Town of Shawangunk
Zoning Board of Appeals
October 21, 2026

Minutes of a Public Hearing held by the Town of Shawangunk Zoning Board of Appeals on October 21, 2026, at 7:00 PM at the Town Hall, 14 Central Avenue, Wallkill, New York, County of Ulster for the following:

Present: Mr. Dennis Arluck, Chairman, Mrs. Susan Wiand, Mr. Christopher Budney, Ms. Sandy Damon, Ms. Janice Stryker, Zoning Board Secretary, Mr. Richard Hoyt Esq, and members of the public.

Absent: Mr. Robert Wallner

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

A motion was made by Chairman Dennis Arluck and second by Ms. Sandy Damon to approve the minutes from September 16th, 2026, as written. Vote: Chairman Arluck: Aye, Mrs. Susan Wiand: Aye, Ms. Sandy Damon: Aye, Aye, Mr. Christopher Budney: Aye Absent: 1

PUBLIC HEARING

Elizabeth Hamilton: SBL# 99.1-5-26, Address: 288 Jansen Road, Pine Bush, NY 12566 Pine Bush School District, RAG -2 . Proposed Variances Requested – 7ft Side Yard Variance

Ms. Hamilton was present to request a 7ft side yard variance for a pre-existing 3 bay horse barn that sits 3ft off the property line. We bought our house in an as-is sale. The barn was built on the property before we bought the home. It sits on dirt slab and we would like to pour a concrete pad and put the barn on top of it.
Chairman Arluck: What are your intentions with this building?
Ms. Hamilton: The short-term use is for storage. Eventually we would like to put a pool in the center of our yard and we may use it as pool storage.
Chairman Arluck: Do you plan on electrifying the building?
Ms. Hamilton: I believe it already had electric and water. We put in a curtain drain system and it had severed all sorts of things. We do not plan on reattaching it.

Mr. Richard Hoyt: Do you plan to use this building to house livestock?
Ms. Hamilton: No, we do not.
Mr. Hoyt: An accessory, non-ag building, can be as close to the property line as 10ft but a farm building housing animals has a much larger setback.

Mr. Hoyt: I assume you mailed the certified letters to your neighbors within the 500 ft.? Ms. Janice Stryker put the Public Hearing Notie in the Hudson Valley Times.
Ms. Hamilton: Yes, I gave all of the receipts to Janice.
Mr. Hoyt: There will be no residential use of this structure. Meaning no short-term rental.
Ms. Hamilton: No, just storage.

There was no further questions from the board or the audience.

Mr. Hoyt: This is a Type II action under the SEQR and is exempt. It is not within the 500ft. of a county referral, county or state highway and does not need to be sent to the County for review.

A motion was made by Chairman Arluck and seconded by Ms. Susan Wiand to close the Public Hearing and is a Type II Action under SEQR. Vote: Chairman Dennis Arluck - Aye, Mrs. Susan Wiand - Aye, Mr. Chris Budney – Aye, Ms. Sandy Damon – Aye, Absent: 1

Chairman Arluck stated after reviewing the five (5) factors, for area variances, it is clear all tests have been met. The neighbor who is most affected was sent a notice but is not present.

A motion was made by Chairman Arluck and seconded by Mrs. Susan Wiand that this is a Type II Action under SEQR. Vote: Chairman Dennis Arluck – Aye, Mrs. Susan Wiand – Aye, Mr. Chris Budney – Aye, Ms. Sandy Damon – Aye, Absent: 1

A motion was made by Chairman Arluck and seconded by Mrs. Susan Wiand to grant the 7 ft variance to give a 10 ft side yard with the five factors all met and with the conditions of no livestock or residential living space. Vote: Chairman Denis Arluck – Aye, Mrs. Susan Wiand – Aye, Ms. Sandy Damon – Aye, Chris Budney – Aye, Absent: 1

Randy Green & Angie Henion, SBL# 92.3-2-2 Wallkill School District, RS1
Address: 883 Upper Mountain Road, Pine Bush
Variance: Requested: Pre-existing Flag Lot - Single Family Home
Proposed Variance: Two acres, Front yard: 79.9 ft and Rear yard 56.8 ft

Mr. Jay Samuelson, On Engineering Properties, was present to represent the applicant. This is an existing 2.2-acre lot that was created late 70's – 80's. This was originally a lot that was separated into two separate lots with two separate deeds. This is an existing flag lot with the setbacks doubling of the front yard. They are trying to set up the house to minimize the amount of disturbance required to build the house and a septic. The house is set to face the common shared driveway to limit the amount of tree clearing but meet the setback

requirements. The house unfortunately does not meet the setback requirements, that is why we are asking for the variance for the front and side yard variance.
There is a section regarding the setbacks and there is a diagram showing you how to and where the front yard setback should be in relation to the lot. There is nothing in the code that states the house must face the public highway.
This lot was created before the current R-S zoning. This lot is a 7-acre zoning and a flag lot is double. It is our interpretation since this lot was created prior to zoning it is pre-existing non-conforming.

Mr. Richard Hoyt: We went back to what was the lot requirements before zoning when this lot was created and it was 2-acre zoning. The zoning code now is the flag lot size the RS is to be doubled. The minimum lot size was 4 acres. If this lot was created after RS1 zoning, it would have to have been 14 acres.

The front yard needs to be 100ft. and is almost 80 ft. The rear yard needs 100 ft and is 56.8 ft. The lot size needs 4 acres and is 2.26. All three are considered area variances.

Mr. Chris Budney: If you turned your house facing Upper Mountain would you need the variances?
Mr. Samuels: If we rotated the house to face that direction and fit into that corner the amount of disturbance we would create might exceed more than 20,000 square ft because of the RS1 and create a bigger environmental impact. So, it could be done at the risk of having to take down more trees and keeping the disturbance at a low.

Mr. Hoyt: The applicant investigated making sure that he was not disturbing more than 20,000 ft. of trees. In the RS1 if you clear more than that, a meeting is needed with the Planning Board to get a site plan approval.

Mr. Samuelson: There is a reservation in the deed that was transferred to the Robinsons to Mr. Henion talking about the right – of – way easement The Boniface deed in the back parcel does reserve the right to use the right-of -way easement as does the deed for Hughes has a reservation for them to utilize the right-a-way.

Mr. Hoyt: Does anyone on the other side of Boniface in Gardiner, use this right-of-way? There is another lot next to Boniface that is a 16-acre parcel.
Ms. Boniface: No. That lot meets Peaceable Hill Road and has access to that road.
Mr. Samuelson: I have looked at all the other deeds around this property and there is only three lots that have access to this right-of-way.

Mr. Hoyt: We encourage and flag lots require a driveway agreement when more than one person use the driveway.

Hughes, Boniface and Greene-Henion, all three, should sign a driveway agreement. This way the applicant is not fully responsible for the driveway. If the board chooses to grant the variances this should be a condition.

There were no further comments from the board or the audience.

Mr. Hoyt: Reviewed the Area Variance Criteria questions for the requested variance.

A motion was made by Chairman Arluck and seconded by Ms. Sandy Damon that this is a TYPE II Action exempt under SEQR. Vote: Chairman Denis Arluck – Aye, Mrs. Susan Wiand – Aye, Ms. Sandy Damon – Aye, Chris Budney – Aye, Absent: 1

Mr. Hoyt: We have an agreement that a GML review is not required for single- and two-family home reviews with the Ulster County Planning Board.

A motion was made by Chairman Arluck and seconded by Mrs. Sue Wiand to grant a rear yard: 43.2 ft., front yard: 20.01 ft. and acre: 1.74 variance for a pre-existing flag lot you finding that all five (5) area variance tests were met, with a common drive agreement and TP-584 filed with the Ulster County clerk. Vote: Chairman Dennis Arluck – Aye, Mrs. Susan Wiand – Aye, Ms. Sandy Damon – Aye, Chris Budney – Aye, Absent: 1

Meeting Adjourned at 7:40PM

Respectfully submitted,

Janice Stryker

Zoning Board of Appeals Secretary