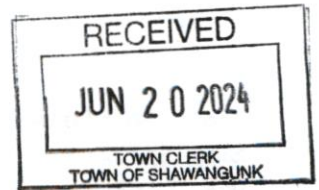


Town of Shawangunk
Zoning Board of Appeals
May 15, 2024



Minutes of a Public Hearing held by the Town of Shawangunk Zoning Board of Appeals on May 15, 2023, at 7:00 PM at the Town Hall, 14 Central Avenue, Wallkill, New York, County of Ulster for the following:

Present Were: Dennis Arluck, Chairman, Susan Wiand, Robert Wallner, Sandy Damon and Chris Budney as Members, Planning Board Chairman Mark Watkins, Planning Board Member Ryan Reid, Town Supervisor Ken Ronk, Kathy Ebbrell, Zoning Board Secretary, 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. Mr. Arluck thanked former Zoning Board Member John Russo, who had to retire from the Board due to his workload, for all his hard work over the years.

Approval of Minutes: A motion was made by Ms. Wiand and seconded by Mr. Arluck to approve the minutes of October 18, 2023, and November 15, 2023. Vote: Mr. Budney - Abstain, Mrs. Wiand - Aye, Ms. Damon - Abstain, Mr. Wallner - Abstain and Mr. Arluck - Aye.

All Public Hearings remain open for one hour.

Public Hearing:

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. Brian Garvilla appeared for this application. Mr. Arluck stated this application is still incomplete as the Board is not in possession of the renewed Board of Health certificate. Mr. Arluck also stated that due to the new GML agreement regulations, which have not been approved, the County still must review the driveway. The Zoning Board does not have a copy of the new ruling and we are not sure of what we can do without it. Mr. Arluck stated that this application must be continued to the June 19, 2024, meeting.

A motion was made by Mr. Wallner and seconded by Ms. Damon to continue this public hearing to the June 19th meeting. Vote: Mr. Budney - Aye, Mrs. Wiand - Aye, Ms. Damon - Aye, Mr. Wallner - Aye and Mr. Arluck - Aye.

Reinaldo Godinez - TM #106.49-4-22 (SB) 6 Wallkill Avenue - Wallkill, NY 12589 - Variance for 2 Apartments Above Storefront:

Mr. Roy Johnson appeared with Mr. Godinez. They are requesting two apartments above the storefront of an existing restaurant. There is an old barn behind the building that will be taken down for the parking area. Mr. Wallner stated he is assuming the parking spaces in the back will be used for tenants and staff. There was a lengthy discussion about how the tenants will access the building. The applicant is looking to have two two-bedroom apartments. A floor plan was not provided. Mr. Wallner stated if the tenants will be parking in front of the building, how is that going to affect the business when it is open? Mr. Johnson stated that is why they have spaces in the back. Mr. Wallner asked what the distance is to the nearest public parking lot and Mr. Johnson was

Reinaldo Godinez – TM #106.49-4-22 (SB) 6 Wallkill Avenue – Wallkill, NY 12589 – Variance for 2 Apartments Above Storefront continued:

not aware there was public parking on Central Avenue. Mr. Johnson said there is limited parking in the hamlet already. Mr. Wallner stated he is concerned because this building is in the Small Business Zone, and this will be taking away from small businesses. There are limited options. Mr. Wallner stated this has always been one apartment and an illegal apartment. Mrs. Wiand stated the zoning only allows for one apartment above the business. Mr. Arluck stated it appears that a second story will be added above the rear kitchen area, and it was confirmed. The storefront will remain the same. Mr. Arluck stated there are other residents that are looking to do the same thing where it is not allowed, it will set precedence for allowing one to do it and not the other. A variance is not required for the one unit. There is no street parking allowed in the winter. There is no action required by the Zoning Board, this is strictly a Building Department issue.

A motion was made by Mrs. Wiand and seconded by Mr. Wallner that there is no action required by the Zoning Board. Vote: Mr. Budney - Aye, Mrs. Wiand – Aye, Ms. Damon – Aye, Mr. Wallner - Aye and Mr. Arluck – Aye.

Ronald Renshtie – TM #106.49-5-38.200 (SB) 209 First Street – Wallkill, NY 12589 - §177-6I – Storage Addition to Dwelling – Variance for Sideline of 13.8’:

Mr. Renshtie presented this application. Mr. Arluck stated there are a couple of issues with the application. First, an addition was constructed without a building permit and there is no floor or site plan in the application. The original survey, a handmade drawing and pictures were provided, nothing showing clear measurements. Mr. Arluck also stated there is also a shed encroaching on the sideline. Mr. Renshtie stated the shed can be moved. The building was started in September 2023. Mr. Wallner asked what part of the house the addition is connected to, and Mr. Renshtie stated that the storage area is accessible through the living and dining rooms. Mr. Renshtie stated it is a legal two-family house. Mr. Calaca, the Building Inspector, stated that he needed a sideline variance of 13.8’. Mr. Renshtie stated it was originally going to be a garage because he doesn’t have one and has no attic access. Mr. Arluck stated the shed must be removed as it is on the property line. Mr. Wallner inquired about how the two “apartments” are accessed, is it one in the front and one under the carport and Mr. Renshtie stated yes. Mr. Wallner asked if each unit was one level and Mr. Renshtie stated yes. Mr. Renshtie stated when he purchased the house, he rented the other half but didn’t like being a landlord.

A motion was made by Mrs. Wiand and seconded by Mr. Budney to close the Public Hearing. Vote: Mr. Budney - Aye, Mrs. Wiand – Aye, Ms. Damon – Aye, Mr. Wallner - Aye and Mr. Arluck – Aye.

A motion was made by Mrs. Wiand and seconded by Mr. Budney to waive the one-hour requirement as no one from the public appeared for this application. Vote: Mr. Budney - Aye, Mrs. Wiand – Aye, Ms. Damon – Aye, Mr. Wallner - Aye and Mr. Arluck – Aye.

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Ronald Renshtie – TM #106.49-5-38.200 (SB) 209 First Street – Wallkill, NY 12589 - §177-6I – Storage Addition to Dwelling – Variance for Sideline of 13.8’ continued:

A motion was made by Mr. Arluck and seconded by Mrs. Wiand to grant the 13.8’ variance (25’ required, 11.2’ existing, 13.8’ required). The Board’s findings are that the application does not change the nature of the neighborhood and is not unique in any way. This variance is contingent that the shed be moved away from the property line. Vote: Mr. Budney - Aye, Mrs. Wiand – Aye, Ms. Damon – Aye, Mr. Wallner - Aye and Mr. Arluck – Aye.

Public Hearing Continuations:

None

Appearance:

None

There was discussion on miscellaneous zoning matters. Mr. Ken Ronk, Town Supervisor, spoke and welcomed the new board members.

A motion was made by Ms. Wiand and seconded by Mr. Wallner to adjourn this meeting. Vote: Mr. Budney – Aye, Mrs. Wiand – Aye, Ms. Damon – Aye, Mr. Wallner – Aye and Mr. Arluck – Aye.

Meeting Adjourned at 7:42 PM

Respectfully submitted,

Kathy Ebbrell
Zoning Board of Appeals Secretary