

The Deerpark Zoning Board of Appeals met for their monthly meeting on Thursday, February 21, 2008 at 7:30 p.m. at Deerpark Town Building #2, Route 209, Huguenot, N.Y. The following members were present:

ZBA MEMBERS

Martin D. Smith, Jr.-Chairman
Gerald Cedrone
Jane Lord

Jane Lord
Charlotte Russman

OTHERS

Mr. Glen A. Plotsky, Town Attorney
Mr. Gary Flieger, Town Supervisor
Mr. Bernard Kozykowski, Architect
Mr. William A. Onofry, Esq.

APPROVAL OF MINUTES

Gerald Cedrone made a motion to approve the minutes from the December 20, 2007 meeting. Frank Bigger second. Roll call vote: Cedrone, aye; Lord, aye; Smith, aye, Bigger, aye, Russman, aye. Motion carried.

CAROL MEDORA

Represented by Bernard Kozykowski 557-3475
Owner/ Applicant Carol Medora is seeking a variance for property located on Route 209, Westbrookville, N.Y.
It is an HMU Zone. Section - Block - Lot = 9 - 1 - 6
Application submitted October 9, 2007

Martin Smith expressed his concern about the shape of the lots, odd ball shaped, and there's very little frontage, etc. He said that there is quite a bit of acreage in Sullivan County, where someday, someone may want to do something with, such as logging, and all those logs will have to be taken down that driveway past the other proposed homes and onto Route 209. He also said that he does not want to create a landlocked piece.

Gerald Cedrone expressed his concern about the cars access onto Route 209 at the curve.

Frank Bigger expressed his concern by saying that the proposed driveway now is closer to the curve on Route 209, than the first proposal. He also said that if NYSDOT puts up a sign, "no left turn" onto Route 209, then who will enforce it?

Charlotte Russman expressed her concern about construction and tree removal on the property and those vehicles coming down onto Route 209. She also said that if the land in Sullivan County becomes proposed to development, how would the Town of Deerpark know about that?

Mr. Plotsky said that because Sullivan County is within a limited distance from the property line, the Town of Deerpark Town Board would be notified by the Town of Mamakating Planning Board, if they ever scheduled a public hearing for the development of the land in Sullivan County. He said that because the road would come down onto NYS Route 209, then NYSDOT would ultimately make the determination as to any modification that would be required, and they reserve the right to modify the drive, even on the addition of the two lots that are now requested. He said that NYSDOT has recommended that warning signs be put up in both directions, and they can further reserve the right to put "turn" restrictions on that entrance and egress. He said that NYSDOT is going to be doing some monitoring, to the extent that they regulate that issue, and he said that he would advise the Planning Board to not interfere.

Mr. Plotsky said that with regard to the driveway use, the issue is that the current Town of Deerpark Zoning Code allows two parcels to access a road off of a driveway, and this applicant is asking for four parcels to access the road off of the highway. He said that NYSDOT thinks that the current location is the best place for the driveway to access this parcel. He said that NYSDOT seems to indicate that they don't believe that the increased traffic will be particularly problematic, although they do reserve the right to review that issue at any time, whenever a development occurs.

Mr. Plotsky said that this board needs to determine whether or not it's appropriate to vary the Law that restricts the use of a driveway to two parcels, and essentially, this is an area variance, to the extent that it's a number issue, as opposed to a particular use. He said that the Boards' decision would be based upon the conditions that are required, in order to obtain an area variance. He said that ultimately, the determination is, ... is the potential hardship to the Town or the neighboring landowners, more significant than the benefit that would be received from the owner, if the variance is approved.

Martin Smith asked if the ZBA is in their rights to consider the Sullivan County lot, when they make their decision, that is, by approving the variance, the ZBA would be creating a landlocked piece of land.

Mr. Plotsky answered that the ZBA would not be creating a landlocked piece of land, but they would potentially be creating the circumstances to allow the Planning Board to create a landlocked piece of land.

Mr. Kozykowski said that the map addresses the Sullivan County adjacent parcel, suggesting that in he final approval the Planning Board could provide whatever stipulations they feel would be appropriate, with respect to that lot, which would now become landlocked. He said that he views this as an issue of providing the two additional points of access on the driveway maintenance agreement. He said that this project still has to go back before the Planning Board, who will be looking at all of these issues.

Mr. Plotsky said that the ZBA can issue a conditional approval, and just condition the approval on any additional access to be had to the driveway, would require a return to the Planning Board.? He said that at that point, it would have to be improved to the level of a town road.

MOTION

Frank Bigger made a motion to deny the Medora application. Gerald Cedrone second. Roll call vote: Cedrone, aye; Lord, abstain; Smith, aye, Bigger, aye, Russman, aye. Motion carried.

MARTELL HOLDINGS LLC

Represented by William A. Onofry, Esq.

Owner/ Applicant Chad Martell is seeking a variance to build a 1,600' cul-de-sac on property located off of Wilson Rd., Sparrowbush, N.Y.

It is in the Recreational River Corridor (RRC) District

Section ? Block ? Lot = 23 ? 1 ? 62.32

Application submitted January 4, 2008.

The Board went over the application with Mr. Onofry. They asked for the following changes and additions:

First Page of the Application -

?Appeals # ? - Mr. Onofry was instructed to write in ?01-01-08?

?Date? ? Mr. Onofry was instructed to write in the date, ?01/03/08?
?Is property within 500' of County or State Highway, County or State
property, or boundary of another Municipality??
Mr. Onofry was instructed to check ?yes.?

Short Environmental Assessment Form -

Question # 11 - ? Does any aspect of the action have a currently
valid permit or approval??

- Mr. Onofry was instructed to answer ?no.?

Mr. Plotsky referred to the Planning Boards' letter to the ZBA, stating that it is their opinion that a 1,600' cul-de-sac is not in the best interest of the town. Mr. Plotsky, in referring to the letter, stated that the minutes from that January 23, 2008 Planning Board meeting, seem to refute the opinion that is written in this Planning Board letter by the Chairman. He asked the secretary to confer with the Planning Board chairman to get clarification, as to the Planning Boards' opinion on the 1,600' cul-de-sac, and get that information back to the ZBA members.

Mr. Plotsky said that the former Deerpark Town Highway Superintendent had one view of cul-de-sacs, and now the present Highway Superintendent, Ed Hughson, has a different view. He said that he believes that Ed Hughson, will be attending the public hearing for this application.

MOTION

Frank Bigger made a motion to schedule a public hearing for the Martel application on March 20, 2008 at 7:30 p.m. Jane Lord second. Roll call vote: Cedrone, aye; Lord, aye; Smith, aye, Bigger, aye, Russman, aye. Motion carried.

ADJOURNMENT

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

Meeting adjourned at 8:35 p.m.

Respectfully submitted,

Barbara Brollier, Secretary