

The Town of Deerpark Planning Board met for their bi-monthly meeting on WEDNESDAY, AUGUST 14, 2019 at the Deerpark Town Hall, 420 US Route 209, Huguenot, NY.

The following were present:



BOARD MEMBERS PRESENT:

Bob Vicaretti-Chairman
Theresa Santiago
Rob Whitney

Craig Wagner-Vice Chairman
Willard Schadt

OTHERS PRESENT:

Town Engineer-Alfred Fusco III
Town Attorney-Glen Plotsky
David dean-Town Councilman

Pledge of Allegiance

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

MAPLE CREST SOLAR – PRE-APPLICATION –

No one present will recall.

MARC GREENE – PROSPECT HILL – AIR BNB – PRE-APPLICATION –

Marc Greene-Applicant

Mr. Greene explained that there was a barn with a silo that they renovated, the barn into a house and the silo is where the Air BnB is, they share a common entrance. Town Attorney stated that Mr. Greene was there because of the commercial aspect and without a site plan, the Building Department sent them to Planning Board. Mr. Greene stated that this is rented out on a daily basis, Town Attorney asked if they provide meals, Mr. Greene answered no. Town Attorney acknowledged that based on Town Zoning this use falls between a bed and breakfast and a hotel, he continued that they are both permitted uses with Planning Board approval. He added that these are residential homes being used in a commercial way. Town Attorney suggested that the Board hold off and have the Town Board look at the Zoning decide where to put this type of business. He continued that this one has a Certificate of Occupancy but some people are living in the basement and the question is that habitable or up to Building and Fire code. Craig Wagner asked if it would be considered a 2-family and stated that this is a short-term rental. Town Attorney stated that there is a different assessment with a 1-family and a 2-family. Willard Schadt asked if there are over a dozen of these in the Town why enforce on this particular one, Town Engineer stated that there are others that have received violations. He further suggested maybe sending these to the ZBA for interpretation. Town Attorney suggested that the Building Department inspects and makes sure they meet all codes, then an operating permit be issued on an annual basis, with a set fee and annual inspection by the Building Department. Willard Schadt asked with the people that have been issued violations if they continue will they be taken to court. Town Engineer acknowledged that there is a bed and breakfast in the Town and this is something different, he agreed that an operating permit on a yearly basis with a fee of like \$200 and an annual fire inspection is a good idea. Willard Schadt asked what it would be called in the Zoning, Town Attorney stated short-term rental. Marc Greene acknowledged that this is a good thing for the Town, it brings people in and they spend money in the Town, but it should be regulated. Chairman Vicaretti stated that no action will be taken and will wait on the Town Board to decide.

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GARY BUTLER – FRANKE RD – AIRBNB –

Gary Butler-Applicant

Mr. Butler explained that he owns a house at 173 Franke Rd, it is a new home, it's been inspected and has a Certificate of Occupancy. He continued that it is a 4-bedroom home with fire extinguishers and smoke detectors, he added he is doing this for extra money. He further stated that he does not cook but provides fruit or something like that. Town Attorney asked where he stays, Mr. Butler answered on the couch or at his sons, but it is close to the home. Chairman Vicaretti stated this is not a 2-family, Willard Schadt acknowledged that Town will need to provide a definition. Town Engineer added that a bed and breakfast is a huge site plan, the Building Department brought this here because there is no law, the closest is a bed and breakfast. Chairman Vicaretti acknowledged that the Board will wait until the Town Board decides how to handle it.

CROWN CASTLE – TOWN OF DEERPARK – ROUTE 209 – CELL TOWER –

David Kenny-Representative for Crown Castle

Mr. Kenny explained this was a small bump out on the existing cell tower. Town Attorney added that it is Town property and therefore not subject to Zoning. He further stated that the tower is there, no changes in height just adding a small structure and extending. Town Engineer continued stating that there will be a 15ft fence and a generator and he sees no issues. Chairman Vicaretti acknowledged this is just for record keeping purposes. Town Attorney suggested that applicant get new maps and have the Chairman sign.

“VISION” – 515 NEVERSINK DR – PRE-APPLICATION –

John Fuller-Representative for Applicant

Mr. Fuller stated that the property is owned by Loren McCune it is on the corner of Neversink Dr and Route 209, where the pipeline was staging for the gas line construction. He continued that it is in the HMU district and it will be a multi-lot subdivision; communal subdivision. The parcel consists of 43 acres but 28 of that is only usable, he wishes to make 20 lots and then have recreational area with walking trails and such. He further stated that the maps are a rendering and not exact, it will have a community sewer and due to that the minimum requirement per lot is reduces to 15,000 sqft, he added this is a conceptual plan and just came as a pre-application to get feedback before making the actual plan. Willard Schadt asked about the photo rendering, if there were walking paths and bridge across the river, John Fuller answered yes. Willard Schadt also asked about the community septic, John Fuller explained that each house will have its own tank but all will go to one field which will be a 1-acre section, they will need approvals from the Department of Health. Town Attorney questioned the type of gazebos that will be constructed, John Fuller replied 3 standard size. Town Engineer asked who will own the septic field, John Fuller answered it will be a Home Owner's Association. Town Engineer questioned if it was a shared sewer or public sewer and read the definition of each, John Fuller answered public. Town Engineer then asked if it would be underground, John Fuller answered yes. Town Engineer stated that the fire access needs to be specified and soil testing needs to be done. John Fuller acknowledged that they have tested it is very good, mostly sand, he added that the sewage system will be placed out of the flood plain. Chairman Vicaretti asked if escrows were set up. Town Attorney stated that the Escrow Agreement needed to be signed and a formal application filed. Glen Plotsky, Town Attorney stated that **Attorney Escrow** will be **\$1000** and Town Engineer, Alfred A. Fusco III, stated that **Engineering Escrow** will be **\$2750** the Escrow Form was filled out and signed by Town Attorney, Town Engineer and Applicant. A copy was given to each; also, a copy will be given to Escrow Manager, Danielle L Glynn and a copy will be placed in the file.

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HAROLD SCHMIDT – BERME ROAD – PRE-APPLICATION –

John Fuller-Representative for Applicant

Mr. Fuller stated that Mr. Schmidt has a home in Cahoonzie Club and has owned this property since 2015, it is the former Alexander Motel. He continued that they had come back in 2016 with a pre-application and was referred to the ZBA, he went to the ZBA and before he could be approved the Town put a moratorium on multifamily. Mr. Fuller went on to say that when the moratorium was lifted, they went back to the ZBA and received variances needed, he stated they had never made a formal application to the Planning Board for this project. He further stated that it was historically a 16-unit motel and Mr. Schmidt would like to renovate it and make it a 4-unit multifamily dwelling. Mr. Fuller continued that when it was a hotel, the former owner, owned the parcel across the street and the septic was pumped there with a shared septic, but since the properties have been sold to different owners. He further stated that a new well and septic would need to be done which would involve Department of Health. Mr. Fuller went on to say that due to the unique configuration of the property and the current footprint of the building there does not leave much room to have the required parking for each unit so a variance was given for 4 parking spaces but they can file a use and occupancy permit with the State DOT to get more if needed. Chairman Vicaretti questioned if just renovations needed to be done, John Fuller stated that the building is structurally sound, there would be 2 units on the first floor and 2 on the second. Willard Schadt stated that they would be starting off the process with just a shell. Chairman asked about the separation of well and septic, John Fuller answered that the septic will be under the parking lot. Willard Schadt questioned if there is natural gas there, John Fuller replied that it did service it in the past and plan to use it in the future. Town Engineer asked about the water tanks for the sprinklers, John Fuller stated that there will be a utility room on the ground floor. Craig Wagner confirmed that there would only be 4 parking spaces in total, John Fuller stated that when they submit to the DOT, they will ask for additional parking and added that all variances that would be needed were all granted by the ZBA. Chairman Vicaretti asked if escrows were set up. Town Attorney stated that the Escrow Agreement needed to be signed and a formal application filed. Glen Plotsky, Town Attorney stated that **Attorney Escrow** will be **\$1000** and Town Engineer, Alfred A. Fusco III, stated that **Engineering Escrow** will be **\$2750** the Escrow Form was filled out and signed by Town Attorney, Town Engineer and Applicant. A copy was given to each; also, a copy will be given to Escrow Manager, Danielle L Glynn and a copy will be placed in the file.

NEW CENTURY – 517 NEVERSINK DRIVE – PRE-APPLICATION –

John Fuller-Representative for Applicant

Peter Wei-Representative for New Century

Mr. Fuller stated that this property was given an approval for a Film Studio and then an Outdoor Flea Market, now they would like to do a small restaurant in the large arena building, they would make a full application and with it being a food establishment the Department of Health would be involved. Chairman Vicaretti asked if this would be open to the public or if it would just be for events or just for the film crew, John Fuller answered that it would be open for the public and it is only in the old lounge addition in the arena. Town Attorney questioned what the plan was for the rest of the arena building, John Fuller stated that the original site plan was for the film studio, the restaurant will be separate from that. Town Attorney acknowledged that the SEQRA review will include everything not just the restaurant, John Fuller explained that the new site plan will spell out everything, they are just thinking of ways to be successful with the property. Willard Schadt asked if there is a full SEQRA, it would have to be as if everything is new, Town Attorney answered, Yes. Town Engineer stated that New York State code states it will need to be sprinkled, John Fuller replied no, it is less than 50 seats.

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NEW CENTURY – 517 NEVERSINK DRIVE – PRE-APPLICATION – continued –

Peter Wei explained the success they have had with the film studio, 8 films have been produced and they have received a dozen awards. Chairman Vicaretti asked what the separation of the restaurant and the arena should be, John Fuller stated he would review the fire code, Town Engineer added that it should have a 2-hour rated firewall. Chairman Vicaretti asked if escrows were set up. Town Attorney stated that the Escrow Agreement needed to be signed and a formal application filed. Glen Plotsky, Town Attorney stated that **Attorney Escrow** will be **\$1000** and Town Engineer, Alfred A. Fusco III, stated that **Engineering Escrow** will be **\$2750** the Escrow Form was filled out and signed by Town Attorney, Town Engineer and Applicant. A copy was given to each; also, a copy will be given to Escrow Manager, Danielle L Glynn and a copy will be placed in the file.

QUARRY MANAGEMENT – 131 US ROUTE 6 – TRAFFIC STUDY –

John Fuller-Representative for applicant

Mr. Fuller stated that the traffic study has been done, the noise study will be done within the next 2 weeks. He continued that the traffic study was sent to DOT and he is waiting for their response. Willard Schadt acknowledged that one of the suggestions was to extend the 40 MPH speed limit, John Fuller explained that would be up to DOT to decide. Town Engineer confirmed that the DOT requested the traffic study and all decisions will be made by them whether it be a right hand turn only or lowering the speed limit. He added that the noise test will be done within the next week or so. Chairman Vicaretti asked if a Board Member could be present for the test, Town Attorney replied yes as long as there are no more than 2 members present and the Secretary will email the members when the test is scheduled. Town Attorney asked if it will be measured in various locations on the property, John Fuller answered yes and then a report will be generated.

MAPLE CREST SOLAR – PRE-APPLICATION –

Maziar Dalaeli-Representative for Applicant

Mr. Dalaeli explained that he was from IPP Solar, which is a solar company based in New York City it has been in operation since 2008. He continued that they develop, install and maintain commercial and industrial projects, they do not do residential solar. He further stated that this project is large scale solar, it will be connected to the overhead lines and into the grid, the power will be sold to residential customers in the area. He went on to say that to apply for the incentives he had to be on an agenda and part of the meeting minutes. He added that this will be a battery storage solar. Chairman Vicaretti asked if this will be a community solar. Town Attorney questioned if they were going to lease the property or purchase it. Town Attorney acknowledged that the property is owned by Arthur Trovei and he is a client of his. He further acknowledged that there needs to be a decommissioning bond and a PILOT agreement negotiated with the Town Board. Mr. Dalaeli stated that they had a meeting with Mr. Fusco at his office and he did give them a list of things that were needed, he also is expecting an approval from Orange and Rockland in early October. Chairman Vicaretti asked if a solar array could be built in a flood plain, Town Attorney answered there is no restrictions for that just not a home. Town Engineer stated in a floodway no but a flood plain is ok. Chairman asked where the access to the array would be, Mr. Dalaeli answered off of Trovei Lane. Chairman Vicaretti asked if escrows were set up. Town Attorney stated that the Escrow Agreement needed to be signed and a formal application filed. Glen Plotsky, Town Attorney stated that **Attorney Escrow** will be **\$1000** and Town Engineer, Alfred A. Fusco III, stated that **Engineering Escrow** will be **\$2750** the Escrow Form was filled out and signed by Town Attorney, Town Engineer and Applicant. A copy was given to each; also, a copy will be given to Escrow Manager, Danielle L Glynn and a copy will be placed in the file.

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MOTION TO APPROVE MINUTES.

Motion to Approve July 10, 2019 Minutes.

Motion made by Theresa Santiago, 2nd by Rob Whitney to approve the minutes for Wednesday, July 10, 2019 meeting.

Vote 5 Ayes: Theresa Santiago, Craig Wagner, Rob Whitney, Willard Schadt, Bob Vicaretti.

MOTION CARRIED

Motion to adjourn meeting.

Motion made by Theresa Santiago, 2nd by Craig Wagner to adjourn August 14, 2019 Planning Board meeting at 9:31 pm.

Vote 5 Ayes: Theresa Santiago, Craig Wagner, Rob Whitney, Willard Schadt, Bob Vicaretti.

MOTION CARRIED

Respectfully submitted by,

A handwritten signature in blue ink, appearing to read "Amanda Gorr".

Amanda Gorr, Planning Board Secretary