

MEETING – May 5, 2004

The regular Monthly Meeting of the Zoning Board of Appeals was held on Wednesday, May 5, 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
Nelson White
Steven Burnham
John Crispell- New Member
Absent: Thomas Turco

The minutes of the April 14, 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 Mr. White seconded by Mr. Crispell. Roll call was taken all in favor.

**JAMES SCOTT & KATHY TODD—1527 ROUTE 32, SAUGERTIES NY 12477
TAX MAP # 39.12-3-5—R-60**

Mr. Wise explained that the Notice of Decision for the vote on September 17, 2003 was never filed with the Town Clerk. Because of this error a new vote must be taken. Mr. Wise asked for a vote to be taken to approve the variance. Mr. Burnham asked for clarification. Mr. Wise explained that because the decision was never filed and the applicant was never notified the decision was not legal. Mr. Wise made a motion to approve the variance. A roll call vote was taken.

Mr. Burnham- abstained
Mr. Crispell- yes
Mr. White-no
Mr. Wise-yes

Variance denied. Applicant was informed that they had 30 days to appeal the decision.

**JOHN & REGINA VOLK-FILE # 158 - TAX MAP # 39.7-11-7---77 WILDWOOD
LANE, KINGSTON NY 12401 -ZONE -R-30**

Mrs. Volk explained that they would like to place a doublewide trailer on a lot where a single trailer was located. Mr. White asked about placement of trailer. Mrs. Volk explained that the front of the trailer would be facing the street. Mr. Wise questions the date of removal of the single trailer Mrs. Volk stated that the trailer was removed in June. Motion to close the hearing was made by Mr. White and seconded by Mr. Burnham. Motion to hold over to Public Hearing made by Mr. Burnham and seconded by Mr.

Crispell. All were in favor. The applicant advised to contact the Building Department to make arrangements for a Public Hearing

JAMES KAMINSKI---FILE # 155---TAX MAP # 39.16-4-50.200---26 POPLAR COURT, KINGSTON NY 12401---ZONE R-10

Mr. Wise entertained a motion to open Public Hearing. Motion made by Mr. Crispell and seconded by Mr. White. Mr. Kaminski explains that he wants to place a 6ft high fence in his front setback that abuts Route 32. Mr. White makes motion to close Public Hearing Mr. Crispell seconds. Motion to approve made by Mr. White and seconded by Mr. Burnham. All in favor variance approved.

ZELDA BRIGLIA---FILE # 150---TAX MAP # 48.49-1-18.200---154 ESOPUS AVE. KINGSTON, NY 12401---ZONE R-10

Mr. Wise entertained a motion to open Public Hearing. Motion made by Mr. White and seconded by Mr. Burnham. Mr. Wise questions what is on the property and the applicant explains a building with two businesses is currently on the property. Mrs. Borst a neighbor wanted clarification on what was happening with the property. After hearing the plans she had no problems with the variance. Motion to close Public Hearing made by Mr. Burnham and seconded by Mr. White. Motion to approve made by Mr. Burnham and seconded by Mr. Crispell. All in favor variance approved.

JUDITH FERRY---FILE # 151---TAX MAP # 56.17-2-20---874 DEWITT LAKE RD. KINGSTON, NY 12401---ZONE R-10

Mr. Wise entertains a motion to open Public Hearing. Motion made by Mr. Burnham and seconded by Mr. Crispell. Ms. Ferry explains that the addition will be 16' x 16' and will increase the living space in her home. The board had no questions and there were no neighbors present. Motion to close Public Hearing made by Mr. Crispell and seconded by Mr. Burnham. Motion to approve variance made by Mr. White seconded by Mr. Burnham. All in favor variance approved.

BENDERSON DEVELOPMENT CO. ---FILE # 152---TAX MAP # 48.2-3-2---1145 ULSTER AVE. KINGSTON, NY 12401---ZONE RC

Mr. Wise entertains a motion to open Public Hearing motion made by Mr. Burnham and seconded by Mr. Crispell. Peter Casper and Mike Choppa represented Benderson. Mr. Casper explains the variance is for a Barnes & Noble sign and would answer any questions on the signage. Mr. Casper explains that this sign is the proto type for Barnes & Noble. Mr. Wise reads the recommendation from the Ulster County Planning Board the recommendation is to deny the variance. Mr. Casper responded that the sign is in proportion with the size of the building. Members of the audience express their feelings on big businesses coming into the town and being able to put up signs that are too big. Mr. Casper explains that the signs of Benderson do not face any residential area.

Members of audience feel that every variance approved by the Zoning Board sets a precedent. Mr. Wise states that each case is looked at individually and does not set precedent. Mr. Brink states that even though the Board does look at each case it does set a precedent even if the board does not want it to. Mr. Casper explains that this plan has been looked at by the Planning Board and Town Board and has had no negative statements about the plan. Motion to approve made by Mr. White and seconded by Mr. Burnham. All in favor variance approved.

RICHARD & LORI OZORES---FILE # 153---TAX MAP # 39.16-4-41---6 BEECH CT. KINGSTON NY 12401-- ZONE---R-10

Mr. Wise entertained a motion to open Public Hearing. Motion made by Mr. Burnham seconded by Mr. Crispell. Mr. & Mrs. Ozores were present. Mr. White asked for clarification on where the garage would be located and if neighbors had any problems with the garage. Mr. Ozores stated they have spoken to the neighbors and they have no problems with the garage. There were no neighbors at the hearing. Motion to close the hearing made by Mr. Burnham seconded by Mr. Crispell. Motion to approve the variance made by Mr. Burnham and seconded by Mr. Crispell. All in favor variance approved.

STEVEN deOLDE---FILE # 154---TAX MAP # 56.30-3-16---199 MILLERS LANE EXT. KINGSTON NY 12401---ZONE R-30

Mr. Wise entertained a motion to open Public Hearing. Motion made by Mr. White and seconded by Mr. Burnham. Stephen deOlde explains where the porch is located and that the house is already in the setback. Motion to close Public Hearing made by Mr. Crispell seconded by Mr. White. Motion to approve made by Mr. White seconded by Mr. Burnham. All in favor variance approved.

KOHL'S DEPARTMENT STORE---FILE #156---TAX MAP # 48.05-02-20.11---800 MIRON LANE, KINGSTON NY 12401---ZONE RC

Mr. Wise entertained a motion to open the Public Hearing. Motion made by Mr. White and seconded by Mr. Turco. Paul Colucci explains that Kohl's would like to place a 195 square foot sign on building previously occupied by Kmart. Ed Molinaro a neighbor expresses concerns about the sign and lighting in the parking lot. Mr. Colucci explains that the sign will only be lit during store hours and the parking lot lights are going to be changed. No other neighbors were present. Motion to close Public Hearing made by Mr. Burnham and seconded by Mr. White. Motion to approve made by Mr. White seconded by Mr. Burnham. Vote taken Mr. White- Yes, Mr. Burnham -Yes, Mr. Crispell-Yes, Mr. Wise-No. Variance approved 3 votes to 1.

ANTHONY CAVELLO---FILE # 157---~~TAX~~ MAP # 48.14-1-12---38-40 OLD SAWKILL RD. KINGSTON, NY 12401---~~ZONE~~ R-30

Mr. Wise entertained a motion to open Public Hearing motion made by Mr. Burnham and seconded by Mr. White. Anthony Cavello, Ron Mathews, and Dom Cavello represented

the applicant. Mr. Cavello explained that the building is empty and they would like to open a fitness center similar to the businesses that they run in Stone Ridge and Woodstock. There would be approximately 30 members at the gym at one time. The gym would be open Monday – Friday 6AM to 9PM, Saturday and Sunday 8AM to 5PM. If given the variance they would be fixing the façade and parking lot. The lights in the lot would be turned off at 9:30 during the week. Neighbors at the hearing spoke of the traffic and tractor-trailers that come in and out of the road all day long. They also are concerned about the speed of the cars on the road. Dom Cavello suggests that as business owners they could try to control the traffic by having signs on and around the building. Discussion about the traffic and the safety of the children on the road. Mr. Brink spoke explaining that the Town Board kept Old Sawkill Rd. residential for a reason and it should stay that way. Dom Cavello explains that a screen will be put up to block the lighting from the parking lot. John Grambling the owner of the property states that this is a hardship case the hunt for the right buyer for the property was not easy. The property has been for sale for two years no one that will fit into the neighborhood has come close to buying the property. There were up to 22 trucks and cars visiting the previously business the traffic that the gym would bring would stay about the same. Mr. White questioned what is type of business would be grand fathered in. Mr. Wise explains that the use needs to stay the same as it was before zoning; if the building is empty for two years the use is void and the building would go back to a residential use Discussion on what the applicants can do to make the residents happy. Mr. Wise explains that the board should talk to Planning Board and the Chief of Police to get more input on the issue. A motion to table the File #157 was made by Mr. White and seconded by Mr. Burnham all were in favor. The applicant and neighbors were informed that the Public Hearing is still open and will be brought up at next months meeting.

Motion to close the Public hearing made Mr. Crispell and seconded by Mr. White all were in favor meeting adjourned 8:35.

Respectfully Submitted,

Mary Secreto
ZBA Secretary