

## Town of Shawangunk Zoning Board of Appeals August 20, 2025

Minutes of a Public Hearing held by the Town of Shawangunk Zoning Board of Appeals on August 20, 2025, at 7:00 PM at the Town Hall, 14 Central Avenue, Wallkill, New York, County of Ulster for the following:

Present Were: Dennis Arluck, Chairperson, Susan Wiand, Robert Wallner, Sandy Damon and Chris Budney as Members, Richard Hoyt, Esq., Town Attorney, Julie Pawson, Zoning Board Secretary, and members of the public.

The meeting was called to order at 7:02 PM. Mr. Arluck led the Zoning Board in the pledge to the flag.

Approval of Minutes: A motion was made by Mr. Wallner and seconded by Ms. Wiand to approve the minutes of July 16, 2025. Vote: All Ayes.

**PUBLIC HEARING:** 

Applicant/ Owner: Michael Brander

The applicant, Michael Brander, addressed the Board and stated that he would like to move an RV on his land to access equity in the sale of his current home and to better afford to build his new home. Mr. Wallner asked if he had a building permit yet to which Mr. Brander replied that he did not. Ms. Damon asked if his current home was on the market and Mr. Brander replied that it was not because they were trying to line everything up. Mr. Budney stated that perhaps the Zoning Board could get the clock ticking once there was a building permit. The applicant stated they were targeting to build in the spring and would look to getting the permit closer to that time. Mr. Wallner asked if the new home was designed yet, the applicant said that it has been. Julie Pawson stated that a copy of the home plans is in the Planning and Zoning Board office for all to review but they are large plans, so copies were not made for everyone. Mr. Wallner then asked how many lots were on the land the applicant is looking to build on, to which Mr. Brander answered there are 3 lots. The applicant stated that the driveway is paved, and electric has been run to the site. Mr. Wallner asked if the Department of Health has approved the site for building and Mr. Brander replied that it has been approved. There was some discussion between Mr. Hoyt, Mr. Wallner, Mr. Budney and the Applicant regarding RV living. Mr. Wallner stated that the NYS building code allows 180 days of RV living, but our code calls for 12 months for replacement if a pre-existing structure is damaged. Mr. Hoyt said not to do anything contrary to code. Mr. Arluck stated that he would like to table this until the next meeting and called for a motion to continue the Public Hearing until September 17, 2025.

A motion was made by Ms. Damon and seconded by Mr. Wallner to adjourn the Public Hearing until the September 17<sup>th</sup>, 2025, Zoning Board Meeting. Vote: All Ayes.

CONTINUATION OF

**PUBLIC HEARING:** 

NY USLE BRUYNSWICK RD I LLC / OWNER: CHRISTOPHER SPARACO/ APPLICANT: MICHAEL FINGAR

Mr. Budney recused himself. Michael Fingar, the applicant, appeared before the Zoning Board. He began by stating that he had attended the Ulster County Planning Board meeting and would appreciate any feedback from the Board regarding the UCPB comments. He added that he did not believe that the UCPB received a

"complete packet" of material for consideration. He said he is aware that the amount of land requested in the variance for clear cutting was the biggest issue, however he still does not think that the number of trees they would like to cut would impact views in the area. Mr. Arluck said he has not had time to review the UCPB comments completely because they were just received. Mr. Hoyt then stated that he was not aware that the UCPB supplied special meetings with applicants. Mr. Fingar stated that after the UCPB determination at their open public meeting, they stated that they were not supplied with all the studies that were done for the site. Mr. Hoyt then asked Mr. Fingar if he got the impression that the Ulster County Planning Board's decision was Final or Advisory to which Mr. Fingar replied he felt it was advisory. Mr. Arluck asked the applicant why he could not cut this project in half to accommodate to the zoning. Mr. Fingar stated that due to costs, labor, etc. there would not be enough yield if the project was smaller to compensate for the cost of the project if it were cut in half. He said he has made it as small as possible while still able to make profit from the project. He asked the board if there were any amount of relief they would consider and if this variance is not going to happen, please let him know so that he can rework the size of the system. Mr. Hoyt then stated that the EAF states they will have 32 inverters, but the noise study says 15. He also stated that the July EAF states there will be 18.8 acres of disturbance whereas the variance is asking for 19.6 acres of forest removal. Mr. Fingar stated that with all the changes made there have been a lot of different numbers and perhaps some things need to be revised or corrected as it stands. Mr. Hoyt then referred to a Memo from MHE from April or March of 2025 regarding impervious surface and asked Mr. Fingar if his project team had responded to that memo. Mr. Fingar said he will investigate it and didn't have record of that with him tonight. He did state that any stormwater plan would go through the DEC and for any version of the project they would accommodate for all of that properly. Mr. Hoyt passed out a booklet containing memos to USLE over the months and years which he believed were not responded to during this project's application and the variance requests. Mr. Fingar said he believed that some memos were responded to and would have to check. Mr. Fingar said he wants to work with the Town and respond to the memos presented tonight. Mr. Hoyt stated he will look forward to USLE's engineer's comments to MHE's memo. Mr. Arluck asked if anyone else had any further questions or comments to which no one replied.

Mr. Hoyt stated that the applicant will submit responses to memos by September 8, 2025. The Hearing will be closed but the written submittals will be entertained until September 8, 2025.

Mr. Arluck then called for a motion to close the Public Hearing. A motion was made by Mr. Wallner and seconded by Ms. Damon to close the Public Hearing. Vote: Mr. Budney – Abstain, Ms. Wiand – Aye, Ms. Damon – Aye, Mr. Wallner – Aye and Mr. Arluck – Aye.

A motion was made by Mr. Arluck and seconded by Ms. Wiand to adjourn the meeting at 7:44 PM. Vote: All Ayes.

Respectfully submitted,

Julie Pawson
Zoning Board of Appeals Secretary