

DEERPARK PLANNING BOARD - NOVEMBER 13, 2013 - PAGE #

The Deerpark Planning Board met for their bi-monthly meeting on Wednesday, November 13, 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
Willard Schadt
Theresa Santiago

Derek Wilson

Mike Hunter

OTHERS

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

Mr. Glen A. Plotsky, Town Attorney
Mr. Doug Barthel, Applicant

Mr. Frank Breitweiser, Applicant

Mr. Yuexing Dong, Applicant

Mr. John Fuller, Civil Engineer

Mrs. Mervi Stack, Applicant

THE PLEDGE OF ALLEGIANCEBREITWEISER LOT IMPROVEMENTS SUBDIVISION - # 13-0909

Represented by themselves 754-7148

Owners/ Applicants Frank & Sharon Breitweiser are seeking a lot line change on property located at 201 Oakland Valley Rd., Cuddebackville, N.Y.

It is in the RR Zone

Section - Block - Lot= 20 - 1 - 62.1 & 62.22

Application submitted September 12, 2013.

Al Fusco said that his conditions are satisfied, except that the applicants need to submit cleaner prints for the submission of the final maps.

Glen Plotsky said that he is satisfied with the deeds.

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 Breitweiser lot line change 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."

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

MOTION

Wilson made a motion for conditional final approval, subject to payment of all fees, and satisfying the town engineers condition. Santiago second. Roll call vote: Santiago, aye; Hunter, aye; Wilson, aye; Schadt, aye; Schock, aye. Motion carried.

Al Fusco said that the applicants also have to submit a mylar.

ROCK CITY MEDIA – PUBLIC HEARING CONTINUED - # 12-0503

Represented by Mr. Doug Barthel 679-6441

Owner/ Mervi Stack; Applicant/ Rock City Media wishes to erect a digital sign on property located at 83, 85 S. Maple Ave., Town of Deerpark, Orange County, N.Y.

It is in the IB zone.

Section - Block - Lot = 57 - 3 -

3.1 & 4.2

Application received May 15, 2012.

SEE ATTACHED PUBLIC HEARING RECORD

Mr. Barthel did submit a new adjoiners list at the public hearing.

Al Fusco referred to his technical memo, dated November 11, 2013:

1. Same comments as last meeting.
2. Attorney to verify notice and continue public hearing.
3. Board comments.

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 Rock City Media site plan 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

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

MOTION

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

Derek Wilson asked if there is wording for the public service announcement?

Al Fusco answered that the applicant had submitted a letter, and he said that he believes that it is up to 5% of the designed time, that the Town can use the public service messages.

MOTION

Wilson made a motion for conditional final approval of the Rock City Media application, based upon the letter submitted concerning public service messages being at least 5% and payment of all fees. Hunter second. Roll call vote: Santiago, aye; Hunter, aye; Wilson, 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

Glen Plotsky and Al Fusco stated that they were both satisfied with the latest submissions

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 project. 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

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

MOTION

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Wilson made a motion for conditional final approval of the Mervi Stack site plan, subject to satisfying the town engineers' comments, and payment of all fees. Hunter second. Roll call vote: Santiago, aye; Hunter, aye; Wilson, aye; Schadt, aye; Schock, aye. Motion carried.

Mrs. Stack said that she will bring the mylar to be stamped by the Chairman.

YUEXING DONG - PRE-APPLICATION CONFERENCE

Represented by himself 239-3020

Owner/ Applicant Yuexing Dong has a single family home, which he wishes to create a music shop in, on property located at 398 Galley Hill Road, Cuddebackville, N.Y.

It is in the HMU Zone.

Section - Block - Lot = 22 - 1 - 5.21

Applicant has spoken with the Building Inspectors' office.

Al Fusco explained the history of this property by saying that there was a barn, and the applicants had gotten a variance from the ZBA, because the barn was too close to the road, and then they returned here, and wanted to make the barn into a bed and breakfast. He said that they also wanted to change the lot lines, because the barn is on a little piece, and it's surrounded by another lot, where they actually want a single family house now. He said that at that time in the zoning, in order to create a bed and breakfast, an applicant could convert a house into a bed and breakfast, but not a barn. So, the Planning Board had instructed the applicants to take out a building permit to turn the barn into a single family house, and the applicants did not want to do that, so they dropped the lot line change and the bed and breakfast plans. He said that they then came back to the building department for an application for a single family house. He said that it was a substantial house, more of a commercial property, and now that the zoning has changed, the applicants were directed to come back before this Board again, since it's a use allowed under the HMU zone, to allow them to get a legitimate approval for their site plan.

Glen Plotsky said that there are other structures on this same lot, even though it is across the road. He asked Yuexing Dong what the intended use of the structures are, on this lot, but across the road?

Yuexing Dong answered that the house was torn down.

Glen Plotsky said that on the site plan, there is a structure there.

Yuexing Dong said that the structure here is the old Cuddeback house.

Glen Plotsky said that the lot being talked about for his proposed lot now, is across the street and it's all the way around the area with the barn on it. He asked what are the others being used for, because they are still on the same lot.

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Yuxing Dong answered that those buildings are not being touched.

Glen Plotsky said that the applicant may need to subdivide by using Galley Hill Road as a lot line, to subdivide it into two lots, so that he will have a house on one, and a music store on the other lot, as opposed to having multiple uses on the same lot. He said that lot #5.221 goes across Galley Hill Road and around the properties, and lot #5.222 goes across Galley Hill Road also. He said that assuming that there is enough land on both sides of Galley Hill Road, the applicant might be better served by doing lot line changes.

Al Fusco referred to his technical memo, dated November 11, 2013:

1. Owner and applicant not the same- need Owners' Endorsement with application.
2. Plan needs dimensions.
3. Easement for access not recommended.
4. Extra property should be shown.
5. Wetland delineation.
6. Profile of parking area.
7. Need handicap spaces and accessibility.
8. First floor elevation of building.
9. 25' gratuitous offering for road purposes.
10. List number of employees and store hours.
11. Certify septic and show flow calculations.
12. Show other site features.
13. Show distance to Town line.
14. Additional comments when formal plan and application received.
15. Board comments.

Al Fusco said that the applicant needs to establish an escrow account with the Town Supervisors' office for town engineering bills, pertaining to his project, in the amount of \$1,500.

Glen Plotsky said that his escrow account amount, will be \$750.

Al Fusco also said that the applicant needs to re-locate the driveway.

MESSIAH CHAI INC. # 13-0507

Represented by Batshero Elkrslasi

Owner/ Applicant Messiah Chai Inc., is coming before the board to have their existing sign recognized, on property located at #30 ShinHollow Road, Town of Deerpark, Orange County, New York.

It is in the RR Zone.

Section – Block – Lot = 53 – 1 – 96.1

Application submitted May 23, 2013

Al Fusco referred to his technical memo, dated November 11, 2013:

1. Sign is not dimensioned; perpendicular distance to road is not dimensioned.
2. Sign to comply with 230-30(d), Board determination.

3. Board comments.

Al Fusco briefly explained his comments.

The Board told the applicant that a site plan will have to be submitted by November 27, 2013, in order to be placed on the next Planning Board meeting date agenda, of December 11, 2013.

ALEXANDER HOTEL - #13-0707

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

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

It is in the HMU Zone.

Section - Block - Lot = 47 - 3 - 4.2

Application received July 17, 2013

Al Fusco referred to his technical comments, dated November 11, 2013:

- 1. The engineer has amended technical comments.
- 2. The HMU zone has a minimum lot of 40,000 SF, with no water or sewer. Section 230-27 of the Zoning Code "Conversions of Residential or Non-Residential Structures", specifically Sub-section "D" reads: "The conversion shall not

result in

increased residential density exceeding that permitted within the district. If,

for

example, the minimum lot size is 2 acres then no more than one equivalent

dwelling

unit shall be permitted per 2 acres of lot area." In this case, the minimum lot

is

40,000 SF, the lot has (2.46 acres) or 107,157.6 SF. That allows: 26789

units,

according to the zone. The applicant applied for 6, only 2 are allowed.

- 3. The applicant went to the ZBA and got an area variance for front yard, etc., but I do not believe his variance included the increase in density. The attorney

should verify

this.

- 4. Board comments.

Actions:

- 1. Refer to Attorney and possible ZBA.

Al Fusco said that the applicant did get a variance from the ZBA for the front yard, but it did not include a variance for the change in density. He recommended that this be reviewed by the Town Attorney for the possibility of being sent back to the ZBA for a variance for a change in density.

John Fuller referred to Section 230-27 (D) of the Zoning Code, saying that the multi-family use allows for the density bonus, and his client does satisfy that, with the six units. He said that the Section does not differentiate between an existing or a new structure. He said that the Code states that an equivalent dwelling which if a multi-family dwelling was being put on a one-acre

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parcel, then with the 300% bonus, it would allow for a 3-family. He said that his client has over 2 acres of usable land, so a 6-family, according to his interpretation, would be allowed.

Al Fusco said that the Town Attorney and himself will have to review this, as he believes that the intent of the Zoning Law was for new development.

Glen Plotsky said, concerning density bonuses, that he will review the Zoning, and see if there's any specific reference to attract new construction, versus refurbishing.

Al Schock asked, what happens when an applicant loses his grandfathering?

Al Fusco answered that the applicant will have to apply before the ZBA to get re-established. He said that right now, this project is a non-use, that is, it can only be used for a single family house.

Derek Wilson said that a commercial use can be used, as long as the applicant obtains the proper permits.

MOTION

Wilson made a motion for the Board to refer this applicant to the ZBA for an interpretation of the zoning density allowed for this project, or a variance. Hunter second. Roll call vote: Santiago, aye; Hunter, aye; Wilson, aye; Schadt, aye; Schock, aye. Motion carried.

The secretary was instructed to place this applicant on the next Planning Board agenda.

MATTHEW ABBADESSA & KATHLEEN RETALLICK - LOT CONSOLIDATION

Represented by themselves 672-3184

Owners/ Applicants Matthew Abbadessa & Kathleen Retallick wish to combine two lots into one, on property located at 114 Old Cahoonzie Rd., Sparrowbush, N.Y.

It is in the RR zone

Section - Block - Lot = 33

- 1 - 35

Section

- Block - Lot = 41 - 3 - 11.2

Application received October 16, 2013.

This is the applicants' first meeting before this board.

Glen Plotsky explained that the new Zoning Law now allows citizens to go through the Town Tax Assessors' office for a lot consolidation, rather than going through the Planning Board process, and had instructed these applicants tonight, to go that route. He referred to the Town Zoning Law, page 41, Section 230-20 "Lot lines of adjacent parcels, can be combined by petition to the Assessor. The applicants must pay for all new maps, deeds, filing fees." He recommended that the Town re-imburse the applicants' Planning Board application fee. He said that once the lot consolidation is completed, the final maps will have to be signed by the Planning Board Chairman.

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APPROVAL OF MINUTES - OCTOBER 23, 2013

Wilson made a motion to approve the minutes from the October 23, 2013 meeting. Santiago second. Roll call vote: Santiago, aye; Hunter, aye; Wilson, abstain; Schadt, abstain; Schock, aye.. Motion carried.

ADJOURNMENT

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

Meeting adjourned at 8:15 p.m.

Respectfully submitted,

Barbara Brollier, secretary