

The Deerpark Zoning Board of Appeals met for their monthly meeting on Thursday, November 18, 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

Robert Zeller-Vice-Chair
Tanner Sexton

BOARD MEMBER ABSENT: Philip Niosi



APPROVED

OTHERS PRESENT:

Glen Plotsky, Town Attorney

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

Pledge of Allegiance

APPROVAL OF OCTOBER 21, 2021 MINUTES--

Motion to APPROVE Minutes.

Motion made by Tanner Sexton, 2ND by Robert Zeller to approve minutes for October 21, 2021.

Vote 4 Ayes: Tanner Sexton, Robert Zeller, Cheryl Greene, Michael Witt.

MOTION CARRIED

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

Jason Emerson-Applicant

Motion to open public hearing.

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

Vote 4 Ayes: Tanner Sexton, Robert Zeller, Cheryl Greene, Michael Witt.

MOTION CARRIED

Secretary, Amanda Gorr read the public hearing notice into record. Proof of mailings were verified. Mr. Emerson gave a brief explanation of why he could not put the structure behind the house and that it is on the side of the home in the front yard. Town Attorney asked the purpose of the building, Mr. Emerson answered for storage. Town Attorney asked if it was closer to the street than the front of the home, Mr. Emerson answered yes. Town Attorney asked how much more in front of the house, Mr. Emerson answered about 10ft. Town Attorney asked how big the structure was, Mr. Emerson answered 24x40. Town Attorney asked about the 2 driveways, Mr. Emerson stated they are both existing. Town Attorney asked why he couldn't put the building in the back of the property, Mr. Emerson explained the topography. Town Attorney asked if there were other houses on his road that had similar structures; Mr. Emerson replied yes. Town Attorney asked if the other structures on the road are behind the houses; Mr. Emerson answered most are next to homes but there is one that looks closer to the road then he is proposing, he submitted a photo. Town Attorney asked if the variance is granted will it alter the character of neighborhood; Mr. Emerson answered, No. Town Attorney asked if the variance is granted will it cause detriment to the neighborhood; Mr. Emerson answered, No. Town Attorney asked if there was anywhere else he can build the structure; Mr. Emerson answered no due to topography. Town Attorney asked if there is any other alternative; Mr. Emerson answered No. Town Attorney asked if this is self-created; Mr. Emerson answered yes. Town Attorney acknowledged that the GML-239 came back from Orange County Department of Planning that there were no impacts and if granted it was local determination. He continued that Mr. Emerson submitted a photo of another home with the structure in front of the house and a letter from neighbor that they had no objection and the letter was notarized. Chair Greene opened the floor for public comment.

ZONING BOARD OF APPEALS MEETING NOVEMBER 18, 2021 continued –

JASON EMERSON–35 HIDDEN VALLEY RD–AREA VARIANCE–POLE BARN–PUBLIC HEARING- continued-

Public Comment:

No public comment.

Town Attorney acknowledge that no one signed the sign in sheet to speak.

Motion to close public hearing.

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

Vote 4 Ayes: Tanner Sexton, Robert Zeller, Cheryl Greene, Michael Witt.

MOTION CARRIED

Motion to approve area variance.

Motion made by Tanner Sexton, 2ND by Robert Zeller to approve the variance for Jason Emerson to allow the pole barn closer to the road than the home but not less than 21ft from road.

Vote 4 Ayes: Tanner Sexton, Robert Zeller, Cheryl Greene, Michael Witt.

MOTION CARRIED

Town Attorney stated that a written resolution will be drawn up and signed by Chair and Secretary and filed with the Town Clerk. Mr. Emerson asked when he could file for his building permit, Town Attorney replied fortunately the ZBA Secretary is also the Building Department Secretary and can let the Building Inspector know so he can file anytime.

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

Neal Frishberg-Attorney for Applicant

Larry Chaplinski-Applicant

Motion to open public hearing.

Motion made by Michael Witt, 2ND by Tanner Sexton to open the public hearing for Chaplinski Variance.

Vote 4 Ayes: Tanner Sexton, Robert Zeller, Cheryl Greene, Michael Witt.

MOTION CARRIED

Secretary, Amanda Gorr read the public hearing notice into record. Proof of mailings were verified; they were emailed beforehand. Mr. Frishberg stated that Lot 1 will be about 43,000 sqft and Lot 2 will be about 42,000 sqft, lot area is in conformity. Town Attorney acknowledged that a letter was sent from Conrad, Close and Ewald certifying that Lot 1 is 43,632sqft and Lot 2 is 43,488sqft both are more than the 40,000sqft requirement in the HMU Zone. The variance is for Lot width Lot 1 will need 44ft and Lot 2 42ft variances. Mr. Frishberg stated the benefit to the Applicant outweighs the deterrent; it will not change the character most lots have residential; this will be 2 single family homes. This will not cause an undesirable change almost all properties have less than 200ft frontage. He continued that there is no other feasible solution unless to purchase additional frontage but that would make surrounding non-conforming properties more non-conforming. There are no physical or environmental impacts it is consistent with the surrounding area; it is self-created. Mike Witt acknowledged that there was question at the last meeting of the distance to the canal, Mr. Frishberg stated that a map was provided, Tanner Sexton confirmed there is State owned land behind this and then the canal. Chair Greene opened the floor for public comment.

Public Comment:

No public comment.

ZONING BOARD OF APPEALS MEETING NOVEMBER 18, 2021 continued –

LARRY CHAPLINSKI–1176 US ROUTE 20 –AREA VARIANCE–LOT WIDTH–PUBLIC HEARING–continued –

Town Attorney stated that the lot width is Lot 1 43.4ft and Lot 2 44.07ft, there was a question of lot area but that was answered with the certification from the surveyor. Chair Greene asked if they would be single family homes, Mr. Frishberg answered yes. Town Attorney acknowledged that if variance is granted it will go to the Planning Board for a 2-lot subdivision and the maps will be revised to show the new lines and the approximate location of the homes, it will also show the location of the water and septic and testing will be done to show sufficient water supply. Mike Witt asked if there was a way to make sure that it would be single family, Tanner Sexton stated that is part of the Planning Board process. Town Attorney stated that GML-239 was done and Orange County Department of Planning responded that there were no impacts and it was a local determination.

Motion to close public hearing.

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

Vote 4 Ayes: Tanner Sexton, Robert Zeller, Cheryl Greene, Michael Witt.

MOTION CARRIED

Motion to approve area variance.

Motion made by Robert Zeller, 2ND by Tanner Sexton to approve the variance for Larry Chaplinski for a 43.34ft lot width for Lot 1 and 44.07ft lot width for Lot 2.

Vote 4 Ayes: Tanner Sexton, Robert Zeller, Cheryl Greene, Michael Witt.

MOTION CARRIED

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

Justin Traynor-Applicant

Kate Traynor-Applicant

Mr. Traynor explained this was an existing 12x12 pre-fab shed. Ms. Traynor stated that when she called the Building Department, she was told she did not need a permit for the shed. Town Attorney acknowledged that technically a permit is not required for a 144sqft shed but it has to comply with the setbacks. He asked where the shed was relative to the residence. Mr. Traynor replied on the left side 7-8ft from the home. Chair Greene asked how far it was from the property line, Mr. Traynor answered 1ft. Bob Zeller asked if the shed could be shifted closer to home and farther from property line, Ms. Traynor answered that there is a gate to the fenced in backyard. Town Attorney stated that the setback for that area is 35ft. Tanner Sexton acknowledged pretty much no matter where they put the shed a variance would be needed. Town Attorney asked if it could be placed in the back yard, Mr. Traynor replied no because the leach field is in the back yard. Town Attorney stated that GML-239 did not need to be done, a diagram of the property was needed and show how wide, deep, show any structures and distance. Town Attorney felt this would be a request for 2 side yard variances, he continued by saying to drive around and see if any neighbors have sheds in the yards. Also, a letter stating why they want the variance and what they want. He also explained the public hearing process.

Motion to accept application.

Motion made by Robert Zeller, 2ND by Cheryl Greene to accept application for Traynor Variance

Vote 4 Ayes: Tanner Sexton, Robert Zeller, Cheryl Greene, Michael Witt.

MOTION CARRIED

Motion to schedule a public hearing.

Motion made by Cheryl Greene, 2ND by Robert Zeller to schedule a public hearing for December 16, 2021 at 7:30pm for Kate & Justin Traynor for side yard setbacks for a shed, contingent on a diagram of property and explanatory letter.

Vote 4 Ayes: Tanner Sexton, Robert Zeller, Cheryl Greene, Michael Witt.

MOTION CARRIED

ZONING BOARD OF APPEALS MEETING NOVEMBER 18, 2021 continued –

ABER – ROUTE 42 & 97 – NOTATION REMOVAL –

Ann Walsh-Representative for Applicant

Ms. Walsh explained that this was to remove a notation that was placed on a subdivision map a number of years ago, it was brought to the Planning Board they sent it to the Town Board there was a conflict and now it is before the Zoning Board. This property is located in the HMU (Hamlet Mixed Use) Zone. Town Attorney acknowledged this was property located off of 42 & 97 it was not commercial when the original subdivision was done, when it was voted on by Planning Board it was 2-2 and 1 recused, so it went to the Town Board and they approved it with the notation. This is off of Johnson Lane which is cul-de-sac down by the Manufactured Home Park off of Route 97. The notation states that that parcel must remain open and vacant. The homeowner is in contract to sell and the purchaser is concerned with the notation. This property is now in the HMU zone, Planning Board did not take action because originally the Town Board approved, the Town Board did not act on this because there was a conflict; one of the council members it the purchaser so it was sent to the ZBA, but both Boards felt a public hearing was warranted. It is located less than 500ft from Route 42, so a GML-239 would need to be done. Bob Zeller asked if an application has been submitted, Town Attorney stated that there was a pre-app to the Planning Board and that is where the big packet of minutes came from. Bob Zeller felt there was no problem moving forward. Town Attorney stated to submit a formal application but the fee could be waived. Bob Zeller asked if an application was needed to submit to the County. Town Attorney answered yes, the County needs that and will also get a copy of the packet. He also suggested that a public hearing could be scheduled but if there are no results it will have to be held open to the January meeting.

Motion to distribute GML-239

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

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

MOTION CARRIED

Motion to schedule a public hearing.

Motion made by Cheryl Greene, 2ND by Robert Zeller to schedule a public hearing for December 16, 2021 at 7:30pm for Aber for a notation removal.

Vote 4 Ayes: Tanner Sexton, Robert Zeller, Cheryl Greene, Michael Witt.

MOTION CARRIED

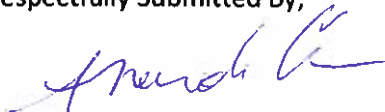
Motion to Adjourn Meeting.

Motion made by Tanner Sexton, 2ND by Michael Witt, to Adjourn November 18, 2021 Meeting at 8:33 p.m.

Vote 4 Ayes: Tanner Sexton, Robert Zeller, Cheryl Greene, Michael Witt.

MOTION CARRIED

Respectfully Submitted By,



Amanda Gorr, Zoning Board of Appeals Secretary