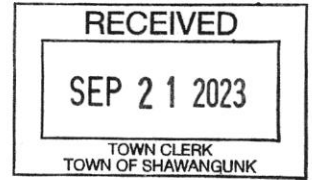


**Town of Shawangunk
Zoning Board of Appeals
August 16, 2023**



Minutes of a Public Hearing held by the Town of Shawangunk Zoning Board of Appeals on August 16, 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, Mrs. Susan Wiand and Mr. Ryan Reid as Members, Alex Danon – Town Councilman and members of the public. Mr. John Russo – Absent.

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 postpone the approval of the July 19, 2023, minutes to the September 20, 2023, meeting due to unforeseen circumstances. **Vote:** Mrs. Wiand – Aye, Mr. Reid – Aye, Mr. Arluck - Aye, Mr. Russo - Absent.

All Public Hearings remain open for one hour.

Public Hearing Continuations:

Debra and Stephen DeEntremont – TM #98.1-1-9 (RS-1) 123 Clark Road, Pine Bush, NY 12566 - §177-23.2c.(2) and 117-10 – Variances for Lot Area of 5.448 Acres, Lot Width of 42.52' and Rear Yard Setback of 53':

Mr. and Mrs. DeEntremont did not appear.

A motion was made by Ms. Wiand and seconded by Mr. Reid to continue this public hearing to September 20, 2023, pending withdrawal by the applicant. **Vote: Mrs. Wiand – Aye, Mr. Reid – Aye, Mr. Arluck - Aye, Mr. Russo - Absent.**

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

Mrs. Hall and Mr. Richard Spoto presented this application. Mr. Spoto submitted a revised survey showing the side setback and an outline explaining the four criteria for a Special Use Permit. First, show that you cannot not realize reasonable return – rental value a lot higher than commercial rent – Mrs. Hall provided copies of available rentals in the neighborhood, 10 vacant commercial rentals, also presented costs to build an addition vs. an accessory dwelling unit; there is a substantial difference. Mrs. Hall is disabled and stated that all permitted uses in that zone are commercial, there is an abundance of open rentals.

Alleged hardship – the property is unique – the property is non-conforming and has road frontage on three sides. She cannot open a business as she is disabled. Mrs. Hall stated her son will be renting the accessory dwelling unit and it would not change the footprint. Mr. Arluck stated the Gateway does not permit residential. She says there is a housing shortage, and it will not alter the essential character_of the neighborhood. A neighboring property has a two-story detached garage, and the parking will be off Baumer Road which is not an issue. There are six multi-family homes, including her home, out of the 27 properties within the Gateway. The house directly across the street is a three-family home. Mrs. Hall submitted photos of those properties.

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

Mrs. Hall stated this was not self-created, she inherited the property from her grandmother in 1994 and it was already a two-family home. Mrs. Hall submitted documentation regarding the American Disabilities Act, Title II, making reasonable accommodations (20x20 addition) in the zoning law. Mrs. Hall stated that Local Law No. 1 of 2023 states under permitted uses – living quarters of owner or caretaker of structure is a permitted use. Mr. Spoto stated that her son will be her caretaker due to her disability. Mrs. Hall stated that Mr. Calaca, the Building Inspector, was going to submit his recommendation. The Board did not receive a letter. Mr. Reid stated we are dealing with a use variance for an accessory use there are certain criteria for a use variance. Mr. Reid stated that there is already a two-family house, if an accessory dwelling unit were there, the two-family house must be converted into a one-family house. Mr. Spoto states the American Disabilities Act trumps zoning. Mr. Reid stated a determination could not be made until this application was sent to the Ulster County Planning Board for referral and the application is incomplete. Mr. Arluck stated the Zoning Board cannot issue a variance regarding the ADA law until the Town Attorney reviews the matter.

A motion was made by Mr. Arluck and seconded by Mr. Reid to continue this public hearing to September 20, 2023, pending submission to the Ulster County Planning Board for Referral. Vote: Mrs. Wiand – Aye, Mr. Reid – Aye, Mr. Arluck - Aye, Mr. Russo - Absent.

Christopher Sparaco/NY USLE Bruynswick Road I LLC – TM #99.2-6-10 (RAG-4) 2319 Bruynswick Road, Wallkill, NY 12589 - §177-23.1.E(3)b) – Solar Energy System – Variances for 7% Lot Coverage, 50' Area for Vegetative Buffer and 13.9 Acres Clearing:

Mike Fingar presented updates in their design to the application. Mr. Arluck inquired if there were any updates regarding the EIS. There will be a joint submission. Mr. Fingar stated that they have spoken with some of the neighboring property owners. They are in discussion with a neighbor to the west of the driveway for a Resource Protection Easement for about 12-1/2 acres. It will add to the uniqueness of the application and will offset the initial tree clearing above what is allowable and will serve as undisturbed vegetative buffer for the participating properties. They have also removed any disturbance proposed from the non-participating properties. They continue to maintain the undisturbed vegetative buffer and exceed that on the residential homes. They have eliminated the variance for the lot coverage and cut the undisturbed vegetative buffer by half and mitigated that with the tree clearing. Mr. Arluck inquired if the property owner involved in the easement is aware that it cannot be used for anything else for the life of the project and yes, they were advised. They will be selective clearing and they will cut to grade. Mr. Reid inquired if Mr. Fingar received the report, he sent him that states the electricity generated from community solar projects do not count towards meeting the goal of the state's renewable energy standards. Mr. Fingar stated he brought some documentation from NYSERTA that it does count towards the goal. There was discussion about the solar farm fire upstate. This system will not have storage batteries. Mrs. Wiand stated that the factories building the solar panels use a tremendous amount of fossil fuel to manufacture these panels and just doesn't see the logic. Mr. Fingar stated we are in a transition period. Chris Koenig stated that this project will provide power to the Galeville substation, will benefit the residents, and will provide upgrades to the