

Town of Ulster
Zoning Board of Appeals
October 3, 2018

The monthly meeting of the Town of Ulster Zoning Board of Appeals was held at the Town of Ulster Town Hall on October 3, 2018 at 7:00 P.M.

Present:

Lois Smith
Frederick Wadnola

Brian Ilgner
Geoffrey Ring – Chairman

Absent:

Renato DiBella

Roll call.

A motion to approve the minutes for last month was made by Mr. Ilgner, with a second from Mr. Wadnola; all in favor.

Mr. Ring opened the Public hearing for Wilfredo Monroy. No one was present so that Hearing was moved to the end of the meeting.

PUBLIC HEARING

Stewarts Shops – Area Variances

Mr. Ring opened the Public Hearing. Chuck Marshall, Stewart's Shops representative, appeared on behalf of an application to construct a five-hundred and ninety-five (595) square foot addition and a one-hundred and forty-four (144) square foot exterior freezer that would be within the front setbacks; requesting a seventeen foot (17') variance. The additional square footage would require Stewart's to provide fifteen (15) parking spaces, and they are proposing twelve (12). There is one handicap parking spot as well as the loading area.

There was no public comment. A motion to close the Public Hearing was made by Mr. Ilgner, with a second from Mr. Wadnola; all in favor. There was a brief discussion amongst the Board. There was no county impact.

Action: A motion to approve the area variances was made by Ms. Smith, with a second from Mr. Ring; all in favor.

Richard Traficante – Area Variance

Mr. Ring opened the Public hearing. Richard Traficante, owner of the property located at 26 Meadowbrook Drive, appeared on behalf of an application for an Area Variance to place a shed within his side setback; variance request of four feet (4'). Mr. Traficante explained that he is on a corner lot and that he does not have a lot of room in the back of

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his house. The proposed shed is an Amish-made ten feet by twelve feet (10' x 12') and he states that it will match his house. Mr. Traficante already has an existing shed on the other side of the house that is the same size as the proposed shed.

Mr. and Mrs. Torgesen approached the Board interested in what Mr. Traficante was doing as the shed is being proposed six feet (6') from their property. The Torgesen's viewed the pictures that were provided by Mr. Traficante showing where the shed will be placed. The Torgesens stated that as long as the shed is on Mr. Traficante's property they have no issue. A motion to close the Public Hearing was made by Mr. Ring, with a second from Mr. Wadnola; all in favor.

Action: A motion to approve the Area Variance was made by Mr. Ilgner, with a second from Ms. Smith; all in favor.

Timothy Metty - Area Variance

Peter Metty, son of the owner of the property located at 59 Parish Lane, appeared on behalf of his application for an Area Variance to place a six foot (6') high privacy fence within his front setback; a setback relief of ten feet (10') and height relief of two feet (2'). Mr. Metty lives on a through-lot, giving him two front setbacks and would like a privacy fence that is consistent with his neighbors. A motion to close the Public Hearing was made by Mr. Ring; with a second from Mr. Ilgner; all in favor.

Action: A motion to approve the Area Variance was made by Mr. Ilgner with a second from Mr. Wadnola; all in favor.

Wilfredo Monroy – Use Variance

Mr. Ring opened the Public hearing. The Board stated that Mr. Monroy has not complied with the conditions of his Use Variance approval nor has he gotten site plan approval as required. Mr. Ring asked if there was any public comment.

Bradley Hill, neighbor located at 21 Old Sawkill Road, appeared in opposition of the approved Use Variance. Mr. Hill stated that it imposes traffic on a dead-end road that is otherwise mostly quiet. Mr. Hill stated that there are one and a half ton truck speeding through the neighborhood and that he has reached out to Mr. Monroy to no avail. Mr. Hill stated that there is dirt and debris all over after the trucks speed through and that the piles of mulch on site are unsightly. Mr. Hill states that Mr. Monroy hosts soccer games there that people travel from all over to attend; there are air horns and whistles and a speaker system that makes it sound like FIFA is right next door in a residential neighborhood. Mr. Hill stated that when the soccer games first started it was reasonably small and were mostly local people; now there is so much noise and traffic that it is unsettling.

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Mr. Hill does not believe that Mr. Monroy can be trusted to abide by the guidelines of the Use Variance and has proven to be a nuisance. Mr. Hill missed the initial Public Hearing on the approval because he had the wrong date, or he would have been there in opposition.

Anna Zuvic, neighbor located at 28 Old Sawkill Road, said that Mr. Hill conveyed basically exactly what she was going to say. Ms. Zuvic stated that she had lived there for sixteen (16) years and had just recently moved back with her two (2) sons. Ms. Zuvic stated that there are two hundred to three hundred (200-300) cars that go by on the weekends now and her boys cannot play basketball outside due to the traffic. Ms. Zuvic stated that they have no quality of life to sit outside due to the noise and the traffic. The landscaping business is messy and muddy and leaves debris everywhere. Ms. Zuvic stated that there is another neighbor that has a business in the area but they are very quiet and not an issue.

Mr. Ring stated that the issue before the ZBA is the landscaping business and their Use Variance, but that there is clearly another issue present that may not be an approved use and that the Building Department will look into it.

A motion to close the Public Hearing was made by Mr. Ring, with a second from Mr. Ilgner; all in favor.

There was a brief discussion amongst the Board. Mr. Wadnola stated that he had received numerous phone calls from veterans stating that the four flagpoles do not have the proper order on that property.

Mr. Ring stated that they had given him an ample amount of time to abide by the rules; the condition was that he must conform within sixty (60) days, and he has not. The Board agrees there has been no improvement since the Board approved the Use Variance in June of 2017.

Action: A motion to revoke and/or rescind the Use Variance was made by Mr. Wadnola, with a second from Mr. Ring; all in favor.

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

Respectfully Submitted,
Gabrielle Perea
Zoning Board Secretary