

MEETING – February 2, 2005

The regular Monthly Meeting of the Zoning Board of Appeals was held on Wednesday, February 2, 2005 at 7:00 p.m. at the Town of Ulster Town Hall, Lake Katrine, N.Y.

Secretary called the roll:

Present: Nelson White
John Crispell
Steve Burnham
Thomas Turco
Donald Wise - Chairman

Motion to open annual meeting made by Mr. Turco and seconded by Mr. White. All were in favor.

Motion to accept the governing rules of the Zoning Board of Appeals made by Mr. Crispell and seconded by Mr. White. All were in favor.

Motion to approve the minutes from December 1, 2004 meeting made by Mr. Crispell and seconded by Mr. Burnham. All were in favor.

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

MARK KAISER---FILE # 167---TAX MAP # 48.58-4-1---40 GUYTON STREET, KINGSTON, NY 12401---ZONE R-10

Mr. Kaiser states that he would like a variance for a six foot fence in the front setback for the safety of his four children. Mr. White questions if Mr. Kaiser has a permit for the fence. Mr. Kaiser states he does have a permit for a fence and explains that he did not know that he could not put up a six feet fence in the front setback. When he was informed of the violation he came to the board for a variance. Motion to close the Public Hearing made by Mr. Crispell and seconded by Mr. Turco. All were in favor. Motion to approve made by Mr. Turco and seconded by Mr. Crispell. All were in favor. **Variance for a 6 foot fence in the front setback is granted.**

S&R COMPANY OF KINGSTON---FILE # 168---TAX MAP # 48.8-1-34.210---FOR 735 FRANK SOTTILE BLVD. (GANDER MOUNTAIN) ---ZONE RC

Mr. Richard Fess was present to represent S & R and Gander Mountain. Mr. Fess explains that Gander Mountain would like signage on all four sides of the building. Other tenants have signage on these sides. Mr. Fess shows photographs of other Gander Mountain stores, he states that the signage would be similar at this location. Members of the board question the size of some of the signage. Mr. Wise reads the memo from the Ulster County Planning board stating their January meeting was cancelled due to weather and the referral for Gander Mountain would be heard at their next meeting. Mr. Wise asked if there were any questions from the board, there were none. Mr. Wise requested a

motion to close the Preliminary Hearing, motion made by Mr. Crispell and seconded by Mr. Burnham. All were in favor. Mr. Wise requested a motion for the file to be held over for a Public Hearing motion to hold over for Public Hearing made by Mr. Turco and seconded by Mr. Burnham. All were in favor. Mr. Wise explains to Mr. Fess that there will be a Public Hearing next month at this time the public will be able to give their opinion on this request. At this time a member of the audience questions the rules of speaking at a Preliminary Hearing and expresses his displeasure that the hearing was closed before he could voice his opinion.

FILOMENA BUONCORE --- FILE # 169—TAX MAP # 48.16-1-22---151-159 OLD FLATBUSH ROAD---ZONE R-30

Mr. Viviani was present to represent Mrs. Buonocore the property owner. Mr. Viviani states that the land in question has been a mobile home park for over thirty years. Mr. Wise reads a letter dated May 30, 1984 stating that the mobile home park permit was withheld because of violations. This is the last time a mobile home park license found in the town records. The secretary states that there is no license on record in the town and the park has not been licensed in the last eight years. The park has been an illegal use for at least that amount of time. Mr. Viviani states that he cleaned up all violations when his aunt purchased the park approximately three years ago. Mr. Viviani speaks about problems with a fire at the park and not getting a report from the Arson Task Force. He states that he is selling the property and the new owner is going to remove the trailers and build two houses on the property. Mr. Viviani states that there is a pipe on his property that is clogged and affecting the drainage on his land. Mr. Turco asks if all the violations on the property have been taken care of, Mr. Viviani states they have. Mr. Burnham asks if anyone is living in the trailers, Mr. Viviani states that one trailer is occupied. The members of the board explain to Mr. Viviani why he needs a variance. Discussion follows about violations on property and the legality of the mobile home park. Mr. Viviani questions why the Building Inspector did nothing about the park in previous years. Mr. Wise explains that it is the property owner's responsibility to know the violations on the property when they purchase it. Mr. Wise explains to Mr. Viviani that he needs to speak to the Town Board for his other problems he was before this board only for the variance.

Mr. Turco and Mr. White question why Mr. Viviana is asking for a variance when he stated he is selling the property. Mr. Viviani states the town is making him come before the board. The secretary explains that Mr. Viviani was told to remove the trailers from the property or apply for a variance. Mr. Viviani said he will not remove the trailers as it will cost too much money and his aunt cannot afford it. Petra Kaiser a neighbor speaks about the condition of the parcel and what has happened in the past. She states that the neighbors have been working with the Building Department on cleaning the parcel up and suggest that the board investigate, as she feels there are many issues on the property. Discussion by members on how to proceed with this file follows. Motion to close the Preliminary Hearing made by Mr. Crispell and seconded by Mr. Burnham. Motion to table the file until the March 2, 2005 meeting made by Mr. Burnham and seconded by Mr. Turco.

KENCO HOLDINGS ---FILE # 169---TAX MAP # 48.13-2-2 --- 1000 HURLEY MOUNTAIN ROAD KINGSTON, NY ---ZONE HC

Bill Kennedy was present to represent Kenco. Mr. Kennedy explains that Kenco is working with the Planning Board on an addition to the building on Hurley Mt. Road. One post and part of the roof overhang on the entrance of the building will extend 7 feet into the front setback. This setback is based on where Old Rt. 28 existed not where the actually runs. The post and overhang will be the only thing in the setback. Motion to close Preliminary Hearing made by Mr. Turco and seconded by Mr. Crispell. All were in favor. Motion to hold over to Public Hearing made by Mr. Burnham and seconded by Mr. White. All were in favor.

Motion to adjourn made by Mr. Crispell and seconded by Mr. Turco all were in favor.
Meeting adjourned at 8:00

Respectfully Submitted,

Mary Secreto
ZBA Secretary