

The Deerpark Planning Board met for their bi-weekly meeting on Wednesday, August 22, 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) I. Wilson, Chairman
Gary Spears

Derek Wilson
Noel Malsberg

Theresa Santiago

OTHERS

Mr. Glen A. Plotsky, Town Attorney
Mr. Brian Babcock, Project Manager
Mr. Joe Martino, Applicant
Mr. Chris Nielsen, Applicant

Mr. Ron J. Gainer, Town Engineer
Mr. Michael Yusim, Applicant
Mr. Timothy Gottlieb, Gottlieb Engineering

THE PLEDGE OF ALLEGIANCE

DEERPARK VILLAGE ASSOCIATES

Mr. Gainer explained that this applicant is on tonight's agenda for the purpose of discussing whether or not the Board wishes to extend the public comment period for the SDEIS. The public hearing for the SDEIS was held over 30 days ago, and the comment period will end on Monday, August 27, 2007.

He said that the Board has received one letter from a resident who requested more time. No one else, including the "Involved" and "Interested" agencies, have requested more time.

MOTION

Derek Wilson made a motion that based on the residents' request, and the extensive size of the document, that the Board extend the public comment period for 45 days, beyond August 27, 2007. Theresa Santiago second.

Discussion: Gary Spears stated that 45 days is too much of a time to extend the public comment period.

Derek Wilson then amended his motion that the public comment period be extended for 30 days.

Theresa Santiago second. Roll call vote: Santiago, aye; Malsberg, aye; D. Wilson, aye; Spears, aye; W. Wilson, aye. Motion carried.

The Board determined that the public comment period will now be extended to 7:00 p.m. on September 26, 2007.

VINCENT BIAGINI - FIRST MEETING WITH SUBMITTED APPLICATION

Represented by Brian Babcock, Project Manager 343-2511

Owner/ Applicant Vincent Biagini wishes a 10 lot subdivision on property located on Boehmler Rd., Sparrowbush, N.Y.

It is an RS Zone.

Section - Block - Lot = 24 - 2 - 50.11

Application submitted July 23, 2007

Mr. Babcock displayed a plat plan and said that the parcel is approximately 30 acres and is located on both sides of Boehmler Road. He said that the piece on the southerly side of the road is 1.48 acres, and

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the balance of the land is on the other side of the road. He said that Mr. Biagini is proposing a 10 lot subdivision, and soil tests show that all septic fields can be supported. He said that the road will be extended into the parcel and standard lots will utilize subsurface septic systems and individual wells. He said that lot #5 and #6 will end at the proposed cul-de-sac (approximately 747' long). He said that the very back parcel is landlocked. He said that lot #10 (1.48 acres) will occupy the southerly section of the road.

Mr. Plotsky said that Boehmler Road does not constitute a boundary for a natural subdivision, by order of the Town of Deerpark Subdivision Regulations, so the lot on the other side of the road must meet zoning to become a legal lot.

The Board members determined that lot #10 does not meet the lot depth requirements and is not the minimum acreage of 2 acres, therefore, this parcel must be attached to another of the proposed lots so it doesn't exist as a separate parcel.

Mr. Gainer said that the Town of Deerpark Code required 200' frontage at the front set back line.

Mr. Babcock said that the regulation is satisfied except for lot #5 and #6, which are more flag lot configurations.

The Board determined that the applicant would have to go before the Deerpark Zoning Board of Appeals to request a variance for lot #10, or otherwise attach it to another lot.

Mr. Plotsky said that the applicant can ask for a variance for the cul-de-sac as well.

Mr. Plotsky told Mr. Babcock that the Board needs to know if the back landlocked parcel has any kind of access to a road, because they may impact on the proposed cul-de-sac, should the Board wish to create an ability for this back lot to ultimately derive access this developer's proposed roadway.

Mr. Babcock said that he will find that out.

The secretary was instructed to put this applicant on the next agenda, September 12, 2007.

MICHAEL YUSIM - PRE-APPLICATION CONFERENCE

Represented by himself and Joe Martino 542-1051

Owner/ Gene Terpening

Applicant/ Michael Yusim wishes to create a paint ball field on property located at Shin Hollow Rd., Town of Deerpark, Orange County, N.Y.

It is an RR Zone.

Section - Block - Lot = 50 - 1 - 10.8

Mr. Yusim showed a map of the property and indicated where the closest neighboring houses are located. He said that there is 7 acres of property from Shin Hollow Road up to the railroad tracks, and the rest of the parcel is on the other side of the tracks. He said that there is a shack already on the property which they will use for an office for the paint ball business. He said that they will create a parking lot at the front near Shin Hollow Road.

Mr. Yusim said that the nearest house is approximately more than 300 yards from the proposed paint

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ballfield, and they will put up nets.

Mr. Plotsky said that there is no definition for “paint ball field” in the Town Code. He said that “shooting ranges and clay targets” are the only uses, close to “paint ball field” in the RR Zone. He said that if the applicants want to pursue this application, they will have to go before the Deerpark Zoning Board of Appeals for a variance.

JAMES DOSCH

Represented by Timothy Gottlieb

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

It is an RR Zone.

Section – Block – Lot = 27 - 1 – 11.3

Application received November 28, 2003

Mr. Gainer had handed out his technical memo, dated August 22, 2007, for this application. He said that the applicant had gotten conditional final approval from this Board last June, and there are still some minor technicalities that still have to be fulfilled as noted in his memorandum.

Mr. Gottlieb said that they will be done, and he will get the final maps to the Town Engineer and Chairman.

Mr. Gainer advised that since the project has already been granted Board approval, the design engineer need only resolve all remaining issues without the need to come back in front of the Board. He said that his office will notify the Planning Board Chairman when all outstanding issues have been resolved.

CHRIS NIELSEN - PRE-APPLICATION CONFERENCE

The applicant was not on the agenda.

Mr. Nielsen said that he bought a parcel in Cuddebackville, approximately 43.4 acres, which is a landlocked piece, but his neighbor allows him to traverse across his two parcels off of Route 209 so that Mr. Nielsen can access his own parcel.

Mr. Nielsen said that he would like to formalize a right-of-way agreement with his neighbor, and he asked the Board what could be done. He said that he would just like to build a home on his property.

Mr. Gainer said that if he had no plans to subdivide his parcel, and merely wanted access for a home lot, this would be an agreement only between 2 private property owners that the Town would have no involvement in. If, however, he was planning to ultimately subdivide, then the access must comply with the Town’s road construction standards, and be placed in a 50 foot right-of-way, and be situated on the parcels such that all bulk dimensional regulations for the lots ultimately proposed will conform to zoning.

Mr. Gainer told Mr. Nielsen that, at the time he may file for a building permit concerning access to only his future home, he would merely have to submit to the Building Inspector a described easement, an agreement between all property owners involved, to illustrate that he has legal access, and not have to worry about the Town’s road construction requirements.

DRAGON SPRINGS BUDDHIST INC. - DISCUSSION

Mr. Gainer said that because of the very large size of the multi-purpose building, he had asked the applicant to put together a memorandum of understanding to confirm everyone's understanding that the Planning Board has established a limit on overall site occupancy which is well below what the NYS Building Code would allow in a building of this size. The letter received from Dragons Springs was then passed out to the Board members, for their records. He said that this letter serves to confirm that if the applicant ever wants to change occupancy, they would have to make application with the Town.

Gary Spears asked what type of application? He said that the whole project was predicated on 100 people daily, and 100 daily visitors on weekends.

Mr. Gainer answered that the applicant would have to come back before this Board for amended Site Plan approval to change that.

Gary Spears asked, wouldn't that change every single thing that they have done on their property?

Mr. Gainer answered that a change of any magnitude would absolutely require re-visiting the prior SEQRA assessments performed. He said that if the applicants come in and said that they want to have, say, 1,000 people on their property, this Board might need to study a lot of issues all over again, from traffic, water supply, wastewater disposal, and more.

Gary Spears answered that that would affect traffic and a lot of other issues. He said that as of right now the applicants are limited to 100 people and 100 visitors.

DEERPARK OIL - DISCUSSION

Skip Wilson told the Board that Deerpark Oil is now working on school buses at their property, even though they still do not have final approval from this Board. He said that he has referred this to the Town Building Inspector for action.

ADJOURNMENT

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

Meeting adjourned at 8:35.p.m.

Respectfully submitted,

Barbara Brollier, Secretary