

DEERPARK PLANNING BOARD - NOVEMBER 9, 2011 - PAGE #

The Deerpark Planning Board met for their bi-monthly meeting on Wednesday, November 9, 2011 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	Mike Hunter	Craig Wagner
Willard Schadt	Derek Wilson	Bob Vicaretti	

OTHERS

Mr. Glen A. Plotsky, Town Attorney	Mr. David W. Bavoso, Town Attorney
Mr. Alfred A. Fusco, Jr., Town Engineer	Mr. David Dean, Town Board Liaison
Mr. Joseph Smith, Applicant	Ms. Lana Han, Esq., Dragon Springs
Mr. Ed Ward, Applicant	

THE PLEDGE OF ALLEGIANCE

JOSEPH A. SMITH - SITE PLAN

Represented by himself 856-6295

Owner/ Applicant Joseph Smith wishes to create a nursery and garden center on property located at 25 Yetter Lane, Sparrowbush, NY

It is an HMU zone.

Section – Block – Lot = 45 – 1 – 25

Applicant has spoken with the Building Inspector

Applicant had an application submitted for this project in 2005.

Mr. Smith said that his funds were low before, but now he's back, and wants to build some sheds on the lot, and use one of them for an office, and to also sell holiday items, and then in the spring, sell nursery items and sheds.

Bob Vicaretti asked Mr. Smith, if he had spoken to the Building Inspector?

Mr. Smith answered that he had talked to him first, explaining that he has been gone for six years, and the Building Inspector then referred him to this Board.

Willard Schadt said that a lot of Board members were not on the Board six years ago, and asked that a brief description of the project be given.

Mr. Plotsky answered that the project had not been approved, and that neither the Planning Board secretary, or himself, were able to bring the original files this evening.

Mr. Smith said that the only open item was that the septic system was a little rough, and he had talked about putting in a tank, which would be pumped out, and was agreed to, by the Board. He said that he was instructed by this Board to get a letter from M & S, which he said he did, but then he never came back before the Board to get the maps stamped.

Mr. Plotsky said that this project will require a new review, because any approval has lapsed by this time. He said that the applicant will have to file another application, but said that he is not sure if another application fee will have to be submitted. He said that unfortunately, the Planning Board process will be too long, to allow the applicant to sell any Christmas items, such as trees, before December 25th. He said that the original site plan can be used, and the applicant may just have to submit an additional sheet.

Al Fusco asked if there will be any other employees, other than himself?

Mr. Smith answered his wife, and maybe one other employee.

Willard Schadt asked if the shed is existing, or does he want to build one?

Mr. Smith answered that he wants to buy a pre-built shed, and it wasn't on the original site plan. He said anyway, he wants to make the pre-built shed his office, and then maybe even sell some more sheds.

The Board agreed that the applicant will definitely have to file a new application, and in the meantime, talk with the Town Building Inspector, who may allow him to sell holiday items, even though the site plan is not approved by this Board yet.

Mrs. Smith asked if her husband, who is a veteran, could just get a vendors' license, to sell the Christmas items?

Mr. Plotsky answered that that would be a County vendors license, so the applications would have to contact them as soon as possible, to get situated to sell holiday items.

Derek Wilson said that there was a public hearing on this application in 2005, and if he remembers correctly, several neighbors did show up to voice concerns.

Al Fusco said that the Board can work with the applicant, and could phase this with a construction shed, for up to one year, which the Board can approve, and the applicant can work out of that shed, with temporary sanitary facilities. He said that a new application should be submitted, put an extra sheet on the site plan showing the new aspect, which would be temporary, and the Board can approve that for one year.

Derek Wilson asked, would the Board also be reviewing his final site plan at the same time?

Al Fusco answered yes.

Mr. Plotsky told Mr. Smith to get that extra sheet for the site plan drawn up by a professional, and then file an amended application, and then the Board can determine whether or not another application fee would be appropriate, or whether to waive it, and then the applicant can come before this Board, go over the application and maps with the Board, and the Board can then schedule a public hearing and then finish the process.

Mr. Smith asked if he should apply for a vendors license at the same time?

Mr. Plotsky answered that if he wants to sell at that location, with no structures involved, then yes, he can apply for a vendors license through the County, and then approach the Town for its' license. He said that he would have to go through the requirements pertaining to insurance and things of that nature. He said that he should then go to the Town Building Inspector, tell him what he wants to do, and Mr. Emerson can call his law office, if the Building Inspector isn't sure what he can and cannot permit.

Al Fusco said that if the applicants can submit a new application, and get that extra sheet submitted within a week or so, then a public hearing can tentatively be set for the next meeting, which would be December 14, 2011. He said that if those items are submitted, then he can go to the Building Inspector for a temporary shed on December 15, 2011.

MOTION

Hunter made a motion to schedule a public hearing for the Smith application for Wednesday, December 14, 2011. Santiago second. Roll call vote: Santiago, aye; Wagner, aye; Hunter, aye; Wilson, aye; Vicaretti, aye; Schadt, aye; Schock, aye. Motion carried.

Al Fusco said that the town engineering escrow account has to be set up with the Supervisors' office of \$500., and Mr. Plotsky said that \$250. will be needed to set up a town attorney escrow account.

MOTION

Wilson made a motion to declare lead agency for purposes of SEQRA. Hunter second. Roll call vote: Santiago, aye; Wagner, aye; Hunter, aye; Wilson, aye; Vicaretti, aye; Schadt, aye; Schock, aye. Motion carried.

PEENPACK MEADOWS - # 03-0802 -DISCUSSION

Applicant is requesting an extension of his approval.

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The Board granted a 6 month extension on May 11, 2011.

Mr. Plotsky said that Mr. Lipman, the projects attorney, had provided \$500. which was needed for the escrow account, in order for this application to go forward. He said that he knows of no legal impediments for the Board to grant this project a six month extension.

MOTION

Wilson made a motion to grant a 6 month extension for the Peenpack Meadow subdivision, Phase I. Vicaretti second. Roll call vote: Santiago, aye; Wagner, aye; Hunter, aye; Wilson, aye; Vicaretti, aye; Schadt, aye, Schock, aye. Motion carried.

McCALLISKEY & WARD - # 06-0601

Represented by Ed Ward 283-9505

Owners/ Applicants Ed Ward & Jim McCalliskey wish a 3 lot subdivision on property

located on Brandt Rd., Westbrookville, N.Y.

It is an RR Zone

Section – Block – Lot = 7 – 1 – 37

Application received June 4, 2007

Al Fusco referred to his technical memo, dated November 9, 2011. He said that the percs were good, but the applicants needs to show the calculations on the site plan. He said that for the sight distance, a little calculation table needs to be added to the site plan also. He said that the boundary distance to Sullivan County is over 500 feet, so the plans do not have to be submitted to them for review.

MOTION

Hunter made a motion to schedule a public hearing for the McCalliskey, Ward subdivision for Wednesday, December 14, 2011. Santiago second. Roll call vote: Santiago, aye; Wagner, aye; Hunter, aye; Vicaretti, aye; Schadt, aye, Wilson aye; Schock, aye. Motion carried.

DRAGON SPRINGS BUDDHIST, INC. - #10-0401

Represented by Ms. Lana Han, Esq. & Mr. Chun Feng, Architect 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

Application received April 28, 2011.

Ms. Han requested that the special use permit be extended.

Al Fusco said that his office had inspected the premises approximately two weeks ago, and also his son, with the Building Inspector had inspected the property just last week. He said that in speaking with the Building Inspector, that he agreed with his own recommendation that the special use permit be extended for one year. He said that the applicants had asked for an extension of several years, and Mr. Emerson and himself felt that that would only be appropriate after the major construction projects were winding down, particularly the dam project.

MOTION

Schadt made a motion to extend the Dragon Springs special use permit for one year. Wilson second. Roll call vote: Santiago, aye; Wagner, aye; Hunter, aye; Vicaretti, aye; Schadt, aye, Wilson aye; Schock, aye. Motion carried.

The Board decided to make that one year special use permit extension starting at tonights' date, November 9, 2011.

COMMUNICATION AND CORRESPONDENCE FROM THE BOARD

Derek Wilson asked about past dormant applications, and referred to the list that was drawn up a couple of months ago.

Dave Dean suggested that a letter be written to each applicant, referencing that their application has been dormant, and reference that there may or may not be escrow money to be returned.

Mr. Plotsky said that the Town would have to authorize a small claims proceeding, to get back owed town engineering fees from many of the dormant applicants.

Derek Wilson suggested that each applicant be identified, as to how much they still owe the Town, and bring that list to the next meeting.

Willard Schadt asked that each applicant be voted on separately at the next meeting.

COMMUNICATION FROM THE TOWN BOARD LIAISON

Dave Dean said that last Monday night, the Town Board voted Al Schock as Planning Board Chairman and Bob Vicaretti as Co-Chairman. He said that Willard (Skip) Wilson is the alternate member.

David Dean suggested that the applicants' binder, that the previous Chairman, Skip Wilson, had kept and updated, be brought to meetings from now on.

Mr. Plotsky said that the binder should be kept in the Planning Boards' file cabinet, but the secretary can bring the binder with blank forms to each meeting, and given that night, to whoever is running the meeting.

DEERPARK VILLAGE

Willard Schadt asked if there has been any feedback yet on this applicant?

Dave Dean answered yes, but it should be discussed in executive session.

ADJOURNMENT

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

Meeting adjourned at 7:45 p.m.

Respectfully submitted,

Barbara Brollier, secretary