ZONING BOARD OF APPEALS
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October 5, 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).

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

PLEDGE

PUBLIC HEARING
EDGAR & ANA LEAL: 21' SIDE YARD AREA VARIANCE.
23 Mower Mill Road
Saugerties, NY 12477
File #: 26-005
SBL #: 17.2-5-34.100

Presented by Edgar Leal, applicant. A motion was made by Rua, seconded by Ricks, to open the public hearing. Board vote: Schirmer-Aye, Rua-Aye, Mayone-Aye, Scott Jr.-Aye, Ricks-Aye. Motion carried and the public hearing was opened at 7:01 p.m.

Leal-the parcel is located in the Moderate Density Residential (MDR) zoning district with Sensitive Area Overlay (SA) and Aquifer Overlay (AQ). The applicant is proposing to construct a 24' x 40' two story detached garage 4' from the side property line and meet the 25' side yard setback required in the MDR zoning district. There are several existing conditions that limit the placement of the proposed garage. If the garage is placed to meet the side yard setback it will cut off access to the rear yard. The proposed placement allows the ability to use the existing gravel driveway for access. The septic is located to the right side of the proposed site so there is limited area to place the structure. Will be keeping existing landscaping but will have to remove one significant tree. Propose to tie the gutters of the detached garage into the existing french drain. The proposed placement will fit best with the natural topography of the site. The proposed 4' setback will allow enough room for construction and maintenance. The second story of the proposed garage will provide storage for personal items to be stored safely. The proposal is the best fit to create the least disruption to the land. We appreciate your time and consideration.

Schirmer opened the floor up for public comments:

- John & Christopher Costa, 15 Mower Mill Road-neighbor to the left of Mr. Leal. J. Costa-we have major concerns regarding drainage and what the effect of the additional structure will do to

our parcel. The additional run off from the proposed garage roof will create more pooling on our property and possible problems with our above ground septic system getting water into it.

The system was installed before we owned the property. Rua-do you currently have problems with your septic getting water in it? Costa-not really, there have been a couple of clogs. Strutt-can you explain a little clearer what the concern is that you think the proposed garage will cause? Leal-just want to mention again that we will be tying the gutter of the detached garage into the existing drainage located within our property and flows back to the catch basin installed. From there the water will spread out in the back of our lot. We have installed a french drain from the front of the backyard to the rear. Costa-there is pooling already in our yard that will be worse with the additional run off. Mr. Leal and I have talked about installing a ditch between our two properties, this may be helpful. Will the 4' setback really be enough room for construction and maintenance? Schirmer-the applicant can not go on to your property without permission and if they do you can file a complaint with the proper authorities. He has assured the Board that the 4' is adequate for construction and maintenance. Ricks-there are existing issues with drainage in the rear. Your septic should be sealed and therefore no water should be able to get into it no matter how much pooling is happening on your property.

- Marlane & Marcel Barbier, 29 Mower Mill Road-adjacent neighbor and since Mr. Leal has installed the french drain our property has been drier than it was before. He has cleaned up the property and it looks beautiful. The installation of the proposed garage will not create more water issues than what we currently have. The water has been a problem for years and we have tried to address it with the Highway Department. There is a catch basin that gets clogged and stops the water from draining properly. There is also an old swale in the rear of the properties that runs to the brook.

Schirmer-the Zoning Board of Appeals does not have any control over existing drainage issues. Rua-do you have clean out valves throughout the drainage system? Leal-yes. Schirmer-existing drainage problems can not be part of our discussion or decision making process. Do not see any reason that the proposed detached garage will exacerbate the drainage problem, especially since the gutters will be tied into the existing drainage system.

There were no additional comments from the public. A motion was made by Mayone, seconded by Scott Jr., to close the public hearing. Board vote: Schirmer-Aye, Rua-Aye, Mayone-Aye, Scott Jr.-Aye, Ricks-Aye. Motion carried and the public hearing was closed at 7:52 p.m. Schirmer-the ZBA has 62-days to make a decision. We will allow the members the month to visit the site. No further action will be taken by the Board at this time.

LUCIA DE URQUIZA: 10' SIDE YARD AREA VARIANCE & 3'5" FRONT YARD AREA VARIANCE.
20 Mountain View Avenue
Saugerties, NY 12477
File #: 26-006
SBL #: 29.21-5-21

Presented by the applicant's mother, Fanny Dzigociot. The applicant is seeking a 10' side yard setback area variance and 3'5" front yard setback area variance to construct a deck off the side and front of the existing single family residence. The location of the proposed deck will allow direct access to the

kitchen, which is preferred. The proposed deck will be low to the ground and have a railing on one side.

A motion was made by Scott Jr., Seconded by Ricks, to open the public hearing. Board vote: Schirmer-Aye, Rua-Aye, Mayone-Aye, Scott Jr.-Aye, Ricks-Aye. The public hearing opened at 8:00 p.m.

Schirmer opened the floor for comments/questions. No one from the public was present for this public hearing.

A motion was made by Rua, seconded by Mayone, to close the public hearing. Board vote: Schirmer-Aye, Rua-Aye, Mayone-Aye, Scott Jr.-Aye, Ricks-Aye. Motion carried and the public hearing was closed at 8:01 p.m.

A motion was made by Mayone, seconded by Rua, to approve the 10' side yard area variance and the 3'5" front yard setback.

Schirmer-the Board shall balance benefit to the applicant with detriment to health, safety, and welfare to the community based on the five (5) criteria regarding the balancing test:

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 a front yard setback and side yard setback area variance, due to the location of the kitchen access in the existing single family residence.
3. The requested front yard setback variance is not substantial and the side yard setback variance is somewhat substantial but not uncharacteristic of the homes in the neighborhood.
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 due to the location of the existing kitchen access there is no other feasible area to construct the deck that would not require some type of variance.

Board vote: Schirmer-Aye, Rua-Aye, Mayone-Aye, Scott Jr.-Aye, Ricks-Aye. Morion carried.

NEW BUSINESS

NONE

OLD BUSINESS

NONE

BOARD DISCUSSION

- A motion was made by Scott Jr., seconded by Mayone, to approve the draft minutes of the September 8, 2026 meeting. Board vote: Schirmer-Aye, Rua-Aye, Mayone-Aye, Scott Jr.-Aye, Ricks-Aye. Morion carried.
- The Planning Board meeting minutes were received.

ADJOURNMENT

A motion was made by Ricks, seconded by Mayone, to adjourn the meeting as there are no further items to discuss. Board vote: Schirmer-Aye, Rua-Abstain, Mayone-Aye, Scott Jr.-Aye, Ricks-Aye, Strutt-Aye. Motion carried. Meeting adjourned at 8:05 pm.

Respectfully submitted,

Becky Bertorelli
Secretary
Zoning Board of Appeals