

ZONING BOARD OF APPEALS MARCH 5, 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 Genter

Karen Markisenis

Robert Porter –Chairman

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

A motion to open the Public Hearing was made by Mr. Crispell and seconded by Mr. Genter.

Public Hearing

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 reviewed the time line with the Board stating the pool and deck was installed in the summer of 2002. The Building Department notified her she needed a building permit in 2005 following a complaint by her neighbor. At that time she was told a letter from the neighbor would be required as the pool encroached the property line. Ms. Garcia had a survey of the property completed in December of 2005. Ms. Garcia goes on to state her neighbor agreed to write a letter in December of 2005. Ms. Garcia states October of 2007 Paul Economos contacted her to follow up on the issue of the permit; in December of 2007 Ms. Garcia received a letter from the neighbor and shared it with the Mr. Economos; the letter stated that the pool and deck was on the neighbors property and because of this he could not accept the letter as it violated the NYS Trespass Law. At that time she was instructed by the Building Inspector to apply for a variance for the pool and deck. Mrs. Joan Crispino of 616 Otis Street appeared to oppose the variance. Mrs. Crispino states that she has lived in her home for 50 years. When the pool was put up she was under the impression that Ms. Garcia had a permit therefore it was allowed to be on the property line. Mrs. Crispino goes on the state that shortly after the pool was put up a fence with a locked gate was attached to her house; she no longer has access to her property because of this fence. Mrs. Crispino's goes on stating her granddaughter could not get out of her bedroom as the deck blocks her window, she questions who would be responsible for any damage if the pool broke and flooded her home. Mrs. Crispino states she spoke with Ms. Garcia and told her changes could be made to the letter; but Ms. Garcia chose to come to the Building Department instead. Mrs. Crispino states she objects to the pool and deck. Mrs. Crispino shows the Board an aerial view of the site. Mr. Porter states that he has visited the site and is aware of the issues. Laura Crispino of 614 Otis Street states that she does not believe people should be rewarded after they have broken town laws. She goes on to say that if the variance is approved it will say to everyone it is okay to do whatever you want and the town will approve it. With no one else wanting to be heard the Public Hearing

was closed. Mr. Genther asked the building Inspector if there were any Building Code violations on the site as the deck was blocking the window of the neighbor's house. Mr. Genther states that if there was a fire the people in the house may not be able to get out. Mr. Economos states there is nothing in the code; it is a grey area. A motion close the Public Hearing was made by Mr. Crispell with a second by Mr. Genther with all in favor. **Action:** A motion to deny the variance for a pool and deck in the side setback was made by Mrs. Markisenis with a second by Mr. Crispell, all were in favor. Mr. Porter explains to Ms. Garcia that the variance was denied and the deck and pool need to be addressed. Mr. Porter directed the applicant to the Building Department and requested that the situation be resolved within 90 days.

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. Mr. Beichert goes on to explain that the property has been problematic as there are many banners and other temporary sign on the site, also with the removal of the 2nd pole sign the site will be 27 sq ft above the code. No one appeared 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. Mr. Porter states that the County Planning Board disapproved the request. Mr. Crispell states that he liked the idea of removing the 2nd sign and putting the restriction of no temporary signage. Mrs. Markisenis states that she is not really in favor of the variance; but the conditions that are being put forward will make the site better. A discussion on sign laws followed.

Action: A motion to approve the variance of 72 sq ft for an upgraded sign with the following conditions. No banners or temporary signage other than "for lease" signs will be allowed in the front setback, the free standing sign on the South side of the property is to be removed and new sign age will be regularly maintained was made by Mr. Genther with a seconded by Mr. Crispell. All were in favor.

David and Gloria Brink

David Brink appeared on behalf of the application for a variance to allow two existing structures within the rear setback after a lot revision is completed. Mr. Brink is revising the lot line so he can sell either lot and retain the storage buildings in their existing locations.

Action: A motion to hold over to a Public Hearing was made by Mr. Crispell and seconded by Mr. Genther with all in favor.

Motion to adjourn was made by Mr. Crispell and seconded by Mr. Genter with all in favor. Meeting adjourned at 7:40 P.M.

Respectfully Submitted,
Mary Secreto
Zoning Secretary