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**ZONING BOARD OF APPEALS**  
4 High Street Saugerties, NY 12477  
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**November 13, 2023**

**PRESENT:** Bill Schirmer (Chair), Henry Rua (Vice-Chair), Tim Scott Jr, Randy Ricks, Joe Mayone & Holly Strutt (Alternate)

**ALSO PRESENT:** Becky Bertorelli (Zoning Board Secretary)

**PLEDGE**

**PUBLIC HEARING**

NONE

**NEW APPEAL**

**JOHN MULLEN JR.: APPLICATION FOR A 0.38 ACRE BULK AREA VARIANCE**

176 Cole Bank Road  
Saugerties, NY 12477  
File#: 23-006  
SBL#: 16.2-1-13.200

The property is located in the Low Density Residential (LDR) zoning district. The applicant is requesting a 0.38 acre bulk area variance to meet the 4 acre bulk requirement for the zoning district.

Presented by Joe Mihm, the applicant's engineer. There is a section of land that currently is delineated on two different surveys, filed with the Ulster County Clerk's office, being allocated to two different parcels. Due to this 0.38 acre discrepancy the new proposed parcel proposed for a minor subdivision will not meet bulk requirements for the LDR district. The applicant is looking to rectify that issue by getting approval for an area variance for the entirety of the area in question. The minor subdivision has been conditionally approved by the Planning Board pending one of the following:

- Quit Claim Deed from the adjacent lot owner (SBL #16.2-1-27.100);
- Article 15 proceeding under the Real Property Actions and Proceedings Law, in order to clear title;
- Area Variance from the Zoning Board of Appeals to allow Parcel A to be undersized.

The applicant has assessed all possibilities and has decided the best way to move forward would be for the area variance. The applicant does not look to develop that small section that is overlapping. Rua-will there be a solution with the overlap? Mihm-not something that the applicant is looking to pursue legally at this time. The neighbor has not been open to discussing a solution. Strutt-Praetorius & Conrad, P.C. surveyed both adjoining properties where the overlap

occurs, correct? Schirmer-in the notes of the survey it does note that there is a possible overlap. Mayone-who has been paying taxes on that section of land? Mihm-Mullen.

A motion was made by Mayone, seconded by Rua, to set the public hearing for December 4, 2023. Board Vote: Scott-Aye, Ricks-Aye, Mayone-Aye, Rua-Aye, Schirmer-Aye. Motion carried. A motion was made by Ricks, seconded by Scott, to declare this a Type II Action under SEQR. Board vote: Scott-Aye, Ricks-Aye, Mayone-Aye, Rua-Aye, Schirmer-Aye. Motion carried.

**Scott Kolb: APPLICATION FOR THE FOLLOWING -**

- **BULK - 0.87 ACRES**
- **LOT WIDTH - 88'**
- **SIDE YARD SETBACK - 21'6"**

21 Oakledge Park  
Saugerties, NY 12477  
File#: 23-007  
SBL#: 17.20-1-9

The property is located in the Moderate Density Residential (MDR) zoning district with Sensitive Area Overlay (SA) and Waterfront Overlay (WO). The applicant is requesting the following area variances to meet setback & bulk requirements in the zoning district. It was determined that the SA Overlay does not impact this particular parcel due to the section of the zoning which explains applicability by stating “The provisions of this section shall apply to all parcels of land in the Sensitive Area (SA) Overlay District with an area of five acres or more on the date of adoption of this chapter and its amendments, including any parcels resulting from any subsequent subdivision thereof.”

Presented by the owner/applicant, Scott Kolb. Purchased the parcel over the summer. There is a small section of the parcel that will be sold to the neighbor, 25 Oakledge Park, which currently does not have any property on either side of their garage. The parcels in that area are almost all bisected by the roadway, separating the houses and the garages. The applicant presented a lot line revision to the Planning Board and was referred to the Zoning Board to apply for the side yard area variance in order to make the requested lot line revision proposed work. The applicant’s garage has property on both sides and the one located at 25 Oakledge does not, this lot line revision would give a buffer between the garages and create some green area for 25 Oakledge. It will ease the burden on the applicant for lawn maintenance and landscaping requirements. The section that is being moved to 25 Oakledge will not be built on, according to the current owner and the applicant. Rua-wouldn’t it be more beneficial to the applicant if they moved the lot line halfway so that both parcels retain some of the land as a buffer between the two garages? Schirmer-agree, moving the line all the way over to the applicant’s garage, with a 3’ buffer, will not leave a lot of room for maintenance to that garage. Strutt-the applicant’s lot is significantly bigger than the other lot. Mayone-would the applicant be against moving the lot line 14’ instead of the proposed 28’? Kolb-not against it, will consider and get back to the Board ASAP.

Motion was made by Mayone, seconded by Scott, to set the public hearing for December 4, 2023. Board vote: Scott-Aye, Ricks-Aye, Mayone-Aye, Rua-Aye, Schirmer-Aye. Motion carried. A

motion was made by Rua, seconded by Ricks, to declare this a Type II Action under SEQR. Board vote: Scott-Aye, Ricks-Aye, Mayone-Aye, Rua-Aye, Schirmer-Aye. Motion carried.

**ELLEN KOLBER: APPLICATION FOR A 20' SIDE YARD SETBACK AREA VARIANCE TO CONSTRUCT A DETACHED GARAGE.**

434 Band Camp Road  
Saugerties, NY 12477  
File #: 23-008  
SBL #: 17.1-5-48.2

The property is located in the Moderate Density Residential (MDR) zoning district. The applicant is requesting a 20' side yard setback area variance to construct a 1-car garage.

Alvah Weeks, Code Enforcement Officer, presented the reason for the variance request for the applicant. That section of the neighborhood has many non-conforming parcels. This particular parcel is 1/3 acre and the well/septic are located in the rear yard, which makes building a detached garage behind the house not feasible. Met with the applicant at the house to see where the garage would best fit. The location that was settled on does require the variance. Kolber-I work in the medical field and leave the house early in the morning and would like the 1-car garage so that I can keep my vehicle out of the weather and make it easier for me to get out in the morning. The location proposed is to the left of the house, the variance we are requesting would not make the parcel more non-conforming than the other parcels in the neighborhood. There is an existing fence between my house and the neighbor's, the garage will remain within that fenced area. Upon review of the variance request it is noted that the fence is located 1' off the property line and the request was made when measured from the fence to the proposed location. Therefore, the correct variance requested would be a 19' side yard area variance. Schirmer-the applicant will have to remove a section of the fence that runs along the front of the property to access the proposed garage. Kolber-correct.

A motion was made by Ricks, seconded by Scott, to set the public hearing for December 4, 2023. Board vote: Scott-Aye, Ricks-Aye, Mayone-Aye, Rua-Aye, Schirmer-Aye. Motion carried. A motion was made by Mayone, seconded by Rua, to declare this a Type II Action under SEQR. Board vote: Scott-Aye, Ricks-Aye, Mayone-Aye, Rua-Aye, Schirmer-Aye. Motion carried.

**OLD BUSINESS**

NONE

**BOARD DISCUSSION**

- A motion was made by Scott, seconded by Ricks to approve the September 25, 2023 draft minutes. Board vote: Scott-Aye, Ricks-Aye, Mayone-Aye, Rua-Aye, Schirmer-Aye. Motion carried.
- The 2024 Submission/Meeting Schedule was reviewed and approved to be distributed and posted on the Town website.
- Planning Board meeting minutes were received.

## **ADJOURNMENT**

A motion was made by Rua, seconded by Mayone, to adjourn the meeting as there are no further items to discuss. Board vote: Scott-Aye, Ricks-Aye, Mayone-Aye, Rua-Aye, Schirmer-Aye. Motion carried. Meeting adjourned 7:50 pm.

Respectfully submitted,

Becky Bertorelli

*Secretary*

*Zoning Board of Appeals*