



TOWN OF SAUGERTIES

ZONING BOARD OF APPEALS

4 High Street Saugerties, NY 12477
Tel: (845) 246-2800, ext. 373
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ZBA Monthly Meeting March 7, 2011

Present: Joe Roberti, Sr., Jeanne Goldberg, Joe Mayone, Brian Sawchuk, Samantha Dederick

Absent: Henry Rua, Bruce Leighton

Also Present: Richard Rothe, Alvah Weeks, Jr.

~ Meeting started at 7:10 pm by Joe Roberti, Sr.

PUBLIC HEARING:

Rothe, Kris
72 Wegebauer Rd.
Saugerties, NY 12477

- 31 Fishcreek Rd.
- File #11-0001
- SBL#: 17.3-4-8
- Certified Return Receipt green cards were received at the opening of the Public Hearing.
- Public Hearing opened at 7:10pm.
- Joe R asked the public to address the Board if they had any questions or comments. No one from the public attended the meeting.
- Joe R asked the Board if they had any questions.
- Jeanne asked what the size of the entire house is, Richard said 24 x 36. So the entire house for square footage is 1680.
- Joe M asked if the variance needed is in-fact 1.2acres, Richard and Board said yes.
- Brian asked if they needed Board of Health Approval to do a two family home. Richard stated that the house was approved with a septic for 3 bedrooms and the house is 2 bedrooms upstairs and 1 bedroom downstairs.
- Jeanne asked if it was a new septic installed, yes it was a new septic.
- Joe R asked if there were any more questions, none of the Board had anything else to say.
- Public Hearing closed at 7:15pm.
- Joe R informed Richard that a decision would be made in 62 days or tonight and that he would be notified by mail.

DECISIONS:

Krauss, Jason
13 Catskill View Cir
Saugerties, NY 12477

- 13 Catskill View Cir
- File #: 10-0007
- SBL#: 17.1-2-39
- Joe R asked if the decision needed to be made by tonight, yes.

Krauss Decision Cont'd:

- Sam stated that the owners could not build the garage flush with the house because of the grade difference between the two structures plus they wanted space between the garage and mudroom to walk to the back of the house.
- Joe R stated that it is not going to change the character of the neighborhood.
- Brian stated that he is in favor of approving the variance because they cannot place it anywhere else on the property, that there would be no undesirable change to the neighborhood, the variance is substantial because he is requesting 10' in a 25' zoned section which makes it substantial in his eyes, it was not a self-created issue, and because there would be no environmental impact and that he feels it goes along with the rest of the neighborhood.
- Jeanne stated that she feels it is self-created but because there is no other feasible place to put the structure she is ok with making a decision on it.
- Brian made the motion to grant the variance based on the fact that they cannot place it anywhere else on the property, that there would be no undesirable change to the neighborhood, the variance is substantial, it was not a self-created issue, and because there would be no environmental impact.
- Joe R 2nd the motion.
- Vote was taken: Brian – yes, Joe M. – yes, Jeanne – yes, Joe R. – yes, Henry – absent.
 - o All in-favor,
- Therefore, the motion is passed and the approval is granted to construct the garage.
- Notice is to be given to all within 5 days.

Rothe, Kris 72 Wegebauer Rd. Saugerties, NY 12477

- 31 Fishcreek Rd.
- File #11-0001
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- Joe R stated that if it were only Mrs. Rothe living there he would consider it a hardship but it is her relatives and if we approve this size of a variance it would cause and/or create a huge precedence.
- Brian agreed with what Joe R said.
- Joe M was surprised that the public did not attend because granting this variance could change the entire dynamics of the neighborhood.
- Joe R stated that the size of the variance almost borders on the need of it being a use variance and not an area variance
- Brian made the motion to deny the application based on the size of the variance requested and that it cannot be achieved by any other means, that while it would not change the characteristics of the neighborhood this part of the five (5) criteria does not play a major part in the decision, that the variance is extremely substantial, it would not have any adverse impact on the environment of the area, and that the alleged difficulty was very much self-created.
- Jeanne 2nd the motion to deny the application agreeing with all of what Brian said.
- Vote was taken: Brian – yes, Jeanne – yes, Joe M. – yes, Joe R. – yes, Henry – absent
 - o All in-favor
- Therefore, the motion is passed and the variance is denied.
- Notice will be given within 5 days.

DISCUSSION(S):

1. Candace Voda was sent an "Order to Remedy" by Alvah Weeks, Jr., Building Inspector, to take down the structure that she started to build without benefit of a building permit. Her appeal was denied by the Board which in turn led Alvah to send the Order to Remedy. Alvah gave her until May 23, 2011 to take down the structure. Brian asked if she would need a Demolition permit to take down the structure, Alvah stated no.
 2. Jeanne made motion to approve January's minutes as written Joe R. 2nd vote taken 4-0, Henry Absent. Motion passed.
 3. Joe R. made motion to approve February's minutes as written Joe M. 2nd vote taken 3-0, Henry Absent and Jeanne did not vote due to her absence from February's meeting.
 4. All received Planning Board minutes.
- ~ Brian made motion to adjourn the meeting and it was 2nd by Jeanne.
Vote was taken, all in-favor 4-0, Henry – absent.
- ~ Meeting ended at 8:15pm.
- ~ The next meeting will be April 4, 2011 at 7pm at the Senior Center.