

The Deerpark Planning Board met for their bi-monthly meeting on Wednesday, January 13, 2010 at Deerpark Town Hall, Route 209, Huguenot, N.Y. The following were present:

#### BOARD MEMBERS

Willard I. (Skip) Wilson- Chairman  
Theresa Santiago  
David Dean

Derek Wilson  
Dan Loeb

Mike Breitenfeld  
Noel Malsberg

#### OTHERS

Mr. Glen A. Plotsky, Town Attorney  
Mr. Mike Orrego, Applicant  
Mr. Brad Cleverley, P.E.

Mr. Alfred A. Fusco, Jr., Town Engineer  
Mr. Jeff Clune, Applicant  
Mr. Alan Liman, Esq.

#### THE PLEDGE OF ALLEGIANCE

#### RE-APPOINTMENT OF BOARD MEMBER

The Chairman congratulated Theresa Santiago for being re-appointed to the Planning Board.

#### MIKE ORREGO - LOT LINE CHANGE

Represented by himself 856-0653

Owners/ Mr. Orrego and Mr. Orestuck

Applicant/ Mike Orrego wishes to purchase a piece of Mr. Orestuck's parcel, and have a lot line change, located at 118 Boehmler Rd., Sparrowbush,

It is the RS Zone

Section – Block – Lot = 24 – 2 - 37 & 95

Application submitted December 9, 2009

Mr. Orrego presented copies of the deeds to the Board, as requested at the prior meeting.

He also submitted a short environmental impact form.

#### MOTION

Dave Dean made a motion for lead agency. Derek Wilson second. Roll call vote: Santiago, aye; Malsberg, aye; Loeb, aye; D. Wilson, aye; Breitenfeld, aye; Dean, aye; W. Wilson, aye. Motion carried.

The Board reviewed Part I of the SEAF, and answered "no" to all questions.

#### MOTION

Dave Dean made a motion for negative declaration.. Derek Wilson second. Roll call vote: Santiago, aye; Malsberg, aye; Loeb, aye; D. Wilson, aye; Breitenfeld, aye; Dean, aye; W. Wilson, aye. Motion carried.

#### MOTION

Derek Wilson made a motion for waive a public hearing for the Orrego application. Dave Dean second. Roll call vote: Santiago, aye; Malsberg, aye; Loeb, aye; D. Wilson, aye; Breitenfeld, aye; Dean, aye; W. Wilson, aye. Motion carried.

Al Fusco said that he has reviewed this application and finds it acceptable.

Mr. Plotsky said that he has reviewed the deeds, metes and bounds and survey, and finds no issues.

#### MOTION

Derek Wilson made a motion to approve the Orestuck/ Orrego lot line change, conditioned upon payment of all fees, and the review of the deed by the Town Attorney. Dave Dean second. Roll call vote: Santiago, aye; Malsberg, aye; Loeb, aye; D. Wilson, aye; Breitenfeld, aye; Dean, aye; W. Wilson, aye. Motion carried.

#### DEERPARK OIL

Represented by Jeff Clune, Applicant

Owner/ Applicant Deerpark Oil wishes to place propane tankson property located off of Darraugh Lane,

Sparrowbush, N.Y.  
It is an HMU Zone  
Application received January 20, 2009

Section - Block - Lot = 44 - 2 - 1.2

Jeff Clune said that at their last meeting, there was discussion about water source tanks for final approval from the Sparrowbush Fire Department. He said that indicated on this map, he had purchased the one acre parcel, across the street, on Darraugh Lane, to install two 15,000 gallon water tanks, to allow the fire department proper access, to keep them off the premises, in case of fire, that they would be in a safe manner to douse the propane tanks. He said that a letter from the fire department is enclosed, indicating their satisfaction.

Al Fusco reviewed his technical memo, dated January 12, 2010, and said that he believes this project is moving forward very well, and concurs with the Sparrowbush Fire Department letter. He said that the submission of the NYSDOT letter is still needed.

Al Fusco said that before the final plans are signed by the Chairman, Mr. Fuller should pull the project together and make the appropriate changes. He said that the new parcel needs to be identified on the plan, (i.e., 8 acres plus 1.0 acres), as a provision.

Al Fusco said that Mr. Fuller had added notes 13.1 through 13.5 to the map, which relates to somebody certifying the foundation, as Mr Fuller had not originally designed the foundation. He said that this issue can be passed by the Planning Board, over to the Building Inspector, if the Board wishes. He said that he must see the diagrams first, however.

The Board reviewed Part I of the SEAF, and answered "no" to all questions.

#### MOTION

Dave Dean made a motion for negative declaration.. Derek Wilson second. Roll call vote: Santiago, aye; Malsberg, aye; Loeb, aye; D. Wilson, aye; Breitenfeld, aye; Dean, aye; W. Wilson, aye. Motion carried.

Al Fusco said that he will contact Mr. Fuller, the projects' engineer on his remaining concerns.

#### MOTION

Dave Dean made a motion to approve the Deerpark Oil application, subject to the conditions of the Town Engineer and the project engineer coming to agreement at the time that the building permit is applied for, that is the construction features of water, as requested by the Sparrowbush Fire Department, and the other amended features, propane facilities and the water safety facilities placed on the final plan, and payment of all fees. Theresa Santiago second. Roll call vote: Santiago, aye; Malsberg, aye; Loeb, aye; D. Wilson, aye; Breitenfeld, aye; Dean, aye; W. Wilson, aye. Motion carried.

#### PEENPACK MEADOWS SUBDIVISION

Represented by Mr. Brad Cleverley, PE 291-8650 and Mr. Alan Lipman, Esq.

Owner/Applicant - Jaison Joseph is creating an 17 lot subdivision on nproperty located off of Peenpack Trail, Huguenot, N.Y.

It is an HMU Zone.

Section - Block - Lot : 62 - 1,3,4,5 - 1,4-9,14,19

Application received March 5, 2003

Mr. Lipman said that he and Mr. Cleverley are here tonight to talk about the development of this project in three different sections. He referred to the new maps and said that sections I and II are separate and independent of each other, and rely upon no common utilities or public improvements or access. He said that each section does front on a town highway. He said that section I contains three lots, and section I contains 14 lots.

Derek Wilson said that based upon the lot configurations, this project will have two phases. He said that a road will have to be completed in that phase, to finalize that phase.

Mr. Lipman said that section I will be completed first, because it's smaller, and the economic and market conditions of the country right now.

Mr. Lipman said that he is here this evening for an overall approval, whether conditional or final, and then simultaneously, a final approval of section I; which leaves section II three years to be approved.

Mr. Plotsky said that the Deerpark Zoning Law, Subdivision Regulations, anticipates in a situation such as this, the overall plan is approved now, and sometime shortly thereafter, a phase or a section is approved. He said that once that approval is granted to that first section, there's essentially an allowance of three years, before the next section needs to be completed. He said that the Board will require the posting of a bond for the roads and improvements in section I.

Mr. Lipman said that his client will try to build the base of the roads, that is, everything but the "wearing" costs, for section I.

Al Fusco said that there is a bond estimate for the entire project, but he would like to see that broken out (i.e., section I, section II). He said that the SEQR needs to be revised also. He said that the counsels should create a "developers agreement" stating that the bond for the cul-de-sac is "x"; the bond for phase II is "y", and the applicant is going to do the development for phase I first, and then go to phase II, at which time the applicant has to post the bond, or appropriate paperwork for phase II. He said that in addition to that, there needs to be an escrow payment for inspection of phase I, with the expectation of the addition to that of phase II. He said that the Planning Board can make their approval, with the condition of a "developers agreement."

Mr. Lipman said that Mr. Fusco had suggested the terms of the "developer agreement" and suggested that the bonding estimate be broken out into two sections, post the element of the first section, when the approval for it is about to be given. He said that the bond estimate for section II is going to be "y" dollars, when his client may not post that bond for three years, and will not know what the cost of it is going to be at that time.

Al Fusco answered that it will be re-addressed then.

Mr. Plotsky said that the Board wants to know, to the extent that there's already been some discussion with regard to the approval, as to what the total bond would be, if there were no phasing. He said that it should be identified that in "2010 dollars" this is what the bond would be, that is, this much for section I and this much for section II, there's a recognition that the dollars may change for section II, by the time it's actually brought back before this Board. He said that his office does have a "developers agreement" form, and he will send it to Mr. Lipman.

Dave Dean reviewed by saying that within the three year period, the applicant doesn't necessarily have to complete section I, but the applicant at least has to do the road and the drainage, and other pertinent issues for the Town; and within the three year period, the applicant must finalize the bond for section II. He said that if the above is not done, within the three years, the applicant must start section II all over again.

Mr. Lipman said that he believes that the limitations are, with respect to timing, his client will post a bond for section I, for improvements for section I, and it will have a term, which would either be one, or two, or three years. He said that the bond is only to secure that the roads do get built. He said that the three year term is co-incidental with the period of time that an approval is exempt from subdivision change.

Dave Dean said that there will be no houses built within section I, until such time as either the bond or the improvements are made, that the Town would be responsible for.

Mr. Lipman said that the Town would not be responsible for the improvements, unless they accept dedication of the road; and until they do, the issue of whether his client can get a building permit or a C/O, depends upon the condition of the road, and whether it insures access by emergency vehicles, and so forth.

Dave Dean said that it is in the interest of the Town, that if three new homes are built on section I, which is what his client is calling for, the Planning Board would expect that that road would be more than acceptable for emergency vehicles, and it would be acceptable for the potential home buyers.

Derek Wilson said that the road should be "top-coated" before the first C/O is issued for the first house.

Al Fusco said that he will keep track of the bonds, so that when the bonds are two months prior to the end time, he will contact the applicant to either renew the bond, or call it.

Mr. Plotsky said that he still needs copies of the deeds, so the lot line changes can be finalized, and then essentially the Board will get the slight breakout of the modification of the plan from a single proposal, to two phased from Mr. Fusco. He said that Mr. Lipman and Mr. Fusco and himself will draft a developers agreement, and then the applicant will come back for final approval.

Mr. Lipman said that he will get descriptions of the roads for the Board.

Mr. Fusco said that he also needs the title policy also, so that the Town can accept the road in the future.

Mr. Plotsky said that the title policy is \$5,000.

The secretary was instructed to place this applicant on the February 10, 2010 agenda.

#### COMMUNICATION FROM THE CHAIR

Skip Wilson said that applicant Ron Babcock had withdrawn his application for building a deli on Route 42.

Mr. Plotsky said that the Board needs something in writing to that effect.

The secretary said that she will contact the applicants' engineer.

#### DEERPARK VILLAGE - DISCUSSION

Mr. Plotsky said that this Board had adopted a stipulation of settlement on December 9, 2009 for this application, subject to Town Board approval, with regard to two issues. He said that issue number one was the additional extension of the development plan; and the second issue was financial, that is, consultant fees. He said that the Town Board has met on two separate occasions, and on January 11, 2010, they approved the stipulation of settlement. He said that Mr. Fusco will be communicating with Mr. Nat Parish, the engineer for this project, with regard to establishing escrow. He said that the escrow will be effective October 15th, bringing everything from October 15th forward. He said that he has an outline on how to review what has been conducted from this point forward.

The secretary was instructed to put the discussion of this application on the January 27, 2010 agenda, and the Board members to e-mail their concerns and questions to the town engineer either before that meeting, or at that meeting.

#### RE-ORGANIZATIONAL MEETING

Dave Dean made a motion to re-appoint Willard Wilson as Chairman of the Planning Board. Dan Loeb second. Roll call vote: Santiago, aye; Malsberg, aye; Loeb, aye; D. Wilson, aye; Breitenfeld, aye; Dean, aye; W. Wilson, aye. Motion carried.

#### ADJOURNMENT

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

Meeting adjourned at 8:00 p.m.

Respectfully submitted,

Barbara Brollier, Secretary