

The Deerpark Planning Board met for their bi-monthly meeting on Wednesday, March 24, 2010 at 7:00 p.m. at Deerpark Town Hall, 420 Route 209, Huguenot, N.Y. The following were present:

BOARD MEMBERS

Willard I. (Skip) Wilson- Chairman
Theresa Santiago

Derek Wilson
Dan Loeb

Mike Breitenfeld
Noel Malsberg

OTHERS

Mr. Glen A. Plotsky, Town Attorney
Mr. Dave Dean, Town Board Liaison
Mr. Brian Babcock, P.E.

Mr. Alfred A. Fusco, Jr., Town Engineer
Mr. David Hoovler, Town Board member
Mr. Timothy Gottlieb, Gottlieb Engineering

THE PLEDGE OF ALLEGIANCE

BRIAN & STEPHANIE FOLEY

Represented by Brian Babcock, 343-2511

Owners/ Applicants Brian & Stephanie Foley wish a lot line change on property located at 505 Prospect Hill Rd., Cuddebackville, NY

It is an RS zone

Section – Block – Lot = 18-1-15 & 19.1

Application

submitted March 5, 2010.

Mr. Babcock presented an owners endorsement form to the secretary. He said that this parcel was originally subdivided in 1990, and is located on a lake. He said that Brian Foley owns the front lot, and his grandmother owns lot #2, the back parcel, which has all of the lake frontage. He said that both parties agreed that they want to move the lot line, so that Brian would have legal access to the lake. He said that lot #1 does not conform to zoning, with respect to the lot width, but does have an easement that runs through it. He said that a neighbors' parcel, which is located behind both of these lots, is accessed by a right-of-way through the two lots. He said that this lot line change will not affect the existing subsurface sewage disposal or both individual wells. He said that this proposal will make lot #1 from 1.05 acres to 1.75 acres. He said that lot #2 is now 4.9 acres and this proposal will make it to be 4.2 acres.

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Mr. Plotsky asked the reason why the lines were not changed, so that the one would be conforming?

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Mr. Babcock asked Brian Foley, who was in the audience, if his grandmother would have any objection to the lot line change being configured, so that Brians' lot would be a full two acres?

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Mr. Babcock said that he will re-stake the lines.

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The Chairman asked the secretary to verify that.

MOTION

Dan Loeb made a motion for the Deerpark Planning Board to declare lead agency on the Foley lot line application. Derek Wilson second. Roll call vote: Santiago, aye; Malsberg, aye; Breitenfeld, aye; Loeb, aye; D. Wilson, aye; W. Wilson, aye. Motion carried.

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Owner/ Applicant Camp Deerpark proposes to expand their camp located on Brandt Rd., Cuddebackville, N.Y.

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Al Fusco said that concerning minimum lot size, he set up four different scenarios:

- 1) Public water and sewer – 10,000 square feet
- 2) Public sewer only – 15,000 square feet
- 3) Shared sewer only – 25,000 square feet

4) No water and sewer – minimum of one acre

Dave Dean said that Mr. Fusco has not mentioned “height restriction” of buildings in this report.

Al Fusco apologized, and said that he did not mean to exclude that.

Skip Wilson added that the Board will need documentation of the area fire chiefs, that they have no problem with buildings that are several stories high.

Al Fusco said that pre-planning for this issue will be extensive, as to make sure that all fire concerns will be met.

Dave Dean said that it has been brought to his attention that some financial institutions will be hesitant to fund a project that has a special use with a time frame on it. He said that obviously, if an institution is going to lend money to a project, and bankroll that project for, say example, twenty years, the bank does not want to be in fear of their client being shut down, one or maybe five years after they have initiated their business.

David Hoovler expressed to the Board what the Town Board is thinking in terms of preparing for a water/ sewer district. He said that the Town has to have something in place, so that when the opportunity does come up, the Town will be prepared to receive whatever the State of New York has to offer.

David Hoovler said that he has talked with representatives from the Empire Zone, asking them to look at this IB zone; and they have projected that even if only a portion of this Route 6 area is developed, it can generate approximately \$300,000 yearly revenue for the Town.

Dan Loeb said that the worst case scenario is that the Town will receive no money to develop this IB zone.

David Hoovler reciprocated by saying that unless the Town already has a viable plan, something in place, so that if the money ever does become available, then it will happen. He said that in applying for a grant, the Town will then be in the “loop”, even if it takes eight years, then when the time comes when money will be allocated, the Town is already there, with a plan in place. He said that eventually the Town will work their way up the list, and eventually be eligible for the money, no matter who is the President or who is the Governor.

Dan Loeb said that the problem with these uses being transferred over from the “special permitted use” column, over to the “permitted use” column in the Zoning Law, is perhaps the question of the environmental review, which is a “must” in the special permitted use criteria. He said that that level of review that empowers the Planning Board to review any project, how can the Board get to a generic environmental review, and be comfortable with that.

Dave Dean agreed with Dan Loeb, and added, that the time frame of a special use permit project is also a consideration. He said that if a business is under a temporary permit, then they will have trouble getting financed.

David Hoovler agreed with Dave Dean, and said yes, this does happen. He said that the number one liability in the State of New York, for municipal towns, is lawsuits against Planning Boards and Zoning Boards.

Noel Malsberg asked, what if there is a business there, that deserves to be pulled out?

Al Fusco answered that the answer is in the special use and site plan approval, that if they are not complying with their site plan, then the Building Department will cite them, and the Town Attorney will take them to court. He said that when an owner gets his building permit, he has to submit to site plan approvals, and also the nuts and bolts of the Building Department.

Dave Dean said that if rowdiness is a problem at a particular business, then the Building Department can enforce the Local Law; or the State Liquor Board can pull a liquor license.

Dan Loeb said that there are classes in Goshen on "Economics of Land Use" on April 27, 2010, and asked if the Planning Board could make their recommendations to the Town Board, after this meeting.

David Hoovler and David Dean both agreed with Mr. Loeb, that it is not set in stone, that is, the 45 day period, that the Town Board had originally asked for the recommendations from the Planning Board

Skip Wilson asked how long it would take for a generic environmental review of the Route 6 area?

Al Fusco answered, 4 to 6 months.

Mr. Hoovler and Mr. Dean suggested the classes for Board members in Goshen, and said the members could get the information from the Town Supervisors' office.

DEERPARK VILLAGE - DISCUSSION

Al Fusco showed the Board where he has gotten through approximately 1/3 of the Deerpark Village Final Draft Impact Statement, with Nat Parish, the projects' engineer, and another gentleman. He said that those changes will all be e-mailed to the Board members.

He said that one sticking point, is the Wilson Road upgrade; where neither party wants to pay for the upgrade. He asked for the Boards' members input at the April 14, 2010 meeting.

Several Board members expressed their opinion, that they would like to hear the Town Highway Superintendents' comments.

Al Fusco read from the FEIS, page 248, #34 ... "In addition to a cash or letter of credit performance bond for the project, a separate restoration bond should be established to restore the land, in the original condition, or stabilized condition, if the project work stops for a defined period.

This all should be in a developers agreement between the Town, to set up bonds, inspection schedules, escrow accounts for inspections, stormwater inspection certifications, maintenance, necessary agreements to protect the Town and developers."

Al Fusco said that he will try to get the changes to the Board members as soon as possible, before the workshop on March 31st.

Skip Wilson said that he will not be in attendance at the workshop, and that Derek Wilson will chair that meeting.

ADJOURNMENT

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

Meeting adjourned at 9:00 p.m.

Respectfully submitted,

Barbara Brollier, Secretary

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Dave Dean said that Mr. Fusco has not mentioned "height restriction" of buildings in this report.

Al Fusco apologized, and said that he did not mean to exclude that.

Skip Wilson added that the Board will need documentation of the area fire chiefs, that they have no problem with buildings that are several stories high.

Al Fusco said that pre-planning for this issue will be extensive, as to make sure that all fire concerns will be met.

Dave Dean said that it has been brought to his attention that some financial institutions will be hesitant to fund a project that has a special use with a time frame on it. He said that obviously, if an institution is going to lend money to a project, and bankroll that project for, say example, twenty years, the bank does not want to be in fear of their client being shut down, one or maybe five years after they have initiated their business.

David Hoovler expressed to the Board what the Town Board is thinking in terms of preparing for a water/ sewer district. He said that the Town has to have something in place, so that when the opportunity does come up, the Town will be prepared to receive whatever the State of New York has to offer.

David Hoovler said that he has talked with representatives from the Empire Zone, asking them to look at this IB zone; and they have projected that even if only a portion of this Route 6 area is developed, it can generate approximately \$300,000 yearly revenue for the Town.

Dan Loeb said that the worst case scenario is that the Town will receive no money to develop this IB zone.

David Hoovler reciprocated by saying that unless the Town already has a viable plan, something in place, so that if the money ever does become available, then it will happen. He said that in applying for a grant, the Town will then be in the "loop", even if it takes eight years, then when the time comes when money will be allocated, the Town is already there, with a plan in place. He said that eventually the Town will work their way up the list, and eventually be eligible for the money, no matter who is the President or who is the Governor.

Dan Loeb said that the problem with these uses being transferred over from the "special permitted use" column, over to the "permitted use" column in the Zoning Law, is perhaps the question of the environmental review, which is a "must" in the special permitted use criteria. He said that that level of review that empowers the Planning Board to review any project, how can the Board get to a generic environmental review, and be comfortable with that.

Dave Dean agreed with Dan Loeb, and added, that the time frame of a special use permit project is also a consideration. He said that if a business is under a temporary permit, then they will have trouble getting financed.

David Hoovler agreed with Dave Dean, and said yes, this does happen. He said that the number one liability in the State of New York, for municipal towns, is lawsuits against Planning Boards and Zoning Boards.

Noel Malsberg asked, what if there is a business there, that deserves to be pulled out?

Al Fusco answered that the answer is in the special use and site plan approval, that if they are not complying with their site plan, then the Building Department will cite them, and the Town Attorney will take them to court. He said that when an owner gets his building permit, he has to submit to site plan approvals, and also the nuts and bolts of the Building Department.

Dave Dean said that if rowdiness is a problem at a particular business, then the Building Department can enforce the Local Law; or the State Liquor Board can pull a liquor license.

Dan Loeb said that there are classes in Goshen on "Economics of Land Use" on April 27, 2010, and asked if the Planning Board could make their recommendations to the Town Board, after this meeting.

David Hoovler and David Dean both agreed with Mr. Loeb, that it is not set in stone, that is, the 45 day period, that the Town Board had originally asked for the recommendations from the Planning Board

Skip Wilson asked how long it would take for a generic environmental review of the Route 6 area?

Al Fusco answered, 4 to 6 months.

Mr. Hoovler and Mr. Dean suggested the classes for Board members in Goshen, and said the members could get the information from the Town Supervisors' office.

DEERPARK VILLAGE - DISCUSSION

Al Fusco showed the Board where he has gotten through approximately 1/3 of the Deerpark Village Final Draft Impact Statement, with Nat Parish, the projects' engineer, and another gentleman. He said that those changes will all be e-mailed to the Board members.

He said that one sticking point, is the Wilson Road upgrade; where neither party wants to pay for the upgrade. He asked for the Boards' members input at the April 14, 2010 meeting.

Several Board members expressed their opinion, that they would like to hear the Town Highway Superintendents' comments.

Al Fusco read from the FEIS, page 248, #34 ... "In addition to a cash or letter of credit performance bond for the project, a separate restoration bond should be established to restore the land, in the original condition, or stabilized condition, if the project work stops for a defined period.

This all should be in a developers agreement between the Town, to set up bonds, inspection schedules, escrow accounts for inspections, stormwater inspection certifications, maintenance, necessary agreements to protect the Town and developers."

Al Fusco said that he will try to get the changes to the Board members as soon as possible, before the workshop on March 31st.

Skip Wilson said that he will not be in attendance at the workshop, and that Derek Wilson will chair that meeting.

ADJOURNMENT

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

Meeting adjourned at 9:00 p.m.

Respectfully submitted,

Barbara Brollier, Secretary