



ZONING BOARD OF APPEALS
4 High Street Saugerties, NY 12477
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May 4, 2026

PRESENT: Bill Schirmer (Chair), Henry Rua (Vice-Chair), Joseph Mayone, Tim Scott Jr., Randy Ricks and Holly Strutt (Alternate).

ALSO PRESENT: Becky Bertorelli (Zoning Board Secretary) and Sean Weaver (Building Inspector).

Schirmer called the meeting to order at 7:00 pm. Strutt joined as a member to continue the review of the applications on the agenda which she reviewed in Rua's absence. Strutt accepted. Schirmer also welcomed Rua back.

PLEDGE

PUBLIC HEARING

AMANDA ZASLOW-MOSELEY & JOSEPH MOSELEY: 5' REAR YARD AREA VARIANCE.

264 VanVlierden Road

Saugerties, NY 12477

File #: 26-004

SBL #: 8.3-4-6

Presented by Josh Pulver, Architect and the applicant, Amanda Zaslow-Moseley. The applicant is proposing construction of an addition to an existing single family residence located at 264 Van Vlierden Road. Visual representation was submitted at the meeting. The addition has increased in size and the architect is still working with the applicant to develop a final plan. This addition will include a bedroom, kitchen and additional living space. The current 5' rear yard setback variance request may change depending on the final plan. Strutt-can the neighbor see the addition? Moseley-no, the parcel consists of 60-acres and the only neighbor in the rear has submitted a letter of support for our project.

Schirmer-it may be in the Board's best interest to adjourn the public hearing until the June 1, 2026 monthly meeting at which time an updated application will need to be submitted with the updated variance needed. The applicant may have to re-notice the public hearing.

A motion was made by Ricks, seconded by Mayone, to adjourn the public hearing for June 1, 2026 at the monthly meeting. Board vote: Strutt-Aye, Ricks-Aye, Scott Jr.-Aye, Mayone-Aye, Schirmer-Aye. Motion carried.

NEW BUSINESS

NONE

OLD BUSINESS

DIYDS, LLC: INTERPRETATION OF §245-56 OF TOWN OF SAUGERTIES ZONING CODE

1776 Route 212

Saugerties, NY 12477

File #: 26-002

SBL #: 27.4-5-4.200

Schirmer read the “Decision and Order” as drafted (copy attached). The ZBA has determined that the proposed use is for indoor agriculture and is not permitted in the HB zoning district. Reference §245-56 of the Town of Saugerties Zoning Code.

A motion was made by Schirmer, seconded by Scott Jr., to accept the “Decision and Order” as written. Board vote: Strutt-Aye, Ricks-Aye, Scott Jr.-Aye, Mayone-Aye, Schirmer-Aye. Motion carried.

Schirmer-the Building Department has been working with the Town Board to amend the zoning to include indoor agriculture within other zoning districts. The applicant should speak with the Town Board.

BOARD DISCUSSION

- A motion was made by Ricks, seconded by Scott Jr., to approve the draft minutes of the April 6, 2026 meeting. Board vote: Strutt-Aye, Ricks-Aye, Scott Jr.-Aye, Mayone-Aye, Schirmer-Aye. Motion carried.
- The Planning Board meeting minutes were received.

ADJOURNMENT

A motion was made by Mayone, seconded by Ricks, to adjourn the meeting as there are no further items to discuss. Board vote: Strutt-Aye, Ricks-Aye, Scott Jr.-Aye, Mayone-Aye, Schirmer-Aye. Motion carried. Meeting adjourned at 7:36 pm.

Respectfully submitted,

Becky Bertorelli

Secretary

Zoning Board of Appeals

TOWN OF SAUGERTIES
ZONING BOARD OF APPEALS
DECISION and ORDER

Applicant/Appellant: DIYDS, LLC
Property : 1776 Route 212
Saugerties, New York 12477
SBL : 27.4-5-4.200
FILE NO.: 26-002

Resolution offered by Zoning Board Chairman, William Schirmer

APPLICATION

In this application to the Town of Saugerties Zoning Board of Appeals (ZBA) DIYDS, LLC has applied for interpretation of the determination of the Town of Saugerties Planning Board Secretary dated February 18, 2026 Decision regarding the interpretation of “horticultural specialties” and “indoor agriculture” of DIYDS, LLC’S application of its site plan before the Planning Board on February 17, 2026. This parcel is zoned Highway Business within the Gateway Overlay District. The ZBA action is in accordance with the State Environmental Review Act (SEQR) as a Type II action under Section 617.5(c)(31).

I. BY ORDER OF THE TOWN OF SAUGERTIES PLANNING BOARD THE PLANNING BOARD SECRETARY HAS ISSUED A DECISION THAT THE APPLICANT/ APPELLANT’S INTENDED USE OF THE PROPERTY IN THE ZONED HIGHWAY BUSINESS DISTRICT WITHIN THE GATEWAY OVERLAY DISTRICT IS NOT A PERMITTED USE.

On or about December 23, 2025 the applicant/appellant presented its application for site plan review for its proposed use for an indoor cannabis growing facility. Thereafter, at a pre-hearing conference the Planning Board on February 17, 2026, discussed whether the Applicant/ Appellant’s proposed use was a horticultural specialty that could be used for “indoor agriculture” for growing cannabis.

The Planning Board Secretary wrote a letter to the Zoning Board of Appeals on February 18, 2026 regarding the interpretation of the above definitions and the applicant/appellant filed its appeal to the ZBA from the contents of said letter. See Exhibit “1”.

The applicant/appellant filed its appeal to the ZBA on February 20, 2026. See Exhibit “2”

Thereafter, the applicant/appellant appeared before the ZBA on March 2, 2026 and a hearing on the interpretation was established for April 6, 2026. See Exhibit “3”.

At the hearing several witnesses testified before the ZBA including neighbors near the application/appellant’s proposed site at 1776 Route 212, Saugerties, New York. The sum and substance of the neighbors that the proposed use is not appropriate for the neighborhood.

The applicant/appellant appeared at the hearing by its agent, Khattar Elmassalemah, Praetorius and Conrad, PC and Mr. Seplow contending that the applicant/appellant holds a NYS permit for a micro cannabis business and therefore, the applicant/appellant’s proposed use is permitted. See Exhibit “4”.

II. THE SAUGERTIES TOWN ZONING CODE DEFINES HORTICULTURAL SPECIALTIES AND INDOOR AGRICULTURE IN SECTION 245-56.

Horticultural specialties is defined as “The production and/or storage of fruits, vegetables, flowers, ornamental trees and landscape plants but not staple crops or livestock. Horticultural specialties may include greenhouses and accessory retail outlets.”

Indoor Agriculture is defined as “the production of agricultural products in a controlled indoor environment. Products may include field crops, fruits, vegetables, horticultural specialties, agriculture, cannabis and plants used for medicinal purposes.”

III. THE TOWN OF SAUGERTIES SCHEDULE OF DISTRICT USE REGULATIONS IS SET FORTH IN SECTION 245-10.

The applicant/appellant’s project narrative attached to its appeal states specifically that “The proposed project is a phased indoor agricultural operation”.

Based upon the applicant/appellant's own admissions that they will be using the property as an indoor agricultural operation.

IV. LEGAL ANALYSIS OF THE INDOOR AGRICULTURE PROPOSED USE BY THE APPLICANT/APPELLANT, AS APPLIED TO THE FACTS OF THE CASE.

The Appellate Division of The Third Department has held “that a zoning board of appeals has the power to interpret the provisions of the local zoning ordinance or code”. See (*Matter of Rember v. Board of Appeal of Vill. of E. Hampton*, 148 AD 2d 619,620 (2nd Dept. 1989) and its interpretation will not be disturbed unless unreasonable or irrational. In Re: *Traveler Real Estate, Inc. et. al. v. Cain, ZBA of the Village of Kinderhook*, 160 AD 2d 1214, 1215 (3rd Dept. 1990).

THE ZBA'S DECISION

Section 245-36(E) generally provides that the function of the ZBA is to hear and decide any question before it regarding the interpretation of any provision of this Chapter. Based upon all of the evidence, the ZBA finds that the Applicant/Appellant's proposed use is for indoor agriculture and therefore is not a permitted use in the Highway Business District. The indoor agricultural use can only be located in the Town's Industrial District subject to site plan review and a special use permit. See Section 245-10.

CONCLUSION

For the foregoing reasons, as well as those contained in all the submissions and testimony presented and received by the ZBA, this Board hereby CONCLUDES that the Applicant/Appellant's proposed use is indoor agriculture as defined in Section 245-56 as specifically set forth above.

Be it further Resolved, that within five (5) business days of the adoption of this Resolution, the Chair or other duly authorized member of the Zoning Board shall cause a copy of the Resolution to be filed with the Town Clerk and a copy sent to the Applicant/Appellant.

Resolution seconded by Zoning Board Member _____.

The vote was as follows:

Board Member Joseph Mayone

Board Member Randy Ricks

Board Member Holly Strutt

Board Member Tim Scott, Jr.

Chair Person William Schirmer

The foregoing decision was duly adopted this xth day of May, 2026, upon the vote had herein and the signature of the Chairman herewith.

William Schirmer
Chairperson, ZBA

CERTIFICATION

I, Becky Bertorelli, the duly qualified Secretary for the Town of Saugerties Zoning Board of Appeals, Ulster County, New York, do hereby certify that attached hereto is a true and correct copy of a Decision and Order of the Zoning Board of the Town of Saugerties, held on the 4th day of May, 2026, and that the Decision and Order set forth herein is a true and correct copy of the resolution of the Zoning Board of Said Town adopted at said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law) said meeting was open to the general public.

IN WITNESS WHEREOF, I have hereunto set my hand and sela of said town, this 5th day of May, 2026.

Becky Bertorelli, ZBA Secretary