

Town of Ulster
Zoning Board of Appeals
May 19, 2021

The monthly meeting of the Town of Ulster Zoning Board of Appeals was held remotely via the Zoom application on May 19, 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 April 2021 meeting was made by Mrs. Turco-Levin, with a second from Mr. Reginato; all in favor with a roll call vote.

PUBLIC HEARING

Scot Albertson – Z-402
200 Wrentham Street
Kingston, NY 12401
SBL: 48.65-5-13.200
Zone: R10

Area Variance to allow a six-foot (6') fence within a front setback.

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

The applicant is requesting a six-foot fence within a front setback. Mr. Warren Tutt, Building Inspector, stated that the applicant is proposing a twenty-foot (20') variance to allow a six-foot (6') fence ten feet from the road. Mr. Tutt stated that the applicant has an existing fence ten feet (10') from Wrentham Street and he would like to extend another portion of his fence to also be ten feet (10') from the road.

Mr. Albertson stated that he would like to continue the fence for privacy reasons. Mr. Albertson stated that the existing portion of fence that is close to the road has always been there and there have been no issues with it, so he would like to do the same on the other side.

The fence is a six-foot (6') vinyl fence with a lattice top.

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

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

Town of Ulster
Zoning Board of Appeals
May 19, 2021

Burlington – Z-403
1137-1187 Ulster Avenue
Kingston, NY 12401
SBL: 48.42-3-1.100
Zone: RC

Area Variance to allow a 405. Sq. ft. wall sign.

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

Kelvin Herrera, TriState Signs, and Raheel Yousaf, Burlington, appeared before the Board on behalf of an application to allow a sign larger than allowed for Burlington.

Mr. Herrera stated that at last months meeting they had initially proposed four-hundred and five square foot (405 sf) sign and they had compromised and are now proposing a two-hundred and ninety-seven square foot (297 sf) sign.

Mr. Herrera stated that this plaza was approved to have two square feet per one linear foot of wall frontage which would bring them to two-hundred and ninety-five square feet and they are only proposing two square feet (2' sf) over that.

The Board agreed that it looks aesthetically pleasing.

The red letting will be on a white background.

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

Burlington is set for an October 1st opening. Mr. Yousaf believes it will take approximately two to three weeks to relocate to the new location.

Action: A motion to approve the variance to allow a two-hundred and ninety-seven square foot (297 sf) wall sign was made by Mrs. Turco-Levin, with a second from Chairman Porter; all in favor with a roll call vote.

Diane Donnelly – Z-401
135 Van Keuren Highway
Kingston, NY 12401
SBL: 48.41-1-4.200
Zone: R10

Use Variance to allow a manufactured home outside of a manufactured home park.

A motion to open the public hearing was made by Chairman Porter, with a second from Ms. Smith; all in favor.

Town of Ulster
Zoning Board of Appeals
May 19, 2021

No one appeared on behalf of the variance request and there were no new communications with the applicant.

Gabrielle Perea, Secretary, stated that she received correspondence from one of the neighbors who stated that the property in questions was filled with materials that may not be clean fill years ago and had soil placed over the materials filling the site. The neighbor is concerned that the realtor is not providing this information to any potential buyers of the land and wanted to make the Board is aware. There was a brief discussion regarding what the property was filled with.

Jason Kovacs, Town Attorney, recommended that the Board table the public hearing until the next meeting in June.

Action: A motion to adjourn he public hearing until the June meeting was made by Chairman Porter, with a second from Mr. Reginato; all in favor with a roll call vote.

PRELIMINARY HEARING

Candy Coon/Christian Artist – Z-405

247 City View Terrace

Kingston, NY 12401

SBL: 48.10-1-23

Zone: R30

Area Variance to allow a shed 6' from the side property line.

Christian Artist, appeared before the Board on behalf of an application to place a shed within the side setback. Mr. Artist explained that he purchased the property while waiting for this meeting so he is now the property owner.

Mr. Artist stated that the shed is existing and due to the topography of the property this is the only location to place the shed so he would like to bring the shed into compliance. The shed would be six feet (6') from an existing right of way that goes to undeveloped woods.

Action: A motion to forward the request to a public hearing was made by Mrs. Turco-Levin, with a second from Chairman Porter; all in favor with a roll call vote.

Town of Ulster
Zoning Board of Appeals
May 19, 2021

Jason Halwick – Z-406
118 John Street
Kingston, NY 12401
SBL: 48.52-5-5
Zone: R10

Area Variance to allow a 6' fence within the front setback (10' from Addis Street.)

Jason Halwick, property owner, appeared before the Board on behalf of his application to install a six-foot (6') fence ten feet (10') from Addis Street.

Mr. Halwick stated that he would like to fence his yard in. There will be one hundred feet of fencing ten feet (10') off Addis Street. The setback from the road should be thirty feet, so it is a twenty-foot (20') variance request.

Mr. Tutt explained that this is a through-lot, so Mr. Halwick has two front setbacks.

Mr. Halwick explained that he would go with a six foot (6'), white vinyl fence.

Mr. Halwick wants to be able to store his thirty-foot camper, a trailer and pool within his backyard.

There was a brief discussion on the location of the property and where the fence would be going.

Mr. Halwick explained that there is a sliver of land next to his property that he is in the process of purchasing which will be fenced in, also.

Action: A motion to forward the request to a public hearing was made by Chairman Porter, with a second from Mr. Shultis; all in favor with a roll call vote.

DISCUSSION

Proposed Digital Sign Law - Mr. Kovacs stated that the Planning Board endorsed the proposed law and referred it to the Town Board for approval.

There was a brief discussion regarding the law and which Board's are responsible for what decisions.

Action: A motion to ask the Secretary to send a letter to the Supervisor reflecting that the Board supports the proposed law was made by Mrs. Turco-Levin, with a second from Chairman Porter; four (4) ayes and one (1) nay.

Physical Meetings – Mr. Kovacs stated that the Planning Board voted in consensus to go back to in-person meetings but will be looking into where the meetings will be held to be able to maintain proper spacing.

Town of Ulster
Zoning Board of Appeals
May 19, 2021

Mr. Tutt stated that there were a few Planning meetings that were held in person during the pandemic in the Senior Center and he would go in prior to the meetings to set up the space so there was social distancing. If there is a meeting where there are too many people present, some people may have to wait their turn to enter the building. Mr. Tutt stated that he can have a sign in sheet and the people in the building will enter according to the agenda. There was a brief discussion amongst the Board.

New York State has open meetings laws in place for a reason and if there is a public hearing, the public has a right to hear what the rest of the public said at the hearing and the discussion after. Mr. Kovacs stated that if a situation arises that there are too many people to fit into the room the meeting can be adjourned until it can take place in a larger location. There was a brief discussion amongst the Board.

The Board decided to hold the meeting in June via Zoom and it will be discussed again at that meeting.

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

Respectfully Submitted,
Gabrielle Perea
Zoning Board Secretary