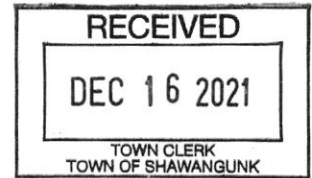


**Town of Shawangunk
Zoning Board of Appeals
November 17, 2021**



Minutes of a Public Hearing held by the Town of Shawangunk Zoning Board of Appeals on November 17, 2021 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 and Mrs. Susan Wiand as members.

The meeting was called to order at 7:00 PM. Chairman Reid led the Zoning Board for a moment of silence and the pledge to the flag. Mr. Reid asked for everyone to remain standing for a moment of silence for our Zoning Board Member, Mr. Roger Rascoe, who has passed away. Mr. Arluck added that Mr. Rascoe was a great loss to our community, an invaluable member of the Zoning Board, a Veteran and a respected member of many organizations.

Approval of Minutes: A motion was made by Mr. Arluck and seconded by Mr. Russo to amend the minutes of August 18, 2021 due to a typographical error and approve the minutes of September 15, 2021. Vote: Mr. Russo – Aye, Mr. Arluck – Aye, Mrs. Wiand – Aye, Mr. Reid – Aye.

All Public Hearings remain open for one hour.

Public Hearing:

Albert and Kim Dodd – TM#: 99.2-1-38 (RAG-2) 2680 New Prospect Road – Pine Bush, NY 12566 - §177-6E – Area Variance of 0.16 Acres for a 2 Lot Subdivision:

Margaret Hillriegel, Licensed Land Surveyor, presented this application. The Dodd's own approximately 7.26 acres at 2680 New Prospect Road and are proposing a two-lot subdivision. The subdivision will include a two-acre parcel that has full frontage on New Prospect Road and approximately a 4-acre parcel in the rear of the property that will be a flag lot. The flag lot will have to cross wetlands and will be used for a single-family home for their daughter, Kelly. Even though the applicant's own 7.26 Acres, after wetlands, a strip of road from the center line and some of floodplain on the rear of the parcel are removed, they do not have a full 6 acres to subdivide. They need the double acreage for the flag lot. After the removal of the wetlands the flag lot will be 4.01 acres, the part where the main house site will require a variance of 0.16 acres. All other zoning requirement will be met. Mrs. Hillriegel presented letters from some of the neighbors that are in support of this application. Mr. Russo asked if this applicant has been in front of the Planning Board and Ms. Hillriegel stated they have not. Mr. Reid stated that even though letters of support have been presented, this board makes its decision on land use. Ms. Wiand stated she had a question regarding an archeological site, as a question on the Environmental Assessment Form was checked yes. Ms. Hillriegel stated that certain things pop up on the EAF mapper if there is something in proximity and stated she there was no observation of this on this site. Mrs. Wiand inquired about the included report on the bog turtles. Ms. Hillriegel stated that also popped up on the EAF mapper and Mr. Michael Nowicki of Ecological Solutions, LLC submitted a report stating that the wetlands on this parcel do not support the bog turtles in a summary of the report on page 3 of the report. The determination is that there are no bog turtles on this site. Stephen Lettis reviewed the survey and asked some questions of Ms. Hillriegel. Mr. Reid stated this has not been cleared by the Ulster County Planning Board due to an administrative delay and the application will need to be continued until the December 15th meeting.

Albert and Kim Dodd – TM#: 99.2-1-38 (RAG-2) 2680 New Prospect Road – Pine Bush, NY 12566 - §177-6E – Area Variance of 0.16 Acres for a 2 Lot Subdivision continued:

There were no further questions. This application will be sent to the Planning Board for their recommendation.

A motion was made by Ms. Wiand and seconded by Mr. Arluck to continue this application to the December 15, 2021 meeting. Vote: Mr. Russo – Aye, Mr. Arluck – Aye, Mrs. Wiand – Aye, Mr. Reid – Aye.

Cody and Azure Kaasmann – TM#: 104.2-1-28.100 (RAG-2) Woods Road – Pine Bush, NY 12566 - §177-65 – Frontage on a Private Road:

Cody and Azure Kaasmann presented this application. The Kaasmann's own 38.2 acres and would like to build two houses on this parcel. They would need an additional variance as this property is on a private road. Mr. Reid stated that a lot is not considered a lot on a private road. Mr. Kaasmann stated that Woods Road is part of their property and there is a house beyond theirs. Mr. Russo stated that the drawing that was submitted by the engineer was not taken from the survey. Mr. Russo stated that according to the SEQRA documents that there are wetlands, but they are not on the drawing. Mr. Russo stated there is a separate wetlands mapper. There was a discussion on the wetlands. Mr. Russo stated there are a few questions on the EAF that were not answered, and they must be completed. Question #1 should be a no, question #2 should be a no, question #5A and question #9 – should read yes. The EAF would have to be amended. Mr. Kaasmann stated that he heard years ago they used to plow the road and deliver stone. Mr. and Mrs. Riker who have lived on this road since 1990 said they haven't done anything since. Mr. Russo stated they are on a private road and they have demonstrated that the property can be subdivided. There was discussion on how many houses must be on a private road before it becomes a town road. No one knew. Mr. Mark Watkins, Planning Board Chairman, stated that the residents would have to get together and bring the road up to town specifications before anything would be done. The applicants have owned the property since August 2021. Mr. Russo stated that they are looking to vary the code §177-65 for the definition of a lot and having frontage on a private road and §177-12(H) for an additional dwelling on a lot. Permits need to give before anything should be done. Mr. Reid asked if there were any questions. Mr. Wiczorek asked why not subdivide it now. It was clarified to him that they just need to demonstrate that it can be subdivided. Mr. Watkins stated that it is now town law. Mr. Kaasmann stated they meet all other setbacks. There was discussion of two Woods Roads in town.

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

A motion was made by Mr. Russo and seconded by Mr. Wiand to grant the two variances requested to allow two additional residences on one lot on a private road. The Board's findings are that the applicants have shown conformance with the other residential homes on the private road. The applicants have met the requirements of §177-12(H) that demonstrates this lot meets the requirements for a future subdivision. This application is in keeping with the characteristics of the neighborhood up to and beyond the location of this lot. There is no negative impact with the SEQRA information provided within the area they are proposing to build. Vote: Mr. Russo – Aye, Mr. Arluck – Aye, Mrs. Wiand – Aye, Mr. Reid – Aye.