



**Town of Shawangunk
Zoning Board of Appeals
September 20, 2023**

Minutes of a Public Hearing held by the Town of Shawangunk Zoning Board of Appeals on September 23, 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, Kathy Ebbrell, Zoning Board Secretary, Mark Watkins – Planning Board Chairman 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 Mr. Russo and seconded by Mr. Reid to approve the meeting minutes of July 19, 2023, and August 16, 2023. Vote: Mr. Russo – Aye, Mrs. Wiand – Aye, Mr. Reid – Aye, and Mr. Arluck – Aye.

All Public Hearings remain open for one hour.

Public Hearing:

Robert and Patricia Detrick – TM #105.1-4-1.110 (RAG-2) 39 Eustance Lane, Pine Bush, NY 12566 - §177-15B - Variance for Installing a Pool on the Side of the House:

Robert and Patricia Detrick are requesting a variance to install an inground pool on the side of their home. The rear yard elevation and the septic system are in the rear of the home and it not feasible. It is a very large property of 64 acres and the house is 900' from Route 52. Mr. Russo asked if they had a survey and Mr. Detrick said it is very costly as the surveyors cannot just do a partial of the property; they must do the entire property due to insurance issues. A topographical map was provided by the Assessor's office from the originally proposed subdivision. Mr. Detrick asked why a survey is necessary; Mr. Arluck stated it is required. Mr. Reid explained that all improvements made to the property should be shown so that an informed decision can be made. Mr. Detrick pointed out that in our Zoning law §177-15 (A) Accessory structures–(3)(c) states if the structure sits back more than 150' from the front lot line you could do just about anything. It is on the top of a hill. Mr. Russo asked if the applicants explored any other locations for the pool. They looked at the back yard, the elevations were way off. Mr. Detrick states the code does not give any relief for people who have large lots. Mr. Arluck inquired about the tree line and the Detricks stated it would still be over the septic and leech field. There was extensive discussion of the placement of the pool.

As per Mr. Detrick, a retaining wall would have to be built if they were to move the pool back any further. Mr. Russo stated with a pool of this size there will be plenty of fill to play with. Mr. Reid stated we need a partial survey to show the distances and to reach out to a couple of surveyors regarding doing a partial survey. Mr. Reid asked about wetlands, and they are 100s of feet away from the house. The applicants should check the DEC mapper for the wetlands. Mr. Russo would rather see the pool pushed back to the one slope line. The Board requires items supplied by a surveyor. There were no comments from the audience. Mr. Russo suggests pushing it back at least to the slope line; it looks like it encroaches the front yard. Mrs. Detrick stated you cannot see anything from the road. The plan was set in place in 2018 for three major renovations. Mr. Arluck suggests bringing back a site plan

Robert and Patricia Detrick – TM #105.1-4-1.110 (RAG-2) 39 Eustance Lane, Pine Bush, NY 12566 - §177-15B - Variance for Installing a Pool on the Side of the House continued:

or partial survey and moving the placement of the pool back about 10-15'. They are locked into that side of the house. The septic and well need to be marked out. Mr. Russo stated you must show your restraints. Mr. Detrick stressed a site visit for the Zoning members.

A motion was made by Mr. Reid and seconded by Mr. Arluck to continue this public hearing to October 18, 2023. Vote: Mr. Russo – Aye, Mrs. Wiand – Aye, Mr. Reid – Aye, and Mr. Arluck – Aye.

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':

There was no one present for this application.

A motion was made by Mr. Russo and seconded by Mr. Reid to close this public hearing. Vote: Mr. Russo – Aye, Mrs. Wiand – Aye, Mr. Reid – Aye, and Mr. Arluck – Aye.

A motion was made by Mr. Arluck and seconded by Mr. Reid to accept Debra and Stephen DeEntremont's application withdrawal letter dated September 5, 2023. Vote: Mr. Russo – Aye, Mrs. Wiand – Aye, Mr. Reid – Aye, and Mr. Arluck – Aye.

Lily of the Valley Homes/Kelly Zemski – TM #99.2-6-22 (RAG-4) 2491 Bruynswick Road, Walkkill, NY 12589 – §177-6G Variances for Lot Area of .7 Acres and Lot Width of 65':

There was no one present for this application.

A motion was made by Mr. Arluck and seconded by Mr. Russo to close this public hearing. Vote: Mr. Russo – Aye, Mrs. Wiand – Aye, Mr. Reid – Aye, and Mr. Arluck – Aye.

A motion was made by Mr. Arluck and seconded by Mr. Russo to accept Lily of the Valley Homes/Kelly Zemski's application withdrawal letter dated August 15, 2023. Vote: Mr. Russo – Aye, Mrs. Wiand – Aye, Mr. Reid – Aye, and Mr. Arluck – Aye.

Public Hearing Continuations continued:

Christopher Sparaco/NY USLE Bruynswick Road I LLC – TM #99.2-6-10 (RAG-4) 2319 Bruynswick Road, Walkill, 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:

There was no one present for this application and there was no additional information provided.

A motion was made by Mr. Russo and seconded by Mr. Arluck to continue this public hearing to October 18, 2023. Vote: Mr. Russo – Aye, Mrs. Wiand – Aye, Mr. Reid – Aye, and Mr. Arluck – Aye.

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

Mr. Arluck explained to Mrs. Hall that the Board was seeking legal representation regarding this application and will be continuing this application to October 18, 2023, as the Town Attorney is out of town. Mrs. Hall appeared with Lisa Finerow of WoodChips Construction, who put the application together. Mrs. Hall presented the Board with a synopsis of the entire application and did reach out to a local organization that sent an email stating that the Zoning Board has certain obligations under the American Disabilities Act.

A motion was made by Mrs. Wiand and seconded by Mr. Arluck to continue this public hearing to October 18, 2023, pending the Town Attorney's review. Vote: Mr. Russo – Aye, Mrs. Wiand – Aye, Mr. Reid – Aye, and Mr. Arluck – Aye.

JRKB Properties LLC/Kellen Barber – TM #104.42-4-9 and 104.42-4-9 (RAG-2) Lakewood Road, Pine Bush, NY 12566 - §177-6E – Lot Line Change for Single-Family Dwelling – Variances for Lot Size of 1.57 Acres, Lot Width of 75' and Lot Depth of 50':

Mr. Arluck stated that they received their approval from the Planning Board. Mr. Watkins, the Planning Board Chairman, stated the applicant has received their conditional final approval. The Planning Board needs the final variance figures to list on the final map so that the map can be signed. The map has been updated to reflect the final variance figures. Mr. Russo asked Mr. Watkins if the Planning Board checked on the status of the neighboring wells and he said no. There was discussion regarding the Ulster County Board of Health, and they were approved.

A motion was made by Mr. Arluck and seconded by Mr. Russo to close this public hearing. Vote: Mr. Russo – Aye, Mrs. Wiand – Aye, Mr. Reid – Aye, and Mr. Arluck – Aye.

JRKB Properties LLC/Kellen Barber – TM #104.42-4-9 and 104.42-4-9 (RAG-2) Lakewood Road, Pine Bush, NY 12566 - §177-6E – Lot Line Change for Single-Family Dwelling – Variances for Lot Size of 1.57 Acres, Lot Width of 75' and Lot Depth of 50' continued:

A motion was made by Mr. Reid and seconded by Mr. Russo that this is an unlisted SEQRA Action, the Zoning Board is the lead agency, and will accept a short form Environmental Assessment Form for their findings. A Negative Declaration was declared. Vote: Mr. Russo – Aye, Mrs. Wiand – Aye, Mr. Reid – Aye, and Mr. Arluck – Aye.

A motion was made by Mr. Reid and seconded by Mrs. Wiand to grant three variances for a pre-existing, non-conforming lot - Lot Area of 1.58 Acres (2 acres required, .42 acres existing, 1.58 acres requested), Lot Width of 75.95' (200' required, 124.05' existing, 75.95' requested) and Lot Depth of 50.57' (200' required, 149.43' existing, 50.57' requested). The Board's findings are that this is an unlisted SEQRA Action. A Negative Declaration was declared. The neighboring properties are considered sub-standard, and these variances do not change the characteristic of the neighborhood. Vote: Mr. Russo – Aye, Mrs. Wiand – Aye, Mr. Reid – Aye, and Mr. Arluck – Aye.

Appearance:

None

There was discussion on miscellaneous zoning matters.

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

Meeting Adjourned at 7:57 PM

Respectfully submitted,

Kathy Ebbrell
Zoning Board of Appeals Secretary