



TOWN OF SAUGERTIES

ZONING BOARD OF APPEALS

4 High Street Saugerties, NY 12477

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ZBA Monthly Meeting October 1, 2012

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

Absent: Henry Rua,

Also Present: Alvah Weeks, Brian Weeks, Mr. Vetere, Mr. Schuman & Mrs. Schuman, Bruce Leighton

~ Meeting started at 7:04pm by Jeanne Goldberg.

Public Hearing:

1. Zambrella, Gene & Karen
59 Manorville Rd.
Saugerties, NY 12477

File#: 12-0008

SBL#: 7.4-3-15 & 7.4-3-14.100

- Properties located at 59 and 57 Manorville Rd.
- The proposed lot line revision will increase the existing undersized lot width of Parcel B from 78.99' to 90.99' and decrease the conforming lot size of Parcel A from 156' to 144'. Parcel B will be required to get an Area Variance of 59.01' and Parcel A will be required to obtain an Area Variance of 6' prior to Planning Board approvals for the proposed lot line revision. The minimum lot width within LDR (SA) designated zoning is 150'.
- The applicants are requesting this appeal in order to eliminate a common driveway and to not have to create a road agreement.
- Mr. Vetere present at time of meeting for applicants.
- Mr. Vetere handed in all the Certified Return Receipts at start of meeting.
- Public Hearing started at 7:04pm.
- Mr. Vetere showed map again for variances to eliminate a common drive so a road agreement does not have to be created too.
- Lots are pre-existing undersized and non-conforming.
- Jeanne asked if Manorville Rd. was a Town Rd. or a County Rd. Mr. Vetere said that it is a Town Rd.
- Mr. Vetere stated as he did in September's meeting that he still needs to get Town of Saugerties Highway Department approval for the curb cut for the new driveway but that it all hinges on the decision of the Zoning Board. He also stated that he sees no issue with the granting of the curb cut by the Highway Dept. because there is good site visibility.

ZAMBRELLA PUBLIC HEARING CONT'D 10/1/12:

- Sam stated that she spoke with one of the owners, Karen Zambrella, and said that she is doing this because her driveway is by her steps and she does not want people driving past where her grandchildren play, basically make it safer.
- Jeanne asked Alvah that the reason they need two (2) variances is because (2) lots are involved. Alvah said yes.
- Jeanne asked the public if they had any questions, no comments, and no public in attendance.
- Jeanne then asked the Board if they had any questions, no, all were satisfied.
- Jeanne then closed the Public Hearing at 7:15pm.
- Mr. Vetere was informed that the Board now has 62 days to reach their decision and that once they did he would be notified in writing within 5 days.
- Mr. Vetere added that he will submit the plans to the Planning Board as soon as he gets word and would like to thank the Board.

2. Seckler Trust/Robert Seckler 249 Fawn Rd. Saugerties, NY 12477

File#: 12-0006

SBL#: 8.3-3-2

- Applicant is requesting a 10' Side Yard Area Variance in order to construct a 24' x 24' Two Car Garage at the above mentioned property.
- Certified return receipts were given at opening of meeting by representative Mr. Weeks.
- Public Hearing opened at 7:16pm.
- Mr. Weeks present at meeting for applicants.
- Board had new maps given to them with aerial views of the property.
- Jeanne asked the public if they had any questions – no one in attendance for this appeal.
- Jeanne asked the Board if they had any questions.
- Sam worried that the 24' x 24' proposed garage will be turned into an accessory apartment. Mr. Weeks said that this is not what is happening with this project and to do that the owner would need to contact the Health Department.
- Mr. Weeks stated that the shed in back after the tank where trees are is flooded and swampy on the west side of the property.
- They want the garage by the house because they are elderly and it is the only good place on the property to put it and so they do not have to do more paving.
- Applicant is limited to where they can build due to the fact that the septic is behind the house, there is a slope in the land, and that the lower portion of the property floods.
- Mr. Weeks also stated that the rear of the house is a non-conformity because it is only 64' from the center of Fawn Rd. and if the new garage were built it would have to be 75' from the center line of Fawn Rd. but since they are keeping it in-line with the already pre-existing non-conforming residence then the applicants are ok.
- Jeanne asked the Board if they had any more questions, no.
- Public Hearing was then closed at 7:25pm.
- Jeanne informed Mr. Weeks that the Board now has 62 days to make their decision and once it was made they would notify him in writing within 5 days.

OLD BUSINESS:

Pellegrini, Gianfranco
16 Arthur Ln.
Saugerties, NY 12477

File#: 12-0001

SBL#: 17.2-5-36

- Property located at 2769 Rt. 32 also known as the former Wynkoop Residence.
- No one there at meeting.
- Nothing new brought to Board by Applicants
- 9/24/2012 applicant visited with the Building Inspector Alvah Weeks and discussed water they could get into the property.
- Keep on Agenda until further notice by Applicant.

OTHER BUSINESS:

1. Robert & Jeanne Schuman
3185 Rt. 9W
Saugerties, NY 12477

File#: 12-0007

SBL#: 29.5-1-11.310

- Property located at 3185 Rt. 9W
- Applicant was present at time of meeting
- Jeanne asked him to come forward.
- Mr. Schuman was going to present the Board with a new idea on the sign relating to an Area Variance instead of a Use Variance but since he did not have a new application Jeanne told him they could not hear the appeal.
- Mr. Schuman stated that he would like to do both a Use Variance and an Area Variance and do them at the same time.
- The Board said they could not and would not do that.
- Mr. Schuman said that he is sure he will lose his tenant now because of all of this.
- Mr. Schuman again showed pictures, like last meeting, of signs that he feels violate the Zoning Law. He mentioned again Ward Backhaus' signs and that he has too many on his property and that that is what he would like to do, two signs on his property.
- The Board again told Mr. Schuman that the 2nd sign on Mr. Backhaus' property was placed there as a mistake on the Building Departments behalf and that the appeal for it was granted with the stipulation that this was not setting a precedence due to the fact that it was originally issued in error and that the other signs were for the Building Dept. to handle not the Zoning Board.
- Brian mentioned that since he did not have an application he did not want to hear the new appeal.
- Sam stated that if he switches to an area variance the fee will roll over however if he wants to do both a use and an area variance then he will have to repay the \$200.00 fee.
- Jeanne again, like last meeting, informed Mr. Schuman that if he wants to continue with a Use Variance then he will really have to do his homework and show just why in everything.

OTHER BUSINESS - SCHUMAN CONT'D 10/1/12:

- Jeanne told him he has until next month to decide and that he had to have all the paper work in no later than October 24, 2012 to the Building Department so that the Sect. for the ZBA could have all the information.
- Joe then asked why he doesn't just give up his space on the sign for the new tenant since Mr. Schuman's business really speaks for its self.
- Mr. Schuman said that the tenant wants his own and it is not fair to his business.
- Mr. Schuman stated that his original size was granted at 48sq.ft but that he only built it at 36sq.ft. The Board and Alvah Weeks then asked why you just do not add onto it.
- Board recommended once again that Mr. Schuman do the paperwork for an Area Variance and bring it into the Secretary as soon as possible. But ultimately he is allowed to do what he wants. Jeanne stated again how hard it is to prove a Use Variance.
- Brian asked what percentage of the tenants business is drive-up. He was not sure.
- Mr. Schuman and the Board decided to table this issue until November's meeting and that Mr. Schuman is to have all his information into the Building Department as soon as possible.
- Meeting ended at 7:58pm.

2. Newburgh Garden Corp.
P.O. Box 1107
Beacon, NY 12508

File#: 12-0004

SBL#: 18.1-1-26

- Property located on People's Rd. on the Rt. 32 end.
- Applicants wish to construct a Senior Residence.
- Applicants at last meeting (September) requested to be put on hold until November's meeting so that they could gather the needed information to pursue a Use Variance.
- Board discussed whether or not to do a Short or Long EAF – after discussion the Board decided on and voted (4-0, Rua - absent) to recommend a LONG Form EAF for this projects SEQRA.
- Secretary is to send a letter to the applicant stating this.
- Board requests that Part II of the LONG FORM EAF be done by Town Planner.
- Board had no other comments.
- No one from this appeal was present.

DISCUSSIONS:

1. Board discussed minutes from September's meeting. Sam asked that on page 4 under Zambrella's Appeal that the fifth line be change from undersized 3 acre parcel to undersized ½ acre parcel. Motion made by Sam and 2nd by Joe. Vote taken 4-0 (Rua – absent).
2. All members received Planning Board minutes.
3. SEQRA determined for Newburgh Garden Corp File# 12-0004 as a Long Form EAF. Schuman File #12-0007 nothing was determined yet.
4. Board members asked that the Secretary sign them up for classes to get their needed credits for the year.

DECISIONS:

1. Zambrella, Gene & Karen
59 Manorville Rd.
Saugerties, NY 12477

File#: 12-0008
SBL#: 7.4-3-15 & 7.4-3-14.100

At a meeting of the Zoning Board of Appeals held on October 1, 2012 the above appeal was considered and the following was determined based on the five (5) criteria regarding the balancing test that states that the Board shall balance benefit to the application with detriment to health, safety, and welfare to the community:

*** PARCEL A – 2.576acres ***

1. An undesirable change would not be produced in the character of the neighborhood nor would a detriment be created to nearby properties. The variance being requested is to eliminate a common driveway and to create a new driveway by giving land to the smaller parcel known as parcel B.
2. The benefit sought by the applicant cannot be achieved by any other means feasible means because the parcels were created in 1986 before Zoning took effect in 1989.
3. The variance being requested is minimal not substantial.
4. The proposed variance will have no adverse effect or impact on the environment it will improve it because they will be eliminating a common driveway.
5. The alleged difficulty was not self-created due to the fact that the property was created and built on before zoning was created in 1989.

Motion was made by Joe Mayone to grant the variance being requested for Parcel A due to the fact that nothing negative is going to be created and that in giving this variance of 6' it will make Parcel B a less of a non-conforming lot. The motion was then 2nd by Sam Dederick.

A vote was taken –
Goldberg – yes, Sawchuk – yes, Mayone – yes, Dederick – yes, Rua – absent

Therefore, the motion was passed and the appeal is granted for a 6' variance to the required 150' minimum lot width for Parcel A.

*** PARCEL B - 0.551acres ***

1. An undesirable change would not be produced in the character of the neighborhood nor would a detriment be created to nearby properties. The variance being requested is to eliminate a common driveway and make a non-conforming lot 12' wider thus making it a less non-conforming lot.
2. The benefit sought by the applicant cannot be achieved by other methods because the properties were created before zoning was created in 1989.
3. The requested variance is not substantial; it is improving a pre-existing non-conforming lot.
4. The proposed addition of 12' from Parcel A to Parcel B on the front lot width increases the total front lot width of Parcel B from 78.99' to 90.99', thus decreasing the non-conforming status. The proposed change would not have an adverse effect or impact on the physical or environmental conditions in the neighborhood since it would be improving the land's width to conform more to the zoning regulations.

Zambrella Decision Cont'd 10/1/12:

5. The alleged difficulty was not self-created due to the fact that the parcels were created before zoning.

A Motion was made by Brian Sawchuk and 2nd by Joe Mayone to grant the variance of 59.01' in order to make Parcel B a less non-conforming lot so that a common drive could be eliminated and a new driveway corrected.

A vote was taken:

Goldberg – yes, Rua – absent, Sawchuk – yes, Dederick – yes, Mayone – yes

Therefore the motion was approved and the appeal granted for Parcel B to increase the total lot width from 78.99' to 90.99' a difference on 59.01'.

2. Seckler Trust/Robert Seckler
249 Fawn Rd.
Saugerties, NY 12477

File#: 12-0006

SBL#: 8.3-3-2

At a meeting of the Zoning Board of Appeals held on October 1, 2012 the above appeal was considered and the following was determined based on the five (5) criteria regarding the balancing test that states that the Board shall balance benefit to the application with detriment to health, safety, and welfare to the community:

- 1 .An undesirable change would not be produced in the character of the neighborhood nor would a detriment to nearby properties be created by granting this variance due to the fact that other properties on that road are even more non-conforming than this one.
2. The benefit sought by the applicant cannot be achieved by other methods because the septic system is behind the residence, the property slopes in the rear, and wetlands in the rear precludes alternative placement of structure.
3. The required area variance of 10' is not substantial due to the fact that it is only 33% of the required side yard setback of 30'.
4. The proposed variance will not have an adverse effect or impact on the neighborhood because it fits in with the neighborhood.
5. The alleged difficulty was not self-created because the difficulty is created by the physical characteristics of the property and because the house was built in 1948 far before zoning.

A motion was made by Brian Sawchuk to pass the 10' side yard area variance for the proposed project of a 24' x 24' Two Car Garage because no adverse effects to health or safety would be in jeopardy if this was granted. The motion was then 2nd by Joe Mayone.

A vote was taken:

Mayone – yes; Dederick – yes, Sawchuk – yes; Goldberg – yes, Rua – absent
Therefore, the motion is passed and the appeal is granted.

~ Motion made by Joe to adjourn the meeting, 2nd by Sam; vote taken 4-0, (Rua-Absent).

~ Meeting ended at 9:00pm.