

DEERPARK PLANNING BOARD - OCTOBER 23, 2013 - PAGE #
PUBLIC HEARING - ROCK CITY MEDIA

The Deerpark Planning Board met for a public hearing 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

Theresa Santiago

Craig Wagner

Bob Vicaretti

Mike Hunter

Derek Wilson

OTHERS

Mr. Alfred A. Fusco, Jr. Town Engineer

Mr. Glen A. Plotsky, Town Attorney

Mr. David Dean, Town Board Liaison

Mr. Doug Barthel, Rock City Media

The secretary read the public hearing notice: "Notice is hereby given of a public hearing to be held by the Town of Deerpark, Orange County, New York, pursuant to Article 7 of the Town of Deerpark Zoning Law on the application of Rock City Media to erect two digital signs and one static sign. The application affects the following premises: Record Owner: Mervi Stack; Tax Map Designation: Section 57, Block 3, Lots 3.1 & 4.2; Zone Designation: IB. Located at 83 & 85 S. Maple Ave., Town of Deerpark, Orange County, New York. Information on this application is on file with the Town Clerk, Town Hall, Route 209, Huguenot, New York. The Hearing shall take place at 7:00 o'clock P.M. on the 23rd day of October, 2013, at Deerpark Town Hall, located on Route 209, Town of Deerpark, Orange County, New York, or as soon thereafter as practicable. All parties wishing to be heard shall be heard at that time."

Doug Barthel did present the proof of mailings to the secretary

Doug Barthel: Good evening.

Al Schock: We're just going to open up the public hearing. I don't think anybody is here from the public, unless Mrs. Stack has any questions. No. So, nobody is here, so I'll entertain a motion to close it.

Theresa Santiago: I'll make a motion to close the public hearing.

Craig Wagner: I'll second.

Al Schock: All in favor?

Glen Plotsky: Wait, wait, Could we have proof of mailing?

Doug Barthel: I just gave it to the secretary.

Glen Plotsky: I'm looking at what you gave to Barbara.

Doug Barthel: That's certified, that's what I've always been given by the post office.

Glen Plotsky: Yeah, and where are the little green receipts that actually show the number of certified mailings that you actually mailed out?

Doug Barthel: They are certified on that list, and all of those envelopes went out, versus a third letter of certified mailing. So, the postmaster certified that listing...

Glen Plotsky: No offense sir, there are two stamps here and a postcard, dated September 30th, and there's nothing here that says anything was mailed certified regular.... there's no certification here at all whatsoever. I don't understand. Sir, ordinarily I wouldn't even make a mention of it, except that this is the second public hearing that I've been at in two weeks, where there's been a problem with the mailings.

Doug Barthel: I understand. This is what I've been submitting all along. In Middletown I did a mailing along a railroad property, 130 adjacent property owners, so they took the certified mailing list, and virtually just listed all of the property owners, and I handed them all of the envelopes, and that's what the postmaster gave me. The envelopes that she physically took from me, they're all going to be mailed. This is what I've done in the past here, at the last public hearing. I have done this in many townships.

Derek Wilson: I just have one quick question. We ran into this two weeks ago or two meetings ago, and the post office is to hand you cards. That's what he's looking for.

Doug Barthel: Yeah, that's how I originally did it, and then they said that they will accept the certified mailing list, and it's cheaper, it's like three bucks versus 535 property owners, adjacent, where it's \$5.00 for certified mailing.

Bob Vicaretti: But with certified receipts, you know that they got that letter. With that list, we don't know if they got that letter. All we know, is you're saying that they were mailed.

Glen Plotsky: Okay, when you send a certified mailing, return receipt requested or otherwise, you get a little receipt that says postage is this much, the certified is this much, and the total is this much, and right on that receipt it has the address that it was mailed to, and the postmaster stamps that with the date of mailing. That's the proof of mailing, and that's what we require, that's what we've been requiring, at least the last ten years, that I've been the attorney here. All this is... I mean, I acknowledge that there is a picture, actually, this front page is stamped twenty cents, and then there's another stamp that I can't make out, how much it is, oh, I'm sorry, it looks like a dollar. So, for some reason this piece of paper has \$1.20 worth of stamps on it, with a postmark of September 30, 2013, and it identifies Mrs. Stack with her address, and it appears that she is the owner of virtually every property that is an adjoiner, and Mr. Butler, whose name appears on this list, and Deerpark LLC, who is also on this list. So, this is an assessment roll, it comes from the town of Deerpark Assessors' office, as far as the document. But the Assessors' office, when they give you an adjoiners list, this is not what they give you. It looks like he went into the tax roll book and said, "these are the one's next to me" and just copied it.

Derek Wilson: There's two problems here. We need the list of the adjoiners, and then we need proof of mailing to each of them.

Glen Plotsky: Right, I agree that Mrs. Stack is the owner of this property obviously, but she's also the owner of three other parcels, and I agree, she needs one mailing, if that, she's the owners, I don't even know if she needs it.

Derek Wilson: We just want to make sure that this doesn't happen again.

Glen Plotsky: Right, my suggestion would be, I mean, I'll tell you what we just did at the Zoning Board of Appeals, because I think it's the right thing to do. You open the hearing, and immediately adjourn it to the next meeting, with at least ten days out, so he can do the proof of mailing. In this case, he's actually got the notice of public hearing, and all he's got to do is to re-type it, and change the date, and then bring proof of mailing to the next hearing, that he sent it out ten days before that hearing, and then we can start.

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Derek Wilson: I just mailed some stuff, it's five bucks for return receipt, and that's just like a one ounce, and if you paid less than that, something is not certified.

Doug Barthel: She's certifying the list, the postmaster.

Glen Plotsky: No, that's not her job. And it's not...

Doug Barthel: I know, I'm just saying that that's what they did for me.

Derek Wilson: We're recommending tonight that we don't hold the public hearing, but we adjourn it to the next meeting, and that will give you time. Correct me if I'm wrong, but he has to go to the Tax Assessor to get the adjoiners list.

Glen Plotsky: Yes, that is not the adjoiners' list that I saw last week, that was given to the ZBA applicant.

Derek Wilson: You can go tomorrow to town hall to the Assessor and get the adjoiners list of that property, and when you mail it, you'll get a little card for each individual mailing. You're going to have six cards that say Mrs. Stack.

Glen Plotsky: No, no, no, he only needs one, I'm good with that. We know that they all belong to the same Mervi Stack, how many Mervi Stacks can there be? No offense. So, I mean, we only need one to every owner, no matter how many properties they have, I'm not worried about that. But we need an accurate adjoiners list. And by the way, the Assessors office is open either Thursday or Monday, because they're closed on Fridays. So, those would be your options with that. And you will need proof of mailings of a certified mail. I don't care if you get the return receipt back or not.

Derek Wilson: If we put it off till our next meeting, you have ten days, in order to get on right away.

Doug Barthel: Okay, I'll do it tomorrow.

Glen Plotsky: Actually, he's got ten days in November itself. So, he should have no issues with the timing, as long as he does it this week.

Theresa Santiago: I'll withdraw my motion to close the public hearing.

Derek Wilson: Second.

Al Schock: Derek second, all in favor?

Theresa Santiago: Aye.

Craig Wagner: Aye.

Derek Wilson: Aye.

Mike Hunter: Aye.

Bob Vicaretti: Aye.

Al Schock: Aye. Motion withdrawn. Now we hold the public hearing open until the next meeting.

Derek Wilson: I'll make a motion that we adjourn the public hearing until our next meeting, which will be November 13th at 7:00 p.m.

Mike Hunter: I'll second that motion.

Al Schock: All in favor?

Theresa Santiago: Aye.

Craig Wagner: Aye.

Derek Wilson: Aye.

Mike Hunter: Aye.

Derek Wilson: Aye.

Al Schock: Aye.

Motion carried.

Public hearing adjourned at 7:20 p.m..

Respectfully submitted,

Barbara Broliier, Secretary