

ZONING BOARD OF APPEALS – SEPTEMBER 7, 2005

The regular monthly meeting of the Zoning Board of Appeals was held on Wednesday, September 7, 2005 at 7:00 p.m. at the Town of Ulster Town Hall, Lake Katrine, NY 12449.

Present:

Absent:

Nelson White
Steven Burnham
Donald Wise – Chairman

Thomas Turco
John Cripell

Motion to open meeting made by Mr. White and seconded by Mr. Burnham. All were in favor. Motion to accept the minutes of the August 3, 2005 meeting made by Mr. White and seconded by Mr. Burnham. Motion to open Preliminary Hearing made by Mr. Burnham and seconded by Mr. White.

JUAN AMARO---FILE # 179---TAX MAP #39.7-8-8---161 GLENERIE BLVD. SAUGERTIES, NY 12477---ZONE R-30

Mr. Amaro was present to represent himself. Mr. Amaro stated that he would like to build a new home on an empty lot that he owns at 161 Glenerie Blvd. This lot adjoins an undersized lot also owned by Mr. Amaro. In the process of having a building permit approved he learned that a new Zoning Law was passed and he was required to combine the two lots to make one conforming lot or obtain a variance. Mr. Amaro states that he is in the process of selling his home and he hopefully will not own it when the new house is built. Mr. Amaro states he is unsure of why he is at the ZBA and he feels he should not have to apply for a variance as he applied for a building permit before the new law was in place. Mr. Wise suggest that the board hold the file over for a Public Hearing and investigate if in fact Mr. Amaro needs the variance. Motion to hold over file # 179 for a Public Hearing made by Mr. White and seconded by Mr. Burnham. All were in favor.

EVAN PAPPAS---FILE # 180---TAX MAP # 56.9-5-6---33 VIRGINIA DRIVE KINGSTON, NY 12401---ZONE R-30

Mr. Pappas was present to represent himself. Mr. Pappas stated that he is asking for a variance to place a 6' fence in the front setback of his property. He is on a corner lot and is building an inground swimming pool. Motion to hold file # 180 over to a Public Hearing made by Mr. Burnham and seconded by Mr. White. All were in favor.

Motion to table File # 181 as no one appeared at the meeting made by Mr. White seconded by Mr. Burnham. All were in favor.

Motion to open Public Hearing made by Mr. White and seconded by Mr. Burnham.

GREG SCHAFFRICK---FILE # 178---TAX MAP # 48.13-3-13---233 FOREST HILLS DRIVE KINGSTON, NY 12401---ZONE HC

No one was present to represent Mr. Schaffrick. Mr. Paul Kellar attorney for Mr. Robert Sabino and Mr. Michael Morello attorney for John and Nan Potter were present representing neighbors of Mr. Schaffrick. Mr., Kellar states that Mr. Schaffrick is not making an application for an area variance but an endorsement of trespass. Mr. Kellar submits a survey map prepared on September 2, 2005 by Bert Winne III, map # B-26x. (This will be known as exhibit A). Mr. Kellar states that Mr. Schaffrick has already started to build the pole barn in question without a variance. The pole barn is 7 feet onto Mr. Sabino's property. Mr. Schaffrick has excavated 160feet of Mr. Sabino's property. Mr. Schaffrick also built a pond on Mr. Sabino's property and has placed a school bus on the property. Mr. Kellar and Mr. Sabino submitted pictures showing other encroachments of Mr. Sabino's property. The pictures are as follows:

- 1# - Pole barn encroachment on Sabino land.
- 2# - School bus encroachment on land of Sabino and Potter
- 3# - Excavation of lands of Sabino
- 4# - Pole barn on land of Sabino
- 5# - Debris from Schaffrick project on Sabino land

Each picture is noted on survey map.

Mr. Kellar states that granting a variance would endorse a trespass and is detrimental to the neighborhood and the rule of law of the town. Mr. Michael Moriello states that Mr. Schaffrick should not be granted this variance as he has not established sufficient record according to New York State Town Law Section 267-b (3) and Article XIV of the Town of Ulster Zoning Law. The secretary explains that Mr. Schaffrick obtained a Building Permit for an addition in June of this year. In July he applied for a variance for a pole barn, there is no permit issued for this building. Mr. Moriello also submits a survey map revised October 20, 2004. This map shows the encroachment of a school bus on the Potter land. Mr. Schaffrick arrived at the meeting. Mr. Wise questions Mr. Schaffrick on where the pole barn is located in relationship to the property line. Mr. Schaffrick states that the barn is located on the property line. He states that he went by the survey that he has and marked his property line with a string. Mr. Schaffrick submits a survey map dated June 1, 2001. He questions the survey submitted by Mr. Kellar stating that he has walked the property and has not seen any signs of a new survey. Mr. Moriello states that there is a rebar marker on the Potter property another pole should be placed where the school bus is located. Mr. Wise asks Mr. Schaffrick why he has built pole barn before the issuance of a variance. Mr. Schaffrick states that he needed to order trusses for the building and the company needed the footprints of the building to start making them. When asked why Mr. Schaffrick built the pole barn before issuance of a variance he stated that he needed to order the trusses. There were no more questions from the Board. Mr. Wise states that this is not a hearing to determine the property line. Motion to close Public Hearing is made by Mr. White and seconded by Mr. Burnham. Motion to deny an area variance for a pole barn in the rear setback made by Mr. White and seconded by Mr. Burnham. All were in favor. **An area variance to place a pole barn in the rear setback is denied.**

Motion to open Preliminary Hearing File #181 made by Mr. Burnham and seconded by Mr. White. All were in favor.

JOHN COLON---FILE # 181---TAX MAP # 56.71-1-9.100---48 CUTLER HILL ROAD EDDYVILLE NY 12426--- ZONE R-10

Mr. Colon was present to represent himself. Mr. Colon stated that he would like to build an addition to his home and needs a variance he is on a corner lot and does not have any other place for the addition. Motion to hold file # 181 over to a Public Hearing made by Mr. Burnham and seconded by Mr. White. All were in favor.

Motion to close Preliminary Hearing on file # 181 made by Mr. White and seconded by Mr. Burnham. All were in favor.

Motion to hold over any comments on letter from Board of Fire Commissioners made by Mr. Burnham and seconded by Mr. White. All were in favor.

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

Respectfully Submitted,

Mary Secreto