

The Deerpark Zoning Board of Appeals met for their monthly meeting on Thursday, September 17, 2009 at 7:30 p.m. at Deerpark Town Hall, 420 Route 209, Huguenot, N.Y. The following were present:

MEMBERS

Martin Smith, Chairman
Gerald Cedrone
Charlotte Russman
Jane Lord
Frank Bigger

OTHERS

Mr. William Onofry, Town Attorney
Mrs. Melissa Hughes, Adjoiner
Mr. Bill Zernhelt, Applicant

APPROVAL OF MINUTES

Frank Bigger made a motion to waive the approval of the last meeting minutes. Jane Lord second. Roll call vote: Cedrone, aye; Lord, aye; Bigger, aye, Russman, aye; Smith, aye. Motion carried.

WILLIAM & DEBBIE ZERNHELDT – PUBLIC HEARING

Represented by William Zernhelt 856-6025
Owner/ Applicants Mr. & Mrs. Zernhelt wish to purchase part of the lot next to theirs, and then consolidate it with their lot, which is located on Yetter Lane, Sparrowbush, N.Y..
It is an HMU Zone. Section – Block – Lot = 45-1- 32 & 33.1
Application received August 3, 2009

SEE ATTACHED PUBLIC HEARING RECORD

The Board agreed that the two lots are both pre-existing and non-conforming, and nothing will change that. They agreed that the neighbors are agreeable, and a variance will help the situation. They agreed that the parking situation would be made better, which would cause a desirable change to the neighborhood. They agreed that the request is not substantial and will have zero effect on the physical and environmental environment. The Board agreed that the hardship was not self-created.

MOTION

Frank Bigger made a motion to approve the Zernhelt variance. Charlotte Russman second. Roll call vote: Cedrone, aye; Lord, aye; Bigger, aye, Russman, aye; Smith, aye. Motion carried.

ADJOURNMENT

Gerald Cedrone made a motion to adjourn. Jane Lord second. Roll call vote: Cedrone, aye; Russman, aye; Lord, aye; Bigger, aye, Smith, aye. Motion carried.

Meeting adjourned at 8:05 p.m.

Respectfully submitted,

Barbara Brollier, Secretary

PUBLIC HEARING MINUTES - ZERNHELDT

The Deerpark Zoning Board of Appeals met for a public hearing on Thursday, September 17, 2009 at 7:30 p.m. at Deerpark Town Hall, 420 Route 209, Huguenot, N.Y. The following were present:

MEMBERS

Martin Smith, Chairman
Gerald Cedrone
Jane Lord
Charlotte Russman
Frank Bigger

OTHERS

Mr. Glen Plotsky, Town Attorney
Mrs. Melissa Hughes, Adjoiner

Mr. William Zernhelt, Applicant
Mr. Bob James, Adjoiner

The secretary read the public hearing notice: "Notice is hereby given of a public hearing to be held by the Town of Deerpark, Orange County, New York, pursuant to Article 8 of the Town of Deerpark Zoning Law on the application of William & Debra Zernhelt for an area variance for a lot line.

The application effects the following premises: Record Owner: William & Debra Zernhelt; Tax Map Designation: Section 45; Block 1, Lots 32 & 33.1; Zone Designation HMU. Located on Yetter Lane, Sparrowbush, Town of Deerpark, Orange County, New York. Information on this application is on file with the Town Clerk, Town Hall, Route 209, Huguenot, New York. The Hearing shall take place at 7:30 o'clock P.M. on the 17th day of September, 2009, at Deerpark Town Hall, located on Route 209 Town of Deerpark, Orange County, New York, or as soon thereafter as practicable. All parties wishing to be heard shall be heard at that time."

Martin Smith: Would the applicant come forward and present his case.

William Zernhelt: Right now we're in the process of purchasing a piece of property, right next door to my lot. It is the Crawford property on Yetter Lane, and we live adjacent to that, on the end of Yetter Lane. The purpose of this meeting, is I was told by the building official to come before you, so that it can be heard on, if this goes through, this first piece of property, would extend our property over 60 feet, to allow us extra space on our property, because it's so narrow, it would enhance it, and allow us to have official parking, since there are four cars in our family, and a possibility of an addition in the future. The majority of it is to have official parking. As you can see by the map, here is the lot division line, and it will extend 60' from our property line, onto my neighbors' property. This property is here, and the estate is putting the property up for sale, and we would like to combine this property to ours, to have and to hold onto and to make our lot a little bit bigger. The main reason is to get some parking down there.

Martin Smith: Okay, you need to address those points that we told you about at the last meeting. You need to address those, one by one.

William Zernhelt: I have item C, and 1, 2, 3, 4, 5, 6, and 7. Okay. It doesn't really affect any health and safety, or it is not an interference to the neighborhood and the community. It's just that the two lots are non-conforming lots, it's two non-conforming lots, whether the lot line is adjusted over to 60' or not. In effect, the health of the community is not affected in any manner, and the safety, it's actually going to enhance the ability to drive down Yetter Lane a little bit better, instead of being so crowded at the end. Item 2, it's not really going to change the character of the neighborhood. We're at the end of the street and there are neighbors across the street from us. The people that park on the street right now, it does make it somewhat difficult to navigate down that street, because it's not really a wide street, it's very narrow. Is the variance substantial, I think it's substantial, the Board might think differently. There's really no other feasible way to add property onto our lot. The firehouse has purchased the 8 acres to the left of our property, they use it quite extensively for functions and so forth. They placed a gate at the end of Yetter Lane, which is only for their access. In the winter, the plow trucks come down and stop right at my driveway, and since the gate is closed, they pile the snow there, because there's no place to go with it. So, they have to open it up, and push it onto the firemans' property. It won't really have any adverse effect, either physically or environmentally, because it will not be any detriment to the neighborhood at all. It's just adding a little more land to our site. The Crawford house will still have a decent size lot, which will end up being 13s' long with road frontage, which it will not affect their parking, and their septic system is on the extreme right hand side of that log, and the well is located inside of that house. So, it's not really going to cause any environmental issues. And there is no self-created difficulty created on this application. That's pretty much it, it's relatively simple, it's not a complicated request.

Martin Smith: It's probably not our realm, but you might want to give some thought to the well and the septic though. What happens if either one of them fails, and they have to be replaced.

William Zernhelt: Well, there's still ample room on the right hand side of the property.

Martin Smith: Would you get the proper distance between them?

William Zernhelt: I would say so, yes. You need 100' separation from the well to the septic, and there will be 132' and there's ample room to do that.

William Onofry: Mr. Chairman, are you in possession of a letter from the Building Inspector.

Martin Smith: Yes, that's what prompted me to bring up this question. Okay, does anyone else have anything, before I go into this letter.

Gerald Cedrone: I went down to look at this property, and I had a difficult time turning around at the end.

Jane Lord: Yeah, we just drove into the field and then turned back around.

Martin Smith: Okay, we have some correspondence from the Building Inspector which I'll read into the record. It's addressed to the Zoning Board of Appeals of the Town of Deerpark, in reference to a lot line change..."Mr. and Mrs. Zernhelt would like to purchase 60' of lot 45-1-32 on Yetter Lane. Owner of the property is Patricia Crawford. This lot is a pre-existing, non-conforming lot. Files in the Building Department shows a spring for water in the basement. Also, septic system is on the right side of the home with no information on the in ground septic system. Should a new septic system and well need to be done, Mrs. Crawford could meet all the required setbacks for both systems. The required setback is 100' between a well and septic. Regards, Robert Emerson, Building Inspector."

Jane Lord: Do you want to purchase the house?

William Zernhelt: Yes, the land... we're going to divide the land legally with a survey and so forth, and we'll have a 60' "L" on one side, and still have the Crawford house also, on a separate lot.

William Onofry: Mr. Zernhelt, do you intend to retain ownership in that adjacent parcel, or do you intend to have that title taken in another name?

William Zernhelt: My daughter.

William Onofry: So, it wouldn't actually be you and your wife owning both parcels.

William Zernhelt: Correct. My daughter is here tonight.

Gerald Cedrone: I'm just curious, you said that that 60' section will be...

William Zernhelt: It'll be physically placed on our property, on lot 33.1. My daughter has some interest, you know, we're going to purchase this property, with the intent that she will take it over, yes.

Jane Lord: So, in a moment in time, you're going to have the deed to both of these properties.

William Zernhelt: Possibly yes, it depends on how things work out. It's going to stay in our family, I have no intentions of selling it to anyone else.

William Onofry: Is it the intention for your daughter to take title directly, and for you not to actually hold title ever, on the property?

William Zernhelt: Well, I assume I'll have to hold title to the lot, until the situation is taken care of.

William Onofry: It will all depend on the timing, and technically the estate of Crawford could hold title until the subdivision occurs, or title could be taken. Whatever the determination of the Board is, the determination runs with the land. So, if your daughter were to purchase the property outright, then technically your daughter could then convey the land over to you. But like you said, it would still be in the family. It wouldn't necessarily be you owning the both parcels.

Frank Bigger: On the application, he has “for future expansion.” I don’t know if we should look at that now, if there were to be a change, if we look at that now, or do we give you permission now?

Martin Smith: They would have to come back for another variance, if there weren’t enough side yard, or something. Is that what you had in mind when you wrote that in, future...

William Zernhelt: Yeah, my wife has a dream of putting a screened in porch on the side there. That’s all that is. It’s 14’ from the corner, to the edge of that expansion.

Frank Bigger: Should we remove that from the application then?

William Onofry: I believe that the Board should only consider the present circumstances, and not consider any future expansion. And that if Mr. Zernhelt decides in any point in time that he wants to add onto the house, he would have to first see the Building Inspector, and if it did not comply, he would then have to come back before the ZBA, for any variances that are necessary. I don’t think the Board necessarily has to concern itself with the unknown, because like you said, things could change.

Frank Bigger: I has nothing to do with your application now.

William Zernhelt: No, I understand, it’s just that I’m trying to bring everything up front now, and am trying to show you, our intentions. If you did look at the lot, it is relatively narrow. It’s a little bit wider than this room here. It’s long, but it’s not wide. You’re restricted as to what you can really do with it. Now, I have to get permission from the fire company to bring a truck onto the property to go around, but with this variance, I would go right through the property. When my septic went three years ago, because the house was built in the 1940’s, and when the septic failed, I had to get permission from the firehouse to bring an excavator in, climb over the stone wall, and get to my septic field. I do work pretty well with the firemen, they’ve been good to me. But it’s somewhat of a nuisance, because I have to go and ask, anytime I want to do something, I have to get permission first, because it wouldn’t be right to just go on their property like that.

Frank Bigger: Well, when Pat was alive, she was a member of the fire department.

William Zernhelt: Is that right, I didn’t know that. Oh yes, the ladies auxiliary, that’s right.

Martin Smith: Okay, are there any comments from the public? Okay, come up please.

Bob James: My name is Bob James and this is Patty Shea, my wife. We own 47 Main Street and we got the notice, and we just wanted to see.

There is a brief discussion between these adjoiners and the Board, which is inaudible, as they look over the map.

Bob James: Okay, thank you.

Martin Smith: Okay, anyone else? Okay.

Melissa Hughes: My name is Melissa Hughes, I live right across the street at 37 Yetter Lane. It’s been my property for about 10 years now. I’ve had the pleasure of living across the street from the Zernhelts’ all of that time, and we’ve also had the pleasure of sharing parking spaces. My driveway has 2 vehicles, so I’m good in my driveway. But when the firehouse built that gate at the end of the road, it made it impossible for the Zernhelts’ to back out of their property, because the gate is right there. So, most of the time it is open, and the firemen do use it, they go back and forth to tend to their garden, and other stuff. The main thing is, that the post office refuses to deliver mail on our road. And the reason they give is that there’s no where to turn around, at the end of the street. And in the winter, it’s virtually impossible. So my side yard, which sits on the left hand side of my house, is used as a back up space, for people who want to get in and out. So, what he is proposing, is going to solve so many problems for our town, for the snow plows, and for us in the immediate area. When we have say, three people over for dinner, and at the same time, they have three people over for dinner, and we have problems. We need

a valet to shuffle the cars around. We've worked it out over the last few years, but when this came about as an option, I just wanted to come in and say that as far as the neighbors are concerned, we very much support this. And, like I said, with the snow plows, everybody's cars get plowed in, that are on the road, and we have to dig those out first. So, if it were at all possible, we would certainly appreciate that happening for us, to make our little corner of the world simpler.

Martin Smith: Okay, thank you. Anyone else? No?

Frank Bigger: I make a motion to close the public hearing.

Jane Lord: Second.

Martin Smith: All in favor?

Charlotte Russman: Aye.

Gerald Cedrone: Aye.

Jane Lord: Aye.

Frank Bigger: Aye.

Martin Smith: Aye.

Motion carried.

Public hearing closed at 7:59 p.m.

Respectfully submitted,

Barbara Brollier, secretary