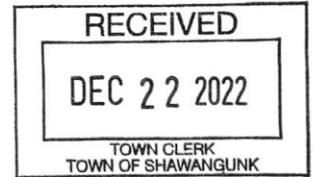


Town of Shawangunk
Zoning Board of Appeals
September 21, 2022



Minutes of a Public Hearing held by the Town of Shawangunk Zoning Board of Appeals on September 21, 2022, at 7:00 PM at the Town Hall, 14 Central Avenue, Wallkill, New York, County of Ulster for the following:

Present Were: Mr. Dennis Arluck - Chairman, Mr. John Russo, Mrs. Susan Wiand and Mr. Ryan Reid as members.

The meeting was called to order at 7:00 PM. Chairman Arluck led the Zoning Board for a moment of silence and the pledge to the flag.

Approval of Minutes: A motion was made by Mr. Russo and seconded by Ms. Wiand to approve the minutes of February 16, 2022. Vote: Mr. Russo – Aye, Mrs. Wiand – Aye, Mr. Reid – Aye and Mr. Arluck - Aye.

All Public Hearings remain open for one hour.

Public Hearing:

Garvilla Construction, Inc. – TM #99.1-4-29 (RS-2) 694 Decker Road – Pine Bush, NY 12566 - §177-6C – Variances for Lot Area of 3 Acres, Side Setback of 10.3', Road Frontage of 20':

Margaret Hillriegel, Licensed Land Surveyor, presented this application. Ms. Hillriegel stated that Mr. Garvilla has a 2.6-acre property at 694 Decker Road and requires several variances. They feel that according to §177-84, this property is subject to the grandfather clause. The only variance would be the side yard. According to the Health Department, the property needs a large septic system and requires a 20' setback from the septic system, therefore a variance of 10'3" is requested for the side yard. This property has flood plain and wetlands overlapping creating a 0 net acreage. This property did exist prior to zoning, it was bought as a building lot. Mr. Arluck asked if there were any questions and Mr. Reid stated this would be considered a Type 1 action for SEQRA and should this be exempt from SEQRA as well? Ms. Hillriegel stated she feels it should be; she wasn't certain, so they completed the long form Environmental Assessment Form to cover the bases. Mr. Russo asked the location of the existing driveway because there will be wetland disturbance. She stated it was passable up to the septic system. She does not believe the Army Corp. has been notified. Mr. Garvilla stated that they did not intrude on the Federal Wetlands. Mr. Russo stated that he has intruded on Army Corp. Federal wetlands. Mr. Garvilla stated they filled the driveway up more than it was. There was extensive discussion on the flood plain and wetlands. Mr. Reid asked what the 1997 zoning code was and Ms. Hillriegel stated it was one acre. It changed after that to two acres and now it is three acres. Mr. Reid asked if there were any net requirements or wetland requirements and Ms. Hillriegel stated no. Ms. Hillriegel stated the house, and the septic are outside of the wetlands.

There was discussion about the shared driveway, 12' is on Mr. Garvilla's property and 12' on the neighbor's property. They are going to be side by side. The driveway goes in about 70' and then it splits. Mr. Russo questioned if Mr. Garvilla had placed fill in the driveway and he said yes, they built it up. Mr. Arluck asked if we would have to wait to for the Army Corp. of Engineers to be notified. Mr. Russo stated the Board could make it a condition. Mr. Reid stated there are things that the Zoning Board needs to clear up for a SEQRA Type 1 action because of the Critical Environmental Area. Mr. Russo asked if Mr. Garvilla had all the septic approvals. Mr. Garvilla stated yes.

**Garvilla Construction, Inc. – TM #99.1-4-29 (RS-2) 694 Decker Road – Pine Bush, NY 12566 - §177-6C –
Variances for Lot Area of 3 Acres, Side Setback of 10.3', Road Frontage of 20' continued:**

Mr. Reid asked if the utilities will be above or below ground. Mr. Garvilla stated they will be below ground. Mr. Arluck asked if anyone in the audience had any comments. Mr. Michael Vetter, an adjoining property owner, asked how far away from the stream will the house be - 200'. Mr. Vetter stated it has always been wet back there. Mr. Vetter stated there has been a serious beaver problem in that area. Ms. Zaoutis, lives across the street and stated it is a swamp over there. Her property is above Mr. Garvilla's property and states that they have a sump pump going all the time and is very concerned about the runoff and the stream. Ms. Zaoutis presented the Board with an advertisement of the property as a single-family home with 4 bedrooms and 3 baths. Mr. Garvilla stated that it is a generic rendering. Mr. Russo stated the Town does not have the right to grandfather or vary anything in the wetlands. Ms. Hillriegel stated if the applicant didn't need a side yard variance they shouldn't be here. Mr. Russo stated the question is when did the wetlands appear on any mapping. Mr. Russo stated they can still build in a flood plain, with a flood development permit, if they comply with all other requirements. Mr. Reid stated a decision cannot be made without SEQRA compliance. Mr. Reid asked Mr. Garvilla if any trees had been removed and his answer was none, not a single tree. The minimal disturbance would be covered by the flood development permit and would need to be issued by the Building Department prior to any building permit being issued. Mr. Garvilla stated that the Department of Health has approved this by issuing a permit. Septic is installed. Mr. Robert Wallner, Building Inspector, stated a septic permit had not been issued. There was discussion about the Zoning Board declaring a Type 1 and Lead Agency or declare intent.

A motion was made by Mr. Arluck and seconded by Mr. Reid to declare intent to become Lead Agency. Vote: Mr. Russo – Aye, Mrs. Wiand – Aye, Mr. Reid – Aye and Mr. Arluck – Aye.

Neil Selkirk, another neighbor, stated he been here about six years, but does know it is wet, there isn't a time that you do not need boots. Mr. Garvilla stated that in 30 years he has never seen it underwater, it is all gravel, he lives up the road.

Mr. Russo asked if Ms. Hillriegel will get in touch with Mike Nowicki to handle the Army Corp. Mr. Russo requested a new survey showing what is being done to the driveway, the extent of any grading, etc. Mr. Reid asked if anything was dug up and Ms. Hillriegel stated that it was just put on top. There was discussion (177-6B) about how much area was disturbed without sign plan approval. Ms. Hillriegel stated that was not applicable. The deadline for new submission would be the first week of the month. Mr. Russo stated that they would also have to comply with the additional RS standards, structure screening, etc.

Mark Watkins, Planning Board Chair, stated that going through the studies can be very costly. Mr. Arluck stated it is pre-existing, non-conforming and the Board is still considering this application.

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

Appearance: None

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There was discussion on miscellaneous zoning matters.

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

**Meeting Adjourned at 7:48 PM
Respectfully submitted,**

**Kathy Ebbrell
Zoning Board of Appeals Secretary**