

ZONING BOARD OF APPEALS JULY 5, 2006

The regular monthly meeting of the Zoning Board of Appeals was held Wednesday, July 5, 2006 at 7:00 p.m. at the Town of Ulster Town Hall, Lake Katrine, NY 12449.

Present:

Nelson White

Karen Markisenis

Donald Wise

John Crispell –Chairman

Motion to approve the minutes of the June 7, 2006 meeting made by Mr. Wise and seconded by Mr. White with all in favor.

Motion to open meeting made by Mr. Wise and seconded by Mrs. White. All were in favor. Motion to open Public Hearing made by Mr. White and seconded by Mrs. Markisenis. All were in favor.

PATRICK & MARY SANCHEZ

Mr. & Mrs. Sanchez appeared on behalf on the application to change an existing single family dwelling to a two family dwelling. Mrs. Sanchez states that her garage was converted to living space that consists of a bedroom, living area and a bathroom for her mother. She would now like to add a kitchen area and rent the space out. The floor was opened for Public Comment. Numerous neighbors spoke against the variance stating they did not want the character of the neighborhood changed. A motion to close the Public Hearing was made by Mr. White and seconded by Mr. Wise with all in favor. A motion to deny the variance was made by Mr. White and seconded by Mr. Wise on the grounds that the lot size is too small to sustain two dwellings. Roll call vote:

Ms. Markisenis- Yes

Mr. Wise. - Yes

Mr. White – Yes

Mr. Crispell- No

The request for a variance to change a single family dwelling to a two family dwelling is denied.

KATHLEEN MIKESH

Mr. Burt Winne appeared on behalf of the application to develop a parcel with no road frontage. Mr. Winne states that the applicant is subdividing her 4 acre parcel into two parcels. Access to the parcel is through a private road that will divide the two parcels. Both lots will be conforming lots The board questioned Mr. Winne on the length of the private road and the accessibility to emergency vehicles. With all questions by the Board answered the floor was opened to the public. Mr. Kevin Denu states that he is concerned about the drainage on the parcel. Mr. Winne states that the drainage issues are being addressed at the Planning level. A motion to close the hearing was made by Mr. White and seconded by Mr. Wise. A motion to approve the variance was made by Mr. Wise contingent upon the Planning Board consideration of drainage issues. The motion was seconded by Mr. White with all in favor.

LAMBROS PETITSIS

John Greco appeared on behalf of the application for a variance for a handicap ramp that will be within the side setback. Mr. Greco states that the Building Department issued a Building Permit to renovate a diner, adding a handicap ramp is part of this renovation. The ramp was being constructed when the Building Department received a complaint that the ramp was too close to the side setback. A Stop work order was issued by the building Department. John Stinemire appeared on behalf of the applicant to explain where the ramp is placed on the site .Mr. Stinemire states because of the way the building is located on the site and the N.Y. State requirements of the ramp itself there is only one place the ramp can be constructed.Mr. Garzardelli the owner of the Citgo station states that he is opposed to the ramp he states “I want what is mine I want what I paid for.” Mr. Garzardelli also states that there is an issue with the elevation of the ramp because of the flood zone. Mr. Greco states that the ramp that is required by Federal Law and that it was the belief of the applicant and the Building Inspector that the ramp was not considered a structure therefore it was an exception to the setback requirements. The Building Inspector changed his interpretation after a complaint was filed. The plans that were approved show the ramp exactly where it is, no changes were made. Mr. Greco states there is no reasonable or logical alternative to the location of the ramp and there is no harm to the adjoining property owner. Mr. Greco states that the applicant is willing to add shrubbery to buffer the view of the ramp. Mr. Garzardelli states that he was upset that he was not notified of the Public Hearing sooner he received his letter of notification on June 28th and his attorney could not attend the hearing. A motion to close the Public Hearing was made by Mrs. Markisenis and seconded by Mr. White with all in favor. A motion to approve the variance for the handicap ramp with an approve buffer made by Mr. Crispell and seconded by Mr. White with all in favor.

Motion to close Public Hearing made by Mrs. Markisenis and seconded by Mr. White with all in favor Motion to open Preliminary Hearing made by Mr. White and seconded by Mrs. Markisenis with all in favor.

TIMELY SIGNS FOR HAMPTON INN

Mr. Ozzie Beichert appeared on behalf of the application for an area variance for a wall sign. The variance of 33 sq ft will be placed on the front façade of the Hampton Inn that will be constructed at 1307 Ulster Avenue. Members of the Planning Board have reviewed the signage on the site and have approved this signage request, a letter stating their approval will be submitted at the Public Hearing. A motion to close the Preliminary Hearing made by Mr. Crispell and seconded by Mr. White. Motion to hold over to a Public Hearing made by Mr. White and seconded by Ms. Markisenis with all in favor.

QUICK CHEK 620-640 WASHINGTON AVENUE

Mr. Howard Geneslaw appeared on behalf of the application for a variance on lighting levels and a variance for a monument sign. Mr. Geneslaw states that the project to replace an existing Mobil station/convenience store with a Quick Chek is currently being reviewed by the Planning Board. The Planning board has requested a monument sign be placed on the site in place of a proposed freestanding sign. The applicant is requesting an 8.5 s. f. variance for this sign. The applicant is also requesting variances for lighting

levels within the parking area and elsewhere on the site. Mr. Geneslaw states that during the Planning process the lighting levels have been reduced by 42.5 % but still are above the Town standards. The applicant has measured the lighting levels at other gas stations in the area and has found some exceed the Town standards. The existing Mobil station lighting is comparable to the lighting levels proposed by the applicant. The applicant states that the car wash that will be on the site will not be open 24 hours and the lighting will be within town standards. Motion to hold over to Public Hearing made by Mr. Crispell and seconded by Mr. White with all in favor.

QUICK CHEK ROUTE 9W

Howard Geneslaw appeared on behalf of the application for variances for the propose Quick Chek located at 1646-1648 Route 9W. Mr. Glenslaw states the lighting variances are of the same nature as the Washington Avenue project. Mr. Glenslaw states that the applicant is also requesting a variance to eliminate a loading space and reduce the drive aisle width of a drive-thru lane on the bank site. The applicant has submitted to the Board engineering standards relevant to the variance for the drive-thru lane. The last variance request is for the elimination of the loading space at the bank site. Motion to hold over to Public Hearing made by Mr. Crispell and seconded by Mr. White with all in favor.

Motion to adjourn made by Mr. White and seconded by Mrs. Markisenis all were in favor.

Meeting adjourned at 8:55

Respectfully Submitted,

Mary Secreto