

The Deerpark Zoning Board of Appeals met for their monthly meeting on Thursday, JANUARY 16, 2025 at 7:30 pm at the Deerpark Town Hall, 420 US Route 209, Huguenot, NY. The following were present:

BOARD MEMBERS PRESENT:

Cheryl Greene-Chair
Philip Niosi
Travis Vanstrander

Tanner Sexton
Patricia O’Leary-May

OTHERS PRESENT:

Glen Plotsky, Town Attorney
Alan Schock-Town Councilman



Motion to open meeting.

Motion made by Cheryl Greene, 2ND by Philip Niosi, to open January 16, 2025 meeting at 7:30 p.m.

Vote 5 Ayes: Tanner Sexton, Travis Vanstrander, Cheryl Greene, Patricia O’Leary-May, Philip Niosi.

MOTION CARRIED

Pledge of Allegiance

APPROVAL OF NOVEMBER 21, 2024 MINUTES –

Motion to APPROVE Minutes.

Motion made by Tanner Sexton, 2ND by Philip Niosi, to approve minutes for November 21, 2024.

Vote 5 Ayes: Tanner Sexton, Travis Vanstrander, Cheryl Greene, Patricia O’Leary-May, Philip Niosi.

MOTION CARRIED

VILLAGE DAIRY FARM LLC – MAIN STREET – AREA VARIANCE – PUBLIC HEARING –

John Fuller-Representative for Applicant

Motion made by Patricia O’Leary-May, 2ND by Tanner Sexton, to open the public hearing for Village Dairy Farm LLC.

Vote 5 Ayes: Tanner Sexton, Travis Vanstrander, Cheryl Greene, Patricia O’Leary-May, Philip Niosi.

MOTION CARRIED

Secretary read public hearing notice into record.

John Fuller gave a brief description of the application, it is a proposed 2-lot subdivision before the Planning Board, this property is at 47 Main Street, it is about 8 acres and one of the largest pieces of property on Main Street. Most of the parcel is vacant, there is a store front building with a small studio apartment above currently on the property located by the road. The Applicant plans to build a single-family dwelling if the subdivision is approved on the new lot created. The Planning Board sent it to the Zoning Board for variances for pre-existing conditions and also frontages and lot area that would be created with the subdivision. This is an odd shaped parcel with limited road frontage on Main Street, there is no way to get this without a variance due to the shape of the parcel. There will be a new well and septic for the proposed home and a driveway off of Main Street. The lot that will be created from the subdivision Lot #1 will not meet lot area it will be about .55 acres and 1 acre is the minimum, the half-acre is more than most lots on Main Street. Philip Niosi recalled an issue with Route 42, Town Attorney answered that yes due to the distance to 42, GML-239 needed to be done where you notify the County and NYS DOT, he then read the letter from Orange County Planning that it was local determination. Town Attorney then went through the variances that the Applicant was seeking:

- Lot area for proposed Lot #1 of .45 acres
- Lot width for proposed Lot #1 of 119.4ft
- Road frontage for proposed Lot#1 of 6.51ft
- Road frontage for proposed Lot #2 of 6.33ft
- Front yard setback for proposed Lot #1 of 25.13ft
- Pre-existing non-conforming for proposed Lot #1 of 32.7ft

ZONING BOARD OF APPEALS MEETING JANUARY 16, 2025 continued –

VILLAGE DAIRY FARM LLC – MAIN STREET – AREA VARIANCE – PUBLIC HEARING – continued –

Tanner Sexton asked where the current well was and if there was any additional land needed for proposed Lot #1 if another well would need to be done, John Fuller showed on the map where the well was and that there was room behind the home if they needed it. Mr. Fuller continued that the front yard variance is also pre-existing for the road dedication to the Town of 25ft for any maintenance that would be needed for Main Street. Chair opened the floor for public comment.

Public Comment:

MARVIN JAMES- Mr. James explained that this property goes behind his. He asked where the new home would be built and was worried about his well, he has a shallow well. He also asked how big the proposed home would be, and expressed concern about wildlife since the trees were taken down and about privacy and noise concerns during construction. John Fuller answered that there are standards that well drillers and OCDOH (Orange County Department of Health) have and the aquifer changes, there is no evidence that adding one well will dry up the surrounding wells. The proposed home will be a one-story ranch about 2500sqft, and there will be landscaping planted after construction is completed but that will be handled during the Planning Board process.

CHRISTINE GUTZEIT- Ms. Gutzeit asked about the leach fields and understands that with the construction of the new home and this process it is subject to present-day criteria. She further asked if Lot #2 would be subdivided further, she also asked if the proposed accesses were big enough for Emergency Services, and if the Utilities to the new home would be underground. She also asked about the stream that is on the property and if the DEC (Department of Environmental Conservation) has to be involved. John Fuller answered by showing where the leach field would be located and that it is subject to OCDOH standards. He stated that as far as further subdivision is concerned after the new is built and with the configuration of the lot as it is along with the drainage easement there couldn't be any other subdividing. Mr. Fuller continued that the access is big enough for Emergency Services and that the new utilities will be indeed underground.

FRANK PHILIPS- Mr. Philips stated that most of his questions have already been answered. He did want to stress about the wells they are shallow in that area but he sees no problem with a single-family home.

GRACE WOODARD- Ms. Woodard asked what the variances were and asked if there had been other variances in the area over the years. Town Attorney stated that he had already read the variances requested and that Ms. Woodard must of not been there yet.

Motion made by Tanner Sexton, 2ND by Travis Vanstrander, to close the public hearing for Village Dairy Farm LLC.

Vote 5 Ayes: Tanner Sexton, Travis Vanstrander, Cheryl Greene, Patricia O'Leary-May, Philip Niosi.

MOTION CARRIED

Town Attorney acknowledged that a decision could be made at this meeting or the Board could wait, they has 62 days to act on the application. He then read over the variances again and stated that each variance must meet the criteria to approve the variances:

1. That the benefit to the Applicant, if the Variance is granted, outweighs the detriment to the Health, Safety and Welfare of the Neighborhood or Community;
2. That no undesirable change will be produced in the character of the neighborhood, nor any detriment to nearby properties created by the granting of the requested variance;
3. Whether the variance requested is substantial;
4. Whether there is any other feasible method by which the Applicant may obtain the benefit sought by the area variance except by granting said area variance;
5. Whether the proposed variance would have any adverse impact or effect on the physical or environmental conditions in the neighborhood or district;

ZONING BOARD OF APPEALS MEETING JANUARY 16, 2025 continued –

VILLAGE DAIRY FARM LLC – MAIN STREET – AREA VARIANCE – PUBLIC HEARING – continued –

6. Whether the alleged difficulty was self-created, which consideration shall be relevant to the determination of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the variance; and
7. The variance, if granted, is the minimum variance necessary to afford relief. To this end, the Board may permit a lesser variance than that applied for.

Town Attorney reminded that Board that if the variances are approved the Applicant still has to go to the Planning Board for review.

Motion made by Tanner Sexton, 2ND by Philip Niosi, approve the requested variances for Village Dairy Farm LLC.

Vote 5 Ayes: Tanner Sexton, Travis Vanstrander, Cheryl Greene, Patricia O’Leary-May, Philip Niosi.

MOTION CARRIED

MANTZ – FULMER ROAD – AREA VARIANCE –

Charles Mantz-Applicant

Mr. Mantz explained that he plans to demo the current structure, which is 12ft wide mobile home, and put in a new 28ft double wide home. Currently the home does not meet any setbacks. He is 8ft on one side and with the new home he will be 14ft from the other side. Philip Niosi asked if the shaded area on the map is the new structure, Mr. Mantz answered yes. Town Attorney acknowledged that Mr. Mantz would need a surveyor to draw up a map with the correct setback numbers on it and historically even if the setback is pre-existing when a change is made, for all non-conforming issues the Board gives variances for so to make it all conforming.

OTHER BUSINESS:

Chair Greene stated that at the last meeting it was discussed that the first meeting in 2025 the Board would decide on a Vice-Chair and send the recommendation to the Town Board, she continued that in talking to Mr. Niosi he would like to take the Vice-Chair position.

Motion made by Cheryl Greene, 2ND by Patricia O’Leary-May, nominate Philip Niosi for Vice-Chair and send recommendation to the Town Board for approval.

Vote 4 Ayes: Tanner Sexton, Travis Vanstrander, Cheryl Greene, Patricia O’Leary-May. Philip Niosi abstained.

MOTION CARRIED

Town Attorney stated he would notify the Town Board of the new vote and change.

Motion to Adjourn Meeting.

Motion made by Patricia O’Leary-May, 2ND by Philip Niosi, to Adjourn, January 16, 2025 Meeting at 8:27p.m.

Vote 5 Ayes: Tanner Sexton, Travis Vanstrander, Cheryl Greene, Patricia O’Leary-May, Philip Niosi.

MOTION CARRIED

Respectfully Submitted By,



Amanda Schultz, Zoning Board of Appeals Secretary