



VILLAGE OF SAUGERTIES
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Zoning Board of Appeals
January 22, 2019
Jo Ostrander/ Southern Realty Development
298 Ulster Avenue
Public Hearing Meeting Minutes

Present: Scott Campbell, Joe Gavner, Mary Frank, Sam Fisco, Building Inspector/Code Enforcer Eyal Saad, Ben Neidl

Others Present: Nancy Campbell, Mike Campbell, Mr. & Mrs. Robert Elmendorf, JT Elmendorf, William Swart, Vincent Ruby, Louis Naccarato, Mary Leahy, Vincent McLaughlin, Dan Leferve, JoAnne Ostrander, Mike Moriello, John Joseph, Barry Mendenbach

Chairman Campbell called the ZBA Public Hearing to order at 6:45pm.

The purpose of the Public Hearing is to receive comments regarding the application for an Area and Use Variance by Joanne Ostrander and Southern Realty & Development, LLC - Auto Zone at 298 Ulster Avenue. Barry Mendenbach of Mendenbach & Eggers Civil Engineers & Land Surveying, PC presented the site plan for the Auto Zone project and explained the proposal. It is a complicated site due to it being located in the Village's Industrial zone and residential zone and the Town's General Business Zone and Moderate-Density Residential zones. The new entrance to the property would be pushed closer to the east. The access in back is to Railroad Avenue which would be for delivery trucks to exit. The one parcel that is in the Town is not buildable once all the setback requirements are considered. The area variance is required to allow the parking setback to be 3ft instead of 15ft from the front property line. Two of the parking spaces would be too close to the property line but they would be approximately 40ft from the highway with green space in between. As an alternative to the setback requirement, the number of parking spaces could be reduced from the required 37 to 28. A variance would in turn be needed for the reduction of spaces. Either way a variance is needed whether it be for setback or the number of parking spaces. John Joseph explained the setbacks for the parking spaces and it would be up to the Board which variance to pursue.

Mike Moriello stated that included in the paperwork is an appraisal of the property that resulted in having no value as a residence site. There are no comps in the area that have the same situation.

Also, included in the paperwork submitted is a report regarding the frequency and length of the trains.

The area and the character of the neighborhood has changed over past 15 years since the owner has bought the property.

The parcels from Price Chopper to the highway are all zoned commercial. The piece of the parcel in the front is zoned commercial but is not big enough to do anything with.

Chairman Campbell invited anyone in attendance to speak.

Nancy Campbell, Market St., addressed the Board. She stated that she feels that the new Auto Zone is like trying to fit a square peg in a round hole. There is a tremendous back up of traffic already in that area due to the trains and traffic on 212. The entrance on 212 is not a good idea. The area is a gateway to the Village and

is beautifully maintained by the Blue Katz organization. It is important to keep the natural area intact. Is there a way to have the entrance on Kings Highway?

This would be the third auto parts within a quarter of a mile. Why this particular spot when there are so many issues? **John Joseph** remarked that NYS approved the curb cut as well as the traffic study. There are photos of the proposed site. **Nancy Campbell** remarked that statistics aren't always true in reality.

Rob Elmendorf, owner of the NAPA Auto parts store on Ulster Avenue addressed the Board. Mr. Elmendorf is not against making the Village better or competition but he questions why not on Kings Highway in the Town where it is zoned for industrial/commercial? The Ulster Avenue location would give the Village a corporate look upon entering. What would be there after the Auto Zone lease runs out? He has operated an NAPA Auto since 1982. According to what was said at the UCPB meeting, once the signs are removed they won't be able to be put back since they are not DOT approved.

John Joseph and Jo Ostrander showed the photos of the current property and the proposed Auto Zone property. The photos indicated where the new building, signs and entrance would be located. See attached.

Mike Campbell, Market St., addressed the Board. He stated that he prefers the current look of the property and feels it is more attractive now than the proposed images. There would be more of a corporate feel if the existing trees were removed to accommodate the new entrance.

Bill Swart, Railroad Avenue, addressed the Board. He is a neighbor of the property and is not debating what goes into the property. He stated that anything would be an improvement to what is there now. It is already a commercial area with Bottini and Paraco. The fuel smells and noise are a nightmare. The only reason he remains on Railroad Avenue is because it was a family home that was left to him. He rather see a business than see storage sheds or open storage. He doesn't have a problem with the delivery trucks exiting out on Railroad Avenue. The area has changed considerably.

Vince Ruby, Railroad Avenue, addressed the Board. Mr. Ruby gave a brief history of the property. He feels it is questionable as to who owns the piece of property where the Blue Katz maintain the trees. He stated that the Bottini and Paraco trucks race through Railroad Avenue now. There has been garbage all over the Ostrander property due to the tenants. He urged the Board to consider the project to do something positive with the property.

Jo Ostrander, owner of the property. Ms. Ostrander assured everyone that the property would be very welcoming and the green space would remain. She touched on the hardships she has had with the property. A binder of documents was submitted as proof to how the property has changed. She bought it when it was being used as a residence and glass business. She operated it as a tool rental business and eventually sold the tool rental but retained the property. A Use Variance was obtained from the ZBA in 2007 to allow for the tool rental to include bouncy houses. After the business closed, the house was changed back to a residential rental property. It was hard to keep renters due to the location. Eventually the house was rented through RUPCO but the tenants were not good. It got so bad that I had requested the Building Inspector to condemn my property. The property value has suffered from the changes in the area. Paraco and Bottini were not there when the property was originally purchased. The realtor states that there is no value as a residence. The 2003 and 2017 appraisal indicated the best use for the property was as commercial development. The current zoning is allowing this problem. The allowable uses are open and closed storage. Boat, RV and trailer storage is allowed. It is not feasible for rental or residence. Signed petitions in favor of the Auto Zone were submitted. .

Ben Neidl inquired as to when the last paying tenant was in the property. **Jo Ostrander** said the last tenants were evicted in 2018.

Mr. Ruby stated that the trains blow their whistles 4 times each time they are at the crossing. The study indicates that there are 132 trains that pass through Ulster Avenue.

John Joseph stated that the outside storage or mini storage is the only thing allowed. **Mr. Leferve**, owner of a self-storage business, stated that the storage units don't fit in the space. Anything under 40,000 square feet of space is not profitable. The foot print of this property is 10,000 feet with the setbacks.

Jo Ostrander stated that she is asking the Board to consider making it possible for her to have a commercial property whether it is an AutoZone or something else. Auto Zone will have to choose whether or not it is profitable for them. They will have the ability to extend the 20 year lease if they choose.

Mike Moriello referring to the photos showed, stated that the look may change based on the process through the Planning Board and SEQR requirements. Most likely there will be more greenery than indicated. The photos are just a beginning. **Ms. Ostrander** said she is very flexible as to what will work out for this property.

Mayor Murphy disputed his wife's signature on the petition, stating that **Ms. Ostrander** misrepresented the petition as a petition for easement to allow a driveway not an AutoZone. **Ms. Ostrander** will strike the signature from the petition.

Ben Neidl stated that the Board has 62 days after the close of the Public Hearing to make a decision. Two outstanding things remain – UCPB recommends the project be referred to the Town Planning Board and DEC recommends referral to SHIPO. **Mike Moriello** stated that they are in agreement with the referrals. The engineering firm will process the referral to SHIPO.

Mary Frank made a motion to keep the Public Hearing open for additional comments until the next Zoning Board meeting on February 26, 2019 at 7:00pm. Sam Fisco seconded the motion to keep the Public Hearing open for additional comments until the next Zoning Board meeting on February 26, 2019 at 7:00pm. The motion carried unanimously.

The plans with the revised parking and the traffic study supplement was submitted. John Joseph explained the traffic study regarding accidents and the left hand turns. Part of the supplement is DOT approval of the left turn and driveway.

The Zoning Board Public Hearing will be left open until February 26, 2019 for additional comments.

Respectfully submitted,
Lisa Mayone
Village Clerk
1/31/19