

The Deerpark Zoning Board of Appeals met for VIRTUAL MEETING on THURSDAY, SEPTEMBER 17, 2020.

The following were present:

BOARD MEMBERS PRESENT:

Cheryl Greene-Vice Chair
Robert Zeller



APPROVED

Michael Witt

BOARD MEMBER ABSENT: Lee Cornell -Chairman

OTHERS PRESENT:

Glen Plotsky, Town Attorney

Meeting brought to order at 7:38 pm by Acting Chair Cheryl Greene.

Pledge of Allegiance

Chair Greene acknowledged that we all are praying for a speedy recovery for our Chairman Lee Cornell.

APPROVAL OF AUGUST 20, 2020 MINUTES–

Motion to APPROVE minutes.

Motion made by Michael Witt, 2ND by Robert Zeller to approve minutes for August 20, 2020.

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

MOTION CARRIED

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

John Fuller-Representative for Applicant

Town Attorney explained that a public hearing was held open for written comment, there was an issue with the recording and there were no written comments or written transcript.

Motion made by Cheryl Greene, 2ND by Robert Zeller to close the public hearing for Peenpack Sand & Gravel.

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

MOTION CARRIED

Town Attorney acknowledged that the Board can deliberate and discuss the possibility to approve or deny the application. The variance is for lot width, size and setback; it is a pre-existing non-conforming vacant lot .54acres. Minimum regulations require 40,000 sqft about 1 acre the lot is about 23,785 sqft, zoning requires 200ft lot width this is 72.8ft, side yard set back requires 20ft it would be 11.5ft. He added that it is similar in nature to most lots in the neighborhood. He continued that it is 47.5% variance and if that was substantial or not, he said 10% is not substantial. Mike Witt acknowledged he has seen the lot it is in character with surrounding area. All agreed it is a substantial variance. Town Attorney read the resolution, he further stated that the benefit to the applicant outweighs detriment to the neighborhood, and there is no change to the character of the community. Town Attorney added that Cheryl Greene would sign the resolution as the Acting Chair.

Motion made by Robert Zeller, 2ND by Cheryl Greene to approve application for Peenpack Sand & Gravel for area variances.

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

MOTION CARRIED

Town Attorney explained the process to the applicants regarding the procedures for the ZBA; he stated that tonight will be their first appearance and he will go through the application to make sure everything is filled out correctly. He continued that they will explain what they are asking for, if everything is complete the Board will schedule a public hearing, then they will get a list of adjoining within 300ft and a notice from the Secretary, this needs to be sent out to everyone on the list by certified return receipt.

ZONING BOARD OF APPEALS SEPTEMBER 17, 2020 MINUTES continued –

GUMAER – OAKLAND VALLEY ROAD – GARAGE – AREA VARIANCE -

Keith Gumaer-Applicant

Town Attorney asked what Zone the property was located and how far from Route 209 the property was. Mr. Gumaer answered about a mile, Town Attorney stated that he should be in the RR district but to verify it with the Secretary. Town Attorney asked why he needs the variance, Mr. Gumaer answered where he is placing the garage it is in the front yard, he stated that there was a 12x12 shed there that was falling apart but he took it down and any other place on the property is not feasible. Town Attorney explained that at the public hearing he will need to repeat what he said and why he cannot place it anywhere else on the property. He further stated that if he was replacing the shed with the same size it wouldn't be a problem but it is bigger that's why he needed to come to ZBA. He continued that any accessory structure cannot be closer to the road than the house, he asked if the shed exists. Mr. Gumaer explained that he was not aware he needed a building permit and the Building Inspector stopped and told him to weather it in, apply for the permit so it can be denied and then fill out the application for ZBA. Town Attorney asked when the pictures that were submitted were taken, Mr. Gumaer answered a few days ago. Town Attorney asked how big the lot was, Mr. Gumaer answered 2.2 acres. Town Attorney stated that on the EAF that needed to be changed and the Zone needed to be confirmed as RR and with those 2 changes the application was complete. He suggested a public hearing be scheduled for next meeting.

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

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

MOTION CARRIED

VITIELLO – PROSPECT HILL RD – GARAGE – AREA VARIANCE –

Anthony Vitiello-Applicant

Town Attorney asked if Mr. Vitiello was representing himself, he answered yes. Town Attorney asked if he plans to build a garage and have no where else to go, he answered yes only in the front yard. Town Attorney explained that can not put an accessory structure in the front yard, he further explained that a drawing of what he intended to build should be submitted along with a survey of the property. He asked if Mr. Vitiello was replacing a shed, he stated he has not removed the shed yet it is a 10x12 and he will potentially be replacing it with a 28x28 garage. Town Attorney asked if the front of the house faces the road, Mr. Vitiello answered that no the side of the home faces the road. Town Attorney suggested that a public hearing could be scheduled for the next meeting.

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

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

MOTION CARRIED

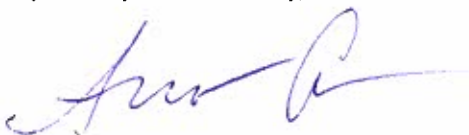
Motion to Adjourn Meeting.

Motion made by Robert Zeller, 2ND by Michael Witt, to Adjourn September 17, 2020 Meeting at 8:20 p.m.

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

MOTION CARRIED

Respectfully Submitted By,



Amanda Gorr, Zoning Board of Appeals Secretary