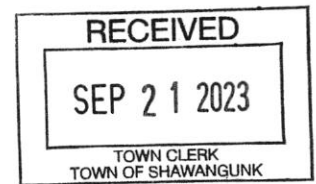


**Town of Shawangunk  
Zoning Board of Appeals  
July 19, 2023**



**Minutes of a Public Hearing held by the Town of Shawangunk Zoning Board of Appeals on July 19, 2023, 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, Richard Hoyt – Town Attorney, Mark Watkins - Planning Board Chairman, Mary Ann Longano – Planning Board Secretary, John Calaca - Building Inspector and members of the public.

The meeting was called to order at 7:00 PM. Mr. Arluck led the Zoning Board in the pledge to the flag.

**Approval of Minutes:** A motion was made by Mrs. Wiand and seconded by Mr. Reid to approve the minutes of June 21, 2023, and April 19, 2023, making note that there were changes to the transcript submitted on April 19, 2023. **Vote:** Mrs. Wiand – Aye, Mr. Reid – Aye and Mr. – Russo - Aye, and Mr. Arluck - Aye.

All Public Hearings remain open for one hour.

**Public Hearings:**

**Darla Hall – TM #106.50-1-35 (HWG) 1460 Route 208, Wallkill, NY 12589 - §177-23.2 – Variance for Accessory Dwelling Unit:**

Due to a conflict of interest, Member Russo recused himself from this application. Mr. Richard Spoto of Woodchips, Inc. presented this application alongside Mrs. Hall. Mrs. Hall is looking to add a second story to an existing garage as an accessory dwelling unit. Mr. Arluck stated Route 208 is the frontage and the Zoning code does not allow for a garage in front of the principal structure; it must be in line with the house or behind it. Mr. Spoto stated that this has been going on for a long time and has been told many different things. There are two separate lots involved and have not been combined. Mr. Arluck suggested combining the lots. Mrs. Hall stated that there are two different owners. Mr. Reid stated the Gateway does not allow for accessory dwelling units and Mr. Hoyt confirmed. The single and two-family dwellings were grandfathered only with respect to expanding the existing house. This prevents this from happening. It is not possible to grant a use variance as an accessory use. Mrs. Hall asked if there could be an accessory dwelling unit in a building with a commercial business. Mr. Hoyt stated that the Gateway was created to bring in new business. The application was not specific in its requirements other than an accessory dwelling unit. The survey is missing the bulk requirements. Mrs. Hall stated that this application was submitted last year before the change in the zoning code. Mr. Arluck stated the survey shows it as one big lot, with no definition and does include any bulk requirements. The lot borders three streets. Mr. Reid stated the application is incomplete. A building permit was submitted in November 2022 and was denied as a non-conforming lot.

Mr. Hoyt inquired if the applicant would have to seek a use variance. There was extensive discussion about the Gateway and a possible use variance. There cannot be a third dwelling on the lot. Mr. Hoyt stated the use doesn't fit because the house is not 150' from the road, the accessory structure cannot be in front of the house. Prior to the change to the code, an accessory structure would need a use variance for a detached structure. Mr. Arluck asked Mr. Calaca for his opinion. Mr. Calaca stated there would be setback issues are there are three road frontages, if it is a two-family house, it is only allowed to have a single family, the third unit above the garage would need a use variance, and a commercial business would have to be present in the building in question. There was discussion regarding building a house on the back lot as it is in the RAG-1 zone; and requires two acres. There was misinformation given and unfortunately it doesn't change things. A revised survey would be required, and the building application would need to be reviewed. There was discussion on