

The Deerpark Zoning Board of Appeals met for their monthly meeting on Thursday, May 16, 2019 at 7:30 pm at the Deerpark Town Hall, 420 US Route 209, Huguenot, NY. The following were present:

BOARD MEMBERS PRESENT:

Cheryl Greene
Robert Zeller

Michael Witt



BOARD MEMBERS ABSENT: Lee Cornell -Chairman, Jane Lord

OTHERS PRESENT:

Glen Plotsky, Town Attorney

Meeting brought to order at 7:30 pm.

Pledge of Allegiance

APPROVAL OF FEBRUARY 21, 2019 AND APRIL 18, 2019 MINUTES-

Motion to table minutes.

Motion made by Robert Zeller, 2ND by Cheryl Greene to table minutes until next meeting, June 20, 2019.

Vote 3 Ayes: Cheryl Greene, Robert Zeller, Michael Witt.

MOTION CARRIED

Motion to go into executive session.

Motion made by Cheryl Greene, 2ND by Robert Zeller to close regular meeting and enter into executive session.

Vote 3 Ayes: Cheryl Greene, Robert Zeller, Michael Witt.

MOTION CARRIED

Motion to close executive session.

Motion made by Robert Zeller, 2ND by Cheryl Greene to close executive session and return to the regular meeting.

Vote 3 Ayes: Cheryl Greene, Robert Zeller, Michael Witt.

MOTION CARRIED

LITTLE POND SOLAR - 181 WHITEHEAD RD – FENCE - HEIGHT VARIANCE – PUBLIC HEARING –

Kevin Kohlstedt-Representative from Cypress Creek Renewables

Anne Waling-Representative for Cypress Creek Renewables

Motion to Open the Public Hearing.

Motion made by Cheryl Greene, 2ND by Robert Zeller to open Public Hearing for Little Pond Solar.

Vote 3 Ayes: Cheryl Greene, Robert Zeller, Michael Witt.

MOTION CARRIED

Secretary read public hearing notice into record. Mr. Kohlstedt gave a brief presentation stating that this is a 20MW solar project that is before the Planning Board there is proposed a fence that will surround the proposed array. A 7ft fence is required by the National Electric Code which will be 6ft chain link with 3 strands of barb wire. He added that it is typical of a substation and is what the Orange and Rockland station has around theirs here in the Town. There will be a fence around the array and around substation and then one to enclose the whole project.

Public Comment:

Dave Dean-Mr. Dean asked that visibility of the fence.

Kevin Kohlstedt-Mr. Kohlstedt answered that the fence will be 500ft from the property line and most of the vegetation will remain.

Anthony Risi- Mr. Risi questioned where Whitehead Rd was in comparison to this. Mr. Kohlstedt showed him on the map.

Motion to Close the Public Hearing.

Motion made by Cheryl Greene, 2ND by Robert Zeller to close Public Hearing for Little Pond Solar.

Vote 3 Ayes: Cheryl Greene, Robert Zeller, Michael Witt.

MOTION CARRIED

Zoning Board of Appeals Meeting Minutes May 16, 2019 continued:

LITTLE POND SOLAR - 181 WHITEHEAD RD – FENCE - HEIGHT VARIANCE – PUBLIC HEARING – continued –

Town Attorney acknowledged that they have answered the 7 criteria in their submittal and he felt there was sufficient information to deliberate. The applicant had two options, they could defer and waive the 62 days or it can be acted upon. Town Attorney explained that the Zoning Board is a 5-member board and there is 3 members present for a quorum but if one person voted Nay then the application would be denied. He added they could come back next month and waive the 62 days or they can take the chance and ask for an approval. Mr. Kohlstedt asked if the Board believes they should delay approval, Cheryl Greene replied that the decision is up to the Applicant, Bob Zeller agreed and added that they have submitted all the appropriate paperwork and there was no negative comment from the public. Applicant stated they would ask for approval tonight, Town Attorney added that the determination would be subject to the Environmental Review by the Planning Board.

Motion to act on application.

Motion made by Robert Zeller, 2ND by Cheryl Greene to approve area variance for Little Pond Solar for a 7ft fence contingent on Environmental Review by The Town of Deerpark Planning Board.

Vote 3 Ayes: Cheryl Greene, Robert Zeller, Michael Witt.

MOTION CARRIED

HAROLD SCHMIDT – 139 BERME RD – AREA VARIANCE – PUBLIC HEARING –

John Fuller- Representative for Applicant

Harold Schmidt-Applicant

Mr. Fuller explained that last month there was a public hearing, at that time they addressed the area variance requirements and asked if there were any more questions. Town Attorney explained again that the Zoning Board is a 5-member board and there is 3 members present for a quorum but if one person voted Nay then the application would be denied. He added they could come back next month and waive the 62 days or they can take the chance and ask for an approval. Mr. Fuller stated they would like to ask for approval, Town Attorney added that the determination would be subject to the Environmental Review by the Planning Board.

Motion to act on application.

Motion made by Robert Zeller, 2ND by Cheryl Greene to approve area variance for Harold Schmidt for various variances contingent on Environmental Review by The Town of Deerpark Planning Board.

Vote 3 Ayes: Cheryl Greene, Robert Zeller, Michael Witt.

MOTION CARRIED

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

Town Attorney explained that the public hearing was left open so Mr. Wildeman could explore other options, he suggested that the public hearing be closed and to hold off on deliberations. He added that the Board direct the Secretary to send a letter to Mr. Wildeman asking him to show up at the next meeting to address his intentions or withdraw the application.

Motion to Close the Public Hearing.

Motion made by Cheryl Greene, 2ND by Robert Zeller to close Public Hearing for David Wildeman.

Vote 3 Ayes: Cheryl Greene, Robert Zeller, Michael Witt.

MOTION CARRIED

Motion to hold deliberations.

Motion made by Cheryl Greene, 2ND by Robert Zeller to close hold off deliberations and direct Secretary to send letter to Applicant regarding intentions.

Vote 3 Ayes: Cheryl Greene, Robert Zeller, Michael Witt.

MOTION CARRIED

Zoning Board of Appeals Meeting Minutes May 16, 2019 continued:

DEREK AND SABAH KILFEDDER – 86 HARTWOOD CLUB RD – AREA VARIANCE – GARAGE – PUBLIC HEARING –

Jeff Quinn- Contractor for Applicant

Derek Kilfedder-Applicant

Mr. Quinn explained that this was a 24x25; 2 car detached garage that was before the Board last month for a public hearing, there is 14ft on the one side for a setback. Mr. Kilfedder stated that the garage is to replace a shed on the property and there will also be a deck that will be removed. Bob Zeller asked about the 4ft walkway and if it could become attached. Town Attorney stated that because there is a bedroom on that side there has to be an egress window that's why they cannot attach it. Mike Witt asked if there was to be any living space in the garage, Mr. Quinn answered no 2-car garage with storage above. Bob Zeller questioned if the applicant considered a 1 car garage instead, Mr. Kilfedder answered that there would still be a variance, it would be lesser but they have 2 cars and would like to get them out of the weather especially in the winter and allow for storage too. Town Attorney stated that the same goes for making a decision that he explained to the previous applicants, Mr. Kilfedder stated he will take the chance.

Motion to act on application.

Motion made by Cheryl Greene, 2ND by Robert Zeller to approve area variance for Derek and Sabah Kilfedder for a side yard setback variance.

Vote 3 Ayes: Cheryl Greene, Robert Zeller, Michael Witt.

MOTION CARRIED

Motion to Adjourn Meeting.

Motion made by Michael Witt, 2ND by Cheryl Greene, to Adjourn May 16, 2019 Regular Meeting at 8:34 p.m.

Vote 3 Ayes: Cheryl Greene, Robert Zeller, Michael Witt.

MOTION CARRIED

Respectfully Submitted By,



Amanda Gorr, Zoning Board of Appeals Secretary