

ZONING BOARD OF APPEALS JUNE 4, 2008

The regular monthly meeting of the Zoning Board of Appeals was held Wednesday, June 4, 2008 at 7:00 p.m. at the Town of Ulster Town Hall Lake Katrine, NY 12449.

Present:

John Crispell

Donald Genter

Karen Markisenis

Donald Genter

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

Dena Marie Plaza LLC

A motion to open the Public Hearing was made by Mr. Crispell and seconded by Mr. Genter with all in favor. Mr. Robert Barton spoke against the variance for signage stating the Town has a code and the applicants should stick with the code. Mr. Craig Tripp appeared on behalf of the applicant; Mr. Tripp states the closes store is over 300 feet from the road frontage the furthest is 1100 feet. Mr. Tripp goes on stating the Benderson Plaza was granted a variance for their signage, on that site the frontage is just 300 feet from the road. David Kaplan the owner of the parcel states he has taken an eyesore of a parcel and is currently developing it into a nice looking parcel. Mr. Kaplan agrees that the town code should be followed but in certain cases variances are needed. Mrs. Markisenis states she feels the code is not restrictive and pylon signs are enough; there is no need to have large wall signs. Mr. Crispell states he feels that pylon signs are not helpful when looking for a destination. Mr. Crispell states he would rather see wall signs then pylon signs. Mr. Crispell feels that small signage on pylon sign Mr. Wise states that he agrees with Mr. Crispell and adds that when the Zoning Laws were put into place it was to protect the homeowners ; this is a commercial lot. The sign laws were put into place to stop large billboard signs like the one by Burger King. Mr. Wise feels based on the completed site improvements Mr. Kaplan has made the signage will be done tastefully and will enhance the site. Mr. Genter states that he agrees with Mr. Wise and Crispell, stating a wall sign is much easier to see.

Action: A motion to approve the variance as requested was made by Mr. Wise with a second by Mr. Crispell; a roll call vote was taken.

Mr. Genter – yes

Mr. Crispell – yes

Mr. Wise – yes

Mrs. Markisenis – no

Mr. Porter – yes

**TOWN OF ULSTER ZONING BOARD OF APPEALS
NOTICE OF DECISION**

WHEREAS, Dena Marie II LLC has requested an area variance for property located at 810 Miron Lane, Kingston, NY 12401 in the RC Zone and identified on the Town of Ulster Tax Map as parcel # 48.50-2-2.120 and

WHEREAS, The applicant seeks a variance from § 190-33(A) of the Zoning Local Law to permit an additional square footage for Wall Signage.

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 4, 2008; and

WHEREAS, on April 2, 2008, the Ulster County Planning Board recommended that the variance relative to the signage be rejected; and

WHEREAS, the members of the Zoning Board of Appeals have determined that (1) the surrounding area primarily consists of retail uses and the proposed signage is consistent with the signage for those existing uses; (2) the façade of the retail structure is approximately feet from the main road therefore,

BE IT RESOLVED as follows that the Zoning Board of Appeals hereby overrides the Ulster County Planning Board's recommendation regarding signage and hereby approves the signage variance as requested by the Applicant.

Planet Fitness - additional 100 square feet for wall signage
Joyce Leslie –additional 80 square feet for wall signage
Famous Footwear – additional 65 square feet for wall signage
Cotton Market – additional 44 square feet for wall signage
Unknown tenant #1 – additional 86 square feet for wall signage
Unknown tenant #2 – additional 50 square feet for wall signage
Unknown tenant #3 – additional 80 square feet for wall signage
Unknown tenant #4 – additional 80 square feet for wall signage

Motion by Mr. Wise and seconded by Mr. Crispell

Roll Call Vote:

Mr. Wise - yes

Mr. Crispell – yes

Mr. Genther – yes

Mr. Porter - yes

Mrs. Markisenis - No

Robert and Susan McConekey

Susan McConekey appeared on behalf of the application for a variance for an addition that will be within the side setback. No one appeared to oppose the variance. Ruth McDonough the adjoining neighbor appeared in favor of the variance for an addition in the side setback.

Action: A motion to approve a variance of 3.5 feet in the side setback was made by Mr. Crispell with a second by Mr. Wise. All were in favor

**TOWN OF ULSTER ZONING BOARD OF APPEALS
NOTICE OF DECISION**

WHEREAS, Robert & Susan McConekey, 238 Riseley Street Kingston New York 12401, Zone R-10, has requested a side setback variance for Tax Map Parcel # 48.58-8-2;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 4, 2008 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 addition will have a minor effect on the vicinity and, therefore,

BE IT RESOLVED that a variance for an addition that will be an additional 3.5 feet into the side setback. is granted

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

Respectfully Submitted,
Mary Secreto
Zoning Secretary