



TOWN OF SAUGERTIES

ZONING BOARD OF APPEALS

4 High Street Saugerties, NY 12477

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ZBA Monthly Meeting June 2, 2014

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

Also Present: Alvah Weeks, Jim Bruno, Robert McDonald, Megan Ackerley, Jeff Madelone, David Aurell, Ken Goldberg, and high school student Akshay Vermani.

- ~ Meeting started with Pledge of Allegiance by Joe Mayone.
- ~ Meeting officially started at 7:02pm by Jeanne Goldberg.

New Appeals:

Megan Ackerley
5 Spada Dr.
Saugerties, NY 12477

File#: 14-0002

SBL#: 28.4-6-36.110

- Property located at 5 Spada Dr. and zoned HDR (High Density Residential).
- Appeal started at 7:02pm.
- Applicants and possible future contractor, Mr. Robert McDonald present at meeting.
- Jeanne asked the applicants and contractor to come forward to the Board.
- Applicants wish to construct a garage 24' x 30' to accommodate her husband who is in a wheelchair and needs a better way of getting in and out of the house into their specialized lift van and to keep their car and themselves dry and safe during winter months and rain and heat.
- Requesting an 11' side yard area variance making the proposed garage only 4' off property line and not the required 15' for their designated zoning setbacks for HDR.
- Contractor showed pictures of the neighborhood and how the applicant's neighbor currently has the same garage on their property that they wish to build and stating theirs will not look out of character and that there is a fence too on their property to help screen it. Mr. McDonald stated that had the applicant know building a garage in the future would cause a problem they would have repositioned the home but they did not know when building 7+/- years ago they would need it.
- Sam asked why they needed it on this particular side of the residence, and the applicant stated that because the other side of the house is the bedrooms and a special bathroom Mr. Madelone utilizes and it would take too much to make the entrance on that side of the home.
- Jeanne asked if there were any more questions from the Board, None.
- Jeanne informed the applicants and contractor of their next step of the Public Hearing and what was now needed for them to do. Secretary gave applicant all information for Public Hearing.
- Appeal ended at 7:15pm.

New Appeals Cont'd:

David Aurell
15 Mowermill Rd.
Saugerties, NY 12477

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

- Property located at 15 Mowermill Rd. and Zoned MDR(SA) Moderate Density Residential District with a Sensitive Area Overlay.
 - Appeal started at 7:15pm. Jeanne Goldberg, Chairperson, recused herself from this appeal as how the applicant is a personal friend and Brian took over the meeting.
 - Applicant is requesting a 10' side yard area variance in order to place a pre-fabricated garage 14' x 28' on property mentioned above.
 - Applicant is seeking a 10' side yard area variance making the proposed garage only 15' from side property line and not the required 25' for MDR(SA) zoning setbacks.
 - The applicant was present at time of meeting.
 - Brian asked for applicant to come forward and describe what he would like to do.
 - Applicant stated that he would like to have this garage to protect and preserve his car from harsh weather and to have a place to tinker.
 - Brian asked how long he's had this property in question, only 8 months.
 - Brian asked if doing a site visit is ok, Mr. Aurell said yes.
 - Henry asked if this is the only place it can go. Mr. Aurell said that this is the only conducive place to put it and that the other side of the property (west side) is lower and wet and this side of the house has the entrances all set. He would also like it the way he proposed because of the uneven ground around the home and it would make it easier for him.
 - Brian asked the Board if they had any more questions, none.
 - Brian informed the applicant of his next steps with the Zoning Board and the secretary gave the applicant all the public hearing information
 - Appeal ended at 7:20pm.
- ~ 7:18pm, a high school student entered to be a part of the meeting for Government class.
~ Jeanne returned to the table at 7:21pm.

Public Hearing:

Trackside Properties, Inc.
P. Marie Douglas
738 Neighborhood Rd.
Lake Katrine, NY 12449
File #: 13-0003
SBL#: 28.2-3-17.121

- Re-Opened at 7:22pm.
- No one from Trackside present.
- Board held discussion on the recommendations/comments from the Ulster County Planning Board regarding this interpretation. All clearly agree that the Town Board needs to make a change to the Zoning Law regarding bulk water storage facility. Jeanne mentioned that she will write a letter to the Town Board with their input to see if anything can be amended.
- Motion made by J. Mayone to close the Public Hearing and 2nd by S. Dederick. Voice vote was taken; all were in-favor to close public hearing.
- Public Hearing closed at 7:26pm.

Discussions:

1. Meeting minutes for April needed two changes per Jeanne, Motion made by J. Mayone and 2nd by D. Avallone to accept minutes with changes, vote taken 3-0, 3 absent.
2. All received Planning Board's minutes.
3. SEQRA determined for File #14-0002 as Type II 617.5.2 (c)(10)(12) and SEQRA determined for File#14-0003 as Type II 617.5.2 (C)(10)(12).
4. Both Public Hearings were scheduled for July 7, 2014 at 7pm and both applicants were given all their information.
5. Board discussed making the decision on Trackside. All agreed they could.

DECISION (Trackside):

Trackside Properties, Inc.
P. Marie Douglas
738 Neighborhood Rd.
Lake Katrine, NY 12449

File #: 13-0003
SBL#: 28.2-3-17.121

That the June 10, 2013 determination by Alvah Weeks, Building Inspector/Zoning Administrator that the "bulk water storage facilities are a prohibited use within the 'I' (Industrial), 'APO' (Aquifer Protection Overlay) designated zoned districts" be overturned. Therefore, the appeal for the interpretation on behalf of Ms. Marie Douglas/Trackside Properties, Inc. is upheld and it is determined that the Trackside bulk water storage facilities are not a prohibited use in their current location.

The authority for the Zoning Board of Appeals to make interpretations upon an appeal from a decision by an administrative official comes from the 2008 Zoning Law, Section 8.2.2 Interpretations. "...the Zoning Board of Appeals shall decide any question involving interpretation of any provision of this Local Law."

Based on the Zoning Law of the Town of Saugerties, adopted April 16, 2008, Section 6.12.3(A)(4) "bottled water or bulk water facilities (including supply sources)" is listed as a prohibited used. However, neither the law itself as written; nor Article XIII: Terminology; nor Section 13.1: Use and Interpretation of Words contains a definition of bulk water facilities. The applicants have made it clear that they are neither storing nor delivering potable water. The definition of "bottled water or bulk water facilities" under the NYS Public Health Law and the State Sanitary Code issued by the Department of Health and other NYS statutes and regulations make it clear that unless otherwise defined, "bulk water" shall mean water intended for potable uses which is transported by tank trucks. Indeed, the 2005 Groundwater Protection Plan done for the Town of Saugerties contains same definition. This is also supported by the recommendations from the Ulster County Planning Board dated May 7, 2014.

Therefore, it is the interpretation of the Zoning Board of Appeals that the current usage by Trackside of storing and delivering pool water is not a prohibited use in this location, as they are a non-potable water storage operation. A written communication on file with the ZBA from Ms. Douglas/Trackside, dated 3/25/14, states that they have been operating in this location since 2004.

DECISION CONT'D TRACKSIDE:

Therefore, a motion was made by J. Goldberg and seconded by B. Sawchuk to overturn the decision of the Building Inspector/Zoning Officer Alvah Weeks, Jr. and grant the interpretation as an allowed use at the above mentioned property.

A vote was taken by all as follows:

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

~ H. Rua made the motion to adjourn the meeting and 2nd by S. Dederick, voice vote taken; all were in-favor.

~ Meeting ended at 7:55pm.

~ The next meeting will be held on July 7, 2014

Respectfully submitted,
Katie Blundell, Sect.