

Town of Ulster
Zoning Board of Appeals
August 8, 2018

The monthly meeting of the Town of Ulster Zoning Board of Appeals was held at the Town of Ulster Town Hall on August 8, 2018 at 7:00 P.M.

Present:

Lois Smith

Brian Ilgner

Geoffrey Ring – Chairman

Absent:

Renato DiBella

Frederick Wadnola

Roll call.

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

PRELIMINARY HEARING

Sunset Gardens – Area and Use Variances

Isaac Horowitz, E & M Management (Sunset Gardens), and Joe Hurwitz, Architect, appeared on behalf of an application to construct an additional multi-unit dwelling with thirty-six (36) apartments. Mr. Hurwitz explained that the applicant has added a second entrance/exit that the Board requested off of Pine Place. Mr. Hurwitz stated that the proposed building would be a three (3)-story building with a parking garage that can hold eight (8) cars on the bottom story, as well as a laundry room and a mechanical room. The top two (2) stories will contain twenty-eight (28) one(1)-bedroom, one (1) bath units and eight (8) two (2)-bedroom, one (1) bath units. The proposed building will be the only building that contains two (2) elevators, making it handicap accessible. Mr. Hurwitz explained that a ladder fire truck can fit around the building if necessary.

The elevation of the proposed building will match the elevation of the existing buildings, but since it will be built in a recessed area, it will have the garages underneath. The applicant is proposing an additional forty-six (46) parking spaces in addition to the eight (8) garage spaces, four (4) of which will be handicap spaces.

Mr. Ring asked how many people are per acre as it currently stands in Sunset Gardens, as the applicant is going for a density waiver from the Town Board and also a variance from the Zoning Board. The property currently stands at approximately 14 units per acre. The Board also asked if the proposed building would be in a floodway, to which Mr. Hurwitz responded no; they are about forty (40) feet away from the floodway and that there are currently no flooding issues.

Mr. Horowitz explained that Sunset Gardens is undergoing some renovations including the addition of a playground and that they had closed the main office to expand the gym and create a central community laundry space. Ms. Smith questioned if there were any

Town of Ulster
Zoning Board of Appeals
August 8, 2018

septic issues due to the existing over densification, and the applicant stated there is not; there are issues, but it is due to years of neglect to the sewer pipes, not from too many occupants.

As the applicant is asking for an area variance for the parking, the Board requested a traffic study be conducted before they consider the request, to which the applicant stated they will have one scheduled.

Mr. Kovacs, Town Attorney, questioned if this new proposed building would be free market housing, to which Mr. Horowitz stated, "yes; anyone who needs housing may rent from me." The applicant was told to adjust the application to reflect this.

Action: A motion to forward this project to the Ulster County Planning Board for review was made by Ms. Smith, with a second from Mr. Ilgner; all in favor. A motion to forward this project to a Public Hearing to take place on October 3, 2018 was made by Mr. Ring, with a second from Ms. Smith; all in favor.

Stewart's Shops - Area Variance

Charles Marshall , Stewart's Shops, appeared on behalf of an application to construct a five-hundred and ninety-five (595) square foot addition and a one-hundred and forty-four (144) square foot exterior freezer that would be within the front setbacks. Mr. Marshall stated that the proposed building elevations will remain the same as the existing building but that the additional square footage would require Stewart's to provide fifteen (15) parking spaces, and they are proposing twelve (12).

The freezer would only be accessible from inside the store and would expand the cooler from eight (8) doors to fourteen (14) doors . The deliveries would go directly into the freezer or cooler and get dropped indoors.

The Board asked if the store will be open under construction, to which Mr. Marshall stated, yes the store will remain open during construction.

Action: A motion to forward this project to the Ulster County Planning Board for review and to a Public Hearing on October 3, 2018 was made by Mr. Ring, with a second from Mr. Ilgner; all in favor.

James DePietro (J & V Enterprises) - Use Variance

James DePietro appeared on behalf of his application for a Use Variance to have a trucking business, automobile maintenance, and contractor storage yard in an R30 Zone. Mr. DePietro explained that he had built a structure as an accessory building to his mobile home park to store his equipment. Mr. DePietro stated that he has a neighbor that has an issue with him since he has built said structure. Mr. DePietro stated that he has

Town of Ulster
Zoning Board of Appeals
August 8, 2018

trucks and a couple of tractor trailers coming onto the property to load and unload and she is not happy with the traffic and noise. Mr. DePietro stated that the Building Inspector, Kathryn Moniz, approached him and told him that the neighbor is upset over the traffic in and out and he told her that he would stop. Mr. DePietro explained that he has been working with Kathryn a couple of years on this issue, and that he always tried to appease everyone. Mr. DePietro states that the neighbor still is complaining about the traffic of a couple of trucks, after he thought everything was cleared up.

Since then, Mr. DePietro claims that he cleared everything out of that location; the trucks are in a different location, but come in and out occasionally to be worked on. Mr. DePietro claimed that he spent a lot of money to make the place nicer for the neighborhood; trees were planted to try and beautify the area. Mr. DePietro stated that the building was built to store his equipment and that his documentation states that. He claims that the neighbor is just not happy with him being there and finds every complaint to not have him there.

Mr. DePietro was told that because of the way his documentation was worded, that he now needs to go for a variance, even though the paperwork states that his equipment would be there.

Mr. Kovacs asked who owned the property, to which he stated his corporation is and they purchased it in 2001. Mr. DePietro claims that the property is Zoned Commercial One (1), but a 416 Mobile Home Park, as well. Mr. Kovacs stated that it is in an R30 Zone, and asked if Mr. DePietro knew that it was a residential area when he purchased the property, to which Mr. DePietro said yes, he did. Mr. DePietro stated that he has a trucking and excavating business, but that when he bought the property, he didn't realize that his address was a physical address that he placed on his business documentation, which shows that he is running a trucking company out of the 157 Potter Hill address. Mr. DePietro stated that once he realized that he had that address on his business documents, he had that changed to show the correct address and not the 157 Potter Hill Road address. The Board asked if the trucks were still on the property to which he stated, no. The Board questioned what he now uses the property for and Mr. DePietro claims that he uses it for his equipment, such as a mini excavator and dozer; to maintain the mobile home park.

Mr. DePietro stated that he originally have a pole barn on his building permit application, but that he amended it to be a "footing and foundation" building, of which he has pictures. He presented his pictures to the Board. Mr. DePietro stated he was approved through the Town for the structure and has the Certificate of Occupancy. Mr. Ring read the building permit which stated that it was to be used for storage of the mobile home park equipment.

Mr. DePietro states that he has been working on his equipment on that property and that his neighbor is unhappy. Mr. Kovacs stated that the problem isn't having a garage on the property and his working in it; the problem is all of the large vehicles/trucks coming in and out of the property. There was a brief discussion amongst the Board.

Town of Ulster
Zoning Board of Appeals
August 8, 2018

Mr. Ring asked if there were any fuel farms present on the property, to which Mr. DePietro stated that at one point in time he did in fact have a tank there, but the fuel tank is no longer present. Mr. DePietro claimed that he had the fuel tank removed because he had heard that the neighbor was complaining about fuel being delivered to his property and was worried about her well becoming contaminated. Mr. DePietro states that he has done everything in his power to try and appease his neighbor, but to no avail as she still keeps calling to complain.

The Board explained that should they consider the use variance, there will be parameters set on this variance. There was a discussion amongst the Board.

Mr. DePietro stated that he owned the property prior to his neighbor moving in, so he pre-dates his neighbor. Mr. DePietro states that he does not want to operate his business from this location, but that he wants to be able to work on his equipment there. The Board and Mr. DePietro agreed upon this structure being used as an ancillary building to his business that is located elsewhere.

Mr. Ring stated that the application needs to be amended to reflect what Mr. DePietro would like a use variance for. The use variance should be for a contractor storage yard and vehicle/equipment maintenance. Mr. Kovacs stated that they could amend the application on record. There was a brief discussion.

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

DISCUSSION

Proposed Law on Digital Signs

A motion to approve the proposed digital sign law and refer it to the Town Board for approval was made by Mr. Ring, with a second from Ms. Smith; all in favor.

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

Respectfully Submitted,
Gabrielle Perea
Zoning Board Secretary