

Town of Ulster
Zoning Board of Appeals
March 7, 2012

The regular monthly meeting of the Town of Ulster Zoning Board of Appeals was held at the Town of Ulster Town Hall on March 7, 2012 at 7:30 P.M.

Present:

Robert Porter – Chairman

John Crispell –

Donald Genther

Arnold Jacobsen

Elizabeth Kryiacou

A motion to approve the minutes from the February meeting was made by Mrs. Kyriacou and seconded from Mr. Crispell. All were in favor.

Ulster Gardens – East Chester Street by-Pass--Public Hearing

A motion to open the Public Hearing was made by Mr. Genther with a second from Mr. Crispell.

Peter Romano appeared on behalf of the application to reduce the number of parking spaces at the Ulster Gardens site. The code calls for 440 spaces; the applicant would like to build 174 spaces and have a reserve area for 37 spaces that the ZBA requested. Mr. Romano stated the applicant owns 10 other properties and the average ratio is .65 to .75 spaces per unit. The revised plan shows 174 spaces with a reserve area for an additional 37 spaces. Mr. Romano reviewed the placement of the reserve stating it is not in the 100' wetland buffer. The applicant would like to build the additional spaces as needed. Mr. Crispell questioned why the additional parking was not placed behind the building. Mr. Romano stated they looked at the site and decided parking at the rear of the site was not a good configuration; the parking where shown fits the site better. A short discussion followed on how it would be decided that the additional parking would be required. Mr. Kovacs (Town Attorney) suggested a condition of the variance could be the Building Inspector visits the site and a performance bond be put in place. The floor was opened to the public. Vincent Guido stated he was not against the reduction of parking but was against the placement of the reserve parking. Mr. Guido went on to say it is against Town Code to build on or near a rock outcrop and the area where the parking is shown on the plan is all rock. Mr. Guido also stated the wetlands delineation is not correct and should be remapped. Jonathon Tignley submitted a Memorandum to the Board (exhibit A) stating the Board should not vote on the variance as the SEQRA process has not been completed. Mr. Tignley also stated the variance should be a Use Variance not an Area Variance; this case does not meet the criteria for approval of a Use Variance. A motion to close the Public Hearing was made by Mrs. Kyriacou with all in favor. Mrs. Kyriacou

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questioned if there was a Town Code stating there was to be no building on rock. Mr. Kovacs stated not that he was aware of; he believed Mr. Guido was speaking of the Comprehensive Plan. The Comprehensive Plan is not a law but a guide line.

Action: Mr. Genther motioned to grant a variance with the following conditions:
174 parking spaces are constructed.

An area will be reserved for 37 additional spaces.

The Building Inspector may request the construction of the additional 37 spaces.

A performance Bond of \$10,000 shall be filed.

Mrs. Kyriacou seconded the motion; a roll call vote was taken.

Mr. Genther: yes

Mr. Jacobsen:yes

Mr.Crispell: no

Mrs. Kyriacou: yes

Mr. Porter: yes

Bank of America – 1335-1399 Ulster Avenue – Public Hearing

Tim Ponton appeared on behalf of the application for increased lighting levels and signage for Bank of America. Mr. Ponton stated Bank of America is renovating the site on Ulster Avenue; part of this renovation is the addition of a freestanding ATM. The signage on the ATM will require a variance of 1 sq ft for the LOGO and 2.5 sq ft for the lettering. The applicant is also requesting a variance for additional lighting levels. Mr. Ponton stated there are State and Federal lighting requirements that exceed the Town Code. The brightest area on the site will be under the canopy of the existing drive thru. The lighting has been reduced from the original submission to the Planning Board. A short discussion on the lighting and how it is measured followed. Mr. Ponton explained the differences between the Federal and State requirements. No one appeared for or against the variance.

Action: A motion to grant a variance for 2.5 sq ft and 1sq ft for signage was made by Mr. Crispell with a second from Mr. Genther; all were in favor.

A motion to grant a variance for higher lighting levels was made by Mr. Crispell with a second by Mr. Genther with all in favor.

A motion to adjourn was made by Mr. Crispell with a second from Mrs. Kyriacou with all in favor.

Respectfully
Mary O'Bryan-Secreto
ZBA Secretary