

Town of Ulster  
Zoning Board of Appeals  
April 10, 2019

The monthly meeting of the Town of Ulster Zoning Board of Appeals was held at the Town of Ulster Town Hall on April 10, 2019, at 7:00 P.M.

Present:

Brian Ilgner  
Robert Porter

Lois Smith  
Geoffrey Ring – Chairman

Absent:

Renato DiBella

Roll call.

A motion to approve the minutes from March 2019's meeting was made by Mr. Porter with a second from Mr. Ilgner; all in favor.

## **PUBLIC HEARING**

### **Scrub A Dub / Kleeschulte Carwash – Area Variance 660 Washington Avenue SBL: 48.14-1-18.100 Z-364**

Dennis Larios, Brinnier & Larios, and Douglas Kleeschulte, Kleeschulte Carwash, appeared on behalf of the application for an Area Variance to place a carwash within its front setback; a relief of twenty-five feet (25'). Mr. Lario's stated that the Kleeschultes' are Town of Ulster residents that live on Sherry Lane and currently have existing businesses in Port Ewen, Ellenville, Kerhonkson, Catskill, and New Paltz. The proposed property is the old Davenport farm stand surrounded by the park-and-ride next to the large QuickChek on Washington Avenue. The total site development is approximately half an acre.

Mr. Larios explained that QuickChek had purchased the property and put deed restrictions on the property so there aren't a lot of uses for it, and the Kleeschulte's have a plan that will work for both parties. The Kleeschulte's have a history of successful businesses and they cannot advance in the Planning Board portion of approvals without the area variance approval.

Mr. Larios explained that in order for the carwash to work, stacking is needed. The applicant tested the site with the largest vehicles that could be driven through it with no issues; it's tight, but it works.

There is a proposed retaining wall that the applicant is currently in conversation with the State regarding the earth and slope. The front boundary line of the property is at an odd angle and set back from Washington Avenue; it is not a normal street. Mr. Larios stated

Town of Ulster  
Zoning Board of Appeals  
April 10, 2019

that applicant is receptive to purchasing the right-of-way but it could take years. In the meantime the applicants are discussing it.

Mr. Larios explained that if the project maintained the thirty foot (30') front property line the project would not work. The applicant has requested a front setback of five feet (5'), which will keep the building ninety feet (90') to forty-eight feet (48') from the road.

Mr. Larios stated that Michael Moriello, applicant's attorney, submitted a narrative stating that the applicant meets criteria for an area variance. Mr. Larios stated that the applicants are here to answer any questions that the public may have during the hearing. There were no attendants in opposition.

Ms. Smith stated the two lots were separate but wanted to know where the lot line was. Mr. Larios showed the Board the lot line and stated that both lots are on the same deed. QuickChek is willing to sell the lot assuming the Kleeschultes' get their approvals. There was a brief discussion on the safety of the business being placed there in reference to QuickChek's parking lot. Mr. Larios stated that QuickChek's main entrance is on Sawkill Road but that both properties have reciprocal rights to the access off Washington Avenue.

Ms. Smith stated that if the applicant moved the building further back off the road there would be fewer traffic issues. Mr. Larios stated that there will be cross points for pedestrian safety.

Mr. Larios stated that there will be no self-service and the max height allowed for vehicles entering the carwash is seven feet (7'). The largest vehicle that was tested was a Ford F350.

**Action:** A Motion to approve the area variance was made by Mr. Porter, with a second from Mr. Ilgner; all in favor.

**WHEREAS**, an application has been filed by Douglas Kleeschulte, owner of Kleeschulte's Carwash (Scrub A Dub), located at 660 Washington Avenue.

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

**WHEREAS**, notice of Public Hearing was published in the Kingston (N.Y.) Daily Freeman on March 16, 2019, and pursuant to Zoning Board procedures, the owner(s) of the adjacent properties we notified had the opportunity to be heard; and

**WHEREAS**, under General Municipal Law § 239-m, the Ulster County Planning Board deemed No County Impact; and

Town of Ulster  
Zoning Board of Appeals  
April 10, 2019

**WHEREAS**, a Public Hearing was opened on April 4, 2019, and said hearing was closed on said date; now therefore

**BE IT RESOLVED**, that the Zoning Board of Appeals makes the following Finding of Fact and Conclusions of Law in this matter:

**Findings of Fact**

1. The owner of the property is Durling Realty, L.L.C.
2. The subject property is located at 660 Washington Avenue, Kingston, NY 12401.
3. The applicant seeks an Area Variance for relief from §19-69 of the Town of Ulster Town Code which provides for thirty (30) foot front setbacks; applicant is proposing a five (5) foot setback.
4. The applicant presented detailed information and history on the property, reviewed any feasible alternative considerations, and actively participated in discussion of any alternative or conditions which would mitigate impacts.
5. The grant of the use variance would not alter the essential character of the neighborhood.

**Conclusions and Decision**

Based upon the above Findings of Act, 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 Area Variance will not create an 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 4-0; Chairman Ring, Members Smith, Ilgner and Porter 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 10th the second Wednesday of April 2019.

Town of Ulster  
Zoning Board of Appeals  
April 10, 2019

**PRELIMINARY HEARING**

**Frank Tiano – Area Variance**  
**248-252 Old Stage Road**  
**SBL: 39.8-1-10.100**  
**Z-365**

Frank Tiano, the owner of the property located at 248-252 Old Stage Road, appeared on behalf of an application to request additional events per year for his wedding venue that was approved in 2018.

Mr. Tiano explained that when he got his initial approval they had thought ten (10) events would work, but it didn't and they decided on twenty (20) events. Mr. Tiano and his wife decided to build a barn for the events on their property. Initially, the Tiano's thought that people may want a three (3) day weekend wedding so they thought that the approved twenty (20) events would work. The Tianos' realized that most people want a single day wedding. Mr. Tiano's wife already has thirteen to fourteen (13-14) events booked for the 2019 year and would like to request more events.

Mr. Tiano stated that the property just started to look better, as it's been gloomy; Mr. Tiano was approved for May 1 through January 2, but the weather hasn't been nice.

Mr. Tiano explained that if the traffic is going to be the same, the number of events wouldn't be a concern. The Animal Sanctuary would like to hold a kids camp on his property for one week out of July and wants to make sure he does everything right following his variance.

Mr. Ring stated that Mr. Tiano had been approved for a Use Variance for his wedding venue and that doing anything with a camp would require a new use variance. Mr. Ring stated that the applicant can submit a new use variance application with documentation showing what types of events he would like to have on the property. The Board asked the applicant to think of the number of days he would like to have events instead of the number of events. The Board stated that it was possible for the applicant to apply for a special events venue and list the types of proposed events within that application; the events will need to be specific: i.e if times are different during weeks than on weekends, what times during what days, etc. Mr. Ring recommended that Mr. Tiano speak with the Town Attorney, Jason Kovacs, and try to put together this application submittal for the next meeting in May. There was a brief discussion on the wording the applicant should use on the application to avoid any future issues.

The Board stated that if Mr. Tiano can get in a new application there would be a preliminary hearing in May and the public hearing would be held in June.

**Action:** The applicant verbally withdrew his application. No motion was made at this time.

Town of Ulster  
Zoning Board of Appeals  
April 10, 2019

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

Respectfully Submitted,  
Gabrielle Perea  
Zoning Board Secretary