

The Deerpark Planning Board met for their bi-weekly meeting on Wednesday, April 9, 2008 at 7:00 p.m. at Deerpark Town Hall, Route 209, Huguenot, N.Y.

The following were present:   PLANNING BOARD MEMBERS  Willard (Skip) Wilson - Chairman

David Dean

Gary Spears

Dan Loeb

Derek Wilson

Theresa Santiago

Noel Malsberg

#### OTHERS

Mr. Glen A. Plotsky, Town Attorney

Mr. Al Fusco, Town Engineer

Mr. Anthony Gioffre, Esq.

Ms. Lana Han, Esq.

Mr. Ed Ward, Applicant

Mr. John McCalliskey, Applicant

#### THE PLEDGE OF ALLEGIANCE

DRAGON SPRINGS BUDDHIST, INC. - SECTION - BLOCK - LOT : 31 - 1 - 21.22

Represented by Mr. Anthony Gioffre, Esq. & Ms. Lana Han, Esq.

Owner/Applicant Dragon Buddhist, Inc. is seeking a revision to Site Plan # 5, on property located at 140 Galley Hill Rd., Cuddebackville, N.Y.

It is an RR Zone.

Application submitted October 12, 2007.

Mr. Gioffre said that his clients were just approved for an amended site plan, and as a part of that approval, a wastewater treatment plant was included. He said that since that approval, Dragon Springs representatives had met with the individual who was going to provide funding for the wastewater treatment plant, and it was learned that that individual is not going to be able to provide funding for the wastewater treatment plant. He said that the whole reason for the wastewater treatment plant was because of the discussion that his clients had with the Town Engineer. He said that his clients wanted to notify the Planning Board of this situation, and would like to utilize the previously approved currently existing 8,000 gallons subsurface absorption area, which is current operating at half capacity, and which he said is sufficient for the needs on site based upon prior representations of the occupancy of the site, as was made to the Planning Board.

Skip Wilson reviewed and confirmed that the applicants received approval on March 26, 2008.

David Dean said that if the applicants decide to build that wastewater treatment plant, then they will have to come back before this Board. He asked Mr. Plotsky, that if that does happen, that is, that the applicants do desire to come back before this Board to add the wastewater treatment plant, could the resolution tonight be worded to that effect so that the applicants would not have to return to the Board to add a wastewater treatment plant with specifications the same as the plant that had already been reviewed.

Mr. Plotsky answered that it's better to make a new resolution for each approval, because the Board does not want to create a situation where there are two sets of approved plans or two approved concepts, that way, it can be regulated appropriately.

#### MOTION

Dan Loeb made a motion to approve the use of the 8,000 gallons subsurface treatment plant, and the removal of the wastewater treatment plant from the site plan, conditioned upon submission and approval of modified plans to the Town Engineer, and payment of all fees.

#### DISCUSSION:

David Dean asked if this approval covers any additional drain fields that the applicant may have?

Mr. Gioffre answered, just what's on the plan.

Al Fusco answered that the applicants did show some additional reserve areas for the future, with the subsurface and the wastewater treatment plant. He said that if they have any future additional occupancy, they have an area designated on the plan for that.

Gary Spears said that the applicants' last approval was for 9,500, and now 8,000 is sufficient.

Noel Malsberg asked, if they do receive the funding in the future, will they follow the same course and try to do the same concept that was finally arrived at, that is, the gray water to be re-deposited into the existing system?

Mr. Gioffre answered that he would have to discuss that with his clients, and will take that into advisement.

ROLL CALL VOTE: Santiago, aye; Malsberg, aye; Loeb, aye; D. Wilson, aye; Spears, aye; Dean, aye; W. Wilson, aye. Motion carried.

McCALLISKEY & WARD SUBDIVISION: SECTION – BLOCK - LOT : 7 – 1 - 37

Represented by Ed Ward & John McCalliskey

Owner/Applicant Ed Ward wishes a 5 lot subdivision on property located on Brandt Rd., Cuddebackville, N.Y.

It is an RR Zone.

Application received June 4, 2007

Gary Spears asked what the grades are on the proposed driveways?

Mr. Ward answered, all under 8%.

Skip Wilson asked about the brook on the property?

Mr. Ward answered that there will be no activity even close to that brook.

Derek Wilson asked if the applicants have addressed all of the previous Town Engineers' comments?

Mr. Ward answered that they are all addressed on this new site plan.

Al Fusco referred to his technical memo, dated April 8, 2008. He asked the applicants to contact their engineer and have him send a complete set of plans to Mr. Fusco's office. Mr. Fusco also said that the submitted long form EAF is in conflict with the new areas of slope that the applicant has now provided, and indicated that this issue must be corrected on the long form EAF.

Al Fusco said that the soil testing needs to be continued.

Ed Ward asked if the Building Inspector was going to come out onto the site and witness the soil testing?

Al Fusco answered that the applicant should contact the Building Inspector and find out if it will be the Building Inspector or the Engineer office, who will do the witnessing. He said that there will have to be two deep tests and two perc tests.

Noel Malsberg asked if lot #5 is down hill from the septic?

Ed Ward answered yes, but that there is over 200' separation.

The applicants were advised to contact the Town Highway Superintendent, and iron out any issues that he may have.

The applicants thanked the Board.

DEERPARK VILLAGE

Applicant had telephoned and asked to be excused this evening.

Mr. Plotsky said that Mr. Robert Onofry, the applicant's attorney, had told him that their engineer had not yet addressed the latest comments from Mr. Gainer, the previous town engineer. He said that Mr. Onofry wants to come back before this Board, at some point, and talk about conceptual things.

Mr. Plotsky said that he told Mr. Onofry that issues relative to Wilson Road and other access, and potential concerns about water and other issues included in the environmental review, still need to be addressed. He said that the applicants' willingness to address the Wilson Road issue, maybe widening it, which might require condemnation via eminent domain that the Town of Deerpark would have the power to do, still needs to be addressed. He said that Mr. Onofry will be coming back before this Board at a later date.

#### COMMUNICATION FROM THE BOARD MEMBERS

##### MARTEL SUBDIVISION

David Dean asked about the progress of the Martel subdivision application?

Mr. Plotsky answered that the applicant initially was seeking a variance from the ZBA for a 1,600' cul-de-sac. He said that the applicant filed an application with the ZBA and were scheduled for a public hearing. He said that it was determined that the 1,600' cul-de-sac provision is actually in the Town of Deerpark Subdivision Regulations, not in the Town of Deerpark Zoning Law. He said that the ZBA does not have the power to vary Subdivision Regulations, only the Zoning Law Regulations.

Mr. Plotsky said that if the applicant can show undue hardship, then he may come back before the Planning Board and pursue that cul-de-sac. He said, however, that the applicant has determined that they would not seek to vary any terms of the Subdivision Regulations before the Planning Board, because of statements made by various Planning Board members in previous discussions concerning the 1,600' cul-de-sac.

Mr. Plotsky said that the applicant's attorney had sent an e-mail referring to a couple of the sections of the Subdivision Regulations referring to "dead end roads." He said that basically the applicant has submitted a sketch plan for Al Fuscus' review, and requested that Mr. Plotsky review the pertinent provisions of the subdivision regulations.

Mr. Plotsky said that the applicant's proposal is, and he said that he was paraphrasing, that the Law says that you can have a dead end road in the Town of Deerpark if it connects to another property that will be more than likely to have a road in the future so long as the dead end road provides for certain turn-around requirements in the interim period. Mr. Plotsky said that the applicant seems to be proposing a dead end road that runs to an adjacent property, that might ultimately be subdivided, because it's fairly substantial, and then run an 800' cul-de-sac off of that dead end road, thus providing access to additional lots.

Mr. Plotsky said that he will research it, but in e-mailing the applicants' attorney, he stated that he thinks that the attorney is "stretching it." He said that he will have the research for the Board members before the next Planning Board meeting.

Gary Spears asked if the applicant has to get something in writing from adjacent landowners concerning any future subdivisions?

Mr. Plotsky answered that he will look into that when he does that research. He said that he will issue an opinion, and it's up to the applicant and this Board to either accept or reject his opinion. He said that the applicant will then decide whether and how to move forward with his present sketch plan.

Derek Wilson said, in pointing to the subdivision map, that the applicant cannot meet the road grades to bring the road in and then back out on one of the other lots.

Dan Loeb read the Subdivision Regulations, Section 4.9, page 22, (also Section 200-28 in the bound Deerpark Law), Street Requirements.... A.(3) "Dead end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts, or designed as cul-de-sacs. (4) Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the extension of streets."

MATERIALS FOR BOARD MEMBERS

Derek Wilson asked the secretary if their materials for the next meeting will be in their folders by the Friday before the meeting. The secretary answered yes. Derek Wilson also asked for paper copies of the minutes.

ADJOURNMENT

David Dean 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 7:35 p.m.

Respectfully submitted,

Barbara Brollier, Secretary