

DEERPARK ZONING BOARD OF APPEALS - MAY 19, 2011 – PG

The Deerpark Zoning Board of Appeals met for their monthly meeting on Thursday, May 19, 2011 at 7:30 p.m. at Deerpark Town Hall, 420 Route 209, Huguenot, N.Y. The following were present:

ZBA MEMBERS

Mr. Frank Bigger, Chairman Jane Lord Gerald Cedrone Martin D. Smith Jim Harrington

OTHERS

Mr. David Bavoso, Town Attorney Mr. Timothy Gottlieb, Gottlieb Engineering

DATANG DEVELOPMENT LLC - PUBLIC HEARING

Represented by Mr. Timothy Gottlieb, Gottlieb Engineering 794-5506

Owner/ Applicant Datang Development LLC is seeking variances for front yard setbacks for the existing barn, which is a proposed B&B, and for an existing residence, on property located on Galley Hill Road, Cuddebackville, N.Y.

It is in the RS (Residential Settlement) Zone.

Section – Block – Lots=22-1-5.212 & 5.222

Application submitted April 11, 2011.

SEE ATTACHED PUBLIC HEARING RECORD

Martin Smith expressed his opinion that the building has been at that location at a long time, and he has never heard of any problems, with its' proximity to the road, and he does not have a problem with it.

The other board members agreed with Martin Smith.

MOTION

Frank Bigger made a motion to approve the variances for the Datang Development LLC application. Jane Lord second.

The secretary read the resolution: "WHEREAS, Da Tang Development, LLC, a property owner within the Town of Deerpark, Orange County, New York, has made an application for a variance from the applicable provisions of the Town's Zoning Law seeking to permit subdivision of property, creating two lots from one parent parcel, which two lots will not satisfy the setback requirements and provisions of the Town Code and Zoning Law, in order to permit creation and operation of a bed & breakfast facility upon their property located at Galley Hill Road, Town of Deerpark, Orange County, New York 12729, being designated as section 22, block 1, lots 5.21 & 5.222, and the applicant having duly filed with the secretary of the Zoning Board of Appeals an application for said variance, and WHEREAS, after due notice, a public hearing was held by the Zoning Board of Appeals on May 19, 2011, at 7:30 p.m. at town hall, Route 209, Huguenot, New York, to consider the application, 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: The applicant premises are located in an RS zone; The applicant proposes to divide its property, currently existing on both sides of Galley Hill Road, Cuddebackville, Town of Deerpark, Orange County, New York, for future use as a bed & breakfast facility; The proposed lots will encompass the same land as currently contained within the parent parcel. The lots will be approximately 11.46 acres and 14.37 acres in size, respectively. Both resulting lots will conform to current zoning requirements; The setbacks from the road for the two lots will be 13.8 feet and 1.8 feet, respectively. The required setback under current zoning is 50 feet. As a result, the applicant is requesting variances of 36.2 feet and 48.2 feet, or 72% and 96% respectively. Said required variances are substantial; The difficulty is self-created to the extent that applicant seeks to create a new use on the subject lot and seeks to subdivide the currently existing lot. However, the structures that create this difficulty are pre-existing and existed on the parent parcel prior to zoning being enacted within the Town of Deepard. There will be no new structures created that would create violations of current zoning requirements; Permitting the variance and subdivision creating the two proposed lots on applicants' property will not impede the flow of traffic on the adjoining road or within the community; That applicant has demonstrated that the use proposed is a permitted use in the zone in which the parent parcel exists. Applicant has also suggested that the change in use proposed will result in a positive change in the community; There will be no detriment or change to the character of the community. All surrounding parcels are residential in use. While the proposal is for a commercial use, said use is residential in nature; There will be no negative affect or adverse impact to the environment or physical conditions in the surrounding area. The proposed subdivision and use are consistent with the uses of surrounding properties in the vicinity of neighboring parcels; There is no method to obtain the relief requested except the granting of the variance; The variance will not cause adverse aesthetic, environmental or ecological impacts on the property or the surrounding area; That the variance requested is the minimum possible to be granted; That there was no comment from any adjoining owners, or any other individuals who participated in the public hearing. Now therefore, be it resolved, by the Zoning Board of Appeals that the application of DaTang Development LLC, requesting a variance from the existing zoning requirements of the Town of Deerpark in order to permit the use which he proposes upon the premises aforesaid, is granted. Adopted this 19th day of May, 2011 by the following vote:"

Roll call vote: Harrington, aye; Cedrone, aye; Lord, aye; Smith, aye; Bigger, aye. Motion carried.

MOTION

Martin Smith made a motion to accept the resolution. Jane Lord second. Roll call vote: Harrington, aye; Cedrone, aye; Lord, aye; Smith, aye; Bigger, aye. Motion carried.

APPROVAL OF MINUTES - APRIL 21, 2011 MEETING

Martin Smith made a motion to approve the minutes from the last meeting, which was April 21, 2011. Jane Lord second. Roll call vote: Harrington, aye; Cedrone, aye; Lord, aye; Smith, aye; Bigger, aye. Motion carried.

ADJOURNMENT

Frank Bigger made a motion to adjourn. Gerald Cedrone second. Roll call vote: Harrington, aye; Cedrone, aye; Lord, aye; Smith, aye; Bigger, aye. Motion carried.

Meeting adjourned at 8:05 p.m.

Respectfully submitted,

Barbara Brollier, secretary