

The Deerpark Zoning Board of Appeals met for their monthly meeting on Thursday, APRIL 18, 2024 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  
Patricia O'Leary-May

Tanner Sexton

**BOARD MEMBERS NOT PRESENT:** Robert Zeller-Vice-Chair, Philip Niosi

**OTHERS PRESENT:**

Glen Plotsky, Town Attorney

**Motion to open meeting.**

Motion made by Cheryl Greene, 2<sup>ND</sup> by Tanner Sexton, to open April 18, 2024 meeting at 7:31 p.m.

**Vote 3 Ayes:** Tanner Sexton, Cheryl Greene, Patricia O'Leary-May.

**MOTION CARRIED**

Pledge of Allegiance

APPROVAL OF MARCH 21, 2024 MINUTES –

**Motion to APPROVE Minutes.**

Motion made by Tanner Sexton, 2<sup>ND</sup> by Cheryl Greene, to approve minutes for March 21, 2024.

**Vote 3 Ayes:** Tanner Sexton, Cheryl Greene, Patricia O'Leary-May.

**MOTION CARRIED**

CORBY – 77 ROUTE 209 – SETBACK VARIANCE – PUBLIC HEARING –

William Corby-Applicant

David Rivera-Contractor for Applicant

**Motion to open public hearing.**

Motion made by Tanner Sexton, 2<sup>ND</sup> by Patricia O'Leary-May, to open the public hearing for Corby Variance.

**Vote 3 Ayes:** Tanner Sexton, Cheryl Greene, Patricia O'Leary-May.

**MOTION CARRIED**

Secretary read public hearing notice into record. Town Attorney stated that this was a setback for side yard and back yard variance and that the adjacent homeowner sent a letter that he had no problem with the structure. Chair asked if there was anywhere else the building could be put, Mr. Corby answered no due to the topography. Mr. Corby further stated that the neighbor's home is only 1ft off the property line and that is why the pole barn is so close. Chair asked if there was any questions from the Board, Tanner Sexton asked what the building was for, Mr. Corby answered it was for storage. Chair Greene asked if there was any comments from the public, none was made. Chair asked if the shipping container was removed, Mr. Corby answered yes he had a picture of it gone. Town Attorney asked Mr. Corby if all other lots in the area were residential, he answered yes. He asked if the fire separation was achieved with the neighboring home 1ft off of the property line, Dave Rivera answered yes it is supposed to be 10 ft he has double that. Town Attorney asked if it will be an undesirable change or have an adverse effect on the neighborhood, Mr. Corby answered No. He asked if there was any way to accomplish this without needing a variance or a lesser variance, Mr. Corby answered No.

**Motion to close public hearing.**

Motion made by Cheryl Greene, 2<sup>ND</sup> by Tanner Sexton, to close the public hearing for Corby Variance.

**Vote 3 Ayes:** Tanner Sexton, Cheryl Greene, Patricia O'Leary-May.

**MOTION CARRIED**

Motion made by Tanner Sexton, 2<sup>ND</sup> by Cheryl Greene, to declare Planning Board lead agency, an unlisted action and no negative impact/negative declaration.

**Vote 3 Ayes:** Tanner Sexton, Cheryl Greene, Patricia O'Leary-May.

**ZONING BOARD OF APPEALS MEETING APRIL 18, 2024 continued –**

CORBY – 77 ROUTE 209 – SETBACK VARIANCE – PUBLIC HEARING – continued –

Town Attorney acknowledged that he drafted a resolution and read the resolution into record. The findings were that this is self-created, it is the only place on the property where it can be placed, it will improve the property, the benefit to the applicant outweighs the detriment of the community. It is not an undesirable change, there is not any negative affect, there is no other method and the variance is the minimum possible. The side yard variance is 9.5ft or 48%, the side yard from adjoining structure is 8.17ft or 40.85% and the rear yard is 24.5ft or 70%.

**Motion to open approve variance.**

Motion made by Patricia O’Leary-May, 2<sup>ND</sup> by Tanner Sexton, to approve variances for Corby pole barn and authorize the Chair to sign the resolution.

**Vote 3 Ayes:** Tanner Sexton, Cheryl Greene, Patricia O’Leary-May.

MOTION CARRIED

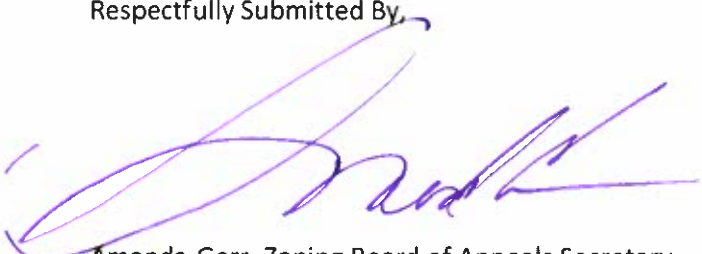
**Motion to Adjourn Meeting.**

Motion made by Tanner Sexton, 2<sup>ND</sup> by Patricia O’Leary-May, to Adjourn, April 18, 2024 Meeting at 7:49 p.m.

**Vote 3 Ayes:** Tanner Sexton, Cheryl Greene, Patricia O’Leary-May.

MOTION CARRIED

Respectfully Submitted By,



Amanda Gorr, Zoning Board of Appeals Secretary



# TOWN OF DEERPARK

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GARY SPEARS, SUPERVISOR  
ALAN F. SCHOCK, DEPUTY SUPERVISOR  
ARTHUR TROVEI, COUNCIL MEMBER  
CHRISTA HOOVLER, COUNCIL MEMBER  
ROBERT WHITNEY, COUNCIL MEMBER

ZONING BOARD OF APPEALS  
TOWN OF DEERPARK  
ORANGE COUNTY, NEW YORK

A RESOLUTION

WHEREAS, William Corby, a property owner within the Town of Deer Park, Orange County, New York, appearing before the Zoning Board of Appeals, has made an application for variances from the applicable provisions of the Town's Zoning Law permitting construction of a pole barn structure in a side-yard setback and in the rear-yard setback in a manner that would otherwise violate the provisions of the Town's Zoning Law, upon property located on 77 Route 209, Port Jervis, Town of Deer Park, Orange County, New York 12771, being designated as Section 52, Block 1, Lot 24; and the applicant having duly filed with the Secretary of the Zoning Board of Appeals an application for said variances, and

WHEREAS, after due notice, a public hearing was held by the Zoning Board of Appeals on April 18, 2024 at 7:30 P.M., at Deer Park Town Hall, Route 209, Huguenot, New York, to consider the application, at which times the hearing was conducted then closed; and

WHEREAS, at said hearing all those who desired to be heard were heard, and their testimony recorded, and

WHEREAS, all testimony has been carefully considered and the following pertinent facts noted:

1. The applicant premises are located in the Hamlet Mixed Use (HMU) zone.
2. The applicants propose to construct a Eighty Foot by Thirty Foot (80' x 30') pole barn that will encroach into the side-yard setback and the rear-yard setback as defined by the Deer Park Town Zoning Code.
3. Because of the size of the proposed structure, the side-yard setback is required to be larger than that required for a smaller accessory structure. The side-yard setback for an accessory structure is ordinarily Ten Feet (10'). In this instance, the required side-yard setback is Twenty Feet (20'). The rear-yard setback is required to be Thirty-Five Feet (35').
4. As proposed, the placement of the pole barn fails to satisfy the Side-Yard setback requirement of Twenty Feet (20') from the property line AND Twenty Feet (20') from any other structures. The proposed location is approximately Ten and One-Half Feet (10.5') from the property line and just under Twelve Feet (12') from the adjoiner's residence which is a non-conforming pre-existing

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structure located approximately Sixteen Inches (16") from the property line. A variance is requested for the side-yard setback so as to make the pole barn location conforming. For the location to be permitted, a Variance of approximately Nine and One-Half Feet (9.5') or Forty-Eight Percent (48%) would be required from the property line, and Eight Feet Two Inches (8.17') Feet or Forty and 85/100 Percent (40.85%) from the residential structure, is required. These variances ARE both substantial.

5. As proposed, the placement of the pole barn fails to satisfy the Rear-Yard setback requirement of Thirty-Five Feet (35') from the property line. The proposed location is approximately Ten and One-Half Feet (10.5') from the property line. A variance is requested for the rear-yard setback so as to make the pole barn location conforming. For the location to be permitted, a Variance of approximately Twenty-Four and One-Half Feet (24.5') or Seventy Percent (70%) would be required. This variance is also substantial.

6. The property on which the pole barn is situated is residential. The adjacent lot, (on the same side of the property as the pole barn), is also residential. As noted previously, the adjoiner's residence, which is a non-conforming pre-existing structure, is located approximately Sixteen Inches (16") from the property line. Both homes are occupied. If the variances were to be granted, the location of the pole barn would become "lawful" and more consistent with surrounding properties.

7. The applicants request variances from Article 3, Section 230-15, Schedule of District Regulations for the Rural Residential (RR) District pursuant to Article 6, Section 230-15(a). As indicated, the request is to permit variance of the Zoning requirements to permit a pole barn to be constructed in a suitable location on the lot which cannot otherwise comply with Zoning requirements.

8. The applicants provided testimony that there is no other location on the subject property to which the storage pole barn can be located. The proposed location will not prevent any emergency firefighting access to the neighboring residential structure. Further, it will not shade the neighboring residential structure. The proposed location is the only location on the subject property that would not require substantial clearing and grading of the property, both of which would potentially negatively affect neighboring properties.

9. The adjoining properties are primarily privately owned. NO neighbor/adjoiner is willing or able to transfer property to applicants in order to cure the limitation and satisfy the side-yard or rear-yard setback requirements.

10. The immediately adjoining property owner submitted a letter to the Zoning Board of Appeals expressing support for the location of the pole barn.

11. The difficulty is self-created to the extent that applicants are seeking to construct the pole barn in the side-yard setback and rear-yard setback of the parcel. Testimony was offered that the configuration/location of the pole barn on the subject lot is similar to other parcels owned by other property owners in the same neighborhood as applicant.

12. The benefit to the Applicants if the Variance is granted outweighs the potential detriment to the Health, Safety and Welfare of the Neighborhood or Community. The evidence presented

demonstrates that the applicants intend to continue a use similar in size and location to pole barns owned and maintained on lots within the community owned by other property owners.

13. There will be no detriment or undesirable change to the character of the community as Applicants are proposing to use property in a manner consistent with uses by their neighbors.

14. There will be no negative affect or adverse impact to the environment or physical conditions in the surrounding area.

15. There is no method to obtain the relief requested except the granting of the variance.

16. The variance will not cause adverse aesthetic, environmental or ecological impacts on the property or the surrounding area.

17. That the variance requested is the minimum possible to be granted.

18. That the Zoning Board of Appeals has declared itself to be Lead Agency for the purposes of SEQRA. The Zoning Board of Appeals has further determined that the subject application is for an Unlisted Action, and that there will be no anticipated environmental impacts requiring mitigation. As a result, the Zoning Board of Appeals issues a Negative Declaration pursuant to SEQRA.

**NOW THEREFORE, BE IT RESOLVED**, by the Zoning Board of Appeals that the application of William Corby requesting variances, to wit:

a Variance of approximately Nine and One-Half Feet (9.5') or Forty-Eight Percent (48%) from the side property line;

a Variance of approximately Eight Feet Two Inches (8.17') Feet or Forty and 85/100 Percent (40.85%) from the adjoining residential structure; and

a Variance of approximately Twenty-Four and One-Half Feet (24.5') or Seventy Percent (70%) from the rear property line

as requested upon the parcel aforesaid, is GRANTED.

Moved by: Patty O'Leary-May

Second: Tanner Sexton

Adopted this 18<sup>th</sup> day of April, 2024, by the following vote:

AYES: Cheryl Greene, Tanner Sexton, Patty O'Leary-May

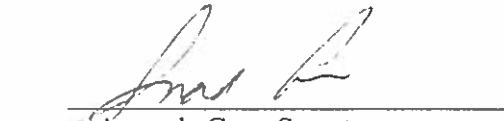
NAYS: \_\_\_\_\_

ABSENT: Philip Niosi, Robert Zeller

ABSTENTIONS: \_\_\_\_\_

Filed with the Secretary of the Zoning Board of Appeals and the Office of the Town Clerk on  
this 22 day of April, 2024.

  
Cheryl Greene, Chairperson  
Zoning Board of Appeals

  
Amanda Gorr, Secretary  
Zoning Board of Appeals