

DEERPARK PLANNING BOARD - AUGUST 28, 2013 - PAGE

The Deerpark Planning Board met for their bi-monthly meeting on Wednesday, August 28, 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
Bob Vicaretti

Mike Hunter
Willard Schadt

Craig Wagner
Theresa Santiago

OTHERS

Mr. Alfred A. Fusco, III, Town Engineer
Mr. David Dean, Town Board Liaison
Mrs. Mervi Stack, Applicant

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

THE PLEDGE OF ALLEGIANCE

VICTOR & YANA ROUSSOS – PUBLIC HEARING = # 12-0602

Represented by themselves

Owners/ Applicants Victor & Yana Roussos are seeking a subdivision

on property located at Galley Hill Road & Laviclin Lane, Cuddebackville, N.Y.

It is in the RR (Rural Residential) Zone.

Section –Block –Lot = 31 - 1 – 48.22

Application submitted March 25, 2013.

SEE ATTACHED PUBLIC HEARING RECORD

The Town Engineer referred to his technical memo, dated August 28, 2013:

1. The town engineering firm performed a joint percolation test with the applicants' engineer and the results were satisfactory.
2. Place joint results on the map.
3. Board comments and address public hearing comments.

Al Fusco reviewed for the applicant that the percolation test results need to be placed on the final site plan map.

Al Schock read the negative declaration: "In accordance with 6NYCRR Part 617 State Environmental Quality Review regulations, specifically 617.7 determining significance, the Planning Board of the Town of Deerpark has reviewed the project application for the Roussos subdivision application. After thorough review of the application, plans, EAF, public comment, consultants comments, including review of the air quality, groundwater, stormwater, traffic, cultural resources, habitat, Town Ordinance, Town Master Plan, impacts on energy, and impacts on the community, the Planning Board hereby proposes, by motion, that the above project will not result in any large or important impacts and therefore is one which will not have a significant impact on the environment. Therefore, we hereby issue a Negative Declaration for the above noted project."

MOTION

Schadt made a motion for a negative declaration. Vicaretti second. Roll call vote: Santiago,

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aye; Hunter, aye; Wagner, aye; Vicaretti, aye; Schadt, aye; Schock, aye. Motion carried.

MOTION

Schadt made a motion for conditional final approval, based on the town engineers comments and payment of all fees. Hunter second. Roll call vote: Santiago, aye; Hunter, aye; Wagner, aye; Vicaretti, aye; Schadt, aye; Schock, aye. Motion carried.

MERVI STACK - # 13-0202

Represented by herself

Owner/ Applicant Mrs. Stack wishes to re-open a restaurant, located at 87 S. Maple Ave., Town of Deerpark, Orange County, New York.

It is in the Interstate Business (IB) zone.

Section - Block - Lot = 57 - 3 - 4.1

Application received December 5, 2012.

The discussion tonight, is for purposes of a proposed lot line change by the applicant.

Mervi Stack had submitted maps of a lot line change that she is proposing, and said that it is for the septic system which is all on the New York side, because the property is small and narrow and is needed for any kind of situation where the septic may collapse, for instance, then there would be a reserve area for it. She came up before the board members and indicated the lines and acreage on the map.

The Town Engineer referred to his technical memo, dated August 28, 2013:

- #1. Need a formal easement from 57-3-4.1 to 57-3-4.2.; not just that there is a right-of-way with no location or deed.
- #2. 57-3-4.2: label acreage and dimension this parcel.
- #3. Show on site plan for next month.
- #4. Board comments.

Willard Schadt asked Mrs. Stack, that if the restaurant site plan falls through, does she still want the lot line change application?

Mervi Stack answered yes, that in order for the restaurant project to go forward, she does have to get NYS Board of Health approval, so she needs to do this lot line change. She also said that she has the resolutions from the Montague Land Use Board, as they had approved her project.

Mr. Plotsky said that the Montague Land Use Board resolutions were signed on August 8, 2013, and that the Montague Land Use Board approved the resolution that authorized the restaurant use in that zone, even though it's technically not conforming, because of the pre-existing use, and that pre-existing use under their laws, was never abandoned. He said that the second resolution approval had to do with the actual site plan, and the primary issues required modification to the site plan, primarily parking, and they wanted to make sure that the septic and parking is all in New York State. He said that he had recommended the lot line change, as diagramed. He said that the subject property, meaning the one that has the restaurant on it, is technically non-conforming, but since property is being added to it, it then makes it less non-conforming, so no ZBA action will be needed. He said that the other non-conforming lot, which is 57-3-4.2 is not being changed, and is not impacted by this proposal.

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Mervi Stack said that the easement, that is shown in Al Fuscus' notes (above- #1) is already in the deed.

Mr. Plotsky asked Mrs. Stack to show that to him.

Mr. Plotsky said that the purpose of the lot line change is, that the parcels are under one ownership in the future, and for protection for Mrs. Stack, as the owner, if there are any type of septic issues.

MOTION

Santiago made a motion for lead agency. Hunter second. Roll call vote: Santiago, aye; Hunter, aye; Wagner, aye; Vicaretti, aye; Schadt, aye; Schock, aye. Motion carried.

Al Schock read the negative declaration: "In accordance with 6NYCRR Part 617 State Environmental Quality Review regulations, specifically 617.7 determining significance, the Planning Board of the Town of Deerpark has reviewed the project application for the Mervi Stack lot line change. After thorough review of the application, plans, EAF, public comment, consultants comments, including review of the air quality, groundwater, stormwater, traffic, cultural resources, habitat, Town Ordinance, Town Master Plan, impacts on energy, and impacts on the community, the Planning Board hereby proposes, by motion, that the above project will not result in any large or important impacts and therefore is one which will not have a significant impact on the environment. Therefore, we hereby issue a Negative Declaration for the above noted project."

MOTION

Schadt made a motion for negative declaration. Hunter second. Roll call vote: Santiago, aye; Hunter, aye; Wagner, aye; Vicaretti, aye; Schadt, aye; Schock, aye. Motion carried.

MOTION

Schadt made a motion to waive a public hearing for the lot line change application, and approval subject to the Town Attorney reviewing the new deeds, to ensure the descriptions are proper and in recordable form and payment of all fees. Vicaretti second. Roll call vote: Santiago, aye; Hunter, aye; Wagner, aye; Vicaretti, aye; Schadt, aye; Schock, aye. Motion carried.

Mr. Plotsky told Mrs. Stack that she should bring her old deed to his office also, for him to review, along with the new deeds.

ALEXANDER HOTEL - #13-0707

Represented by Mr. John Fuller, Civil Engineer 856-1536

Owner/ Applicant / A. R. Realty Holdings wishes to covert the hotel into multi-family housing units, located at #1 Main St., Sparrowbush, N.Y.

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It is an HMU Zone.

Section - Block - Lot = 47 - 3 - 4.2

Application received July 17, 2013.

John Fuller said that this project is classified as a multi-family use, and it is a permitted use in the HMU zone, under the new Zoning Law, which was enacted on March 25, 2013, and is not a special use permit and no renewal is required. He said that that fact will be noted on the future site plan. He said that this new map has been revised to address the parking situation, that is, all of it is off street parking, and landscaping was added to the front, to deter on-street parking.

He said that the first floor will have a common area, which can be utilized by the tenants. He said that there will also be a coin operated laundry on the first floor. He said that a walking stair path will be created to the back of the property, with a minimum of 2,500 square foot area to be cleared, to be used as a yard area for the tenants. He said that he did delineate the steep slopes at the back of the property on the map. He said because of the steep slopes, a driveway cannot be created to the back of the property, and his client was granted a variance from the ZBA for that. He said that the board had mentioned the nature of the tenants at the last meeting. He said that one of the six tenants will be the building superintendent.

Al Schock suggested that the verbiage for the tenants should be something consistent with a one bedroom housing unit.

Al Fusco had submitted a technical memo, dated August 26, 2013. It states:

1. ZBA variance(s) to be quoted on plan.
2. Survey to be provided to engineer.
3. Address County comments and NYSDOT comments.
4. Show lighting illumination on plan.
5. Board comments.

Al Fusco said that the town would like to see the area on this property cleaned up, and a violation from the Building Department has been sent to the owner of the property. He said that the violations should be fixed before the public hearing.

Bob Vicaretti asked if the hotel is structurally sound?

John Fuller answered yes, he has been inside the building many times, and structurally, the shell of the building is sound, and clearly there will be a lot of framing and structural work to restore what is already there, rather than to start from scratch.

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Bob Vicaretti asked if there is a basement?

John Fuller answered that part of the basement is on slab and part of it is a crawl space.

Bob Vicaretti asked about fire prevention?

John Fuller answered that the Code requires a sprinkler system, and there will also be fire rated stairwells, fully compliant with the Code.

MOTION

Santiago made a motion for lead agency. Vicaretti second. Roll call vote: Santiago, aye; Hunter, aye; Wagner, aye; Vicaretti, aye; Schadt, aye; Schock, aye. Motion carried.

MOTION

Schadt made a motion to schedule a public hearing for September 25, 2013. Hunter second. Roll call vote: Santiago, aye; Hunter, aye; Wagner, aye; Vicaretti, aye; Schadt, aye; Schock, aye. Motion carried.

APPROVAL OF MINUTES - AUGUST 14, 2013

Santiago made a motion to approve the minutes from the August 14, 2013 meeting. Wagner second. Roll call vote: Santiago, aye; Hunter, aye; Wagner, aye; Vicaretti, abstain; Schadt, aye; Schock, abstain. Motion carried.

EXECUTIVE SESSION

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

The Board went into executive session at 7:52 p.m.

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

The Board came out of executive session at 8:30 p.m.

ADJOURNMENT

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

Meeting adjourned at 8:30 p.m.

Respectfully submitted,

Barbara Broliier, secretary

