

TOWN OF DEERPARK ZONING BOARD OF APPEALS – FEBRUARY 16, 2017 -

The Deerpark Zoning Board of Appeals met for their monthly meeting on Thursday, February 16, 2017 at 7:30 pm at the Deerpark Town Hall, 420 US Route 209, Huguenot, NY. The following were present:

BOARD MEMBERS PRESENT:

Daniel Witt-Chairman
Jane Lord
Cheryl Greene

James Harrington- Vice Chairman
Lee Cornell

OTHERS PRESENT:

Glen Plotsky, Town Attorney
Chanel Rice-O'Neal, Stenographer



APPROVED

Meeting brought to order at 7:33 pm.

Pledge of Allegiance

APPROVAL OF JANUARY 19, 2017 MINUTES-

Motion to Approve January 19, 2017 Minutes.

Motion made by Jane Lord, 2ND by James Harrington to Approve January 19, 2017 Regular Meeting Minutes.

Vote 4 Ayes: James Harrington, Daniel Witt, Lee Cornell, Jane Lord. Cheryl Greene abstained because she was not present at the meeting.

MOTION CARRIED

DRAGON SPRINGS – AREA VARIANCE – APPEAL NUMBER 16-002 – DISCUSSION –

Rick Golden – Representative for Applicant from Burke, Miele & Golden, LLP
Ashley Torre – Representative for Applicant from Burke, Miele & Golden, LLP
Johnathan Lee – Applicant

Town Attorney stated that last month's meeting was adjourned so applicant could consider the request for lesser variances then originally submitted. The Zoning law requires the least amount of variance to allow an applicant to accomplish goals. Town Attorney continued that the lesser variance request had to be submitted by end of day February 2 and then would be made available to the public after which written comment had to be in by February 15 at 5 pm, he added that the last document was an email received at 4:42 pm and then the hard copy was delivered to the Town Hall by UPS.

Town Attorney then introduced Exhibits that have been received before the February 15 deadline:

- Exhibit #37 – Lesser proposal from Dragon Springs, Dated February 1, 2017.
- Exhibit #38 – Email from Susan Erny, Dated February 15, 2017.
- Exhibit #39 – Letter from Frank Ketcham, Dated February 15, 2017.
- Exhibit #40 – Letter from Fusco Engineering, Dated February 15, 2017.
- Exhibit #41 – Email from Ken Porada, Dated February 13, 2017.
- Exhibit #42 – Email from Andrew Willingham, Dated February 14, 2017.
- Exhibit #43 – Email from Fusco Engineering, Dated February 15, 2017.
- Exhibit #44 – Letter from Burton Thelander, Dated February 7, 2017.
- Exhibit #45 – Letter from Anne Prather, Dated February 6, 2017.
- Exhibit #46 – Email from Dusanka Marusic, Dated February 6, 2017.
- Exhibit #47 – Letter from DEC, Dated December 30, 2016.
- Exhibit #48 – Email from Grace Woodard, Dated February 15, 2017.
- Exhibit #49 – Hard copy of letter from Grant & Lyons, Dated February 15, 2017.
- Exhibit #50 – Letter from Fusco Engineering, Dated February 9, 2017 with attached letter from DEC, Dated December 30, 2017.

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DRAGON SPRINGS – AREA VARIANCE – APPEAL NUMBER 16-002 – DISCUSSION –

Town Attorney stated that a copy of the above exhibits will be given to Secretary Gorr and also distributed to the members. He further suggested that no action should be taken at this meeting, he then continued to go through the changes that have been made to the variance application:

Bridge – No change.

Internal Fence – No change.

External Fence – removed from application.

Driveway Width – reduced 50 feet with curb and asking permission to install grass pavers outside the 50ft.

Driveway Slope – two different proposals;

1. -2% grade off the road for the first 20 feet then a +5% to the North Gate which would raise the surface of Galley Hill Road.
2. -2% for the first 19.1 feet then followed by a 10% grade up to the North Gate.

Town Attorney went on to say that the minimum required by Zoning is -2% for the first 25 feet so that is why they need the variance. He further stated it was his recommendation to hold over to the next meeting so members can review and allow the Town Engineer to meet with Applicant's Engineer and determine what is right for the slope. Chairman Witt asked if there were any questions from the Board, no comments, he continued by stated that the engineering for the driveway needs to be looked at closely.

Motion to hold over discussion to March 16, 2017 Meeting at 7:30 PM.

Motion made by James Harrington, 2ND by Jane Lord to hold over discussion for Dragon Springs Buddhist, INC to the March 16, 2017 Meeting.

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

MOTION CARRIED

James Harrington asked for a 10 minutes recess.

Motion to allow for a 10 minute recess.

Motion made by James Harrington, 2ND by Jane Lord to recess meeting for 10 minutes.

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

MOTION CARRIED

WILLIAM ROHNER – 203 US ROUTE 209 – AREA VARIANCES –

Cesare Rotundo – Engineer for Applicant

William Rohner – Applicant

Motion to open Public Hearing.

Motion made by Lee Cornell, 2ND by James Harrington to open Public Hearing for William Rohner.

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

MOTION CARRIED

Secretary could read the Public Notice.

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WILLIAM ROHNER – 203 US ROUTE 209 – AREA VARIANCES – continued –

Mr. Rotundo stated that mailings were sent out and proof was given to Town Attorney, he continued that Mr. Rohner is looking for a variance for Area and Width. Chairman Witt stated that Mr. Rohner purchased the land and created the hardship. Mr. Rohner added that the neighbor passed, there was a trailer on the property that was inhabitable so that was demoed with permits, he continued that when he purchased the property he didn't have any intentions with it. He went on to say that he went to the Building Department and they stated he would need to get a variance. Chairman Witt stated that it is a substantial variance it is a 17% change. Town Attorney asked the lot size of the property, Mr. Rotundo stated 33977 sqft or .78 acres, Town Attorney asked the required lot size for the zone, Mr. Rotundo answered 40,000 sqft. Town Attorney asked the projected front yard setback, Mr. Rotundo stated 70ft; required is 50ft. Town Attorney asked the side setbacks would be, Mr. Rotundo stated 46ft on right; required is 35ft. Town Attorney questioned the rear setback was going to be, Mr. Rotundo answered 100ft; required 35ft. Town Attorney questioned the lot width of the parcel, Mr. Rotundo replied 150ft for the front and 150.75 for the rear; required is 200ft. Town Attorney then asked Mr. Rohner if he owned the adjacent lot he asked yes, Town Attorney also asked if the property is located on Route 209, Mr. Rohner answered yes. Town Attorney asked Mr. Rohner if he was going to contact DOT for the curb cut, Mr. Rohner answered yes he would have to. Town Attorney asked how big the lot was that Mr. Rohner lives on, he replied .5 acres. Jane Lord stated that there a lot of small businesses in the area and she sees no problem with the application. Lee Cornell stated he thought it would be good and bring in tax money. Town Attorney acknowledged that all certified mailings have been sent out and there is no one present from the public for comment. He continued that he suggested putting over the vote until next meeting March 16, 2017 to allow him to draft a resolution to adopt and file.

Motion to Close Public Hearing.

Motion made by Jane Lord, 2ND by James Harrington to close Public Hearing for Mr. Rohner.

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

MOTION CARRIED

Motion to hold vote on Application # 17-001 Rohner Area Variances.

Motion made by James Harrington, 2nd by Jane Lord to hold over application to next month to have Attorney draft resolution.

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

MOTION CARRIED

Motion to Adjourn Meeting.

Motion made by Jane Lord, 2ND by James Harrington, to Adjourn February 16, 2017 Regular Meeting at 8:22 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