

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

MEMBERS

Martin D. Smith, Jr., Chairman
Charlotte Russman * arrived at 7:40 p.m.

Frank Bigger
Jane Lord

OTHERS

Mr. Glen Plotsky, Town Attorney
Mr. Ronald Babcock, Applicant
Mr. John Fuller, P.E.

APPROVAL OF MINUTES

Frank Bigger made a motion to approve the minutes from the September 17, 2009 meeting. Jane Lord second. Roll call vote: Lord, aye; Bigger, aye, Smith, aye. Motion carried.

RONALD BABCOCK - INITIAL MEETING

Represented by himself and Mr. John Fuller, P.E.
Owner/ Applicant Ronald Babcock is seeking a variance to re-construct the Hawks Nest Restaurant, on property located at 593 Route 97, Sparrowbush, N.Y.
It is in the Recreational River Corridor (RRC) Zone.
Section – Block – Lot = 33 – 1 – 2.3
Application received December 4, 2009

The Board went over the application with Mr. Babcock

The Board determined that Mr. Babcock is seeking a special use permit and an interpretation.

The Board instructed the applicant to date the application December 3, 2009.

The Board instructed the applicant to get the soil classification from the Building Inspectors' office.

Mr. Plotsky asked how long ago the original Hawks Nest Restaurant was destroyed by a fire.

Mr. Babcock answered four or five years ago.

Mr. Fuller read from the Town Zoning Law, Page 71, Section 6.3.1 "If less than 75% of the floor area of any non-conforming use, building or structure is damaged, it may be restored or reconstructed by building permit issued with 12 months of the date of the damage. If more than 75% is affected, then the replacement or reconstruction shall be permitted by special use permit. Single-family dwelling shall be exempt from this requirement provided a building permit is obtained."

Mr. Plotsky then read from the Town Zoning Law, Page 71, Section 6.3.2 "A non-conforming use, building or structure may be re-established within a period of 12 months after it has been discontinued or vacated, with an extension of 6 months allowable where proven necessary to the Building Inspector.

Mr. Plotsky then read from the Town Zoning Law, Page 71, Section 6.3.3 "A non-conforming use, building or structure shall be considered abandoned under any one of the following circumstances:

(b) The building has not been occupied for 12 months or more."

Mr. Plotsky expressed his opinion that the applicant either needs an interpretation or a use variance, and he can leave himself open for either option. He said that he will research these options, and get back to Mr. Fuller, so that he can prepare for the public hearing.

MOTION

Jane Lord made a motion to schedule a public hearing for the Babcock application for Thursday, January 21, 2010. Bigger second. Roll call vote: Russman, aye; Lord, aye; Bigger, aye; Smith, aye.

ADJOURNMENT

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

Meeting adjourned at 7:50 p.m.

Respectfully submitted,

Barbara Brollier, Secretary