

DEERPARK ZONING BOARD OF APPEALS - SEPTEMBER 15, 2011 - PG. #
PUBLIC HEARING - RIVERRUSH RV RESORT & CAMPGROUND, LLC

The Deerpark Zoning Board of Appeals met for a public hearing on Thursday, September 15, 2011 at 7:51 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. William Onofry, Town Attorney	Mr. John Fuller, Civil Engineer	Mrs. Lisa Monk, Applicant
Mr. Dennis Brown, Adjoiner	Mr. Bob Venezia, Adjoiner	Mr. Lawrence Leonard, Citizen
Mrs. Betty Czajkowski, Adjoiner	Ms. Claudia Barritt, Adjoiner	Mr. Mark Elias, Adjoiner
Mr. William Everett, Citizen		

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 the Riverrush RV Resort & Campground, LLC for variances to expand the existing campground. The application effects the following premises: Tax Map Designation: Section 28; Block 1, Lots 49: Zone Designation RR. Located at 110 Guymard Turnpike, 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 15th day of September, 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."

John Fuller: Mr. Chairman just for the record, there were fifteen certified mailings, as required, fifteen were mailed out.

Frank Bigger: Just give them to Barbara. All right, John, you have the floor. And your letter of August 8th, I'd like to enter it into the record. It pretty well explains the environmental and all of the other criteria. Okay, and Barbara, you'll enter that into the record. Okay, John.

John Fuller: By way of introduction, my name is John Fuller, I'm a registered civil engineer, representing the applicant, which is here before the Board for the variances requested. I think everybody here and the Board is well aware of the subject property, was formerly known as the American Family Campground. It is currently under new ownership, they took ownership just a year ago, a little under. The name of the corporation that owns it is, Riverrush RV campground. A few of the family members that are a part of that corporation, are here tonight. I'll give them an opportunity to introduce themselves in a moment. We made application.... just a little background information concerning this site, as indicated they took ownership of the property from the previous owner, just almost a year ago in October, and closed on the property. They have identified the property for purchase and it was their desire to come here and get into the campground business, it was a desire and wish that they had. We prepared a preliminary site plan information to the Planning Board, and because of that application, we were referred to the Zoning Board for four variances that we thought were necessary, in order to accomplish the site plan improvements to the property that the owner wishes to do. For the record, exclusive of your general zoning ordinance, there is a specific code of Deerpark, 230-19, which is recreational vehicles campgrounds and rv parks. The four items that we are seeking variances from are, contained within 230-19 of the code. What I'll do, I'll give a little introduction as to what the variances are, which again, we have identified, for need of the site plan improvements that they wish to make. Clearly, they've made a significant financial investment and improvements that they wish to make. Clearly, they've made a significant financial investment, purchasing the property. They're affiliated with KOA, which is a nationally recognized campground association. And it is their wish to improve the property, and bring it up to current campground standards. In order to do that, we are seeking four variances. The first one is in 230-19, the Code references that only a single residence is permitted on the property, which is identified as a caretaker type residence. The existing conditions of the site allow for three residences. There was a main house, and then there was barn that had been renovated sometime in the past, to allow for two additional residences. They wish to add a third residence to the barn, which would be a total of four residences on the property. Their main reason for doing that is to locate all of the family, which has a stake or ownership in the corporation, on the property, so that they all can participate in the maintenance and creation of the campground. And that is the first request, currently three residences existed and they want to add a fourth, for the family to occupy in the operation of the campground. The second variance, which is identified, is something that really came out of our Planning Board presentation for site plan, is that since the campground is existing, and the section 230-19 post dates the existence of the campground, there are a couple of non-conformities or area variances needed, because a couple of the structures are actually in the side yard setbacks. They're pre-existing, they've existed for a number of years, but from the date of the Ordinance, it requires a 50 feet setback, with these existing structures, do not comply with. So, they're pre-existing structures, and we would ask for relief for that. And again, that was an item that was identified by the Planning Board. The third item that we requested a variance from, in the 230-19, it identifies a site, which would be for camper, tent or rv. It identifies a size of 3,500 square feet, and no less than a minimum dimension of 50 feet. 3, 500 square feet would approximately be a 50 by 70 foot area, and that would be identified as a site. We acknowledge that that is appropriate for rv's and campers. But several areas on the property, which have typically been tent areas, would be more appropriate to a smaller size, especially along the river, which would allow for multiple tents to be on a smaller footprint. So, we've requested an area, which would be about half of that size, about 1, 750 square feet, actually 1,600 square feet, I apologize, to allow a greater density of tents in parts of the park, mainly along the river and in some of the interior locations. The fourth variance that we are seeking, is that the Ordinance does not allow for a year round operation. What we had proposed to the Planning Board, was to have two seasons. A spring, summer, early fall, and then a late fall, winter, early spring seasons. That is a request that they have experienced in their first year of ownership. It would be limited to only a small area of the property, not the entire property, but just a small area of property that would allow them, what we've identified as area B and A, so that it's not the entire property, but just a small portion of the property, and I should say in area, about 25% or 30%. We should clarify it, but it's area A and B, which was identified on the map that we've submitted. Area A and B for winter camping. So, the desire was to have.... here hold it up for the public, here's the map, and it's what we've identified as A and B. The one thing I want to clarify, because we've got some feedback from various sources. The fourth residence, we are not proposing a new structure, it's not an additional one proposed at all. The barn is sufficiently large enough that it can accommodate a third residence. We are not proposing any new structures, permanent structures. I want to make sure that the public understands that as well. And by requesting the year round operation of the camp, we also want to make it clear, that this is a two season, and also no permitted residences is proposed in that. So, we're not looking for someone to live there year over year. There would be two six months, give or take seasons correct, and they are not permanent residents. The request was, that they had a number of inquiries about winter camping for people to come in and use a facility like this. So, that's the background of the four variances that we are looking to seek relief from, before the Board and the public. I'd just like to take a moment to let Lisa introduce herself for the public and for the Board, and then I'll go back to the criteria.

Lisa Monk: Good evening, my name is Lisa Monk, thank you everyone for allowing us to present a variance to you. Just a little bit about us, and what our desires are, the reason. Our family has been here almost a year. My mother-in-law Angie, and her husband and the rest of our crew is not here yet, are in the hotel restaurant industry. And we were down in Florida in the winter, and we fell in love with this campground, the American Family, after looking at probably 100 properties around the nation. This was not part of the plan, it just happened that this property, nestled in this beautiful town and area, just hit us over the head. And luckily after two years of dealing with the prior owner, and getting to where we needed to be with closings, we were able to settle last October. And in the winter last year, it didn't stop us, we were able to take the property, we turned into a KOA, which stands for Kampgrounds of America, which is a corporation/ franchise, that has 450 campgrounds in its' network. They have high standards, they offer a reservation system, engineering and planning support, and we thought it best to have them guide us, and take us to this property that had a lot of work needed to help us take it to where we wanted it, which was a beautiful rv and resort campground. The reason we actually we decided to move away from the hotel industry to campgrounds, is because we are campers, we have little ones who are of school age now, and we felt it time to move into a new lifestyle, down to nature, away from the city. And when we found this property and the surrounding, we thought it best to raise our family here in Deerpark. And thus far, especially, not to go away from the topic, but last Sunday, we did attend the 911 ceremony and it was absolutely confirming of our decision to be here. Because it's a wonderful community, and we are very glad to be here. Our clientele, with KOA actually overlaps the repeal of the clientele that was with American Family. A great deal of our local community has already been campers, and we have a lot of new campers who did not know about us, but because of the KOA website and national marketing. We actually doubled our revenue, without doubling our number of campers. Our campers now come for longer lengths of stay. They just love the property, they like us, and we feel that we've made a very great decision with KOA, they're very supportive. And how they're guiding us and keeping our standards of the property, it helps give confidence to the community that the property is going to be maintained to the highest standards possible for a campground. Our guests have, all the way back since we've taken over, have expressed a great desire for winter camping. Although many of our summer guests are retirees and they often take their rv's back down to the south, the Carolinas and Florida. But a great deal of families that live up here who want, what we call "staycations", they want to be able to go somewhere, close to home in the winter, snowshoe, cross country skiing, just to get out of their area, and take their kids someplace safe and fun. Thus, our desire for a winter season. It's distinctly a second season, and since our family will be here year round, as our children will go to school here, we will be able to maintain a close eye on the property, a secure place for winter camping. Regarding our family request for a fourth residence, we do have a large family, a very large property, larger than we thought. We knew 70 acres, but when you get into a business, and as you know, owning a home is a large task, owning a large property and keeping it to the standards that our guests would want, it's a large undertaking. So, for us as a team, and our family has worked together for many decades, we definitely want to keep our vested interest and eyes on the property. We feel that securing, policing, maintaining the property to our standards, can only be done with us being there. So, that is why we request, not any new structure, but to take the building, specifically the barn, that many of your zoning board members have seen, we'd like to renovate inside that building, so that we can reside comfortably throughout the winter, and watch the property, in addition to the summer. Thank you very much.

Frank Bigger: I think you did Johns' job.

John Fuller: With that, would you like me to proceed with the variance criteria? I'll read the variance criteria, and elaborate based on the written report. I won't go through the entire report that I've prepared, I will just elaborate on it. The first one is: "That the benefit to the applicant, if the variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community." What we've elaborated on, and again, what we're identifying is there's four variances involved, that I've previously outlined. We feel that none of what we're proposing is at all in detriment to the health, safety and welfare of the neighborhood and community. And I just want to emphasize again, the criteria of health, safety and welfare. We think the variances will help them to be successful, but at the same time, not cause a detriment to the neighborhood or the adjoining properties. "That 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 variances." The campground has been in existence for several decades, I think it dates back to the 1970's, from the original origin of it, I don't have the exact date. But it's been there at least the past forty years. They have moved in, as we've tried to display tonight, and what we've tried to emphasize to the Planning Board is that it is their desire to improve the property, improve the operation of the property, and correct a lot of the difficulties that have been brought on the town and the neighborhood that have experienced in the past. And these four variances, by granting them, will allow them the ability to do that. Specifically, by adding the fourth residence and the family, they've been able to police the grounds much more diligently since they've taken ownership, and even they've experienced comments, and it was validated that even the police department has had far fewer call this calendar year than in the past, due to their diligence, and keeping up with the operation of the property. And so we think that each of the variances that we've requested will not cause any undesirable change to the neighborhood. The one thing I want to clarify, is that although we are requesting a small footprint for the tent size, we are restricted overall, based on the actual size of the property. So, just because we're requesting a smaller footprint at the tent sites, it does not necessarily allow us to increase the intensity of the overall property. Currently from the original approval, of course that dates back forty years, and that'll have to be validated at the Planning Board, the property was approved for up to 300 sites. Currently there are about 200 in operation. Just because we're requesting small tent sites, won't necessarily us to increase the intensity. Some of that is restricted in the campground ordinance, relative to the overall size of the property. "Whether the variance requested are substantial." We don't think that they're substantial. One additional residence, we don't feel is a substantial increase in the increase of intensity, because we have identified that it's a family member that will be in that fourth residence. The existing variances, for the existing setbacks, are existing, we're not asking for an intensity for that. And the tent sites, we don't feel that it's a substantial variance. It's actually somewhat of an existing condition, as we have identified at those locations, that will probably occupy less of a 3,500 square foot footprint, than previously. "Whether there is any other feasible method, whereby the applicant may obtain the benefit sought by these variances, except by the granting of these variances." There really is no other way, we feel that the four variances that we've requested are the minimum that we can ask for, to allow them to accomplish what they have set out to do, to make this a successful venture and successful business there at the campground. Again, we know that in the past there's been some difficulty with the property, that's been noted by the Town, and clearly the police department, but their goal is to improve it, and we want to say that to the Board and the public tonight. That that is their wish. One of the reasons we even went to the Planning Board is that when they took ownership...the previous owner had been asked for many years to develop a site plan for the property, and he flat out refused to do so. In their first year, their willingness again to improve the property and make it successful. They've retained my services to represent them at the Planning Board, in order to create a site plan that could be enforceable by the Town. I'd like to note that. Number five, "Whether the proposed variances would have any adverse impact or effect on the physical or environmental conditions of the neighborhood." Again, I'll emphasize the words physical and environmental. Again, it's an existing campground, we don't feel that the need for four variances will impede any of the physical or environmental conditions of the campground. We are not proposing any new structures or any permanent structures on the property. We want to clarify that. So, the physical and environmental attributes of the property, and the adjoining area will remain intact. "Whether the alleged difficulty was self created, which consideration shall be relevant to the determination of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the variance." Relative to the term, "self created" again, I'll identify the fact that the property, the campground was in existence prior to Section 230-19 approval,

DEERPARK ZONING BOARD OF APPEALS - SEPTEMBER 15, 2011 - PG. #
PUBLIC HEARING - RIVERRUSH RV RESORT & CAMPGROUND, LLC

which was just several years ago. So, in that essence the campground existed... the ordinance was passed after the campground had already been in existence, so relative to the property, it was not a self created hardship. My understanding is that part of why the ordinance was adopted, was to help police pre-existing campgrounds in the Town of Deerpark, which again we'll ask the Board and the public for relief to that, to the fact that it's new ownership, we've tried to identify tonight, that it's their desire to move forward and not look back, relative to the difficulties that the Town has experienced in the past. "That with the intent and purpose of this chapter, the variance, if granted, is the minimum variance necessary to afford the relief. To this end the Board may permit lesser variances, than applied for." We feel that the variances that we've requested are the minimum, that will allow us to again, make them successful in their operation. Not just from a day to day operation, but also financially successful long term, and make the campground something successful within the Town of Deerpark. So, I know I've been a little long winded, but I wanted to address all seven comments, and then I'll open it back up to the Board.

Frank Bigger: Does the Board have any questions?

Martin Smith: Does the proposed tent sites meet KOA's minimum standards?

John Fuller: Yes, she knows the KOA standards much better than I do.

Lisa Monk: All of our sites are oversized for KOA standards, and therefore, are all of our tent sites. So, our request for making the test sites half the size of our rv sites are still larger than their tent sites specifications. Most KOA's are as large, 10% of all of their campgrounds, in their network, are less than 50 acres. Ours is one of the 5% which is larger, so they love to have fun with us, because we have so much flexibility.

Frank Bigger: Any Board questions? Jim?

Jim Harrington: I was reading the Planning Board minutes, and did the Board send you for any other variances? Because Derek Wilson is talking about, I'm sorry, you were talking about log cabins and winterizing them?

John Fuller: No, we are not looking to have that. Again, as part of this, at no point is there a permanent structure proposed to the Planning Board. There are camper type devices that have the shape of a cabin, which can be utilized during the winter months. Again, I want to emphasize, and you may get a comment from the public, is we are not proposing permanent residences as part of our request to have a year round operation. Whatever existed in the past, is in the past, and it is not the desire of this applicant by requesting the two seasons, to allow for year round residents on the property.

Jim Harrington: Because it says here that the owner would be there year round.

Frank Bigger: That's one of the changes.

John Fuller: Yes, that's a request. They're asking for the four residences.

Jim Harrington: Yeah, but you can have four residences, and not have permission to live there all year.

Frank Bigger: That's request number four, is to allow a certain to be year round.

Jim Harrington: And to have business year round. The request is to have a year round business.

Frank Bigger: Yeah, to a point. It's mainly to keep the family there.

Jane Lord: It's to keep the campers who are coming in with some kind of vehicle or tent...

Jim Harrington: But it says here that... in the minutes... the Ordinance does not allow residency year round.

Jane Lord: The campground is grandfathered in, the Ordinance was put in, and the campground has been there forty years ago, the Ordinance was put in long after the campground was established. You can look at that from that point of view.

Jim Harrington: This is just Derek Wilson and Glen Plotsky here. I'm not sure if this is the kind of variance that they ask for.

John Fuller: If I may clarify, I'm not sure of the accuracy of the minutes there, but I would refer to the actual Ordinance 230-19, it does not say that.

Frank Bigger: I think that the prior owner and the Town entered into an agreement to only operate nine months out of the year. I think that was at one of the Town Board meetings.

Martin Smith: The prior agreement was with the owner and the Town, because there were people living there year around, so when that last Ordinance was passed, it was to try to stop year round occupation of some of those sites. Not very many of them, I don't think, were being lived in year round, but there were a few, and I think they were trying to stop that. I think that's a correct meaning of that. I think what they're saying here, is that they want the fourth residence, and if you're going to have two seasons, then that makes it year round. Simply, that's what they're asking for. So, now you have, if this is granted, you would have year round residents there, because you have two seasons, which comprises a full year.

John Fuller: And I just want to also verify that those residents are owners, they are not rentals, they are ownership in the property. Now, I want to make that distinct clarification. So, they won't be a part of that that is rented out, they are the owners.

Frank Bigger: Is there any other questions by the Board, before we open it up to the public? Anybody from the public wish to speak?

William Onofry: Mr. Chairman, just before we move on to the public. First of all, there are two things. I have to disclose the fact that I did represent the applicant, when they purchased their property. It was in that limited capacity that I did the service counsel. But specifically with respect to Mr. Harringtons' comments, I think that if anything, the Board may consider whether or not, a verbal amendment of the application is necessary to clarify that the residences will be used for occupation by the owners of the property. If there is a concern that they would possibly have to come back, because there was an issue raised by the Planning Board, and that would just be my direction to the Board, to consider that. And it would also eliminate the ability to rent any of those units, by limiting the variance, specifically to year round occupancy, by owner occupants. And not for commercial use.

Frank Bigger: But did you want it for commercial use?

John Fuller: Well, yeah, it's a commercial use for allowing an outside season, so it'll be a camper during the winter months. But the residences are owner occupied.

William Onofry: Right, so the fixed permanent structures would only be owner occupied structures, that was my recommendation to the Board.

Gerald Cedrone: I don't see a deed submitted.

Lisa Monk: I did submit it to the Town Clerks' office.

John Fuller: Yes, so it was submitted to the Town.

Frank Bigger: All right, I'll open it up for public discussion or comments. Would you state your name?

Bob Venezia: My name is Bob Venezia, and my property adjoins the campground. Although Lisa has painted a very Disney picture of what's going on at the campground, these are photos that I took today of the campground. Not a very Disney like. Everyone wants their local businesses in the Town to prosper. We've been living next to the campground for 28 years, and it's had four different owners. When I bought my home, next to a seasonal campground, it was not a year round facility. Riverrush KOA should not be held accountable for the previous owners' actions, but please, let's not make the same mistakes again. When the barn was originally converted to a residence, it was for a caretaker named Dale. He and his wife and two children and two dogs were living in a 12 foot camper. Once the barn was re-modeled, Dale and his family lived there for less than six months. From then on, it's been a rental property, with as many as ten people living in the one apartment. Now the stated purpose is for their family. How many people live on site, and will they work at the campground full time? My wife and I pay \$9,000 per year in school and property tax. Last year the campground paid \$2,200 in school and property taxes. It's not far for a business and three residences. And this is from Orange County. On the new site plan, you're going to see next to the residences, a 1,000 gallon septic tank. What is really there is two full time trailers with water, sewer and electric, and a 100 pound propane tank, which caused an explosion a couple of years ago. I've never seen the people that live there move. The trailers have never moved. With regards to the camping cabins, and the camping cabins that were addressed to the Planning Board. Mr. Fuller said that they have no foundations and can be moved. But the plan is to winterize them and supply them with water, sewer and electric. Will they be moved at the end of the season? If they're hooked up to water and sewer, I doubt not. On October 14, 2009 Lisa Monk went before the Planning Board stating that they want to provide a shuttle bus service to the Otisville train station, for campers wishing to use cabin facilities, so they can get to New York City. Who lives in Godeffroy without a car? In the variance application, they state that the soil grade is ba and be. When I subdivided my adjoining property to the campground, Mr. Fuller also gave his opinion on the soil, however the Planning Board would not accept his opinion. I forced to hire a soil engineer. So, once again I ask you, let's not make the same mistakes again. And I've been there for 28 years. If there's anyone interested in knowing the real story of the campground, please ask me, because I've been dealing with this for 28 years. Thank you.

Frank Bigger: Is there anyone else that would like to talk?

Dennis Brown: My name is Dennis Brown, I also live adjacent to the campground on the other side. And for the time I've been there, I've dealt with campers constantly trespassing on my property, using the river that's on my property, littering and just ignoring my request not to be on the property. I feel that there's no divide between the two, and they just come on my land. This has been going on for as long as I've been there. Also, the driveway that I use, is right next to the campground, and the campground again, against my request, not to use it, they constantly use it. And the driveway is in such disrepair now, it's almost unusable. But they trucks and cars and they have visitors, and it's kind of never ending. So, that's my experience with the campground.

Jim Harrington: Can you request a fence be put up?

Dennis Brown: I didn't request a fence be put up, but I requested them to not use my driveway.

Jim Harrington: Well, as far as the trespassing on the property, if you put up a chain link fence, it would stop it.

Dennis Brown: Well, there's plenty of signs posting it as private property, no trespassing.

Jim Harrington: I say, if you talk to the owners and requested a fence, that would help.

Dennis Brown: A chicken wire fence has probably been there as long as I can remember, but it's not very effective. So, that's my experience with the campground and to extend it, to have more people there for more time, would just be more aggravation for me. So, that's my experience with the campground.

Lawrence Leonard: How are you doing, my name is Lawrence Leonard and I live in Myers Grove. I've been here thirty years, I own a couple of little houses there. Again, I'm paying \$30,000 this year in taxes. But I'm not here to complain, but you need to give these people a chance. You know, they've been here a year, but if we give them a chance, and let's see what they can do. We don't know them, how are we going to find out about them. We've got to give them a chance. We can't hold them for what somebody else did. How will we know how they do? The only way we're going to find out is to give them a chance. If they prove us wrong, we're wrong. But how are we going to know, if we don't give them a chance. You can't judge

DEERPARK ZONING BOARD OF APPEALS - SEPTEMBER 15, 2011 - PG. #
PUBLIC HEARING - RIVERRUSH RV RESORT & CAMPGROUND, LLC

somebody for what somebody else did. They cleaned it up. Give them a chance. Go and check once in awhile. That's all you can do. As far as them saying that they're going to have permanent there, it's good to have rules for an rv, and for log cabins that you can find anywhere. They're not permanent. It's no different then taking an rv and hooking it up to the sewer and the water and the cable and power, and there's tag alongs, as an rv. It's not permanent, they will just disconnect and leave. So what is permanent there. The only way you're going to know, is to go there and look at it. That's all I have to say, thank you.

Frank Bigger: Would you like to come up and speak again?

Bob Venezia: I'd like to. When the last owner was there... like I said, I've been through 4 or 5 owners, I can't remember them all. The last owner was there, I was in business for twenty years. I would not discourage anyone from making a dollar. As a matter of fact, the last owner that was there, I lent him \$100,000 to keep him in business. Okay. We can't blame them for what's happened. I have no problem with these folks. On the other hand, we can't change the zoning, every time someone wants it. Now, if they can't make money, they knew when they came in to the situation, what the rules were. If they can't make money, they made a bad business decision. It's as simple as that. And I don't see that the local people and townspeople should be punished for their lack of business decisions.

Jane Lord: Why would you be punished?

Bob Venezia: Why would I be punished?

Jane Lord: How do you think you will be punished, if we make this decision?

Bob Venezia: Well, they're only allowed to have one full time residency and a caretaker.

Jane Lord: I just want through this whole zoning thing, and I don't see that.

Bob Venezia: They get it out of the Zoning Book, I don't know the specific page and ledger, I don't know that, but I do know what the rules were. The rules were one and one. The former owner built this apartment for this guy Dale, because they felt sorry for him. Like I told you, in less than 6 months, there were 10 people living in the apartment. How many owners do you need living on the property? That's four separate dwellings for four people. How many children will these people have? Who's paying the school taxes for all of this? Let them have individual properties, and let them pay taxes like everybody else.

Jane Lord: So, you're saying that if we would allow a fourth residence within a confine, making four apartments, that these four apartments would be taxed, as if they were individual homes?

Bob Venezia: I'm saying, you know, I want everybody to pay their fair share. This building that we're talking about, exploded two years ago, it literally exploded. It was condemned. The next thing I know, they push the boards back in place, and people are living in there. What's up with that? For fifteen the Town didn't get the people who were living there full time out of there. So, now we're going to allow them to do it? You'll never get them out of there, you'll never change it. I don't want to pay for this.

William Onofry: Sir, I think that what you're arguing about is,... I think what your concerns are, is enforcement issues, in some respect. So, the enforcement issues, this Zoning Board is not responsible for enforcement issues. But obviously, the Zoning Board can take your concerns and your comments to the Code Enforcement Officer, who is the one who is actually responsible. And I understand that sometimes it's hard to voice it directly to the Code Enforcement Officer. You need a Board like this to communicate with him and direct your comments. But I do think that the comments that you've made are definitely understandable, based on your longevity of being here. But at the same time, you bought a property that was next to a campground.

Bob Venezia: And I understand that completely, but I don't want it open all year round, because we only have to contend with them part of the year. So, I'm willing to live with that, I have for a long time. I don't want it to be open all year round. That building that you're talking about has less than 10 foot from my property line. So, when I put a fence up next week, they will literally walk out the door, walk two steps, and run into a fence. It'll cost me \$5,000 for a fence. I have to fence them out now. I shouldn't have to do that. They shouldn't be allowed to change the rules and have four separate families living in one barn, that blew up years ago. It's just wrong.

William Onofry: But there are other facilities in Deerpark, where multiple families live on the property. For example, the YMCA.

Bob Venezia: Sure, but they're not changing the zoning to do it, this is how it was.

William Onofry: Because it was grandfathered in.

Bob Venezia: As that my be, it's not being changed now.

William Onofry: I'm just asking the question, but there are definitely other facilities... that are actually not for profit, that do not...

Bob Venezia: This is not non-for-profit.

William Onofry: I understand that, but there are not for profit entities that own property that house families that don't pay school taxes.

Bob Venezia: The Board will make the ultimate decision. The point of it is, we're being steered down, everything is rosy and this is not what it is.

William Onofry: And your concern is ultimately enforcement.

Bob Venezia: There is no enforcement in Deerpark, you know that and I know that and everybody on the Board knows that. For fifteen years they couldn't get Guy Clarke to empty his people out of there. Fifteen years, so what are they going to do now.

Martin Smith: Bob, I have a question. You've shown us a lot of pictures here of the conditions on somebody else's property. But you haven't explained to the Board how this affects you. What's going on that it affects your life?

Bob Venezia: That's my view. They tell me they're cleaning up, they tell me they're doing this, well, I'm showing you what it looks like. It doesn't affect me, I just want you to see what it really is. They tell you that they've been there for a year. They're straightening this and they're doing that... that's what it looks like. Does it look like they've been working on it for a year? No. A picture is worth a 1,000 words sir.

Martin Smith: Are these people trespassing on your property?

Betty Czajkowski: Excuse me, sir may just say. It happened today, I spoke with Angie.

Frank Bigger: Would you introduce yourself?

Betty Czajkowski: I'm sorry, I'm Betty Czajkowski, I'm Bob Venezia's wife, and I live on the property next to a campground. I spoke with Angie earlier this morning, I went over to introduce myself. And I asked her to please not plow on my road, please don't do anything to my road, just leave it alone. And today she mowed it. And I called her up and asked her, why did you mow it? And she said she mowed it, because it's in front of Lisa's house. And I said, "that's my property, please don't mow it." And that's why I took the picture. She's going on my property mowing. Then she admitted... did you admit that you mowed it? Yes. I don't know if she mowed it, or if any one of the people who worked for her mowed it. So, this is the kind of stuff that we're dealing with.

Jane Lord: You may not have very good designated borders. How designated are your borders?

Betty Czajkowski: The property they're talking about is right on my border. I mean, my border to the front of their house is probably six feet.

Jane Lord: There's no easement or anything?

Betty Czajkowski: They have a right-of-way on that road. So, they can use it for access or egress.

William Onofry: There's no right to maintain it?

Betty Czajkowski: No, she has no right to maintain it. She has no right to go on my property. They plowed it in the winter, and they had no right to do that at all.

Martin Smith: Somebody needs to look at the easement, I think.

Betty Czajkowski: I'm sure that she has no right. And it was the Jubilee Ranch easement.

Jane Lord: Do you have a copy of the easement?

Betty Czajkowski: They have a copy. Do you guys have a copy of the easement?

John Fuller: Not with us.

Martin Smith: It's part of the deed.

John Fuller: I'm sure it is.

Betty Czajkowski: As far as I know, they have all of the access and egress.

Jane Lord: Well, that's not how it works. Generally to have a land easement, you can maintain it.

Betty Czajkowski: That means she can go onto my property and mow it.

Martin Smith: If she's permitted to drive on it, yes. It really isn't our ball game, but I would say, if she's allowed to drive on it, she would be allowed to maintain it and mow it.

Bob Venezia: The parcel that it is on, is a road bed. Then she can go on the other side of the road bed, closer to me, and mow it?

William Onofry: They're not mowing the road, you're talking about the...

Betty Czajkowski: Yes, they're coming across the road, and you can see, where on the other side of the road, that they're mowing.

Frank Bigger: Where they're mowing, is it part of the easement?

Betty Czajkowski: No, they're across the road, where they're mowing, no.

DEERPARK ZONING BOARD OF APPEALS - SEPTEMBER 15, 2011 - PG. #
PUBLIC HEARING - RIVERRUSH RV RESORT & CAMPGROUND, LLC

Jane Lord: I would suggest that you mark it, maybe put a flag out, so they don't do that, if you want to. Unless it's covered under the easement. Because of the easement, people have a right to do that.

Betty Czajkowski: I understand what you're saying, they have a right to drive on that driveway, but they don't have a right to go across the road and go onto my property. Also, I want to speak about the health, safety and welfare of the area. That barn was condemned and it did explode. So, I don't know what can be done to fix it, or to have someone living in it.

Jane Lord: Apparently it was rebuilt after the explosion, they had to get a certificate of occupancy, and it's been considered safe.

Betty Czajkowski: And so they have one? How do I know?

William Onofry: You can put in a foil for the Town of Deerpark, that information is available in the Town of Deerpark. Of course, in the event, that in future construction, is permitted, it will be subject to the Code, and the Code Enforcement Officer.

Martin Smith: This is not something that we can enforce, or we have control. Whether or not that building is safe to live in, is up to the Building Inspector.

Betty Czajkowski: Well, it speaks to the health and safety of the area. That's one of the questions that you asked. Right. Does it impact the health and safety of the people in the area? And I think it does, and in a negative way. So, that's what I'm saying. And the other thing I wanted to speak about, was the environment and the waste going into the river. I mean, when it floods there, all of that waste is going into the river. Now you're going to increase the amount of people that live there, as well as increase the amount of time that they will be living there. That was a seasonal campground for a reason.

Jim Harrington: You're saying that the septic overflows into the river?

Betty Czajkowski: It could.

Jim Harrington: It does, or it could?

Betty Czajkowski: It could, but I do know that there was a big flood there twice in the past month. So, I would image that something got into the river. And they have campsites right along the river. So, I'm concerned about that as well. And I'm wondering, why do they want to increase their tent sites? Are you planning on increasing the number?

John Fuller: Well, I spoke to that previously. In New York, it can only be limited by the size of the parcel as a whole, to the number of sites. Decreasing the size of the tent sites allows them to get tents into a certain part of the park, things like, along the river, where they can't really park rv's, and then the tent sites will be placed there.

Betty Czajkowski: You do want to increase the sites?

John Fuller: Well, no. There's a limited number of sites that will be permitted, during the process, based on the overall size of the property. And right now, the previous approval was 300. What we're asking for, again, and this is all part of the site plan approval process. When we go for our site plan, we have to identify where the sites are. And we're restricted by a Code set number, based on the size of the property. But certain property, where we want to have tent only sites, we're asking for a smaller footprint, to get a greater density.

Betty Czajkowski: So, what you're saying is, you're allowed 300 and you have 200, and you want to have 220.

John Fuller: There's been 200 in operation. The original approval that was granted, dates back to the 1970's, which was the Orange County Department of Health approval, a top set number of permitted sites. That's an existing approval. When we go through the site plan process, we will be limited by your Ordinance, the Town of Deerpark, I'm a resident as well, by our Ordinance, relative to the total number of sites. That's based purely on the size of the property. We're asking for a decreased size in tent size, specifically to allow a greater density in certain portions of the property.

Betty Czajkowski: Okay, and the other question I have is, why wouldn't you take the house that's existing, that's a residence, that's not right on the border, and use that house to live in? Why take a house that's been a sore point for everybody and expand it? Why not use the house that you're living in, and expand that? Why wouldn't you do that, if you want a place to live? Do you understand what I'm saying? She has the red barn, the red barn which is right on my border, it doesn't have the correct 50 feet, and I know that it's grandfathered in, but why expand that. She can go and expand the house that she's living in, the house that Guy Clarke lived in. Do you understand what I'm saying? Which would be less invasive to the neighbors on her border, a couple of neighbors. So, that's my suggestion. And the other thing that I want to say, is, that initially there was not supposed to be anybody living there. And then Guy Clarke came in and made an agreement that he would live there year round. And then he built the apartment for Dale, and so then there were two residences. Then he put in a third apartment, and there were three residences. And now it's going to be four. I don't think that's fair to the people living in the neighborhood. The agreement was, I fill have a place here, where only one person is supposed to be living year around. And we keep increasing it. Now what happens is, when these folks get done with the campground, and they move on, they become rentals. And I'm dealing with the rentals. And the whole community is dealing with the rentals. And that's all I have to say, thank you.

Lawrence Leonard: My name is Lawrence Leonard. She brought up the sewer running into the Neversink (River). The whole road flooded, running sewers, running propane bottles, oil tanks went down the Neversink. And you're just going to say just the campground? Come on.

Betty Czajkowski: I didn't say just the campground.

Lawrence Leonard: Yes, you did. You said environmental.

Frank Bigger: If you would address the Board.

Lawrence Leonard: I'm sorry. But I'm saying, she said just the campground. If you listen to the recording. But the whole road flooded out. Two of my houses flooded out. I've seen propane tanks, oil tanks flipped over in the Grove. And all of the septic. I mean, from Grove Street to Fifth Street there was flooding. There's over 50 houses. And this is a campground. It has maybe three septic, four septic, that's understandable. But we've got sixty of them, overflowing. And we're worried about this or that. And another thing. We just had that flood, all that debris and garbage went right into them. What about them, they've got to clean it all up. But they've got to clean it all up. Two floods, you don't hear nothing about, "well I have to spend all of this money, I have to re-do this, I have to fix the roads," they're not complaining. They're putting all of their money in here. And if they want to have to have these sites, if they are going to get taxed for it, they might as well pay for it. And they'll use it. Why should they go and add onto another building, when there's already one there, and all they have to do is to update it. If she meets the Code, she can update it. People take old barns, everyday of the week, and make them into beautiful houses. Beautiful houses. Why can't them do the same? If they meet the Building Code, if they meet the Town Ordinance, that's all that counts, right? That's what we're here for. Meeting the Code and obeying the Ordinance. And if they do it, I'm for it. And then another thing, this year round season. If somebody comes there, six months for the winter, and they can prove that they were only there for six months, and then they leave and then they come six months for the summer...not the same people, but other people. How is that year round? If I go to Florida for six months, in an rv, and I come back and stay here six months in the winter, how is it year round? So, it's not year round. Then someone is going to say, if it's open year round... how many people come off of I-84, and are looking for a campsite, and they park in Walmart or K-Mart, Shoprite. But once they know about the campsite, they can go there. That's my point, and that's all I have to say. Thank you.

Claudia Barritt: My name is Claudia Barritt. I have the property, kind of just right up from Betty Jane Lane, so I really like the campground, but basically there's a border of property between our properties. And I do want to say that, since the family took over, it has been quieter in the summer, and I most definitely appreciate your response to noise, and things like that. So, you have the influx of people, to a community, that's really a residential community. It's something really important to consider for people. I do have a question about your site. And that field that has been vacant, basically vacant, it had some trailers parked in it. But it's vacant through the winter and I truly enjoyed my quiet. Were you planning to use that site in any way? Because I think that that is the one that will really impact, at least the people who are in the back. I don't know about the people who live in the front, right on Guymard Turnpike, whose houses are right there. I just think that it's okay, I mean, look, you bought something right next to a campground, as the attorney said. We did. We loved the site as many of the campers in the area do, it's beautiful here. But it does change the property value, and I think that that has to be at least considered. I mean, if the place is used for the summer only, or if the place is used year round, it does make a difference to my property value. If I want to sell, I mean when I bought this property it was a summer camp. It was only operated in the summer. It does change it. My question is, what would you do really to insure that we didn't have a negative impact on the community. If this were granted, this year round, what type of things could you do to insure that my property value was not impacted negatively, and people on Guymard Turnpike are not going to be impacted negatively, that's really important.

John Fuller: I would say relative,... I'm not sure that there's anything that the owner can do to insure that property values aren't affected negatively. Clearly, what we've tried to explain tonight, is that they're looking to improve their property, and bring its' value up. And in essence, by bringing its' value up, it will bring up the neighbors' value as well. And that's of course, common occurrences. So, we don't feel, and we try to present this, that the year round season would necessarily affect the adjoining properties in a negative way. At least relative to property value. They can confine them to a distinct location on the property, but the entire parcel is not in operation.

Claudia Barritt: Can you also be sure about the noise level, to keep it down and are there other ways that you can control where campers walk, so that people don't feel forced to fence in their area. It's an expense to put up a fence. And people in this community haven't. I mean, I've always asked if I could walk on somebody else's property first. So, that's really all I want to say, thank you.

Martin Smith: I've got a question for you. If the applicant were to put up a fence, would you object to the fence?

Claudia Barritt: To keep people in?

Martin Smith: Well, just to delineate the border, like if there's a problem about where the property lines are on this piece of property.

Claudia Barritt: I think it would have to be an attractive fence, and I think it would have to be environmentally fine, I mean, if you put up a fence, it has to look nice. And nice to look at.

Martin Smith: Okay, thank you.

Frank Bigger: Is there anyone else who would like to speak?

William Everett: My name is William Everett and I've been a lifetime resident here. I live right down the street from the campground. They have done nothing but improve our area. They've hired local help. As far as if you have a problem with these people, and you went to these people, they would be more than willing to correct the problem. As far as mowing the grass, they've mowed like, three blades of grass. I don't think it had any effect on anybody's property. And if they said something to them, they will not do it again. Guaranteed. I think they've done nothing but improve Godeffroy. And all their tent sites have no sewers, there's no sewers next to the river. So, as far as the river flooding in the sewer system, that didn't happen. Because there is no sewers next to the river. All their sewer things are away from the river. And if the septic tank works properly, you can put all the water you want, through that thing, and it's not going to pollute. The solvents cannot get out of that septic system, that's what it's meant for. So, as far as the sewer going down the river, it's not going to happen. So, I don't understand why they are so concerned about polluting it. When they go to the bathroom, their cesspool is in the ground. Come on, let's get real. I think they're nothing but positive for this town. That's my personal opinion. Thank you.

Frank Bigger: Anyone else who would like to...I thought there was somebody else. If not, does the Board have anymore questions?

Martin Smith: I think I'd like to run some things past the applicant. The two things I want to bring out, was fencing and signage. Would some of these things maybe help to alleviate some concerns? Like I say, it looks like it's a problem of somebody not knowing where the line is. I know where my property lines are.

DEERPARK ZONING BOARD OF APPEALS - SEPTEMBER 15, 2011 - PG. #
PUBLIC HEARING - RIVERRUSH RV RESORT & CAMPGROUND, LLC

Jim Harrington: Maybe a fence would help.

Martin Smith: I've got close to 100 acres, and I know where my lines are.

Frank Bigger: Both sides of the road.

Martin Smith: Yeah. But, I just thought that we should discuss this with the applicant, as a Board, right at the moment, I forgot my thought.

Jane Lord: I think that a split rail fence would be cheap and good looking and it doesn't take away from the visual.

Martin Smith: I go to a campground that's probably real high class once a year near Hershey, Pennsylvania. It's called High Meadow Campgrounds. And this place is, I mean, immaculate. And there are places where you have a sign that says "private property" and "no trespassing" and it's not really anything to keep you out of there. But, I mean, I don't see a lot of people not respecting this, this type of thing. So, I don't know exactly what the problem is here, but I think a well delineated line makes for... you know, good fences make good neighbors. You've all heard that. Some people fix fences, some people chase cows.

William Onofry: Mr. Smith, not to cut you off. Are there rules and regulations for the campground?

Lisa Monk: There are.

William Onofry: Okay, and do those rules and regulations state that people are supposed to stay on the campground property?

Lisa Monk: They delineated that there is to be common courtesy, within their own site, let alone the neighboring property.

William Onofry: Because along with what Mr. Smith is recommending, I think that you also have to have the ability to remove a camper from the campground, if they violate the rules and regulations. Because essentially what you're getting is a license to stay on your property. And you also have to be willing to enforce those. And I think that that is a big issue for the neighbors, is enforcement in general, because the issue that they've expressed over and over again, they've been through years of people not doing it. Although we've heard different opinions about different things, currently, because you are granting them a license, you are saying to them, "you have my permission to stay, but not if you do this, this and this." And if they do that, and you do get reports, and if a neighbor can actually identify who the camper is, or identifies the camper with you, at the same time, then the expectation of anyone here, is that you're going to do something. Because, although some people are definitely recommending to give you a chance, give you a chance to grow, and others are saying that they're not so sure. Ultimately, the Boards' decision will be what it is, but if you're not willing to do that, that's going to be a huge problem.

Lisa Monk: Thank you. We would deal with it the same way, as if someone were trespassing on our property. And we absolutely will emphasize and try to find resolutions to these concerns. We do have "no trespassing" signs, but they're the KOA yellow. So, we will definitely work for that and take your advice, Mr. Onofry. We're adding that to our policies, such that, for example, sound pollution is on our policy, and we have an overall statement, and we have about 4.5 font size on our policy sheet. We have so much policies, to say, if they play a car radio, we can escort them out. Followed by pet littering, and we will indeed add, "no trespassing beyond our property boundaries", and make sure that the boundaries are more clearly marked. We thought that they were clearly marked, and if they are not, we will resolve that. Whatever the avenue. And to add, as we began publicly in April (2011), we added a tree line on our property, along Guymard (Turnpike), and at the front entrance, one of our neighbors on Guymard, we did that to protect the neighbors from having folks seeing, and we didn't want to put a fence. And so they're little saplings, and they do delineate it. So, we will continue, and again our neighbors coming to us is absolutely the best resolution. Come directly to us, we are here, we are there all the time. Thank you.

Martin Smith: What about, say evergreen trees, in areas where there might be sound pollution. They seem to absorb sounds probably better than a fence would.

Lisa Monk: Sounding out the trespassing issue, it is resolvable by many steps, and these suggestions have been taken into account, within the last few minutes. We need to find resolutions, we want to be good neighbors.

Frank Bigger: I think that's the best answer to it. John, do you want to answer any questions that were brought up?

John Fuller: Yes, well one of the things that I was going to suggest, was I want to make clear to the public tonight. This is only a first step in our process to get an approved site plan. We will have a Planning Board public hearing, and we will also... many of these things will come up again during the planning process. And we would welcome that the minutes of this meeting be referred to the Planning Board for consideration, when we go through the planning process. So, a lot of the concerns that were raised tonight, can be addressed as well, during the planning process. They may not necessarily directly affect the variances that we are requesting, but they're all good considerations, that I'm sure the Planning Board will welcome to hear. So, it's just a suggestion. A lot of it deals with enforcement. One of the requests of one of the Town Board individuals was that we pursue an approved site plan, strictly for enforcing it. It's difficult to enforce regulations on properties, if they don't have an approved site plan, that delineates a lot of the things that were raised, relative to noise and other environmental factors. And this family has a vested interest in this, and they will everything they can to maintain it and make sure that things run smoothly.

Frank Bigger: Thank you, anyone else?

Mark Elias: My name is Mark Elias, I live at 78 Guymard Turnpike, with Claudia.

At this point, the second audio tape was placed in the tape recorder, however, there was a malfunction, and the rest of the meeting was not recorded.

Gerald Cedrone made a motion to adjourn, and Jane Lord seconded it. All members voted aye.

Motion carried.

Public hearing closed at 9:15 p.m.

Respectfully submitted,

Barbara Brollier, secretary