

MEETING – July 7, 2004

The regular Monthly Meeting of the Zoning Board of Appeals was held on Wednesday, July 7, 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 June 2, 2004 meeting were approved with corrections a motion made by Mr. White and seconded by Mr. Turco. All in favor.

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

**RAYMOND & TERI VAN BUREN---FILE # 163---TAX MAP # 48.65-13-13---591
SAVOY ST. KINGSTON NY 12401---R-30**

Ray and Teri Van Buren were present. Mr. & Mrs. Van Buren explains that they would like to build a front porch but need an additional 3 feet so the porch will be square with the house. The Van Buren's explains that they will also need 6" on the side of Hinsdale Street, as the house is located on a corner lot. Conversation on where the porch followed with no questions from the board. Motion to close the 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. Burnham. The applicant was advised to contact the Building Department to arrange for a Public Hearing.

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

Mr. Cavello goes over what he plans to do with the property on Old Sawkill Road. Mr. Cavello explains that the neighbors at the last meeting were concerned with the traffic. He states that the heaviest traffic will be from 5:30 to 7:30. Mr. John Grambling explains that he has spoken to a lot of the neighbors and many have changed their minds. Mr. White questions if there will be another Public Hearing. William Conner states that he is concerned for his son's safety because of existing traffic on the road. Mr. Gramberg suggests that part of the project may include putting up fences for people with concerns. Mr. Walker a neighbor states he has no problems with the fitness center. Mrs. Kruger a neighbor feels that it will not be a problem with the fitness center being in the building. Mr. Brink states his opinion on the variance and how the applicants want to deal with the problems he feels this does not belong in the neighborhood. Mrs. Kruger says that she lives on the road and would rather see a fitness center in the building than see it empty and falling down. The traffic issue is there now and the fitness center will not make it any

worse. Mrs. Kruger also states that if the neighbors were still concerned where were they? Mr. Turco questioned the secretary if the neighbors were contacted. The secretary replied the neighbors were told at the May meeting that the Public Hearing was to continue in June and no one came. Neighbors that gave a name at May's meeting were called with the exception of Mr. Conner as he is on the Agenda for another matter. Mr. Dominick Cavello explains that they will make this site better then it is at this time. The light from the New York State Thruway shines on the property so additional lights will not be needed. Member of the fitness center will be told about the neighborhood and be asked to be respectful of the neighborhood. Motion to close Public Hearing made by Mr. Crispell and seconded by Mr. White, all were in favor. Motion to approve made by John Crispell and seconded by Mr. Turco. Roll call vote.

Mr. Burnham- Yes

Mr. Turco-Yes

Mr. Crispell- Yes

Mr. White- No

Mr. Wise -Yes

Motion approved variance granted.

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

Mr. & Mrs. Volk explain that they want a 2.5-foot variance to place a double wide on the property. Mrs. Volk presents a letter from the Building Department stating that the garbage on the property has been cleaned up and the grass has been cut. They also provide a letter stating that the septic was repaired in August of 2002. The Volks state that Mr. Petersen told them they could place a double wide on the property but they would not receive a C/O until the septic system was tested. Mrs. Volk states that the septic cannot be tested until there is something on the lot. Mr. Volk states that if there is a problem he will fix it. Mr. Whites questions if the Volks have anything from the Board of Health. Mrs. Volk states she does not. Mrs. Volk states she spoke with Mr. Myers and the Building Inspector and they both told her that the septic could not be tested at this time. Mr. White questions the Volks on what would happen if the septic system failed the test. Mr. Volk states that they would fix the problem but they will not know if it will fail until the double wide is in place. Mr. Turco asks for the opinion of Day Minervini on the file. Mr. Wise reads a letter from the Building Inspector stating the violations on the property have been cleared up. (Letter in file) Mr. Wise then reads from Town Code section 114-7 stating that any mobile home not within a mobile home park needs to be licensed by the town. Discussion follows with Day Minervini about the violation of septic system and if the septic was fixed. Mr. Wise then reads Town Code section 114-7 subsection C 1. which states that any mobile home placed outside of a mobile home park shall have adequate supply of pure water and a sewage disposal system. Mr. Volk states that he and his wife were told by the building inspector that they could place a double wide on this property if they cannot then they will put a single trailer on it. They feel a doublewide trailer will make the neighborhood look better. Mr. Wise and Ms. Minervini explain that a double wide or a single trailer will need a license from the Town of Ulster. Mr. Volk argues that he does not need a license, as there was a trailer on the property when he bought it. Mr. Wise explains that they will still need approval by the Town of Ulster. Ms. Felice owner of the property next door speaks of the water problems on the property and

on the street. Ms. Felice feels that a new leach field needs to be put in before anything can be put on the property. Mr. Crispell questions the water table in the area. Mrs. Martucci a neighbor feels that the old leach field was not fixed. Mr. Volk states that no one can prove that the septic system failed only that there was a broken pipe and the sewage was leaking onto the ground. Mr. Wise states that the board can only vote on the 2.5-foot variance for the side setback. The board cannot vote on the issue of a double wide will have to go to the Town Board. Mr. Wise states as a point of information the town attorney suggest that the conditions on the property be rectified before the Board votes. Mr. Volk would like the town attorney to tell them how to rectify the problem. Motion to close Public Hearing made by Mr. Crispell and seconded by Mr. Burnham. Motion to grant a 2.5-foot variance made by Mr. Burnham no one seconded the motion. Motion failed.

**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 once divided the lots will be undersized. 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. Balash a neighbor states he has no problem with Mr. Moore's request. Mr. Balash states that his concern is about a drainage problem in the neighborhood and he is concerned that the problem will get worse when Mr. Moore builds his home. Mr. White and Mr. Wise sate that the only issue that the board is concerned with is variance for the undersized lots Mr. Balash again states he has no problem with the subdivision. Motion to close the Public Hearing made by Mr. Turco seconded by Mr. Burnham. Motion to approve a variance for two undersized lots as per the map submitted made by Mr. Crispell seconded by Mr. White. All were in favor. Variance Granted.

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

Motion to open Public Hearing made by Mr. White and seconded by Mr. Turco. 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 then allowed by Zoning. Questions on where the fence will be placed. Motion to close Public Hearing made by Mr. White and seconded by Mr. Burnham. All in favor. Motion to approve variance made by Mr. White and seconded by Mr. Burnham. All were in favor. Variance Granted.

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

Motion to open Public Hearing made by Mr. White seconded by Mr. Turco. 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. Secretary states that the neighbor on the other side of the property called the Building Department and has no problems with the fence. Motion to close Public Hearing made by Mr. White and seconded by Mr. Crispell. All were in favor. Motion to approve the variance made by Mr. White and seconded by Mr. Burnham. All were in favor. Variance granted.

ULSTER COUNTY PLANNING BOARD REFFERAL-FILE # 162

The referral from the Ulster county Planning Board relating to side-yard, rear yard, and fence heights was read by the Zoning Secretary. Motion to open Public Hearing made by Mr. Burnham and seconded by Mr. Crispell. Motion to close Public Hearing made by Mr. Burnham and seconded by Mr. White. Motion to accept resolution was made by Mr. Turco and seconded by Mr. Burnham. All were in favor.

Motion to close the meeting made by Mr. Burnham and seconded by Mr. Crispell. All were in favor. Meeting adjourned at 8:40

Respectfully Submitted,

Mary Secreto
ZBA Secretary