

DEERPARK PLANNING BOARD - MAY 25, 2011 - PAGE # 1

The Deerpark Planning Board met for their bi-monthly meeting on Wednesday, May 25, 2011 at 7:15 p.m. at Deerpark Town Hall, 420 Route 209, Huguenot, N.Y. The following were present:

PLANNING BOARD MEMBERS

Derek Wilson, Acting Chairman Willard Schadt Theresa Santiago Mike Hunter (alternate)

OTHERS

Mr. Glen A. Plotsky, Town Attorney Mr. Alfred A. Fusco, III, Town Engineer
Mr. David Dean, Town Board liaison Mr. John Fuller, Civil Engineer Mr. Dominick Alfieri, Applicant
Mr. John Thibodeau, Applicant Mr. George Eckes, Applicant Mrs. Lisa Monk, Applicant

THE PLEDGE OF ALLEGIANCE

CUDDEBACKVILLE SERVICE CENTER – PUBLIC HEARING - #11-0201

Represented by John E. Thibodeau 754-8640

Owner/ Applicant John E. Thibodeau wishes a special use permit to create a used car sales and service lot on property located at 989 Route 209, Cuddebackville, NY

It is an HMU Zone.

Section – Block – Lot = 22 – 1 – 38. 1

Application submitted February 8, 2011.

SEE ATTACHED PUBLIC HEARING RECORD

John Thibodeau said that he will get a new site plan to the town engineer to review.

Al Fusco said that he had a verbal conversation with NYSDOT regarding one way signage, but has not received anything in writing from them.

John Thibodeau said that it came to his knowledge that NYSDOT wants him to have an entrance sign and an exit sign, one ways coming in and out. He said that that information will be put on the new site plan.

Glen Plotsky said that on April 26, 2011 the referrals were mailed out to Orange County Planning Department and NYSDOT. He said that NYSDOT had responded, but there's been no word from Orange County Planning. He said that since it is just one day short of the 30 day comment period, he suggested that the applicant make no changes to his site plans yet, but come to the next meeting and find out then if anything else needs to be added to the plans.

Al Fusco said that details of the signs should also be put on the new maps, width, height, detail of the wording, location of the signs, etc.

John Thibodeau said that the entrance will be the driveway closer to Westbrookville, since that would be safer, and the exit will be the driveway more to the south on Route 209.

The secretary was instructed to place this applicant on the next agenda, June 8, 2011.

NANCY GIBSON SUBDIVISION - PUBLIC HEARING - #11-0301

Represented by John Fuller, Civil Engineer

Owner/ Applicant Nancy Gibson wishes a 2 lot subdivision on property located at 200 E. Peenpack Trail, Huguenot, N.Y.

It is an RR Zone.

Section – Block – Lot = 37 – 1 – 14.1

Application received March 14, 2011

SEE ATTACHED PUBLIC HEARING RECORD

Derek Wilson asked about a realty sign that he saw on the property?

John Fuller answered that that is an adjoining property that is for sale.

Al Fusco reviewed his technical comments, dated May 18, 2011. He said that this lot being developed already has water and septic. He said that when there is a subdivision, there is two buildable lots, and a stream permit is needed to go across the first lot, to develop the second lot. He said that in order to protect the Board, is for the applicant to mark that on the site plan, so that portion of the property cannot be sold in the future as a "buildable lot" unless the owner comes back before this Board. He said that this is an odd situation, because the bigger lot has no use, so to speak. He said that the Board will need another look at this, because of the complexity.

John Fuller said that the applicant has intentions of making that bigger lot an animal sanctuary, which will involve the Planning Board, to grant a special use permit, at a time in the future. He said that this was the original design of the applicant, for the purchase of the property.

Derek Wilson said that right now, the applicant has the ability to go to the Building Inspector and get a building permit to put a house up. He said that he

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agrees with the town engineer, that a note should be put on the map, concerning "no building on the larger, second parcel", until some kind of access across the stream is created.

Al Fusco said that the putting of the note on the site plan is for informational purposes for the County, that they will know that no further development would be done on this lot, without some kind of access.

Derek Wilson agreed and said that yes, a bridge will have to be put built, or another option would be for the applicant to buy an additional piece of property.

John Fuller said that the larger lot does have an existing driveway, and he said that he has delineated the setback off of the property line, and it's actually two acres of land. He said that the applicant wants this subdivision, so that she can build the personal residence in her name, and then the balance of the land would be put into a trust, because there is a shared party interest, a group of people interested in the animal sanctuary. He said that a stream crossing permit, and that larger scope of what will be done on that larger parcel, is something that they don't want to look at, until a much later date.

Glen Plotsky reviewed what Mr. Fusco and the Board members were saying, and said that for now, a note does need to be placed on the site plan.

John Fuller answered that he will have to speak with the applicant about that note.

David Dean said that an approved stream crossing would work too.

Willard Schadt said that a crossing of that stream would require NYSDEC approval. He asked, when the applicant comes back before this Board, what kind of application would it be?

Al Fusco said that the NYSDEC would take a look at the crossing, but obviously this Board would be the lead agency. He said that that language would have to be looked at, pertaining to the applicant coming back, and it would obviously be a special use. He said that right now however, the Board has to take the long view, the future view, and protect any future owner who may buy this property, because if something happened to Ms. Gibson, and the property was sold, for whatever reason, than a future owner would be in trouble.

Al Fusco said that no comment was received back from Orange County Planning, pertaining to this application.

Mr. Fuller said that he will get back to the Board.

DEERPARK KOA – PRE-APPLICATION CONFERENCE

Represented by Lisa Monk, Owner & John Fuller, Civil Engineer

Owner/ Applicant Riverrush RV Resort & Campground, LLC wishes to add sites to the existing campground located at 110 Guymard Turnpike, Cuddebackville, N.Y.

It is an RR zone.

Section – Block – Lot = 28 – 1 - 49

John Fuller said that this is the old American Family Campground, and with the new ownership, it will be associated with the KOA franchise, and was purchased by Lisa Monks' family in October 2010. He indicated on the map, the existing conditions of the property, and said it is a recent survey that was done by aerial flyover, and boundary survey. He said that the existing roads are indicated in gray, as they meander through the property. He said that the buildings and water bodies, Neversink River and a lagoon and a pond are indicated. He said there's a barn facility, and an existing dwelling, which is the managers' house, and existing community store. He said that the owners are working with KOA and have created a comprehensive design.

Glen Plotsky said that there is no existing site plan for this property, because for decades the previous owner had evaded doing so.

John Fuller said that the owners want to work with KOA and create a state of the arts facility and an up to date modern campground standard. He said that there is record history of this property with Orange County Health Department, in respect to water and sewage approved for the property, dating back for a couple of decades. He said that all of the information will be made available to the Board. He said that in the late 1970's the Health Department did approve the property for 300 camp sites and the water and septic associated with those 300 sites.

Derek Wilson said that the infrastructure for 300 sites was never put in, and being it was 40 years ago, the sewage & water may not be up to date standards.

John Fuller answered that it was a SPDES permit, approved through the Health Department for up to 300 sites.

Derek Wilson clarified by saying that it is different in-ground gravity systems, different tanks, different fields, etc.

John Fuller said that there is currently a system of tanks and fields on the property, which are not shown on this preliminary site plan tonight, but they all will be identified on the new maps, and new additional fields will have to be shown on the comprehensive site plan.

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Derek Wilson asked, that the original approval from the Health Department was for how many sites?

Lisa Monk answered that the approval is for up to 200 sites, as is.

John Fuller answered that there is an infrastructure there, for up to 200 sites. He said that 200 campers, tents, rv's, or whatever can be there now, which all have water, sewer, electrical connections. He said that the DOH has said that that is okay. He said that the SPDES permit, by DOH, was approved in the late 1970's for up to 300 sites, but it was not necessarily built out to 300 sites.

Glen Plotsky said that since the infrastructure wasn't built, and zoning has changed since that approval was given, then there is no approval from this Board so this project must start entirely from scratch. He said that he does not have on hand, the campground densities in the zoning.

John Fuller said that the Towns' current zoning is Section 230-19 "recreational vehicles, campgrounds and rv parks." He said that this Section said that each rv site needs a minimum of 50' in width and also 3,500 square feet of area, that is 50' X 70', which allows for parking, picnic tables, and stuff like that. He said that this Section 230-19 doesn't really speak to the septic issue of the Towns' Ordinance, because all it says is.... "...all systems for common use of campgrounds." He said that a lot of the systems that are currently there, are shared. He said that multiple sites can be tied into one system. He read again from Section 230-19 "...no individual sewage shall be permitted, but all systems of common use on the campground, should comply with the NYSDEC and the township engineer." He said that the way that the NYSDEC works, is that all of the SPDES design flows go through the Department of Health, so that the NYSDEC permit, is reviewed and approved by the Department of Health. He said that there is other generic language in this Section, in relation to rv parks and campground facilities, but there are no specifics.

John Fuller said, concerning cabins, is that they are not permanent structures, in that they are like park units, and can be moved around the facility. He said that their purpose is to attract people from New York City who do not own a camper, but want to come up and not sleep in a tent, but want to sleep in a structure that they feel comfortable in. He said that each cabin will be tied into a water, sewage and electrical supply. He said that they are not on a permanent foundation, and are wheeled around to a new location on the property. He said that it is a temporary occupancy, they are like mobile cabin units. He said that the Town Zoning Ordinance is not specific in language to total acreage relative to the number of units. He said that the only thing that the Town Ordinance says, is, "a campsite needs to be at least 50' wide and a minimum of 3,500 square feet of area." He said that the Town Ordinance says that you are allowed a maximum of six sites per acre, so this property of seventy acres would be allowed 420 sites, which would be too many sites, and would not be practical, and not all of that seventy acres is useable, if you count the pond and the lagoon, etc.

Glen Plotsky said that historically, concerning this property, the issue has always been, the former owner allowing people to live on the property all year around. He said that now there is the proposal of a rental, where a person can come in and rent it for a year, versus where a person can come in and rent a cabin for a week in December, even though the rest of the facility is closed.

Derek Wilson said that idea of a campground is for temporary housing, as long as a person is not living there all of the time, which is almost impossible to enforce. He said that someone can rent a site for a year, with the understanding that they are only going to use it for the warmer months of the year, it is almost impossible to enforce, and it is easy for the situation to be abused, where school age children start entering the school system, etc.

Lisa Monk said that they have a very good basis with KOA, and they helped create a seasonal contract with her family, which is from April 1st through October 31st. She said that the contract is very detailed, and the seasonal cabins will be on the site, during the colder months, but will be stored on site. She said that they have gotten high demand for recreational winter usage, where there is a "second contract" from November 1st through March 31st. She said that in essence, there will be two seasons, but her family will be able to operate the campground for both of the seasons. She said that her and her family will live there all year around, and she does have school age children.

Derek Wilson said that the Town Ordinance does allow for an owner to live there all year around, and for any school age children to attend the local schools. He said however, that Mrs. Monk needs to have wording, where no one else can live there year around. He said that if a laborer comes in with his school age child and decides to live there all year, that will be a problem.

Mrs. Monk said that she is very conscious of how the campground was run in the past, and it will be more structured and compliant now.

Willard Schadt asked, what does she foresee as the number of winter rentals?

John Fuller said that in terms of snow plowing and such, the winter season will be confined to the front of the property area, which will be less than a 50% occupancy.

Mrs. Monk said that she has gotten many requests for winter "getaways" where she would like to winterize some of the cabins.

Derek Wilson said that the Building Inspector will need some kind of leeway to check the property and the records.

Willard Schadt asked if there was just an area for tent sites, since there's no hook ups, and is that treated the same, in the Town Ordinance?

John Fuller answered that he hasn't seen anything specific, relative to tent sites in the Ordinance. He said that currently the property is supplied by two

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wells and two pump houses, and leaning toward providing a third pump house, which would be a Health Department issue. He said that the owners are looking to make improvements on the property, such as additional recreational facility, as far as a playground, etc. He said that all of these improvements will be spelled out on the site plan. He said that they also want to make improvements and renovations to existing structures that are on the site. He said that concerning full time residents, that on the property there is an existing dwelling which is identified as the managers office, a permanent place of residence. He said that there is an existing barn, which previously had several residences in it, and he said that he doesn't know if they were legal or not. He said that as part of the site plan approval, besides that one permanent owner/ managers residence, the applicant is looking to include upwards of three apartments, which would be for family and/or a caretaker. He said that the owners wants people living there permanently to maintain the grounds.

Derek Wilson said that if the year round occupancy exceeds what is specified in the Town Zoning, then the applicant would have to go before the Zoning Board of Appeals and request a use variance for that.

Glen Plotsky said that the Ordinance only allows for one caretaker, so yes, the applicants would have to pursue a use variance.

The applicant was told that if she wants to pursue the Planning Board process, she will have to establish escrow accounts with the Town Supervisors office, that is, \$1,000 for town attorney fees, and \$2,500 for town engineering fees.

THE HUB - # 08-0602

Represented by Mr. Dominick Alfieri, Owner & Mr. John Fuller, Civil Engineer 856-1536

Owner/Applicant Dominick Alfieri wishes to modify the site plan for property on Route 6, Town of Deerpark, Orange County, New York.

It is in the IB Zone.

Section – Block – Lot = 57 – 2 - 14

Application submitted May 25, 2011

Mr. Alfieri handed out a sketch plan of the layout of the building and the parking, and the neighboring property to the Board members. He said that the sketch plan parking shows roughly 65,000 square feet retail and 10,000 square feet pads and the drive through area. He indicated the parking and buildings and over flow parking on the sketch plan.

John Fuller said that there will be a lease for the overflow on the adjoining parcel, owned by Mr. Morris Rizkallah. He said that this sketch plan shows an idea for future development, where any parking that he is currently using, can be accommodated on a future development on the adjoining property. He said that the 65,000 square foot retail and the 10,000 square foot pads are kind of the industry standard for an eatery (Outback, TGIF, etc.). He said that the 10,000 square foot pads are approximately 100' by 100' to accommodate parking surrounding the building. He said that the lease for the over flow parking will be tied to the amended site plan for the Hub.

Al Fusco reviewed his technical comment letters, dated May 18, 2011 and May 24, 2011. He said 1.) that detailed plans on the basement tenant use need to be added to the plans. He said that that is now allowed at this time, because the basement was only approved for storage. He said that on numerous site visits, and looking at the basement space that is going to be used, it looks like it may or may not meet New York State Building Code standards, one of which is two means of egress of a certain distance, and another is natural light and ventilation, which is not present, because it is a basement. He said that all of the safety issues need to be addressed, concerning the basement. 2.) A new parking lot layout was submitted, and is labeled as "necessary" parking, rather than "overflow."

John Fuller said that currently, overflow parking is shown on the Rizkallah property, which is gravel based.

Al Fusco said that safety wise, the loose gravel will have to be changed to oil & stone, or tar & chip, or stone dust, which will be more stable.

Willard Schadt said that a gravel driveway always gets plowed in the wintertime, and then there's no useable drive in the spring.

John Fuller said that at the time of the original approval, this was presented as a general commercial use, basically a "spec" design, and using the Town Ordinance as a calculation for parking, one space for every 250 square feet of gross building area was required. He said that that parking was provided on the original site plan application. He said that Planet Fitness does have a higher intensity of parking, than your general commercial, and so that problem was identified. He said that in conjunction with that, and since the applicant is pursuing all of this, and the desire is to have the karate studio in the basement, additional parking spaces would be needed. He said that the sum total of what is needed to go forward, is the 190 parking spaces, which cannot be obtained on the original subject parcel, and so the overflow area on the adjoining Rizkallah property is needed.

Derek Wilson said that that is part of the primary parking, and is there to satisfy a promise created by the businesses being successful.

Mr. Alfieri said that over a month now, since the initial opening of the Planet Fitness, there has not been a problem where the other parking lot has had to be used, and asked if he can leave that parking lot as optional, and only open it up when needed?

Derek Wilson said that Planet Fitness could run "specials" again, and then that might create a parking problem, just like when it first opened up. He said, anyway, additional parking will be needed, because of the proposed karate use.

John Fuller said that at full occupancy, if all floors of the building are all fully functioning and nothing is vacant, then potentially there can be up to 190+ cars.

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Al Fusco said that that "other" parking lot still needs to be more stable, not that loose gravel, and possibly more lighting is needed. He said light poles may not need to be put onto the property, but that the existing lighting might have to be upgraded.

Mr. Alfieri said that on the new site plan the lights will be brighter. He said that the entrance and walkways need to be better lighted.

Derek Wilson said that the Town Ordinance says that your light is not supposed to spill over onto another's property, so brighter lights might not be a solution.

John Fuller said that relative to the additional parking, the applicant and himself will look at a couple of design options.

Al Fusco said that the stormwater plan for the new parking area needs to be addressed. He said that he did not notice any soil erosion mitigation on the site plan.

John Fuller said that he can show silt fences on the plan.

Al Fusco said that the other uses need to be identified, such as the first floor was approved for business retail, and if there are other uses, they need to be shown on the plan.

John Fuller said, concerning the parking calc, knowing that the applicant has a long term lease with Planet Fitness, there is a specific parking calc for Planet Fitness, based on the size of their facility. He said that for the rest of the building, it's still generic in nature, because some of it is still vacant. He said that Mr. Alfieri's office is approximately 2,000 square feet, so the parking calc would necessitate eight parking spaces just for his office, even though he will never use that many.

Willard Schadt asked about the driveway onto Route 6 from the adjoining property, that people will use it as an exit?

Al Fusco answered that that needs to be reviewed, and maybe a "crash gate" could be put up there.

Mr. Alfieri asked, if Mr. Rizkallah decides that he doesn't have to lease his property to him anymore, where does that leave him?

Derek Wilson said that once the lease is signed, both parties are locked into that.

Mr. Alfieri asked, but what if he decides he doesn't want to sign a lease for twenty years?

Glen Plotsky said that a longer lease with an "opt out" clause would be best, and a month to month lease will give nobody any protection, that is, it doesn't protect Mr. Alfieri, Mr. Rizkallah, or the town. He said that a longer term lease that has basically an advanced agreement with regard to modification, so that everything is a joint venture, things can go forward, and it protects the use of that property, as well as his ability to develop it.

Derek Wilson agreed, and said that Mr. Rizkallah could sell the property to someone else who may not want it developed, like Mr. Alfieri wants to do.

Al Fusco said that the Orange County Health Department approval is still needed for installed water supply.

Mr. Alfieri answered that they were on the property yesterday, to check things out, and will get something in writing to him.

QUALITY BUS CO. - # 11-0203

Represented by George Eckes, Owner & John Fuller, Civil Engineer 856-1536

Owner/ Applicant D. L. E. HOLDINGS LLC is seeking a site plan approval

for vehicle & equipment sales, on property located on 102 Main St., Sparrowbush, NY, and has linked that property to the property located at 504 Route 42, Sparrowbush, N.Y.

It is in the HMU zone.

Section - Block - Lot = 43 - 2 - 2

Application received February 23, 2011

John Fuller said that they had gotten a letter from NYSDOT after the public hearing. He said that the town engineers' last review stated that the Board was just waiting for a response letter from the NYSDOT. He said that NYSDOT states that they acknowledge the existing accesses and they are valid. He said that they write that they acknowledge that there is an existing gated entrance on Main Street, which is to be used for access for maintenance purposes, to clean out the drainage. He said that the drainage is actually town water that comes from up above and drains through the top corner of this property. He read from the May 16, 1011 NYSDOT response letter: "The existing southerly access's location is acceptable for the site, but will require improvements." He said that the improvements mentioned here, is the existing drainage structure is in poor shape, and the pipe does not currently have sufficient coverage to NYSDOT standards. He read the third comment: "The chain link fence, sign and planer, and proposed parking are shown within the NYS right-of-way. This will not be permitted without the benefit of an issued Use & Occupancy permit." He said that his client will apply for this permit. He read the third comment from NYSDOT: "All drainage pipes outletting to the State right-of-way are to be shown on the plan. Three pipes outlet into the ditchline at the northern end of the site although only two are shown. There is a pipe outletting into the ditchline at the southern end of the site which is not shown on the plan. Invert elevations for all pipes are to be noted on the plan. An existing drainage structure located along the Main St./ Route 42 intersection is not

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shown on the plan. This drainage structure outlets to the west side of Route 42 via a 24" RCP. The drainage structure is to be cleaned and the erosion along Route 42 from the site drainage to the drainage structure is to be addressed." He read the fifth & sixth comments: "Document existing sight distance measurements. The plan is to include the nearest reference marker, land and shoulder widths and the Post Office driveway's location is to be shown. It doesn't appear that the curb shown on the plan, is still in existence."

Willard Schadt asked what does this last sentence means, and what do they want Mr. Fuller to do?

John Fuller answered that that is just a mis-nomer that needs to be taken off of the present survey.

John Fuller said that the NYSDOT normally do not grant permits, until an applicant receives Planning Board approval, that is, they cannot make an application with the NYSDOT, until the Planning Board here grants approval.

The Board reviewed Part I of the Short Environmental Assessment Form, and answered "no" to all questions.

MOTION

Mike Hunter made a motion for a negative declaration. Willard Schadt second. Roll call vote: Santiago, aye; Hunter, aye; Schadt, aye; D. Wilson, aye. Motion carried.

MOTION

Derek Wilson made a motion for conditional approval for the DLE Holdings LLC application, based on addressing any NYSDOT comments and satisfying any town engineer comments, and payment of all fees. Theresa Santiago second. Roll call vote: Santiago, aye; Hunter, aye; Schadt, aye; D. Wilson, aye. Motion carried.

VINCENT GALLIGAN SUBDIVISION - #11-0204

Represented by John Fuller, Civil Engineer 845-856-1536

Owner/ Applicant Vincent Galligan wishes a 2 lot subdivision on property located at 227 Oakland Valley Road, Cuddebackville, N.Y.

It is in the RR Zone.

Section - Block - Lot = 20-1- 64.14

Application received February 23, 2011

John Fuller said that the only issue remaining, is that he had a joint soil inspection with the town engineers office approximately two weeks ago, but the perk results were bad, and another perk needs to be done. He said that after that is done, he will come back before the Board.

DEERPARK VILLAGE - #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 - 2 - 32.2 & 38.8

Glen Plotsky told the Board that Planning Board member Dan Loeb's attorney contacted the Town Supervisor indicating that they believe that the ethics committee was incorrect in their determination, and said that Dan Loeb should not have to recuse himself from any discussion of this application. He said that the Town Board will more than likely discuss this matter in executive session, and hopefully something will happen.

COMMUNICATION FROM THE TOWN BOARD LIAISON

David Dean said that the town now has a golden opportunity to get the old American Campground property straightened out, once and for all, and said that this opportunity should not be squandered. He said that the KOA organization will not allow the new owners to run a shabby operation, and the owners will have to meet KOA's standard, otherwise, KOA will pull the franchise.

Theresa Santiago said that it was supposed to be a KOA campground, when the previous owner owned it.

David Dean said that the standards are much stricter now.

David Dean said that the Planning Board secretary has been requested by the Town Board to notify every Planning Board member the evening before the Planning Board meetings now, so that a quorum will always be met. He also said that Planning Board member Mike Breitenfeld has resigned, and the Town Board is in the process of appointing a seventh member to the Board.

Derek Wilson asked about the procedure, if alternate Planning Board member Mike Hunter would like to become permanent?

Dave Dean said that he just needs to submit a letter of intent.

Derek Wilson asked, does the Town Law specify that there should be two alternates?

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Dave Dean answered said it may well be, and the Town Board will be accepting letters of intent from Deerpark citizens.

COMMUNICATION FROM PLANNING BOARD MEMBER

Willard Schadt thanked the secretary for e-mailing him the minutes from the last meeting, because he was unable to attend.

ADJOURNMENT

Derek Wilson made a motion to adjourn. Theresa Santiago second. Roll call vote: Santiago, aye; Hunter, aye; Schadt, aye; D. Wilson, aye. Motion carried.

Meeting adjourned at 9:15 p.m.

Respectfully submitted,

Barbara Brollier, Secretary