

Town of Ulster
Zoning Board of Appeals
January 13, 2021

The monthly meeting of the Town of Ulster Zoning Board of Appeals was held remotely via the Zoom application on February 10, 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 January 2021 meeting was made by Ms. Smith, with a second from Mr. Reginato; all in favor with a roll call vote.

PUBLIC HEARING

Vincent Organtini – Z-394
150 Esopus Avenue
Kingston, NY 12401
SBL: 48.49-1-18.110
Zone: R10

Use Variance to allow a mobile home out of a mobile home park in a R10 Zone.

Vincent Organtini Jr. appeared before the Board on behalf of an application to install a double-wide manufactured home outside of a mobile home park in an R10 Zone.

Gabrielle Perea, Zoning Board Secretary, explained that the applicant will need a couple of variances. The applicant will need a use variance to allow a manufactured home outside of a manufactured home park, and three variances: one for the lot size, one for the road frontage and one for the distance the home will be setback from the road. All these variances are required since it is a manufactured home.

Mr. Organtini stated that he was back before the Board to get a variance to place a manufactured home on their property on Esopus Avenue.

No one in the audience had public comment. A motion to close the public hearing was made by Chairman Porter, with a second from Ms. Smith; all in favor.

Mrs. Turco-Levin asked if the axles will be taken off so it will look more like a house and Mr. Organtini stated that the home will be built on a frame set on a full foundation. The home will not have axles nor the tongue on front.

There was a brief discussion on where the mobile home will be going on Esopus Avenue.

Town of Ulster
Zoning Board of Appeals
January 13, 2021

Mr. Organtini stated that the property had been a “dump” the whole time he’s lived there and they have cleaned up the property and would like to place a home there for his son and grandchild to move into since he recently just had a baby.

Chairman Porter agreed that the property has been improved and cleaned up by the applicant.

The Board agreed to approve any variances within two (2) motions. Mr. Kovacs stated that one motion per type of variance is fine.

Action: A motion to approve the area variance(s) was made by Mr. Reginato, with a second from Mrs. Turco-Levin; all in favor with a roll call vote. A motion to approve the use variance was made by Mr. Reginato, with a second from Chairman Ring; all in favor with a roll call vote.

WHEREAS, an application has been filed by Vincent Organtini III with consent from property owner(s), Vincent & Lorraine Organtini, Esopus Avenue, Kingston, NY 12401, SBL: 48.49-1-18.112.

WHEREAS, the applicant filed an application for a Use Variance Requesting relief from §114-7 of the Town of Ulster Zoning Code, which states that no mobile home shall be built outside of a manufactured home park without a special variance from the Town of Ulster (applicant proposes a manufactured home in an R10 Zoning district, outside of a mobile home park); and

WHEREAS, the applicant filed application for an Area Variance requesting relief from §114-7.C (2) which provides that no mobile home shall be parked or placed on a lot less than twenty-thousand square feet (20,000 sf) with a minimum dimension of one-hundred feet (100’) along an adjoining street (applicant proposes a thirteen thousand, four-hundred and fifty-six point nine square foot (13,456.9 sf) lot with accessibility via a driveway maintained by a road maintenance agreement); and

WHEREAS, notice of Public Hearing was sent Certified Mail to the owners of all property within 200 feet of the land involved in the application notice of Hearing was

Town of Ulster
Zoning Board of Appeals
January 13, 2021

published in the daily Freeman on January 26, 2021; and

WHEREAS, a Public Hearing was held by the Zoning Board of Appeals on Wednesday, February 10, 2021, and said hearing was closed on said date; and

WHEREAS, at this hearing(s), the applicant as well as any and all persons interested in this appeal had the opportunity to be heard, their statements recorded, and various written material including exhibits were entered into the record; and

WHEREAS, all statements, written material and exhibits submitted in connection with said appeal have been carefully considered; and

WHEREAS, under General Municipal Law § 239-m, the Ulster County Planning Board has no jurisdiction over the request for either Variance, and

WHEREAS, 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, SEQ, concludes that the activities proposed in this action constitute a “Type II Action,” and as such requires no further SEQ action.

NOW THEREFORE BE IT RESOLVED, that the Zoning Board of Appeals makes the following:

Findings of Facts and Conclusions of Law in this matter:

Findings of Fact

1. The applicant has consent from the property owner(s), Vincent & Lorraine Organtini
2. The subject property is located on Esopus Avenue at SBL: 48.49-1-18.112.
3. The applicant is proposing to install a factory manufactured home outside of a mobile home park in an R10 Zone (municipal water & sewer.)

Town of Ulster
Zoning Board of Appeals
January 13, 2021

4. The applicant presented detailed information and history on the property, reviewed any feasible alternative considerations, and actively participated in discussion of any alternative(s) or conditions which would mitigate impacts.
5. No one appeared in opposition to the requested variance(s).
6. The proposed variance(s) would not alter the essential character of the neighborhood; and

BE IT FURTHER RESOLVED accordingly that this Board, as required by §8.0105 of the Environmental Conservation Law and Part 617 of Title 6 of the New York State Codes, Rules and Regulations, SEQR, concludes that the activities proposed in this application constitute an “Unlisted Action,” and as such requires no further SEQR action.

Finally, this Board concludes and voted 5-0; Chairman Porter, Members Smith, Turco-Levin, Reginato, and Shultis voting aye; that the Applicant’s appeal for relief in the form of a Use Variance and Area Variance(s) be **GRANTED**.

**BY ORDER OF THE ZONING BOARD OF APPEALS
TOWN OF ULSTER**

I, Robert Porter, 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 the 2nd Wednesday of February 2021.

**Keith Hughes – Z-395
2574 Route 9W
Kingston, NY 12401
SBL: 39.8-1-24
Zone: HC**

Use Variance to allow a manufactured home out of a manufactured home park in a HC Zone.

Keith Hughes, property owner, appeared before the Board for his application to install a double-wide manufactured home outside of a manufactured home park in a HC Zone. Mr. Hughes stated that his application is like the previous application, the Organtini’s, in that the manufactured home will have no tongue nor axles, but his will be set on a slab.

Town of Ulster
Zoning Board of Appeals
January 13, 2021

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

No one in the audience had public comment. A motion to close the public hearing was made by Chairman Porter, with a second from Ms. Smith; all in favor.

Mr. Hughes stated that they want to demolish the old mushroom plant and install a manufactured home on a pad. Mr. Hughes stated that this is one of the first properties coming into the Town of Ulster and his proposal will beautify the property.

Ms. Perea stated for the record that she received a phone call from a neighbor, Susan Davis, who was wondering what the proposal was and after explaining it to her, she had no concerns.

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

Mr. Reginato asked if the home will be used for their personal residence and Mr. Hughes said it would be their permanent residence.

Ms. Smith asked what would happen with all the all the equipment that is on the property. Mr. Hughes explained that there are two (2) deeds to that lot, one he calls 'the northern lot' which he plans on building this residence and the second is a vacant lot which he is currently working on a site plan for.

Mr. Warren Tutt, Building Inspector, explains that the proposed use will run with the land, but the zoning will remain Highway Commercial (HC.) Mr. Tutt stated that if in the future they decided to remove the house and put something that is allowed in a HC Zone, they are allowed to do that with the proper approvals.

Mr. Hughes stated that he does not plan on selling the property or using it commercially. The home will be his last home and it will be left to his son when the time comes. His son will do with it what he pleases at that point.

Mr. Hughes stated that the biggest problem with the property is that the building is so damaged it's irreparable. Mr. Hughes explained that he had tried to sell it for \$200 and they turned him down. This is the only feasible option, and he wants a place him and his wife can relax and be peaceful.

Ms. Smith stated that she had some concerns allowing this use if the property could be used as commercial property as it would be taking possible jobs and resources from the community. Mr. Tutt explained that there were plenty of vacant commercial building in better shape and better locations so losing this property would not have a negative impact on the community. The price it would cost to repair the building, Mr. Hughes would have to tear it down and start from scratch.

Town of Ulster
Zoning Board of Appeals
January 13, 2021

Action: A motion to approve the use variance was made by Mrs. Turco-Levin, with a second from Mr. Reginato; all in favor with a roll call vote.

WHEREAS, an application has been filed by Keith E. Hughes, Sr., 2574 Route 9W, Saugerties, NY 12477, SBL: 39.8-1-24; and

WHEREAS, the applicant filed an application for a Use Variance Requesting relief from §114-7 of the Town of Ulster Zoning Code, which states that no mobile home shall be built outside of a manufactured home park without a special variance from the Town of Ulster (applicant proposes a manufactured home in a HC Zoning district, outside of a mobile home park); and

WHEREAS, notice of Public Hearing was sent Certified Mail to the owners of all property within 200 feet of the land involved in the application notice of Hearing was published in the daily Freeman on January 26, 2021; and

WHEREAS, a Public Hearing was held by the Zoning Board of Appeals on Wednesday, February 10, 2021, and said hearing was closed on said date; and

WHEREAS, at this hearing(s), the applicant as well as any and all persons interested in this appeal had the opportunity to be heard, their statements recorded, and various written material including exhibits were entered into the record; and

WHEREAS, all statements, written material and exhibits submitted in connection with said appeal have been carefully considered; and

WHEREAS, under General Municipal Law § 239-m, the Ulster County Planning Board has no jurisdiction over the request for the Variance, and

WHEREAS, 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,

Town of Ulster
Zoning Board of Appeals
January 13, 2021

SEQR, concludes that the activities proposed in this action constitute a “Type II Action,” and as such requires no further SEQR action.

NOW THEREFORE BE IT RESOLVED, that the Zoning Board of Appeals makes the following :

Findings of Facts and Conclusions of Law in this matter:

Findings of Fact

1. The property owner is Keith Hughes, Sr.
2. The subject property is located at 2574 Route 9W, Saugerties, NY.
3. The applicant is proposing to install a factory manufactured home outside of a mobile home park in a HC Zone (private water & sewer.)
4. The applicant presented detailed information and history on the property, reviewed any feasible alternative considerations, and actively participated in discussion of any alternative(s) or conditions which would mitigate impacts.
5. No one appeared in opposition to the requested variance.
6. The proposed variance would not alter the essential character of the neighborhood; and

BE IT FURTHER RESOLVED accordingly that this Board, as required by §8.0105 of the Environmental Conservation Law and Part 617 of Title 6 of the New York State Codes, Rules and Regulations, SEQR, concludes that the activities proposed in this application constitute an “Unlisted Action,” and as such requires no further SEQR action.

Finally, this Board concludes and voted 5-0; Chairman Porter, Members Smith, Turco-Levin, Reginato, and Shultis voting aye; that the Applicant’s appeal for relief in the form of a Use Variance be **GRANTED**.

**BY ORDER OF THE ZONING BOARD OF APPEALS
TOWN OF ULSTER**

Town of Ulster
Zoning Board of Appeals
January 13, 2021

I, Robert Porter, 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 the 2nd Wednesday of February 2021.

PRELIMINARY HEARING

Daniel Bussani, Dan Walsh, & Steve Wilmer, Bussani Mobility, appeared before the Board for a use variance to allow a vehicle service and repair center in an R30 Zone.

Mr. Bussani stated that they specialize in wheelchair accessible vehicles. The company converts, sells, repairs and even rent vehicles with disabilities.

Mr. Bussani stated that there are two (2) other business is Long Island and one (1) in Mamaroneck. Mr. Bussani's father started the company and it has been around for forty-five (45) years. His father recently retired, and he and his partners formed a new company and purchased the old legacy company.

My. Bussani stated that their goal is to get their services in areas that need it and there is a need in our area from Albany, to close to Mamaroneck and into Connecticut (CT) and Pennsylvania (PA.)

Mr. Bussani stated that the property on Old Sawkill is the most viable, easy to get to and is situated in a great location for the business.

Mr. Bussani stated that New York State requires them to have a dealer's license and he will require a variance in order to get the license since the use must be approved by the municipality.

Chairman Porter asked if there would be any loud equipment on site and Mr. Bussani stated that they have compressors with mufflers on them and the noise would be within the building. Mr. Bussani explained that another business location is located approximately fifteen feet (15') from a neighboring home and they have never had any issues with them.

Chairman Porter asked how the vehicles are converted. Mr. Bussani stated that the cars are structurally modified at a factory in the midwest but the majority of sales are cars already converted. Their location spends more time fine-tuning the vehicles such as gas/brake modifications or a steering wheel handle. Chairman Porter asked how the cars are transported to their location. Mr. Bussani stated that they have been delivered by a car carrier or a flatbed with two (2) or three (3) cars on them. The deliveries are usually less than five vehicles at a time.

Town of Ulster
Zoning Board of Appeals
January 13, 2021

Mr. Tutt asked if everything is maintained within the building, aside from a vehicle or two (2.) Mr. Bussani stated that nothing is stored outside aside from vehicles.

There was a brief discussion regarding the location of the property and the uses of the property. The property has been through many different commercial uses over the years.

Ms. Smith asked if this would be a commercialized business, such as helping the ARC, and Mr. Bussani stated that if there is a need, they would be willing to. Mr. Bussani stated that their goal is to help anyone who needs help. Mr. Walsh stated that a majority of their clients are non-for-profits, but it is not a huge scale like Ford or Honda dealerships. Mr. Walsh explained that they sell a hundred a year versus thousands a year. Mr. Walsh stated that if the volume became too large, they would open another location, not try to pack more into this location.

Mrs. Turco-Levin had concerns about fluids from the vehicles. Mrs. Turco-Levin stated that when you are storing and working on vehicles there are a lot of things that spill. Mr. Walsh stated that all the contaminants are stored and get picked up and they receive receipts showing where everything goes. Mr. Walsh stated that they have never had any issues and that most vehicles on site are brand new and are in and out, not sitting around.

Mrs. Turco-Levin asked how many vehicles they would work on at one time. Mr. Walsh said it could be anywhere from three (3) to eight (8) vehicles. Mrs. Turco-Levin asked if they anticipated a lot of vehicles being parked in the parking lot at one time and Mr. Walsh stated that they do a lot of pick up and drop-offs to their clients, as well, so they do not anticipate that being an issue.

Mrs. Turco-Levin asked if the work being done was all new conversion not repairs. Mr. Walsh stated that it will be new and servicing existing clients. Mr. Walsh stated that they will do any work that needs to be done to their client's vehicle including maintenance. Mr. Walsh stated that if it was a larger job, they would sub it out to another company.

Mr. Walsh stated that a lot of automobile dealerships won't take these types of vehicles on as clients.

Mr. Walsh stated that at this location they foresee approximately fifty (50) sales a year and of those fifty (50) sales, the clients who need servicing will receive servicing. Mr. Walsh stated that they do not have a large client base in this area at the moment, so it will be smaller than an average gas station and much smaller than a dealership.

Mrs. Turco-Levin asked if the property was in the flood zone and Mr. Tutt stated that it was in the five-hundred (500) year floodplain so they would have a .2% chance of it flooding every year.

Chairman Porter asked what the showroom would be used for. Mr. Bussani stated that it is where they put vehicles for demonstration. There are also display models for their equipment in a controlled environment. Mr. Bussani explained that people who want to

Town of Ulster
Zoning Board of Appeals
January 13, 2021

test out their products can come and do so safely. The showroom is for displays as a promotion for sales.

Mr. Reginato asked if modifications are done prior to when customers want. Mr. Bussani stated that when it is approved by the clients, then the modifications are done. Mr. Bussani stated that at any one time, vehicles can be parking on-site waiting to be looked at, tried out or bought.

There was a brief discussion about organizations that would be interested in this type of business.

Mr. Reginato asked how many jobs it would create. Mr. Bussani stated that they are hoping for at least five (5) full-time positions that will be local people.

Between inventory, clients and employees there will be approximately fifteen (15) cars total parked in the parking lot on any given day.

The project does not need to go before the County Planning Board.

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

DISCUSSION

There is a new policy that all information will be sent out a week prior to the meeting so that the Board will have ample time to review. All submittals for the meetings must be in two (2) weeks prior to the meeting.

Chairman Porter stated hat the Town Board will be looking over the Digital Sign Law for review. Mr. Tutt is concerned about how to enforce the proposed law. Mr. Kovacs stated that they will make sure there is a way to enforce the law.

Ms. Smith brought up tiny houses and believes the Board should start looking into a code to allow tiny houses. Mr. Tutt stated that there is now a building code for tiny houses. A tiny house will still be considered a single-family home. If you're in an R10 Zone, you will be allowed to have one (1) tiny house.

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