



# TOWN OF SAUGERTIES

## ZONING BOARD OF APPEALS

4 High Street Saugerties, NY 12477

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### ZBA Monthly Meeting March 3, 2014

**Present:** Jeanne Goldberg, Brian Sawchuk, Samantha Dederick,

**Absent:** Donn Avallone, Joe Mayone, Henry Rua

**Also Present:** Doug Myer, Highway Super-intendant; Erica Guerin, Esq., Marie Douglas, Peter Kaufman, & Mr. Turco, Trackside; Alvah Weeks, Building Inspector; Mr. Bruno, Liaison

~ Meeting started at 7:10pm by Jeanne Goldberg followed by the Pledge of Allegiance by Brian.

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

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

File #: 13-0015

SBL#: 28.2-3-17.121

- Representing applicant at meeting was Erica Guerin, Esq. along with Marie Douglas, Peter Kaufman, and Mr. Turco present.
- Meeting began at 7:10pm.
- Jeanne asked Mrs. Guerin to explain her side to why she feels her client does not need a Use Variance. Mrs. Guerin feels that her client does not need a Use Variance because in the Town Zoning Law there is no definition for "bulk water storage" but in the State Regulations it is defined in regards to potable water only, which her client's water is not. She explained that her client's business deals with un-potable water and that they do draw some water from their well to fill the tanks at which they are allowed to do so. She also stated that the majority of the water for the tanks comes from the caves in Rosendale.
- Mrs. Guerin then read some examples/definitions she had in terms from the State and Bulk Water Storage and reiterated that the water is not for potable use.
- Jeanne then mentioned that Mrs. Guerin then disagrees with the interpretation of Alvah Weeks, Building Inspector, in the terms of the Order to Remedy.
- Jeanne explained that the job of the Zoning Board to interpret the Zoning Law and that if applicant does not agree with the decision of the Code Enforcement Officer then the applicant has a right to request and Interpretation from the Board of Appeals. Jeanne gave Mrs. Guerin a new application for an interpretation and the Board agreed that the applicants could fill out the application and submit it once done.

### **PUBLIC HEARING CONT'D (TRACKSIDE):**

- Jeanne asked for a motion to allow this change. Motion made by Sam to allow applicants to make this change and submit the paperwork tonight, Brian 2<sup>nd</sup> motion. Voice vote 3-0, 2 absent. Motion approved.
- Public Hearing put on hold at 7:22pm and to re-open once next appeal is over.
- Public Hearing re-opened at 7:40pm.
- Mrs. Guerin gave the new Interpretation appeal to the Board, all reviewed it and Sect. will make copies and email them to all members.
- Jeanne informed the applicants and Mrs. Guerin that with their permission the Board can keep the Public Hearing open so all the new information can be discussed and papers sent to the Ulster County Planning Board and if the Board closes the Public Hearing then the Board will only have 62 days to render a decision and if the Board does not reach a decision by the 62 days then it will be an automatic denial.
- Mrs. Guerin and the applicants said it is fine with them to leave the Public Hearing open until further notice.
- Board ok with this.
- Mrs. Guerin asked if/when a decision would be made. Board could not give a definitive answer.
- Sam asked if the water that comes from the caves in Rosendale needs to be certified or tested by the Board of Health. No the applicants said, it does not have to be.
- The Board asked how much of the water in the tanks comes from the well on site. The applicants answered about 15% or 7,500-10,000 gallons.
- Board had no more questions.
- Public Hearing will be held over until April 7<sup>th</sup> meeting.
- Public Hearing adjourned at 7:58pm.
- Jeanne received permission from the Board and from Councilman Mr. James Bruno to ask Mr. George Redder, Town Attorney, for assistance with this appeal.

### **NEW APPEAL:**

Town of Saugerties  
Highway Dept. (Doug Myer)  
4 High St.  
Saugerties, NY 12477

File#: 14-0001  
SBL#: 17.15-4-31

- Appeal started at 7:22pm.
- Physical address of appeal 25 Churchland Ln.
- Present was Town Highway Super-intendant Mr. Douglas Myer and Alvah Weeks, Jr., Building Inspector for the Town of Saugerties.
- Mr. Myer's said that he has now decreased the overall size of the proposed new building from 105' x 83' x 48' to 80' x 83' x 48' making the overall square footage 6640 now.
- Brian asked what this does to the variances now. Alvah stated that it now only requires a height variance of 13'.
- Brian asked why it needs to be replaced. Alvah stated that according to a letter from the Town Engineer Denis Larios, the building is condemned and Alvah has given Doug notice that it has to be down by May 1, 2014 and Doug cannot store the salt exposed.
- Brian asked what is the cost to repair vs. the cost to replace it. Would not be an option because of how badly deteriorated the existing building is.

### **NEW APPEAL (CONT'D):**

- Board stated they would like the application changed to reflect the new size of the building and what variances are being requested now. Board asked for Mr. Myer to send a letter to the secretary of the ZBA stating this.
- Jeanne asked for a motion to set the Public Hearing for this appeal. Sam made the motion to set the Public Hearing for April 7, 2014 at 7pm, 2<sup>nd</sup> by Brian. Voice vote taken 3-0, 2 absent.
- Mr. Myer received the information for the Public Hearing mail-outs.
- Meeting ended at 7:40pm.

### **DISCUSSIONS:**

1. Minutes from November 2013 meeting could not be approved due the fact that two of the members present at tonight's meeting (3/3/14) were not in attendance of this meeting and therefore, a vote could not be made.
2. All PB mins received.
3. Jeanne made the motion to set the SEQRA for Applicant 14-0001/Town Hwy Dept. as Type 2 Action 617.5(c)(2). Sam 2<sup>nd</sup> the motion with a voice vote all in-favor 3-0, 2 absent.
4. Public hearing scheduled for 4/7/14 for file #14-0001.
5. Jeanne asked if anyone was going to the class in Saratoga, no one was planning on it. Board asked Mr. Bruno to explain what the law change is that the Town Board is approving/voting on at the Town Board meeting on 3/5/14 regarding pre-existing businesses. Basically all the businesses that were affected by the 2007 zoning changes can have the chance to be "grandfathered-in". Jeanne also stated that she will draft a letter to Mr. George Redder regarding Trackside and email to all members for their opinions/comments/corrections.

~ Motion to adjourn the meeting made by Sam and 2<sup>nd</sup> by Jeanne, voice vote, 3-0; 2 absent.

~ Meeting ended at 8:39pm.

Respectfully submitted,  
Kathleen Blundell, Sect.