

Town of Ulster
Zoning Board of Appeals
January 19, 2022

The monthly meeting of the Town of Ulster Zoning Board of Appeals was held at the Town of Ulster Town Hall at 1 Town Hall Drive in Lake Katrine, NY on January 19, 2022, at 7:00 P.M.

Present:

Lois Smith
Robert Porter
Steve Shultis

Andi Turco-Levin
Kevin Reginato – Chairman

Pledge of Allegiance was recited.

Roll call.

A motion to approve the minutes from the December 2021 meeting was made Mrs. Turco-Levin, with a second from Mr. Shultis; all in favor.

A motion to elect Gabrielle Perea as the Zoning Board Secretary was made by Chairman Reginato, with a second from Mr. Porter; all in favor.

PUBLIC HEARING

Moe's Motor Cars LLC – Z-413

454 Hurley Avenue

Kingston, NY 12401

SBL: 48.17-1-41.100

Zone: OM

Area Variance to allow a 6' chain-link fence in the front setback

Mohammad Waheed, owner, appeared before the Board on behalf of his application for an area variance to allow a six-foot (6') fence within the front setback.

Mr. Waheed explained that he spoke with someone from Department of Public Works, who met him on-site, about installing the fence on the front property line and they had recommended that he push the gates and fence back so it would be behind the pavement curb. Doing this makes it possible for Mr. Waheed to have the three to six foot (3-6') tall shrubbery that the Planning Board is requiring placed entirely on his property. The fence and gates will now be approximately twenty-five feet (25') from the solid white line on Hurley Avenue.

A motion to reopen the public hearing was made by Mr. Porter, with a second from Mr. Shultis; all in favor.

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Pastor Shultz – Appreciates efforts made by the applicant to please the neighbors, but still would like the variance denied as it does not fit in the character of the neighborhood to have a six foot (6') high fence. Would like to see then fence only four feet (4') tall and pushed back off of Hurley Avenue.

Chris Beall – Wondered why zoning codes were put in place and did some research to find that they are mostly done to keep the front of the property's views unobstructed. Believes the fence would obstruct the view.

Keith Mack – Resides close to this property and is the President of Hudson Valley Ice & Sports. There are plenty of new and used car dealerships in the area and none of them have a fence. The fence is a detriment to the character of the neighborhood and expresses that lighting is more of a deterrent in terms of security than a fence is.

Holly Christiana, 2 Fairway Drive – believes it is an ugly project and believes it serves no benefit to the community.

There was a brief discussion on lighting in the Town and exactly what variance is being requested. Mr. Waheed is requesting a two-foot (2') variance to allow a six foot (6') tall fence within the front setback.

Mr. Waheed explained that he chose to go with a chain-link fence along Hurley Avenue and the remainder of the perimeter fence will be wooden. The chain-link fence will have some sort of screening, whether slats or a screen blanket. The Planning Board required Mr. Waheed install three to six foot (3'-6') tall shrubbery in front of the fence off of Hurley Avenue for screening, as well.

There was a brief discussion on why setbacks and zoning were created in the Town.

There was a brief discussion on a four foot chain link fence that is currently neighboring the property on the Coleman High School side and how no one has had an issue with that fence for years.

Mr. Shultis pointed out that most of the fencing being proposed will be blocked during warm months by vegetation.

Chairman Reginato confirmed that there will be no water on-site, the business will be giving jobs to local businesses for detailing and mechanic work and Mr. Waheed stated that the taxes for this site are now being paid instead of it sitting there vacant.

A motion to close the public hearing was made by Ms. Smith, with a second from Mrs. Turco-Levin; all in favor with a roll call vote.

Mr. Jason Kovacs, Town Attorney, explained that the Board could approve the variance, approve the variance with conditions, deny the variance or table the request until the

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following meeting. The Board agreed to make a decision tonight as the applicant has been before the Board for three (3) months.

A motion to discuss the approval of the variance was made by Mrs. Turco-Levin with a second from Mr. Shultis; all in favor.

Action: In a long roll call vote, the Board concluded and voted for approval 3-2; Chairman Reginato, Members Porter & Shultis voting aye and Members Smith and Turco-Levin voting nay.

WHEREAS, an application has been filed by Mohammad Waheed, property owner, for the property located at 454 Hurley Avenue, Kingston, NY 12401. Applicant proposes to install a six-foot (6') security fence approximately twenty-five feet (25') away from Hurley Avenue; and;

WHEREAS, the applicant has filed an application requesting an Area Variance at the property located at 454 Hurley Avenue, Town of Ulster, County of Ulster (Tax Map No. 48.17-1-41.100); and notice of this application was published in the Daily Freeman on November 23, 2021 and on January 7, 2022; and

WHEREAS, notice of Public Hearing was sent Certified Mail to the owners of all property within 200 feet of the land involved in the application; and

WHEREAS, a Public Hearing was held by the Zoning Board of Appeals on Wednesday, December 8, 2021, and adjourned until January 19, 2021 and said hearing was closed on January 19, 2021; and

WHEREAS, at this hearing(s), the applicant as well as any and all persons interested in this appeal had the opportunity to be heard, their statements recorded, and various written material including exhibits were entered into the record; and

WHEREAS, all statements, written material and exhibits submitted in connection with said appeal have been carefully considered; and

WHEREAS, under General Municipal Law § 239-m, the Ulster County Planning Board disapproved the request for the Variance, and

WHEREAS, this appeal has met all the requirements of SEQR.

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 owner of the property is Mohammad Waheed.

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2. The subject property is located at 454 Hurley Avenue in the OM (public water and private sewer) zoning district.
3. The applicant proposes a six-foot (6') security fence to be installed approximately twenty-five feet (25') from Hurley Avenue.
4. The applicant presented detailed information and history on the property, reviewed any feasible alternative considerations, and actively participated in discussion of any alternative(s) or conditions which would mitigate impacts.
5. The granting of the area variance would not alter the essential character of the neighborhood; and

BE IT FURTHER RESOLVED accordingly that this Board, as required by §8.0105 of the Environmental Conservation Law and Part 617 of Title 6 of the New York State Codes, Rules and Regulations, SEQ, concludes that the activities proposed in this application constitute an “Unlisted Action,” and as such requires no further SEQ action.

Finally, this Board concluded and voted 3-2; Chairman Reginato, Members Porter & Shultis voting aye and Members Smith and Turco-Levin voting nay that the Applicant’s appeal for relief in the form of an Area Variance is **GRANTED**.

N&S Supply – Z-414
120 Wood Road
Kingston, NY 12401
SBL: 48.14-2-33
Zone: OM

Area Variance to allow a sign larger than the 50 sf that is allowed per Code

Paul Beichert, timely Signs, appeared on behalf of an application to allow for a second sign on the building at 120 Woods Road, which would bring the square footage allowed per façade over the allowed amount as per Code.

A motion to open the public hearing was made by Mr. Porter, with a second from Mrs. Turco-Levin; all in favor with a roll call vote. There was no public comment. A motion to close the public hearing was made by Mrs. Turco-Levin, with a second from Mr. Shultis; all in favor with a roll call vote.

There was “No County Impact.”

Action: A motion to approve the variance was made by Mrs. Turco-Levin, with a second from Chairman Reginato; all in favor with a roll call vote.

WHEREAS, an application has been filed by Timely Signs of Kingston representing N&S Supply located at 120 Wood Road. Applicant proposes signage for a

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plumbing, heating and HVAC retail facility which will have signage that exceeds the dimensional area standards required by Local Town Code Law 190-33; and;

WHEREAS, the applicant has filed an application requesting an Area Variance at the property located at 120 Wood Road, NY 12401 (Tax Map No. 48.14-2-33); and notice of this application was published in the Daily Freeman on January 7, 2022; and

WHEREAS, notice of Public Hearing was sent Certified Mail to the owners of all properties within 200 feet of the land involved in the application; and

WHEREAS, a Public Hearing was held by the Zoning Board of Appeals on Wednesday, January 19, 2022 online via the Zoom application to consider this appeal; and

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

WHEREAS, at this hearing(s), the applicant as well as any and all persons interested in this appeal were heard, their statements recorded, and various written material including exhibits were entered into the record; and

WHEREAS, all statements, written material and exhibits submitted in connection with said appeal have been carefully considered; and

WHEREAS, this appeal has met all the requirements of SEQR.

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 owner of the property is Alan DeForest c/o AFDeF LLC.
2. The subject property is located at 120 Wood Road, Kingston, NY 12401.
3. The applicant is Timely Signs of Kingston for N&S Supply.
4. The applicant proposes relief from §190.33 of the Town of Ulster Town Code.
5. The applicant presented detailed information and history on the property, reviewed any feasible alternative considerations, and actively participated in discussion of any alternative or conditions which would mitigate impacts. The granting of the area variance would not alter the essential character of the neighborhood.

RESOLVED accordingly that this Board, as required by §8.0105 of the Environmental Conservation Law and Part 617 of Title 6 of the New York State Codes,

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Rules and Regulations, SEQR, concludes that the activities proposed in this application constitute an “Unlisted Action,” and as such requires no further SEQR action.

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

Kohl’s (Sephora) – Z-415
800 Miron Lane
Kingston, NY 12401
SBL: 48.50-2-20.112
Zone: RC

Area Variance to allow a sign larger than the 100 sf that is allowed per Code.

Paul Beichert, Timely Signs, appeared before the Board on behalf of an application to add a sign for Sephora to the front of Kohls’ building. The additional sign would bring their aggregate square footage to above the 100 sf allowed.

Mr. Beichert explained that Sephora would like to use the right entrance of Kohl’s for the new Sephora store that will take up a portion of the existing Kohl’s in the center of the building.

Mr. Warren Tutt, Building Inspector, state that the building is over three-hundred (300) linear feet long so the request is minor.

A motion to open the public hearing was made by Ms. Smith, with a second from Mrs. Turco-Levin; all in favor with a roll call vote. There was no public comment. A motion to close the public hearing was made by Mrs. Turco-Levin, with a second from Mr. Shultis; all in favor with a roll call vote.

There was “No County Impact.”

Action: A motion to approve the variance was made by Mrs. Turco-Levin, with a second from s. Smith; all in favor with a roll call vote.

WHEREAS, an application has been filed by Timely Signs of Kingston representing Kohl’s (Sephora), located at 800 Miron Lane. Applicant proposes signage for a Sephora retail facility which will have signage that exceeds the dimensional area standards required by Local Town Code Law 190-33; and;

WHEREAS, the applicant has filed an application requesting an Area Variance at the property located at 801 Miron Lane, NY 12401 (Tax Map No. 48.50-2-20.112); and notice of this application was published in the Daily Freeman on January 7, 2022; and

WHEREAS, notice of Public Hearing was sent Certified Mail to the owners of all

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properties within 200 feet of the land involved in the application; and

WHEREAS, a Public Hearing was held by the Zoning Board of Appeals on Wednesday, January 19, 2022 online via the Zoom application to consider this appeal; and

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

WHEREAS, at this hearing(s), the applicant as well as any and all persons interested in this appeal were heard, their statements recorded, and various written material including exhibits were entered into the record; and

WHEREAS, all statements, written material and exhibits submitted in connection with said appeal have been carefully considered; and

WHEREAS, this appeal has met all the requirements of SEQR.

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 owner of the property is Dena Marie LLC.
2. The subject property is located at 800 Miron Lane, Kingston, NY 12401.
3. The applicant is Timely Signs of Kingston for Kohl's (Sephora.)
4. The applicant proposes relief from §190.33 of the Town of Ulster Town Code.
5. The applicant presented detailed information and history on the property, reviewed any feasible alternative considerations, and actively participated in discussion of any alternative or conditions which would mitigate impacts.
6. The granting of the area variance would not alter the essential character of the neighborhood.

RESOLVED accordingly that this Board, as required by §8.0105 of the Environmental Conservation Law and Part 617 of Title 6 of the New York State Codes, Rules and Regulations, SEQR, concludes that the activities proposed in this application constitute an "Unlisted Action," and as such requires no further SEQR action.

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

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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