

DEERPARK ZONING BOARD OF APPEALS - SEPTEMBER 19, 2013 - PG. #

The Deerpark Zoning Board of Appeals met for their monthly meeting on Thursday, September 19, 2013 at 7:30 p.m. at Deerpark Town Hall. The following were in attendance:

ZBA Members

Gerald Cedrone, Chairman
Jane Lord

Martin Smith, Jr.
Jim Harrington

Dan Witt

OTHERS

Mr. Glen A. Plotsky, Town Attorney

Mrs. Anna Maria Hussain, Applicant

THE PLEDGE OF ALLEGIANCEAPPROVAL OF MINUTES FOR JUNE 20, 2013 MEETING

Cedrone made a motion to approve the minutes from the June 20, 2013 meeting. Harrington second. Roll call vote: Harrington, aye; Witt, aye; Smith, aye; Lord, aye; Cedrone, aye; Motion carried.

ANNA MARIA HUSSAIN - INITIAL MEETING

Represented by herself 672-3621

Owner/ Applicant Anna Maria Hussain is seeking a variance to allow a fence on property located at 132 Wilson Rd., Sparrowbush, NY

It is in the RR zone.

Section - Block - Lot = 23 - 1 - 34

Application received August 31, 2013

Mrs. Hussain briefly explained that they put the extra height on their fence, surrounding their property, to keep the wild animals off of their property, and because of that extra height, the Building Inspector told her that she needs a variance and to come before the ZBA.

Mr. Plotsky asked how tall is the fence?

Mr. Hussain answered 6' and the extra barricade on top is 1 ½ feet, making a total of 7 ½ ' height.

Mr. Plotsky asked if the fence surrounds the entire property?

Mr. Hussain answered yes.

Mr. Plotsky asked if the fence is at least 18 inches from the property line?

Mr. Hussain answered yes.

Mr. Plotsky asked if the fence is at least 8 feet from the roadway?

Mr. Hussain answered yes, it's 9 feet.

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Mr. Plotsky said that 6 feet fences are allowed in the RR District, so a 1 ½ foot variance is needed for the entire fence.

The board and Mr. Plotsky went over the application with Mrs. Hussain. They asked for the following changes and additions, asking the applicant to initial any changes and additions.

First Page of Application: The applicant was asked to:

Check "Area Variance;"

Write under "Reason For Application": "Fence is 7 ½ feet high, only 6 feet allowed;"

Write under "Location of Property": "132 Wilson Road, Sparrowbush, N.Y.:"

Write under "Zone Designation": "RR;"

Check under "Is your property within 500 feet of a County or State Highway?" "no"

The application was asked to get the "Soil classification and area" from the Budding Inspector.

#3. Provision of Town of Deerpark Zoning Law: "230-15 (J)."

#4 Put an "X" in front of the second line, which is "a variance to the provision of the Zoning Law Map."

Site Inspection Authorization form:

"Application for", Applicant was asked to write it "Fence variance (height)":

Short Environmental Assessment Form (SEAF):

"Applicant sponsor", "Anna Maria Hussain"

"Project Name": "fence height variance:"

"Project Location:" "Deerpark (Sparrowbush), - "County" is "Orange"

#5. "Proposed action is:" Applicant was asked to check "new."

#6 "Describe the project briefly." Applicant was asked to write in "Fence has been installed, total height is 7 1/2 feet, zoning law allows 6 feet only."

#7 "Amount of land affected : " "Initially 6 acres,; Ultimately 6 acres"

#8 "Will proposed action comply with existing zoning, or other existing land use restrictions?" Applicant was asked to write "no" "Need variance due to fence height."

#9 "What is present land use in vicinity of project?" Applicant was asked to check "X" by residential.

#10 "Does action involve a permit approval or funding, now or ultimately, from any other governmental agency? (Federal, State or Local). Applicant was asked to write "no"

#11 "Does any aspect of the action have a currently valid permit or approval?"
The applicant was asked to check "yes" and then write "Deerpark Building Department building permit pending."

#12 "As a result of proposed action, will existing permit/approval require modification?"
The applicant was asked to write "no"

At the bottom of the page, the applicant was asked to print her name under her signature, and date it August 30, 2013

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Mr. Plotsky asked that the applicant submit a brief letter explaining the project. He asked the applicant to submit either a deed or property tax bill. He asked the applicant to submit a site plan/ survey. He asked that the applicant submit an adjoining list. He asked that she submit a denial letter from the Building Department.

Mr. Plotsky said that the secretary will get the public hearing notice to the applicant, and gave instructions to the applicant, as to certified mailings of that notice, and bringing the proof of mailings to the public hearing.

Mr. Plotsky briefly explained "hardship" to the applicant, so that she can attempt to prove it at her public hearing.

MOTION

Smith made a motion to schedule a public hearing for October 17, 2013 at 7:30 p.m. at Deerpark Town Hall Lord second. Roll call vote: Harrington, aye; Witt, aye; Smith, aye; Lord, aye; Cedrone, aye; Motion carried.

ADJOURNMENT

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

Meeting adjourned at 8:05 p.m.

Respectfully submitted,

Barbara Brollier, ZBA secretary