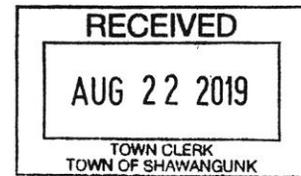


Town of Shawangunk
Zoning Board of Appeals
July 17, 2019



Minutes of a Public Hearing held by the Town of Shawangunk Zoning Board of Appeals on July 17, 2019 at 7:00 PM at the Town Hall, 14 Central Avenue, Wallkill, New York, County of Ulster for the following:

Present Were: Mr. Archie Reid – Chairman, Mr. Roger Rascoe, Mr. John Russo, Mr. Dennis Arluck, and Mr. Michael Maglio as members.

Approval of Minutes: A motion was made by Mr. Rascoe and seconded by Mr. Russo to approve the minutes of October 17, 2018. Vote: Mr. Reid – Abstain, Mr. Rascoe – Aye, Mr. Russo – Aye, Mr. Arluck – Aye, and Mr. Maglio – Aye.

All Public Hearings remain open for one hour.

Public Hearings:

Mirna and Augustin Guerrero – TM #: 99.4-1-48.100 (RAG-4) 1044 Bruyn Turnpike, Pine Bush, NY 12566 - §177-29E - 2nd Dwelling, §177-7G – Sideline Yard Setback and Road Frontage:

Mr. Jose Guerrero presented this application. Mr. Guerrero stated there is a second dwelling on a 10-acre parcel which requires a 23' sideline variance, a 42' variance for road frontage and a variance for the second dwelling. Mr. Russo asked if he was looking to convert the garage into a second dwelling. Mr. Guerrero stated it had already been converted about a year ago. Mr. Russo asked if the garage had been converted with permits. Mr. Guerrero stated that when he built the garage, he had gotten a permit and then they converted it as a guest home. They are now looking to sell the property and while doing the appraisal this issue had come up. He stated at the time the contractor said he would take care of it. Mr. Reid stated he is not totally clear on the chronological order that things took place. Mr. Reid asked when the existing house was constructed. Mr. Guerrero stated the original house was built 12 years ago and 6 years ago the original house burned down. The garage was already there. Mr. Reid asked if there was a separate well and septic for the second dwelling and Mr. Guerrero said they are both using the same well and septic. Mr. Guerrero also stated that the house that was built after the fire is smaller than the original. The original house was 3,500 SF with five bedrooms and three bathrooms and the second is 1,500 SF. Mr. Russo asked how many bedrooms are currently in the main house and Mr. Guerrero replied there are three bedrooms in the main house and three bedrooms in the second dwelling. Mr. Russo stated there are now six bedrooms and the septic is undersized. The property needs to show that it is sub dividable and is there enough viable land for another well and septic. Mr. Russo asked where is the current septic located? Mr. Guerrero stated it is behind the main house between the two dwellings. Mr. Reid asked if Mr. Guerrero was presently living in one of the units and he replied yes in the main house. Mr. Reid stated the capacity of the septic is dictated by the number of bedrooms per unit. Mr. Reid stated the drawing is incomplete as it doesn't show the location of the well and septic and does not show what the distance is between them. Mr. Reid stated this application is incomplete. Mr. Arluck asked if the apartment in the garage is occupied and Mr. Guerrero stated no. Mr. Arluck asked if they lived in the second dwelling while the house was being built and Mr. Guerrero stated yes. Mr. Russo asked how many units are in the second dwelling and Mr. Guerrero stated there were two. The second floor in the second dwelling was used for storage and was converted to one large living area and two rooms on the ground level, three rooms total.

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Mr. Rascoe stated that the Zoning Board has never granted a variance for a second dwelling that required significant variances that this application requires. Mr. Rascoe looked at our flag lot regulations and thinks that would be a better option for the applicant to pursue. The applicant would need three variances for the main lot - lot width, a side yard and a rear yard for the main structure. For the flag lot they would need 25' that they could take from the main parcel. That would double the density needed. The applicant would need a side yard variance, a front yard variance and a septic and well for the second parcel. That makes it clean, more than how this application has been presented. It can then be sold as two parcels and worth more that way. There would be two applications, one for the Zoning Board for the variances and one for the Planning Board for the flag lot. Mr. Guerrero stated that another option would be to dismantle everything or offer it to Watchtower as they own the surrounding properties and they could take care of the outstanding issues.

Mr. Reid offered a three-month postponement to October 16, 2019 for Mr. Guerrero to think about his options or withdraw this application leaving the Public Hearing open.

A motion was made by Mr. Rascoe and seconded by Mr. Arluck to leave the Public Hearing open at this time. Vote: Mr. Rascoe – Aye, Mr. Russo – Aye, Mr. Arluck – Aye, Mr. Maglio – Aye and Mr. Reid – Aye.

Appearances:

None

There was discussion on Mr. Rascoe's attendance at the New York Planning Federation Conference and miscellaneous zoning matters.

A motion was made by Mr. Russo and seconded by Mr. Maglio to adjourn this meeting. Vote: Mr. Rascoe – Aye, Mr. Russo – Aye, Mr. Arluck – Aye, Mr. Maglio – Aye and Mr. Reid – Aye.

Meeting Adjourned at 7:42 PM

Respectfully submitted,

Kathy Ebbrell

Zoning Board of Appeals Secretary