

The Deerpark Zoning Board of Appeals met for their monthly meeting on Thursday, February 17, 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-Came Late

Robert Zeller-Vice-Chair  
Philip Niosi

**OTHERS PRESENT:**

Glen Plotsky, Town Attorney

**Motion to open meeting.**

Motion made by Robert Zeller, 2<sup>ND</sup> by Cheryl Greene, to open February 17, 2022 meeting at 7:30 p.m.

**Vote 4 Ayes:** Robert Zeller, Cheryl Greene, Michael Witt, Philip Niosi.

**MOTION CARRIED**

Pledge of Allegiance

**APPROVAL OF JANUARY 20, 2022 MINUTES--**

**Motion to APPROVE Minutes.**

Motion made by Robert Zeller, 2<sup>ND</sup> by Philip Niosi, to approve minutes for January 20, 2022.

**Vote 4 Ayes:** Robert Zeller, Cheryl Greene, Michael Witt, Philip Niosi.

**MOTION CARRIED**

**MALZAHN – 210 BOEHMLER ROAD – POLE BARN – VARIANCE – PUBLIC HEARING –**

John Fuller-Representative for Applicant  
Bill Malzahn-Applicant

**Motion to open Public Hearing.**

Motion made by Michael Witt, 2<sup>ND</sup> by Philip Niosi, open the public hearing for Malzahn Variance

**Vote 4 Ayes:** Robert Zeller, Cheryl Greene, Michael Witt, Philip Niosi.

**MOTION CARRIED**

Secretary, Amanda Gorr read the public hearing notice into record. Mr. Fuller explained this was an interpretation for a proposed accessory structure for personal storage equipment, and the second part was for the setbacks for the accessory structure because there is no principal use on the property. The setback is 35ft and the one side is 10ft and the other is 18ft. It is in the same footprint of a mobile home that was demoed. Bob Zeller asked if these were two separate deeds from the house, Mr. Malzahn answered yes. Mike Witt asked if electric would be supplied to the pole barn, Mr. Fuller answered yes. Philip Niosi questioned if plumbing would be there as well, Mr. Malzahn answered yes. Mr. Fuller stated there is an existing well and septic that supplied the old home on the property. Mike Witt asked if there would be any residential use, Mr. Malzahn answered no. Town Attorney asked if Mr. Malzahn lives near this property, Mr. Fuller replied he lives next door. Bob Zeller asked about the hit on the SEQRA form regarding wetlands, Mr. Malzahn answered that they were across the street.

Public Comment:

No one present.

Chair Greene asked if there were any written comment, Secretary answered no, Chair asked if mailings were done, Secretary answered yes. Town Attorney suggested to close the public hearing and then they could talk about any concerns.

**Motion to schedule a public hearing.**

Motion made by Robert Zeller, 2<sup>ND</sup> by Michael Witt, to close the public hearing for the Malzahn Variance.

**Vote 4 Ayes:** Robert Zeller, Cheryl Greene, Michael Witt, Philip Niosi.

**MOTION CARRIED**

**ZONING BOARD OF APPEALS MEETING FEBRUARY 17, 2022 continued –**

**MALZAHN – 210 BOEHMLER ROAD – POLE BARN – VARIANCE – PUBLIC HEARING – continued –**

Town Attorney went through the draft resolution, he stated it was in a RS Zone and is permitted with no principal use but if over 1000sqft it must meet setbacks for a principal use. The interpretation is that it will be used for private construction storage, the variance is for 25ft and 17ft or 71.43% and 48.57%. This is self-created, the benefit to the applicant outweighs detriment to the Health, Safety and Welfare of the Community. There is no detriment to the character of the community, there is no negative affect to the environment, there is no adverse impacts to the aesthetics, environment or ecological conditions of the surrounding area or property. There is no other way, it is the minimal amount of variance possible, and there is no comment from the adjoining property owners.

**Motion to make interpretation.**

Motion made by Philip Niosi, 2<sup>ND</sup> by Robert Zeller, that the construction equipment Mr. Malzahn is storing is considered construction storage.

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

**MOTION CARRIED**

**Motion to approve variances.**

Motion made by Philip Niosi, 2<sup>ND</sup> by Michael Witt, to approve variances for William Malzahn.

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

**MOTION CARRIED**

**Motion to Adjourn Meeting.**

Motion made by Michael Witt, 2<sup>ND</sup> by Robert Zeller, to Adjourn, February 17, 2022 Meeting at 7:54 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