

The Deerpark Zoning Board of Appeals met for their monthly meeting on Thursday, January 18, 2018 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  
Lee Cornell  
Cheryl Greene

James Harrington- Vice Chairman  
Jane Lord



**APPROVED**

**OTHERS PRESENT:**

Glen Plotsky, Town Attorney



**APPROVED**

Meeting brought to order at 7:33 pm.

Pledge of Allegiance

APPROVAL OF November 16, 2017 MINUTES-

**Motion to Approve November 16, 2017 Minutes.**

Motion made by Jane Lord, 2<sup>ND</sup> by James Harrington to Approve November 16, 2017 Regular Meeting Minutes.

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

**MOTION CARRIED**

LM PROPERTY HOLDINGS, LLC – PEENPACK TRAIL – WIDTH VARIANCES –

John Fuller-Applicant

**Motion to Open the Public Hearing.**

Motion made by James Harrington, 2<sup>ND</sup> by Daniel Witt to open Public Hearing for LM Property Holdings, LLC

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

**MOTION CARRIED**

Mr. Fuller went over the variance application stating that it is 4 existing lots on Peenpack Trail that had Manufactured Homes on them that Mr. McCune had demoed. He continued that the applicant submitted an application to the Planning Board to reconfigure the lot lines from 4 to 3 and they sent him to the Zoning Board. The parcels meet all zoning requirements except lot width, the minimum is 200 feet. Mr. Fuller further stated that with the way the lots are currently configured they could be built on. John Fuller continued that usually during the Planning Board process of a subdivision the Highway Department asks for a 25ft easement and how it is configured right now a variance for lot area would be required also, 40,000sqft is the minimum and if required each lot will be less than that. Town Attorney acknowledged that it could be made as a conditional Area Variance if the Town requested the 25ft road dedication during the subdivision, if not than the variance will lapse. Jane Lord stated that this will be an improvement with what was there. Lee Cornell stated he was worried about the run off from the mountain. John Fuller stated during the Planning Board and Building Department process that will be taken care of and he added that the driveways will probably require culverts.

No Public Comment.

**Motion to Close the Public Hearing.**

Motion made by Jane Lord, 2<sup>ND</sup> by James Harrington to close Public Hearing for LM Property Holdings, LLC

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

**MOTION CARRIED**

**Zoning Board of Appeals Meeting Minutes January 18, 2018**

LM PROPERTY HOLDINGS, LLC – PEENPACK TRAIL – WIDTH VARIANCES – continued –

Town Attorney asked if the surrounding properties were all about 40,000sqft, John Fuller answered No less. Town Attorney asked if the lot layout is similar to the surrounding neighborhood, John Fuller answered that these parcels are more conforming. Town Attorney questioned if the applicant has tried to purchase extra land from neighbors in order to bring to compliance, John Fuller replied that the applicant has contacted them in writing with no response. Town Attorney asked the Name of the Applicant, John Fuller answered LM Property Holdings, LLC. Town Attorney questioned if this is the minimum variance required, John Fuller replied, Yes.

**Motion to Approve Variance for LM Property Holdings, LLC.**

Motion made James Harrington, 2<sup>ND</sup> by Jane Lord to Approve Lot Width Variance for Lot 1 of 44ft, Lot 2 of 50ft and Lot 3 of 31ft for LM Property Holdings, LLC.

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

**5-0 Vote MOTION CARRIED**

**Motion to grant a conditional Variance for LM Property Holdings, LLC.**

Motion made James Harrington, 2<sup>ND</sup> by Lee Cornell to grant a conditional Lot Area Variance for Lot1 of 8.85%, Lot2 of 8.40% and Lot3 of 2.37% for LM Property Holdings, LLC, contingent of the Town asking for a 25ft road dedication or easement if not than it will comply with Town Zoning Code.

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

**5-0 Vote MOTION CARRIED**

DRAGON SPRINGS – Area Variance – Appeal Number 16-002 – RESOLUTION APPROVAL –

Town Attorney stated that the resolution is prepared and now a vote just needs to be made to accept each variance.

**Variance “A” (Height Variance Perimeter Fence) - is DENIED WITHOUT PREJUDICE To re-apply as Withdrawn.** Which was moved by: James Harrington, 2<sup>nd</sup> by Cheryl Greene with 4 Ayes, with Jane Lord Absent.

**Motion to Adopt Variance A for a Perimeter Fence.**

Motion made James Harrington, 2<sup>ND</sup> by Cheryl Greene to adopt as a memorialization of the Determination rendered on April 20, 2017 as reflected in the minutes filed on or about July 21, 2017 in the Office of the Deerpark Town Clerk on this 18<sup>th</sup> day of January, 2018.

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

**5-0 Vote MOTION CARRIED**

**Variance “B” (Driveway Width Variance to 51ft – is GRANTED CONDITIONED UPON the Applicant being permitted to install permeable driveway pavers adjacent thereto for a distance of 16ft and 17ft on either side of the 51ft Driveway. Approval is FURTHER CONDITIONED UPON Applicant arranging inspections with the Building Department and/or Highway Department upon 24 hours PRIOR to each phase of construction being commenced. Approval to move forward with ANY construction MUST be obtained PRIOR to commencement of work. The Driveway MAY NOT be used until driveway and road work are completed to the satisfaction of Town Officials. The Variance Granted is 1ft or 2%. Which was moved by James Harrington, 2<sup>nd</sup> by Lee Cornell with 3 Ayes, 1 Nay, and Jane Lord Absent.**

**Zoning Board of Appeals Meeting Minutes January 18, 2018**

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

**Motion to Adopt Variance B for Driveway Width.**

Motion made James Harrington, 2<sup>ND</sup> by Cheryl Greene to adopt as a memorialization of the Determination rendered on April 20, 2017 as reflected in the minutes filed on or about July 21, 2017 in the Office of the Deerpark Town Clerk on this 18<sup>th</sup> day of January, 2018.

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

**5-0 Vote MOTION CARRIED**

**Variance “C” (Driveway Grade Variance of -2%, for only 15ft± - is GRANTED CONDITIONED UPON the Applicant providing funds such that the Town can contract, viz appropriate bidding processes, to obtain appropriate engineering services and construction services in order to elevate a portion of Galley Hill Road, in the vicinity of the driveway entrance at the applicant’s expense, to add an additional height of between 1ft and 2ft and where the construction of the road elevation is subject to the direction and conditions imposed by the Town of Deerpark Highway Superintendent. Approval is FURTHER CONDITIONED UPON Contractors arranging inspections with the Building Department and/or Highway Department upon 24 Hours notice PRIOR to each phase of construction being commenced. Approval to move forward with ANY construction MUST be obtained PRIOR to commencement of work. The Driveway MAY NOT be used until driveway and road work are completed to the satisfaction of Town Officials. The Variance Granted is 10ft± or approximately 40%. Which was moved by James Harrington, 2<sup>nd</sup> by Cheryl Greene with 3 Ayes, 1 Nay, and Jane Lord Absent.**

**Motion to Adopt Variance C for Driveway Grade.**

Motion made Jane Lord, 2<sup>ND</sup> by James Harrington to adopt as a memorialization of the Determination rendered on April 20, 2017 as reflected in the minutes filed on or about July 21, 2017 in the Office of the Deerpark Town Clerk on this 18<sup>th</sup> day of January, 2018.

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

**5-0 Vote MOTION CARRIED**

**Variance “D” (Height Variance Interior Fence) – A Variance permitting an Interior Fence between 7½ft and 9ft is GRANTED. Approval is FURTHER CONDITIONED UPON Applicant arranging inspections with the Building Department upon 24 hours notice PRIOR to each phase of construction being commenced. Approval to move forward with ANY construction MUST be obtained PRIOR to commencement of work. The Variance granted will vary between 3.5ft and 5ft or between 25% and 111% depending upon topography. Which was moved by: James Harrington, 2<sup>nd</sup> by Cheryl Greene with 4 Ayes, with Jane Lord Absent.**

**Motion to Adopt Variance D for Interior Fence.**

Motion made Jane Lord, 2<sup>ND</sup> by James Harrington to adopt as a memorialization of the Determination rendered on April 20, 2017 as reflected in the minutes filed on or about July 21, 2017 in the Office of the Deerpark Town Clerk on this 18<sup>th</sup> day of January, 2018.

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

**5-0 Vote MOTION CARRIED**

**Zoning Board of Appeals Meeting Minutes January 18, 2018**

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

**Variance “E” (Bridge Width Variance) – A Variance of between 2in and 2ft 2in from the previously approved width of approximately 13ft is GRANTED. The Bridge MAY NOT be used until driveway and road work are completed to the satisfaction of Town Officials. The Variance is between 1.3% and 15.4%.**

**Motion to Adopt Variance E for Bridge Width.** Which was moved by James Harrington, 2<sup>nd</sup> by Lee Cornell with 4 Ayes, with Jane Lord Absent.

**Motion to Adopt Variance E for Bridge Width.**

Motion made Jane Lord, 2<sup>ND</sup> by James Harrington to adopt as a memorialization of the Determination rendered on April 20, 2017 as reflected in the minutes filed on or about July 21, 2017 in the Office of the Deerpark Town Clerk on this 18<sup>th</sup> day of January, 2018.

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

**5-0 Vote MOTION CARRIED**

Town Attorney stated that he will finalize the resolution forward it to the Secretary, Amanda Gorr and have her and Chairman Witt sign the resolution and file it was the Town Clerk.

**Motion to Adjourn Meeting.**

Motion made by Jane Lord, 2<sup>ND</sup> by James Harrington, to Adjourn January 18, 2018 Regular Meeting at 8:02 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