

Town of Ulster
Zoning Board of Appeals
November 18, 2020

The monthly meeting of the Town of Ulster Zoning Board of Appeals was held remotely via the Zoom application on November 18, 2020, at 7:00 P.M.

Present:

Andi Turco-Levin
Robert Porter
Geoffrey Ring – Chairman

Lois Smith
Kevin Reginato

Roll call.

A motion to approve the minutes from the October 2020 meeting was made by Ms. Smith, with a second by Mr. Reginato; all in favor with a roll call vote.

PRELIMINARY HEARING

Dan Furman – Z-392
273 Riseley Street
Kingston, NY 12401
SBL: 48.50-3-18
Zone: R10

Area Variance to allow a 6' fence within a front setback.

Daniel Furman, property owner, appeared on behalf of his application to allow a six-foot (6') fence within the front setback.

Mr. Furman explained that he had a fence permit approved for a four foot (4') fence approximately twenty feet (20') from Dogwood Street in 2010. Mr. Furman explained that he had a one-hundred pound (100lb) German Shepard at the time, who would always hang on the fence and "challenge it." Mr. Furman stated that after a couple of years of the dog doing that, the fence was in disrepair and fell over.

Mr. Furman explained that he called a new contractor to build a new fence and decided on installing a six-foot (6') fence, not thinking too much of it. The fence has now been there for a few years. Mr. Furman's wife, Mary Ellen, was looking through the household paperwork and realized that they did not have a variance for the six-foot (6') fence. Mr. Furman is before the Board to bring the fence into compliance.

Chairman Ring asked if Mr. Warren Tutt, Town of Ulster Building Inspector, if he had any concerns on the location and height of the fence. Mr. Tutt stated that he has inspected the fence several times and there is a buffer of trees between the fence and the road. There are no sightline issues at all.

Action: A motion to forward the project to a public hearing was made by Mr. Porter, with a second from Mr. Reginato; all in favor with a roll call vote.

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Jeremy & Sarah Dernison – Z-393

1058 Columbia Street

Kingston, NY 12401

SBL: 48.42-4-31

Zone: R10

20'10" area variance request to expand home and allow for a 9' 2" front setback off of Columbia Street.

Michael Bonadonna, Conklin Architecture, appeared before the Board on behalf of an application to expand a residence into the front setback.

Mr. Bonadonna stated that the applicants want to rework the front entry into their house and expand their living room, which they applicant believes is quite small. Mr. Bonadonna stated that since the lot is tight, they knew the applicant would require a variance in order to do so. The expansion will be approximately four feet (4') off the existing house.

Chairman Ring asked what the maximum coverage area for a lot is in a R10 Zone. Mr. Tutt stated that it is not applicable in all residential districts.

Mr. Tutt went and measured the proposal. The proposed porch will be approximately twenty-four feet (24') from the road and the living room would be approximately twenty-six feet (26') from the road. Mr. Tutt stated that the front setback cuts through the middle of the house since the front property line is approximately sixteen feet (16') from the road edge. If the applicant constructs the addition, the dwelling would not be closer to the road than any other residence in the neighborhood. The variance being requested is twenty-one feet (21') off of Columbia Street.

Mr. Tutt explained that the applicant is extending the building line on the South side of the property. That line is already in the side setback, so they would need a four-foot (4') relief from the side setback, as well.

Mrs. Turco-Levin asked how much closer they are moving to the road. The Home will be moved approximately five feet (5') towards Columbia Street.

Mrs. Turco-Levin asked what the effect of the stormwater would be to the neighbors creating that much more roof space on a tightly condensed lot. Mrs. Turco-Levin stated that it may not be in the Code, but it is worth asking the question. Mrs. Turco-Levin asked if there was a hardship for this request or if it is something the applicant just wants. Mrs. Turco-Levin stated that she has an issue with expanding the residence this much on such a small lot.

Mr. Bonadonna stated that the applicants living room was tiny and that some could say it is a want, but others could call it a hardship. Mr. Bonadonna stated that as for stormwater, they are not adding much roof area to create an effect on any neighbors.

Mr. Tutt explained that the applicants could add on to the rear of the house, without a variance, and add a considerable amount of space to the dwelling and increase the roofline with a building permit because in this Zone, they are allowed maximum coverage within the setbacks.

Ms. Smith asked why the applicant did not decide to work off the rear of the house as Mr. Tutt mentioned. Mr. Bonadonna explained that the applicant wants to rework their front entryway and

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that is where their living room is. Mr. Bonadonna stated that its less impact on the existing building to expand the front than to rearrange the house to expand the rear of the house.

Mrs. Turco-Levin stated that when zoning laws came into play on neighborhoods such as this one, they had line-of-sight issues in mind. Mrs. Turco-Levin stated that there already are no sidewalks in the neighborhood and to allow one home to start encroaching on the road would set precedence for the neighborhood.

Chairman Ring stated that this neighborhood was built prior to zoning and that the expansion of the dwelling would not bring it any closer to the road than neighboring homes, as Mr. Tutt stated previously. Chairman Ring asked if it would be consistent with the neighborhood. Mr. Tutt stated yes. Mr. Tutt stated that if the lot were vacant, a new home would be able to come closer to the road matching the rest of the homes on the road.

Mr. Porter stated that it's a one-hundred and eighty-four square foot (184 sf) difference from what is existing to what is proposed.

Chairman Ring stated that he believes he heard enough to allow the project to move to a public hearing. Chairman Ring recommended that the Board take a ride by and view the neighborhood.

Action: A motion to forward the project to a public hearing was made by Chairman Ring, with a second from Ms. Smith; all in favor with a roll call vote.

Discussion

Mrs. Turco-Levin showed the Board the Zoning proposal from June 20, 1990.

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

Respectfully Submitted,
Gabrielle Perea
Zoning Board Secretary