

DEERPARK PLANNING BOARD - AUGUST 8, 2012 - PAGE

The Deerpark Planning Board met for their bi-monthly meeting on Wednesday, August 8, 2012 at 7:00 p.m at Deerpark Town Hall, 420 Route 209, Huguenot, N.Y. The following were present:

BOARD MEMBERS

Al Schock, Chairman
Craig Wagner

Theresa Santiago
Bob Vicaretti

Derek Wilson

OTHERS

Mr. Alfred A. Fusco, III, Town Engineer
Mr. David Dean, Town Board Liaison
Mr. John Fuller, Civil Engineer
Mr. Chun Feng, Architect, Dragon Springs Buddhist, Inc.

Mr. David Bavoso Town Attorney
Mrs. Lisa Monk, Applicant
Ms. Nancy Gibson, Applicant

THE PLEDGE OF ALLEGIANCE

DEERPARK KOA SITE PLAN - #12-0402

Represented by Mrs. Lisa Monk, Applicant & Mr. John Fuller, Civil Engineer 856-1536
Owner/ Applicant Riverrush RV & KOA Campground is seeking a site plan for property located at 108 Guymard Turnpike, Cuddebackville, N.Y.
It is an RR Zone. Section –Block –Lot = 28 – 1 - 49
Application received April 13, 2012

John Fuller said that this application was last before the Planning Board a couple of months ago, and at that time, the Town Engineer had given him a technical memo with approximately 15 issues, for him to rectify. He said that he has addressed all of the comments, and is identifying to the best of his ability, all of the water and septic systems, and electrical systems. He said that there was a number of specifications to clarify, and he has submitted those specifics on the latest site plan drawing, such as cabins and lodges, both existing and intended to exist on the site. He said that he believes that he has addressed all of the comments from the review letter, which was handed to him at the meeting at the end of April 2012. He said that this past Monday, he and the Huguenot Fire Chief did a walk through the property, and he presented the review letter that the Chief wrote, concerning the property.

Al Fusco reviewed his technical memo dated August 8, 2012.

1. Design Professional to address the issues presented with having structures and septic in an AE floodway.
2. Backflow valves for septic and water should be provided and shown on the site plan.
3. Please provide the latest Department of Health certifications.
4. Please submit water test and logs.
6. Design Professional to show materials for sewer, septic and water.
7. Board comments.

Al Fusco added that the existing sign details need to be added to the site plan also.

Al Fusco said that it is in a floodway, and he wondered what about the structures, if there's a flood. He said that some of those cabins should have better anchorage and that sort of thing. He also said that concerning the water and septic, that back flow valves will be needed. He said that the Department of Health had done a walk through recently, and he said that he needs a copy of their most recent report. He said that a water test on the pumps is needed, and if the DOH did such a test, than another one will not be needed. He said that concerning the sewer and water, they have been in

existence for a long time, and he would like to know what type of materials they are made from. He said that he is concerned about pbc's and those sort of things. He said that as the Town Building Inspector, he has been receiving complaints from neighbors, concerning noise, and a PA system. He said that if there is such a system on the property, it needs to be added to the site plan. He then asked if the existing sign, out on Guymard Turnpike, has an approval?

John Fuller answered no.

Al Fusco said that a sketch of the sign with the dimensions, will be needed to be put on the site plan. He said that right now, it is an existing sign, that does not conform to the Town Zoning Law. He said that the Planning Board does have the right to approve such a sign.

Lisa Monk said that on holiday weekends, a DJ would come on Friday nights, and the campground puts up a portable screen to show movies on Saturday nights. She said that the former campground owner had also had folk dancers come to the campground, and she indicated on the map where the folk dancers would hold their dances, and she would put up hay bales to muffle the noise, and has had trees planted in that area. She said that the DJ's and folk groups would bring their own PA equipment. She said that there is a natural ampitheater, which she indicated on the map, and said that there is an electrical outlet near there. She said that the campground does not have an audio system, but campers would come with their own speakers.

MOTION

Vicaretti made a motion that the Deerpark Planning Board become lead agency for the KOA Campground application. Wilson second. Roll call vote: Santiago, aye; Wagner, aye; Wilson, aye; Vicaretti, aye, Schock, aye. Motion carried.

Bob Vicaretti asked if the letters that the Board had received from citizens, concerning this application should be read into the record tonight?

David Bavoso answered that at this point, the bulk of the letters that he had seen were from the Building Inspectors' Department. He said that if the Board chooses to include the citizens' letter into the public comment period, the Board can certainly do that at the public hearing.

John Fuller did say that in speaking with the Huguenot Fire Department, the Chief had acknowledged the difficulty, that there is not second means of access and egress onto the property. Mr. Fuller explained that there is a road, Betty Jane Lane, that used to be used as a second emergency access, but the present owners have put up gates, and will not allow any traffic to go onto their private road.

Lisa Monk explained that Betty Jane Lane does have future right-of-way for the Town, and is listed on the survey, as acknowledged since 1975 as a Town right-of-way. She said that yes, she does have a deeded right-of-way to Betty Jane Lane, however, the owners of the road are adamant about not allowing the campground to use it as an emergency road. She indicated the Lane on the site plan. She did say that this Lane was in fact, a second entrance to the campground until just a few months ago, when the present owners had installed gates.

Al Fusco explained that the property line has been fenced off by the neighboring property owner who is upset with the campground, and the fence is on his property. He said that this neighbor did take out a permit to put in posts and a chain linked fence.

Lisa Monk said that she hoped that this situation will be resolved.

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David Bavoso said that the Fire Department could address this problem also.

Al Fusco said that the New York State Code does not mandate that a property has a second means of ingress and egress, but he said that in this case, a Fire Official can say that there is an issue here, and it would be nice to have a second means of access.

Derek Wilson noted that the Betty Jane Lane road is indeed higher than the recognized entrance road to the campground, and it would be a much needed road, if there were to be a flood on the property, being that the campsites are so close to the Neversink River.

Al Fusco noted that there is an evacuation area noted on the site plan, but it is not ideal.

MOTION

Wilson made a motion that the Board schedule a public hearing for the KOA Campground application for Wednesday, September 12, 2012. Vicaretti second. Roll call vote: Santiago, aye; Wagner, aye; Wilson, aye; Vicaretti, aye, Schock, aye. Motion carried.

The secretary said that she will get the public hearing notice to Mr. Fuller.

NANCY GIBSON SITE PLAN - #11-0301

Represented by Ms. Nancy Gibson, Applicant and John Fuller, Civil Engineer 856-1536
Owner/ Applicant Nancy Gibson wishes a site plan, special use permit and lot line change and lot consolidation to create an animal sanctuary on 76 acres located at 200 Peenpack Trail, Huguenot, N.Y.

It is an RR Zone

Section –Block –Lot = 37 —.11

Application submitted June 27, 2012.

Mr. Fuller reviewed by saying that at the last meeting, the applicant had decided to do both a lot line change and a lot consolidation first, and then do a separate site plan/ special use permit application. He said that the Board wanted to treat the lot line change and consolidation application separate from the site plan application. He presented a lot line change and consolidation map to the Board. He said that the applicant wants to expand around her house to be able to put in a pool, which would be for her own personal use, not for the animals. He said that after the original subdivision and during the construction procedures of her dwelling, and during the construction of the road, she was able to acquire this third lot, which was unbuildable, and she hopes to incorporate that into her lot, for the reason being that the driveway that she had constructed, crosses that third lot.

Derek Wilson asked, does the Board have the ability to waive a public hearing for a lot consolidation and a lot line change?

David Bavoso answered that yes, the Board can waive a public hearing, according to the local law, although SEQR cannot be waived, because it's in the State Code. He also said that he will need to see the new deeds.

John Fuller said that he will submit them.

Al Fusco referred to his technical memo, dated August 8, 2012:

1. New metes and bounds descriptions are to be made;
2. Planning Board Attorney to review new deeds;
3. Discussion on owner's intent;

4. Re-discuss access to lot 1B with dates;
5. Lead agency designation;
6. SEQRA action;
7. Decide on lot configuration separate from site plan;
8. Discuss public hearings.

MOTION

Wilson made a motion that the Board waive a public hearing on the Gibson lot consolidation/ lot line change application. Santiago second. Roll call vote: Santiago, aye; Wagner, aye; Wilson, aye; Vicaretti, aye, Schock, aye. Motion carried.

MOTION

Santiago made a motion for the Deerpark Planning Board to become lead agency for the Gibson application. Wagner second. Roll call vote: Santiago, aye; Wagner, aye; Wilson, aye; Vicaretti, aye, Schock, aye. Motion carried.

MOTION

Wilson made a motion for a negative declaration. Santiago second. Roll call vote: Santiago, aye; Wagner, aye; Wilson, aye; Vicaretti, aye, Schock, aye. Motion carried.

MOTION

Wilson made a motion for conditional approval of the Gibson lot line change and lot consolidation application, subject to the submission of the new deeds to the Town Attorney and payment of all fees. Santiago second. Roll call vote: Santiago, aye; Wagner, aye; Wilson, aye; Vicaretti, aye, Schock, aye. Motion carried.

John Fuller handed out preliminary maps of the site plan to the Board members, and addressed comments that were made by the Board at the last meeting. He said that it is a special use. He said that the applicant is seeking access to the back lot, by going through the main residential lot, and such time, when the road and the bridge can be built, approximately two years, and then incorporate that into an updated approval. He said that that access will then be off of Peenpack Trail, across the bridge, which will be built across the creek. He said that the applicant will be building a cat facility with an office, a barn and an octagon dog facility. He said that as part of the last discussion at the last meeting, the Board wanted to know the types of animals and the quantities. He said that a kennel license will be pursued, as discussed at that last meeting, and the Board wanted to know the not-for-profit status, and the interaction with the humane society and the adoption of the animals already on the property. He said that the Board had asked him, how the applicant would address the noise, and how the sewage will be dealt with, and the fencing and containment. He then introduced the applicant, who could answer all of these questions.

Nancy Gibson introduced herself and said that she basically wanted to make this facility to save animals, as there is a great need. She said that she had visited the Pike County Animal Shelter, in Pennsylvania, and the director there had stated that he would be glad to work with her. She said that Bill, that director, had given her a lot of help on cat containment, as he has lot of experience, and she said that that is why she wants to build the cat house, and incorporate an office into that building. She said that these animals are ones that she has raised herself, and include cats, dogs, goats and ducks, and she said that she would like to have pigs also. She said that she has spent time in Utah, at the Best Friends Sanctuary, and she is using their features as her model. She said that the cat house will have rooms for the cats, and all of the cats will be adoptable. She said that the dog octagon is fashioned, in a way, so there will be 6 groups of 5 dogs and they will have their own runs, and there will be no cages.

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Theresa Santiago asked if she will have a veterinarian on site?

Nancy Gibson answered hopefully in the future, when finances allow, but in the meantime, she said that she does have two on her board, and she will get acquainted with local veterinarians.

Theresa Santiago asked, how will she treat an abused animal?

Nancy Gibson answered that it depends on its' injuries, and she would absolutely call in a veterinarian.

Derek Wilson asked about horses?

Nancy Gibson answered that she is not planning on acquiring horses in the beginning, only in the future when she can afford them. She said that she's planning on having small farm animals, such as ducks and goats and maybe a domestic pig.

John Fuller pointed on the preliminary site plan where the dog octagon would be located, and said that approximately 35 dogs would be housed there. He also pointed out an outside area for the ducks and goats. He said that approximately 40 to 50 cats would be able to be housed in the cat house structure. He said that the goats, ducks and pigs and possibly a donkey, if she acquires an abused one, would be located by the barn, which he indicated on the map.

Bob Vicaretti asked about the containment area and inquired if the Ag Law requires a certain amount of land, and fencing?

Derek Wilson said that the local law does state so many animals per acre, for the whole site.

Al Fusco concurred and said that the local law is not fine tuned to address it.

Derek Wilson asked about the run-off and said that it should not go onto the property.

John Fuller agreed, and indicated on the site plan, where the lay of the land is, and in which direction the water will flow. He also said that concerning the septic system, the manure will be collected and taken off site. He said that off site dumpsters will be provided.

The Board asked him to address this topic more in depth.

John Fuller said that the septic system will only be used for the humans.

Al Schock asked about the kennel license?

David Bavoso answered that that will still need to be taken care of, and the only thing that he said that he sees, is that this application seems to fit a kennel use, more than an Ag use. He said that if the applicant is only looking to take in animals, and then to adopt them out, he said that that sounds an awful lot like a kennel use. He said that the Board will have to make a determination about this. He asked Ms. Gibson to submit some information from the State, if she wishes to pursue the agricultural use, and said that there are other organizations and facilities in Orange County that do the same thing, such as "Pets Alive." He said that that would be his largest concern, that of the use. He also said that there will have to be an access agreement, concerning the access from the one parcel, accessing back to the second parcel, as the bridge and the road are built.

Dave Dean remarked that the applicant will need to take into consideration the black bears in the area, who love cats, and will more than likely show up on the property. He said that the Board should talk to the applicant and the engineer about an escape plan, if a bear should get into the cat house.

Nancy Gibson said that the cats will never be going outside.

Derek Wilson said that the applicants proposed use is kennel, and not the Ag use.

Al Fusco said there might have been confusion, as there were livery stable and breeding farms and agriculture notes on the plan. He did agree that this would be a kennel use.

John Fuller said that that kennel use is straight out of the Town of Deerpark Zoning.

Al Fusco agreed with Mr. Fuller that this will be a special use permit, and then incorporated in that permit, there would be kennels, veterinarian office, animal hospital, and there may be an agricultural use somehow to be fitted in there as well. He said that the definition is not really clear, concerning kennels and veterinarian uses, versus agricultural uses in the Zoning. He said that Mr. Fuller can more define it, by clearly stating what kind of animals, and how many of each kind, etc. He said that that should all be written on the site plan. He also said that it may be a good idea that with the special use permit, keep in mind the two year easement, or whatever wording the attorney chooses to use, that should also be included in the special use permit. He said that when the Building Inspector goes up onto the property in two years to inspect the property use, he will also inspect the building of the bridge and access road as well.

John Fuller said that he will take all of the concerns of the Board tonight, and draw up some new site plans, and come back before the Board, and then they can schedule a public hearing.

DRAGON SPRINGS BUDDHIST INC. - # 10-0401

Represented by Mr. Chun Feng, Architect 754-7400

Owner/ Applicant Dragon Springs Buddhist Inc., is seeking a revision to their site plan, by changing a garage into an incense shop, by changing a gazebo into a meditation hall, and a proposed storage shed, 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 August 1, 2012

Chun Feng referred to the existing site plan and said that previously a garage had been proposed west of the temple area. He said that that proposed garage was to be approximately 12, 650 square feet. He said however, he is now proposing two smaller garages. The one garage will be at the same location and will be 2,400 square feet, and the other one will be close by the meditation hall, and will be 7, 093 square feet. He said that actually the area will be reduced with these two smaller garages. He said that the septic will be the same, that is, 300 gallons per day, so no new septic is proposed. He indicated on the map where there is an old wooden shed, several years old, which is falling apart, and he said that they wish to replace that with a new pre-fabricated metal shed, approximately 6,000 square feet to be used for the storage of tools and building materials.

Derek Wilson asked about a metal building that was built a little while ago, and what has happened to that?

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Al Fusco answered that they did have a few temporary buildings, at the entrance to the property, which are still there. He said that where the applicants are proposing this new metal building, they had three wooden temporary framed structures, and then next to the cafeteria building they started building a larger metal structure. He said that when the building department went up to look at it, to give them a temporary certificate of occupancy, they were requested to take down the one metal building, and then that left them with the smaller sheds, which are deteriorating. He said that this new proposed shed would cover basically that area where those existing wooden sheds are now on.

Al Fusco had handed out his technical memo, dated August 8, 2011.

1. We have reviewed the request for a re-sized garage for the incense shop. The building was approved as a garage. The use change to incense shop for on-site ritual uses is acceptable to the Town and building Code with appropriate building code design.

2. The previously approved gazebo to a larger meditation hall does not appear to create any additional traffic or separation issues. It is on the edge of the existing disturbed area.

3. The storage shed is to replace the temporary welding shed that was removed as part of the c.o. process for the cafeteria building. The existing temporary sheds replaced by a proposed permanent storage shed will remove the outside storage of materials and would be acceptable, subject to building code.

4. These projects were requested by the applicant to the Building Department which referred the projects to the Board for their information and approval

5. The approval of a site plan modification, if given, should be subject to Building Department requirements on permits.

6. Board comments.

Bob Vicaretti asked, does 6,000 square feet constitute a shed?

Al Fusco said that from what he understands, from the initial submission to the Building Department, it's just a metal skin structure.

Chun Feng answered that it is a pre-engineered, pre-fabricated building.

Derek Wilson stated that it is a permanent building, because the buildings that it is replacing were only temporary buildings.

Al Fusco said that the terminology "shed" might be a little vague. He said that from being up there on the site, where this is being placed, is not convenient for the future, that is, it is kind of "in the way" where it will be located. He said that he would imagine that it is just going to be a temporary structure, because if the applicants meant for it to be permanent it would be a little bit more ornate, and have permanent stucco. He said that because it is temporary, it will have to be addressed, as the Board needs to define "temporary."

Bob Vicaretti said that a structure that has footers and a foundation would not be temporary. He said that something that is built on a slab, or a pole barn would be temporary, but when you get in a foundation, then it would be permanent.

Al Fusco said that the size of this building would dictate that it has a footing, and/or a foundation, just because it's a large warehouse type building. He said that the Board does need to get a definition for "temporary" and have the applicants put it on the special use permit, maybe saying, that this building is just up here for the duration of the construction going on, on the property.

Derek Wilson recalled that the Board went through this with the previous Building Inspector, in that, there is no such thing as a “temporary structure.” Several other Board members said that they remember that too.

Al Fusco did agree, and said that it would have to meet all of the New York State Building Codes and meet site plan approval. He said again, that it would be a temporary structure, and it would be stated on the special use permit that the structure would have to be removed, upon certain conditions and/or by a certain date.

Derek Wilson asked Chun Feng what will be the purpose of this 6,000 square foot shed?

Chun Feng answered that it will be used to store building materials and tools, and anything else that needs to be stored.

Derek Wilson observed that the applicants are building a beautiful facility with beautiful buildings, and then they want to place this big metal shed in the middle of it all.

Chun Feng said that the beautiful facade would face the east and south, and then the metal part would sort of be being behind, and not be seen.

Derek Wilson asked how long does the applicants want this to be there?

Chun Feng answered that it will probably be one or two years, as long as the construction continues, then it will be needed.

Al Fusco said that when he had spoken originally with the architect, he had gotten the idea that this would be a temporary structure.

Bob Vicaretti noted that in the the Town Engineers’ technical memo, #3, it stated “...permanent storage shed...”

Al Fusco answered that that is a typo. He said that in terms of site plan approvals, it is completely different from a building permit. He said that this is why the applicants were sent to the Planning Board, because there is no such thing, obviously, as a temporary building, and this will be a change of an approved site plan.

Derek Wilson asked that the previously approved gazebo was how big?

Chun Feng said that it was very small.

Derek Wilson asked, with all of these changes, the applicants will eventually wind up with the same square footage plus 3,000 square feet?

Al Fusco answered yes, with that storage shed structure.

Chun Feng said that since the changes are so small, and it is not a primary use, just a secondary use, would the Board consider this a minor site plan change, and waive the public hearing?

David Bavoso said that it is up to the Board, that they can choose to waive a public hearing on changes they think are not great, to an existing approved site plan. He said that if the Board determines that the changes are substantial, then they can schedule a public hearing.

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Derek Wilson asked the Town Engineer if the applicant had submitted detailed plans for the insides of these proposed buildings?

Al Fusco answered that he had not had a chance to review the incense factory details, but he has reviewed the mediation hall and the shed.

Chun Feng said that the incense shop will have very few people, as they will just be making the incense to be used only on the property, and the incense will not be sold, and the septic needs will remain the same.

Derek Wilson expressed his opinion that these are very substantial changes, and said that a public hearing should be held. Several of the other Board members agreed.

MOTION

Wilson made a motion for lead agency. Santiago second. Roll call vote: Santiago, aye; Wagner, aye; Wilson, aye; Vicaretti, aye, Schock, aye. Motion carried.

MOTION

Wilson made a motion to schedule a public hearing for Dragon Springs Buddhist, Inc. for the the amended site plan, for Wednesday, August 22, 2012. Santiago second. Roll call vote: Santiago, aye; Wagner, aye; Wilson, aye; Vicaretti, aye, Schock, aye. Motion carried.

Chun Feng was told that he would need to notify the municipality of Mt. Hope of this public hearing also.

COMMUNICATION FROM TOWN BOARD LIAISON

Dave Dean said that he wanted to make sure that applicant Nancy Gibson knows the extent of the bears and the other wildlife in the area around her property. He said that that will have to be addressed, maybe even by an electric fence.

ADJOURNMENT

Wilson made a motion to adjourn. Schock second. Roll call vote: Santiago, aye; Wagner, aye; Wilson, aye; Vicaretti, aye, Schock, aye. Motion carried.

Meeting adjourned at 8:30 p.m

Respectfully submitted,

Barbara Brollier, secretary