

DEERPARK PLANNING BOARD - MAY 22, 2013 - PAGE #

The Deerpark Planning Board met for their bi-monthly meeting on Wednesday, May 22, 2013 at 7:00 p.m at Deerpark Town Hall, 420 Route 209, Huguenot, N.Y. The following were present:

BOARD MEMBERS

Bob Vicaretti, Co-Chairman
Theresa Santiago

Mike Hunter
Derek Wilson

Craig Wagner

OTHERS

Mr. Alfred A. Fusco, Jr, Town Engineer
Mr. David Dean, Town Board Liaison
Mr. John Fuller, Civil Engineer
Mr. Ron Babcock, Applicant

Mr. Glen A. Plotsky, Town Attorney
Mr. Frank Breitweiser, Applicant
Mr. Harold Butler, Applicant

THE PLEDGE OF ALLEGIANCE

FRANK & SHARON BREITWEISER –PRE-APPLICATION CONFERENCE

Represented by themselves 754-7148

Owners/ Applicants Mr. & Mrs. Breitweiser wish a lot line change on property located at 67 Oakland Valley Rd., Cuddebackville, N.Y.

It is in the RR zone.

Section –Block –Lot = 20 – 1 –62.22

Mr. Breitweiser said that his wife's father who lived next door had passed away, and owns the property in back of their house. He showed the board a map of the property and the lines of what he wants to do. He said that he will start with two lots and end up with two lots, just adding some of his father-in-laws property to his and his wife's. He said that it'll be either two acres or five acres that he wants to add to his and his wife's property. He said that his wife is the executor of her fathers' estate.

The board agreed that there will need to be two applications, one with the Breitweisers' names and one with his wife as executor.

The town engineer said that his escrow will be \$600.00 and the town attorney will be \$300.00.

The secretary confirmed that the Planning Board application fee will be \$225.00.

Mr. Breitweiser thanked the board.

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HAWKS NEST CAFE - # 09-1202

Represented by John Fuller, Civil Engineer

Owner/ Applicant Ron Babcock wishes to re-built the Hawks Nest Cafe on property located on Route 97, (the Hawks Nest), Sparrowbush, N.Y.

It is in the RRC zone.

Section - Block - Lot = 33 - 1 - 1.

1

Application submitted February 16, 2010

John Fuller said that the applicant had taken approximately two years to work out details with the NYSDOT, and they want two entrances with a four feet wide curb.

Glen Plotsky expressed his concern that the public hearing was three years ago, and things may have changed since then, and he does remember an objection from a neighbor.

John Fuller said that the plans have not changed significantly at all, as the two entrances were on the old plan, and now also on this new plans, those entrances have minimal width and curvature changes. He said that the NYDOT officials had met with him and Mr. Babcock physically on the property. He said that at the ZBA public hearing, yes, there was an objection from the one neighbor.

Al Fusco asked if Mr. Fuller if he had contacted the Upper Delaware Council (UDC), about this application being back before this board.

John Fuller answered yes, they were sent a letter on May 9, 2013.

Al Fusco referred to his technical memo, dated May 22, 2013:

1. Note added to plan "No construction until a NYSDOT work permit and Deerpark Building permit are issued."
2. Provide a signed copy of the lease when available.
3. A professional engineer must certify that the septic system and well, meet the requirements for the use; also a note must be added to the plans also stating that.
4. Board comments.

Glen Plotsky said that since this is a restaurant, it will still need approval from the Department of Health (DOH).

Al Fusco advised Mr. Fuller to re- check on his gallons usage with the DOH, so that he will not be delayed by them.

The board decided because of the length of time of the last public hearing, and the possibility of a litigious neighbor, that a public hearing should be held on this application again. They also were told that neither one of the town engineers' can attend a June 12th meeting, and also that there are no applicants scheduled for the June 12th meeting as yet.

Glen Plotsky asked about the dates of the revised plans.

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John Fuller answered that the plans had gone back and forth several times between him and the NYSDOT and he will check and make sure that the date is correct.,

MOTION

Wilson made a motion to schedule a public hearing for June 26, 2013 for the Hawks Nest Cafe. Hunter second. Roll call vote: Hunter, aye; Wagner, aye; Vicaretti, aye; Santiago, aye; Wilson, aye. Motion carried

EDDY FARM RESORT - # 13-0101

Represented by Mr. John Fuller 856-1536

Owner/ Applicant: True Warrior Ministries, Inc. wishes a 2 lot subdivision on property located on Sleepy Hollow Road , Sparrowbush, N.Y.

It is an HMU zone.

Section - Block- Lot = 44 -4 - 46.1

Application submitted January 16, 2013.

John Fuller said that a public hearing has already been held and the only significant issue is the written easements be reviewed by the boards' attorney.

Glen Plotsky concurred and said that the easements had been prepared by his firm, and have been reviewed, and it's in a manner that both parcels going forward, have obligations with regard to road maintenance. He said that part of the reason for the protection easement, is to have a second entrance to the big parcel, in the event if there is a problem. He said that now both owners have a right to use it, and also a legal obligation to maintain it. He said that there is also an easement for the Sparrowbush fire district, and also a road maintenance agreement for the piece that goes to the resort, because it's a secondary fire access. He said that this document serves two purposes, as it creates an easement to provide the access that the board directed to be provided, and so the fire department will always have access through the new lot that is being created, and also provides a road maintenance agreement, so that the part that both of them share will be maintained, but also, they both have an obligation to maintain the rest of each of the roads, so that the fire department can have access. He said that in case there will be a building built on the new lot. basically there's two aspects to the road maintenance, that is, there's a little piece that will be on the new parcel, if there will be a structure there, and there's also the road that goes to the resort. He said that there's a piece that's used by everybody, and then there's one to the resort and one to the new lot, and basically there's an obligation on both parties, the new lot, the smaller piece, they are obligated to maintain their piece from the river to the end of their property; the resort owners have to maintain from the resort to all the way out to the highway, and then there's a section that they share that they both must maintain. He said that the fire department doesn't have to maintain any of the roads, but they have an easement to access either entrances.

John Fuller said that the boat launch is maintained by the fire department, and has the responsibility to fix it.

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Al Fusco reviewed his technical memo, dated May 22, 2013.

1. We have reviewed the easements prepared for the project and find them acceptable.
2. We did not receive any 239 General Municipal Law comments.
3. Plan has taken our previous concerns under consideration.
4. Board comments.

The board had reviewed the EAF that had been submitted, and through the public hearing process the board has reviewed all of the appropriate environmental parameters, and the board declares that there is a negative declaration on this proposed two lot subdivision.

MOTION

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

MOTION

Wilson made a motion for conditional approval subject to the final town engineers' comments and payment of all fees. Santiago second. Roll call vote: Hunter, aye; Wagner, aye; Vicaretti, aye; Santiago, aye; Wilson, aye. Motion carried.

RAYMOND BUTLER - # 13-0504

Represented by Mr. Harold Butler, 856-4310

Owner/ Applicant Ray Butler is seeking a lot consolidation on property located at #24, #30 and #34 Delaware Dr., Sparrowbush, N.Y.

It is in the HMU Zone.

Section – Block – Lots = 60 – 1 – 51.1 & 51.2 & 52

Application submitted May 13, 2013

Al Fusco reviewed his technical memo, dated May 22, 2013:

1. We have checked the metes and bounds against the description and plan, and find the following:
 - a. Lot 24 on the plan shows a bearing of North 53-12-11 West - It should be South East;
 - b. The metes and bounds description do not have any directions (i.e., North, South, etc.) on radial points.
 - c. The lines that are to be deleted should be marked so; it is very hard to distinguish the lot lines.
2. Board comments.

Al Fusco said that the “dash lines” on the map should be labeled “to be deleted”, so that when Mr. Butler files the map in Goshen, they will not reject the map. He also said that this will take 30 days, as he has to send the maps out to involved agencies, as per the General Municipal Law 239. He said that he believes that the property is within 500 feet of the Delaware River also.

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Harold Butler said that his father bought this property forty years ago, and had a bonafide subdivision, as one house was built, and business was done on a handshake, as there were no written subdivision laws back then. He said that then the town came to him and preferred him to sell three and four lots together, so that 70 homes would not be built on each individual lot. He said that then the town allowed him to build his house within 8 feet of the rear property line, and so now his own property is behind him, and his mother will have a hard time to sell her lot when her husband dies, because whoever buys it, will not be able to back out of his own garage. He said that that is why he is requesting a lot line change.

Glen Plotsky said that basically this is a lot line change, and the board has already waived public hearings previously, and Mr. Butler has indicated that the only adjoining affected will be family members, and that they are doing this, because when the family structure changes, they will be able to sell the lot, without having to appear before the ZBA for a variance first.

MOTION

Wilson made a motion to waive the public hearing because the exterior lines of the improvement, will not be changed. Hunter second. Roll call vote: Hunter, aye; Wagner, aye; Vicaretti, aye; Santiago, aye; Wilson, aye. Motion carried.

Glen Plotsky said that Mr. Butler will be on the June 26, 2013 agenda, as that will be after the 30 day requirement of the 239 General Municipal Law. He said that Mr. Fusco will send the plans out to the involved entities, and after the 30 days the board will consider their comments, if there are any. He said that one of the conditions of the approval will be that the deeds be drawn up and submitted to the town attorney to approve them.

MOTION

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

Harold Butler thanked the board.

APPROVAL OF MINUTES - MAY 8, 2013

Hunter made a motion to approve the minutes of the May 8, 2013 meeting as written. Wilson second. Roll call vote: Hunter, aye; Wagner, aye; Vicaretti, aye; Santiago, aye; Wilson, aye. Motion carried.

ADJOURNMENT

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

Meeting adjourned at 7:50 p.m.

Respectfully submitted,

Barbara Brollier, secretary