

The Town of Deerpark Planning Board met for their bi-monthly meeting on WEDNESDAY, OCTOBER 23, 2019 at the Deerpark Town Hall, 420 US Route 209, Huguenot, NY.

The following were present:



APPROVED

BOARD MEMBERS PRESENT:

Craig Wagner-Vice Chairman
Willard Schadt

Theresa Santiago
Rob Whitney

BOARD MEMBER NOT PRESENT: Robert Vicaretti-Chairman

OTHERS PRESENT:

Town Engineer-Alfred A Fusco III
David Dean-Town Councilman
Al Schock-Town Councilman

Pledge of Allegiance

Meeting was brought to order at 7:00 p.m.

32 MAIN STREET – PIZZA PLACE – PRE-APPLICATION –
Giuseppe Bosco-Applicant

Mr. Bosco stated that this is a commercial building, it is a multi-use building, the first floor is commercial and it was a deli and store before, he would like to open a pizza place. He added he also had questions about signage. Town Engineer acknowledged that he was sent to the Planning Board because it was an old deli and has been vacant for 4-5 years, he felt they did not need a full site plan approval and wanted to see if the old use was close enough to the intended use. Willard Schadt asked was the use was before and the new use, Town Engineer replied that it was cold sandwiches. Mr. Bosco stated that there was a stove and fryer and would have the same use just adding a pizza oven. Town Engineer questioned the number of seats for patrons, Mr. Bosco answered it depends on the septic, they will be getting an Engineer to look at the septic system. Willard Schadt asked about parking, Town Engineer replied that parking, septic, grease trap designs would all be through the Planning Board with a full site plan. Mr. Bosco stated that there is a lot next door that can be used for parking. Town Engineer acknowledged that the Building Department does not dictate parking. He also asked about a retaining wall issue that has been on going, Mr. Bosco answered that yes there has been it is the neighbors and it has fallen on his property and he has fixed it 2 times. Chairman Wagner asked if they should go through the whole site plan, Willard Schadt stated that Department of Health is involved, Town Engineer acknowledged with the food operation they are involved. Mr. Bosco stated that the Dept of Health are the ones that told him to get an Engineer for the septic. Chairman Wagner stated that he felt as long as he had an ok from Dept of Health and an ok from an Engineer regarding the septic that it could proceed through the Building Department. Willard Schadt stated that after the septic dictates what the capacity will be Town Engineer can look at the parking.

Motion to refer Applicant to the Building Department.

Motion made by Theresa Santiago, 2nd by Rob Whitney to refer the Applicant to the Town of Deerpark Building Department.

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

MOTION CARRIED

PLANNING BOARD MEETING OCTOBER 23, 2019 continued –

PEENPACK MEADOWS – EXTENSION –

Alan Lipman-Representative for Applicant

Robert Lucas-Representative for Applicant

Mr. Lucas stated that they had a buyer for the 14 lots, it was a neighbor but it fell through, so they are going to abandon the 14 lots. He continued that they have met with Town Attorney and they will draw up new maps for just the 3 lots and consolidate the rest into one large lot, there has been discussion in regards to the road being private or a town road. Mr. further stated that Mr. Plotsky wants the maps labeled Peenpack Meadows Phase I and have the deeds show the meets and bounds. Willard Schadt acknowledged that he had no problem giving them a 6-month extension as long as they are abandoning the 14 other lots. Mr. Lucas stated that if they don't have anything in 6 months then they are done. Chairman Wagner confirmed he could see no problem with giving them time to get an engineer to do the maps as long as the 14 lots are combined.

Motion to extend approval.

Motion made by Theresa Santiago, 2nd by Rob Whitney to extend the conditional approval for Peenpack Meadows until April 22, 2020 contingent on the consolidation of the 14 other lots.

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

MOTION CARRIED

DEERPARK VILLAGE – EXTENSION –

Planning Board Secretary explained that Town Attorney emailed and recommended a 90-day extension for this applicant.

Motion to extend approval.

Motion made by Theresa Santiago, 2nd by Willard Schadt to extend the conditional approval for Deerpark Village for 90 days until January 8, 2019.

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

MOTION CARRIED

NEW CENTURY – 517 NEVERSINK DR – RESTAURANT –

John Fuller-Representative for Applicant

Peter Wei-Applicant

Mr. Fuller explained that previously they have an approval for a Film Studio and then they decided they wanted to add a seasonal flea market, SEQRA review has been done for the film studio, two residential homes and the flea market. He went on to state that they now wish to utilize a portion of the arena, it is in the old VIP lounge and is already a finished space. He continued that the site plan shows current uses and potential use. Peter Wei spoke of the awards the film studio has won, he explained that during the events they do surveys and the most attractive thing is the food, so they would like to benefit from it. He stated it will also be for the film crew and it will be something for the winter months when the market is closed.

PLANNING BOARD MEETING OCTOBER 23, 2019 continued –

NEW CENTURY – 517 NEVERSINK DR – RESTAURANT – continued –

Mr. Fuller further stated that it will have a ground level main entry, the lounge is in the front part of the arena but they will need a little more room for kitchen needs and are putting an addition. Town Engineer asked how big the addition would be, Mr. Fuller replied 200-300 sqft, he added that they did not want to destroy the arena or the seating area. Town Engineer asked if the shadow parking that was discussed during the flea market process would be used, Mr. Fuller stated that there was parking around the building, he added that they are adding the restaurant for events and the market and will provide hours of operation and the restaurant will be open year round to the public. Town Engineer stated that because of the capacity that they are asking for the restaurant does not have to be sprinkled if it was over 100 then they would have to do not only the restaurant portion but the whole building, he added a 2 hour fire wall could be done but that would be completed during the building department stages. Mr. Fuller acknowledged that it would be 60 seats and that the current septic is what is the limiting factor. Town Engineer stated that hours of operation, occupant load need to be on the map, he stated to get that and then GML-239 can be done.

Motion to declare lead agency.

Motion made by Theresa Santiago, 2nd by Rob Whitney to declare intent for Town of Deerpark Planning Board to get Lead Agency for SEQRA purposes.

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

MOTION CARRIED

QUARRY MANAGEMENT – 131-143 ROUTE 6 – SITE PLAN REVIEW –

John Fuller-Representative for Applicant

Mr. Fuller explained that in the spring of this year a public hearing was conducted and there were public comments. Since then the applicant has done a traffic study that was submitted and sent to DOT (Department of Transportation), they responded that they would like the driveway repaved to commercial standards. Also, a noise study was conducted by a third party onsite and monitored at several locations, they also went to the quarry and used computer programming to listen to the crusher, it was an extensive report and that was submitted as well for review. He continued that the Town Engineer Alfred Fusco III visited the quarry. He further stated that this use will be to stockpile staging materials, it will have a crushing machine, they have agreed to limit the hours of operation in regards to the crushing and was asking for conditional approval. Town Engineer confirmed that he did go out and stated that the rock crusher is loud but it is from 10-2 five business day per month, Mr. Fuller stated that the applicant agrees to that but it could be less or not at all and he added that the noise study stated that the site should not produce any more noise than Interstate 84 and Route 6 does. Theresa Santiago asked who would enforce if they did go over the time, Town Engineer replied that it will be hard to enforce but if there is an issue the Building Department will be the one that would issue the violation, but the applicant could submit a report of operation hours. Willard Schadt asked if they could set certain days, John Fuller answered that it was up to the Board, the Applicant does not have an issue, it can be capped at certain days of the week.

PLANNING BOARD MEETING OCTOBER 23, 2019 continued –

QUARRY MANAGEMENT – 131-143 ROUTE 6 – SITE PLAN REVIEW – continued –

Chairman Wagner stated that in the narrative there was mention of a screener, excavator, loader, crusher and hydraulic rock hammer to be used, John Fuller acknowledged that they will all be onsite, but will not be used all the time. Town Engineer stated that he did go out to the mine, did see the equipment, listened went to the property lines and listened, no noise but Board can request screening to mitigate noise. John Fuller acknowledged that the operation will be behind the buildings and the Applicant does not have a problem with putting in extra berms. Chairman suggested to also put a berm in the back on Lime Kiln Road side, Mr. Fuller added that there is no issue with adding berms and additional vegetation. Theresa Santiago and Rob Whitney agreed. Town Engineer stated that they are still waiting on SWPPP and cut sheets on the lights, they need to be downward facing. Chairman Wagner asked about the traffic study and the reduction of the speed limit, John Fuller answered that it will be a right turn only and the Applicant does not have a problem asking DOT to put up signs. Willard Schadt added that the maps say 40 MPH, John Fuller stated he will confirm. Willard Schadt also asked about the discrepancy in the narrative and the on the maps the hours of operation say 24 hours and 5am to 5pm in the narrative. John Fuller explained that the narrative does say 5am to 5pm and 8-2 Saturdays and Sundays but certain times trucks will be coming from the city and will be making drops. Town Engineer added that this is so they are not lining up on the road, they can dump or pick up in emergencies and added maybe it should be more specific. Willard Schadt stated that at the public hearing there was an issue with back up noise, John Fuller explained that Mr. Curso spoke that trucks have white noise and there is a flow diagram of the traffic so should not have that many backing up. Chairman asked about the dust issue, John Fuller stated that there is a machine that waters down the site when it gets too dusty, Town Engineer also stated that it is regulated by DEC and they would enforce. Town Engineer questioned how the Board would like the Hours of Operation shown on the map, Chairman Wagner answered 5-5 possibility of deliveries outside of that window. Town Engineer suggested that the Board could approve the application contingent on the review and approval of notes on the map or can wait to see the new maps. Willard Schadt stated that he would like to have counsel present to review and comment, Theresa Santiago agreed, Chairman Wagner agreed.

MOTION TO APPROVE MINUTES.

Motion to Approve October 9, 2019 Minutes.

Motion made by Rob Whitney, 2nd by Theresa Santiago to approve the minutes for Wednesday, October 9, 2019 meeting.

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

MOTION CARRIED

PLANNING BOARD MEETING OCTOBER 23, 2019 continued –

OTHER BUSINESS:

Dave Dean stated that Quarry Management is a tough application and the Board needed to be fair and follow the rules, there was a lot of gray area, he added Willard's observation of no counsel is good and should wait for review.

Al Schock added that the DOT will police Route 6, the DEC will police the yard and the neighbors will police the noise and if and how many trucks come in late.

Motion to adjourn meeting.

Motion made by Theresa Santiago, 2nd by Rob Whitney to adjourn October 23, 2019 Planning Board meeting at 8:27 pm.

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

MOTION CARRIED

Respectfully submitted by,



Amanda Gorr, Planning Board Secretary