

The Deerpark Planning Board met for their bi-monthly meeting on Wednesday, July 8, 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
Theresa Santiago

Dave Dean
Derek Wilson

OTHERS

Mr. Glen A. Plotsky, Town Attorney
Mr. Alfred A. Fusco, Jr., Town Engineer
Mr. Hector Baras, Architect
Mr. Damien Brady, Esq.

Mr. Gary Flieger, Town Supervisor
Mr. Seth Goldman, Applicant
Mr. Anthony Gioffre, Esq.

THE PLEDGE OF ALLEGIANCE

NEVERSINK VALLEY AREA MUSEUM – PRE-APPLICATION CONFERENCE

Represented by Mr. Seth Goldman, Director & Mr. Hector Baras, Architect 856-5708

Owner/ Applicant The Neversink Valley Area Museum wishes to build a museum next to their existing building on Hoag Rd., Cuddebackville, N.Y.

It is an HMU Zone.

Section 22, Block 1, Lot 85

Mr. Baras introduced the project by saying that the museum rents a couple of buildings from the County, and has now purchased acreage adjacent to the existing building to build new buildings that would house exhibit space, a theater, galleries, storage space, a meeting room, kitchen area, dining area and office space. He said that it would be a green building with solar hot water, insulated concrete forms and panels, and being a concrete building, primarily local bluestone. He said that there will be basement space, and it would be a slab on grade. He said that there will be no flush urinals and toilets. He said that there will be a green roofs on several of the buildings, of 1 ½ feet of earth with gardens and flowers.

He said that there will be a connecting path from the buildings to the old D & H Canal site. He said that there will be overflow parking created, of permeable surface.

He said that the museum has collected an extensive movie collection, dating back to the 1910's, as the history of the first motion pictures were produced in the Cuddebackville area.

Skip Wilson told the applicant that he will have to set up escrow accounts, with the Town Supervisors' office, and the Town Engineer said \$5,000 for his fees, and the Town Attorney said \$1,500 for his fees, and also a Planning Board application fee.

DRAGON SPRINGS BUDDHIST INC. - DISCUSSION

Represented by Mr. Anthony Gioffre, Esq.

The applicant had submitted new site plan drawings, ten days before this evenings' meeting, and Mr. Fusco said that in reviewing them, he has no issues with the changes.

Derek Wilson asked Mr. Fusco, if he sees any increased impacts on traffic, because of the changes on the plans? Mr. Fusco answered no. He said that the changes are that the applicants have eliminated two buildings, and re-installed it with one building, the footprint is less, but the square footage is more. He said that he had requested that the use be limited, so there is no fire in the area of existing buildings, and the building will be used basically for storage.

Mr. Gioffre said that the footprint of the building is reduced by over 3,000 square feet, and there will be no occupancy whatsoever, and will be no impact to traffic. He said that the prior two building footprint was 5,000 square feet each, and this new building is a 6,300 square foot footprint.

Dave Dean asked about these new plans, where some items say approved and other items on the plans say

“proposed.”

Mr. Gioffre explained what is proposed and what has already been approved.

The Chairman took a straw vote, and all members agreed to treat this as a minor modification of the site plan.

MOTION

Derek Wilson made a motion, to approve the Dragons Springs amendment application, to waive any further site plan review and a public hearing, and the applicant is to pay all escrow fees. Theresa Santiago second. Roll call vote: Santiago, aye; D. Wilson, aye; Dean, aye; W. Wilson, aye. Motion carried.,

DEERPARK VILLAGE ASSOCIATES - DISCUSSION

Represented by Mr. Damien Brady, Esq.

Mr. Brady said that he had received Mr. Fusco's technical comment sheet this afternoon.

Mr. Plotsky said that Mr. Fusco had sent to him, copies of the various letters that he had sent to the Board. He said that during his discussions today with Mr. Sachs, attorney for the applicant, he had forwarded to Mr. Sachs, copies of Mr. Fusco's letters, which were then forwarded to the applicants' engineer, Mr. Nat Parish.

Mr. Fusco explained by saying that he had sent out three letters; one, a copy to the Board, of issues that he and Mr. Parish had discussed informally, at a non-binding meeting, where Mr. Parish gave him, his point of view. He said that Mr. Parish reviewed Mr. Fusco's initial comments from May 2009, and had agreed to change the language of some of Mr. Fusco's comments, and some would be at a later time when the project was at that particular stage in its' process.

Mr. Fusco said that the second letter was a variation to the letter that he had given out, where he had identified traffic, sewer, water, etc. He said that the Board members comments were included in that letter, and he said that the Board may adopt that, as the items that they wish to review.

Mr. Fusco said that the third letter contained all the places in the FEIS where traffic is mentioned, and had anticipated that the Board would discuss this.

Skip Wilson asked Mr. Fusco if he had heard back from the Town Highway Superintendent yet, and Mr. Fusco answered no, he will be meeting with him however.

Mr. Brady said that it was his understanding that his clients were not aware that there was going to be a discussion this evening, and Mr. Parish was not available.

Derek Wilson said that at the last meeting it was stated that there would be a discussion this evening, and it is because of the applicant, that is the reason why there will be no discussion this evening.

Mr. Damien said yes, to a certain degree, and said that he had spoken to the client and the engineer, and they were not aware that the subject of "traffic" would be discussed in depth this evening.

Derek Wilson said that it should be clear in the minutes that the Board is prepared to discuss the issue of traffic this evening, and the applicant had been clearly notified at the previous meeting, and also given an index of the order of the subjects that were going to be discussed.

Mr. Plotsky said, referring to Mr. Parish' memo, that he takes exception to some of his assertions. He said that with regard to the review, there is no question that the Board clearly stated that they were going to discuss traffic this evening. He said that he believes that the confusion on the side of the applicant is, whether it has to do with whether a consultant would be retained by the Board, paid for by the applicant or not, and what the parameters of that consultant review would be. He said that it was made clear to Mr. Krahulik at the last meeting, of what the Boards' position is, in regard to the consultant, and that the Board was prepared to go forward, either with or without a consultant.

Mr. Plotsky said that a letter needs to be issued to the applicant, that indicates that they had not submitted anything to any of the comments that Mr. Fusco had issued, and therefore, there's no SEQRA time running at this point, until the applicant has given the Board another submission to review. He said that the applicant has already been notified that their initial draft of the FEIS is insufficient, and/or otherwise, unacceptable, and Mr. Fusco identified certain areas to Mr. Parish, with regard to exactly what needed to be re-done or reviewed with the Board, or between Mr. Parish and Mr. Fusco. Mr. Plotsky said that at this time the Board has received no re-submission, re-draft, or revision for consideration. Mr. Plotsky said that this Board is still at the same point where they were, when Mr. Fusco submitted his first letter to Mr. Parish.

Dave Dean expressed his opinion that the Board should not discuss this application tonight, because the applicant and his engineer is not present, and the letters from the Boards' engineer back and forth to the applicants' engineer, should be addressed when the applicants' representatives are present at a meeting.

Mr. Plotsky said that one of the two correspondence that the Board received tonight, and the applicant received this afternoon, has to do with the major topics that need further evaluation. He asked that Mr. Brady be given copies of all of the letters that were submitted by Mr. Fusco this evening.

Derek Wilson asked Mr. Fusco if the applicant had given him anymore information on the sanitary sewer?
Mr. Fusco answered no.

Mr. Brady said that Mr. Parish's memo states that he will respond in writing for the next Board meeting, any questions, and can meet with Mr. Fusco prior to that Board meeting.

Derek Wilson asked that the Board members receive e-mails from Mr. Fusco, concerning his conversations with Mr. Parish.
Mr. Fusco agreed.

COMMUNICATION AND CORRESPONDENCE FROM THE CHAIR

Skip Wilson said that he received a telephone call from the Basherkill Subdivision applicants, who requested a workshop to discuss some of their issues. He said that he did inform the applicant, that they need to replenish their escrow accounts with the Town, before coming back before this Board.

Skip Wilson said that the Board will schedule the Basherkill workshop at the next regular Planning Board meeting.

COMMUNICATION FROM THE TOWN ATTORNEY

Mr. Plotsky submitted a letter to the Board, that he received yesterday from the Deerpark Village Associates attorneys, stating that he will appear in court on Tuesday, July 14th, concerning this application.

The Board took a few minutes to read the correspondence.

EXECUTIVE SESSION

Derek Wilson made a motion for the Board to go into executive session for the purpose of discussion of litigation.
Dave Dean second. Roll call vote: Santiago, aye; D. Wilson, aye; Dean, aye; W. Wilson, aye. Motion carried.

The Board went into executive session at 8:15 p.m.

Derek Wilson made a motion for the Board to come out of executive session at 8:30 p.m. Dave Dean second.
Roll call vote: Santiago, aye; D. Wilson, aye; Dean, aye; W. Wilson, aye. Motion carried.

ADJOURNMENT

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

Meeting adjourned at 8:31 p.m.

Respectfully submitted,

Barbara Brollier
Secretary