

The Town of Deerpark Planning Board met for their bi-monthly meeting on WEDNESDAY, AUGUST 9, 2017 at 7:00 pm at the Deerpark Town Hall, 420 Route 209, Huguenot, NY. The following were present:

**BOARD MEMBERS PRESENT:**

Robert Vicaretti –Chairman

Craig Wagner- Vice-Chairman

Theresa Santiago

Rob Whitney

**BOARD MEMBERS ABSENT:** Mike Hunter, Willard Schadt

**OTHERS PRESENT:**

Glen Plotsky – Town Attorney

Alfred Fusco III – Fusco Engineering for Town

Dave Dean – Town Councilman

Al Schock – Town Councilman

Meeting was brought to order at 7:03 pm

Pledge of Allegiance

**SKYLEX, LLC – 447 ROUTE 209 – SITE PLAN – PROPOSED OFFICE FOR COMIC BOOK BUSINESS –**

John Fuller-Engineer for Applicant

Steven Trovei-Applicant

Secretary read public hearing notice into record. Chairman asked if proof of mailings were submitted, Secretary stated yes they were reviewed and satisfied. John Fuller explained that this was originally a hotel and all the buildings have been demoed, the new building would be less than an acre of disturbance; the building will be similar to a pole barn but with a metal facade. Steve Trovei stated that he has a mail order comic book business. Chairman Vicaretti questioned what kind of truck traffic would be delivering; Mr. Trovei answered just parcel carriers, Mr. Fuller added that there is an application for commercial driveway proposed to DOT but no comments back yet from them. Alfred Fusco III stated that he could not find correspondence regarding the GML-239 review. Glen Plotsky advised the Planning Board that they do not have to leave the public hearing open, but no deliberation until verification that the 239 was done.

**Public Comment:**

**Paul Kuhn 60 Big Pond Rd –** Mr. Kuhn questioned if the entrance would be off of Route 209, if the building would be placed in the front of the property and if there were any other plans for the property.

**John Fuller –** Mr. Fuller answered Mr. Kuhn's questions; the entrance will be off of Route 209, the building will be in the front of the property.

**Steven Trovei –** Mr. Trovei stated that there was no future plans with the property.

**Bill Onofry –** Mr. Onofry acknowledged that the YMCA encroached on Skylex Property where the land borders theirs, and a lease is in place, YMCA did not know it wasn't their property. Mr. Onofry suggested that a note could be added to the site plan to that extent.

**Grace Woodard –** Ms. Woodard asked about segmentation of the rest of the property and if the applicant applies for this one structure now and then decides later on to file for more structures what will the impacts have on SEQRA and septic.

**John Fuller –** Mr. Fuller answered that as of now there are no current plans for the future.

**Glen Plotsky –Town Attorney –** Mr. Plotsky asked for a copy of the lease and the note is added to the map.

**Motion to close Public Hearing.**

Motion made by Theresa Santiago, 2<sup>ND</sup> by Rob Whitney to close Public Hearing but leave open for written comment for 30 days from 239 submission for Skylex, LLC.

**Vote 4 Ayes:** Theresa Santiago, Craig Wagner, Rob Whitney, Bob Vicaretti.

**MOTION CARRIED**

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**GARY BUTLER – AMENDED SUBDIVISION – FRANKE RD –**

Gary Butler –Applicant

Alfred Fusco III stated the new maps comply with all their comments. Glen Plotsky added that the maintenance agreement was prepared and reviewed and he is satisfied with it.

**Motion to conditionally approve application for the Gary Butler.**

Motion made by Theresa Santiago, 2<sup>ND</sup> by Craig Wagner to approve application for Gary Butler for an Amended Subdivision conditional to all fees paid.

**Vote 4 Ayes:** Theresa Santiago, Craig Wagner, Rob Whitney, Bob Vicaretti.

**MOTION CARRIED**

**RANDY AND BARBARA SAUSCHUCK – AMENDED SITE PLAN - HOOK ROAD –**

John Fuller-Engineer for Applicant

William Onofry-Attorney for Applicant

Mr. Fuller stated that a public hearing was already held but kept open for written comment which ended in June; a new map was submitted to clear up concerns of the public. Mr. Fuller also stated that Applicant's Attorney submitted a letter to clarify the uses of the property. Chairman Vicaretti asked if Town Attorney received the letter, Town Attorney answered yes and it offers explanation for uses. Mr. Onofry went through the letter explaining each uses:

- Contractors yard to maintain equipment and for storage of materials
- Lumber and storage yard for the retail or wholesale of materials
- Light Manufacturing regarding the trummel and the raw materials being separated
- Building #2 will now be used as a vehicle service establishment leased out and separate from the rest of the property.

Town Attorney stated that Building #2 was originally used for storage, Mr. Onofry stated that some buildings were existing, Mr. Plotsky asked who's vehicles would be stored in the building, Bill Onofry answered it would be storage and service for private vehicle repair. Mr. Plotsky acknowledged that with the service establishment it could create a traffic concern and also questioned about a sign, Bill Onofry stated that he was not sure if it will be held out to the public. Town Attorney gave opinion that a conditional approval could be given with an additional approval for the licensed vehicle service. Town Attorney continued that it could be conditioned upon licensing from the state, access and hours of operation. Chairman asked about a driveway entrance, John Fuller replied that most of the buildings road frontage are paved with 2 gated entrances. Chairman also asked if maybe it could be shown on the map what area Building #2 will take up and be used for the service center. Chairman Vicaretti further questioned about the manufacturing and storage of manure and if there were any AG (agricultural) laws surrounding that usage, Mr. Fuller answered it is delivered it is not raw manure, it is primarily stockpiled near the trummel and is not aware of the law, he further suggested defining the limits of storage on the map. Alfred Fusco III went through the comments from Fusco Engineering that all uses requested comply with the Zoning but with Planning Board Approval, screening of a privacy fence or vegetation need to be on the plan, also any parking in regards to the vehicle service station and hours of operation. Mr. Onofry added that there already is natural vegetation on the property and suggested that Mr. Sauschuck could wet down the yard to stop the dust.

**NEW CENTURY FILM – 517 NEVERSINK DRIVE –**

John Fuller-Engineer for Applicant

John Fuller stated that what is defined on the current maps are driven by the septic; there could be more plans down the road for expansion. Mr. Fuller further stated that a new driveway will be added off of Route 209 and has been sent to DOT for review. Town Attorney added that a note needs to be put on the map that any change of use or further changes to site plan is subject to a new environmental review. Alfred Fusco III went through the comments from Fusco Engineering stating that a dye test needed to be done on the septic, layouts of the office and square footage needed to be on the maps and because of the square footage of the buildings the potential for parking needed to be indicated on the map. Mr. Fusco also suggested a Knox Box be placed on the gate on the proposed entrance, Mr. Fuller answered that the gate will have a keypad on it but can do something to accommodate the Fire Department.

**Motion to schedule a Public Hearing.**

Motion made by Theresa Santiago, 2<sup>ND</sup> by Craig Wagner to schedule a Public Hearing for New Century Film , September 13, 2017.

**Vote 4 Ayes:** Theresa Santiago, Craig Wagner, Rob Whitney, Bob Vicaretti.

**MOTION CARRIED**

**HAWKS NEST CAFÉ – 601 ROUTE 97 – AMENDED SITEPLAN –  
John Fuller-Engineer for Applicant**

Mr. Fuller stated that when the applicant went in to apply for his building permit he was told that the maps were never filed. Town Attorney acknowledged that August 2014 there was a conditional approval given, then in October of 2015 another approval contingent on fees paid; finally in December of 2015 a conditional approval was given with 60 days to pay the final payment of escrow outstanding.

**5 Min Recess was taken.**

**HAWKS NEST CAFÉ – continued –**

Town Attorney stated that in the Town of Deerpark Zoning Article 230-51 after approval from Planning Board the applicant has 2 years to file for building permit. Mr. Plotsky suggested that Mr. Fuller and Mr. Fusco get together and make sure maps are same. He further suggested making a motion to authorize chairman to sign the maps as long as they are the same and if not received by December 9, 2017 that the applicant would have to come back and start all over again.

**Motion to authorize chairman to sign maps for Hawks Nest Café.**

Motion made by Theresa Santiago, 2<sup>nd</sup> by Craig Wagner to authorize Chairman to sign the maps after they are submitted to the Town Engineer to make sure they are the same maps approved December 2015 and that if Applicant does not file for a Building Permit before December 9, 2017 that he will have to come back to Planning Board and start process at beginning.

**Vote 4 Ayes:** Theresa Santiago, Craig Wagner, Rob Whitney, Bob Vicaretti.

**MOTION CARRIED**

**LM HOLDINGS, LLC – 59 AIRPORT ROAD – GROUND MOUNT SOLAR –**

**John Fuller-Engineer for Applicant  
Loren McCune-Applicant**

Town Attorney stated that with solar arrays the town has 60 days to let developer know about a pilot. If not owner will not have to pay taxes for 15 years. Chairman Vicaretti asked if solar is an accessory use, John Fuller is stated that yes it is an accessory but any ground solar has to come to Planning Board. Town Attorney acknowledged that ground mount to one house does not require at pilot. Town Engineer stated that the kilowatts per hour need to be placed on the map. Glen Plotsky, Town Attorney stated that **Attorney Escrow will be \$500 and Alfred Fusco III, stated that Engineering Escrow will be \$1000** the Escrow Form was filled out and signed by Town Attorney, Alfred Fusco III for Fusco Engineering and Applicant. A copy was given to each; also a copy will be given to Escrow Manager, Danielle L Glynn and a copy placed in the file.

**Motion to authorize GML-239 distribution.**

Motion made by Theresa Santiago, 2<sup>ND</sup> by Craig Wagner to authorize the GML-239 distribution for LM Holdings, LLC

**Vote 4 Ayes:** Theresa Santiago, Craig Wagner, Rob Whitney, Bob Vicaretti.

**MOTION CARRIED**

**Motion to schedule a Public Hearing.**

Motion made by Theresa Santiago, 2<sup>ND</sup> by Rob Whitney to schedule a Public Hearing for LM Holdings, LLC on September 27, 2017.

**Vote 4 Ayes:** Theresa Santiago, Craig Wagner, Rob Whitney, Bob Vicaretti.

**MOTION CARRIED**

**Planning Board Minutes August 9, 2017**

**MOTION TO APPROVE MINUTES.**

**Motion to approve July 26, 2017 Minutes.**

Motion made by Theresa Santiago 2<sup>nd</sup> by Craig Wagner to approve Wednesday, July 26, 2017 minutes.

**Vote 4 Ayes:** Theresa Santiago, Craig Wagner, Rob Whitney, Bob Vicaretti.

**MOTION CARRIED**

**OTHER BUSINESS**

Al Schock questioned about segmentation, Town Attorney replied that it has to do with the EAF so instead of reviewing each thing during each application it needs to be done on the complete parcel and not just the proposed project.

**Motion to adjourn meeting.**

Motion made by Theresa Santiago, 2<sup>nd</sup> by Craig Wagner to adjourn meeting at 9:11 pm.

**Vote 4 Ayes:** Theresa Santiago, Rob Whitney, Willard Schadt, Craig Wagner.

**MOTION CARRIED**

Respectfully submitted by,



Amanda Gorr, Planning Board Secretary