

The Deerpark Zoning Board of Appeals met for their monthly meeting on Thursday, May 20, 2021 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
Michael Witt
Tanner Sexton

Robert Zeller-Vice-Chair
Philip Niosi

OTHERS PRESENT:

Glen Plotsky, Town Attorney



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

Pledge of Allegiance

Chair acknowledged that there are sign in sheets for each of the public hearing if anyone wanted to speak, they needed to sign up. She then introduced the two new Board members: Tanner Sexton and Philip Niosi.

Motion to enter into executive session.

Motion made by Michael Witt, 2ND by Robert Zeller to enter into executive session for legal advice and invite Town Attorney, Glen Plotsky.

Vote 5 Ayes: Robert Zeller, Philip Niosi, Michael Witt, Tanner Sexton, Cheryl Greene.

MOTION CARRIED

Motion to close executive session.

Motion made by Cheryl Greene, 2nd by Robert Zeller to close executive session and enter back into the regular meeting.

Vote 5 Ayes: Robert Zeller, Philip Niosi, Michael Witt, Tanner Sexton, Cheryl Greene.

MOTION CARRIED

APPROVAL OF March 18, 2021 MINUTES—

Motion to APPROVE Minutes.

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

Vote 5 Ayes: Robert Zeller, Philip Niosi, Michael Witt, Tanner Sexton, Cheryl Greene.

MOTION CARRIED

DEKAN – 370 US ROUTE 209 – FENCE VARIANCE – PUBLIC HEARING –

Gaeterina Dekan-Applicant

Motion to open public hearing.

Motion made by Tanner Sexton, 2nd by Philip Niosi, to open the public hearing for Gaeterina Dekan, Fence Variance.

Vote 5 Ayes: Robert Zeller, Philip Niosi, Michael Witt, Tanner Sexton, Cheryl Greene.

MOTION CARRIED

Secretary, Amanda Gorr read public hearing notice into record. Ms. Dekan stated that at the last meeting there were two issues, she continued that she will be putting up a 6ft decorative aluminum fence, not a privacy fence; it's just to keep the deer out. She further stated that she is going to make the fence even with the porch, there was an issue with her lot because she is on the corner of Route 209 and Echo Valley Rd and it wasn't decided if she had two front yards. She continued that the neighbor has a white vinyl fence 6ft in the back yard, she plans on having a 30ft section with a gate on Echo Valley for her to drive out of her lot. Bob Zeller acknowledged that the issue is the height of the fence. Town Attorney explained that Echo Valley is a private rd but the property abuts it so she has two front yards and that is 4ft requirement.

ZONING BOARD OF APPEALS MEETING MAY 20, 2021 continued –

DEKAN – 370 US ROUTE 209 – FENCE VARIANCE – PUBLIC HEARING – continued –

Ms. Dekan acknowledged that across the street there is a 6ft fence, Town Attorney asked how long it has been there, she stated she did not know she has been there 6 years and it's been there. Chair asked if letters were sent out, Town Attorney answered yes, they were sent out for the meeting in April by the Applicant and then again in May by the Town. Bob Zeller asked if the fence will block visibility of anyone coming off of Echo Valley Rd, Ms. Dekan replied that the fence will be built into the shrubs and bushes already present.

No Public Comment.

Motion to close public hearing.

Motion made by Tanner Sexton, 2nd by Philip Niosi, to close the public hearing for Gaeterina Dekan, Fence Variance.

Vote 5 Ayes: Robert Zeller, Philip Niosi, Michael Witt, Tanner Sexton, Cheryl Greene.

MOTION CARRIED

BELLMAN OUTDOORS – 126 US RTE 6 – BILLBOARD – INTERPRETATION – PUBLIC HEARING –

Todd Lawton-Representative for Bellman Outdoors

John Fuller-Engineer for Project

Motion to open public hearing.

Motion made by Michael Witt, 2nd by Tanner Sexton, to open the public hearings for Bellman Outdoors, Billboard interpretation.

Vote 5 Ayes: Robert Zeller, Philip Niosi, Michael Witt, Tanner Sexton, Cheryl Greene.

MOTION CARRIED

Secretary, Amanda Gorr read public hearing notice into record. Town Attorney disclosed that he is the Attorney for the property owner and has reviewed the potential lease, if there is an issue he can step back and get other counsel. Mr. Lawton explained that they are a small billboard company that has 10 years of experience building signs in small communities. The height of the sign is unique because it is between two roads and they are there for an interpretation for which road to measure it off of. John Fuller acknowledged that this is between US Route 6 and I-84, depending on how it is interpreted it could need a variance. The measurement is from road to top of sign, but it is measured from the road which it services and this sign will be servicing Interstate 84. He continued that the sign is designed to service I84 trees back up to the sign on Route 6 and they are about 50ft in height. Bob Zeller asked if the sign was double sided, John Fuller replied that it will service both sides of 84. Bob Zeller questioned if the trees would block the sign, Chair asked if you were driving on Route 6 if you would see the sign. John Fuller answered that you could see it through the trees but it was not noticeable. Bob Zeller asked if the sign would be digital, Mr. Lawton answered, no it will be a static sign. Town Attorney asked Mr. Fuller if he showed the elevation of the sign from Route 6, Mr. Fuller pointed it out on the map. Bob Zeller questioned which road the sign was closet to, Mr. Fuller stated he had not put that on the map but could scale it, he stated that the distance of sign to I-84 was about 200ft and to Route 6 was about 160ft. Bob Zeller questioned if it is determined that the measurement would be from Route 6 would it kill the project, Town Attorney acknowledged that if it was Route 6 than they would need a variance its 105ft and the maximum is 60ft, which is about a 45ft variance but off out I-84 would be no problem. Bob Zeller asked on the EAF why it was checked off yes for wetlands, John Fuller explained that they use a DEC mapper online but there is none on the property. Bob Zeller asked if there were any neighbors the sign would affect, John Fuller answered across the street is the Quarry and adjacent to it is Marra which was sold and there is a tree line to buffer. Bob Zeller asked about LED nights and if the trees will screen that, John Fuller state that this is in the IB District and billboards are only allowed in that zone.

ZONING BOARD OF APPEALS MEETING MAY 20, 2021 continued –

BELLMAN OUTDOORS – 126 US RTE 6 – BILLBOARD – INTERPRETATION – PUBLIC HEARING – continued –

Public Comment:

Debra Hayden- Ms. Hayden asked if it was across from the Quarry.

John Fuller- Mr. Fuller answered Yes.

Motion to close public hearing.

Motion made by Michael Witt, 2nd by Tanner Sexton, to close the public hearing for Bellman Outdoors, Billboard interpretation.

Vote 5 Ayes: Robert Zeller, Philip Niosi, Michael Witt, Tanner Sexton, Cheryl Greene.

MOTION CARRIED

Mike Witt asked if they could make a determination, Town Attorney replied to wait until after the other public hearing.

109 MAIN STREET – AREA VARAINCES – PUBLIC HEARING –

John Fuller-Representative for Applicant

Motion to open public hearing.

Motion made by Michael Witt, 2nd by Philip Niosi, to open the public hearing for 109 Main Street Area Variances.

Vote 5 Ayes: Robert Zeller, Philip Niosi, Michael Witt, Tanner Sexton, Cheryl Greene.

MOTION CARRIED

Secretary, Amanda Gorr read public hearing notice into record. Town Attorney disclosed that he has represented the property owner but not at this particular address. John Fuller explained that there is an open application at the Planning Board right now for this project, they were referred to the ZBA for variances. The property is located between US Route 42 & 97 and Main St., historically it has been a two story, 2400ft building. The Applicant purchased it about a year ago currently it has 2 office spaces and 1 residential apartment on the first floor and 3 residential apartments on the second floor, the applicant would like to make it 6 residential units. This is a pre-existing non-conforming lot, it will require variances for lot area & Setbacks, parking required is 2.5 per dwelling unit and they can only get 2 per unit. Town Attorney asked how many are required, Mr. Fuller stated that 15 are what is needed. Chair asked about the dedicated in and out, Mr. Fuller explained that there is an entrance off of Main St and Route 42. Bob Zeller asked if there are any other multi-family dwellings in the area, Philip Niosi acknowledged that next to the fire house is a 2 family. Mike Witt asked about a handicap spot, John Fuller stated that it would be 12 total and only one handicap, Mike Witt asked if that was based on parking, Mr. Fuller answered that it is NYS law one spot for every 25 parking spots.

Public Comment:

Brian Husson- Mr. Husson stated he was here with his mother Beverly, he stated that the building is 18 inches from the property line. It used to be a bar, store, bait shop, three apartments. He continued that the chimney is in disrepair pieces are falling off on the garage, there has been a lot of problems. He asked how it became a 3-family dwelling. He further stated that it is so far out of code, if the Board allowed this they might as well throw away the code. The owner doesn't take care of the property or the structure and asked about the septic. John Fuller replied that a new septic is in the plan, perc tests were done and witnessed by Fusco's office. Mr. Husson stated that the well on his mother's property is not good and there is cement falling off the roof. Bob Zeller suggested that they call the Building department if they have issues, Mr. Husson acknowledged he has and stated that it should have never been made into a 3 Family and asked if they got a permit and suggested the Board look into it. Town Attorney stated that they will look into it.

ZONING BOARD OF APPEALS MEETING MAY 20, 2021 continued –

109 MAIN STREET – AREA VARIANCES – PUBLIC HEARING – continued –

Mr. Husson asked at the time it was converted if it was legal because it does not meet any requirements, Town Attorney acknowledged that it was either determined through the Building Department or the Planning Board. Town Attorney added that the Department of Health will be involved due to the number of units. Mr. Husson asked how he would find out about any code violations and stated it should be condemned, it floods and is a disaster, the owner does not even show up for the meeting. Mr. Zeller suggested that he FOIL the information, Chair thanked Mr. Husson for his comments.

Beverly Husson- Ms. Husson stated that she called about a month ago to the Building Department about trash and that was taken care of and thanked them.

Bob Zeller stated that their comments will be made part of the record and will be taken into consideration.

Chair acknowledged that a letter was sent in by Mr. & Mrs. Behm.

Town Attorney stated that it does not have to be read.

Motion to close public hearing.

Motion made by Philip Niosi, 2nd by Tanner Sexton, to close the public hearing for 109 Main Street Area Variances.

Vote 5 Ayes: Robert Zeller, Philip Niosi, Michael Witt, Tanner Sexton, Cheryl Greene.

MOTION CARRIED

MASCOLO – GROVE STREET – NEW HOME – VARIANCE DECISION –

Kate Mascolo-Applicant

Town Attorney explained that the public hearing was held on March 18 and left open to the April meeting because it was a virtual meeting, the public hearing needs to be closed.

Motion to close public hearing.

Motion made by Robert Zeller, 2nd by Tanner Sexton, to close the public hearing for Mascolo Variance.

Vote 5 Ayes: Robert Zeller, Philip Niosi, Michael Witt, Tanner Sexton, Cheryl Greene.

MOTION CARRIED

Town Attorney went through the resolution it is a pre-existing non-conforming lot at 54 Grove St. The variances needed are as follows:

- The lot currently has .26 acres where one acre is required.
- Town Code does not permit single wide homes anymore except in Manufactured Home Parks or it would have been replaced by a home in the exact same footprint. They do not make that size anymore.
- The current home is 720sqft and new home will be 1232sqft.
- The lot width is currently 115ft and 200ft is required.
- The lot depth is currently 100ft and 200ft is required.
- This lot has two front yards, the one facing Grove St provides 30ft and the one facing Avenue C provides 36ft, 50ft is required.

Town Attorney stated that the next step would be to have the written resolution signed by the Chair and the Secretary and then a building permit could be filed for.

Motion to approve.

Motion made by Philip Niosi, 2nd by Michael Witt, to approve application for Mascolo Variance.

Vote 5 Ayes: Robert Zeller, Philip Niosi, Michael Witt, Tanner Sexton, Cheryl Greene.

MOTION CARRIED

ZONING BOARD OF APPEALS MEETING MAY 20, 2021 continued –

BELLMAN OUTDOORS – 126 US RTE 6 – BILLBOARD – INTERPRETATION – PUBLIC HEARING – revisited –
Chair asked what motion would need to be made, Town Attorney stated it would be a make to render an interpretation.

Motion to render interpretation.

Motion made by Robert Zeller, 2nd by Cheryl Greene, to determine height off of Interstate 84. Mike Witt asked if it is off of I-84 then no variance but off of Route 6 then yes, Bob Zeller replied yes and stated that they would go to Planning Board.

Vote 5 Ayes: Robert Zeller, Philip Niosi, Michael Witt, Tanner Sexton, Cheryl Greene.

MOTION CARRIED

Town Attorney stated that no variance is required and the Applicant can go back to the Planning Board, he will prepare a resolution to vote on for next meeting.

Motion to Adjourn Meeting.

Motion made by Michael Witt, 2ND by Philip Niosi, to Adjourn May 20, 2021 Meeting at 9:06 p.m.

Vote 5 Ayes: Robert Zeller, Philip Niosi, Michael Witt, Tanner Sexton, Cheryl Greene.

MOTION CARRIED

Respectfully Submitted By,



Amanda Gorr, Zoning Board of Appeals Secretary