



APPROVED

TOWN OF DEERPARK ZONING BOARD OF APPEALS – JANUARY 5, 2017 -

The Deerpark Zoning Board of Appeals met a Special Meeting on Thursday, January 5, 2017 at 7:00 pm at the Deerpark Town Hall, 420 US Route 209, Huguenot, NY. The following were present:

BOARD MEMBERS PRESENT:

Daniel Witt-Chairman
Cheryl Greene

James Harrington- Vice Chairman
Jane Lord

BOARD MEMBER ABSENT: Lee Cornell

OTHERS PRESENT:

Glen Plotsky, Town Attorney

Meeting brought to order at 7:00 pm.

Pledge of Allegiance

EXECUTIVE SESSION –

Motion to enter Executive Session.

Motion made by James Harrington, 2ND by Jane Lord to close Regular Session and enter into Executive Session and invite Town Counsel, Glen Plotsky.

Vote 4 Ayes: Cheryl Greene, James Harrington, Daniel Witt, Jane Lord.

MOTION CARRIED

Motion to exit Executive Session.

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

Vote 4 Ayes: Cheryl Greene, James Harrington, Daniel Witt, Jane Lord.

MOTION CARRIED

DRAGON SPRINGS – Area Variance – Appeal Number 16-002 – Discussion –
Ashley Torre – Representative for Applicant from Burke, Miele & Golden, LLP
Rick Golden – Representative for Applicant from Burke, Miele & Golden, LLP

• **Internal Fence –**

- Jim Harrington stated that he felt it cannot be seen by anyone.
- Jane Lord asked if there were openings for animals.
- Jim Harrington answered the he was sure there were gate openings.
- Dan Witt stated that there is no concern; it will not be seen by neighbors or passersby on the road.
- Jim Harrington added that it is a substation variance and is self-created.
- Cheryl Greene stated that it cannot be seen.
- Dan Witt further stated that it does not change the character of the neighborhood.
- Jane Lord questioned the actual variance totals.
- Town Attorney answered the permitted maximum for front is 4ft and the variance is 4ft and the back is 6ft so the variance is 2ft.
- Jane Lord replied so a 100% in front and 50% in the back.
- Jim Harrington stated that it was self-inflicted hardship.
- Jane Lord acknowledged that the fence is green and will blend in.
- Glen Plotsky stated that the DEC has not responded to any of the variances.

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DRAGON SPRINGS – Area Variance – Appeal Number 16-002 – Discussion continued –

- External Fence

- Jim Harrington stated that this is a considerable variance and self-created.
- Jane Lord and Cheryl Greene both stated that it affects the neighborhood.
- Chairman Witt understands the need but continued that it would change the character of the neighborhood, but added that if denied the applicant could put up a 6ft fence 1 ½ft from the property line. He further stated that the variance is for 2ft and can see a problem with neighbors looking from Meyers Grove, and acknowledged if an agreement could be reached to have the fence set back farther from the where they would like to currently place it.
- Jane Lord stated she was concerned with the fence crossing over streams, and further stated that someone had said during the public hearing that there is a better potential of people being flown in than walking.
- Jim Harrington stated that it is a self-created hardship and will affect the character of the neighborhood.
- Dan Witt stated that this fence is not up yet they are asking for the variance.
- Jim Harrington stated that with the new technology that it can be achieved by other methods and could be cheaper than a fence. He continued that it was an adverse impact the way it was presented.
- Chairman Witt added that if the applicant could place the fence 100-150ft off the property line.
- Jane Lord stated that with the fence so close to the property line it could decrease property values.
- Cheryl Greene acknowledged that the fence should be aesthetically pleasing.

- Bridge Width

- Jane Lord stated that it does not affect the community.
- Jim Harrington added that it is impossible to tell if the bridge is 12 or 15ft wide by just driving by.
- Dan Witt stated that it is a substantial variance it is 20-30%, 2 in or 2ft 2in. He further stated that it was an improvement from what was there.
- Cheryl Greene acknowledged that the NYS DOT requires a public bridge to be 14ft so this is not far off.
- Jim Harrington stated that he does not believe it is an undesirable affect, and they need a bridge.

- Driveway Grade

- Cheryl Greene expressed a concern with the winter season and the potential for ice which could prevent people from being able to stop at the end of the driveway.
- Jane Lord asked for the percentage of the variance.
- Town Attorney answered 350%.
- Jane Lord stated that was a huge variance.
- Chairman Witt said he understands the circumstances on why the driveway had to be because of the bridge but it needs to be -2%, the argument about the other driveways in the neighborhood however they have been there for a while. The ZBA needs to draw the line and it needs to be -2% there is substantial concrete on there and will have a lot of runoff.
- Cheryl Greene questioned if a compromise could be made for some sort of drain or something but it would need to be cared for.

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DRAGON SPRINGS – Area Variance – Appeal Number 16-002 – continued –

- **Driveway Entrance**

- Chairman Witt stated that there are not enough reports from the applicant to substantiate why they need such a large driveway. He further stated it was argued it was for Fire Trucks but not enough evidence shown to prove.
- Jane Lord stated that with the water runoff the opposite side of the road there is a stone bank, so no where for it to go.
- Cheryl Greene acknowledged that the percentage of the variance is almost 2 times.
- Jim Harrington asked if it was 100%
- Town Attorney answered yes 100%.
- Dan Witt stated that he has driven Galley Hill a number of times and it will have an impact on the neighborhood, it is a quiet country road. He continued with the large amounts of concrete it will change the character of the neighborhood.
- Cheryl Greene asked if there were any engineering reports about how big it needs to be for Fire Departments.
- Chairman Witt stated that the Applicant used one piece of apparatus from Otisville and that's how the driveway width was determined. He continued that the local Fire Department did not respond and there is not enough engineering to determine an answer to that.
- Jim Harrington added that commercial driveways are 50ft and tractor trailers come in and out, 80ft is not needed. He also stated that this is self-imposed and it affects the character.
- Dan Witt asked Town Counselor is he had anything to add.
- Glen Plotsky answered no.

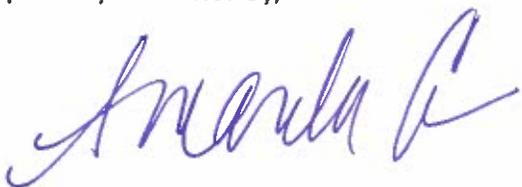
Motion to Adjourn Meeting.

Motion made by James Harrington, 2ND by Jane Lord, to Adjourn January 5, 2017 Special Meeting at 8:02 p.m.

Vote 4 Ayes: Cheryl Greene, James Harrington, Daniel Witt, Jane Lord.

MOTION CARRIED

Respectfully Submitted By,



Amanda Gorr, Zoning Board of Appeals Secretary