



**ZONING BOARD OF APPEALS**  
4 High Street Saugerties, NY 12477  
Tel: (845) 246-2800, ext. 358  
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**August 4, 2025**

**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), Alvah Weeks (Code Enforcement Officer)

Schirmer called the meeting to order at 7:00 pm.

**PLEDGE**

**PUBLIC HEARING**

**ISAAC NICHOLS: APPLICATION FOR A 32' REAR YARD SETBACK AREA**

**VARIANCE**

496 West Saugerties Road  
Saugerties, NY 12477  
File #: 25-005  
SBL #: 7.4-3-42

The parcel is located in the Low Density Residential (LDR) zoning district. The applicant is requesting a 32' rear yard setback area variance to construct an addition to an existing house and extend the garage to the existing retaining wall. The addition will allow for additional storage. The lot is a pre-existing non-conforming undersized lot. There is not a location on the lot that will allow for a storage shed and meet the required setbacks in the LDR district.

A motion made by Ricks, seconded by Mayone, to open the public hearing. Board vote: Mayone-Aye, Ricks-Aye, Scott Jr.-Aye, Rua-Aye, Schirmer-Aye. Motion carried. The public hearing was opened at 7:08pm.

**Public Comments:**

- Sarah Vogwill, 500 West Saugerties Road-adjacent neighbor since 2012. The original garage was low lying and close to the property line but not the living space of the house. The addition will be very close to the property line and will look over my property. This addition will create a more non conforming structure as it will be much larger than the original structure. It will be 3 times the size of the old house. The kitchen and deck will have sight lines into my front yard. Larger foundation than the previous structure and that should not be allowed when the property is already pre-existing non-conforming. Shrubbery and foliage have been removed between the parcels creating a larger visual impact. The applicant has removed old stone walls. The addition will provide a negative impact on the neighborhood and create overcrowding. Preservation of character of the

neighborhood should be reviewed. This type of development would be more appropriate for a village not a country hamlet. Submitted pictures for reference and survey (in file). Nichols-the foundation is only under  $\frac{1}{3}$  of the house. No maintenance on the property for three years. Purchased the property and the architect recommended a retaining wall. Corresponded with neighbor (Vogwill) and received approval to remove the tree line. Weeks-the zoning district allows for structures to be up to 35' in height. Existing non-conformity. Schirmer-only considering the addition at this time, nothing else is being reviewed by the Zoning Board of Appeals. Vogwill-water issues caused by the additional construction of a large concrete slab for the addition.

Schirmer-the public hearing will have to be held open as the applicant did not send notifications via return receipt requested. The Zoning Board of Appeals will have to confirm with the board's attorney to ensure that if the applicant is able to provide proof of receipt of the notifications and if not the mailings that can not be verified will have to be resent via certified mail, return receipt as required.

**MICHAEL MAXWELL: APPLICATION FOR AN INTERPRETATION OF ZONING LAW §245.33 REGARDING SITE PLAN APPROVAL IN WATERFRONT OVERLAY DISTRICT**

73-75 River Road  
Malden, NY 12453  
File #: 25-006  
SBL#: 18.10-3-36

The parcel is located in the High Density Residential (HDR) zoning district with Waterfront Overlay (WO). The applicant is requesting an interpretation of §245.26 of the zoning code regarding installation of a driveway within the WO and if a site plan review by the Town Planning Board is required for such action. Schirmer and Strutt recused themselves from this application as far as making any decisions due to professional conflicts. Rua to take over for this application review. The certified mail return receipts were handed in to the ZBA secretary.

A motion was made by Mayone, seconded by Scott, to open the public hearing. Board vote: Board vote: Ricks-Aye, Scott Jr.-Aye, Mayone-Aye, Rua-Aye. Motion carried. The public hearing was opened at 7:24 pm.

Public Comments:

- Diane Mahar (representative for Jean Nelson-77 River Road)-a packet was submitted to the board prior to the public hearing demonstrating concerns. Concerns include any development with the waterfront overlay needs approval through the Planning Board and the applicant has not done that. Drainage issues from installation of the additional driveway onto the roadway. Gravel driveway creates significant erosion/run-off. This will create a negative impact on 77 River Road. Used asphalt from the old driveway, correct material was not used. Should not have two driveways together. The additional driveway is creating a negative impact on 77 River Road property value. Rua-wasn't this an existing driveway previously? Maxwell-survey from 2008 showing that there was once a driveway in that location. Rua-think there was a miscommunication from the beginning

when Mr. Maxwell went to the Building Department to ask about the process for installation of a driveway. Was sent to the Highway Department to get a curb cut. Applicant did do so and constructed the driveway as advised. The Highway Department does not look at Overlays. This board needs to look at an interpretation of the Building Inspector's determination. Ricks-according to the zoning code the applicant will be required to receive site plan approval for any disturbance within the Waterfront Overlay district.

- Dr. Patel, 63 River Road-Historic perspective of the site, lived there since 1993. Mr. Maxwell has cleaned up this site so much since the last owner had it, Prinz. Maxwell has been an advocate of making the property look the best it has ever looked. The driveway was installed as per the requirements of the Highway Department. Gravel driveways can be kept up and the addition of this new driveway is not an esthetic or water issue. Do not know why the neighbor is causing so many issues when Maxwell did what he was supposed to do, as far as he knew.

Rua-Mr. Maxwell was not aware that he had to go to the Planning Board for a site plan review, due to miscommunication. According to zoning law the applicant is required to go before the Planning Board for any disturbance within the Waterfront Overlay district.

Since there were no additional comments from the public a motion was made by Ricks, seconded by Scott, to close the public hearing. Board vote: Ricks-Aye, Scott Jr.-Aye, Mayone-Aye, Rua-Aye. Motion carried. The public hearing was closed at 7:58 pm.

A motion was made by Mayone, seconded by Ricks, to agree with the Building Inspector's determination and the applicant is required to go to the Planning Board for a site plan review regarding the installation of the driveway. Board vote: Ricks-Aye, Scott Jr.-Aye, Mayone-Aye, Rua-Aye. Motion carried.

**SARAH BURNS & MAY HERSKOVITZ: APPLICATION FOR A 15' REAR YARD SETBACK AREA VARIANCE**

54 Chimney Road  
Saugerties, NY 12477  
File #: 25-004  
SBL #: 18.1-3-14.200

The parcel is located in High Density Residential (HDR) zoning district with Waterfront Overlay (WO). The applicant is requesting a 15' rear yard setback area variance to construct an addition to a single family residence. George Christodoulou (Modern Shacks LLC) was present as representative for the owners. Due to the topography and mechanicals within the existing structure this was the best location for the addition to meet the owner's needs. The certified mailer return receipts were given to the ZBA secretary. Schirmer rejoined the Board.

A motion was made by Mayone, seconded by Rua, to open the public hearing. Board vote: Ricks-Aye, Scott Jr.-Aye, Mayone-Aye, Rua-Aye, Schirmer-Aye. Motion carried. The public hearing was opened at 8:05 pm.

Public Comments: No one was present for this application. A motion was made by Rua, seconded by Scott, to close the public hearing since there were no public comments/concerns. Board vote: Ricks-Aye, Scott Jr.-Aye, Mayone-Aye, Rua-Aye, Schirmer-Aye. Motion carried. Scott tried to visit the site but could not access the property.

The appeal was considered for the aforementioned 15' rear setback area variance and the following was determined based on the five (5) criteria regarding the balancing test that states that the Board shall balance benefit to the applicant with detriment to health, safety and welfare to the community:

1. It was determined that an undesirable change will not be produced in the character of the neighborhood nor would a detriment to nearby properties be created.
2. There is no other feasible method for the applicant to pursue, other than the rear setback area variance, because of the topography of the parcel.
3. The requested variance is moderately substantial.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood.
5. The alleged difficulty is self-created but there is no other feasible place to construct the addition on the existing residence and meet the use/layout needed..

A motion was made by Scott, seconded by Mayone, to grant 15' rear yard setback area variance. Board vote: Ricks-Aye, Scott Jr.-Aye, Mayone-Aye, Rua-Aye, Schirmer-Aye. Motion carried.

### **NEW APPEAL**

NONE

### **OLD BUSINESS**

NONE

### **BOARD DISCUSSION**

A motion was made by Mayone, seconded by Rua, to approve the draft minutes of the July 15, 2025 meeting. Board vote: Ricks-Aye, Scott Jr.-Aye, Mayone-Aye, Rua-Aye, Schirmer-Aye. Motion carried.

The Planning Board meeting minutes were received.

### **ADJOURNMENT**

A motion was made by Mayone, seconded by Scott, to adjourn the meeting as there are no further items to discuss. Board vote: Ricks-Aye, Scott Jr.-Aye, Mayone-Aye, Rua-Aye, Schirmer-Aye. Motion carried. Meeting adjourned 8:10 pm.

Respectfully submitted,

Becky Bertorelli

*Secretary*

*Zoning Board of Appeals*