

Town of Ulster
Zoning Board of Appeals
September 5, 2018

The monthly meeting of the Town of Ulster Zoning Board of Appeals was held at the Town of Ulster Town Hall on September 5, 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.

PUBLIC HEARING

James DePietro, J & V Enterprise Inc. – Use Variance

James DePietro, J & V Enterprise, Inc, appeared on behalf of an application for a Use Variance to have a trucking business, automobile maintenance, and contractor storage yard in an R60 Zone. Mr. DePietro stated that he applied and was approved for a building permit to construct an accessory building to the mobile home park located at 157 Potter Hill to be used to store his equipment.

Mr. Ring motioned to open the Public Hearing for Mr. DePietro.

Ronald and Noreen Kahlstorf – Stated that they lived at 115 Potter Hill Road and their property abuts Mr. DePietro's. The Kahlstorf's read an opposition letter that they wrote out loud to the Board. The Kahlstorf's stated that when they were first interested in the property years ago, it was because it was located in a residential zone. The Kahlstorf's used their life-savings to buy their property and when they were being shown the house, Mr. DePietro came over and introduced himself and told them that he was in the process of building a house for himself on that property which had made the Kahlstorf's feel at ease when it came time to purchase the property. The Kahlstorf's are now worried that with all the commotion going on next door it will render their house unsellable. There are trucks with dirt and debris always there. The noise starts very early in the morning and does not end until very late at night. There is constant loading and unloading of trucks, which is extremely noisy and since their main living space with sliding glass doors overlooks Mr. DePietro's property, that is all they see. Mrs. Kahlstorf stated that when the loaders would hit the ground it sounded like an explosion; they don't like going outside due to all the noise. The Kahlstorf's stated that Mr. DePietro would come over occasionally and apologize coming up with one excuse or another. Mrs. Kahlstorf stated that the workers would yell to each other at 2AM as if it was 2PM. The Kahlstorf's stated that Mr. DePietro has his business on 9W and has plenty of room to store his trucks and

Town of Ulster
Zoning Board of Appeals
September 5, 2018

maintain his vehicles there, which is not in a residential neighborhood, and that he should do so. The Kahlstorf's feel as though they have no privacy. The house was built eight (8) years ago and the foundation has cracks in it, and they believe it is due from all the commercial work being done next door by Mr. DePietro.

Charles Hall – Mr. Hall has lived on Potter Hill road for forty-five years and read a letter that was submitted to the Zoning Board. Mr. Hall stated had very few issues with any of his neighbors and that he has used 185 Potter Hill Road as an S Corporation since 1973 while living at 193 Potter Hill Road. Mr. Hall stated that there have been many businesses on this road in the time he has lived there including a camp, a bar and a restaurant, some of which required trucks to pick up products for delivery. Mr. Hall claimed that when IBM had their Country Club, they had just as much traffic. Mr. Hall stated that Mr. DePietro has made an effort to enhance the mobile home park by planting attractive landscaping and that he has an amazing work ethic. Mr. Hall stated that Mr. DePietro is an asset to Potter Hill Road and is a good neighbor.

Anthony Esposito – Mr. Esposito lives at 101 Potter Hill Road. Mr. Esposito states that it is an R60 Zone. He works in construction and would love to bring his work home as well, but it is not zoned for commercial work and the law is the law. Mr. Esposito pointed out that a use variance can only be granted if the applicant can prove a hardship showing that there is nothing else that Mr. DePietro can do with the property, which is not the case. Mr. Esposito stated that he has seen Mr. DePietro's trucks come out of the property with #4 on the back of the truck, which is not an accessory item to the mobile home park; when the trucks come empty and leave full, that is not maintenance. Mr. Esposito stated that the area has high taxes that they pay and they would like to keep their area a residential zone. Mr. Esposito also stated that Mr. DePietro buries material on his property and that he would be willing to have his water continually tested to check for contamination to cover his basis. Mr. Esposito also mentioned that Potter Hill is not a road meant for eighteen (18) wheelers and it already has crumbling blacktop from all the truck and trailers and he will be getting the State involved. Mr. Esposito states that there are places for commercial business, and then there are places that it is not acceptable.

Brian Scism – Sold his house at 87 Potter Hill Road recently after doing a lot of work to his property. Mr. Scism stated that it is very possible that a lot of the noise that was happening for a couple of years could have been himself demolishing two (2) buildings, cutting trees and/or trucks delivering materials. Mr. Scism stated that he was making more noise than Mr. DePietro and that Mr. DePietro did not hinder the sale of his house.

Bob Cologero – Mr. Cologero lives at 102 Old Stage Road and stated that he did have an issue, but not any longer; the trucks have been gone. Mr. Cologero stated that when he cuts twelve to fourteen (12-14) cords of wood with a chainsaw he is probably making more noise than Mr. DePietro and is baffled by everything going on at this meeting. Mr. Cologero stated that Mr. DePietro will go along with any parameters that the Board sets for him; if they tell him to add sound barriers, he will add sound barriers. Mr. Cologero stated that you can only see his business during the winter months, and that two to three

Town of Ulster
Zoning Board of Appeals
September 5, 2018

(2-3) years ago he had trucks there, but now you don't know he's there and he is not a nuisance.

Don Clark – Mr. Clark resides at 162 Potter Hill Road and states that he can see Mr. DePietro's property from his front porch. Mr. Clark stated that he has lived there eighteen (18) years and it is a residential neighborhood and that Mr. DePietro did not build his barn according to the permit as what was an allowable use. Mr. Clark stated that Potter Hill recently got new black top and that the road is already deteriorating due to the large trucks going up and down the road. Mr. Clark stated that the noise was not as bad as it used to be, but that it is still present. Mr. Clark also stated that the IBM traffic, being regular vehicles, is way different than eighteen (18)-wheeler traffic.

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

Mr. DePietro stated that his employees begin work at around 2AM and they haul specialty stones, which is why he took his trucks out of the area after receiving numerous complaints. Mr. DePietro stated that the trucks go in loaded and come back out loaded and that the trucks are only there for maintenance. Mr. DePietro has owned the property since 2001, and at that point he only had one eighteen (18)-wheeler; now he owns four. Mr. DePietro stated that he moved his trucks out of 157 Potter Hill over two (2) years ago to prevent further issues with his neighbors.

Mr. Ilgner stated that he likes to side with residents, but maybe the option to restrict hours of operation is an idea. Ms. Smith stated that the trucks should not be allowed after allowed hours; should the truck need maintenance, it would have to wait until the next day. Mr. Wadnola stated that Potter Hill Road is not made for eighteen (18)-wheelers. The building inspector, Kathryn Moniz, stated that the barn was built for the storage of equipment related to the mobile home park and is now being used for business, which was not an approved use.

Action: A motion to deny the use variance was made by Mr. Ring, with a second from Mr. Ilgner; three in favor, one not in favor.

Jay DeCesare - Use Variance

Jay DeCesare, owner of the property located at 572 Ulster Avenue, appeared on behalf of his application for a Use Variance to convert existing commercial building into apartments. Mr. DeCesare stated that he is having a hard time finding tenants for his commercial space as there is not much curb appeal since the buildings are set back. Mr. DeCesare stated that there are already apartments over the existing Chiropractic office that is currently on the same property.

Action: A motion to forward this project to the Ulster County Planning Board was made by Mr. Ring, with a second from Mr. Ilgner; all in favor. A motion to forward this project

Town of Ulster
Zoning Board of Appeals
September 5, 2018

to a Public Hearing to be held in November was made by Mr. Ring, with a second from Mr. Wadnola; all in favor.

Richard Traficante - Area Variance

Richard Traficante, owner of the property located at 26 Meadowbrook Drive, appeared on behalf of his application for an Area Variance to place a ten foot by twelve foot (10' x 12') shed within his side setback six feet (6') off of his side property line; a relief of four feet (4'). Mr. Traficante stated that his neighbor has a four foot (4') high fence between the properties.

Action: A motion to forward this project to a Public Hearing was made by Mr. Ilgner, with a second from Mr. Ring; all in favor.

Prestige Hyundai – Area Variance

Robert Dupont, Architect, appeared on behalf of an application submitted by Prestige Hyundai for an Area Variance to allow for square footage above the allowed amount in a Regional Commercial Zone. Mr. Dupont stated that proposed monument sign, as well as the one façade, are over the allowed limits. Mr. Dupont stated that the Hyundai franchise wants to renovate their façade, and the proposals would require a variance.

Action: A motion to forward this project to the Ulster County Planning Board for review was made by Mr. Ring, with a second from Mr. Ilgner; all in favor. A motion to forward this project to a Public Hearing to be held in November was made by Mr. Ilgner, with a second from Mr. Ring; all in favor.

Timothy Metty – Area Variance

Timothy Metty, on behalf of his son Peter Metty, appeared on behalf of this application for an Area Variance to place a six foot (6') high privacy fence within his front setback. Mr. Metty resides at 59 Parish Lane, which is a through lot, and requires a thirty foot (30') front setback. Mr. Metty is requesting that his six foot (6') tall fence be allowed to be placed twenty feet (20') within that setback; a relief of ten feet (10'). The fence is only allowed to be a maximum height of four feet (4') within the front setback and a maximum height of four feet (4') within the side setback for thirty feet (30') back from the front property line. Mr. Metty stated that he had spoken with the Town of Ulster Highway Superintendent, Frank Petramale, and Mr. Petramale had stated that he has no issues with the proposed fence. Mr. Metty stated that there are two trees located on the property and he is trying to keep the fence outside of those two trees.

Action: A motion to forward this project to a Public Hearing was made by Mr. Wadnola, with a second from Mr. Ring; all in favor.

Town of Ulster
Zoning Board of Appeals
September 5, 2018

Wilfredo Monroy – Use Variance

A motion to set a Public Re-Hearing for Wilfredo Monroy was made by Mr. Ring, with a second from Mr. Wadnola; all in favor.

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

Respectfully Submitted,
Gabrielle Perea
Zoning Board Secretary