



**TOWN OF DEERPARK ZONING BOARD OF APPEALS – APRIL 21, 2016 -**

The Deerpark Zoning Board of Appeals met for their monthly meeting on Thursday, April 21, 2016 at 7:30 pm at the Deerpark Town Hall, 420 US Route 209, Huguenot, NY. The following were present:

**BOARD MEMBERS:**

Daniel Witt-Chairman  
Cheryl Greene  
Jane Lord

James Harrington- Vice Chairman  
Lee Cornell

**OTHERS PRESENT:**

Glen Plotsky, Town Attorney

Meeting brought to order at 7:31 pm.

Pledge of Allegiance

**APPROVAL OF MARCH 17, 2016 MINUTES –**

**Motion to Approve March 17, 2016 Minutes.**

Motion made by Lee Cornell, 2<sup>ND</sup> by Cheryl Greene to Approve March 17, 2016 Minutes.

**Vote 4 Ayes:** Cheryl Greene, James Harrington, Daniel Witt, Lee Cornell. Jane Lord abstained, she was absent from March 17, 2016 absent.

**MOTION CARRIED**

**EDWIN RIVERA – Area Variance – Appeal Number 16-001 – Public Hearing -**

John Fuller – Engineer for Applicant

Applicant also present

Mr. Fuller started the presentation stating Mr. Rivera resides at 49 Manor Lane in Westbrookville, he is asking for a side yard variance for an accessory structure to replace an old garage. The old garage was 5 feet from the property line the proposed garage will be 1 ft. off the property line. He continued by saying that the mailings were returned and given to Zoning Board Secretary. He went on to say that the purpose of the new garage is for storage to support his profession, Mr. Rivera works as a mechanic for GE, it will be storage for his equipment. Mr. Fuller further stated that this property is part of the original subdivision from 1960's and they are all very small parcels, current zoning is 10 ft. off the property line, Mr. Rivera's septic is in the back of the yard so it restricts him from placing the garage there. Mr. Fuller also acknowledged that Mr. Rivera's two directly adjacent neighbors have submitted letters stating there are no problems with the proposed garage, he read them into record; a copy will be placed in the file. James Harrington questioned if there is any impacts to the wetlands, John Fuller answered no impact. Mr. Harrington asked if a smaller garage could be built, Mr. Fuller answered that it is a kit; Jane Lord stated that with some kits there is not much of a choice for sizes.

**Zoning Board of Appeals Minutes April 21, 2016**

EDWIN RIVERA – Area Variance – Appeal Number 16-001 – Public Hearing –

**Motion to open Public Hearing to the Public for comment.**

Motion made by James Harrington, 2<sup>ND</sup> by Cheryl Greene to open Public Hearing to Public for comment.

**Vote 5 Ayes:** Cheryl Greene, James Harrington, Daniel Witt, Lee Cornell, Jane Lord.

**MOTION CARRIED**

**PUBLIC COMMENT –**

One gentleman stated there is plenty of space in-between the structures in Mr. Rivera’s yard and he felt there would be no problem with the placement of the garage.

Lee Cornell declared it is going to be tight but there is limited space because of the small parcel.

James Harrington reaffirmed a smaller structure would make a 2 or 3 foot variance more likely to grant.

Chairman Witt asked Town Attorney if he could see any reason to not move forward on the application.

Glen Plotsky answered no; he could see no reason to hold any further on the application.

**Motion to close Public Hearing for public comment.**

Motion made by Jane Lord, 2<sup>ND</sup> by James Harrington to close Public Hearing.

**Vote 5 Ayes:** Cheryl Greene, James Harrington, Daniel Witt, Lee Cornell, Jane Lord.

**MOTION CARRIED**

Motion was made to Approve Variance then James Harrington made motion to table the approval to next month.

**Motion to Approve Variance for Edwin Rivera.**

Motion made Jane Lord, 2<sup>ND</sup> by Lee Cornell to Approve 1 foot side yard variance for Edwin Rivera.

**Vote 4 Ayes:** Cheryl Greene, Daniel Witt, Lee Cornell, Jane Lord. **1 Nay:** James Harrington.

**4-1 Vote MOTION CARRIED**

Town Attorney stated the Variance is granted, the written resolution will be ready for approval at next month meeting Thursday, May 19, 2016.

**OTHER BUSINESS –**

Town Attorney declared that he would advise the Zoning Board of Appeals to go into Executive Session to discuss Procedures and Potential Litigation.

**Zoning Board of Appeals Minutes April 21, 2016**

**EXECUTIVE SESSION –**

**Motion to enter Executive Session.**

Motion made by Jane Lord, 2<sup>ND</sup> by James Harrington to close Regular Session and enter into Executive Session.

**Vote 5 Ayes:** Cheryl Greene, James Harrington, Daniel Witt, Lee Cornell, Jane Lord.

**MOTION CARRIED**

**Motion to exit Executive Session.**

Motion made by James Harrington, 2<sup>ND</sup> by Jane Lord to close Executive Session and Re-enter Regular Session.

**Vote 5 Ayes:** Cheryl Greene, James Harrington, Daniel Witt, Lee Cornell, Jane Lord.

**MOTION CARRIED**

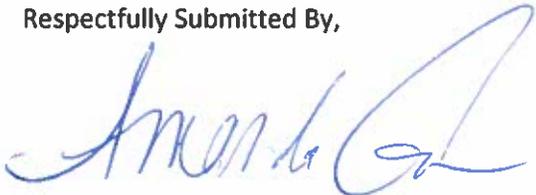
**Motion to Adjourn Meeting.**

Motion made by James Harrington, 2<sup>ND</sup> Jane Lord, to Adjourn Meeting at 8:07 p.m.

**Vote 5 Ayes:** Cheryl Greene, James Harrington, Daniel Witt, Lee Cornell, Jane Lord

**MOTION CARRIED**

Respectfully Submitted By,



Amanda Gorr, Zoning Board of Appeals Secretary