

Town of Ulster
Zoning Board of Appeals
January 9, 2019

The monthly meeting of the Town of Ulster Zoning Board of Appeals was held at the Town of Ulster Town Hall on January 9, 2019 at 7:00 P.M.

Present:

Lois Smith
Robert Porter

Renato DiBella
Geoffrey Ring – Chairman

Absent:

Brian Ilgner

Roll call.

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

Motion to appoint Gabrielle Perea for Secretary was made by Mr. Ring, with a second by Mr. DiBella, with all in favor.

A motion to appoint Lois Smith as vice-chairman was made by Mr. Ring, with a second from Mr. DiBella; all in favor.

PUBLIC HEARING

Sunrise on Hudson Seamless Gutters – Use Variance 121 Old Kings Highway SBL: 39.11-3-34.100

Edward Aleo, property owner, and Fiars Shaddoud, owner of Sunrise on Hudson Seamless Gutters, and Bob Provost, builder, appeared on behalf of the application to construct a 40' x 60' metal building for the purposes of fabricating half round seamless galvanized gutters on a property located at 121 Old Kings Highway in an R-30 Zone.

Mr. Aleo explained that Mr.; Shaddoud would leave in the morning and not return until the end of the day. Mr. Shaddoud stated that traffic would be there one to two times daily, so there is no significant change to traffic in that area. Mr. Aleo explained that product deliveries are less than once a month. Neither the traffic noise, nor the machine noise should make any impact. Mr. Aleo stated that the thruway noise is worse than anything that Mr. Shaddoud can create.

Mr. Aleo stated that numerous parcels on Old Kings Highway already have a mixed use and that he would like to add his parcel to the tax roll with this business since the property currently just sits vacant.

Mr. Aleo stated that Mr. Shaddoud will construct the building to be aesthetically appealing to the area; Mr. Shaddoud wants to make it look like a house. Mr. Porter asked what this building would look like and Mr. Shaddoud stated that he is going to make it

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look like a house and showed the Board an example of his phone what he proposes it looks like. Mr. Provost stated that it will try and look like a house so it does not mimic a garage. It will be a standing seam metal roof with wood siding, windows and there will be a garage door so that he can fit his trucks in the building. Mr. Shaddoud wants his business building to be an example of what his work is by hanging seamless gutters. Mr. Shaddoud showed the galley the proposed look of the building.

Mr. Ring asked if the loading of the trucks will be inside or outside of the building and Mr. Shaddoud stated everything will be done indoors; there will be no outside storage of any sort and everything will be done inside and contained.

Mr. DiBella stated that he was familiar with the kind of business Mr. Shaddoud is in and that the machinery makes noises as a machine does, but nothing extraordinary that would cause an issue such as vibrating, popping or grinding.

Mr. Kovacs asked Mr. Aleo if he was aware that this parcel was in a residential zone when he brought the property, to which Mr. Aleo stated that he did.

Ms. Smith asked what size the trucks being brought in are and Mr. Shaddoud stated that they are box trucks, with a sixteen foot (16') truck and ten feet (10') high; similar to that of a U-Haul or a Mercedes Sprinter. There will be no tractor trailers or flatbeds being brought in. Mr. Shaddoud stated that they pick up their supplies in that same truck.

Ms. Smith asked if the machinery made any noise. Mr. Shaddoud stated that if the machine is noisy there is something wrong with it as it is supposed to not make noise. Mr. Shaddoud stated that you can barely hear the machine when it is running.

Ms. Smith asked where the customers would be parking. Mr. Shaddoud stated that there is no customer traffic and the company travels to them; no change in traffic.

Ms. Smith asked if Mr. Shaddoud planned on expanding the business should his Use Variance be approved and he stated no; what he is proposing is all he needs.

Mr. Ring opened the Public Hearing. Gerard Reichter, 2 Sidden Lane, appeared in opposition of the proposal. Mr. Reichter stated that there is an existing knoll on Old Kings Highway that currently impairs vision and to have more traffic or trucks coming through is dangerous. Mr. Reichter states that there is a tunnel that drains water from the opposite side of Old Kings Highway across to their side of Old Kings Highway and that the previous owner of the proposed project parcel created a slab that worsened drainage conditions on Sidden Lane; septic are backing up due to lack of drainage. Mr. Reichter stated that the lot located at 121 Old Kings Highway is not a lot that can be built upon. Mr. Reichter stated that Lake Katrine has curb appeal and he does not want his neighborhood to consist of cars, factories and houses; he doesn't want "mechanicsville." Mr. Reichter believes that this was as self-made hardship and should not be granted. Mr. Reichter stated that employers cannot always be trusted; they may say that there will be no storage outside or any traffic increase but what they say doesn't always stay the same.

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Mr. Reichter states that he is a retired engineer and that he is qualified to see what happens. Mr. Reichter explained that there are currently six children that live on Sidden Lane and it is unsafe to have a business that close.

Edward Roeser, 5 Cedar Drive, appeared in opposition of the proposal. Mr. Roeser stated that he agreed with Mr. Reichter in that he does not want a commercial building in a residential neighborhood. Mr. Roeser stated that not everyone lies, but that things change and that having a commercial building would detract from the area. Mr. Roeser stated that there are open commercial buildings all over and that the applicant should find one already existing and not build another one. Mr. Roeser stated that he finds it difficult to believe that the machine that builds the gutters makes no noise. Mr. Roeser stated that he already hears noise from the Thruway and does not want a commercial business visible from his residence. Mr. Roeser asked if there were any chemicals used in the process and Mr. Shaddoud said no.

Thomas Sarro, 88 Old Kings Highway, stated that is the business is housed inside and is aesthetically pleasing, he does not see any issue with the use variance being granted. Mr. Sarro stated that he hears more noise from Old Kings Highway than from the Thruway and that he has no objections to the applicants' proposal.

Paul Gordon, 62 Bogerts Lane, Appeared on behalf of the proposal. Mr. Gordon stated that anyone bringing money to the County he supports; he supports bringing industry to the County. Mr. Gordon stated that the bison in his backyard will make more noise than the machinery.

Mr. DiBella asked Kathryn Moniz, Town of Ulster Building Inspector, should the lot be kept residential, how many buildings would be allowable on the lot. Ms. Moniz stated that the lot can have one (1) single-family or one (1) two-family residence on the lot. Mr. DiBella was pointing out that if a single family was built one this lot as a ranch style house, the virgin soil would still be penetrated and the same drainage issues would still occur; "a foundation is a foundation."

Ms. Smith stated that the lot had been previously approved for a single-family residence with a three-car garage, with the living space residing over the garage. The septic and well had already been approved, but would need re-approval through the Planning Board, but with a different site plan.

Mr. Ring asked why did Mr. Shaddoud choose this property and not a different one? Mr. Aleo stated that he talked with Mr. Shaddoud a lot about it. There is an existing pad and is easily accessible. The truck being used is not a large truck and the traffic is not as bad as the gallery stated, which will not affect the traffic.

Mr. Kovacs asked if Mr. Aleo could build a house on that property, to which he said that he could. Mr. Aleo stated that he likes the idea of the seamless gutter business and he likes the idea of people functioning in our town adding to the tax roll; it builds business in our area. Mr. Kovacs questioned "so you could put a house on that property and sell it

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and make some money?” Mr. Aleo stated that he could do that, but he’s not doing this for the money – he is doing this for the community.

Mr. Porter asked if Mr. Aleo was locked in to making the lot accessible from Sidden Lane. Mr. Ring stated that Mr. Aleo would need a curb-cut permit from Department of Transportation, who would unlikely allow that on Old Kings Highway since the County disapproved the proposal and it is a lengthy process. Mr. Porter stated that he asked his son, who used to drive large trucks for Gillette, who stated that he could get a twenty-four foot truck onto Sidden Lane easily. Mr. Porter asked Mr. Shaddoud, if push came to shove, if he would put access from Old Kings Highway, to which Mr. Shaddoud stated he was not looking into that at this time.

There was a discussion regarding the previous approval through the Planning Board on the single family residence with a three-bay garage. Mr. Kovacs stated that he was present when that project went before the Planning Board and that the three-bay garage was to be used to store collectible cars, not create more traffic.

Mr. Ring motioned to close the Public Hearing, with a second from Mr. DiBella; all in favor. Mr. Kovacs stated that the Ulster County Planning Board (UCPB) noted that the applicant did not provide all five required elements for a use variance approval. Mr. Kovacs read the five requirements.

Ms. Smith asked Ms. Moniz to add her input from a bit of research that she had done on behalf of the residents, and Ms. Moniz stated that there have not been any incidents on Old Kings Highway by Sidden Lane, as per the Town of Ulster Police Department.

Mr. Ring stated that he enjoys projects like this to get parcels on the tax roll but that they is two issues with this project: one being that the UCPB does not support it and laid clearly laid out the five test points and that there are neighboring residents in opposition. As such he finds it difficult to grant this variance.

Mr. DiBella stated that he does not want to be a participant in breaking the law, but that with new innovations and population growth and loss of tax money, he believes that something needs to be reconsidered to help the tax base in our community; growth comes with growth. Mr. DiBella stated that if things stay the way it is, our community will always be suffering from lack of money and jobs. Mr. DiBella said as a business man and a member of the community he is in support of the project.

Ms. Smith asked Mr. Shaddoud how many people he would be employing and he responded that he currently has three employees and is looking into one more employee for a total of four employees.

Mr. Porter stated that he has an issue that he does not have a proposed elevation in front of the Board for review. Mr. Ring responded that the Zoning Board of Appeals (ZBA) has the power to place conditions of approval. Mr. Kovacs stated that the issue before the ZBA is what the applicant plans of using the parcel for, which is industrial/commercial

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use. The aesthetics would be left to the Planning Board for site plan approval. There was a brief discussion amongst the Board regarding the ZBA's purview and the Planning Board's purview.

Ms. Smith asked what the hours of operation would be and Mr. Shaddoud stated that it would be Monday-Friday, 8am – 5pm, with possible Saturday hours. During the winter, there is less work, as some days there is no work due to the weather.

Ms. Smith also wanted to point out that there is a lot of spot zoning in this area that has been approved by the Town in the past and that times are changing; here is currently residences along with commercial businesses.

Action: A motion to grant the use variance was made by Ms. Smith, with a second from Mr. DiBella; three in favor, one not in favor. Due to a lack of a supermajority vote, the use variance was denied.

Mr. Aleo stated that he thought it unfair that the UCPB was not in attendance to hear their proposal.

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

Respectfully Submitted,
Gabrielle Perea
Zoning Board Secretary