

Town of Ulster
Zoning Board of Appeals
June 12, 2019

The monthly meeting of the Town of Ulster Zoning Board of Appeals was held at the Town of Ulster Town Hall on June 12, 2019, at 7:00 P.M.

Present:

Renato DiBella

Robert Porter

Geoffrey Ring – Chairman

Brian Ilgner

Lois Smith – Vice Chairman

Roll call.

A motion to approve the minutes from May 15, 2019 was made by Mr. Ilgner with a second from Ms. Smith; all in favor.

PUBLIC HEARING

Douglas Campbell – Area Variance

35 Lohmaier Lane

SBL: 39.81-3-8

Zone: R-10

Z-363

Douglas Campbell, the owner of the property located at 35 Lohmaier Lane, appeared on behalf of an application to construct a storage/workshop building to be attached to his existing garage. Mr. Campbell is requesting a relief of six feet (6') from the required thirty foot (30') front setback. Mr. Campbell stated that he would like to construct the building continuing in line with his existing garage to create one continuous unit. Mr. Ring opened the public hearing. No one appeared in opposition. A motion to close the public hearing was made by Mr. Ring, with a second from Mr. DiBella.

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

Frank Tiano – Use Variance

248-252 Old Stage Road

SBL: 39.8-1-10.100

Zone: R-60

Z-366

Frank Tiano, owner of the property located at 248-252 Old Stage Road, appeared before the Board for a Use Variance to convert his allowed use for a wedding venue into an allowed use for a function hall. Mr. Tiano explained his project to the gallery. Mr. Tiano stated that he did not want to limit his venue to only weddings after the financial investment he's contributed towards his property. Mr. Ring opened the public hearing.

Paul Manning, 980 Ulster Landing Road and 276 Old Stage Road appeared before the Board with some concerns. Mr. Manning bought the adjoining property to Mr. Tiano

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approximately a year ago and stated that as there haven't been any weddings held there yet, the applicant does not realize the affect the noise will have being in a valley. Mr. Manning is concerned about the applicant expanding the use before seeing the impact on the neighborhood. Mr. Tiano explained that he was already approved for a wedding venue.

Mr. Manning stated that the road is thirty-five miles per hour (35 mph) and is small and narrow and is concerned with traffic and noise. Mr. Ring stated that the applicant would still have to abide by the Town of Ulster's noise ordinance. Mr. Tiano stated that he does not plan on running a seven (7) day a week business; on the high end, possibly three (3) events a week. Mr. Tiano explained that he just wants flexibility to use the property for more than a wedding venue since he is financially invested. Mr. Tiano stated that he incurred the expense to install adequate bathrooms on site so there would not be port-o-potty's and at a future date will be heating and cooling the barn.

Ms. Smith stated that the Catskill Animal Sanctuary has thrown wedding events there and that Mr. Tiano would not be the first person to conduct events in the valley. There are over one-thousand people at some of those events and no one has noticed.

Mr. Tiano stated that most of the people will be coming from hotels so there will not be single-cars-per-person traffic. Mr. Tiano stated that there will be no concerts and no event will get "out of control." Mr. Tiano lives on the property and stated there will not be "unorganized chaos."

The Zoning Secretary read the list of proposed uses, the majority of which will be held indoors. Mr. Tiano stated that their main focus is still on wedding events. Mr. Tiano stated that the music and wedding reception may be held inside and have cocktail hour held outside. The property is already approved to have music outside with the wedding venue.

Mr. Manning stated that he is concerned that there is a possibility to make the proposal larger in the future and should the property sell in the future, the use may become an issue with the next owner.

It was explained that the purpose of the list was to be specific so that the applicant may not stray from the approved uses. Should there be any changes to the site, the applicant must reapply for site plan amendment approval.

Mr. Tiano stated that the capacity of the barn will be given to him once he receives a Certificate of Occupancy for it, but it will hold approximately two-hundred and fifty (250) to three-hundred (300) people. The events will be held May 1st – January 2nd and a maximum of one-hundred and fifty (150) events a year. A motion to close the Public Hearing was made by Mr. Ilgner with a second from Mr. Porter.

Action: A motion to approve the use variance for a function hall was made by Ms. Smith, with a second from Mr. Porter; all in favor.

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Smoothie King – Area Variance
1621 Ulster Avenue
SBL: 39.82-2-7.119
Zone: OM
Z-367

Nancy Forest, Gloede Neon Signs, appeared on behalf of Smoothie King’s application for an area variance to allow for square footage that exceeds the maximum allowance per facade in that Zone. Ms. Forest explained that the logo they are adding to the front fascia is the crown which is Smoothie King’s national logo as well as a directional sign. The Board did not yet receive County comments. Mr. Ring opened the public hearing. No one appeared in opposition. A motion to close the public hearing was made by Mr. Ring with a second from Mr. DiBella.

Action: A motion to approve the are variance contingent upon receipt of County comments was made by Mr. Porter, with a second from Mr. DiBella; all in favor.

Michael Carpino – Area Variance
595 Kiersted Avenue
SBL: 48.65-5-8
Zone: R-10
Z-368

Michael Carpino, owner of the property at 595 Kiersted Avenue, appeared on behalf of his application to erect a six foot (6’) fence within his front setbacks and within a Town Right-of-Way. Mr. Carpino proposed the fence be installed seven feet (7’) from Hinsdale Street. Frank Petramale, Town of Ulster Highway Superintendent, reviewed this area variance proposal and had the applicant stake out the proposed fence. Mr. Petramale wrote a letter to the Board stating he has no issue with the fence except that it must be eight feet (8’) from Hinsdale Street and that any damage done to the fence due to snow plowing will be the homeowner’s responsibility. Mr. Ring opened the public hearing. No one appeared in opposition. A motion to close the public hearing was made by Mr. Ring, with a second from Mr. Ilgner.

Ms. Smith stated that she’s concerned about kids riding their bikes on the road near there. Mr. Carpino stated there was at least seventy-five feet from the fence to the corner of Hinsdale and Kiersted that will not be blocked. Mr. Porter stated that there is a four-way stop on the corner of Hinsdale and Kiersted making people stop and look. Mr. Porter stated that he lives a block away and that there used to be an issue of people driving up the dead-end street and due to that, the Town placed the four-way stop sign to slow people down. Mr. Porter stated that he also spoke to the neighbors, the Corrigan’s, and they did not have a problem with the fence.

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Action: A motion to approve the six foot (6') fence within the front setback was made by Mr. Ring, with a second from Mr. Porter; 4-1, DiBella, Ilgner, Porter and Ring aye; Smith nay.

PRELIMINARY HEARING

Michael Murphy – Area Variance
243 Riseley Street
SBL: 48.58-8-84
Zone: R-10
Z-370

Tom Murphy, father of Michael Murphy, owner of the property located at 243 Riseley Street, appeared before the Board for an area variance to allow for a six foot (6') fence within his front setback. Mr. Murphy showed the Board the plans. Mr. Murphy stated that the fence will be a vinyl fence with beige panels and white trim. Mr. Ring asked the Town of Ulster building inspector, Kathryn Moniz, if she had any issues with the fence and she responded that the fence would fit with the neighborhood and does not provide a detriment. Mr. Murphy stated that the applicant would like to get a dog and he needs the fence as security so the dog may run.

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

Wilfredo Monroy / Willy's Landscaping – Use Variance
51 Sawkill Road
SBL: 48.14-3-37.100
Zone: R-30
Z-369

Wilfredo Monroy appeared on behalf of his application to allow a landscaping business within a residential zone. Mr. Monroy had been before the Board in May 2017 for a use variance for the landscaping business and it was approved in June 2017. The conditions of approval had not been met and the use variance had been rescinded in October of 2017. Mr. Monroy is now before the Board again to apply for his use variance again.

Mr. Monroy stated that he would like to have his landscaping business allowed in the residential zone, again. Mr. Monroy explained that he would like to sell construction materials such as gravel, as well as mulch and top soil and other materials. Mr. Monroy stated that he also has a soccer field on site to which the Board stated that is within the Town Board's and Planning Board's purview for approval.

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The Board asked Mr. Monroy how the materials are brought in to which Mr. Monroy stated that large trucks brought in materials approximately twice a year. Mr. Monroy stated that he would like to get his products all lined up to make it more orderly.

The Board asked Mr. Monroy why he did not abide by the conditions of his last approval, one of which was to clean up the property within sixty (60) days. Mr. Monroy stated that he did clean up the property; there was a lot of tree stumps and brush on the property, but it all has been removed aside from a bit of brush that someone else dumped on the property. Mr. Monroy stated that perhaps he didn't clean up the property to the Boards liking and would like to know exactly what the Board would like him to do.

The conditional approval was also based upon Mr. Monroy needing to move forward with site plan. Mr. Monroy explained that the reason he did not move forward with site plan was because the paperwork had been delayed due to the property owners and he will be sure to move forward with it if he gets approval this time.

Ms. Smith asked the applicant if there is more traffic on the property than just himself to which Mr. Monroy stated that he does have five (5) employees that do come with trucks onto the property. Mr. Monroy explained that his employee's usually come to the site in the morning, load up with materials, leave and do not come back until the afternoon at closing time; unless they forget something. The employees are not in and out all day long.

Mr. Porter asked if the landscaping business was retail and Mr. Monroy stated he would love to have retail but if the Board did not want him to have retail due to traffic he would not.

Mr. Monroy stated that his business has been at this location approximately six (6) years and that he has a house on Barbarosa Lane. Ms. Smith asked what the building inspector, Kathryn Moniz, thought about this project. Mrs. Moniz stated that she did not realize the business was there until she saw a sign for the business and also saw that the property was out of control. Ms. Smith asked if Mr. Monroy did what Mrs. Moniz requested and Mrs. Moniz stated that Mr. Monroy did take down the sign.

Mr. Monroy has permission to apply for the use variance by the owner of the property. There was an Order to Remedy sent to the property owner regarding the business being an illegal use, but the owners were a Trust that expired that is now an LLC, so it was a process to track them down to have the documents delivered. The use variance had been revoked and the Building Department had received complaints regarding mud and traffic and noise. There was a brief discussion amongst the Board.

Ms. Smith stated that the houses on Old Sawkill Road are peoples home and businesses and Mr. Monroy should try to get along with the neighbors, to which Mr. Monroy stated that he does. Mr. DiBella stated that there are areas where there are businesses in residential neighborhoods and that the businesses have to follow rules and abide by laws.

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Mr. Ring stated that the applicant has been there six years without a use variance, nor a site plan, to which Mr. Monroy stated he was before the Board to rectify.

Mr. Ring stated that there should be a cease and desist on the property until a use variance is granted, to which Mrs. Moniz stated that once an applicant applies for a use variance, there is a stay with punishment as they are showing good faith. Anyone in violation may continue once an application is submitted until the Board reaches their decision. Mr. Monroy is well aware of the Board's expectations at this time.

Mr. Monroy will be submitting a site plan application by the end of June to be reviewed at the July Planning Board meeting for the landscaping business and the soccer field.

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

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

Respectfully Submitted,
Gabrielle Perea
Zoning Board Secretary