

Town of Ulster
Zoning Board of Appeals
July 15, 2020

The monthly meeting of the Town of Ulster Zoning Board of Appeals was held remotely via the Zoom application on July 15, 2020, at 7:00 P.M.

Present:

Andi Turco-Levin
Robert Porter
Geoffrey Ring – Chairman

Lois Smith
Kevin Reginato

Roll call.

Chairman Ring requested that the board table the approval of minutes until the August meeting as there were some errors.

PUBLIC HEARING

Heather Stine – Z-384
587 Kiersted Avenue
Kingston, NY 12401
SBL: 48.65-5-9
Zone: R10
Area Variance

Heather Stine appeared on behalf of her application to construct a single-story building addition that will be sixteen feet by twenty-six feet (16' x 26') for a master bathroom, master bedroom and a walk-in closet to be built within the side setback. The variance being requested is three feet (3'), leaving the remaining side setback to be seven feet (7').

Chairman Ring opened the public hearing. A motion to close the public hearing was made by Chairman Ring, with a second from Mr. Porter; all in favor with a roll call vote.

Action: A motion to approve the area variance was made by Ms. Smith, with a second from Chairman Ring; all in favor with a roll call vote.

WHEREAS, the applicant seeks an Area Variance to allow for relief from Section 190-69 of the Ulster Town Code which provides for ten-foot (10') side setbacks; and

WHEREAS, notice of Public Hearing was published in the Kingston (N.Y.) Daily Freeman on June 28, 2020, and pursuant to Zoning Board procedures, the owner(s) of the adjacent properties were notified and had the opportunity to be heard; and

WHEREAS, under General Municipal Law § 239-m, the Ulster County Planning Board has no jurisdiction over the instant request for an Area Variance, and

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WHEREAS, a public hearing was scheduled for July 15, 2020 and said hearing was closed on said date; now therefore

BE IT RESOLVED, that the Zoning Board of Appeals makes the following Findings of Facts and Conclusions of Law in this matter:

Findings of Fact

1. The subject property is located at 587 Kiersted Avenue in the R10 zoning district.
2. The applicant is the property owner.
3. The applicant seeks an Area Variance for relief from the requirements of Section 190-69 of the Ulster Town Code which provides for ten-foot (10') side Setbacks to construct a building addition;
4. The applicant is proposing approximately a seven-foot (7') side setback (variance of approximately three feet (3')).
5. The applicant presented detailed information and history on the property, reviewed any feasible alternative considerations, and actively participated in discussion of any alternative and which would mitigate impacts.
6. No one appeared in opposition to the requested Variance.
7. The property is an older residential neighborhood with small properties with dimensions of approximately 75' x 100'.
8. The proposed Variance does not alter the character of the neighborhood, but rather is consistent with small properties with residence and numerous accessory structures.

Conclusions and Decision

Based upon the above Findings of Fact, the Board concludes that the Request for an Area Variance(s) be **GRANTED**.

This Board further concludes, based upon their same Findings of Fact and the entire record before the Board, that granting of the requested Area Variance will not create and undesirable change in the character of the neighborhood, and that the Variance if granted would not be a detriment to the general quality of the neighborhood.

Accordingly, this Board, as required by §8-0105 of the Environmental Law and Part 617 of Title 6 of the New York Codes, Rules and Regulations, SEQR, concludes that the activities proposed in this action constitute a "Type II Action," and as such requires no further SEQR action.

Finally, this Board concludes and voted 5-0; Chairman Ring, Members Turco-Levin, Smith, Porter and Reginato voting aye; that the Applicant's appeal for relief in the form of an Area Variance is **GRANTED**.

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PRELIMINARY HEARING

Christopher Shultis – Z-385
137 Esopus Avenue
SBL: 48.49-3-2
Zone: R10
Area Variance

Christopher Shultis appeared on behalf of his application to install a five and a half foot (5.5') fence within his front setback. Mr. Shultis stated that the fence is currently installed, and he realized his dog could jump the four-foot (4') chain link fence that he had. Mr. Shultis raised the fence to be five and a half feet (5.5') so he didn't have to walk his dog on a leash nor worry about him jumping over the fence as it was a nuisance. Mr. Warren Tutt, the Town Building Inspector, realized the fence was taller than the allowed height in a front setback and had Mr. Shultis fill out an area variance application to get approval to allow the five and a half foot (5.5') fence within his front setback.

Mr. Shultis explained that the back of his house is all swamp so he doesn't really have a backyard and considers his front yard his backyard. Mr. Shultis stated that his neighbors came after the fence was installed and said "it looks great."

Mr. Porter stated that he's driven by and that is a bad spot to have a dog be able to jump over a fence.

Mr. Reginato asked if the applicant was confident that a five and a half foot (5.5') was tall enough to keep his dog within the fence boundaries. Mr. Shultis stated that he is as after the fence was installed, he let the dog out and the dogs paws barely reached the top of the fence.

Chairman Ring asked if Mr. Tutt ~~asked~~ if he had any issues with the fence. Mr. Tutt stated that he does not have any issues with the fence.

Ms. Smith asked if the fence would cause any issues with the line of sight entering or exiting his driveway and Mr. Shultis stated that it did not.

Ms. Smith asked if the Town's Highway Superintendent had any comments on this fence. Mr. Tutt stated that any stipulation from the Highway Superintendent, Frank Petramale, would be that any fence built along a Town road, if damaged due to snow plowing, would not be the responsibility of the Town. Chairman Ring stated that no matter what height the fence, that would be the case either way. Mr. Tutt concurred.

Action: A motion to forward this project to a public hearing was made by Mr. Porter, with a second from Mrs. Turco-Levin; all in favor with a roll call vote.

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DISCUSSION

Chairman Ring explained that the discussion of the Board acquiring a Town ID badge was discussed by Town Council and if any of the Board members were interested in obtaining one, they would be able to do so by contacting the Supervisor's office to make arrangements to come in and do so.

Ms. Smith stated that with the world being what it is today she believes it is a good idea to have a Town ID badge.

A motion to adjourn was made by Chairman Ring, with a second from Mrs. Turco-Levin; all in favor.

Respectfully Submitted,
Gabrielle Perea
Zoning Board Secretary