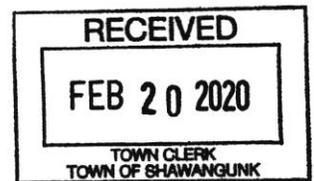


**Town of Shawangunk  
Zoning Board of Appeals  
October 16, 2019**



**Minutes of a Public Hearing held by the Town of Shawangunk Zoning Board of Appeals on October 16, 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. John Russo, Mr. Dennis Arluck, Mr. Michael Maglio as members, Mr. Roger Rascoe - Absent.**

**Approval of Minutes: A motion was made by Mr. Arluck and seconded by Mr. Russo to approve the minutes of August 21, 2019 with the change that the zone listed in the Public Hearing Notice was incorrectly listed as §177-7E and should be §177-6E. There are errors in the Zoning Bulk Requirements on Schedule 1 of the 2009 Zoning Law. Vote: Mr. Russo – Aye, Mr. Arluck – Aye, Mr. Maglio – Aye, Mr. Reid – Aye, Mr. Rascoe - Absent.**

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

**Public Hearings:**

**Lori A. Gorman/Anthony Lospalluto – TM #: 105.1-4-19 (RAG-2) 56 Pirog Road, Pine Bush, NY 12566 - §177-15B – Accessory Structures – Swimming Pool:**

Mr. Lospalluto presented this application. He stated he installed a pool unaware that it requires a building permit. He stated there was a smaller pool there prior to installing a larger one. He stated that the property was a marsh land and that he had installed curtain drains. There are two wells on the property that are shown on the survey. The first well is closest to the house and is a large concrete reservoir that runs directly to the house. There is a rock wall that has two natural springs and when they were installing the drains, they had to use a large boulder to stop the water run-off from the springs. The drains run vertically through the yard and along the house. The second well runs from the far side of the property along with underground power wires to the utility pole. With all of the drains running every which way, the only place he could place the pool is where it currently stands. He didn't realize there was a setback for the pool. In case there was a pool failure Mr. Lospalluto stated he could install a concrete wing at the foundation as there are two basement windows in proximity. Mr. Reid stated that right now he is in violation for the pool setback. Mr. Reid asked how much contact he has had with the Building Department and Mark Pirog and Mr. Lospalluto stated that Mr. Pirog had stopped by on October 13<sup>th</sup> and walked the yard with him. He stated Mr. Pirog's concern is that if the pool had let go and there was anyone in the basement, they would get injured and the foundation would be damaged.

Mr. Reid stated that he is concerned with the distance between the pool and the house and asked where else could he install the pool. Mr. Lospalluto stated that after calling 411 and speaking with the excavator that that is the preferred location. Mr. Reid stated the pool is not a necessity and if the property cannot support the pool within reasonable adherence to the code, he is not in favor of granting a variance. Mr. Arluck asked if they looked into removing the large rocks behind the pool and Mr. Lospalluto stated those rocks were strategically placed there to hold back the hill. He stated that when he purchased the house, he didn't think he would ever have a yard. He stated they purchased the house in the winter when the ground was snow covered and had no idea of the water problem until he was flooded. He had to redo the stone wall in the house due to the runoff. Mr. Russo asked about the second well and Mr. Lospalluto stated he was advised not to cut off the supply to the house for the well as it can be used as a backup. There was discussion as to where the well is located,

**Lori A. Gorman/Anthony Lospalluto – TM #: 105.1-4-19 (RAG-2) 56 Pirog Road, Pine Bush, NY 12566 - §177-15B – Accessory Structures – Swimming Pool continued:**

drainage and other options. There is also a hot tub on a concrete pad. Mr. Russo and Mr. Arluck pointed out a large open area to the right of the house and Mr. Lospalluto stated because of the drainage it was not possible to put the pool there. They had cleared trees on the property for run off as well. Mr. Lospalluto stated that it would be easier to monitor the pool (even having sensors in it) if someone were to go under. Mr. Russo pointed out that someone could jump out of a second story window into the pool. Mr. Lospalluto stated that he can barely fit through that window. He said they are single windows.

Mr. Reid stated the Board can vary the code for a good reason and is very concerned with setting legal precedence with this application. Mr. Russo pointed out that the pool could have been shifted to the left and Mr. Lospalluto stated that that is where the septic is (it is not noted on the survey). Mr. Reid asked if Mr. Lospalluto had asked the Board of Health where the septic and leech field were, and he had not. Mr. Russo suggested Mr. Lospalluto ask the Building Department if they had records for same. Mr. Russo stated that the pool could be moved to the other side of the house by moving the playset. By moving the pool, he would need less of a variance and take away the safety issue. Mr. Arluck said he agrees with Mr. Russo – check to see where the septic is or move the playset. Mr. Russo stated that before the applicant does anything he needs to find out where everything is, have the plans revised and the surveyor will advise what variances will be needed. Mr. Reid stated the Board will give the applicant three months to come back with a new survey as it is quite obvious it will not go through as is.

**A motion was made by Mr. Arluck and seconded by Mr. Russo to continue this Public Hearing to January 15, 2020 to give the applicant time to submit a new survey. Vote: Mr. Russo – Aye, Mr. Arluck – Aye, and Mr. Maglio – Aye, Mr. Reid – Aye, Mr. Rascoe - Absent.**

**Appearances:**

None

There was discussion on miscellaneous zoning matters.

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

**Meeting Adjourned at 8:03 PM  
Respectfully submitted,**

**Kathy Ebbrell  
Zoning Board of Appeals Secretary**