

DEERPARK PLANNING BOARD - SEPTEMBER 22, 2010 - PAGE

The Deerpark Planning Board met for their bi-monthly meeting on Wednesday, September 22, 2010 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	Dan Loeb	Noel Malsberg	Mike Hunter, Alternate Member
Derek Wilson	Willard Schadt	Theresa Santiago	

OTHERS

Mr. Glen A. Plotsky, Town Attorney	Mr. Alfred A. Fusco Jr., Town Engineer
Mr. Karl Brabenc, Town Supervisor	Mr. John Metzger, P.E.
Mr. Jim Hurley, Surveyor	Mr. Timothy Gottlieb, Gottlieb Engineering

THE PLEDGE OF ALLEGIANCE

ARTHUR TROVEI - PRE-APPLICATION CONFERENCE

Represented by Jim Hurley, Surveyor

Owner/ Applicant Arthur Trovei wishes to purchase land from the adjoining Elks Lodge property and create a lot line change, on property located on Route #6, Town of Deerpark, Orange County, N.Y.

It is an I.B. Zone. Section - Block - Lots = 57 - 1 - 30.2 & 31.2

Derek Wilson said that there's a commercial use of the Elks Lodge, with a lot of cars coming in and out of the road, which may have an effect on the exits. He said that an existing site plan for the Elks Lodge should be looked at by the Board.

He said that there is no curb there, it's all blacktop. He said that there is gravel on the side of the building.

Willard Schadt said that the line should just go along the angle of the existing blacktop.

Mr. Hurley said that he will speak with the applicant, about the issue with the blacktop.

Al Fusco said that the line appears to be parallel to the pavilion and the building. He said that the pavilion is parallel to the back line, and the building is parallel to the side line.

The Board instructed Mr. Hurley to located the well and septic, so that there will not be any blacktop over top of them.

The secretary asked for a submission of a short form EAF, as it was not attached to the application.

Skip Wilson told Mr. Hurley that escrow accounts must be set up with the Town Supervisors' office, of \$500 for Town Engineering fees, and \$300 for Town Attorney fees.

Mr. Hurley thanked the Board.

ORANGE COUNTY TERMINALS, LLC.

Represented by John Metzger, P.E. 206-3973

Owner/ Applicant Orange County Terminals wishes to install a catch basin and drainage pipe, on property located on Sleepy Hollow Road.

It is an HMU Zone. Section - Block - Lot = 44 - 4 - 40.1

Application submitted May 28, 2010

Skip Wilson reviewed this application for the Board by saying that they did conduct a public hearing on August 11, 2010, which was left open for public comments.

Mr. Metzger said that he is still waiting for a highway permit.

Al Fusco said that they can get the highway permit after the Chairman signs the plans, they just will not be able to get a C/O.

Dan Loeb said that the berm area is the overflow area, in case the tank should overload, and said that the rain water will discharge into the Delaware River.

Mr. Hurley said that the NYSDEC takes periodic samples from the discharge, to determine that it is without oil. He said that there is no oil in the second containment area at anytime, unless, of course, if there is a failure. He said that the pump is never turned on automatically, it always gets turned on by a person physically walking over and inspecting it, before turning it on. He said that the business is regulated by the NYSDEC as a bulk storage area, and someone has to be physically on site at all times. He said that the oil/ water separator is always watched.

Al Fusco asked if this applicant has gotten his NYSDEC permit yet?

Mr. Hurley answered no, they're still working with the NYSDEC.

The Board reviewed the environmental short form EAF, and answered "no" to all questions.

MOTION

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

Derek Wilson asked about planting bushes?

Mr. Hurley answered that they will leave as much natural vegetation as possible there. He said that there is approximately 40' between the pipe and the river. He said that they will cut the pipe at an angle, to reduce the visual effect, and a note to that effect will be placed on the new plans.

Al Fusco said that the applicant will put some rip wrap there, because bushes cannot really be planted there. He asked that a note be put on the map, that any disturbed area will be replanted with crown vetch. He also said that a note needs to be added to the map, about the pending NYSDEC permit. He said that a \$1,200 inspection escrow also needs to be set up in the Town Supervisors' office, for the inspection of the pipe and installation.

MOTION

Derek Wilson made a motion for conditional approval for the Orange County Terminal wastewater discharge site plan modification, subject to the submission of a NYSDEC SPDES permit, a Town Highway permit, setting up an inspection escrow account of \$1,200 and the additional notes to be added to the map. Dan Loeb second. Roll call vote: Santiago, aye; Malsberg, aye; Hunter, aye; D. Wilson, aye; Schadt, aye; Loeb, aye; W. Wilson, aye. Motion carried.

CAMP DEERPARK, INC.

Represented by Timothy Gottlieb, Gottlieb Engineering

Owner/ Applicant Camp Deerpark proposes to expand their camp located on Brandt Rd., Cuddebackville, N.Y.

It is an RR zone.

Section – Block – Lot = 7-1-38

New maps submitted.

Application submitted March 4, 2010

Al Fusco handed out his technical comments, dated September 22, 2010 for this project. He said that the engineer said that he will submit his stormwater pollution prevention plan (SWPPP) within the next few weeks. He said that the SPEDES permit will be submitted by the engineer also. He said that the Orange County Health Department approval for the water systems should be included with the approved plans. He said that the project is being phased and has been identified on the plans. He said that the wetlands need to be delineated properly on the map. He said that the driveway cross section details to show 3 on 1 side slope, still needs to be noted on the plan. He said that if 2 on 1 slope is used, the engineer must show jute material or similar material on the plans. He said that more detail is needed for the pavement. He said that the size of the generator for the water system needs to be identified. He said that the soil tests results needs to be shown on the plans. He said that the applicant needs to apply to the Town Highway Superintendent for a street excavation permit. He said that the culvert size and length, between the two wetlands, still needs to be placed on the plans. He said that any disturbance area, under 1/10th of an acre, still needs to be shown on the plans. He said that any Board comments also have to be addressed.

MOTION

Derek Wilson made a motion to schedule a public hearing for the Camp Deerpark application on October 13, 2010. Theresa Santiago second. Roll call vote: Santiago, aye; Malsberg, aye; Hunter, aye; D. Wilson, aye; Schadt, aye; Loeb, aye; W. Wilson, aye. Motion carried.

DRAGON SPRINGS BUDDHIST INC. - DISCUSSION

Applicants' one year Special Use Permit, is up on September 23, 2010

Skip Wilson said that the Town Building Inspector suggested to this Board that a renewal permit of only one year be granted to this applicant. He said however, that there are still issues with this applicant. He said that the cafeteria building was not fully approved by this Board, and the applicant has been building on that building. He said that the applicant did bring their town engineering escrow account up to \$0, however, there is another town engineering bill that did come in, within the last week. He said that the applicant has also never established an escrow account for the Town Building Department, for town inspections.

Derek Wilson asked, how does the changes in the Town Zoning Law, concerning the IB, commercial zones, effect this application?

Mr. Plotsky answered that the new Law does not effect this application.

Derek Wilson said that this Board cannot extend this special use permit at all, since the applicant is not in compliance with the Law. He said that if there is a dispute over fees, can the Board still, however, extend their special use permit?

Mr. Plotsky stated plainly, that this applicant is building, without an approved site plan. He asked, has this applicant been notified of the above non-compliances?

Al Fusco answered yes, he did notify them after the last Planning Board meeting, that the Planning Board Chairman will not sign their plans, until their escrows are brought up, and an escrow be established in the Building Inspectors' office. He said that they did bring up their town engineering escrow, but he's still waiting to hear if that Building Inspector escrow was set up. He said that he did notify this applicant that their project will be shut down, until they comply with the Planning Board.

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Mr. Plotsky said that this applicants' special use permit runs out tomorrow, and suggested that this Board extend it for 30 days, to allow the Town engineer and/ or the Planning Board Chairman, and/or the Town Building Inspector to do notifications to the applicant, in regard to the escrow accounts, so that, at least the money issue will not longer be a problem.

Al Fusco said that the applicant does already have a building permit, however, they do not have a signed site plan yet. He said that they had changed and modified their site plan, which still has to be signed by the Planning Board Chairman, but they also have to get a modified building permit from the Building Inspector, because they're working off of their old (non-modified) building permit.

MOTION

Derek Wilson made a motion to extend the Dragon Springs Buddhist, Inc. special use permit until October 27, 2010, to allow the applicant time to meet the conditions of their June 9, 2010 existing, prior site plan conditional approval. Dan Loeb second. Roll call vote: Santiago, aye; Malsberg, aye; Hunter, aye; D. Wilson, aye; Schadt, aye; Loeb, aye; W. Wilson, aye. Motion carried.

The secretary was instructed to place this applicant on the October 27, 2010 agenda.

DEERPARK VILLAGE - DISCUSSION

Mr. Plotsky said that Al Fusco and himself had met with the projects' engineer, Mr. Parish, and the projects' attorney, Mr. Sachs, last Monday. He said that they all reviewed Mr. Fuscus' notes with regard to comments that the Planning Board had, with regard to some of the proposed language changes. He said that the four of them came up with another set of potential agreeable language. He said that the four of them discussed, was that he will prepare the synopsis of the discussion that occurred, and Mr. Sachs will review that synopsis, and sign off on it. He said that they now have the potential to resolve all issues, except for the Wilson Road issue, that is, what improvements of Wilson Road, and who's paying for what. He said that after Mr. Sachs signs off on the final synopsis, he will get it to the Planning Board members before the next meeting.

Derek Wilson asked about case law, where off site improvements are needed, and can be requested by the Board.

Mr. Plotsky answered that the case law says that it has to be related. He said for example, if the expectation is that the applicant is going to increase the use 40%, rather than the current use, then the Board can come up with a figure of 40% applied to some sections of the road.

The secretary was instructed to place the discussion of this application on the next agenda.

COMMUNICATION FROM THE CHAIR

Skip Wilson said that there are citizens who are concerned about the school buses parked on the old Scully's property, at the intersection of Main Street, Sparrowbush, New York, and Route 42. He said that he spoke with the Building Inspector, and he said that all the buildings were demolished except for one. He said that the Building Inspector gave the school bus company approval, to build a parking lot for the buses, based on an accessory use to that building. He said however, that the building, which was not safe, was knocked down, and now the Building Inspector has told the bus company that they must come before this Board to get site plan approval. He said that they had told him that they will do that.

Mr. Plotsky said that he will physically look at the property and talk with the Building Inspector about this.

Dan Loeb asked about the man who owns the hot dog cart at the intersection of Route 42 and Route 97, and the accidents it can cause.

Mr. Plotsky said that he will research this, and talk with the Building Inspector about this also.

ADJOURNMENT

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

Meeting adjourned at 8:10 p.m.

Respectfully submitted,

Barbara Brollier, Secretary