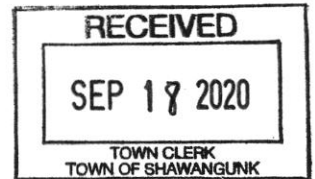


Town of Shawangunk
Zoning Board of Appeals
August 19, 2020



Minutes of a Public Hearing held by the Town of Shawangunk Zoning Board of Appeals on August 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 February 19, 2020. **Vote:** Mr. Rascoe – Abstain, Mr. Russo – Aye, Mr. Arluck – Aye, Mrs. Wiand – Aye, Mr. Reid – Aye.

All Public Hearings remain open for one hour.

Interpretation:

Lisa Magliano, Deputy Building Inspector, is looking for an interpretation as to whether “recreation and amusement uses” could be a campground in the RAG-2 zoning district. If the Board agrees that it is, the Building Department has an application to refer to the Planning Board for a Special Use Permit. There was discussion regarding the definitions in the Zoning Law. Mr. Rascoe stated that campgrounds were previously a Special Use Permit in RAG-3 zone, however when the Town Board created the Ridge Stewardship zones, the RAG-3 zone was eliminated and replaced by the new Ridge Stewardship zones. Mr. Rascoe stated that when the Town Board approved the change to the Zoning code, it forgot to take the RAG-3 zone from within the Code and that error will be corrected when the Town Board passes any new zoning code changes.

Mr. Rascoe discussed the various definitions in the existing code and stated that the definition of Commercial Recreation may be interpreted to include a campground that was created as a commercial enterprise by a resident and that the campground would be subject to Site Plan review by the Town’s Planning Board.

After discussion, a motion was made by Mr. Rascoe and seconded by Mr. Russo that the Zoning Board of Appeal’s interpretation is that a commercial campground be permitted as a Special Use Permit in RAG-2. In reviewing the various definitions in our zoning, a commercial campground for profit would fall under recreational uses. Lisa Magliano stated that the Building Department will forward this decision to the Planning Board. **Vote:** Mr. Rascoe – Aye, Mr. Russo – Aye, Mr. Arluck – Aye, Mrs. Wiand – Aye, Mr. Reid – Aye.

Public Hearings:

Patricia Hauer – TM #: 98.4-1-24 (RAG-2) 110 Oregon Trail – Pine Bush, NY 12566 - \$177-6E – Side Yard Setback of 8’:

Patricia Hauer and Peter Brawley presented this application. Mr. Brawley stated that they are looking for a side yard variance of 8’ to construct a garage. Mr. Reid asked what the hardship was that it could not be put anywhere else. Mr. Brawley stated that the septic and the leech field are on the left of the house. Mr. Russo stated a 6’ variance from the house to the proposed garage will be required as well. If the garage were to be put in the rear on the house, another driveway would have to be put in to access it. There is a right-of-way on the

Patricia Hauer – TM #: 98.4-1-24 (RAG-2) 110 Oregon Trail – Pine Bush, NY 12566 - §177-6E – Side Yard Setback of 8’ continued:

right side of the property. Mr. Brawley stated he would not use the right-of-way to access the garage. Mr. Russo asked if they have legal access to the right-of-way and Mr. Brawley stated it is a deeded right-of-way. Mr. Brawley stated he has discussed his plans with the neighbors, and they were fine with it. Mr. Arluck stated he spoke to the neighbor that is most affected and he stated he was for it. Mr. Reid asked if there were any further questions from the Board and the audience and there were no comments.

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

A motion was made by Mr. Arluck and seconded by Mrs. Wiand to grant the 8’ variance (10’ required, 2’ existing, 8’ requested) for the house to the property line and a 6’ variance for the proposed garage to the house (10’ required, 4’ existing, 6’ requested). Mr. Arluck stated the findings are that granting the variances requested are minimum variances to meet the desired outcome of the applicant. The variances will not change the characteristics of the neighborhood, that the right side of the property has a right-of-way buffering the neighbor’s property and that the variances have the support of the neighbors. Vote: Mr. Rascoe – Aye, Mr. Russo – Aye, Mr. Arluck – Aye, Mrs. Wiand – Aye, Mr. Reid – Aye.

Public Hearing Continuations:

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

Marissa Weiss of Jacobowitz and Gubits spoke on behalf of Mr. Yuknevich and was not present at the February meeting as they were retained after the fact. Ms. Weiss recapped the application that the applicant was looking for a 34’ front yard variance for the pole barn and stated that the shed that was encroaching on the neighbor’s property had been removed. Ms. Weiss stated that there are building permits for everything that was done at this location and this is a flag lot. There was a problem with the location of the property line. To remove the pole barn and the walkway is not an easy task. They feel that these “buildings” are in keeping with the characteristics of the neighborhood and that they are hidden from the road. There are however issues with the neighbors. They are just trying to bring the property into compliance. This is technically a self-created issue due to the property line difference.

Mr. Russo stated the survey was dated 2016 and Ms. Weiss stated it was resurveyed in January 2020. Mr. Russo asked if the line was different on that survey and Ms. Weiss stated the survey was incorrect. Mr. Russo asked about the retaining wall and Ms. Weiss stated that was not part of this application this evening. There was discussion as to how it is tied into this application. Mr. Reid asked if there was any evidence that the shed had been removed. Mr. Rossner stated that the shed was on his property and stated the shed had been removed but is not sure of the concrete slab and wants that removed. Mrs. Rossner stated the markers and pipes that showed boundary lines are no longer there. Mr. Yuknevich stated the shed had been removed, there were no footings and that the dirt there was smoothed over. He does have photographs if need be.