

The Deerpark Planning Board met for their bi-weekly meeting on Wednesday, June 13, 2007 at 7:00 p.m. at Deerpark Town Hall, Route 209, Huguenot, N.Y. The following members were present:

PLANNING BOARD MEMBERS

Willard (Skip) Wilson -Chairman	David Dean	Derek Wilson
Theresa Santiago	Dan Loeb	

OTHERS

Mr. Glen A. Plotsky, Town Attorney
Mr. Timothy Gottlieb, Gottlieb Engineering
Mrs. Kathy Smith, Applicant
Mr. Bob Onofry, Esq.
Mr. Robert Vicaretti, Applicant

THE PLEDGE OF ALLEGIANCE

JAMES DOSCH - PUBLIC HEARING

Represented by Timothy Gottlieb, Gottlieb Engineering 794-5506

Owner/ Applicant James Dosch wishes a 4 lot subdivision on property located on Franke Rd., Huguenot, N.Y.

It is an RR Zone.

Section - Block - Lot = 27 - 1 - 11

Application received November 28, 2003.

SEE ATTACHED PUBLIC HEARING RECORD

Dan Loeb asked if the note for the stone wall preservation was concluded?

Tim Gottlieb answered that he didn't know, but he will put the note on the map.

David Dean said that the consensus of the Board now, is that any existing stone walls in any proposed subdivision should be preserved, and a note put on the map.

Tim Gottlieb said that the highway superintendents' memo had two conflicting comments, that is, one comment said that an 18" pipe is required, and the other comment said that a drainage study is needed to determine if the pipes are of sufficient size.

The Board agreed that the minimum is 18", and Mr. Gottlieb can evaluate it and go from there.

The Board then made a review of the short form EAF filed on the project. The responses provided were accepted, and the Board reviewed all questions contained in Part II and answered "no" to all questions on the SEQRA form.

MOTION

On the basis of the Board's review of the latest plans, EAF and public record, Derek Wilson made a motion for a negative declaration. David Dean second. Roll call vote: Santiago, aye; Loeb, aye; D. Wilson, aye; Dean, aye; W. Wilson, aye. Motion carried.

David Dean asked if there's any existing hunting clubs nearby?

Tim Gottlieb said that he believes there are none, but he will double check that.

Skip Wilson said that he will get a communication from the town engineer when he deems the final site plans complete.

MOTION

Derek Wilson made a motion for conditional approval on the Dosch subdivision, conditioned on the addressing

of all of the town engineers' technical comments from his May 8, 2007 memo, that a note be put on the map concerning the preservation of the stone walls, that the applicants' engineer will check for any adjoining hunting clubs and payment of all fees. David Dean second. Roll call vote: Santiago, aye; Loeb, aye; D. Wilson, aye; Dean, aye; W. Wilson, aye. Motion carried.

Mr. Gottlieb thanked the Board.

LOU RIZZO

Skip Wilson said that the applicant had telephoned and canceled.

GARY & KATHY SMITH - PRE-APPLICATION CONFERENCE

Represented by Kathy Smith

Owners/ Applicants Gary & Kathy Smith with a 3 lot subdivision on property located on Forestburgh Rd., Sparrowbush, N.Y.

It is an RR Zone.

Section - Block - Lot = 34 - 1 - 46.212

Mrs. Smith indicated the proposal on her survey map to the Board, saying that there is an existing home on one lot, and they would like to add two 5 acre lots.

The Board added up the road frontage to be 615.58'.

The Board saw no problem with this proposal, and instructed the applicant as to the subdivision planning board process.

Mrs. Smith thanked the Board.

DEERPARK VILLAGE ASSOCIATES

Represented by Bob Onofry, Esq.

Mr. Plotsky asked the Board if they all got the town engineers' memo dated June 8, 2007.

He said that the memo basically outlines the action that the Board should take. He said that the Board has to determine if the DEIS is complete, and according to this memo, the town engineer indicated that it is.

Mr. Plotsky said that the Board has to schedule a public hearing, and the recommended date is July 11, 2007.

Mr. Plotsky said the Board has to decide who the parties will be, to be notified concerning the public hearing.

Mr. Onofry said that it isn't a question of who is to be notified, it's what category they will be placed in. He said that in the supplemental DEIS, in Section II (6, 7), the involved agencies are outlined, that is, the agencies who need to review the document and have an impact on the overall approvals. He said that the following agencies are involved agencies:

1. Deerpark Planning Board;
2. Deerpark Town Board;
3. Orange County Department of Health;
4. Department of Environmental Conservation
 - State Pollution Discharge Elimination Systems permit for discharge of sewage;
 - Treatment Plant Effluent and for construction activities;
 - Water Supply Permit for the water supply system including the taking of water from wells;
 - Freshwater Wetlands Permit for disturbance to the regulated wetlands and site wetlands which are currently not included in the State inventory of regulated wetlands (are added to the State inventory);

- Water Quality Certification Permit for the placement of fill and federally regulated wetlands;
 - Permit for Construction of Collect Sewers and Sewer Treatment Plant.
5. Delaware River Basin Commission;
 6. Army Corp. of Engineers.

Mr. Onofry said that the town engineer had suggested that the Orange County Department of Planning be included. He said that a copy of the plan will be sent to this agency, but from the planning perspective, they were notified jurisdictionally when the town acted and put the PRRD in place under the zoning. He said that Orange County Department of Planning had reviewed it as an overall county plan, and so the Board will have input on that. He said that from a decision, in terms of a permitting basis, the Orange County Department of Planning is not an involved agency. He said that they would be an interested agency and put comment in.

David Dean said that he would like to see added as an interested agency, the Fish and Wildlife division of the NYSDEC, because he said that this project will impact the availability of huntable land.

Derek Wilson said that he would like to see the Upper Delaware Commission also added as an interested agency.

Derek Wilson asked if the Board will get copies of this document.

Mr. Onofry answered that four copies were delivered to the town engineer. He said, however, 15 copies will be delivered within the next two days to the town hall. He said that a copy will also be delivered to the Port Jervis Public Library.

MOTION

David Dean made a motion to declare the supplemental Draft Environmental Impact Statement as complete. Derek Wilson second. Roll call vote: Santiago, aye; Loeb, aye; D. Wilson, aye; Dean, aye; W. Wilson, aye. Motion carried.

MOTION

Derek Wilson made a motion to set the public hearing date of July 11, 2007, at 7:00 p.m. for the supplemental Draft Environmental Impact Statement, conditioned upon Mr. Onofry getting the copies to the town hall within the next two days.. Dan Loeb second. Roll call vote: Santiago, aye; Loeb, aye; D. Wilson, aye; Dean, aye; W. Wilson, aye. Motion carried.

David Dean suggested that this be the only applicant on the July 11, 2007 agenda.

Derek Wilson asked if the Board has to set the public comment period for this application to be closed on Monday, August 13, 2007, as suggested by the town engineer?

Mr. Plotsky answered that the Board will make that motion tonight, so it's part of the notification deadline.

MOTION

Derek Wilson made a motion to set the close for public comment period for Monday, August 13, 2007 for the involved agencies.. Theresa Santiago second. Roll call vote: Santiago, aye; Loeb, aye; D. Wilson, aye; Dean, aye; W. Wilson, aye. Motion carried.

Mr. Onofry asked for a resolution from the Board recognizing the applicants' listing of involved agencies, with the interested agencies list being jointly prepared with counsel for the Planning Board.

DEGROAT & SHAW SUBDIVISION

Represented by Timothy Gottlieb, Gottlieb Engineering 794-5506

Owners/ Applicants Dennis Degroat, Jr. & Patricia Shaw wish a 2 lot subdivision on property located at the intersection of Neversink Dr. & Grist Mill Rd., Town of Deerpark.

It is a RR Zone

Section - Block - Lot = 53 - 1 - 78

Application received May 30, 2007.

Mr. Gottlieb said that all soil testing is done, and he's met with the County on the entrance onto Neversink Drive and they don't have a problem with it. He said that there is good sight distance.

Derek Wilson asked if part of the septic is on the adjoining lot owner?

Mr. Gottlieb answered that he will check that.

The Board referred to the town engineers technical memo, dated June 8, 2007.

David Dean asked Mr. Gottlieb if he will identify the type of off site stream and the water course that traverses both of the lots?

Mr. Gottlieb answered that it is not a water course, it's just a swale of some sort, and will label it, if it's a drainage swale.

Mr. Gottlieb said that the town engineers' comments will all be addressed by the next meeting, and he will bring a copy of the parent subdivision site plan to the next meeting.

MOTION

David Dean made a motion to declare the DeGroat/ Shaw subdivision a minor subdivision. Derek Wilson second.

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

W. Wilson, aye. Motion carried.

MOTION

Derek Wilson made a motion to set the public hearing for the DeGroat/ Shaw subdivision for

July 25, 2007. Dan Loeb second. Roll call vote: Santiago, aye; Loeb, aye; D. Wilson, aye; Dean, aye; W. Wilson, aye. Motion carried.

GARY BUTLER

Represented by Timothy Gottlieb, Gottlieb Engineering 794-5506

Owner/ Applicant Gary Butler wishes a 3 lot subdivision on property located on Franke Rd., Huguenot, N.Y.

It is a RR Zone

Section - Block - Lot = 27 - 1 - 16.22

Application received May 16, 2007.

Mr. Gottlieb said that there is a proposed cul-de-sac of 779'.

MOTION

David Dean made a motion to declare the Gary Butler subdivision a minor subdivision. Theresa Santiago second.

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

W. Wilson, aye. Motion carried.

The Board referred to the town engineers technical memo, dated June 8, 2007.

Derek Wilson asked about stormwater management?

Mr. Gottlieb said that that will be addressed, when he re-submits.

The secretary was instructed to add this applicant to the July 25, 2007 agenda.

ROBERT & JOANNE VICARETTI

Represented by Robert Vicaretti

Owners/ Applicants Robert & Joanne Vicaretti wish a 2 lot subdivision on property located on ShinHollow Rd., Town of Deerpark, Orange County, N.Y.

It is an RR Zone.

Section - Block - Lot = 38 - 1 - 19.2

Application received April 11, 2007.

Mr. Vicaretti presented a letter to the Board from Columbia Gas Company, dated June 11, 2007, stating that this subdivision has no effect on their right-of-way.

Mr. Vicaretti said that there's still a note to be added to the site plan concerning the sight distance from the proposed driveway. He said that when he hears back from the town engineer about any other issues, then he will get the new maps drawn up.

MOTION

David Dean made a motion to approve the Vicaretti subdivision, subject to review of any notes on the plan by the town engineer plus payment of all fees. Theresa Santiago second. Roll call vote: Santiago, aye; Loeb, aye; D. Wilson, aye; Dean, aye; W. Wilson, aye. Motion carried.

VICKI MOULTON- DOROUGHTY - PRE-APPLICATION CONFERENCE

Applicant was not on the agenda.

Mrs. Doroughty told the Board that she just purchased the property at #69 Route 6, and does not have the certified deed, because it hasn't come back from the County yet. She said that she wants to put a swimming pool on the property, but it's two lots, and she wishes to consolidate the lots.

She said that there is an existing house and an existing garage on the property. She indicated on the survey map where the pool is going to be located.

The Board advised the applicant to file an application and the attachments and pay the planning board fee, and she can be placed on the next agenda.

COMMUNICATION AND CORRESPONDENCE FROM THE CHAIR

PORT ORANGE SUBDIVISION

Skip Wilson told the Board that the Port Orange subdivision is requesting an extension from the Board, to finish their project.

MOTION

Derek Wilson made a motion to give the Port Orange subdivision a 4 month extension. Theresa Santiago second. Roll call vote: Santiago, aye; Loeb, aye; D. Wilson, aye; Dean, aye; W. Wilson, aye. Motion carried.

DEERPARK GREENS

Skip Wilson said that this applicant had telephoned him and asked to be placed on the agenda tonight, but they did not appear tonight.

CUDDEBACKVILLE FIRE DISTRICT

Skip Wilson said that in speaking with the Cuddebackville Fire District, that they had requested that the Board send copies of this Boards' minutes to them.

The secretary was instructed to do that.

QUESTION ABOUT EXECUTIVE SESSION

Derek Wilson asked Mr. Plotsky that if an applicant has a Supreme Court ruling from 15 years ago, guaranteeing them the right to develop; and then after a 15 year absence they come before this Board, can the Board go into executive session to discuss the impact of that Supreme Court ruling to the Planning Board?

Mr. Plotsky answered yes, the Board can go into executive session, based upon the premise of “potential litigation.”

DRAGON SPRINGS BUDDHIST INC.

Dan Loeb stated his opinion, that he feels that his integrity is being questioned when Dragon Springs appears before this Board lately. He said that he feels that he is represented as having an overt discrimination on his part.

Mr. Plotsky told the Board members that they can invite Ms. Han, their other attorneys, and other representatives to a meeting, with no application pending, and raise the issue directly with them.

He said that he will write an invitation to them, inviting them to the next meeting for discussion.

David Dean referred to a letter from Dragon Springs requesting an extension of their special use permit.

MOTION

David Dean made a motion to extend the Dragon Springs special use permit for two weeks until the Board gets a report back from the Building Inspector that there are no violations, and place this applicant on the next agenda at 6:30 p.m.. Theresa Santiago second. Roll call vote: Santiago, aye; Loeb, aye; D. Wilson, aye; Dean, aye; W. Wilson, aye. Motion carried.

PORT JERVIS SCHOOL DISTRICT

Theresa Santiago asked if the School Superintendent had ever replied back, pertaining to the letter the Board had sent the school district, concerning the several large projects that are pending before this Board.

Skip Wilson answered no.

ADJOURNMENT

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

Meeting adjourned at 8:30 p.m.

Respectfully submitted,

Barbara Brollier, Secretary