

DEERPARK PLANNING BOARD - JUNE 26, 2013 - PAGE #
PUBLIC HEARING - HAWKS NEST CAFE

The Deerpark Planning Board met for a public hearing on Wednesday, June 26, 2013 at 7:00 p.m. at Deerpark Town Hall, 420 Route 209, Huguenot, N.Y. The following were present:

BOARD MEMBERS

Al Schock, Chairman
Mike Hunter

Theresa Santiago
Derek Wilson

Craig Wagner
Willard Schadt

OTHERS

Mr. Alfred A. Fusco, Jr., Town Engineer
Mr. David Dean, Town Board Liaison

Mr. Glen A. Plotsky, Town Attorney
Mr. John Fuller, Civil Engineer

The secretary read the public hearing notice: "Notice is hereby given of a public hearing to be held by the Planning Board of the Town of Deerpark, Orange County, New York, pursuant to Article 7 of the Town of Deerpark Zoning Law on the application of Hawks Nest Cafe for a site plan. The application effects the following premises: Record Owner: Ronald Babcock; Tax Map Designation: Section 33, Block 1, Lot 1.1; Zone Designation: RRC. Located on Route 97, 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 7:00 o'clock P.M. on the 26th day of June, 2013 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."

John Fuller: For the record, I have the certified mailings, which I will give to Barbara. Good evening to the board and to the public this evening, my name is John Fuller, and I'm the civil engineer who is representing the applicant and the application before the board and the public tonight. The application is for a site plan, special use for the re-construction of what has been formerly known as the Hawks Nest Cafe, and restaurant, located on the Hawks Nest. Just a brief history of the property. As most people that live within the area know, there was originally a restaurant there, overlooking the Hawks Nest and the Delaware River, and a fire destroyed the structure back in 2003. The owner, Mr. Ron Babcock, who is in attendance tonight, did not rebuild right away, and the property remained vacant for several years. Back in 2010, late 2009, early 2010, we pursued a new site plan, for him to rebuild the restaurant at the exact same location, and the exact same footprint, that was originally there. At that time, because of the amount of time that had transpired, and had exceeded what was allowed in the zoning, for what we term as a pre-existing, non-conforming use, it necessitated getting a zoning variance, in order for the restaurant to be rebuilt, because the current zoning, and the zoning today, as well as four years ago, did not allow for a restaurant in the zone. So, we pursued a zoning variance from the Zoning Board of Appeals, and that variance was granted, it was a use variance for the restaurant to be constructed in the same location. At that point, we came back before this board in early spring 2010, to pursue a site plan, and at that time, the major hurdle for the application, was to get the NYSDOT approval, in order for him to utilize the property, because the property again, had been vacant for a period of time, and the grandfathering, I'll call it, the use of the driveway or the entrance to the State right-of-way was no longer valid, and the State wanted certain provisions made in order for the property to be accessed safely. Mr. Babcock, over the last two

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and a half years, pursued different angles with the State, as to what would be acceptable for them, in order to have driveway entrances onto Route 97 at that location, and finally an agreement was made with the DOT in order to allow for two entrances for the site, and ingress and egress point along the frontage, for the restaurant area, which will allow for parking. And there are other stipulations as well, in regard to potential use agreement rental, that he has to maintain with the State, in order to use their right-of-way in that manner. But with that, we have updated all of the drawings and presented this back before the board. A public hearing was held previously for this application, and closed prior to it being set aside for this period of time, to pursue the State DOT approval. There was overwhelming support for the application, at the time of the original public hearing. There were a few concerns from a few neighbors, but I think all things have been addressed accordingly, over the course of the public hearings, as well as the revisions we have made over time. And we are back before the public tonight, in pursuit of a site plan, and special use permit for the application. And with that, I'll turn it back to the planning board chairman.

Al Schock: Thank you. Is there anybody would like to make a public comment, step up to the podium and state your name, and limit your comments and speak directly to the board please.

Derek Wilson: If no one has any comments to make, I'll make a motion to close the public hearing.

Al Schock: Okay, we have a motion. Second?

Theresa Santiago: Second.

Al Schock: Theresa seconds. All in favor?

Craig Wagner: Aye.

Willard Schadt: Aye.

Mike Hunter: Aye.

Theresa Santiago: Aye.

Derek Wilson: Aye.

Al Schock: Aye.

Public hearing closed at 7:09 p.m.

Respectfully submitted,

Barbara Brollier, Secretary

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