

The Deerpark Planning Board met for their bi-monthly meeting on Wednesday, May 12, 2010 at 7:00 p.m. at Deerpark Town Hall, 420 Route 209, Huguenot, N.Y. The following were present:

BOARD MEMBERS

Willard (Skip) Wilson, Chairman
Malsberg
Mike Breitenfeld

Dan Loeb

Derek Wilson

Noel

Theresa Santiago

Willard Schadt

OTHERS

Mr. David Bavoso, Town Attorney
Mr. Dave Dean, Town Board Liaison
Mr. Alan Lipman, Esq.
Ms. Lana S. Han, Esq.

Mr. Alfred A. Fusco, III., Town Engineer
Mr. Michael Sandor, P.E.
Mr. Don Snell, Applicant
Mr. Chun Feng, Applicant

THE PLEDGE OF ALLEGIANCE

PEENPACK MEADOWS SUBDIVISION – PUBLIC HEARING

Represented by Mr. Al Lipman & Mr. Brad Cleverley, PE 291-8650

Owner/Applicant - Jaison Joseph is creating an 18 lot subdivision on property located off of Peenpack Trail, Huguenot, N.Y.

It is within the HMU Zone.

Section 62, Block 1, Lots 6-11, 14; Section 62, Block 3, Lots 4-9; Section 62, Block 4, Lots 4-19 and Section 62, Block 5, Lot 1;

Application received March 5, 2003

SEE ATTACHED PUBLIC HEARING RECORD

Al Fusco reviewed his technical memo, dated May 12, 2010. He said that basically the plans seem fine, and that an inspection fee, the developers agreement, and the Orange County Health Department stamp still need to be obtained.

David Bavoso stated that he has a draft from another town in Orange County that typically handles maintenance agreements in this manner, and handed copies of it to Mr. Lipman, the town engineer and the Board secretary. He said that it will have to be reviewed, and then agreed to by both the applicant and the Town. He said that Mr. Plotsky will be in touch with the Board more about it.

Derek Wilson asked, does the Planning Board have the authority to use this agreement, even though it hasn't been adopted by the Town?

David Bavoso answered that it is his understanding that the Planning Board could use this agreement, even though the Town hasn't adopted it.

Dan Loeb asked about lot #16, the drainage?

Mike Sandor answered that the drainage on lot #16, will drain back to the creek in the back, and will run through an easement on lot #16. He said that there will be an easement as part of the drainage, or infrastructure for the road. He said that in other words, when the road drains, it will drain into a dry swale, that will run back into the creek. He said that that easement will be dedicated to the town, so the town will have the ability to go in and clean it.

Dan Loeb clarified by saying that this is Phase II, Section I, the applicant is looking for final approval.

Alan Lipman expounded by saying that his client is looking for final approval of the overall plat, to be filed in the Town Clerks' office. He said that the section of the Town Law, section 276, deals with sectionalization, is not well written, and the wording equates final approval to conditional final approval. He said that the simplest way to do it is for the Board to give complete final approval of Section I, and overall final approval of the 17 lots, but not for

filing in the County Clerks' office, only in the Town Clerks' office.

Alan Lipman corrected himself by saying that initially as to the first three lots, it will be a conditional final approval, and ripen into final approval, when the conditions are satisfied. He said that the other half of it, the overall final approval needs to be accomplished simultaneously, with the release of the first section for filing. He said that it doesn't get filed anywhere, except in the Town Clerks' office, as per the provision in the Town statute for that filing.

Alan Lipman, said, while perusing the maintenance agreement, that he will be making some changes.

The secretary was instructed to place this applicant on the June 23, 2010 agenda.

NATURE CONSERVANCY

Represented by Don Snell 518-690-7853

Owners/ Peter Best, Grace Woodard & Nature Conservancy

Applicant/ Nature Conservancy wishes a lot line change on property

located off of Guymard Turnpike, Godeffroy, N.Y.

It is an RR Zone

Section – Block - Lots = 28 – 1 – 104 & 105.1

Application submitted March 3, 2010

Mr. Snell said that he has set up the requested escrow accounts in the Town Supervisors' office, and also submitted a short form environmental statement this evening.

Al Fusco reviewed his technical comments for this application, dated May 12, 2010. He said that there are no issues, after reviewing the metes and bounds descriptions.

The Board told Mr. Snell that he still needs to submit a mylar to Town Hall, and he will then final stamp that, along with the paper copies of the maps.

David Bavoso told the applicant that he still needs to submit deeds, for each parcel that is involved in this transaction, which his office needs to review.

The Board reviewed Part II of the Short Environmental Impact Statement, and answered "no" to all questions.

MOTION

Derek Wilson made a motion for negative declaration. Theresa Santiago second. Roll call vote: Santiago, aye; Malsberg, aye; Breitenfeld, aye; Loeb, aye; D. Wilson, aye, Schadt, aye; W. Wilson, aye. Motion carried.

MOTION

Derek Wilson made a motion for the Planning Board to waive further review of the Nature Conservancy application, in accordance with section 3.7 of the Town of Deepark Subdivision Regulations, and grant approval, and the maps can be stamped after the Town Attorney approves the deeds, and the applicant pays all fees. Dan Loeb second. Roll call vote: Santiago, aye; Malsberg, aye; Breitenfeld, aye; Loeb, aye; D. Wilson, aye, Schadt, aye; W. Wilson, aye. Motion carried.

DRAGON SPRINGS BUDDHIST INC.

Represented by Chun Feng, & Lana S. Han, Esq. 754-7400

Owner/ Applicant Dragon Springs wishes to expand their cafeteria building, located on Galley Hill Rd., Cuddebackville, N.Y

It is an RR Zone.

Section – Block – Lots = 31 – 1 – 21 & 22

Application submitted April 4, 2010

Ms. Han said that at the last Board meeting, there was an issue with the height of the proposed addition, so the applicants' engineers re-configured the height, and it is now under the 35' maximum height limit.

Al Fusco said that his office did receive the new height calculations of 34.8'. He said that more information is needed on the plans, the elevations need to be shown, i.e. where the peak is, the height, and the height calculations. He said that the temporary metal shed needs to be shown, and his office is reviewing the actual construction of the shed. He said that the temporary metal shed will have to be dismantled within 180 days, after the project is approved. He said that the mechanics of the gazebo pumping station do look fine, the calculations are good, but more information is needed about it, i.e., how big will the gazebo be, what will it look like, what will it be made of, what materials, etc.

Al Fusco said that more details is needed about the hydrants and valves, and anything they will be changing. He said that he needs to take a look at the emergency generator; i.e., where it's going to be located, what it's going to be, how it's going to be hooked up, etc. He said that more parking is needed for the occupancy, and handicapped spaces need to be shown and details. He said that his office needs to witness the percolation deep test, and the applicant needs to call his office to set up an appointment. He said that lighting and landscaping plans look okay, and seems adequate. He said that compliance is needed from the NYSDEC, which needs to be obtained before final or conditional approval. He said that the erosion control plan does look good. He said that his office is still looking for a stormwater protection pollution plan, which will include some stormwater collection and treatment and detention, and also permits from the NYSDEC. He said that parking is good for now, but if they decide to have a mass gathering, parking will be insufficient.

Skip Wilson said that the Town Board issues a mass gathering permit.

MOTION

Skip Wilson made a motion to schedule a public hearing for Dragon Springs Buddhist, Inc. on Wednesday, June 9, 2010. Dan Loeb second. Roll call vote: Santiago, aye; Malsberg, aye; Breitenfeld, aye; Loeb, aye; D. Wilson, aye, Schadt, aye; W. Wilson, aye. Motion carried.

Noel Malsberg said that included in the narrative section of this application, the applicants mentioned "re-sizing", and asked about it?

Lana Han answered that the swimming pool will now become a rehearsal hall.

Noel Malsberg said that the square footage needs to be validated.

Chun Feng said that it was re-calculated to 98,000 square' plus or minus, and the addition is 130,000 square feet.

Lana Han said that the recalculations are included in this application.

MOTION

Derek Wilson made a motion for the Board to send out their intent to declare lead agency. Dan Loeb second. Roll call vote: Santiago, aye; Malsberg, aye; Breitenfeld, aye; Loeb, aye; D. Wilson, aye, Schadt, aye; W. Wilson, aye. Motion carried.

DEERPARK VILLAGE

Owner/Applicant Deerpark Village Associates wishes to create Planned Residential Housing units property located on Wilson Road, Sparrowbush, N.Y.

It is a Planned Rural Residential Development (PRRD) Zone.

Section - Block - Lot : 23

- 2 - 32.2 & 38.8

Application received August 30, 1993

Derek Wilson asked when the 30 day clock started, when the Board had received the FEIS?

David Bavoso said that the 30 days starts when the Board members actually received their FEIS.

The Board determined that the clock starts on April 28, 2010, the date of the last meeting.

David Bavoso said that Mr. Plotsky said that he is in the beginning stages of the finalization of the litigation regarding this application. He said that Mr. Sachs, the applicants' attorney, had acknowledged the resolutions that were made, and indicated that he is accepting of those. He said that concerning the stipulation of the continuance, the hard copies will be looked at, and if he is happy, he will sign them.

Al Fusco said that all revisions are made, and he's just asking the Board members if they have any more comments.

The Board decided to schedule a workshop for this application on Wednesday, May 19, 2010 at 7:00 p.m.

The secretary said that she will check with the Town Clerk, to see if the Board will be able to meet in the town hall building.

COMMUNICATION FROM THE TOWN BOARD LIAISON

Dave Dean told the Board that the Peenpack Meadows parcel taxes have not been paid. He said that as of today, they may have been paid, but since he is not sure, he said that someone needs to check to make sure that they've been paid.

Willard Schadt said that the County Clerk will not accept the maps, unless the taxes have been paid.

ADJOURNMENT

Derek Wilson made a motion to adjourn. Dan Loeb second. Roll call vote: Santiago, aye; Malsberg, aye; Breitenfeld, aye; Loeb, aye; D. Wilson, aye, Schadt, aye; W. Wilson, aye. Motion carried.

Meeting adjourned at 9:00 p.m.

Respectfully submitted,

Barbara Brollier, Secretary