

Town of Ulster
Zoning Board of Appeals
June 3, 2009

The regular monthly meeting of the Town of Ulster Zoning Board of Appeals was held at the Town of Ulster Town Hall on June 3, 2009 at 7:00 P.M.

Present:

John Crispell

Donald Genter

Karen Markisenis

Donald Wise

Robert Porter - Chairman

A motion to approve the minutes from the May meeting was made by Mr. Genter and seconded by Mr. Crispell. All were in favor.

Mr. Crispell motions to open Preliminary Hearings Mr. Genter seconds with all in favor.

Todd Moxham – 1145 Main Street

Todd Moxham appeared on behalf of the application for a shed that will be in the rear setback. Mr. Moxham states he would like to place a garden shed on the rear of is property; the shed will be in the side and rear setback. The property owner on the side has given permission for the shed; the one in the rear has not stating she does not want to look at a shed. Mr. Moxham submitted photos of his property and the neighboring property. The Board reviewed the photos.

Action: A motion to move to a Public Hearing was made by Mr. Genter with a second by Mr. Crispell. All were in favor.

Timothy Rodier – 218 Mountain Road

Timothy Rodier appeared on behalf of the application for a 6' fence in the front setback. Mr. Rodier states his house is close to the road and the fence will give some relief from the noise from the traffic and some privacy. Mr.

Rodier will also need a permit from the County Highway Department for the fence as it is on a County road.

Action: A motion to move to a Public Hearing was made by Mrs. Markisenis with a second by Mr. Crispell.

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

James Willis – 109 Goldricks Landing Court

Mr. Willis appeared on behalf of the application for an inground pool that will be in the rear setback. Mr. Willis submitted a letter from an Engineer on the placement of the pool. Chris Karabatsos and Scott Hughes neighbors of Mr. Willis spoke for the variance stating Mr. Willis was a good neighbor and should be allowed to use his property as he wishes. Robert Hagopian states he feels the pool would not be safe as Mr. Willis has constructed a retaining wall in the rear of his property. Mr. Hagopian submits a letter with his concerns to the Board. Mr. Porter states the item before the Board is the pool not a retaining wall and questions why he is just receiving a letter addressed to him dated May 6, 2009. Mr. Hagopian states he held on to the letter hoping to resolve some of his issues with Mr. Willis before the hearing. Mr. Hagopian goes on stating his concerns on noise and visual impact on his property. A short discussion on the distance of the proposed pool from the retaining wall followed. Mr. Willis reviews the plot plan with the Board and Mr. Hagopian showing he has no other place for the pool on his property.

Action: A motion to approve a variance for an n inground pool in the rear setback as proposed was made by Mr. Genther with a second by Mr. Crispell. All were in favor.

WHEREAS, James Willis 109 Goldricks Landing., Kingston, NY 12401, Zone R-10, has requested an Area variance for Tax Map Parcel # 40.17-2-17 and

WHEREAS, The applicant seeks a variance for an inground pool within the rear setback and,

WHEREAS, The Town of Ulster Zoning Board of Appeals has duly advertised for a Public Hearing in the Kingston Freeman and has held a Public Hearing at the Town of Ulster Town Hall at 7:00 P.M. on June 3, 2009 and,

WHEREAS, The adjoining neighbor appeared to voice concerns on the pool and,

WHEREAS; The adjoining neighbor submitted a letter to the Board stating concerns with the construction of the pool.

WHEREAS, Under Section 239.m of the General Municipal Law, the County of Ulster Planning Board has no jurisdiction; and,

WHEREAS, The members of the Zoning Board of Appeals has considered the letter submitted by the applicant signed by Andrew Bell P.E.

BE IT RESOLVED that an area variance for an inground pool is granted as per requirements in letter signed by Andrew Bell PE

Cosmo Sasso – 72 Yale Court

Mr. Sasso appeared on behalf of the application for an area variance for an addition that will be in the side setback. Mr. Sasso states he would like to put a small addition (less then 400 sq ft) on a house he purchased in September. A letter stating approval of the project was submitted to the Board at last months meeting. No one appeared to speak for or against the variance.

Action: A motion to approve the variance as requested was made by Mr. Crispell and seconded by Mr. Genther with all in favor.

WHEREAS, Cosmo Sasso, 72 Yale Court Kingston, New York, 12401, Zone R-30, has requested a side setback variance for Tax Map Parcel # 48.5-1-13 and

WHEREAS, The applicant seeks a variance to build an addition that will be in the side setback and,

WHEREAS, The Town of Ulster Zoning Board of Appeals has duly advertised for a Public Hearing in the Kingston Freeman and has held a Public Hearing at the Town of Ulster Town Hall at 7:00 P.M. on June 3, 2009 and,

WHEREAS, no one appeared to oppose the variance; and,

WHEREAS; a letter from the adjoining neighbor stating approval of the project was submitted to the Zoning Board and,

WHEREAS, under section 239.m of the General Municipal Law the County of Ulster Planning Board has no jurisdiction: and,

WHEREAS, The members Zoning Board of Appeals have determined that the addition will have a minor effect on the vicinity and, therefore,

BE IT RESOLVED that a variance for an addition that will be in line with existing dwelling but encroaching the side setback is granted.

Paul Vogt – 142 Glenerie Blvd.

Paul Vogt appeared on behalf of the application for an area variance. Mr. Vogt would like to remove a trailer and bungalow from his property and replace it with a small two bedroom house. Neighbors of Mr. Vogt questioned the type of house and where the entrance would be located. Mr. Vogt states the house would be a cottage style and the entrance would face the street. Mr. Vogt states the variance requested will be for 10' on each of the side setback.

Action: A motion to hold over to approve was made by Mr. Wise and seconded by Mrs. Markisenis with all in favor.

WHEREAS, Paul & Irene, 57 Wildwood Lane, Zone R-30, has requested a side setback variance for 142 Glenerie Blvd. Saugerties New York 12447, Tax Map Parcel # 39.7-7-11;and

WHEREAS, The applicant seeks a variance to build a dwelling that will be in the side setback and,

WHEREAS, The Town of Ulster Zoning Board of Appeals has duly advertised for a Public Hearing in the Kingston Freeman and has held a Public Hearing at the Town of Ulster Town Hall at 7:00 P.M. on June 3, 2009 and,

WHEREAS, no one appeared to oppose the variance; and,

WHEREAS, under section 239.m of the General Municipal Law the County of Ulster Planning Board has no jurisdiction: and,

WHEREAS, The members Zoning Board of Appeals have determined that the dwelling will have a minor effect on the vicinity and, therefore,

BE IT RESOLVED that a variance for a dwelling that will be 10 feet into both side setbacks is granted.

Big Matt Associates – 444 Old Neighborhood Road

Pat Simmons appeared on behalf of the application for an area variance for an addition that will encroach the front setback. Mr. Simmons reviewed the plan stating the applicant needs more space for their business and this is the only way to achieve it. The applicant is requesting a variance of 10 feet in the Front Setback. No one appeared for or against the variance.

Action: A motion to approve was made by Mr. Crispell and seconded by Mr. Genther. All were in favor.

WHEREAS, Big Matt Associates Inc. for 430 Old Neighborhood Road Kingston, New York 12401, Zone RC, has requested front setback variance for Tax Map Parcel # 48.7-1-7.100 and

WHEREAS, The applicant seeks a variance to build an addition that will be in the front setback and,

WHEREAS, The Town of Ulster Zoning Board of Appeals has duly advertised for a Public Hearing in the Kingston Freeman and has held a Public Hearing at the Town of Ulster Town Hall at 7:00 P.M. on June 3, 2009 and,

WHEREAS, no one appeared to oppose the Public Hearing; and;

WHEREAS, under section 239.m of the General Municipal Law the County of Ulster Planning Board has no jurisdiction: and,

WHEREAS, The members of the Zoning Board of Appeals have determined that the addition will have a minor effect on the vicinity and, therefore,

BE IT RESOLVED that a variance for an addition on the front of the building that will encroach the setback by 10' is granted.

Kyle Berardi – 21 Dirk Lane

Kyle Berardi appeared on behalf of the application for a swimming pool that will be in the side setback. Mr. Berardi states he would like to place an above ground pool 10 feet from his property line. Mr. Berardi states this site was chosen for the pool so it would not go over his septic tank; Mr. Berardi goes on stating an 8' fence will be put up on the property line in his rear yard so the fence will not be seen by the neighbors. Mr. Berardi states he tried to get a letter from the adjoining neighbor but was told no; the neighbor in question is in a nursing home and is in the process of selling her house. Mr. Berardi submits pictures of his yard with cones showing where the pool and fence will be located. Carol Smith appeared to speak in favor of the variance stating Mr. Berardi and his family are good neighbors who keep their property maintained; the family should be allowed to enjoy their yard. Cathy Dittus appeared for an adjoining neighbor Marie Tomson; Mrs. Dittus states Mrs. Tomson is in Golden Hill along with her husband and they are not coming back to the house. They are paying an average of \$300 a day and need to sell their home. Mrs. Dittus states that prospected buyers have looked at the house and if they put a binder on the house and come back there will be pool and fence up and that is not what was there when they first looked at the house. Mr. Porter questioned if the objection of the pool was it was going to affect the sale of the house. Mrs. Dittus goes on to say the pool would affect the neighborhood because of noise from people enjoying the pool and the filter and vacuum. The variance is substantial and it would impact her environment because of the chlorine used to maintain the pool. Mr. Genter asked if there were any other pools in the neighborhood. Mr. Berardi again goes over the pictures with the Board. Mrs. Markisenis questions why a letter was not sent and why there was no preliminary hearing, she also questioned if the pool was purchased. Mr. Berardi states he purchased the pool and when he went for a permit he was told about the setback requirements. If he does not receive the variance he will try to return or sell the pool. Mrs. Dittus goes on to state trees have been cut down without permission, and if changes have been made and it may cause a legal issue. Mr. Porter questioned what Mrs. Dittus meant by legal issues? Mrs.

Dittus stated her client is expected to deliver what she advertised and if there now a pool and fence will be next door when it was not there before. Mr. Porter noted Mrs. Dittus's concerns. Mrs. Dittus goes on about trees that have been cut; Mr. Berardi states the trees were on his property and the first one was cut down last year. Mr. Porter states he understands her concerns but people are allowed to change their property. Mrs. Dittus would like her client to deliver what she advertised; what people saw. Mr. Wise questioned if there was any other place to place the pool; Mr. Berardi no matter where he places the pool it would need a variance because of the septic system, right now the pool will be only 2 feet away from the septic system. Mr. Berardi stated his wife approached Mrs. Tomson and was told to contact Mrs. Dittus, he contacted twice Mrs. Dittus and she never returned his call. Mr. Berardi states he has improved the property since he purchased the property. Mr. Genther makes a motion to approve the variance. Mr. Porter asked if anyone had any other questions; no one replied. Mr. Porter requested a second to Mr. Genther's motion. No one responded Mr. Porter requested a motion to deny the variance; no one responded.

Action: A motion to approve the variance with the condition an 8' fence is installed during the construction of the pool was made by Mr. Genther with a second by Mr. Wise. A roll call vote was taken;

Mr. Genther yes

Mr. Crispell, yes

Mr. Wise, yes

Mr. Porter, yes

Mrs. Markisenis recused herself as she knows the neighbor opposing the variance.

WHEREAS, Kyle Berardi 21 Dirk Lane Kingston, New York 12401, Zone R-30, has requested side setback variance for Tax Map Parcel # 56.30-5-2 and

WHEREAS, The applicant seeks a variance for a pool within the side setback.

WHEREAS, The Town of Ulster Zoning Board of Appeals has duly advertised for a Public Hearing in the Kingston Freeman and has held a Public Hearing at the Town of Ulster Town Hall at 7:00 P.M. on June 3, 2009 and,

WHEREAS, a representative for the adjoining neighbor spoke against the variance; and;

WHEREAS, under section 239.m of the General Municipal Law the County of Ulster Planning Board has no jurisdiction: and,

WHEREAS, The members of the Zoning Board of Appeals have determined that the pool will have a minor effect on the vicinity and, therefore,

BE IT RESOLVED that a ten foot variance in the side setback is granted with the condition of an eight foot fence be installed on the side property line.

A motion to adjourn was made by Mr. Crispell and seconded by Mr. Genter all were in favor.

Respectfully Submitted,

Mary Secreto
Zoning Secretary