



TOWN OF DEERPARK ZONING BOARD OF APPEALS - January 21, 2016

The Deerpark Zoning Board of Appeals met for their monthly meeting on Thursday, January 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  
Jane Lord

James Harrington- Vice Chairman  
Lee Cornell

**OTHERS PRESENT:**

Glen Plotsky, Town Attorney

Meeting brought to order at 7:34 pm.

Pledge of Allegiance

**APPROVAL OF DECEMBER 17, 2015 MINUTES –**

**Motion to Approve December 17, 2015 Minutes.**

Motion made by Jane Lord, 2<sup>ND</sup> James Harrington by to Approve December 17, 2015 Minutes.

**Vote 4 Ayes:** James Harrington, Daniel Witt, Lee Cornell, Jane Lord

**MOTION CARRIED**

Chairman Witt asked that all questions from the public be held until after the presentation and that they are directed to him.

**NEW LIFE MINISTRIES – Area Variance – Appeal Number – 15-01**

John Fuller - Engineer  
Randy Coffill- Attorney

Randy Coffill started the presentation this is an application that is in front of the Planning Board for Site Plan Approval, this is for Area Variances on 3 Buildings all existing on the property. He continued that one of those buildings(Building #6) the applicant is proposing an addition that will also not meet the set back for the zoning. Mr. Coffill further explained that the Applicant is a Domestic Religious Institute and the building with the proposed addition will be their meeting hall/worship center, and the current building as it stands will not be big enough for their needs. James Harrington questioned how many people will be attending the services, Mr. Coffill answered up to 100 people. Randy Coffill further explained that this application is different from any other because it is a religious organization and there are different standards that need to be considered when deciding the variances. He continued that “unless it is convincingly shown that the application will have a direct and immediate adverse effect on the health, safety or welfare of the community”, which in his feelings there is no proof of. James Harrington asked how there will not be an effect on the wellbeing of the people crossing the road. Glen Plotsky stated that he knows it is a interest of this Board for the safety of the worshipers crossing the street, but it is a concern for the Planning Board. Lee Cornell questioned if the Zoning Board could make a recommendation to the Planning Board with the resolution, Mr. Plotsky confirmed that the Zoning Board can make a recommendation as part of the resolution. John Fuller, Engineer for Applicant continued the presentation stating that there is an open Application before the Planning Board, he stated that these Variances are for existing buildings that do not conform to setbacks for current Zoning, also most of the buildings were in poor conditions and the applicant has building permits to restore them.

## Zoning Board of Appeals Minutes January 21, 2016

### NEW LIFE MINISTRIES – Area Variance – Appeal Number – 15-01 - continued

Town Attorney questioned if the Front yard and Side yard setbacks are 35 feet, John Fuller answered yes, Town Attorney acknowledged that the expansion will be further away from the road than the current building, and asked how far the closest part will be off the road. Mr. Fuller explained that at the closest part the new addition will be 2.4 feet off the property line. Chairman Witt questioned why the addition could not be built outback, John Fuller stated because of the layout of the property and how it drops off and the area is reserved for the pool. Mr. Fuller stated that the layout of the building is because they want to create a chapel area and to make the worship area large enough. Jane Lord asked if there was another building on the property that could accommodate that amount of people, John Fuller declared that the only other building is the dining hall but it has an existing working kitchen already present. James Harrington stated that it could be used for both, Mr. Fuller answered that the applicant wants a place specifically for worship. John Fuller stated that the concern with pedestrian traffic has already been discussed with the Planning Board and there has been different options considered and there will be a certain area designated for crossing. Glen Plotsky questioned if the Gazebo should be considered as part of the application because it is right on the setback line, Mr. Fuller stated that the applicant is not sure if they are keeping the Gazebo but it could be added for consideration. Town Attorney stated that according to the map the well and septic is behind the meeting hall building and any addition off the back will affect the well and septic. Chairman questioned how far off property line the addition will be, John Fuller stated it will be 5ft at the closet point and 7ft at the farthest. Lee Cornell questioned Town Attorney if the approval can be considered building by building or did it have to be approved as a whole. Glen Plotsky stated that yes it can be done building by building but most are existing with no changes with the exception of building #6 and with the addition it makes it less of a variance than the existing building as it stands now. Glen Plotsky continued that a recommendation can be put in the resolution and the Planning Board can consider it and that the NYS DOT will be part of this and they will let the applicant know what they can and can't put in as a safety precaution.

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

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

**Vote 4 Ayes:** James Harrington, Daniel Witt, Lee Cornell, Jane Lord

**MOTION CARRIED**

### NEW LIFE MINISTRIES – Area Variance – Appeal Number – 15-01 –Public Comment –

#### Francis Call – 1360 US Rt. 209 –

Mr. Call stated that he was upset because was notified by the Engineer and not the Town. He continued that during the summer there were 30 or so cars on the property and there has been lights installed and construction on the property and to the buildings Mr. Call also stated that there has been digging right up to the road, he questioned if a building permit has been issued for the property. He also stated that a for sale sign is on the property that the proposed addition is on. Town Attorney declared that according to the Zoning the obligation to notify the adjoining is up to the applicant and that only when a Public Hearing is scheduled that notification is given. Town Attorney further suggested that Mr. Call give the Building Department a call regarding the construction and repair on the property. James Harrington asked Mr. Call what his opinion was on this project, Mr. Call felt that is was bad for the community and the traffic it will create. Mr. Call thanked the Board for their time.

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

NEW LIFE MINISTRIES – Area Variance – Appeal Number – 15-01 –Public Comment – continued

Jeanne Upshaw – 1311 US Rt. 209 –

Ms. Upshaw stated she is adjacent to the property and she welcomes the applicant, she stated that she did not see any violations or unsafe crossing of the road. She continued that she met them over the summer and she feels that it will be good for the community by upgrading the property and restoring the rundown buildings. She further expressed her concern about what it will do to the adjoining property values and taxes. Town Attorney stated that it is anticipated that the Applicant will file for a religious exemption which means they will not pay taxes on the property. He further stated that he is not sure how it will affect the taxes, but “candidly” he felt it would not very significant.

**Motion to close the Public Hearing.**

Motion made by Jane Lord, 2<sup>ND</sup> James Harrington by to close the Public Hearing for New Life Ministries.

**Vote 4 Ayes:** James Harrington, Daniel Witt, Lee Cornell, Jane Lord

**MOTION CARRIED**

**Motion to hold Executive Session until next month.**

Motion made by Jane Lord, 2<sup>ND</sup> James Harrington by to hold Executive Session until next month’s meeting on Thursday, February 18, 2016.

**Vote 4 Ayes:** 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 8:42 p.m.

**Vote 4 Ayes:** James Harrington, Daniel Witt, Lee Cornell, Jane Lord

**MOTION CARRIED**

Respectfully Submitted By,



Amanda Gorr, Zoning Board of Appeals Secretary