

The Deerpark Planning Board met for their bi-monthly meeting on Wednesday, November 11, 2009 at 7:00 P.M. at Deerpark Town Hall, 420 Route 209, Huguenot, N.Y. The following were present:

BOARD MEMBERS

Willard I. (Skip) Wilson- Chairman
Dave Dean
Dan Loeb

Derek Wilson
Theresa Santiag
Noel Malsberg

OTHERS

Mr. Al Fusco, Town Engineer
Mr. Glen Plotsky, Town Attorney
Mr. Gary Flieger, Town Supervisor
Mr. Todd Heffner, Applicant
Mr. Keith Schuller, Applicant
Mr. Brad Cleverley, P.E.
Mr. Alan Lipman, Esq.
Mr. Brian Babcock, P.E.
Mr. Damian Brady, Esq.

THE PLEDGE OF ALLEGIANCE

THE BOARD HELD A MOMENT OF SILENCE FOR THE FORT HOOD, TEXAS, MASSACRE VICTIMS.

TODD HEFFNER – PRE-APPLICATION CONFERENCE

Represented by himself 313-5396

Owner/ Applicant Todd Heffner wishes to place office space in the house located at 251 Route 209, Port Jervis, N.Y.

It is an HMU Zone. Section – Block – Lot = 51-3-22

Mr. Heffner had spoken to the Building Inspector, who referred him to the Planning Board. He said that his existing hardware store, located next door, is for sale, so he would like to create a business such as a Dunkin Donuts in the house, a back-up business, so to speak, if his hardware store sells. He said that he would like to be able to live in the house also.

Mr. Plotsky said that a Dunkin Donut business cannot be in the house, and have Mr. Heffner live in the house at the same time.

Mr. Heffner asked, if he does not sell the hardware store, would he be able to bring other items into it to sell?

Mr. Plotsky answered that it can either be residential or commercial, not both.

Dave Dean said that a home occupations would be allowed in the house, such as a barber shop, bait and tackle shop, etc., and Mr. Heffner could also live there. He said that Dunkin Donuts is a large scale business.

Mr. Heffner asked, if he could put in a computer business, associated with his rental company, which is connected to his hardware store, in the house?

The Board agreed that that would be all right.

Mr. Heffner said that the Building Inspector has allowed him to put the rental equipment at the site, and had only warned him to allow enough site distance from Route 209.

Mr. Plotsky said that Mr. Heffner has already been before the Board several times, and should submit an application, the next time he comes back.

NATURE CONSERVANCY - PRE-APPLICATION CONFERENCE

Applicants had telephoned, and asked to be added to the December 9, 2009 agenda.

KEITH SCHULLER

Represented by himself 721-3109

Owner/ Applicant Keith Schuller wishes to purchase a part of Al Mann's property, and create a lot line change on their properties located on 389 Brandt Rd., Cuddebackville, N.Y.

It is an HMU Zone

Section – Block – Lot = 7 – 1 – 24.22

Application received September 23, 2009

Oct.31st was the 30 day cut off date for the Board to receive any feedback or communication from the Counties of Orange and Sullivan

Both Mr. Fusco and the secretary stated that she had not received any communication from Orange or Sullivan Counties, regarding this application.

Mr. Plotsky said that he had been contacted by Mr. Schullers' attorney, and he reinforced that there is no issue, and all he needs is a new deed, once all of the descriptions are done by the surveyor

Al Fusco said that the Deerpark Highway Department is fine with this application.

MOTION

Derek Wilson made a motion to waive a public hearing for the Keith Schuller application. Dan Loeb second. Roll call vote: Santiago, aye; Malberg, aye; Loeb, aye; D. Wilson, aye; Dean, aye; W. Wilson, aye. Motion carried.

The Board reviewed Part I of the Short Environmental Assessment Form. They answered "no" to all of the questions.

MOTION

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

MOTION

Derek Wilson made a motion for approval of the Keith Schuller lot line application, pending payment of all fees and the review of all documentation by the Town Attorney. Dan Loeb second. Roll call vote: Santiago, aye; Malsberg, aye; Loeb, aye; D. Wilson, aye; Dean, aye; W. Wilson, aye. Motion carried.

PEENPACK MEADOWS SUBDIVISION

Represented by Mr. Alan Lipman, Esq. & Mr. Brad Cleverley, P.E.

Owner/Applicant - Jaison Joseph is creating an 18 lot subdivision on property located off of Peenpack Trail, Huguenot, N.Y.

It is an HMU Zone.

Section - Block - Lot : 62 - 1,3,4,5 - 1,4-9,14,19

Application received March 5, 2003

Mr. Plotsky said that there is confusion as to if this application has conditional approval or preliminary approval. He said that the applicant has been given a letter that set forth a time frame, of what has been done, in regard to this application. He said that he reviewed, and Mr. Cleverley correctly identified a letter that had been written between Mr. Lipman and himself some months ago, in regard to what the status was, and what was permitted and what wasn't permitted. He said that based upon a review of his notes, he believes that the Board will all agree that this applicant has previously received preliminary approval. He said that preliminary approvals are allowed to be extended, with a three year total window. He said that his notes reflect that Mr. Lipman and himself had agreed approximately six months ago, that the drop dead date is May 2010. He said that the Board can grant a 6 month

extension from today, essentially, to the May 12, 2010 meeting. He said that if, at that point, the applicant is not prepared, and has not done everything that they need to do to get final approval, then they have to start all over.

Mr. Plotsky said that this applicant must appear before this Board, either on or before April 28, 2010.

MOTION

Skip Wilson made a motion to grant a six month extension to the Peenpack Meadows Subdivision application. Theresa Santiago second. Roll call vote: Santiago, aye; Malsberg, aye; D. Wilson, aye; Loeb, aye; Dean, aye; W. Wilson, aye. Motion carried.

HIGHLAND OPERATING LTD

Represented by Brian Babcock, P.E.

Mr. Plotsky said that this applicant has a submission to the Town Board, in regard to the proposed drainage district, which would require a public hearing.

Mr. Babcock said that this project already has conditional final approval. He said that his client is currently building a road, with improvements to the drainage. He said that he had made a submission to the Town Attorney, Bill Bavoso, for a drainage district. He said that Mr. Bavoso sent a letter back to him, stating that he will need time to review the materials, before a public hearing will be set before the Town Board. He said that the current extension for this application before the Planning Board, expires on November 13, 2009.

Dave Dean stated that conditional final approvals can be extended for a period of two years, in six month increments.

MOTION

Dave Dean made a motion to grant Highland Operating Ltd. a six month extension on their conditional final approval, for the purpose of cleaning up the drainage district issue. Theresa Santiago second. Roll call vote: Santiago, aye; Malsberg, aye; D. Wilson, aye; Loeb, aye; Dean, aye; W. Wilson, aye. Motion carried.

Mr. Babcock said that the Town does have an estimate for the bond.

Mr. Fusco said that his office does have to inspect that. He asked if there is a signed "developers agreement?"

Mr. Plotsky answered that he's not sure, and will check.

Mr. Fusco told Mr. Babcock to telephone him, when the work starts.

The secretary was instructed to record in the minutes that the original approval date for conditional final approval was September 24, 2008.

Mr. Plotsky read from the Subdivision Regulations: "A conditional approval for final plat shall expire within 180 days, six months, and as often as it is certified as completed. The period may be extended for not more than two additional periods of 90 days, for particular circumstances, so warranted, in the judgment of the Planning Board."

MOTION

Dave Dean made a motion to grant Highland Operating Ltd. a 39 day extension, starting on November 14, 2009, giving the applicant the time he needs to secure a bond to supply to the Town both the road and drainage improvements. Theresa Santiago second. Roll call vote: Santiago, aye; Malsberg, aye; D. Wilson, aye; Loeb, aye; Dean, aye; W. Wilson, aye. Motion carried.

The secretary was instructed to put this applicant on the December 9, 2009 agenda.

DEERPARK VILLAGE

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.