



ZONING BOARD OF APPEALS
4 High Street Saugerties, NY 12477
Tel: (845) 246-2800, ext. 358
Fax: (845) 246-0461



July 7, 2025

PRESENT: Bill Schirmer (Chair), Henry Rua (Vice-Chair), Joseph Mayone, Tim Scott Jr., Randy Ricks and Holly Strutt (Alternate)

ALSO PRESENT: Becky Bertorelli (Zoning Board Secretary), Alvah Weeks (Code Enforcement Officer) and Sean Weaver (Building Inspector)

Schirmer called the meeting to order at 7:00 pm. Holly Strutt was asked to join the meeting when necessary.

PLEDGE

PUBLIC HEARING

AMANDA ESPOSITO & SEAN HAMMOND: APPLICATION FOR A 1,371 SQUARE FOOT BULK AREA VARIANCE

43 York Street
Saugerties, NY 12477
File #: 25-003
SBL #: 29.46-3-2.100

The parcel is located in the High Density Residential (HDR) zoning district. The applicant has submitted a new survey which demonstrates that a 1,371 square foot bulk area variance is all that is required, not the 2,500 square foot bulk area variance which was initially requested. The applicant submitted the returned green cards and certified mailing receipts to the Planning Board Secretary.

A motion was made by Mayone, seconded by Scott, to open the public hearing. Board vote: Strutt-Aye, Ricks-Aye, Scott-Aye, Mayone-Aye, Rua-Aye. Motion carried. The public hearing opened at 7:03pm. No one was present from the public with comments or concerns. A motion was made by Mayone, seconded by Scott, to close the public hearing. Board vote: Strutt-Aye, Ricks-Aye, Scott-Aye, Mayone-Aye, Rua-Aye. Motion carried. The public hearing closed at 7:04.

There were no additional comments/concerns from the Board. Schirmer-we will now consider the five (5) criteria regarding the balancing test that states that the Board shall balance benefit to the applicant with detriment to health, safety, and welfare to the community:

1. It was determined that an undesirable change will not be produced in the character of the neighborhood nor would a detriment to nearby properties be created.
2. There is no other feasible method for the applicant to pursue, other than a bulk area variance, because of the topography of the parcel.
3. The requested variance is somewhat substantial.

4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood.
5. The alleged difficulty is self-created but there is no other feasible way to subdivide the parcel and create a parcel that will meet all other setbacks to construct a single family residence.

Based on the forementioned a motion was made by Mayone, seconded by Scott, to approve the 1,371 square foot bulk area variance. Board vote: Strutt-Aye, Ricks-Aye, Scott-Aye, Mayone-Aye, Rua-Aye. Motion carried.

NEW APPEAL

ISAAC NICHOLS: APPLICATION FOR A 32' REAR YARD SETBACK AREA VARIANCE

496 West Saugerties Road
Saugerties, NY 12477
File #: 25-005
SBL #: 7.4-3-42

The parcel is located in the Low Density Residential (LDR) zoning district. The applicant is requesting a 32' rear yard setback area variance to construct an addition to an existing house and extend the garage to the existing retaining wall. The addition will allow for additional storage. The lot is a pre-existing non-conforming undersized lot. There is not a location on the lot that will allow for a storage shed and meet the required setbacks in the LDR district. Mayone-how close are the neighbors? Nichols-the neighbor on that side is close but I am not proposing to go any further than the existing retaining wall. Weaver-the existing house is already within the required setback and the applicant is requesting to add an addition that is approximately 6' further into the setback.

A motion was made by Ricks, seconded by Scott, to set the public hearing for the August 4, 2025 monthly meeting. Board vote: Ricks-Aye, Scott-Aye, Mayone-Aye, Rua-Aye, Schirmer-Aye. Motion carried. A motion was made by Mayone, seconded by Rua, to declare this variance a Type II Action under SEQR. Board vote: Ricks-Aye, Scott-Aye, Mayone-Aye, Rua-Aye, Schirmer-Aye. Motion carried.

MICHAEL MAXWELL: APPLICATION FOR AN INTERPRETATION OF ZONING LAW §245.33 REGARDING SITE PLAN APPROVAL IN WATERFRONT OVERLAY DISTRICT

73-75 River Road
Malden, NY 12453
File #: 25-006
SBL#: 18.10-3-36

The parcel is located in the High Density Residential (HDR) zoning district with Waterfront Overlay (WO). The applicant is requesting an interpretation of §245.33 of the zoning code regarding installation of a driveway within the WO and if a site plan review by the Town Planning Board is required for such action. Schirmer and Strutt recused themselves from this application as far as making any decisions due to professional conflicts.

Maxwell-in the middle of a dispute with neighbor and previously shared a ROW with that adjoining neighbor but have moved the driveway to a location that was once existing but has not been used in some time. The new driveway is longer than the previously used drive but does not go past the rear of the house. Received a curb cut permit from the Town Highway Department to move the driveway. There was a driveway in this location previously and can be found on a survey map but has not been used in many years. The new location is gravel only, no blacktop. Did go to the Building Department prior to moving the driveway and was advised to go to the Highway Department for a curb cut, there was no mention of a Planning Board requirement. We sold the complaining neighbor the adjacent property and now they do not want us living next door. They do not even live in the house, they AirBnB it and they live in Texas. There have been several incidents with the neighbor, one where we had to call the police. They allow dogs and their guests to roam on adjacent properties. Rua-was the other driveway covered up when access was moved to the new location? Maxwell-yes, there is grass there now. Weeks-the zoning law is vague regarding what a “development” is. The zoning law states that “All development in the Waterfront Overlay District will be reviewed on a case-by-case basis via the site plan review process to ensure appropriate layout and design of all properties.” Schirmer-the location of the driveway and when it was moved is not the ZBA’s focus with this application. The board will have to determine by interpretation of the zoning law if a driveway is a “development” and requires site plan review by the Planning Board. The Highway Department does not have any jurisdiction over zoning requirements; the approval for a curb cut does not eliminate the requirement of site plan review, if determined necessary. The main issue is interpretation whether the driveway is in conformance with the zoning requirements of the WO. Rua-if the driveway only extends to the rear of the house it would be safe to assume it meets the zoning requirements in regards to setbacks, correct? Schirmer-we will have to move forward and set a public hearing. In the meantime we can reach out to the ZBA attorney for his opinion on the matter and discuss further at the next meeting. Ricks-if the driveway was previously in this location wouldn’t it be conforming and exempt from site plan review because the location is pre-existing? Weeks-that location was not used for many years in between.

A motion was made by Ricks, seconded by Mayone, to set the public hearing for the August 4, 2025 monthly meeting. Board vote: Ricks-Aye, Scott-Aye, Mayone-Aye, Rua-Aye. Motion carried. A motion was made by Rua, seconded by Mayone, to declare this a Type II action under SEQR. Board vote: Ricks-Aye, Scott-Aye, Mayone-Aye, Rua-Aye. Motion carried.

OLD BUSINESS

SARAH BURNS & MAY HERSKOVITZ: APPLICATION FOR A 15’ REAR YARD SETBACK AREA VARIANCE

54 Chimney Road
Saugerties, NY 12477
File #: 25-004
SBL #: 18.1-3-14.200

The parcel is located in zoned High Density Residential (HDR) with Waterfront Overlay (WO). The applicant is requesting a 15’ rear yard setback area variance to construct an addition to a single family residence. George Christodoulou (Modern Shacks LLC) was present as

representative for the owners. Due to the topography and mechanicals within the existing structure this was the best location for the addition to meet the owner's needs. Schirmer-so the board is aware this application was under "New Appeals" at the June meeting but no one was present. We have moved it to "Old Business" for this meeting but it is the first time the board is reviewing the appeal. Strutt-what is adjoining to the area where the addition is proposed, neighbor's property? Christodoulou-there is shrubbery and a steep uphill slope.

A motion was made by Scott, seconded by Rua, to set the public hearing for the August 4, 2025 monthly meeting. Board vote: Ricks-Aye, Scott-Aye, Mayone-Aye, Rua-Aye, Schirmer-Aye. Motion carried. A motion was made by Mayone, seconded by Scott, to declare this a Type II action under SEQR. Board vote: Ricks-Aye, Scott-Aye, Mayone-Aye, Rua-Aye, Schirmer-Aye. Motion carried.

BOARD DISCUSSION

A motion was made by Schirmer, seconded by Mayone, to approve the draft minutes of the June 2, 2025 meeting. Board vote: Ricks-Aye, Scott-Aye, Mayone-Abstain, Schirmer-Aye. Motion carried.

The Planning Board meeting minutes were received.

ADJOURNMENT

A motion was made by Mayone, seconded by Rua, to adjourn the meeting as there are no further items to discuss. Board vote: Ricks-Aye, Scott-Aye, Mayone-Aye, Rua-Aye, Schirmer-Aye. Motion carried. Meeting adjourned 7:56 pm.

Respectfully submitted,

Becky Bertorelli
Secretary
Zoning Board of Appeals