

ZONING BOARD OF APPEALS FEBRUARY 6, 2008

The regular monthly meeting of the Zoning Board of Appeals was held Wednesday, February 5, 2008 at 7:00 p.m. at the Town of Ulster Town Hall Lake Katrine, NY 12449.

Present:

John Crispell

Donald Genther

Donald Wise

Robert Porter –Chairman

A motion to approve the minutes was made by Mr. Crispell and seconded by Mr. Genther with all in favor.

Public Hearing

Mid Hudson Valley Federal Credit Union – 1099 Morton Blvd.

Mr. Gerard Beichert and Mr. Joseph Beichert appeared on behalf of the application for an area variance for wall signage for the Credit Union. A neighbor Mr. John Boyd appeared stating his concern with the sign. Mr. Boyd states the sign can be seen from Stoll Court and the Board should carefully look at the application. Mr. Boyd states the sign will affect the neighborhood. Mr. Boyd questioned how the sign is lit and states the neighborhood will be able to see the sign at night. Mr. Beichert states the sign faces Morton Blvd. and lighting is such that it should not be seen from the neighboring houses. Mr. Porter states that the lighting is not the issue that the Board is reviewing. The review is for the size of the sign. Mr. Boyd states that he can see the tower from his house and will also be able to see the signage. With no one else appearing for or against the variance a motion to close the public hearing was made by Mr. Crispell and seconded by Mr. Genther with all in favor. A motion to approve the sign was made by Mr. Crispell with a second from Mr. Wise all were in favor.

Amy Garcia- 622 Otis Street

Amy Garcia appeared on behalf of the application for an area variance for an existing pool and deck. Ms. Garcia states she has a pool and deck that borders her neighbors property and was advised by the building inspector to request a variance as she was unable to get the neighbors permission to place the structures in the setback. Ms. Garcia states the building Inspector would not accept the letter the applicant received from the neighbor. Mr. Wise questioned if the applicant go to the building Department for a permit; Ms. Garcia stated she was not aware she needed one. Ms. Garcia also stated that when she was notified that a permit was needed she went to the neighbor and asked for a letter. The application process started in 2005 when Ms. Garcia was contacted that she needed a permit. Mr. Porter questioned why it took her so long to request a variance; Ms. Garcia stated she was waiting for the letter from the neighbor; she stated the building department did not tell her to go for a variance. Mr. Porter stated it was the applicant's job to follow up with the building department as well as the building department's job to follow through. Ms. Garcia again states she was waiting to receive the letter from the

neighbor and when she received it she refused to sign it as it stated her pool was on the neighbor's property. Mr. Porter established a time line; the pool and deck were put up in 2002, the applicant was notified by the building department a permit was need in 2005. The applicant continued to wait for a letter until 2007 when the building department contacted her again and told her she needed a variance since she could not obtain a letter. Mr. Wise motioned to close the hearing with all in favor. Mr. Wise motioned to hold over to a Public Hearing with a second by Mr. Crispell. All were in favor Mr. Wise requested the Building Inspector appear at the Public Hearing. Photos were submitted to the record by the neighbor. The Zoning Secretary will copy all relevant documents from the applicants building department folder and send to Board members for review.

Kings Mall 400 Kings Mall Court

Mr. Beichert appeared on behalf of the application for an area variance for an existing freestanding sign. Mr. Beichert stated the applicant was requesting 72 sq ft of additional signage. The applicant would like to add 72 sq. ft. of tenant signs to the existing freestanding sign; in return the applicant will be removing the second freestanding sign on the site and will agree to a condition that no banners or temporary signs will be allowed in the front setback. The only temporary signs allowed will be "for lease" signs. The reason for the request is that the wall signage is not really visible from the road. The existing sign will be dressed up. The new sign is will be 30" higher then the existing sign. A motion to hold over to Public Hearing was made by Mr. Crispell and seconded by Mr. Genther with all in favor.

Ulster Hose #5 Fire Department 830 Ulster Avenue

Mr. James McKensie appeared on behalf of the application for an animated sign. Mr. McKensie states that when the fire company purchased the sign they were not aware that it violated town code. Once they were made aware of the violation the animation was stopped the sign now the message changes twice a day. In the letter submitted to the Zoning Board the fire company has agreed to the restriction that the sign will operate in a static mode. Mr. McKensie goes on stating the sign is used for public information only and is a public service. Ed. Molinaro appeared for the fire company stating the fire company does not collect any money for the messages that go on the sign. Mr. Porter states the request will have to go to the County Planning Board for review as it is on a state road. A motion to hold over for public hearing was made by Mr. Wise with a second by Mr. Crispell, all were in favor. A public hearing will be set for the April meeting.

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

Respectfully Submitted,
Mary Secreto
Zoning Secretary