

## DEERPARK PLANNING BOARD - AUGUST 25, 2010 - PAGE #

The Deerpark Planning Board met for their bi-monthly meeting on Wednesday, August 25, 2010 at 7:00 p.m. at Deerpark Town Hall, 420 Route 209, Huguenot, N.Y. The following were present:

### BOARD MEMBERS

Willard (Skip) Wilson, Chairman	Dan Loeb	Mike Breitenfeld	Noel Malsberg
Derek Wilson	Willard Schadt	Theresa Santiago	

### OTHERS

Mr. Alfred A. Fusco Jr., Town Engineer	Mr. David Dean, Town Board Liaison	Mr. David Zigler, Applicant
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### THE PLEDGE OF ALLEGIANCE

### DATANG DEVELOPMENT, LLC - PRE-APPLICATION CONFERENCE

Represented by Mr. David Zigler 634-4694

Owner/ Applicant Datang Development LLC, wishes a 9 lot subdivision on 23.2 acres of property located on Galley Hill Rd., & Horseshoe Bend, in Cuddebackville. It is an RS Zone. Section - Block - Lot = 22-1-7.3

Mr. Zigler handed out maps of the property to the Board members. He said that on Horseshoe Bend the property starts to drop off, and on Galley Hill Road, it's basically level. He said that he did do topography on the maps, but has not done any soil testing yet. He said that there will be proposed three lots in the "Y" section between Horseshoe Bend and Galley Hill Road, and then the other six lots will be located on the right, as you travel down Horseshoe Bend. He said that lot #6 has a portion on both sides of Horseshoe Bend. He said that all lots will be over 2 acres. He said that there is one flag lot, located off of Horseshoe Bend. He said that one family homes will be built on the lots.

Al Fusco said that it's ok to split a lot, i.e, lot #6, because it's an already existing lot.

Skip Wilson asked if these lots will pay taxes?

Mr. Zigler answered that he will get that information to the Board.

Mr. Zigler said that all wells and septic will be located on the site plan.

Noel Malsberg said that lot #9 may have a building on it, and another lot may have wetlands on it. He also said that Horseshoe Bend is a substandard road, and Mr. Zigler should check the Town Road Specifications.

Al Fusco said that town roads have to be at least 22' wide, and that Horseshoe Bend may need improvement, as the Town Highway Superintendent may have input on that.

Mr. Zigler said that he will do measurements on the width of Horseshoe Bend at various locations.

Al Fusco said that Mr. Zigler will have to give the Planning Board a road metrics, which should include the edge of the traveled way, the edge of the right-of-way, any signage, sight distances from the proposed driveways, etc., as well as a detailed site plan.

Skip Wilson told Mr. Zigler that two escrow accounts will have to be established with the Town Supervisors' office, with \$7,500 for town engineering escrow, and \$5,000 for town attorney legal escrow.

### DRAGON SPRINGS BUDDHIST, INC. - DISCUSSION

Skip Wilson told the Board that a letter had been received by this applicant, requesting an extension of their one year special use permit, which expires on September 23, 2010. He said that this applicants' escrow accounts are in the negative, and asked the Board members for their opinions.

The Board unanimously agreed that this Board should not extend the special use permit, until the escrow accounts are built up.

The secretary was instructed to send a letter to this applicant, explaining the Boards' decision, and saying that the applicant is welcome to come before this Board at their next regularly scheduled meeting, if they so wish.

Al Fusco said that he talked today with the Building Inspector about the Dragon Springs special use permit about a letter that he just received from the New York State Department of Environmental Conservation (NYSDEC). He said that he wrote a response to this applicant, saying that they needed to comply with the NYSDEC's stormwater pollution prevention plan, and also for the SPDES permit for the sewer system. He said that the Building Inspector suggested that this Board give the applicant a couple of months extension on their special use permit, until these issues are taken care of.

### DEERPARK VILLAGE DISCUSSION

Al Fusco said that this applicants engineer and attorney had put together a summary of a meeting that they had attended with Mr. Glen Plotsky, the Town Attorney, and himself. He said that toward that end, there was a lot of verbage issues, accepting and rejecting various points of language. He handed out letters on these issues, written by both the applicants' representatives and Mr. Plotsky and himself. He said that there are still two open issues, that is, monies for off site improvements, which are 1) the improvement of Wilson Road, and 2) the applicants' water proposal. He said that Mr. Plotsky had written a potential reply to these issues, dated August 25, 2010, which the Board will go over tonight, item by item. Al Fusco also handed out a list of issues that the applicants' engineer had made, dated June 21, 2010, and told the Board that

tonight, they will compare the applicants' engineers' list, with Mr. Plotsky' solutions.

Al Fusco said that the first item relates to the Board "accepting" this Final Environmental Impact Statement (FEIS) document. He said that the Board had wanted the language, "The EIS for Deerpark Village, in the Town of Deerpark, Orange County, New York, has been prepared and filed by the Town of Deerpark Planning Board, acting as lead agency for SEQRA review purposes." He said that the new proposed language by the applicants' engineer is that they want to change the word "prepared" to "review and accepted." He said that in other words, the applicant wants the sentence to read, "The FEIS for Deerpark Village, in the Town of Deerpark, Orange County, New York, has been reviewed, accepted and filed by the Town of Deerpark Planning Board, acting as lead agency for SEQRA review purposes." He said that obviously this Board has not reviewed and accepted the FEIS yet, but when they do, this is the language that the applicant would like to see. He said that Mr. Plotsky's reply to this, is that the proposed language is correct, in what all the consultants on both sides conversations were. He asked the Boards' opinion on this language.

The Board agreed that the above language, by the applicant is acceptable.

Several Board members expressed their opinions, that they would've liked to have seen these two letters, at least a couple of days before tonight.

Al Fusco said that originally the Board had the language, "The Planning Board also requested alternatives of less than 900 units, (750 units, 500 units, 350 units). The applicant had stated that the alternates were not economically feasible." Al Fusco said that Mr. Plotsky and himself and the applicants' other two consultants had put in some other language. He read what Mr. Parish, the applicants' engineer, wanted to install: "At the request of the Planning Board, a 900 unit alternative, and its impacts, are presented in this FEIS (note: this language is generally discussed by Plotsky and Sachs, in an August 24, 2010 telephone conference, but not yet reviewed by Plotsky, in its present written form). Al Fusco then read Mr. Plotsky's comment on this language: "A 900 unit alternative and its' impacts were presented in the FEIS."

Derek Wilson commented that the applicant had stated that it was not economically feasible, and that should be part of the SEQRA record.

Al Fusco answered that the applicant had objected to that, saying that they had never said, on the record, that the 750 units, 500 units or less was not economically feasible, so they objected to that language being placed in there.

Al Fusco said that the applicant did however, agree to write in "900 units", but not a lower unit number. He said that he doesn't know if the applicant had ever said that it's not economically feasible, but what they did say was "no alternates, nothing below 1,518 units." He said that the applicant had said that under SEQRA, you do not have to look at an alternate that is not economically feasible.

Dan Loeb said that he remembers that a 900 unit alternative was offered, and the applicant had accepted that number. He expressed his opinion that he believes that with all of these small changes, and nit-picking, that the applicant is manipulating the Board into accepting their language.

Al Fusco suggested the following language: "The Planning Board requested alternatives of lesser density. A 900 unit alternative, and its impacts, were presented in the FEIS."

Al Fusco read Mr. Plotsky's language on this issue: "At the request of the Planning Board, a 900 unit alternative and its impacts are presented in the FEIS." He said that the words, "At the request of the Planning Board," could be deleted. He also suggested the following language, "The Planning Board requested alternatives of a lesser density, a 900 unit alternative and its impacts are presented in this FEIS."

Al Fusco referred to the language concerning the traffic studies. He read the language that the Board had recommended: "However, the Planning Board recommends the follow-up traffic studies to be performed for each site plan review stage, shall include traffic counts for selected peak hours during summer and weekend periods. The selected peak hours shall be based on available count data for nearby roads, as agreed by the lead agencies, professional consultant." He said that the applicant had said that this language is acceptable, but wants to add the following language: "The traffic studies to be performed during the select peak hours are described in detail in Section 1-F-12 of the FEIS." He said that Mr. Plotsky had written the language: "Thereafter, analysis will be performed as set forth in Section 1-F-12 of the FEIS."

Al Fusco then read from Section 1-F-11 of the FEIS: "Updated Traffic Studies: "After completion of 200 units, and at the time of submittal of the site plan application for subsequent stage of development, the application will be accompanied by a traffic survey which will examine existing conditions, a sample study intersections (Route 42/ 97 intersection, Route 42/ Wilson Road intersection, and the main site on Wilson Road intersection, and Wilson Road). Should the survey determine that there has been an increase in traffic, there are substantially greater that are substantially greater or projected in the FEIS, the analysis of improvements are required in the interest of safety, all intersections and Wilson Road improvements will be analyzed and considered. He said that this language basically states that the applicant has identified the intersections.

Derek Wilson said that the traffic study needs to be done at an early stage.

Al Fusco referred to the next modification, #5, and the applicants' language is: "As mitigation, the applicant will make a best effort to insure all prospective *purchasers* are aware of the impact that cats can have..." He read Mr. Plotsky's language: "As mitigation, the applicant will make a best effort to insure all prospective *occupants* are aware of the impact that cats can have..."

The Board agreed with Mr. Plotsky's language.

Al Fusco referred to modification #6, saying that this is language referring to the area. He read Mr. Plotsky's language: "The retail services complex for the site will primarily service the Deerpark Village residents. The remainder of the site will be residential and open spaces. The surrounding neighborhood is totally residential. Thus, the land use character of the area as a whole will remain residential, and the fact that there will be a very small retail/ services area which will largely serve the local residents, does not change that characterization," He said that both the

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Board and the applicant agrees on this language.

Al Fusco referred to modification #7, saying that the Boards' language is: "The Planning Board wants a commercial area to be located internally to reduce the impact on surrounding existing land uses." He said that the applicant proposed the following language: "The Planning Board wants the commercial area to be relocated, so as to reduce the impact on surrounding existing land uses. The applicant understands the visual impacts of the retail services complex building design and buffer area design are important, in terms of assuring that it will be compatible with the surrounding and existing land uses. This should be a factor to be considered by the Board at the time of site plan review, for the stage of which the development of this complex is proposed." He said that Mr. Plotsky said that this sentence is correct.

Al Fusco said that Mr. Plotsky is adding the word "*protect*" as previously suggested and agreed. He said that the word "*protect*" will be inserted. Al Fusco then read the new language, which is located under the heading "Impacts of Soil Disturbance and Alteration of Topography": "All the sub-surfaces will be for structured painting and landscaping, siltation and erosion control will be utilized. The changes in topography will be minimized by proper grading, during the detailed site plan approvals for each stage, disturbance limits will be shown and temporary containment installed, to bar accidental disturbance, in an effort to *protect* the disturbed area." He said that this is a mitigation effort to protect the soil.

Al Fusco referred to modification #8, and Mr. Plotsky's language: "The most significant mitigation that has been considered is the alternative of 900 units." He said that this language has been accepted by all consultants and the Board.

Al Fusco referred to modification #9, said that the applicants' proposed language is: "The Planning Board can require a study to determine if in-ground discharge is the best way to mitigate recharge impacts for 10% of the treated effluent, after 450 units have been completed." He said that Mr. Plotsky said that this language is correct, except that he understood that a specific reference to John Woods Brook and the Delaware Eco System would be included. Al Fusco then read the Planning Boards' language: "The Planning Board will require a study to determine if in-ground discharge is the best way to mitigate impacts on John Woods Brook and the Delaware are eco system for treated effluent."

Al Fusco referred to modification #10, where there was no agreement reached for the Wilson Road improvements and the amount of money needed.

Derek Wilson said that this Board had asked Mr. Plotsky to research the Planning Boards' options on this issue.

Al Fusco referred to modification #11, saying that the Boards' proposed language is deleted, except for "Section 1-F-12 Updated Studies" is to be amended to read at its' start: "...after the completion of 200 units." He said that Mr. Plotsky had agreed to trigger the study at 200 units, but the Board has also agreed to incorporate safety language into this section, pertaining to Wilson Road improvements. He said that Mr. Plotsky said that he does not concur that the Boards' language changes were otherwise agreed to be deleted, and that other modifications are likely, and this will be pursued in with modification #10.

Al Fusco referred to modification #12, saying that the language concerning school age children, had been accepted by all parties.

Al Fusco referred to modification #13, saying that the following statement is accepted by all: "The Board's review consultant, Fusco Engineering, has recommended that the applicant be required to pay 100% of the cost. The Board will make a final decision as to what will be required at the time that it issues a findings statement."

Al Fusco referred to modification #14, saying that the language Mr. Plotsky proposes is: "At the request of the Planning Board, a 900 unit alternative and its impacts are presented in this FEIS." He said that this is the same as #2 above, and agreed to by all parties.

Al Fusco referred to modification #15, saying that an agreement has not been reached on this issue. He said that this issue relates to the 900 units, 750 units, 500 units, and 350 units alternatives.

Al Fusco referred to modification #16, saying that the language is the same as #2 (above).

Al Fusco referred to modification #17, saying that Mr. Plotsky said that the words: "a barely perceptible increase" is to be supplemented with the addition of the following table:

"Table "x" - Average Ability to Perceive Changes in Noise Levels"

<u>"Change (DBA)</u>	<u>Human Perception of Sound</u>
2-3	Barely perceptible
5	Readily noticeable
10	A doubling or halving of the loudness of sound
20	"Dramatic change"
40	Difference between a faintly audible sound and a very loud sound"

Al Fusco said that this table will be added to quantify that.

Al Fusco referred to modification #18, saying that this was a typo, where "61 miles" was supposed to be "6.1 miles."

Al Fusco referred to modification #19, saying the Mr. Plotsky's proposed language is: "...the homeowners would be given two years of free water service, and would thereafter pay \$50 per year, adjusted by the average annual Consumer Price Index for the New York / Northern New Jersey area." He told the Board members that they need to decide if this language is acceptable.

Al Fusco referred to modification #20, saying that this issue will be discussed further between Mr. Parish and himself.

Al Fusco said that hopefully, all four consultants will meet again before the next Planning Board meeting.

Dan Loeb asked specifically for Al Fusco to explain at the next meeting, the chart containing the peak hours of automobiles at the intersection of Route 42/ Wilson Road. He also asked Al Fusco to explain the chart of the number of vehicles that peak out that ingress and egress at the Deerpark Village facility at 1,518 units, 900 units, etc.

The secretary was instructed to place the discussion of this application on the next agenda, September 8, 2010.

ADJOURNMENT

Dan Loeb made a motion to adjourn. Derek Wilson second. Roll call vote: Santiago, aye; Malsberg, aye; D. Wilson, aye; Breitenfeld, aye; Schadt, aye; Loeb, aye; W. Wilson, aye. Motion carried.

Meeting adjourned at 8:45 p.m.

Respectfully submitted,

Barbara Brollier, Secretary