

The Deerpark Zoning Board of Appeals met for VIRTUAL MEETING on THURSDAY, AUGUST 20, 2020.

The following were present:

**BOARD MEMBERS PRESENT:**

Lee Cornell -Chairman

Robert Zeller

Michael Witt

Cheryl Greene

Glen Plotsky, Town Attorney

Meeting brought to order at 7:33 pm.

Pledge of Allegiance

APPROVAL OF JULY 16, 2020 MINUTES—

**Motion to APPROVE minutes.**

Motion made by Cheryl Greene, 2<sup>ND</sup> by Michael Witt to approve minutes for July 16, 2020.

**Vote 4 Ayes:** Robert Zeller, Lee Cornell, Michael Witt, Cheryl Greene.



**APPROVED**

**MOTION CARRIED**

**PEENPACK SAND & GRAVEL – 57 MARTIN ROAD – PUBLIC HEARING –**

John Fuller-Representative for Applicant

Motion made by Cheryl Greene, 2<sup>ND</sup> by Michael Witt to open public hearing.

**Vote 4 Ayes:** Robert Zeller, Lee Cornell, Michael Witt, Cheryl Greene.

**MOTION CARRIED**

Secretary read public hearing notice into record. Mr. Fuller gave a brief presentation stating that this was an area variance. It was property that was subdivided many years ago and when it was purchased 20 years ago the setbacks were 10ft. Now in HMU it is 20ft, due to the change it is difficult now to build a home. The variance would be for a side yard setback from 20ft to 11.5ft. Town Attorney stated that the variance would be a 47.5% variance which is substantial, it is self-created; now they want to build, it is a pre-existing lot.

No public Comment.

Chairman Cornell stated property was bought in mind to build, Zoning changed. Town Attorney acknowledged that written comment needed to be left open until the next meeting for public comment.

Motion made by Robert Zeller, 2<sup>ND</sup> by Cheryl Greene to leave open the public hearing for written comment until September 17, 2020.

**Vote 4 Ayes:** Robert Zeller, Lee Cornell, Michael Witt, Cheryl Greene.

**MOTION CARRIED**

**VANHORN – 98 MAIN STREET – AREA VARIANCE -PRE-APPLICATION –**

Lincoln VanHorn-Applicant

Mr. VanHorn explained that he was at the ZBA for guidance, he would like to remodel his garage and it has been there since the 40's. The garage is currently 1.4ft on the neighbor's property and the neighbor is ok with a lot line change or variance whichever option he has to go. Mr. VanHorn asked what would be needed. Town Attorney stated that there is the setback issue and an encroachment. He suggested to Mr. VanHorn to go to the Planning Board for a lot line change and if the change fixes the violation then he is good. Lincoln VanHorn stated that the neighbor stated he is willing to do a lot line change but if not then will do the variance. Town Attorney acknowledged he would need 11.4 ft, he suggested to negotiate with the neighbor and see what he said if can only give 10ft then can come back. He continued to suggest he make an application to the Planning Board and if a variance is needed, they will refer him back.

**ZONING BOARD OF APPEALS AUGUST 20, 2020 MINUTES continued –**

**JIANGHUI LI – 1514 US RTE 209 – NEW HOME – AREA VARIANCE –  
Chun Feng-Architect for Applicant**

Mr. Feng stated that this is located on Route 209, it is a pre-existing lot, the new home will not fit in the side yard setbacks for Zoning, 35ft is required. The variance would be from 35ft to 13ft. He continued that the land adjacent to the applicant is not buildable there is a stream. Chairman Cornell asked if he could acquire some of the neighbor's yard. Cheryl Greene acknowledged that it is 13ft from the house but there is a set of stairs so it will be less, Mr. Feng stated that stairs could be changed. Town Attorney went through the application and stated that the Zone, Soil Classification and Zoning Law were all missing answers. He continued that a public hearing could be scheduled but it has to be for the October meeting due the fact that it has to go through GML-239 because of its proximity to a State Highway.

Motion made by Michael Witt, 2<sup>ND</sup> by Cheryl Greene circulate the GML-239 review.

**Vote 4 Ayes:** Robert Zeller, Lee Cornell, Michael Witt, Cheryl Greene.

**MOTION CARRIED**

Motion made by Cheryl Greene, 2<sup>ND</sup> by Robert Zeller to schedule a public hearing for October 15, 2020 meeting.

**Vote 4 Ayes:** Robert Zeller, Lee Cornell, Michael Witt, Cheryl Greene.

**MOTION CARRIED**

**Motion to Adjourn Meeting.**

Motion made by Cheryl Greene, 2<sup>ND</sup> by Michael Witt, to Adjourn August 20, 2020 Meeting at 8:07 p.m.

**Vote 4 Ayes:** Robert Zeller, Lee Cornell, Michael Witt, Cheryl Greene.

**MOTION CARRIED**

Respectfully Submitted By,



Amanda Gorr, Zoning Board of Appeals Secretary