



VILLAGE OF SAUGERTIES
43 PARTITION STREET
SAUGERTIES, N.Y. 12477
PHONE: 845-246-2321 FAX: 845-246-0887

Zoning Board of Appeals
Meeting Minutes
January 27, 2026

Present: Board Members: Scott Campbell, Mary Frank, Ed Quirk

Absent: Allan Kessler

Others: Eyal Saad and Ben Neidl

Scott Campbell opened the Zoning Board Meeting at 7:00PM

Regular Session

Ed Quirk made a motion to accept the minutes of August 26, 2025, Zoning Board meeting. Mary Frank seconded the motion to accept the minutes of August 26, 2025, Zoning Board meeting. All in favor, the motion carried.

46 Post Street

Resolution # 3

Resolution # 3 for 46 Post Street application was presented for approval as written by the attorney by Mary Frank, Resolution # 3 for 46 Post Street application was seconded for approval as written by the attorney by Ed Quirk. All in Favor, motion carried.

Scott Campbell Y

Ed Quirk Y

Mary Frank Y

Allan Kessler N/A

16 Icehouse Drive

Variance Rear yard setback

Presented the application to the Zoning Board, a serious buyer that is unit 8 is requesting as # 16 as an address, doors that go out, this variance is just for this unit. The buyer is requesting an extension of their living space inside which would require the rear deck 5.49ft past the rear yard setback on the south side. Request would be 86 square ft. Discussion and requests for a view of the layout of the plan. A discussion of privacy wall all the way up, protect their privacy. Scott Campbell wants a floor plan that you could see. Rear yard setback normally in the Village is 25 ft., reducing the setback by how much? The 5.49 ft is what would be encroaching on the rear yard. The deck would protrude over the retaining wall, need to see that. The approved setback is 10 ft, they want to extend to 5.5ft, leaving them a 4.51 ft setback. The question of what the downside would be to approve this, there is no rear yard, there is a walkway, with separation wall for privacy. Question of being able to walk around the entire building, if access is available to exit the rear side of the building. The question came up if this was granted, would the other 10 units requesting having the same done, would it be possible that the other units have more rear yard size. Chairperson Scott Campbell requested a floor plan and an aerial view, showing the detail of the existing 10 ft setback to be shown.

The Board agreed to send 16 Icehouse Drive application to Ulster Planning Board, this is Type II Action under SEQRA but made recommendations to send 16 Icehouse Drive application be sent to Fire Department, Planning Board, and Historical Review Board.

Scott Campbell made a motion to set a Public Hearing for next meeting on February 24, 2026, for 16 Icehouse Drive, Mary Frank seconded the motion to set a Public Hearing for next meeting February 24, 2026, for Icehouse Drive. All in favor. The motion carried.

Scott Campbell made a motion to declare 16 Icehouse Drive a Type II SEQRA Action by recommendation of Ben Neidl, Ed Quirk seconded the motion to declare 16 Icehouse Drive a Type II SEQRA Action by recommendation of Ben Neidl, All in favor, the motion carried.

Scott Campbell made a motion to adjourn the Zoning Board Meeting of January 27, 2026. Mary Frank seconded the motion to adjourn the Zoning Board meeting of January 27, 2026. All in favor. The motion carried.

Next Zoning Board Meeting February 24 @ 7:00PM

Peggy Melville

Village Clerk January 28, 2026



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Village Zoning Board of Appeals
Resolution #3 of 2025

WHEREAS, this matter comes before the Village of Saugerties Zoning Board of Appeals (“ZBA,” or the “Board”) as an application for an area variance (the “Application”) for 46 Post Street, Saugerties, New York, Tax Map No. 18.263-6-9 (the “Property”) submitted by Jeffrey Baker (the “Applicant”), through his professional representative, Ryan Cornelison, P.E.; and

WHEREAS, the Applicant filed the Application and supporting papers with the Village Clerk on July 2, 2025; and

WHEREAS, the Property is located in the Village’s *R-2: One-and-Two-Family Residential* (“R2”) zoning district. The Application seeks a variance of Village Code §210-13B’s requirement of that front yards in the R2 district be at least 20 feet deep, as more fully discussed in the FINDINGS below; and

WHEREAS, the ZBA reviewed the application for completeness during its public meeting of July 29, 2025. The ZBA deemed the application to be complete and scheduled a public hearing for August 26, 2025 at 7:00 p.m.; and

WHEREAS, after due notice to the public given by the Clerk, the ZBA opened a public hearing on the Application on August 26, 2025 at 7:00 p.m. No members of the public offered comments. After giving the public the opportunity to speak, the ZBA voted to close the public hearing; and

WHEREAS, after closing the public hearing, the ZBA deliberated upon the Application in an open meeting on August 26, 2025, immediately following the close of the public hearing; and

WHEREAS, after due deliberation, the ZBA held a vote on the Application. Members Scott Campbell, Mary Frank, and Alan Kessler voted to grant the Application. The ZBA authorized the Village Attorney to draft a Resolution formally memorializing the determination of the Application and the ZBA’s reasons therefore; and

WHEREAS, this Resolution effectuates said purpose.

NOW, THEREFORE, THE BOARD HAVING DELIBERATED UPON THE APPLICATION, FINDS AND ORDERS AS FOLLOWS:

Findings and Conclusions

1. The ZBA's findings in this matter are based upon the Application and all materials submitted in support of it, the presentation of the Applicant at the public hearing, the ZBA's knowledge of the Village of Saugerties Village Code, advice from the Village Attorney and the Village Code Enforcement Officer, and the ZBA's familiarity with the subject neighborhood and the R-1 district.

I. SEQRA AND GENERAL MUNICIPAL LAW §239-m COMPLIANCE.

2. During the ZBA's public meeting of July 29, 2025, on the advice of the Village Attorney, the ZBA declared the application to be a "Type II" action under the State Environmental Quality Review Act ("SEQRA"). The application is Type II pursuant to 6 NYCRR §617.5(16) because it seeks an individual setback variance. Alternatively, it is a Type II action pursuant to 6 NYCRR §617.5(c)(17), because the application seeks the "granting of an area variance for a single-family, two-family or three-family residence[]," inasmuch as the Property is to be improved only by a single-family home. The ZBA reaffirms and ratifies the Type II declaration in this Resolution. Accordingly, the area variance Application is excused from any further review under SEQRA.

3. Following the ZBA's public meeting of July 29, 2025, the Clerk forwarded the Application to the Ulster County Planning Board ("UCPB") for review pursuant to N.Y. General Municipal Law §239-m. On August 18, 2025, the ZBA received a Referral Response from the UCPB, advising that the Application posed "No County Impact." This concludes the interagency review process contemplated by N.Y. General Municipal Law §239-m.

II. THE PROPERTY AND THE NATURE OF THE VARIANCE SOUGHT

4. The 2025 Final Assessment Roll for Saugerties reports that the Property is 0.11 acres in size and is owned by the Applicants, Jeffrey Baker. The Assessment Roll indicates that the Applicant took title to the Property by a Deed recorded in the Ulster County Clerk's Office at Deed Book 7393, Page 40.

5. The Property is currently vacant. It is situated between neighboring properties having mailing addresses of 44 Post Street (which has a two-family home) and 48 Post Street (which has a one-family home).

6. The Applicant proposes to build a two-family home on the Property. A two-family dwelling is a permitted use in the R2 district. *See* Saugerties Village Code §210-13A.

7. In the R2 district, the Village Code normally requires a front yard depth (setback) of at least 20 feet. Saugerties Village Code §210-13B.

8. The Application includes a site map by Clover Engineering, dated June 30, 2025, showing the proposed location and dimensions of the proposed two-family home (the “Clover Site Map”). The Clover Site Map depicts a layout in which the front wall of the house and its front porch (facing Post Street, to the north) encroach upon the 20 foot setback requirement. More specifically, as depicted in the Clover Site Map:

- a. The front wall of the house would be 10.6 feet from the front property line, and
- b. The house’s front porch would 3.2 feet from the front property line. As depicted, the front porch would be 20 feet wide, and would span about two-thirds of the front width of the house.

9. In effect, this means that the Applicant seeks a front yard area variance, permitting the front yard to be reduced from 20 feet to 3.2 feet for that portion of the house fronted by the front porch, and permitting the front yard to be reduced from 20 feet to 10.6 feet for that portion of the house that is not fronted by the front porch.

III. FINDINGS AS TO THE INDIVIDUAL AREA VARIANCE CRITERIA

10. The standard for adjudicating area variance applications is provided for in N.Y. Village Law §7-712-B. That section provides as follows:

In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:

- (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 the area variance;
- (2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
- (3) whether the requested area variance is substantial;
- (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- (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.

11. No single factor in the above-referenced, five-factor balancing test, is dispositive. That means the Applicant does not necessarily have to “prove” all five elements. The ZBA may grant the variance if it finds that the Applicant has demonstrated some factors and not others. A particular factor may pose a greater concern in one application and a lesser concern in another application, depending on the circumstances.

12. In this case, the benefit sought by the Applicant is to install a ten (10) foot wide, eighteen (18) feet long shed on the northerly side of their house for the storage of personal property for their growing family. The ZBA weighs this benefit against any potential detriments, using the five factors specified in the statute.

A. 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 the area variance

13. The proposed variance would not create an undesirable change in the neighborhood or a detriment to nearby properties.

14. The Board notes that there are several pre-existing, lawfully non-conforming (grandfathered) houses in this neighborhood that have front yards smaller than 20 feet. The existing two-family house at **44 Post Street** (right next door to the subject Property) has a two-story front porch that reaches the very front edge of its property line with no front yard at all. In addition, **22 Post Street** and **24 Post Street**, have enclosed or covered porches that come right to the sidewalk line with no front yard—those buildings are on the same side of the street as the subject Property, and only about 100 feet from the subject Property. The same is true of **10 Post Street**, which is also on the same side of Post Street as the subject Property.

15. In addition, on the opposite side of Post Street in this neighborhood, there are several buildings that are closer to the street line than 20 feet. For example, directly across the Street from the subject Property is the rear side of **38 Russell Street**, which is improved by a building that is only approximately 16 feet from the edge of Post Street.¹ Similarly, the rear side of **42 Russell Street** is diagonally across Post Street from the subject Property (to the Subject Property’s northeast)—42 Russell has a building that encroaches to within approximately 14 feet of Post Street. Likewise, the rear side of **28 Russell Street** is diagonally across Post Street from the subject Property, and has a garage building that is set back less than 6 feet from the edge of Post Street.

16. The net effect is that if one walks or drives the block of Post Street where the subject Property is located (between Route 32 and Washington Avenue), through much of that corridor *existing* buildings are located close to Post Street, with several existing nearby houses having no front yards at all. The proposed house construction would be consistent with conditions that are prevalent there. Under those circumstances, the Board concludes that the proposed house construction on the subject Property would be consistent with the existing neighborhood, and

¹ In the stretch of Russell Street that runs between Route 32 and Washington Avenue, the Russell Street houses front Russell Street, and their rear yards face Post Street.

would not pose a detriment to nearby properties, the neighborhood, or the R2 zoning district.

B. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

17. The ZBA is satisfied that there is a feasible alternative to an area variance. The required off-street parking will consume enough of the rear yard that it is not feasible to move the house's footprint far enough away from Post Street to comply with the full 20 foot front yard requirement.

C. Whether the requested area variance is substantial

18. The ZBA considers the question of "substantiality" from both quantitative and qualitative perspectives.

19. From a strictly numerical (quantitative) standpoint, the requested variance is "substantial." The portion of the variance that would allow a front yard depth of 3.2 feet (for the area of the front porch) is a reduction of approximately 84%, and the portion of the variance for the porchless section of the house is a reduction of just over 50%. Both of those deviations are mathematically substantial.

20. However, qualitatively, the ZBA does not perceive any negative impacts associated with the size or location of the proposed variance.

21. Inasmuch as the proposed variances are only technically (quantitatively) substantial and not qualitatively or prejudicially substantial, the ZBA finds that this factor is neutral as to this particular Application.

D. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

22. The record suggests that the variance should not cause any ill-effects related to the environment, such as drainage, wastewater disposal, traffic, noise or lighting, etc. The proposed construction (two-family dwelling) is allowed as of right in the R2 and typical for the neighborhood. The proposed reduction in front yard size is environmentally neutral (not detrimental).

E. Whether the applicant's hardship is self-created.

23. The Applicant's hardship is self-created. Among other circumstances, a hardship is self-created when an applicant subjectively desires to construct or install a building that does not comply with the area zoning requirements.

24. However, N.Y. Village Law §7-712-B allows that the self-created nature of a hardship "shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance."

IV. BALANCING THE FACTORS

25. As discussed above, Factors A, B and D weigh in favor of granting the variance, and Factor C is neutral. As to Factor E, the Applicant's situation is a self-created hardship, but the law is explicit that a self-created status "shall not necessarily preclude the granting of the area variance." In this particular case, with Factors A, B and D weighing cleanly in favor of the variance and Factor C posing no reason to deny the variance, the ZBA believes it would be arbitrarily punitive to deny the variance solely because the hardship is self-created. A "self-created hardship" is most excusable when the proposed variance poses no detriments. In this case, the ZBA itself has observed no detriments from the proposal, and the ZBA received no objections to the plan from the public.

Decision & Order

Now, therefore, upon an affirmative vote to adopt this Resolution by a majority of a quorum present of the Village of Saugerties Zoning Board of Appeals, it is hereby ORDERED that

26. Subject to the CONDITION stated below, the Application is GRANTED, insofar as the Property is hereby granted relief from the 20 foot front yard depth (setback) requirement of Saugerties Village Code §210-13B, and shall be allowed a front yard depth (setback) of 3.2 feet for that portion of the planned house that will be fronted by the front porch, and shall be allowed a front yard depth (setback) as low as 10.6 feet for that portion of the planned house that will not be fronted by the front porch.

27. As and for a Condition to the Variances. The foregoing variance is conditioned upon the construction of the house and its front porch in the foot print depicted in the Clover Site Map that accompanied the Application, and in conformance with the location, size and dimensions specified in the Clover Site Map. If the building does not conform to the Clover Site Map specifications, the structure shall be non-compliant with the variance granted by this Resolution, and subject to enforcement remedies of the Village Code Enforcement Officer.

Presented by: Mary Frank

Seconded by: Ed Quirk

Scott Campbell, Chair Y

Ed Quirk Y

Mary Frank Y

Alan Kessler N/A