

The Deerpark Planning Board met for their bi-monthly meeting on Wednesday, June 27, 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. William Onofry, Town Attorney
Mr. David Dean, Town Board Liaison Mr. Anthony Olenick, Applicant
Mr. John Fuller, Civil Engineer

THE PLEDGE OF ALLEGIANCE

JOHN, NICHOLAS & ANTHONY OLENICK - # 12-0505

Represented by themselves

Owners/ Applicants John, Nicholas & Anthony Olenick are seeking a subdivision on property located at 232 Big Lake Rd., Huguenot, N.Y.

It is in the RR Zone.

Section - Block - Lot = 4 - 1 - 9

Application received June 15, 2012.

Nick Olenick indicated on the site plan where the lots are located, and said that he and his brothers would like to make a subdivision.

Al Fusco referred to his technical memo, dated June 27, 2012. He said that he basically needs some more information. He asked what the applicants would use the land for?

Anthony Olenick answered that they use the land for hunting and fishing, and it would be easier for the families, if they can subdivide. He said that there are five lots, all the same size, and there is a private road, or a right-of-way going back to the property. He indicated on the site plan, where he would like to build a building. He showed the Board on the map where there is a couple of smaller lots on the other side of the property.

Al Fusco said that the Town Code says that a town road will have to be there.

Derek Wilson stated that he remembered, concerning Big Pond Road, that a restriction was placed years ago, that no more subdivisions could be placed up there, until that section of the road was upgraded, as per the Town Attorney Glen Plotsky at that time.

William Onofry said that he will check on what Mr. Plotsky did say.

Al Fusco said that the applicants may have to go before the ZBA, to acquire a variance, to allow a subdivision on a right-of-way.

Derek Wilson said that according to the Town Code, since the property is in the Rural Residential zone, they can build one house per empty lot. He asked the Town Attorney, would the applicants have to ask for an area variance or a use variance, if they go before the ZBA?

William Onofry answered that it all depends on the State Law, as the Town Law requires frontage, but the State Law provides the applicant to build on a private road, and he will have to get the language in that State Law. He said it may or may not be a zoning issue, and he will research it.

Al Fusco said that these applicants may require a different procedure, and that Ordinance 280-A of the Town Code seems to stick in his head, on this application. He said, after researching it, that if these applicants just fit the Town Code criteria, then they would only have to go before the ZBA to get their variances.

Derek Wilson agreed, and said that basically the applicants would have to prove that they can get emergency vehicles in there.

Willard Schadt said that the Board can require a restriction on the map, by having the applicant write "no building on the large lot" on the site plan, without appearing before the ZBA. He said that his concern is that the applicants have no construction, because the Town does not want more subdivisions on a private road, because of all of the people.

Al Fusco said again that the Town Attorney and himself will research this, and get back to the applicants.

William Onofry concurred that he would research with the Town Engineer the two issues, which is, if it is the Town Code Section 280-A, and also the question of whether the number of lots allowed on that section of Big Pond Road has somehow been restricted.

NANCY GIBSON SITE PLAN - #11-0301

Represented by John Fuller, Civil Engineer 856-1536

Owner/ Applicant Nancy Gibson wishes a site plan, special use permit and lot line change to create an animal sanctuary on 76 acres located at 200 Peenpack Trail, Huguenot, N.Y.
It is an RR Zone Section – Block – Lot = 37 – 1 – 14.11
Application submitted June 27, 2012.

John Fuller handed out site plans for this project and said that he has represented Ms. Gibson before this Board in the past. He said that over a year ago this applicant came before this Board for a two lot subdivision, which was approved. He said that the original purpose of the subdivision was to create a housing lot for the applicant to build a house on, which is now under construction. He said that at that time, he had talked about the applicants' eventual goal, which is to build an animal sanctuary on the larger parcel. He said that the overall scope of this project is on an ongoing basis, the special use permit should be on a one or two year schedule, for review.

John Fuller took a moment to re-introduce the parcel. He said that his client is pursuing a site plan and a special use permit. He said that animal kennels, animal hospitals and veterinarians are allowed with a special use permit, under the RR zone. He said that the applicant will also need a lot line change.

Theresa Santiago asked if an animal hospital will be on the property?

John Fuller answered no, and re-phrased what he had said, by saying it will be an animal sanctuary, but Ms. Gibson would like to have an on site veterinarian to care for the animals, in a separate building.

Derek Wilson asked if she would be taking any animals off the street?

John Fuller answered no, she just wants the veterinarian on site for her own animals.

Derek Wilson said that he doesn't believe the Zoning does not deal with cats, but dogs, yes, it does, and also farm animals. He said that the Building Inspector is going to have to go onto the property to enforce it.

Dave Dean said that this application would also have to do with the Ag and Farm regulations.

John Fuller said that Ms. Gibson is just getting started and will start with one structure, because she doesn't even know, how well this project will take off.. He said that eventually she would like to have ducks and geese and animals like that on the property. He said that if the applicant has 20 geese or 20 dogs or whatever, then that would be the limit, as per the special use permit. He said that he would just like to clarify again, that this is a two lot subdivision, approved by this Board, a little over a year ago. He indicated on the map the 13.5 parcel and the 75 acre lot. He said that the access point has been pre-existing and is located just off Peenpack Trail, next to the Town bridge. He said that in order for her to get her driveway to work, she actually purchased lot #3, which is unbuildable, because it is steep. He said that the lot line change is dealing with combining lot #3 into lot #2, and he indicated the lot line change on the site plan. He said that the applicant also wants to change the property line, so it's out more, because she has a desire to

build an in-ground pool, and this is the best location for the pool. He said that the applicant would like to first pursue the barn and cat house, which would afford her the opportunity to set up. He said that also he is pursuing a stream crossing permit, to access the property off of Peenpack Trail across the creek. He said that there could He said that the lot line change can be pursued as a separate application.

William Onofry said that the Board can waive a public hearing for a lot line change, although they should use that option sparingly.

John Fuller said that he would like to pursue both applications, the lot line change, and the site plan/ special use permit concurrently.

William Onofry suggested to Mr. Fuller that he might want the lot line change in place, before moving forward with the site plan. He said that when his client is ready to move forward with the lot line change, the sooner the better, it would be for her, because it would put Mr. Fuller in the place where he can say what property the special use will affect.

Derek Wilson suggested that Mr. Fuller get the lot line change application and maps to the Town Engineer and the Board, as quickly as possible, so that the process can go forward.

Bob Vicaretti said that he believes that this applicant will have to notify Columbia Gas of these applications.

William Onofry agreed, saying that it is best that this applicant cross all of her "T's" and dot all of her "I's", just to be on the safe side. He said that although Columbia Gas already knows that this project is ongoing, it's better to send them a letter, certified mail, so that way when the Board asks, "have you notified Columbia Gas?" then the applicant can answer "yes" and here's the proof.

John Fuller said that he would like to have a surveyor draw up the lot line change/ consolidation map, and submit that as a separate application and forward it to Columbia Gas, and then upon bringing it to the Board, they can choose to waive the public hearing on that, or not. He said that he probably won't get this application to the Board until another month.

Derek Wilson suggested that Mr. Fuller define precisely what this applicant wants to do with the animals, and get the numbers of the different animals that she will have on the property.

William Onofry told Mr. Fuller, that in looking at the Zoning Code with the Town Engineer, there are two sections that he should look at specifically. He said that the first one is 230-13, sub-section H, and then 230-29 which deals with animal husbandry and livestock.

Al Fusco elaborated by saying that these sections will help Mr. Fuller with the site plan, because, these sections stipulate, for example, the barn has to be at least 200' from the property line, and things of that nature. He said that these sections also stipulate that there is only one livestock unit allowed for each acre. He said that the applicant has 70 some odd acres. He said that a livestock unit, for example, is one cow, two calves, two horses, two ponies, two pigs, two goats,

two sheep, 100 fowl, 50 rabbits. He also said that the Zoning then talks about animals, veterinary kennels, what the dog requirements are, and all basically have to be 200' from anything.

William Onofry said, referring to the dog barn, that although the applicant does not want to call it a kennel, according to the Zoning, it would be considered a kennel, according to the current definition, which states that 5 or more dogs or cats is considered a kennel. He said, yes, the Zoning does state "cats."

Al Fusco said that the Zoning states that a resident can not have more than 4 dogs, over 6 months of age, unless they have a kennel. He said that the Zoning states that no more than 25 fowl, and no more than 4 domestic animals, other than dogs and cats, unless the applicant goes to a commercial agricultural operation.

Dave Dean asked if this is a "for profit" operation?

John Fuller answered that he was under the impression that it was, until he found a pamphlet saying that it is not.

William Onofry agreed, and said that it is actually a "not-for-profit" in New York State, saying that he did confirm this.

Dave Dean asked about the interaction between this and the humane society? He said that they may have absolutely nothing to do with each other, but through practical terms, they are going to be intertwined somehow.

Al Fusco said that what he has read on the brochure that no animals are euthanized. He asked then, will the applicant have "adoptions" out of her property, taking in animals, that would otherwise be "put down" at the humane society?

John Fuller answered that he believes yes.

Al Fusco asked, then is she going to go to the Deerpark/ Port Jervis Humane Society and rescue a dog that is scheduled to be euthanized?

John Fuller answered no, he does not believe that that is Ms. Gibsons' intention. He said that he will be happy to bring her to a Planning Board meeting, to answer any questions.

Derek Wilson said that once the facility is set up for the maximum number of animals that the applicant wants to set up, then if additional animals are brought onto the property, what then?

Dave Dean said that the Boards' decision will have to take this into account, and said that the Humane Society does come to the Town of Deerpark for funding, and he and the other Town Board members have to make decisions concerning that funding. He said that he is just trying to understand, down the road, is this going to be a hindrance to the funding of the Humane Society, or not, or what will the relationship be? He said that he is just trying to understand all of the

ramifications. He said to Mr. Fuller that a little better explanation of the two, and how they are going to work together, or co-exist, will be very helpful.

John Fuller said that in approximately one month, when he comes back, he will have a better explanation for the Board.

Derek Wilson asked about the noise, where dogs can bark, and roosters can be quite noisy too. He said that this will most probably come up at the public hearing.

Bob Vicaretti asked about the slope on the property?

John Fuller answered that everything actually slopes down.

Bob Vicaretti said that that is something that should be looked at, in the site plan. He also said that fencing will be an issue, that is, what kind will the applicant use for the containment of the animals on the property? He said that he thinks it should be put on the site plan.

Several Board members again asked about the number of animals?

John Fuller answered that he is aware that the applicant would like to have four or five dogs, and certain number of cats and a handful of ducks and goats.

Al Fusco said that he sees no problem with the driveway right-of-way, as long as the agreement is checked out by the Town Attorney.

Derek Wilson said that that can be a condition of the special use permit, which will give the Planning Board and the Building Inspector a way to enforce.

William Onofry said that the applicant will be living on the smaller parcel and she has her own animals, and she's going to be taking care of other animals on the adjoining property. He said that obviously there are limitations as to how many animals can be on each parcel, and does she plan on putting a separation between the two parcels, or does she see herself being able to free flow from her house to the sanctuary and from the sanctuary to her house?

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 8:15 p.m

Respectfully submitted,

Barbara Broilier, secretary

