



VILLAGE OF SAUGERTIES
43 PARTITION STREET
SAUGERTIES, N.Y. 12477
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**Zoning Board of Appeals
Meeting Minutes
November 24, 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, Joe Gavner, Attorney Ben Neidl, Bldg. Insp. Eyal Saad

Joe Gavner made a motion to accept the minutes of the October 27, 2020 Zoning Board meeting as presented. Mary Frank seconded the motion to accept the minutes of the October 27, 2020 Zoning Board meeting as presented. The motion carried unanimously.

Dangel, Inc – 141 Ulster Avenue Use Variance

Scott Campbell presented the use variance application for Dangel, 141 Ulster Avenue. The application indicates that the property is located in the B2 district and is currently a business on the first floor and an apartment above. The applicant would like to convert one of the commercial spaces on the bottom floor to an apartment. The Board referred to the Schedule of Use Regulations. The regulation for having only businesses on the first floor and apartments above applies to the B1 district. Ben Neidl explained that the B2 district is not restricted by the lower level business only regulation as in the B2 district. A variance would be needed to have more than 3 rental units in the B2 district.

The property owner, Dan Gelfand, explained that since the COVID pandemic his tenant that operated a hot yoga business in one of his commercial spaces had to close. The space has been empty for several months and there have been no inquiries from other businesses. Mr. Gelfand believes that he would be able to rent an apartment before a business. He feels that there is a great need for apartments in Saugerties. He owns several other properties in the village for many years. His other business tenants are able to continue renting their spaces for now. There currently are 3 apartments on the second floor of the building. He would like to make this commercial space into a studio type of apartment. Mr. Gelfand indicated that he has 20 parking spaces in the lot behind the building.

Ben Neidl stated that this would be an unlisted action for SEQR and the Zoning Board could be the Lead Agency.

Scott Campbell made a motion to have the Village of Saugerties Zoning Board be the Lead Agency for SEQR. Ed Quirk seconded the motion to have the Village of Saugerties Zoning Board be the Lead Agency for SEQR. The motion carried unanimously.

The application is required to be sent to the Ulster County Planning Board for review due to it's proximity to Route 32. And a Public Hearing is also required.

Scott Campbell made a motion to set a Public Hearing for the Dangel, Inc. Use Variance application for December 22 at 7:00 pm via Webex. Ed Quirk seconded the motion to set a Public Hearing for the Dangel, Inc. Use Variance application for December 22 at 7:00 pm via Webex. The motion carried unanimously.

Scott Campbell advised Mr. Gelfand of his responsibility to satisfy the four criteria of the Use Variance Standards that the Zoning Board is bound by NYS Village Law.

1. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
2. That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
3. That the requested use variance, if granted, will not alter the essential character of the neighborhood; **and**
4. That the alleged hardship has not been self-created.

Mr. Gelfand stated he will pick up a copy of the Use Variance Standards at the village office and be available at the Public Hearing.

Mary Frank made motion to adjourn the Zoning Board Meeting of November 24, 2020. Joe Gavner seconded the motion to adjourn the Zoning Board meeting of November 24, 2020 at 7:30pm. The motion carried unanimously.

The next scheduled Zoning Board Meeting and Public Hearing will be December 22, 2020 at 7:00pm.

**Respectfully submitted,
Lisa Mayone
Village Clerk
11/25/2020**