

The Town of Deerpark Planning Board met for a BIMONTHLY MEETING on WEDNESDAY, OCTOBER 9, 2024. The Meeting was held at Town Hall 420 Route 209.

The following were present at the meeting:

BOARD MEMBERS PRESENT:

Robert Vicaretti-Chairman  
Theresa Santiago

Craig Wagner-Vice-Chairman  
Patrick Kean

BOARD MEMBER NOT PRESENT: Willard Schadt

OTHERS PRESENT:

John Nosek-Representative from Fusco Engineer-Town Engineer  
Glen Plotsky-Town Attorney  
Alan Schock-Town Councilman  
Rob Whitney-Town Councilman



Pledge of Allegiance

Meeting was brought to order at 7:01 pm Chairman Robert Vicaretti.

122-126 ROUTE 97 – SELF STORAGE – PRE-APP –

John Fuller-Representative for Applicant

Mr. Fuller passed out copies of the proposed site plan. He explained this was property on Route 97, the applicant has owned the property for 20 years. It is Paul and Keith Service, almost 20 years ago they talked about building a strip building or mall. At the time, the New York State Department of Transportation (NYS DOT) would not give them a direct access to State Route 97 so the project got shelved. He continued that they came up with self-storage. It is a low intense use, the property backs up to Berme Rd, there is a 20 ft access easement across the adjacent property which is the Children's Safe Stay for access. There is also Federal wetlands on the property where the driveway access is, there is a high demand for storage units and the applicant believes this is the best use for the property. Mr. Fuller further stated that he decided to bring this for a pre-application for any questions or comments before a full application is done. Town Attorney asked what owner this was doing the project, Mr. Fuller answered Paul Service, Town Attorney disclosed that he has done work for the Service brothers and if the Board wishes they can obtain other Counsel. Theresa Santiago asked where the access was, John Fuller pointed it out on the map, it is a deeded access to the property and this is because the State will not grant a driveway off of the main highway. Town Attorney asked about a fence between the Day care and easement, Mr. Fuller replied that it is a play area, he has reached out to the Manager of the Day Care and to discuss proposal, they do know about the easement. Town Attorney stated to talk with the Manager to discuss a divider or barrier for the safety of the children. John Fuller acknowledged that the access is paved and the day care uses it to access the back of the building. Chair asked if an office would be onsite, Mr. Fuller answered they were not planning to have one but if the Town wants they can, with the modern technology there really does not need to be anyone onsite. Chairman asked if it was a requirement, Town Attorney stated that if it is then there needs to be a bathroom which will require a water and septic plan. Mr. Fuller explained that now they meet onsite and get the keys for the unit, it is by appointment only. Town Attorney asked if the lot line would be removed with the application, Mr. Fuller replied that yes it is 2 parcels and they will be consolidated, there will also be an application for the Federal wetland crossing for the driveway. Chair asked what zone this was in, Mr. Fuller answered HMU (Hamlet Mixed-Use) and is a permitted use with Planning Board approval. John Nosek acknowledged that a full SWPPP (Storm Water Pollution Prevention Plan) will have to be done because there is more than one acre of disturbance. Chairman asked about the height of the retaining walls on the map, John Fuller answered that at grade level will be 4-6 feet and 12 feet in one section. John Fuller added when a full application is submitted the unit itself will be fenced in and there will be a lighting plan. Chairman asked about escrow, Secretary stated that it was being filled out and that after the next agenda item she will have Mr. Fuller sign and copies will be made. The Escrow Agreement was filled out: **Attorney Escrow will be \$750 and Engineering Escrow will be \$2500**, the Escrow Form was signed by Town Attorney and John Nosek, Representative for Fusco Engineering, and Representative for Applicant. A copy will be given to each; also, a copy will be given to Escrow Manager, Danielle L Glynn and a copy will be placed in the file.

**PLANNING BOARD MEETING OCTOBER 9, 2024 continued –**

47 MAIN STREET – 2<sup>ND</sup> DWELLING – PRE-APP –  
John Fuller-Representative for Applicant

Mr. Fuller introduced the owners of the property as Matt & Casey Kowal, he went on to say that they own & reside at 47 Main Street, there is limited frontage on Main Street, it is about 8 acres. The current building was historically a store front with an apartment above. There is also a drainage easement on the property with the Town. He continued that the soils are decent in that area, and there is a large undeveloped area on the property to build a home in the center and leave the commercial building. Mr. Fuller added there is no way to subdivide they do not have the frontage, the store front would be an accessory use, there are other properties in the Town with Commercial and Residence. Town Attorney asked if it was being used as commercial, Mr. Fuller answered that they are living in the apartment. Theresa Santiago acknowledged that the building hasn't been used as commercial for about 10 years. Chairman asked if the driveway issue will have to go to ZBA (Zoning Board of Appeals), Mr. Fuller stated that it was an existing driveway, the current building on the property is existing non-conforming now. Town Attorney stated that there will have to be some research done for 2 buildings on a lot where one is a residential home and the other an accessory building. John stated it would be Multi-Use, Town Attorney acknowledged that it is permitted in the Zone and may require a use variance. John Fuller stated that the applicant is not opposed to a subdivision and he will find examples of business and residential and send them to the Town Attorney. Town Attorney added that if there was no apartment above the commercial business there wouldn't be an issue, but he can sit down with Mr. Fuller and talk about examples. Mr. Fuller asked for a referral to the ZBA so they didn't have to come back if they needed to go, Town Attorney suggested the Board make a motion to refer Mr. Fuller and the application to the ZBA subject to the classification and review by Town Attorney. The Escrow Agreement was filled out: **Attorney Escrow** will be **\$850** and **Engineering Escrow** will be **\$1500**, the Escrow Form was signed by Town Attorney and John Nosek, Representative for Fusco Engineering, and Representative for Applicant. A copy will be given to each; also, a copy will be given to Escrow Manager, Danielle L Glynn and a copy will be placed in the file.

Motion made by Craig Wagner, 2<sup>nd</sup> by Theresa Santiago to refer the applicants to the Zoning Board of Appeals subject to Town Attorney's investigation about multi-use.

**Vote 4 Ayes:** Theresa Santiago, Craig Wagner, Patrick Kean, Robert Vicaretti.

**MOTION CARRIED**

DECKER – PROSPECT HILL RD – LOT LINE CHANGE –  
Wayne Decker-Applicant

Mr. Decker explained that lot 1 has an existing house on it and this will now square off the lot and give it just over 9 acres and have all the structures on one lot, and lot 2 will be vacant with 168 acres. Town Attorney asked if he owned both pieces, Mr. Decker answered him and his wife own lot 1 and lot 2 is a corporation but he is the owner of the corporation. Town Attorney acknowledged that there is no construction, both lots are conforming, but they are not owned by the same owner so a public hearing is needed. Town Attorney explained that public hearing process, Secretary will create notice, the Assessor's Office will do the adjoining list and they are to be sent by certified mail. John Nosek stated that this is exempt from SEQRA (State Environmental Quality Review Act).

Motion made by Craig Wagner, 2<sup>nd</sup> by Theresa Santiago to schedule a public hearing for Decker Lot Line Change for Wednesday, November 9, 2024 at 7PM at Town Hall.

**Vote 4 Ayes:** Theresa Santiago, Craig Wagner, Patrick Kean, Robert Vicaretti.

**MOTION CARRIED**

MOTION TO APPROVE MINUTES

**Motion to approve minutes from September 25, 2024 Meeting.**

Motion made by Theresa Santiago, 2<sup>nd</sup> by Craig Wagner to approve the minutes for Wednesday, September 25, 2024 meeting.

**Vote 4 Ayes:** Theresa Santiago, Craig Wagner, Patrick Kean, Robert Vicaretti.

**MOTION CARRIED**

**PLANNING BOARD MEETING OCTOBER 9, 2024 continued –**

**Motion to adjourn meeting.**

Motion made by Theresa Santiago, 2<sup>nd</sup> by Craig Wagner to adjourn October 9, 2024 Planning Board meeting at 7:44 pm.

**Vote 4 Ayes:** Theresa Santiago, Craig Wagner, Patrick Kean, Robert Vicaretti.

**MOTION CARRIED**

Respectfully submitted by,

A handwritten signature in black ink, appearing to read "Amanda Schultz". The signature is written in a cursive, flowing style.

Amanda Schultz, Planning Board Clerk