

Town of Ulster
Zoning Board of Appeals
October 5, 2011

The regular monthly meeting of the Town of Ulster Zoning Board of Appeals was held at the Town of Ulster Town Hall on October 5, 2011 at 7:00 P.M.

Present:

John Crispell

Fritz Genter

Elizabeth Kyriacou

Robert Porter - Chairman

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

A motion to open the Public Hearing was made by Mr. Crispell with a second from Mr. Genter; all were in favor.

Big Matt Associates – 38 Old Sawkill Rd – Public Hearing

Nadine Carney and Pat Simmons appeared on behalf of the application for a use variance. The applicant would like to convert a fitness center to an office light manufacturing use. The plan will consist of removing the existing 2 family dwelling and replacing it with an office building a second structure will be built to store personal cars. The existing building will remain being converted to office manufacturing space. Bob Amsler of Old Sawkill Road voiced his concern of increased traffic on the road as well as concerns of what type of manufacturing would be allowed on the site as there are wells in the neighborhood that could be affected. Mr. Amsel stated that the fitness center had a lot of traffic and some of that traffic occurred at 5AM. Ms. Carney stated that average standard for traffic volume for a fitness center is 33 cars per sq ft or an average of 200 cars per day an office use would be 11 cars per sq ft or 120 cars per day. The warehouse use would be 5 cars per sq ft. The hours of operation would also be more restrictive as most offices are open between 8AM and 7 PM not 5AM to 11PM as was the case with the fitness center. The manufacturing use would be limited as there is a large

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septic system on the site; this prevents the site from being expanded. The town's parking requirements also limit what uses would be allowed on the site. Mark Zuvic another neighbor also voiced his concerns on the traffic and the type of manufacturing that could be placed on the site. Jason Kovacs explained the procedure that will be occurring if the use variance is granted (Planning Board and Town Board approval). Mr. Porter read the Ulster County Planning Board recommendation stating the UCPB had a required modification that the applicant needed to document can meet the 4 part criteria for use variances. Mr. Porter stated the applicant submitted a letter to the Board responding to the County's comments. Mr. Crispell commented on the letter stating he felt the applicant meets the criteria for a use variance.

Action: A motion to grant a use variance to convert a fitness center into an office/light manufacturing use overriding the County Planning Board's comments. A second was made by Mrs. Kyriacou with all in favor

WHEREAS, Big Matt Associates LLC, 38 Old Sawkill Road ,New York 12401, Zone R-30, has requested a area variance for Tax Map Parcel # 48.14-1-12.100-;and

WHEREAS, the applicant seeks a use variance to convert a fitness center to an office light manufacturing use;

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 5, 2011 and,

WHEREAS, neighbors' concerns on traffic and property maintenance issues were addressed at the Public Hearing; and

WHEREAS, under section 239.m of General Municipal Law the County of Ulster Planning Board has rejected the request and,

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WHEREAS, the members Zoning Board of Appeals have determined that the change in use will not adversely affect the neighborhood and that the use variance should be granted on the following grounds:

(1) the average traffic volume will be decreased from when the site was occupied by a fitness center;

(2) the site was previously used for office/manufacturing from 1987 (prior to the adoption of the Town of Ulster Zoning Code) to 2005;

(3) the site is unique as it abuts the New York State Thruway and has been utilized previously for office/warehouse uses;

(4) it is not feasible for another fitness center to occupy the site as the area already has a plethora of fitness centers; therefore be it

RESOLVED that a use variance be granted to convert a fitness center into an office/ light manufacturing use; and be it further

RESOLVED, that the Town of Ulster Zoning Board of Appeals, by a super-majority vote, affirmatively decided to override the County of Ulster's rejection of the use variance.

Roy Scott Palmer- 905 DeWitt Lake Rd

Roy Scott Palmer appeared on behalf of the application for an area variance. Mr. Palmer stated he would like to place a hot tub next to an existing deck; this will be 4 feet into the side setback and also in the front setback as he is on a corner lot. The Board reviewed a map of the site and discussed where the hot tub would be located. Mrs. Palmer submitted a letter from her physician stating a hot tub was recommended for a chronic medical condition.

Action: A motion to hold over to a Public Hearing was made by Mr. Crispell with a second from Mr. Genther with all in favor.

Respectfully Submitted,

Mary Secreto
Zoning Secretary