

DEERPARK PLANNING BOARD - JUNE 26, 2013 - PAGE #

The Deerpark Planning Board met for their bi-monthly meeting on Wednesday, June 26, 2013 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

Mike Hunter
Willard Schadt

Craig Wagner
Derek Wilson

OTHERS

Mr. Alfred A. Fusco, Jr, Town Engineer
Mr. David Dean, Town Board Liaison
Mr. John Fuller, Civil Engineer
Mr. Ron Babcock, Applicant
Mrs. Mervi Stack, Applicant
Mr. Timothy Gottlieb, Gottlieb Engineering

Mr. Glen A. Plotsky, Town Attorney
Ms. Tara Purden, Applicant
Mr. Harold Butler, Applicant
Mr. Gary Butler, Applicant
Mr. Bernard Flanagan, Applicant

THE PLEDGE OF ALLEGIANCEHAWKS NEST CAFE –PUBLIC HEARING - # 09-1202

Represented by John Fuller, Civil Engineer

Owner/ Applicant Ron Babcock wishes to re-build 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

SEE ATTACHED PUBLIC HEARING RECORD

Al Fusco referred to his technical memo, dated June 26, 2013. It read:

1. NYSDOT has signed off on the June 10, 2013 Fuller plans. However, a use and occupancy permit and highway work permit with the NYSDOT is required after final approval by the Planning Board and before a building permit is issued by the Town.
2. Upper Delaware Council (UDC) has expressed concerns over the well and septic; their letter is attached. We require the well and septic to be stamped and certified by a professional engineer before the building permit will be issued. The UDC is also concerned with light pollution. Note to plan: exterior lights to be on timer to be shut off during non-business hours.
3. There is no provisions for a business sign. Notice: A sign permit is required in accordance with the code.
4. Westfall Township (Pennsylvania) has no comment or recommendations.
5. Detail of wooden guide rail is to be shown.
6. Board comments.

Al Fusco referred to the letter from the NYSDOT, dated June 17, 2013. It read:

“Re: Hawks Nest Cafe:

The Department of Transportation has completed our review of the plans submitted, as revised 06/10/13, for the above referenced project. The plans have addressed the Departments’ previous technical review comments and are acceptable at this time. After receiving final Planning Board approval, your client may apply for the necessary highway work permit. However, the issuance of the Use & Occupancy Permit is required, previous to the issuance of the highway work permit. Very truly yours, Kimberley A. Henken, Permit Engineer,”

Al Fusco said that the applicant can go to the NYSDOT, after he gets final approval from this board, and he needs to get his use of occupancy permit, which is a lease, so to speak. He said that some of the land that will be used for parking, is actually owned by the State, and so the State gives Mr. Babcock an agreement to utilize that property. He said that this board would give the applicant conditional final approval, and the applicant would get his use and occupancy permit, and his highway permit, and then he would come to the town for a building permit. He also referred to a letter from the Upper Delaware Council, UDC, dated June 26, 2013:

The UDC letter reads: “Dear Mr. Fusco, As you know the Upper Delaware Council (UDC) is responsible for the review of projects occurring in our member towns that are within the boundary of the federally-designed Upper Delaware Scenic and Recreational River. On May 6, 2013, the UDC Project Review Committee submitted comments to the Town of Deepark Planning Board on the proposed re-building plans for the Hawks Nest Cafe. We are pleased to see that the proposed Hawks Nest Cafe is again moving forward, as the location had been a popular tourist destination and offers a spectacular view of the Upper Delaware River. The UDC Project Review Committee and UDC staff have reviewed the site plans for the proposed project as received in our office on May 29, 2013. Our comments on the most recent site plans are as follows:

1. The plans indicate that the existing water well and existing ‘reputed septic area’ will be utilized. Since the loss of the original structure in 2002, eleven years have passed since the well and septic were functional. Due to this lapse in time, we trust that there will be thorough inspections of both the well and septic area, to assure that they are functioning properly for the health and safety of the public.
2. The new lighting plan addresses the UDC’s Project Review Committee’s 2010 comments in regard to light direction. We would suggest that if practical the proposed light fixtures be programmed with timers to prevent all-night operation during the non-business hours. This would prevent excessive energy consumption, an abundance of nuisance insects, and light intrusion on neighbors and motorists.
3. We understand that the new structure will be re-built on the existing footprint of the old structure and will meet current building codes. We hope that the proposed 1 1/2 story wood-framed structure is designed to fit in with the natural landscape, much as the old structure did.

Thank you for the opportunity to review and comment on this proposal. Sincerely, Larry H. Richardson, Chairman.”

Al Fusco asked the applicant about a business sign?

Ron Babcock answered that the sign is still there, and it will not change.

Al Fusco referred to the letter from the town of Westfall, Pa., dated June 5, 2013. It read:

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“Re: Town of Deerpark Lands of Butler; Town of Deerpark Hawks Nest Cafe, Inc. Dear Mr. Fusco, Westfall Township (Pa.) is in receipt of your plans for the two above referenced projects, and we have no comments and recommendations. Thank you, Very truly yours, Lisa A. Green, secretary.”

The board directed that the existing sign be put on the site plan, as it will not impact any traffic.

Willard Schadt asked about lighting at night, such as motion detector lights?

Al Fusco answered that the applicant could have the interior lighting or a porch light, or something like that. He said that the NYSDOT was referring to the exterior lighting on the plan. Ron Babcock said that there is a street light on the other side of the highway, that shines onto his property.

Al Schock read the SEQR resolution: “The Town of Deerpark, New York Planning Board has reviewed the short form EAF together with the site plan and comments from involved and interested parties. The Board has reviewed air quality, surface and groundwater, noise, traffic, waste disposal, erosion, drainage impacts on the environmental characteristics, potential adverse environmental impacts and has determined that the project will not result in any adverse environmental impacts.”

MOTION

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

MOTION

Wilson made a motion for conditional final approval for the Hawks Nest Cafe, subject to the town engineers' comments, along with payment of all fees, and the sign to be shown on the map. Hunter second. Roll call vote: Hunter, aye; Wagner, aye; Santiago, aye; Wilson, aye; Schadt, aye; Schock, aye. Motion carried.

John Fuller asked if this requires a special use permit, because it was granted as a use variance by the ZBA?

Al Fusco answered that it is a principal permitted use with planning board approval, and is not a special use.

WINOGRAD SUBDIVISION - PUBLIC HEARING = # 13-0503

Represented by John Fuller, Civil Engineer 856-1536

Owner/ Applicant Marius Winograd wishes a 2 lot subdivision on property located at Route 42, Sparrowbush, N.Y.

It is in the RR Zone.

Section - Block - Lot = 12 - 1 -

2

Application submitted May 1, 2013

SEE ATTACHED PUBLIC HEARING RECORD

Al Fusco referred to his technical comments, dated June 26, 2013. It read:

1. The joint inspection was held for the soils and all was satisfactory.
2. NYSDOT approval is pending.
3. Orange County Planning request that the area of disturbance be protected and tree cutting to be held to a minimum.
4. We require that no trees be cut outside of the area of disturbance for this project.
5. Board comments.

Al Fusco referred to a letter from the Orange County Department of Planning, that stated that they suggest that the applicant does not remove any unnecessary trees.

Al Fusco said that the Town of Deerpark does not have a “tree ordinance”, so should the owner wish to cut trees, that’s their choice, because tree cutting is not a part of this project.

The board decided to not make any more decisions on this application, until the applicant hears back from NYSDOT.

Al Schock expressed his opinion that an applicant should be able to cut or not cut trees on their property, and does not agree with the Orange County Department of Planning letter, and asked if that can be stricken?

Al Fusco answered yes, it is a board determination.

Al Schock read the SEQR resolution: “The Town of Deerpark, N.Y. Planning Board has reviewed the short form EAF together with the site plan and comments from involved and interested parties. The Board has reviewed air quality, surface and groundwater, noise, traffic, waste disposal, erosion, drainage impacts on the environmental characteristics, potential adverse environmental impacts and has determined that the project will not result in any adverse environmental impacts.”

MOTION

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

Willard Schadt asked if the board could proclaim conditional final approval this evening, so that the applicant does not have to come back before this board again, and it costs the applicant more money.

Al Fusco answered that the NYSDOT frowns upon it, which means that they get angry with this board, and then when the board asks for their help, such as when the board asked for the NYSDOT help with the Hawks Nest Cafe, and they gave it, and let the applicants’ customers park on the NYSDOT property, and that was a result of the Town Supervisor, and David Dean and himself talking with NYSDOT, so it leaves that level of co-operation.

The board and Mr. Fuller agreed that this application would be on the July 10th agenda.

DEERPARK PLANNING BOARD - JUNE 26, 2013 - PAGE #**JOHN & JANICE BULLIS - # 13- 0506**

Represented by John Fuller, Civil Engineer

Owners/ Applicants John & Janice Bullis wish a lot line change on property located at #60 & 68 & 74 Martins Rd., Huguenot, N.Y.

It is in the Hamlet Mixed Use (HMU) Zone Section Block - Lots- 49 - 1 - 16 & 17 & 18.

1

Application received June 13, 2013

Mr. Fuller said that this application will be a re-configurations of lots, and he referred to the site plan and indicated where the Bullis house and property is located, and where Frank Somarelli's house and property is located. He said that the Bullis property is a large flag lot that continues behind their property and also behind Frank Somarelli's property, which is an acre and a quarter, and the large flag lot is a pre-existing, non-conforming lot. He said that Somarelli would just take approximately 6 acres of land, that was originally that flag lot area, and that would be incorporated into his parcel. He said that the Bullis front parcel is 80' X 150' and would be enlarged to have 150' of frontage, and then the balance of land would go with the parents' original house, which he indicated on the map, and all in total, that original parcel, which was approximately 9 1/2 acres, would become a 1.66 acre lot, and the Bullis parcel would become a 2 acre parcel, and Somarelli's parcel would become just over a 7 acre parcel of land. He said that currently there are 3 existing lots, and the end result would become 3 re-configured lots.

Derek Wilson asked, how is that third lot being changed?

John Fuller answered that the current lot, which he indicated on the map, and showed where the frontage goes from one point to another point and up and around, and said that the new configuration of this lot would be 1.66 acres.

Glen Plotsky asked if Mr. Somarelli would be subdividing his new property in the future?

Mr. Somarelli answered no.

Glen Plotsky suggested that a note on the plan be put to that effect, that there will be no more subdivisions on this property.

Several board members disagreed, and said that Mr. Somarelli should not be restricted, as to the future use of his own property.

Al Fusco referred to his technical memo, dated June 26, 2013. He read:

1. Request bulk table be shown on plans.
2. Request chart of existing lot number and size and proposed lot size and plan.
3. Board comments.

Al Fusco also asked for a bulk requirements table to be put onto the site plan.

Willard Schadt asked about the sheds that are indicated on the plan?

John Fuller said that the shed ownerships are not being changed, just the lots.

MOTION

Wilson made a motion to schedule a public hearing for July 24, 2013. Hunter second. Roll call vote: Hunter, aye; Wagner, aye; Santiago, aye; Wilson, aye; Schadt, aye; Schock, aye. Motion carried.

MOTION

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

TARA PURDEN - BRIEF DISCUSSION

Represented by herself

Owner/ Applicant wishes to have maps and mylar signed, from a lot consolidation that this board approved in 2008.

Glen Plotsky said that the applicant was unaware that she had to file the stamped maps at that time, and that the proposed deeds have been filed and recorded, and everything is in order. He said that she should be able to sell the property, once the maps, which will be signed by the chairman tonight, are filed.

Ms. Purden thanked the board.

GARY BUTLER SUBDIVISION - # 07-0501

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

Owner/ Applicant Gary Butler wishes a 2 lot subdivision on property located on Franke Rd., Huguenot, N.Y.

It is in the RS zone.

Section – Block – Lot = 27 – 1 – 16.22

Application received April 30, 2007.

Al Fusco referred to his technical memo, dated June 26, 2013. It reads:

1. The Highway Superintendent and I inspected the site on June 24, 2013. The Highway Superintendent required the existing 12" culvert on the south side be replaced across Franke Road with a 15" culvert. He also requested that a ditch or swale be directed on the south side driveway to the existing ditch on the south side. Also, on the north side of the drive, have a swale or a pipe directly flow to the existing ditch toward the existing 14" pipe on the north side of the driveway. The Highway Superintendent also required an easement be gotten from the YMCA in favor of the Town, for a ditch on the northernmost existing 14" culvert under Franke Road and it be ditched by the applicant
2. Highway Superintendent reiterated removal of exposed ledge, for sight distance.
3. Board comments.

Mr. Gottlieb said that Mr. Fusco and the town highway superintendent did meet at the site on this past Monday to check out the drainage issues, He said that in looking at the town engineers comments, that the only issue is the drainage issue over the YMCA property.

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Al Fusco said that the dimensions of that would be 20' X 150'. He said that he would be happy, if Mr. Gottlieb makes his best efforts to get the co-operation of the YMCA.

Glen Plotsky said that he is not comfortable with Mr. Gottlieb and the YMCA and the easement issue. He said that who would make the "best efforts" and who would make that determination? He said, what if the YMCA says "no", and what is "best efforts", and who decides that, and he said that it is a little too loose for his legal concerns, with regard to enforcement and determinations in that area. He said that he would prefer to wait for conditional final approval for this application, before the applicant gets an easement from the YMCA. He said that a letter from the YMCA stating that they agree with the easement, would be just fine to submit, and then he can review the easement that way. He said that if the YMCA emphatically says "no", then the applicant comes back before this board, and then let the board deal with that answer.

Gary Butler said that he has taken video of the road during a large rainstorm, and said that there is nothing that can be done when there is severe rains. He said that he would like to co-operate with this board and the YMCA.

Glen Plotsky suggested that Gary Butler show the video to the highway superintendent, and if he still thinks he needs the easement and the 15" pipe, then Mr. Butler goes to the YMCA, show them the tape, and see what happens.

Willard Schadt said that if the water exits Franke Road now, and if it doesn't affect the property, what is the purpose of the easement?

Tim Gottlieb answered that the driveway entrance is being improved, so that the water doesn't go across the road, and it will run on the opposite side of the street, away from the neighbors' house, in a southerly direction and then go east, underneath Franke Road, onto the YMCA property. He said that there is a 12" culvert there now.

Al Fusco said that the ditch and the 14" pipe will be maintained by the town.

The board and Mr. Gottlieb decided to come back to the board on July 10th.

Willard Schadt said that this is a common driveway, and asked if the town attorney is satisfied with the shared driveway agreement?

Glen Plotsky answered that he has no problem with it.

BERNARD FLANAGAN & TRACY STEIN - SPORTSMAN SHOP - # 13-0505

Represented by Bernard Flanagan

Owners/ Applicants Bernard Flanagan & Tracy Stein wish to create a Sportsman Shop in their garage on property located at 72 Third St., Godeffroy, N.Y.

It is in the Neighborhood Residential zone

Section - Block - Lot = 30 - 5 - 1.

Application received May 22, 2013

Applicant received a variance from the ZBA on April 18, 2013.

Al Fusco referred to his technical memo, dated June 26, 2013. He read:

1. Hours of operation should be shown.
2. Is there any exterior lighting?
3. Is there any signage?
4. Board comments.

Mr. Flanagan said that he will comply with these comments.

MOTION

Santiago made a motion to schedule a public hearing for July 24, 2013. Wilson second. Roll call vote: Hunter, aye; Wagner, aye; Santiago, aye; Wilson, aye; Schadt, aye; Schock, aye. Motion carried.

MOTION

Wilson made a motion for lead agency. Hunter second. Roll call vote: Hunter, aye; Wagner, aye; Santiago, aye; Wilson, aye; Schadt, aye; Schock, 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 referred to his technical memo, dated June 26, 2013. It read:

1. County comment (copy enclosed). Applicant clearly indicated 41-1-28 is included in the lot line change. The application and EAF did not include this, and it should be amended.
2. Westfall Township has no comment.
3. Upper Delaware Council wants any improvements in the future, to be reviewed by them and keep the D & H Canal unaffected by improvements (letter enclosed).
4. Board comments.

Al Fusco referred to the Orange County Department of Planning letter, dated May 23, 2013:

“Butler Lot Line Change: The Department has received the above referenced lot line change and has found no evidence that significant inter-municipal or countywide impacts would result from its’ approval. We would like to offer the following advisory comments: 1. We recommend the applicant clearly indicate if parcel 41-1-28 is included in the lot line change, as the submitted “Subdivision Development Plan Applications” and the short EAF do not include this parcel, while the “Lot Improvement Plan: indicated that three sections of this lot will be consolidated into three existing lots. David Church, AICP, Commission of Planning.”

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Al Fusco said that one section, block and lot 41 - 1 - 28 was not included on the Planning Board application and the SEAF, and that can be formally done this evening.

Al Fusco referred to the letter from the Upper Delaware Council (UDC), dated June 25, 2013. It read: "Dear Mr. Fusco, As you know the Upper Delaware Council (UDC) is responsible for the review of projects occurring in our member towns that are within the boundary of the federally designated Upper Delaware Scenic and Recreational River. A project that requires site plan approval by the Town Planning Board warrants review by the UDC Project Review Committee as well. Our responsibility is to assure that , if approved, a project would not compromise the Towns's status of substantial conformance with the Land and Water Use Guidelines for the Upper Delaware. After review of the site plans for the Butler Land Consolidation, the density will be consistent with the general minimum lot size of 2 acres as specified in the Guidelines; therefore, the UDC project Review Committee does not believe that this project would jeopardize the Town of Deerpark's substantial conformance status. Our recommendation is that although the affected properties are located in the Town's Hamlet Mixed Use-HMU zone, the properties are also located within the federally designated river corridor; therefore, the Guidelines should be consulted for any future projects or development associated with lands within this boundary. Also, it is noted in the site plan that on the eastern boundaries of lots 26A and 1A (after lot improvement), there are 'remains of the old Delaware & Hudson Canal.' It should be noted that the canal played an integral part in the economies of New York and Pennsylvania, and ultimately te country. These remains represent a unique aspect of the Delaware Valley cultural history and should be preserved for the benefit of present and future generations. We appreciate your diligence in submitting projects to the UDC, and look forward to future co-operation between the UDC and the Town of Deerpark in striving to protect the health, safety and welfare of river corridor residents while providing for the continued management of the Upper Delaware resources. Sincerely, Larry H. Richardson, Chairman, Upper Delaware Council Project Review Committee."

Dave Dean said, that in speaking with the UDC representative, they have no issue with this project.

MOTION

Wilson made a motion for a resolution for the Planning Board secretary to amend the application and the short form EAF to include section, block and lot 41-1-28. Hunter second. Roll call vote: Hunter, aye; Wagner, aye; Santiago, aye; Wilson, aye; Schadt, aye; Schock, aye. Motion carried.

Al Schock read the SEQR resolution: "The Town of Deerpark New York Planning Board has reviewed the short form EAF, together with the site plan and comments from involved and interested parties, the board has reviewed air quality and surface and groundwater, noise, traffic, waste disposal, erosion, drainage impacts on the environmental characteristics, potential adverse environmental impacts, and has determined that the project will not result in any adverse environmental impacts."

MOTION

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

MOTION

Wilson made a motion for conditional final approval, based on payment of all fees, and addressing the final comments of the town engineer. Schadt second. Roll call vote: Hunter, aye; Wagner, aye; Santiago, aye; Wilson, aye; Schadt, aye; Schock, aye. Motion carried.

ROCK CITY MEDIA - DIGITAL SIGN - # 12-0503

Represented by Mr. Doug Barthel 679-6441

Owner/ Mervi Stack; Applicant/ Rock City Media wishes to erect a digital sign

on property located at 83, 85 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 15, 2012

Applicant received a variance on February 21, 2013

Applicant asked to be re-scheduled on a future agenda.

MERVI STACK - RESTAURANT/ BAR SITE PLAN - # 13-0202

Represented by herself

Owner/ Applicant Mrs. Stack wishes to re-open a restaurant, located at 87 S. Maple Ave., Town of Deerpark, Orange County, New York.

It is in the IB zone.

Section - Block - Lot = 57 - 3 - 4.1

Application received December 5, 2012.

Al Fusco referred to his technical memo, dated June 26, 2013. It read:

1. Proposed septic on 2 lots, need lot line change.
2. Need calculations for septic including the proposed quantities, septic tank in NJ, need witnessed perc and deep test, septic details, grades, material, etc .
3. Determination of what Montague is reviewing.
- 4.. Board comments.

Al Fusco said that the septic spans two lots, and needs to be addressed, by a lot line change, so that it is all on one lot, and he said that he needs to see details of the septic, i.e. 1,200 gallons, 800 gallons, etc.

Mervi Stack that the number of seats in the restaurant has been reduced to 55 seats and 8 bar stools, so the septic plan has been reduced because of that.

Al Fusco said again, that he just needs to see how the engineer got his calculations, and it does need to be moved into the state of New York, from New Jersey.

Mervi Stack said that if the septic reserve had to be moved, can she get an easement?

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Al Fusco said that he prefers that it's all on the same lot, because if the property gets sold in the future, maybe to two different owners, then when the septic bubbles up onto the owner who doesn't own the lot with the septic, it'll cause many problems. He referred to the parking, and said that the applicant needs to get an agreement, so that all of the parking is on one lot. He recommended a lot line change for both the septic and the parking. He also indicated on the site plan where an easement should be done.

Glen Plotsky said that concerning the Montague, New Jersey Land Use Board, they had asked for information about the restaurant, and at their last meeting they granted a variance to allow the restaurant bar and use, as pre-existing, non-conforming, with no intent to permanently change it, and so now Mrs. Stack has permission to use it as a restaurant/ bar. He said that they are now moving to the site plan review part of it. He said that the only issue in New Jersey is going to be the parking, and everything else is in New York. He said that this Planning Board secretary here, has sent all of this applicants' file documents to New Jersey, and they will, in turn, send all of their material to this planning board. He said that that way, both boards will have knowledge of what is going on with them.

Al Fusco asked Mrs. Stack to have her professional engineer meet with him, so that they can move this project along.

COMMUNICATION AND CORRESPONDENCE**DRAGON SPRINGS BUDDHIST, INC.**

Craig Wagner asked about the status of the Dragon Springs Buddhist project?

Dave Dean answered that the town board has found out that the applicants are now operating without a special use permit, and have brought that to their attention.

Willard Schadt asked if they have indicated to the town board a table of the number of people that are on the property?

Dave Dean answered that that is what the meeting with the town board was all about, and the applicants still have not given any numbers.

Glen Plotsky said that if they are a house of worship, and if no special use permit is required for a house of worship, then how do we require them to have a special use permit? He said that he does agree with Willard Schadt, that they do have a school and other entities, and those entities do require a special use permit, although the house of worship does not.

Derek Wilson agreed and said that it is the university that this board is requiring that they have a special use permit for.

HAWKS NEST CAFE & RAYMOND BUTLER APPLICATIONS

Theresa Santiago asked, on the two applications, Hawks Nest Restaurant and Raymond Butler lot line change, why is Westfall, Pa involved?

Glen Plotsky answered that Westfall is within 500 feet, even though they are across the Delaware River, so they must be notified.

Dave Dean said Al Fusco and the Town Supervisor and himself had a meeting with the UDC representative this morning, and he said that private property rights is still the main issue, in that, the UDC cannot run over the property rights of landowners in the town of Deerpark.

Dave Dean expressed his opinion that when Orange County Department of Planning sends a note in their correspondence for an applicants' property, that that applicant is not allowed to cut down trees on their own property, that that is really none of the Counties' business.

Derek Wilson said that there is binding and a non-binding comments, that there is mandatory and non-mandatory comments from the County.

Al Fusco said that while the applicant is building their project, for example the Winograd application tonight, the County wants the area of disturbance to be minimal for run-off, for erosion. He said that in the County's letter, they suggested that the trees not be cut for the shade and the energy, but the town of Deerpark does not have a "shade ordinance", but the County said during the project, that no excess trees be remove, so that the bulldozers don't just go in there and go nuts.

APPROVAL OF MINUTES - MAY 22, 2013

Since several of the board members did not receive the minutes, the secretary was asked to re-send them, and they will be approved at the July 10, 2013 meeting.

ADJOURNMENT

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

Meeting adjourned at 8:50 p.m.

Respectfully submitted,

Barbara Brollier, secretary