



VILLAGE OF SAUGERTIES
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Planning Board Meeting January 9, 2019 Minutes

Present: Planning Board – Mary Leahy, Michael Karashay, Gary Newkirk, Eric Johnson, Scott Roeber, Marilyn Daley, Eyal Saad, Ben Neidl, Patrick Wadden, B. Conathan, Dave Minch, John Joseph, Tim Horton, Barry Medenbach, Joanne Ostrander

Chairperson Mary Leahy opened the Planning Board Meeting at 6:30pm.

Mary Leahy presented the minutes from the December 12, 2018 Planning Board meeting.

Michael Karashay made a motion to approve the minutes of the December 12th Planning Board meeting. The motion to approve the minutes of the December 12th Planning Board meeting was seconded by Eric Johnson. The motion carried unanimously.

Patrick Wadden presented his plans for the Arm of the Sea Tidewater Center. The master plan has been developed to include several educational buildings, theatre, and dock to be completed in three phases. Site work and clean up has been done on the property as well as a fence around the ruins. Once the Community Rising Project work is done, Arm of the Sea hopes to take title to the property from the Clearwater. A second grant from the Hudson River Estuary Program has enabled Arm of the Sea to enter into phase one of the project. Phase one will include capping the site and some initial landscaping as well as a structure to serve as an operations support center. Phase two will include a semi-secured open air structure with an awning for performances, outdoor play and educational spaces, and a dock with a floating classroom. Phase Three will include the construction of an elevated 99 seat theatre and presentation space, an ecology center, an art studio and a public fishing boardwalk.

Plans also include a road to the site, a kayak launch and parking for 28 vehicles. There will be vegetation planted to hide the parking lot. The sluiceway area will have an aquatic plantings and gardens.

Eyal Saad indicated that the location of the ramp and dock in the sluiceway area is supposed to be open to the public for fishing. A 20x100 right of way has to be available for public access. By moving the location of the ramp and dock further over towards the sandbar and further out into the creek, would provide the public access and fishing space. **Patrick Wadden** stated that the public access to the water front is something that the Arm of the Sea's lawyer is working on before they take possession from the Clearwater. The part of Phase Three would be to increase public access to the waterfront, not limit it. Fundraising efforts will begin once the CRZ projects are complete and possession of the property is obtained. A guided tour of the property is available anytime the Board would like a tour.

Eyal Saad also mentioned that the total maximum capacity and square footage of all the proposed buildings would be taken into consideration to come up with the total number of parking spots required. The 28 parking spaces on the plan do not seem to be sufficient for the total size of the project.

The application with the site plan for the entire project, as well as during each of the three phases, would have to be submitted to the Planning Board for review at appropriate points of the project. For SEQR approval the project cannot be approved in three segmented phases, and must be done with respect to the entirety of the project. Additionally, each phase of the project must receive the appropriate Special Use approval to operate under the approved function during that phase. The Water Front Advisory Board would also have to be notified of the project.

Chairperson Mary Leahy explained that the Zoning Board has requested the Planning Board submit an advisory opinion on the Use and Area Variance application by Joanne Ostrander, 298 Ulster Avenue. The proposed project – “Auto Zone” is before the Zoning Board for a use and area variance. A Public Hearing is scheduled for January 22, 2019. The discussion at this meeting is to create written documentation to be forwarded to the Zoning Board. The Planning Board members agreed to have Attorney Ben Neidel write the memo of comments and recommendation. The owner, Joanne Ostrander, and the developer, Southern Realty, were present to discuss the project and submit renderings of the proposed AutoZone site at 298 Ulster Avenue. The Use Variance is needed to allow the parking in the residential area and the Area Variance is needed to allow the reduced number of parking spaces and driveway. The Ulster County Planning Board refers to the driveway exiting in a residential zone in the Town of Saugerties. A discussion regarding the exit into the residential zone, traffic studies and turning left onto Ulster Avenue continued. John Joseph will be checking with the Town of Saugerties to determine if they will need a variance from the Planning and or Zoning Boards. The Area Variance could possibly be eliminated based on the position and location of the parking spots. The visual presentation of the proposed project included the view of the building, parking lot and entrances when entering and leaving the Village from Route 212/Ulster Avenue.

For the sake of comment to the ZBA, the requirements for the applicants to meet the NYS Village Law 7-712-b criteria for *the burden of proof* when considering the use variance application were discussed. The Board is required by law to follow this standard, and does not have discretion to disregard any of the elements. The applicant must show that the zoning regulation has caused an unnecessary hardship by addressing **all** of the following:

- That the applicant cannot realize a reasonable return, as demonstrated by competent financial evidence;
- That the alleged hardship relating to the property is unique, and does not apply to a substantial portion of the district or neighborhood;
- That the requested variance, if granted, will not alter the essential character of the neighborhood; and
- That the alleged hardship was not self-created.

Each requirement was reviewed and discussed. The retail is a special use in the Industrial zone. The previous special use permit for the retail tool rental business doesn't apply. The change in the area has been more towards the business development with the surrounding business being newly added or renovated. The residential portion of the property would be big enough to build a single family home which would be permitted in the R1. The home would not be able to overlap into the I1 zone.

Eyal Saad referred to the zoning code as to the types of uses permitted in the I1 zone. The character of the neighborhood is more business as opposed to Industrial. The self-created hardship will be the hardest to prove and to which Mike Moriello has provided letters regarding the applicants proof.

The Part 2 of the SEQR short form was discussed and each question addressed and answered.

Ben Neidl will be compiling all the recommendations and comments of the Planning Board into a memo and distribute to the Planning Board members for review. The final memo will then be presented to the Zoning Board for their consideration.

Eyal Saad informed the Board that a prospective buyer of the Baptist Church at 32 Partition Street inquired about the regulations regarding the use of the building. The buyer would like to use the building for a restaurant and distillery. The building is located in the R3 zone which would not allow the business as well as there is inadequate parking. The buyer was advised of the codes and is aware that an application for a use variance would be needed.

Mary Leahy made a motion to adjourn the Planning Board meeting. The motion to adjourn was seconded by Gary Newkirk. Motion carried- meeting adjourned at 9:10 pm.

The next Planning Board meeting is February 13, 2019 at 6:30pm.

Lisa Mayone

Filed 1/17/19