

## DEERPARK PLANNING BOARD - JANUARY 23, 2013 - PAGE #

The Deerpark Planning Board met for their bi-monthly meeting on Wednesday, January 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  
Bob Vicaretti

Theresa Santiago  
Craig Wagner

Willard Schadt  
Derek Wilson

### OTHERS

Mr. Alfred A. Fusco, Jr., Town Engineer  
Mr. David Dean, Town Board Liaison  
Mr. John Fuller, Civil Engineer

Mr. Glen A. Plotsky, Town Attorney  
Mr. Karl Brabenec, Town Supervisor

### THE PLEDGE OF ALLEGIANCE

#### Burnett Trucking Site Plan

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

Owner/ Applicant Burnett Trucking is seeking a site plan on property located off of Route 209 and Route 211, Cuddebackville, N.Y.

Section – Block – Lot – 22 – 1 – 54

It is in the HMU zone.

Application received August 8, 2012

John Fuller said that he had submitted new plans, and also a stamped survey, which the Town Engineer had asked for. He said that he is still waiting for comments from the NYSDOT. He then read into the record, a letter from the applicants' attorney, Mr. Jacob Billig: "Dear members of the Board, This is in response to the comments that were made at the public hearing that was held on October 24, 2012. The applicant is working with the New York State Department of Transportation to work out the egress and ingress points, which was requested by the Board. NYSDOT is specifically looking at the trailer turning site distance, trailer parking and existing driveway. Preliminary indications from NYSDOT are that there are no significant issues involving these matters and we should hear from them in the near future. With respect to the comments made at the public hearing, one can characterize them as generally raising questions regarding the dust created by the operation, the hours of operation, lighting and parking. With respect to dust, the applicant has historically over the last two decades of operation made various accommodations in order to minimize the amount of truck dust. Additionally, it is significant to note that there is a tremendous amount of truck traffic on Route 209. That normal truck traffic from other operations has historically created dust on the roads which could impact on the neighbors. The applicant has minimized the dust that it creates through its trucking operations by either watering the lots or parking or altering the speeds of egress and ingress. Therefore, this issue does not appear to be one of significant environmental impact and is mitigated by the applicant. The applicant has generally followed the hours of operation provided by the Town over the several decades that they have operated the facility. On occasion due to technical issues there has been a truck that either leaves or enters the facility on off-hours, however, this is rare and minimal. Therefore it does not appear that this is a significant environmental impact and is mitigated by the applicant. With respect to lighting, again because of the amount of vehicle and truck traffic on Route 209 some on occasion those lights from those vehicles do shine in the neighbors' homes. This is something that comes with living on a State Highway that is well traveled 24 hours a day. The applicant does not minimize how its trucks shine lights as they enter and leave the facility. The applicant does not believe that the impact of lighting is a significant environmental one and is mitigated by them in the operation as set forth above. One of the members of the community brought up an issue with the hours of operation of the applicants facility. The hours of office operation are 7:00 a.m. to 6:00 p.m. six days a week and have been such for the last 30 years. There is occasional off hours of operation due to emergent or unforeseen business issues which require use of the facilities. The hours of operation comply with the Town of Deerpark Code and the applicant is compliant with same. The applicant

is currently using the Callanan property, with permission of the owner through a verbal arrangement. Callanan has allowed Burnett Enterprises, Inc., to use a portion of the old Callanan mine as accessory parking for many years. The applicant has had a professional land surveyor survey the property. The property from Callanan and there is footage on NYS 211 and on NYS 209 which is the old Cuddebackville Firehouse across from Gordon Road.”

Derek Wilson asked, in minimizing the dust, is there any problem with the paving on the Route 209 side, where the trucks will be parking behind the tree line there, and a lot of that can be minimized there?

John Fuller answered that specifically a large amount of the area is paved, and as part of the NYSDOT approval, they will be requesting an improvement of that driveway access anyway.

Derek Wilson asked about parking behind the woods line?

John Fuller answered no, it's not open. He then indicated the defined parking area on the map. He said that the gravel will mitigate the dust problem.

Al Fusco referred to his technical memo, dated January 21, 2012:

1. We still require submission of a stamped survey.  
He asked for a map which includes both entrances.
2. We require a NYSDOT sign off of access.
3. Board to consider landscaping requirements; none are proposed.
4. S5 notes attached Erosion Control Plans; none are shown-should be included.
5. Responses to comments from public hearing not submitted.
6. Board comments.

Al Schock asked if anyone other than the applicant will use the parking area around the old firehouse?

John Fuller answered that he is not aware of anyone.

Brad Burnett answered that the school buses and highway department do turn around there.

Derek Wilson asked if the NYSDOT is going to look further back, than just at the entrance off of Route 209 and into the site for graveling?

Brad Burnett said that the box trailers that come in there, do not track dirt and dust, but the trucks and cars driving up and down Route 209 make the most dust and dirt.

John Fuller said that the trucks just come in there to drop off and pick up trailers, and they do not do any other driving there.

A citizen, Warren Cuddeback started to speak, and the Chairman instructed him that this is not a public hearing and he cannot make comments.

Willard Schadt asked what Mr. Burnett meant, when he says that he has asked the truck drivers to minimize their headlights?

Mr. Burnett answered that he has asked them to turn their headlights off when they're backing into the area, so they do not shine in the houses across the highway.

Willard Schadt asked what is off hours?

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Mr. Burnett answered that a truck might come in a few times at night during the week.

Mr. Plotsky asked Mr. Fuller to discuss with his client buffering, which will minimize the noise from the late night trucks that come in.

Mr. Burnett answered that he's waiting to hear from NYSDOT, because buffering may obstruct the sight line for trucks exiting on Route 209, and may make it unsafe.

John Fuller said that the truckers do not turn their headlights back on, until they approach the highway, because that is when they will have to have the lights on anyway, for safety. He indicated a tree line which is delineated on the map, approximately 30' back.

Al Fusco asked Mr. Fuller to look at some screening at the setback line.

Mr. Fuller said he will come back before the Board, when he hears from NYSDOT.

**Quality Bus Service – #11-0203**

Represented by Mr. John Fuller, Civil Engineer

Owner/ Applicant: DLE Holdings, LLC wishes to build a new office and garage on property located at: 102 Main St. , Sparrowbush, New York.

It is in the HMU Zone.

Section –Block –Lot = 43 – 2 - 2

Application submitted January 16, 2013

John Fuller said that the applicant wishes to build a primary metal building structure to serve as an office for the sales and operation of the buses. He said that there's a retaining wall that goes up behind Cemetery Road.

Derek Wilson said that he believes that a note should be placed on the previously approved site plan, showing that this parcel here will be removed, that is, delete any reference to this lot on the site plan.

Mr. Plotsky agreed and said that this lot is shown on the previously approved site plan, without a building on it. He said that there are two separate parcels now and two separate site plans, and that way, if there is a violation, then it would be just for one parcel, and that would also protect the applicant.

John Fuller said that he will do that, by filing another map, which the Planning Board Chairman can sign.

Al Fusco referred to his technical memo, dated January 21, 2013:

1. Require stamped sealed survey.
2. Require septic to be tested prior to approval and certified by professional engineer.
3. Well to be sampled and results prior to approval.
4. Show erosion and sedimentation controls and location of silt fence.
5. Show lighting with shield.
6. Show limits of asphalt paving, identify curbing.
7. Prepare estimate for cost of site improvements.
8. Show dimensions.
9. Board comments.

Bob Vicaretti asked about the fence line where Cemetery Road hits Main Street?

John Fuller answered it is a chain link fence, and does not obstruct any sight lines.

Al Fusco said that this project is within 500 feet of a State Road, and he will send out the information to the involved agencies.

### MOTION

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

### MOTION

Wilson made a motion to schedule a public hearing for March 13, 2012. Schadt second. Roll call vote: Santiago, aye; Schadt, aye; Vicaretti, aye; Wagner, aye; Wilson, aye; Schock, aye. Motion carried.

Al Fusco asked Mr. Fuller to send him three full sets of plans, so that he could send them to the involved agencies.

### Eddy Farm Resort

Represented by Mr. John Fuller

Owner/ Applicant: True Warrior Ministries, Inc. wishes a 2 lot subdivision on property located on Sleepy Hollow Road , Sparrowbush, N.Y.

It is an HMU Zone.

Section - Block- Lot = 44 -4 - 46.1

Application submitted January 16, 2013

John Fuller said a creek on the property would be a natural subdivision, with the smaller parcel being sold off for use by a river recreation company. He said that the Sparrowbush Fire Department and Whitewater Willies both have interests in the small section on the southern end, located as a landing to the river. He said that Whitewater Willies will not be a problem.

Mr. Plotsky said that this will be subdivided, and the new owner would grant an easement, in case of an emergency, so that the vehicles could get to the Eddy Farm resort property, because there will be only one access to the Eddy Farm property, which is over railroad tracks. He also said the current owner would deed restrict, so that the Sparrowbush Fire Department could access their boat launch. He then said that the current owner would not preserve any right from White Water Willies, and will not be protected to any access that they may currently have.

John Fuller said that the Sparrowbush Fire Department will be able to access their boat launch and dry hydrant. He said that these considerations will be documented.

Al Fusco referred to his technical memo dated January 21, 2013:

1. Require certified stamped sealed survey.
2. Maintenance agreement for right-of-way.
3. Town Engineer to witness percolation and deep test pits.
4. Is 390 GPD septic usage able to accommodate future use?

John Fuller said that it will be re-adjusted later on.

5. Future use may require Planning Board action as well.
6. Drainage considerations should be addressed.

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## 7. Board comments.

Al Fusco said that the 239 General Municipal Law will also apply to this application.

**MOTION**

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

**MOTION**

Wilson made a motion to schedule a public hearing for March 13, 2013. Wagner second. Roll call vote: Santiago, aye; Schadt, aye; Vicaretti, aye; Wagner, aye; Wilson, aye; Schock, aye. Motion carried.

**COMMUNICATION FROM THE TOWN BOARD LIAISON**

Dave Dean told the Board that the Town Board had voted to give the Planning Board members raises.

Al Schock requested that a sign that says "Court" with an arrow, be placed in this meeting room, as there are too many people that come into the Planning Board meetings, who are looking for the court instead.

Willard Schadt asked about Dragon Springs, and showed a pamphlet that they publish and referred to their website, where it states that they have 300 musicians that travel, and are required to live on site at least 7 months of the year, and he said that there is more than 100 people that would be on the premises at one time.

Al Fusco answered that he was on the property today, and they do highly regard their performing arts, and the site seems to revolve around it, as there are rehearsals and plays and costumes on the premises. He said that they rotate their performing arts students, thirty at a time. He said that this activity is within the site plan, although the number necessarily may not be. He said that he was told that 179 students are registered, but are apparently only part time students. He said that the school, he was told, is 6th grade through 12th grade. He said that he was told that the classroom sizes are approximately 20 to 30 students. He said that he is looking at safety concerns, enough fire extinguishers, etc., and will report back to the Board on this.

Derek Wilson said that there is a difference between just a plain university, and a university that is tied to a place, under RLUIPA.

**ADJOURNMENT**

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

Meeting adjourned at 8:20 p.m.

Respectively submitted,

Barbara Brollier, Secretary