

Town of Ulster
Zoning Board of Appeals
October 9, 2019

The monthly meeting of the Town of Ulster Zoning Board of Appeals was held at the Town of Ulster Town Hall on October 9, 2019, at 7:00 P.M.

Present:

Brian Ilgner
Lois Smith – Vice Chairman

Robert Porter
Geoffrey Ring – Chairman

Absent:

Renato DiBella

Roll call.

A motion to approve the minutes from the September 2019 meeting was made by Mr. Ilgner with a second from Mr. Porter; all in favor.

PUBLIC HEARING

Catskill Mountain Railroad – Area Variance

Route 28

SBL: 48.13-2-7.100

Zone: R-60

Z-374

No one appeared on behalf of the application. Mr. Ring stated that this is before the Board again as the Ulster County Planning Board (UCPB) did not review this project so the Zoning Board of Appeals (ZBA) could not make a determination until it had been reviewed. The variance request is to place a section house five feet (5') from the property line off of the railroad tracks by Kenco in a County right-of-way (ROW).

Mr. Ring re-opened the public hearing. There were no public comments. 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 variance was made by Mr. Ilgner, with a second from Mr. Ring; all in favor.

Joseph & June Hanss

110 Rockwell Lane

SBL: 56.10-1-18.110

Zone: R60

Z-374

Waler Eckert, Brinnier & Larios, appeared on behalf of an application for an area variance to dive a parcel into two lots, one of which will require a variance to be less than the allowed required square footage for the R60 Zone. Mr. Eckert explained that there are topographic challenges to the lot and the applicants are trying to use Rockwell Lane as a

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natural divider of the two (2) proposed lots. In order for the Hanss's to get a minor subdivision, they must acquire an area variance allowing them to do so. The Town has a fifty-foot (50') ROW and as such, the Hanss's have slowly, over the years, lost square footage to their property because of that. The Hanss's are opting to keep the Town ROW and get a variance.

Chairman. Ring opened the public hearing. There was no public comment. A motion to close the public hearing was made by Chairman. Ring, with a second from Mr. Ilgner, all in favor.

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

PRELIMINARY HEARING

Stewart's Shops – Area Variance
45 Boices Lane
SBL: 48.42-2-5
Zone: LC
Z-375

Marcus Andrews, Stewart's Shops, appeared on behalf of the application for an area variance to construct a gas canopy within the front setback.

Mr. Andrews explained that Stewart's would like to add a building addition to the north side of the existing building to increase usable space. Stewart's is also looking to replace their existing gas canopy with a newly reconfigured gas canopy that is proposed to be twenty and a half feet (20.5') from the front property line. The current gas canopy has three, two-sided gas islands and the proposed gas canopy will have four, two-sided gas islands. Mr. Andrews explained that one of these islands will have one (1) low flow diesel and a gas pump in the same pump. The applicant is proposing relief of nine and a half feet (9.5').

Chairman Ring asked how far the existing canopy is from the roadway and Mr. Andrews stated that it was thirty feet (30') from Morton Boulevard. Mr. Andrews explained that moving the gas canopy to their proposed location gives better traffic flow through the site cars will no longer be locked in on one side or the other by people getting gas.

Ms. Smith asked how large the canopy was and Mr. Andrews stated that the existing canopy is twenty feet by sixty feet (20' x 60') and the proposed canopy will be forty-six feet by fifty-eight feet (46' x 58'). Mr. Andrews stated that it is a bit larger than the existing canopy, but the orientation of the proposed canopy will be different.

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Ms. Smith stated that there is a high volume of traffic in that location and to visually impair traffic is not a good idea. Mr. Andrews responded that it is a bit closer to the road than the existing canopy, but it will be a very similar canopy.

Mr. Porter asked if there will be an increase in lighting as there is an increase in pumps and Mr. Andrews stated that the proposed canopy will have recessed LED lighting and it will be comparable to the existing canopies lighting.

Ms. Smith asked if they had any alternative options and Mr. Andrews stated that they had looked at a number of alternatives, but in order to help with the flow of traffic, the applicant would still be looking at a variance get it as far away from the store as possible. Mr. Andrews explained that with the proposed canopies layout, the site is opened up for vehicular and pedestrian traffic, making it safer.

Action: A motion to send the project to a public hearing in November and refer to the UCPB for review was made by Mr. Ring, with a second from Mr. Ilgner; all in favor.

Alexandra Peppis – Area Variance
639-641 Ulster Landing Road
SBL: 40.13-1-33
Zone: R60
Z-372

Alexandra Peppis, owner of the property located at 639-641 Ulster Landing Road, appeared before the Board for an area variance to allow her to subdivide her parcel into two parcels, leaving one a non-conforming parcel as it would be under the required sixty-thousand (60,000) square feet.

Ms. Peppis showed the Board her plans. The plans showed that the proposed parcel with the barn would be sixty-thousand square feet (60,000 sf) and the remaining parcel with her residence and garage would be on a parcel that is proposed to be twenty-four thousand one hundred and eleven square feet (24,111 sf.) Ms. Peppis explained that there is a natural rock divide that will split her parcel into the two proposed lots.

Ms. Peppis stated that she bought the property in 2014 and does not have the means to maintain the barn so it seems easier to try to sell of a conforming lot. Ms. Peppis stated that the lot with the barn is beautiful and it's just sitting there.

Ms. Peppis had initially applied for two variances, but after attending a Planning Board Workshop realized that her second proposal was not allowed, so it will be withdrawn prior to review.

Ms. Smith asked if the applicant knew that when she bought the property what she is proposing was not an allowed use without a variance to which Ms. Peppis stated she was unaware as a first-time homebuyer and should she have know she probably would not have purchased the property. Ms. Smith had mentioned that in 2014 there was a rumor of

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developers coming into that neighborhood and trying to buy up all the lots for millions and the neighbors wanting to keep their homes and keep the neighborhood conforming. Ms. Smith also mentioned that Donald Trump, at one point, was interested in buying the old IBM Recreation Center and wanted to know if it was Ms. Peppis's intention to piece off the house for sale when she initially bought the property. Ms. Peppis stated that she just wanted the home and that was not her intention.

Action: A motion to send the project to a public hearing in November and refer to the UCPB for review was made by Mr. Ilgner, with a second from Mr. Ring; all in favor.

There was a brief discussion regarding Callanan.

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

Respectfully Submitted,
Gabrielle Perea
Zoning Board Secretary