

The Deerpark Planning Board met for their bi-monthly meeting on Wednesday, August 12, 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  
Noel Malsberg

Dave Dean  
Derek Wilson  
Theresa Santiago

#### OTHERS

Mr. Glen A. Plotsky, Town Attorney  
Mr. Al Fusco III, Town Engineer  
Mrs. Viola Sinsabaugh, Town Board Liaison  
Ms. Gail Cornelius, Applicant  
Mr. Tim Gottlieb, Gottlieb Engineering.  
Mr. Sean McConaghay, Applicant (Camp Deerpark)

#### THE PLEDGE OF ALLEGIANCE

#### BOB KEENER – PRE-APPLICATION CONFERENCE

Represented by himself 917-613-0986

Owner/ Bob Keener,

Applicant /James Falza wishes to buy and subdivide the property located at 51 Shore Dr., Myers Grove, Godeffroy, N.Y.

It is an NR zone. Section - Block - Lot = 29-11-19

#### APPLICANT DID NOT APPEAR

The secretary was instructed to tell this applicant, if he calls again, that he will have to file an application before coming back before this Board, because he did not telephone and cancel.

#### GAIL CORNELIUS – PRE-APPLICATION CONFERENCE

Represented by herself 858-8544

Owner/ Applicant Gail Cornelius has a question as to a lot line change of her property, located at 58 Neversink Dr., Town of Deerpark, Orange County, New York. It is an RR zone.

Applicant has spoken with the Building Inspector

Ms. Cornelius said that she was denied a building permit, because her house sits on two lots, that is, the property line runs through her house. She said, however, that she is grandfathered in, because the house is 80 years old. She said that she is not adding onto the structure. She said that 3 years ago, she did appear before this Board, and was told that she could consolidate the three lots, even though they would not conform. She said that at that time, she could not afford to consolidate.

Ms. Cornelius quoted from the Deerpark Zoning Law, Article 6.4 (6): page 72; Changes and Additions: “The use may only be expanded onto another property of record, if that property is immediately adjacent to the lot on which the original use was located, as of the effective date of this law or amendments hereto, and the use is not one which has been altogether prohibited as a new use under the law.”

Ms. Cornelius then quoted from the Deerpark Zoning Law, Article 6.5, page 73: “A structure may be erected any existing lot of record, providing the owner does not own adjoining property; no front yard is reduced in size and no side yard is reduced...”

Ms. Cornelius said that the two above Articles, conflict with one another.

Derek Wilson said that the applicant was denied by the Building Inspector for a building permit, and this Board does not have the ability to give the applicant a building permit. He said that the applicant can do a three lot consolidation through the Planning Board, however.

Ms. Cornelius said that her neighbor had acquired the abandoned roadway, that runs alongside of her property. She said that if she can acquire this small piece of property, it would make hers, an acre lot.

Derek Wilson answered, that even if Ms. Cornelius acquires, for example, 50 acres to attach to her lot, the fact that the house has a property line running through it, makes it nonconforming.

Ms. Cornelius said that all three lots are on one deed.

Derek Wilson answered that that does not matter. He said that the property is still nonconforming.

Noel Malsberg said that the applicant giving the reason that she does not want to pay for the process, is not a reason for this Planning Board to bend the Law.

Mr. Plotsky said that the applicant, if she wants, can file a quick claim deed, however, it will not be insurable, and no one may want to buy the property.

Ms. Cornelius countered by saying, that that strip along Hickory Road belongs to the Town of Deerpark.

Mr. Plotsky said that the applicant can write a letter to the Town Board, saying that it is owned by the Town, and it's unimproved, and ask them to sell it to her. He said that other than the fact that the applicant would be consolidating three lots, instead of two lots, it's not going to make a difference as to what the applicant can do. He said that in order to put an extension on her house, that currently straddles two lots, the applicant has to consolidate the two lots. He said that if an applicant has a nonconforming use on a nonconforming lot, she cannot expand the nonconformity. He said that the applicant can apply before the Zoning Board of Appeals to ask for a variance. He expressed his opinion, that since the applicant already owns lots one and two, and that lot line goes through the existing house, no Board will grant her permission to expand the house.

Ms. Cornelius asked, what then, is the purpose of a grandfather law?

Mr. Plotsky answered that, that grandfather law allows her to keep the house, and she doesn't have to tear it down, because it is not in conformity.

He said that the grandfather law allows for a title insurance company to insure that house the way it exists, straddling two lot lines, because it pre-existed the zoning. He said that it does not allow the applicant to expand that nonconforming use, which is what the applicant is asking the Board to do.

Derek Wilson said that if she consolidates the lots, she may have a reduced tax bill.

The Board agreed that the applicant should try to consolidate, which this Board can do.

#### CAMP DEERPARK - PRE-APPLICATION CONFERENCE

Represented by Mr. Sean McConaghay, & Timothy Gottlieb, Gottlieb Engineering 794-5506

Owner/ Applicant Camp Deerpark proposes to expand the camp located at Brandt Rd., Cuddebackville, N.Y.

It is an RR Zone

Section - Block - Lot = 7 - 1 - 22.21 & 38

THE APPLICANT WAS NOT ON THE AGENDA, BUT THE BOARD AGREED TO HEAR HIM ANYWAY.

Mr. Gottlieb said that the applicant wishes to expand the Childrens section of the camp with 7 cabins, and the Family Camp with 5 cabins, build a multi-use building, and a gym and a pool. He said that it will all be built in phases. He said that he has already spoken with the NYSDEC pertaining to the wetland and endangered species. He said that the septic and water systems will have to be upgraded.

Mr. Plotsky said, in looking at the plans, that the location of the Sullivan County line will have to be placed on the map, so that the Board will know the actual distance.

Sean McConaghay said that the family cabins would be a little larger than the childrens, and the childrens cabins would be approximately 16' by 32', to house 10 to 12 campers. He said that the family cabins would have cooking facilities, and both would have bathrooms. He said that that would be 13 cabins altogether. He said that the proposal would try to use the cabins for three seasons, which would mean heat would be needed. He said that the idea is to run these proposed cabins as seasonal, in addition to the main facility,

Derek Wilson asked about access to the back of the camp, where this expansion is proposed?

Tim Gottlieb answered that there is a dirt road there now, off of Brandt Road, with a couple of culverts. He said that the map says "walking trail", which would be expanded to a road.

Sean McConaghay said that there would be parking around the multi-use building. He said that cars would not be driving up to the cabins, but the road would be built to accommodate emergency vehicles.

Sean McConaghay said that as far as phasing, the childrens camp and the multi-use building, which would be a meeting area and have a catering kitchenette would be step one. He said that step two would be the family camp and cabins. He said that step three would be the gym.

#### COMMUNICATION FROM THE CHAIR

Skip Wilson said that the representative for the Basherkill Subdivision had telephoned and asked the Board to schedule another workshop,

The Board decided to place the discussion of this application on their August 26th 2009 agenda.

The secretary was instructed to contact the Basherkill Subdivision representative, and tell him that this Board needs a list of their questions and an outline of their concerns in writing, at least 10 days before the August 26th meeting.

#### COMMUNICATION FROM THE TOWN BOARD LIAISON

Viola Sinsabaugh said that the Supervisor had brought up the subject of the procedure concerning a two lot subdivision.

Mr. Plotsky answered that it has to do with recreation fees.

Derek Wilson asked Viola Sinsabaugh about the vacancy on this Board?

Viola Sinsabaugh answered that the process has taken time, and now there are two individuals waiting for interviews with the Town Board.

#### DEERPARK VILLAGE ASSOCIATES – DISCUSSION/ TRAFFIC

Owner/ Applicant Deerpark Village Associates wishes to create a 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

Dan Loeb said that he would like it stated in the record that this applicant did not appear this evening.

Mr. Plotsky answered that this was a negotiated non-appearance tonight, based upon the resolution of the litigation, which is currently outstanding. He said that even though the discussion of traffic was posted on the agenda, it would be a waste of time to discuss it, because he had written a letter two weeks ago, stating not to put this applicant on the agenda until issues are resolved.

#### EXECUTIVE SESSION

Skip Wilson made a motion to go into executive session, for the purpose of discussion of litigation, and invite the Town Engineer. Loeb second. Roll call vote: Santiago, aye; Malsberg, aye; Loeb, aye; D. Wilson, aye; Dean, aye; W. Wilson, aye. Motion carried.

The Board went into executive session at 7:50 p.m.

#### MOTION

Derek Wilson made a motion to come out of executive session at 8:58 p.m.. Santiago second. Roll call vote: Santiago, aye; Malsberg, aye; Loeb, aye; D. Wilson, aye; Dean, aye; W. Wilson, aye. Motion carried.

#### ADJOURNMENT

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

Meeting adjourned at 9:00 p.m.

Respectfully, submitted,

Barbara Brollier, Secretary