

DEERPARK ZONING BOARD OF APPEALS - MAY 19, 2011 - PAGE # 1

The Deerpark Zoning Board of Appeals met for a public hearing 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. Alan Adler, Director Mr. Timothy Gottlieb, Gottlieb Engineering

The secretary read the public hearing notice: "Notice is hereby given of a public hearing to be held by the Town of Deerpark, Orange County, New York, pursuant to Article 8 of the Town of Deerpark Zoning Law on the application of Da Tang Development, LLC for a variance for front yard setback to create a bed & breakfast, and for an existing residence. The application effects the following premises: Tax Map Designation: Section 22; Block 1, Lots 5.21 & 5.22; Zone Designation RS. Located on Galley Hill Rd., Cuddebackville, Town of Deerpark, Orange County, New York. Information on this application is on file with the Town Clerk, Town Hall, Route 209, Huguenot, New York. The Hearing shall take place at 7:30 o'clock P.M. on the 19th day of May, 2011 at Deerpark Town Hall, located on Route 209, Town of Deerpark, Orange County, New York, or as soon thereafter as practicable. All parties wishing to be heard shall be heard at that time."

Mr. Gottlieb presented the certified proof of mailings to the secretary.

Frank Bigger: Okay, would you come up please.

Timothy Gottlieb: For the record, my name is Timothy Gottlieb, from the office of Joseph Gottlieb, PE, PC. We represent the applicant. The area variance requirements: number one, that the benefit of the applicant, if the variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community. I'll respond, to propose improvements to the barn structure and surrounding property on s-b-1 22-1-5.21, and no physical change to s-b-1 22-1-5.22, would not be considered a detriment to the neighborhood or community. Number two, no undesirable change will be produced in the character of the neighborhood, or any detriment to nearby properties, created by the granting of the requested variance. Our response is, that the proposed significant improvements to the barn structure, including changes to the exterior, and the installation of extensive landscaping, cannot be considered an undesirable change. It should be noted that the previous use of the property was considerably more intensive, than what is now proposed. Number three, whether the variance requested is substantial. The proposed variances are substantial. However, when the overall aspect of the application is reviewed, there is no significant physical change to existing conditions, that could be undertaken to lessen the substantiality of the request. Number four, whether there is any feasible method, by which the applicant may obtain the benefits sought by the area variance, except by granting said area variance. The only way to alleviate the front yard setback, would be to physically move the existing structures, so they'd meet the required 50' front yard setback requirement. Which would be economically unfeasible. Number five, whether the proposed variance would have any adverse impact or effect on the physical or environmental conditions of the neighborhood or district. The proposed variances will not alter the physical or environmental conditions within the neighborhood. Number six, whether the alleged difficulty is self-created, which consideration shall be relevant to the determination of the Zoning Board of Appeals, but shall not necessarily preclude a granting of the variance. The alleged difficulty is self-created, in that the lot line change precipitates the need for the area variances. Number seven, that within the intent and purposes of this chapter, the variance if granted, is the minimum variance necessary to afford relief, to this end, the Board may permit a lesser variance than that applied for. The requested variance is the minimum variance necessary to afford relief.

Frank Bigger: I'll open it up for public comment. Anybody has a comment? If not, I'll open it up for Board comments.

Gerald Cedrone: I noticed in your cover letter to Mr. Bigger, you mentioned that you had a copy of the deed?

Timothy Gottlieb: I looked and it didn't make it. What we did include was the assessors' information from the County, that showed that Datang is the owner of the property, but I'll have to get a copy of the deed, and fax it over to Mr. Bavoso. I don't have it with me, I'll have it tomorrow.

David Bavoso: I have a couple of questions, just for clarification of the resolution. The premises under consideration here, are located in the rs zone? Correct?

Timothy Gottlieb: Yes.

David Bavoso: Okay, the proposed lots will encompass the same land as it currently exists?

Timothy Gottlieb: Yes.

David Bavoso: In your estimation, permitting the variance will not impede the flow of traffic on the adjoining road or within the community?

Timothy Gottlieb: No, nothing is going to change.

David Bavoso: In the particular use you're using, is permitted within the zone? Correct?

Timothy Gottlieb: Yes.

David Bavoso: That's all of the questions that I have.

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Martin Smith: I'm just checking the adjoiners. How much is the variance, how big is the variance?

Timothy Gottlieb: It's two, one is for lot 5.222, a front yard variance for 48.2 feet. And what happened, when we created the two lots, the lot line now goes 25' from the center line of the road, and that pushes the setback back 50'. So, the building is pretty much in the setback, in both of them. So, this lot is 5.222 is 48.2' of variance, and on this side, it's 36.2', for the same reason. Down around that area. So, they are substantial, that's where the buildings are.

Jim Harrington: Are you using the whole barn for the B & B?

Timothy Gottlieb: Yes.

Jim Harrington: The milking parlor too?

Timothy Gottlieb: The whole barn is going to be renovated for the b&b, yes.

Gerald Cedrone: The pagoda looks like it's been completed, about two weeks ago.

Timothy Gottlieb: I'm not familiar with it.

Alan Adler: I'm Alan Adler, the manager, director.

Frank Bigger: How tall is the building now?

Alan Adler: 27'

Jane Lord: How many square feet will there be for the b&b? How many square feet inside is dedicated?

Martin Smith: Will the footprint of the building change?

Alan Adler: No, it'll be the same.

Timothy Gottlieb: Nothing will change, except in the front there's a piece that juts toward the road, that's being taken off.

Jane Lord: How many square feet?

Alan Adler: It's about 4,000 to 5,000 square feet, but not bigger.

Jane Lord: So, it'll be 2,000 for each bed and breakfast?

Alan Adler: There's only one bed & breakfast, five bedrooms, five baths, and there is right now, another part of the barn, that will be used for a living room type area.

Jane Lord: So, you're looking at about 1,000 square feet per bed, per unit?

Alan Adler: No, the bedrooms will not be that big. There will be a living room area, a public area, and a dining room and a kitchen. And the hay loft of the barn might become like a big hall or something.

Martin Smith: Okay, what section of the barn is two stories? Will the bedrooms then be on the second floor?;

Alan Adler: We're renovating the whole thing, and we're not entirely sure what will be up there. It's a banked barn, part of it is built into a bank, so part of it resembles a cellar, if you consider it a house.

Martin Smith: Then the second story was for hay storage, it would be considered two stories high. My question is, which level will the bedrooms and stuff be on?

Alan Adler: The second story.

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Martin Smith: So, this will be the common area, and this will be the bedrooms?

Alan Adler: Yes.

Gerald Cedrone: Where will the caretaker be staying?

Alan Adler: The manager will be in the building, his apartment will be in the building, right here.

Frank Bigger: All right, are there any more questions? No. Anyone from the public have any comments? Okay, so I'll entertain a motion.

Gerald Cedrone: I make a motion to close the public hearing.

Jim Harrington: Second.

Frank Bigger: All in favor?

Jim Harrington: Aye.

Gerald Cedrone: Aye.

Jane Lord: Aye.

Martin Smith: Aye.

Frank Bigger: Aye.

Motion carried.

Public hearing closed at 7:52 p.m.

Respectfully submitted,

Barbara Brollier, secretary