

DEERPARK ZONING BOARD OF APPEALS - NOVEMBER 15, 2012 - PG.#
PUBLIC HEARING - VICTOR & YANA ROUSSOS

The Deerpark Zoning Board of Appeals met for a public hearing on Thursday, November 15, 2012 at 8:00 p.m. at Deerpark Town Hall, 420 Route 209, Huguenot, N.Y. The following were present:

ZONING BOARD OF APPEALS MEMBERS

Gerald Cedrone -Chairman Jim Harrington Marylou Maher Jane Lord

OTHERS

Mr. William Onofry, Town Attorney Mr Randall Coffill, Esq.

The secretary read the public hearing notice: "Notice is hereby given of a Public Hearing to be held by the Zoning Board of Appeals of the Town of Deerpark, Orange County, New York, pursuant to Article 9 of the Town of Deerpark Zoning Law on the application of Victor and Yana Roussos for a variance for lot width, to meet street frontage. The application effects the following premises: Record Owner: Victor and Yana Roussos; Tax Map Designation: Section 31, Block 1, Lot 48.22; Zone Designation: RR. Located on Galley Hill Road, 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 15th day of November, 2012 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."

Randall Coffill: I've handed the proof of mailings to Barbara. I'm Randall Coffill, and am appearing on behalf of Victor and Yana Roussos, who are seeking a variance for their parcel on Galley Hill Road. There is 200 feet road frontage. The property is, what you might call a bowling alley parcel. The length of the property is 1175 feet total, and the depth, like I said, is sort of like a bowling alley. Lot #1 is proposed to contain two acres. The practical difficulty for this area variance is lot #2. Lot #2, the way we've configured this lot, it does not have road frontage. Lot #2 however, is fully accessed by a 50 foot wide deeded right-of-way, as identified on the map here. So, in other words, there is an existing right-of-way...

Jim Harrington: Who made that right-of-way?

Randall Coffill: That right-of-way was granted by the Town of Deerpark in April 1987. It's a separate parcel, it's a separate subdivision. When we were here for the pre-application conference, Mr. Roussos said that he would provide the deeds, and they were provided to Mr. Plotsky, so that he could look at them.

William Onofry: Yes, our office did review the documents. Mr. Plotsky's comments to me were that everything is sufficient. He actually saw several documents including deeds and other background paperwork. His specific statements to me today were that he sees no issues, with the easements and the proposed access.

Randall Coffill: I did have an opportunity to discuss that with Mr. Plotsky, and basically his concern was that he thought that this parcel here was part of the other subdivision and there might have been a designation on the other subdivision that said "no further subdivisions." But in fact this property here had nothing to do with that, the roadway of the prior subdivision was at that time actually servicing the house, which is located on the subject parcel, and so what we're proposing to do is to continue that servicing of that house on lot #2, defined as Lavielin Lane, as set forth in that subdivision map, and creating that new lot up front, which is fully serviced by Galley Hill Road. So, while there is a practical difficulty, and while at some glance it might seem to be, "wow, you're asking for a complete, because there is no frontage...."

Jim Harrington: If there's no road frontage, there's no road frontage.

Randall Coffill: There's no road frontage, absolutely. But the purpose of the road frontage is basically to insure that there is legal access to the property, and what we're showing you is a form of legal access to the property. And so what we are asking of the Town of Deerpark Zoning Board of Appeals, is to grant to the applicant a variance for minimum street frontage, recognizing that lot #2 will be serviced by the legal right-of-way that is identified in that #8918, and the map which you have, do reflect and show that on the map, for your information.

Jane Lord: So this one here, is serviced by this road here?

Randall Coffill: Laviclin Lane services lot #2, absolutely. Yes, it's a real road, it's not a paper street. It's servicing this parcel that is being accessed right into that two story framed dwelling. It's not a proposed dwelling. What is going to happen here, is we're requesting this minimum street frontage, bulk requirements from the Zoning Board of Appeals. If the ZBA grants us the minimum street frontage access, then the applicant has to go before the Planning Board and do the soil testing.... well, we already know what the soils are, but he has to do the formal, the septic plan and design, and then we have to show where that access on that road is. Galley Hill Road is a town road, so where that will be, in terms of where the actual in and out on Galley Hill Road will be. And then this will be a matter before the Planning Board.

Jane Lord: Are there plans to build a house, from a Neversink issue?

William Onofry: I don't recall anything specifically. You're asking, is there a prior issue, based on the Neversink River?

Jane Lord: Well this was years ago, we had an applicant that wanted to build, but couldn't build, because they didn't have enough space because of the soils that were near the river.

William Onofry: I think that's more of a planning issue, because quite frankly, the variance that's being asked for, pertains to access. Whether or not the ZBA deems it appropriate to make this decision and say yes, that's a function of access to the property. When it comes to soil testing, location of wetlands, location of flood zones, etc., that'll be planning. And at that point in time, they have to show that there is a buildable envelope, which is what you're getting to. That there's a significant amount of space to build in. That's going to be on the shoulders of the Planning Board, and you folks look at access.

Randall Coffill: Our engineer has looked at the soils, and he feels confident, as far as the character of the neighborhood. If you look at the map, there is a lot #1, lot #2, lot #3, lot #4 on the adjoining parcel, and those were engineered in the 1980's. This lot #1, and here there is an existing home on lot #2.... and he's been to the planning board for engineering for lot #1... Mr. Roussos engineer said that there is not going to be an issue, relative to being able to build a second system for a single family home. In answer to your question, yes, I do agree with Mr. Onofry that that is not before this board.

Gerald Cedrone: All right, are there any other questions or comments? Did you provide the certified mailings?

William Onofry: Yes, we do have the certified mailings.

Gerald Cedrone: All right, if there are no comments, is there a motion to close the public hearing?

Jim Harrington: I'll make that motion.

Gerald Cedrone: Second?

Jane Lord: Second.

Gerald Cedrone: All in favor?

Marylou Maher: Aye.

Jim Harrington: Aye.

Gerald Cedrone: Aye.

Jane Lord: Aye.

Motion carried

Public hearing closed at 8:11 p.m.

Respectfully submitted,

Barbara Brollier, secretary

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