

The Deerpark Zoning Board of Appeals met for their monthly meeting on Thursday, October 21, 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



APPROVED

Meeting brought to order at 7:32 pm by Chair Cheryl Greene.

Pledge of Allegiance

APPROVAL OF June 17, 2021 MINUTES–

Motion to APPROVE Minutes.

Motion made by Robert Zeller, 2ND by Tanner Sexton to approve minutes for June 17, 2021.

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

MOTION CARRIED

JASON EMERSON – 35 HIDDEN VALLEY RD – AREA VARIANCE – POLE BARN –

Jason Emerson-Applicant

Mr. Emerson explained this was his property on Hidden Valley Rd, he needs a variance due to the layout of the property. He lives on a mountain and it is full of rock. Bob Zeller stated that he did a drive by and asked if there was going to be a second driveway, Mr. Emerson answered that the main access will be to the pole barn. Bob Zeller asked if he went to the highway for the second driveway, Mr. Emerson stated it was there. Chair Greene acknowledged that the pole barn will be in the front yard, Mr. Emerson replied on the side in front of the house. Bob Zeller asked if there were setback issues, Mr. Emerson stated that everything is good an Engineer drew it up and Building Inspector said it was good. Town Attorney asked if it was already constructed, Mr. Emerson answered No but wants to get it up before winter. Town Attorney acknowledged that a public hearing would need to be done, Mr. Emerson would have to prove that the benefit outweighs determent to neighborhood and other people have same, his letter accompanied with the application justifies topography. Town Attorney then explained the public hearing procedure. Chair Greene asked what State property was next to the subject parcel, no one was sure of the answer.

Motion to distribute GML-239

Motion made by Robert Zeller, 2ND by Philip Niosi to distribute the GML-239.

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

MOTION CARRIED

Motion to schedule public hearing.

Motion made by Robert Zeller, 2ND by Cheryl Greene to schedule a public hearing for Thursday, November 18, 2021 at 7:30 pm for Emerson Variance.

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

MOTION CARRIED

ZONING BOARD OF APPEALS MEETING OCTOBER 21, 2021 continued –

LARRY CHAPLINSKI – 1176 US ROUTE 209 – AREA VARIANCE – LOT WIDTH –

Neal Frishberg-Attorney for Applicant

Larry Chaplinski-Applicant

Mr. Frishberg explained the application was for an area variance for front lot width for a proposed subdivision, lot 1 was 166.66 ft and lot 2 was 154.03 ft in width. Town Attorney acknowledged that this was a pre-application to the Planning Board and they were referred to this Board. Bob Zeller questioned the acreage on the tax map says 1.9 acres but survey map says 2 acres. Philip Niosi stated that it seems in character with the rest of the properties in the area. Bob Zeller asked if it bordered the canal, Mr. Chaplinski answered no. Town Attorney stated that when it comes to tax map or survey always follow current survey. Mr. Frishberg stated that each lot will have over the 40,000sqft minimum in the HMU district. Town Attorney asked if it was vacant, Mr. Chaplinski replied there was an old home on it that burned down now just a foundation. Town Attorney stated due to its proximity to Route 209 it has to go to County for review, the application is complete, the accompanying letter is thorough, surveyor gave square footage of each proposed lot, no structures on the property and none proposed, lot width variance will be around 25%.

Motion to distribute GML-239

Motion made by Robert Zeller, 2ND by Philip Niosi to distribute the GML-239.

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

MOTION CARRIED

Motion to schedule public hearing.

Motion made by Robert Zeller, 2ND by Philip Niosi to schedule a public hearing for Thursday, November 18, 2021 at 7:30 pm for Chaplinski Variance.

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

KATE TRAYNOR – 4 MAPLE LANE – AREA VARIANCE – GARAGE –

No one present for application. Town Attorney asked if the garage was pre-existing, Philip Niosi answered yes. Town Attorney stated that the application is missing information, Bob Zeller asked if this was referred by the Building Department, Secretary replied yes and explained it was a complaint made and was given a violation for. Town Attorney suggested that Board have the Secretary send a letter to the Applicant that the application needed to be finalized and to appear at the November meeting. Chair Greene asked if they didn't appear at the next meeting what would happen, Town Attorney answered it would be dismissed without prejudice and a letter would be sent to them.

Motion to put matter on the November agenda and authorize Secretary to send a letter.

Motion made by Michael Witt, 2ND by Philip Niosi to add the applicant to the November 18 agenda and authorize Secretary to send letter to inform Applicant on the next meeting and appearance was needed.

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

MOTION CARRIED

Tanner Sexton asked if they didn't show at the next meeting what would happen, Town Attorney stated that the Building Department would proceed with the violation that was sent. Town Attorney acknowledged that to complete the application a letter of explanation, diagram and some blanks on the application needed to be done.

ZONING BOARD OF APPEALS MEETING OCTOBER 21, 2021 continued –

ABER – JOHNSON LANE – ROUTE 97 & 42 – NOTATION REMOVAL –

Town Attorney stated that he does not represent the Applicant but knows the project, he gave an explanation of the matter. The current owner wants to sell the land, it is 2 lots on the same deed but one of the properties states it must remain open and vacant. He continued that back in 1979 the owner wanted to subdivide the property it was adjacent to Butler Mobile Home Park the Planning Board at the time was split on the decision it was referred to the Town Board. They approved it with this buffer for the lot to be vacant due to the Mobile Home Park. Now the owners are trying to sell it, it is adjacent to Trovei's property and he is interested in purchasing it but he would not be able to use it. Since this decision the Town has reconfigured the Zoning in that area and it is now in the HMU but there is still the note on the map. Town Attorney disclosed that he does represent Mr. Trovei and explained that this matter was first at the Planning Board and they referred it to the Town Board because they were the Board that put the notation on the map, but due to a conflict of the interest with the Town Board it was referred to the ZBA. Bob Zeller asked if the ZBA has the authority to override the Town Board decision, Town Attorney replied yes and a public hearing will be held to see what the public thinks. Bob Zeller asked if it is changed will the trucks be parked on it like on Route 42 & 97, Town Attorney acknowledged that it will go to the Planning Board for a Site Plan Review. Bob Zeller stated that he drove down there to do a site visit and the road is in terrible shape the Town should be embarrassed by the condition of the road. Town Attorney stated that any approvals can be conditioned on road improvement. Town Attorney stated that a public hearing would need to be scheduled and GML-239 needed to be distributed. The Board felt that 239 could be done but a representative should be present to proceed with the public hearing.

Motion to distribute GML-239

Motion made by Robert Zeller, 2ND by Cheryl Greene to distribute the GML-239.

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

MOTION CARRIED

Motion to Adjourn Meeting.

Motion made by Robert Zeller, 2ND by Tanner Sexton, to Adjourn October 21, 2021 Meeting at 8:50 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