

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

The Deerpark Zoning Board of Appeals met for their monthly meeting on Thursday, March 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
Lee Cornell

James Harrington- Vice Chairman
Cheryl Greene

BOARD MEMBER ABSENT:

Jane Lord

OTHERS PRESENT:

Glen Plotsky, Town Attorney

Meeting brought to order at 7:36 pm.

Pledge of Allegiance

APPROVAL OF FEBRUARY 16, 2017 MINUTES-

Motion to Approve February 16, 2017 Minutes.

Motion made by Lee Cornell, 2ND by James Harrington to Approve February 16, 2017 Regular Meeting Minutes.

Vote 4 Ayes: James Harrington, Daniel Witt, Lee Cornell, Cheryl Greene.

MOTION CARRIED

WILLIAM ROHNER – 207 US ROUTE 209 – AREA VARIANCES –

William Rohner – Applicant

Chairman Witt stated that the property is located in a HMU District on Route 209, and Mr. Rohner plans to use the lot as an automobile repair shop. He continued that it used to have a mobile home which has been gone for more than a year. He further stated that it is an existing non-conforming lot, then Chairman Witt described the variance requests detailed in the resolution. Jim Harrington stated that it was a big variance request and asked how far the nearest house is, Lee Cornell acknowledged the nearest house is 70 feet and the required is 50 feet. Lee Cornell continued that this will bring more business and money into the Town.

Motion to accept the resolution for William Rohner.

Motion made James Harrington, 2ND by Lee Cornell to accept resolution for William Rohner

Vote 4 Ayes: Cheryl Greene, James Harrington, Daniel Witt, Lee Cornell.

MOTION CARRIED

Motion to Approve Variance requests for William Rohner.

Vote 3 Ayes: Cheryl Greene, Daniel Witt, Lee Cornell. **1 Nay:** James Harrington.

3-1 Vote MOTION CARRIED

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EXECUTIVE SESSION –

Motion to enter Executive Session.

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

Vote 4 Ayes: James Harrington, Daniel Witt, Lee Cornell, Cheryl Greene.

MOTION CARRIED

Motion to exit Executive Session.

Motion made by Lee Cornell, 2ND by Cheryl Greene to Re-enter Regular Session.

Vote 4 Ayes: James Harrington, Daniel Witt, Lee Cornell, Cheryl Greene.

MOTION CARRIED

DRAGON SPRINGS – Area Variances – Appeal Number 16-002 – Discussion –

Rick Golden – Representative for Applicant from Burke, Miele & Golden, LLP

Jonathon Lee – Representative for Dragon Springs

Town Attorney stated that the reason for the Executive Session was to discuss how some of the public have been contacting Members of the Zoning Board of Appeals and trying to sway their decision. He further stated that it is up to the Members to determine if they can make a fair judgement, but if too many Members recuse themselves and there is no quorum to vote then the application could be approved without conditions. Town Attorney continued that on June 16, 2016 the Town of Deerpark Zoning Board of Appeals declared themselves Lead Agency for SEQRA purposes. He went on to say that now they can review the Long Form EAF and discuss SEQRA and make any desired changes. He added that the EAF is the original SEQRA Form and now that the variances are less significant, the Environmental Impact will be less, and there could be an approval from New York State DEC for the stream disturbance. Town Attorney then went through the SEQRA form and made changes as needed, included with the Long Form EAF was the EAF Mapper Summary, the channel flow for the North Gate Bridge and a letter from O'Brien & Gere Engineers regarding the potential effects on the wildlife in the area. Town Attorney asked the Members of the Board if the answers given were incorrect other than what he changed, Chairman Witt asked about the increase in trapping, Town Attorney stated that was a Site Plan issue and does not pertain to the variances, Chairman responded that it was included on this SEQRA form. Town Attorney suggested that if determined that the answers are acceptable then a Negative Declaration could be voted on. Cheryl Greene questioned Section E1D about being 1500 feet from a school, Town Attorney replied the Elementary School is beyond the 1500 feet, Jim Harrington asked about their school, Town Attorney stated it was on site and is not included. Lee Cornell asked about rattle snakes, Town Attorney stated that it was not identified on the EAF mapper.

Motion to declare a Negative Declaration for SEQRA Purposes.

Motion made by James Harrington, 2ND by Cheryl Greene to declare a negative declaration for SEQRA purposes.

Vote 4 Ayes: James Harrington, Daniel Witt, Lee Cornell, Cheryl Greene.

MOTION CARRIED

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

Town Attorney stated that with regard to the most recent proposed application for the technical specs to elevate the road, the Board will need more information from the Town Engineer and Highway Department after their review. He then suggested to adjourn for further consideration till next month meeting, Lee Cornell stated that next meeting will be April 20, 2017 at 7:30 PM.

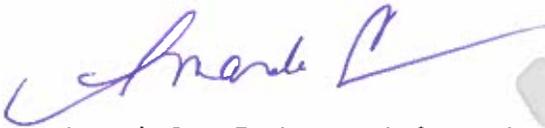
Motion to Adjourn Meeting.

Motion made by James Harrington, 2ND by Lee Cornell, to Adjourn March 16, 2017 Regular Meeting at 8:39 p.m.

Vote 4 Ayes: James Harrington, Daniel Witt, Lee Cornell, Cheryl Greene.

MOTION CARRIED

Respectfully Submitted By,



Amanda Gorr, Zoning Board of Appeals Secretary

DRAFT