

**TOWN OF DEERPARK
TOWN BOARD MEETING
MONDAY, DECEMBER 3, 2012**
Meeting was held at Town Hall 420 Route 209, Huguenot, NY 12746

Attendance:

Supervisor: Karl Brabenec

Councilmember's: Arthur Trovei, Gary Spears, David Dean, David Hoovler

Attorney: Glen Plotsky

Engineer: Alfred Fusco

Invocation: Arthur Trovei

Call to order at 7: 06 p.m.

Pledge of Allegiance: Arthur Trovei

Additions or Changes to Agenda

Motion to Add to the Agenda – Resolution 42 of 2012 – Authorization to Sign Huguenot Fire Department Contract for the Purpose of Leasing a Fire Truck

Motion by Karl Brabenec, 2nd by Gary Spears to add to the agenda the Resolution 42 of 2012 – Authorization to Sign Huguenot Fire Department Contract for the Purpose of Leasing a Fire Truck.

VOTE: 5 AYES: Arthur Trovei, Gary Spears, David Dean, David Hoovler, Karl Brabenec

MOTION CARRIED

Motion to Add to the Agenda – Resolution 43 of 2012 – Declaring Surplus Equipment

Motion by Karl Brabenec, 2nd by Gary Spears to add to the agenda the Resolution 43 of 2012 – Declaring Surplus Equipment.

VOTE: 5 AYES: Arthur Trovei, Gary Spears, David Dean, David Hoovler, Karl Brabenec

MOTION CARRIED

Supervisor Brabenec called the Public Hearing on Local Law No. 2 of 2012 to order at 7:07 p.m.

Public Hearing Proposed Local Law No. 2 of 2012 – “A Local Law Repealing Chapter 230 of the Town of Deerpark Code (Zoning Law) and Replacing it with a Revised Chapter 230 (new Zoning Law)”

Town Clerk, Florence Santini read the Public Notice of the proposed Local Law No. 2 of 2012 and a copy is attached to the official minutes.

Supervisor Brabenec explained these changes modify various sections of the present Town of Deerpark zoning and has been on file with the Town Clerk's Office and website. He reported receiving and responding to an email and they requested the letter be entered into the record for the Public Hearing. Letter is on file – attached to the official minutes. He asked the Town Clerk to do that and she agreed to it.

Public Comment

Wayne Decker – Cuddebackville: The requirement that a house be set back 500 feet from a neighboring hunting preserve has been in place for a while, but thought it should be deleted. The responsibility for maintaining a safety zone around a hunting preserve should be a responsibility of the preserve. He looked at property which would have rendered over 50% of that parcel, basically unusable for the neighbor. He thinks that is an undue burden on a neighbor. Hunting preserves are great for a town, they preserve open space, they provide great recreation, but they can't expect a neighbor to give up that much of their property for their benefit. Another item regarding junkyards should be very clear in the description in the fencing that is allowed. In the past, they had things used for fencing that he didn't think were suitable and really didn't screen off the junkyard. A lot of language was added about floodplains in the new revision and it addresses a lot of structures, but again didn't talk about other uses such as junkyards. Flooding occurs with a number of vehicles and contaminants in those vehicles could really cause a lot of environmental damage if that happens in a flood plain. He saw that a number of licenses have been increased to five year terms and that could be a good thing. He thought they should only be granted if the operation has not had any violations in the preceding five years. Once they demonstrate they can operate in compliance for the zones and codes for a five year period,

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then they earn the right to have a five year term. He thought an annual inspection should stay in place as well. He thought site lighting should be limited to downward facing fixtures only. There is more and more glare and more offsite light. There has been an effort for dark skies. He added that it has gotten harder and harder to see the night stars, as there is more and more site lighting rather than the skies. He also thought consideration should be given to regulation on fracking. It is not here yet, but it was right up the road. Deerpark may be included as the mapping indicates going right up to the Neversink River. Many towns have taken stances on that and thought it was good to do that before it is here. Finally, he thought the zoning should incorporate the town's noise ordinance to have a little bit more bite to it. He thought if it was in the zoning, people might be more considerate in their planning and use of their parcels.

Councilman Dean commented about the 500 foot rule and asked Mr. Decker if he was aware of the alternative to that and Mr. Decker said he was. He stated the alternative was that the homeowner would need to give a 99-year waiver to the Hunting Camp. Discussion continued and Mr. Decker concluded his comment with the public comments were to be stated, and not debated.

Burt Thelander – Godeffroy: Letter is on file – attached to the official minutes.

Penny Giles – 251 Wilson Road, Sparrowbush: Letter is on file – attached to the official minutes.

Eric Stein – Huguenot: He thanked the Board and the opportunity to review the zoning for the public. He also thanked the previous speakers for articulating the many changes that are needed. He specifically asked them to review the Hamlet Mixed Use section that seems to have permitted uses with planning board approval was extended to encompass nearly everything. He thought most of the residents living in single family homes, and the HMU Zone is scattered in a lot of areas around town and the opportunity for potential businesses to be right next to homes is pretty high. Some, such as building contractors and lumber yards would make extensive noise issues and extra trucks would cause traffic issues. He thought they all need to be considered. Manufactured Home Parks should be removed from the list. He thought there were seven manufactured home parks in the town already. Those can be problematic with additional neighbors. Also, the saws and the mills and the trucking business and vehicle repair businesses can be extensive. He added Junkyard wrecking situation as a Special Use in HMU—he didn't think that should be in there at all. He thought the HMU zone looks like it was opening it up for just about everything. He thought the board should consider the industrial zones that a lot of these issues could be incorporated into.

Derek Wilson – Wilson Road and he is a member of the Planning Board. He was at the second workshop they had on the zoning. He had comments at that time and waited for another workshop, but that never happened. He asked if this law was sent to the County for review. Supervisor Brabenec answered they just received comments from the County that day and it would be available at the Town Clerk's Office. Mr. Wilson thought the zoning law was being reviewed to make it friendlier to businesses and to consolidate some local laws like telecommunications, manufactured home parks and the new current flood plain development standards. Many of the changes proposed have nothing to do with encouraging permanent businesses to grow or locate here. They are changes to residential development standards; maximum permitted densities and minimal lot sizes that will have a substantial impact on local residential growth and future property tax rates. He asked the Town Engineer to compare these proposed regulations on density and minimum lot sizes to those of surrounding municipalities similar to Deerpark. If Deerpark has land prices that are lower and allows higher residential densities and lower minimum lot sizes than surrounding municipalities, Deerpark will end up with a higher percentage of new residential properties with low ratable values. This will work against the desire to encourage businesses to keep the tax rates lower. If you want your business to prosper and locate here, you need to always be aware of things that will impact the local property tax rates. People mentioned before that they have both a comprehensive and a master development plan that are interchangeable. Typically, you look at those first and compare them to the county master plan and those are your goals, and the zoning is the nuts and bolts of how that gets instituted over time. Typically the zoning is meant to be reviewed about every ten years. He thought in 1990 it was reviewed at a 20 year period, it was actually a problem. It created some problems with mobile homes that probably could have been foreseen if had been reviewed earlier. He gave a couple examples of carefully reviewing the zoning laws and their impacts. Prior to 1990, Deerpark was the last municipality to allow the placement of mobile homes on individual lots. As a result, Deerpark ended up (around 1999) over 30% of its housing units being mobile homes and that is still having an impact on ratables and property taxes today even though the percentage of mobile homes is decreasing. He stated he was not against mobile homes and he understands they provide an economical form of housing. He brings it up simply as an example that the

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local tax base was impacted by Deerpark not watching the zoning changes that occurred around it and the other municipalities phasing out. So the highest municipality next to us was 8% in 1990 for mobile home units and that had a tremendous impact on ratables and tax rates. The proposed mine on Big Pond Road is another example where the zoning law, if they looked more carefully on a few wording changes at extractive uses could have prevented a lot of headaches for what the local property owners are going through. He understands people want to allow some extractive uses in the town. There's the man for sand and gravel, but he didn't know anybody who wants a sand and gravel pit right next to their house. Just put yourself in the shoes now of the adjoining homeowner's on Big Pond and how do you think their property values have been impacted, and how easily can they now sell their homes if they're planning on retiring and leaving the area, they're in limbo now. His point was that a careful thought and small changes to the zoning law could have reduced the impact of both of these problems if people had anticipated the potential problems. He went on to say Dave has commented the town can afford to adopt and maintain new roads and even agreed with him. He's been promoting flag lots as a cheaper option for the town. He wanted the Town Board to understand that when flag lots were considered as a development option, as a town board you don't have to decide to adopt any new roads. If he came in as a sub-divider and the standard requires him to put a new road in for 20 lots, he would put the town in to town specs, the town doesn't have to accept it. You would have to create a homeowner's association to maintain and take care of that road. Just be consistent and treat each new developer the same. There is always a possibility that the future town board might adopt those roads, but it is an option that you don't have to say you can't afford it and just want flag lots with parallel driveways. Flag lots were allowed in 1990 and the 2004 zoning, and they were limited so they wouldn't be the least costly way to subdivide and prevent better shaped lots that didn't have long driveways that generate lots of runoff and run parallel to one or two other driveways right next to each other. Right now, if you put in flag lots you easily get a configuration with three or four parallel driveways going right next to each other, they can be 1,000 feet long and now you have all this impervious surface and runoff and people understand the problems with the flooding. He suggested continuing to place how many can be created as well as consolidating any regulations that refer to them into one section of the zoning, they are now referred to in two sections of the zoning. You're trying to make everything easier to read, easier to use. Just a couple definitions: Under definitions in the beginning, he thought they needed to define public sewer clearly, shared sewer clearly and define community waste water all referenced in the document. They need to have definitions to avoid any legal problems in the future. On page 59 PRRC, Residency Limits says children over 19, there was some discussion at the last Planning Board meeting...he thought they should discuss a time limit on the children, unless there is a caregiver. On page 90, Letter C, it is Billboards...he thought the billboards were only allowed in the IB Zone—it is 60 foot maximum height. He thought they would have the overlay of the I-84 regulations on billboards, but he thought they would be very restrictive on what they allow. If you are two feet out of their zone, would you want to allow somebody to come in and put a 60 foot high billboard near to somebody's house? He said if it is 40 foot maximum and you need 60 feet for any individual thing, the person always has the safety valve of going to the ZBA, and the ZBA has been more than reasonable to just about every application that came before them. The impervious surface limits and maximum building coverage limits, he would not go into everyone on the table, just district regulations—they don't seem to make sense for different sized lots and different zones. You can go over them or he would go to their workshop and discuss them with them, or Al could go over them in detail. He can't make any sense out of them with the different lot sizes. The R Zone, the minimal lot area on scheduled district regulations is 25,000 square feet, more or less half an acre, even though it says a minimum acre lot size without central sewer and water, with shared sewer. He was interested in the difference between public sewer, shared sewer, community waste water...that's why they need to be carefully defined so everybody understands. Multi-family, page 72 gets a 300% density bonus over single family. He thought multi-family only occurs in the HMU as an allowed use. When you already get a density bonus for central sewer and water, you're actually putting a density bonus on top of a density bonus and unless he reads it wrong, you would end up with one unit for every 3,300 feet of lot with central sewer and water and you really need to look at the type of housing, construction that that would encourage, and the ratables it would produce. He stated he was not an elitist, people need to live in places, but if this is the only place in Deerpark that allows a type of construction that would be rated at \$30,000 and the closest people around, it would be \$60,000 a unit, you're going to get \$30,000 units in town and there is going to be kids coming out of those units and it will have the same negative impact that mobile homes had in the 70's and 80's. In the RRC, RR, RS, NR and HMU, some of the uses allowed, such as Saw-Planing Mills, extractive uses and many others need to be reviewed as to minimal lot sizes and setbacks. These should be greater than the minimums. When the minimums are in, they are for residential uses. Now a saw-planing mill needs more than an acre. You wouldn't find one that you put on an acre that wasn't going to have a tremendous impact on houses over-surrounded. You have dog kennels that require 10 acres and you have a saw planing mill on an acre. If they had some kind of central water, they could even have a smaller lot size they could legally put it in on. That is an allowed use. The planning board couldn't say they couldn't go in there. There is a difference between an allowed use and a special permitted use with site plan approval. If you read the way the changes are now, you wouldn't be

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able to prevent someone who wanted to do something inappropriate. It wouldn't be within the jurisdiction of the Planning Board to say they couldn't do it. They might say they would have to put up sound walls. The soil based zoning is a rational approach to assigning density in residential districts. A level acre of sandy, well-drained soil is very different than one of hard packed clay with little or no topsoil, slopes and rocky outcroppings. The more poorly drained soils, wetlands aside, usually occur in higher elevations or remote areas in Deerpark. When using soil based zoning to assign maximum densities, it is beneficial to good land use planning in at least 3 ways: it reduces the possibility of well and septic contamination; it allows great area to absorb surface runoff from a perky surface; and because many of the more poorly drained soils occur in the higher elevations and more remote areas, you are naturally reducing traffic trips in these areas where the road trips are longer and the roads are less standard to the county and state roads. He personally wanted to thank them all for the work they have done, there has been a tremendous amount they were left with financially. He understands what it is like sitting on the board and having people yell at you. The impacts of the financial crisis like the double whammy they're dealing with, he honestly wanted to thank all of them and also urged them to take their time and carefully review all the proposed changes to the zoning and the possible and probably impacts on future development and tax ratables. He said, "Take your time and don't rush." He said there was a lot brought up tonight and he said he hoped other people have more helpful comments.

Mark Helias – 78 Guymard Turnpike with Claudia Barritt adjacent to KOA Campground. Letter is on file – attached to the official minutes.

Claudia Barritt – 78 Guymard Turnpike, Cuddebackville. Letter is on file – attached to the official minutes.

Lana Hon – Dragon Springs said thanks for the public comment period to allow Dragon Springs to express their position during this zoning consideration with the changing of the law. Actually, Dragon Springs is currently in the Rural Residential zone and they would like to, during this time when the town is considering a change in the zoning, consider including Dragon Springs in the HMU zone for a couple of reasons. She explained that one reason is that she didn't know how many people know about the spiritual discipline of the people at Dragon Springs practicing the spiritual belief of Falun Dafa. It is based on truthfulness, compassion and tolerance. And at the very beginning of the planning of the development of Dragon Springs, they did present to the board that there was ongoing persecution happening under the communist regime. So, a lot of things that are being developed at Dragon Springs have to take that into consideration for safety reasons and also in terms of using peaceful means to let the public international community know about the ongoing persecution that is still happening in China, including the life organ harvesting of young people like her in China. Their organs are being taken away. They are resisting in a peaceful means. Practitioners of Falun Dafa comes from all walks of life. There are many people who are very successful in businesses and they are investors. Professionals like herself, an attorney, but in terms of attracting practitioners because Dragon Springs is the only house worship in the entire United States that practitioner's treat it as very special and they want to treasure this place very much. Actually over these years, a lot of investors and people with resources would like to be close to Dragon Springs to bring their money and their resources and to spend more time to develop where Dragon Springs is and the neighboring areas. However, when they discuss with Dragon Springs about this possibility—when they told them they are currently in the RR zone, and they get their Special Use permit every year renewed, they were a little bit hesitant. They were actually not completely confident that they should invest so much of their resources in the town because they don't know how the town is really treating Dragon Springs and there is a lot of uncertainty there. Now that the zoning is being considered here, concerning the planning and redrafting of the associated regulations. They would like to take this opportunity to also have the board consider allowing Dragon Springs to also be included in the HMU zone, which would also include the places of worship. But there is also maybe some other ... as necessary in going forward to negotiate with other potential investors who are very, very interested to bring their resources if they feel confident enough then they can communicate with them with more certainty and provide them with more guidance. She thanked them again for the opportunity to allow them to express their position and they hope this public comment will be very beneficial for the town and for everybody in the future.

Mark Helias asked what the tax status was of Dragon Springs. Is it a tax free religious organization? The Board said it was not relevant. Mr. Wilson explained due to the talk about revenue and investors and things like that, he was trying to rationalize that with the religious organization. Supervisor Brabenec suggested they talk in private, not in this Public Hearing time.

Attorney Glen Plotsky asked a question about when they close the Public Hearing if they would vote on it that night, discuss it, or what were they going to do with it?

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Supervisor Brabenec said that as soon as the public was done, which he believed they were, he wanted the Town Engineer to put into the record the County's comments they received that day, and he wanted the board's comments as well. They would most likely close the Public Hearing and it was up to the board, but it was his assumption that due to so much material that they would take a little time to read over everything and see what they need to adjust. Then, in a month or two re-present this.

Glen Plotsky added that if there was substantial change to the ordinance based on the public or county comments or for any other reason, that would have to be a reissued and made available to the public and if there is a substantial change, likely there would be a need of a hearing on the change only. Everything else would remain the same; they had their opportunity to speak. Where there is a substantial change, then there would likely be an opportunity to be heard with regards to that substantial change or changes. If there were no substantial changes, then the law would be made available at the Town Clerk's Office, but there would likely not be a public hearing, simply on the agenda for possible adoption by the Town Board.

Supervisor Brabenec responded by stating that when it would be on the agenda for the Town Board meeting, there was a public comment period for that as well. He mentioned that all the board has email addresses, even though the Public Comment period may be closed, people could email suggestions. They were definitely open any time to any suggestions or comments they may have.

Councilman Spears commented they would need all written comments before they meet. He said they may meet for a workshop in two weeks.

Supervisor Brabenec added they were always open to their comments.

Councilman Spears clarified people could obviously send their thoughts, but suggested there should be a time set for the comments to be considered for this issue.

Al Fusco, Town Engineer stated that as part of the Public Hearing process, it was required the Town Board present a copy of the draft to the Orange County Planning Department for their recommendations. Towards that end, as the Supervisor just mentioned, they just received the county's comments. He just read it and he had to give everybody who spoke and "Atta boy" because a lot of the comments were directly related to what the County said in relationship to some specifics. He asked that the Clerk put this into the record on behalf of the County of Orange and be made available to the public as necessary. There was nothing in there that was not brought up during the meeting. He clarified that a lot of this was codification of the existing laws. Where you see pages and pages of red together, that is existing local laws over the past ten years that have been passed. So there aren't a lot of major changes. The major changes were made along the way and this was just putting it all together so people can see it more easily. Letter is on file – attached to the official minutes.

Board Comments

Councilman Hoovler commented on a question someone asked about "why change". One, although there are changes to lot sizes, numbers and other things, and although that was significant to certain people, the majority of professionals, engineers, and planners who look at it would say that there are not major significant changes to it other than expanding a few areas maybe into HMU. The real question of "why" comes to this: the goal was to increase the land value of the land in the town so the people who live here have more hard assets. He mentioned the latest tax increase this town has had was a zero. In spite of the desperate financial times, they have a zero tax increase. Over the last couple of years, it was barely around one. They have held the line everywhere they possibly can. They looked at some ways in the long term that would benefit the town. They looked primarily at the zoning as one way to try to increase land values. In doing that a couple things need to be stated. Using 1991 as a reference point, the rate of development in the Town of Deerpark from 1991 and 2012 is the same. Deerpark in 1991 was approximately 96% residential and in 2012 it was 96.9% residential. Very little has changed in Deerpark. What has changed in Deerpark in that period of time is our taxes have risen expeditiously. Your taxes are derived from two components: September – school taxes and January – town taxes. 74% to 76% of the tax bill that paid overall for a year comes in September for the school taxes. The other 24% to 26% paid in January is a combination of the county, the town which is comprised of General and Highway, fire districts and special districts. In looking at all of that as a large picture, they were trying to increase the total net worth on paper. Because the economy and everything has gone down, zoning is a way in a small sense that they hope in the future can add something. Like everything in life, nothing is perfect. In a zoning code of over 150 pages, there were going to be changes that would affect some people more than others. That was why they have the public

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comment. He believes the overall picture for him, was to help make the land people own in this community worth more. He recognizes that anytime you make changes to zoning it is imperfect. There are unintended consequences in any action that you take on a large scale. He also thinks this is the time for this because soon there is a meeting at the School District and it would have tax consequences for this community. This zoning change here may help in some small way over the course of time. Primarily from his stand point, he was doing something to increase the value of land. At the same time, he realizes it is not perfect. He has heard a comment over and over and over...from Orange County Department of Planning, Orange County Partnership that anyone who wants to come here to build, it was about Deerpark's perconean special use. The bank denied a loan to a man because of a one year special use even though he had a business development plan. It was denied because of the zone. That is just a few pieces. He wants to make properties more valuable. All his decisions on the board come down to how it financially impacts you. He believes some zoning changes were necessary.

Councilman Dean appreciated everyone who came and some comments he agreed with and some he totally disagreed with. That's human nature. He is third generation from the Town of Deerpark, fourth generation is hopefully building a house soon to come back to make the fifth generation from his family in this town. Some of the comments were almost verbatim from the County comments. Some things about defining the wetlands and they were very well defined as per New York State Code. It can't be disputed. The town has a lot of wetlands and they can't do anything with them. You pay taxes on them, but can't do anything with them. The town was required by law to protect the wetlands—nobody was going to be changing that law. Hunting Clubs own huge amounts of acres in the town. The town has about five or six established hunting clubs, many of which are over 100 years old. New York State Safety Rules say you cannot discharge a firearm or bow and arrow within 500 feet of an occupied dwelling. That's the reason for this local law. This is not a zoning law, this is a local law put into place to protect those large tracts of land. As a person who lives in a rural community, he stated he didn't want to see every stick of land developed. Large hunting clubs allow for that. They pay taxes. He promised to stand fast on that—saying it was part of his heritage and his family's and a lot of town people's heritage. He mentioned the cost of the school and higher taxes and that he agrees with Mr. Hoovler that property needs higher value. They need more people coming to contribute. There are people who want to develop their property because they can't afford to pay their taxes and they should have the opportunity to develop their land and bring people to this town to contribute to the economy. It's the American way. Some will be upset and some will be happy about the changes with the zone—it's a compromise. He is willing to listen to anyone or talk with anyone if they have comments.

Councilman Spears stated he had the privilege of serving on the Planning Board for about nine years and four years as a councilman. To say leave enough alone doesn't really address what they've gone through. They have had numerous requests from people for zoning changes to improve their lot in life. Mr. Hoovler alluded to people losing a bank loan because of a Special Use, which is much too restrictive to invite any business into town to know a new board in town could deny them the right to do business after they've made a major investment in town. He has seen a number of people over 12 years that have requested zoning changes to address some of the imperfection in the current law and he thought going forward in the future, they will have to be more proactive so this community can grow and hopefully balance out so it is not all 95% residential and only 5% commercial. The residential folks (not everybody), but there is an aging population where it is much more difficult for them to retain the home they've grown up in, that their family might have owned before them as the taxes keep rising, we're going to lose all of them. That is not the idea of anybody in this room. They want to keep their taxes low by doing different things on this level so after 100 years that house may stay in the family name. He said the comments have been great. They all have merit. He hopes they understand that as a board, they have to look at the 8,500 residents in the town, not the 40 or 50 that came to a meeting. He stated how happy he was that they all came and wished more would come. Even though they came with comment, they still have the duty to look out for the 8,500 residents. Please send in comments in the time frame they decide on.

Councilman Trovei commented that the other board members have pretty much covered the gamut. He stated how grateful they were there and the comments were well taken and were well thought out. They know every time there is a change like this, it is never perfect. There will always be somebody affected, either positively or negatively by how they think. The purpose of the whole board ... they walked in to a big mess here. They walked into a government that was \$800,000 in the hole and they were ready to close the doors. They have worked diligently, they led by example, they didn't take raises. His family has been here over 100 years and he's been a resident of Deerpark for over 32 years. He's watched his taxes increase 14 times over what they originally were. They were trying to look for long-term solutions so they could all afford to live here, but hopefully present job opportunities to our children. He wants his children here and doesn't want them to have to move from

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here to get a job. He would love to see an opportunity in our town and in this area for them to stay. That is also part of the impetus, and they are all busy. It is a sacrifice because they are all busy people but they want to make it a better town for everyone and keep it affordable.

Supervisor Brabenec stated that when he was first elected to the Town Board, he used to say the town was stuck in a time warp. They were stuck in the 1980's. They have done a lot of improvements to upgrade to the 21st century, but they have seen over the years and with the combination of the economy and the burdensome regulation in New York State the people leaving and businesses closing up and leaving. There is no opportunity here. He graduated in 1987 and could say that 70% of his classmates left Orange County because of no opportunity. It is a huge problem for all generations and even future generations, like his children 8 and 7 years old. He wants to see them remain in Orange County with reasonable taxes. They need to expand their ratables in Deerpark. The Town of Chester is booming, they are bringing in business right and left. They streamlined their zoning. They made it a simpler code. The Planning Board process is simple and not burdensome. They have a project in and out in 90 – 120 days, which is unheard of in some places. That's what we need to become. There have been a lot of potential projects that have come to Deerpark, or wanted to come to Deerpark and they've taken a look at the zoning and they said, forget it. It is just another burdensome layer of regulation that they have to go through, so they don't even look at us and go somewhere else. When they started looking at the zoning, there was an Interchange Business District, which was fantastic. Then, they looked at the Permitted Uses and there were none. Zero. They were all Special Uses. So, that was absolutely ludicrous and one of the first things in the zoning that they changed immediately when they had their Community Development Meeting and looked at some of the stuff, but they identified other areas that were burdensome. He had a resident come to him about a year ago and said it was his dream to build a small Diner on Route 209, but he has been stymied for 20 years in building this thing. He has the property, he is ready to go, he's got the money, but he can't do it because of our zoning. He happens to be in a RR district on Route 209. If it was an HMU district, he could start building this thing in 60-90 days. He is unable to. He thought this person should have that opportunity, especially a business like a Diner. They have lost the Cornucopia and the C & D Battery businesses. They are trying to get that back. They made improvements to the Interchange Business District. They have applied for 12 million dollars in grant funds to try to bring water and sewer to that Interchange Business District. They want to change some of the zones in the town. Not all of them, but some of them to allow for this business development. Not only will it benefit the Town of Deerpark, but if you bring in businesses that will bring in sales tax revenue that will benefit the County of Orange as a whole and benefit Deerpark. There are certain things that would have been here 20 years that would have generated \$500 to a million dollars more in revenue and kept our taxes even lower than they are now. They have held our town taxes and made serious changes and cuts and looking at the bottom line because they want to provide the essential services to the residents. They have to look at the bottom line. He reiterated that 76% of the tax bill is school taxes. There is a way to change, but would require New York State reforming their system, but they wouldn't see that in the near future. Many parts of these zoning changes will help bring ratables to the Town of Deerpark. He was happy everyone who came out, came to register their comments. They want to make sure this is right. They don't want to be bulls in a China shop. He thought it would be prudent to review all of the comments and see any additional changes they need. He expressed appreciation for the comments and said they were productive and good. He, along with the board members, will take all those into consideration.

Motion to Close Public Hearing at 8:52 p.m. and Allow for Written Comments for Two Weeks

Motion by Gary Spears, 2nd by David Dean to close the Public Hearing at 8:52 p.m. and allow for written comments for two weeks.

VOTE: 5 AYES: Arthur Trovei, Gary Spears, David Dean, David Hoovler, Karl Brabenec

MOTION CARRIED

Motion to Recess at 8:52 p.m. for 10 Minutes

Motion by Karl Brabenec, 2nd by Gary Spears to recess at 8:52 p.m. for 10 minutes.

VOTE: 5 AYES: Arthur Trovei, Gary Spears, David Dean, David Hoovler, Karl Brabenec

MOTION CARRIED

Out of Recess at 9:10 p.m.

Board Comments – None

Presentations/Communications – None

**TOWN OF DEERPARK
TOWN BOARD MEETING
MONDAY, DECEMBER 3, 2012**

Motion to Approve Board Minutes from November 5, 2012, November 8, 2012 and November 20, 2012

Motion by David Hoovler, 2nd by Gary Spears to approve Board Minutes from October 1, 2012 as written.

VOTE: 4 AYES: Gary Spears, David Dean, David Hoovler, Karl Brabenec

1 ABSTENTION: Arthur Trovei

MOTION CARRIED

Public Comment Period (Agenda Item Only) – None

Motion to Adopt Resolution 42 of 2012 – Authorization to Sign Huguenot Fire Department Contract for the Purpose of Leasing a Fire Truck

Motion by Gary Spears, 2nd by Arthur Trovei to adopt Resolution 42 of 2012 – Authorization to Sign Huguenot Fire Department Contract for the Purpose of Leasing a Fire Truck.

Discussion: Supervisor Brabenec mentioned it does not constitute any financial involvement or obligation from the Town of Deerpark in their loan transaction. Councilman Spears verified this would come out of appropriations in their budget that's already been approved. Councilman Trovei clarified it would not add any additional money to the taxpayers. Councilman Hoovler added that this fire truck is to provide services for their citizens. Councilman Dean stated there was no financial exposure if they decide not to pay.

VOTE: 5 AYES (Roll Call): Arthur Trovei, Gary Spears, David Dean, David Hoovler, Karl Brabenec

MOTION CARRIED

Motion to Adopt Resolution 43 of 2012 – Declaring Certain Items as Surplus Equipment

Motion by Gary Spears, 2nd by David Hoovler to adopt Resolution 43 of 2012 – Declaring Certain Items as Surplus Equipment no longer necessary for town functions pertaining to a 1.5 Yard Monroe Gas Sander Stainless MSPV358-ES-409; 1.5 Yard Monroe Gas Sander APV3250E409; 1.5 Yard Smith Gas Sander 13-4697S2-4491; and a 2.0 Yard Nor'easter Electric Sander 3870.

Discussion: Councilman Spears (Liaison to Highway) said he received this list from Ed Hughson, Highway Superintendent and this was surplus equipment that has been replaced when they purchased the new mason dumps last year that came with sanders. He also asked that they use Auction International for the most exposure.

VOTE: 5 AYES (Roll Call): Arthur Trovei, Gary Spears, David Dean, David Hoovler, Karl Brabenec

MOTION CARRIED

Motion to Appoint Part-Time Clerk – Sheri Muniz Gurney for Assessor's Office

Motion by Gary Spears, 2nd by David Dean to appoint a Part-time Clerk – Mrs. Sheri Muniz Gurney to be hired immediately for the Assessor's Office at \$12.00 an hour, for 20 hours per week up to 1,040 hours a year prorated for 2012.

Discussion: Supervisor Brabenec explained her position would basically be public interaction in the Assessor's Office with the possibility next year of working on Fridays, so the office would be open 5 days a week. Any clerical, data collection needed would be included. The resume is provided. Councilman Spears clarified this position needs to be filled to satisfy the contract with the County. Councilman Dean verified this position was not receiving any benefits and the supervisor confirmed this position would be reimbursed with hourly wage. Councilman Hoovler asked if this was what was called for in that section of the County contract and the Supervisor confirmed it was.

VOTE: 5 AYES: Arthur Trovei, Gary Spears, David Dean, David Hoovler, Karl Brabenec

MOTION CARRIED

Supervisor Brabenec referred to a letter received from Police Lt. Richard Szyndor asking to be reassigned from full-time lieutenant to part-time police officer effective 11:59 p.m. on December 31st, 2012 due to his lack of a 211 waiver in 2013. He is limited to the income he can receive and still collect his retirement. Councilman Hoovler asked if this was consistent with the new board policy and Supervisor Brabenec agreed and said that the new board policy regarding 211 waivers is that they are not granted to anyone.

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Motion to Accept Resignation of Richard J. Sztvndor

Motion by Karl Brabenec, 2nd by Gary Spears to accept the Resignation of Richard J. Sztvndor effective December 31, 2012 at 11:59 p.m. as Lieutenant of the Deerpark Police Department.

VOTE: 5 AYES: Arthur Trovei, Gary Spears, David Dean, David Hoovler, Karl Brabenec

MOTION CARRIED

Motion to Appoint Richard J. Sztvndor as Part-Time Police Officer

Motion by Karl Brabenec, 2nd by Gary Spears to appoint Richard J. Sztvndor as Part-Time Police Officer for the Town of Deerpark Police Department effective January 1, 2013 at 12:00 a.m.

VOTE: 5 AYES: Arthur Trovei, Gary Spears, David Dean, David Hoovler, Karl Brabenec

MOTION CARRIED

Supervisor Brabenec opened discussion for the vacant lieutenant position as of January 1, 2013. Councilman Spears suggested they file with Civil Service to remove that position if they are not going to use it. Councilman Hoovler agreed and thought it would come in useful for future bargaining. Supervisor Brabenec said that currently in the 2013 budget the lieutenant position is budgeted for \$63,000 per year and by eliminating the position and appointing the lieutenant to a part-time officer position, they are saving a minimum of about \$30,000. Councilman Hoovler asked if there was any requirement for that position. Supervisor Brabenec said that in discussion with Orange County Civil Service and Human Resources Department that Deerpark is the only smaller police department in the county that actually has a lieutenant position and they really don't understand why we have one. Councilman Spears said the opportunity exists with the extra money for them to actually get more part-time patrolmen so they could have people out on the road servicing their residents. That would be money well spent.

Motion to Eliminate the Position of Lieutenant

Motion by Gary Spears, 2nd by Arthur Trovei to eliminate the position of Lieutenant effective January 1, 2013.

VOTE: 5 AYES: Arthur Trovei, Gary Spears, David Dean, David Hoovler, Karl Brabenec

MOTION CARRIED

Florence T. Santini, Town Clerk announced the *Christmas Holiday Lights* contest was planned and would be posted on the website (www.townofdeerpark.org). They would get prizes for the top three winners. They will go out the second weekend of December to judge. Supervisor Brabenec said if anyone wants to enter the contest, they should email Flo Santini at FloSTC@aol.com or call her office at 845-856-2210 Ext. 2. Ms. Santini also promised to call the paper.

Supervisor Brabenec announced that by order of the Deerpark Town Board, they would meet Tuesday, November 20th and would be accepting letters of interest for the following paid and non-paid Board Announcements for 2013: Zoning Board of Appeals, Recreation Committee, Community Development Task Force, Veteran's Committee, Ethics Committee, Emergency Management Committee, Museum Committee, Upper Delaware Council, Upper Delaware Scenic Byway and Cable Commission. Please send all letters of interest to the Town of Deerpark, Town Clerk Flo Santini at 420 Route 209, Huguenot, NY 12746 and all letters must be received by December 21, 2012. The Town is an equal opportunity employer.

Supervisor Brabenec announced the Upper Delaware Scenic Byway (UDSB) *Sparrowbush Rest Area Project*. They received a letter from FUSCO Engineering on November 27th regarding the 15 day public comment period for the UDSB Acquisition Project called the Sparrowbush Project. The project is for the National Scenic Byways program for the Federal Highway Administration for Upper Delaware Scenic Byways acquisition for a Delaware River rest area aka Sparrowbush Project. The cost will be \$326,000. Public comments are welcome and could be submitted to town engineer Al Fusco, representing the Town of Deerpark to the technical committee for the Orange County Transportation Council. Also, comments would be welcome at the Supervisor's office. Councilman Dean is the UDSB Rep and has no clue what this is. He asked the town engineer to provide a brief explanation. Al Fusco said he saw it in the newspaper about a month ago and everybody was happy to announce there was a grant for Deerpark and it is for purchasing property for access to the Delaware River. The county apparently had prepared an application for that sometime in the past. It is listed on the State Transportation Improvement Plan (STIP). The Federal Highway Administration has appropriated that amount of money from the federal government to be dedicated to the County of Orange who will purchase the property. There are no specific plans other than to purchase it at this point. He thought the meeting was December 18th for the Executive Committee at 2:00 p.m. Councilman Hoovler stated they did not want any responsibility for water safety and the liability is just incredible for the town. Mr. Fusco said it was not a problem he would put it on the record for them. Councilman Dean didn't know how this would work, the federal government

**TOWN OF DEERPARK
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gives the town money for the Police Department to patrol the Hawk's Nest. He thought they should ask the County if they expect the town to police the area and if they do expect it, would they reimburse the town for that. Councilman Spears asked if they were going to annex this to the National Parks Service. Supervisor Brabenec said just on this parcel, this was a concern because this is coming from General Fund police funds that are sponsored through taxpayers in the Town of Deerpark to patrol this particular area. They've had a lot of problems there: gangs, garbage, riffraff going on down there. It does need to be patrolled, but this is County owned land and they should help the town out in that effort. Congresswoman Hayworth was going to try to sponsor legislation to expand the boundary to include that beach area with the National Parks Service. If they were able to do that, they could use the National Parks Service grant money to patrol that area, and they could patrol that area as well. Councilman Trovei said they should maintain that as an access for safety for the river because it is the only place the Fire Company can get to the river to rescue people. They will need to take charge of that route down to the water it should be kept in a way they can get their boats and trucks in and out of there. Councilman Dean said the week days are okay, but weekends are mass chaos there. People come from out of town and set up camp, and rescuers cannot get through. He added there should be serious consideration to establish a clear access for first responders to the river. Mr. Fusco asked if 50 feet would suffice and they thought it would and he said he would write something up about it.

Supervisor Brabenec met with the Rabbi from Shinhollow Road and he will perform the annual *Hanukkah Ceremonies* will begin at the Town Hall on Monday, about 4 p.m. in the Lobby. They will have this everyday through that week.

Supervisor Brabenec announced the *Port Jervis School Community Forum* for Thursday, December 6th about new building options at 7:00 p.m. in the cafeteria. The options are to build either a new high school or middle school on the current middle school property. He encouraged everyone to attend if at all possible.

Supervisor Brabenec announced that the *Town Hall would be closed* Christmas Day, December 25, 2012 and New Year's Day, January 1, 2013.

Supervisor Brabenec announced a *Special Meeting for closing the books for 2012* scheduled at 1:00 p.m. on December 28th. They will need a quorum and he will send the board a reminder.

Councilman Spears thought they should set a workshop for zoning on December 17th at 7:30 p.m.

Motion to Set Special Workshop Meeting for Monday, December 17, 2012 at 7:30 p.m.

Motion by Karl Brabenec, 2nd by Gary Spears to set Special Meeting on Monday, December 17, 2012 at 7:30 p.m. for the purpose of a workshop for the proposed zoning changes and the Local Law No. 2 of 2012.

Discussion: Councilman Dean asked if this was open to the public and the Supervisor said it would be as all quorum, special, regular meetings are open to the public. He rephrased his question asking if there would be participation by the audience and it was clarified only by professionals, Deerpark Planning Board Chairs and Zoning Board Chairs.

VOTE: 5 AYES: Arthur Trovei, Gary Spears, David Dean, David Hoovler, Karl Brabenec

MOTION CARRIED

Appropriations, Budget and Payment Bills

Motion to Pay Bills for December 3, 2012

Motion by Karl Brabenec, 2nd by Gary Spears to pay bills for December 3, 2012 that have been signed by three council members, and may be viewed in the Town Clerk's Office.

General Fund Abstract #22 of 2012 for a total of \$86,393.58

Highway Fund Abstract #22 of 2012 for a total of \$53,372.28

Street Lighting Deerpark Manor Abstract #13 of 2012 for a total of \$402.71

Recreation Abstract #1 of 2012 for a total of \$367.17

VOTE: 5 AYES: Arthur Trovei, Gary Spears, David Dean, David Hoovler, Karl Brabenec

MOTION CARRIED

**TOWN OF DEERPARK
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Motion to Accept the November 2012 Budget Officer's Report

Motion by Gary Spears, 2nd by Arthur Trovei to accept the November 2012 Budget Officer's Report.

VOTE: 5 AYES: Arthur Trovei, Gary Spears, David Dean, David Hoovler, Karl Brabenec

MOTION CARRIED

Closing Board Comments

Councilman Spears was encouraged by the number of residents that came out to express their thoughts on the zoning. It was good input and they'll take it into consideration. They are accepting written comments until December 17th by 4:00 p.m. He thanked everyone who put forth their work on the zoning, naming Bavoso, Onofry and Plotsky and Al Fusco. There was good input from both of their firms. They appreciate it. He also thanked the other board members for their time and thought for it.

Councilman Trovei was happy everyone came out and gave their comments. He thanked the board members who worked hard on the zero tax increase on the 2013 budget and appreciated the tough decisions made to accomplish that. Even while doing that and making the improvements and invited people to come to the Harriet Space Park to see the improvements made so their youth have a place to train, play and grow. It is a great addition and hopefully they can make improvements for the whole community.

Councilman Dean found the meeting very interesting with the comments from the public on zoning and he appreciated their participation. Zoning is an extremely difficult and controversial subject because no one sees the page the same way. That's understandable, that's what makes the world go around. There is no gain by anybody on this board when it comes to zoning. The reason they do what they do is not for their own gain but for the betterment of the people of the town. That's difficult to do at times because you have to have the delicate balance. Sometimes, he said, he is not as delicate as everyone else. He appreciated everyone coming out. He mentioned Councilman Spears comment, that their job is to try to do the best they can for all 8,500 people. While he can appreciate having 50 people at the meeting, it is a very small percentage of those who live in their community and everyone needs to be considered. He can understand it is hard to accept some changes. They are trying to be careful about zoning, but they need to increase ratables in this town so people are not driven away. Many houses are left abandoned. He then thanked Al Fusco for his hard work.

Councilman Hoovler also reiterated what Councilman Spears said and commented that very articulate people spoke and wrote well written documents that he would look at. He thought zoning was just one mechanism. They were changing it to increase the net worth property owners in this town. He thought what they have done the past few years with the budget has been a very good start, taking it from the brink of bankruptcy back to fiscally solvent. When people get their tax statements in January, there will be a zero percent tax levied by this board. He looks at three things: what is best for the short term for Deerpark, what is best for the long term for Deerpark and most importantly, what's best long after he is not here. He is looking forward to the next year and working with everyone. He urged anybody with concerns about zoning to submit them in writing so they can read them.

Supervisor Brabenec thanked all the residents who came out and appreciated their comments. Everyone should submit their opinions and thoughts and what their questions are. He stated how proud he is of their board for passing the zero percent tax levy increase again. This is the third straight budget where they have held the line on taxes. He thought this board has done a superlative job in holding the line on spending and making sure they run the government very efficiently. They've come a very long way in three years. They are slowly improving the quality of life with park improvements and they are doing a lot of positive things for the community and they are trying to save some money in everyone's pockets. On December 11th, residents in the Cuddebackville Fire Department, go out and vote from 6 p.m. to 9 p.m. at the Cuddebackville Fire House. They have elections for Fire Commissioner and Fire Commission Board. These people decide how much you pay annually in taxes to the Cuddebackville Fire Department.—adding this board has no control over them. These elections typically don't have people coming out to vote. Sparrowbush Fire Department also has elections the same day. The Special Meeting scheduled December 28th is set for closing out the books and December 17th is for the workshop.

Councilman Hoovler asked to add the comment that three and a half years ago the Deerpark bond rating was a D and now they are a low A. That says it all.

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Supervisor Brabenec said the bond rating is like your credit score. The closer you are to an A, the better your municipality credit score is. He then wished everyone a Happy Hanukkah, a Merry Christmas and a very happy, healthy 2013. They look forward to serving them again in 2013.

Motion to Enter Executive Session at 9:57 p.m.

Motion by Karl Brabenec, 2nd by Gary Spears to enter Executive Session at 9:57 p.m. for the purpose of tax certiorari and possible litigation and invite in their attorney Glen Plotsky.

VOTE: 5 AYES: Arthur Trovei, Gary Spears, David Dean, David Hoovler, Karl Brabenec

MOTION CARRIED

Motion to Re-enter Regular Session at 11:08 p.m.

Motion by David Dean, 2nd by David Hoovler to re-enter Regular Session at 11:08 p.m.

VOTE: 5 AYES: Arthur Trovei, Gary Spears, David Dean, David Hoovler, Karl Brabenec

MOTION CARRIED

Motion to Authorize Town Engineer to put out for Bid on Senior Building and Highway Building

Motion by Karl Brabenec, 2nd by Gary Spears to authorize Town Engineer Al Fusco to put out for bid on Senior Building and Highway Building.

VOTE: 5 AYES: Arthur Trovei, Gary Spears, David Dean, David Hoovler, Karl Brabenec

MOTION CARRIED

Motion to Authorize Transfer of Funds from Highway Fund Balance to Highway 5130.2 in the Amount of \$31,937.94

Motion by David Hoovler, 2nd by Gary Spears to authorize the transfer of funds from Highway Fund Balance to Highway 5130.2 in the amount of \$31,937.94.

VOTE: 5 AYES: Arthur Trovei, Gary Spears, David Dean, David Hoovler, Karl Brabenec

MOTION CARRIED

Motion to Adjourn at 11:12 p.m.

Motion by David Dean, 2nd by Gary Spears to adjourn at 11:12 p.m.

VOTE: 5 AYES: Arthur Trovei, Gary Spears, David Dean, David Hoovler, Karl Brabenec

MOTION CARRIED

Respectfully submitted by,

Florence T. Santini
Town Clerk