

The Deerpark Planning Board met for a public hearing on on Wednesday, February 24, 2010 at Deerpark Town Hall, Route 209, Huguenot, N.Y. The following were present:

BOARD MEMBERS

Willard I. (Skip) Wilson- Chairman
Mike Breitenfeld
Dan Loeb

Derek Wilson
Theresa Santiago

OTHERS

Mr. Glen A. Plotsky, Town Attorney
Mr. Dave Dean, Town Board Liaison
Mr. Ken Angeloni, Adjoiner
Mrs. Sabine Cavanaugh, Adjoiner

Mr. Alfred A. Fusco, Jr., Town Engineer
Mr. Timothy Gottlieb, Gottlieb Engineering
Mr. Dan Cavanaugh, Adjoiner
Mr. Den Angeloni, Sr., Adjoiner

The secretary read the public hearing notice: "Notice is hereby given of a continuation of a public hearing to be held by the Town of Deerpark, Orange County, New York, pursuant to Article 7 of the Town of Deerpark Zoning Law on the application of Gary Butler for a 2 lot subdivision. The application effects the following premises: Record Owner: Gary and Diane Butler; Tax Map Designation: Section 27, Block 1, Lot 16.22; Zone Designation RR. Located on Franke Road, Huguenot, Town of Deerpark, Orange County, New York. Information on this application is on file with the Town Clerk, Town Hall, Route 209, Huguenot, New York. The Hearing shall take place at 7:00 o'clock P.M. on the 24th day of February, 2010, at Deerpark Town Hall, located on Route 209, Town of Deerpark, Orange County, New York, or as soon thereafter as practicable. All parties wishing to be heard shall be heard at that time."

Skip Wilson: Go ahead sir.

Tim Gottlieb: For the record, my name is Tim Gottlieb from the office of Joseph Gottlieb, PE, PC, we represent the applicant. Like it said, this is a continuation of a public hearing. The last time we were here, we showed two entrances off of Franke Road, for the two lots. We've revised that to just show the one entrance, which follows the existing driveway, approximately 300', and then it splits into two, and each driveway services each proposed residence. There was some concerns with drainage, and we've laid the driveways out, so that all of the drainage on the upper end stays on the property. The lower portion, the drainage patterns won't change, and then we've shown it... we're going to re-shape the drainage ditch along Franke Road, that runs to the south, at the suggestion of the Highway Superintendent and the Town Engineer, and that should alleviate any problems right at the entrance. Right now, the culvert that is there, is a little bit low, and there's a high spot, and it causes the water to puddle, so we've designed it to flow toward the drainage culvert to the south. We do have to complete our joint site inspection. We've tried at other times, and we've run into some high groundwater conditions, and then winter shut us out this year. So, as soon as we can get in there, we'll try again, at the location for lot #1, and if we don't have any success there, we'll go up into the back, and try there. That's basically the changes since we were here last time.

Skip Wilson: Are there any comments from the public? Sir.

Ken Angeloni: Yes, Ken Angeloni, I was here last time. I'm still not sure about the drainage in the front, you're saying it's going to continue south along Franke Road. Now, where is it going to go from there, into an existing culvert?

Tim Gottlieb: Into an existing culvert, we're not going to increase the drainage significantly, and there is a portion of the site that has a natural retention area, in the front of the property, so that should help to alleviate the problems there.

Dan Cavanaugh: Dan Cavanaugh, I'm at 165 Franke Road, that's my property right there. You have a major problem with a lot of water in the back, a lot of water in the back. You have a problem with the amount of water that stands there in the back. What are you going to do with that, and how many

trees are you going to cut down, and south, I don't think it's going to work.

Tim Gottlieb: How far back are you talking about?

Dan Cavanaugh: I'm talking about 25 yards off the back end of my property, you have a big clearing right where that logging road comes out, you have a load of water that just sits there.

Tim Gottlieb: That's this area here?

Dan Cavanaugh: I would assume so, I can't see the map.

Skip Wilson: You can come up and look at the map sir.

Dan Cavanaugh: And who did all of this research?

Tim Gottlieb: We did.

Dan Cavanaugh: Who's we?

Tim Gottlieb: Our office.

Dan Cavanaugh: My property is at the end of where that logging road comes up at, right where they're going to put this stuff up. You're telling me that they're going to put two houses up there now? You're supposed to have two access roads, now...

Derek Willson: Okay, I'm going to stop this, This is a public hearing right now, and we're sort of informal here, but you're supposed to address questions to the Board, and he's supposed to answer, but direct it to the Board. I understand, I'm not picking on you, but the deal is, that we're supposed to hear what's going on, so if you could point to the map, and address questions to us. Do you understand? Because there's a public record being kept.

Dan Cavanaugh: This is the existing log road, correct? All right. It's my understanding that only one place is being put up here. Back here, you have a major drainage problem, and I want to know where that water is going? If this is the road that he's talking about, this is the existing road that comes off right now, and I don't know if it splits and makes a new road, or if this is another road that's coming back. This is my property right here.
Tim Gottlieb: The existing driveway is right here, and any drainage that comes off now, isn't going to change it. It'll come down here, and discharge onto here.

Dan Cavanaugh: This area right here is loaded with water. So, you're taking down trees, how many trees are you going to take down to build two houses? How far back are they going to be? Where are they drilling their wells? What will happen to my stuff, what's going on?

Derek Wilson: The answers are on the plan right there that you're looking at. All your questions, except the trees. You show well locations already, right?

Tim Gottlieb: Yes, the well locations are here and septic locations.

Dan Cavanaugh: And you had someone come in and survey this entire area, correct?

Tim Gottlieb: Yes. The survey was done by a licensed surveyor, stated here.

Dan Cavanaugh: And there's two property back there?

Tim Gottlieb: Two properties, yes.

Dan Cavanaugh: I heard there was only one.

Tim Gottlieb: Right now there's only one, and we're proposing to make two lots.

Derek Wilson: The parcel that you're looking at, only exists as one parcel now. He's trying to get a two lot subdivision, and that's what we're looking at right now. But right now he could go to the Building Inspector and get a permit for one house.

Dan Cavanaugh: But when he's tapping into a well, does he know what he's tapping into, and what he's going to take away from, what exists there, is it going to be depleted?

Derek Wilson: I'm not a water expert, I'll defer that to our engineer, if he wants to answer it.

Dan Cavanaugh: And south, there's a lot of water that comes off of there, and if they are going to take out trees, that's not going to work.

Skip Wilson: We'll address those issues sir, they are a part of the record, and we won't address them tonight, but we will address them.

Dan Cavanaugh: Then what I'll have to do is, to have my own engineer to come in, and do that.

Ken Angeloni: Were you folks aware of these pictures?

Derek Wilson: Yes, we're aware that the drainage is an issue, and we gave Mr. Gottlieb some direction, that we were concerned about the run-off. He's made some changes, from what he just said, to handle it. And we're just looking for input now.

Skip Wilson: The process isn't even close to being finished.

Ken Angeloni: I know that there's some new folks on the Board, and I just wanted them to see these pictures. The small ones are kind of hard to see, they were taken during a storm.

Derek Wilson: So, this is the existing driveway? And this was during a flooding time?

Ken Angeloni: Yeah, you can see the water coming down.

Derek Wilson: This is actually pretty helpful.

Ken Angeloni: And that's what it looks like during the day.

Derek Wilson: During a time when it's not flooding, right. Al, did you get a chance to see these pictures?

Al Fusco: I saw them last time, but I'll look at them again.

Ken Angeloni: My other concern was still that driveway. I don't like the fact that that driveway is going to serve two residences. I'm right across from it, we're pretty close to the road, and still you've got a driveway coming right down there, headlights into the living room.

Derek Wilson: The Board was concerned about minimizing the amount of impervious surface, because he had the ability to pursue a subdivision, with a 50' strip going up to feed the flag lot up in the back. So, he could've actually had two driveways coming out there, but the Board felt that, for environmental reasons, it was better for him to come up with the sharing of that existing driveway, so you don't have another road right next to a road, so you don't have more run-off.

Ken Angeloni: Right, but I just want you to know what my concerns are, because I'm still concerned about that, about the fact that that driveway is right there, and it's coming down a hill, and you're going to have headlights.

Skip Wilson: It's on the record sir.

Dan Loeb: And where are you in relation to this driveway, sir?

Ken Angeloni: I'm directly across the street from that driveway.

Derek Wilson: Just to let you know our concern, the driveway has to come down somewhere. You own the lot, we understand that.

Ken Angeloni: But you're not talking one house here, you're talking two houses. How many vehicles? Normally two vehicles to a house these days, I mean, that's a minimum. And when you start bringing kids into the factor. I know I'm looking into the future, but, like I said, I plan on being there for awhile too, so I'm looking out for my well-being also. I have another question, you're saying directing that run-off into the ditches running south, there's a lot of run-off back there, I've walked that property. And are you planning on making the drainage ditches deeper?

Tim Gottlieb: This drainage ditch along Franke Road is going to be improved at the direction of Mr. Fusco and our office, we were all at the site. We determined that this drainage ditch needed to be improved to make this drainage run better to the existing culvert.

Dan Cavanaugh: Now, what do you mean by improved, cleaned out?

Tim Gottlieb: It's got to be deepened and widened. The only water that is going to get there, is from here up. This water is all staying on the site, as it is now.

Dan Cavanaugh: That water runs down onto my property.

Sabine Cavanaugh: Sabine Cavanaugh. You can't even walk on it.

Dan Cavanaugh: I get two little lakes on my property from that water. So, if you're going to re-direct it, I'd like to see how you're going to do that. And you're still going to fill up that ditch, big time, it's going to run out onto the street.

Skip Wilson: Are you talking about the water way up in the back?

Dan Cavanaugh: It's not way up in the back, it's about 25 yards off of my back line.

Skip Wilson: That exists right now, correct?

Dan Cavanaugh: Yes.

Sabine Cavanaugh: The extra water coming down, what is it going to do to the flow after the trees are down?

Skip Wilson: They cannot make it worse, that they cannot do.

Dan Cavanaugh: But he did say that they are going to direct that water down to the ditch, going south, that's a lot of water.

Glen Plotsky: No, that's not what he said. What he said was that that is the water that is currently coming off of the log road...

Dan Cavanaugh: That's where it's coming down from.

Glen Plotsky: And that water is creating ponds on your property?

Dan Cavanaugh: Yes it is. That's where that water comes from, and it sits on there constantly.

Sabine Cavanaugh: We can take pictures, if you like.

Skip Wilson: Okay, we have that on the record. We'll have our engineer address those issues, they are on the record, we'll re-visit it. Are there any more comments from the public?

Sabine Cavanaugh: My concern is, when the trees come down, can you imagine how much it's going to come down.

Al Fusco: We had a couple of comments on the plan. One of them was just a technicality, but it doesn't have the proper separation between the well on lot #2 and the septic on lot #1, and just show it. You have 210', that's more than adequate, so show the dimension on that. And the way you're directing the stormwater, we just need more detail. The disturbance line is shown, in regard to each house, as to what area is going to be disturbed, as to the septic and the house and the driveway, and if you could calculate with the disturbance, and how much additional flow is going to be coming off of there, and pre and post flows to be shown. The Chairman is right, if there's an existing water course or water flow there, this project cannot make it any worse. If it looks like there are excess flows, those excess flows have to be held on this property. And that can be done by any number of different fashions. It could be in dry wells, it could be in ponds, it could be in ditches, there's a number of different ways to have that retained, and that will be shown. I wanted the sight distance shown on the plan, as they had indicated that they are going to do some work on the sight distance, there's some ledge rock coming down there, that driveway, and I wanted it to be a little more spelled out, of what they are going to do. Once it's done, I want to know what the enhanced sight distance will be. The existing drainage there now, does not work adequately, because there are blockages, and that existing drainage needs to be improved along the side of the road. We'll also re-look at the culverts, and make sure that they are in good condition. And I will also bring the Highway Superintendent up there again, to make sure that he is satisfied. Particularly the one driveway was done to avoid additional flows, and also to avoid conflict with the neighbors as well. So, I think that's still a viable possibility. And that's all I have for now.

Derek Wilson: Al, we have the ability to have them show the wooded areas on the site, and what's going to be cleared. We usually waive anything over 12", so he doesn't have to mark it on there. Is it going to be necessary for him to delineate the areas that are going to be essentially cleared there?

Al Fusco: He has it shown on there. The area of disturbance... maybe you can do a heavier line on there on the next drawing. The limit of disturbance is shown.

Tim Gottlieb: Yes, I'll define that better.

Derek Wilson: These people are going to clear the woods around the house.

Tim Gottlieb: That's what we've indicated on there, the limits of clearing.

Derek Wilson: Oh, that's it, that small area?

Tim Gottlieb: Yeah, that's the limits of clearing.

Dan Cavanaugh: Excuse my ignorance, but I don't know anything about looking for wells. How do you go about finding a well, drilling it, and whether you're going to be affecting anybody else's well?

Skip Wilson: We will address that sir.

Dan Cavanaugh: That's not an answer.

Skip Wilson: I understand, I can't answer that right now. Our engineer has to answer that question.

Al Fusco: What we can do on a project like this, is to have a draw down test done on one of these lots. We can require that one of these are done, and during that period we would have to get your permission, in order for us to do a draw down test on your well, to protect that as well.

Dan Cavanaugh: What does that mean?

Al Fusco: That means that he'll drill his well, and pump it, and then we would measure the height of water in your well, and compare that, while the pumping is going on, to see if there's any impact.

Glen Plotsky: They look to see that while they're drawing on his well, your well is going down.

Dan Cavanaugh: Okay, I understand that, thank you.

Glen Plotsky: And obviously, you'd want to do that on the property that's closest to yours. Just a thought.

Derek Wilson: A practical point of view too, you're worried about not having enough groundwater, and at the same time, you're worried about too much surface groundwater, which they're not always the same, but sometimes if you have enough upper surface groundwater, your lower bedrock water is also good too, because it's been constantly recharged by the standing water that you don't like.

Glen Plotsky: I will say, just from the legal point of view, if they arrange for a draw down test, you have to give your permission. Otherwise, you will have to live with the results. I just wanted to say it on the record, so everybody understands what the rules are.

Dan Loeb: So, with respect to the existing improvements on the drainage, which was your original intention, the drainage that existed there, and improving them to handle the water flow.... I mean he has two pictures, you've looked at them... they may or may not be helpful to you.

Tim Gottlieb: We're aware of it, and again, we've spoken to the Highway Superintendent and Mr. Fusco, and we've all come to the conclusion that that ditch is inadequate, and there's a high spot that prevents it from flowing properly to the south. So, that is what we're going to improve.

Dan Loeb: So, with respect to your question, and these two pictures, that's his remedy to this problem that he's presented to us.

Derek Wilson: I've got a question, with the drainage that we're talking about in the front, and we're talking about deepening the ditch to the south, and taking the water down. Once it gets to the end of the property on the south side, is it continuing to go....

Tim Gottlieb: It goes into a culvert.

Derek Wilson: Oh, it's basically going to be making it's way down to a stream somewhere.

Al Fusco: He also shows improvements to the one on the north also, which is not as critical, but he also did show improvements to the ditch in the northern direction as well.

Derek Wilson: But the elevation that the gentleman is talking about, as far as the standing water in the back, if the two front lot lines intersect in a 90 degree angle there, that's higher... that elevation is higher than.... in other words, the back elevation is higher than the front culvert. Is it possible to improve the existing water problem? There's an existing water problem there, without anybody building houses. The changes that you are going to make, is it going to improve that existing problem?

Tim Gottlieb: We're going to have to look at it, and say if there's a way that we can prevent, and make it a little bit better.

Ken Angeloni, Sr: I'm Ken Angeloni Sr., and now you're talking about that water coming into that culvert, where does it go, after the culvert?

Tim Gottlieb: The water coming south goes down to the 12" culvert, and...

Ken Angeloni, Sr: And who's property is that? Mine.

Tim Gottlieb: That's where it goes now.

Ken Angeloni, Sr: Mine.

Tim Gottlieb: Right. But that's where it goes now.

Ken Angeloni, Sr: It's mine. I know that, I understand that. And you going to make it so it stays in the one area, and doesn't run all over the place, is what I'm saying. Because as of now, it just runs all over the place.

Tim Gottlieb: Well, I have no control of where it goes from here.

Ken Angeloni Sr.: You do, if you're sending it across the road.

Tim Gottlieb: It's coming down there now.

Ken Angeloni Sr: I know, I understand that. But there's property here between me and here, it's YMCA property. Okay. Now I understand that that culvert was put in there some years ago, by someone who worked for the Town, he doesn't anymore, because he moved it, and it was in front of his house, and he just moved it up the road on his own.

Tim Gottlieb: Well, you probably know that better than me.

Ken Angeloni Sr: Well, I'm just telling you, that that water... when you get a lot of water, like my son showed you with those pictures, it runs, a lot of it, down onto my property.

Derek Wilson: Al, you were up there looking at this situation already, right? The culvert that they're referring to, on the opposite side of the road, when it dissipates, does it go into a stream or a swale, or does it go across someone's front lawn?

Al Fusco: Well, it travels and it spreads out... it's not defined.

Derek Wilson: Oh, so in other words, once it's taken back across the road, it's basically sheet flowed back out, it doesn't go to a swale to a stream.

Al Fusco: No, it spreads out, and it goes down through the property... the YMCA property, and coming down to his property, eventually, which is in back of that.

Derek Wilson: So, it would be advantageous to try to retain as much of the water on site, as it is, so it's not somebody else's problem.

Al Fusco: That's what he's going to do. He's not going to have any additional flows, beyond what is there now. What is there now, is there now. He's just going to try and improve it.

Glen Plotsky: He's not going to increase it.

Al Fusco: That's correct.

Dan Cavanaugh: How do you know that?

Ken Angeloni Sr: How do you know that, come on, be honest.

Al Fusco: It's calculated.

Skip Wilson: The engineer has to tell you that sir, I cannot.

Sabine Cavanaugh: Is that a guarantee, in writing. And if it doesn't happen, we get to sue. Is that how it works?

Al Fusco: You can sue anytime, even right now if you want to. But what will be submitted is a Stormwater Pollution Prevention Plan, which indicates the area of disturbance, and it also has co-efficients for the drainage flows. Like if you were going over a golf course, or through woods or on blacktop. And through those formulas, you're able to come up with flow characteristics. All right. Those flow characteristics tell you what flows you have now, and what you will have, if you pave the driveway. Let's make it simple. You're putting in a driveway, you pave the driveway. The act of paving the driveway 15' wide and 200' long creates so much additional water. That amount of water has to be withheld on the property in ponds, in vaults, in different mechanisms. So, it is calculated. Now, it's not going to calculate, whether you're going to have 2" of rain, or 3", on any certain day, and that's something that is obviously out of everyone's control. But the State has regulations as to what you calculate this for, and generally in this case, it'll be a 25 year storm.

Dan Loeb: With respect to your concerns, and I can totally empathize with them. We're all homeowners here. We're looking at land right across from us, and land next to us, and either there's an existing condition where there's too much water coming off. And somebody wants to build somewhere, this Board has to take that into account. Right now, you're looking at a vacant piece of land there, that's throwing off a lot of water, that's basically what it comes down too. It's a crappy situation, nobody's taking care of it. And to see from the pictures, the drainage ditches are filling up, they're spilling over, they're getting dumped down further south, onto the next guys' property. And it's going to make it worse. My objective, as just one member of this Board, is to hear applications such as these, and then first of all, we're not going to allow them to make the situation worse. I mean, we're pretty sensitive to guys coming in, and paving driveways, and water running off it, and everybody's saying, "How the hell did that happen? Who let them get away with that crap?" Our objective here, is to go over as much information as you guys give us, the engineer provides it... you've got to have some faith in them. You just can't say, "They're just out to do their thing." I mean, we have dealt with this gentleman before. I have every expectation that he will improve the drainage, the water situation in the front there. Now, with respect to what happens after that, we will have to look further into that. We're not going to allow him to put more water on that property, and let it come more than it already is. Which is a reasonable concern of everyone. So, we're going to make every effort to try and address that. We're not blowing smoke here. We are residents too. They have the right to develop the property, we just have to make sure that it's done to the best standards.

Derek Wilson: Just to explain to, the regulations that the engineer was just discussing. The bottom line is, "no net increase." So, it doesn't mean that if there's a problem there, we can actually try to get him to fix the problem, but the actual regulations that they have to meet by law, he's not allowed to increase the... there's certain dimensional models of how the water comes off, and there's certain types of storms, he's not allowed to let them to increase.

Ken Angeloni Sr: I just don't understand, and I'm not saying that you people did it. But I just don't understand how you can put a culvert like that one, in particular, and have it run on someone's property, and just let it run. I mean, it doesn't go to a stream. It's a lot of water up there, as simple as that. Just take a run up there someday.

Derek Wilson: I'm going to make one suggestion, and I don't mean to cause a problem here. But the location of the culvert is apparently a problem to you.

Ken Angeloni Sr: Sure.

Derek Wilson: And if you could contact the Highway Superintendent, and let him know that that culvert in that position...

Ken Angeloni Sr; He knows it's there.

Derek Wilson: I'm just trying to say that, if it's a problem for you, he's the only one that can move that culvert. And if he decides to move it, while we're reviewing this thing, he'll make sure that it all phases together.

Ken Angeloni Sr: Either that, or when the water comes on my side, why don't they make it, so that it runs halfway

decent. If they're allowing water to run on there, why don't they go in there and make it right.

Derek Wilson: And as it comes onto your property, you have the ability to direct it to a certain extent.

Ken Angeloni Sr: No, that's not my job.

Derek Wilson: Okay, I'm just making a suggestion.

Ken Angeloni, Sr: Would you want to do it, if it were on your property, make a ditch for it?

Derek Wilson: I probably would, yes.

Ken Angeloni Sr: You think you would... well, not if you're 77 years old.

Derek Wilson: I understand, but you asked what I would do.

Ken Angeloni: Could I have those photos back please? Thank you.

Derek Wilson: Okay, is there any more public comment on this application? I'll make a motion that we close the public hearing on the Butler subdivision.

Dan Loeb: Second.

Theresa Santiago: Yes.

Mike Breitenfeld: Yes.

Dan Loeb: Yes.

Derek Wilson: Yes.

Skip Wilson: Yes.

Public hearing closed at 7:35 p.m.

Respectfully submitted,

Barbara Brollier, Secretary