

The Deerpark Zoning Board of Appeals met for their monthly meeting on Thursday, February 21, 2019 at 7:30 pm at the Deerpark Town Hall, 420 US Route 209, Huguenot, NY. The following were present:

BOARD MEMBERS PRESENT:

Lee Cornell -Chairman
Jane Lord
Michael Witt

James Harrington- Vice Chairman
Cheryl Greene



APPROVED

OTHERS PRESENT:

Glen Plotsky, Town Attorney

Meeting brought to order at 7:32 pm.

Pledge of Allegiance

APPROVAL OF January 18, 2018 and December 20, 2018 MINUTES-

Motion to Approve January 18, 2018 Minutes.

Motion made by James Harrington, 2ND by Cheryl Greene to Approve January 18, 2018 Regular Meeting Minutes.

Vote 4 Ayes: Cheryl Greene, James Harrington, Lee Cornell, Jane Lord. Michael Witt was not on the Board then.

MOTION CARRIED

Motion to Approve December 20, 2018 Minutes.

Motion made by James Harrington, 2ND by Cheryl Greene to Approve December 20, 2018 Regular Meeting Minutes.

Vote 4 Ayes: Cheryl Greene, James Harrington, Lee Cornell, Jane Lord. Michael Witt was not on the Board then.

MOTION CARRIED

KEVIN & EMILY MESNICK – 59 MANOR LANE – AREA VARIANCE – GARAGE – PUBLIC HEARING –

John Fuller- Representative for Applicant

Motion to Open the Public Hearing.

Motion made by James Harrington, 2ND by Cheryl Greene to open Public Hearing for Kevin and Emily Mesnick.

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

MOTION CARRIED

Secretary read public hearing notice into record. John Fuller gave a presentation explaining that the application, was a parcel on a third of an acre in Deerpark Manor, he added most lots in there are small. He continued that the site plan shows existing and proposed, he further stated that this is a single-family dwelling and the applicants are in need of a garage. Mr. Fuller went on to say that this is consistent with another application that was approved in the Manor for Mr. Rivera. He stated that the Highway Superintendent, Ed Hughson also wrote a letter stating that he could see no problem with the proposed driveway and the existing one be eliminated when the new one is done. Mr. Fuller acknowledged that there was a 25ft drainage easement between the Mesnick's and the adjoining property and the adjoiner had submitted a letter that they are not opposed to the project. Jane Lord asked about flooding in the drainage area or possibility of trees falling down, John Fuller answered that the applicants have lived there for 15 years and there has not been a problem, it is not in the flood plain, but they could talk to the Town about removing trees and reinforcing the bank. Town Attorney acknowledged that the home owners have made the application and it is at their risk. Jim Harrington stated that the set back was too little and would like more. Jane Lord asked if a single car garage and a cantilever could be built instead, John Fuller replied the applicant want a 2-car garage to get their vehicles out of the weather, this is the minimum for 2 cars. Town Attorney suggested that if there is no public comment that the public hearing could be closed and a vote could be made or it can be closed and the vote could wait till next meeting, he added the Board has 62 days to act on the application.

Zoning Board of Appeals Meeting Minutes February 21, 2019 continued:

KEVIN & EMILY MESNICK – 59 MANOR LANE – AREA VARIANCE – GARAGE – PUBLIC HEARING – continued -

Public Comment:

No Public Comment.

Motion to Close the Public Hearing.

Motion made by Lee Cornell, 2ND by Jane Lord to close Public Hearing for Mesnick.

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

MOTION CARRIED

Jane Lord questioned if they could put the vote on hold to look at the property, Chairman Cornell stated that he has looked at it, Jane Lord and Jim Harrington acknowledged they have also looked at the property. Michael Witt asked if it could be put on record that the Town is not liable if something does happen, John Fuller stated that it is assumed the liability is on the applicant.

Motion to Approve Variance for Kevin & Emily Mesnick.

Motion made Cheryl Greene, 2ND by Michael Witt to Approve Side yard Variance for 31.8ft for Kevin and Emily Mesnick.

Vote 3 Ayes: Cheryl Greene, Lee Cornell, Michael Witt. **2 Nays:** James Harrington, Jane Lord.

3-2 Vote MOTION CARRIED

HAROLD SCHMIDT – 139 BERME RD – AREA VARIANCE –

John Fuller-Representative for Applicant

Mr. Fuller explained that 2 years ago in 2017, Mr. Schmidt went before the Planning Board and was sent to the ZBA, this is the old Alexander Motel its been vacant for about 10 years now. He went on to say that it was a 16 unit building and he would like to convert it to 4 apartments. He continued that there was a public hearing scheduled and the Town Board put a moratorium on multi-family units so the application could not go any further, now the moratorium is over and he would like a public hearing to be rescheduled. He further stated that since the building has not been used in over 10 years all setbacks that were grandfathered in have expired, he added that the building is structurally sound and the variance would be for the size of the lot. Jane Lord recalled there was an issue with the septic or the well, John Fuller acknowledged that property has a well, the septic was historically pumped across the street onto a separate parcel that is not owned by the Applicant; the lots were sold separately. He continued that they can get the well and septic separation, Chairman asked where it would be, John Fuller answered under the parking lot. Chairman Cornell questioned how it will be serviced if it is under the parking lot, Mr. Fuller answered there would be risers with man hole lids to pump out if necessary. Town Attorney questioned how many bedrooms each unit would have, John Fuller answered 2 bedrooms; each apartment will be about 1000 sqft each. Jane Lord asked if this would be Section 8 housing, she added that the Town needs more affordable housing.

Motion to schedule a Public Hearing.

Motion made by Jane Lord, 2ND by Cheryl Greene to schedule a Public Hearing for Harold Schmidt for April 18, 2019 at 7:30 PM.

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

MOTION CARRIED

Town Attorney acknowledged because of the proximity to State Route 97 a GML-239 needed to be done.

Motion to circulate the GML-239 Review.

Motion made by Cheryl Greene, 2ND by Jane Lord to circulate for the GML-239 review.

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

MOTION CARRIED

Zoning Board of Appeals Meeting Minutes February 21, 2019 continued:

DAVID WILDEMAN – 20 GRANGE ROAD – AREA VARIANCE – FENCE –

David Wildeman-Applicant

Mr. Wildeman explained that this application is for an 8ft fence around fruit trees and a garden on his property, it is to stop the deer from eating the trees, he added that the DEC told him that deer can jump a 6 ft one. He further explained that any of the fruit produced goes to his family, his church and any leftover to the food pantry. Cheryl Greene asked if the fence would go around the whole property, Mr. Wildeman answered no just the trees and the garden. Chairman asked if a 239 review needs to be done, Town Attorney answered yes because of its proximity to US Route 209. Town Attorney gave Mr. Wildeman back his application to fill out some missing information and instructed him to come down to the Building Department to get the information. Town Attorney also added that a better drawing would be needed showing where the fence would be placed on the property.

Motion to schedule a Public Hearing.

Motion made by Cheryl Greene, 2ND by Jane Lord to schedule a Public Hearing for David Wildeman for April 18, 2019 at 7:30 PM.

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

MOTION CARRIED

Motion to circulate the GML-239 Review.

Motion made by Lee Cornell, 2ND by Jane Lord to circulate for the GML-239 review.

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

MOTION CARRIED

Town Attorney acknowledged that for the public hearing that the applicant needs to get in contact with the Assessor's Office to get an adjoining list.

DEREK & SABAH KILFEDDER – 86 HARTWOOD CLUB RD – AREA VARIANCE – GARAGE –

Jeff Quinn-Representative for Applicant

Mr. Quinn explained that this is for a proposed garage, he continued that the existing shed and deck will be removed, he added that the proposed garage will encroach on the side yard set back by 14ft. Chairman stated that this property is close to the Sullivan County Line, and a 239 review would need to be done. Town Attorney gave Mr. Quinn back his application to fill out some missing information and instructed him to come down to the Building Department to get the information.

Motion to schedule a Public Hearing.

Motion made by Michael Witt, 2ND by Jane Lord to schedule a Public Hearing for Derek & Sabah Kilfedder for April 18, 2019 at 7:30 PM.

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

MOTION CARRIED

Motion to circulate the GML-239 Review.

Motion made by Lee Cornell, 2ND by Jane Lord to circulate for the GML-239 review.

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

MOTION CARRIED

Town Attorney acknowledged that for the public hearing that the applicant needs to get in contact with the Assessor's Office to get an adjoining list. He added that at the hearing, proof needs to be provided why it is more beneficial to the applicant than detrimental to the surroundings.

Zoning Board of Appeals Meeting Minutes February 21, 2019 continued:

Motion to Adjourn Meeting.

Motion made by Jane Lord, 2ND by Cheryl Greene, to Adjourn February 21, 2019 Regular Meeting at 8:34 p.m.

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

MOTION CARRIED

Respectfully Submitted By,

A handwritten signature in blue ink that reads "Amanda Gorr". The signature is written in a cursive style with a long, sweeping underline.

Amanda Gorr, Zoning Board of Appeals Secretary