



# TOWN OF SAUGERTIES

## ZONING BOARD OF APPEALS

4 High Street Saugerties, NY 12477

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### September 10, 2018 Meeting Minutes

**Present:** Jeanne Goldberg, Samantha Dederick, Henry Rua, Patti Kelly, and Tim Scott  
(alternate)

Absent: Joe Mayone

**Also Present:** Alvah Weeks: Building Inspector and Mike MacIlsac: Town Board Liaison, Kim Smith Zoning Board Secretary, and Mr. Peter C. Tully

- Jeanne called the meeting to order at 7:05p.m.
- Pledge started by Sam
- Jeanne announced that Joe Mayone is not present due to a prior commitment, and that Henry Rua will be arriving late to the meeting.
- Jeanne designated Tim Scott, alternate, to join the board in Joe Mayone's absence. Tim accepted.
- Henry arrived at 7:14pm

**New Appeal:**

Peter C. Tully

73 George Saile Road

Saugerties, NY 12477

SBL #: 2.4-2-62

File #: 18-0010

- Appeal started at 7:09pm
- Mr. Tully was present
- Mr. Tully stated that he would like a 12' side yard area variance to build a 20' x 30' storage structure for his boat.
- Property is zoned Moderate Density Residential
- Zoning law requires a minimum side yard of 25', and there is only 13' from the shared parcel boundary, so this is a setback request
- Mr. Tully explained in great detail that the proposed location for the storage structure is ideal because it doesn't interfere with his septic, well, or wooded area of property.
- He advised that the location will also allow him to back his truck with the boat into the storage structure with ease.
- Patti asked Mr. Tully to point out on our maps and drawings exactly where his septic, well and driveway are located.

- Mr. Tully pointed out to the board the details of his property, and where the property lines actually are, as the print out from the county website property lines were askew.
- Alvah advised that the parcel viewer is not always exact
- Jeanne asked the board if anyone had any more questions. There were none.
- Patti made the motion to set the Public Hearing for October 1, 2018, Tim seconded, vote taken 5-0.
- ZBA secretary, Kim Smith, gave Mr. Tully his Public Hearing information and the list of surrounding properties that needed to be notified prior to the hearing.
- Jeanne described the process of notifying the surrounding property owners further to Mr. Tully, and explained that after the Public Hearing the board has 62 days after the close of the Public Hearing to make a final decision, and he will be notified within five business days of the decision being made.
- Mr. Tully understood, and left the meeting.
- Patti made the motion to determine SEQR as Type II 617.5(c)12, seconded by Jeanne, vote taken 5-0
- Appeal ended at 7:17pm

### **Old Business:**

John & Ana Marvin  
 210 Riverside Drive  
 Malden, NY 12477  
 File #: 18-0005  
 SBL #: 8.4-2-4.210

- Started at 7:18pm  
 Jeanne asked the board if they were ready to vote on the Marvin Appeal tonight, voice vote 5-0, yes
  - A motion was made by Sam to approve the area variance for the Marvin dock for a 90 square foot variance for the dock size to total 240 square feet. Also a 40 foot variance for extension to total of 70 feet into the Hudson River. Both of these variance approvals are contingent upon written receipt by the Zoning Enforcement Officer of Permits from the DEC, the DOS, Department of Coastal Management and the Army Corps of Engineers. As stated by Mr. Marvin at the August 6, 2018 Public Hearing "Any changes that they would be asked to make to the dock design by the other agencies would mean that he would have to resubmit". This variance also requires approval by the Planning Board of Saugerties. Seconded by Jeanne.
1. It was determined that no undesirable change in the neighborhood character or nearby properties will result. There are other docks on the Hudson River that approximate the same size. This is a seasonal floating dock to be removed in the winter.
  2. Although the request is substantial, it is necessary in order to safely dock their boat beyond low tide level.
  3. The request will have no adverse physical or environmental effects as it is within the safe distance to shipping channels.

4. The alleged difficulty is not self-created because of the tidal flow of the Hudson River.
5. The benefit of the size of the dock cannot be achieved by any other feasible means. (Although the anchoring of the floating dock could be achieved by holding poles in the water as opposed to the two precast concrete dead man blocks with chains that go beyond the dock)

- Patti commented on how well written the decision was.
- Henry stated that he felt that #5 was redundant, and unnecessary.
- Jeanne suggested an amendment to delete the portion of #5 in parenthesis, all agreed.
- #5 now reads
  - The benefit of the size of the dock cannot be achieved by any other feasible means.
- Jeanne asked the board if they had any further questions or concerns, no.
- Vote was taken:  
Goldberg – yes, Dedrick – yes, Kelly – yes, Rua – yes, Scott – yes
- Therefore, by a vote of 5-0 the motion is passed unanimously, and the appeal is granted.
- Jeanne explained that the board has 5 business days to advise the applicant on the decision made.
  
- Ended at 7:32pm

**Old Business Cont:**

Dennis Lazaroff  
RE: Landowners of Sportsman Club  
50 Quarry Rd.  
Saugerties, NY 12477  
File #: 18-0005  
SBL #: 8.4-2-1.111

- Started at 7:32pm
- Jeanne wanted to let the board know that she did write a letter to George Redder, our attorney, asking him for advice on this appeal dated March 2018.
- Alvah advised that he also sent a letter to Mr. Redder dated January 2018
- Both Jeanne and Alvah are awaiting a response from Mr. Redder to determine if the ZBA can even entertain this appeal.
- Patti asked if any further information was submitted by Mr. Lazaroff. No new information has been submitted.
- Jeanne mentioned that per Law 3 taxpayers must appear for this type of appeal.
- ZBA secretary is still awaiting response in writing from Mr. Lazaroff stating when he wishes to postpone his appeal until from the August 6, 2018 Zoning Board Meeting.
- Alvah stated that the Landowners Club has been there since the 1970's, they have built a safe pistol area, and that the Town of Saugerties currently has no noise ordinance.
- Jeanne advised that she didn't wish to discuss any further without hearing from the Town of Saugerties lawyer.
- Ended at 7:35pm

## Discussions:

- RE: Aug ZBA Meeting Minutes - Sam suggested the following updates: page 2, 2/3 way down the page change 400 sq ft to 4000 sq ft., and page 3 update the details of the Lazaroff appeal postponement
- A motion was made by Tim to accept the August 6, 2018 ZBA meeting Minutes, 2<sup>nd</sup> by Patti
- Vote taken to approve meeting minutes with said changes, 5-0, minutes approved.
  
- Jeanne advised the board that the agenda for the NYPF Training taking place on October 24, 2018 has been updated to include case law updates.
- Jeanne stated that all 6 board members are registered for this training, and that the board takes training very seriously.
- ZBA Secretary will print updated agendas and send to the board prior to the next meeting.
  
- Mike MacIssac asked the board a zoning question, who is responsible for writing any updated Zoning laws.
- Jeanne, Henry and Alvah advised Mike that once the new Zoning Law is board approved by the Town Board Dan Schuster writes up a draft, but there needs to be two public hearings done by the Town Board first.
- Jeanne advised that the Planning Board is helpful with explaining any zoning changes as well.
  
- A motion was made by Patti to adjourn the meeting, 2<sup>nd</sup> by Henry, voice vote 5-0.
- Meeting adjourned 7:42pm

Respectfully Submitted,  
Kim Smith  
ZBA Secretary