



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 December 5, 2011

Present: Joe Roberti, Sr., Jeanne Goldberg, Joe Mayone, Henry Rua, Brian Sawchuk, and Samantha Dederick (alternate)

Also Present: Bruce Leighton, Alvah Weeks, Ms. Gomez, Mr. Genn, Mr. Graap, Mr. Dichiaro, Mr. & Mrs. Beisel, and neighbors near Mr. Graap's property.

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

New Appeal:

Land & Sea Grill
Celeste Maestro
395 Rt. 212
Saugerties, NY 12477

File #:11-0010

SBL#: 17.4-1-1

- Property located at 395 Rt. 212 and the applicant is requesting a sign variance of 24sq.ft.
- Appeal started at 8:37pm.
- Applicant did not show at meeting
- Appeal ended at 8:39pm.
- Secretary will call applicant to see if they still want to go through with project and if so then they need to attend January's meeting or it will be withdrawn.

Public Hearing:

Gomez, Migdalia
35 Montgomery St. Apt #5E
New York, NY 10002

File#: 11-0007

SBL#: 28.2-1-33

- Property located at 303 Fishcreek Rd. and requesting a 5'-0" Front Yard Area Variance to place a new manufactured home on the property.
- Public Hearing was opened by Joe Roberti at 7:11pm.
- Applicant turned in the Certified Return Receipt mail cards.
- Joe R. addressed the public if there were any comments. No one from the public had any comments or questions.
- Joe R. then asked the Board if they had any questions.
- Jeanne asked if there was any way to push the house back the 5' that is needed. The applicant stated no because of the power lines that run over the property.
- Jeanne said that then no matter what you need the 5' variance, the applicant said yes.
- The Board had no more questions.
- Henry made the motion to close the Public Hearing, motion was 2nd by Brian.
- Joe R. informed the applicant that the Board now had 62 days to make a decision on the appeal and once a decision was made they would be notified by mail within 5 days.
- Public Hearing was closed at 7:15pm.

Public Hearings (Cont'd)

Graap, Daniel
18 Hanover Cir.
Mahopac, NY 10541

File#: 11-0009

SBL#: 9.3-5-8

- Property located at 151 Patterson Rd.
- Public Hearing was started by Joe R. at 7:11pm.
- Received Green Certified Return Receipt Cards at start of meeting
- Joe R opened the Hearing to the Public.
- George Beisel of 163 Patterson Rd. addressed the Board with his concerns. He said that in 2003 he received a variance from the Zoning Board to build his residence and needed the variance to access his rear yard and make room for his septic. His concerns with Mr. Graap's house are that the size of the house next to his will impose hardships on his property. He will have the run-off because his property is lower, when they walk out their door they will see his house and that the house will only be 12' away from his house.
- Mr. Beisel also read a letter for the neighboring property located at 153 Patterson Rd. owned by Carl Pritzkat and Toni Travostino who could not attend the meeting. Their concerns are the size of the house, that it is out of character because of the size, they too have run-off concerns, is happy that the property will be developed but not to this extent.
- Mrs. Beisel gave the letter to the Board.
- Brian questioned if Mr. Beisel's house is 12' from the property line, yes it is.
- Brian asked Mr. Graap and Mr. Dichiaro if the side yard setback variance being requested is 98' and if the house is going to sit at top of the hill on the property.
- The applicant was asked if the house will be on the Town maintained portion of the road or the private road area.
- The Board asked who owns the stone driveway – no one could answer that, but they assumed it was Mr. Altiero and Mr. Graap.
- The Board asked if there is a leeching field or septic tank – Mr. Dichiaro said he was not sure because they have not dug anything to see. But regardless of what is there it will all be updated.
- Brian asked what the house is assessed as. It is currently a 4 bedroom home but the Assessors' office does not regulate mobile homes but the house is currently four bedrooms now.
- Joe M. asked how high the house will be built – almost 35' if not 35' per Mr. Graap.
- Joe M. stated that the house behind it will not see river once this house is built.
- Mr. Dichiaro stated again that because of the steepness of the land that the only place to be able to put the house is where it is stated on the site plan.
- Brian asked Alvah if this property is located on a private road then do setbacks apply – Alvah stated no.
- Brian stated that regardless of how the house is put or how it is worded what is being requested is a substantial variance and the applicant is making an existing non-conforming even more non-conforming.
- Henry agrees with Brian's statement – but if in fact this is located on a private road then why are we concerned with the setbacks if they do not apply.
- According to road maps and survey maps Patterson Rd. is considered a Town Maintained Road on paper but they stop maintaining it at the culvert pipe. So it is assumed that the remaining road to the river is owned half by Mr. Altiero and half by Mr. Graap.

Graap Public Hearing Cont'd:

- Mrs. Anderson of 158 Patterson Rd. was in attendance and spoke stating that she lives behind Mr. Beisel and that when he built his house he took partial view of the river from her house and if Mr. Graap builds then her entire view will be gone and her house will not be worth as much because of it.
- Brian asked how the house is situated on the property – Mr. Dichiario said that the house would run parallel to the river.
- Jeanne asked Mr. Graap if he does not get the variance what would be done – Mr. Graap stated that he would not build and possible sell the land.
- Question was asked again if it was a public right of way or private – no one knows the correct answer.
- Alvah Weeks called Bernie Ellsworth, Town of Saugerties Highway Superintendent, and asked Mr. Ellsworth if this part of Patterson Rd. is a private right of way. Mr. Ellsworth stated that as far as he has know for the past 15 years they have always stopped at the grate and turned around so he would call it a private right of way.
- Brain said that this, to him, it still does not prove ownership.
- The Board asked Alvah that if it is a private road are the requirements different. Alvah stated yes, some-what, but before they go on that they need to confirm if it is or is not a deeded right-of-way.
- Joe R asked the remaining members of the public if they had any questions or comments – no one said anything.
- Joe R. asked the applicant if the Public Hearing could remain open until January's meeting so that they can determine if the road is public or private and what it states on the deed.
- Joe R. explained that if they close it and have to hold another one then the applicant would have to re-send all the mailing information, this way the Board will just post it and get more information on the questions they have and go from there.
- Mr. Graap had no problem with this request nor did Mr. Dichiario.
- Jeanne made the motion to extend the Public Hearing with the agreement of the applicant to extend until January for the purpose of gathering more information on the right-of-way regarding this property and this way the applicant does not have to re-apply. Joe M. 2nd the motion and Mr. Graap was ok with this. A vote was taken and all on the Board were in-favor (5-0), therefore, the Public Hearing for Mr. Daniel Graap has been held-over until January 9, 2012.
- Mr. Dichiario said he would have a new map drawn up and have a copy of the deed and give to secretary.
- Discussion ended at 8:35pm and Public Hearing remains open until January 9, 2012.

DISCUSSION(S):

1. Motion made by Jeanned to approve the minutes as written Joe R. 2nd motion, vote taken, all in-favor (5-0). Minutes approved.
2. All received Planning Board minutes.
3. No SEQR determination could be made due to the fact that the applicants for Land & Sea Grill did not show.
4. Jeanne handed out a letter to the Board regarding the Brady appeal and why the Zoning Board of Appeals did not write their letter that was stated in November's minutes. All members agreed with this letter and thanked Alvah Weeks for writing his letter to the Planning Board regarding the Brady Appeal.
 - a. A motion was made by Brian and 2nd by Henry to keep on record for the minutes.

DECISION(S):

Gomez, Migdalia
35 Montgomery St. Apt #5E
New York, NY 10002

File#: 11-0007

SBL#: 28.2-1-33

- Property located at 303 Fishcreek Rd. and requesting a 5'-0" Front Yard Area Variance to place a new manufactured home on the property.

Jeanne made the motion to approve the front yard area variance of 5'-0" as requested by the applicant on the following conditions:

1. It was determined that no undesirable change would be produced in the character of the neighborhood nor would a detriment be created to nearby properties, it will actually improve the area.
2. The benefit cannot be achieved by any other methods due to the fact that the power-lines run over the property and they cannot move the house the 5' back because then they would run into the power-lines when placing the house on the property.
3. The requested variance of 5'-0" is not a substantial variance.
4. The requested variance will have no adverse effect or impact on the physical or environmental conditions of the neighborhood.
5. The alleged difficulty was not self created it is the only feasible way to have use of the land.

The motion was 2nd by Joe Mayone and a vote was taken by the Board:
Roberti – yes, Goldberg – yes, Mayone – yes, Rua – yes, Sawchuk – yes.

Therefore, the motion was passed and the variance of 5'-0" was granted to place the new manufactured home on the property located at 303 Fishcreek Rd.

~ Henry made the motion to adjourn the meeting which was 2nd by Jeanne, a vote was taken all were in-favor (5-0) therefore, the meeting ended at 9pm.

~ The next meeting will be held on January 9, 2012.