

The Deerpark Planning Board met for their bi-monthly meeting on Wednesday, February 24, 2010 at Deerpark Town Hall, Route 209, Huguenot, N.Y.

The following were present:

BOARD MEMBERS

Willard I. (Skip) Wilson- Chairman
Mike Breitenfeld
Dan Loeb

Derek Wilson
Theresa Santiago

OTHERS

Mr. Glen A. Plotsky, Town Attorney
Mr. Alfred A. Fusco, Jr., Town Engineer
Mr. Dave Dean, Town Board Liaison
Mr. Timothy Gottlieb, Gottlieb Engineering
Mr. Brad Cleverley, P.E. Mr. Joseph Everett, Applicant
Mrs. Rosita Everett, Applicant Mr. Ron Babcock, Applicant
Mr. John Fuller, P.E.

THE PLEDGE OF ALLEGIANCE

GARY BUTLER SUBDIVISION – PUBLIC HEARING – CONTINUED

Represented by Timothy Gottlieb, Gottlieb Engineering
Owners/Applicants Gary & Diane Butler wish a 2 lot subdivision on property located at Franke Rd., Huguenot, NY
It is within the RS Zone. Section – Block- Lot : 27-1-16.22

SEE ATTACHED PUBLIC HEARING RECORD

Someone from the audience asked where this application goes from here.

Skip Wilson answered that the Board will take into account all of the comments that were expressed this evening, and the Town Engineer's comments. Also, he said that the Board still has to go through the SEQRA process to make sure that there are no negative impacts because of this project.

Dan Cavanaugh, an adjoining landowner, was speaking again about the problems of the water that is on the properties in the surrounding area to this proposed subdivision.

Skip Wilson stated that the public hearing is now closed, and thanked Mr. Cavanaugh for his additional comments.

A "dispute" then arose, as follows:

Mr. Cavanaugh said, "Who do you think you're talking to?"

Skip Wilson answered, "I'm talking to you sir, there's no more public comments."

Mr. Cavanaugh answered, "You think you're talking to one of your friends."

Skip Wilson answered, "No, I'm sorry, but the public hearing is closed."

Mr. Cavanaugh answered, "You're sorry now, you're talking to the wrong person."

Skip Wilson said, "It's possible."

Mr. Cavanaugh said, "No, not possible, definitely."

Mr. Cavanaugh and other adjoining property owners then departed the room.

The Board decided not to take any action, until SEQRA has been done and all concerns have been addressed.

JOSEPH & ROSITA EVERETT – PRE-APPLICATION CONFERENCE

Represented by themselves 856-9653, 914-582-3964

Owner/Wells Fargo Bank
on Route 209, Huguenot, N.Y.

Applicants/Mr. & Mrs. Everett wish to purchase the old Spanky's Bar located

It is within the RR Zone.
Inspector.

Section – Block – Lot : 38 – 2 – 1 Applicants have spoken with the Building

Rosita Everett said that they would like to purchase the property, and asked if they would be allowed a liquor license.

The Board members said that this Board has nothing to do with liquor licenses.

Glen Plotsky stated that the Town is always contacted by the State, when a liquor license is applied for, and asked about the condition of the property. He said that this particular property has not been in compliance in the past, therefore the Town has objected to the issuance of a liquor license.

Mr. Plotsky said that being new owners, they should not have any problems, because they will go through this site plan process, and when the Town is asked about this property again, Mr. Plotsky said that he can and will report to the State Liquor Authority that the new owners have gone through the correct site plan process and are good to go.

Mr. Plotsky said that a restaurant is definitely a permitted use in the zone that the property is located in. He advised the applicants to hire an engineer to do preliminary work on this property to see if they will have any issues, because they will be starting "from scratch".

Mr. Plotsky disclosed to the Board that his firm is representing these applicants in the purchase of this property.

Skip Wilson advised the applicants of the setting up of the escrow accounts for this project. Mr. Fusco said that \$2,000 would be needed for Town Engineering fees, and Mr. Plotsky said that \$1,000 would be needed for Town Attorney fees.

The applicants thanked the Board.

PEENPACK MEADOWS SUBDIVISION

Represented by Brad Cleverley, PE 291-8650

Owner/Applicant - Jaison Joseph is creating an 18 lot subdivision on property located off of Peenpack Trail, Huguenot, N.Y.

It is within the HMU Zone.

Section - Block - Lot : 62 - 1,3,4,5 - 1,4-9,14,19

Application received March 5, 2003

"NEW" Application for Phasing approval.

Skip Wilson asked for clarification as to this application.

Mr. Cleverley answered that it's a 3 lot subdivision, with remaining lands. He said that there's a Phase 1, which is the 3 lots with the cul-de-sac; and then a Phase II.

Al Fusco clarified by saying that this is really Phase II, Section 1. Mr. Cleverley concurred.

Mr. Plotsky explained that this is a totally new review, only for a smaller section of an already preliminarily approved subdivision.

Mr. Cleverley said that he took the set of drawings that had been submitted over the past couple of years, and this current drawing only deals with Section I, which is Lybolt Drive, with the cul-de-sac and 3 lots. He said that the final approval for this would be for these 3 lots, which he can then file with the County.

Mr. Cleverley said that he had filed the same set of drawings with the Orange County Health Department, and has received some correspondence back from them, stating that they need a letter from this Planning Board, that they have no objection to the plan, in general.

Al Fusco said that Mr. Cleverley has also submitted a Phase II, with Sections 1 & 2. Mr. Fusco said that his office has reviewed these latest plans, and that a surveyor's stamp is still needed on the plans, and a letter from the Health Department is still needed. Mr. Fusco said that the Board can authorize him to write a letter to the DOH, stating that the Board has given preliminary approval for the three lots.

Mr. Fusco said that escrow payments are still needed, as well as deeds and dedication and a title policy. He said that if the applicant chooses to bond the road, then he has agreed upon a bond number for Section I. He said that the applicant has given him a bond number for Section II, which he has approved in 2010, but when the applicants come back in 2012, that number might change.

Mr. Plotsky said that the Board may want to re-do the SEQRA, or at least a brief review of it when the Section 2 is submitted for review/ approval, because there may be passage of a substantial amount of time, and/or Section II may have dramatic changes.

MOTION

Dan Loeb made a motion to grant preliminary approval for Peenpack Meadows Subdivision, Phase II, Section 1, with the intent of having the Town Engineer write a letter to the DOH, indicating that this Board is familiar with this project, and has given preliminary approval to the project, specifically Phase II, Section 1. Theresa Santiago second. Roll call vote: Santiago, aye; Loeb, aye; D. Wilson, aye; Breitenfeld, aye; W. Wilson, aye. Motion carried.

Mr. Cleverley thanked the Board.

RON BABCOCK - HAWKS NEST CAFE

Represented by himself and John Fuller, P.E. 858-8277 & 856-1536

Owner/Applicant Mr. Babcock wishes to re-construct the old Hawks Nest Restaurant, located at 601 Route 97, Sparrowbush, N.Y.

It is within the RRC Zone. Section – Block – Lot : 33 – 1 – 1.1 Application submitted February 16, 2010.

Mr. Plotsky asked Mr. Babcock to send a letter to this Board indicating that he is withdrawing his other Planning Board application (i.e., an application for a Mini-Mall at the former location of Hawks Nest Realty).

Mr. Fuller said that the applicant has received a variance from the Deerpark Zoning Board of Appeals, allowing him to re-build the Hawks Nest Restaurant at the exact same location. He said that the area variance goes along with the use variance, that is, the restaurant will be built on the exact same footprint, and will not be any larger.

Mr. Plotsky said that the ZBA did grant a variance for the same conceptual footprint, and even though a restaurant is not allowed in the RRC zone, the ZBA did grant a variance to permit construction and operation of a restaurant on the parcel. He said that the building will be 1 ½ stories, just like before.

John Fuller said that the ZBA variance carries with it approval of the use and approval for any setback variances necessary, because the original restaurant building was only 10' from the property line, because of a taking by the State. He said, that he is basically using the same site plan, as was for the original restaurant.

Al Fusco said that this project has to be referred to the NYSDOT and the County, under Section 209 of the Municipal Law. He said that some of the parking spaces are located on NYSDOT property, and patrons will be backing out onto the State highway. He referred to his technical comments, dated February 24, 2010 for this project. He said that the new parking area will need a retaining wall and/ or a guide rail.

Mr. Fusco said that he has already deferred to NYSDOT on the sight distance issue, because the speed limit sign says "55 mph", but he said that it is his belief that it should be lower. Mr. Fusco said that the septic area needs to be tested. He asked if the parking area will be graveled or blacktopped?

John Fuller answered that the original restaurant area had both graveled and blacktopped areas, and those areas will be the same as before so there will be no additional stormwater issues.

Al Fusco said that in looking at drainage, a recommendation will be sent to the Upper Delaware River Management Plant, and drainage and erosion is provided for in the Ordinance. As an example, any drainage down over the bank will have to be dealt with by level spreaders or diffusers, something of that nature, to avoid erosion.

Al Fusco said that concerning the parking lot calculations, the Code refers to "floor area" and Mr. Fuller has written "seating area," on the plans. He said that that needs to be defined.

John Fuller said that basically the original seating area was 1,200 square feet, which is what he based the parking calculations on; and the original occupancy of the building was 87.

Mr. Plotsky concurred with Mr. Fuller that Westfall Township, across the Delaware River in Pennsylvania, should be contacted, in addition to the Delaware River Basin Commission, National Park Service, Orange County Planning and DOT as to this project.

MOTION

Derek Wilson made a motion to schedule a public hearing for the Hawks Nest Cafe site plan and special use permit for April 14, 2010. Dan Loeb second. Roll call vote: Santiago, aye; Loeb, aye; D. Wilson, aye; Breitenfeld, aye; W. Wilson, aye. Motion carried.

The Board decided to send a "courtesy" public hearing notice to the Town of Lumberland, as well.

DEERPARK VILLAGE - DISCUSSION

Derek Wilson asked about the status of the Deerpark Village application?

Mr. Plotsky answered that the applicant basically came to an agreement, regarding the escrow accounts. He said that a letter needs to be signed by both the Town Supervisor and himself. The escrow agreement sets forth analysis and payment at different stages. Mr. Plotsky advised that he has been told that the original \$15,000 has been sent to counsel for Deerpark Village Associates for delivery to the Town, after this letter is signed.

Mr. Plotsky said that the Judge in White Plains, New York, requested an update, which Mr. Plotsky has given, and now there will be a stipulation of discontinuance, which means that the litigation is over. He said that the resolution of approval has been adopted by this Board, and approved by the Town Board. The 30 day clock does not start until escrow funds are received and the Town Engineer is paid by the Town with the applicant's funds for this project.

Derek Wilson asked, has the applicant signed the agreement?

Mr. Plotsky answered yes, a representative from Deerpark Village Associates has signed it.

Derek Wilson said that there are problems in that stipulation, concerning the consistency of how the extension is spelled out. He said that the typos should be changed.

Mr. Plotsky said that he believes that the applicant's attorney and he have those issues resolved.

COMMUNICATION FROM THE TOWN BOARD LIAISON

David Dean said that at the last Town Board meeting, the Board passed a resolution applying for a stimulus

package grant to build water and sewer on Route 6. He said that the Town will have to come up with some money, however.

Al Fusco said that the application for this stimulus is going to be typed up tomorrow, and will be immediately mailed.

David Dean said that because of the drawings that the Town Engineer has presented, the Town of Deerpark is able to get on a list, and become eligible for Federal grant money to fund this water and sewer. He said that the Town is asking for \$12,000,000.00, but will not necessarily get that amount.

Mr. Dean said that that zone is Interchange Business, and in the Town Zoning Law it's supposed to allow for the development of businesses in the Town, but ironically, the principle permitted uses are "none". He said for example, if an Olive Garden Restaurant wants to build in that area, they cannot.

David Dean respectfully asked the Planning Board and the Chair make a recommendation to the Town Board, within 45 days, by taking the "special uses" column, and identifying those businesses which this Board would feel would be appropriate "principle uses" for that I.B. Zone. He said that this would be a comprehensive approach to marketing Route 6, that is, anything that could broaden the tax base for the Town.

David Dean also announced that at the next Town Board meeting held on Monday, March 1, 2010, the Orange County Partnership will do a presentation.

David Dean said that if the Town Board is able to create a water and sewer district, any new businesses that build there will have to make an agreement with the Town to tie into the public utility. He said also, that the development standards of the lots would also need to be decreased to allow more businesses to come in.

David Dean also discussed that the NY State salt barn property on Route 6, was basically given to the State years ago by the Town, and now the Town is looking for an "exception" in order to get a piece of that land back so that the Town can go ahead and build that sewer treatment plant.

Al Fusco said that the Town can also look at the concept of "community sewage", that is, combining two or three lots together. He said that he can do a generic EIS for that area, which will allow a business who is very interested in moving into the area within 6 months, have the SEQR part of the site plan done to speed the process.

David Dean said that also, the height restriction in that zone right now is only 35', and asked the Board to seriously consider increasing that height.

David Dean said that "extension stay" motels are very popular, and unfortunately, kitchens are not allowed in this zone right now either. He said that this would not be a permanent resident facility, but would be for short-term stays by visiting businessmen, etc.

The Board decided to put the discussion of this concept on the March 10, 2010 agenda.

ADJOURNMENT

Dan Loeb made a motion to adjourn. Theresa Santiago second.

Roll call vote: Santiago, aye; Loeb, aye; D. Wilson, aye; Breitenfeld, aye; W. Wilson, aye. Motion carried.

Meeting adjourned at 8:50 p.m.

Respectfully submitted,

Barbara Brollier, Secretary