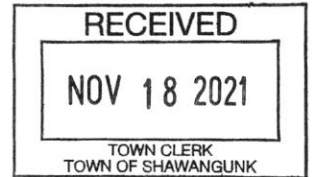


**Town of Shawangunk
Zoning Board of Appeals
August 18, 2021**



Minutes of a Public Hearing held by the Town of Shawangunk Zoning Board of Appeals on August 18, 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. Roger Rascoe, Mr. John Russo, Mr. Dennis Arluck and Mrs. Susan Wiand as members.

Approval of Minutes: A motion was made by Mr. Arluck and seconded by Mr. Russo to approve the minutes of October 21, 2020, November 18, 2020, April 21, 2021, and May 19, 2021 due to unforeseen circumstances and readdress the obligation of the Zoning Board to have a rough draft of minutes completed within five days of the meeting as per state law. Vote: Mr. Rascoe – Aye, Mr. Russo – Aye, Mr. Arluck – Aye, Mrs. Wiand – Aye, Mr. Reid – Yes.

All Public Hearings remain open for one hour.

Public Hearing:

Robert and Stacey Stap – TM#: 105.2-1-37.3 (RAG-4) Greising Road – Pine Bush, NY 12566 - §177-6G – Lot Width of 29.1’:

Ryan Smithem of Mercurio-Norton-Tarolli-Marshall presented this application. This property is on Greising Road near Hoagerburgh Road and is 50.6+/- acres and consists of farm fields, a section of woods along the edge of the property and an existing sand/gravel mine located near the rear of the site, which has been approved and permitted by the New York State Department of Environmental Conservation. They are proposing a two-lot subdivision to subdivide a small parcel to build a house for one of their children near the front of the parcel. Lot 1, the proposed building lot, would have insufficient lot width and they are seeking a variance for 29.1’. The drawing shows the proposed house location, sewage system and well on Lot 1, and shows the potential subdivision of Lot 2 for purposes to show that it can be subdivided. The applicant is intending on using the existing gravel driveway. They are proposing an easement be put in place for Lot 1 to access the property. Lot 2 would still be able to access the farm if Lot 1 is ever sold, so that the farm can continue to operate. Mr. Reid inquired if the Planning Board had made any recommendations to them? Mr. Smithem stated that a memo was issued discussing that there may be more wetlands that need to be delineated. If it is determined that there are more wetlands than are shown on the drawing that would make Lot 1 substandard, the rear line of the property would be increased to accommodate the additional wetlands. Mr. Smithem stated that it would not affect the numbers for the lot width variance requested today. Mr. Reid is questioning why there are still unanswered questions how much wetlands are going to be involved. Mr. Smithem stated that the application was made up prior to the Planning Board meeting and it was not brought up. As of this morning they had not received a determination if there were additional wetlands. Mr. Russo inquired if the consultant just looked at the front of the property. Mr. Smithem couldn’t say if it was the entire site. Mr. Rascoe asked how wide the gravel road was, and Mr. Smithem stated approximately 10’ wide. Mr. Rascoe discussed making it a flag lot, but then it would be substandard. Mark Watkins, Planning Board Chairperson, stated that the Environmental Management Council (EMC) went out questioning the wetlands and were told that the applicants would take anything they needed from Lot 2 so that Lot 1 would conform. The Planning Board has not received the EMC’s report yet. Mr. Reid asked if there were additional comments. Mr. Reid stated this is an incomplete application as all the data is not

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Robert and Stacey Stap – TM#: 105.2-1-37.3 (RAG-4) Greising Road – Pine Bush, NY 12566 - §177-6G – Lot Width of 29.1’ continued:

in yet. There was discussion at length as to the completeness of the application due to the wetlands and the specific numbers on the application. Mr. Reid stated the Board cannot decide on an incomplete application. Mr. Rascoe stated that the wetlands situation does not affect the application for the Lot Width. The Planning Board will take care of the final numbers with the EMC. Mr. Reid stated time is not of the essence and to adjourn this application to next month. There was additional discussion. Mr. Reid again stated that this Board should have application with all pertinent information from the Planning Board and the EMC before the Board varies the code.

A motion was made by Mr. Arluck and seconded by Mr. Russo to close this Public Hearing. Vote: Mr. Rascoe – Aye, Mr. Russo – Aye, Mr. Arluck – Aye, Mrs. Wiand – Aye, Mr. Reid – No.

A motion was made by Mr. Russo and seconded by Mr. Arluck to grant the variance for Lot Width of 29.1’ (250’ required, 220.9’ existing, 29.1’ requested) for Lot 1 as per the submitted survey from Mercurio-Norton-Tarolli-Marshall dated June 16, 2021 . The Board’s findings are that even if is determined by the Environmental Management Council that there are additional wetlands, it does not affect the variance for the Lot Width. The applicant has agreed to increase the size of Lot 1 to conform to the Zoning requirements. Vote: Mr. Rascoe – Aye, Mr. Russo – Aye, Mr. Arluck – Aye, Mrs. Wiand – Aye, Mr. Reid – No – the application is incomplete.

Appearances:

Nathaniel Morgan and Angela Morris - TM#104.50-2-6 (RAG-2) 237 Lake Shore Drive (former dance studio) Pine Bush, NY 12566:

Nathaniel Morgan and Angela Morris were present to present this application. The applicants want to use the former dance studio as a home office and build a house on the property. First there is an issue with the front setback of the building, which is 25’ from the road and the required setback is 35’. The other issue is that the proposed house or primary structure be alongside or in front of the accessory building. The applicant wanted to discuss this before they got too tangled up in this matter just to make sure they are on the right track. Mr. Rascoe stated that looking at the scenario presented to the Board, they are looking to have an office in the accessory structure and would need a variance for a pre-existing accessory structure being closer to the road, you have the road frontage and the house, carport and shed would all meet the required setbacks according to the zone. Mr. Rascoe stated he has a question regarding the special use permit in place. When/if the receive their variances that the variance with findings would have to be very specific that the special use permit for this parcel would be terminated upon issuance of the variance. The applicants stated they are musicians, and they need studio space for their own personal recording and practice and would not be providing lessons, etc. Ms. Wiand stated it would be a better use of the property. Mr. Russo suggested landscaping the accessory dwelling to minimize the site difference. Ms. Morris stated it is more important for them to have a house than it is a large driveway. Mr. Rascoe stated there are variances they would be looking for and they are the accessory structure in front of the principal structure, a side-line variance for the accessory structure as it is right on the property line and for a pre-existing, non-conforming lot. This is strictly an appearance. There were no additional questions.

There was discussion on miscellaneous zoning matters.

Mark Watkins, Planning Board Chairperson, is requesting a clarification of the interpretation given to the Building Department on August 19, 2020 regarding if camping was allowed in RAG-2. The Zoning Board made a blanket statement/motion that changed the Town Law. Mr. Watkins stated that the Zoning Board can look at site specific projects and not change the law by motion. Mr. Watkins is part of the Rezoning Committee and the law has not been changed yet. Camping was allowed in RAG-3, but that zone no longer exists. Mr. Rascoe stated that when that determination was made the Board looked at the acreage on the property in question but was never specific in what lot. Changes need to be made to the law and it is a very slow process as there were other matters that needed to be taken care of first and were pushed back due to Covid, i.e. the adoption of Comprehensive Plan and the small business zone. Mr. Watkins stated the determination of the number of acres needs to be taken care of. The Planning Board has an application in front of them that has been on hold and they have the property under the camping zoning to do that. Mr. Watkins stated the way the motion was made, it blanketed RAG-2 and it was determined that it cannot be done that way, it should have been specific. There are certain applications being held up by the Planning Board because the Zoning Board's motion was not specific enough. In our zoning it is stated that it is 10 Acres per site. Mrs. Wiand stated that the original motion needs to be rescinded. Mr. Watkins stated that the property that was discussed in August of 2020 has not been to the Planning Board and has several violations and will be going to court next month. There was a lengthy discussion on how to rectify this situation. Mr. Rascoe stated the Board has rescinded the interpretation and allows the applicants in front of the Planning Board any others to be sent to the Zoning Board.

A motion was made by Mr. Rascoe and seconded by Mr. Russo to rescind the motion of August 19, 2020 "that the Zoning Board of Appeal's interpretation of a commercial campground be permitted as a Special Use Permit in RAG-2. In reviewing the various definitions in our zoning, a commercial campground for profit would fall under recreational uses." Vote: Mr. Rascoe – Aye, Mr. Russo – Aye, Mr. Arluck – Aye, Mrs. Wiand – Aye, Mr. Reid – Aye.

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

Meeting Adjourned at 8:15 PM
Respectfully submitted,

Kathy Ebbrell
Zoning Board of Appeals Secretary