

TOWN OF SAUGERTIES  
ZONING BOARD OF APPEALS  
4 HIGH STREET  
SAUGERTIES, NY 12477

REGULAR MEETING

AUGUST 3, 2009

Present: Joe Roberti, Jeanne Goldberg, Joe Mayone, Brian Sawchuk and Henry Rua. Samantha Dederick absent. Also present Jeremy and Alvah.

**PUBLIC HEARING**

1. 03-07-09 SALVATORE & ROSEMARY CIGLIANO  
149 ESOPUS CREEK ROAD  
SAUGERTIES, NY 12477

SECTION INVOLVED 5.1 FRONT YARD SETBACK  
FOR THE PURPOSE OF CONSTRUCTING A GARAGE 27' FROM CENTER OF ROAD.

Mr. and Mrs. Cigliano presented green receipts.

Board had received a letter from Carolyn Luce expressing concerns about the spring. She has talked to the applicants and was satisfied with the project.

No public comment.

Garage to be 14 x 23. House is 40 x 26. Project will not affect the spring. Right-of-way to spring actually on neighbor's property.

Public Hearing closed.

**NEW APPEALS**

1. 04-08-09 KOSCO ( KINGSTON OIL SUPPLY CORP.)  
2926 RT. 32, P.O. BOX 1269  
SAUGERTIES, NY 12477

SECTION INVOLVED 6.8.2 SIGN REGULATIONS  
FOR THE PURPOSE OF ALLOWING MORE THAN 1 FREE STANDING SIGN AND OTHER  
TYPES OF SIGNS.

Mr. David Motzkin represented.

Has a free standing sign that was there when he bought the property. Converted a propane tank into another sign. The post for a third sign is also on the property from the previous owners. Also has wall signs designating entrances. There is currently a sandwich type sign advertising prices out in front, which applicant said he would remove immediately.

Discussion held with applicant, Board and Building Inspector.

Public Hearing scheduled for Sept. 14. Applicant given information.

Motion made by Joe R. seconded by Jeanne to refer appeal to County. 5/0.

SEQR. Type 2 under 617.5 c 2 on Motion of Joe R. seconded by Jeanne. Referral completed by Joe R.

Motion by Joe R. seconded by Joe M. that the application is complete Roberti, Mayone, Sawchuk, Rua, - yes, Goldberg – no. Motion is passed.

**OLD BUSINESS**

1. 02-05-09 TIM AND SANDY MAURO

Motion by Joe M. seconded by Henry to put on list.

Joe M.; satisfied with information presented. Has seen trucks and material piles on the site. Mauro was doing business there.

Henry; More than proved he was in business. He proved conditions set by the law.

Brian: Presented notarized statements from people that he had his business there prior to when he was suppose to register. Did have a business there. Concerned the property was purchased as personal property not business property. Confused as to why it is before the ZBA now, 20 years later.

Joe R. Provided enough information

Jeanne : Requirements for registration. : Non-conforming use must have been substantial, existing and legal. Don't believe this was substantial. Need to have actual existence not intended use or partial or sporadic use. Don't believe he meets that

All his documents submitted gave the address of the business as 434A Cafaldo Park. That is not the address of the property.

On the tax rolls he is being carried as residential vacant land. He may have had a business there and she would have no objection to his being a non-conforming business. She does not believe that as his land stands now, he deserves to go back 20 years. She believes the list should have been closed. In going through his documents all of his business addresses are Cafaldo Park.

He used it as a partial use, or intended use or a sporadic use. Intended some day. He put a large building there for residential storage. She feels he qualifies for a non-conforming business. He is doing something there that does not go with the tax code. He has obviously made no improvements.

The law states " in the case of a dispute as to the accuracy of or omissions from the list, all relevant comments and data shall be submitted to the Zoning Board of Appeals which shall determine if any amendments to the list shall be made."

There is no dispute nor omission in this case because the applicant did not apply in 1989, He did not apply in 2001 when an issue was brought up.

Vote on Motion: Roberti – yes; Goldberg – no; Mayone – yes; Sawchuk – yes; Rua – yes.

The motion is passed . The Town Clerk is to be notified to add the property to the 1989 Pre-Existing Business Registration List.

### **DECISION**

1. 03-07-09 SALVATORE & ROSEMARY CIGLIANO

Motion by Brian, seconded by Henry to grant appeal.

There will be no change in character of neighborhood. There would be no adverse effect or impact on the physical or environmental conditions in the neighborhood. There is no other feasible method. The benefit to the owner outweighs any detriment to the area. Many houses in area have similar conditions.

Roberti – yes; Goldberg- yes; Mayone- yes; Sawchuk – yes; Rua – yes.

The motion is passed and the appeal is granted to allow a garage 27' from center line of road.

### **DISCUSSION**

1. Minutes for July approved on motion of Joe R. seconded by Jeanne 5/0

2. Received draft copy of Planning Board Minutes for July.

3. Received copy of Planning News; conference 9/13 – 9/15 in Lake Placid.

4. Received Talk of the Towns; Summer school 8/4 Syracuse & 8/7 Williamsville

Next meeting will be 9/14 in spite of conflict with NYPF Conference at 7 pm at Frank D. Greco Senior Center.

Meeting adjourned on Motion of Joe R. seconded by Joe M.