

Town of Ulster  
Zoning Board of Appeals  
April 14, 2021

The monthly meeting of the Town of Ulster Zoning Board of Appeals was held remotely via the Zoom application on April 14, 2021, at 7:00 P.M.

**Present:**

Lois Smith

Kevin Reginato

Robert Porter – Chairman

Andi Turco-Levin

Steve Shultis

Roll call.

A motion to approve the minutes from the February 2021 meeting was made by Mr. Reginato, with a second from Mr. Shultis; all in favor.

**PUBLIC HEARING**

**Ruby Post Office/Tom Sutton – Z-397**

**1165 Main Street**

**Ruby, NY 12475**

**SBL: 39.6-3-12**

**Zone: R30**

*Use Variance to allow a mixed-use building in an R30 Zone.*

Tom Sutton, owner, appeared before the Board to allow a mixed-use building within an R30 Zone. The proposed use would include the existing post office and a new apartment above the post office.

A motion to open the public hearing was made by Mr. Shultis, with a second from Mr. Reginato; all in favor.

Mr. Sutton explained that the building is pre-existing non-conforming residential mixed building and that the 2<sup>nd</sup> story was an apartment approximately thirty (30) years ago and he would like to renovate it for that use again and keep the remaining post office on the first story.

Rosemarie Roughton, Main Street – representing Evelyn Young and stated they both support Mr. Sutton’s effort on this project and wish him the best of luck.

Chairman Porter mentioned that at last meeting someone mentioned a tragedy happening near this location and he had driven by the property and noticed there was plenty of space and parking. Chairman Porter mentioned someone did go in and check their post office box while he was there.

A motion to close the public hearing was made by Mrs. Turco-Levin, with a second from Chairman Porter; all in favor will a roll call vote.

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There was a brief discussion amongst the Board.

Mrs. Smith stated that she is friends with the Henderson's who live next door and they have no issues with Mr. Sutton converting the post office to an apartment. Ms. Smith also contacted Kingston City Schools Consolidated to confirm that there is not a bus stop and there is not. Ms. Smith spoke of the tragedy that happened with the Henderson's child and reiterated that the Henderson's were okay with the proposal.

**Action:** A motion to approve the use variance was made by Ms. Smith, with a second from Chairman Porter; all in favor with a roll call vote.

**KOSCO Heritage – Z-399**

**625 Sawkill Road**

**Kingston, NY 12401**

**SBL: 39.18-1-18**

**Zone: OM**

***Area Variance to allow a six-foot (6') fence within the front setback.***

A motion to open the public hearing was made by Chairman Porter, with a second from Mrs. Turco-Levin; all in favor.

Jim Stoothoff appeared before the Board to allow a six-foot (6') fence within a front setback. Mr. Stoothoff stated that he built a six foot (6') fence in order to protect their vehicles that are parked on the property due to regulations they have to adhere to. There is a gate operator in the front and manual fences in the back.

Chairman Porter stated that it is his understanding that they are under EPA orders to construct this fence and Mr. Stoothoff agreed that they are under order 40CFR112.

There was a brief discussion amongst the Board.

The Sawkill Manufactured home park had concerns over tanks that were abandoned in the rear of the property. Mr. Stoothoff stated that the tanks were cleaned before they were abandoned and are waiting to be repurposed. Mr. Shultis stated that those tanks were cleaned before they got on-site and have been there for at least twenty (20) years.

A motion to close the public hearing was made by Chairman Porter, with a second from Mr. Reginato; all in favor.

Mr. Reginato stated that the applicant needs to look into the zoning laws prior to construction so they don't construct things that are out of compliance and then have to be seen before the Boards.

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**Action:** A motion to approve the area variance was made by Chairman Porter, with a second from Mr. Reginato; all in favor with a roll call vote.

**PRELIMINARY HEARING**

**Diane Donnelly – Z-401**  
**135 Van Keuren Highway**  
**Kingston, NY 12401**  
**SBL: 48.41-1-4.200**  
**Zone: R10**

*Use Variance to allow a manufactured home outside of a manufactured home park.*

Diane Donnelly appeared before the Board on behalf on an application to allow a manufactured home outside of a manufactured home park or OM zone.

Ms. Donnelly explained that she is an Ulster county resident and currently lives in the Birches and is proposing either a double-wide or single-wide home as it is the most affordable housing. The lot is vacant and located at 135 Van Keuren Highway. Ms. Donnelly stated that the house would meet all HUD guidelines.

Ms. Donnelly stated that she just found out that there was a change in law in 2015 land use laws. The NYS County Executive Director of Housing stated that there is no need to get a variance for a modular or manufactured home as long as it is on a slab or foundation. Article 21B §615-617 states that modular or manufactured homes can not be discriminated against.

Mr. Jason Kovacs, Town Attorney, stated that the Town has a specific code regarding manufactured homes and there is a process in which someone can apply for those homes. Ms. Donnelly stated that the New York state law would override any local laws or ordinances. Mr. Kovacs stated that he would look into the law and provide a legal memorandum to the Zoning Board for the next meeting. Mr. Kovacs stated that every applicant that has applied for a manufactured home outside of a manufactured home park has gone through this process for at least the past eleven (11) years.

There was a brief discussion regarding the 2015 law. Mr. Kovacs stated that Ms. Donnelly can call him so they can have further discussion but to be prepared to be on the agenda for next month.

Mrs. Turco-Levin stated that she has been a real estate agent for many years and she understand how hard it is to find affordable housing and commends her for trying to put herself in her own home. Mrs. Turco-Levin stated that she will defer to Mr. Kovacs regarding the laws mentioned. Mrs. Turco-Levin stated “to excuse her phrasing, but there are differences between a trailer and a modular, but they are both manufactured homes” so the Board would need further clarity on what type of home she is looking to build as those questions will be asked. Ms. Donnelly stated that she would not think of installing a

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mobile home without a permanent slab or crawl space as she believes it would be an eyesore.

Warren Tutt, Building Inspector, stated that in the Building Code, a modular is a factory manufactured home a mobile home is called a manufactured home.

There was a brief discussion on whether the project was ready for a public hearing and the property. Mr. Kovacs stated that he was comfortable in moving it to a public hearing.

**Action:** A motion to forward the project to a public hearing was made by Mrs. Turco-Levin, with a second from Mr. Reginato; all in favor with a roll call vote.

**Scot Albertson – Z-402**  
**200 Wrentham Street**  
**Kingston, NY 12401**  
**SBL: 48.65-5-13.200**  
**Zone: R10**

*Area Variance to allow a six-foot (6') fence within a front setback.*

Scot Albertson, appeared before the Board on behalf of his application from a 6' fence in a front setback. Mr. Albertson stated that he has three (3) properties and that on the East side he has a six-foot (6') fence and on the west side he took down a large spruce tree and wants to continue the six-foot (6') fence to continue the privacy that he had when the tree was up.

Mr. Reginato asked how much more fencing would be needed and Mr. Albertson stated about three (3) more six-foot (6') sections to meet the bush.

The fence would be approximately six or seven feet (6-7') from the street.

Chairman Porter stated that the fence seems consistent with the rest of the neighborhood.

Mr. Tutt stated that the new fence is part of the variance but also the existing fence would need to be brought into compliance as the existing fence is approximately ten feet (10') from the front property line. The existing fence has been there approximately five (5) years.

Mr. Tutt stated that the line of sight is not interfered with and there is plenty of room for snow removal.

**Action:** A motion to forward the project to a public hearing was made by Chairman Porter, with a second from Ms. Smith; all in favor with a roll call vote.

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***Burlington – Z-403  
1137-1187 Ulster Avenue  
Kingston, NY 12401  
SBL: 48.42-3-1.100  
Zone: RC***

***Area Variance to allow a 405. Sq. ft. wall sign.***

Kelvin Herrera, TriState Signs, appeared before the Board on behalf of an application to allow a four-hundred and five square foot (405 sf) wall sign for Burlington. Burlington is moving locations and will be moving into the old Pier 1.

Mr. Herrera stated that they are looking to match the square footage of the store front because if they had a one-hundred square foot wall sign it would look really small in comparison. The rendering showing the allowed signage was shown to the Board.

There was a brief discussion regarding signage size. The Board agreed to come to a compromise and have a three-hundred and twenty-five square foot sign which would only be a five percent (5%) variance.

The backround of the building will be white and the lettering will be red.

**Action:** A motion to forward the project to a public hearing was made by Chairman Porter, with a second from Mr. Shultis; all in favor with a roll call vote.

## **DISCUSSION**

**Proposed Digital Sign Law** – Geoffrey Ring, Planning Board Chairman, explained that about three (3) years ago a number of digital signs came before the Zoning Board to have variances granted so the Boards decided to write a digital sign law so the community did not need to go for a variance. Mr. Kovacs looked at other digital sign laws in surrounding towns and municipalities and drew up a document which was then brought to a local sign company for their review. There was a sign demonstration at the Town Hall so that digital signs were more understood. It was a public demonstration. The presentation was done during daytime as well as lower lighting levels. During the daylight, the brighter the sign, the easier it was to read, which was about ten-thousand (10,000) nits, so the law states ten thousand (10, 000) nits as the maximum brightness during the daytime. At dusk, they settled on 750 nits for night for visibility. After the presentation, the law was circulated to the Boards, but then sat. The Town still has a need to address the digital signs and he would collectively like to make recommendations to the Town Board for approval.

Chairman Ring stated that it was presented to the Planning Board last night and there was still some outstanding issues in the language. There was a brief explanation of possible issues that may have been resolved. The proposed law will mirror the same rules and regulations the Town has on signs currently in regards to square footage, height, etc.

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The size of the digital signs, if over the allowed square footage, would still be seen before the Zoning Board for an area variance. The color, shape, and aesthetics of the sign would still be under the authority of the Planning Board. Once enacted, all previously approved digital sign variances must comply with the new law if they have the capability.

Mr. Tutt stated that the Town can use a foot-candle meter to read the brightness of the signs for compliance.

Mr. Tutt stated that if there is a static sign and the applicant wants to change it to a digital sign, that may need to go before the Planning Board, as well.

The ZBA and Planning Board will review the sign law and the Town Board will have final approval for the law. The Town will look further into the sign law prior and there will be further discussion before it is sent to the Town Board for approval.

A motion to adjourn was made by Mrs. Turco-Levin, with a second from Chairman Porter; all in favor.

Respectfully Submitted,  
Gabrielle Perea  
Zoning Board Secretary