

DEERPARK PLANNING BOARD - MAY 23, 2012 - PAGE #

The Deerpark Planning Board met for their bi-monthly meeting on Wednesday, May 23, 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 Theresa Santiago Derek Wilson Craig Wagner Mike Hunter Bob Vicaretti Willard Schadt

OTHERS

Mr. Alfred A. Fusco, Jr, Town Engineer Mr. David Bavoso, Town Attorney Mr. David Dean, Town Board Liaison
Mr. Tim Gottlieb, Gottlieb Engineering Mr. Douglas Barthel, Applicant Mrs. Mervis Stack, Applicant

THE PLEDGE OF ALLEGIANCEMARTEL SUBDIVISION

Represented by Mr. Tim Gottlieb, Gottlieb Engineering 794-5506

Owner/ Applicant is seeking final approval for an 8 lot subdivision on property

located off of Wilson Rd., Sparrowbush, N.Y.

It is in the RRC zone

Section – Block – Lot = 23 – 1 – 62.32

Mr. Gottlieb said that his client is hoping to receive final conditional approval, as most of the Town Engineers' comments have been addressed, unless he has anything else.

Al Fusco said that yes, most of his comments have been addressed, and asked to be provided with one set of the final plans, so that he can give a final review for the Chairman. He asked if it has been determined, if the client has done an estimated load?

Mr. Gottlieb answered that he did, and a copy was given to the Board on May 8th.

Al Fusco said that he did not receive a copy of that, and asked the secretary to provide him a copy. He said that he has no problem with the granting of conditional final approval by this Board, and he said that there will be a review of the bond, and the posting of the escrow.

Mr. Gottlieb said that he believes that Mr. Martel is going to build the road, rather than bond it. and the estimate of the cost is in writing.

Al Fusco said that that is fine, but the applicant will have to post some inspection escrow. He said that he will review that, and address the Board with it. He said that there will also be some recreation fees.

RESOLUTION # 1

The Board reviewed the SEQRA form, Part I, and based upon the information that has been submitted by the applicant, and the applicants' engineer, including the stormwater management plan, the Orange County Department of Health permits, and the subdivision applications, and in relationship to the plans and the reports submitted, the Board finds that there is a negative declaration under SEQRA for this project.

MOTION

Schock made a motion that based upon the information that has been submitted by the applicant, and the applicants' engineer, including the stormwater management plan, the Orange County Department of Health permits, and the subdivision applications, and in relationship to the plans and the reports submitted, the Board finds that there is a negative declaration under SEQRA for this project. Santiago second. Roll call vote: Santiago, aye; Wagner, aye; Hunter, aye; Wilson, aye; Schadt, aye; Vicaretti, aye; Schock, aye. Motion carried.

RESOLUTION #2

The resolution for conditional final approval, based upon the plans submitted and reviewed by the Deerpark Planning Board, subject to the approval of the bond estimate, and submission of escrow monies for the inspection, recreation fees, and any other outstanding fees, due to the Town.

Derek Wilson asked about the dotted line, E21, that runs through the parcel that the applicant will eventually subdivide, is it a marker line?

Mr. Gottlieb answered that that is one of the lines that the Town Engineer will have him remove, as it was supposed to be taken off previously. He said that he will have to submit to the County at some point, before this Board signs off on the project, and between Mr. Fusco and himself, they will find if there's anything else outstanding, and take care of them.

Al Fusco said that he will review the plans one more time, to make sure that lines, such as Derek Wilson just pointed out, and anything else that is not right, will be caught, and make sure things are removed and/ or added, as the case may be. He said that then Mr. Gottlieb will take the map to the County, before he brings it back to this Board for signature, because County Planning has certain criteria, such as, the font has to be so big; the paper has to be of an exact same size; if a line goes through one of his metes and bounds descriptions, than he will have to move it, to make it very clear, etc. He said that the County has very stringent requirements, before recording. He said that that is the appropriate way to go to the County.

MOTION

Schock made a motion that conditional final approval be granted, based upon the plans submitted and reviewed by the Deerpark Planning Board, subject to the approval of the bond estimate, and submission of escrow monies for the inspection, recreation fees, and any other outstanding fees, due to the Town. Wagner second. Roll call vote: Santiago, aye; Wagner, aye; Hunter, aye; Wilson, aye; Schadt, aye; Vicaretti, aye; Schock, aye. Motion carried.

ROCK CITY MEDIA - #12-0503

Represented by Mr. Douglas Barthel 679-6441

Owner/ Mrs. Mervis Stack; Applicant/ Rock City Media wishes to create a sign on property located at 83 S. Maple Ave., Town of Deerpark, Orange County, N.Y.

It is in the IB Zone. Section - Block - Lot= 57 - 3 - 3.1 & 4.2
Application received May 11, 2012.

Mr. Barthel said that the sign will be digital, the proposed height is approximately 60', and it will direct people to Deerpark and Port Jervis.

Al Fusco said that he did not have a chance to review the application, and asked that the applicant submit some plans of the property. He said that the Town Zoning Law has to be addressed by both the Town Attorney and himself, to see if this sign does comply. He said that off the top of his head, he does not believe that this sign meets the Towns' criteria. He said that the applicant will need the approval from the New York State Department of Transportation (NYSDOT) and/ or the New York State Thruway Authority, because one of these agencies maintains I-84.

Mr. Barthel said that he thinks it's the NYSDOT.

Al Fusco answered that their office is outside of Middletown, and they will be able to take care of his needs there. He also said that another issue is that because it is so close to the Town of Deerpark, the City of Port Jervis and the New York State line, under the NYS General Municipal Law 239, it's required that the State of New Jersey, the City of Port Jervis and the Orange County Planning Department all be notified of this project. He said that as part of that, they all need to be sent a copy of the application, the SEQRA information, as well as full sets of the plans.

Al Schock asked, why Port Jervis?

Al Fusco answered that the property is within 500' of the boundary of Port Jervis.

Derek Wilson asked about Pennsylvania receiving notice?

Al Fusco answered that he will check, because yes Pennsylvania is right across the Delaware River there.

Al Fusco told Mr. Barthel that he should contact NYSDOT right away, to get things moving.

Mr. Barthel said that in speaking with the NYSDOT representative, they pretty much told him that he cannot get their permission, until he gets approval from the Town of Deerpark.

Al Fusco answered fine, but the Board needs to address it in this manner.

Derek Wilson asked Mr. Barthel if he had looked at the Town of Deerpark sign regulations?

Mr. Barthel answered no, but he will.

Derek Wilson said that the sign regulation is Section 5.8 of the Town Zoning Law, and is on the Town website, townofdeerpark.org.

David Bavoso said that in the Towns' General Code, it is located in Section 230-26, that is, town wide regulations for signs.

Bob Vicaretti said that the applicant is asking for a 60' high sign, doesn't he need a variance for that?

Al Fusco answered that he very well might, but Mr. Bavoso and himself will address that, when they get the maps from the applicant.

Al Schock said that the Town is in the process of re-doing the zoning, and the sign regulations are going to be worked on too. He said that it might benefit the applicant to wait, if he can, until after the new regulations come out.

Derek Wilson asked, if the rules change in the middle of this application, and the change would be in the applicants' favor, what would the applicant do?

Al Fusco answered that he can modify the application, as he works through it. He asked for detailed site plans, and a better copy of the application, as this one is hard to read.

David Bavoso said that if the applicant really wants this project, that ultimately it would benefit him to submit to the Planning Board process, because he will have to have a site plan in place anyway. He said that this should be done, whether the zoning on signs changes in his favor or not. He said however, it is the applicants' prerogative, if he wants to start the Planning Board process now, or wait until the new zoning is put into place.

Mervis Stack explained that all of the property involved is located in New York State.

Al Fusco said that he will write up something on this application for the Board, and the secretary will forward the comments to Mr. Barthel.

DEERPARK VILLAGE - DISCUSSION # D-0012

Owner/ Applicant Deerpark Village Associates wishes to create Planned Residential Housing Units on property located on Wilson Road, Sparrowbush, N.Y.
It is a Planned Rural Residential Development (PRRD) Zone.
Section - Block - Lot = 23 - 1 - 38.8

The Applicant had requested to be removed from tonights' agenda.

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COMMUNICATION FROM THE TOWN BOARD LIAISON

David Dean said that the Town Board has been having work sessions on the Town Zoning Law, and some Planning Board members have attended, and all members are welcome to come.

Derek Wilson asked the date of the next session.

Dave Dean answered that it's a work in progress, and they have not set the next date yet, but Mr. Fusco or himself will absolutely let everybody know when it will be. He said that the sessions have been fruitful, that is, between the Town Board, the Planning Board and the Town Engineer. He said that the process hopes to be less than the 3 1/2 years that the last Zoning Law change did take.

Willard Schadt asked if there are any drafts of the proposed Zoning Law that board members can look at?

Al Fusco said that as changes are made at each meeting, he can e-mail those changes to the Planning Board members, just as he has been e-mailing them to the Town Board members.

COMMUNICATION FROM BOARD MEMBER

Theresa Santiago asked, why hasn't John's Mower Shop been before this Board, for expanding his business? She said that he has erected a large electric sign and is using more property to conduct his business on.

Al Fusco answered that he thought that Mr. Emerson, the Building Inspector had spoken to him, but he will check it out, and get an answer back to the Board.

ADJOURNMENT

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

Meeting adjourned at 7:30 p.m

Respectfully submitted,

Barbara Brollier, secretary