



**Town of Shawangunk  
Zoning Board of Appeals  
February 19, 2020**

**Minutes of a Public Hearing held by the Town of Shawangunk Zoning Board of Appeals on February 19, 2020 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 Mrs. Susan Wiand as members.**

**Approval of Minutes: A motion was made by Mr. Arluck and seconded by Mr. Russo to approve the minutes of October 16, 2019. Vote: Mr. Rascoe – Abstain, Mr. Russo – Aye, Mr. Arluck – Aye, Mrs. Wiand – Abstain, Mr. Reid – Aye.**

**All Public Hearings remain open for one hour.**

**Public Hearings:**

**Joseph Yuknevich – TM #: 107.3-2-14.2 (RAG-2) 2253 State Route 300, Wallkill, NY 12589 - §177-6E – Front Yard Setback of 34':**

Margaret Hillriegel presented the application for Mr. Yuknevich. They are looking for a variance for a building that was completed without a building permit or a survey. When the survey was completed, it was determined that the building was too close to the property line. This is a flag lot. They are looking for a front yard setback variance of 34'. The reason they are asking for a front yard is that the building is connected to the house by a covered walkway and therefore the setbacks for house need to be met. Mr. Reid stated the Zoning Board has received correspondence from the law firm of Wallace and Wallace that the neighboring property should have been notified of the meeting and they were not listed in the radius. Mr. Reid stated that this will prevent the Zoning Board of rendering a decision tonight. The Board also requires the Ulster County Planning Board's recommendation for this application as well. Ms. Hillriegel stated there is a building that had received a building permit and a certificate of occupancy and this is an unusual situation that the building is only one foot off the property line including the overhang. A lot line change is not possible. Mr. Reid asked if Ms. Hillriegel had a date as to when the building permit was issued. She did not but stated she can have it for the next meeting. Ms. Hillriegel states she was not involved in the project at that time. Mr. Yuknevich stated that his drawing for the building permit was based on a previous survey that showed a specific tree and that is what he went by, not realizing that tree had been removed. Mr. Yuknevich did not have an engineer at that time. The neighbor had a survey done and it was determined Mr. Yuknevich was encroaching. The walkway was built before a building permit was issued. Mr. Yuknevich stated he had a building permit before the pole barn was built. Mr. Russo stated there are several encroachments on the property. There is a shed that is 2' over the property line and a wall that is 11' over. Mr. Yuknevich stated he was working with the neighbor on that and that the neighbor gave him permission to have a portion of the driveway on his property. Later the neighbor asked him to remove it after the wall was put in. Mr. Yuknevich had a wall put up to retain the dirt. Mr. Russo asked how they are resolving those issues? Mr. Yuknevich stated they have not come to a decision yet. Mr. Arluck asked if the neighbor's property could collapse on Mr. Yuknevich's property and he answered yes. They had to remove 4' of material at one point and then wanted it the way it was. It was backfilled to the wall to bring it back to the original grade and he planned on planting trees in that area. Mr. Reid asked Ms. Hillriegel if there was

**Joseph Yuknevich – TM #: 107.3-2-14.2 (RAG-2) 2253 State Route 300, Wallkill, NY 12589 - §177-6E – Front Yard Setback of 34’ continued:**

topo on this property and she stated there was not, it was taken from the original filed map before construction. Ms. Hillriegel stated that if you look at the revision dates on her survey from 2017, there was an easement proposed that was agreed to by both parties but never filed. Ms. Hillriegel stated there was a time when they agreed about the driveway, but that is no longer the case. The neighbor’s property is 2.002 acres and is not a squared off lot.

Mr. Russo stated that the existing shed is encroaching on another neighbor’s lot and both Mr. Yuknevich and Ms. Hillriegel stated that that will have to be corrected. Mr. Yuknevich said he cannot move it in the winter but will be moving it. Ms. Hillriegel suggested taking photographs of the area to make it clearer. Mr. Rascoe stated that in reviewing the Building Department’s Field Report that it states that the permit was issued after the fact. There is some confusion and this needs to be sorted out. Mr. Reid asked if there were any questions from the board or the audience and Ellen Rossner a neighbor stated that she thinks it is her shed after receiving the Public Hearing Notice. She had not been to the back of her property and took a walk back. She appreciates that the shed is going to be moved. Mark Manwel, another neighbor, stated there have been several buildings put on that property and inquired as to how many were allowed and if proper permission was given. Mr. Manwel stated that the building went up quickly. Mr. Reid stated the building can be built within the building envelope. Mr. Manwel stated that he works from home and when the house was being built a town vehicle was there often. This wasn’t the case with the pole barn. Mr. Manwel asked if every permit must be inspected and Mr. Reid stated yes. Mr. Manwel also inquired about electric being supplied to an outbuilding. Mr. Rascoe stated that if the setbacks and regulations are being followed, there can be multiple buildings on a property. Mr. Reid stated there is also a percentage of impervious coverage for different zones that must be followed as well. Mr. Rascoe stated that due to the neighbor not being notified and the fact that we need chronological information from the Building Department this application should be continued.

Mr. Reid asked if there were any suggestions that the applicant wants to present to the Board to alleviate any and all problems. Mr. Yuknevich asked if there was anything else that needed to be done and Mr. Reid stated that is the Code Enforcement’s call and this application needs to be reviewed by him as well. Mr. Reid stated that moving the shed is the applicant’s obligation. Mr. Reid asked if the garage could be reduced. Mr. Yuknevich stated it would have to be taken down due to the trusses. Mr. Reid stated it is a self-created situation. If questions were asked before, a lot of the items would not be an issue now. Mr. Russo asked if there was a pool and there is. He requested that Ms. Hillriegel update her survey to show the pool and to note the wetlands as it appears the buildings are all clustered together.

Mr. Russo stated he would like to know more about the encroachment of the driveway. If the applicant needs to remove part of the driveway from the neighbor’s property, the maneuvering will be problematic.

**A motion was made by Mr. Arluck and seconded by Mr. Russo to continue this Public Hearing to March 18, 2020. Vote: Mr. Rascoe – Aye, Mr. Russo – Aye, Mr. Arluck – Aye, Mrs. Wiand – Aye, Mr. Reid – Aye.**