



Town of Deerpark Zoning Board of Appeals Application

PAID
06 2020
Town of Deerpark
Town Clerks Office

| |
|---------------------------------------------------------------------------------|
| OFFICE USE: |
| APPEAL NUMBER <u>0120</u> DATE <u>7/6/20</u> |

USE VARIANCE () AREA VARIANCE ()
 SPECIAL PERMIT () INTERPRETATION ()

Name of Applicant(s): PEENPAK SAND & GRAVEL

Physical Address: 57 MARTIN RD

Mailing Address: 96 LYBOLT DR HUGUENOT, NY 12746

Phone Number: (845) 856-6726 Email Address: laurengschock@gmail.com

Location of Property: 57 MARTIN RD

Section: 49 Block: 1 Lot: 4026 Zone Designation HM-U

Representative for Applicant: JOHN D FULLER, PE

Phone Number: (845) 756-1536 Email Address: johndfullerpe@gmail.com

REASON(S) FOR APPLICATION:
APPLICANT IS SEEKING AREA VARIANCES OF THE SIDE YARD
SETBACK TO CONSTRUCT A SINGLE FAMILY DWELLING

1. Is property within 500 feet of County or State Highway, County or State property, or boundary of another Municipality? Yes () No ()

2. Soil Classification and Area SXC 0.54 AC (ENTIRE PARCEL)
 (SEE BUILDING DEPARTMENT)

3. Provision(s) of the Town of Deerpark Zoning Law from which applicant appeals. (State Article, Section and Paragraph of pertinent Ordinance/Law).

ARTICLE 6, SECTION 230-43 USE OF EXISTING NON-CONFORMING LOTS OF RECORD

4. An appeal is made herewith for:
 () An interpretation of the Zoning Law or Map.
 () A variance to the provisions of the Zoning Law Map.
 () An extension to an existing variance or permit. (Expiration Date _____).

Lauren G Schock
 Signature(s) of person(s) making application

6-24-20
Date



Town of Deerpark Zoning Board of Appeals Application

SITE INSPECTION AUTHORIZATION

I HEREBY GIVE PERMISSION TO MEMBERS OF THE ZONING BOARD OF APPEALS OF
THE TOWN OF DEERPARK, THE ENGINEER FOR THE TOWN OF DEERPARK,
THE ATTORNEY FOR THE TOWN OF DEERPARK, OR ANY OF THEIR AGENTS AND/OR ASSIGNS
TO ENTER UPON MY PROPERTY,

LOCATED AT 57 MARTIN RD

TOWN OF DEERPARK, STATE OF NEW YORK, COUNTY OF ORANGE.

DESIGNATED UPON THE TAX ROLLS OF THE TOWN OF DEERPARK AS

SECTION 49 BLOCK 1 LOT 40.26

IN ORDER TO PERSONALLY INSPECT SAID PREMISES IN ORDER TO EVALUATE

THE APPLICATION FOR AREA VARIANCE

AFFECTING THE SAID PREMISES.

DATE: 6-24-20

Lauren G Schock
SIGNATURE OF OWNER OF PROPERTY

Lauren G Schock
Print Name of Owner of Property

Short Environmental Assessment Form

Part 1 - Project Information

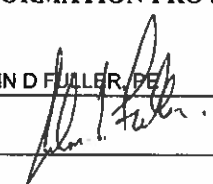
Instructions for Completing

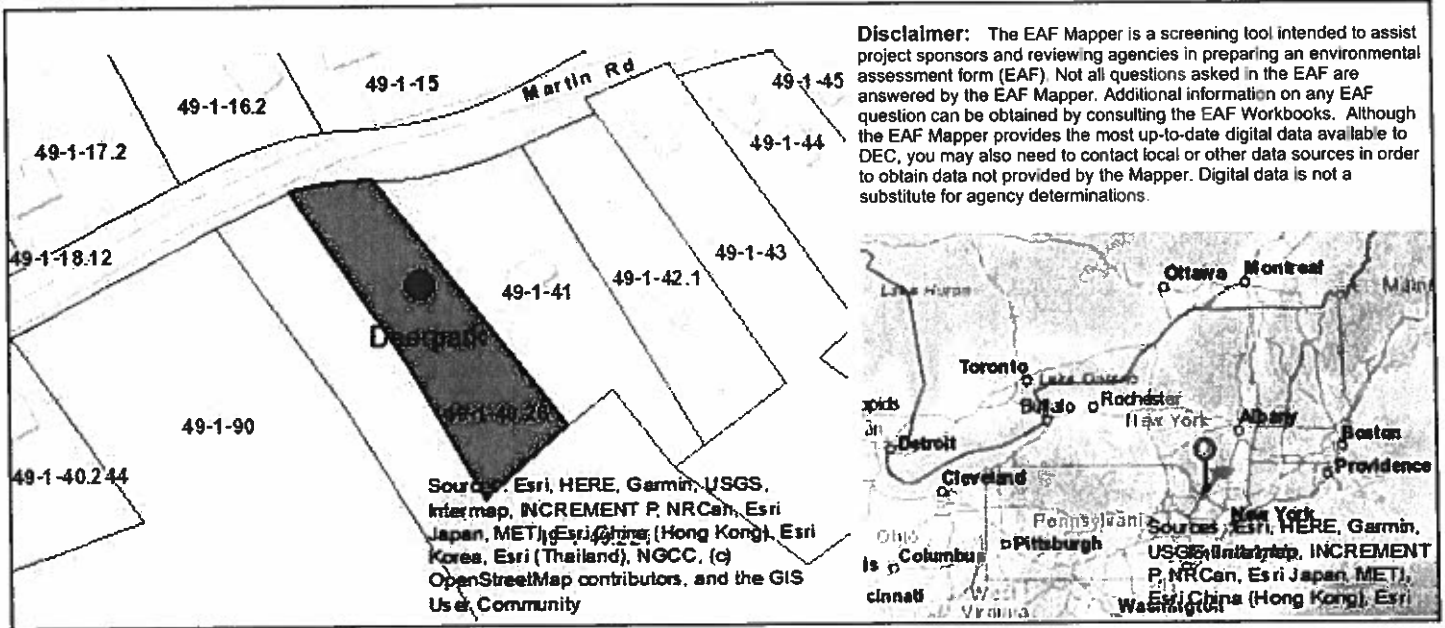
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

| Part 1 – Project and Sponsor Information | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------|---------------------------------|
| Name of Action or Project: 57 MARTIN ROAD AREA VARIANCE | | | |
| Project Location (describe, and attach a location map): 57 MARTIN ROAD, HUGUENOT, NY 12746 | | | |
| Brief Description of Proposed Action: APPLICANT IS SEEKING AN AREA VARIANCE OF THE SIDE YARD SETBACKS TO CONSTRUCT A SINGLE FAMILY DWELLING FROM 20 FEET TO 10 FEET. | | | |
| Name of Applicant or Sponsor: PEENPACK SAND & GRAVEL | | Telephone: (845) 856-6726 | |
| Address: 96 LYBOLT DR | | E-Mail: LAURENGSCHOCK@GMAIL.COM | |
| City/PO: HUGUENOT | | State: NY | Zip Code: 12746 |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2. | | | NO <input type="checkbox"/> |
| | | | YES <input type="checkbox"/> |
| 2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: | | | NO <input type="checkbox"/> |
| | | | YES <input type="checkbox"/> |
| 3. a. Total acreage of the site of the proposed action? _____ 0.54 acres | | | |
| b. Total acreage to be physically disturbed? _____ 0.25 acres | | | |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 0.54 acres | | | |
| 4. Check all land uses that occur on, are adjoining or near the proposed action: | | | |
| 5. <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) | | | |
| <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): | | | |
| <input type="checkbox"/> Parkland | | | |

| | NO | YES | N/A |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|--------------------------------------------|--------------------------|
| 5. Is the proposed action, <ul style="list-style-type: none"> a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6. Is the proposed action consistent with the predominant character of the existing built or natural landscape? | NO <input type="checkbox"/> | YES <input checked="" type="checkbox"/> | |
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____ | NO <input checked="" type="checkbox"/> | YES <input type="checkbox"/> | |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action? | NO <input checked="" type="checkbox"/> | YES <input type="checkbox"/> | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: <u>THE PROPOSED HOME WILL MEET STATE ENERGY CODE REQUIREMENTS</u> | NO <input type="checkbox"/> | YES <input checked="" type="checkbox"/> | |
| 10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ A PRIVATE ON-SITE WELL IS PROPOSED. | NO <input checked="" type="checkbox"/> | YES <input type="checkbox"/> | |
| 11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ A PRIVATE ON-SITE SUBSURFACE SANITARY DISPOSAL SYSTEM IS PROPOSED. | NO <input checked="" type="checkbox"/> | YES <input type="checkbox"/> | |
| 12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? | NO <input checked="" type="checkbox"/> | YES <input type="checkbox"/> | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ | NO <input checked="" type="checkbox"/> | YES <input type="checkbox"/> | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| | | | |

| | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|
| 14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: | | |
| <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban | | |
| 15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? | NO | YES |
| Timber Rattlesnake | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 16. Is the project site located in the 100-year flood plan? | NO | YES |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources? | NO | YES |
| If Yes, | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| a. Will storm water discharges flow to adjacent properties? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| If Yes, briefly describe: | | |
| _____ | | |
| _____ | | |
| 18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? | NO | YES |
| If Yes, explain the purpose and size of the impoundment: | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| _____ | | |
| _____ | | |
| 19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? | NO | YES |
| If Yes, describe: | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| _____ | | |
| _____ | | |
| 20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? | NO | YES |
| If Yes, describe: | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| _____ | | |
| _____ | | |
| I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE | | |
| Applicant/sponsor/name: <u>JOHN D FULLER, PE</u> | Date: <u>07/02/2020</u> | |
| Signature:  | Title: <u>PROFESSIONAL ENGINEER</u> | |



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



| | |
|-----------------------------------------------------------------------------------------------|--------------------|
| Part 1 / Question 7 [Critical Environmental Area] | No |
| Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites] | No |
| Part 1 / Question 12b [Archeological Sites] | Yes |
| Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies] | No |
| Part 1 / Question 15 [Threatened or Endangered Animal] | Yes |
| Part 1 / Question 15 [Threatened or Endangered Animal - Name] | Timber Rattlesnake |
| Part 1 / Question 16 [100 Year Flood Plain] | No |
| Part 1 / Question 20 [Remediation Site] | No |



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- [Owner/Sales](#)
- [Inventory](#)
- [Improvements](#)

[Tax Info](#)

[Report](#)

[Comparables](#)

| | | | | |
|---------------------------------|--------------|-----------------------------------|------------|----------------------------|
| Municipality of Deerpark | | | | |
| SWIS: | 332800 | Tax ID: | 49-1-40.26 | |
| Ownership Information | | | | |
| Name | | Address | | |
| Peenpack Sand & Gravel | | 96 Lybolt Dr Huguenot NY 12746 | | |
| Sale Information | | | | |
| Sale Date | Price | Property Class | Sale Type | Prior Owner |
| 2/8/2002 | \$15,000 | 314 - Rural vac<10 | Land Only | Martell, Home Builders Inc |
| | Value Usable | Arms Length | Deed Book | Deed Page |
| | Yes | Yes | 5791 | 218 |
| Sale Date | Price | Property Class | Sale Type | Prior Owner |
| 2/29/2000 | \$5,900 | 314 - Rural vac<10 | Land Only | Digiantomasso, Family |
| | Value Usable | Arms Length | Deed Book | Deed Page |
| | Yes | Yes | 5282 | 282 |

Photographs

No Photo Available

Pictometry Connect

Documents

No documents found for this parcel

Maps

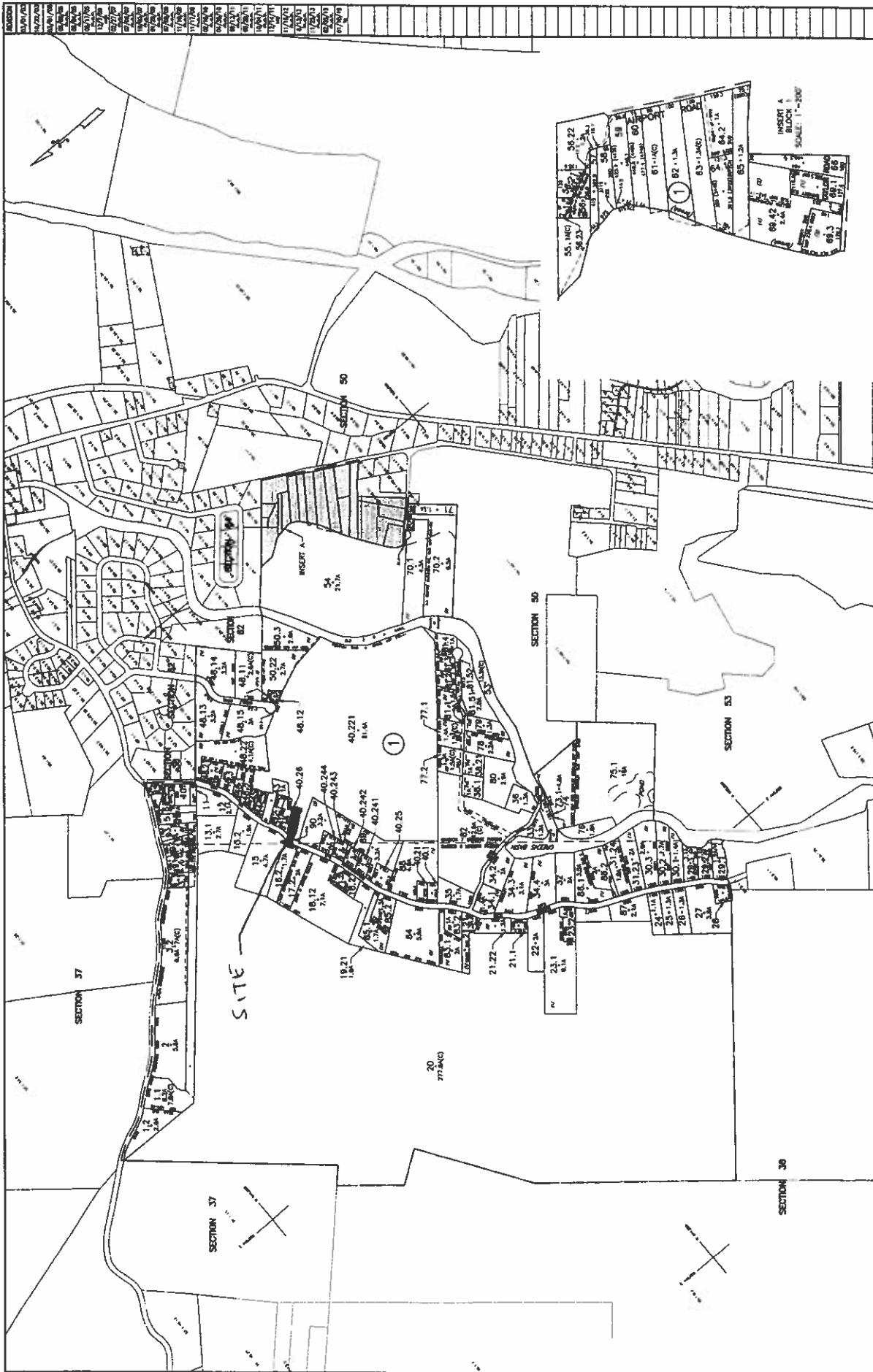
[View Tax Map](#)

[Pin Property on GIS Map](#)

[View in Google Maps](#)

[View in Bing Maps](#)

Map Disclaimer



LEGEND

| | | | | | | |
|-------------------|------|------|-------|-------|--------|--------|
| STATE OF NEW YORK | PLAT | NO. | DATE | FILED | IN | OFFICE |
| ORANGE COUNTY | PLAT | NO. | DATE | FILED | IN | OFFICE |
| TOWN OF DEERPARK | PLAT | NO. | DATE | FILED | IN | OFFICE |
| SECTION | NO. | DATE | FILED | IN | OFFICE | |
| LOT | NO. | DATE | FILED | IN | OFFICE | |
| ACRES | | | | | | |
| FEET | | | | | | |
| POUNDAGE | | | | | | |
| PROPERTY | | | | | | |

ORANGE COUNTY - NEW YORK

OFFICE OF COUNTY CLERK
 100 STATE STREET, ALBANY, N.Y. 12242
 (518) 487-2300
 FAX (518) 487-2301
 WWW.COUNTYCLERK.NY.GOV

TOWN OF DEERPARK

Scale 1" = 200' Section No. 49

ADJOINING JURISDICTIONS

100 90 80 70 60 50 40 30 20 10

John D. Fuller, P.E., P.C.

CIVIL & STRUCTURAL ENGINEERING

July 2, 2020

Mr. Richard Cornell, Zoning Board Chairman
Town of Deerpark
Zoning Board of Appeals
PO Box 621
Huguenot, NY 12746

**RE: Peenpack Sand & Gravel
57 Martin Rd.
Section 49 Block 1 Lot 40.26
Town of Deerpark, NY**

Job No. #2713.001

Dear Mr. Chairman:

Enclosed is an application to the Zoning Board of Appeals, site plan and supplemental materials for the above referenced property. The site is an existing 0.54 acre parcel located in the HM-U zoning district that is vacant. The site is located in a neighborhood with existing single family dwellings that are serviced by private wells and septic systems.

The project site does not meet the zoning requirements of lot area or lot width making it an existing, non-conforming lot. The applicant is requesting an area variance for the side yard setbacks to be 10 feet from the 20 feet minimum as set forth in Section 230-43 of the Town of Deerpark Zoning Law, "Use of Existing, Non-Conforming Lots of Record." The side yard setbacks for this property in the year 2002, when the owner acquired the property, were 10 feet.

Please refer to the attached plans for details. Should you have any questions, please feel free to contact my office.

Sincerely,



John D. Fuller, P.E.

John D. Fuller, P.E., P.C.

CIVIL & STRUCTURAL ENGINEERING

**RE: 57 Martin Rd.
Section 49 Block 1 Lot 40.26
Town of Deerpark, NY**

July 2, 2020

Criteria for Area Variance

- *Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties be created by the granting of the variance(s) you request?*

The subject parcel is located in a neighborhood that has parcels of similar size, depth and width, with existing single family dwellings. The proposed single family dwelling will be similar in character to the existing homes; therefore, there will not be an undesirable change in the character of the neighborhood by the granting of the variances requested.

- *Can the benefit you seek be achieved by some feasible method, other than the variance(s)?*

Granting of the variances is the only feasible method for the proposed development of the lot.

- *Is the requested variance(s) substantial?*

The requested variances are 10 feet from 20 feet side yard minimum. Although the requested variances may seem substantial in number, they are not substantial relative to the surrounding properties and the effect that they will have on the neighborhood which is minimal.

- *Will the proposed variance(s) have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?*

The proposed variances will have no effect or impact on the physical or environmental conditions in the neighborhood.

- *Is the alleged difficulty self-created?*

The alleged difficulty is not self-created. When the applicant purchased the property, the side yard setbacks were 10 feet. The parcel has been in existence since before the current zoning law.