

The Deerpark Zoning Board of Appeals met for their monthly meeting on Thursday, June 16, 2022 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

Motion to open meeting.

Motion made by Tanner Sexton, 2ND by Philip Niosi, to open June 16, 2022 meeting at 7:30 p.m.

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

MOTION CARRIED

Pledge of Allegiance

Motion to enter into executive session.

Motion made by Michael Witt, 2ND by Cheryl Greene, to exit the regular meeting and enter into executive session and invite in the Town Attorney, Glen Plotsky to discuss potential litigation.

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

MOTION CARRIED

Motion to exit executive session.

Motion made by Michael Witt, 2ND by Philip Niosi, to exit executive session.

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

MOTION CARRIED

Motion to reopen regular meeting.

Motion made by Michael Witt, 2ND by Tanner Sexton, to reopen the regular meeting.

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

MOTION CARRIED

APPROVAL OF FEBRUARY 17, 2022 MINUTES—

Motion to APPROVE Minutes.

Motion made by Robert Zeller, 2ND by Philip Niosi, to approve minutes for February 17, 2022.

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

MOTION CARRIED

GUSHUE – WEST PEENPACK TRAIL – POLE BUILDING – AREA VARIANCE –

John Gushue-Representative for his son

Mr. Gushue stated that this is for a setback variance, for an accessory structure over 1000sqft. The right side on the property line the front of the building would potentially be 15ft off the line and the back 20ft, due to the angle of the property, and in the back they would not be able to get the setback either. He continued that there is already a driveway in place that would go straight to the potential site for the garage building, and in the back behind the house he has plans to do an inground pool. Mr. Gushue added that minimum is usually 10ft. Town Attorney stated that due to the size of the structure it must comply with the primary structure setbacks. Chair Greene asked what the setback was, Town Attorney answered he thought it was 35ft, Tanner Sexton asked how it did not meet accessory structure setbacks. Town Attorney acknowledged that due to the size of the structure; it is over 1000ft it must follow primary setbacks. Philip Niosi asked what the neighboring properties were like, John Gushue answered single family residences, wooded in the back yard similar to this property. Bob Zeller questioned if there was anywhere else this could be placed on the property, Mr. Gushue replied that they have looked at different area and even behind the house but really don't want to extend the driveway behind the home. Tanner Sexton stated that practically it wouldn't work behind the home, Town Attorney asked if they could put it behind the home what is the terrain like, Mr. Gushue answered wooded. Town Attorney acknowledged that would mean cutting trees down and extending the driveway. He asked if there were other properties with garages.

ZONING BOARD OF APPEALS MEETING JUNE 16, 2022 continued –

GUSHUE – WEST PEENPACK TRAIL – POLE BUILDING – AREA VARIANCE – continued –

Mr. Gushue acknowledged if they were to put it in the back yard the setback would be worse. Town Attorney stated that it would be more of a variance, he explained to Mr. Gushue that this kind of information is what he needs to state at the public hearing, it will help his case. He then explained that public hearing process to Mr. Gushue. Chair Greene asked when the survey was done, Mr. Gushue stated he thought 2019 by Conrad and Close.

Motion to schedule a public hearing.

Motion made by Cheryl Greene, 2ND by Philip Niosi, to schedule a public hearing for July 21, 2022 at 7:30PM for Gushue Variance.

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

MOTION CARRIED

BONSANTI – SHORE DR – ADDITION – AREA VARIANCE –

Anthony Bonsanti-Applicant
Tina Marie Bonsanti-Applicant

Mr. Bonsanti explained that this was a summer home and they moved up here now full time, his father-in-law has moved in and they would like to put an addition on the back of the home but cannot because they can't get the setback on the sides. Mike Witt asked if this was in Myers Grove, Mr. Bonsanti answered yes. Town Attorney asked if the lot was rectangular shaped, Mr. Bonsanti stated that it is rectangle, they joined 2 lots behind it. Town Attorney acknowledged that it is a flag lot, it looks like the neighbors shed encroaches on the lot by a few feet, the house is pre-existing non-conforming, he suggested to ask for all setbacks not just for the addition. It makes it all clean when they go to sell, he stated there was no issue with the rear and front. Town Attorney asked how far the house was from the road, Mr. Bonsanti answered 30-35ft. Town Attorney acknowledged that if it is 30 then yes they will need if 35ft then no. He continued that it would be for side yard it is 35ft he has 10.5 or more, front yard is 35ft it will be for 5± variance. There is no issue with the rear and coverage. Town Attorney then asked what was meant about Shed A moving where Shed B is. Mr. Bonsanti explained that they are removing one shed and moving one to the spot. Town Attorney stated that the carport on the flag behind the neighbors shed is fine, Philip Niosi asked how they access the carport, Mr. Bonsanti replied that was only for storage. Town Attorney acknowledged that shed B was to be demoed and shed A will be moved in that place 10ft off of property line. Mike Witt asked how big the structure was now, Mr. Bonsanti answered that it was 1 bedroom, 1 bath, he has his father-in-law living with him in the livingroom. Town Attorney stated that shows a hardship. He explained how the notices work for the public hearing and how that is handled. He added that the Board has 62 days to render a decision but it could be made that same night.

Motion to schedule a public hearing.

Motion made by Cheryl Greene, 2ND by Philip Niosi, to schedule a public hearing for July 21, 2022 at 7:30PM for Bonsanti Variance.

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

MOTION CARRIED

TRAYNOR – MAPLE LANE – AREA VARIANCE – DISCUSSION –

Motion made by Cheryl Greene, 2ND by Philip Niosi, to hold the matter over to the July 21, 2022 meeting to have someone inspect the property before July 5 and if it is completed, a letter will be sent. If it is not compliant a letter will be sent and copied to the Board to have the property owner come to that meeting.

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

MOTION CARRIED

Motion to Adjourn Meeting.

Motion made by Michael Witt, 2ND by Robert Zeller, to Adjourn, June 16, 2022 Meeting at 8:04 p.m.

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

MOTION CARRIED

Respectfully Submitted By,



Amanda Gorr, Zoning Board of Appeals Secretary