

## **ZONING BOARD OF APPEALS – NOVEMBER 2, 2005**

The regular monthly meeting of the Zoning Board of Appeals was held Wednesday, November 2,, 2005 at 7:00 p.m. at the Town of Ulster Town Hall, Lake Katrine, NY 12449.

Present:

Thomas Turco  
Nelson White  
Steven Burnham  
John Crispell  
Donald Wise

Motion to open meeting made by Mr. White and seconded by Mr. Crispell. All were in favor. Motion to accept the minutes of the October 5, 2005 meeting made by Mr. White and seconded by Mr. Crispell. Motion to open Preliminary Hearing made by Mr. Crispell and seconded by Mr. Turco.

### **NILS ENGEL---FILE # 187---TAX MAP # 48.13-3-35----142 FOREST HILLS DRIVE, KINGSTON, NY 12401--- ZONE R-30**

Mr. Engel was present to represent himself. Mr. Engel is requesting a variance to build a house on an undersized lot. Mr. Engel states that a site inspection has been completed by an engineering firm and the Board of Health. A letter from Medenbach & Eggers is in the file. The lot is approximately 22,497 square feet this is 2,500 square feet below the conforming size. Mr. Engel states that he plans on building a nice three bedroom house. Motion to hold over to Public Hearing made by Mr. Turco and seconded by Mr. Crispell. All were in favor.

### **JOSEPH & TRICIA WINNE---FILE # 188---TAX MAP # 56.17-1-4----2879 RT. 32 SOUTH, KINGSTON, NY 12401--- ZONE R-60**

Mr. Winne was present to represent himself. Mr. Winne is requesting a use variance to run a self storage business. Mr. Winne states that his father had an auto repair business on the site in the past. The garage that the business occupied was involved in a fire. Mr. Winne also states that there are other businesses along Rt. 32. Mr. Winne states he does not have any plans for the site. He would like to put 3-50' x 20' buildings on the property. Mr. Wise suggest that Mr. Winne obtain plans and bring them back to the Zoning Board. Mr. Wise states that the Board cannot grant a variance without any information. Motion to hold over for a Public Hearing made by Mr. Crispell and seconded by Mr. Turco. All were in favor.

### **GERALD RUSOLO---FILE # 189---TAX MAP # 39.12-3-11----OFF ROUTE 32, KINGSTON, NY 12401 --- ZONE R-60**

Gerald Rusolo, David Van Benschoten and Joseph DeStefano were present. Mr. Van Benschoten states that Mr. Rusolo had submitted an application for a Building Permit at the beginning of the year. Mr. Rusolo was under the impression that everything was ok when he was told that he would need a variance. The parcel that he wants to build on has

no road frontage. Mr. Rusolo states that he has built a driveway from a private road to his parcel. There is a road maintenance agreement signed by all property owners involved. Mr. Rusolo was asked if there is a curb cut on Rt. 32 and Mr. Rusolo stated there is a private road off of 32 and his driveway is off of that road. Motion to hold over to Public Hearing made by Mr. Crispell and seconded by Mr. White. All were in favor.

**MOTION TO OPEN PUBLIC HEARING MADE BY MR. WHITE AND SECONDED BY MR. CRISPELL**

**NICHOLAS & ANNMARIE BADALATO---FILE # 182---TAX MAP # 56.30-4-23--  
--157 HILLSIDE TERRACE KINGSTON, NY 12401--- ZONE R-30**

Mrs. Badalato was present. Mrs. Badalato states that they are requesting a ten foot setback on the side and ten foot in the rear for an inground pool. Mrs. Badalato explains where the pool will be located. No neighbors were present to object to the variance. Motion to close the hearing is made by Mr. Turco and seconded by Mr. Crispell. Motion to approve the variance is made by Mr. Crispell and seconded by Mr. White. All were in favor. **Be It Resolved that a ten foot area variance in the side and rear setback for an inground pool is granted.**

**DAVID BRINK---FILE # 183---TAX MAP # 39.19-3-37.200----47 LEGGS MILLS  
ROAD LAKE KATRINE, NY 12449 --- ZONE- OM**

Ann Conner was present to represent her father. Ms. Conner explains that her father would like to put up a fence on the side property line that would go into the front setback. The property is located in an OM Zone and the setback is forty feet. In most Residential Zones the setback is thirty feet. The variance will be for ten feet. No neighbors were present to object to the variance. Motion to close hearing made by Mr. White and seconded by Mr. Crispell. Motion to approve the variance made by Mr. White and seconded by Mr. Crispell. All were in favor. **Be It Resolved that a ten foot area variance for a fence on the side property line, that will be encroaching the front setback is granted.**

**JURGEN BENEKE---FILE # 184---TAX MAP # 39.16-5-2---1250 FLATBUSH  
ROAD KINGSTON, NY 12401 --- ZONE R-60**

Mr. Beneke was present to represent himself. Mr. Beneke states that he has recently purchased the property and would like to make the preexisting conditions legal. There is a three family house on the property and a separate cottage. The variance is needed for to comply with density. No neighbors were present to object to the variance. Motion to close the hearing made by Mr. White and seconded by Mr. Crispell. Motion to approve the variance made by Mr. Crispell and seconded by Mr. White. All were in favor. **Be it Resolved that an area variance to decrease the density on an existing multi-family site is granted.**

**TIMELY SIGNS FOR KINGS MALL--- FILE # 185---TAX MAP # 48.42-3-5----400  
KINGS MALL COURT KINGSTON, NY 12401 --- ZONE -RC**

Jeff Zduniak was present to represent Kings Mall and Timely Signs. Mr. Zduniak states that the Mall would like to upgrade their existing sign by adding an additional sign box (3' x 10') and a brick or stone base. The additional box would be on the bottom of the sign. The sign will not block the vision of the cars entering the mall. The County Planning Board Referral was read. No neighbors were present to object to the variance. Motion to close the hearing made by Mr. White and seconded by Mr. Turco. Motion to approve the variance made by Mr. Crispell and seconded by Mr. White. All were in favor. **Be It Resolved that an area variance of thirty square feet for a tenant sign be granted.**

**JOHANNA MYERS---FILE # 186---TAX MAP # 48.12-2-24----109 RAILROAD AVENUE KINGSTON, NY 12401--- ZONE R-10**

Ms. Meyers was present to represent herself. Ms. Meyers states that she has replaced an existing fence. The fence is on the side property line but goes into the front setback. Ms. Meyers. No neighbors were present to object the variance. Motion to approve the variance made by Mr. Crispell and seconded by Mr. White. All were in favor. **Be it Resolved that an area variance for a fence on the side property line, that will be encroaching the front setback be granted.**

Motion to adjourn made by Mr. White and seconded by Mr. Burnham all were in favor.  
Meeting adjourned at 7:50

Respectfully Submitted,

Mary Secreto