

The Town of Deerpark Planning Board met for a BIMONTHLY MEETING on WEDNESDAY, SEPTEMBER 23, 2020. The Meeting was held VIA Zoom.

The following were present on the meeting:

BOARD MEMBERS PRESENT:

Craig Wagner-Vice- Chairman
Theresa Santiago

Willard Schadt
Rob Whitney

BOARD MEMBER NOT PRESENT: Robert Vicaretti-Chairman

OTHERS PRESENT:

John Nosek-Representative from Fusco Engineering
Glen Plotsky-Town Attorney
David Dean-Town Councilman

Craig Wagner took over Chairman duty, due to absence of Robert Vicaretti.

Pledge of Allegiance

Meeting was brought to order at 7:02 p.m.

17-19 SHORE DR – LOT LINE CHANGE –

Holly Fuller-Representative for Applicant
John Fuller-Representative for Applicant

Mrs. Fuller explained that these 2 lots are currently non-conforming and will be less non-conforming after the change. Town Attorney asked who the LLC was compared to the owner and there needs to be a letter stating that he is the principal or both owners' signatures. Town Attorney went on to say that the public hearing could be waived but would defer to Mr. Nosek. Mr. Nosek confirmed the public hearing could be waived, there were no proposed improvements, it is just shifting lot lines. Town Attorney acknowledged they are starting out with 2 non-conforming lots and ending with 2 non-conforming lots. Willard Schadt questioned the framed building on the map be stated that it seemed like it was almost on the new line and would not meet setbacks, Mrs. Fuller stated that the surveyor did not put the measurement on the map. Willard Schadt asked if a variance would be needed, but believed the overall lot line change is a good solution. Town Attorney stated that setbacks were 35ft, Holly Fuller acknowledged it was about 10ft, John Fuller answered that an accessory structure can be 10ft; it is stated in a different part of the Zoning Ordinance. Town Attorney stated that there is a setback issue and it will require a variance, he continued that a referral needs to be sent to ZBA for lot size and all setbacks. He further stated that when you bring an application it is subject to the current Zoning, he added that he sees no issue with the ZBA granting it. Willard Schadt asked if the Planning Board can refer it to the ZBA with recommendation to approve, Town Attorney answered yes.

Motion made by Willard Schadt, 2nd by Theresa Santiago to refer Applicant to the ZBA with recommendation to approve variances.

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

MOTION CARRIED

WHITEHEAD ROAD – PINE VIEW – 4-LOT SUBDIVISION

Holly Fuller-Representative for Applicant

Mrs. Fuller stated that in submitting the EAF it turned up archeological sites, it is a 4-lot residential subdivision. John Nosek went through comments from Fusco Engineering stating that driveway profile needed to be submitted to account for slope, perc tests need to be witnessed and basic SWPPP needed to be done. Town Attorney acknowledged that Monopoly Holdings which is the purchaser with John Little he represents. Mrs. Fuller stated that she will call and schedule joint soil tests, Mr. Nosek suggested to revise and resubmit.

PLANNING BOARD MEETING SEPTEMBER 23, 2020 continued –

139 BERME ROAD – HAROLD SCHMIDT – 4-UNIT MULTI-FAMILY –

Holly Fuller-Representative for Applicant

John Fuller-Representative for Applicant

Mrs. Fuller explained that it has been a while since they were before the Board, they were referred to the ZBA, then there was a moratorium, then they had to go back to ZBA for approval all variances have been granted. The Applicant has never submitted a formal application, this is the old Alexander Motel, it is 16 units and would like to renovate it and make it a 4-family unit. She continued that there is no septic it was on a separate parcel across the street, there will be a new well and septic done for this. Dave Dean asked if anyone was living in the building, John Fuller answered, No. He then asked when it had become vacant, John Fuller replied for about 5 years now, this is the old Motel, it is owned by Harold Schmidt and has been vacant since he owned it. Town Attorney stated that eventually a GML-239 would need to be done because of its proximity to Route 97. Mrs. Fuller acknowledged that there will be a few minor revisions, Town Attorney suggested that the Board could introduce a motion to start the 239 distribution and declare intent to be Lead Agency.

Motion to distribute the GML-239 review.

Motion made by Rob Whitney, 2nd by Theresa Santiago to distribute GML-239 to required agencies for Schmidt Multi-Family.

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

MOTION CARRIED

Motion to declare intent to be Lead Agency.

Motion made by Theresa Santiago, 2nd by Rob Whitney to declare intent for the Town Of Deerpark Planning Board to be Lead Agency.

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

MOTION CARRIED

Willard Schadt asked if septic under the parking lot is allowable and if it will solve the problem, John Nosek answered that Orange County Department of Health does allow that and went through the comments from Fusco Engineering stating that they will require a parking waiver, that the parcel is an existing non-conforming lot, show landscape, show unit layout, show separation of well and septic and soils tests need to be witnessed. Mr. Fuller stated that a Zoning Variance was granted for the non-conforming issues and a waiver for the parking was granted through ZBA. Town Attorney suggested a public hearing could be scheduled subject to revised plans submitted, it would be the first meeting in November but will have to wait until that meeting is rescheduled which will be later it is on the agenda for tonight.

109 MAIN STREET – EFH LLC – 6-UNIT MULTI-FAMILY –

Holly Fuller-Representative for Applicant

Mrs. Fuller explained this is located at the corner for Main St and Route 42-97, it is an existing commercial building, with three apartments on the second floor and one on the first floor. There is a similar building down the street, the old Alexander Hotel, the applicant would like to make this a 6-unit, MS Septic did an exploratory dig and found that the septic is insufficient and a new septic and field need to be constructed, the new location is shown on the map but the well in good condition. Town Attorney disclosed that he represents the owner of the building. He also acknowledged that SHPO and threatened and endangered species report needed to be done. John Fuller asked if 239 could be done but wait on scheduling the public hearing, Town Attorney added that a parking waiver would be needed.

Motion to declare intent to be Lead Agency.

Motion made by Theresa Santiago, 2nd by Rob Whitney to declare intent for the Town Of Deerpark Planning Board to be Lead Agency.

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

MOTION CARRIED

Motion to distribute the GML-239 review.

Motion made by Theresa Santiago, 2nd by Rob Whitney to distribute GML-239 to required agencies for 109 Main St Multi-Family.

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

MOTION CARRIED

PLANNING BOARD MEETING SEPTEMBER 23, 2020 continued –

517 NEVERSINK DRIVE – NEW CENTURY – RESTAURANT –

Holly Fuller-Representative for Applicant

Mrs. Fuller explained that in the previous application, it showed the restaurant in the multi-purpose building. She continued that it was an existing office in the building it will be converted on the first floor a motel and the second floor will have retail shops and a restaurant. They also would like a food truck to take to fairs and such. They have submitted an updated SHPO and threatened and endangered species report, the applicant would also like a commercial kitchen in one of the Multi-family Homes. John Nosek stated that it needs to be outlined what exactly the multi-purpose building will be used for, also they will need to get with Department of Health and Department of Environmental Conservation for the septic, County Department of Public Works for the access. Town Attorney acknowledged that he is not comfortable with reference to a multi-purpose building, the applicant has changed their mind 4 or 5 times, there needs to be a site plan for the whole use of the property and he cannot see how the Town will regulate a commercial kitchen in a residential home. Holly Fuller stated she will clarify concerns of the Board and resubmit. Town Attorney suggested Board declare intent for Lead Agency.

Motion to declare intent to be Lead Agency.

Motion made by Theresa Santiago, 2nd by Rob Whitney to declare intent for the Town Of Deerpark Planning Board to be Lead Agency.

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

MOTION CARRIED

RESCHEDULE NOVEMBER MEETING –

Town Attorney stated that the 1st meeting in November is on Veteran's Day and would need to be scheduled. Willard Schadt suggested the 18th, Town Attorney acknowledged he would not be available that day but could submit a report or be on the meeting virtually.

Motion to reschedule meeting.

Motion made by Theresa Santiago, 2nd by Rob Whitney to reschedule the Town of Deerpark Planning Board meeting from Wednesday, November 11, 2020 to Wednesday, November 18, 2020 at 7pm.

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

MOTION CARRIED

CANCEL SECOND MEETINGS IN NOVEMBER AND DECEMBER –

Motion to cancel meetings.

Motion made by Theresa Santiago, 2nd by Rob Whitney to cancel November 25, 2020 meeting and December 23, 2020 meetings.

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

MOTION CARRIED

139 BERME ROAD – HAROLD SCHMIDT – 4-UNIT MULTI-FAMILY – revisited –

Motion to schedule a public hearing.

Motion made by Theresa Santiago, 2nd by Rob Whitney to schedule a public hearing for Wednesday, November 18, 2020 at 7pm for Schmidt Multi-Family.

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

MOTION CARRIED

MOTION TO APPROVE MINUTES.

Motion to Approve September 9, 2020 Minutes.

Motion made by Theresa Santiago, 2nd by Rob Whitney approve the minutes for Wednesday, September 9, 2020 meeting.

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

MOTION CARRIED

PLANNING BOARD MEETING SEPTEMBER 23, 2020 continued –

OTHER BUSINESS –

Dave Dean stated the meeting went smoothly and everyone did a good job.

Motion to adjourn meeting.

Motion made by Theresa Santiago, 2nd by Rob Whitney to adjourn September 23, 2020 Planning Board virtual meeting at 7:58 pm.

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

MOTION CARRIED

Respectfully submitted by,



Amanda Gorr, Planning Board Secretary