

DEERPARK PLANNING BOARD  
MINUTES  
JANUARY 14, 2009  
7:00 p.m.  
DEERPARK TOWN HALL

The Deerpark Planning Board met for their bi-monthly meeting on Wednesday, January 14, 2009 at Deerpark Town Hall, Route 209, Huguenot, N.Y. The following were present:

BOARD MEMBERS

Willard I. (Skip) Wilson- Chairman  
Derek Wilson  
Gary Spears  
Theresa Santiago  
Dan Loeb  
Noel Malsberg  
David Dean

OTHERS

Mr. Glen A. Plotsky, Town Attorney  
Mr. Alfred A. Fusco, Jr., Town Engineer  
Mr. Robert Emerson, Town Building Inspector  
Mr. Gerald DeMarco, Applicant  
Mr. Chad Martel, Applicant  
Mr. Timothy Gottlieb, Gottlieb Engineering  
Mr. Sean McConaghay, Camp Deerpark Applicant  
Mr. Patrick Hermanowski, Applicant

THE PLEDGE OF ALLEGIANCE

ARI GREENFIELD - PRE-APPLICATION CONFERENCE

Represented by himself 646-662-3125

Owner/Applicant Mr. Greenfield wishes to construct a wind farm on 27.4 acres on Neversink Drive (County Route 80).

It is an RR Zone

Section - Block - Lot : 6.1 - 6 - 1.2

Applicant has spoken with the Building Inspector.

Applicant did not appear.

DEMARCO, GERALD - LOT LINE CHANGE

Represented by himself 858-0990

Owners/Applicants Gerald & Susan DeMarco wish a lot line change on property located 30 Lime Kiln Rd., Port Jervis, N.Y.

It is an RR Zone.

Section - Block - Lot : 57 - 1 - 67.2

Application received October 31, 2008

Mr. DeMarco presented his latest maps to the Board for review.

Mr. Fusco said that he had reviewed this project previously and had a review letter, and said that all of the issues have been addressed.

Mr. DeMarco presented the metes and bounds description to Mr. Plotsky for review.

Mr. Plotsky instructed the applicant to get the new deed(s) to him, for his review.

#### MOTION

Gary Spears made a motion for the Planning Board to waive the public hearing for the Demarco lot line change application, and grant conditional approval, contingent upon payment of all town engineering and town attorney fees and submission and approval of the new deed. David Dean second. Roll call vote: Santiago, aye; Malsberg, aye; Loeb, aye; D. Wilson, aye; Spears, aye; Dean, aye; W. Wilson, aye. Motion carried.

Mr. DeMarco said that he will get that deed to the Town Attorney.

#### CAMP DEERPARK

Represented by Mr. Sean McConaghay, & Timothy Gottlieb, 794-5506

Owner/Applicant: Camp Deerpark wants a site plan to build a maintenance building and a maple syrup building & firewood storage at their location at Brandt Rd., Cuddebackville, N.Y.

It is an RR Zone

Section - Block - Lot : 7 - 1 - 22.21 & 38

Application received September 1, 2008.

Mr. Gottlieb said that he had submitted revised plans, modified to address the technical issues that Mr. Fusco had generated earlier.

Mr. Fusco submitted his latest technical memo, dated January 12, 2009.

He read the following:

“The Highway Superintendent still requests ability to upgrade roadway as required. Action: SEQR Neg. Dec and then Conditional Approval or Approval”

The Board instructed the applicant to write a letter to the Town Highway Superintendent, instead of insisting upon an easement or transfer of ownership of property to the Town, stating that if road repairs need to be made, Camp Deerpark as owner of said property authorizes the Town of Deerpark to make those necessary repairs. The Board agreed that a letter of this type should be in the file for future reference. The Board also suggested that the applicant telephone the highway superintendent to find out exactly what he wants stated in the said letter.

The Board reviewed the Short form EAF, Part I and answered “NO” to all questions.

#### MOTION

David Dean made a motion for negative declaration under SEQRA.

Gary Spears second. Roll call vote: Santiago, aye; Malsberg, aye; Loeb, aye; D. Wilson, aye; Spears, aye; Dean, aye; W. Wilson, aye.

Motion carried.

## MOTION

Gary Spears made a motion for conditional approval, based upon payment of all fees of the Town Engineer, Town Attorney and Town Planning Board, and submission of a letter (as described above) to the Town Highway Superintendent. David Dean second. Roll call vote: Santiago, aye; Malsberg, aye; Loeb, aye; D. Wilson, aye; Spears, aye; Dean, aye; W. Wilson, aye. Motion carried.

## MARTEL HOLDINGS LLC

Represented by Mr. Chad Martel, Applicant and  
Mr. Timothy Gottlieb, Gottlieb Engineering

Mr. Gottlieb provided a new map to the Board.

Mr. Fusco submitted his technical review, dated January 12, 2009 to the board members. He read the following:

“We have reviewed the latest submission and offer the following comments:

Material Reviewed:

- 1) Long Form EAF
  - 2) Plans from Joseph Gottlieb, P.E. dated 12/08.
- SBL - 23-1-62.32  
Zone - RRC - Recreational River Corridor  
Use - Fifteen (15) single family homes  
Referral - Orange County Planning - 239 GML

Comments:

EAF

The document was listed as preliminary with no signature.

The OPRHP previously submitted on or about 01/05/04 lists potential impact and suggested a Phase I study. Such a study was prepared at that time. It is not clear that this correspondence relates to the property under review. The applicant is to demonstrate that the correspondence relates to this site. Possible proof is the documents submitted in 2004.

The NYSDEC Heritage Program similarly is dated 2003. We need documentation of location and an updated letter since the correspondence indicates updates and recommendations.

We filled out a sample Part II for the Planning Board. There are numerous small to moderate impacts, however all can be mitigated.

Plan Page 2/12 to show 15 lots - now shows 16.

Pages are to be numbered correctly.

Dimension separations for wells and septic.

Pine Tree Court grades exceed 10% - try to re-grade to 10% or less.

Sewage disposal systems require joint soils inspection. Detailed review of systems after joint soils completed. Special attention must be given to Lot 2-3, water at 36’.

Sewage disposal systems design notes to be clarified, conventional vs. Eljen and list all lots.

Make it contractor simple.”

The Board agreed that before conditional approval is granted, another test should be done.

7) Show location of roof drain infiltrations and percolation rates for each does not need to be witnessed but certified by an Engineer.

Submit SWPPP and NOI. Show compliance with stormwater cleaning and retention.

9) Indicate erosion and sedimentation control locations, i.e. silt fence, check dams, siltation devices,

temporary and permanent.

10) Stabilized construction entrances recommended.

Comments from Highway Superintendent should be received.

Show sight distance on entrance road.

Shown disturbance limits.

Identify conservation easement regulations and enforcement.

Additional comments may be given as review continues

Board comments.

Board Action: 1) Sketch plan or conceptual approval.

2) Request for Lead Agency designation.

3) Referrals to Orange County Planning Dept. and Highway Superintendent.

#### MOTION

Derek Wilson made a motion for the Planning Boards' designation as lead agency, and motion for sketch plan approval, referral to the Orange County Planning Department and the Town Highway Superintendent.

Gary Spears second. Roll call vote: Santiago, aye; Malsberg, aye; Loeb, aye; D. Wilson, aye; Spears, aye; Dean, aye; W. Wilson, aye.

Motion carried.

Chad Martel said that he already has a letter from the Town Highway Superintendent. Skip Wilson presented his copy of that letter to the Board.

Mr. Gottlieb asked about the conservation easement.

Mr. Plotsky answered that it's an aspect of enforcement. He said that one option is to have the applicant to create an entity that would be responsible to enforce the conservation easement. He said that another option would be to place restrictions into each and every deed, so that the homeowners would be able to enforce the covenant. He said that either scenario is possible, and it's up to the Board to decide.

David Dean said that when it's issued as a covenant as each deed, then when two neighbors get into a conflict, how will it be handled. He said that a parent covenant would be preferable, which would encase all the lots.

Mr. Plotsky said that he will research the two scenarios, and get back to the Board.

#### PATRICK HERMANOWSKI - PRE-APPLICATION CONFERENCE

Represented by himself

Mr. Hermanowski was not scheduled on the agenda, but the Board agreed to hear him anyway.

Mr. Hermanowski said that he has a bungalow that he would like to fix up to make habitable, however, there is also another home on the same lot. He said that the Building Inspector sent him to the Planning Board.

Mr. Emerson said that the applicant is trying to create a living residential house, in a pre-existing seasonal cabin that was built in the 1960's. He said that the lot is 8 acres, and Mr. Hermanowski's fathers' house is also on that same lot. He said that the road frontage is approximately 160'.

Mr. Emerson said that the bungalow is approximately 26' X 26'. He said that the applicant had agreed that he is willing to make the bungalow a little bigger, however, he would still need a variance.

Mr. Plotsky and the Board agreed that two residences are not allowed on one lot, according to Town Law, and the applicant would have to go before the Deerpark Zoning Board of Appeals (ZBA) to request a variance, to be able to do what he wants to do.

Mr. Plotsky said that the applicant could either ask for an area variance, that is, if he subdivides the property after receiving his variance; or a use variance, to try to convince the ZBA to allow him to have two residences on one lot. He said that an additional problem might be that the applicant is trying to go from a seasonal use to a year around use. Mr. Plotsky said that a flag lot might work, as the applicant has 8 acres. He instructed the applicant to go back to the Building Inspector seeking a building permit. The Building Inspector will deny the applicant's permit, and refer him to go before the ZBA.

The applicant continued to explain his desires indicating that the bungalow has a well and septic and its' own electric capabilities. The applicant said that it would be a hardship to purchase other property to build a house.

The applicant thanked the Board.

#### BASHERKILL SUBDIVISION DISCUSSION

The secretary mistakenly placed this applicant on tonights' agenda.

#### HIGHLAND OPERATING LLC

This applicant had written to the Planning Board to request a 6 month extension to their conditional approval.

Mr. Fusco explained by saying that the applicant had received conditional approval, and the Board had asked previously that the applicant install dry wells on each of the lots. He said that subsequently the applicant had also created a retention pond, and now the applicant is saying that he cannot afford both, and he wants to waive the dry wells.

The Board determined that they are only allowed to grant 3 six-month extensions to any one application. They said that this would be this applicants' second extension.

#### MOTION

Gary Spears made a motion to grant a six month extension to the Highland Operating LLC application. Theresa Santiago second.

Roll call vote: Santiago, aye; Malsberg, aye; Loeb, aye; D. Wilson, aye; Spears, aye; Dean, aye; W. Wilson, aye.

Motion carried.

#### RE-ORGANIZATION MEETING

Gary Spears made a motion to elect Willard Wilson as Chairman for 2009.

David Dean second. Roll call vote: Santiago, aye; Malsberg, aye; Loeb, aye; D. Wilson, aye; Spears, aye; Dean, aye; W. Wilson, abstain. Motion carried.

#### CORRESPONDENCE & COMMUNICATION FROM THE CHAIR

David Dean said that the Board members were told by the Supervisors' Office, that if they make over \$600.00 for the fiscal year, as a total for attendance for the Planning Board meetings for the year, that they have to provide their social security number to the Supervisors' Office. He expressed his opinion

that he does not want to do this. He said that the Chair should speak with the Supervisor and suggest that the Town should make up the difference in the taxes.

Dan Loeb expressed his opinion that the Board members should be told when they are getting close to the \$600.00 threshold.

The secretary said that she will keep track of the amount that the individual Board members make over the course of the year, and let them know.

#### ADJOURNMENT

Gary Spears made a motion to adjourn. Derek Wilson second. Roll call vote: Santiago, aye; Malsberg, aye; Loeb, aye; D. Wilson, aye; Spears, aye; Dean, aye; W. Wilson, aye. Motion carried.

Meeting adjourned at 8:00 p.m.

Respectfully submitted,

Barbara Brollier, Secretary