

MEETING – June 2, 2004

The regular Monthly Meeting of the Zoning Board of Appeals was held on Wednesday, June 2, 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
Thomas Turco

The minutes of the May 5, 2004 meeting were approved as written by a motion made by Mr. Burnham and seconded by Mr. Turco. All in favor.

Mr. Wise entertained the motion to open Public Hearing. Motion made by Mr. Turco seconded by Mr. Crispell. All were in favor.

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

Mr. Cavello has requested that this File be tabled. Mr. Turco asked if anyone in the audience has any opposition to the fitness center. Mr. William Conner spoke of too much traffic on the Old Sawkill Road. Mr. Brink asked if the Public Hearing would be continued at next months hearing. Mr. Brink also notes that the board is not obligated to approve keep a commercial business on the property that is more intensive than the original use. He also states that there were a number of neighbors at last months hearing that were opposed to the proposed business. Motion to table made by Mr. Turco and seconded by Mr. Crispell. Mr. Wise asks the Secretary to notify the neighbors when the File is heard.

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

Mr. Wise explains that a vote needs to be taken, as the Ulster County Planning Board Referral was not available at last months meeting. The Planning Board rejected the variance therefore to past the variance a majority plus one vote is needed. Mr. Wise read the referral from the County and a vote to approve was taken. All were in favor.

DONALD MOORE---FILE # 159---TAX MAP # 56.9-5-13 & 14---551 LINDERMAN AVE. KINGSTON, NY 12401

Mr. Moore explains that he would like to divide his parcel in two equal parts. He currently lives on the property and his daughter lives in a mobile home also located on

the property. Mr. Moore would like to divide the property and place a modular home on the property and remove the mobile home that is currently there. Mr. White questioned where the driveway is located and if there is enough room to place a new one on what will be the second parcel. Mr. Moore answers that there is more than enough room. A motion to close Preliminary Hearing is made by Mr. Crispell and seconded by Mr. Burnham. All were in favor. A motion to hold over for Public Hearing is made by Mr. White and seconded by Mr. Turco. All were in favor. The applicant is advised to contact the Building Department to arrange for a Public Hearing.

**WILLIAM & MICHELLE CONNER--- FILE # 160---15 OLD SAWKILL ROAD
KINGSTON NY 12401---TAX MAP # 48.14-3-40---R-30**

Mr. Conner explains that he would like to fence in his back yard for the safety of his son. His property abuts both Old Sawkill and Sawkill Rd therefore he has two front setbacks. The fence will be 2 feet higher than allowed by Zoning to help keep items thrown from cars out of his yard. Motion to close Preliminary Hearing made by Mr. Crispell and seconded by Mr. Burnham. All were in favor. Motion to hold over to Public Hearing made by Mr. White and seconded by Mr. Turco. All were in favor. The applicant was advised to contact the Building Department to arrange for a Public Hearing.

**LARRY SIRACUSANO (JOLLY COW) ---FILE # 161---1620 ULSTER AVE.
KINGSTON, NY 12401---TAX MAP # 39.82-2-6.200---RC**

Mr. Siracusano was not present. Mr. Wise explains that a fence was erected between Jolly Cow and Aqua Jet the good side of the fence is facing out but because of the way the Zoning is a variance is needed. Aqua Jet owners are not opposed to the fence the way it is. Motion to close Preliminary Hearing made by Mr. Burnham and seconded by Mr. Crispell. All were in favor. Motion to hold over to Public Hearing made by Mr. White and seconded by Mr. Turco. All were in favor.

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

Mr. Todd is present he explains that he has been allowed to run his business in his garage that is attached to his home. Mr. Todd would like to move the business to the garage on his property. Mr. Todd feels that this is a better option for him and the neighborhood as you cannot see the garage from the road and the noise level would be less. Mr. Wise explains that this is a Home Occupation and is allowed in an R-60 Zone. Mr. Wise explains that the reason this case is back before the Board is because of problems with the process of the previous applications. The attorneys for both the Town and the applicants have agreed to have the Board hear the case again. Mr. Wise goes on to state that the two attorneys have agreed that Mr. Todd would have to prove that the hardship is not self-created. Mr. Todd states that he feels that this issue has been corrected and he can run a business at his home he just wants to move the business to the garage. Mr. Crispell questions if moving the business would be safer than working out of the garage. Mr. Brink questions why the Board is hearing the case again. Mr. Wise explains that because

of technicalities the case needs to be reheard. Motion to close the Preliminary Hearing made by Mr. Crispell seconded by Mr. Burnham. All were in favor. Motion to hold over for Public Hearing made by Mr. Crispell and seconded by Mr. Burnham. All were in favor. The applicant was advised to contact the Building Department to make arrangements for a Pubic Hearing.

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

Ms. Volk explains that she would like to place a doublewide trailer where a single trailer once stood. Mr. Wise reads a violation letter from the Ulster County Board of Health dated September 2002. He also states that there is a letter of violation from the Town of Ulster Building Inspector also dated September of 2002. Mrs. Volk responded the violations were corrected when the old trailer was removed. She also states that she never saw the letter sent by the Board of Health. Mr. White and Mr. Wise ask if Ms. Volk has anything stating the septic problems were corrected. Ms. Volk gave Mr. Wise a paper from Wolven Septic the date on the paper was 2001 prior to the violation letter. Mr. Wise points the date out to Ms. Volk stating that if Wolven Septic had completed the work then the work was inadequate. Mark Matucci owner of 73 Wildwood Lane is present. Mr. Matucci would like the septic problems fixed before a variance is given he explains that the problem has been going on for years and has not been fixed. Mr. Crispell questioned if there were wells in this area Mr. Martucci states that there are wells and they do not drink the water. Mr. Wise asked if Mr. Martucci would agree with the variance if the septic problems were solved. Mr. Martucci would not consider the variance until the septic is fixed. Mr. Turco asks for a letter of compliance for the violations stated in letters dated 2002. Conversation about the history of the trailer follows. Claudia Felice co-owner of adjacent property explains how the violations came about and that she will continue to fight to get the septic fixed. Mr. Turco asks for a letter stating that the Town and Board of Health are satisfied that the violations have been remedied. Motion made to table File # 158 until the applicant can prove the violations have been remedied. Also that the County approves the septic system. Motion made by Mr. White and seconded by Mr. Burnham. All were in favor. The board request a Building Inspector be at the next meeting.

Motion to close the meeting made by Mr. Burnham and seconded by Mr. Crispell. All were in favor. Meeting adjourned at 8:05

Respectfully Submitted,

Mary Secreto
ZBA Secretary