

ZONING BOARD OF APPEALS JULY 9, 2007

The regular monthly meeting of the Zoning Board of Appeals was held Wednesday, July 9, 2007 at 7:00 p.m. at the Town of Ulster Town Hall Lake Katrine, NY 12449.

Present:	Absent
Nelson White	Mark Kaiser
Karen Markisenis	
Donald Wise	
John Crispell –Chairman	

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

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

A motion to open the Preliminary Hearing was made by Mr. Wise and seconded by Mr. Crispell.

Thomas Bowers-1122 Dalewood Street

Thomas Bowers appeared on behalf of the application for a variance to build an attached garage that will be within the side setback. Mr. Bowers states that he would like to build a one car garage that will be approximately 2 feet from the property line. Mrs. Markisenis questions if there is any other place a garage could be placed. Mr. Bowers states that anywhere he places the garage he would need a variance. Mr. Bowers also states that his next door neighbor and a neighbor across the street both have garages that are on the property line. A motion to close the hearing is made by Mr. Wise and seconded by Mr. White. A motion to hold over to a Public Hearing is made by Mr. Wise and seconded by Mrs. Markisenis. All were in favor.

A motion to open the Public Hearing was made by Mr. Wise and seconded by Mr. White with all in favor.

Glen Grubard Tech City Property

Glen Grubard appeared on behalf of the application for use variance to operate an open air market on the Tech City property. The original plan was to the market by building 25 but has now moved by Tech city to the parking lot between buildings 1 & 3. Mr. Crispell questions Mr. Grubard on how the market will be set up. Mr. Grubard explains that the market will run from April through December, the vendors will set up on Friday morning and will break down their space on Sunday. The canopies will be stored in trailers on site. Mr. White questions sanitation, will the Johnny on the spots be removed. Mr. Grubard states that has not been decided. Mr. Grubard states that he would be willing to put a time

limit on the variance. Mr. Zweben explains that a time limit is not a condition that the Zoning Board can request. If the plan goes to the Planning Board they can put restrictions on the site. Mr. Robert Barton feels that the having an open air market will be a detriment to the leasing of the Tech City site. He is opposed to the variance. A member of the audience questions if a traffic study would be conducted for the site before the variance is granted. Mr. Zweben states the traffic study would take place at the Planning level. Mr. Zweben explains that when a variance is granted is granted to the parcel for life; the parcel is question is the entire parking area of Tech City. Tami McGrath a property owner of a nearby parcel states that when she wanted to put retail business on her property there was a great concern about traffic another business would cause. Mr. Thomas Bowers states he feels that an open air market is not what the Town needs; it is not a real contribution to the tax base or a cultural contribution or the kind of retail that is wanted. Mr. Bowers states he does not endorse the variance. Mr. Wise explains to the audience that if approved the open air market could be place on any part of the parking area of Tech City. Ms. McGrath states that at times it can take 20 minutes to drive from Crosby School to Morton Blvd. because of the traffic and trains. A representative for Mr. Ginsberg (property owner) states that the open air market would be moved if any building was to be leased. Mr. Wise states that Mr. Grubard is looking for a variance for a Flea Market; this use is different from retail use. Retail use is allowed on the site. Mr. Zweben states for the record that a retail business is allowed in Office Manufacturing; a Flea market is a different use and he feels that indoor or outdoor a variance is needed. With no one else wishing to be heard a motion to close the Public Hearing is made by Mr. Wise and seconded by Mr. White with all in favor. A motion to approve the variance is made by Mr. Crispell and seconded by Mr. Wise. A roll call vote was taken:

Mr. White- no

Mr. Wise yes

Mr. Crispell- yes

Mrs. Markisenis- no

Motion does not carry. The applicant was advised that he could apply to the Supreme Court for review by an Article 78.

Motion to adjourn was made by Mr. Wise and seconded by Mr. White with all in favor. Meeting adjourned @ 7:45.

Respectfully Submitted,
Mary Secreto
Zoning Secretary