

DEERPARK PLANNING BOARD - OCTOBER 24, 2012 - PAGE #

The Deerpark Planning Board met for their bi-monthly meeting on Wednesday, October 24, 2012 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 Willard Schadt Bob Vicaretti Craig Wagner

OTHERS

Mr. Alfred A. Fusco, Jr., Town Engineer Mr. Glen A. Plotsky, Town Attorney
Mr. David Dean, Town Board Liaison Mr. Jacob Billig, Esq.
Mr. John Fuller, Civil Engineer

THE PLEDGE OF ALLEGIANCE**BRIM RECYCLERS – PUBLIC HEARING - # 12-0504**

Represented by Mr. John Fuller, Civil Engineer 856-1536

Owner/ Applicant Brim Recyclers wish a site plan for parking in two different locations on property they wish to purchase from Callanan on property located on Route 211, Cuddebackville, N.Y.

It is an HMU zone.

Section – Block – Lot = 22 – 1 - 90

Application submitted August 8, 2012

SEE ATTACHED PUBLIC HEARING RECORD

Al Schock referred to a letter that the Board received from the Orange County Department of Public Works.

Al Fusco said that he had not been able to review this letter, since he had only received it recently. He said that he had sent a technical letter to the Board, that should've been dated October 24, 2012. He said that he did have the NYSDOT letter, dated October 23, 2012 comments, and he had sent a copy to the Town Attorney, with comments that need to be addressed with Kim Henken. He said that he did speak with the gentleman that had written the letter, and he did not appear to be familiar with the site, and he said that it would behoove the applicant to meet with Ms. Henken and get the parameters that they are looking at. He also recommended that the Board establish themselves as lead agency. He said that he did send out letters of intent for lead agency to other agencies, and has received no objections from those agencies. He said that he did have an opportunity to review the NYSDOT letter; and will be sending out some comments to the applicants' engineer for some specific items, and it would be appropriate for him to answer some questions that were brought up this evening, and can answer at a later date.

Willard Schadt asked about the trucks going in and out of the site in the middle of the night.

John Fuller answered that there have been occurrences, and he said that he doesn't think that the applicant will deny that. He said that he does recognize that hours of operation can be a condition of the approval of this site plan.

Glen Plotsky said that there is an issue of the old firehouse, and whether or not Mr. Cuddeback will claim it, and until he does so, he doesn't know if it has any relevance to this Boards' determination, and he said that he doesn't know how it ties into this site plan.

MOTION

Schock made a motion for lead agency. Vicaretti second. Roll call vote: Santiago, aye; Schadt, aye; Vicaretti, aye; Wagner, aye; Schock, aye. Motion carried.

Mr. Billig said that he will provide evidence of the right-of-way, that is Jeb Road. He said that the quick common sense approach is that, that access point was used for decades by the asphalt plant, and it's separate from the Orange County property. He said that Jeb Road exists, everyone knows that it's an access point, and that right-of-way he will be able to clearly document. He asked about getting a copy of the Town resolution 35-2012.

Glen Plotsky said that he can get a copy of it from the Town Clerks' office.

John Fuller said that there was a number of comments raised tonight, that his client will address. He said that specifically, during the pre-application phase, he discussed with both the Building Department and the attorney, that the property does have a history of manufacturing, that is, the asphalt plant as well as extraction, which is a mining operation. He said that a trucking operation is also under manufacturing, and in today's industry recycling is also considered light manufacturing. He said that in discussions with the Building Inspector, the trucking business is most in line with the light manufacturing, according to the Town Zoning. He said that a lot of the trucking is for a lot of off site business, such as Summit Research. He said that there have been other precedents in the Town, which he had represented, where businesses were on one property, and have used adjoining or other properties to support that one business. He said that the trucking is tied to those types of scopes, and that is how it became classified as light manufacturing, according to the Ordinance.

Mr. Fuller said that he will make a formal submittal to the Planning Board when his response is finalized.

NANCY GIBSON SITE PLAN - #11-0301

Represented by Mr. John Fuller, Civil Engineer 856-1536

Owner/ Applicant Nancy Gibson wishes a site plan, special use permit to create an animal sanctuary on 76 acres located at 200 Peenpack Trail, Huguenot, N.Y.

It is an RR Zone

Section -Block -Lot = 37 - 1 - 14.1

Application submitted June 27, 2012

Mr. Fuller wishes to discuss the building of a barn.

John Fuller said that Ms. Gibson is building a house on the adjoining parcel, and in speaking with the Building Department, the possibility of building a barn was discussed, and before the approval of this site plan, so that the applicant could move here from Connecticut and reside here before the weather gets too cold. He said that she will be bringing some of her animals with her. He said that the Building Inspector, Al Fusco III, said that the property can be classified as agricultural use, with the principle structure of a barn, and she can bring her personal goats to the area. He said that that does not give her site plan approval, but just gives her the ability to build a barn. He said that at first the Building Department felt inclined to issue her a building permit for the barn, but then on second thought, referred the applicant to come and speak to the Planning Board first, about this request. He indicated on the map where the proposed barn would be located, which would be on the animal sanctuary property, not the same property that the residence is being built on. He said that there are two separate lots, as the subdivision was granted last year. He said that the barn would be the principle structure to that lot, whose use would be classified as agriculture, until such time that the site plan is granted, and then it would become a commercial use.

Al Fusco said that in looking at this very closely and said that in this case, since there is a pending application before the Planning Board, it included this facility, and the Building Department thought that the Planning Board should know about this. He said that otherwise, a Board member might drive by and see a barn being built, and think, "well, I didn't think that the Planning Board had approved this yet." He said that he doesn't know if there were any issues with this barn, during his conversations and review of it with the Building Department. He said that he feels that it is up to the Planning Board who may eventually approve this site plan, and the Planning Board should be involved in every aspect of this property. He said that it is an agricultural type building, and would be outside of the existing zoning, so in that regard the Board needed to be apprised of this.

Willard Schadt asked, if for some reason, this applicant was denied site plan approval, would this building still be permitted?

Al Fusco answered yes. He said that this is following Codes and procedures, so that citizens know that it's being done properly.

John Fuller said that this agriculture designation is temporary and it would revert to a commercial operation.

Al Fusco said that this would still be the Boards' approval as a commercial venture.

John Fuller said that it can be written on the plan.. "barn under construction at time of approval." He also said that the proposed fencing around the property is quite extensive because of the nature of the project.

Glen Plotsky repeated by saying that this Board is not actually approving this barn, it has just been a courtesy that the Building Department sent the applicant here tonight, so that Board members would not be surprised as they drive past the property and see a barn being erected there.

Al Fusco reviewed by asking Mr. Fuller that when he makes his application to the Building Department, to show some fencing on the plan.

DEERPARK PLANNING BOARD - OCTOBER 24, 2012 - PAGE #DEERPARK VILLAGE DISCUSSION - #

Al Fusco said that on October 17, 2012 he had e-mailed a summary of this project to all of the Board members, dated back to the history of the project. He also said that toward this end, at this point the Board is pursuing, taking this to a findings statement. He said that not all of this is going to be in the findings statement, but some portions of it are, because the findings statement is meant to allow the Board and the public to be able to follow what is being proposed, and what the Planning Boards' feelings ultimately are on the topic. He said that if any Board members have any comments now or in the future will need something, they can give the Town Attorney or himself a phone call, and they can answer their questions, or if this document brings up any more questions that the Board members may have. He said this will be winding down in the coming weeks and months to a conclusion, and he said that it is important the Board members understand what has happened, what is happening and what the options are, that the Board can pursue. He said that there was another letter of clarification that was handed out to the Board members tonight, that was received from the attorney for the applicant, which basically is in relationship to the fund for improvements to Wilson Road in the future.

Willard Schadt asked if bonding will be required?

Al Fusco answered yes, and it can be written directly into the findings statement. He said that a bond can be set forth for each stage. He said that future issues will be the placing of a traffic light on Route 42 and Wilson Road, an agreement about a Highway Fund allowance, and other facets, such as, a shuttle bus, future traffic studies and future water studies.

Bob Vicaretti asked if any bonding will be required, particularly on the road?

Al Fusco answered absolutely. He said that it will be required when there is an actual project. He said that it can be written into the findings statement that the Board expects site plan approval is given for the stages, but appropriate bonding will need to be put forth for each stage. He said that in that regard, there is no bonding required for this SEQRA requirement, other than escrow accounts for payment to the Town Attorney and himself. He said that there will be bonds for all of the public improvement, i.e., the sewage plant, the water system, the roads, the drainage, on a section and phase basis. He said that it's hard to phase only part of a water line, so the whole water line is going to have to be installed. He said that there is also going to be a bond required for the traffic considerations. He said that there will be a bond toward a traffic light in the future, if the applicants have gotten as far as the Board had requested. He said that there will be an agreement, in relationship to a highway fund allowance, that was outlined in the program. He said that there is going to be bonding required concerning other facets, for example, if there's going to be a shuttle bus after so many units, bonding for future traffic studies, water studies, which will all be handled when the applicants come in for their site plan approval. He said that irregardless of how many units are determined, after the putting forth of the findings statement, the first phase of them, at that point, once that approval is given, will be required, as well as escrow accounts for the inspection work.

Bob Vicaretti asked, for the FEIS, is the financial impact, anything that the Board should consider?

Al Fusco answered that that is a cost of them doing business, and he doesn't believe that the Board has to estimate at this point. He said that if the Board wants an estimate at a cost, then he can put one forth to the Board.

Mr. Plotsky agreed that it would be appropriate to have some kind of language saying that bonding will be required.

Al Fusco said that the Board will ask the applicants/ engineer, for the cost of public improvements, as a requirement of their first phase, and he would review it. He said, for example, if the applicant puts down concrete at \$25.00 a yard, installed, then he would review it, and say, "well, you have to increase that to \$100 or \$200 or whatever they're planning on doing with it." He said that at that point then, once he approved it, he would make that recommendation to the Board, that the bond is \$1,000,000. for example, and with that they would have to put up 10% and inspection fees, and administration fees, and that would be set at the time of approval, and until those bonds are in hand, those approvals are not signed. He said that that is in the Zoning Ordinance, it's existing in the Codes currently.

Mr. Plotsky said that to the extent that Wilson Road is all beat up, because they're using their heavy equipment to build their project, that is what this bond is for. He said that it's actually to provide for future improvement of Wilson Road, based upon the use by people who live on Wilson Road, and by people who purchase units in this proposed project. He said that it's really designed to address a situation, if it never develops, where the road usage becomes so dramatic, that just the use of the actual road either destroys it, or it becomes a safety issue, relative to the hills and curves, where those parts of the road actually have to become re-designed, to a certain degree. He said that that is what that bond is designed for, that is, the \$1,000 per unit. He said that the applicant has to bond the certain section of Wilson Road that their heavy equipment will be going over, because they are responsible at every phase, from the time the first truck comes in, to when the final truck goes out, to make any repairs, specifically related to their use. He said that this is something that the applicant has always acknowledged, that is, any damage to the road, due to their building, they will repair.

Willard Schadt said that he would like to see a summary, relating to the building of the 900 units, etc.

Mr. Plotsky said that this was discussed in previous meetings, that is, it's easy to start a 900 unit, rather than a 1200 unit.

Al Fusco said that yes, this is in the last paragraph, and that's why the Board has made use of other alternatives as well. He said that he wanted to make sure that everything that this Board discusses is out there. He said that he made it a point that it was highlighted at the end, so it is a place holder, so there is room for the Board to discuss it. He said that this again, this document was just meant to do exactly what it is doing now, is to bring the Boards comments out, to tell Mr. Plotsky and himself what the Board wants. He said that this is the Boards' document.

Willard Schadt asked, what is the next step?

Al Fusco answered that the next step is to flush this document out, this was meant to get the Board members juices flowing, so that everybody knows what happened, and where this is going. He said that the next step is for the Board members to roll up their sleeves, and bring this to a conclusion. He said that he has been having conversations with the applicants' engineer, and needs to keep up this momentum. He stressed again to the Board that they should bring up any questions and concerns, and they can even contact either Mr. Plotsky or himself during the day, if they think of any pressing concern at that time.

Willard Schadt asked about the shuttle service.

Al Fusco answered that one of the things that the Board has to recognize is that the shuttle service is mentioned, and the wording can be more specific in the findings statement, that is, the Board can mandate it, that after the building of 500 units, that a shuttle service be developed. He said that the Board can also mandate it, after they get to the 500 units, that another traffic study be done. He said that as this thing proceeds, the Board is going to require that they are going to update the traffic study at every phase. He said that if the Board then totally believes that that is required, to mitigate the traffic, the SEQRA process, when you get to the site plan, is still a living, breathing function. He said that SEQRA is going to have to be addressed at every phase. He said that it's going to go back to the main SEQRA that was done, but the Board can then put specific conditions on it, such as, the conditions are such that the traffic light will have to be installed earlier. He said that it's a living, breathing document, and every time the applicant comes back before this Board for a phase, the Board has that option to put restrictions and/ or requirements on the project, as we proceed. He said that the Board can't just put on conditions willy nilly, but that the Board has to have reasons. He said again, that the shuttle services need to be addressed, because everybody looks toward public transportation. He said that the Board doesn't want to see it dying on the vine, because of lack of financing, which is evident in many towns right now. He said that this application should be placed on the next meeting agenda.

QUESTIONS FROM BOARD MEMBER

Theresa Santiago asked that if an applicant owes back taxes, can this Board take that into consideration and deny an application?

Al Fusco answered no, but when that applicant goes to Goshen to file his final stamped maps, the County will not let him to so, until all of the taxes are paid, as they have the tax records there.

APPROVAL OF MINUTES - OCTOBER 10, 2012

The Board concurred to to approve the minutes from the October 10, 2012 meeting.

ADJOURNMENT

Vicaretti made a motion to adjourn. Santiago second. Roll call vote: Santiago, aye; Schadt, aye; Vicaretti, aye; Wagner, aye; Schock, aye. Motion carried.

Meeting adjourned at 9:10 p.m.

Respectively submitted,

Barbara Brollier, Secretary