

## DEERPARK PLANNING BOARD - APRIL 27, 2011 - PAGE # 1

The Deerpark Planning Board met for their bi-monthly meeting on Wednesday, April 27, 2011 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  
Mike Breitenfeld

Willard Schadt  
Alan Schock

Dan Loeb  
Theresa Santiago

Derek Wilson

### OTHERS

Mr. Glen Plotsky, Town Attorney  
Mr. Tom Ward, P.E.  
Mr. Chun Feng, Applicant

Mr. Alfred A. Fusco, III, Town Engineer  
Mr. Kent Trabling, Applicant  
Ms. Lana Han, Esq.

Mr. David Dean, Town Board Liaison  
Mr. John Fuller, Civil Engineer  
Mr. Kaijin Liang, P.E.

### THE PLEDGE OF ALLEGIANCE

#### DRAGON SPRINGS BUDDHIST, INC. - PRE-APPLICATION CONFERENCE

Represented by Ms. Lana Han, Esq. & Mr. Chun Feng, Architect & Mr. Kaijin Liang, PE 845-754-7400  
Owner/ Applicant Dragon Springs Buddhist, Inc. wishes to enlarge the lake and build a new dam on property located at 140 Galley Hill Rd., Cuddebackville, N.Y.  
It is an RR zone. Section – Block – Lot = 31 – 1 – 21.22

Ms. Han said that their proposal is for a new dam, to replace the existing dam.

Skip Wilson asked how big is the lake?

Ms. Han answered 21 acres.

Al Fusco reviewed his comments, dated April 8, 2011 on this proposed project.

- 1.- An amended site plan, including the entire site, needs to be submitted to the Board.
- 2.- Details of the proposed dam, and construction details.
- 3.- An erosion control plan, stormwater pollution prevention plan (SWPPP) needs to be submitted.
- 4.- The applicant needs to obtain a NOI SPEDES Permit.
- 5.- Details of borings, need to be shown on the site plan.
- 6.- Wetlands delineations need to be shown on the amended site plan.
- 7.- The applicant needs to obtain New York State Department of Environmental Conservation ( NYSDEC ) approval.
- 8.- With the above, the applicant needs to submit the identification of the NYSDEC official quoted in their submittal.
- 9.- Submission of hydraulic report, drainage area with 100 storm data, spillway design, and emergency spillway.
- 10.- Submission of expanded Part III.
- 11.- Planning Board comments on this project.

Al Fusco said that both the Board and the NYSDEC will be reviewing this project.

Derek Wilson expressed concern about properties downstream, and the winter flow versus the summer flow, and how it will affect the downstream properties and houses, if the dam were to be breached. He also asked about the dry hydrant system and the pumping station, how they will be affected.

Skip Wilson told the applicants that they will need to replenish their escrow accounts, by adding \$3,000 to the town engineering escrow account, and \$750 to the town attorney escrow account,

#### GINSENG UP CORPORATION – PRE-APPLICATION CONFERENCE

Represented by Mr. Kent Trabling, Consultant 914-450-4393

Owner/ Applicant Ginseng Up Corp. is exploring options of what to do with property located north and west of New Hope Farms, off of Route 209, Huguenot, N.Y.

It is both in the RR and HMU Zones.

Section – Block – Lots = 50 – 1 – 16, 38.1, 38.22 , 43

Mr. Trabling said that he was here tonight, to just get feedback from the Board, as to what can be done with these properties. He said that all the properties entail approximately 340 acres. He indicated on the map the largest parcel, located due east on Neversink Drive, which has almost a mile of road frontage. He indicated the second parcel, located on the northeast corner of Neversink Drive and Route 209, which is divided by a creek, that runs underneath Route 209 and into the Neversink River. He said that this more northerly section has no access, and he was thinking of getting permission from one of the neighbors to buy access off of Route 209. He also indicated on the map, the Columbia gas line, which runs through that same portion of the property, and up the mountain, due east. He indicated on the map the fourth parcel, which is located on Route 209, due west of New Hope Farms. He then asked, what can be done on this property?

Al Fusco said that the property located off of Neversink Drive is in the RR (Rural Residential) zone.

Mr. Plotsky advised Mr. Trabling to buy the Town Zoning Law book, available at the Town Clerks' office, which is open Monday through Friday, 8 a.m. to 4 p.m. He said that the "Schedule of Uses" will tell him all the possibilities in the HMU zone.

Mr. Tranbing asked about logging and/ or mining on the properties?

The Board answered that logging is allowed, and mining would be an expensive venture.

The Board told Mr. Tranbing that he can come back before this Board at the May 11th meeting, as an extension of this pre-application conference.

#### THE HUB - PRE-APPLICATION CONFERENCE

Represented by Mr. Dominick Alfieri, Applicant & Mr. John Fuller, Civil Engineer 856-1536

Owner/Applicant Dominick Alfieri wishes to modify the site plan for property on Route 6, Town of Deerpark, Orange County, New York.

It is in the IB Zone. Section – Block - Lot=57 – 2 - 14

Mr. Fuller said that this project can no longer be known as “Deerpark Exchange.”

Mr. Alfieri explained by saying that the New York Stock Exchange holds exclusive rights to anything titled “exchange”, and therefore, he cannot use that term.

Mr. Fuller said that this project was approved in February 2010, and since then, there has been changes on the property, which will require a modification of the site plan. He told the Board that the tenant “Planet Fitness” has moved into the top floor of the structure, and because of their success, parking has become an issue. He said that the 100 parking spaces on the site plan, will not meet the needs of this building now. He said that he has re-done a parking calculation (located on the lower left hand corner of the sketch map), a revised parking scenario. He said that making one parking space for every 125 square feet of gross floor area (both Town and Orange County requirements), then approximately 103 parking spaces would be needed, just for the second floor. He said that also, Planet Fitness has negotiated for approximately 1/3 of the first floor area of the building, which would require an additional 35 parking spaces. He said that a karate tenant desires to rent the basement, which would require approximately 20 more parking spaces. He said that the total of 190 parking spaces would be needed. He said that because of all of the additional vehicles, because of the great success of Planet Fitness, Mr. Alfieri approached the neighboring property owner, Mr. Rizkallah, and asked to lease space for overflow parking.

Mr. Plotsky said that the neighboring overflow lot is gravel, but isn't it also muddy?

Mr. Fuller & Mr. Alfieri both answered that it is gravel, but it is not muddy.

Mr. Alfieri said that the lease agreement with Mr. Rizkallah, is right now on a month to month basis, which will be revised for the future.

Derek Wilson expressed concern about the long term use of the neighboring parking area, as in the future, the owner may decide that Mr. Alfieri cannot use it anymore.

Willard Schadt indicated on the map that there is also another access onto Route 6, from the neighboring parcel, where the overflow parking lot is located. He asked if that is an approved egress.

Mr. Alfieri answered that that is the original driveway from the old Painted Aprons Motel, which used to be located on this parcel, and yes, the customers have been known to use that.

Al Fusco said that it can be used as an approved access, it is a “historical” access. He said that if it starts to be used as a main entrance, then NYSDOT will notify the Town.

Derek Wilson expressed concern about the larger amount of people coming and using the facility, will the septic system be able to accommodate the larger population.

Willard Schadt asked if Mr. Alfieri is having any discussion to purchase the neighboring parcel, rather than just leasing it?

Mr. Alfieri answered yes, and added that his property wraps around the back of the property, behind Mr. Rizkallah's parcel. He said that right now, it's a “land lease” situation, that is, Mr. Rizkallah owns the property, but receives a certain percentage of the money that Mr. Alfieri makes on the property.

Mr. Plotsky answered that he understands the “land lease” deal, but it cannot be on a month to month basis.

Mr. Alfieri answered that the lease will be made for 50 years, or 20 years, whatever Mr. Rizkallah and himself can work out.

Al Schock asked, why can't Mr. Alfieri just park the vehicles, in an agreement with Mr. Rizkallah, and not have to come before this Board?

Mr. Fuller answered by saying that the original approval was for general commercial, and the ordinance on parking for that, is one parking space for every 250 square feet of usage, and because of the popularity of Planet Fitness, that formula of calculating parking spaces, clearly is not working. He said that Mr. Alfieri and himself are here tonight to demonstrate and work out the long term performance of the facility.

Al Fusco said that being involved extensively in the inspections of this facility with the Building Inspector, he said that on April 8, 2011 he did give Mr. Alfieri a letter, outlining some non-conforming issues, which he did subsequently correct. He also told Mr. Alfieri that he does need to appear before the Planning Board, sooner rather than later, because he does have these parking issues. He said that the Planning Board had approved last year, the 25,000 square foot, plus or minus of office and commercial, based on the Towns' requirements of parking spaces, and they were adequate. He said that after the Planning Boards' approval, the Building Department has been greatly involved, that is, crossing the “t's” and dotting the “i's”. Mr. Fuller and Mr. Alfieri have been very co-operative. He said, however, this project has reached the point where it's out of the Building Departments' jurisdiction and back into the Planning Boards' lap. He said that such changes as the addition of parking spaces in detail, drainage, landscaping, a deed or

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a lease agreement concerning the overflow parking all need to be done. He also said that this may require a revised 239 re-notice.

Mr. Alfieri said that the fire department had indicated to him that they have no emergency access into the property, and he said that they might be able to use that extra entrance on the neighboring parcel, for that purpose.

Mr. Plotsky said that Mr. Alfieri will have to get an owners endorsement from the neighbor, for that overflow parking. He said that a lease agreement must be made however, and it should be for at least 20 years or longer. He said that having the overflow parking on that parcel is having an ancillary use on the property, without a primary use. He said that he should tie the properties together, get the plan approved, and then come back in at a later time, if he decides to do something with that property.

Al Fusco said that Mr. Alfieri needs to re-look at the existing parking, because some of the separation distances are real minimal. He said that coming in and out of the entrance, and then a vehicle goes into that front parking lot and gets "stuck" and can't get out of the parking lot unless he either backs up, or does a 3 point turn ( indicating the situation on the map and the parking spaces that need to be eliminated). He also said, concerning the overflow parking lot, that it needs something more than gravel, and suggested it be oil and chipped. He also suggested that the applicant submit a short environmental assessment form (SEAF), along with a new application. He said that stormwater drainage should also be addressed. He said that a gate for the fire department should also be included. He also said that the grade of the overflow parking lot should be looked at again.

Skip Wilson told the applicant that he will need to replenish his escrow accounts, by adding \$1,500 to the town engineering escrow account, and \$500. to the town attorney escrow account.

### CUDDEBACKVILLE SERVICE CENTER - #11-0201

Represented by John E. Thibodeau 754-8640

Owner/ Applicant John E. Thibodeau wishes a special use permit to create a used car sales and service lot on property located at 989 Route 209, Cuddebackville, NY

It is an HMU Zone. Section – Block – Lot = 22 – 1 – 38. 1  
Application submitted February 8, 2011.

Al Fusco referred to his technical comments, dated April 26, 2011:

- 1.- Plans, applications and the SEAF were sent out to Orange County Planning Department and the NYSDOT for the 239 review.
- 2.- The lot is non-conforming, however, it is existing.
- 3.- Board comments.

Mr. Thibodeau said that he's before the Board, because his site plan has changed over the years.

Derek Wilson noted that this is a site plan and a special use permit.

### Motion

Derek Wilson made a motion to schedule a public hearing for May 25, 2011. Theresa Santiago second. Roll call vote: Santiago, aye; Loeb, aye; Schadt, aye; Schock, aye; Breitenfeld, aye; D. Wilson, aye; W. Wilson, aye. Motion carried.

### PEENPACK SAND & GRAVEL – # 11-0205

Represented by Mr. Ward, P.E.

Owner/ Applicant Peenpack Sand & Gravel wishes to build two garages on property located on Lybolt Dr., Huguenot, N.Y.

It is an HMU Zone. Section – Block – Lot = 49 – 1 – 40.221  
Application received February 23, 2011

The public hearing was left open from the April 13, 2011 meeting, for written comments.

Planning Board member Al Schock did recuse himself, as he stated for the record.

Al Fusco said that he did get a letter from the OCDPW, saying that they are satisfied. He said that he has not received any communication from Orange County Planning Department. He said that the 30 days comment period has expired.

The Board reviewed Part I of the Short Environmental Assessment Form (SEAF), and answered "no" to all questions.

### Motion

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

### Motion

Derek Wilson made a motion to approve the Peenpack Sand & Gravel application, subject to payment of all fees. Theresa Santiago second. Roll call vote: Santiago, aye; Loeb, aye; Schadt, aye; Schock, aye; Breitenfeld, aye; D. Wilson, aye; W. Wilson, aye. Motion carried.

### QUALITY BUS CO. - # 11-0203

Represented by John Fuller, Civil Engineer 856-1536

Owner/ Applicant D. L. E. Holdings LLC is seeking a site plan approval for vehicle & equipment sales, on property located on Main St., Sparrowbush, NY

It is an HMU zone. Section – Block – Lot = 43 – 2 – 2

Application received February 23, 2011

The public hearing was left open from the April 13, 2011 meeting, for written comments.

Mr. Fuller said that the NYSDOT did send a letter, and it's a standard response, made within the 30 day timetable. He said that he has spoken with Kim Henken after she made a site inspection, and she is waiting to hear from Poughkeepsie.

Motion

Derek Wilson made a motion to close the public hearing for the DLE Holdings, LLC application.. Theresa Santiago second. Roll call vote: Santiago, aye; Loeb, aye; Schadt, aye; Schock, aye; Breitenfeld, aye; D. Wilson, aye; W. Wilson, aye. Motion carried.

Derek Wilson asked about lighting?

Mr. Fuller answered that there is no additional lighting on the one lot, as the street lights are suitable.

Al Fusco told Mr. Fuller that he should look at the drainage that goes onto the right-of-way. He said that the Board did receive a letter from Orange County Planning Department, dated March 21, 2001, concerning this application.

VINCENT GALLIGAN SUBDIVISION - #11-0204

Represented by John Fuller, Civil Engineer 845-856-1536

Owner/ Applicant Vincent Galligan wishes a 2 lot subdivision on property located at 227 Oakland Valley Road, Cuddebackville, N.Y.

It is in the RR Zone.

Section - Block - Lot = 20-1- 64.14

Application received February 23, 2011

The public hearing was left open from the April 13, 2011 meeting, for written comments.

Mr. Fuller said that the Orange County Department of Public Works (OCDPW) had no comments, relative to this application. He said that nothing was received from Orange County Department of Planning. He said that the soil testing still needs to be done, as the weather has not been co-operative until now.

Motion

Derek Wilson made a motion to close the public hearing for the Galligan Subdivision. Willard Schadt second. Roll call vote: Santiago, aye; Loeb, aye; Schadt, aye; Schock, aye; Breitenfeld, aye; D. Wilson, aye; W. Wilson, aye. Motion carried.

The Board reviewed Part I of the Short Environmental Assessment Form (SEAF), and answered "no" to all questions.

Motion

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

DEERPARK VILLAGE - #D-0012

Represented by Mr. Damian Brady, Esq.

OWNER/ APPLICANT DEERPARK VILLAGE ASSOCIATES WISHES TO CREATE PLANNED RESIDENTIAL HOUSING

Units on 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

Mr. Plotsky said that there will be no discussion of this application this evening.

COMMUNICATION FROM THE TOWN BOARD LIAISON

David Dean made a comment, concerning the land lease situation, that it is not uncommon. He gave the example that Mr. A owns land, and Mr. B. wants to develop the land, and they work out a land lease deal. Mr. B. goes before the Planning Board and lays out his pads (pads for a restaurant, a car wash, etc.), and the Planning Board approves it. Mr. B. goes back to Mr. A. and tells him that he got approval from the Planning Board and is now ready to sign a long term lease. Mr. B then goes in and develops the pads. He said that no one is leasing those pads, until the "Cracker Barrel" restaurant, or whatever business actually comes in and starts building. He said that in the case of The Hub, the neighbor, Mr. Rizkallah, does not want to sell his land to Mr. Alfieri, but wants to do a land lease, so he will retain ownership of the land and receive payments from Mr. Alfieri. He said that this scenerio will probably become more prevalent, as more businesses move into the IB zone on Route 6. He said that as a Town Board member, he sees nothing wrong with this happening.

QUESTION BY PLANNING BOARD MEMBER THERESA SANTIAGO

Theresa Santiago asked about the situation of John's Mower Shop, located on Route 42/ 97, as it has purchased the property next door and expanded its' use and has never come before this Board?

Al Fusco answered that he did an on site inspection approximately two months ago, and at that time, the owner did tear down the building. He said that he did notice other changes within the past two weeks, and will speak to the Building Inspector about having the owner come before this Board.

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**ADJOURNMENT**

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

Meeting adjourned at 8:50 p.m.

Respectfully submitted,

Barbara Broliier, Secretary