

The Deerpark Planning Board met for their bi-monthly meeting on Wednesday, February 25, 2009 at Deerpark Town Hall, Route 209, Huguenot, N.Y. The following were present:

BOARD MEMBERS

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

OTHERS

Mr. Glen A. Plotsky, Town Attorney
Mr. Alfred A. Fusco, Jr., Town Engineer
Mr. Dominick Alfieri, Applicant
Mr. John Fuller, Civil Engineer

THE PLEDGE OF ALLEGIANCE

BOB WHALEN - PRE-APPLICATION CONFERENCE

Represented by himself 631-774-8472

Owner/ Vanessa Valen

Applicant Bob Whalen wishes to purchase property and house located at the intersection of Hoag Road & Route 209, Cuddebackville, NY, and create a bed and breakfast.

It is an HMU Zone. Section - Block - Lot = 22 - 1 - 84

The Applicant did not appear

DEERPARK EXCHANGE

Represented by John Fuller, P.E. 856-1536

Owner/ Applicant Dominick Alfieri wishes to create commercial buildings on property located at 22 Route 6, Town of Deerpark, NY

It is an I.B. Zone. Section - Block - Lot = 57 - 2 - 14

Application submitted June 2008.

New Map has been submitted

Mr. Alfieri did present a check to the Town to cover his escrow fees.

Mr. Fusco said that in the future the applicant will receive the bills, as well as the Town.

Mr. Fuller reviewed the project for the Board by saying that this applicant was before the Board in September 2008, and the Planning Board at that time declared lead agency and the referrals were made to all of the appropriate agencies.. He said that he has received responses from all of the agencies.

Mr. Fuller said that the site plan has not changed, that is, the general layout is the same. He said that there will be parking in the front, off of Route 6, the building is central to the property, and there is underground retention for storm water to the rear underneath the parking lot, and the septic is located in the back of the property.

Mr. Fuller said that the comments received back from the OCDOH, those responses are now on this

latest map submittal, and soil testing was witnessed by their representative, and have found the soils acceptable for septic purposes.

Mr. Fuller said that the NYSDOT has made some minor comments, and do not have a problem with the proposed driveway.

Mr. Fuller said that the NYSDEC had some stormwater comments, which have been addressed. He said that the NYSDEC will wait for a design flow confirmation letter from the OCDOH, before signing off on the septic SPDES permit. He said that the NYSDEC did make a comment about the potential need for open waters permit, and Mr. Fuller stated that in the last two weeks he has determined that that is not necessary, because the tributary that the NYSDEC is referring to in their letter, is actually located 150' behind this property, and is located on the neighboring property of Rizkallah, and well outside the bounds of the impact of this project.

Mr. Fuller said, concerning the well, referring the Board to page S-3 of the site plan, he said that this is a non-community, non-transient well, and the 2005 regulations require that a 200' boundary be maintained between any and all structures. He said that that is impossible to accomplish on this piece of property, so the agency agreed to allow the well to be put by the southwest corner of the building, because it will then be as far away from the Rizkallah property as possible, and I-84 is viewed as public land and will never be developed. The land is also downhill, or down slope from the applicants' property, so the potential for any pollution is almost zero.

Mr. Fuller said that the building is approximately 200' from their own septic and 100' from the stormwater system, which is a closed system, and the NYSDOH feels that that is acceptable. He said that deed restrictions still have to be made, that is, stating that no hazardous waste will be stored on the property, no underground storage tanks, and 100' of casing, down into bedrock.

Mr. Fusco referred to his technical memo, dated February 23, 2009. He said that the NYSDOH had required a 200' conservation easement from the neighboring property, concerning the well, and asked the resolution of that?

Mr. Fuller answered that he had inquired briefly from the adjoining landowner, and he does not want to talk about it. He said that in the letter from the NYSDOH, the department had suggested, but they are not going to require the easement of the 200' from the adjoiner.

Mr. Fuller said that another compromise that the NYSDOH wants, is that there be no parking within 25' and all slopes flow away from the well head; and the 100' of casing, and the various deed restrictions.

Mr. Fusco continued reviewing his technical memo:

- * On page S-2 of the site plan, a demolition permit from the Town of Deerpark Building Inspector should be obtained.
- * Clarification of well head protection easement, is it 100' or 200'?
- * On page S-4, add to sanitary notes, a New York State Professional Engineer is to certify backfill to the Town of Deerpark Building Inspector.
- * On page S-4, recommend the pump chamber or chambers for sewage hold minimum of one days waste or generation be provided, as per the NYSDOH.
- * On page S-5, show the height of the sign, which is

5'6".

- * Show drainage pipe profiles and show slopes on the plans.
 - * Identify construction easement for retaining wall or show construction method that eliminates need for easement.
 - * NYSDOT had mentioned a traffic study, and the applicant should get something in writing from the NYSDOT, if they are not requiring a traffic study.
- * Planning Board additional comments.

The Board asked about the businesses in the building?

Mr. Alfieri answered that there will be retail on the first floor and offices on the second; approximately 12 on the first floor and 12 on the second floor.

MOTION

David Dean made a motion to schedule a public hearing for the Deerpark Exchange application on Wednesday, March 11, 2009. Theresa Santiago second. Roll call vote: Santiago, aye; Malsberg, aye; Loeb, aye; Dean, aye; W. Wilson, aye. Motion carried.

The secretary said that she will get the public hearing notice to Mr. Fuller.

Mr. Alfieri asked permission from the Planning Board to put a sign on the property to advertise spaces in the proposed building for future tenants, because the banks will not release any money, until he has 40% occupancy.

The Board agreed that the applicant may put up a sign, at his own risk, and to definitely check with the Town Building Inspector, as to the legality of the sign,

Mr. Alfieri said that the sign will be 4' X 8', which is the maximum allowable.

COMMUNICATION AND CORRESPONDENCE

BONNIE LASS

Skip Wilson reviewed that all Board members received copies of the letter that was mailed to applicant Bonnie Lass, stating that she still has to present final site plans to the Board to be final stamped.

E-MAIL CONCERNING NYS APPELLATE DECISION

Dave Dean brought to the Boards' attention an e-mail that they had received concerning a New York State Appellate decision. He said that his opinion of this e-mail is that the NYSDEC can not longer rely on the NYSDEC professionals findings, to determine whether or not there is an endangered species on a certain piece of property.

Al Fusco concurred and added that the developer has to prove that there is an endangered species on the property; that is, a biologist or another professional has to prove it.

ADJOURNMENT

Dam Loeb made a motion to adjourn. Theresa Santiago second. Roll call vote: Santiago, aye; Malsberg, aye; Loeb, aye; Dean, aye; W. Wilson, aye. Motion carried.

Meeting adjourned at 7:45 p.m.

Respectfully submitted,

Barbara Brollier, Secretary