

MEETING – March 3, 2004

The regular Monthly Meeting of the Zoning Board of Appeals was held on Wednesday, March 3, 2004 at 7:00 p.m. at The Town of Ulster Town Hall, Lake Katrine, N.Y.

Secretary called the roll:

Present: Donald Wise-Chairman
Margaret Kelly
Nelson White
Steven Burnham
Thomas Turco

The minutes of the February 4, 2004 meeting were approved as written by a motion made by Mr. Burnham and seconded by Mr. White. Roll call was taken all in favor.

Mr. Wise entertained the motion to open Public Hearing. Motion made by Ms. Kelly seconded by Mr. White. Roll call was taken all in favor.

PRELIMINARY HEARINGS

RICHARD BELL—TAX MAP # 56.30-2-25—40 HOLIDAY LANE, N.Y. 12401— ZONE R-30

Mr. Bell is applying for an area variance for a proposed addition to his home. Mr. Bell explained that the addition will be a master bedroom and it will be 5 feet into the setback. The variance is needed because the house is on a corner lot therefore having 2 front setbacks. Mr. Wise entertained a motion to close the Public Hearing. Motion made by Mr. Turco and seconded by Mr. White. Mr. Wise entertained a motion to hold over for a Public Hearing. Motion made by Mrs. Kelly and seconded by Mr. Turco. All were in favor. Mr. Wise advised the applicant to go to the Building Department to make arrangements for a Public Hearing.

JOHN & PRISCILLA ECCLES- FILE # 147—TAX MAP # 39.16-4-52.100—21 POPLAR CT.KINGSTON NY 12401—ZONE R-10

Mr. Wise entertained a motion to open Public Hearing. Motion made by Ms. Kelly and seconded by Mr. Burnham. Mr. Eccles is applying for a variance for an in ground pool that was placed 7'8' within the front setback of his property. Mr. Eccles explained that because his property borders Route 32 he has two front setbacks. Mr. Eccles hired A 1 pools to put the pool in. Mr. Eccles stated that he sent the builder to the Building Department to make sure the setbacks would be correct as he had an issue with a fence that needed a variance. Mr. Eccles stated that the Building Inspector along with a representative of A 1 Pools met and the Building Inspector was happy with the construction of the pool. After the initial inspection was complete the Building Inspector re inspected the pool and that is when the encroachment was discovered. Mr. Wise entertained a motion to close Public Hearing. Motion made by Ms. Kelly and seconded by Mr. White. Mr. Wise entertained a motion to hold over for Public Hearing. Motion

made by Mr. Turco seconded by Mr. Burnham. All were in favor. Mr. Wise advised the applicant to go to the Building Department to make arrangements for a public Hearing.

**JOHNSON NISSAN—FILE # 148--- TAX MAP # 48.13-2-21—140 ROUTE 28
KINGSTON NY 12401—ZONE HC**

Mr. Wise entertained a motion to open Public Hearing. Motion made by Ms. Kelly and seconded by Mr. Burnham. Mr. Ozzie Beichert owner of Timely Signs is representing Johnson Nissan. Mr. Beichert explains the proposed signs for the Nissan Dealership. The dealership is working with the Planning Board on a new site plan that includes new signage this signage exceeds the maximum sign area allowed by Zoning regulations. Mr. Beichert is requesting an area variance for 83 square feet for wall signage. Along with the wall signs Mr. Beichert stated that he would also need a variance on two pylon signs as they also exceed the maximum height and area allowed. Mr. Wise entertained a motion to close Public Hearing. Motion made by Mr. Turco and seconded by Mr. White. Motion made to hold over for Public Hearing by Ms. Kelly and seconded by Mr. Burnham. All were in favor. Mr. Wise advised the applicant to go to the Building Department to make arrangements for a Public Hearing.

**JOHNSON KIA—FILE # 149—TAX MAP # 48.13-2-21—140 ROUTE 28
KINGSTON, NY 12401—ZONE HC**

Mr. Wise entertained a motion to open Public Hearing. Motion made by Mr. White and seconded by Mr. Burnham. Mr. Beichert explains that the proposed signs for the Kia Dealership is in the same master plan as the Nissan Dealership. The proposed sign for Kia would need a 20-foot height variance and a 34 square foot area variance. Mr. Wise entertained a motion to close Public Hearing. Motion made by Mr. White and seconded by Ms. Kelly. All were in favor. Mr. Wise entertained a motion to hold over for Public Hearing. Motion made by Mr. Turco and seconded by Mr. Burnham. All were in favor. Mr. Wise advised applicant to go to the Building Department to arrange for a Public Hearing.

PUBLIC HEARINGS:

**JAMES TODD & KATHY SCOTT---FILE # 142----TAX MAP # 39.12-3-5---1527
RT. 32 SAUGERTIES, NY 12477---ZONE—R-60**

Mr. Wise entertained a motion to open Public Hearing. Motion made by Mr. Burnham seconded by Mr. Turco. James Todd, Kathy Scott and Chester Krum Attorney for the applicant were present. Mr. Wise read the review of the Ulster County Planning Board. Mr. Krum states that his client would like to run a small engine shop on their property. The applicants had previously run a small engine business in Saugerties and purchased this home with the intentions of continuing the business. Mr. Krum states that he property was purchased without the knowledge that they could not run a business. They found out when applying for the permits to run the business. The previous owner ran a business out of the garage and he did not tell Mr. Todd that it was being run illegally. The applicants feel that there are many businesses on Rt. 32 and their business would fit in place with what is around them. They do not want to change the character of the neighborhood and feel that the business would be an asset to the town as there are no other small engine

shops in the area. They have done some homework and have support from neighbors and other people in the town this is why they are reapplying. Ms. Kelly asked applicants when they found out that they could not run their business the day before the closing as stated in the last hearing or after the closing as stated tonight. Ms. Scott responded the day before the closing. Mr. Krum points out that the applicants had already signed a contract and would be liable if they backed out of the closing. Mr. Wise read a letter from the previous owner stating he ran a business for 7 years at this property. Ms. Kelly asked the applicant if he would be placing items to sell in the front of the building. Mr. Todd responded that he is a repairman and will not be selling anything. Mr. Wise reminded the board that they could place restrictions on a resolution as to what type of business can be run. Mr. Wise opens the meeting to the public. Michael Sawick a neighbor that has lived in his home for 12 years states that it is in his deed that the neighborhood will stay residential and he is opposed to the change of use. Mr. Sawick also stated that he did not know that the previous owner had a snowmobile repair shop on the property. Frank Rua neighbor and owner of R&R Cycles spoke against the use change. In a previously written statement Mr. Rua questions why the applicants are allowed another hearing and will they continue to come back until they get the answer they want. Mr. Rua states that if the applicants are given the variance he will be forced to pursue an article 78. Tom Polanka of Esopus Ave. spoke in favor of the shop stating that Mr. Rua's business is no better than Mr. Todd's business both should be allowed. Joseph Grimaldi spoke to support Mr. Todd saying he was aware of the previous owners business and does not feel that a small engine shop will impact the neighborhood. Mr. McFadden another neighbor stated his concern that letting one business in the neighborhood will open the door to other businesses, he would like to keep the neighborhood as it is. Dave Brink spoke of the purpose of the Zoning Law and that the application is the same as the one turned in 5 months ago financial evidence is needed to prove a hardship and the applicants have not provided the board with any statements. Mr. Krum spoke at length recapping the events of the meeting and asked what is the objection to the business. He states that if his clients cannot run their business it will be a hardship. Ms. Scott asked what type of financial information is needed and told the board she would submit the information within the next week. A motion to close the Public Hearing was made by Mr. White and seconded by Mr. Burnham. A motion to table the hearing until next month was made by Mr. Turco and seconded by Mr. Burnham. All in favor. Mr. Wise advised the applicants to bring financial information to the Building Department and to reappear at next months meeting.

**WALMART (SAM'S CLUB)---FILE # 143---TAX MAP # 48.8-1-34.220---801
FRANK SOTTILE BLVD. KINGSTON NY 12401---ZONE RC**

Mr. Wise entertained a motion to open Public Hearing. Motion made by Ms. Kelly and seconded by Mr. White. Chris Kamber of ADP Engineering explains the proposed plan for Sam's Club. Ms. Kelly makes a motion to close the Public Hearing and Mr. Burnham seconds the motion. Mr. Wise requests a motion to accept or deny the variance. Mr. Burnham makes a motion to accept motion seconded by Mr. Turco. All in favor, variance granted.

**WALMART (SAM'S CLUB)---FILE #144---TAX MAP # 48.8-1-34.220---801
FRANK SOTTILE BLVD. KINGSTON NY 12401---ZONE RC**

Mr. Wise entertained a motion to open Public Hearing. Motion made by Mr. Burnham and seconded by Mr. White. Chris Kamber of ADP Engineering explains the signage that they would like to add to the Sam's Club Building. Some discussion on where signage

will be located on building. Motion to close Public Hearing made by Mr. Turco and seconded by Mr. White. Motion to accept made by Mr. Burnham and seconded by Mr. Turco. All in favor, variance granted.

Mr. Wise explains that the town will be having a Zoning, Planning, Building Department meeting the second Wednesday of each month at 5PM. This is a public meeting and everyone is invited to attend. Discussion about the meeting followed.

Motion made by Mr. Turco to adjourn the meeting seconded by Mr. Burnham. All in favor.

The meeting was adjourned at 8:25.

Respectfully Submitted,

Mary Secreto
ZBA Secretary