



# TOWN OF SAUGERTIES

## ZONING BOARD OF APPEALS

4 High Street Saugerties, NY 12477

Tel: (845) 246-2800, ext. 333

Fax: (845) 246-0461



### ZBA MONTHLY MEETING MINUTES

#### JULY 7, 2014

**Present:** Jeanne Goldberg, Joe Mayone, Sam Dederick, Brian Sawchuk, Donn Avallone.

**Absent:** Henry Rua and Alvah Weeks, Jr.

**Also Present:** Jimmy Bruno, Town Board Liaison, Megan Ackerley, Jeff Madelone, Bob McDonald, and David Aurell, Kathleen Taylor.

~Meeting started at 7:06pm & Pledge started by Joe at 7:06pm.

#### **Public Hearings:**

Megan Ackerley  
5 Spada Dr.  
Saugerties, NY 12477

File#: 14-0002

SBL#: 28.4-6-36.110

- Public Hearing started at 7:06pm, present for public hearing were the applicants and their contractor.
- All Certified green cards were received at beginning of meeting.
- Jeanne asked if anyone from public was present, no one present.
- Jeanne asked if the applicants/contractor had anything else to add, nothing at this time.
- Sam asked if the garage dimensions could be changed instead so the width was less so therefore, less of a variance needed. The applicant's contractor Mr. McDonald said no that it could not be reversed due to needing so much space for the van and van's ramp, and the ramp for the wheelchair. Plus pushing it forward or back runs into the electrical meter and the existing wheelchair ramp. Really it is the only ideal place for the garage.
- Joe asked if the garage dimensions were switched could a car go in it, no because it would be too tight.
- Jeanne asked when the house was built, the owners stated October 2007.
- Joe asked what the width of the ramp will be in the garage. Mr. McDonald stated 4' wide with 1" on 4' pitch it needs room so the chair can move.
- The board asked if any neighbors object or have concerns, the applicants stated that all are fine with it and have no issues.
- Jeanne asked if any questions. None had any.
- Public Hearing was closed at 7:10pm.
- Applicants were told by Jeanne that the Board now had 62 days to make their decision on this matter and once they have reached a decision and voted then the applicants will be notified within 5 business days of said decision.

\*Jeanne recused herself at 7:11pm due to a conflict of interest with next applicant being a friend and asked that Brian take over this appeal and she left the table.

**Public Hearings Cont'd:**

David Aurell  
15 Mowermill Rd.  
Saugerties, NY 12477

File#: 14-0003  
SBL#: 17.2-5-33

- Public Hearing started at 7:11pm with the applicant present.
- Received green certified letters at beginning of meeting.
- Brian asked if anyone from Public was present, no one was.
- Brian said that it was hard to tell the setbacks – Mr. Aurell stated the other side of his property does have the room to place the shed there but since it floods there and is far from the house it does not suit his needs. Also he could not move it forward because of the electrical outlet in property.
- Mr. Aurell showed a bigger survey map and explained better.
- Brian asked Board if anyone had more questions, no one did.
- Public Hearing was closed at 7:15pm.
- Brian informed the applicant that the Board now had 62 days to make the decision on this appeal and once a decision was made that he would be notified within 5 business days.

\*Jeanne came back to meeting at 7:16pm.

**NEW APPEAL:**

Kathleen Taylor  
81 Elm St.  
Saugerties, NY 12477

File#: 14-0004  
SBL#: 17.1-4-14

- The applicant was present at time of meeting that started at 7:17pm.
- Property located at 303 Blue Mt. Rd.
- Applicant was initially requesting a 15' side yard area variance to construct a garage 16' x 20' but now has changed the size to 15' x 18' which would make the proposed garage 11' off the side property line and will now be requesting a 14' side yard area variance.
- Ms. Taylor said that the property is long and narrow, she currently put in a gravel drive-way, dug for a well and septic that was never installed and that the cabin is a small rustic cabin built in 1950. She will be the only one living in it and needs this garage for storage since the house is so small. She stated that Farmer Jones will be doing the work and that once and if she gets the ok from the Zoning Board and Planning Board to build this garage then she'll get the finalized plans so she doesn't spend unnecessary monies. She stated that the property slopes down behind the house all the way to the creek. She has not spoken with any neighbors about this but plans to.

### **Taylor Appeal Cont'd:**

- Board asked her where it was going on the property. She stated on the side of the house with the screen porch and that it would be pushed forward.
- The garage will house her water tank, car and upstairs will be storage with the steps on the outside of structure.
- Brian asked how long she has owned the property, she stated 1 ½ years. Brian asked if she was aware that a variance would be needed, no.
- Board asked the distance between the house and the garage. She stated they would be touching if allowed.
- Jeanne stated that the applicant is now asking for 1' less of a variance (14' now).
- Property goes down-hill from Blue Mt. Rd. the applicant stated so she asked that if the Board comes for a visit to please park at base of driveway since it is not a finished driveway for cars she does not want anyone to get stuck.
- Jeanne informed her of the next step with the Public Hearing and informed the applicant it will be on August 4 at 7pm, and she was given all the information to send out to the neighboring properties.
- All sizes will be changed back in the office on Tuesday and the paperwork she was given stated old sizes and she was to change that.
- Appeal ended at 7:31pm.

### **DISCUSSIONS:**

1. Jeanne made the motion to approve June's meeting minutes as written, 2<sup>nd</sup> by Brian, vote taken all in agreement Rua – absent.
2. All received planning board mins.
3. Public Hearing scheduled for August 4, 2014 at 7pm with file #14-0004.
4. Motion made by Brian and 2<sup>nd</sup> by Sam to set the SEQRA for file #14-0004 as TYPE II 617.5(c)(10)(12). Vote was taken and all were in favor, Rua – Absent.
5. Training for credits will sign up Brian, Joe and Sam for class. Board discussed letter sent to Town Board regarding the aquifer protection overlay and bulk water storage definition.

### **DECISIONS:**

David Aurell  
15 Mowermill Rd.  
Saugerties, NY 12477

File#14-0003  
SBL#: 17.2-5-33

- Property located at 15 Mowermill Rd.
- An undesirable change would not be created in the neighborhood nor would a detriment to the neighborhood be created as a result of granting this variance due to the existing neighborhood properties having similar sheds/garages and other out buildings.
- The benefit sought by the applicant could be achieved by other means feasible however, due to the low lying area where he could place the proposed garage it would be prone to flooding and would not serve the purpose as to why he wants the garage in the first place.

**DECISIONS CONT'D (AURELL):**

- The requested variance is substantial but does not pose any detriment to the surrounding areas.
- The proposed variance and garage placement would have no adverse effect or impact to the environmental or physical conditions to the neighborhood. If anything it will help in the neighborhoods appearance.
- The alleged difficulty was self-created, however, the benefit to the applicant outweighs this issue.
- A motion was made by B. Sawchuk and 2nd by S. Dederick to approve the variance of 10' for the construction/placement of garage.
- A vote was taken:
- Sawchuk – yes, Dederick – yes, Mayone - yes, Rua – absent, Goldberg – recused.
- Therefore, the motion is passed and the appeal is granted to issue the variance.

\*Jeanne excused herself from the table when the decision was made.

Megan Ackerley  
5 Spada Dr.  
Saugerties, NY 12477

File#: 14-0002

SBL#: 28.4-6-36.110

- Property located at 5 Spada Dr.

1. It was determined that an undesirable change would not be created or produced in the neighborhood by the granting of this area variance nor would any detriments be created to nearby properties due to the fact that neighboring residences have garages and other structures near the property lines as well.

2. The benefit sought by the applicant cannot be achieved by any other feasible means due to the necessity of the placement of the garage being on the proposed side of the residence because the reconfiguration that would need to take place inside the residence to make it work would be cost prohibitive to the applicant.

3. The requested variance is substantial but the benefit to the applicant is much greater by granting this variance due to medical reasons.

4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood by granting this variance due to many other residences in the area have similar garages on homes and many homes in the area being close to property lines.

5. The alleged difficulty was not self-created it is medically needed.

A motion was made by B. Sawchuk and 2nd by S. Dederick to grant the 11' side yard area variance based on the 5 criteria listed above and that the benefit to the applicant far outweighs the impact to the neighborhood.

A vote was taken:

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

Therefore, the motion is approved and the appeal is granted to construct the proposed garage 24' x 30'.

~Brian made the motion to adjourn the meeting and 2<sup>nd</sup> by Joe voice vote was taken all in-favor Rua – absent.

~Meeting ended at 8:58pm. Next meeting will be held on August 4<sup>th</sup>, 2014 at 7pm.

Respectfully submitted,  
Kathleen Blundell