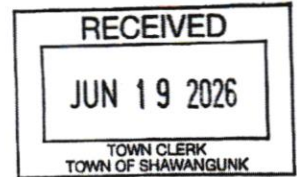


**Town of Shawangunk
Zoning Board of Appeals
May 20th, 2026**



Minutes of a Public Hearing held by the Town of Shawangunk Zoning Board of Appeals on May 20th, 2026, at 7:00 PM at the Town Hall, 14 Central Avenue, Walkill, New York, County of Ulster for the following:

Present: Mr. Dennis Arluck, Chairman, Ms. Susan Wiand, Mr. Robert Wallner, Ms. Janice Stryker, Zoning Board Secretary, and members of the public.

Absent: Mr. Christopher Budney, Ms. Sandy Damon

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

Approval of Minutes: A motion was made by Chairman Arluck and seconded by Mr. Robert Wallner to put a hold on the minutes until June 17th, 2026.

Vote: Chairman Arluck: Aye, Ms. Susan Wiand: Aye, Mr. Robert Wallner: Aye

PUBLIC HEARING CONTINUED:

Liquid Mercantile, SBL# 106.12-1-22, Address: 2442 Route 300, Walkill, NY 12589 and Walkill Central School District, HWG & AQ-O, Area Variance: Front Yard

The applicant did not appear and there were no concerned neighbors present.

A motion was made by Chairman Arluck and seconded by Mr. Robert Wallner to approve a Public Hearing Continuation to June 17th, 2026, at 7:00pm or soon thereafter as the Zoning Board is waiting for a decision from the Planning Board. Vote: Mr. Arluck: Aye, Mr. Wallner: Aye, Ms. Susan Wand: Aye

PUBLIC HEARING:

Brian & Trisha Amthor, SBL# 106.1-3-31, Address: 1943 Albany Post Road, Walkill, NY 12589 and Walkill Central School District and Walkill School District, R-Ag 4. Variance: Swimming Pool Front Yard

Mr. Brian Amthor, 1943 Albany Post Road, was present to represent himself. He explained to the audience, while using the proposed map, that his house is essentially backwards. The back of the house faces what most would feel should be described as the front of the house. Mr. Amthor stated we constructed our home this way because of the mountain scenery. Mr. Amthor showed where the septic, well, and the placement of the proposed pool location on the map as well as the conservation easement.

Mr. Amthor filed the required disclosure per GML Article 18 as he is a Town Councilman.

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Mr. Michael Thalacker, 55 Malloy Road: From a zoning perspective this is the front of the house?

Mr. Brian Amthor: Yes, that is correct.

Ms. Nancy Precour, 59 Malloy Road: I would like to address a matter of the code enforcement, ethics and the equitable application of the law regarding the property in front of the board. I would like to address the clear variance request or pending violation concerning the installation of a pool and fire pit in the front of his property. Chapter 249 of the Wallkill Town Code explicitly restricts accessory structures from approaching unrequired setbacks. Granting this variance undermines our town's zoning integrity and sets a precedence. It was represented to the home buyers as a twenty-five-year protected preserve. Instead, it has been quietly transferred, developed, subdivided into agricultural classification to minimize tax liability. The property has now been sublet for commercial hay production directly up to my property line. This is allowed due to the owner sits on the Town Board, operating a local trucking business, it ceases to be a simple neighborly dispute.

Mr. Brian Amthor: This property was bought by Mako Homes and subdivided into buildable lots that were approved by the Planning Board of this town. This house was built with a legal CO from the Building Inspector. I receive the agricultural classification due to 21 acres of my land are in the conservation and can only be hayed or mowed. I have hired someone who can benefit from the hay to plant and cut it every year.

Ms. Kelly Croren, 64 Bernhart Road: I have a horse farm that I have been building up and working for thirteen years. I was initially upset that you subdivide the farmland. My farm borders your property line. I struggle with Mr. Amthor receiving a tax exemption and does not work the farm. I have worked and struggled with my farm for thirteen years and he has the money to hire someone and not work on the land, yet he still is able to get the agricultural discount.

Mr. Dennis Arluck: We are getting off subject here.

Ms. Kelly Coren: You cannot do anything about what I am here to speak about so you will let me talk until the end. I am upset now because he built a firepit right up against the back of my property. This is a fire hazard. It is upsetting to my animals to have the smoke from the north wind blowing towards them. There is a potential that my farm could catch fire with the land being so dry. I was initially upset because what we thought was untouchable land was being subdivided to begin with. What is the vision of this town. I have invested everything I own into my business and do not like the fact that the town is turning into a suburb with all these (epithet stricken) allowances you are allowing.

Mr. Dennis Arluck: Mr. Amthor is on the Town Board, and it was the Planning Board that gave the approval to Mako Homes to subdivide the property and build the homes.

Ms. Kelly Croren: We are talking about the Planning Board, Town Board and the ZBA. All three of those are autonomous to each other and I am here tonight to voice my concern. That is, you do not put a fire pit behind old hundred-year-old trees and a horse farm.

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Ms. Adrienne Gelfand-Perine, 87 River Glen Road: It is a statewide law regarding the variance of having a pool in the front yard. If you break the law for one person what happens when the other person would like the same variance?

Mr. Dennis Arluck: We have dealt with this twice in four years. Both times we dealt with a similar situation where the pools were so far away from the town road or the state highway. It did not change anything in the neighborhood. When a variance is given or denied, it is based upon whether it is going to have a profound change to the neighborhood. Whether it is a self-created hardship or in this case the contractor created the hardship. No one has given me a great argument, other than a law that says you cannot have a pool in the front yard. The ZBA has the power to change that.

Summary of concerns:

- People taking it upon themselves to use it.
- Why you cannot put it in the back yard.
- What is considered the hardship?
- Concerns on the fire pit and building it on farmland.
- Pool safety.
- Conservation easement.
- Setting a precedence in the town.
- Portrayed as a 30-year-old preserve.
- Code of ethics.
- Mr. Amthor is privileged due to his business standing and that he currently sits on the Town Board.

Mr. Brian Amthor wanted to clarify the accusations from the audience. I do not feel I am being treated differently in this town because of my trucking business or the fact I sit on the town board. This home is part of the larger parcel that Mako Homes purchased for development. The parcel I purchased is about 24 + acres. Out of the acreage 21+ acres of it is in the conservation easement. The house was built legally with a CO from the Building Inspector. I am sorry for any misunderstanding that the other homes were told that a subdivision would not go in and would remain a farm. Unfortunately, you were given misinformation. I do have the legal right to allow someone to come on my property to hay and bale the conservation portion. I am here tonight seeking a variance for the pool as everyone else in the town would have the right to do.

As for the questions regarding what my landscaping plans, the landscaping will include, but not limited to, a fence, shrubbery and a few boulders. A row of 6' to 7' Norway Spruces will be planted along side of my driveway. The pool will have the required fencing around it including a locked gate. I would prefer to have the pool in, what is considered, the out-front yard. It is so far away from the road and has a great view of the ridge. I cannot put it in the back yard as there is a generator with underground wires eliminating the availability of placing a inground pool.

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Mr. Dennis Arluck: Everyone here tonight, as we tried to stay on topic, has made a good argument. A few things stated here tonight such as his fire pit, the buildable lots, and issues with the agricultural discount, those are to be addressed with the Town Board not the ZBA. An applicant must meet a certain criterion when requesting a variance. While making a decision, the ZBA must check off all 5 boxes for area variances and consider if this is a self-created hardship with the circumstances. All comments from the Public Hearing are taken into consideration as we make our determination.

No further comments were addressed.

A motion was made by Ms. Susan Wiand and seconded by Chairman Arluck to close the Public Hearing and is a Type II Action under SEQR. Vote: Mr. Dennis Arluck – Aye, Ms. Susan Wiand – Aye, Mr. Robert Wallner – Aye.

Chairman Arluck stated after reviewing the five (5) factors, for area variances, it is clear this pool has no adverse effect, no change in the character of the neighborhood, not visible from roadways and will not have an impact on neighbors. As required by the law, the benefit to the applicant outweighs any burden to the town.

A motion was made by Mr. Dennis Arluck and seconded by Ms. Susan Wiand to approve the front yard pool variance. Vote: Mr. Dennis Arluck – Aye, Ms. Susan Wand – Aye, Mr. Robert Wallner -Aye.

A motion was made by Mr. Robert Wallner and seconded by Ms. Susan Wiand to adjourn this meeting. Vote: Chairman Arluck – Aye, Ms. Susan Wiand – Aye, Mr. Robert Wallner – Aye.

Meeting Adjourned at 8:04 PM

Respectfully submitted,

Janice Stryker
Zoning Board of Appeals Secretary