

Town of Ulster  
Zoning Board of Appeals  
May 1, 2013

The regular monthly meeting of the Town of Ulster Zoning Board of Appeals was held at the Town of Ulster Town Hall on May 1, 2013 at 7:30 P.M.

Present:

John Crispell- Chairman

George Carlson

Elizabeth Kyriacou

Robert Porter

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

A motion to open the Public Hearing was made by Mr. Carlson with a second from Mrs. Kyriacou with all in favor.

**Volkswagen-**

Albert Spada appeared on behalf of the application for a 4' variance in the front setback for an addition. Mr. Spada reviewed the request with the Board. No one appeared against the variance The Ulster County Planning Board referral came back "No County Impact". The Board had no issues with the request.

**Action:** A motion to grant a variance for 4.5 feet in the front setback for an addition was made by Mr. Porter with a second from Mr. Carlson with all in favor.

WHEREAS, Volkswagen of Kingston, 1249 Ulster Avenue. Kingston NY 12401, Zone RC, has requested an Area variance for Tax Map Parcel # 48.7-1-23.1 and

WHEREAS, The applicant seeks a variance for a building that will extend 10 feet into the front setback and,

WHEREAS, The Town of Ulster Zoning Board of Appeals has duly advertised for a Public Hearing in the Kingston Freeman and has held a Public Hearing at the Town of Ulster Town Hall at 7:30 P.M. on May 1, 2013 and,

WHEREAS, no one against the request appeared at the Public Hearing; and,

WHEREAS, Under Section 239.m of the General Municipal Law, the County of Ulster Planning Board found no County Impact and,

WHEREAS, the members Zoning Board of Appeals have determined that the building will not have an adverse effect on the neighborhood and, therefore,

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BE IT RESOLVED that a variance of 4.5 feet in the front setback for a structure is granted.

**McDonald's**

Lauren Monaghan appeared on behalf of the applications for various area variances for McDonald's. Ms. Monaghan stated the applicant is requesting 8 variances. The variance for signage has been changed; the request is now to place a monument sign on the property line. The applicant is working with NYS DOT on placing a sidewalk in front of the site. Due to this request the applicant will need to dedicate part of their lot to the state leaving the sign on the property line. The sign will be in the same place it is now. Mr. Porter questioned the lighting levels on the site. Ms. Monaghan did not know the levels that were on the current site. The Planning Board recommended the lighting level allowed be no higher than 3 foot candles. A short discussion on lighting followed. No one appeared against the requests.

**Action:** Mr. Porter motioned to grant variances as requested with the exception of lighting that will be granted a maximum level of 3 fc's. A second was made by Mrs. Kyriacou with all in favor.

WHEREAS, McDonald's USA LLC, 1232-1236 Ulster Avenue. Kingston, New York 12401, Zone RC, has requested variances for Tax Map Parcel # 48.8-1-17& 31 and

WHEREAS, The applicant seeks the following variances;

1. Lighting Levels that will be higher then allowed by Section 190-27(I)  
(4.2 fc in parking areas)
2. Area of wall signage on the West facade that will be 57.85 SF

WHEREAS, The Town of Ulster Zoning Board of Appeals has duly advertised for a Public Hearing in the Kingston Freeman and has held a Public Hearing at the Town of Ulster Town Hall at 7:30 P.M. on May 1, 2013.

WHEREAS, no one appeared at the Public Hearing; and;

WHEREAS, Under section 239.m of the General Municipal Law the County of Ulster Planning Board has disapproved the request for the signage and lighting; and,

WHEREAS, The Town of Ulster Planning Board recommended the lighting levels be no greater than 3.0 fc.

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WHEREAS, The members of the Zoning Board of Appeals have determined the signage is not undesirable and will not have an adverse effect on the area: and,

WHEREAS, The members of the Zoning Board of Appeals agree with the Town of Ulster Planning Board: therefore,

BE IT RESOLVED that the Town of Ulster Zoning Board of Appeals overrides the Ulster County Planning Board with a vote of 4 to 0 and grants a variance for a wall sign on the West facade that will be 56.85SF and lighting levels that will an average of 3fc in the parking area.

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WHEREAS, McDonald's USA LLC., 1232-1236 Ulster Avenue. Kingston, New York 12401, Zone RC, has requested multiple variances for Tax Map Parcel # 48.8-1-17 & 31 and

WHEREAS, The applicant seeks the following variances;

1. Reduction of size of parking stalls of 0.5' in width and 0.1' in length.
2. Increase of 1.5% of maximum parking grade
3. Front yard setback of 24.5'
4. Parking setback to street line of 2.7'
5. Parking setback in rear of 8.5' and sides of 5' & 6'
6. Sign variance of 0' in the front setback

WHEREAS, The Town of Ulster Zoning Board of Appeals has duly advertised for a Public Hearing in the Kingston Freeman and has held a Public Hearing at the Town of Ulster Town Hall at 7:30 P.M. on May 1, 2013.

WHEREAS, no one appeared at the Public Hearing; and;

WHEREAS, Under section 239.m of the General Municipal Law the County of Ulster Planning Board had no comments on the above request: and,

WHEREAS, The members of the Zoning Board of Appeals have determined that the requests will not have an adverse effect on the area, therefore,

BE IT RESOLVED that all variances requested are granted.

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**Buck's Recycling**

James Muscato appeared on behalf of Mr. MacKenzie for an appeal of Notice of Violation. Mr. Muscato requested the Board rescind the Notice of Violation that was issued on November 27, 2012. Mr. Muscato submitted documentation to the Board for review. Mr. Kovacs requested time to review the submission so he could write a memo to the Board; he recommended the Board schedule a Public Hearing for the June 5<sup>th</sup> meeting. A short discussion about the site and the site history followed.

**Action:** A motion to schedule a Public Hearing for June 5<sup>th</sup> was made by Mrs. Kyriacou with a second from Mr. Carlson with all in favor.

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

Respectfully Submitted,

Mary O'Bryan-Secreto  
Zoning Secretary