

The Deerpark Planning Board met for their bi-monthly meeting on Wednesday, June 9, 2010 at 7:00 p.m at Deerpark Town Hall, 420 Route 209, Huguenot, N.Y. The following were present:

BOARD MEMBERS

Willard (Skip) Wilson, Chairman
Derek Wilson

Dan Loeb
Noel Malsberg

Theresa Santiago
Willard Schadt

Mike Breitenfeld

OTHERS

Mr. Glen A. Plotsky, Town Attorney
Mr. Dave Dean, Town Board Liaison
Ms. Lana Han, Esq.
Mr. Chun Feng, Applicant

Mr. Alfred A. Fusco, Jr., Town Engineer
Mr. Timothy Gottlieb, Gottlieb Engineering
Mr. John Metzger, P.E.
Mr. Bob Juliano, Applicant

THE PLEDGE OF ALLEGIANCE

DRAGON SPRINGS BUDDHIST INC. - PUBLIC HEARING

Represented by Chun Feng, & Lana S. Han, Esq. 754-7400

Owner/ Applicant Dragon Springs wishes to expand their cafeteria building, located on Galley Hill Rd., Cuddebackville, N.Y

It is an RR Zone. Section – Block – Lots = 31 – 1 – 21 & 22

Application submitted April 4, 2010

SEE ATTACHED PUBLIC HEARING RECORD

Derek Wilson said that the applicants' increased use will only be for special events, not increasing the daily use of the site to 300 during the week and to 500 on weekends. He said that for the special use permit, the Board will have to look at how traffic is going to get in and out of the site.

Theresa Santiago asked how many students they are planning on having?

Chun Feng answered that they are planning, but they have to figure out the number first, and will come back to the Board.

Dan Loeb asked about the dormitories?

Chun Feng answered that they will be double, not single.

The Board reviewed the SEQRA form, part I, and answered "no" to all questions except, "Does action result in any adverse effects, associated with the following: existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste protection or disposal, or potential for erosion, drainage or flooding problems." The Board answered "yes" to this question.

Al Fusco said that concerning the cliffs overlooking the Neversink River, the applicant had indicated them on the SEQRA form, even though they are not near the construction, or will not be impacted by the construction.

MOTION

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

MOTION

Derek Wilson made a motion to approve the Dragon Springs Buddhist Inc site plan modification with the following conditions: 1) existing occupancy limitation remain in effect, of 100 plus 100; 2) the building

department and the town engineer will handle the review of the SPDES permits for both discharge and water withdrawal; 3) and an appropriate escrow shall be established, to be negotiated between the applicant and the Town, with regard to construction and inspections of the alterations being proposed, and said escrow will be separate and apart from the Planning Board. Theresa Santiago second. Roll call vote: Santiago, aye; Loeb, aye;

D. Wilson, aye; Breitenfeld, aye; Malsberg, aye; Schadt, aye; W. Wilson, aye. Motion carried.

MOTION

Theresa Santiago made a motion for the approval of the proposed temporary structure to be good for one year for the Dragon Springs Buddhist, Inc. modification, and it must be removed, prior to the issuance of the certificate of occupancy for the proposed buildings being modified, and a building permit must be issued. Dan Loeb second. Roll call vote: Santiago, aye; Loeb, aye; D. Wilson, aye; Breitenfeld, aye; Malsberg, aye; Schadt, aye; W. Wilson, aye. Motion carried.

Glen Plotsky said that the special use permit continues for the one year that it was granted previously. He said that the applicants must come back before this Board, at least one month before that date, and indicate that they want renewal, and all department heads will be contacted, and if there is no issues, the special use permit will be renewed.

ORANGE COUNTY TERMINALS, LLC.

Represented by Bob Juliano, applicant and John Metzger, P.E. 206-3973

Owner/ Applicant Orange County Terminals wishes to install a catch basin and drainage pipe, on property located on Sleepy Hollow Road.

It is an HMU Zone.

Section - Block - Lot = 44 - 4 - 40.1

Application submitted May 28, 2010

Mr. Juliano said that the facility has a SPDES permit, which is a discharge permit for their secondary and primary containment areas. He said that that means that with the rains, the containment areas need to be emptied, and they then take a sample of the water, and if it's clear, then it can be discharged through their oil separator. He said that they are working with the NYSDEC right now, for an application for renewal. He said that they originally had a swale that was directed toward the parking lot.

He said that now, a discharge line needs to be run underneath Sleepy Hollow Road, and that Henry Holley, who owns the property, has stated that he will give them an easement over his property. He said that the Deerpark Highway Superintendent has visited the property with him, and is aware of the situation.

Mr. Metzger said that this proposal is to install a catch basin and an 18" line to go underneath Sleepy Hollow Road. He said that it will be located approximately 100' from the Port Jervis city line. He said that the stormwater will eventually make it to a tributary to the Delaware River. He said that they are seeking a permit from the NYSDEC, who wants to see permission from the Town of Deerpark first, because the applicant is crossing a town road, and then a NYSDEC permit will be issued. He said that the NYSDEC does not want to see the discharge go through a swale, and maybe into the neighbors property; but rather, to be discharged directly from a pipe, into a water source. He said that the applicant is proposing an 18" pipe catch basin, and it will be pumped from the oil/ water separator, across the yard with a 2" forced main, will then come up out of the ground, discharge into the catch basin, and then discharge across the street. He said that the catch basin is proposed to be located 6" above the crown of the road, so that the water from the parking lot can never get into this catch basin, instead it would flow across the road at this point.

Dan Loeb asked about stop gap procedures?

Mr. Juliano answered that if there is a large amount of rain, and there is an "oil sheen", it would have to be tested, and would never be allowed to go off of the property.

Mr. Metzger said that the NYSDEC periodically inspects and certifies everything on the premises.

Willard Schadt clarified by saying that this applicant is seeking permission to do exactly what they are doing now, except that, with this Boards' approval, the flow will go in a better direction. He said that nothing else will be changed.

Al Fusco referred to his technical memo, dated June 9, 2010. He said that the property line needs to be identified on the map, that is, where the Town road is by prescription, and where the applicants' property is. He said that topography needs to be added to the map, both on the applicants' side and the river bank side. He said that details of the headwall and the riprap, need to be added to the site plan. He said that the details of the oil/ water separator need to be shown, and also the projected flows. He said that details need to be shown of the run-of-bank. He said that paving details need to be added, showing the 3" binder, the 2" top, and the saw cut roadway. He said that the Board wants to see the application for the NYSDEC SPDES permit.

Al Fusco said that he couldn't tell from the site plan, if they are within 500' from NYS highway 42/ 97, and after measuring, if so, the drawings will have to be sent to the Orange County Planning Department, the NYSDOT, the NYSDEC, and the Deerpark Highway Superintendent. He said that if they are within 500', then he will need to receive four copies of the maps, and if not, then indicate on the map that they are not within 500' of a NYS highway.

Mr. Metzger said that he was told by the Deerpark Highway Superintendent that there are utilities running down the road, and those will be indicated on the revised maps.

Mr. Juliano said that he did set up a legal escrow account, and an engineering escrow account with the Town Supervisors' office.

MOTION

Derek Wilson made a motion to schedule a public hearing for the Orange County Terminals application for Wednesday, July 28, 2010. Theresa Santiago second. Roll call vote: Santiago, aye; Loeb, aye; D. Wilson, aye; Breitenfeld, aye; Malsberg, aye; Schadt, aye; W. Wilson, aye. Motion carried.

MARTEL HOLDINGS LLC

Represented by Tim Gottlieb, Gottlieb Engineering

Owner/ Applicant Martel Holdings LLC wishes a 16 lot subdivision on property located off of Wilson Rd., and Hawk Mountain Dr., Sparrowbush, N.Y.

It is in the RRC Zone.

Section – Block – Lot = 21 – 1 – 62.32

Application submitted October 11, 2007

Applicant is seeking another 6 month preliminary approval extension

Mr. Gottlieb said that this is the first extension asked for, because on January 27, 2010 the Board granted preliminary conditional approval. He said that he is asking for an extension, because the NYSDOH still has not given their permit.

MOTION

Derek Wilson made a motion to grant the Martel Holdings LLC 16 lot subdivision, a 6 month preliminary approval extension on their preliminary conditional approval. Theresa Santiago second. Roll call vote: Santiago, aye; Loeb, aye; D. Wilson, aye; Breitenfeld, aye; Malsberg, aye; Schadt, aye; W. Wilson, aye. Motion carried.

DEERPARK VILLAGE - DISCUSSION

Al Fusco told the Board that he has given all of the Boards' comments to the applicant. He said that originally the applicant was not inclined to go along with the additional "chart." He said that after speaking with them again, they have now agreed to make up a "chart" (with percentages) for the Board. He said that speaking with Mr. Parish, the project engineer, yesterday, he said that he does not have any reply to the Boards' comments yet.

Al Fusco said that the applicant has a question regarding Wilson Road, that is, they want to know the Boards' idea for the cost estimate for the road improvements.

Glen Plotsky said that the Board is in full compliance, they did all what they were supposed to do, they sent their comments to the applicant, and now it's just waiting on the applicant.

Al Fusco said that he has sent comments to the applicant on two separate occasions, that is, one was after the first meeting, and one was after the second meeting. He said that after the second meeting, the Board had requested additional information on the percentages. He said that the applicant had said that they will put together a chart on the percentages for the Board.

Al Fusco said that the applicant wants an estimate of cost put together, and he will get together with the Town Highway Superintendent to get that figure for the applicant. He said that the applicant just basically wants a figure of what the scope of what the cost may be.

Al Fusco said that as soon as he gets information and/or e-mails from the applicant, he will immediately forward it to the Board members. He said that he will also re-send the "findings statement" to the Board members.

ADJOURNMENT

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

Meeting adjourned at 8:25 p.m.

Respectfully submitted,

Barbara Brollier, Secretary