

Town of Ulster
Zoning Board of Appeals
October 3, 2012

The regular monthly meeting of the Town of Ulster Zoning Board of Appeals was held at the Town of Ulster Town Hall on October 3, 2012 at 7:30 P.M.

Present:

Robert Porter- Chairman

John Crispell

Donald Genther

Arnold Jacobson

Elizabeth Kyriacou

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

Paul Hakim/ MHAK Holdings – Public Hearing

A motion to open the public hearing was made by Mr. Genther with a second from Mr. Crispell with all in favor.

Paul Hakim appeared on behalf of the application for a use variance to convert a 2 family dwelling into a 3 family. The house is located in an OM district; the Town code states that 1, 2 and 4 family dwellings are allowed in but not 3 family therefore it requires a variance. Mr. Hakim stated there will be no additional bedrooms. The house is on a 2 acre lot. No one appeared for or against the variance. There were no questions from the Board. Mr. Porter stated the felt the Town Board should look into changing the code that does not allow 3 families in an OM zone.

Action: A motion to approve the variance to convert a 2 family dwelling to a 3 family was made by Mr. Crispell with a second from Mrs. Kyriacou. All were in favor

WHEREAS, MHAK Holding LLC, 471 Sawkill Road ,New York 12401, Zone OM, has requested a use variance for Tax Map Parcel # 48.6-1-24 and

WHEREAS, the applicant seeks a use variance to convert a 2 family dwelling to a 3 family dwelling;

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 7:30 P.M. on October 3, 2012 and,

WHEREAS, no one appeared against the requested variance and,

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

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WHEREAS, the members Zoning Board of Appeals have determined that the change in use will not adversely affect the neighborhood and that the use variance should be granted on the following grounds:

- (1) The change will not enlarge the structure or the sanitary system.
- (2) The code allows 4 units and above in the same zone. Therefore;

BE IT RESOLVED that a use variance be granted to convert a 1 family dwelling into a 2 family use; and be it further; therefore be it

Millens Holding LLC -

Donald Brott appeared on behalf of the application for an area variance to place a fence 6' in height within the front setback. Mr. Brott stated the applicant received site plan approval and would now like to place a 6' chain link fence around the property for security reasons. The fence will be 8' in height on the 9W (East Chester Street side); this will not require a variance as it will not be with in the setback. Frank Petramale the Highway Superintendent has written a letter stating he has no concerns with the fence. **Action:** A motion to move to a public hearing was made by Mr. Crispell with a second from Mr. Genter with all in favor.

Request for Interpretation

Mr. Porter stated the Board has been asked for an interpretation of a variance that was granted for a second sign on the Burlington Coat Factory parcel. Mr. Kovacs reviewed the history with the Board stating a variance to rehabilitate an existing sign was granted for White Castle in November of 2009. The applicant never rehabilitated the sign. The question the Code Enforcement Officer now has is does this variance continue with the property or is it expired. Mr. Kovacs went on to say that the Zoning Board of Appeals General Governing Rules state the variances expire with in 90 days unless a permit is issued. After a short discussion it was decided that in this case the variance has expired due to the applicant not obtaining a permit. The Board then requested Mr. Kovacs (Town Attorney) revise the Zoning By-Laws to extend the expiration date to 6 months. Mr. Kovacs will revise the by-laws. The Board will review the by-laws at next months meeting.

A motion to adjourn was made by Mr. Genter with a second from Mrs. Kyriacou with all in favor.

Respectfully Submitted
Mary O'Bryan-Secreto
Zoning Board Secretary