

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

The following were present:

BOARD MEMBERS PRESENT:

Cheryl Greene-Vice Chair
Robert Zeller



APPROVED

Michael Witt

OTHERS PRESENT:

Glen Plotsky, Town Attorney

Meeting brought to order at 7:33 pm by Acting Chair Cheryl Greene.

Pledge of Allegiance

APPROVAL OF NOVEMBER 19, 2020 MINUTES–

Motion to APPROVE Minutes.

Motion made by Robert Zeller, 2ND by Cheryl Greene to approve minutes for November 19, 2020.

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

MOTION CARRIED

VANHORN – MAIN STREET – SIDE YARD VARIANCE – PUBLIC HEARING –

Lincoln VanHorn-Applicant

Secretary, Amanda Gorr read the public hearing notice into record.

Motion to open public hearing.

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

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

MOTION CARRIED

Mr. VanHorn explained that this is an existing structure that was encroaching on the lot line and the neighbor, Mr. Felter is giving him 3 ft but that is not enough to make the setback. He added that both lots are pre-existing, non-conforming. Town Attorney asked how close he was to the line, Mr. VanHorn answered he was currently over the line but this was built 80-100 years ago and he was repairing the back. Town Attorney questioned after he gets the 3ft how close would be to the line, Mr. VanHorn answered 18inches, Town Attorney asked if the garage was currently on the neighbor's property, he replied it was like that when he purchased it. Town Attorney acknowledged that the neighbor Mr. Felter was on the meeting as the public and asked Mr. Felter if he an any objection to the garage. Mr. Felter answered No. Michael Witt asked if the structure was existing, Mr. VanHorn replied that it is an existing, the back roof was caving in he was repairing that and repairing the back and extending it 10ft. Town Attorney asked if he was given a Stop Work Order, Mr. VanHorn answered yes for the repair. Town Attorney asked if he got a permit, he explained he could not get a permit until he gets the variance. Michael Witt asked if he did it without a permit, Town Attorney stated it was an alteration, Michael Witt stated he went by and it looked like new construction and added that the front looked run down. Mr. VanHorn stated the front is solid. Bob Zeller asked if it was started during the pandemic, Mr. VanHorn answered yes. Bob Zeller acknowledged that he just needs to straighten out, then go to building department, Mr. VanHorn answered yes. Town Attorney stated that he did an alteration, he didn't create the encroachment, Lincoln VanHorn added it is in the same foot print and the foundation is the same. He also stated that he showed the neighbor what he was going to do, there was no change in the foundation just the walls and roof. Town Attorney acknowledged it has existed that way for about 100 years.

ZONING BOARD OF APPEALS MEETING FEBRUARY 18, 2021 continued –

VANHORN – MAIN STREET – SIDE YARD VARIANCE – PUBLIC HEARING – continued –

Motion to close public hearing.

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

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

MOTION CARRIED

Town Attorney stated that this will be put on the next agenda to close the public hearing and deliberate, if approved he will be able to get his Building Permit.

MASCOLA – THIRD STREET – NEW HOME –

Catherine Mascola-Applicant

Ms. Mascola explained that she has an existing trailer on the property it is an old trailer and she would like to knock that one down and replace it. To replace it with another mobile home, she would need an exact same size but she cannot get that, she found a 28x44 double wide, but needs a variance to replace it. Acting Chair stated she had submitted a hand drawn drawing. Michael Witt asked if there were going to be changes to the well or septic. Town Attorney stated that a public hearing could be scheduled for March.

Motion to schedule public hearing.

Motion made by Robert Zeller, 2ND by Michael Witt to schedule a public hearing for Thursday, March 18, 2021 for Mascola Variance.

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

MOTION CARRIED

DEKAN – US ROUTE 209 – FENCE VARIANCE –

Gaetanina Dekan-Applicant

Ms. Dekan stated that she also goes by Nina. She continued that this was for a fence for property on the corner of Route 209 and Echo Valley Rd. She further stated that she went to the Building Department for a permit was denied for height and that she has 2 front yards but she thought that Echo Valley was a private road so that would be like one long driveway. She added the fence was to keep deer out and would like 6ft all around. Bob Zeller asked if Echo Valley Rd is private, Town Attorney acknowledged that he texted the Highway Superintendent and was waiting for an answer. Town Attorney stated that Echo Valley is a private road but does it still consider it two front yards or one, he stated that he would have to look into that but regardless she needed a variance for the height on 209. Town Attorney suggested a public hearing be scheduled for March; Secretary acknowledged that due to this property's location a GML-239 needed to be done. Town Attorney explained that the public hearing would have to be scheduled for April due to the 30 days needed for the 239 review.

Motion to distribute GML-239

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

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

MOTION CARRIED

Motion to schedule public hearing.

Motion made by Michael Witt, 2ND by Robert Zeller to schedule a public hearing for Thursday, April 15, 2021 at 7:30 pm for Mascola Variance.

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

MOTION CARRIED

ZONING BOARD OF APPEALS MEETING FEBRUARY 18, 2021 continued –

BELLMAN OUTDOORS – US ROUTE 6 – BILLBOARD – INTERPRETATION/VARIANCE –

Todd Lawton-Applicant

Mr. Lawton stated that he went to the Planning Board for a Billboard at 126 Route 6 and was referred to the ZBA due to a height issue. The Zoning states that 60ft above road grade is what the sign needs to be but which road Route 6 or I-84, the sign faces 84. Town Attorney added he is here for an interpretation to determine which road to do the analysis from and depending on which road is chosen a variance could be needed. Acting Chair stated it looked like the sign is closer to Route 6, Bob Zeller asked if the base of the sign was closer to Route 6 or I-84, Mr. Lawton answered slightly closer to Route 6. Bob Zeller asked how much, Mr. Lawton answered 25-30ft closer to Route 6. Town Attorney disclosed that he has reviewed the lease between the Applicant and the Property Owner, Art Trovei. Town Attorney continued that if approval is given then applicant will go back to Planning Board for Approval and he will have to get approval from the Thruway Authority as well. Bob Zeller asked for measurements to show where it will be set and how far from each road. Todd Lawton asked if he should put elevation on the map, Bob Zeller stated that would be helpful.

Motion to distribute GML-239

Motion made by Michael Witt, 2ND by Robert Zeller to distribute the GML-239 for Bellman Outdoors Billboard.

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

MOTION CARRIED

Motion to schedule public hearing.

Motion made by Cheryl Greene, 2ND by Robert Zeller to schedule a public hearing for Thursday, April 15, 2021 at 7:30 pm for Bellman Outdoors Billboard.

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

MOTION CARRIED

ZHI – SHORE DRIVE – SIDE YARD VARIACNE – CLOSE PUBLIC HEARING –

John Fuller-Representative for Applicant

Town Attorney explained that this was left open for written comment, but have not had a meeting since November due to issues with quorums. He suggested that the public hearing be closed and this application be put on the next agenda to deliberate.

Motion to close public hearing.

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

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

109 MAIN EFH LLC – MAIN STREET – MULTI-FAMILY – AREA VARIACNES –

John Fuller-Representative for Applicant

Town Attorney disclosed that he represents applicant in evictions for other properties. Mr. Fuller shared his screen to show the site map of the property he explained this was the triangle at the intersections of Main St, Route 42 and 97. It is opposite the parking lot where the school buses are parked. Its current occupancy is 2 office spaces and an apartment, the second floor are 3 small studio apartments, it is a 6-unit building, but the office space was unable to rent. They approached the Planning Board to convert the office space into 2 rental apartments and was referred to the ZBA. He continued that this is similar to the application that was before the Board for the Old Alexander Motel, it was a multi-unit building set on a small pre-existing lot. The list of variances is on the plan and application, they are required by Zoning for Multi-family dwellings, most refer to new construction but this is existing.

ZONING BOARD OF APPEALS MEETING FEBRUARY 18, 2021 continued –

109 MAIN EFH LLC – MAIN STREET – MULTI-FAMILY – AREA VARIACNES – continued –

Bob Zeller asked if there will be parking space variance too, Mr. Fuller answered that 2 ½ spaces are required for each dwelling unit and that cannot be achieved the requirement is 15 and only 10 spots are on map. Michael Witt asked about handicapped, John Fuller answered that there is 1 accessible apartment that meets minimum standards. Acting Chair asked when the property was purchased, John Fuller replied about a year ago, they submitted an application to the Planning Board in the fall and then submitted to the ZBA in December. Bob Zeller asked if any new construction would be done, John Fuller answered no new just inside alterations. Town Attorney stated that all non-conformities will be addressed with this application.

Motion to distribute GML-239

Motion made by Michael Witt, 2ND by Robert Zeller to distribute the GML-239 for 109 Main EFH LLC variances.

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

MOTION CARRIED

Motion to schedule public hearing.

Motion made by Robert Zeller, 2ND by Michael Witt to schedule a public hearing for Thursday, April 15, 2021 at 7:30 pm for 109 Main Street Variances.

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

Motion to Adjourn Meeting.

Motion made by Michael Witt, 2ND by Robert Zeller, to Adjourn February 18, 2021 Meeting at 8:37 p.m.

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

MOTION CARRIED

Respectfully Submitted By,



Amanda Gorr, Zoning Board of Appeals Secretary