

Town of Ulster
Zoning Board of Appeals
November 4, 2009

The regular monthly meeting of the Town of Ulster Zoning Board of Appeals was held at the Town of Ulster Town Hall on November 4, 2009 at 7:00 P.M.

Present:

John Crispell

Donald Genther

Karen Markisenis

Robert Porter - Chairman

A motion to approve the minutes from the October meeting was made by Mr. Genther and seconded by Mrs. Markisenis. All were in favor.

White Castle - Public Hearing

Mr. Michael Moriello appeared on behalf of the application for a variance to obtain a second sign on the site. Mr. Moriello states the applicant feels the second sign on the site is important identification sign. The applicant is really requesting the rehab of an existing sign; it will not be an additional sign on the site. The Town code states a sign should be removed after 2 years if the business is not valid. The County Planning Board disapproved the variance stating all signage should conform to the standard of the Town. A draft resolution was reviewed by the Board. A short discussion of the site followed. **Action:** A motion to approve the variance Mr. Genther with a second from Mr. Crispell; all were in favor.

WHEREAS, White Castle has requested an area variance for property located at 1399 Ulster Avenue, Kingston, NY 12401 in the RC Zone and identified on the Town of Ulster Tax Map as parcel # 48.7-1-17 & 48.7-1-13.100

WHEREAS, The applicant seeks a variance from § 190-33.B.9.(a) of the Zoning Local Law to permit an additional freestanding sign on the commercially zoned site, where only one freestanding sign is permitted in the event that two or more establishments occupy a common site;

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 7:00 P.M. on October 7, 2009; and

WHEREAS, on October 7, 2009, the Ulster County Planning Board recommended pursuant to Section 239m of the General Municipal law of the State of New York, that the Area Variance relative to the signage be disapproved; and,

WHEREAS, the members of the Zoning Board of Appeals have determined that (1) the surrounding area primarily consists of retail and commercial uses and the existing signage and changes as proposed, are consistent with the signage for these existing uses and that (2) the Ulster County Planning Board Recommendations be overruled; and,

BE IT RESOLVED as follows that the Zoning Board of Appeals hereby overrides the Ulster County Planning Board's Recommendation regarding signage for the following reasons.

- a.) The Area Variance requested is classified as a Type II Action under SEQRA.
- b.) A Site Plan Application has yet to be filed with the Town of Ulster for a proposed White Castle Restaurant.
- c.) A master signage plan for the entire site is beyond the purview of the Zoning Board of Appeals to require.
- d.) The benefit to the Applicant in granting the Area Variance requested outweighs any detriment to the neighborhood and the community at large for the un rebutted reasons stated by the Applicant of record; and,

BE IT FURTHER RESOLVED, that the Zoning Board of Appeals has examined the record and has applied the statutory Area Variance balancing test to determine that the Area Variance requested is the minimum Variance necessary; and,

BE IT FURTHER RESOLVED, the signage Area Variance, as requested by White Castle, is hereby approved pursuant to Section 190-60 of the Town of Ulster Zoning Law and Section 267-b (3) of the New York State Town Law so that the Town of Ulster Building Inspector shall issue any Sign Permits and/or building Permits as may be consistent with this Decision and which are lawfully applied for by the Applicant.

Alex Catchpoole –Public Hearing

Alex Catchpoole could not make it to the meeting due to a medical condition. The board reviewed his application for a fence in the front setback of which a section was 8' in height. No one appeared against the variance.

Action: A motion to grant the variance was made by Mr. Crispell with a second from Mr. Genter. All were in favor.

WHEREAS, Alex Catchpoole 193 Potter Hill Road Saugerties NY 12447. Zone R-60, has requested an Area variance for Tax Map Parcel # 39.12-2-6 ;and

WHEREAS, The applicant seeks a variance to install a six foot privacy fence in 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 7:00 P.M. on November 4, 2009 and,

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 no jurisdiction; and,

WHEREAS, The members Zoning Board of Appeals has determined that the requested variance is minor and, therefore,

BE IT RESOLVED That a two-foot area variance for an eight-foot high privacy fence in a front setback be granted.

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

Respectfully Submitted,

Mary Secreto
Zoning Secretary