

The Town of Deerpark Planning Board met for a BIMONTHLY MEETING on WEDNESDAY, JULY 28, 2021. The Meeting was held at Town Hall.

The following were present on the meeting:

**BOARD MEMBERS PRESENT:**

Craig Wagner-Vice- Chairman  
Rob Whitney

Willard Schadt  
Theresa Santiago

**BOARD MEMBER ABSENT:**

Robert Vicaretti-Chairman



**APPROVED**

**OTHERS PRESENT:**

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

Pledge of Allegiance

Meeting was brought to order at 7:01 p.m.

**BELLMAN OUTDOORS – 126 ROUTE 6 – BILLBOARD – PUBLIC HEARING –**

Todd Lawton-Representative from Bellman Outdoors  
Holly Fuller-Engineer for Bellman Outdoors

Secretary, Amanda Gorr read the public hearing notice into record. Mr. Lawton gave a brief presentation of the project, this is for a billboard to service Interstate 84, they had been sent to the ZBA for interpretation. They are now back with an updated site plan with more details, a letter from SHPO has been submitted with no issues and they now need to just get approval from the State. Town Attorney reiterated that he does represent the property owner and will be involved in the lease agreement, he explained that Zoning was unclear with more than one road on where the measurement should be taken. The Zoning Board decided it would be taken from the roadway that the sign services, so no variance was required. There is no historical issues, the DEC was involved; there will be clearing, there could be an approval given conditional on New York State Thruway Authority approval. Chairman Wagner asked if there was any public comment. No Public Comment.

Willard Schadt asked about the existing driveway, Mrs. Fuller stated that that service road will be an extension of the existing driveway. Town Attorney added that the extension will be far enough in that the New York State Department of Transportation (NYS DOT) will not have to be notified and no permits will be needed, the DEC will be involved in the clearing and it will be subject to Building Department inspections. Chairman Wagner asked if there was a response from the DOT regarding the drainage. Town Attorney stated the approval could also be conditioned on the DOT approval. Mrs. Fuller added that it was incorporated into the Plans. John Nosek went through the comments from Fusco Engineering and suggested that approval can be given conditioned on Fusco comments being satisfied.

**Motion to close public hearing.**

Motion made by Willard Schadt, 2<sup>nd</sup> by Rob Whitney to close the public hearing for Bellman Outdoors Billboard.

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

**MOTION CARRIED**

**Motion to declare a negative declaration.**

Motion made by Theresa Santiago, 2<sup>nd</sup> by Rob Whitney to declare a negative declaration for the project.

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

**MOTION CARRIED**

**Motion to approve application.**

Motion made by Theresa Santiago, 2<sup>nd</sup> by Rob Whitney to approve the application for Bellman Outdoors for a Billboard contingent on fees paid, addressing all State and County agency comments and Fusco Engineering Comments.

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

**MOTION CARRIED**

**PLANNING BOARD MEETING JULY 28, 2021 continued –**

**650 ROUTE 42 – PRE-APPLICATION –**

Syed Tariq Mahmood-Applicant

Mr. Mahmood explained that this is a 1.8-acre unimproved lot, he explained that only 20% of the lot is buildable because there is a steep hill behind and the Shingle Kill passes through the property, but it will not comply with Zoning for the 100ft from Shingle Kill to build a home. There will be small cottages linked with a breezeway, that equal to 1250sqft. Willard Schadt asked where in the Zoning this was located, Mr. Mahmood read from Zoning Section 230-14-D. Town Attorney asked if the was going to be a single-family residence, Mr. Mahmood answered yes, Town Attorney then asked why he didn't go the Building Department because he can get a referral to the ZBA from them too. Mr. Mahmood explained he is not the owner yet. Town Attorney stated that the Planning Board cannot waive the requirement only ZBA can grant a variance and then asked what Zone the property was in, Mr. Mahmood answered Rural Residential. Town Attorney explained he could use the grading of the property for the reason of the variance. Town Attorney suggested that he go to the Budling Department and be denied and that will give him the right to go to the ZBA.

**1176 US ROUTE 209 – 2-LOT SUBDIVISION – PRE-APPLICATION –**

Larry Chaplinski-Applicant

Mr. Chaplinski stated that he has owned the property for about 30+ years, there was a home on it that burned down, there is still a driveway and well and septic. He continued that this is a 2-acre parcel, he wants to subdivide the property into two 1-acre pieces, it is ideal for septic, it is Otisville sand and gravel, an Engineer did a perc test a few years ago, it also has good drainage. He meets all Zoning except for 200ft of road frontage for the one lot, unless he does a shared well then, he would only need 125ft. He wanted to keep one lot and sell the other. Willard Schadt asked why not make a flag lot with one of the lots. Town Attorney explained he could go to the ZBA for a variance for the frontage, the Board could refer him. Mr. Chaplinski stated he would like clarification on the definition of a shared sewer. Willard Schadt added that the Board can make a referral it doesn't mean the applicant has to go to the ZBA.

**Motion to refer Applicant to the ZBA**

Motion made by Rob Whitney, 2<sup>nd</sup> by Theresa Santiago to refer Applicant to the Zoning Board of Appeals for a Variance.

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

**MOTION CARRIED**

**ABER – ROUTE 42 & 97 – NOTATION REMOVAL –**

Town Attorney disclosed that he represents the purchaser. He explained that 20-40 years ago there was a request for a subdivision and the Planning Board was at a deadlock of 2 for, 2 against and 1 abstained, so the Town Board approved it but with restrictions. He continued there are 3 lots and the end of Johnson Lane, with a shared driveway, the Town Board granted but restricted one lot to remain vacant. He added that this is in the HMU Zone and they would like the restriction lifted. Theresa Santiago asked why it was put on, Willard Schadt asked if there were minutes. Town Attorney answered yes, Secretary had researched it and can provide copies to the Board. Craig Wagner asked the reason for the restriction, Willard Schadt asked if the map could show where the houses were. Town Attorney stated he will pull his real estate file it has a current survey and Secretary will provide the minutes and suggested this matter be placed on the next agenda. Chairman Wagner asked if the Planning Board can remove a restriction that was placed by the Town Board.

**PLANNING BOARD MEETING JULY 28, 2021 continued –**

**LINCOLN VANHORN – MAIN ST – LOT LINE CHANGE –  
Lincoln VanHorn-Applicant**

Mr. VanHorn explained this is property at 98 Main St in Sparrowbush, it is for a lot line change, he has ZBA approval because the structure is less than 10 ft from the property line. Town Attorney explained that the neighbor's grandfather was the original owner and Mr. VanHorn was repairing the garage but he did not have enough distance from the building to the side yard actually there was an encroachment, the neighbor consented to the change and a variance was needed for the reduced setback. Chairman Wagner stated that he could see no impacts to the neighborhood. Willard Schadt asked about the deeds, Town Attorney stated he will review them and suggested a public could be waived.

**Motion to waive public hearing.**

Motion made by Willard Schadt, 2<sup>nd</sup> by Rob Whitney to waive the public hearing for this application.

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

**MOTION CARRIED**

**Motion to approve application.**

Motion made by Theresa Santiago, 2<sup>nd</sup> by Rob Whitney to approve the application for Lincoln VanHorn for a Lot Line Change contingent on fees paid, updated maps, Town Attorney review of deeds and Fusco Engineering Comments.

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

**MOTION CARRIED**

**NEIGHBORHOOD SELF STORAGE – ROUTE 209 -SITE PLAN REVIEW –  
Michael Sandor-Engineer for Applicant  
Vincent Jones-Applicant**

Mr. Sandor explained that last month the public hearing was left open to allow for new maps to rotate the building. He stated that letters have been submitted for rattlesnakes and SHPO, also SWPPP has been provided. There is landscaping in front of the property and a lighting plan was provided. The silt fence will be on the map for signing, the map has a surveyor stamp on it, all Orange County Planning comments have been addressed. He also stated that with the NOI, DEC will be doing weekly inspections. Chairman asked if there were any written comments, Secretary stated only from the agencies, Town Attorney stated the public hearing could be closed.

**Motion to close public hearing.**

Motion made by Theresa Santiago, 2<sup>nd</sup> by Rob Whitney to close the public hearing for Neighborhood Self-Storage.

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

**MOTION CARRIED**

**Motion to declare Lead Agency.**

Motion made by Rob Whitney, 2<sup>nd</sup> by Willard Schadt to declare this a Type 1 Action and declare the Town of Deerpark Planning Board Lead Agency for SEQRA purposes.

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

**MOTION CARRIED**

**Motion to declare a negative declaration.**

Motion made by Rob Whitney, 2<sup>nd</sup> by Theresa Santiago to declare a negative declaration for the project.

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

**MOTION CARRIED**

**Motion to approve application.**

Motion made by Willard Schadt, 2<sup>nd</sup> by Theresa Santiago to approve the application for Neighborhood Self-Storage contingent on fees paid and satisfying Fusco Engineering Comments.

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

**MOTION CARRIED**

**MOTION CARRIED**

**PLANNING BOARD MEETING JULY 28, 2021 continued –**

**MOTION TO APPROVE MINUTES.**

**Motion to July 14, 2021 Minutes.**

Motion made by Theresa Santiago, 2<sup>nd</sup> by Rob Whitney to approve the minutes for Wednesday, July 14, 2021 meeting.

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

**MOTION CARRIED**

**OTHER BUSINESS-**

David Dean acknowledged that it was an interesting meeting.

**Motion to adjourn meeting.**

Motion made by Theresa Santiago, 2<sup>nd</sup> by, Rob Whitney to adjourn July 28, 2021 Planning Board meeting at 8:34 pm.

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

**MOTION CARRIED**

Respectfully submitted by,



Amanda Gorr, Planning Board Secretary