



TOWN OF SAUGERTIES

ZONING BOARD OF APPEALS

4 High Street Saugerties, NY 12477

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ZBA Monthly Meeting September 10, 2012

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

Also Present: Bruce Leighton, Alvah Weeks, Brian Weeks, Mr. Baeker, Mr. Schuman, Mrs. Schuman, Representatives for Newburgh Garden Corp, and Mr. Michael Vetere.

~ Meeting started at 7:10pm by Jeanne Goldberg.
~ Jeanne addressed the audience by asking that all people in attendance please turn cellphones off, take discussions outside to the hallway, and that to please take turns talking. She also stated that this Board is a Quasi-judicial board.

Public Hearing:

Wilfried & Cathy Baeker
64 Bellwood Rd.
Saugerties, NY 12477

File#: 12-0005

SBL#: 8.2-2-40.210

- Jeanne gave a description of what SEQRA is and why it is done.
- After a discussion on the Appeal, SEQRA was determined as a Type II 617.5(c)(10) by Motion of Sam and 2nd by Brian. Vote was taken and all were in-favor.
- Mr. Baeker was present at time of meeting. He handed the Certified Return Receipts in at the opening of meeting.
- Public Hearing started at 7:10pm.
- Mr. Baeker was given a copy of the letter from Highway Superintendent Doug Myer stating that his department will have no issues when it comes to maintaining the road.
- Applicant is requesting a 15' Front Yard Area Variance to comply with setback in-order to place an accessory structure on his property listed above measuring 12 x 28.
- Jeanne addressed the public if anyone had any questions or comments. No one was in the audience for this hearing.
- Jeanne asked Mr. Baeker if he had any questions or comments, no he did not.
- Jeanne asked the Board if they had any questions, no one did.
- Sam disclosed to Mr. Baeker that she has property within 600' of his property and asked if he wants her to recuse herself but that if she did not step down that it would not influence her decision. Mr. Baeker has no issues with it.
- Sam informed all the Board members that she had a meeting with Doug Myer and Alvah Weeks regarding this property.
- Public Hearing was closed at 7:15pm.
- Mr. Baeker was informed that the Board now has 62 days to grant a decision and once a decision is granted it will be given within 5 days.

New Appeals

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

File#: 12-0006

SBL#: 8.3-3-2

- Applicant's representative Brian Weeks asked the Board if he could go last, Board granted request and moved onto other applicants and will return to this appeal at end.

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. towards Rt. 32 end.
- Applicants wish to construct a Senior Residence with 33 Single Bed Rooms.
- The property in question is located in two zones GB and MDR, therefore the applicants will need two (2) variances, one being a Use Variance and the other being an Area Variance.
- Meeting opened at 7:16pm.
- Representatives for Newburgh Garden Corp were present at meeting. Mr. Harold Epstein and Engineer Mr. Justin Dates.
- Jeanne called the men to the front and asked them to explain what it is that they would like to do.
- Mr. Epstein discussed what the applicants wish to do with the 19+ acre parcel. Mr. Epstein stated that the property is located on the North Side of Peoples Rd and to the East of the property is the NYS Thruway and the West of the Property is 5.9+/- acres of wetland. He informed the Board that the majority of the complex will be in the MDR Zoned district and that because Senior Residences are not allowed in that district they would need a Use Variance granted to build in that section. The Area Variance being requested is 51'-5" because the front portion of the lot which is located in the General Business District (GB) does not meet the width requirements of 300'. Mr. Epstein stated that the width is 300' once you travel 200' into the property.
- Jeanne made it clear to the applicant with a hand-out what is necessary for filing a Use Variance and needing to meet certain criteria. Mr. Epstein was given a paper from the Zoning Law regarding what is required for filing a Use Variance.
- Applicants still need permission from the NYS Thruway to gain access to certain parts of the property. Henry felt they should discuss that with the Thruway as soon as possible.
- Mr. Dates also stated that the ARMY Corps of Engineers and the D.E.C have been asked to look at the wetlands to see who has jurisdiction over them and if they are classified or not. Mr. Dates said that the ARMY Corps was meeting them on site on Thursday 9/13/12.
- Jeanne asked if the DEC has responded to their letter dated back in January and Mr. Dates said no.
- The principal owner of Newburgh Garden Corp, Sam, was also present and stated that they have a deeded Right-of-Way onto the property.
- Jeanne asked Mr. Epstein if he had ever done a Use Variance, he said no, so Jeanne again stated that everything must be met in-order for a vote to be made and if one of the criteria are not met then it is an automatic denial. Mr. Epstein said that they would hire a financial analyst to determine the monetary issues.

APPEALS CONT'D (Newburgh Garden Corp.)

- Brian asked the applicant how they will not disturb the land if they intend to build on it. Mr. Epstein said he meant they would not disturb the wetlands, Brian asked that they change that on their application.
- Henry said they should wait to have the Public Hearing until they talk with the Thruway and to the ARMY CORPS and DEC, Jeanne agreed.
- Sam, Board Member, asked for a copy of the Deeded R-O-W.
- Mr. Epstein requested that the Board wait to schedule the Public Hearing until all their information is obtained.
- Jeanne made the motion to label this Appeal as an UNLISTED ACTION regarding SEQRA, motion was 2nd by Sam.
- Jeanne explained to the engineer what was entailed with doing a Long/Short EAF Form.
- Jeanne asked the Board if they wanted to vote listing this as a Long or Short EAF, the members felt they could not determine yet, Henry asked to wait until after the DEC and ARMY Corps came back with their determinations.
- Sam asked if the wetlands continue onto the surrounding properties, they do not know that is what they are finding out.
- Jeanne stated that the Board will hold off and applicant requested to hold off until all information is given.
- Applicant wishes to wait until November to make the Public Hearing.
- Board will discuss Long/Short EAF at October's meeting.
- Appeal ended at 7:50pm.

3. Jeanne Schuman
3185 Rt. 9W
Saugerties, NY 12477

File#: 12-0007
SBL#: 29.5-1-11.310

- Property located at 3185 Rt. 9W
- Applicant is requesting a Use Variance in order to put up another sign on the property for the insurance business known as Liotta Insurance.
- Meeting started at 7:50pm.
- Jeanne asked Mr. Schuman to address the Board on what he would like to do.
- Mr. Schuman showed pictures of other properties in the Town of Saugerties that have two signs or that are violating Town Zoning Law regarding signs.
- Mr. Schuman said that because the traffic on 9W goes by at 45-50 miles an hour that he would need another sign for anyone to see his business and that running a small business during this economic time he needs all the help he can get and he does not want to resort to placing a sign in the back of a truck like other businesses are doing.
- Jeanne mentioned to Mr. Schuman that getting a Use Variance is a very hard thing to do and that you must meet all four (4) items or it is an automatic denial. Mr. Schuman was then given a paper with all the requirements that he needs to meet.
- Jeanne stated to him that he could do an Area Variance by changing the existing signs square footage to a larger face.
- Mr. Schuman said that yes he could do that but his existing tenant could say no to contributing to a new sign and the new tenant may leave if they have to do any more.
- Jeanne again mentioned to Mr. Schuman that all four points need to be proved as to why he needs a Use Variance and since he can do an Area Variance he already has an issue.

APPEALS CONT'D (SCHUMAN):

- If Mr. Schuman wanted he could add onto the existing sign of at least 36sq.ft. per Alvah Weeks, Jr., the Building Inspector.
- Sam asked if the existing sign could just be made for the tenants since his business speaks for its self and then he could place a wall sign on the building for the monument business.
- Mr. Schuman said he did not want to take away from the sign nor did he want to place his sign on the building because people will not see it and because he did not know if the roof would be structurally sound if he did that. Plus if he added to the sign he would have to change the posts that he sign is on now and that would be a lot of work and due to the new Zoning Law the sign would have to be moved back towards the building and then no one would ever see the signs.
- Jeanne again encouraged Mr. Schuman to find a different way as well as the rest of Board encouraged him too.
- Henry stated that he should go for the Area Variance but to do his homework to see what is best for him and his tenants. Mr. Schuman stated again that he is not sure they will go for it.
- Jeanne asked Mr. Schuman if he wanted to wait until November's meeting to hold his Public Hearing and to make his decision on whether or not he wishes to change his Variance being requested to explore all his options and notify the Board by October's meeting. He agreed.
- Therefore, the appeal is on hold until October's meeting at which time the applicant will re-address the Board with his intentions.
- Meeting closed at 8:26pm.

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

File#: 12-0008

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

- Property located at 59 Manorville Rd. 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 require 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 an LDR (SA) designated zoning district is 150'.
- Meeting started at 8:30pm.
- Mr. Michael Vetere was present to represent the applicants.
- Mr. Vetere stated that the two separate parcels one is an undersized ½ acre parcel and the other parcel, he feels, meets all requirements for LDR(SA) Zoning.
- The applicants wish to eliminate the common driveway so that a road agreement does not have to be created.
- The existing driveway is 120' long.
- Mr. Vetere said he will discuss the new driveway with the Town of Saugerties Highway Dept. should he receive a positive outcome from the Board.
- Jeanne asked if there were any other questions. No.
- Public Hearing was scheduled for October 1, 2012 and Mr. Vetere was given all information.
- Meeting closed at 8:36pm.

APPEALS CONT'D :

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

File#: 12-0006
SBL#: 8.3-3-2

- Requesting a 10' Side Yard Area Variance in order to comply with setbacks. Applicant wishes to construct a Two Car Garage 24' x 24'.
- Meeting started at 8:39pm.
- Present to represent the applicants were Brian Weeks and Alvah Weeks.
- Alvah discussed what the applicant wishes to do and that this is the only logical place to put it because the slope in the yard and the lands surrounding it are not conducive to building it there.
- The garage will be in line with the existing residence.
- Jeanne asked if it was ok to see the property. Brian and Alvah both said yes.
- Public Hearing was scheduled for October 1, 2012 and all information was given to representatives.
- Meeting ended at 8:45pm.

OTHER BUSINESS:

1. Gianfranco Pellegrini
16 Arthur Ln.
Saugerties, NY 12477

File#: 12-0001
SBL#: 17.2-5-36

- Property located at 2769 Rt. 32 also known as the Wynkoop House.
- Board stated to keep on Meeting Agenda's until Applicant brings withdrawal papers or acts on the project.

DISCUSSIONS:

1. Jeanne asked for a motion of on the minutes from August. Brian made the mention to fix page 2 #4. Henry made the motion to accept as written with the change which was 2nd by Brian. Vote taken and all were in-favor. Minutes are approved as written with one change.
2. Planning Board minutes were received.
3. SEQRA determinations;
 1. 12-0005: TYPE II 617.5(c)(10) on the motion of Sam 2nd by Brian.
 2. 12-0006: Type II 617.5 (c)(13) on the motion by Henry 2nd by Sam.
 3. 12-0007: on hold, no vote taken
 4. 12-0008: Type II 617.5(c)(13) for both properties on the motion of Jeanne 2nd by Henry.
 5. 12-0004: Unlisted Action Jeanne requested all Board Members review Long and Short EAF and at October's meeting to please have an idea on which one they would choose. Jeanne is leaning towards the Long EAF.
4. Board suggests we redo the applications for ZBA.

DECISION:

1. Baeker, Wilfried & Cathy
64 Bellwood Rd.
Saugerties, NY 12477

File#: 12-0005
SBL#: 8.2-2-40.210

- Requesting a 15' Front Yard Area Variance to place an Accessory Structure on the property.

1. It was determined that an undesirable change would not be produced in the neighborhood nor would this variance create a detriment to nearby properties.
2. The benefit sought by the applicant cannot be achieved by other means due to the road known as Bellwood bisecting the applicant's property and because wetlands surround the only other place to put the structure.
3. The requested variance is substantial; however, since the property is surrounded by wetlands and because of the road bisecting the property there is no other apparent alternative location.
4. This variance will have no adverse effect or impact on the physical or environmental conditions in the neighborhood.
5. The alleged difficulty was not self-created. Because of the configuration of the lot including the wetlands and the road, this is the only way to allow the applicant reasonable use of the property.

Therefore, a motion was made by Sam to grant the above mentioned appeal because by placing the structure anywhere else they would be in the wetlands. The motion was 2nd by Brian and he stated that since the Highway Department sees no road issues with this structure he feels the appeal should be granted.

-A vote was taken:

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

-Therefore, the motion is passed and the appeal is approved 5-0.

~ Motion made by Joe to end the meeting. Motion was 2nd by Henry. Vote was taken, all were in-favor. Meeting adjourned at 9:01pm.

~ Next meeting will be held on October 1, 2012.

Respectfully submitted,
Kathleen Blundell
ZBA Sect.