

CITY OF KINGSTON
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Building Safety Division
ttiano@kingston-ny.gov

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Mark Brown, Fire Chief



Tom Tiano, Deputy Chief
Joe Safford, Zoning Officer

CITY OF KINGSTON ZONING BOARD OF APPEALS
MEETING MINUTES
DATE: May 17, 2016

Board Members Present: James Rodden, Chairman, Brian Cafferty, Anthony Argulewicz, Andrew Champ-Doran, Donald Mapes, Joseph Fitzgerald

Board Members Absent:

Staff Present: Joseph Safford, Clerk of the Zoning Board

General Notes: James Rodden, Chairman read the introduction into the minutes. Called the meeting to order at 6:30P.M.

Item #1: #345 Clifton Ave. AREA VARIANCE parking in the front yard setback. From sections 405-34 E (4) from the permitted use to park his boat in the required front yard setback. Glenn Schwenk, Applicant/Owner

Discussion:

James Rodden – Can you explain the request for the second curb cut and park in the front yard.

Glenn Schwenk – There is a dangerous curve right in front of the house the cars drive quickly. I have to have it to pull the boat off the road into the 2nd curb cut and it will be attached to current driveway. So I can pull the boat off the road without backing up. If I had to back up it is 30' for the car and boat and it would be a danger to everyone.

James Rodden – I did a visit to the property including some of the other members. I see that you park your boat in the front yard now?

Glenn Schwenk – That is correct.

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James Rodden – How do you manage to do that without the second curb cut?

Glenn Schwenk – I drove over the grass.

James Rodden – The 2nd curb cut would help with that by doing what?

Glenn Schwenk – I am going to black top the grass and attach it to the existing driveway pull right off the road to disconnect the boat and pull into the garage that way it can be done all in one step without backing up the boat at all.

James Rodden – How long have you lived at your current address.

Glenn Schwenk – 3 or 4 months. I have lived on the street for 11 years.

James Rodden – Did you have the boat prior to the move.

Glenn Schwenk – I did.

James Rodden – You were aware of the circumstances of getting your boat off of the street safely?

Glenn Schwenk – When I bought the house?

James Rodden – Yes. You knew that was going to be a problem?

Glenn Schwenk – No I didn't know it was going to be a problem.

James Rodden – any questions?

Brian Cafferty – You are only using the boat during the summer time? How often do you take the boat off and on the property?

Glenn Schwenk – About 12-14 times.

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Brian Cafferty – Currently right now you can just pull over the curb just like you would if you had the 2nd curb cut.

Glenn Schwenk – Right but I haven't really moved the boat yet this year. I did it one time to get it inspected.

Brian Cafferty – My question is that being you aren't going to do it that often only sessional I am just not sure what the need for a curb cut is and why you would want to go through the expense of putting in a driveway since you are going to only use it 10-15xs during the season which you could easily do now without creating a new driveway in the setback. I think it would continue to look better and be a nicer situation if you didn't have to pave your whole front yard.

Joseph Fitzgerald – He wouldn't be paving his whole front yard it would only be 50'.

Brian Cafferty – It is a good piece of it there isn't much yard there.

Glen Schwenk – The boat has to be parked there in the winter time too.

Brian Cafferty – That was another question I have so your plan is to in the winter time that will be the permitted storage during the winter time for your boat in the front yard?

Glenn Schwenk – That is correct.

Brian Cafferty – I have to say that doesn't appear ideal to me having a boat stored there. Seasonally is one thing but all year round parking in the front yard setback. Do you understand what I mean?

Glenn Schwenk – I don't see a problem with it I haven't had any complaints what so ever.

Brian Cafferty – You have been there 3 months?

Glenn Schwenk – yes 3 or 4 months.

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Anthony Argulewicz – I am going to read off my cheat sheet here because I don't want this to sound like it is a suggestion. Requirements for the area variance can this be achieved by some method feasible from you to pursue other than an area variance.

Glenn Schwenk – Not that I know of.

Anthony Argulewicz – No side yard? Back yard?

Glenn Schwenk – The rest of the property is on a hill the boat would just roll down. You would have to back the boat in and that is the whole idea of this. Backing the boat up is the safety issue.

Glenn Schwenk – The side of the property?

Anthony Argulewicz – I drove by the property today what about the side yard is that an alternative?

Glenn Schwenk – No because it is on the hill. Both the sides are on the hill and it slopes down. You would have to back the boat in. It is very dangerous especially with the curve in front of the house.

Anthony Argulewicz – I have to be truthful I didn't walk your property or anything but it didn't seem like a steep slope.

Glenn Schwenk – The picture doesn't show too much of the grade.

James Rodden – You are requesting a curb cut? We don't have the authority to grant that. That goes to Planning or DPW. What our position here is that an area or use we try to see the minimal change that would take place to satisfy the applicants need and the codes need. As Mr. Argulewicz said. I was there looking at the property standing in front of your house you do have a lot that is open to the hedge line you are going to incur a lot of expense if we grant you

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this variance by putting a circular black topped driveway we realize the safety that you are trying to avoid to back in but there is ample room to put a straight back driveway between the hedge line to your house on the left next to your house so you wouldn't have to destroy the front yard. It could be safely parked on the side of the property again let me make sure you understand we are not solution solvers but there are other means for you sir to park that boat safely on your property without going through this.

Glenn Schwenk – You couldn't do that because you would have to pull the car straight in how are you to get the car out? There isn't enough room.

James Rodden – Have you ever backed your boat up?

Glenn Schwenk – You can back it up sir you have to back it up in the middle of traffic and you can't see around the curve. Very dangerous the cars come up and down that road to fast.

Brian Cafferty – I acknowledge that corner of the property is right on the curve and it would be dangerous. The chairman is correct we aren't involved in curb cuts but I have to say I would be surprised if a curb cut would be approved for that spot it is literally right on the curve what I don't understand is that first of all you have been there 3 or 4 months you can pull the boat off safely on to the grass and then be on your driveway and unhitch the boat and be in a better position on the curve than on the corner of the property and then in the winter time because there is a setback. I think it is unfair not only for you but your neighbors that the board be stored in the garage which I am sure it can possibly be stored along the side property out of the setback area so it is not...

Glenn Schwenk – It is on the hill.

Brian Cafferty – Sir I have been out to the house and I am looking at the picture now yes there is a slight break it is not at all instrumental.

Glenn Schwenk – It is and I would like any of you to come back and take another look.

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James Rodden – Sir this is not a debate. We are expressing what we see from our view point we ask you to tell us what you see. We aren't here to challenge your offerings we are just offering up what we see.

Glenn Schwenk – I am telling you that the picture can't show you the hill.

James Rodden – Any other questions?

Andy Champ Doran – Mr. Schwenk can you tell me the distance between your front porch and the street?

Glenn Schwenk – The measurements will be approximately 15' wide tapering to 13' at the curb tapering to 15' for a total of 50'.

Andy Champ Doran – Sorry I am asking what it is between the front porch and the curb and also I would like to know where the property line is in relation to the curb?

Glenn Schwenk – The property line is on the application it shows everything.

Brian Cafferty – Do you happen to know the distance from the porch to the curb?

Glenn Schwenk – No

Andy Champ Doran – Do you know the distance between the sides of your house to the end of the property on the left side of your house as you are facing it from the street?

Glenn Schwenk – All of that should be in the application there is a survey.

Brian Cafferty – There is a deed description no survey.

Andy Champ Doran - All I see is a description of the lot size I don't see the relationship of parts of your house and the property line.

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Glenn Schwenk – There was a survey of the house?

Brian Cafferty – There is a deed description that just tells you the metes and bounds of the property. What we are looking for the house and the deck sit on your property what is the distance from your front deck to the curb. Distance from house and deck to the side property boundary. That would show how the house and the structure sit on the property what is the distances are for the back and side properties.

Glenn Schwenk – I didn't know I was going to be asked all these questions this was the best I could do there are a lot of pictures in the packet.

Andy Champ Doran – I do appreciate the photos and the markings of the driveway showing were it will be thank you.

James Rodden – You did supply a good packet. But the questions are of the hearing so we can make a decision. We don't make decisions on convenience that is what you're possibly hoping for. But that is not the case we come to a decision what might be best for you might not be best for the decision.

Glenn Schwenk – 4 houses away from me the guy has a curb cut there too. He has one why can't we have one?

James Rodden – Any other questions?

Public hearing:

In favor of the application:

Maryann Mills alderman for the 7th ward. I reside on Tammany Street. I had the opportunity to speak to Glenn Schwenk on Sunday when he was outside with this board and I questioned what his intent was because the information I received I didn't understand that a circular driveway was going to be placed there for a public safety reason I believe a circular drive would be an answer however I do believe there is an alternative side yard but I was there and there was a bit

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of a steep to the hill. Not sure if it can be cut out but it still don't address the public safety issue because Clifton Ave is a cut off for people traveling off of Flatbush Avenue and abide E Chester Street they speed up and down that road. KPD has put the reader sign out and the location of where Mr. Schwenk's house is there is a slight curve I just think the public safety issue of trying to back in the driveway that circular drive could be acceptable for storage all winter long that is another issue that could be addressed but like I said the public safety aspect and additionally I have received no phone calls from the letter that went out to the neighboring residents nobody has spoken or called me with regards to this.

James Rodden – Anyone else in favor of the application?

Mr. Rowe my resident is at 331 Clifton Avenue 2 houses away. I was born and brought up in that house that is adjacent to this gentlemen's house where the boat is parked right now. I couldn't understand everything that was going on but there is another curb driveway on Clifton Avenue on the corner of Flatbush that was just put in there recently so they don't have to back out into the street. In the past few years it has become a race track. Where this boat is parked there is no visible problem I think the idea of what he wants to do there is much safer than trying to back into that area there is no way that he can back up on the either side of his house because of the way the property runs. I made my decision when I received your letter I have watched things there he has cleaned up that property. I don't see where it would be any harm to anyone to have a curb cut there to this man can come in safely come in on his own side of the street park his boat and get back around so he can get into the parking area for his car. Either way comes in either way. I think it is not safe for him to back on that turn where my driveway is just a little bit further towards Meade Street same side of the street I have trouble getting in and out of there with my own vehicle because of the speed.

Brian Cafferty – I have a question for Mr. Schwenk your current driveway you pull into that driveway and back out onto the street.

Glenn Schwenk – With my car?

Brian Cafferty – Yes

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Glenn Schwenk – Yes

Brian Cafferty – Ok and you find that is not a problem?

Glenn Schwenk – I go to work at 5am no problem at that time. During the day time is hard and you have to take your life in your own hands. The cars go up and down that road like a race track.

Brian Cafferty – I guess I wasn't entirely thinking about the whole situation because the boat sort of... I understand trying to back up a boat on a trailer I get that part you don't need to put it in the driveway to do that you could just pull over the grass like you have been doing but your opinion is that you feel that it is not safe to pulled up and back out of your parking lot on to Clifton Ave with the driveway set up the way it is regardless of the boat.

Glenn Schwenk – Depending on what kind of day it is like I said I don't have any trouble going to work because there is no traffic but in the afternoon you have be very careful. A lot of people the street say the same thing. Cops should be there more often there was just an accident there the other day.

Brian Cafferty – You have a bad bend in the road there. It is not helped that your neighbor has shrubs right up to the curb line. You can't see I get that part. That makes it a little different in my mind about what you are trying to accomplish at first I thought it was all about the boat and I see the boat is definitely one of the issues but I see you have a potential problem where your existing curb cut is to get in and out which involves backing in and out.

Anthony Argulewicz – The new driveway what is the distance going to be from your side looking at your house to the left lot line what is the distance to the driveway?

Glenn Schwenk – What they told me from the measurements from Bill Larkin's and sons 13' wide x 15' wide to 50' long connecting to the existing driveway that is what they told me.

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Anthony Argulewicz – I need to know... we are granting one variance set back issue of the side yard and I don't know what the distance is because you can't tell me the distance from the new driveway to the lot line on the side there is a set back there also that may need a variance.

Glenn Schwenk – I don't understand what you mean.

Board is speaking not sure what is being said. It appears that Brian Cafferty is explaining the side yard setback to the applicant.

Anthony Argulewicz – Joe Safford is saying there is no setback requirement for a driveway just a house.

Joseph Safford – The driveway can go onto the property line.

Joseph Fitzgerald – How tall is the curb?

Glenn Schwenk – It is very short maybe 6" or less.

James Rodden – Any other questions?

Opposed of the application: Nobody

James Rodden closed the public hearing.

James Rodden – Motion to accept the application?

Anthony Argulewicz – The way the motion is written I only heard it once almost sounds like the variance is for the boat to be parked in the front yard and that is not the variance we are granting we are granting a variance from the 15' to 10' but the way it is written sounds like we are granting a variance to park a boat in the front yard. It is irrelevant to the variance.

James Rodden – I would ask Mr. Cafferty to make a motion in reference to the variance so we can clarify what we are going to do.

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Brian Cafferty – I move that we grant the variance for the applicant to create a new driveway provided that the City Planning Department approves the Curb Cut and that during the months of November 1st and April 1st the boat will not be parked in the driveway.

Decision: The area variance was granted (JR, DM, JF, BC, AA, ACD – yes)

James Rodden – Do you understand from November 1st – April 1st this application is being granted on the fact that you will move the boat from the front driveway back further into the yard being on the side of the house the back yard or off the property during that period of time do you understand that?

Glenn Schwenk – Yes

James Rodden – Thank you.

James Rodden – Closed the meeting

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