

Town of Ulster  
Zoning Board of Appeals  
November 10, 2021

The monthly meeting of the Town of Ulster Zoning Board of Appeals was held at the Town of Ulster Town Hall at 1 Town Hall Drive in Lake Katrine, NY on November 10, 2021, at 7:00 P.M.

**Present:**

Kevin Reginato

Steve Shultis

Robert Porter – Chairman

**Absent:**

Lois Smith

Andi Turco-Levin

Pledge of Allegiance was recited.

Roll call.

A motion to approve the minutes from the August 2021 meeting was made Mrs. Turco-Levin, with s second from Ms. Smith; all in favor.

**PRELIMINARY HEARING**

**Moe's Motor Cars LLC – Z-413**

**454 Hurley Avenue**

**Kingston, NY 12401**

**SBL: 48.17-1-41.100**

**Zone: OM**

***Area Variance to allow a 6-8' chain-link fence in the front setback***

Mohammad Waheed, owner, appeared before the Board on behalf of his application for an area variance to allow a six-to-eight-foot (6-8') fence within the front setback.

Mr. Waheed explained that this property is on Hurley Avenue where the old gas station and pizza store burned down a few years ago. Mr. Waheed explained that the ground had been contaminated and cleaned up and has been abandoned for approximately six to seven (6-7) years.

Mr. Waheed is proposing to use the property as a used car sales business including towing and storage of vehicle. Mr. Waheed is also being seen for site plan and a special use permit.

There was a brief discussion on whether the applicant wanted a six-foot (6') or eight-foot (8') fence and what type of fence it would be. The applicant decided on applying for an eight-foot (8') fence and he will decide on whether the fence will all be chain link or if he will install a wooden fence in the side and rear yards. Mr. Waheed wants a chain link

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fence with slats in the front so buyers will know what business is there. Mr. Waheed explained that the fence is for security purposes.

Mr. Waheed explained that the business would be open by appointment only and that most of his sales are done online. He does not want any road or foot traffic on-site.

Mr. Waheed stated that the cars that will be parked in the front of the property by the chain link fence will be for sale and the cars parked in the rear are inventory storage.

Mr. Waheed explained that he used to have a business on Hasbrouck Avenue selling vehicles, but the space was too tight. Mr. Waheed has been selling cars for over twenty (20) years.

**Action:** A motion to forward the project to the County for review was made by Mr. Shultis, with a second from Mr. Reginato; all in favor. A motion to forward the project to a public hearing in December was made by Mr. Shultis, with a second Mr. Reginato

## **DISCUSSION**

### **Retail sales of marijuana**

The Town Board is in favor of allowing the retail sale of marijuana within the Town of Ulster, but not the consumption of marijuana. The ZBA agrees to allow the sales of marijuana on the Route 28 corridor and the 9W corridor in commercial zones.

There was a brief discussion on whether the Town will allow lounges for the consumption of marijuana and the Board agrees to not allow lounges as the police department does not have a method of testing levels since THC is a fat-soluble chemical. There would be issues with law enforcement if a resident, for example, smoked marijuana at a lounge for three (3) hours and then got into the car and drove.

The Board agrees to recommend to the Town Board that sales of marijuana should be allowed in HC and RC Zones and that there should be laws in place about sales within the radius of schools, playgrounds, libraries, etc. Mr. Jason Kovacs, Town Attorney, stated that the State Cannabis Control Board is working on requirements of the law, but the Town's had to decide on whether they were going to allow it or not and have that information submitted by the State's deadline.

There was a discussion on members going to existing dispensaries in other states and the level of professionalism and security that was present.

The Board believes there has been enough trial and error in the Country regarding marijuana sales that they believe New York will get the rules and regulations down properly.

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

Respectfully Submitted,  
Gabrielle Perea  
Zoning Board Secretary