

The Deerpark Zoning Board of Appeals met for their monthly meeting on Thursday, AUGUST 21, 2025 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
Travis Vanstrander

Tanner Sexton

BOARD MEMBERS NOT PRESENT: Philip Niosi-Vice Chair, Patricia O’Leary-May

OTHERS PRESENT:

Town Attorney, Glen Plotsky
Board Secretary, Amanda Schultz

Motion to open meeting.

Motion made by Travis Vanstrander, 2ND by Tanner Sexton, to open August 21, 2025 meeting at 7:30 p.m.

Vote 3 Ayes: Tanner Sexton, Travis Vanstrander, Cheryl Greene.

MOTION CARRIED

Pledge of Allegiance

Motion made by Travis Vanstrander, 2ND by Tanner Sexton, to enter into executive session and invite the Town Attorney, Glen Plotsky to discuss legal matters.

Vote 3 Ayes: Tanner Sexton, Travis Vanstrander, Cheryl Greene.

MOTION CARRIED

Motion made by Travis Vanstrander, 2ND by Tanner Sexton, to exit executive session and return to the regular meeting.

Vote 3 Ayes: Tanner Sexton, Travis Vanstrander, Cheryl Greene.

MOTION CARRIED

APPROVAL OF JULY 17, 2025 MINUTES –

Motion to APPROVE Minutes.

Motion made by Travis Vanstrander, 2ND by Tanner Sexton, to approve minutes for July 17, 2025.

Vote 3 Ayes: Tanner Sexton, Travis Vanstrander, Cheryl Greene.

MOTION CARRIED

KELLEY – RAJAR SOFTWARE INC – BERME RD – AREA VARIANCE –

Robin Kelley-Applicant

Town Attorney stated that last meeting there were letters from some of the neighbors, so the Board decided to let Mr. Kelley respond to the letters. Mr. Kelley explained that it will be 2 pieces one will have a 3 bedroom, 2 bath home with a shed and the other will have a two-car garage with an apartment above. Chair asked if the map that Mr. Kelley had with him was different, he answered that he did move it to make it more conforming. Mr. Kelley continued that the 1-acre piece will have the garage and the other will be .70 acres with the home both have a Certificate of Occupancy. He added he prefers the straight line it would be more congruent with the neighborhood. He further stated that there was less road frontage but when he purchased the property there was a small portion by the road that was not part of the lot and did a quick claim deed for it. He went on to state that the benefit will be that there is 2 separate entities, which will allow for additional taxes to the Town, most of the lots in the neighborhood have between 50-100ft of road frontage. Mr. Kelley acknowledged he printed the details for the neighboring lots and most are smaller or the same size as the potential subdivided parcels, there were a couple larger ones on the one side. Town Attorney asked if he wanted to introduce them as evidence, he replied yes. Town Attorney reviewed what was submitted and found that most in one direction are about .68 acres and the other direction are larger in size. Mr. Kelley then went through the criteria needed to make a determination:

The benefit to the Applicant outweighs the detriment to the Health, Safety and Welfare of the Neighborhood or Community. He stated that there is no harm to the neighborhood, 3 of his neighbors responded, there will not be any additional buildings, there is no negative impact because nothing is changing.

ZONING BOARD OF APPEALS MEETING AUGUST 21, 2025 continued –

KELLEY – RAJAR SOFTWARE INC – BERME RD – AREA VARIANCE – continued –

- **No undesirable change will be produced in the character of the neighborhood, nor any detriment to nearby properties.** It will coincide with most of the neighborhood, no changes.
- **Whether the variance requested is substantial.** It is not substantial; it is only an imaginary line.
- **Is there any other feasible method.** No other alternative.
- **Any adverse impact or effect on the physical or environmental conditions in the neighborhood.** There is no impact nothing is changing, it conforms with the neighborhood.
- **Is it self-created.** No, he purchased it this way and just wants to split the lot to give his tenant the home to own.
- **Is it the minimum variance necessary.** Yes.

Mr. Kelley also acknowledged that a lot of the neighbors' homes are larger than the one on his property too. He further stated that each lot will have their own well, and septic tank they will just share a leach field, Town Attorney suggested that there could be a problem if and when the application goes to the Planning Board because the driveway goes across the field. Mr. Kelley then addressed some of the neighbors' comments, one specifically regarding a lot line dispute, he previously had with an adjoining property owner. Town Attorney stated that he has supplied evidence why this neighbor would object to the variance. Town Attorney thanked Mr. Kelley for his presentation. Town Attorney acknowledged that evidence was presented from Mr. Kelley concerning other properties on the road every lot in the one direction is about the same acreage as the one lot he is potentially creating. Tanner Sexton stated that he had an issue with the septic and the shed being right on the line, but Mr. Kelley stated that there are other lots with sheds on the line as well. Town Attorney added that Mr. Kelley is wrong on some other criteria but most aspects are right. He continued that the Board could make a determination at the meeting or wait till the next meeting, the Secretary circulate the evidence and wait. Town Attorney then went through the criteria:

This is self-created, there is no deterrent, there is no additional construction. The new lot will allow for more taxes, there is the issue with the septic field but the Town Engineer will address that at the Planning Board level. It is not an undesirable change, in one direction there are similarly sized lots, there is no negative effect, no environmental issues. The only other method would be for him to not do the subdivision, this is a substantial request, and the minimum would be the 1-acre parcel and the .70-acre parcel, not the 1.07-acre and .62-acre.

Town Attorney went on to state that Mr. Kelley addressed all written comments, he has submitted evidence of a tax map and details regarding the neighborhood characteristic of lots and a police report from the one neighbor with the lot line dispute. He further stated that there are 7 variances and they could ask for the shed to be moved off the line. Tanner Sexton asked if the lot with the garage would be a buildable lot, Secretary replied that the home would have to be in front of the garage or attached, and the shed requires 10ft for an accessory structure. Town Attorney stated that the shed is 0.5 acres off the line that is substantial, the Board could deny the shed and suggest to the Planning Board that the shed be moved. Tanner Sexton acknowledged he would motion to approve the application except the shed and add the concern of the separate leach fields and driveways to the Planning Board.

Motion made by Tanner Sexton, 2ND by Travis Vanstrander, to approve the variances except the shed and suggest the concern of a second driveway and leach field and the distance of well and septic to the Planning Board.

Vote 3 Ayes: Tanner Sexton, Travis Vanstrander, Cheryl Greene.

MOTION CARRIED

Motion to Adjourn Meeting.

Motion made by Travis Vanstrander, 2ND by Patricia O'Leary-May, to Adjourn, August 21, 2025 Meeting at 9:25 p.m.

Vote 3 Ayes: Tanner Sexton, Travis Vanstrander, Cheryl Greene.

MOTION CARRIED

Respectfully Submitted By,

Amanda Schultz, Zoning Board of Appeals Secretary