

The Deerpark Planning Board met for their bi-weekly meeting on Wednesday, October 24, 2007 at 7:00 p.m. at the old schoolhouse, located on Grange Road, Huguenot, N.Y.

The following members were present:

PLANNING BOARD MEMBERS

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

OTHERS

Mr. Ron Gainer, Town Engineer Mr. Bob Emerson, Town Building Inspector
Mr. Glen Plotsky, Town Attorney Mr. Ross MacNeil, Applicant
Mr. Brad Cleverley, P.E. Ms. Debbie Roe, Applicant
Mr. Greg Churchill, Applicant Mr. Joe Di Martino, Applicant
Ms. Christine Uveges, Applicant Mr. John Fuller, Civil Engineer
Mr. Anthony Gioffre, Esq. Mr. Joshua Grauer, Esq.
Ms. Lana Han, Esq.

THE PLEDGE OF ALLEGIANCE

KEN KENT & DEBBIE ROE ? PRE-APPLICATION CONFERENCE

Represented by Debbie Roe 856-3770

Owners/Applicants/ Ken Kent & Debbie Roe wish to open an automotive repair shop on 1.3 acres of property located at 24 Lime Kiln Rd., Town of Deerpark.

It is an HMU Zone.

Section ? Block ? Lot = 57 ? 1 - 62

Applicants have spoken with the Building Department

Ms. Roe asked about the existing garage on the property, if it is possible to build an addition onto it, and if they could build a bridge over the brook which is located approximately 50' from the back of the building. She said that they will only do automotive repair, no body work. She said that at their existing business now, their hours of operation are Monday-Thursday 7:00 a.m. - 5:00 p.m., and Friday & Saturday 7:00 a.m. - 12:00 p.m.

The Board members looked at photos of the existing building that the Building Inspector provided for them. Mr. Emerson said that there are residential houses fairly close to either side of the building, and the building has been vacant since approximately 15 months ago, and there is no site plan in his files.

Mr. Plotsky said that this application will require a special use permit (in the HMU zone.)

The Board instructed Ms. Roe to get the Planning Board application off of the Towns' website, which is www.townofdeerpark.org. She should file 12 copies of that application, along with 12 site plans with the Planning Board secretary, and then she could come back before this Board.

Ms. Roe then asked about the Deerpark Auto property, which is for sale, and is located at 355 Route 209 in Huguenot, New York.

Bob Emerson answered that Deerpark Auto is already an existing auto repair operation and has not been shut down. He said that he will check when that special use permit was granted and if it is still in effect.

Ms. Roe thanked the Board.

TRINA CHURCHILL ? PRE-APPLICATION CONFERENCE

Represented by herself 754-7464

Owner/ Applicant Greg Churchill wishes to create a day care center in her home located on Prospect Hill Rd., Huguenot, NY

It is an RS zone.

Applicant has spoken with the Building Inspector

Mrs. Churchill said that a State Certified Day Care Center allows up to 8 children at a time, that is, 6 children up to 5 years old, and 2 of school age. She said that the 2 school aged children would come to her home after school and also be there for the summer. She said that she would need to construct a fence around the house and yard, which would be the only change to her property.

Derek Wilson said, and Bob Emerson agreed, that ?Day Care Center? would be a ?Home Occupation.?

Mr. Plotsky said that in the Zoning Law, under ?definitions?, ?Day Care Center? is not listed. He said that ?Nursery School? is listed, but it is specifically for 2 or more children from infancy to 5 years of age.

Mr. Plotsky said that he tends to agree with the Board that a Day Care Center and Nursery School would probably be the same thing. Mr. Plotsky said that in the RS Zone, if ?Day Care Center? is a Home Occupation, then it is a special use in the Zone.

Mr. Plotsky said that under the Deerpark Zoning Law, if she is classified as a ?Nursery School?, she cannot have school aged children, even though New York State says yes.

Mr. Plotsky said that under HOME OCCUPATIONS, there is not an all inclusive list; it just gives several examples. He read from the Zoning Law, ?HOME OCCUPATIONS: Includes but may not be limited to professions including real estate, insurance offices, beauty and barber shops. Any use customarily conducted entirely within a principle structure carried on by inhabitants thereof, which is clearly incidental, secondary to the principle use, but does not change the character thereof.?

Mr. Plotsky said that if ?Day Care Center? is talking about indoor and outdoor activities, and adding a fence, then it may not fit under this ?Home Occupations? definition.

Mr. Plotsky said that Mrs Churchill can submit an application to this Board, then this Board can refer it to the Zoning Board of Appeals for an interpretation, based on the fact that it is in an RS zone, and the Board does not know if it is a Home Occupation.

Mr. Plotsky said that if ?Day Care Center? is ruled as a Home Occupation, then it is allowed in both the RR and RS Zone, as a special use permit. He said that if the ZBA rules that it is not a Home Occupation, then it is only allowed by special use permit in the RR Zone.

Gary Spears asked, if this application is referred to the ZBA, shouldn't the ZBA look at the New York State Laws also?

Mr. Plotsky answered that if the ZBA does rule that ?Day Care Center? is a Home Occupation, then the Planning Board could ask for a letter from the New York State Department, based on their number of

children, then the Planning Board could say that they will stay within the State Law and have no further review.

Mr. Plotsky said that if the ZBA classifies "Day Care Center" as a "Nursery School", then the Town of Deerpark Zoning Code limits the number of children to age 5, then the applicant would want a variance granted to include the 2 school age children she plans to care for.

David Dean asked Mrs. Churchill if different caregivers have different numbers of children that they can watch?

Mrs. Churchill answered that as far as New York State is concerned, if it's a family day care, then there can be up to 6 children, under school age; and there is also a group day care where you can double that number, as long as you have an assistant. That is, if there are two licensed providers at one location, then there can be 12 (under school age) children, or 16 (12 under school age and 4 school age) children.

There was a brief discussion between Mr. Plotsky and Mr. Emerson as to how he has handled this in the past.

Mr. Plotsky then said that Mr. Emerson, as the Town Zoning Official, has already made the determination that "Day Care Center" is a home occupation, so the applicant can just file the application and the site plans and submit for a special use permit in the RS zone.

Mrs. Churchill was also told that she would have to get a letter from the State, clarifying their limitations, and submit that with her application.

ROSS MACNEIL - PRE-APPLICATION CONFERENCE

Represented by himself 754-8701

Owner/ Applicant Ross MacNeil wishes a lot consolidation of property located at 1551 Route 209, Westbrookville, N.Y.

It is an HMU zone.

Section - Block - Lots = 7 - 1 - 26 & 33

Applicant has spoken with the Building Inspector

Mr. MacNeil said his home is one lot and his existing septic is on the other lot, and he would like to combine them. He said that one both lots are over one acre.

The Board reviewed Mr. MacNeils' survey and told him that he can combine the lots.

Mr. Plotsky told Mr. MacNeil that he will have to get a new survey made, with the two lots combined, put a note on that survey referring to the appropriate section in the Zoning Law relating to lot consolidation, and also submit other documents that are required, with his application.

Mr. MacNeil was told that he can get the application and the lot line consolidation check list on the website, www.townofdeerpark.org.

HUDSON VALLEY INC. - PRE-APPLICATION CONFERENCE

Represented by Joe Di Martino 294-6181

Owner/ Applicant/ Hudson Valley Inc wishes a subdivision on property located at Route 209, Cuddebackville, N.Y.

It is an HMU zone.

Section - Block - Lot = 22 - 1 - 87

Applicant has spoken with the Building Inspector.

Applicant did not appear.

CHRISTINA UVEGES - PRE-APPLICATION CONFERENCE

Represented by herself 357-7193

Owner/ Joe Ferraro

Applicant/ Christina Uveges wishes to breed dogs on property located at 31 Wilson Rd., Sparrowbush, N.Y.

It is an RS Zone.

Section =-Block -Lot = 33- 1 - 7

Applicant has spoken with the Building Inspectors Office

Ms. Uveges said that she is looking at homes in the area to purchase and would like to raise her rotweilers, and she said that she also trains dogs for other people. She said that she was told that the Town of Deerpark Law limits the number of dogs to 4, and there's no separate law mentioning a "pure breed license?". She would like to have at least 6 dogs. She said that she only breeds the dogs once a year. She said that all dogs are temperament tested, and they are therapy tested and receive therapy licenses. She said that this is her livelihood, and she is not a backyard breeder.

Mr. Plotsky referred to the Zoning Law and said that "Kennels" are a specially permitted use in the RR zone, HMU zone, and in the IB zone, and read, "A kennel is a special use for the harboring of more than 5 dogs."

Mr. Plotsky told Ms. Uveges that she would have to get her pure breed license through the State of New York, and then would seek a commercial site plan approval with the Town of Deerpark. It would be a specially permitted use in those three zones (RR, HMU and IB).

The Board asked her where the three properties are located.

Ms. Uveges answered 1) Wilson Road; The Board told her that it is the RR Zone.

2) Wood Road; The Building Inspector said that that is a private road.

3) Big Pond Road; The Board told her that it is an RR Zone.

Bob Emerson interjected here, and said that one part of Big Pond Road is in the RS Zone.

Mr. Plotsky told Ms. Uveges that she can make the approval of this Planning Board a contingency of her real estate proposed contract. He said that she can qualify the purchase to say that she will only buy the property, if she gets approval from this Board for this use.

Ms. Uveges said that she is not looking to create a kennel.

The Board answered, however, that more than 4 dogs, in the Town of Deerpark, constitutes a kennel. They also said that the minimum lot size for "kennel" use is 10 acres.

Mr. Plotsky and the Board suggested that Ms. Uveges can submit to the Zoning Board of Appeals for a variance. He referred Ms. Uveges to the Zoning Law, Section 230-29.

RICHARD HAGEN ? PRE-APPLICATION CONFERENCE

Represented by John Fuller, Civil Engineer, 856-1536

Owner/ Applicant Richard Hagen wishes a 2 lot subdivision on property located off of Route 42 & Old Forestburgh Rd., Sparrowbush, N.Y.

It is an RS zone.

Section ? Block ? Lot = 24 ? 2 - 43

Mr. Fuller said that the Hagen family has owned this land for decades. He said that the land is located on both sides of Route 42, and the one piece is against Forestburgh Road on the back. He said that since the Town of Deerpark does not recognize a road as a natural subdivision, then his clients would like to divide parcel #1 of 39 acres, and parcel #2, which is 37.7 acres.

The Board told Mr. Fuller that he can't do it, because there is more than one residence on that second lot.

Mr. Fuller said that he will talk with his client and suggest that several of the buildings, some of which are in disrepair, will have to be removed, so that he can configure the subdivision to meet Town regulations.

RUM RUNNERS SUBDIVISION

Represented by John Fuller, P.E.

Owner/ Applicant Cummings Development is requesting a 3 lot subdivision on property located at 966 Route 209, Cuddebackville, N.Y.

It is an HMU Zone.

Section - Block - Lot = 31- 1 - 5.2

Application received July 23, 2007

Mr. Fuller said he has re-configured the lots, and is creating one flag lot which will have a residence on it in the back, and the other two lots are at the front.

Ron Gainer said that there are minor technical issues to resolve, as noted in his latest memorandum, but at this point the Board can schedule a public hearing on the application.

MOTION

David Dean made a motion to schedule a public hearing for the Rum Runners Subdivision for Wednesday, November 14, 2007. Gary Spears second. Roll call vote: Santiago, aye; Malsberg, aye; Loeb, aye; D. Wilson, aye. Spears, aye; Dean, aye; W. Wilson, aye. Motion carried.

Mr. Fuller said that in speaking with Kim Hankin from NYSDOT, she said that they want the one driveway eliminated from the existing house residence, which is one curb cut per lot. He said that he will eliminate that driveway. He said that Kim Hankins told him that the NYSDOT cannot respond back to him in writing, until the Town of Deerpark contacts her. That is, the NYSDOT has a new policy where they do not respond to the applicant, they will only respond to the Town.

Ron Gainer said that he will send out the requirements for lead agency.

Mr. Fuller said that he will get the required number of maps to him.

MOTION

David Dean made a motion for the Board to declare its' intent to become lead agency pursuant to SEQRA. Gary Spears second. Roll call vote: Santiago, aye; Malsberg, aye; Loeb, aye; D. Wilson, aye. Spears, aye; Dean, aye; W. Wilson, aye. Motion carried.

Mr. Plotsky said that a public hearing for this application on November 14, 2007 will not be 30 days from the submitting of the documents, and suggested the public hearing be re-scheduled to the following

meeting night.

AMENDED MOTION

David Dean made a motion to re-schedule a public hearing for the Rum Runners Subdivision for Wednesday, November 28, 2007. Gary Spears second. Roll call vote: Santiago, aye; Malsberg, aye; Loeb, aye; D. Wilson, aye. Spears, aye; Dean, aye; W. Wilson, aye. Motion carried.

EQUITY HOMES - SUBDIVISION - ROUTE 42

Represented by John Fuller

Owner/ Applicant Equity Homes wishes a 2 lot subdivision on property located on Route 42 (just south of Wilson Rd.), Sparrowbush, N.Y.

It is an RR Zone

Section - Block - Lot = 33 - 1 - 37.4

Application received July 23, 2007

Mr. Fuller said that he received the last technical memo from the Town Engineer on this project. He said that one residence will be a two-family, which will need double the lot area requirements. He said that he is proposing moving the existing driveway to the center line of what would create a flag lot. He said therefore, that one lot would be a flag lot, which would be 100' long (flagpole). He said that his clients have already gotten a driveway permit, and are making improvements to that 100' drive. He said that it will be a shared driveway between the two proposed lots.

Mr. Fuller said that in speaking with Kim Hankins of the NYSDOT, she said that NYSDOT will no longer be issuing driveway permits unless the property is in for planning board review. He said that she said that the NYSDOT will only give temporary access permits.

Mr. Fuller said that the lot has double the area and double the frontage now. He said that according to the Zoning definition, his clients do not have the required lot width, which is supposed to be double 200', or a total of 400'. He said that he cannot get that 400' at the setback for this lot. He said that it will be approximately an 18% or 20% variance that is needed.

MOTION

Gary Spears made a motion for the Board to deny the project for lack of required lot width, and to refer the Equity Homes applicant to the Deerpark Zoning Board of Appeals to allow the one two-family home on a 6.93 acre lot and seek relief from the lot width requirement. David Dean second. Roll call vote: Santiago, aye; Malsberg, aye; Loeb, aye; D. Wilson, aye. Spears, aye; Dean, aye; W. Wilson, aye. Motion carried.

John Fuller said that currently he has the driveway grading at 15% and could probably grade it down, but not to the required 7%. He asked Mr. Plotsky that because that 7% is a direct reference to a Zoning provision, is that a variance that can be pursued as well?

Mr. Plotsky answered that if this provision is in the Subdivision Regulations, then the Planning Board could handle the matter, because it would be considered an undue hardship, which the Planning Board could waive. He said however, that if it is in the Zoning Law, that it would have to go to the ZBA for a variance as well.

PEENPACK MEADOWS

Represented by Brad Cleverley, P.E.

Mr. Cleverley said that this application received preliminary approval at the May 10, 2007 meeting. He said that the project was then submitted to the Department of Health, and they requested that 2 wells be drilled. He said that his client retained reputable well drillers who drilled the 2 wells and pumped them, and have taken water samples which were submitted to the Orange County Labs, for analysis. He said that he is still waiting to hear back from Orange County Labs, and therefore, is requesting a 6 month extension of their preliminary approval. He said that the extension would be for both the 3 lot proposal and the 14 lot proposal.

MOTION

Derek Wilson made a motion for the Board to extend the Peenpack Meadows preliminary approval for 6 months on both the 3 lot proposal and the 14 lot proposal. Theresa Santiago second. Roll call vote: Santiago, aye; Malsberg, aye; Loeb, aye; D. Wilson, aye. Spears, aye; Dean, aye; W. Wilson, aye. Motion carried.

DRAGON SPRINGS TEMPLE

Represented by Mr. Joshua Grauer, Mr. Anthony Gioffre, & Ms. Lana Han, Esquires

Owner/ Applicant Dragon Buddhist, Inc. is seeking a revision to Site Plan # 5, on property located at 140 Galley Hill Rd., Cuddebackville, N.Y.

It is an RR Zone.

Section Block Lot = 31 1 21.22

Application submitted October 12, 2007.

Mr. Gioffre handed out applications for the amended site development plan approval. He said that as part of the application there are a number of modifications which he will walk the Board through and introduce the proposal to the Board. He said that part of the proposal is that his clients will need a height variance from the ZBA, which they will make application to the ZBA, and are looking to get on the ZBA's November agenda. He said that after which, if they are granted favorable approval from the ZBA, they will come back before the Planning Board for a public hearing on the amended site development plan.

Mr. Gioffre said that the materials that were submitted to the Board this evening, include the site development plan which identifies some of the proposed changes, which he said he would highlight for the board. He said that there is a re-location and re-design of parking lot #2. He said that the parking lot was previously northwest of the proposed location, and now it's going to be appended to the approved multi-purpose building, and will have the parking below a plaza level, approximately the same number of parking spaces, with just a few added. He said that the prior parking lot had 12 spaces, and this will now have a couple more. He said that it will also have stairs leading out from the plaza. (Mr. Gioffre indicated on the plan for the Board members.) He said that this will be the plaza level, which will walk out from the multi-purpose building, have stairs and a ramp down to the parking below the plaza level. He said that in addition, the RM building, which is located to the west of the multi-purpose building, they're proposing to add a "FA" lecture hall to the end of the building, at the location of the prior approved mechanical room.

Derek Wilson asked, what kind of lecture hall?

Mr. Gioffre answered, "FA" Lecture.

Derek Wilson asked what that is?

Lana Han answered that it is scripture lecture, religious lecture.

Mr. Gioffre continued to say that that is the location of the prior approved mechanical room, which the Board will see just to the east, which is identified as the pre-approved well room. He said that in addition, a portion of the RM building, is a portion that they will be seeking the height variance from the ZBA. He said that his clients are also proposing to add 2 wood burner sheds, one to the east of the multi-purpose building, and one to the north of the proposed fa lecture hall. He said that they are to be operated in order to conserve energy costs, and will be more cost effective. He said that there will be some machinery and the storage of wood.

Derek Wilson asked, wood burner sheds, are they heating plants for the other buildings?

Mr. Gioffre answered for the multi-purpose building and the RM building.

Derek Wilson asked what kind of heating would be for the other buildings?

Mr. Gioffre answered that they received a variance to increase the height for a portion of the multi-purpose building. He said that after that approval, the Dragon Springs consultant engineers went back and looked at the design. He said that the building is proposed to be widened a little bit to structurally accommodate the increased height of the building, so the building and the length, in order to structurally accommodate that increased height, so his clients are proposing to increase the width and the length of the building, 36' and 21' respectively. He said that 188' by 292' are the new measurements, which are delineated on the plan.

He said that additionally his clients are proposing a design change to the construction vehicle garage, which is not depicted on the closeup plan, but is on the prior plan. (He indicated to the Board the close up area plan). He said that right here is the existing vehicle construction garage, and it's proposed to be enlarged slightly. He said that the steel that was previously ordered for the previously approved multi-purpose building, is not going to be able to be used, because of the new dimensions of the modifications that was approved by the ZBA and this Board on the multi-purpose building. He said that his clients are planning on using the steel in the re-design to the legal construction garage. He said that that is essentially the modifications. He said that he just wanted to introduce the Planning Board to this proposal, and he will be submitting the variance application to the Zoning Board of Appeals shortly, and anticipate being placed on the ZBA's next agenda. He said that then they will be coming back before this Board.

Skip Wilson asked what is the size of the garage, and was told it is 90' x 155'.

(Mr. Feng then said something, but this tape did not clearly record his words.)

David Dean asked what the southwest gate was on the site plan?

Mr. Feng answered that it was a security shed, and wants to have one person stay there, it would be like a one bedroom house.

David Dean said, it'll be like a residence?

Mr. Feng answered yes, one person will stay there.

Gary Spears asked, is this a new proposal?

Mr. Dong answered that this was approved before. He said that before last time, security sheds were approved for each gate.

David Dean asked, but now it's to be a residence?

Mr. Dong answered yes, now there's an entrance for the fire department, so there's a residence inside there.

Mr. Plotsky asked how big is the previously approved security shed?

Mr. Dong answered that it is not defined in the previous approval, the previous approved site plan. He said that now it's just an entrance so that the house is used there and with a septic proposal.

Skip Wilson asked if the size is 35' x 45'?

David Dean asked if that was the size for the new residence or the approved security shed?

Mr. Dong answered that before the security part is approved.

Mr. Plotsky clarified by saying that it seems to him that the approval was already for a security shed of some sort, with really no specifics, size or otherwise. He said that now the applicant is modifying that to specify the size, and are adding septic and other things like that, because now somebody is going to live there. He said that that is how he is interpreting it. He said that what he is going to suggest is, that as the applicant has done before, that they provide the Planning Board with a written narrative that outlines all of the changes that they desire to make and why, whether they are more specific about the security shed that's already been approved, because that is not reflected on the Environment Assessment Form or anywhere else on what they have given the Board tonight.

Mr. Gioffre said that he can put together a letter which would identify things.

Mr. Plotsky said that the Board needs a written narrative that identifies all of the proposed modifications, and the reasons therefore. He said that that way the Board has it in writing and knows exactly what it is that the applicants are submitting and why. He said that the applicant also needs to submit twelve full size real site plans.

Derek Wilson said that the security shed needs to be placed on the new plans and labeled as a security residence.

Mr. Plotsky asked that in the narrative the applicant identify the proposed use and occupancy for each of the buildings, and include an updated EAF that clearly explains the latest proposal.

Mr. Gioffre said that he will do that. The occupancy would be that specified by the State Building Code.

Mr. Gioffre asked in the interim, if Mr. Plotsky would forward any comments that the Board may have, to him, so that he has lead time to address those comments.

ADJOURNMENT

Gary Spears made a motion for adjournment. Theresa Santiago 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 9:30 p.m.

Respectfully submitted,

Barbara Brollier, secretary