

The Deerpark Planning Board met for their bi-monthly meeting on Wednesday, April 22, 2009 at 7:00 p.m. at Deerpark Town Hall, Route 209, Huguenot, N.Y.

The following were present:

BOARD MEMBERS

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

OTHERS

Mr. Glen A. Plotsky, Town Attorney
Mr. Alfred A. Fusco, Jr., Town Engineer

Mr. Gary Flieger Town Supervisor	
Mrs. Viola Sinsibaugh, Town Board Liaison	Mr. Brad Cleverley, P.E.
Mr. Bob Schurr, Applicant	Mr. Timothy Gottlieb, P.E.
Mr. Robert Krahulik, Esq..	Mr. Anthony Gioffre, Esq.
Mr. Joshua Grauer, Esq.	Ms. Lana Han, Esq.
Mr. Chun Feng, Architect	

THE PLEDGE OF ALLEGIANCE

BOB SCHURR - PRE-APPLICATION CONFERENCE

Represented by himself (845)-341-8361

Owner/Mr. Ed Hofstee

Applicant Bob Schurr wishes to create a used furniture and/or an antique business at the site of the old produce stand located next to the school complex on Route 209, Town of Deerpark, Orange County, N.Y. It is an HMU Zone.

Applicant has spoken with the Building Inspector.

Mr. Schurr said that he would like to rent the building and fix it up. He indicated that it would only be used in the warmer months, as there is no heat or electricity in the building. He said that Mr. Hofstee has said that he (Hofstee) is okay with this.

The Board determined that Mr. Schurr will only have to present a detailed map of the 1/4 acre that he will be using, and not the entire Hofstee property.

Mr. Plotsky said that the rest of the Hofstee property at least has to be identified on the map.

The Board recommended that Mr. Schurr speak with the Building Inspector and/or the property owner, to find out if there are any maps that can be brought back to this Board for inspection.

The secretary was instructed to place this applicant on the next agenda for an extended pre-application conference.

PEENPACK MEADOWS

Represented by 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

Mr. Cleverley said that this project has been ongoing for some time, and has now received approval from the Orange County Health Department, which Cleverley documented to the Board members. He said that the latest map was created in response to the Town Engineers' latest comments. Cleverley said that he believes that the only outstanding issues are the bonding and getting a response back from the Town Building Department, 911 Center, and the Town Highway Department regarding the road names.

Al Fusco said that in looking at the latest plans, there is only a little "fine tuning" to be done. He said that the Orange County Health Department plan still needs to be stamped, even though a letter of approval from them is forthcoming. Fusco said that this Board can only give final approval after all of the public improvements are in place and approved by the Town Highway Superintendent and himself.

Fusco said that if a bond is posted, it should be in a sufficient amount to protect for the completion of public improvements, that is, an escrow set up for inspections, and all else that still needs to be done must be posted before the plans are deemed final. Fusco stated that the bond should be in the ballpark of Five Hundred Thousand 00/100 Dollars (\$500,000.00), because the purpose of the bond is to ensure that if the developer does not move forward, the Town can make the improvements themselves using that bond money. He said that the bond amount has to be approved by the Town Planning Board Attorney and the Town Attorney. He said that the minimum that should be accepted would be an unrevokable letter of credit, so that there are no bonds that lapse.

Al Fusco said that this Board has the option of either extending the preliminary approval, or giving conditional final approval.

Skip Wilson explained that this applicant has already had three extensions, which is the limit.

Mr. Cleverley expressed his opinion that his client would like to receive conditional final approval, contingent on either the bonding of the public improvements, or the construction of the roads.

A Board member asked Al Fusco what are the time constraints/limits, after the applicant receives approval?

Mr. Fusco answered that there has to be substantial construction started on the project, that is, if they begin almost immediately, then the applicant has a vested interest in the project. He said, however, if it sits idle for a year or two, then the Planning Board approval is in jeopardy.

Al Fusco said that the Board could also consider a "restoration bond" for this project. He explained, for example, if a road is cut in, and then just sits there for two years, and erosion occurs, and the area hasn't been properly seeded and the developer is gone. Fusco explained that with this bond, the Town can hire a contractor to go in and restore the road. He said that a "performance bond" does not allow the Town to do that.

Mr. Plotsky said that the Board could also extend the preliminary approval, because of the scheduling problems and delayed time frames that were encountered with this applicant.

MOTION

Derek Wilson made a motion to continue the application of Peenpack Meadows Subdivision for thirty

(30) days, due to the meeting difficulties within the last six (6) months. David Dean second.

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

Mr. Cleverley said that he will get back before this Board within the Thirty (30) day time period.

MONCHEUR SUBDIVISION

Represented by Tim Gottlieb, Gottlieb Engineering 794-5506

Owner/Applicant Claire Moncheur wishes a 2 lot subdivision on property located at 175 Martin Rd., Huguenot, N.Y.

It is an HMU Zone

Section - Block - Lot : 49 – 1 - 86

Application received April 8, 2009

Mr. Gottlieb said that this is a 5.5 acre parcel and the applicant seeks to subdivide it into two (2) lots. An existing residence will remain on the principle lot, and the new lot will contain a new residence. Gottlieb stated that the back lot will be a flag lot. He said that this property was previously subdivided, but the earlier subdivision map does not have a date on it.

Al Fusco said that he will send the referral letters to Orange County Planning and Orange County DPW for this project.

Al Fusco referred to his technical review, dated April 15, 2009. He said that there are no major issues, and the Board can schedule a public hearing, if they so desire.

MOTION

David Dean made a motion to schedule a public hearing for the Moncheur

Subdivision for Wednesday, May 27, 2009. Theresa Santiago second. Roll call vote: Santiago, aye; Malsberg, aye; Loeb, aye; D. Wilson, aye; Dean, aye; W. Wilson, aye. Motion carried.

Mr. Gottlieb thanked the Board.

GARY BUTLER SUBDIVISION - DISCUSSION

Represented by Timothy Gottlieb

Brief discussion.

Mr. Gottlieb said that two (2) driveways had been proposed, and now after looking at the site more, the two driveways concept will not work with the topography. He suggested one driveway to go into the property for approximately 300' and then splitting it off to create a second driveway to the separate residence to be constructed.

Mr. Gottlieb said that no additional clearing will be done, and all storm-water will travel down to the south along Franke Road to the existing culvert. He said, that in speaking with the Town Highway Superintendent, the Superintendent has requested that the ditch be deepened and widened to get the water to flow properly.

The Board agreed that a driveway maintenance agreement will have to be made.

Al Fusco said that he had met with the Town Highway Superintendent on this property, and they both agreed that there is a drainage problem there now. Mr. Fusco said that Mr. Gottlieb's proposal to take the

storm-water down to the south along the road will definitely help. Fusco also said that another possibility is to pick up overflow from the other culvert, which is to the east of the present culvert and bring that down. He said that extending culverts as proposed by the applicant, and increasing the sizes of the culverts, will help.

Al Fusco said that this proposed driveway will shine headlights directly into the house that is located directly across the street. He said, however, that a large rock ledge does not allow the driveway to be situated a couple of feet to the left as initially proposed by the applicant.

The Board decided that this new concept of a common driveway will work, and gave Mr. Gottlieb the go ahead to pursue the changes.

DEERPARK VILLAGE ASSOCIATES

Represented by Mr. Robert Krahulik, Esq.

Owner/Applicant Deerpark Village Associates wishes to create Planned Residential Housing units on property located on Wilson Road, Sparrowbush, N.Y.

It is a Planned Rural Residential Development (PRRD) Zone.

Section - Block - Lot : 23 - 2 - 32.2 & 38.8

Application received August 30, 1993

Mr. Krahulik reviewed by saying that a Draft Environmental Impact Statement (DEIS) was submitted and reviewed by the Board, and a public hearing was conducted and the DEIS had been approved by this Board. Mr. Krahulik continued that a Final Environmental Impact Statement (FEIS) has now been prepared and presented to the Board, for their review and acceptance.

Mr. Krahulik expressed his opinion that at this point in time, a public hearing is not needed for the Board's consideration of this document. He said that once the Board accepts the FEIS, the public is afforded another opportunity to comment. He said that after that, the Board requests all changes that they deem necessary, then accepts it and issues a findings statement, deeming the FEIS complete.

Al Fusco referred to his technical review, dated March 18, 2009. He said that he read the DEIS and all of the public hearing transcripts, the letters from the previous Town Engineer, the Board comments, and any written comments that were submitted. He said that he believes that the applicant did address each and every one of them.

Al Fusco said that there are some things that the applicants' consultants can look at, and get back to the Board, as to what they feel, in relationship to his technical review letter. The comments are as follows:

1) Sheet I-1 states that the SDEIS "with the exception of certain minor adjustments and clarifications, the basic Comprehensive Development Plan remains unchanged from that which was presented in the SDEIS." However, the sewage treatment plan currently proposed replaces the type of plant described in the SDEIS. This may not be characterized as minor by the Planning Board.

2) I-8 states that "with the exception of a 0.23 acre disturbance for an emergency access road crossing to connect the southern and northern sections of the site, the 32.37 acres of wetlands on the site will be preserved and provided with a 100' buffer within which no development will occur." Further, in the FEIS, it also states that the retention detention ponds may be in the wetland buffer. Assuming NYSDEC review of wetland disturbance, from personal experience with top level Region 3 permit supervisors, there can be no emergency roadway or storm-water detention or retention structures in

a NYSDEC designated wetlands or a NYSDEC wetland not mapped, but meeting their criteria for re-mapping (i.e. 12.4 acres connected wetland). We need NYSDEC and ACOE to determine jurisdiction and prepare a jurisdictional determination for the project. This should be thoroughly investigated with Region 3, Mike Merriman, before we proceed on the basis of a wetlands emergency roadway crossing.

3) I-9, II-11: The annual tax revenue of \$7,986,700.00 to all local taxing jurisdictions and the \$5,902,200.00 of revenues to the school district and projections of total build-out are not finite numbers. Also, the taxes will be increased gradually on a phased project. The senior component reduces school costs, however, it does not eliminate them. Seniors sell their larger homes which puts new families with children in the Town. This has an impact on the schools. It is not a “zero (0) school-children” project. The large increase in area population may still cause increased costs to the Town in police, highway, etc.

4) I-14, I-15, I-18: Traffic light at intersection of Route 42 and Route 97. The warrant for a light should be shown now and projected in discussion with NYSDOT, as to how and when the light is required. The intersection should be designed in detail for the light and if it is warranted at 80% build-out, it could be pre-approved by the State for this. We suggest an escrow account or Letter of Credit (permanent) for the purpose of funding the light when it is required.

5) I-20, I-21; Sight Distance: It is shown that the Route 97 and Wilson Road sight distance is limited to 50 MPH speed limit on Route 97. The prevailing speed on the road needs to be determined to support the statement that “considering operating conditions on Route 97, this should be sufficient.” We need to look at the sight distance issue in more detail.

6) I-22; The FEIS goes into a lengthy rationalization that since these are existing roadways “AASHTO guidelines are specifically not intended to apply to existing roads.” This is not to say that these guidelines are wrong or should not be advised in existing conditions that are being evaluated.

7) I-26; Table I-5: “Data for 2007 was not available at this time.” The Orange County Fatal and Personal Injury Accident Chart 2007 should be available now.

8) I-29: Van Shuttle Service: “A summary report describing the survey results and the determination will be provided to the Planning Board.” This should be documented as the project proceeds so that it does not get lost in the process.

9) I-32: Supplemental Ecology Report: The NYSDEC statement regarding ecology and rare plants and animals coupled with the “Liberty Ruling” adds considerable confusion to our process regarding the ecological portion of the Planning Board review. We appreciate the applicants’ position, however, we believe the Planning Board should have the additional information to make a proper environmental impact decision.

- 10) I-33: The three species in question at this time include:
- a. Narrow Leaved Sedge
 - b. Beaked Agrimony
 - c. Northern Wild Confrey

It is stated that 19 person days of related ecological surveys were completed since 1993 in the preparation of the DEIS, SDIES and FEIS, with a note that no evidence of the above three were noted in the 3-day visit in 2008. I question if that is a lot of time in the field and if July is the correct time to look for the three noted species.

11) I-36: Wetlands: “No off-site wetlands have been delineated. They are not deemed to be affected by the project.” This is an

unsubstantiated statement: It might be true, but it also might not.

12) I-38; Bears: An exhibit and pamphlets about black bears in the community building alone does not make a mitigation plan. Proper garbage storage and frequent pick-ups does. We should discuss this in more detail.

13) I-39: Household Pets: The pamphlet about domestic plants alone is not a mitigation, possible contribution to animal control could be a mitigation; clinics for spaying and neutering, rabies, etc.

14) I-40; Staging: Staging should be approved by the Planning Board and each stage or stages must have the emergency and infrastructure to support the stage or stages. We also recommend two (2) means of egress for the project, even if one (1) is for emergency at all times.

15) I-45, I-66; Open Space: Whereas, it appears the project meets the PRRD open space requirements, the excess is not necessarily 96 acres. The 67 acres of additional landscaped area has been disturbed and the terminology of open space may not agree with disturbed land. However, we recommend that a disturbance line be placed on the drawings, so we can determine area of disturbance. The developer should indicate disturbed and reclaimed landscaped areas.

16) I-47, I-48: The well monitoring agreement and program proposed needs to be funded with an escrow account.

17) I-48, I-62: Sewage Treatment Plant (STP): The STP was an RBC system. The new plan will use an Alternating Aerobic/ Anaerobic Fixed Film Media Trickling Filter System STP, more specifically Aquenic's patented system or equivalent. Where this may be preferred, we have just been requested to change the STP and we need time and detailed information. The information is to include the NYSDEC SPEDES permit requirements and the stream assimilation data for the effluent receiving stream. Also, specific additional discussion of recharge should be made, i.e., irrigation, re-use.

18) I-49; Wilson Road Improvement: I'm not certain that the Town has agreed that Wilson Road does not need upgrading for the project, and if it is determined that the project requires upgrading of the road, it should be a development charge, not a proportionate charge as noted.

19) I-50; The statement of no children to the public school may be a bit too rigid, and it may be minimal, but there is some impact.

20) I-51; Security Personnel: What is the schedule for the initiation of the security, the verbiage is vague.

21) I-52; Crlvert under Route 97: We have reviewed the previous and present information, and we believe the cost should be a 100% project cost, net 90%, developer and 10% Town.

22) I-53; Soil Erosion Protection: The NYSDEC model ordinance and regulations limit site disturbance to 5 acres. A schedule of stabilization and disturbance should be made as part of the SWPPP.

23) II-4; Project Retail Use: In order to limit the large destination retail establishments, Planning Board re-approval is needed for each change of use in the retail space.

24) II-9; "No government funding of any type is proposed. If any such funding sources were to be

contemplated in the future, they would normally require some form of Town approval, at which time their impact would need to be examined.” This is not a definite and should be qualified.

25) II-10; The concept of senior volunteers filling the void for fire and ambulance, needs to be substantiated or minimized.

26) II-13; Water Supply: The drawdown of the Winshuh well and project well needs further study to verify the capacity.

27) II-20; Water System and Fire Flows: The 400,000 gallon tank was noted as low pressure system for domestic purposes. The 50,000 gallon tank was for the domestic and fire flows for the high pressure. We need to establish fire flows for the entire project and submit a model for us and ultimately the Orange County Department of Health. Also, the water mains should have a loop system and distribution valves between systems for emergency supplies. We also need more information on water conservation.

28) II-19; Blasting: Town to mandate alternatives to blasting, can use blasting only under ideal conditions.

29) II-21; At what point does the next stage approval application be evaluated? By Building Department or Planning Board.

30) II-22, II-25; Stormwater Management System: The SWPPP obviously will need great detail and have a staging issue. We would recommend that a low impact development with Best Practical Methods be investigated to reduce the impact and the larger stormwater structures required. Whom will maintain the stormwater systems? What alternatives to wet ponds and stagnant water do you propose?

31) I-22, II-34, II-35; Sewage treatment: We need vast more information on the detailed information on the sewage treatment plan, new system proposed. This can be now and/or in the first round of site plans. However, we should establish a capacity. Where I can see a capacity for water and sewer shown, very often it is not proportional due to high infiltration, inflow rates in the future. Water systems also get leaks in the 20-30 year life cycle. We would like to see capacity increased over the years, but need to see potential for increase or over design now. This should be discussed in detail.

32) II-34; Delaware River Basin Commission: What are the permits required from the Commission? Detail and discuss.

33) II-38, II-41; Wilson Road Upgrade: Traffic Management Program: We recommend that a serious look be given to upgrade Wilson Road now. We also believe in the development of the Transportation Management Program now for each stage. We need to anticipate construction traffic, employee traffic, etc.

34) II-48; Project Applicant: In addition to the cash or letter of credit performance bond for the project, a separate restoration bond should be established to restore the land to the original condition or stabilized condition if the project work stops for a defined period. This all should be in a Developer's Agreement with the Town Board to set up bonds, inspection schedules, escrow accounts for inspections, storm-water inspection certifications, storm-water maintenance, and all the necessary agreements to protect the Town and the developers.

35) II-54; SEQRA: The SEQRA regulations do not require applicants to present alternatives which

they have not intended to pursue. This is not an open minded statement, and I believe that the process is to include mitigation of impacts. Impacts often require alternatives to mitigate them.

36) II-71, II-81; Wetland: We recommend that the wetlands be staked with permanent markers prior to any construction of any kind. We also again advise to check if the NYSDEC or Army Corp. of Engineers (ACOE) is claiming jurisdiction. If the NYSDEC will take jurisdiction, there is no emergency road in the wetland or buffer and no storm-water structures in the wetland or buffer. The wetland does not need to be on an existing map from the NYSDEC for them to get jurisdiction.

37) II-76; The archeologist (Appendix 2, Page 7) suggested a 50' grid shovel test for areas disturbed by every phase of development. We need this documented separately during each phase and placed in a project report.

38) II-77, II-78; Storm-water: We need to verify pre-development and post-development flows.

39) II-86, II-88, II-90; Water: I believe we are looking for AWWA, 10 State Standards, etc., not just all requirements. Also, the water main should be looped. Again, we need to verify pump rates and projected capacity. Fire flows need to be investigated for both systems.

40) II-93; Mitigation: "There is no legal basis or precedent for a requirement of such a bond." It is common in Orange County, New York, for a 10% maintenance bond after final approval of a project. This is normally held for 1 or 2 years, depending upon the Town. We recommend 2 years and posted as a Letter of Credit.

41) II-100; Old Cocheton Turnpike: This connection could be an important issue, if the wetland permit is not available for the primary emergency roadway. This should be established at least for use prior to the development of the primary emergency access.

42) II-102; County Planning: While the 239-M may not be a mandatory review, the County Planning comments should be reviewed and considered.

43) Appendix 3, Page 2: Rare Plants: The species of Special Concern are listed:

- a. *Carex amphibole* (Narrow Leaved Sedge)
- b. *Agrimonia rostellata* (Beaked Agimony)
- c. *Cynoglossum virginianum* (Northern Wild Confrey)

We need to decide if the Liberty decision and good planning indicate we have enough or need more data.

44) Appendix 4: Hospital letter is subject to phased development which may be appropriate, however, there is at least one other large project before the Town Planning Board that would also have this hospital as a primary care facility. We may need clarification and some detail.

45) Appendix 5: Sewage Treatment Plant: We need more detail, such as re-circulation rate, and to consider the infiltration/ inflow further capacity issue. We need SPEDES permit parameters and stream assimilation data for the receiving waters.

46) Appendix 12, Page 25: Solid Waste: The solid waste plan should include a recycling plan, protection of solid waste from bears and other animals, and a schedule of pick-ups.

Al Fusco said that the FEIS should be revised, asking for the above comments, and any other involved agency comments; and then once it's in final form, there's a 10 day minimum review period by the public. He said that then the FEIS will be filed, in accordance with the State ordinances, and the finding statement 30 days thereafter. He said that the public hearing can be set whenever the applicant is ready.

Derek Wilson asked Mr. Krahulik if this document is in electronic format. Mr. Krahulik answered, not at present but that certainly the final document, which will be adopted by this Board, will be in electronic format.

Derek Wilson asked, this Board has only 45 days to make a decision?

Mr. Plotsky said that everytime this Board reviews a document, they should take some kind of action, whether deeming it complete or incomplete, and to give specific direction to the applicant. He said that basically the time frames set up by SEQRA are mandatory, however, as much as they are mandatory, it's also within the parameters of the applicant and the Board working together to get something done, where extensions can be granted, in terms of a reasonable time to get things done.

Mr. Plotsky said that there is no difficulty here, because at the last meeting and hearing the information was given to the applicant, and they were advised that these were the issues and these were the questions that citizens and the Board have with regard to environmental concerns, and the applicant can tell the Board about the concerns and how they are going to mitigate them.

Mr. Plotsky said that now it is up to the Board to decide whether or not what the applicant has provided today adequately addresses everything. He said that at that point where the Board deems the document complete, then another public hearing can be set up, so that all final input and mitigation strategies are resolved, and either accept them or not.

Mr. Krahulik added that the SEQRA Regulations provide that the 45 day period can be extended, if it's deemed that additional time is necessary to prepare the statement adequately. He said that because of the extent of this document and information necessary, it would not be possible to adequately prepare within 45 days.

Derek Wilson asked, isn't the 45 days the Boards' time frame to deem the document complete?

Al Fusco answered that the applicant has 45 days to prepare the final document, unless that time frame is extended, that is, according to SEQRA law.

Derek Wilson disagreed, and said that the Board is now at the point where the applicant has given this Board a draft FEIS, and within 45 days the Board has to make decision as to whether it's complete or not. He expressed his personal opinion that he does not believe this document to be complete. He said that he believes that the Board should set up a special workshop for the discussion of this document.

Mr. Plotsky agreed and said that the Board can state on the record tonight that they believe this document is not complete, with the understanding that they're going to take time in the near future to more thoroughly review the document, so as to give the applicant comments that they can take with them and make the changes.

Mr. Krahulik said that for this type of development, the applicant is just in preliminary concept plan. It is his interpretation and understanding that they still have to come back before the Board and get each segment approved, to go forward, with detailed engineering, probably another final EIS for each segment of the project going forward.

Mr. Krahulik said that what his client is contemplating right now, is far from any kind of final approval, before a shovel will be put into the ground> His client still has a long way to go. He said that he will ask Nat Parrish the engineer for this project, to talk with Al Fusco about having these comments make their way into the Final EIS, and how many are just ripe for more detailed review, as they get into each phase of the project and the engineering detail starts to be developed.

Dan Loeb said that in addition to the Town Engineers' comments, there are so many issues in this that still need to be addressed and more focused. He said that the three major areas that he believes that the applicant should look at are the septic disposal system and a new proposal of that; the second would be the traffic studies; and the third would be the impact to the Town as far as their emergency services, etc.

Derek Wilson said that he believes that SEQRA requires the Board to look at all of the impacts as one, and not segmenting them. He said that in the Board's review, they are supposed to anticipate the problems, and it's on the applicant to provide enough detail for the reviewing agency to make determinations. He said that if the engineering is costly, then that is not a reason not to provide the level of detail needed by the Town Engineer or any other reviewing agencies. He said that the Board should anticipate the environmental impacts before they happen, such as, people can't make a left hand turn, so we'll put the traffic light in now.

Mr. Krahulik said that his perspective is that it offers more protection to the Town to perform reviews as the project moves forward. For example, if the need for a traffic light is anticipated in Phase 4, with a "segmented" review, the light is not locked into Phase 4, if the traffic light is possibly deemed to be needed in Phase 3. He said that as the project develops, there will be a need for a traffic light, but now in 2009, you don't want to obligate the applicant to install the light in Phase 4 if in several years from now it will be needed in Phase 3.

Mr. Plotsky said that he will do some research, in terms of the ability to segment the SEQRA process, and he said that he doesn't know if it's possible to spread it out. He said that the Board does have to do an analysis on the entire project, and he said, for example, if and when a traffic light is needed, that will have to be decided sometime down the road. He said that at prior meetings with the attorneys representing the applicant, and the prior Town Engineers, that there were discussions about the level of specificity required, and when those things would be required.

Mr. Plotsky said that for this evening's purposes the Board needs to say to the applicant that the draft FEIS is not complete, and that the Board needs additional time to do a thorough review, and as a temporary measure the Board will provide the applicant with the Town Engineers' comments and to the extent that it's appropriate, the Board asks that the applicant's consultants work with the Town Engineer and the Town Attorney to start formulating some discussion.

Mr. Krahulik said that this project is different, because it's in the PRRD District, which contemplates the Boards' review of a preliminary plan, which will not have as much detail as may be seen in a regular 5 or 10 lot subdivision, at this stage of the game. He said that the Board will see that level of detail farther down the road, when final approval is needed for the project to go forward. He said that there will be more detailed review of the phases going forward.

Mr. Plotsky said that the wetland determination is a big concern, and urged Mr. Krahulik to urge his client

to pursue that as soon as possible, as that will have a huge influence on the actual plans to go forward. He said that this is a very large issue.

Mr. Fusco said that the FEIS is a Planning Board document.

Mr. Krahulik said that in the SEQRA process, the adoption of the Final Environmental Impact Statement does not require a final public hearing.

Mr. Plotsky agreed.

Mr. Fusco said that it requires a mandatory review period.

MOTION

Derek Wilson made a motion to determine the draft FEIS for the Deerpark Village application incomplete and notify the applicant that they can start by addressing the Town Engineers' comments and that the Board intends to set up a workshop session to incorporate all of the comments from the Board members and give the applicant further direction. Dan Loeb second. Roll call vote: Santiago, aye; Malsberg, aye; Loeb, aye; D. Wilson, aye; Dean, aye; W. Wilson, aye. Motion carried.

FIVE MINUTE BREAK

DRAGON SPRINGS BUDDHIST INC. - PRE-APPLICATION CONFERENCE

Represented by Mr. Anthony Gioffre, Esq., & Mr. Joshua Grauer, Esq.
Owner/Applicant wishes a site plan for a cafeteria building on property located on Galley Hill Rd., Cuddebackville, N.Y.
It is an HMU Zone.

Mr. Gioffre said that, as part of the 2006 resolution approval, one of the requirements and conditions is, that, any time Dragon Springs proposes a modification on the premises, they are required to meet with the Town Building Inspector, and walk through the proposal with him. Mr. Gioffre said that Dragon Springs did submit a building permit application to the Building Inspector for modification to a portion of the proposed improvements that were approved by this Planning Board in 2008, and the Building Inspector referred the matter to this Board.

Mr. Gioffre said at the outset, that one of the issues that comes up during the Planning Board process, is the concern, with respect to the limitations from the original resolution, particularly the 100 residents limitation, that were represented by Dragon Springs. He stated that his client re-iterates those representations and there will be no proposed modification or change to any of those representations.

Derek Wilson asked, you are coming before this Board to pursue an amendment to a site plan?

Mr. Gioffre answered yes. He showed a site plan of the proposal to the Board. He said that there are three (3) proposed minor modifications to what has already been approved. He said that the first is in the area that is adjacent to the multi-purpose building. He said that the second proposal is the elimination of an existing road on the property which is a portion of the entrance to the lower parking lot; his client is proposing to eliminate a small portion of the Chen Ying Road. He said that there will be no issues reducing imperious surface on this road.

Mr. Gioffre referred to a second map, which is a blow-up of the yellow area on the first map, which is the only other section with proposed

modifications. He indicated the multi-purpose building on the site plan, and said that this blow-up is from the approved plan from this Board's approval in 2008. He said that adjacent to the multi-purpose building, there was a proposed two level structure. He said that on the upper level there was a proposed parking lot, which was plaza level, and below that was a proposed entryway to the multi-purpose building, and a cafeteria and kitchen area. He said that just to the south of that location was an approved greenhouse, which is 40' X 120'.

Mr. Gioffre flipped the second map to the second page, which shows the proposed modifications, and said that the greenhouse is proposed to be removed from the southern portion, and moved adjacent to this proposed modified structure. He said that the greenhouse will be considerably smaller and will be 55' X 42'. He said that the other portion is the plaza level parking structure and the cafeteria, kitchen and entryway into the multi-purpose building.

AT THIS POINT THE AUDIO TAPE PLAYER MALFUNCTIONED, AND THE REST OF THE MEETING WAS NOT RECORDED.

MOTION

Derek Wilson made a motion that based on the Town Engineers' review that there is no safety issues, that the Board waive any further review of the Dragon Springs site plan. Theresa Santiago second. Roll call vote: Santiago, aye; Malsberg, aye; Loeb, no; D. Wilson, aye; Dean, no; W. Wilson, aye. Motion carried.

EXECUTIVE SESSION

Derek Wilson made a motion to go into executive session for the purpose of discussion of litigation for the Deerpark Village application. Theresa Santiago second. Roll call vote: Santiago, aye; Malsberg, aye; Loeb, aye; D. Wilson, aye; Dean, aye; W. Wilson, aye. Motion carried.

Board went into executive session at 9:25 p.m

Derek Wilson made a motion to come out of executive session. Dan Loeb second. Roll call vote: Santiago, aye; Malsberg, aye; Loeb, aye; D. Wilson, aye; Dean, aye; W. Wilson, aye. Motion carried.

Board came out of executive session at 9:55 p.m.

WORKSHOP

The Board scheduled a special workshop session to be held on Wednesday, May 20, 2009 at 7:00 p.m. at Deerpark Town Hall, for the purpose of discussion of the Deerpark Village application.

ADJOURNMENT

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

Meeting adjourned at 10:00 p.m.

Respectfully submitted,

Barbara Brollier, Secretary