

DEERPARK PLANNING BOARD - MARCH 12, 2014 - PAGE #

The Deerpark Planning Board met for their bi-monthly meeting on Wednesday, March 12, 2014 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
Mike Hunter

Willard Schadt
Steve Weiner

OTHERS

Mr. Glen A. Plotsky, Town Attorney
Mr. David Dean, Town Board Liason
Mr. David Henderson, Civil Engineer

Mr. Al Fusco, III, Town Engineer
Mr. Gary Flieger, Applicant
Mr. Michael Vicchiariello, Applicant

THE PLEDGE OF ALLEGIANCE

ALEXANDER HOTEL - #13-0707

Represented by Mr. David Henderson, Civil Engineer 856-1536

Owner/ Applicant A.R. Realty Holdings wishes to convert the hotel into multi-family housing units, located at #1 Main St., Sparrowbush, N.Y.

It is in the HMU Zone.

Section - Block - Lot = 47 - 3 - 4.2

Application received July 17, 2013

Applicant received ZBA variance on February 20, 2014.

Mr. Henderson said that he is here tonight, to be instructed by the board, on final steps toward final approval of this project from the board.

Mr. Plotsky asked the engineer if he has the utilities from the street to the property going underground?

Mr. Henderson answered that that is a condition of approval. and said that he himself believes that he has changed that.

Mr. Plotsky agreed that the board could make this a condition on final approval. He said that the Zoning Board of Appeals gave a variance under the zoning section that allows for 300% density bonus, and therefore, the applicant will be allowed to have six units. He said that the ZBA said that pertaining to one variance, the applicant has to meet a particular type of buffer on the side of the property, which he cannot do, so the ZBA granted a variance from that requirement. He said that the utilities being placed underground, does have to be placed on the new plans.

Al Fusco said that this applicant has answered his previous comments. He said that there is an existing well and septic, and according to zoning, they need to be 200' away. He asked how Mr. Henderson will mitigate that?

Mr. Henderson answered that he doesn't know, and will have to speak with Mr. Fuller about that.

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Al Fusco said that this will have to be some type of mitigation from NYS Health Department, and the applicant will have to get their approval, as a condition of final approval from this board.. He also asked, how many units would justify it being a public water supply? He said that he thinks that the answer is ten, but it is something that Mr. Fuller needs to look into, and verify it with the Town Building Department. He said that mitigation would be a UV filter, on the well, or some sort of filtration on the septic.

Al Schock read the negative declaration: “In accordance with 6NYCRR Part 617 State Environmental Quality Review regulations, specifically 617.7 determining significance, the Planning Board of the Town of Deerpark has reviewed the project application for the Alexander Hotel application. After thorough review of the application, plans, EAF, public comment, consultants comments, including review of the air quality, groundwater, stormwater, traffic, cultural resources, habitat, Town Ordinance, Town Master Plan, impacts on energy, and impacts on the community, the Planning Board hereby proposes, by motion, that the above project will not result in any large or important impacts and therefore is one which will not have a significant impact on the environment. Therefore, we hereby issue a Negative Declaration for the above noted project.”

MOTION

Santiago made a motion for negative declaration. Hunter second. Roll call vote: Santiago, aye; Hunter, aye; Weiner, aye; Wagner, aye; Schadt, aye; Schock, aye. Motion carried

MOTION

Schock made a motion for conditional final approval for the Alexander Hotel application, subject to payment of all fees, that the utilities be placed underground, and sign-off from the Department of Health on the well/ septic distance of 200’ to be resolved to the satisfaction of the Town Engineer. Santiago second. Roll call vote: Santiago, aye; Hunter, aye; Weiner, aye; Wagner, aye; Schadt, aye; Schock, aye. Motion carried

GARY FLIEGER - TWO LOT SUBDIVISION - #14-0102

Represented by himself 672-3533

Owners/ Applicants Gary & Judy Flieger wish to turn 73 acres over to the State of New York, located at 180 ShinHollow Rd., Town of Deerpark, Orange County, New York. Half of the property is located in the Town of Greenville, and Huckleberry Ridge State Park is the adjoining property.

It is in the HMU Zone.

Section - Block - Lot + 50 - 1 - 50

Application submitted March 3, 2014

Gary Flieger said that both the Town Engineer and Town Attorney had waived their fees for the part of the application involving the transfer of land to the Land Trust. He had handed out maps and said that the railroad does divide the property, and that the property from the railroad to the

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top of the mountain he wants to hand over. He said that in his deed it states that he has access to that property, but only because it was established by usage, over the years.

Mr. Plotsky asked who owns the piece around the pieces on the far side of the railroad next to Mr. Fliegers'?

Mr. Flieger answered Mr. Spano.

Mr. Plotsky said that the piece on the far side of the railroad track, from Shin Hollow Road, is the piece that Mr. Flieger wants to subdivide off.

Mr. Flieger said that the property has access from Greenville, through Huckleberry Ridge, and is not landlocked.

Mr. Plotsky said that either that access has to be shown to this board, or a deed to Huckleberry Ridge has to be shown to the board. He said that he also needs to see proof that the Land Trust is buying property from Mr. Flieger.

Al Fusco said that the 2 lot subdivision will need a 239 General Municipal Law (GML) review, and said that that 30 day review will be going out within the next couple of days, from his office.

Mr. Plotsky and the board agreed that a survey needs to be submitted, of the lot that Mr. Flieger will be keeping.

MOTION

Hunter made a motion to schedule a public hearing, for the Gary Flieger application for April 23, 2014. Santiago second. Roll call vote: Santiago, aye; Hunter, aye; Weiner, aye; Wagner, aye; Schadt, aye; Schock, aye. Motion carried.

MICHAEL VICCHIARIELLO - LOT LINE CORRECTION

Represented by himself 856-2812

Owner/ Applicant Michael Vicchiariello had a lot line change done with lands of Eckes, and wishes the Chairman to sign the new maps, prior to filing in Goshen, N.Y.

The property is located at 140 Upper Brook Road, Sparrowbush, N.Y.

Section – Block – Lot - 35 – 1 – 16

Mr. Vicchiariello presented a letter from his neighbor, Wilbur Eckes, who has no objection to the lot line correction. He said that a subdivision was done by his neighbors, and the surveyor had mistakenly put the line, right down the middle of his driveway. He said that another surveyor has since corrected the lines.

Mr. Plotsky said that this would be a lot line change application with the \$225.00 Planning Board fee needing to be paid by the applicant.

Mr. Vicchiariello stated for the record that he is just getting his own property back, and thinks

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paying any kind of fee is wrong.

MOTION

Schadt made a motion for the board to waive a public hearing for the Michael Vicchiariello application, no Planning Board fee will be charged, and have the Building Department handle the lot line change.. Hunter second. Roll call vote: Santiago, aye; Hunter, aye; Weiner, aye; Wagner, aye; Schadt, aye; Schock, aye. Motion carried.

The board agreed that the maps with the correct lines just need to be submitted by the applicant, and a corrected deed needs to be reviewed by the Town Attorney. They agreed that when this is done, then the Chairman can sign the new maps.

APPROVAL OF MINUTES - JANUARY 22, 2014 & FEBRUARY 26, 2014

Hunter made a motion to approve the minutes from the January 22, 2014 meeting. Santiago second. Roll call vote: Santiago, aye; Hunter, aye; Wagner, abstain; Weiner, aye; Schadt, aye; Schock, abstain. Motion carried.

Wagner made a motion to approve the minutes from the February 26, 2014 meeting. Weiner second. Roll call vote: Santiago, aye; Hunter, aye; Schadt, abstain; Wagner, aye; Weiner, aye; Schock aye. Motion carried.

EXECUTIVE SESSION WITH ATTORNEY CONCERNING
DRAGON SPRINGS BUDDHIST, INC.

MOTION

Weiner made a motion for the board to go into executive session for the purpose of discussion concerning Dragon Springs Buddhist, Inc. litigation and invite the Town Engineer, Town Attorney, Mr. Gaba, attorney for the board and the Town Board liaison. Hunter second. Roll call vote: Santiago, aye; Hunter, aye; Weiner, aye; Wagner, aye; Schadt, aye; Schock, aye. Motion carried.

The board went into executive session at 7:59 p.m.

MOTION

Santiago made a motion for the board to come out of executive session. Hunter second. Roll call vote: Santiago, aye; Hunter, aye; Weiner, aye; Wagner, aye; Schadt, aye; Schock, aye. Motion carried.

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The board came out of executive session at 8:55 p.m.

ADJOURNMENT

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

Meeting adjourned at 8:56 p.m.

Respectfully submitted,

Barbara Broliier, secretary