



# TOWN OF SAUGERTIES

## ZONING BOARD OF APPEALS

4 High Street Saugerties, NY 12477

Tel: (845) 246-2800, ext. 373

Fax: (845) 246-0461



### ZBA Monthly Meeting February 6, 2012

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

**Also Present:** Mr. & Mrs. Maestro, Dan Graap, Mr. Senecal, Mr. & Mrs. Beisel, Chris DiChiaro, Alvah Weeks, Jr.

**Absent:** Bruce Leighton, Liaison

~ Meeting started at 7:05pm by Jeanne Goldberg.

#### **Public Hearing:**

1. Graap, Daniel  
18 Hanover Cir.  
Mahopac, NY 10541

File: 11-0009

SBL#: 9.3-5-8

- Property located at 151 Patterson Rd. in the hamlet of West Camp.

- Public Hearing re-opened at 7:06pm as a continuation of the Public Hearing from January 9<sup>th</sup>'s meeting.

- Jeanne asked Alvah Weeks, Jr, Building Inspector for the Town of Saugerties, if there was any new news on the road/right-of-way issue regarding this property.

- Per Alvah, The Town has a Public Right-of-Way access to the "steam boat dock" and the Town Attorney, George Redder, advises that the Town keep rights to the Right-of-way and not turn it over to the property owners.

- Chris DiChairo asked the Board to extend the Public Hearing for one more month (March) so that matters on their end could be resolved.

- Jeanne asked how long the current house has been there and how long it has been abandoned. Mr. Graap and a neighbor stated that it has been there since the late 60's, owner died in the late 90's, no one has lived there since then, but that a nephew uses it every once and awhile when he visits the property and goes to the river. However, Arlene Anderson whose family home it use to be would be the best to answer your questions, however, she was not in attendance at the meeting.

- Jeanne asked that if this issue was not resolved at tonight's meeting do you still want to pursue this appeal. Chris DiChiaro said yes they want to pursue until all the items have been resolved.

- Jeanne stated that per George Redder, Attorney for the Town of Saugerties Zoning Board of Appeals, that we close the Public Hearing because we do not have the correct facts. Applicant wants public hearing to remain open.

- Jeanne made mention that she will not be a March's meeting and that the Decision will then fall into the Boards hands at that meeting.

## **Public Hearing Graap Cont'd:**

- Henry made mention the he understands George's recommendations for saying the Board closes the Public Hearing until the issues are resolved with the Right-of-Way then pursue the appeal but he also sees no issue with letting the Public Hearing stay open for one more month (March) and if the issues are not more clear then, then close the Public Hearing and have the applicant re-file.

-Jeanne said to the applicant that if this issue is not resolved by next meeting in March will you pull the application and restart. Yes they will pull the application per Chris DiChiaro.

- Joe Mayone also recommends the extension because the Decision would be needed in May and by then the Right-of-Way issues could be resolved then.

- Donn asked that if the house is officially abandoned does it change the plan, no. But the road is the issue because depending upon what the road is the setbacks are in question. He also asked then if the Town Board says no to the changes/request by the applicant what happens next. They would have to make a revision to the plans and start a new appeals process.

- Brian then read the deed from 1922 when the owners sold the property to the Town and it is stated as a Right-of-Way not a Road.

- Henry asked the applicants who has maintained the road. Dan mentioned mostly used by Sam Altiero and before him Mr. Kodsi. Dan does not believe the Town had anything to do with it since the 1980's.

- Henry said that he spoke with Bernie Ellsworth, Former Highway Superintendent, and he said that in his 15+ years as Highway Superintendent he did not maintain that road.

- Sam made the motion to continue the Public Hearing at March 5<sup>th</sup> meeting, Henry 2<sup>nd</sup> the motion. A vote was taken all were in-favor, the motion passed and the Public Hearing will be put on hold again and re-opened on March 5, 2012 at 7pm.

- Jeanne made mention to the applicants that they should look into the Town of Saugerties Zoning Law Section 9.2 Section D Parts 1 and 2 "Discontinuance" which discusses that after a property/residence has been abandoned for more than a 12 month period the pre-existing boundaries are eliminated.

- Chris asked the Board to consider the subdivision that occurred in the 1980's which made it a smaller lot. The Board said that if the was before 1980 then it is a pre-existing non-conforming lot.

- The Public Hearing will be continued at March 5<sup>th</sup>'s meeting.

- Public Hearing put on hold at 7:30pm.

## **2. Land & Sea Grill Celeste Maestro 1607 County Rt. 2 Olivebridge, NY 12461**

File#: 11-0010

SBL#: 17.4-1-1

-Property located at 395 Rt. 212

-Received certified return receipt cards at opening of meeting.

- Public Hearing opened at 7:31pm.

- Jeanne asked the public if anyone had anything to say and if so please address the Board with your questions and state your name and address.

- No one from the public was in attendance for this public hearing.

### **Public Hearing Land & Sea Cont'd:**

- Jeanne asked the Board if they have any questions for the applicants.
- Henry mentioned to the applicant that at the last meeting (January) you and your son stated that you wanted your sign to look similar to Lox of Bagels sign. If that is the case then you will have to change the size of the sign and that way it is less of a variance being requested. Making it a 16sq.ft. variance not a 24sq.ft. variance and making the total square footage of the sign 48' sq.ft. not 56'sq. ft.
- Jeanne informed the applicant that the Zoning Board had to refer this appeal to the Ulster County Planning Board and that the Ulster County Planning Board disapproved the appeal. Jeanne also informed the applicant that the Zoning Board can override their decision with a "Super Vote" (copy of UCPB Decision was given to the applicant).
- Jeanne also informed the Board that the UCPB said that they rarely approve signs but that ultimately it is the Zoning Boards Decision.
- Jeanne read the disapproval to the Board and applicants.
- Mrs. Maestro stated that due to the economy they really need this sign to display their specials and other important information and that this is their lively hood so they wish that the Board please consider this for them.
- Board had no more questions for the applicants.
- Public Hearing was closed at 7:45pm.
- Informed the applicants that should a decision be made they will be notified in writing within 5 days but that the Board has 62 days from tonight's meeting to make their decision.

### **3. Norman Senecal 688 Churchland Rd. Saugerties, NY 12477**

File#: 11-0011

SBL#: 28.11-2-20.100

- Property located at 688 Churchland Rd.
- Received Certified Return Cards at start of meeting.
- Public Hearing opened at 7:46pm.
- Jeanne asked if anyone from the public was present to talk about this appeal.
- One person was there for this appeal in protest of the appeal. Ms. Rosemaire Santiago of 684 Churchland Rd. she is the neighboring property to Mr. Senecal. She is fully against this appeal. She feels he cleared land without permission, not a nice neighbor, feels if you give him an inch he takes another foot. She pays taxes on the land that he cleared because he cleared land that was hers. Why isn't he following the rules that she had to follow when she put up her garage? Her son was with her and the Board asked him if he had any questions, no he had nothing to say that his mother said everything.
- Mr. Senecal said that the comments on clearing are just accusations they are not factual and that the shed in question is in-between the trees not on her property.
- Henry asked Ms. Santiago that Mr. Senecal cleared property you are paying taxes on, where, in the rear yard and that she paid a surveyor to stake it out and he was notified and Mr. Senecal did not deal with it.
- Mr. Senecal said that when he started clearing the land that neither of them knew where the proper property lines were and he started clearing what he thought was his property but then was given written notice that he had 24 hours to get off her property and finally he was given 72 hours to take all his stuff off her property and he did.
- It was stated that this situation occurred over 4years ago.

### **Public Hearing Senecal Cont'd:**

- Jeanne wanted the subject dropped because it had nothing to do with the appeal at hand. That the issue they are discussing is a property dispute and the Zoning Board does not handle those issues.
- Sam asked Ms. Santiago that if Mr. Senecal moves the shed to the proper locations of 3' back what effect it would have on her life if it stays or moves. No answer was given.
- Brian asked Ms. Santiago if she was aware that Mr. Senecal was moving the larger shed too. No she was not.
- Board had no further questions.
- Public Hearing was closed at 8:05pm.
- Applicant was informed that the Board has 62 days from tonight's meeting to make a decision and that once a decision is made then he will be notified in writing within 5 days of the outcome.

### **DISCUSSIONS:**

1. Minutes from January asked to be approved, Jeanne made the motion to approve as written with one change. She wants it changed in the first paragraph regarding what she read at the opening of the meeting. She would like added, "and only one person talk at a time." Motion was 2<sup>nd</sup> by Joe Mayone. Vote taken 5-0. Minutes to be changed to what Jeanne asked.
2. All received Planning Board Minutes.
3. All received UCPB referrals.
4. Planning Board Secretary (Juanita) asked Jeanne if she could ask the Zoning Board if they were interested in have a few meetings and the Senior Center to take some classes put on by people from the county or state. All were in favor of this idea.

### **DECISIONS:**

1. Land & Sea Grill  
Celeste Maestro  
1607 County Rt. 2  
Olivebridge, NY 12461

File#: 11-0010

SBL#: 17.4-1-1

-Property located at 395 Rt. 212

-UCPB said to disapprove the appeal and if the Board grants it then we need to send them the reasoning on why we overturned their vote.

- Brian made the motion to approve the modified variance request by the applicant making the requested variance 16sq.ft. and that the total sign sq.ft. would now be 48sq.ft. and to approve the appeal because the Board did a similar variance with Lox of Bagels and St. John's Church. A discussion was held and the following determined; that an undesirable change would not be produced in the neighboring area by granting the variance, Benefit sought by the applicant cannot be achieved by any other means, The requested variance is not substantial, it would have no adverse effect on the environment or neighborhood, and lastly that the alleged difficulty was not self created that the applicants are trying to follow the Town of Saugerties Zoning Law regarding signs and that by doing this sign they would be removing two (2) signs.

## **DECISION Land & Sea Cont'd:**

-The decision of the Ulster County Planning Board to disapprove the variance requested was reviewed by the Board. With the reduced variance to which the applicant agreed, the Board voted unanimously to grant the 16 square foot variance for the sign with the belief that the benefit to the applicant outweighs the detriment to the neighborhood and community. The motion was then 2<sup>nd</sup> by Henry. A vote was taken all were in-favor. Therefore, the motion is passed and the appeal is granted.

2. Norman Senecal  
688 Churchland Rd.  
Saugerties, NY 12477

File#: 11-0011

SBL#: 28.11-2-20.100

- Brian sees no physical reason why he cannot move the structure and wood pile that he is asking for a variance on.
- Should the Board make him move the shed he asked for six (6) months or until the wood is gone whatever comes first. The Board saw no issue with that request.
- Sam made the motion to deny the 4' side yard variance and 5'-6" rear yard variance, Jeanne 2<sup>nd</sup> the motion for sake of discussion.
- The Board discussed the issues at hand concluding that there are other feasible ways for Mr. Senecal to achieve what he is asking a variance for, that there would be no undesirable change to the character of the neighborhood, that the requested variances are substantial, that there would be no adverse effect to the neighborhood if they granted this variance, and lastly that the alleged difficulty was in fact self-created because Mr. Senecal built the shed without following setback regulations for which his property is zoned.
- Brian then added that a time frame should be established for when the shed needs to be removed, the Board agreed that he has until April 15, 2013 to have the shed moved to the proper location on his property to conform to the setbacks for which he is zoned.
- A vote was taken:  
Goldberg – yes, Rua – yes, Sawchuk – yes, Mayone – yes, Dederick – yes.
  - Therefore, the motion is passed and the appeal is denied for the reasons listed above and the shed is to be moved on or before April 15, 2013.

~ Joe Mayone made the motion to adjourn the meeting which was 2<sup>nd</sup> by Sam; a vote was taken, all in-favor.

~ Meeting ended at 9:18pm.

~ Next meeting will be held on March 5, 2012.