



**Town of Shawangunk  
Zoning Board of Appeals  
December 21, 2022**

**Minutes of a Public Hearing held by the Town of Shawangunk Zoning Board of Appeals on December 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. John Russo – Acting Chairman, Mr. Ryan Reid and Mrs. Susan Wiand as Members, Dennis Arluck – Absent. Also present were Mr. Richard Hoyt, Town Attorney, Mr. Robert Wallner, Building Inspector and Mr. Mark Watkins, Planning Board Chairman.

The meeting was called to order at 7:00 PM. Acting Chairman Russo led the Zoning Board in the pledge to the flag.

**Approval of Minutes:** A motion was made by Ms. Wiand and seconded by Mr. Reid to approve the minutes of September 21, 2022. **Vote:** Ms. Wiand – Aye, Mr. Reid – Aye, Mr. Russo – Aye, and Mr. Arluck – Absent.

All Public Hearings remain open for one hour.

**Public Hearing:**

**One Stop Shop Supplies – TM #106.4-1-7.112 (SB) 3050 Route 208 – Wallkill, NY 12589 – §177-6I – Variances for Rear Yard Setback of 33.4’ and Impervious Coverage of 41%:**

Keith Woodruff from Engineering & Surveying Properties, PC presented this application. The property is located at 3050 Route 208 and is 2.6-acres. The property was formerly Gear Up Sports. The applicant has purchased the property to utilize it as a warehouse to support their e-commerce business. They purchase bulk clothing to ship, breakdown and sell to Amazon, and other retailers. There will be approximately 10-15 deliveries a month by 18-wheelers. The items will then be shipped utilizing Fed Ex, UPS, etc., Monday through Friday. The only change to the property will be to reduce the size of the entrance suggested by the Department of Transportation to prevent high speed traffic in and out of the building. They are looking to obtain variances for impervious coverage of 41%, maximum is 30% and a rear yard setback of 33.4’, 50’ required. and is pre-existing, non-conforming. The applicants were before the Planning Board for a Special Use Permit, and they were advised to obtain the variances. Mr. Reid asked who the applicant was and Mr. Woodruff stated that it is the same person, just a subsidiary. The distances were not listed on the survey, they will add them and resubmit. There was discussion regarding parking, and they based the number of spaces on the size of the building. There will be 26 parking spaces. This will also be added to the survey. Mr. Woodruff stated they are aware of a new local law regarding parking requirements so the applicant will be addressing this issue with the Planning Board. The only change to the impervious service will be the removal of part of the entrance. The only other changes on site will be the painting of the exterior to an earthtone color in the spring and cosmetic landscaping. Mr. Russo opened the public hearing to the audience. There were no comments.

**One Stop Shop Supplies – TM #106.4-1-7.112 (SB) 3050 Route 208 – Wallkill, NY 12589 – \$177-61 –  
Variances for Rear Yard Setback of 33.4’ and Impervious Coverage of 41% continued:**

Mr. Reid inquired if the access way in the rear of the building next to the Rail Trail was going to be used for anything. Mr. Woodruff stated it will be used for the fire apparatus and they are waiting to hear from the fire commissioner and the building department as to what must change for that road to be brought up to code and will be used for emergency services only. Mr. Woodruff stated there is a propane tank in the access way and is waiting for direction if it may need to be relocated. Mr. Reid inquired about the southerly bay doors and if they will be utilized and Mr. Woodruff mentioned only the bay doors on the north side will be used for deliveries for the large trucks and a small roll up door for the smaller trucks. Mr. Russo stated at least three parking should be removed and the New York State code states that handicapped parking spots are to be a minimum of 8’ for either a van or a car. There will be emergency signage put up. Mr. Reid inquired about water usage and Mr. Woodruff responded there will be less water and septic usage as there will only be eight employees for bathrooms and employee’s personal use. There will only be one shift of operation. Mr. Reid inquired if there will be any flammable garments/liquids being used and there will not. There will be no odors as they will not be cleaning the garments, merely repackaging. Garbage containers will be internal with no access to the public.

**A motion was made by Mr. Reid and seconded by Ms. Wiand to close the public hearing. Vote: Ms. Wiand – Aye, Mr. Reid – Aye, Mr. Russo – Aye and Mr. Arluck – Absent.**

**A motion was made by Mr. Reid and seconded by Mr. Russo to determine this application a Type 2 SEQRA and is exempt from the SEQRA review. Vote: Ms. Wiand – Aye, Mr. Reid – Aye, Mr. Russo – Aye, and Mr. Arluck – Absent.**

Mr. Hoyt stated the setback is a Type 2 but inquired about the impervious coverage, it is unlisted. There was a short Environmental Assessment Form submitted with the application. This application is required to go to the Ulster County Planning Board for their recommendation.

**A motion was made by Mr. Reid and seconded by Ms. Wiand to declare a Negative Declaration for the increase of the impervious coverage. Vote: Ms. Wiand – Aye, Mr. Reid – Aye, Mr. Russo – Aye, and Mr. Arluck – Absent.**

**A motion was made by Mr. Russo and seconded by Mr. Reid to continue this application to the January 18, 2023, meeting pending the Ulster County Planning Board’s recommendation. Vote: Ms. Wiand – Aye, Mr. Reid – Aye, Mr. Russo – Aye, and Mr. Arluck – Absent.**

Public Hearing Continuation:

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':

Mr. Garvilla stated he has not heard from the Army Corp. of Engineers. Mr. Russo stated the Board has received correspondence from Brian Drumm of the Department of Environmental Conservation. Mr. Garvilla states he has reached out several times and has not heard back from him.

Mr. Hoyt stated he has put together a timeline for both the Zoning Board and Mr. Garvilla about what has occurred with this application. Since the last meeting was held in September, the mailing of the radius was reissued. There are five items he would like to put on the record. First, a Stop Work Order was issued on September 22, 2022, by Robert Wallner of the Building Department. This was not part of the record. Mr. Drumm of the Department of Environmental Conservation sent a letter on October 5, 2022, contacting Mr. Wallner with the status of this application. Mr. Wallner reached out to Mr. Drumm on November 28, 2022, stating that this application was still pending and requested a status report that Mr. Garvilla believed he had the right to a four-bedroom single family home. A Freshwater Wetlands permit is required. The permit issued previously was for a one-bedroom house and is expired. They did not say how many bedrooms could eventually meet the standards. Mr. Garvilla needs to go through the permit process to figure that out. Mr. Drumm emailed on December 16, 2022, that it was his fault that he had not met with Mr. Garvilla, nor been to the site and that a notice of violation had not drawn up. Mr. Drumm did say that Mr. Garvilla needs a Freshwater Wetlands permit. The issue of how many bedrooms is still up in the air. Copies were given to Mr. Garvilla. Mr. Garvilla stated he was approved for a three-bedroom house by the Board of Health. Mr. Hoyt stated that the Department of Environmental Conservation and the Department of Health are separate jurisdictions. Mr. Hoyt stated that the floor plan he reviewed showed the lower bedroom becoming an office. Mr. Garvilla stated that it is a three-bedroom house. Mr. Hoyt inquired who had made the notation about the one bedroom being an office. Mr. Garvilla stated that it was the architect, Joann Schneider. Mr. Russo stated that the advertisement showed a four-bedroom house. Mr. Garvilla stated that the real estate broker made an error by listing four bedrooms and if need be, he will get another rendering made up by Ms. Schneider. Mr. Russo stated that if the office has a closet, it will require a smoke detector and Mr. Wallner confirmed. Mr. Russo stated that this would put it back as a four-bedroom house. Plans need to be resubmitted to confirm that that bedroom would be an office.

Mr. Reid asked what the average price for a three-acre vacant lot would be and Mr. Garvilla stated about \$60,000. Mr. Reid stated that this property was purchased for \$25,000. Mr. Reid asked if Mr. Garvilla was aware that it was in a flood plain and not buildable. Mr. Garvilla stated it was an engineered lot and purchased it for \$25,000. He stated it wasn't such a good deal now that he is having these problems. Mr. Garvilla stated there was an existing driveway, put in three years ago. Mr. Reid stated that the pictures that the Board has in their possession do not match up. Mr. Garvilla stated he extended the driveway, dug it out and filled the tile field. Mr. Reid asked if Mr. Garvilla was aware of the Flood Damage Prevention Law from 2009. Mr. Garvilla said no. Mr. Reid stated per that law is for the prevention of

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building in the flood plain, which matches the map/survey provided by Margaret Hillriegel, which covers a FEMA flood map, 36111C0720E. It states that no land shall be excavated, filled without compliance of the local law. Mr. Russo stated the Department of Health does not look at the local laws. Mr. Reid stated there were laws that were violated – a stop work order, not getting permits, grading, and filling permit to fill in the lot, and 2-3 trees were cut down. Mr. Russo stated you would need that permit to bring fill onto the lot. Mr. Garvilla stated he took down one big pine tree. Mr. Reid stated that on the MLS listing there was a before and after picture. There was a discrepancy regarding the pictures as to when they were taken. Mr. Garvilla stated there was brush there. Mr. Russo asked if there were any comments from the audience. Mr. Neil Selkirk inquired if the house was going to be closer to his property, it will be on the other side, over 100'. Ms. Loretta Zaoutis lives across the street stated there were young trees and brush cleared for the driveway, it was all woods and now you can now see right through. Mr. Reid stated he had questions for Ms. Hillriegel, but she was unable to attend.

Mr. Russo stated there are many issues that need to be addressed regarding the agencies, the information that Mr. Hoyt provided him with, Mr. Garvilla needs to reach out to the DEC, and he needs a freshwater wetland permit. They have concerns with the leech field location and requirements being in the wetlands, making sure it doesn't encroach on the buffer. Mr. Reid stated he is in a check zone. Ms. Wiand stated she doesn't see how it was okay for a one-bedroom home in 2008 and why does it now qualify for a three-bedroom home in an environmentally sensitive area. Mr. Russo stated that Mr. Drumm had a discussion with the Department of Health about the feasibility and functionality of a one-bedroom or a three-bedroom system, he is a flood plain zone, and he has to comply with Town's code (Local Law #2 of 2009). Mr. Russo stated until these items are rectified the Zoning Board is unable to take any action.

**A motion was made by Mr. Russo and seconded by Mr. Reid to change the previous decision to deem this application from a Type 1 SEQRA action to a Type 2 SEQRA action. Vote: Ms. Wiand – Aye, Mr. Reid – Aye, Mr. Russo – Aye, and Mr. Arluck – Absent.**

Mr. Garvilla inquired about the variances and Mr. Russo stated that he needs to comply with the DEC. The Zoning Board cannot issue anything until all the issues have been resolved. Mr. Wallner stated he was instructed by the DEC to issue the Stop Work Order.

**A motion was made by Mr. Russo and seconded by Ms. Wiand to continue this application to January 18, 2023, as this application is still incomplete. Vote: Ms. Wiand – Aye, Mr. Reid – Aye, Mr. Russo – Aye, and Mr. Arluck – Absent.**

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**Appearances:** None

There was discussion on miscellaneous zoning matters.

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

**Meeting Adjourned at 7:55 PM  
Respectfully submitted,**

**Kathy Ebbrell  
Zoning Board of Appeals Secretary**