

Town of Ulster  
Zoning Board of Appeals  
April 4, 2018

The monthly meeting of the Town of Ulster Zoning Board of Appeals was held at the Town of Ulster Town Hall on April 4, 2018 at 7:00 P.M.

Present:

Lois Smith  
Frederick Wadnola

Brian Ilgner  
Geoffrey Ring – Chairman

Absent:

Renato DiBella

Roll call.

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

### **PRELIMINARY HEARING**

#### **Carlton Bell – Use Variance**

Carlton Bell appeared on behalf of the applicant to have a heating and plumbing business located at 196 Harwich Street in Kingston, NY in an R-10. Mr. Bell stated that the property was once Lowe Plumbing. Mr. Bell would like to convert it back to a plumbing business as it once was. Currently the property is a pre-existing non-conforming use for a contractor storage yard and as such will need a use variance to have a heating and plumbing business in a residential area. Mr. Bell stated that the traffic produced by his business should not bother the neighborhood as the employees arrive in the morning and leave on trucks for the day and do not return until the end of the work day. Mr. Bell explained that he has had, at most, five (5) tractor trailer deliveries in five (5) years.

**Action:** A motion to forward to a Public Hearing was made by Mr. Ilgner, with a second from Ms. Smith; all in favor.

#### **Harbor Freight - Area Variance for a Sign**

Jennifer Beichert, Timely signs, appeared on behalf of Harbor Freight on the application for an area variance to allow for additional square footage than the allowed fifty (50) square feet. Ms. Beichert explained that the proposed sign is right around the size, or smaller than the former Office Depot sign. As there is not a current variance on file for a wall sign, they need to acquire a variance. There was a brief discussion.

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

Town of Ulster  
Zoning Board of Appeals  
April 4, 2018

**Esopus Agricultural Center – Use Variance**

Bob Bernstein, managing director of Northeast Farm Access, and Megan Offner, NY Heartwoods, appeared on behalf of an application to allow a woodworking shop in an R-10, Agricultural Zone, with a section in a One-Hundred (100) Year Floodplain. Mr. Bernstein stated that they find experienced farmers who can get thirty (30) year renewable leases that run with the land, with rent control to run their business and know that they have secure access. The LLC that owns the property, which has nine (9) members currently, most local, discuss what infrastructures are needed. Mr. Bernstein stated that the currently draw water from the Esopus Creek for an underground cooling irrigation system and the LLC's next plan is to build a tractor barn so that the tractors implements can be serviced on the property efficiently, as well as a wash and pack location. Mr. Bernstein explained more about the property and their future plans.

Mr. Bernstein stated that he would like to relocate Ms. Offner's business to be located by the proposed tractor barn, as it would be a compatible and proper use. Mr. Bernstein stated that they are putting a conservation easement on the whole property, so that it may never be developed except for agricultural uses. Mr. Bernstein stated that the woodworking shop would tie in to the agricultural uses as being an accessory ancillary structure.

Mr. Wadnola stated that the section they are looking into building upon was under a great deal of water a few years back and that it is in danger of flooding should a large storm come through. Mr. Bernstein explained that he did not realize it flooded that badly and that he will contact Vinny Organtini regarding building up. Mr. Bernstein would constructing the building and Ms. Offner would be renting it.

Mr. Ring stated that NY Heartwoods is retail and manufacturing and not farm related, to which Mr. Bernstein stated that it is a legitimate ancillary function to a farm and it would contribute to their project. Ms. Offner explained that farmers are also loggers, and can use the sawdust and wood scraps and leave zero waste on the farm. Ms. Offner stated that they have a small box truck or transit van maybe one a week to deliver furniture, and clients may go to the shop on or two times a week, with supply deliveries once every two weeks. Ms. Offner explained that the scale of the business should not create an increase in traffic.

Mr. Wadnola asked if he owned the property to the north that was once owned by DiDonna, and Mr. Bernstein concurred. Mr. Wadnola asked if there was supposed to be a road that went from the end of Mountain View Road into the farm, and Mr. Bernstein stated that they do not have permission to use the paved road as it runs through someone's private property and only the Town has a Right-of-Way through it and there are also wetlands and ponds that make it difficult for access.

A couple members of the Board stated their concerns with it being a residential zone where kids from schools are constantly walking and using the baseball field, and the traffic will increase in use and Esopus Avenue is already a busy road with the current activity present. The Board requested Mr. Bernstein provide them with proof that the use cannot be utilized elsewhere. Mr. Bernstein stated that he will bring in one year's taxes and their projections and revenue from vacant properties.

Action: A motion to table this project pending proof of detailed financial evidence until May 2, 2018 meeting was made by Mr. Ring, with a second from Ms. Smith; all in favor.

Town of Ulster  
Zoning Board of Appeals  
April 4, 2018

**Discussion – Proposed Local Law on Digital Signs**

Mr. Ring stated that he was fine with the modifications made by Mr. Kovacs, Town of Ulster attorney to the proposed local law. Ms. Moniz, Town of Ulster Building Inspector, stated that we will need to set parameters on color schemes, including brightness, of the digital signs and add a provision that the color scheme must be presented to the building inspector for approval or to be referred to the Town of Ulster Planning Board. The Board mentioned of having a sign company conduct a presentation of digital signs to the Board so that they can better understand the way the certifications and functionality of the signs work.

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

Respectfully Submitted,

Gabrielle Perea  
Zoning Board Secretary