poster or sign advertising a business or manufacturing or business establishment except that an occupant building a

house on a premises may use the dwelling or part thereof for the purpose of ____that premises be used only for residential purposes. "

Clearly having this bed and breakfast, restaurant, eatery, is going to impact this residential community because it is part of the subdivision.

All three, Peter Fondino, Jean Fondino and Laura Wallach all strongly object to any board approvals for commercial.

VERONICA KUGLEMAN: My mother's house will be affected if he used the right of way to Ebel Court.

Area is suppose to be a residential area.

MR. STAMP: was unaware of any covenant when he bought the property. Is not aware of any on his deed.

JEANNE: Mr. Stamp, do you have any documentation of financial. Were you aware of the financial proof that you must offer this board?

MR. STAMP: No.

Board discussed extending the public hearing until May 5 to give Mr. Stamp time to get the required information together.

Mr. Steve Wallach and Mr. John Greco objected to the extension. They felt the applicant has sufficient time to gather information.

Jeanne made motion to extend public hearing until May 5th if Mr. Stamp agreed, which he did. Seconded by Joe M. 5/0 Roberti, Goldberg, Mayone, Rua and Sawchuk - yes. Motion passed.

NEW APPEALS

1. 07-04-08 TIMOTHY BAXTER
53 STAY ROAD
SAUGERTIES, NY 12477

SECTION INVOLVED 4.2.4 CONVERSION OF SECOND FLOOR OF AN ACCESSORY
STRUCTURE

FOR THE PURPOSE OF CONVERTING SECOND FLOOR OF GARAGE TO APARTMENT

Mr. Baxter representing.

Applicant build garage in 1997. Never got c/o. When inspection was done for c/o found illegal apartment being used by applicant's mother. Zoning law only permits conversion in structures built before 1989.

Applicant would need a use variance.

Discussion held with board, applicant and Building Inspector. Motion by Henry seconded by Joe M. to ask Mr. Redder, Esq. for legal guidance as to whether the regular rules for a use variance apply in this instance since there is no money involved. 5/0 Secretary to contact Mr. Redder.

2, 04-01-08 JOHN STOWELL
P.O. BOX 539
SAUGERTIES, NY 12477

PROPERTY LOCATED 3868 RT 9W, MALDEN

SECTION INVOLVED 5.1 BULK REGULATIONS, SIZE OF LOT

FOR THE PURPOSE OF BUILDING TWO DUPLEXES.

Mr. John Stowell and Mr. David Van Benschoten, Esq. representing.

Mr. Stowell has two parcels. There is a four family existing on one parcel. Under current zoning minimum lot size is 100,000 sq. ft. for multifamily. Under new zoning minimum size is one acre. There is also 3250 sq. ft. per bedroom. There are six bedrooms in existing building.

Jeanne questioned number of bedrooms. Assessor's record shows 9 bedrooms. Discussion held. Applicant instructed he needed to go to the Building Dept and file an amended appeal with a different plan as the existing plan was already decided upon. And he needed to correct assessor's record as to number of existing bedrooms.

Applicant claimed he never received letter from ZBA in January. Attorney requested all future communications be addressed to him.

3. 08-04-08 ULSTER GREENE COUNTIES CHAPTER NYS ARC. INC
471 ALBANY AVE
KINGSTON, NY 12401

PROPERTY LOCATED 10 CEDAR LANE, BARCLAY HEIGHTS

SECTION INVOLVED 5.1 REAR YARD SET BACKS

FOR THE PURPOSE OF CONSTRUCTING AN ADDITION

Mr. Tom Clapper representing

Wants to build a sun room for clients. Will not increase number of residents. Yard is fenced in. Needs a 17' variance.

Public Hearing May 5, 2008. Applicant given information.

OLD BUSINESS

1. Bacchi

No new news. Jeremy reported they had submitted a new Part 1. Public Hearing will be April 15.

DISCUSSION

1 Minutes for March regular meeting approved on Motion by Jeanne seconded by Joe R. with grammar corrections. 5/0

2. Minutes for March special meeting approved on Motion of Jeanne seconded by Joe M. with the addition of wording to indicate no action or votes taken during executive session. 4/0 Henry abstained

3. Received Planning Board Minutes

4. Final hearing on Zoning Changes will be April 16 at 5:30 pm

5. Discussion held regarding a possible Guardian Appeal. Secretary instructed to return entire packet with letter explaining appeals are received by the Building Department and they needed to follow due process as they are well aware.

Next meeting May 5, 2008 at 7 pm at the Frank D. Greco Senior Center.

Meeting adjourned on Motion of Jeanne seconded by Joe M.