

DEERPARK PLANNING BOARD - OCTOBER 23, 2013 - PAGE #

The Deerpark Planning Board met for their bi-monthly meeting on Wednesday, October 23, 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

Craig Wagner

Derek Wilson

Bob Vicaretti Theresa Santiago

Mike Hunter

OTHERS

Mr. Alfred A. Fusco, Jr. Town Engineer

Mr. Glen A. Plotsky, Town Attorney

Mr. David Dean, Town Board Liaison

Mrs. Mervi Stack, Applicant

Mr. Doug Barthel, Applicant

Mr. Frank Breitweiser, Applicant

THE PLEDGE OF ALLEGIANCEROCK CITY MEDIA – PUBLIC HEARING - # 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

The board determined that the public hearing will be held again on November 13, 2013.

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

Mrs. Stack said that the septic system was approved by the NYS Department of Health, and she said that her entire application to the health department has been approved, and she said that she now wants to get the septic system put in.

Al Fusco referred to his technical memo, dated October 23, 2013.

1. The site plan notes propose 22 spaces and shows 23 spaces.
Al Fusco said that 23 spaces need to be clarified on the map.
2. We only reviewed the site portion in Deerpark.
3. The dumpsters should have an enclosure shown.
Al Fusco said that the dumpster enclosure will keep the animals out.
4. Health Department approval reviewed; must comply with their requirements.
5. Building permit is required for all work.
6. Inspection sign-off required by professional engineer for septic system and UV installation.
7. Board comments.
- 8.

Al Fusco reviewed the health department review, and said that the applicant needs a Town of Deerpark building permit for the septic and additions to the building. He said that it must be certified by both the Town of Deerpark and the Orange County Health Department

Al Fusco said that another issue is the lot improvement, lot line change, and he needs a metes and bounds description.

Mr. Plotsky said that he still needs to review the lot line change and deeds.

Mr. Plotsky said that the mylars and maps and proposed deeds were delivered to his office. He said that he asked Al Fusco to review the metes and bounds descriptions that were delivered with the deeds, to see that they match what is shown on the plans. He said that it appears that Mrs. Stack obtained blank bargain and sale deeds, and attempted to fill them out herself. He said that his opinion is that they are not recordable, and he would not approve them. He said that he had suggested to Mrs. Stack that she can do this application with one deed, where it says that parcel one used to be this, and parcel two used to be this, with section, block and lot, and then say that they are now modified, based upon the lot line approved on such and such a date, and then with new metes and bounds descriptions. He said that Mrs. Stack will meet with a professional, who will prepare recordable deeds. He said that the reason for the lot line adjustment, was so that the septic is on the same parcel as the restaurant. He said that that is accomplished by the maps, as drawn. He said that it appears that one of the lot lines goes right through a covered porch, which is attached to one of the residences. He said that that aspect is pre-existing, and he will not deny or delay this action because of it. He said however, that if this were my client, he said that he would say that as long as my client is doing a lot line, let's make that building completely on a parcel, without a line going through it, because if she ever tries to sell the parcel, it will be an issue.

Mrs. Stack said that she believes that there are only two lots, not three, so she said that she only needs two deeds.

Glen Plotsky said that if Mrs. Stack does the two deeds, that doesn't mean that there are two parcels, because one of the deeds will have two parcels on it. He said that that is why Mrs. Stack was originally told three deeds, because there are three sections, blocks, and lots. He said that while it is a lot line change, because the applicant is starting with three parcels, and she is going to end with three parcels. He said that the thing that is going to change, with regard to either all three deeds, or the descriptions, if she chooses to do two deeds of three parcels, is that the metes and bounds description of all three will change, once this is approved. He said that none of the currently existing or recorded deeds will have an accurate metes and bounds description for a resulting lot. He said that Mrs. Stack can have two or possibly one deed, but as long as she has separate demarcations of the individual tax lots, because they're different parcels.

Al Schock asked, could there be two houses on two different lots, with one deed?

Glen Plotsky answered yes, she can put all three on the same deed, saying that originally, these were three section block and lots defined as follows, and due to a lot line approved on such and such a date, it is now the following three parcels with the following descriptions, and then do parcel one, parcel two and parcel three, and that gets recorded, and then she is good to go.

Al Schock asked how many section block and lots would there be?

Glen Plotsky answered that there still would be three taxable parcels, and the borders are just moved around, so that they are more conforming, and there would not be a situation where if she wants to sell the restaurant, and now the septic is another persons' property.

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Mrs. Stack said again that there's actually just two lots, because the third one would be then on the New Jersey section, block and lot.

Mr. Plotsky and Mr. Fusco both insisted that there are three lots in New York.

Mrs. Stack answered that there is one lot, which is the restaurant property which is in New York, and then there is the second one is where it is coming from, and that's all there is. She said that the third lot does not go into it.

Glen Plotsky agreed that the third lot is not directly related to the restaurant lot, but there are three lots, all of which are owned by Mrs. Stack, and each of which has its' own section, block and lot. He said that the one lot happens to be in two different states, and that is not a problem, because the Montague New Jersey Land Use Board has given Mrs. Stack the approvals that she needs. He said that the three lots are -3-4.1 and 57-3-3.1 and 57-3-4.2 which are all three separate tax parcels in the Town of Deerpark.

Mrs. Stack said that she knows that there are three, but, she said that still it is only concerning the two lots, because the lot line change did not go onto the 57-3-4.2, and this lot was not affected.

Glen Plotsky acknowledged that 57-3-4.2 which is a .24 acre parcel, nothing appears to have been modified, with regard to that particular parcel, and that is, by the way, the parcel that has the house and the porch.

Mrs. Stack agreed, and said that 57-3-4.2 has not been affected.

Al Fusco asked, while Mrs. Stack is at this point, does she want to change it, to avoid the encroachment of the house?

Mrs. Stack answered no, because it would cost her extra money.

Al Fusco said that he had never received the subdivision map, although he did receive the site plan map. He said that this metes and bounds description, that he said he just received tonight, identifies easements. He said that the map says..."subject to all easements, restrictions, covenants and rights-of-way of record" He said however, that the map does not indicate them or show them. He said that it does not relate to them in the metes and bounds descriptions, but it is not shown on the map, which the board had directed Mrs. Stack to do at a prior meeting.

The board agreed that it would be smart of Mrs. Stack to change that one lot line right now, as it would be a simple process.

Bob Vicaretti said that he has a map dated June 1, 2013, and there is still a property line extending through the parking lot in the top right hand corner, and asked, is that right?

Al Fusco answered that the board can require that that property line to be moved, to pick up those other three parking spaces, to have them all on the same property, however, the board does allow, with a recorded instrument, that if the applicant has an agreement for parking, within 500 feet of the affected property, then the applicant can have parking on the other lot that she or someone else owns, and she would have to move the line or do another easement to the satisfaction of the board.

Derek Wilson said that Mrs. Stack now owns all three properties, but what about the future? He said that he doesn't think that it is a smart thing to do, to not look at this, as if different people own the properties.

Glen Plotsky agreed and said that that is why the easement is made and recorded, and then it becomes a non-issue. He said that the lot is already a non-conforming lot, because of the size, and if you take the additional three parking spaces, and put it in with the restaurant, then it actually makes it more non-conforming. Mrs. Stack said that she would never sell that lot by itself.

Al Fusco said that another option is a permanent easement for those lots.

Mervi Stack said that all of the deeds already have easements on them anyway, and it doesn't say about how big the easements are, or where they are.

Al Fusco said that there are no easements shown on the proposed filed map.

Glen Plotsky said no, but in the deeds there are references to easements for ingress and egress, but there is no easement for parking. He said that a new easement is needed, just referring to the fact that it's for parking for the commercial lot.

Al Fusco said that there is one easement for ingress and egress for the property owned by Delaware Group Corp. and there is another 50 foot easement across the lands of Rubenstein, County Route 16, and there's a 30 foot sanitary sewer easement on the northern line of the parcel of the filed subdivision map. He said that these are all for 57-3-4.2.

Mrs. Stack said, concerning enclosing the dumpsters, that the trucks come and lift them up and then just dump them, it's an automatic lift, and it would be harder for them to dump the garbage if the dumpsters had to be encased in an enclosure. She said that the dumpsters are heavy, and the tops are closed and no animals can lift up the lids.

Al Fusco answered that enclosures are for appearance sake, and that the dumpsters are ugly and there's trash overflowing and the animals do get into them, and he is just asking for a fence with slats. He said that this will be done with a building permit. He said however, that the building department can give her a septic permit, since New York State approved it, with this board's unofficial blessing, so that can be done before the ground freezes.

Al Fusco asked the board if the easements should be on the deeds and maps both?
The board agreed with that.

Mrs. Stack said that she will talk with her professionals, and get the required information back to the board. She confirmed with Al Fusco that she can come in and get a building permit from the Town building department for the sewer.

Glen Plotsky told Mrs. Stack that the board now requires all documents and maps to be submitted to the Planning Board secretary, at least 15 days before the next scheduled meeting.

BREITWEISER 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.

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Mr. Breitweiser said that he has submitted new maps with the changes that the board had asked for.

Al Fusco referred to his technical memo, dated October 23, 2013:

- . It appears that the applicant has addressed my previous comments satisfactorily.
- . The Bargain and Sale Deed relates to Schedule A and B, which are not attached; therefore, I could not check the metes and bounds descriptions. This is up to the Planning Board Attorney's pleasure.
- . Filed maps should be of better quality to be accepted by the County Clerk.
- . Board comment.

Al Fusco said that he got a copy of the bargain and sale deed, and it relates to a schedule A and B, which is a metes and bounds description, but it was not attached to his copy.

Glen Plotsky said he did not get that attachment either.

Mr. Breitweiser came forward and showed Mr. Plotsky and Mr. Fusco the original attachments that they were referring to this evening, and the Planning Board secretary was asked to immediately make photocopies.

Mr. Plotsky said that the GML239 review needs 30 days, and since the paperwork was not mailed out to interested agencies until September 26, 2013, this applicant will have to be placed on the next agenda, pending any comments from those interested agencies.

APPROVAL OF MINUTES - OCTOBER 9, 2013

Wilson made a motion to approve the minutes from the October 9, 2013 meeting, with the change of the wording that the board made a motion to extend the final conditional approval for the Peenpack Meadows subdivision. Santiago second. Roll call vote: Santiago, aye; Wagner, aye; Hunter, abstain; Wilson, aye; Vicaretti, aye; Schock, aye.. Motion carried.

COMMUNICATION FROM THE TOWN BOARD LIAISON

Al Fusco said that other municipalities stamp every page at the post office, and that is a certification of mailing, but is not proof of certified mailings.

Dave Dean asked which Planning Board members' term is up on December 31st of this year?

Derek Wilson answered it is his, and he does not believe that he will continue on the Planning Board.

Dave Dean said that a letter will have to be submitted to that effect.

ADJOURNMENT

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

Meeting adjourned at 8:15 p.m.

Respectfully submitted,

Barbara Brollier, secretary