



APPROVED

TOWN OF DEERPARK ZONING BOARD OF APPEALS – DECEMBER 1, 2016 -

The Deerpark Zoning Board of Appeals met for a special meeting on Thursday, December 1, 2016 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
Lee Cornell

James Harrington- Vice Chairman
Jane Lord

OTHERS PRESENT:

Glen Plotsky, Town Attorney

Meeting brought to order at 7:04 pm.

Pledge of Allegiance

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

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

Johnathan Lee – Applicant

Chairman Witt stated that they were going to go through each of the variances one by one and discuss their concerns.

- Driveway Variance –

-Cheryl Greene stated she is concerned with the +5 grade because of puddling of water and possible ice buildup in the winter.

-Jim Harrington referenced the Willingham Engineering report (Exhibit #32) stating that if the Bridge was built to code then the driveway pitch could be a negative grade.

-Lee Cornell agreed with Cheryl Greene and Jim Harrington's concerns and added that with the +5% driveway grade the potential for ice accumulation and the possibility for accidents because of cars coming down the road and also down the driveway out of Dragon Springs increases.

-Jane Lord also expressed the same concerns especially during the winter.

-Chairman Witt stated he felt they would have Dragon Springs meet the -2% Grade.

-Jim Harrington further added that the applicant stated they tested the driveway last year but there was not much weather last year to attain a true test.

- Driveway Width –

-Chairman Witt stated he felt there had not been enough testing done the applicant claims the width is for emergency vehicles but the Local Fire Department has not responded and added that it is on the burden of the applicant to contact the Local Fire Department. He further added that using only one piece of apparatus is not sufficient enough. If there was a fire, there would be mutual aid from other companies in the area. He continued by saying that if the request for the variance if for the reason for emergency vehicle access it is not good enough.

-Jim Harrington referred to the Willingham Engineering report (Exhibit #32) that a fire truck can use a 50ft driveway entrance which is the maximum allowed.

-Chairman Witt stated that the entrance off of Guymard Turnpike does not have the same precautions as the Galley Hill access and feels that a 50ft entryway is enough.

-Lee Cornell agreed that a larger entrance is not necessary.

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

- Boundary Fence Height

-Jim Harrington stated he sees no creditable reason for an 8ft external fence especially with the internal fence already present.

-Lee Cornell agreed and added that if someone wants in they are going to get inside whether the fence is 6ft or 8ft, and also felt where they want to place it is too close to the waterways.

-Jane Lord stated that there are other means for security.

-Cheryl Greene expressed concern with the wildlife and that the area is prone to flooding and with this fence it could cause more flooding.

-Chairman Witt stated the problem he had was where the applicant wanted to place the fence he feels it is too close to the river and will change the character of the neighborhood.

- Internal Fence Height

-Jim Harrington stated that this fence cannot be seen unless on the property and does not affect the neighborhood, but has problem because it was built without permission.

-Lee Cornell agreed it is out of the eye sight but has a concern with the potential effect on migration of wildlife.

-Jane Lord stated that she understands the need for the fence, and the protection of the buildings and the people inside.

-Jim Harrington further stated that this fence is suitable security.

-Chairman Witt agreed also that there is no problem but issue because it was built without a permit.

-Chairman Witt asked the difference between a driveway and a road, he said because this driveway is more like an access road.

-Glen Plotsky answered a driveway is owned by one person, a road gives access to multiple homes.

-Chairman questioned if this could be considered a road would it be a Planning Board issue.

-Town Attorney stated that ultimately this is a Planning Board application but they had applicant come to Zoning Board to get the variances before they could make a decision on the Application in front of them.

- Width of Bridge

-Chairman Witt stated there was a discrepancy of either 2 feet or 2 inches.

-Jane Lord stated she has no problem with this variance.

-Jim Harrington stated that the Bridge is currently at 15'6" and the permit was issued for 13'4", he also stated that there were stop work orders placed and ignored, along with DEC issues.

-Chairman Witt added that more is better than less.

-Jim Harrington stated that the original bridge was 12 feet, and questioned why they need 15 feet if the Fire Truck issue is what they are using for validation; a fire truck is 8 ½ feet wide.

-Jane Lord stated she sees no problem as long as it lets water flow underneath it.

-Town Attorney believes DEC has lifted any objections.

- Jim Harrington stated the swale is only 1 inch in depth he considers that small.
- Lee Cornell stated it is way over what was asked for on the permit, applicant said it was because of the guide rails, but 13'4" is plenty.
- Cheryl Greene stated that DOT states 11 foot is adequate.

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

- Lee Cornell stated it was wrong in building that size but the driveway and the outer fence are the bigger issues.
- Jim Harrington stated that -2% grade on the driveway is more important issue.
- Town Attorney suggested to have the Zoning Board direct him to draft a Findings of Fact and vote next week.

Motion to direct Town Attorney to draft Finding of Fact.

Motion made by Jane Lord, 2ND by James Harrington to direct Town Attorney; Glen Plotsky to draft a Finding of Fact.

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

MOTION CARRIED

Chairman Witt stated that the Next Meeting is Thursday, December 15 at 7:30 PM.

Motion to Adjourn Meeting.

Motion made by Lee Cornell, 2ND by Jane Lord, to Adjourn December 1, 2016 Special Meeting at 7:31 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