

Town of Ulster  
Zoning Board of Appeals  
June 10, 2020

The monthly meeting of the Town of Ulster Zoning Board of Appeals was held via Zoom on June 10, 2020, at 7:00 P.M.

**Present:**

Lois Smith  
Kevin Reginato  
Chairman

Robert Porter  
Geoffrey Ring –

**Absent:**

Andi Turco-Levin

Roll call.

A motion to approve the minutes from the May 2020 meeting was made by Mr. Porter with a second from Mr. Reginato; all in favor with a roll call vote.

**PRELIMINARY HEARING**

**Heather Stine – Z-384**  
**587 Kiersted Avenue**  
**Kingston, NY 12401**  
**SBL: 48.65-5-9**  
**Zone: R10**  
**Area Variance**

Heather Stine appeared on behalf of her application to construct a single-story building addition for a master bathroom, master bedroom and a closet with a crawl space to be built within the side setback.

Ms. Stine stated that when she purchased the home it was listed as a three bedroom, but it was actually a two-bedroom and the previous owner had made the living room into a third bedroom. Ms. Stine explained that the side she's proposing to build on is the only option in order to construct her addition and she requires a three-foot (3') variance to do so.

Ms. Stine explained that the neighbor's home is on the other side of the property and her addition will be near their existing garage and shed. Ms. Stine stated that she had spoken to the neighbor and they had no issues with the addition being constructed.

There is enough room between the proposed addition and the garage and shed to maintain the required residential fire code distance between structures.

**Action:** A motion schedule a public hearing in July was made by Mr. Porter, with a second from Mr. Reginato; all in favor with a roll call vote.

Town of Ulster  
Zoning Board of Appeals  
June 10, 2020

**PUBLIC HEARING**

**Ulster Commons IV – Z-379**  
**1561 Ulster Avenue**  
**SBL: 39.82-2-7.111**  
**Zone: OM (Office & Manufacturing)**  
**Use Variance**

Jeff Kane & Mel Grillo, Kirchhoff Property Management, appeared on behalf of an application to construct a secondary freestanding sign solely for Caremount's Urgentcare.

Chairman Ring opened the public hearing.

Mr. Kane explained that the Planning Board had approved the proposed freestanding sign, pending Zoning Board approval at their last meeting.

Mr. Kane stated that the proposed sign would match the existing freestanding sign and would be forty-seven-point nine square feet (47.9 sf) which abides by the Town Code for a freestanding sign in that zone.

Mr. Kane explained that the only location that would work on the master site for the sign to receive more attention is on the south side of the main entrance into the complex. Mr. Kane stated that to put the sign on the building would be more complex and costly in comparison to installing the secondary freestanding sign.

Mr. Porter asked if their client wants the sign against the initial agreement that was made for the original site signage and that it is due to the economics. Mr. Kane stated that Urgentcare wants to create their own entity separate from the commercial space. Mr. Kane stated that in regard to the initial sign site approval "no one gets it right the first time" and that they are trying to fix the issue now.

The Board agreed that if they approved this variance it would create a precedence for other locations that contained a medical facility, as well as commercial businesses, to approach the Board for secondary freestanding signs. The Board agreed that one type of business should not have privileges over other types of businesses, no matter what the business is.

The Board asked if it was possible to make a larger panel for Urgentcare on the existing sign. Mr. Kane stated that once all of the vacant shells are filled with tenants and they fill

Town of Ulster  
Zoning Board of Appeals  
June 10, 2020

the freestanding sign, there will be no room for a larger panel for Urgentcare; they are trying to project into the future.

Mr. Porter asked if all the allowable square footage on the building have been used. Mr. Warren Tutt, Town Building Inspector, stated that he would have to look into the existing wall sign square footage, but that requesting an area variance to add larger signs on the building would be easier than requesting a use variance for a secondary freestanding sign, as the standard to receive a use variance is very high.

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

There was no public comment.

**Action:** A motion to deny the request for a use variance for a secondary freestanding sign was made by Chairman Ring, with a second from Mr. Porter; all in favor.

**WHEREAS**, an application has been filed by Kirchhoff Property Management, Inc. representing Caremount Medical, located at 1571 Ulster Avenue. Applicant proposes a second freestanding sign for Caremount's Urgent Care which will create signage that exceeds the allowable freestanding sign standards required by Town Code Section 190-33; and;

**WHEREAS**, the applicant has filed an application requesting a Use Variance at the property located at 1571 Ulster Avenue, Lake Katrine, NY 12449 (Tax Map No. 39.82-2-7.116); and notice of this application was published in the *Daily Freeman* on June 5, 2020; and

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

**WHEREAS**, a Public Hearing was held by the Zoning Board of Appeals on Wednesday, June 10, 2020; and

**WHEREAS**, under General Municipal Law § 239-m, the Ulster County Planning Board deemed No County Impact, and

**WHEREAS**, at this hearing, the applicant as well as any and all persons interested in this appeal were 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**, this appeal has met all the requirements of SEQR.

**NOW THEREFORE BE IT RESOLVED**, that the Zoning Board of

Town of Ulster  
Zoning Board of Appeals  
June 10, 2020

Appeals makes the following Findings of Fact and Conclusions of Law:

1. The owner of the subject property is Ulster Commons IV, LLC.
2. The applicant, Kirchoff Property Management, Inc. is the property owner's agent.
3. The subject property is located at 1571 Ulster Avenue in the Office/Manufacturing Zoning District.
4. The applicant proposes to add a second freestanding sign to the current property which is used as an office park with mixed commercial use, including but not limited to a savings bank, a Tractor Supply store, and a Smoothie King fast casual café.
5. The applicant presented detailed information and history on the property, reviewed any feasible alternative considerations, and actively participated in discussion of any alternatives or conditions which would mitigate impacts.
6. The applicant produced zero financial documentation showing that the additional proposed sign on the site was necessary for a reasonable rate of return.
7. Applicant is currently operating various commercial enterprises on the site, which all appear to be doing well in this difficult economic climate.
8. The grant of the use variance would alter the essential character of the neighborhood and would be at odds with the Route 9W Corridor Enhancement Plan, which has been adopted by the Town of Ulster Town Board, the goals of which are to enhance the beauty of the Route 9W Corridor, by, *inter alia*, limiting and decreasing the amount of commercial signage.
9. The alleged hardship has been self-created as the property was purchased by the Applicant with full knowledge of the zoning law in effect at the time; 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 Codes, Rules and Regulations, SEQR, concludes that the activities proposed in this application constitute an "Type II Action", and as such requires no further SEQR action.

This Board further concludes, based upon these same Findings of Fact and the entire record before the Board, that granting of the requested Use Variance will create an undesirable change in the character of the neighborhood, that the hardship was self-created, and that the variance if granted would be a detriment to the general quality of the neighborhood.

Finally, this Board concludes and votes 4-0; Chairman Ring, Members Porter, Reginato, and Smith voting to DENY the request for a variance; Member Turco-Levin being absent; that the Applicant's appeal for relief in the form of an Use Variance is **DENIED**.

Town of Ulster  
Zoning Board of Appeals  
June 10, 2020

**Adam Redder – Z-381**  
**232 Glenerie Boulevard**  
**Saugerties, NY 12477**  
**SBL: 39.7-7-37**  
**Zone: R30**  
**Area Variance**

Adam Redder appeared on behalf of his application to allow a shed in the front and side setbacks of his property.

Chairman Ring opened the public hearing.

Mr. Redder stated that this shed is existing, and he is trying to bring it into compliance. Mr. Redder explained that this is the only shed on his property. Mr. Tutt stated that the shed is well screened by bushes along the road and that the adjacent property of which the shed is encroaching also belongs to Mr. Redder.

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

There was no public comment.

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

**WHEREAS**, the applicant seeks an Area Variance to allow at the property located at 232 Glenerie Boulevard, Saugerties, NY 12477 (Tax Map # 39.7-7-37) for relief from Section 190-69 Of the Ulster Town Code which provides for thirty-foot (30') front setbacks and twenty-foot (20') side setbacks.

**WHEREAS**, notice of Public Hearing for this application was published in the Kingston (N.Y.) Daily Freeman on June 6, 2020 and pursuant to Zoning Board procedures, the owner(s) of the adjacent properties were notified and had the opportunity to be heard; and

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

**WHEREAS**, a Public Hearing was held by the Zoning Board of Appeals on Wednesday, June 10, 2020 via the Zoom digital application to consider this appeal; and

**WHEREAS**, at this hearing(s), the applicant as well as any and all persons interested in this appeal were heard, their statements recorded, and various written

Town of Ulster  
Zoning Board of Appeals  
June 10, 2020

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**, this appeal has met all the requirements of SEQR.

**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 owner of the property is Adam Redder.
2. The subject property is located at 232 Glenerie Boulevard.
3. The applicant seeks an Area Variance for relief from the requirements of Section 190-69 pf the Ulster Town Code which provides for thirty-foot 30') front setbacks and twenty-foot (20') side setbacks; the applicant is proposing a twenty-foot (20') front setback (variance of ten feet (10')) and a ten foot (10') side Setback (variance of ten feet (10'.))
4. The applicant presented detailed information and history on the property, reviewed any feasible alternative considerations, and actively participated in discussion of any alternative or conditions which would mitigate impacts.
5. No neighbors appeared in opposition to the requested Area Variance.
6. The property is an older residential neighborhood with small properties with dimensions of approximately 100' x 208'.
7. The granting of the Area 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 a "Type II Action," and as such requires no further SEQR action.

**Conclusions and Decisions**

Based upon the Findings of Fact, the Board concludes that the request for an Area Variance(s) be **GRANTED**.

**FINALLY**, this Board concludes voting 4-0; Chairman Ring, members Smith, Porter, and Reginato voting aye; member Turco-Levin being absent; that the applicant's appeal for relief in the form of an Area Variance be **GRANTED**.

Town of Ulster  
Zoning Board of Appeals  
June 10, 2020

**Robert Ferrara – Z-382**  
**42 Greenbrook Lane**  
**Kingston, NY 12401**  
**SBL: 39.68-3-10**  
**Zone: R10**  
**Area Variance**

Robert Ferrara appeared on behalf of his application to allow a pool within his front setback.

Chairman Ring opened the public hearing.

Mr. Ferrara stated he has powerlines that run across his backyard and the ideal spot he would like to place a pool is unsafe due to the lines. Mr. Ferrara stated that he is looking to place the pool more to the left towards Greenbrook Lane, but the variance being requested is for Cascade Drive. Mr. Ferrara explained that he has an existing fence there, for which he received a variance for a few years back, and he would like to extend that fence, as well. The fence would be extended to the front of the garage so he could put the pool to the left of the power lines.

Mr. Ferrara stated that he had spoken to Central Hudson and electricians and any other option aside from a variance would be expensive.

Mr. Tutt stated that there had been a previous pool which had been installed illegally and where Mr. Ferrara wants to put his pool would make it code compliant.

Mr. Ferrara stated that he may not put it up right away as there is a lack of pools in the area, but that he would eventually and would request an extension if necessary. Mr. Tutt stated the Building Department is waiving the required permit timing as per the Governor due to the Covid-19 crisis.

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

There was no public comment.

**Action:** A motion to approve the area variance for the pool was made by Chairman Ring, with a second from Ms. Smith; all in favor with a roll call vote. A motion to approve the area variance to extend the existing fence approximately twenty feet (20') towards Cascade Drive was made by Chairman Ring, with a second from Ms. Smith; all in favor with a roll call vote.

**WHEREAS**, the applicant seeks an Area Variance(s) to allow at the property located at 42 Greenbrook Lane, Kingston, NY 12401 (Tax Map # 39.68-3-10 for

Town of Ulster  
Zoning Board of Appeals  
June 10, 2020

relief from Section 190-69 Of the Ulster Town Code which provides for thirty-foot (30') front setbacks and fifteen-foot (15') side setbacks.

**WHEREAS**, notice of Public Hearing for this application was published in the Kingston (N.Y.) Daily Freeman on June 6, 2020 and pursuant to Zoning Board procedures, the owner(s) of the adjacent properties were notified and had the opportunity to be heard; and

**WHEREAS**, under General Municipal Law §239-m, the Ulster County Planning Board has no jurisdiction over the request for an Area Variance(s); and

**WHEREAS**, a Public Hearing was held by the Zoning Board of Appeals on Wednesday, June 10, 2020 via the Zoom digital application to consider this appeal; and

**WHEREAS**, at this hearing(s), the applicant as well as any and all persons interested in this appeal were 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**, this appeal has met all the requirements of SEQR.

**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 owner of property is Robert Ferrara Jr. and McKenzie Ferrara.
2. The subject property is located at 42 Greenbrook Lane in the R10 Zone (municipal water and sewer).
3. The applicant seeks an Area Variance(s) for relief from the requirements of Section 190-69 of the Ulster Town Code which provides for thirty-foot (30') front setbacks; the applicant is proposing a fifteen-foot (15') front setback (variance of fifteen feet (15'.))
4. The applicant received an Area Variance(s) to allow a six foot (6') fence within his front setback off of Cascade Drive in 2012 and wants to extend the variance to allow him to extend the fence approximately twenty feet (20') toward Greenbrook Lane.
5. The applicant presented detailed information and history on the property, reviewed any feasible alternative considerations, and actively participated in discussion of any alternative or conditions which would mitigate impacts.
6. No neighbors appeared in opposition to the requested Area Variance(s).



Town of Ulster  
Zoning Board of Appeals  
June 10, 2020

7. The property is a residential neighborhood with small properties with dimensions of approximately 95.8 x 105.7.
8. The granting of the Area 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 a “Type II Action,” and as such requires no further SEQR action.

### **Conclusions and Decisions**

Based upon the Findings of Fact, the Board concludes that the request for an Area Variance(s) be **GRANTED**.

**FINALLY**, this Board concludes voting 4-0; Chairman Ring, members Smith, Porter, and Reginato voting aye; member Turco-Levin being absent; that the applicant’s appeal for relief in the form of an Area Variance(s) be **GRANTED**.

**Eric Molinaro – Z-383**  
**111 Southfield Street**  
**Kingston, NY 12401**  
**SBL: 48.65-10-5**  
**Zone: R10**  
**Area variance**

Eric Molinaro appeared on behalf of his application to allow a six-foot (6’) fence within his front setback.

Chairman Ring opened the public hearing.

Mr. Molinaro explained that there is an existing four-foot (4’) chain link fence and he would like to replace it with a six-foot (6’) vinyl fence.

There was no public comment. Chairman Ring made a motion to close the public hearing, with a second from Mr. Reginato; all in favor with a roll call vote.

**Action:** A motion to approve the area variance for the six-foot (6’) fence within the front setback was made by Ms. Smith, with a second from Mr. Porter; all in favor with a roll call vote.

**WHEREAS**, the applicant seeks an Area Variance(s) to allow for relief from Section 190-18(E) of the Ulster Town Code which provides that fences may not be higher than four (4) feet in the front setback; applicant is proposing a six foot (6’) high fence; and

Town of Ulster  
Zoning Board of Appeals  
June 10, 2020

**WHEREAS**, notice of Public Hearing was published in the Kingston (N.Y.) Daily Freeman on June 6, 2020, and pursuant to Zoning Board procedures, the owner(s) of the adjacent properties we notified and had the opportunity to be heard; and

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

**WHEREAS**, a public hearing was opened on June 10, 2020, and said hearing was closed on said date; 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 Eric Molinaro & Nicole Van Loan.
2. The subject property is located at 111 Southfield Street in the R10 (municipal water and sewer) zoning district.
3. The applicant is the property owner.
4. The applicant seeks an Area Variance(s) for relief from Section 190-18(E) of the Ulster Town Code which provides that fences may not be higher than four (4) feet; applicant is proposing a six (6) feet high fence to be installed fifteen feet (15') from Jean Place.
5. The applicant presented detailed information and history on the property, reviewed any feasible alternative considerations, and actively participate in discussion of any alternative and which would mitigate impacts.
6. The property is in a residential neighborhood with a property dimension of 90' x 110'.
7. The proposed Variance(s) does not alter the character of the Neighborhood.

**Conclusions and Decision**

Based upon the above Findings of Fact, the Board concludes that the Request for an Area Variance(s) be **GRANTED**.

This Board further concludes, based upon their same Findings of Fact and the entire record before the Board, that granting of the requested Area Variance will not create and undesirable change in the character of the neighborhood, and that the Variance, if granted, would not be a detriment to the general quality of the neighborhood.

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

Town of Ulster  
Zoning Board of Appeals  
June 10, 2020

**FINALLY**, this Board concludes and voted 4-0; Chairman Ring, Members Smith, Porter, and Reginato voting aye; Member Turco-Levin being absent; that the Applicant's appeal for relief in the form of an Area Variance is **GRANTED**.

**Crosspoint Fellowship digital sign – Z-380**  
**459 Hurley Avenue**  
**Kingston, NY 12401**  
**SBL:48.17-1-20.100**  
**Zone: OM**  
**Sign Variance**

Pete Shults, Cross Point Fellowship, appeared on behalf of an application to install a digital sign to their existing sign. The digital sign was previously at the Coleman High School and Cross Point wants to move it to their location.

Chairman Ring opened the public hearing.

Mr. Shults stated that the digital sign would meet all the proposed pending digital sign requirements and that it is tentatively installed pending ZBA approval. The sign is in the same footprint of Cross Point's existing sign, but replaced a portion of the sign board that had been there.

Mr. Porter asked what the refreshing rate for the sign is, as that is the issue brought up by Frank Almquist of the Planning Board. Mr. Shults stated that it would refresh at approximately five (5) second intervals. Mr. Tutt stated that he passes the sign often and it rarely changes. The intensity of the sign is compliant.

Chairman Ring stated that there will be conditions in the resolution that state the sign must follow the proposed and approved digital sign law.

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

**Action:** A motion to approve the use variance with conditions for the digital sign was made by Chairman Ring, with a second from Mr. Porter; all in favor with a roll call vote.

**WHEREAS**, an application has been filed by Cross Point Fellowship, owner of Cross Point Fellowship, located at 459 Hurley Avenue. The applicant proposes to move a digital sign from Coleman High School and add it to their existing stationary freestanding sign; and

**WHEREAS**, the applicant has filed an application requesting a Use Variance at the property located at 459 Hurley Avenue, Hurley NY 12443 (Tax Map # 48.17-1-20.100); and notice of this application was published in the Daily Freeman (N.Y.) on June 6, 2020; and

Town of Ulster  
Zoning Board of Appeals  
June 10, 2020

**WHEREAS**, notice of Public Hearing was sent to the adjoining property owners;  
and

**WHEREAS**, under General Municipal Law §239-m, the Ulster County Planning Board deemed No County Impact over the request for the Use Variance; and

**WHEREAS**, a Public Hearing was held by the Zoning Board of Appeals on Wednesday, June 10, 2020 via the Zoom digital application to consider this appeal; and

**WHEREAS**, at this hearing(s), the applicant, as well as any and all persons interested in this appeal were 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**, this appeal has met all the requirements of SEQR.

**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 owner of the property is Cross Point Fellowship.
2. The subject property is located at 459 Hurley Avenue in the OM Zone (private water and sewer.)
3. The applicant proposes to relocate a digital sign from the Coleman High School property and adopt it into their existing freestanding sign.
4. The proposed total sign square footage would be fifty square feet (50sf) which is in compliance with the Town of Ulster Code § 190-33.
5. The applicant seeks a Use Variance for relief from the requirements of Section 190-33 pf the Ulster Town Code.
6. The applicant presented detailed information and history on the property, reviewed any feasible alternative considerations, and actively participated in discussion of any alternative or conditions which would mitigate impacts.
7. No neighbors appeared in opposition to the requested Use Variance.
8. The granting of the Use 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 a “Type II Action,” and as such requires no further SEQR action.

Town of Ulster  
Zoning Board of Appeals  
June 10, 2020

**Conclusions and Decisions**

Based upon the Findings of Fact, the Board concludes that the request for a Use Variance(s) be **GRANTED**.

**FINALLY**, this Board concludes voting 4-0; Chairman Ring, members Smith, Porter, and Reginato voting aye; member Turco-Levin being absent; that the applicant's appeal for relief in the form of a Use Variance be **GRANTED**.

**Discussion**

Chairman Ring asked Mr. Tutt if when the Meineke sign was approved he believed there were limits put on the sign and when he drives past at night it is too bright. Chairman Ring stated that Mr. Tutt should reach out to the owner regarding the intensity of the digital sign.

Chairman Ring explained that during the demonstration that was given regarding digital signs, during the daytime, the higher the intensity, the more visible the sign was; during the evening, the signs brightness should be dimmed a bit so it is not a distraction. Chairman Ring stated that during the day, the brighter the sign, the less distracting it had been during the demonstration. Chairman Ring stated that he does not believe the Meineke sign meets the requirements set forth of the proposed sign law when that variance was approved.

Chairman Ring stated that there is a 9W Corridor Enhancement Plan in place and it had been built up in a haphazard way before zoning. Chairman Ring stated that what the Town does not want is a Las Vegas type corridor with flashing, distracting signs.

A motion to adjourn was made by Chairman Ring, with a second from Ms. Smith; all in favor.

Respectfully Submitted,  
Gabrielle Perea  
Zoning Board Secretary