

The Deerpark Planning Board met for their bi-monthly meeting on Wednesday, May 28, 2008 at Deerpark Town Hall, Route 209, Huguenot, N.Y. The following were present

BOARD MEMBERS

Willard I. Wilson, Chairman  
Theresa Santiago  
Noel Malsberg

David Dean  
Dan Loeb

Gary Spears  
Derek Wilson

OTHERS

Mr. Glen A. Plotsky, Town Attorney  
Mrs. Viola Sinsabaugh, Town Board Liaison  
Ms. Tara Grant, Applicant  
Mr. Frederick Kluempfen, Applicant

Mr. Al Fusco, Town Engineer  
Ms. Susan Martin, Realtor  
Ms. Gisella Neunzig, Applicant.

THE PLEDGE OF ALLEGIANCE

KATHY AND GARY SMITH - PRE-APPLICATION CONFERENCE

Represented by Susan Martin 570-296-5995

Owner/ Applicants wish to subdivide property on Old Forestburgh Rd., Sparrowbush, N.Y.

It is an RR Zone.

Section - Block - Lot = 34 - 1 - 46.212

Ms. Martin said that the applicants have 13.76 acres, and would like to take the present dwelling along with 2 or 3 acres, and subdivide that from the larger parcel. She said that the road frontage is 632'. She said that for the remaining 10 acres, the applicants would still have over 400' road frontage.

The Board reviewed the maps that Ms. Martin provided. They agreed that this should not be a problem for the applicants.

The secretary gave Ms. Martin an application.

CORNUCOPIA - PRE-APPLICATION CONFERENCE

Represented by Gisella Neunzig & Frederick Kluempfen 856-5361

Owner/ Applicant Gisella Neunzig wishes to seek the Boards' advice on what can be done with the property located on Route 209, Huguenot, N.Y.

It is an HMU Zone.

Ms. Neunzig said that they have approximately 21 acres and would like to subdivide off 4 acres with the restaurant and keep the back property separate. She said that there is 300' of road frontage. She said that there is a loop road that goes to the back of the property, Decker Lane. She said that there is a barn on the rear portion of the property.

The Board noticed that there are two entrances off Route 209 onto the property. They said that a flag lot could be created, but then that would be the only lot that would be permitted. They also said that the applicants could make a town road, which can get very costly.

Derek Wilson said that a road can be cut back 800' into the property and end in a cul-de-sac. He said that the motel units in the front would have to be demolished or moved onto the other property, as condition of a subdivision. He said that if they leave a 50' strip on both sides of the property on Route 209, they can put in a town road, which would allow them ingress and egress, and still meet the minimum lot requirements.

David Dean said that if the applicant subdivides, because of the large parcel at the back of the property, it may hamstring the owner in terms of options for what she can do with that with that large lot. He said that no developer will want the back property, because it will only have a 50' right-of-way for access, permitting a flag lot. He suggested that she just lease out the restaurant at this time and perhaps not subdivide the property. He said that the land in the back, sometime in the future, could be worth much more than the restaurant, which is located up front, will ever be worth. He said that she should talk with a professional to get advice and options of what she can do.

Al Fusco said that every town has its' different interpretation of what a cul-de-sac is. He said that since Decker Lane is a private road, the applicant could speak to the owner of that road to obtain use of the road.

Ms. Neunzig said that she has already approached the neighbor on that side, and also the adjoiner to the back of the property.

The Board agreed that the applicant could approach the Port Jervis School District, who may be interested in buying the property, since it almost adjoins another piece of property that the School District already owns. The Board also suggested that the applicants look at the new floodplain maps, located in the Town Building Inspectors' Office, to determine exactly how much land is in the floodplain and how much of the property is located in the flood way.

The applicants thanked the Board.

#### TARA GRANT - PRE-APPLICATION CONFERENCE - EXTENDED

Represented by herself 672-3475

Owner/ Applicant Tara Grant wishes a lot consolidation on property located at 148 Lakeview Dr., Cuddebackville, N.Y.

It is an HMU Zone.

Section - Blocks - Lots = 21 - 18 - 5 and 21- 20 - 3.21

Mr. Plotsky said that tonight is an extended pre-application conference for this applicant for a lot consolidation. He reviewed by saying that there are 2 lots that appear to be separated by a "road" designated on the original subdivision map from 1924. He said that the proposed road was never built out.

He said that Mrs. Grant would have to appear before the Deerpark Town Board and inquire if they have any interest in maintaining the rights to the ownership to the road. He said that if the Town Board is willing to waive its' right to require the offer of dedication, then at that point, that lot would be assumable by the owner on both sides of the lot.

He said that in addition, the applicant should probably check with her own title company, to determine whether or not they would be able to insure that consolidated lot, because there are other people who technically have an interest in that strip, because the road goes through and on both sides of the applicants' lot. He said that this then is a two-fold issue, that is, to see if the Town Board has any interest in their right to that strip, and then secondly, the applicant goes to her title insurance company to verify that they will give insurance to the applicant to that piece, in order to consolidate.

Skip Wilson suggested to the applicant that she get in touch with the Town Supervisor to speak with him first.

Mr. Plotsky suggested that the applicant should also contact the Town Highway Superintendent.

Mr. Plotsky said that technically, every lot in that subdivision has a right to drive along that road, because it's never been built out. He said again, that if the Town doesn't want it, then the applicant can file a quick claim deed in Goshen, and come in with essentially going from 3 descriptions from 1 description and consolidate.

Mr. Plotsky said that the applicant does need to find out if she can get title insurance, so that if someone is going to buy that property sometime in the future, she needs to make sure that she can deliver that title. He said that no lender will give the applicant money, unless she can get title insurance on the land. He said that the developer of the property never technically deeded over the property to the Town, and then the Town never officially accepted that offer of dedication, but because the plans were filed in Goshen, technically, if the Town wanted to, they could go to the County and essentially come in and knock down anything that is in that area and pave it over, and it will become a town road.

Mr. Plotsky continued to say that this is why the applicants need to come before the Town Board and find out if this is what the Town wants to do. He said that the Town can then give up and waive its' right to have that dedicated. He said that it is also true that anybody else who bought within that subdivision has a right to use that strip, if it gets turned into a road. He said that a quick claim deed would at least be an indication that she is claiming that property, against anyone else's claim to use it.

Mrs. Grant thanked the Board.

BASHERKILL SUBDIVISION -

SECTION - BLOCKS - LOTS = 8 - 1 - 1.3, 23.1 & 23.21

Owner/ Applicant Orange County Holding Co., LLC wishes to create approximately 300 single family homes on property located off of Route 211, Cuddebackville, N.Y.

It is in the RR & HMU Zones.

Application received April 4, 2005.

Board to discuss latest DEIS submission and relate their comments and concerns.

Al Fusco said that he did send a copy of his comments to the applicant. He said that their engineer had telephoned him and he then sent a letter to him, and he never got back to him, so Mr. Fusco said that he then sent another letter to the engineer.

Mr. Fusco said that that first letter dealt with the completeness of the DEIS in reference to the scoping. He said that in reviewing the scoping document again, he found areas that were deficient, and drafted this second letter, which is more of a technical review, but also labels it as preliminary, because in looking at the document, more and more issues jump out at him. He then went over the second letter that he had issued:

--The date that the document is approved for completeness, will be added to the front cover.

--The front cover page will also include all of the consultants, and the wetlands consultants need to be identified

--Required approvals should include permits from NYSDOT, that will be accessing out onto Route 211. The NYSDOT also needs to be added as an involved agency.

--Table of Contents needs to be upgraded.

Dan Loeb asked if Sullivan County would be an involved agency.

Al Fusco answered that the NYSDEC basically trumps Sullivan County, however, the Board can mandate to the applicant, that Sullivan County should be an involved agency.

--Architectural styles and elevations need to be added.

--Density calculations. He said that if the Planned Residential Community for the DEIS is approved, then it will automatically add 20% density to the permitted use, and the Deerpark Town Board may not go along with that.

--The applicant says that there is more buildable acreage than it appears that there actually is on the proposed site.

Mr. Fusco said that the applicant did deduct the wetlands, but they did not deduct the wetland buffer. He said that they did not deduct any of the right-of-ways, such as electrical right-of-way. He said that the roads, whether they're public or private, are right-of-ways and have to be deducted. The applicant did deduct out the steep slopes. The lake still has to be deducted out. He said that all of this will change the density. He said that their calculations

are 383 and it's actually more like 325. He said that the density will definitely change.

--The applicant did not adequately address the request by the Board for subsurface disposal of effluent from the sewage treatment plant, and did not adequately discuss the possibility of temperature pollution from the sewage treatment plant. Mr. Fusco said that the applicant just put a line in the document that says that "there is too much sewage here and we can't do anything with it, and it's got to go into the kill." Mr. Fusco said that this does not adequately address what the Board wants, and the applicant needs to put more than that one paragraph in the document. He said that the applicant needs to write down what can be done; are the soils allowable; can the applicant do a part of it; can the applicant do something of that nature. Mr. Fusco said that because of the temperature pollution, the applicant says that the sewage and the sewage treatment plant will not increase the temperature at the outfall.

Mr. Fusco said that he does not agree with that observation.

--Recharge. Mr. Fusco said that the applicant indicated on their water recharge that they had more than enough. He said that however, during drought conditions, they still had sufficient recharge, but they're numbers are too close. He said that droughts may be more common, and the applicants need to come up with better numbers. He said that a "mound system" can be an option, or a big lagoon can be created to go into the wetlands, and those plants in the wetlands help to clean the effluent, and that helps the recharge too. He said that there are alternatives, and the applicant should not just dismiss it in one paragraph. He said that all pumping stations, for water, sewage and the sewage treatment plant will have back-up generators, and alarms and whistles and all kind of safety equipment.

Dan Loeb said that the applicants indicated that they had conducted a well test, and it was unclear as to the depth of that test well. He said that it seems that the well that they used, there were problems of boulders in the way, preventing them from drilling the well, so they re-located that test well to a sandy, soil area, but there was no mention of the depth of the well. Dan Loeb said that apparently the applicants did get adequate flow from that well to substantiate their calculations. He said that however, in the DEIS, there is NYS protocol for testing, of which, the applicants didn't even come close to following.

Al Fusco answered by saying that the applicants, at this point, did not do the fully certified required Health Department testing. He said that however, when the applicants did the scope for the DEIS, included in the scope was a question, "tell us what the Health Department regulations are." Mr. Fusco said that that was then included in the document. He said that basically the applicants took that scope and answered the questions, such as "tell us about the wells," and the applicants answered, "we have to do a 72 hour test, but we only did a 24 hour test, and that 24 hour test said that we're getting 300 gallons per minute, but the NYS Health Department Code says that we have to do a 72 hour test, which we will do when the time is right."

Al Fusco said that the applicant has not complied with the NYS Health Department regulations yet and they have to do a lot more testing. He said that they still have to prove that they have 2 independent sources.

--Landfill site was not adequately addressed. Al Fusco said that the scoping document had at least a full page in talking about the landfill, but more information and clarification is needed. He said that a sampling well should be included, and that is, the Board decides how often the wells should be tested.

--Upper Delaware River designation has 2 acre zoning. Al Fusco said that the Upper Delaware River designation is not appropriate in this case, and that can be scratched out.

--Public parks have minimal active recreation. Al Fusco said that the new recreation that the applicants are going to provide, on site, is just passive, and there's no additional active recreation. He said that since there is a projected to be an additional 1,000 people, the applicants must provide some type of ball-field or something.

Dave Dean asked what is the recreation fee that this applicant will be subject to?

Skip Wilson answered \$1,000 per lot.

David Dean asked, how many lots are they subject to?

Al Fusco answered, approximately 350 lots.

--Plan to properly cap the landfill is required. Al Fusco said that this topic was not discussed at all in the scoping document.

--Landscaping still needs to be noted. Al Fusco said that the applicants had said that they are not planning any major landscaping, because they are going to leave so much forever wild. He said that that is fine, but they also had showed street trees along all of the boulevards, and also they made note that on County Route 61 the view is of the back of the units. He said that in the technical aspect, landscaping needs to be included there, and re-design or turn the units, so that the back of the units are not in view, when you're driving along County Route 61.

--Discussion of enhancing the wildlife habitat that the applicants are removing. Al Fusco said that more wildlife plantings need to be made, a food plot, wildlife crossing area, etc.

--Flight paths of migrating birds and the effect that the project lighting would have on that. Al Fusco said that the Board members had earlier indicated that they wanted the paths of the migrating birds addressed. He said that that has not been discussed much in this scoping document, and neither the applicant nor himself know what the Board members mean by this request.

David Dean said that that was a concern, because of the closeness of the Basherkill area.

--Eagles, Indiana bats, box turtles, etc. Al Fusco said that the applicant did not adequately address how to protect the various wildlife species which will be impacted.

--Impact of the Basherkill wetlands. Al Fusco said that the applicant needs to more adequately provide double protection, such as two silt fences, instead of one, because the Basherkill is a sensitive resource. He said that he has never seen a construction site that hasn't spewed muddy water into the neighboring stream. He said that protection is needed during construction and post construction also.

--Fire Department comments. Al Fusco said that there are no comments included in the DEIS, and the local Fire Companies need to definitely be involved and get their concerns addressed. He said that the applicant needs to make a concerted effort to reach out to the local Fire Companies. He said that if the Board so deems, he can reach out to the Fire Departments on the Boards' behalf.

--Police Department impact. Al Fusco said that the Police had indicated that this will be an overwhelming impact for them, and the applicant may have to pay some additional money so that the Police can have an additional vehicle and manpower, etc. He said that private security may also be an answer that coordinates with the local Police Department.

--Schools. Al Fusco said that the applicants had indicated that \$15,900 is required for each additional student. He said that the applicants are planning on 155 additional students, and that all needs to be verified by the statistics that the School District uses itself. He said that the applicant had indicated that since the Town gets State aid and Federal aid and grants, that they will only use the figure of \$7,000 per student. He said that there is always the possibility of state aid drying up, federal aid drying up, grants dry up, etc. He said that these numbers need to be brought back to reality.

--Archeological Study Al Fusco said that the applicants' archeological study indicates that the land is a likely site for archeological resources and needs further evaluation. He said that the applicant indicated that there are some possible Native American living areas within the property. Studies regarding this issue still need to be done.

--Alternatives to reduce impacts. Al Fusco said that the applicants only show an alternative that, if the Town Board

did not give them the Planned Residential Community, then there will only be 350 single family houses there on a bigger footprint. He said that the applicant has not really looked at the alternative of reducing impact, and that reduced impact will be a reduction in density.

--Any other Board comments.

Al Fusco said that both the Town Board and the Planning Board have to agree on whether or not the applicants will be allowed to have the Planned Residential Development that they are seeking, and suggested that the Boards have a joint meeting.

#### MARTEL HOLDINGS LLC. SUBDIVISION - DISCUSSION

The Board scheduled a workshop for this applicant on their June 11, 2008 agenda.

#### GARY BUTLER SUBDIVISION - DISCUSSION

Skip Wilson said that the applicant has still not settled his town engineering bills, so a public hearing for this application cannot be scheduled until the bills are paid.

#### DEERPARK GREENS - DISCUSSION

David Dean asked Mr. Plotsky if he had heard back from this applicants' engineer concerning the letter that was sent to him. Mr. Plotsky answered no.

#### AMERICAN FAMILY CAMPGROUND - DISCUSSIONs

David Dean asked if Mr. Plotsky had heard back from this applicant.

Mr. Plotsky answered that the Building Department will have to co-ordinate with the Planning Board and co-ordinate with his office, to come up with an amicable solution, and as part of that solution will be the filing of a site plan by this applicant and coming before this Board.

#### HIGHLAND OPERATING LLC - DISCUSSION

Al Fusco said that this applicant did a well test, as per the Health Departments mandate, and the results of that test is that they had approximately 420' and had a 4 hour well test on it, and basically they received 5 to 7 gallons per minute. He said that after 12 hours the water level went down even further. (He said that the Health Department had not requested that the applicant test any wells off site.) He said that the developer asks if this well test is sufficient for the Board. He stated his opinion that he usually goes along with what the Orange County Department of Health recommends. He said that the OCDOH may even say, after getting these results, for the applicant to do another well.

#### ADJOURNMENT

Gary Spears made a motion to adjourn. David Dean 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 8:50 p.m.

Respectfully submitted,

Barbara Brollier, Secretary