

## **ZONING BOARD OF APPEALS AUGUST 1, 2007**

The regular monthly meeting of the Zoning Board of Appeals was held Wednesday, August 1, 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 Public Hearing was made by Mr. Wise and seconded by Mr. Crispell.

### **Thomas Bowers-1122 Dalewood Street**

Mr. Clark Kimble appeared on behalf of the application for a variance to build an attached garage that will be within the side setback. Mr. Kimble states that the applicant has agreed to shorten the width of the garage by 2 feet so the building can be maintained without encroaching the neighbors' property. When the garage is built there will be 24 feet between it and the neighboring house. No one appeared for or against the variance. A motion to close the Public Hearing was made by Mr. White and seconded by Mr. Wise with all in favor. A motion to approve a variance of 7 ½ feet in the side setback for a one car garage was made by Mr. Wise and seconded by Mr. White. All were in favor.

Mr. Wise makes a motion to enter into executive session

### **Millpond Management- 350 Elmendorf Street**

Mr. Wise makes a motion to return to regular session. Mr. Crispell states that he is not in favor of this variance as is substantial. Mr. Wise states that the perk test was preformed during a dry season and the neighbors spoke of 30 years of water runoff and drainage problems. Mr. White agrees stating that the neighbors across the street also spoke of water problems. Ms. Markisenis states she visited the site and felt it was just too small for a house, she goes on to state the applicant knew the lot was undersized. Ms. Markisenis states zoning was not in effect when the original houses were built and there are problems with the lot; this is why Zoning was put into place. This is just too large of a variance. Mr. Crispell speaks of the potential of affluent running into the neighbor's basements. The type of septic system that the applicant would be using is not reliable; if the pump

fails during a wet season the potential of affluent running into the basements of the neighbors is great. Ms. Christiana states that it sounds like the Board gives more credit to the neighbors that live in the neighborhood rather than the studies. The board agreed stating the neighbors had true concerns. Mr. Wise motioned to close discussion with all in favor. Mr. Wise motioned to deny the area variance to erect a house on an undersized lot based upon the following:

1. There is too much water runoff in the area.
2. The testimony of the neighbors.
3. The engineer preformed a perk test in a dry season.
4. The request for a 20% reduction of lot size is too great.

A second was made by Mr. White with all members present in favor.

Motion to adjourn was made by Mr. Wise and seconded by Mr. White with all in favor.

Respectfully Submitted,  
Mary Secreto  
Zoning Secretary