

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

REGULAR MEETING

MAY 5, 2008

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

**PUBLIC HEARING**

1. 08-04-08                   ULSTER GREENE ARC  
                                  471 ALBANY AVE.  
                                  KINGSTON, NY 12401

PROPERTY LOCATED AT 10 CEDAR LANE, BARCLAY HEIGHTS  
SECTION INVOLVED 5.1 REAR YARD SET BACK  
FOR THE PURPOSE OF CONSTRUCTING AN ADDITION 13 FEET FROM LINE

Mr. Clapper presented green receipts cards.

Site is a corner lot. Property behind is the Bowling Alley with its dumpsters. ARC owns the property next door that is wooded. Building is constructed with one wing for males and the other side for females. Addition needs to be accessible to both therefore must come off the common area. Back yard is fenced in.

No public comment.

Public Hearing closed.

2. 05-02-08 continuation    DAREN STAMP

Mr. Stamp made presentation: Took back lot (3) off of lot 1. Area across Rt 32 is zoned General Business. Feels his property should be rezoned. Does not have any deed restrictions on lot 1. Cannot prove any hardship relating to the land. Has no information to prove any financial hardship. Has been in contact with Supervisor Helsmoortel and Attorney George Redder.

John Greco, resident of Ebel Court: Mr. Stamp failed to show hardship. Other neighbors present from Ebel Court and Seyler Terrace could testify that a restaurant would alter the character of the neighborhood. All were concerned about the safety for school children because there is a school bus stop at that corner.

Karl Lezette of Ebel Court: Opposed

Mrs. Carcone of Rt 32: This is America. Why persecute a person for trying to open a business?

Mike Rogers of Ebel Court: Would change the neighborhood. Concerned about the safety of school kids.

Mr. Morales of Ebel Court: Opposed to restaurant. There are deed restrictions to keep the area residential  
Steven Wallach, Esq. : Hasn't proved hardship.

Public Hearing Closed.

**OLD BUSINESS**

1. 07-04-08                   TIMOTHY BAXTER

Letter from George Redder, Esq. advises this must be dealt with as a use variance. Town Board has adopted the new zoning law.

No one present to represent this appeal. Secretary to write Mr. Baxter to see if he is pursuing the appeal or does he wish to withdraw the appeal. To withdraw he must do so in writing.

2. 02-01-08                   BACCHI

No word from the Planning Board regarding a SEQR determination.

**DISCUSSION**

1. Minutes for April approved on Motion of Jeanne seconded by Joe M.    5/0

2. Received Planning Board draft copy of minutes for April
3. Board received a copy of a letter from George Redder regarding Guardian. To date the Board has not received a properly filed appeal.

### DECISIONS

#### 1. 05-02-08 STAMP

SEQR for Stamp:

Motion by Jeanne seconded by Brian that this is an unlisted action. Roberti, Goldberg, Mayone, Rua and Sawchuk - yes.

Mr. Stamp given Part 1 of short form EAF which he filled out and returned to board.

Board filled out Part 2 of EAF.

After review, Motion made by Jeanne seconded by Joe R. to make a negative declaration based on the fact that any negative impacts of traffic, noise and safety could be mitigated during Site Plan / Special Permit process.

Roberti, Goldberg, Mayone, Rua and Sawchuk - yes.

The Board informed the public of the information Mr. Stamp had presented in writing.

Comments by Board: No financial information presented as required by law.

No unique hardship with property.

Applicant stated there was no hardship.

Any hardship is self created.

Use variance is unrealistic.

Would change the character of the neighborhood.

Can go to the Planning Board for special permit for a Bed and Breakfast.

A Motion made by Joe R. seconded by Joe M. to deny a use variance for a food preparation establishment.

Roberti, Goldberg, Mayone, Rua, and Sawchuk yes

The motion is passed and the appeal is denied.

#### 2. 08-04-08 ARC

SEQR: Motion by Jeanne seconded by Henry this is a Type 2 based on 6.17.5(c)(12)

Roberti, Goldberg, Mayone, Rua and Sawchuk Yes.

Comments: Property is well defined and fenced in. Would not change the character of the neighborhood.

Applicant has considered other methods which are non-feasible due to nature of building. Request is minimal.

Addition is needed for welfare of clients.

A Motion made by Joe R. seconded by Brian to grant appeal for a 17 foot rear yard variance.

Roberti, Goldberg, Mayone, Rua and Sawchuk Yes.

The motion is passed and the appeal is granted.

Next meeting is June 2, 2008 at 7 pm at the Frank D. Greco Senior Center.

Meeting adjourned on Motion of Henry seconded by Joe M.