

The Deerpark Planning Board met for their bi-monthly meeting on Wednesday, May 28, 2014 at 7:00 p.m at Deerpark Town Hall, 420 Route 209, Huguenot, N.Y. The following were present:

BOARD MEMBERS

Al Schock, Chairman
Theresa Santiago

Craig Wagner
Mike Hunter

Steve Weiner
Willard Schadt

OTHERS

Mr. Glen A. Plotsky, Town Attorney
Mr. David Dean, Town Board Liason
Mr. Lawrence Salvajack, Applicant

Mr. Al Fusco III, Town Engineer
Mr. Yuexong Dong, Applicant
Mr. Jack McMahon, Applicant

THE PLEDGE OF ALLEGIANCE

TIAN YIN MUSIC SHOP – PUBLIC HEARING - # 11-0202

Represented by Mr. Yuexing Dong 239-3020

Owner/ Da Tang Development, LLC; Applicant/ Mr. Yuexing Dong is seeking a 2 lot subdivision and a site plan to create a music shop on property located at 400 Galley Hill Road, Cuddebackville, N.Y.

It is in the HMU Zone.

Section - Block - Lot = 22 – 1 – 5.222

Application received December 23, 2013.

SEE ATTACHED PUBLIC HEARING RECORD

Willard Schadt asked, in looking at the notes on the map, that the store will be open 7; days a week, 12 hours a day.

Yuexong Dong answered yes, that is the proposal, 7 days, 9 a.m. to 9 p.m.

Willard Schadt asked about UPS coming in at night?

Yuexong Dong answered that they could come in at any time.

Willard Schadt expressed his concern about the amount of traffic, considering it will be open for so long of a time? He also said that since they will be doing business online, there may be quite a large amount of deliveries to the music store.

Yuexong Dong answered that he does not expect that large amount of business.

Willard Schadt asked Al Fusco about the traffic that will driveway around the back of the building, and it driving over the septic line?

Al Fusco answered that that will be addressed with the Building Department, and has already been discussed.

Al Schock raised his concern that truck traffic on Saturday and Sunday might be much, because of the hours being basically all day, 9 to 9.

Yuexong Dong said that many companies don't work on Saturday and Sunday, and there might not be any truck traffic. He added that there will be no buses coming to the music store. He said that the traffic will be very limited.

Mr. Plotsky asked Mr. Dong if he would consider limiting the hours, because of the concerns raised by Board members?

Mr. Dong answered yes.

Willard Schadt said that most of his business should be during the day, but asked if Mr. Dong was expecting any business after 6 or 7 p.m. at night?

Yuexong Dong answered that yes there will be music classes, and education functions to serve the local people, and classes will be scheduled for after school hours. He said that generally 6 to 9 will not be the time to have music lessons or students come to the store.

Theresa Santiago expressed her opinion that the classes and lessons should be added to the site plan.

Willard Schadt stated that classes and lessons are pretty standard for a music store.

Al Fusco said that lessons and classes would go hand in hand with the music store and will be looked at during the building permit process. He said that

it will be addressed.

Mr. Plotsky suggested restricting the hours, and said that cutting down the morning hours on the weekends, to reduce the impact on the neighbors, might be a good idea.

Al Fusco said that this would definitely be something that the building department would address. He said that the occupancy use now is for a single family home, but since they will have to re-submit for a building permit, and the building department will have to look at the occupancy of this new business versus a single family home.

Steve Weiner said that he believes that on Sundays, the store should not open until 12 noon. He said that this is not a typical music store where people just drop in, but that it is the type of store where people mostly come by appointment, or have a specific purpose in mind already.

Mr. Plotsky said that he does not believe that the noise ordinance is going to come into play, because the music will be inside the store.

Willard Schadt expressed his opinion that he would be happy with 12 to 9 p.m. hours on Sundays.

Al Schock said again that he does not want to see any buses driving to the music store.

MOTION

Weiner made a motion to approve the Tian Yu Music Store site plan, conditioned upon the Sunday hours of 12 noon to 9 p.m. and payment of all fees. Hunter second. Roll call vote: Santiago, aye; Weiner, aye; Hunter, aye; Wagner, aye; Schadt, aye; Schock, aye. Motion carried.

MOTION

Weiner made a motion to approve the subdivision, conditioned upon payment of all fees. Hunter second. Roll call vote: Santiago, aye; Weiner, aye; Hunter, aye; Wagner, aye; Schadt, aye; Schock, aye. Motion carried.

The board told Mr. Dong that a note has to be placed on the site plan, that

Sunday hours will be 12 p.m. to 9 p.m.

JAMES McMAHON - PRE-APPLICATION CONFERENCE

Represented by himself 754-7908

Owner/ Applicant Jim McMahon wishes a lot line adjustment with his neighbors' property, located at Lake Guymard, Cuddebackville, N.Y.

It is in the RR zone. Section - Block - Lot = 28 - 1 – 112

Mr. McMahon presented small surveys of his property to the board members. He said that this will be a lot line adjustment, and indicated his neighbors properties and his own.

Mr. Plotsky clarified the different lots and who owns which lots. He also agreed with Mr. McMahon about a lot that is located in the Town of Mount Hope. He said that in order to get approval, this will be a 2 lot subdivision of "lot c" and at the same time, it will be a 2 lot consolidation, so that both Mr. McMahon and his neighbor both end up with conforming lots. He said that Mr. McMahon has to get surveys of lots 5 and 6, and come back before the Planning Board with a proposed subdivision and lot consolidation application, jointly with the neighbor. He said that the Planning Board would look at the proposals, and if everything is in order, the Board will allow Mr. McMahon to subdivide the big parcel and make it into 2 lots, and at the same time consolidate the 2 lots that he wants consolidated, and that will accomplish what Mr. McMahon had set out to do years ago. He said that he also needs to submit a survey description of lots #5 and #6, and submit new deeds that he would need to review.

Mr. Plotsky said that the escrow account needed for this application will be \$600.

Al Fusco said that his escrow account for this application will be \$850.

The secretary said that the Planning Board application fee would be \$225.

Mr. McMahon asked about what if he just wants to consolidate and not do a subdivision?

Mr. Plotsky answered that he would then instead of going through the Planning Board process, he would just go to the Building Department for a lot consolidation only. He said that Mr. McMahon would just have one tax bill.

Mr. Plotsky said that if Mr. McMahon still decided to do a subdivision, he still has to come back before this board.

LAWRENCE SALVAJACK - PRE-APPLICATION CONFERENCE

Represented by himself 616-7168

Owner/ Applicant Mr. J. Salvajack wishes a subdivision on property located at 29 Lime Kiln Rd., Town of Deerpark, Orange County, New York. It is an HMU zone. Section – Block – Lot = 57 – 1 - 89

Mr. Salvajack said that he owns 2.2 acres, and there is a house on the property, and he wants to subdivide so that his son can live in the existing house on the one lot, and he will live on the other lot. He said that he wants to subdivide 1.2 acres off for himself.

Al Fusco determined that in this zone, it is one acre zoning for a lot, so this subdivision would be do-able.

Al Schock and Mr. Plotsky instructed the applicant to contact a surveyor, and make sure that he can meet the various setbacks on the property and all of the bulk requirements for the town subdivision regulations.

Al Schock asked how much road frontage Mr. Salvajack has? Mr. Plotsky, looking at the map, answered that it looks to be about 5,000 feet road frontage.

Mr. Plotsky said that the escrow account for this application will be \$500. Al Fusco said that his escrow account for this application will be \$1,000. The secretary said that the Planning Board application fee for a 2 lot subdivision would be \$225.

Mr. Salvajack thanked the board.

APPROVAL OF MINUTES - APRIL 23, 2014

Santiago made a motion to approve the minutes from the April 23, 2014 meeting. Hunter second. Roll call vote: Santiago, aye; Weiner, aye; Hunter, aye; Wagner, abstain; Schadt, aye;; Schock, aye. Motion carried.

DRAGON SPRINGS BUDDHIST, Inc. - EXECUTIVE SESSION
MOTION

Hunter made a motion for the board to go into executive session for the purpose of discussion of litigation and invite the Town Attorney, Town Engineer, and the Town Board Liaison. Santiago second. Roll call vote: Santiago, aye; Weiner, aye; Hunter, aye; Wagner, aye; Schadt, aye; Schock, aye. Motion carried.

The board went into executive session at 7:55 p.m.

Hunter made a motion for the board to come out of executive session. Weiner second. Roll call vote: Santiago, aye; Weiner, aye; Hunter, aye; Wagner, aye; Schadt, aye; Schock, aye. Motion carried.

The board came out of executive session at 8:40 p.m.

ADJOURNMENT

Schock made a motion to adjourn. Hunter second. Roll call vote: Santiago, aye; Hunter, aye; Wagner, aye; Weiner, aye; Schadt, aye; Schock, aye. Motion carried

Meeting adjourned at 8:50 p.m.

Respectfully submitted,

Barbara Broliier, secretary

