

The Deerpark Zoning Board of Appeals met for VIRTUAL MEETING on THURSDAY, OCTOBER 15, 2020.

The following were present:

BOARD MEMBERS PRESENT:

Cheryl Greene-Vice Chair
Robert Zeller

Michael Witt

BOARD MEMBER ABSENT: Lee Cornell-Chairman

OTHERS PRESENT:

Glen Plotsky, Town Attorney



APPROVED

Meeting brought to order at 7:31 pm by Acting Chair Cheryl Greene.

Pledge of Allegiance

Chair Greene acknowledged that we all are praying for a speedy recovery for our Chairman Lee Cornell.

APPROVAL OF SEPTEMBER 17, 2020 MINUTES–

Motion to APPROVE Minutes.

Motion made by Robert Zeller, 2ND by Michael Witt to approve minutes for September 17, 2020.

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

MOTION CARRIED

JIANHUI LI – 1514 ROUTE 209 – PUBLIC HEARING –

Chun Feng-Representative for Applicant

Motion made by Michael Witt, 2ND by Robert Zeller to open the public hearing for Li.

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

MOTION CARRIED

Secretary read the public hearing notice into record and verified that all adjoiners were notified. Mr. Feng gave a brief description of the application stating that this is a property at 1514 Route 209, it is an existing non-conforming lot, it meets all setbacks but one side yard; this is the variance they are applying for. He continued that on one side the neighbors have a single-family dwelling, and they have the 35 ft required, the other side there is a steep slope and they only have 13 ft. He went on to say that the lot is narrow, and the applicant would like to have the house facing the street it is better curb appearance, the house will be a single story 1600sqft home. Bob Zeller asked if other houses in the area are forward facing, Mr. Feng answered yes. Town Attorney asked if there was an existing house there now, Mr. Feng replied no not now there was one before and a well and septic, but the applicant plans to drill new. Town Attorney asked what district the property was, Mr. Feng answered HMU (Hamlet Mixed Use), he also asked how many bedrooms and baths, Mr. Feng answered 3 bedrooms, 3 ½ baths. He asked if there would be any accessory structures, Mr. Feng answered no. Town Attorney asked if it was self-created, Mr. Feng answered yes, he then asked if there was a deterrent to the character of neighborhood, Mr. Feng answered No. Town Attorney asked if there was a change in character of the neighborhood, Mr. Feng answered No, He asked if there was any other way to put the home so there would not need a variance, Mr. Feng answered No because of the slope in the back. Mike Witt asked about runoff and drainage, Mr. Feng replied that the lot is deep and there are trees in the back and the water will go to the back of the property. Mike Witt also asked how many feet will the house been from Route 209, Mr. Feng answered 70ft. Town Attorney acknowledged that he did not have a resolution prepared for this application, he added that he could draft a resolution and have it ready for a vote for the next meeting. Bob Zeller asked if in the resolution there could be a condition that the old septic be found and removed. Town Attorney suggested to place this matter on the agenda for next month to allow him to draft a resolution.

ZONING BOARD OF APPEALS OCTOBER 15, 2020 MINUTES continued –

GUMAER – OAKLAND VALLEY ROAD – GARAGE – VARIANCE– PUBLIC HEARING –

Keith Gumaer-Applicant

Motion made by Michael Witt, 2ND by Robert Zeller to open the public hearing for Gumaer.

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

MOTION CARRIED

Secretary read the public hearing notice into record and verified that all adjoiners were notified. Mr. Gumaer stated that he sent out the letters to his neighbors, the shed is on one side of the property towards the front of the lot, there was an existing shed there that he took down because he needed bigger. Mike Witt asked if the garage is existing, Mr. Gumaer stated that yes, he started it and was asked to stop by the Building Department, he added that he was told he could weather in the structure. Town Attorney asked if he constructed the garage where the other building was, Mr. Gumaer answered yes there was a 12x12 now it will be a 14x20. Chair Greene opened the floor for public comment, there was no comment. Town Attorney asked if it was in the RR Zone, Mr. Gumaer answered yes, He asked if the location of the garage is closer to the road than the house, Mr. Gumaer replied yes. Town Attorney asked if there was a single-family dwelling also present on the property, Mr. Gumaer answered yes, he also asked due to topography there was no other place to put the structure, Mr. Gumaer answered yes. Town Attorney asked if the property size was about 2.2 acres, Mr. Gumaer answered yes, he asked if the garage conformed to all other setbacks, Mr. Gumaer answered yes. Town Attorney asked if the other homes around him are privately owned and if they have sheds in their front yards. He stated he was not sure. Bob Zeller asked how far off the road the shed was, Mr. Gumaer answered about 100ft. Town Attorney went through the 5 requirements, he asked if the benefit would outweigh the detriment of the community, Mr. Gumaer answered yes. He then asked if it would change the character of the neighborhood, Mr. Gumaer answered no. He asked if other people in the neighborhood have sheds, Mr. Gumaer answered Yes. Town Attorney asked if it would have any negative effects on the environment and if there was any other place, he could put the shed on the property, Mr. Gumaer answered No to both questions.

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

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

MOTION CARRIED

Motion made by Robert Zeller, 2ND by Michael Witt to adopt the resolution and grant the variance for Keith Gumaer.

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

MOTION CARRIED

VITIELLO – PROSPECT HILL ROAD – GARAGE – AREA VARIANCE – PUBLIC HEARING –

Anthony Vitiello-Applicant

Motion made by Michael Witt, 2ND by Robert Zeller to open the public hearing for Vitiello.

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

MOTION CARRIED

Secretary read the public hearing notice into record and verified that all adjoiners were notified. Mr. Vitiello explained that he had a shed removed to put a garage, the other side of the property is an embankment, he continued that the front of the house does not face the road. Chair Greene asked if the structure is existing, Mr. Vitiello answered that there was a 12x12 shed, he wanted to replace it with a 28x28 garage. Mr. Vitiello stated that it was to store his car and other stuff from the shed, it is on about 2 acres and it conform to all other setbacks. Chair Greene opened the floor for public comment. Grace Woodard asked if the neighbors know about the increase in size, Mr. Vitiello stated that he had spoke with them.

ZONING BOARD OF APPEALS OCTOBER 15, 2020 MINUTES continued –

VITIELLO – PROSPECT HILL ROAD – GARAGE – AREA VARIANCE – continued –

Town Attorney went through the 5 requirements, he asked if the benefit would outweigh the detriment of the community, Mr. Vitiello answered yes. He then asked if it would change the character of the neighborhood, Mr. Vitiello answered no. He asked if other people in the neighborhood have garages, Mr. Vitiello answered Yes. Town Attorney asked if it would have any negative effects on the environment, Mr. Vitiello answered No. He asked if there was any other place, he could put the garage on the property, Mr. Vitiello answered No.

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

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

MOTION CARRIED

Motion made by Cheryl Greene, 2ND by Robert Zeller to adopt the resolution and grant the variance for Anthony Vitiello.

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

MOTION CARRIED

ZHI -17-19 SHORE DRIVE – VARIANCE –

John Fuller-Representative for Applicant

Mr. Fuller explained that he went to the Planning Board for a lot line change and was referred to the Zoning Board for a side yard setback for an accessory structure. Both lots are pre-existing nonconforming lots, each has a single-family dwelling, and the property owner owns both lots. Mr. Fuller further stated that it is to give a little more to one lot and by doing that the framed accessory structure does not meet code. Town Attorney acknowledged that both lots start nonconforming and end nonconforming. Bob Zeller asked why one lot shows the septic field and the other does not, John Fuller showed them on the map where it was located.

Motion made by Michael Witt, 2ND by Robert Zeller to schedule a public hearing for Zhi area variance for Thursday, November 19,2020 at 7:30 pm.

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

MOTION CARRIED

JIANHUI LI – 1514 ROUTE 209 – PUBLIC HEARING – revisited –

Mike Witt asked if 239 was done, Town Attorney stated that it was done, and the County responded he read the determination. Chair Greene opened the floor for the public:

Public Comment:

Grace Woodard- Ms. Woodard asked about the old septic and suggested it should be identified.

Chun Feng- Mr. Feng stated that the house has been abandoned a long time ago and the septic has not been use. He added that it could be discovered during the excavation.

Town Attorney- Mr. Plotsky explained that the applicant was referred to the Zoning Board by the Building Department and if the variance is granted it will go back to the Building Department and the Board can make it conditional that they find the septic and have it removed. He continued that the side yard setback needed is 17ft which is 56.6% variance which is substantial and this is self-created, the house can be turned sideways but the other homes in the area face the road so it is keeping in character of the neighborhood.

Grace Woodard-Ms. Woodard asked about the distance between the well and septic and that it seems to run parallel with the stream in the yard.

Chun Feng- Mr. Feng stated that it is more the 100ft from the stream.

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

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

ZONING BOARD OF APPEALS OCTOBER 15, 2020 MINUTES continued –

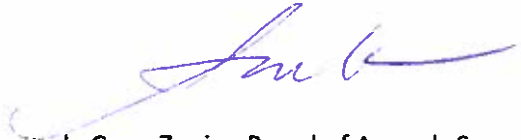
Motion to Adjourn Meeting.

Motion made by Robert Zeller, 2ND by Michael Witt, to Adjourn October 15, 2020 Meeting at 8:51 p.m.

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

MOTION CARRIED

Respectfully Submitted By,



Amanda Gorr, Zoning Board of Appeals Secretary