

Town of Ulster
Zoning Board of Appeals
November 1, 2017

The monthly meeting of the Town of Ulster Zoning Board of Appeals was held at the Town of Ulster Town Hall on November 1, 2017 at 7:00 P.M.

Present:

George Carlson

Brian Ilgner

Geoffrey Ring – Chairman

Renato DiBella

Frederick Wadnola

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

PRELIMINARY HEARING

Frank Tiano – Use Variance

Mike Vetere III appeared on behalf of the application for a use variance to allow a wedding venue in an R-60 Zone. The lot has 33 acres, half of which is expansive, flat and well groomed. Mr. Vetere explained that there are multiple sites on the property that can be of use. There is currently electricity to the property and the bathrooms, lighting, and air conditioning units will be outsourced. There are 109 existing parking spaces as well as an additional 25 parking spaces on a stone pad for vendors on the property. The vendors parking and the guest parking are located in two separate areas of the property, so as to not intrude on the events. Mr. Vetere stated that there is plenty of room for emergency vehicles on the site. Mr. Vetere stated that the Catskill Animal Sanctuary, which abuts the proposed parcel to the North, hosts parties/fundraisers approximately 20+ times a summer, similar to what they plan on doing at their location. They are looking to host approximately 15-16 events a year.

Mr. Vetere stated that Mr. Tiano is trying to create revenue on the property without having to sell off parcels. The project is simultaneously being reviewed by the Town of Ulster Planning Board for a Special Use Permit, but they would need Use Variance approval first.

The Town of Ulster Attorney, Jason Kovacs, made the Board aware of a current litigation in the Town of Olive that is very similar in nature and that if the Board is leaning towards approval that there should be parameters put into place.

It was pointed out that the neighboring homes are around 700-1500 feet away from where the events would be held. Mr. Vetere stated that they shouldn't have a problem meeting the noise ordinance and that they will adhere to the Board's decision on the parameters put into place. Mr. Vetere stated that there had been multiple parties thrown at this location and they have never had an issue with complaints.

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Action: A motion to forward to a Public Hearing was made by Mr. Wadnola, with a second from Mr. DiBella; all in favor.

PUBLIC HEARING

Del Braswell – Area Variance

Delma Braswell appeared on behalf of the application for an area variance to place an 18' x 21' carport within his side setback at 94 Hillside Terrace. He is proposing a 4' setback (a variance of 16'). The Public Hearing was opened on September 6, 2017 and adjourned to October 4, 2017 and closed on same day. The decision was adjourned to November's meeting so the Board could do more research on the property. Kathryn Moniz, the Town of Ulster Building Inspector, made the Board aware that the applicant had an open building permit to construct an ADA approved bathroom for the purpose of accommodating his disabled family and the use of a carport would be of much help to the family. Mr. Braswell stated that the existing garage currently had no entrance into the main living space. There was a brief discussion amongst the Board.

Mr. Ausanio, the neighbor, stated that there was debris from the work being done on Mr. Braswell's property that is now on the Ausanios' property, and that the boat that Mr. Braswell backs in and out of his property goes onto the Ausanios' property. Mr. Ausanio asked if this is a situation where he should call the police. Mr. Ring encouraged that the two neighbors should sit down and work on the issues and have a neighborly coexistence, to which Mr. Ausanio stated "never going to happen." The Board told Mr. Ausanio to contact the Town of Ulster police if there is an issue with Mr. Braswell going onto their property.

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

WHEREAS, the applicant seeks an Area Variance to allow for relief from Section 190-69 of the Ulster Town Code which provides for 20 foot side setbacks; and

WHEREAS, notice of Public Hearing was published in the Kingston (N.Y.) Daily Freeman, and pursuant to Zoning Board procedures, the owner(s) of the adjacent properties we notified and had the opportunity to be heard; and

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

WHEREAS, a public hearing was opened on September 6, 2017 and adjourned to October 1, 2017, and said hearing was closed on said date; now therefore

BE IT RESOLVED, that the Zoning Board of Appeals makes the following

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Findings of Facts and Conclusions of Law in this matter:

Findings of Fact

1. The subject property is located at 94 Hillside Terrace in the R30 (and has municipal water) zoning district.
2. The applicant is the property owner.
3. The applicant seeks an Area Variance for relief from the requirements of Section 190-69 of the Ulster Town Code which provides for 20 foot side setbacks; applicant is proposing a 4 foot side setback on the property (variance of 16 feet).
4. The applicant presented detailed information and history on the property, reviewed any feasible alternative considerations, and actively participated in discussion of any alternative and which would mitigate impacts.
5. Neighbors appeared in opposition to the requested Variance.
6. The property is an older residential neighborhood with small properties with Diameters of approximately 108' x 122.3'.
7. The proposed Variance, while substantial, does not alter the character of the neighborhood, but rather are consistent with small properties with residence and numerous accessory structures.

Conclusions and Decision

Based upon the above Findings of Fact, the Board concludes that the Request for an Area Variance(s) be GRANTED.

This Board further concludes, based upon their same Findings of Fact and the entire record before the Board, that granting of the requested Area Variance will not create and undesirable change in the character of the neighborhood, and that the Variance if granted would not be a detriment to the general quality of the neighborhood.

Accordingly, this Board, as required by §8-0105 of the Environmental Law and Part 617 of Title 6 of the New York Codes, Rules and Regulations, SEQR, concludes that the activities proposed in this action constitute a "Type II Action," and as such requires no further SEQR action.

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Finally, this Board concludes and voted 5-0; Chairman Ring, Members Carlson, DiBella, Ilgner and Wadnola voting aye; that the Applicant's appeal for relief in the form of an Area Variance is GRANTED.

BY ORDER OF THE ZONING BOARD OF APPEALS
TOWN OF ULSTER

I, Geoffrey Ring, Chairman of the Zoning Board of Appeals of the Town of Ulster, do hereby certify that the foregoing is the decision of the Zoning Board of Appeals made at a meeting thereof, duly called and held on the 1st Wednesday of November 2017.

Meineke – Sign Variance

Joe LaManna appeared on behalf of the application for a Sign Variance for Meineke Car Care. Meineke currently has an illuminated sign with a reader board underneath, that he would like to replace with two back-to-back LED signs, with possible letter scrolling capability. Mr. Kovacs stated that this matter should be reviewed by the Ulster County Planning Board before the Town of Ulster ZBA makes a decision.

Action: A motion to close the Public Hearing was made by Mr. Ring, with a second by Mr. Ilgner; all in favor. A motion to forward this to the Ulster County Planning Board was made by Mr. Ring with a second from Mr. Ilgner; all in favor.

James Augustine – Area Variance

James Augustine appeared on behalf of the application for an area variance to place a shed with a carport attached or a garage within his side setback on 39 Lainey Lane. Mr. Augustine is asking for a 5' setback (variance of 15'.) The Public Hearing was opened on October 6, 2017 and closed on same day. The decision was adjourned to November's meeting so the Board could do more research on the property. There was a brief discussion.

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

WHEREAS, the applicant seeks an Area Variance to allow for relief from Section 190-69 of the Ulster Town Code which provides for 20 foot side setbacks; and

WHEREAS, notice of Public Hearing was published in the Kingston (N.Y.) Daily Freeman, and pursuant to Zoning Board procedures, the owner(s) of the adjacent properties were notified and had the opportunity to be heard; and

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

WHEREAS, a public hearing was opened on September 6, 2017, and said hearing

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was closed on said date; 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 subject property is located at 39 Lainey Lane in the R30 (municipal water) zoning district.
2. The applicant is the property owner.
3. The applicant seeks an Area Variance for relief from the requirements of Section 190-69 of the Ulster Town Code which provides for 20 foot side setbacks; applicant is proposing a 5 foot side setback on the property (variance of 15 feet).
4. The applicant presented detailed information and history on the property, reviewed any feasible alternative considerations, and actively participated in discussion of any alternative and which would mitigate impacts.
5. No neighbors appeared in opposition to the requested Variance.
6. The property is an older residential neighborhood with small properties with Diameters of approximately 120' x 193.6'.
7. The proposed Variance, while substantial, does not alter the character of the neighborhood, but rather are consistent with small properties with residence and numerous accessory structures.

Conclusions and Decision

Based upon the above Findings of Fact, the Board concludes that the Request for an Area Variance(s) be GRANTED.

This Board further concludes, based upon their same Findings of Fact and the entire record before the Board, that granting of the requested Area Variance will not create and undesirable change in the character of the neighborhood, and that the Variance if granted would not be a detriment to the general quality of the neighborhood.

Accordingly, this Board, as required by §8-0105 of the Environmental Law and Part 617 of Title 6 of the New York Codes, Rules and Regulations, SEQR, concludes that the activities proposed in this action constitute a "Type II Action," and as such requires no further SEQR action.

Finally, this Board concludes and voted 5-0; Chairman Ring, Members Carlson, DiBella, Ilgner and Wadnola voting aye; that the Applicant's appeal for relief in the form of an Area Variance is GRANTED.

BY ORDER OF THE ZONING BOARD OF APPEALS

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TOWN OF ULSTER

I, Geoffrey Ring, Chairman of the Zoning Board of Appeals of the Town of Ulster, do hereby certify that the foregoing is the decision of the Zoning Board of Appeals made at a meeting thereof, duly called and held on the 1st Wednesday of November 2017.

Jesus Torres for Scott Hildebrandt – Area Variance

Scott Hildebrandt appeared on behalf of his application for an Area Variance to place a 6 foot fence within his front setbacks at 337 Lucas Avenue. Mr. Ring opened the Public Hearing. Mr. Hildebrandt stated that he has 3 front yards, on Lucas Avenue, Catskill Avenue, and Court Avenue. Mr. Hildebrandt stated that he has 2 young children and a dog and people are constantly parking on his property to go to Stewart’s Shop across the road. He’d like to keep the 6’ height for privacy for his children playing in the yard. Mr. Hildebrandt also mentioned that there are other 6’ fences in the neighborhood that line up directly with his fence. The 6’ height fence moved back to where Mr. Hildebrandt is proposing to be located will no longer cause a line of sight issue, as it will be 25’ front the center of the Road, and out of the Town Right of Way; a 6’ difference from where it is currently located. There was a brief discussion that followed. A motion to close the Public Hearing was made by Mr. Wadnola, with a second from Mr. Carlson; all in favor.

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

WHEREAS, the applicant seeks an Area Variance to allow for relief from Section 190-18(E) of the Ulster Town Code which provides that fences may not be higher than four (4) feet; applicant is proposing a six (6) feet high fence; and

WHEREAS, notice of Public Hearing was published in the Kingston (N.Y.) Daily Freeman, and pursuant to Zoning Board procedures, the owner(s) of the adjacent properties we notified and had the opportunity to be heard; and

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

WHEREAS, a public hearing was opened on September 6, 2017, and said hearing was closed on said date; 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 subject property is located at 337 Lucas Avenue in the LC (municipal water) zoning district.
2. The applicant is the representative of the property owner.

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3. The applicant seeks an Area Variance for relief from Section 190-18(E) of the Ulster Town Code which provides that fences may not be higher than four (4) feet; applicant is proposing a six (6) feet high fence.
4. The applicant presented detailed information and history on the property, reviewed any feasible alternative considerations, and actively participate in discussion of any alternative and which would mitigate impacts.
5. The property is in a residential neighborhood with a property diameter of 170' x 60'.
6. The proposed Variance does not alter the character of the Neighborhood.

Conclusions and Decision

Based upon the above Findings of Fact, the Board concludes that the Request for an Area Variance(s) be GRANTED.

This Board further concludes, based upon their same Findings of Fact and the entire record before the Board, that granting of the requested Area Variance will not create and undesirable change in the character of the neighborhood, and that the Variance, if granted, would not be a detriment to the general quality of the neighborhood.

Accordingly, this Board, as required by §8-0105 of the Environmental Law and Part 617 of Title 6 of the New York Codes, Rules and Regulations, SEQR, concludes that the activities proposed in this action constitute a "Type II Action," and as such requires no further SEQR action.

Finally, this Board concludes and voted 5-0; Chairman Ring, Members Carlson, DiBella, Ilgner and Wadnola voting aye; that the Applicant's appeal for relief in the form of an Area Variance is GRANTED.

BY ORDER OF THE ZONING BOARD OF APPEALS
TOWN OF ULSTER

I, Geoffrey Ring, Chairman of the Zoning Board of Appeals of the Town of Ulster, do hereby certify that the foregoing is the decision of the Zoning Board of Appeals made at a meeting thereof, duly called and held on the 1st Wednesday of November 2017.

A motion to adjourn was made by Mr. Ring, will a second from Mr. Carlson; all in favor.

Respectfully Submitted,
Gabrielle Perea

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Zoning Board Secretary