

## **ZONING BOARD OF APPEALS JANUARY 3, 2007**

The regular monthly meeting of the Zoning Board of Appeals was held Wednesday, January 3, 2007 at 7:00 p.m. at the Town of Ulster Town Hall Lake Katrine, NY 12449.

Present:

Donald Wise

Nelson White

Karen Markisenis

John Crispell –Chairman

A motion to open the meeting was made by Mrs. Markisenis and seconded by Mr. White. All were in favor.

Motion to approve the minutes from the December meeting was made by Mr. White and seconded by Mrs. Markisenis.

### **Michael Smith -155 Hudson View Terrace**

Michael and Kathy Smith appeared on behalf of the application for an area variance for an addition on their home. Mr. Smith states that they would like to build a 24x30 addition that will be approximately 20 feet into the setback. The setback in their zone is 40 feet. The addition will be a dining room with a garage underneath. A motion to hold over for a Public Hearing was made by Mr. White and seconded by Mrs. Markisenis with all in favor.

### **Carol and Jay Klitzner – 106 Esopus Avenue**

Jay and Carol Klitzner appeared on behalf of the application for an area variance for a sign. The applicant is operating a wholesale auto dealer out of his house. New York State requires a 2x3 sign to be displayed at the site of the business. The Home Occupation Code states the sign cannot be larger than three square feet. A motion to hold over for a Public Hearing was made by Mr. White and seconded by Mrs. Markisenis with all in favor.

**Motion to reopen the Public Hearing of Filomena Bunocore made by Mr. White and seconded by Mrs. Markisenis with Mr. Wise opposed.**

### **Bunocore – 2071 Ulster Avenue**

Mr. Melvin Higgins appeared on behalf of an application for a use variance. Ms. Bunocore was also in attendance. Mr. Higgins requested a use variance be granted for Ms. Bunocore's property at 2071 Ulster Avenue stating that the applicant has agreed to comply with the Boards request and is planning to submit an application to the Town Planning Board for Site Plan approval. Mr. White states he agrees with the comments from the Ulster County Planning Board. Mrs. Markisenis states it would be in the best

interest of the Town to allow the use of apartments as long as the applicant follows through with the site plan approval. Mr. Wise agreed with the other Board members stating he felt there should be a stipulation that if the applicant does not follow through she will have to come back to the Board. The question of the status of the building concerning tenants was discussed at length; Mr. Higgins states that all tenants have been notified that they need to vacate the building, but at this time he does not know if all apartments are empty. Mr. Higgins states the applicant will do everything in her power to remove the tenants but requires more time. It is decided that the Board will grant a variance contingent upon site plan application and approval, the building be vacated of all tenants and copies of all documents pertaining to the eviction be copied to the Town of Ulster Building Department. A motion to grant a use variance contingent upon site plan approval with the stipulation that the applicant shall take the legal steps necessary to vacate the building and the Town of Ulster Building Department is made by Mr. Wise and seconded by Mrs. Markisenis with all in favor.

WHEREAS, Filomena Buoncore 86 O'Neil Street Kingston, NY 12401 of 2071 Ulster Avenue, Zone HC, has requested an USE variance for Tax Map Parcel # 39.15-4-18;and

WHEREAS, the applicant seeks a variance to operate an apartment house in a Highway Commercial Zone.

WHEREAS, the Town of Ulster Zoning Board of Appeals has duly advertised for a Public Hearing in the Kingston Freeman on said application and has held a Public Hearing thereon at the Town of Ulster Town Hall at 7:00 P.M. on November 1, 2006 and January 3, 2007 and,

WHEREAS, no one appeared at the Public Hearing in opposition to said variance and the applicant, through counsel appeared in support thereof and,

WHEREAS, under section 239.m of the General Municipal Law the County of Ulster Planning Board stated the applicant appears to meet the criteria for granting of a use variance. and recommended as a condition of the variance several requirements regarding upgrading of the site from a commercial /transient use to a residential use.

WHEREAS, the members of the Zoning Board of Appeals have determined that the requested use will not deter from the surrounding areas

WHEREAS, the members Zoning Board of Appeals voted unanimously to grant the Use Variance therefore

BE IT RESOLVED that a Use Variance to operate an apartment house on the property located at 2071 Ulster Avenue, Tax Map Parcel # 39.15-4-18 is approved contingent upon the applicant seeking site plan review within 90 days of the grant hereof and obtaining site plan approval of the Town of Ulster Planning Board with the further stipulation that the applicant shall take all legal steps necessary to cause the premises to

be vacant of all tenants until such time as a Certificate of Occupancy is issued for the use approved herein. It is further provided, as agreed by the applicant, that the town shall be copied on all documents pertaining to the eviction notices.

**Variance Granted on January 3, 2007**

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