

Town of Ulster  
Zoning Board of Appeals  
August 2, 2017

The monthly meeting of the Town of Ulster Zoning Board of Appeals was held at the Town of Ulster Town Hall on August 2, 2017 at 7:00 P.M.

Present:

George Carlson

Brian Ilgner

Geoffrey Ring – Chairman

Absent:

Renato DiBella

Frederick Wadnola

A motion to approve the minutes for last month was made by Mr. Carlson with a second from Mr. Ilgner; all in favor.

## **PUBLIC HEARING**

### **Jesus Torres**

Jesus Torres appeared on behalf of Scott Hildebrandt for and application on an Area Variance to place a 6 foot fence in the Town Right of Way. The project had been previously forwarded to the Ulster County Planning Board and the Town of Ulster Highway Superintendent for review. The County commented back stating that the project would have no County impact, but the Highway Superintendent, Frank Petramale, stated that if the fence stayed where it was, both he and the Town could be held liable for damages. Mr. Torres stated that the property owner would be willing to sign a waiver taking responsibility for any damages done. The Zoning Board of Appeals stated that if they allowed this project to be approved it would set precedence and they cannot allow that to happen. Mr. Torres mentioned cutting the fence on Court and Catskill down to 4 feet, but that did not solve the issue of the fence being in the Town Right-of-Way. There was a discussion on other possible options for the fence, but none seemed satisfactory to the property owner. The Board stated that there were No Parking signs present and that if there was an issue with people parking on his property blocking his way, to call the Ulster Police to have it remedied.

**Action:** A motion to open the Public Hearing was made by Mr. Ring, with a second from Mr. Ilgner; all in favor. A motion to close the Public hearing was made by Mr. Ring with a second from Mr. Carlson; all in favor. A motion to deny this variance was made by Mr. Ilgner, with a second from Mr. Carlson; all in favor.

### **Del Braswell – Sign Variance**

The applicant was not present. The application is for an Area Variance to place a 18' x 21' carport within his side setbacks. As neighbors were present in opposition of the proposal, the Public Hearing was opened to hear their comments. A motion to open the Public Hearing was made by Mr. Ring with a second from Mr. Carlson; all in favor. Dominick and Donna Ausanio appeared in opposition of the application. Donna Ausanio resides at 102 Hillside Terrace, the property adjacent to Mr. Braswell's property to which he wants to place the carport. Mr. Ausanio stated that Mr. Braswell's father in-law was the original owner of the property and Mr. Braswell had bought the property with his father in-law still living there. Mr. Ausanio's understanding is that Mr. Braswell wants to place the carport in a location that would position the poles and

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overhang would be on their property. Mr. Ausanio stated that he is concerned over zoning compliance to which the Town Building Inspector, Kathryn Moniz, stated that she will be happy to drive by 94 Hillside to make sure everything is in compliance. Mr. Ausanio stated that his ultimate concern is the placement of this carport. Ms. Ausanio stated that the reason they were present at the meeting was because of a discussion had with Mr. Braswell to which she understood that the carport would be no more than poles and a canvas canopy, to which she told him she did not want something like that located next to her house. Ms. Ausanio stated that they understood that the carport would be placed a foot from their property line, but Mr. Braswell is proposing 4 feet from the property line (variance of 16 feet.)

**Action:** A motion to forward the project to a Public Hearing was made by Mr. DiBella, with a second Mr. Carlson; all in favor.

## **PUBLIC HEARING**

### **Lia Honda – Sign Area Variance**

Joseph Mihm appeared on behalf of the application for sign variances to allow for signage larger than the allotted 135 square feet stated in the Town Code for a Highway Commercial Zone. Mr. Mihm explained that all the proposed signage are standard Honda signs, required by the company. Along with the façade sign, Mr. Mihm is proposing two pole mounted 164 square foot signs, one being a Honda pylon and the other a Certified Preowned Vehicle pylon. No public comments were made. A brief discussion of the proposed site plan and signage followed.

**Action:** A motion to approve the variance was made by Mr. Wadnola, with a second from Mr. DiBella; all in favor.

As of August 21, 2017, a discussion was had between the Town of Ulster Zoning Secretary and the Ulster County Planning Board Referral Officer, the conclusion of which was that the project be forwarded to the County Planning Board for modifications and/or approvals, and to be revoted on by the Town of Ulster Zoning Board of Appeals at a later date.

### **Debra Kogon – Area Variance**

Jim Rioux appeared on behalf of the applicant, Debra Kogon, for an area variance to place a garage within her side and front setbacks. Mr. Rioux stated that there was a survey done of the property and they had come up with two possibilities for the garage to be placed, both of which would be within her setbacks. Ms. Kogon opted to go with Option A, a variance of 16 feet on the side and 21 feet in the front setbacks. No public comments were made..

**Action:** A motion to close the Public Hearing was made by Mr. Carlson with a second from Mr. Wadnola; all in favor. A motion to approve the variance was made by Mr. DiBella, with a second from Mr. Wadnola; all in favor.

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**Timothy Sickles – Area Variance**

Timothy Sickles appeared on behalf of the application for an area variance to attach a two-car garage to his existing house at 36 Alder Court. Mr. Sickles explained that his parcel is an “L” shaped lot and that although it has a decent amount of acreage, it has a Town Highway drainage easement right through the front, which limited where they could originally put the house. Mr. Sickles house is on the smaller end of the parcel, and to add the attached garage would go into his side setback. No public comments were made.

**Action:** A motion to approve the variance was made by Mr. DiBella, with a second from Mr. Wadnola; all in favor.

**Russell Oakes- Area Variance**

Russell Oakes appeared on behalf of the application for an area variance at 734 Ulster Landing Road to place a double-wide manufactured home on the parcel where an existing single-wide manufactured home is on George Castiglione’s property. In existence is a 10’ x 55’ mobile home with an extension, but he would like to place a 40’ x 24’ double-wide with an 8’ x 30’ back porch instead. The lot is pre-existing, non-conforming, and Mr. Sickles would need a 25 foot rear area variance to place the double-wide on this lot. No public comments were made.

**Action:** A motion to approve the variance was made by Mr. Wadnola, with a second from Mr. DiBella; all in favor.

**Wayne Zimmerman – Area Variance**

Wayne Zimmerman appeared on behalf of the application for an area variance to have a gazebo within his front setback at 24 Harwich Street in Kingston. Mr. Zimmerman stated that if he pushed the gazebo back further into the yard, he would cut-off the stairs going off of his deck and if he pushed it further to the side, it would create a side setback issue. Mr. Zimmerman stated that if he set it up in front of his garage, it would take away green space in his backyard, which he uses for entertainment. Mr. Zimmerman would need a 7 foot side variance to keep the gazebo in the proposed location. No public comments were made.

**Action:** A motion to approve the variance was made by Mr. Wadnola, with a second from Mr. DiBella; all in favor.

A motion to re-open the Public Re-Hearing for Keith Hughes was made. No one appeared on behalf of the application. A neighbor, Mrs. Davis, appeared in order to keep informed of what is going on with the property at 2530 Route 9W. A discussion regarding the approval of a Change of Use Variance for Keith Hughes followed. Mr. Hughes was granted a Change of Use Variance to conduct auctions in a Highway Commercial Zone, in the month of April, with conditions that were not met, and was still was conducting auctions at his location at 2530 Route 9W during the month of May and June, causing an Order to Remedy to be issued. A motion to reverse and annul the approval made in April, for the Change of Use to use an existing warehouse to conduct auctions in, was made by Mr. Ring, with a second from Mr. Carlson; all in favor.

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A motion to adjourn the meeting was made by Mr. Carlson, with a second from Mr. DiBella; all in favor.

Respectfully Submitted,  
Gabrielle Perea  
Zoning Board Secretary