

Town of Deerpark Planning Board – May 13, 2015

The Deerpark Planning Board met for their bi-monthly meeting on Wednesday, May 13, 2015 at 7:00 p.m. at the Deerpark Town Hall, 420 Route 209, Huguenot, NY. The following were present:

BOARD MEMBERS

Bob Vicaretti, Chairman

Craig Wagner, Vice Chairman

Theresa Santiago

Tom Faggione

Mike Hunter

ABSENT BOARD MEMBERS: Steve Weiner, Willard Schadt

OTHERS

David Dean, Town Councilman

Alan Schock, Town Councilman - Board Liaison

Glen Plotsky, Town Attorney

Al Fusco, Jr., Fusco Engineering for Town

Johnny Zhou, Dragon Springs, Inc.

Sophia Lung, Translator

Pledge of Allegiance

Bob Vicaretti commented on the passing of Skip Wilson who had been a senior member on the Planning Board for several years.

HUGUENOT ESTATES – Sign Permits

CONTACT: Sharon Quiroz, Community Manager of Huguenot Estates

She is requesting to put up signs in front of the entrance of the community and she gave out copies of where the signs would be located.

Bob Vicaretti asked if this was for the road front.

Glen Plotsky said this was the requirement of the ordinance because it was a sign permit. It has to be reviewed by the Planning Board. But, he addressed the applicant and said the application says they were looking for are six sail flags, five sail signs and six lollipop signs.

Sharon Quiroz stated they are looking for six feather flags and six lollipop signs and everything there (on the application) is what they are asking for. The rest of the communities for the company have they are trying to keep the same out.

Glen Plotsky asked if any of those other communities were in Deerpark.

Sharon Quiroz said they were not.

Bob Vicaretti asked if they had a square footage total for signage. They have to put the total number of feet up against the sale signs they want to put them on

Glen Plotsky said he didn't see an indication as to square footage.

Sharon Quiroz said she can get that for them.

Glen Plotsky asked if the sale signs were the feather flags and Sharon said they were. He then confirmed there were six flags at 15 feet tall, but there were no dimensions. There are five signs and six lollipop signs with no sizes.

Sharon Quiroz said that strip in the middle they don't have ... it is straight.

Bob Vicaretti mentioned that all the signs she has laid out in the center need to be moved to the side and that line has a town code that says there are so many square feet per sign from the curb of the property that you own.

Glen Plotsky agreed that was the analysis they indicated they would have to perform when she came in for the pre-application. The difficulty is, she has a map of Huguenot Estates with a little indication of where the signs are going to go and then she has kind of a description of the signs, but doesn't have the exact sizes of the signs. Given the fact that this shows lollipop signs in the middle that doesn't exist, he thought she would have to have somebody draw a better representation of what she wants where and also identify exactly how large those signs are. Then, they can do the math analysis.

Bob Vicaretti said he means the square feet and the feather signs need both sides of the sign. Not just the one side.

Sharon Quiroz asked if it would help if she took pictures of the entrance so they would know exactly what their entrance looks like.

Al Fusco, Jr. said she needs to show her frontage. Then, she should take each sign and get the square footage, then add it all up. He also mentioned to the board that under the sign regulations, it says that signs permitted upon review by Planning Board, subject to the maximum sign area for all signs combined. Any sign may be permitted following the review and approval by the Planning Board using the criteria in 230-30 gate. He then read from the Zoning Law in Section 230-30, D describing the Sign Review Criteria.

Sharon Quiroz said she would take a copy with her. She said they are signs that are easily removable. They have a lot of signs.

Bob Vicaretti pointed out that in intersections, looking left and right there should not be any interference from signs. He asked about the set back.

Al Fusco, Jr. said he thought they had to be back 10 feet. He gave her his card if she had any more questions.

Sharon Quiroz paid \$200.00 and will re-submit the packets and will pay \$400 in escrow for the Engineer and \$200 for the Attorney.

DRAGON SPRINGS BUDDHIST, INC.

Contact: Johnny Zhou

Meditation Hall Conversion to Dormitory & 10,000 sq. ft. Building Approval to Music Hall Application
Wastewater Treatment Plant

Johnny Zhou brought his interpreter, Sophia Lung. He asked how they felt about their site visit last time.

Bob Vicaretti said it was very enlightening and they thought it was absolutely stunning. The artwork was tremendous. He said he had never seen anything like that in the Town of Deerpark. It was very nice.

Johnny Zhou said he hoped the Planning Board would approve their first application today. The first application includes two parts: the first part is the 10,000 square feet addition and the other part is the Meditation Hall modified into Dormitory.

Bob Vicaretti said with that in mind, they still have some unresolved issues with questions in regard to the application. He asked if they were aware of that.

Johnny Zhou confirmed he was.

Bob Vicaretti said it was discussed that they could grant them an extension on that approval for the application.

Johnny Zhou said that if the Board members could approve their first application, then they don't have to do the extension. But, if the Board members today cannot approve their application, then they can do the extension. They will discuss the date.

Glen Plotsky said at that point, that is not how it is going to work. The Board will either vote, or they'll grant an extension. They won't vote and if denied you would grant an extension—that is not legal. That won't happen. There are five members of the Planning Board their tonight, four need to vote up or down whether to approve or deny your application. The only application that is theoretically ready to be voted upon is the application relative to the 10,000 square foot building and the conversion of the Meditation Hall to the Dormitories. He would submit to the Planning Board that based upon the New York State Department of Environmental Conservation (NYSDEC) has sent them communication indicating that it appears there may have been improper segmentation relative to the environmental review up to this point because of the manner in which the applicant has submitted their applications over the last however many years. It would be improper for this board to do an environmental review without reviewing the entire project including not only what has already been approved but anything now requested to be reviewed. It also includes proposed to be applied for going forward in the future. This should come as no surprise to the Applicant as the applicant was told by the Engineer yesterday. Mr. Plotsky was also contacted by an attorney who said he was retained by the applicant and why he is not present, he has no idea. That attorney and Mr. Plotsky had a meeting and had that same exact conversation. That having been said, the applicant must grant the board an extension or the board has to vote tonight. To take no action tonight, without the consent of the applicant then it will translate to an automatic approval because before the next meeting, the 62 days between the closing of the Public Hearing and the Board taking action will have lapsed. Based upon the NYSDEC transmittal to this board, it is his legal advice to you in the strongest terms is you cannot approve this application because you cannot do the proper environmental review. He addressed the Board and said they can take a vote right now, unless the applicant interjects with the indication they are consenting to an extension and based upon the information from the Town Engineer, there is no way the board can do a proper environmental review as required in less than 60 days. The applicant must, in his view, grant the planning board an extension to at least the day after the first meeting in the month of August. If that extension is not granted through and including August 13, 2015, this board should vote to deny the application, per his legal advice.

Al Fusco said it could be a light extension.

Glen Plotsky said to need 60 days, it would take until the end of July, so if they go to the first Thursday after the 2nd Wednesday, that would be August 13 and they would have time to review this matter appropriately.

Johnny Zhou – Mindy Patt volunteer engineer called Lee Casson who reviewed the state applications and she asked for advice because this was their first time to experience this. She asked what was the best for them to do.

Bob Vicaretti said one of his concerns as he understands it, is the DEC doesn't give a review of in ground septic until they have the SEQRA. They can't do the SEQRA because they don't have the information to do it. This is what is triggering the requested extension on their end. They aren't ready to the SEQRA because they still need more information in order to do it. The outcome of this meeting could either they deny their application or they get an extension for further review.

Ms. Patt said that before they move forward, she wanted one thing clear and asked what the procedure was for the SEQRA review. She said it depends on the lead agency.

Bob Vicaretti said they brought up segmentation earlier. They built a building, then a built a second one and it has an impact on the hill and then three, four, five, six and seven buildings, sewer, mortar, fire tower, lakes...all of those applications and every piece of construction after that first building without ...

Ms. Patt interrupted and said that's why you see our three major reports, why is it expanding here and the others the storm water prevention plan and also traffic study. (Transcription difficult due to not being able to understand.)

Al Fusco, Jr. said to Mr. Vicaretti that he had the conversations with Lee Casson and you initially had an email from him and he followed up with it. Basically, what they've said is they are leaning on their review for the septic for the dormitories and for the sewage treatment plant until the town completes SEQRA. He also suggested that with the multiple applications, that it was the poster child for segmentation. He sent a report that the DEC has about segmentation to educate them in that regard and for what they should be looking for. They have reviewed everything that has been submitted, even up to what was submitted the previous Wednesday even though they have a requirement to receive them two weeks ahead. He reviewed it anyway. At this point there are a number of open issues. The report they did, trying to address all of SEQRA with an overall plan and overall EAF expanded, there is still material in there he has not accepted and it is in his report he just gave to them. That includes the traffic study that is two to three years old; the first one was a letter saying no problem and the second one needs to be updated. The other is habitat and they mentioned squirrel and deer—however, living in the country, there is much more than that. They utilized the national fisheries folks who said there are no endangered species up there. However, you need an expert to review the information and the dates to make sure they are appropriate. In addition, one of the more significant items that is lacking that the Planning Board was quite specific about was the firematics...they wanted an emergency response plan. They wanted information. Also, related to the environment they asked for specific information on the sewage treatment plant. The capacities of the plant will make due to the facts of what the land could hold. They were looking at this type of study, they look at what is there now, what is proposed, but they also look at the potential for the property. He used Deerpark Village as an example. They need to do the SEQRA review

in a proper manner. They need the extension to pull this whole thing together. That would be appropriate at this time.

Ms. Patt said it was good to hear the essence of their concerns. They could consult with their traffic consultants.

Al Fusco said that's fine, and he said Glen made it very clear. He told her to do the extension, get the information back to him and they'll review that and meet with their traffic consultants or whatever it takes.

Ms. Patt thinks their concerns will be addressed very soon.

Glen Plotsky said that if there is an extension granted, the applicant will have additional time to provide additional information, the board will have additional time to consider it. If there is no extension granted, the board (in his legal opinion) must vote tonight and should vote to deny the application. So, frankly it is very nice that you intend to provide additional information in the near future. That is exactly what they would like to have happen. Frankly, at this point, the most recent information received was not received 14 days ago. The Planning Board, most of them received it if at all, earlier this evening. The only person who has reviewed it is the Engineer. His response was received by the Planning Board tonight. The Planning Board is simply not in a position to take any action other than to deny the application unless you grant an extension. So, either grant the extension or allow the Planning Board to call for a vote.

Johnny Zhou said he tried to ask for an extension...a letter was read by Glen Plotsky, addressed to Bob Vicaretti. It read as follows: "Dear Chairman Vicaretti. I'm going to have to answer through this ink. We agree to extend the SEQRA and other statutory time frames for our project that includes the existing 10,000 square foot addition to the performing arts center and the meditation hall. Very truly yours." It appeared to be signed yesterday and notarized. It does not have a date to when it is extended so he would take it as a blanket extension until such time the applicant notifies them in writing that the application or the waiver of time is not withstanding.

Motion to Permit the Indefinite Extension from Dragon Springs Buddhist, Inc.

Motion by Michael Hunter, 2nd by Tom Faggione to permit the indefinite extension from Dragon Springs Buddhist, Inc.

VOTE: 5 AYES: Theresa Santiago, Mike Hunter, Craig Wagner, Tom Faggione, Bob Vicaretti

2 ABSENT: Steven Weiner, Willard Schadt

MOTION CARRIED

Ms. Patt asked what their next step was.

Al Fusco said there were two letters of comments from him. One letter was a review of the material that was submitted Wednesday. He has received emails from the DEC and phone calls were right here before us. That's what he talked about earlier. They have copies of it, he gave them to John. That is what the DEC had talked about segmentation. In his review letter of the additional materials submitted, he would review them very quickly. They need an independent habitat report. They need to know who determines that there is no significant impact. They talked about the variances. They talked about the existing septic issues and he also wants a capacity analysis of what is there now and what there is in the future. They want the occupancy load for the Music Hall, apart from the seating. They need a traffic study. They need

information on the parking structure. They want information on the pump building. He was told they were just relocating the other one and he asked them for the plans of the other one. They wanted the design engineer's stream of simulation studies. All they did was tell him where the Delaware River Basin folks said it was okay, but he didn't see the data. It was just a letter. Maximum capacity of the sewage plant. In general, he also requested the Fire Department approved pre-planning and emergency response plan for the entire property. An update of the dam construction with the schedule. He wanted to see some erosion control around the gravel bank they were using for some soil on site. A SEQRA segmentation and additional environmental review.

Discussion between Mindy Patt and Bob Vicaretti continued about the segmentation issue.

Glen Plotsky stated they can't keep things separate.

Ms. Patt said they would like to have an overall approval of all four applications together.

Glen Plotsky said correct ... for the environmental review, that's exactly what should happen. But, it's not just the four applications. It's the four applications, plus everything that has been approved before. It's the whole property. Frankly, it's the Mt. Hope property too to a certain degree. Everything is connected and inter-related.

Ms. Patt said that is no problem. She said she thought they could move forward and get the SEQRA review.

Al Fusco said they would need a completed SEQRA, before declaring lead agency and if you could address these issues I've described to you. He'll talk to Lee Casson and they related totally different things to him than they have so they are either saying things differently, or Ms. Patt is handling things differently. He couldn't impress on them more strongly that they need to contact the Fire Department and get their safety up there under control.

Johnny Zhou said that about the fire department, he has talked to them many times. The last few times he text messaged on May 1 and before that, April 27. They did not respond to his text message.

Al Fusco offered to set up a meeting with the Fire Department and himself and their representative. Bob Vicaretti wanted to be included as the board liaison.

Johnny Zhou asked if they should schedule for the next Planning Board meeting and Al Fusco said they were not going to schedule them, he suggested they get the information and then the Chairman will put them on the agenda when he feels it is appropriate.

Bob Vicaretti said that because of all those questions that were put before them at one time. They didn't want them to come back and answer two questions and do more paper work and put them on the agenda. They'll put them on the agenda when they are ready.

Glen Plotsky said there is always a spot for them. If the Engineer or the Planning Board Chair says you are ready, we have you back on the agenda.

OWEN WRIGHT – Applicant - Representing five property owners

John Fuller, Engineer

They are from Brooklyn and bought a 16 acre parcel on Oakland Valley Road with the intention of using it as recreation property. They have done this before out of state where they built a couple cabins on it and everything was great except it is too far away. They want to do something closer to where they live.

They are asking to put eight single family homes on this piece of property. It is a compromised site. There are wetlands. They would like to use it as a fishing camp. It is on a river. They don't want to build large homes, but a few cabins and he knows there a requirement of at least 1,000 square feet. The essence of what they are trying to avoid is putting in five separate septic systems. He has a plan and offered it to the board.

Bob Vicaretti asked if they were going to live there full time.

Mr. Wright said this would be used seasonal for part time recreational use. They don't want to consider as a campground. He said it was a fantastic piece of property and they are sensitive to the environmental nature of the property. There are a lot of wetlands.

Bob Vicaretti said a drawback is the road.

Mr. Wright said the previous owner wanted to subdivide and it was economically unfeasible and they don't have any desire to subdivide. They want to create something there that is allowed, but doesn't look like they are real estate developers. They want a single septic system that would serve the commissary or bath house or kitchen. The cabins would be a couple hundred square feet opposed to the 1,000 square feet. That's the general idea. They wanted to discuss it with the board before they had John Fuller draw up plans.

Theresa Santiago asked if they planned to rent these out.

Mr. Wright said they were not planning to rent them. They have a tenancy in common agreement and that prohibits a number of things.

David Dean mentioned hunting camp/fishing camp.

Al Fusco said he didn't see an issue with the overall concept. They would need to work out some sanitary details with John Fuller. He said under the RR zoning or under the RRC has the same capability and it is permitted uses and Planning Board approval for camps and campgrounds. He said they don't want to be called a camp but they'll have multiple building with common usage of certain other buildings—so it is a camp. It won't be open to the public, but it is a camp. He doesn't see an issue with it but they will need to make sure that the sanitary facilities are acceptable and just have John get in touch with him.

Mr. Wright asked about qualifying for the hunting camp.

Al Fusco said it didn't matter what they call it, they need sanitary facilities. They need to come to the Planning Board to get that. Have John submit an application and they'll work it through.

Glen Plotsky said they are between a principally permitted use or Permitted Use with Planning Board approval. So, the recommendation from himself and the engineer will make you go through the more restrictive of the two, that way they'll know you're covered. This is just a matter of applying and a public hearing.

Mr. Wright said there is a garage structure on there and asked if that is allowed. From what he is hearing, they should go with a more restricted use and apply for that.

Glen Plotsky asked if they're referring it as a maintenance building, it will be behind the principle uses.

Mr. Wright replied that in their opinion they are behind.

Glen Plotsky said they're facing the road. He asked if the primary entrance was the other side.

Mr. Wright said yes.

Al Fusco said that is all stuff they need to work out with John.

Glen Plotsky suggested Mr. Wright have John Fuller call him.

Al Fusco told the applicant he needs to do an application and put up \$750 in an escrow account for the Engineer and \$250 for the attorney.

NUEVA VIDA – asked to be put on a future agenda.

Glen Plotsky announced he will be unavailable to attend the June 10 Planning Board meeting. As they approach June 10th, he'll contact both Mr. Fusco and the Chair and Mr. Dean and see if it is appropriate to have somebody else other than him. He candidly expressed needing to be at a meeting with Dragon Springs if they were on the agenda.

Motion to Approve Planning Board Minutes from March 25, 2015

Motion by Theresa Santiago, 2nd by Tom Faggione to approve the Planning Board Minutes from March 25, 2015.

VOTE: 5 AYES: Theresa Santiago, Mike Hunter, Craig Wagner, Tom Faggione, Bob Vicaretti

2 ABSENT: Steven Weiner, Willard Schadt

MOTION CARRIED

Theresa Santiago asked if there was a camper in the entrance of Dragon Springs because she heard a guard lives there year round. Al Fusco said he didn't know he lived there.

Motion to Adjourn at 8:05 p.m.

Motion by Theresa Santiago, 2nd by Michael Hunter to adjourn the meeting at 8:05 p.m.

VOTE: 5 AYES: Theresa Santiago, Mike Hunter, Craig Wagner, Tom Faggione, Bob Vicaretti

2 ABSENT: Steven Weiner, Willard Schadt

MOTION CARRIED

Respectfully submitted by Temporary Secretary – Kathy Basile