



VILLAGE OF SAUGERTIES  
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**Zoning Board of Appeals  
Public Hearing and Meeting  
Minutes  
June 23, 2020**

***Due to COVID19 pandemic and the Governor's Executive Order 202 regarding open meetings, this meeting was held via Webex. Connection information was broadcast online for residents to participate.***

**Present:** Board Members: Scott Campbell, Ed Quirk, Mary Frank, Sam Fisco  
Counsel Benjamin Neidl, Building Inspector/Code Enforcer: Eyal Saad, Applicant: Dave Minch, Others: Patrick Landewe

**Chairman Campbell called the meeting to order and opened the Public Hearing at 7:00pm.**

The Public Hearing regarding the application for an Area Variance by Robin Goss and Dave Minch, 146 Lighthouse Drive.

**Chairman Campbell** invited anyone on the Webex call to speak. There was no one that requested to speak regarding the Area Variance for 146 Lighthouse Drive. The Public Hearing will remain open for the duration of the Zoning Board meeting.

**Chairman Campbell presented the minutes of the May 26<sup>th</sup> Zoning Board meeting. Ed Quirk made a motion to accept the minutes of the May 26, 2020 Zoning Board meeting as presented. Sam Fisco seconded the motion to accept the minutes of the May 26, 2020 Zoning Board meeting as presented. The motion carried unanimously.**

**Chairman Campbell** presented the application for an Area Variance for 146 Lighthouse Drive. Dave Minch is representing the property owner of 146 Lighthouse Drive, Robin Goss. Mr. Minch stated that the zoning code 210.44, discussed at the previous Zoning Board meeting, does not apply to this property since the lot is less than 50ft wide and under 5000 square feet. A letter to the Board with the information regarding code 210.44 had been provided to the Board members earlier this week. The property is 40' wide. The narrow lot is typical of the neighborhood. Mr. Minch stated that there are several neighbors that have similar buildings in their front yards. The 12x11.5 ft. structure was placed in the side yard 3.7ft from the property line. The code requires the setback from the property line to be 6ft, which makes the structure 2.5ft over the allowed setback. Mr. Minch stated that the location of the structure is the only space available to avoid the septic system in the front and the waterfront in the rear that tends to flood. The requirements for an area variance were addressed. Mr. Minch stated there is not a more reasonable alternative, there would be no adverse environmental impact, it is not self-created and the least possible variance is being sought. The affected neighbor has provided a letter stating that he is fine with the building's location. Mr. Minch stated

that being able to use your property is a basic right. The very reason a variance is in the zoning law to allow people to use their property in appropriate ways.

Scott Campbell questioned how the issue is not self-created since Mr. Minch chose to put the building in its current location over the property line. Mr. Minch added that it is not self-created because the difficulty is locating the building on the narrow property and needing a variance. The lot size, the location of the septic and leech field were all pre-existing.

Counsel Ben Neidl addressed the code 210.44 stating that it does apply to undersize lots if they comply with the four requirements. Being smaller than 50ft wide does not exempt you from the other requirements for the 8ft side yard setback. You still are required to meet the side yard setbacks.

Mr. Minch stated that the variance application would then have to be for the 4.5ft instead of 2.5ft.

Eyal Saad added that the size of the property is preexisting nonconforming but once you put a nonconforming building on the property it becomes a self-created issue. There are other ways to place the building on the property that may not require a variance. Mr. Saad shared a drawing of the property with the existing building location as well as two alternative locations. One location was 4 ft. from the property line in the back of the property and one in the front closer to the house.

Mr. Minch addressed the proposed alternate locations. He stated that the rear location would put the structure almost on the bulkhead and in very wet ground. A backhoe would not fit through to work on the bulkhead when necessary. The front location wouldn't work because the overhang of the building would not fit that close to the house and would be on the septic tank if moved further away from the house.

Scott Campbell along with Ed Quirk made a point that the building could be moved to another location on the property that would fit with in the setbacks and not require a variance. Mr. Minch indicated that the building could be moved but it would be a hardship to do so since it is a substantial building and a major tree would have to be removed. It is not a metal shed.

The Board reviewed the criteria to consider for this variance:

1. *whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of this variance;* The Board agreed there would be no impact.
2. *whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance;* The Board agree that the building could be relocated. Mr. Minch disputed that the building could be relocated and stated that moving it would be a hardship. Eyal Saad suggested that a smaller building could be in that area without a variance. The building could be the same square footage, except narrower.
3. *whether the proposed requested area variance is substantial;* The Board agreed; The Board would consider the difference between the 2.5ft and the 4.5ft is not substantial.
4. *whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;* The Board agreed there would be an effect on the bulkhead if it were put in the back yard. Mr. Minch stated that the building in the backyard would obstruct the neighbors view of the water. The board agreed that there would be no impact to the environment.
5. *whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.* The Board agreed that the difficulty was self-created since the lot size was preexisting and the size of the building could have been built to fit in the available space.

Mary Frank added that there are several properties along Lighthouse Drive have buildings up against or over the property lines.

Patrick Landewe, former Village Board member and liaison to the Historic Review Board, Planning Board and Zoning Board, was present to address the Board regarding the variance application by Robin Goss and

Dave Minch. He is also neighbor of the applicants. Mr. Landewe approves of the proposed variance for the building and feels that the building is consistent with the neighborhood. Many of the waterfront properties have detached structures in the side or front yards as not to interfere with the waterfront view and access. Since it is an undersized lot, there are few options to most of the properties. It would allow them to have what a lot of their other neighbors already have.

The work entailed putting the building in its current location was no small task and I would hope that the Board wouldn't burden the applicant with the hardship of moving it.

Dave stated that the building is being used as additional residential space. There is no plumbing and no heat in the structure. He repeated that the size of lot is the main issue and that the need for the variance is not self-created.

**Scott Campbell made motion to close the Public Hearing for 146 Lighthouse Drive, Area Variance. Sam Fisco seconded the motion to close the Public Hearing for 146 Lighthouse Drive, Area Variance. The motion carried unanimously.**

Scott Campbell inquired whether or not the Board was ready to vote on the area variance for 146 Lighthouse Drive. All members stated they were satisfied with the information discussed and were prepared to vote. Three members voted No and one member voted Yes. The area variance is denied.

Sam Fisco – No, Mary Frank– Yes, Ed Quirk– No, Scott Campbell – No

Counsel Ben Neidl will draft a resolution memorializing the decision for the 146 Lighthouse Drive area variance for the July 28<sup>th</sup> Zoning Board meeting.

**Sam Fisco made motion to adjourn the Zoning Board Meeting of June 23, 2020. Ed Quirk seconded the motion to adjourn the Zoning Board meeting of June 23, 2020 at 7:51 pm. The motion carried unanimously.**

**The next scheduled Zoning Board Meeting and Public Hearing will be July 28, 2020 at 7:00pm.**

Respectfully submitted,  
Lisa Mayone  
Village Clerk  
6/25/2020