

DEERPARK PLANNING BOARD - JULY 27, 2011 - PAGE #

The Deerpark Planning Board met for their bi-monthly meeting on Wednesday, July 27, 2011 at 7:00 p.m. at Deerpark Town Hall, 420 Route 209, Huguenot, N.Y. The following were present:

BOARD MEMBERS

Al Schock, Vice-Chairman Theresa Santiago Mike Hunter Willard Schadt Bob Vicaretti Derek Wilson

OTHERS

Mr. Alfred A. Fusco, III., Town Engineer Mr. David Dean, Town Board Liaison
 Mr. Timothy Gottlieb, Gottlieb Engineering Ms. Lana Han, Esq.
 Mr. Chun Feng, Architect Ms. Shelley Lambrou, Applicant

THE PLEDGE OF ALLEGIANCEDA TANG DEVELOPMENT, LLC - PUBLIC HEARING CONTINUED - #11-0202

Represented by Timothy Gottlieb, Gottlieb Engineering 794-5506
 Owner/ Applicant Da Tang Development wishes a lot line change and a site plan for a proposed Bed & Breakfast located on Galley Hill Rd., Cuddebackville, NY
 It is in the Residential Settlement Section – Block – Lots = 22-1-5.21, 5.221 & 5.222
 Application received February 8, 2011
 ZBA granted use variance on May 19, 2011.

SEE ATTACHED PUBLIC HEARING RECORD

After the public hearing, Al Schock asked Tim Gottlieb if anyone is living in the trailer behind the barn at this time?

Tim Gottlieb answered that he believes there may be one occupant.

Tim Gottlieb said concerning flooding that there is nothing being done to the barn building that will cause flooding on the road. He said that there is no change of the drainage flows at all on the property. He said it will go away from the road.

Derek Wilson asked about speed bumps being put on Galley Hill Road?

Al Fusco answered that he didn't know.

The Board had voted to keep this public hearing open, to be continued at their August 10, 2011 meeting.

DRAGON SPRINGS BUDDHIST, INC. - PUBLIC HEARING - #10-0401

Represented by Ms. Lana Han, Esq. & Mr. Chun Feng, Architect & Mr. Kaijin Liang, PE 845-754-7400
 Owner/ Applicant Dragon Springs Buddhist, Inc. wishes to enlarge the lake and build a new dam on property located at 140 Galley Hill Rd., Cuddebackville, N.Y.
 It is an RR zone. Section – Block – Lot = 31 – 1 – 21.22
 Application received April 28, 2011

SEE ATTACHED PUBLIC HEARING RECORD

The Board had voted to keep this public hearing open, to be continued at their August 10, 2011 meeting.

A citizen asked that at the next meeting, if there could be actual photographs of the lake, and where the applicant wants to put the lake and dam?

Derek Wilson said that the board cannot do that, but any member of the public can review the Town Clerks' file and see on the site plan, the locations where the planners place the site that is being developed and changed, in addition to the surrounding lots.

Al Schock said that photographs are not required by the Board. He said that the public can look at the maps.

SHELLEY LAMBROU – PRE-APPLICATION CONFERENCE

Represented by herself 201-956-4371
 Owner/ Robert Farnel
 Applicant/ Shelly Lambrou wishes to create a day care center in the building located at 287 Route 209, Town of Deerpark, Orange County, New York.
 It is an HMU zone. Section – Block – Lot = 51 – 3 – 36
 Applicant has spoken with the Building Inspectors' Office.

Ms. Lambrou said that she wants to open a State licensed pre school day care facility in the existing house. She said that it is allowed in this zone, and she would have to go through the State Health Department approval process.

Derek Wilson asked what the total acreage of the lot is?

Ms. Lambrou answered that it is approximately 4 acres, and there is an existing building there. She said that according to the square foot rule, there would be no more than ten children, because you can only have one child for every 35 square feet.

Willard Schadt asked about the building?

Ms. Lambrou answered that it is now empty, and at one time there was a ceramic shop there.

The Board asked if there are different lots, or is it all one lot?

Ms. Lambrou answered that she will be renting, and she isn't sure.

The Board determined that Ms. Lambrou needs to find out if these are separate lots, or it's just one lot ownership?

Ms. Lambrou said that she has not seen the deed, and wants nothing to do with the rest of the property, just the piece where the day care center will be located.

Derek Wilson said that the Zoning requires that there be a minimum acreage that the building can be located on, and that there is also a minimum road frontage, and set back requirements. He told Ms. Lambrou that if she proceeds with the application process, that she will have to get a site plan made of the property that the day care center will be located on.

Willard Schadt asked if there is an existing septic and well?

Ms Lambrou answered yes

Al Fusco consulted the Zoning Law, and said that one acre of land is needed for a day care center in this zone, and it is a special use permit. He said that the applicant may have to go before the ZBA for a variance.

The Board decided to extend this pre-application conference until the next meeting, to give the applicant more time to prepare more information and perhaps come back with some sort of site plan map.

KIRIT JAKARIYA - PRE-APPLICATION CONFERENCE

Represented by himself 856-6161

Owner/ Applicant Kirit Jahariya owns the Alexander Hotel and wishes to create a business on the first floor, and keep the upstairs as hotel rooms, on property located on Route 42/97 and Berme Rd., Sparrowbush, N.Y.

It is an HMU Zone.

Section – Block – Lot = 47 – 5 – 1

Applicant has spoken with the Building Inspectors' Office

Mr. Jakariya asked to be placed on the next agenda.

COMMUNICATION FROM BOARD MEMBERS

Derek Wilson said that at the last meeting he had requested that the secretary review the old files, and come up with a list of old applications over 6 months old, that the Board has not seen any action on. He also said that the Town Attorney needs to be consulted as to either notify these old applicants by letter or if the Board has to take any kind of action. He said that any applicant who is not going to pursue their application, should be refunded any escrow money.

The secretary had presented the board members with a list of old applicants.

Rob Vicaretti asked a question pertaining to Dragon Springs, if their new parking garage is part of this new application?

Derek Wilson answered that if they are changing something from their old approved plans, they are supposed to get approval from this Board before any concrete is poured. He said that they are building what was on this previous site plan approval, and except for little "tweaks" that the Building Inspector said was okay, they can continue, but not for any major parking configuration change.

Al Fusco answered that the applicant did give his firm plans to review after his people were up on the property and asked what were they doing. He said that they have not been working on that portion, but have only been working on the approved portion.

Mike Hunter asked Al Fusco how often he goes up onto the Dragon Springs site?

Al Fusco answered that when they call the Building Inspector for an inspection. He said that his firm is not authorized to do sporadic inspections.

Rob Vicaretti said that there should be someone from the town up there 24/7 in a job trailer, and making sure that they are doing things properly.

Al Fusco said that the Town does have the ability to request that the Town Engineer be up there and inspect 24/7. He said that the Town has the ability to have the applicant set up an escrow account to pay for inspections. He said that right now, there is an agreement with Dragon Springs that if they change anything from the submitted plans, then they have to pay in an escrow account, for a review of those changes. He said that this Board may have the ability to pass a resolution to have a full time inspection or have somebody go up on site a certain amount of hours a week. He said that what this applicant has on their site plan, is pretty much what is actually there.

David Dean said that it is a good idea to make a request of the Town Board to at least have a published schedule of who is doing the inspections and when, and have the applicant pay for it.

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Derek Wilson asked Al Fusco, from what he has seen on the site, are the number of people on the site, does it conform to their original number that was approved by this Board.

Al Fusco answered yes, there are approximately 100 workers on site.

Derek Wilson said that site workers during the day, are not considered part of the occupancy of the 100 during the week, and the 100 on weekends/

Dave Dean agreed, but said, unless they live there.

Al Fusco said that he has seen eight or nine of those Shortline buses parked on the premises.

Willard Schadt asked, what is the DEC involvement in the dam?

Al Fusco answered that he believes that DEC would supersede the Town, concerning inspections. He said however, that the Town would have an obligation to inspect that as well, meaning the Town Engineer would do the inspections for the Town.

Willard Schadt asked, at a certain point, is DEC called in to inspect.

Al Fusco answered that it would be similar to what is being done now.

Rob Vicaretti said that the DEC report is 6 years old, and an updated report should be submitted.

Al Fusco said that the applicant knows that, and will submit an updated letter from the DEC.

ADJOURNMENT

Wilson made a motion to adjourn. Santiago second. Roll call vote: Santiago, aye; Schadt, aye; Hunter, aye; Vicaretti, aye; Wilson, aye, Schock, aye.

Motion carried.

Meeting adjourned at 9:15 p.m.

Respectfully submitted,

Barbara Brollier, Secretary