

The Deerpark Zoning Board of Appeals met for VIRTUAL MEETING on THURSDAY, MARCH 18, 2021. The meeting was held VIA ZOOM.

The following were present:

BOARD MEMBERS PRESENT:

Cheryl Greene-Chair

Michael Witt

Robert Zeller-Vice-Chair

OTHERS PRESENT:

Glen Plotsky, Town Attorney

Debra Boggs, Stenographer



APPROVED

Meeting brought to order at 7:30 pm by Chair Cheryl Greene.

Pledge of Allegiance

APPROVAL OF FEBRUARY 18, 2021 MINUTES-

Motion to APPROVE Minutes.

Motion made by Michael Witt, 2ND by Robert Zeller to approve minutes for February 18, 2021.

Vote 3 Ayes: Robert Zeller, Michael Witt, Cheryl Greene.

MOTION CARRIED

MASCOLA – THIRD ST – NEW HOME -PUBLIC HEARING –

Catherine (Kate) Mascola-Applicant

Ms. Mascola explained that she currently has an old trailer on her property about 12x57 and wanted to remove it and replace it with a new double wide. They do not make that size any more. Town Attorney asked how big the double wide would be, Ms. Mascola answered 28x44. Town Attorney asked if it would be a Redman Advantage, Ms. Mascola answered no a Commodore. Town Attorney asked what the setback would be for the front of the yard facing Grove St., Ms. Mascola answered 30ft. Town Attorney asked the setback for the side facing Ave C, Ms. Mascola answered 36ft. Town Attorney then asked for the rear and other side yard setback, Ms. Mascola answered 42ft and 35ft respectively. Town Attorney then explained that this parcel was located in the NR (Neighborhood Residential) District and front and rear setback were 50ft and 35ft for side yards, Ms. Mascola has two front yards so it will require a 20ft variance for Grove St. and 14ft for Ave C. He also asked about a 12x12 storage shed on the property and how far it was off the rear property line, Ms. Mascola stated that yes there is one and it is 5ft. Town Attorney acknowledged that a variance of 45ft would be needed for the shed. Town Attorney asked how big the lot was, Ms. Mascola answered 100x115. Town Attorney stated that it says 0.26 acres on the EAF form, so lot area variance will be needed. He then asked how old the home was on the property now, Ms. Mascola answered 40-50 years old and then added the AI Dodd told her it was 1961. Town Attorney acknowledged that it was 59 years old, it is pre-existing non-conforming lot, the applicant could have put the same size structure back there with just a building permit, but she cannot find the same size, so she needs a variance. He continued due to the size of the lot and the home a few other setback variances will be needed as well, he stated he could prepare a resolution for the next meeting and explained that the public hearing must be kept open for written comment for at least 2 weeks. Robert Zeller asked if there were any comments from the public, Town Attorney answered no comments yet, but public can submit written comment.

Motion to close public hearing.

Motion made by Michael Witt, 2ND by Robert Zeller to close verbal portion of the public hearing and leave written comment open for 2 weeks for Mascola Variance.

Vote 3 Ayes: Robert Zeller, Michael Witt, Cheryl Greene.

MOTION CARRIED

Town Attorney asked to have this matter put on the next agenda for the April 15 meeting and Ms. Mascola will likely receive a determination then.

ZONING BOARD OF APPEALS MEETING MARCH 18, 2021 continued –

VANHORN – MAIN STREET -SIDE YARD SETBACK VARIANCE – GARAGE – DISCUSSION –
Lincoln VanHorn-Applicant

Town Attorney explained this is a property on Main Street in Sparrowbush, it currently has a home and garage, the out building was constructed about 100 years ago and it encroaches on the neighbor's property. He continued Mr. VanHorn started rehabilitation on the garage and the Building Department put a Stop Work Order on it, he was then sent to the ZBA for a variance, the neighbor was willing to give him additional land, he went to the Planning Board for a lot line change and they referred him back to ZBA because he still does not meet the setback requirements. He further stated that a public hearing held last month and was left open for written comment, the neighbor sent a letter stating that he was willing to give Mr. VanHorn 3ft but not the 10ft he needs, the variance is 70% or 7ft. He added that the public hearing needed to be closed.

Motion to close public hearing.

Motion made by Robert Zeller, 2ND by Michael Witt to close the public hearing for VanHorn Variance.

Vote 3 Ayes: Robert Zeller, Michael Witt, Cheryl Greene.

MOTION CARRIED

Robert Zeller stated he had no problem it seems like he's just straightening out the property from the past, Cheryl Greene agreed and added the neighbor sent a letter that he was okay with it.

Motion to adopt resolution and approve application.

Motion made by Robert Zeller, 2ND by Cheryl Greene to adopt the resolution and approve the application for Lincoln VanHorn.

Vote 3 Ayes: Robert Zeller, Michael Witt, Cheryl Greene.

MOTION CARRIED

ZHI – SHORE DRIVE – SIDE YARD SETBACK VARIANCE – EXISTING SHED –
Holly Fuller-Representative for Applicant

Mrs. Fuller stated she would review the application and share her screen to show the map. She explained that this is two lots on Shore Drive owned by the same entity, the lot line change was done to remedy a septic issue, she added the change will make the lots more consistent with parcels on the road. She continued with the change in the lot lines an existing shed did not make the side yard setback, the minimum is 10ft and it will be about 1ft. Town Attorney stated there are a few non-conformities on the lots but are similar to the area. Cheryl Greene asked about the house on Lot 1 if it was replaced, Mrs. Fuller answered yes in a similar footprint to what was there. Town Attorney went through the variances that were proposed: Lot Area 0.54 acres and 0.77 acres, Lot Width 100ft and 150ft, Front yard setbacks of 27.6ft and 22.5ft, Side Yard Setbacks of 19.5ft and 34.1ft. He continued that both lots need the variances and they are substantial.

Motion to adopt resolution and approve application.

Motion made by Robert Zeller, 2ND by Cheryl Greene to adopt the resolution and approve the application for Jing Zhi.

Vote 3 Ayes: Robert Zeller, Michael Witt, Cheryl Greene.

MOTION CARRIED

OTHER BUSINESS

Michael Witt asked who the representative for Zhi was, Town Attorney replied that was John Fuller's wife Holly who is also an Engineer.

ZONING BOARD OF APPEALS MEETING MARCH 18, 2021 continued –

Motion to Adjourn Meeting.

Motion made by Michael Witt, 2ND by Robert Zeller, to Adjourn March 18, 2021 Meeting at 8:02 p.m.

Vote 3 Ayes: Robert Zeller, Michael Witt, Cheryl Greene.

MOTION CARRIED

Respectfully Submitted By,



Amanda Gorr, Zoning Board of Appeals Secretary