

The Deerpark Planning Board met for their bi-monthly meeting on Wednesday, September 10, 2008 at Deerpark Town Hall, Route 209, Huguenot, N.Y.

The following were present:

BOARD MEMBERS

Willard I. (Skip) Wilson- Chairman Derek Wilson Gary Spears
Theresa Santiago Dan Loeb Noel Malsberg

OTHERS

Mr. Glen A. Plotsky, Town Attorney Mr. Al Fusco, Town Engineer
Mr. Gary Flieger, Town Supervisor Mr. William A. Onofry, Esq.
Mrs. Viola Sinsabaugh, Town Board Liaison Mr. Scott Bonacic, Esq.
Mr. Charles Utshig, P.E., Basherkill Subdivision
Mr. Anthony Gioffre, III Esq.

THE PLEDGE OF ALLEGIANCE

MARTEL HOLDINGS LLC - PHASE II -

Section - Block - Lot : 23 - 1 - 62.32

Represented by Mr. Chad Martel & Mr. William A. Onofry, Esq. 856-5178

Owner/Applicant Martel Holdings LLC wishes a 16- lot subdivision on property located off of Wilson Rd., and Hawk Mountain Rd., Sparrowbush, NY
It is in the Recreational River Corridor (RRC) Zone.

Application submitted October 11, 2007

New application submitted July 9, 2008

Mr. Onofry said that he is in receipt of Mr. Plotsky's letter concerning conservation subdivisions within the Town of Deerpark and the flexibility afforded by them. Mr. Onofry said that his client respectfully requests that the Board table the decision regarding the request for a variance to the Subdivision Regulations for this application for at least 30 days.

Mr. Onofry said that during that "recess" period, he and his client will review the matter further and potentially revise the plans and then request permission to move forward as a conservation subdivision entirely. Mr. Onofry said that his client has the ability to place a conservation easement over Fifty (50%) percent of the land that is the subject of the application, which will be beneficial to both the residents and the town.

MOTION

Gary Spears made a motion to table the decision on the request for variance to the Subdivision Regulations regarding the application of the Martel Holdings Subdivision for 30 days, so that the applicant can file for a conservation subdivision, with the applicants' consent. Theresa Santiago second. Roll call vote: Santiago, aye; Malsberg, aye; Loeb, aye; D. Wilson, aye; Spears, aye; W. Wilson, aye. Motion carried.

The applicant was informed that he will be scheduled on the October 8, 2008 agenda.

DRAGON SPRINGS BUDDHIST, INC.
Represented by Mr. Anthony Gioffre, Esq.
Board to decide whether or not to renew special use permit.

MOTION

Noel Malsberg made a motion that the Dragon Springs Buddhist Inc. Special Use Permit be renewed for one year. Theresa Santiago second.

DISCUSSION:

Mr. Gioffre thanked the Board for taking his clients next on the
DEERPARK PLANNING BOARD ? SEPTEMBER 10, 2008 - PAGE # 2

agenda. He also expressed his best wishes to Board member David Dean who was not in attendance tonight.

Mr. Gioffre said that he received correspondence from the Town Attorney today, as well as a copy of the Building Inspectors' August 1, 2008 letter. Mr. Gioffre said that the special permit for his client has been in existence since 2001, when it was approved by this Board.

Mr. Gioffre said that there has been no change in the proposed use. He said that there may be some speculation as to whether the use is in full operation, especially concerning construction and utilization of some of the buildings on the premises. He said that certainly some of the buildings on the premises are in the midst of construction, have not been granted certificates of occupancy, that is, the buildings are not completed at this point.

Mr. Gioffre said that the use has been a use, since day one, as a place of worship, and that use has not changed. He said that since 2006, the last time the client came before the Board with a new application, there has been no new violation issued for the premises. He respectfully requested that the special use permit be converted to a perpetual special use permit, instead of a one year permit, which was recommended by the Building Inspector.

Mr. Gioffre respectfully said that it is not within the Building Inspectors jurisdiction to recommend a time period, but that he is just supposed to advise and respond to the Board whether or not there has been violations. Mr. Gioffre said that there should be no recommendations or conditions imposed by the Building Inspector.

Noel Malsberg asked, what do you mean by "perpetual?"
Mr. Gioffre answered that the special use permit should be granted indefinitely.

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

The special use permit for Dragon Springs Buddhist, Inc. was granted/extended for a period of one year.

BASHERKILL SUBDIVISION - PUBLIC HEARING

Represented by Mr. Chuck Utshig, P.E.
Owner/Applicant Orange County Holding Co., LLC wishes to create approximately 300 single-family homes on property located off of Route 211, Cuddebackville, N.Y.
It is in the RR & HMU Zones.

Section - Blocks - Lots : 8 - 1 & 1.3 - 23.1 & 23.21
Application received April 4, 2005.

SEE ATTACHED PUBLIC HEARING RECORD

APPLICANT TO PROVIDE A VERBATIM TRANSCRIPT UPON PREPARATION/COMPLETION OF
SAME

The Board made a decision to re-convene the Basherkill Subdivision public hearing on October 22,
2008.

ADJOURNMENT

Derek Wilson made a motion to adjourn. Dan Loeb second. Roll call vote: Santiago, aye; Malsberg,
aye; Loeb, aye; D. Wilson, aye; Spears, aye; Dean, aye, W. Wilson, aye. Motion carried. Meeting
adjourned at 10:15 p.m.

Respectfully submitted,
Barbara Broliier, Secretary