

The Deerpark Planning Board met for their bi-monthly meeting on Wednesday, December 9, 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

Noel Malsberg

Derek Wilson

Mike Breitenfeld

David Dean

OTHERS

Mr. Glen A. Plotsky, Town Attorney

Mr. Alfred A. Fusco, Jr., Town Engineer

Mrs. Viola Sinsabaugh, Town Board Liaison

Mr. Karl Brabenec, Town Supervisor-Elect

Mr. Mike Orrego, Applicant

Mr. Bill Zernhelt, Applicant

Mr. Ron Babcock, Applicant

Mr. Timothy Gottlieb, Gottlieb Engineering

Mr. Damian Brady, Esq.

THE PLEDGE OF ALLEGIANCE

NATURE CONSERVANCY – PRE-APPLICATION CONFERENCE

Represented by Mr. Don Snell 518-690-7853

Owners/Helen Gest and Helen Fields

Applicant/Nature Conservancy is seeking a lot line change of 7.0 acres, which the owners are donating to the Nature Conservancy.

Property is located at #344 & #350 Guymard Turnpike, Cuddebackville, N.Y.

It is located in an RR Zone.

Section-Block-Lots : 28-1-104 & 105.1

The applicant had telephoned to cancel, for a second time.

The Chairman instructed the secretary to contact the applicant and advise them that they would have to submit an application with appropriate fees before coming back before this Board.

MIKE ORREGO – PRE-APPLICATION CONFERENCE

Represented by himself 856-0653

Owners/Mr. Orrego and Mr. Orestuck

Applicant/Mike Orrego wishes to purchase a piece of Mr. Orestuck's parcel, located at 118 Boehmler Rd., Sparrowbush, N.Y.

It is an RR Zone

Section-Block-Lot : 24 – 2 - 37

The applicant has spoken with the Building Inspector.

Mr. Orrego told the Board that this lot line change will modify 2.66 acres of land, which will be added to his 1.5 acres, to create a final lot containing a total of 4.1 acres.

The secretary told the applicant that a Planning Board fee of \$225.00 still has to be submitted.

Al Fusco said that this application will not need to be referred to Orange County. He said that the applicant still needs to submit an SEAF (Short Environmental Assessment Form).

Skip Wilson told the applicant that two escrow accounts will have to be established with the Supervisor's office; \$1,000.00 for town engineering fees, and \$500.00 for town attorney fees.

Mr. Plotsky said that the applicant will have to submit two new deeds, which he will compare with the information that he has already presented, and the application will be subject to his approval of the documentation submitted.

The applicant was told that the next meeting will be January 13, 2009, and if he has everything submitted by January 4th, he can be added to that agenda.

Mr. Orrego thanked the Board.

BILL & DEBBIE ZERNHELT – LOT LINE CHANGE

Represented by themselves

Owners/Applicants Bill & Debbie Zernhelt are seeking a lot line change on property located on Yetter Lane, Sparrowbush, N.Y.

It is an HMU Zone.

Section – Block – Lot : 45 - 1 -33.1

Application received October 28, 2009

Mr. Fusco said that after his review, he sees no real issues. He said that he referred this application to the Orange County DPW, who also has no issues with this project.

Mr. Fusco said the he also referred this to Orange County Planning. The secretary said that the Board got an answer back from Orange County Planning, saying that they have no issues.

MOTION

Dave Dean made a motion to waive the public hearing and approve the Zernhelt lot line change, subject to payment of all fees. Derek Wilson second. Roll call vote: Malsberg, aye; Breitenfeld, aye; D. Wilson, aye; Dean, aye; W. Wilson, aye. Motion carried.

RON BABCOCK

Represented by himself 858-8277

Owner/Applicant Mr. Babcock wishes to place a delicatessen in the old Hawks Nest Realty Office, 109 Main St., Sparrowbush, N.Y.

It is an HMU Zone

Section – Block – Lot = 43 – 5 - 1

Application submitted December 1, 2009.

Dave Dean asked Mr. Babcock if all of the apartments in the building are rented. Mr. Babcock answered all of them, except the one downstairs.

Mr. Babcock said that the septic is 1,000 gallon tank, and the oil tank was removed.

Mr. Fusco referred to his review letter, dated December 7, 2009. He said that he needs a letter from the applicant's engineer to confirm that they conducted a dye test, and also the location of the septic. He said that this application will have to be referred to Orange County Planning and the NYSDOT.

He said that an inspection of the building, with the Town Building Department, will have to be conducted, to verify that there are four units, and also, that no other residential units can be placed inside this building, without a ZBA approval. He said that he needs a more definitive "defined use."

Skip Wilson verified, for the record, that no ovens will be installed inside the deli.

The Board reviewed with the applicant that there may be issues regarding whether there can be more than one

commercial use, on this property.

Mr. Plotsky said that an issue he has, is that he's not sure that this Board has the authority to change the parking spaces from two to one per dwelling, for multiple uses. He said that one space for one occupant is fine, but what if a tenant has a guest who has a car? He said that after the Building Inspector does his inspection, the Building Inspector may have a recommendation to the Board.

Mr. Babcock thanked the Board.

MARTEL HOLDINGS LLC

Represented by Tim Gottlieb, Gottlieb Engineering
New maps submitted

Mr. Gottlieb said that revised plans had been submitted, based on the Town Engineer's latest comments. He said that a revised long form EAF has also been submitted.

Al Fusco asked for more information on the conservation easement.

Mr. Gottlieb said that the deed had already been filed for that, but he will provide it again. He said that nothing will change, except for the size of the conservation easement.

MOTION

Skip Wilson made a motion to schedule a public hearing for the Martel Subdivision for Wednesday, January 27, 2010. Dave Dean second. Roll call vote: Breitenfeld, aye; Malsberg, aye; D. Wilson, aye; Dean, aye; W. Wilson, aye. Motion carried.

Derek Wilson asked if the Highway Superintendent is okay with the 12% grade. Al Fusco answered that that proposed road, Pine Tree Road, will be 10%. Derek Wilson said that past Town Highway Superintendents had never accepted anything over 10%.

Tim Gottlieb said that he will get a letter from the Town Highway Superintendent.

Chad Martel stated that the Sparrowbush Fire Chief had written and addressed when he felt he would need additional equipment.

Mr. Gottlieb said that the grading at the entrance, that is, the upper road, is one-on-three, which the Town Subdivision Regulations require, and asked if there is anyway to put that at one-on-two?

Al Fusco answered that he will speak with the Town Highway Superintendent about that. Chad Martel that he will get a letter from the Town Highway Superintendent about that.

HIGHLAND OPERATING LTD

Mr. Plotsky stated that this applicant has to re-apply before this Board.

Al Fusco said that he will work with the Building Inspector, concerning this application.

DEERPARK VILLAGE

Represented by Mr. Damian Brady, Esq.

EXECUTIVE SESSION

Derek Wilson made a motion for the Board to go into executive session for the purpose of discussion of pending litigation with Deerpark Village and invite the Town Supervisor-Elect, the Town Attorney and the Town Engineer. Dave Dean second. Roll call vote: Breitenfeld, aye; Malsberg, aye; D. Wilson, aye; Dean, aye; W. Wilson, aye. Motion carried.

The Board went into executive session at 7:50 p.m.