

The Deerpark Planning Board met for their bi-weekly meeting on Wednesday, June 27, 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
Theresa Santiago

David Dean
Dan Loeb

Noel Malsberg
Gary Spears

OTHERS

Mr. Glen A. Plotsky, Town Attorney
Mr. Ron J. Gainer, Town Engineer
Mr. Bob Emerson, Town Building Inspector
Mr. Mark House, Town Supervisor
Mr. Ed Ward, Applicant
Mr. Jim McCalliskey, Applicant
Mr. Robert Zeller, Applicant
Ms. Vicki Moulton-Dougherty, Applicant
Mr. John Stack, Applicant
Mr. Jack Stack, Applicant

THE PLEDGE OF ALLEGIANCE

DRAGON SPRINGS BUDDHIST INC.

The Chairman read a letter to the Board from the Building Inspector..."In regard to your letter dated June 19, 2006 addressed to Cuddy and Feder, please advise that there are no violations at this time regarding the premises. Therefore, this department recommends that the Town of Deerpark Planning Board renew the special use permit for one year for Dragon Springs."

MOTION

David Dean made a motion to extend the Dragons Springs special use permit for one year.

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

Mr. Plotsky said that he will notify the applicants as to the Boards' decision.

McCALLISKEY & WARD SUBDIVISION

Represented by Ed Ward & Jim McCalliskey

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

It is an RR Zone.

Section - Block - Lot = 7 - 1 - 37

Application received June 4, 2007

Ron Gainer referred to his technical memo on this project, dated June 25, 2007. He said that a prior meeting the Board was concerned about topography on the site and asked that a slope analysis be filed at the time the formal application was submitted. He said that the Board asked the applicants to identify soil designations on the tract and to submit a long for EAF. (Environmental Assessment Form). He said that there are some comments on the EAF that still need to be resolved. He said that that long form EAF was filed, but the balance of the Boards' requests are still pending.

Ron Gainer said that if warranted, the Board may decide to make a site visit to evaluate the intended house locations and the driveway access. He said that the Board may want to designate this application as a minor subdivision, in accordance with the Town Code. He said that the standard referrals need to be made.

The Board decided to schedule a site inspection for Monday, July 2, 2007 at 6:30 p.m., meeting directly at the site. Ron Gainer said that a representative from his office will also attend.

Ron Gainer asked the applicants to confirm with their architect that he'll prepare a slope analysis that the Board had asked for. They said that they will do that.

The Board asked for the footprint of lot #5 to be submitted. They said that they will do that.

ROBERT & JANICE ZELLER - LOT LINE ADJUSTMENT

Represented by Robert Zeller

Owners/ Applicants Robert & Janice Zeller are seeking a lot line adjustment on property located at 393/395 Neversink Dr., Town of Deerpark.

It is an RR Zone.

Section - Block - Lot = 53 - 1 - 18

Application received June 11, 2007

ZBA Variance was granted on May 24, 2007

The Board reviewed the site plans presented by the applicant. He said that the lot sizes have remained the same, that is, 3.3 acres and 5.2 acres.

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

David Dean made a motion for negative declaration, Gary Spears second. Roll call vote: Santiago, aye; Malsberg, aye; Loeb, aye; Spears, aye; Dean, aye; W. Wilson, aye. Motion carried.

MOTION

Gary Spears made a motion to approve the Zeller lot line change. Theresa Santiago second. Roll call vote: Santiago, aye; Malsberg, aye; Loeb, aye; Spears, aye; Dean, aye; W. Wilson, aye. Motion carried.

VICKI MOULTON DOUGHERTY - LOT CONSOLIDATION

Represented by herself

Owner/ Applicant Ms. Dougherty is seeking a lot consolidation on property located at #69 Route 6, Town of Deerpark, Orange County, N.Y.

It is an HMU Zone.

Section - Block - Lot = 57 - 1 - 60 & 64

Application filed June 13, 2007.

Ms. Dougherty had filed the necessary deeds in accordance with Section 3.7 of the Town Zoning Code.

MOTION

David Dean made a motion to declare the Vicky Moulton Dougherty lot consolidation a Type II action. Gary Spears second. Roll call vote: Santiago, aye; Malsberg, aye; Loeb, aye; Spears, aye; Dean, aye; W. Wilson, aye. Motion carried.

MOTION

Theresa Santiago made a motion that no further review is needed on the Vicky Moulton Dougherty lot consolidation. Noel Malsberg second. Roll call vote: Santiago, aye; Malsberg, aye; Loeb, aye; Spears, aye; Dean, aye; W. Wilson, aye. Motion carried.

MOTION

David Dean made a motion to approve the Vicky Moulton Dougherty lot consolidation under Section 3.7 of the Town of Deerpark Zoning Code. Gary Spears second. Roll call vote: Santiago, aye; Malsberg, aye; Loeb, aye; Spears, aye; Dean, aye; W. Wilson, aye. Motion carried.

DEERPARK GREENS

Represented by John & Jack Stack 355-4663

Owners/ Applicants Horizon Heights wishes to build residential units and a commercial strip mall on property located on Route 209, Huguenot, N.Y. (location of old Huguenot Hotel).

It is an HMU Zone.

Section - Block - Lots = 38 - 1 - 1, 99, 100

Applicants have requested this second pre-application conference because of environmental questions.

Mr. Stack reviewed by saying that they were before this Board approximately 2 or 3 months ago, with the proposed concept. He said that since that time there has been further dialogue with Orange County regarding this project, and it appears that everything is falling into place for this project to come to fruition, and he is in the process of acquiring the basic engineering data.

He said that a formal application with a long form EAF was submitted yesterday, along with site plans. He said that an escrow account was set up with the Town Supervisors' office.

Mr. Stack said that concerning the Notice of Intent, he asked that the 30 day clock be started.

He said that he has questions about how to justify the number of units, that is, the Town of Deerpark Zoning Code states that some is soil based zoning with some bonus' given to the HMU, and there's additional bonus' given for multi-family units. He asked if this is appropriate to speak with the Board about this, or just the consultants would speak of it?

Ron Gainer answered that what normally evolves, is that the applicant would make a submission to the Planning Board to explain their actions as to the density proposed, and the Board would then evaluate it, pursuant to the Code. He said that it would not be discussed tonight, but they should provide those calculations in the future. He said that he can meet with him informally, to assist him in that regard.

Ron Gainer said his office will put together the packets to mail out to establish lead agency.

MOTION

Gary Spears made a motion for the Planning Board to declare their intent for lead agency subject to the approval of the long form EAF by the Town Engineer. Theresa Santiago second. Roll call vote: Santiago, aye; Malsberg, aye; Loeb, aye; Spears, aye; Dean, aye; W. Wilson, aye. Motion carried.

Mark House said that the Town Board had sent a letter to Orange County in support of this project.

ALFONSO CERCELLI - PRE-APPLICATION CONFERENCE

Represented by Nick Dushaj 234-1450

Owner/ Applicant Alfonso Cercelli wishes to create a restaurant in the old building located on the corner of Route 42 and Wilson Rd., Sparrowbush, N.Y.

It is a RR Zone.

Section - Block - Lot = 33 - 1 - 10.1

Applicant has spoken with the Building Inspector

Mr. Dushaj asked whether this property can be utilized as a restaurant, as it was before.

Bob Emerson said that it has been closed for more than one year, and it is a one acre parcel.

The Board determined that this use is not allowed in the RR Zone, pursuant to the Town of Deerpark Zoning Code, and the applicant will have to apply to the ZBA for a use variance, if he wishes to pursue this project.

COMMUNICATION AND CORRESPONDENCE FROM THE CHAIR DEERPARK VILLAGE

Ron Gainer said that there was an error in getting the public hearing notice out for this application (for the DEIS), and he asked the Board to re-schedule the public hearing for the next Planning Board meeting and change the date for the close of the public comment period by two weeks.

MOTION

Dan Loeb made a motion to schedule a public hearing for the Deerpark Village DEIS for Wednesday, July 25, 2007 at 7:00 p.m. and schedule the close of the public comment period for August 27, 2007. Gary Spears second. Roll call vote: Santiago, aye; Malsberg, aye; Loeb, aye; Spears, aye; Dean, aye; W. Wilson, aye. Motion carried.

RIVER COUNTRY PROJECT, LOCATED AT I-84 INTERCHANGE

Ron Gainer said that the lead agency materials have gone out for this project, and the recipients have until mid-July 2007 to respond.

Glen Plotsky said that since this project is located in both the City of Port Jervis and the Town of Deerpark, the City of Port Jervis Planning Board has indicated that they would prefer that the Town of Deerpark Planning Board be the lead agency for this project.

ROAD ABANDONMENTS

David Dean asked about an e-mail received from the Town Engineer about road abandonments. Ron Gainer answered that this topic came up because of the Deerpark Village application, and their desire to construct an emergency connection to Cochection Turnpike, that abuts their property. He said that the primary access is off Wilson Road at two points of access; and because of the size of the project, they are also proposing an emergency access. He said that the physical roadway of Cochection Turnpike does not exist, and in checking with the Town Highway Department, there's been no formal abandonment of the Turnpike. He said that the New York State Highway Law specifies a specific abandonment process to be followed. He said that he has asked Deerpark Village applicants to clarify their right to use the access, and what is presently in the DEIS is just an understanding that it is still a legal town road, even though it does not exist, but exists only on paper.

Mark House said that it is considered an "ancient" roadway.

Ron Gainer answered that research is being done to try to understand the situation, but the applicant has taken the position that they have a right to go in.

Ron Gainer said that his concern, not just for this project, but for any application, is that paper roads are represented on plats, and it may be appropriate to understand, and if necessary, to have the town pursue proper abandonment procedures.

Mark House said that he has spoken with the prior Highway Superintendent about this very issue, that is, paper roads off of Hickory Lane, off of Skinners Lane, etc., where ancient or antiquated subdivisions were proposed many decades ago, and those subdivision were never completed, and in fact, the original subdivisions cannot be located physically or even on paper. He said that he had asked the

Highway Superintendent to go through and look at those subdivisions and contact the property owners and file it as a quick claim and have the town sign the roads over as abandoned for lack of use over a certain period of time. He said that this has already been done off of Prospect Hill Road, and off of Hickory Lane, and several others.

Mark House said that the present Highway Superintendent can make the process more formal, by going through the Town Attorney.

Ron Gainer said that he had brought this subject up, so that the Town will not be burdened by any improvement costs, as long as the Town has no financial obligation to accomplish any upgrades, and it's entirely at the developers' cost.

DENSITY

Dan Loeb said that he read an article in the Times-Herald Record newspaper about density problems in the Town of Goshen, N.Y. He said that several large projects have come before this Board, and he wishes to follow Goshens' procedures handling this problem. He said that Goshen is reviewing their density procedures, and they have several roads that are on the verge of failure, because of many large projects. He said that Goshen specifically addressed retirement districts, in connection with commercial zoned areas. He said that he will get information to this Board, as he follows Goshens' progress.

Ron Gainer said that his firm is also Town Engineers for the Town of Goshen, and that town went through a re-zoning process 5 or 6 years ago, and they created hamlet districts and significant density bonus formulas, to provide incentives for the creation of significant open space. He said that there has been a recent traffic study in Goshen, and failed intersections happen, and/ or other intersections will fail because of the amount of growth.

FIVE STAR PROPERTIES APPLICATION

Mark House said that gentlemen representing this project will be meeting with the Town Attorney, the Planning Board Chairman, and himself tomorrow at 11:00 a.m. at Deerpark Town Hall, about their proposal, so that they can come before this Board for a pre-application conference. He said that the developers have mentioned the words "seniors" and "affordable."

ADJOURNMENT

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

Meeting adjourned at 8:30 p.m.

Respectfully submitted,

Barbara Brollier, Secretary