

DEERPARK PLANNING BOARD - JUNE 25, 2014 - PAGE #

The Deerpark Planning Board met for their bi-monthly meeting on Wednesday, June 25, 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

Bob Vicaretti
Mike Hunter

Willard Schadt
Steve Weiner

OTHERS

Mr. Glen A. Plotsky, Town Attorney
Mr. David Dean, Town Board Liason
Mr. John Fuller, Civil Engineer
Mr. Ron Babcock, Applicant

Mr. Al Fusco, Jr. Town Engineer
Mr. Doug Cronk, Applicant MHC
Mr. Cory Kargnik, Regional Manager, MHC

THE PLEDGE OF ALLEGIANCE

HUGUENOT ESTATES MHC – PRE-APPLICATION CONFERENCE

Represented by Mr. Doug Cronk 845-4545 and Mr. Cory Kargnik, Regional Manager

Owner/ Applicant Huguenot Estates East Mobile Home Community wishes to Place approximately 4 “home sales and rental” signs at the entrance, located on Cherry St., Huguenot, NY

It is in the HMU zone.

Section - Block - Lot = 50 – 1 – 40.11

Applicant has spoken with the Building Department.

Mr. Cronk presented photos of the signs. He said that the Building Inspector had received a few complaints from non-residents about the existing signs. He said that the intentions of the signs are to advertise homes that are for sale and rent.

Al Fusco said that the size of the signs exceed the Ordinance, so Planning Board approval is needed. He said that the feather signs are the ones that exceed, and he said that all of the signs would be considered “permanent.”

Mr. Plotsky agreed that these would be considered “permanent” signs, as they’ve been up since December 2013. He said that a temporary sign is something that has only been up for a week.

Al Fusco referred to the Zoning, and said that the applicant would be allowed a commercial directory sign of 20 square feet, which would be 4’ by 5’, which would allow the existing “Huguenot Estates” sign.

Mr. Plotsky said that a directory sign is something like “Building 1A” or “Joe the Plumber”, and a directional sign is a sign with an add-on.

Mr. Fusco asked about the amount of frontage on the property where the signs are on Cherry St?

Mr. Cronk answered that he hadn’t measured it.

Mr. Fusco asked about the size of the feather signs?

Mr. Cronk answered that they are 14 inches wide and about 15’ in height, including the post and feathers.

Mr. Plotsky said that 100 square feet max is allowed in the Zoning, so approximately 2 feather signs would be allowed with Planning Board approval.

Mr. Cronk said that the signs are on two separate lots on either side of Cherry Street.

Willard Schadt asked what is the procedure of the Planning Board to allow or deny this applicant?

Al Fusco answered that the Ordinance says that 100 square feet total for both sides combined for all signs is allowed, and there's also a function of the frontage. He said that the signs permitted upon review by the Planning Board would be subject to the maximum sign surface area, all signs combined, any signs would be permitted following review and approval by the Planning Board, using criteria in Section 5.8.4 of the Zoning Law. He said that neon, and brightly colored signs are not allowed. He read from the Zoning: "Sign Review Criteria- Signs shall be approved with modifications or disapproved, based on specific requirements contained herein, and the following design criteria: Signs shall be a sub-ordinant part of the street state; signs should not interfere with the views of other enterprises or residents; wherever feasible, multiple signs should be combined to avoid clutter; signs should be as close to the ground as possible and full signs shall be discouraged in favor of ground signs wherever possible; signs should blend in with enough architectural features, and the size be located in proportion to the buildings; vivid color signs may be used, but should not dominate the building of the site; signs should be located so as not to interfere in any way, with clear views required for public safety by highway travelers or pedestrians; signs must not present an overhead danger or obstacle to persons below; sign sizes should achieve regular visibility without becoming a necessary distraction from the highway or detriment to highway scenery; signs should never block the view of other signs; signs should be easy to maintain and provide for wind resistance, such that signs will not deteriorate or collapse after an extended period; sign materials shall blend in with the surrounding landscape; free standing signs will generally require landscaping around the base of the sign; signs should generally not be placed on the roof, or above the roof line.." He continued to read: "Non-conforming signs: Existing non-conforming signs may be repaired, reconstructed on the same site, but shall not be relocated or increased in size, except as provided herein: any non-conforming sign connected with a change of use, abandoned for sign purposes for more than 90 days, damaged to the extent of 50% or more for replacement costs, or illegally established, shall be immediately removed, and to the extent that it is not removed within 30 days..." He said that the Town Board can attach it to the taxes and remove the sign.

Mr. Plotsky said that the "Huguenot Estates" sign is okay, based upon the Ordinance. He said that the applicant will be limited to 100 square feet of signs on each of the two parcels, and if they want more, they can go before the Zoning Board of Appeals for a variance.

Mr. Plotsky told the applicants that if they come back before this board, the Attorney Escrow will be \$500. Mr. Fusco said that Town Engineering Escrow will be \$750.

Mr. Plotsky said that the applicants can get a denial from the Building Department, if they decide to go before the ZBA.

NANCY GIBSON - #11-0301

Represented by John Fuller, Civil Engineer 856-1536

Owner/ Applicant Nancy Gibson received final approval for her Animal Manor property on December 12, 2012. Project is located at 204 Peenpack Trail, Huguenot, N.Y.

It is in the RR zone.

Section – Block – Lot = 37 – 1 – 28

Mr. Fuller came in this evening with an amended site plan to add a caretaker's house.

Mr. Fuller handed out proposed maps of the amended site plans to the board members. He said that as part of the approval for this project, there was a 2 lot subdivision, and the approval allowed the animal manor to use Ms. Gibson's driveway as access, until a stream crossing is permitted by the NYSDEC. He said that in the course of the construction, two rattlesnake dens were discovered on the lot where the animal manor will be located, and NYSDEC has halted any more operations on that lot. He said that the applicant can

now not proceed with the stream crossing permit either. He said that a barn has been constructed so far, before the rattlesnake discovery. He said that there is a proposed caretakers house at a location, approved by the NYSDEC. He said that in the meantime, Ms. Gibson would like a second house, a guest house built on her lot, as he believes two houses would be allowed on the one lot in this zone.

Mr. Plotsky asked how much road frontage does the applicant have, that is accessible, without the bridge crossing?

Mr. Fuller answered that he believes it's more than 100 square feet.

Mr. Plotsky said that if the board is okay with multiple uses on a lot, and multiple uses on a single gravel drive, then it appears to be permitted.

Mr. Fusco said that in the future, if the lot is subdivided, and if the guesthouse becomes for sale, then at least 50' of frontage is needed. He said that he believes that the two houses on the lot would be okay.

Mr. Plotsky suggested that a note on the map should say that if it is subdivided in the future, it must come before this board for approval. He also said that a driveway maintenance agreement would also be needed, to protect future owners and this board.

Al Fusco referred to Section 230.47 in the zoning, saying that a public hearing is held within 62 days of the submission of the application, but the Planning Board has the power to waive that public hearing.

The board members agreed that they would be partial to waiving a public hearing.

John Fuller said that the proposed guesthouse is a single story ranch house.

Mr. Plotsky read from the Zoning Law, Section 230-12A "...The development standards contained herein are minimums and shall apply to each dwelling unit unless otherwise specifically provided. A two-family dwelling shall, for example, require the equivalent of two minimum size lots insofar as lot area, as will any two dwelling units on the same property..."

He confirmed that two dwellings would be allowed on this lot.

Mr. Plotsky said that the applicant has to demonstrate that she has double the lot standards (setbacks, distances); appropriate double lot widths; create the septic and well; and have all of the appropriate distances.

Mr. Plotsky said that his escrow will be \$500. Mr. Fusco said that his escrow will be \$1,000.

The secretary was instructed to place this applicant on the July 9, 2014 agenda.

MARIA TAI -

Represented by John Fuller

Owner/ Applicant Maria Tai wishes a site plan for property located at 491 Galley Hill Rd., Cuddebackville, N.Y.

It is in the HMU zone.

Section - Block - Lot = 8 - 1 - 4.2

Pre-application conference held on October 9, 2013, and Mr. Fuller is seeking additional guidance from the board, before submitting a new sketch plan showing the proposed development.

John Fuller handed out copies of this proposal. He said that this new proposal is that the whole second floor will be all residential. He said that the lot across the street, Galley Hill Road, is part of the main parcel, they both are on one deed. He said that one issue, is that the parking calculation is for 204 spaces, and 277 are the required industry standards.

Al Fusco asked if Mr. Fuller could show shadow parking, or banked parking on the plans. He explained that these are spaces that will be dedicated for future parking, in the event that more spaces are needed in the future.

Mr. Plotsky asked if the people will park on the other side of Galley Hill Road and walk across the road to the building?

John Fuller answered yes, and a footbridge is proposed to the main entrance of the development.

John Fuller said that the second issue is that according to the new regulations for new multi-family dwelling units, Chapter 26, it states that residential dwelling developments must be 50' from the property line. He said that the first floor will be commercial, which will comply, however, the second floor will be residential, which will not comply.

Willard Schadt asked if there is a self-contained pond or stream on the property?

John Fuller answered that a lot of ornamental gardens are proposed. He said that Maria Tai is not involved with the Dragon Springs people.

Mr. Plotsky asked who will the apartments house?

John Fuller answered employees in the stores, other people who may work in the area, people affiliated with Dragon Springs, and that it'll be a mixed bag.

Mr. Plotsky said that variances are needed for this applicant and suggested that the board refer her to the ZBA. The board members agreed.

MOTION

Santiago made a motion that no formal application has been filed yet, that this board cannot approve an application based upon this initial rendering, and therefore, because this is the basis of what a formal application would be, the board enters a preliminary denial and authorize an application to be made to the ZBA, specifically for setback requirements and parking. Weiner second. Roll call vote: Santiago, aye; Hunter, aye; Weiner, aye; Schadt, aye; Vicaretti aye; Schock, aye. Motion carried

Glen Plotsky told Mr. Fuller that the Planning Board Town Attorney Escrow will be \$1,250., and that the Attorney Escrow for the ZBA will be \$600.

Al Fusco said that the Town Engineering escrow will be \$4,000.

HAWKS NEST CAFÉ - #09-1202

Represented by John Fuller and Mr. Ron Babcock

Owner/ Applicant Ron Babcock wishes to re-build the Hawks Nest Café, located on Route 97, Sparrowbush, N.Y.

It is in the Recreational River Corridor (RRC) zone.

Section - Block - Lot = 33 - 1 - 1.1

Application submitted February 16, 2010

Public hearing held on June 26, 2013

The board gave conditional final approval on June 26, 2013.

The secretary told the board and the applicant, that for the record, there are some town engineering and town attorney fees owed, and presented a paper itemization to Mr. Babcock.

John Fuller said that one year ago tomorrow, this board gave conditional final approval to this applicant, and he is here tonight to give a report on the one year special use permit. He said that after a lengthy process with the NYSDOT, they changed and gave approval for an egress and ingress, and all parking will be behind a 20' aisle for a passage behind diagonally parked cars. He said that the building footprint had

been shrunk to accommodate the parking and the 20' aisle. He said, however, that the applicant would like to widen the building back to its' original design, and in doing so, the parking is being pushed forward and more to the right and change the 20' aisle to 11' or 12'.

Willard Schadt asked if the parking will be paved?

Mr. Babcock answered yes, and the flow of the traffic will be one way.

Mr. Plotsky asked if NYSDOT has to approve these modifications?

Mr. Babcock answered no, that NYSDOT said that anything behind the curb has nothing to do with them, and that they are only concerned with the entrance, the exit, the 4' to the curb and the signage.

Mr. Plotsky said that the sign plan that the applicant wants, is not on the map to be approved and signed by this board and the Chairman. He said that the board should grant an extension for a certain amount of time and have the applicant come back with his new plans then.

Al Fusco said that the GML-239 will have to be done again on this application, which will be a 30 day review.

MOTION

Weiner made a motion to extend approval that's already been granted for 90 days, and for the applicant to submit new site plans, all town escrow fees to be paid and be placed on the August 13, 2014 meeting Hunter second. Roll call vote: Santiago, aye; Hunter, aye; Weiner, aye; Schadt, aye; Vicaretti aye; Schock, aye. Motion carried

APPROVAL OF MINUTES - JUNE 11, 2014

Santiago made a motion to approve the minutes from the June 11, 2014 meeting. Weiner second. Roll call vote: Santiago, aye; Hunter, aye; Weiner, aye; Vicaretti, abstain; Schadt, abstain; Schock, aye. Motion carried.

COMMUNICATION FROM THE TOWN ENGINEER

Al Fusco handed out maps and explained that the Town Board wants his office to do a generic Environmental Impact Statement on land that will create a potential layout of the property and contain shovel ready sites located in the area by the Port Jervis City line, and Dick's Concrete and the Port Jervis Quarry property. He said that the Town of Deerpark will pay his firm for the environmental work, and then the fees will be paid by the property owners, through escrows set up with the Town of Deerpark. He said eight lots are proposed which will be approximately 4 to 8 acres. He showed the main access off of Route 209, which will be used, which is actually used right now, and is a 2 way lane road, and it will cross a stream, and a proposed sewer package plant will be created. He said that there is the possibility of negotiations with the NYSDEP who runs the Port Jervis sewage plant and their systems. He said that it will be ready to be built upon with all of the environmental work done, which includes drainage, water and sewer, the environmental aspects of it, wetlands, all of that will be done. He said that within 90 days something can be hammered out, and within 120 days, there's the potential for something to be placed there. He said that there is approximately 50 acres to be developed for this project in the Town of Deerpark. He said that he will submit a formal application, in behalf of the Town of Deerpark.

COMMUNICATION FROM THE TOWN BOARD LIAISON

David Dean said that Nancy Gibson telephoned him about the rattlesnake problem, and he told her that she, as a citizen, has the right to allow or not to allow the NYSDEC to come onto her property. He said that she

is getting put upon by the NYSDEC, and unfortunately, her project is being halted.

David Dean said that he is cautiously optimistic about the Maria Tai project on Galley Hill Road. He said that this will be the beginning of development up on that section of Galley Hill Road, and it does have the possibility of being stunning. He said that it will probably be centralized sewer, a small one or a separately located sewer facility, because in the future a hotel is also proposed up there. He said that this will also be taxed property for the Town of Deerpark.

Al Fusco said that a district can be built, and all of the separate owners will pay for centralized sewer in its' entirety.

ADJOURNMENT

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

Meeting adjourned at 9:20 p.m.

Respectfully submitted,

Barbara A. Brollier, secretary