

DEERPARK PLANNING BOARD - APRIL 25, 2012 - PAGE #

The Deerpark Planning Board met for their bi-monthly meeting on Wednesday, April 25, 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	Willard Schadt	Theresa Santiago	Derek Wilson
Craig Wagner	Mike Hunter		

OTHERS

Mr. David Bavoso, Town Attorney	Mr. Alfred A. Fusco, III, Town
Engineer	Mrs. Lisa Monk,
Mr. David Dean, Town Board Liaison	
Applicant	
Mr. John Fuller, Civil Engineer	Mr. Richard Guertin, Esq.
Mr. Robert LaFleur (President) Spectra Environmental Group	
Mr. Kevin DeSilva (Project Manager) Spectra	

THE PLEDGE OF ALLEGIANCECHABAD HOUSE –PRE-APPLICATION CONFERENCE

Represented by Mrs. Batsheva Elkeslasi 672-0325

Owner/ Applicant Messiah Chi Inc./ located on 30 Shin Hollow Rd. wishes to keep their sign, which is 4' X 8, on their property.

It is an NR zone.

Section –Block –Lot = 53 – 1 – 96.1

Applicant was referred by the Building Inspector.

The applicant did not appear.

KOA CAMPGROUND - #12-0402

Represented by Ms. Lisa Monk, Owner & Mr. John Fuller, Civil Engineer 856-1536

Owner/ Applicant Riverrush RV & Campground (845-754-8388) is seeking a site plan for property located at 108 Guymard Turnpike, Cuddebackville, N.Y.

It is an RR zone.

Section –Block –Lot = 28 – 1 - 49

Application submitted April 13, 2012

Mr. Fuller said that the applicant was before this Board, approximately 11 months ago, for a pre-application conference, and at that time, the Planning Board referred the applicant to go before the Zoning Board of Appeals to request a group of variances that they wishes to pursue. He said that they made application with that Board, had a public hearing, and the variances requested were granted. He said that now his client is back before this Board, at the request of the Building Department, with a formal application for site plan approval. He said that the purpose of this application before this Board now, is to bring the applicant into general conformance with their “as built” arrangement of the property, and how they intend to operate in the near future. He said that previously he had presented some longer term plans to enlarge or enhance the property. He said that under current conditions and working with the local Building Department, he believes that there is a necessity to pursue a site plan approval that will bring the applicants’ current use, into a general site plan approval, with the conditions that this Board will see fit, for the applicant to move forward in the short term, under three years.

Mr. Fuller briefly reviewed the variances that were granted at the Zoning Board of Appeals meeting, and all are in reference to the Town Campground Law, which is in the Town Ordinance, Section 230-19:

1) The Campground Ordinance allows for one owner occupied residence, and the variance was granted for four dwelling units, to allow either employees or family members in ownership of the campground to live on the property.

2) There were a number of existing area setback issues, and the applicant requested that those existing area variances be granted for any existing buildings that were within setbacks as they currently existed or were constructed, and would be considered a “grandfathered” variance.

3) The Campground Ordinance has specific requirements as to the size of a camp “site”, but it does not differentiate between rv’s, trailers or tents. He said that the specific size would be too large for a tent, so a variance was granted to allow the tent size to be smaller from 3,500 square feet to 1,600 square feet.

4) A variance was granted so that an “A Field” and a “B Field” could be opened all season round. He said that the current Ordinance restricts it from being opened in the winter months, that is, November through February. He said that this variance allows a portion of the campground to be opened all year round, specifically identified as “A Field” and “B Field.”

Mr. Fuller referred to the site plans and pointed to it, as it currently exists, and the intent with these variances, and the current operation, is to keep the scope limited, so that the applicant can have an approved site plan going forward, which would allow the Building Department to enforce Ordinance issues upon the campground through the site plan. He said that the existing conditions are identified on this site plan, with their normal operation, as it currently exists, and how the applicant intends to operate going forward, which again, would be a matter of site plan approval and the conditions that this Board will see to, to add to that approval. He said that what is identified and delineated on the map is “A Field”, “B Field”, “C Field”, and “D Field”. He said that because it is such a large property, almost seventy acres, he said that he termed a “Site Building Key” on the map, which has lettering, which identifies what the structures are, and next to each structure is some form of letter, so that the Board will know exactly what the existing structures are, that are currently existing. He said that presently there is no new structures shown, other than the intention to comply with what was approved by the Zoning Board of Appeals variances, specifically the four dwelling units. He said that the boxes that are delineated on the map, i.e. “E-30“ “E-29“ “E-28“ would be the Fields “A” “B” “C” “D” “E” and the site numbering, and there is also a summary included on the map, off to the side, specifying the quantity of sites, within each field.

Mrs. Monk introduced herself and said that when her family purchased this property, they had made a lot of improvements, and intend to make a lot more, and have increased their revenue, with the help of their branding with the KOA Campground franchise. She said that they have hired members of the community, along with family members, to develop the property to a higher level. She said that their goals of the future is to maintain the property in pristine conditions, and have a clean, safe environment for the KOA guests. She said that the history of the campground is tremendous, and she pointed to the camp sites on the map, which are surrounded by beautiful

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woods. She said that in researching, she found out that in the 1930's this was Jubilee Camp, and since then, it's always been a camp. She said that the hiking trails were already developed, and the woods have remained beautiful. She said that the prior owners were Jubilee Ranch, a vacation trailer park owner in the 1970's and then the American Family Campground. She said that in the new improved plan there are fence lines, landscaping, new park trailers where people from New York City come up, without any equipment, and just stay in these new park trailers which have all of the amenities. She said that they drive up or take the train, and also then buy from local stores and experience the beautiful country.

Derek Wilson asked about the new park trailers?

Mrs. Monk answered that they are rented, and the people come for only a short stay and sometimes come with a barbecue, because they have little decks, and it is what is termed "glamping" or glamour camping. She said they look like cabins, but are mobile and are actually specified or "spec-ed" as a trailer. She said that they can be placed on the existing, full hook-up sites, and KOA has a huge marketing campaign for it. She then referred to photos of them.

Derek Wilson asked about buying or renting the unit or the lot that it is on?

Mrs. Monk answered, and gave an example by saying, that if someone has an "A Class" rv, and it is put on her family's site, then that guest rents that space for the weekend. She said that this is somewhat the same "spec", the trailer just has wood siding, and does not have a motor.

Derek Wilson asked, who owns the "park trailer?"

Mrs. Monk answered, KOA. She said that her family just using them as rentals, they do not have a dealership to sell them.

Mrs. Monk said that a few family members and herself and her family live here year round. She said that she has children that already go to the local school, and this is her year round residence. She said that she does get demand from people for winter lodging, for Thanksgiving, for Christmas, and the variance does allow for short stays during the winter season. She said that the park trailer models are winterized, and they are highest in demand during the cold season. She said that some workers who come in the winter to work on utilities or the pipe line, or special circumstances, for short periods of time, can either stay in the park trailers or bring their own camper. She said that since there is no other campground in the area that is open in the winter, then naturally any short term workers would choose to stay here, and it fills a need.

Mrs. Monk said that KOA has a very stringent quality review process, and when her family signed their agreement, they had to sign a series of addendums to make sure that, for example, that aesthetically, the dumpsters would not be visible; and fencing built around the propane tanks, etc., She said that KOA comes annually to review the campground, and last years inspection was passed with flying colors. She said that quarterly the KOA come and give consultations, marketing, improving, and other issues. She said that her family does have the internet with KOA, so that, at any given time they have that support system to be able to get any vendor that they may need, from utilities to any other need. She said that KOA supplies all leads and

recommendations, i.e., KOA signs, mobile bathrooms, for what they want the campground to get up to the standards of all KOA campgrounds.

Mrs. Monk indicated on the site plan where there used to be a horse coral for the Jubilee kids camp, and they had horse shows, and there was a grandstand with a p-a system. She said that the prior owner had large folk groups come in and perform, and they now have been a part of their campground also, and they come and set up tents and little stages and play acoustical music. She said that her and her family love the property and the guests.

Willard Schadt asked, with the use of the winter season, does it affect any water or sewer?

Mrs. Monk answered that there is a summer well and a winter well, which was set up that way, when her family bought the property. She said that since the winter season is new, the well will definitely suffice for now, and with this "A loop" and "B loop", it will suffice for the winter well. She said that the electric, of course, is fine also, because it has just been upgraded.

John Fuller said that the applicants are now seeking an "as built" approval, on the existing conditions of the property. He said that the property could yield more sites, but he thinks that it was the opinion of the Board last May, when this applicant was before the Board for a pre-application conference, that if the applicants were to increase beyond, what is currently being utilized, then extensive soil investigations would have to be made for septics and whatnot.

Derek Wilson asked about the number of sites?

John Fuller answered that the original Department of Health (DOH) approval, going back to the 1970's, was for a maximum of 300 sites, but clearly their standards have changed since then. He said that 300 sites are not currently utilized on the property. He said for simplicity for seeking site plan approval, as part of this application, the applicant is looking to get an approval for what is identified on the plan.

Derek Wilson asked about the number of units that will be used in the winter season?

John Fuller answered that the applicant sought "A Field" and "B Field" approval, as a ZBA variance, and the winter season will be strictly for these Fields, that is, maybe 50 +sites max.

Derek Wilson said that it's in the Town's best interest, that citizens do not live on the property year round, and asked, how will the applicant keep this from happening?

Mrs. Monk agreed and answered that KOA's regulations actually requires that campers will only be short term, much less than a six month stay. She said that KOA is a recreation, vacation entity, and this is not a mobile home park, or anything like that. She said that while she and her immediate family live on the property year round, her family takes the reservations, and her family maintains the property. She said that it is actually more revenue generating to have children visit, and it also brings up the clientele, which KOA tells her that nationwide, with the clientele, the prices have risen, and there are larger and more expensive rv's and the park models. She said that there is no place, in her business model for year rounders, it doesn't fit. She said that her vacationers are only vacationers.

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Willard Schadt asked, what do you do if a person vacationers here in the summer and loves it, and then says that he wants to vacation here in the winter also?

Mrs. Monk answered that that particular scenario has not happened, so she cannot answer. She said that the Town Code says that the campsites cannot be used for more than six months at a time. She said that whether that person would have to move sites or be away for a period of a week or so, she said that she honestly doesn't know.

Willard Schadt asked about written contracts that the campers must sign?

Mrs. Monk answered that she actually has brought one here tonight.

Willard Schadt asked, if in the written contracts, there is a specified amount of time that a camper can stay?

Mrs. Monk answered absolutely. She said that a seasonal contract is someone who stays for a season, and the price of that season time, does include storage for the rest of the year, if that person wants to keep the rv on site for the winter. She said that she does not know what would happen if a person who was at the site for a short time in winter, would want to then stay for the summer. She said that that is a logistical issue, that the Building Department would probably have to weigh in on.

David Bavoso said that a clause can be put into the contract, the wording of which would avoid such a situation. He also said that wording can be put on the map, as to some type of restriction, concerning a situation like this, such as, a particular individual is only permitted to stay a certain number of months, for a year, or for a couple of years. He said that since this is a special use permit, then certain restrictions can be put onto it.

Mrs. Monk said that she believes that there is a seven day lapse written in the Code right now, where someone comes in for say, a couple of months, and then leaves for seven days, and then returns. She said that that will suffice for her, and then that camper will be charged the full seasonal rate, because she does not have year round pricing, only seasonal, or weekly, or monthly, or whatever.

Derek Wilson asked about a pipeline worker who may come in for a period of time, and perhaps bring his family, and how does KOA handle that?

Al Schock asked, what would deter a family from coming in and living for six months?

Mrs. Monk answered that that would be too costly, because her rates are higher than if a person would find an efficiency apartment, or to rent a mobile home for that same amount of time in the area. She said that KOA standards are high, and they have their clientele and would not allow a continuously rowdy camper to stay at their facilities. She said that they are building up their base, and clientele, which is family oriented and responsible campers.

Al Schock asked, what do you mean by a "blank slate" campground?

Mrs. Monk answered that the land is basically “raw”, as there is no site delineations, the roads are just dirt, and it’s just easy to take paint and gravel and loving care, and turn it into a lovely place. He said that the property was raw, when they acquired it, and beautiful, and it was just not maintained.

Al Fusco referred to his technical memo, dated April 24, 2012:

1. The ZBA approvals and resolution need to be submitted as approved.

Al Fusco said that the Board needs to get a better idea of what the ZBA did approve, and what the variances entail.

2. Show specifications of park models, cabins, and lodge.

Al Fusco said that maybe next time the applicant can bring in some pictures and dimensions, so that the Board can see exactly what is in the park models; kitchens, bathrooms, decks, etc.

3. Design professional to verify which septic fields service which sites, cabins, park models, etc. Show specifications and locations of fields.

4. Applicant to explain storage use, what is stored and how long it will be stored, etc.

Al Fusco said that the applicant shows a large storage area, and the Board would like a clearer picture of how many rv’s, for example, will be stored there, etc. He said that this will be for enforcement reasons.

5. Applicant to explain the seasons-summer and winter, what are the parameters.

Al Fusco said that with the special use permit, the Zoning does say that an rv must leave for seven days, in between, and this needs to be looked at.

6. Will any campers or vehicles remain all year? Design professional to provide/ verify that all sites and structures are accessible for fire apparatus and personnel.

Al Fusco said that all the sites must be accessible by the fire apparatus, and to make sure that the roads are wide enough and maintained for that purpose. He said that in his inspections, this will not seem to be an issue at all.

7. Design professional to verify the efficiency, capacity, integrity of the septic and water systems and provide details on same.

Al Fusco said that the septic and water systems should be verified, that they actually are there, and also the integrity of the systems should be shown to be long lasting.

8. Show KOA entrance sign with dimensions of sign, describe the non-conformance to the zoning.

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Al Fusco said that the sign is larger than Zoning dictates, so as part of the site plan, the Board should take a look at that, the dimensions to put on the plan, and decide whether or not that is appropriate for the site.

9. Design professional to verify septic separation distances from all applicable areas and infrastructure.

Al Fusco said that the existing systems should be checked for separation distances, and make sure that there is the required separation between the water and the sewer, and the sewer and the Neversink River.

10. Flood elevation should be noted.

11. Site B37 appears to have another structure on top of it. Please clarify.

12. The office shows office/store and 2 apartments. The existing maintained building shows 3 apartments and there is an existing single family residence. This is a total of 6 permanent dwellings and appears to exceed the number of variances approved. Please clarify.

Al Fusco said that the existing office shows 2 existing apartments, and then the maintenance, the old barn, shows three, and then there's an existing family residence, all of which need to be clarified, because only four are allowed by the Town Code, and this adds up to six.

13. Site/building key describes "B" as a store/laundry/office and "L" as a barn/shop/apartment/storage. Please verify use with other information on map.

14. Please clarify the TT01 travel trailer.

Al Fusco asked, what is a TT01 travel trailer?

Mrs. Monk answered that it's just another type of park travel.

15. More dumpsters may be required. Please specify vermin/bear proof apparatus structure for the dumpster areas.

Al Fusco said that maybe some kind of fence structure can be added around the dumpster, so that the bears and other animals cannot get into it. He said that that would be a good upgrade for everyone; the camp, the neighbors, KOA and the Town.

16. Electrical services should be shown on the plan.

17. Board comments.

Al Fusco said that the reason this applicant is here tonight, is because the Campground had been operating for many years, without a site plan. He said that KOA has taken over this property, approximately two years, and have done upgrades to the facilities, with and without permits. He

said that the work that was done without permits, was quickly rectified, and KOA has invited both the Building Inspector and the Town Engineer onto the property to help them comply. He said that without a site plan, it's hard to know what was there originally, what is new, how do you go about creating new sites, what do you do if a septic system fails, etc. He said that if one does fail, there is no record to show where these infrastructure items are located. He said for example, there are park models, and there are also fixed cabins, that are not mobile. He said that they appear to have been there for 10 years, 15 years, maybe more, but these things need to be put on the site plan, so there is basically a bench mark for both the Building Department and the Planning Board for any future expansions or upgrades that are done. He said that what has happened in the last six months, is some neighbors have voiced concerns about various things, and would like this Board to look at them. He said for one example is, garbage being strewn by bears. He said that the Board needs to get a better idea of what the ZBA did approve, and what the variances entail.

Mrs. Monk asked if she could answer some of these technical comments right now?
The Board agreed.

Mrs. Monk said that the ZBA resolution states that she is allowed to have one residence to accommodate her family and/or one of them is for the caretaker. She said that the recommendation from the Town Engineer and from her engineer, was that instead of having 2 small apartments in the barn, but they be added to the second floor of the store in the future, when it will have to be modernized and renovated. She said that logistically, it would be best for the operation.

Derek Wilson asked about the apartments in the barn?

Mrs. Monk said that they were not used in the past, and she has no intention of using them.

Derek Wilson said that that needs to be shown on the site plan, whether they will be gutted, or how they will be disposed of.

Al Fusco clarified by saying that it is just open space, it is just an open barn now.

Mrs. Monk said, regarding the park models, she said that several were on the property before she purchased the camp, and the prior owner actually had titles for them. She said that all of the park models have titles, and she said that she will submit copies of them to the Board.

Derek Wilson asked if the older ones are in use, and do they have wheels, and do they look like cabins?

Mrs. Monk answered that the two that were brought in, that look like cabins, are on skids. She said that she has a full plan of all of their tow trucks and tractors, and how her family gets them in and out, if they ever need to.

Mrs. Monk said, concerning the use of storage, that she has approximately twenty guest rv's in storage right now, and that is all that they store, nothing else.

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Mrs. Monk said concerning the KOA sign, that needs to be discussed further, and she did request that her family be able to keep the sign, because it meets the KOA standards. She said that she does know that it is taller than what the Code allows. She said that it is not lit, but is greatly needed, so that their guests can find the camp.

Mrs. Monk said that she does have the exact Zoning Code reference, concerning the park models, the park trailers.

John Fuller explained by saying that the park models do not fall under the Building Code, because they are standardized, they are actually almost like a motor vehicle. He said that there is certain certified companies that build them. He said that they do not fall under a Building Code, but a code of a company standard for the manufacture or construction of them. He said that he actually spent quite a bit of time on the telephone with the company that builds these and develops the standard, and they actually have to be built certified, and receive a title, the way many other rv's or cars do.

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

HUGUENOT ASSOCIATES LLC - #12-0403

Represented by Mr. Richard Guertin, Esq. 649-8896 Mr. Dave Gilbert & Mr. John Bowens, Huguenot Associates Principles & Mr. Robert LaFleur (President) & Kevin DeSilva (Project Manager) of Spectra Environmental Group

Owner/ Applicant Huguenot Associates LLC wishes to make use of the property for mining, located on Big Pond Rd., Huguenot, N.Y.

It is an HMU zone.

Section – Block - Lot = 38 - 1 - 110

Application received April 17, 2012

Mr. Guertin said that this applicant was before this Board preliminarily in August 2011. He said that nothing has changed in essence, except that an application has been filed with this Board. He said that the project is in the HMU zone, which does allow extracted uses, quarries, and mining, with special use permit with site plan approval. He said that a general site plan for the area has been submitted, also an expanded EAF, the Mine Land Use Plan, and responses to some comments from the NYSDEC initially. He said that it is approximately a 43 acre site, and the plan is to mine approximately 39 acres, to extract sandstone and shale bedrock. He said that there will be drilling and some blasting on the site, but it will be well back into the property, away from houses. He said that there will be portable aggregate processing facilities on site as well. He said that ultimately once the site is mined, if it is approved, it will be a two stage process. He said that there is local approval needed, that is, the site plan approval and the special use permit; and then the NYSDEC has to approve the project. He said that the NYSDEC has assumed "lead agency" status, and this Board has been added as an involved agency. He said that the NYSDEC cannot move forward, or give approval, until this local Board gives its' approval to this project first. He said that access to the site will be off of Big Pond Road. He said that there is a concern about the bridge that is located on the lower end of Big Pond Road, and his clients understands that FEMA will no doubt be involved, and he said that his clients would consider a contribution and some effort, to make sure that that bridge is satisfactory, for mining traffic and other traffic on that road.

Mr. Guertin said that the mining process would obviously start at the bench level, and ultimately be at below ground level. He said that ultimately, if the mining is approved, the land will be reclaimed with seeding and grass and leveling, and leaving a lake where the mining took place, and for potential use of park land in the future, or something of that nature. He said that input from this Board is important, and his clients are open to what they feel the land should ultimately become. He said that obviously the environmental aspects must be considered, such as, dust suppression, traffic, the noise from blasting, etc. He said that the timber rattlesnakes have been raised as an issue also. He said that his clients are comfortable that there is no issue with the timber rattlesnakes however, as there are no nests on site, however, they still have to address it.

Mr. LaFleur introduced himself and said that his firm has been working with the NYSDEC for the past year and a half concerning this project. He said that he has taken a different tact with this application, in as much as after the submission of the materials, there is still a lot more here, in support of the site plan, more material that what the Board is probably used to getting. He said that the additional information that has been developed, at the direction of the owners, was done deliberately. He said that Spectra, is a full service environmental firm, with offices in Albany, Poughkeepsie and Syracuse, and they represent a good portion of the mining industry in the State of New York. He said that they have permitted hundreds of mine sites in the State of New York. He said that the advantage is that they have been exposed to the environmental impact analysis, and they have evaluated potential impacts to natural resources and human resources over and over again. He said that that gives his firm the advantage of knowing what works for mitigation. He said that the advantage is also that they can design a mine site, to begin with, that fully mitigates to the maximum, and the effects that are practical to the environmental effects of a mining site. He said that in many instances, a mine permit might be submitted to the NYSDEC, with a very rudimentary plan, and the process of review and comment on their part, would lead to a record, that can be analyzed and be in support of the issuance of the permit. He said that in this instance, all of that information has been submitted up front, because it is already known what the potential impacts are, and what the studies are, and what is necessary to be able to examine those impacts, and they know what mitigation needs to be built into the plan. He said that since this information is already up front, and in many instances it can short circuit the long environmental review, and it best serves, that from the beginning, people, whether it's the NYSDEC or this Planning Board, has a complete record, to be able to make judgments on.

Mr. LaFleur then indicated on the map, Big Pond Road and the sharp right hand turn that it takes, and the point of access to the property. He said that the access was chosen, because it minimizes the truck traffic to less than five or six homes across from the mine site on Big Pond Road. He indicated the entrance, and said that the road will proceed into the property, to the north; and he then indicated a berm approximately 35' to 40' high on the left, and the entrance road being behind it. He said that it will act as a noise and dust barrier, as well as a visual barrier. He said that the site is excavated from the top down, which allows it to be mined in a progression that encourages leaving faces between the inside workings of the mine site and the rest of the world, which gives the benefit of those faces to contain most of the effects, such as visual or noise or dust. He said that concerning the basic operation of the facility, there is plans for portable equipment, which is designed to stay as close to the actual working face as it can, as to minimize the amount of transportation and the movement of material in the site. He said that it also keeps the equipment in the site, within the confines of the surrounding benches and bases. He said referring to the packet, the appendices, in addition to the summary document, which addresses

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the environmental impact mitigation. He said that there has been a complete assessment of the timber rattlesnake on the site, which is included in the packet. He said that there has been an evaluation of bird species, and breeding, also in the packet. He said that there is a noise projection analysis which has been done, also in the packet. He said that there is a traffic impact study also. He said that the cultural resource survey has been completed, which is an examination of historic or prehistoric resources on the site. He said that there has also been a visual assessment, photographs with cross sections, all in the packet as well. He said that they have also researched the impacts on both surface and groundwater, and the monitoring data from the monitoring wells on site is included in the packet. He said that there are four wells on site, and three of them will be used as monitoring locations, so there is a good handle on groundwater and where it is, and when it will be encountered. He said that there is also a good idea of the impact associated with that, or the lack of impact associated with that, as a result of the mining activity.

Derek Wilson asked if they are existing wells?

Mr. LaFleur answered that the wells were specifically drilled, for the purpose of investigation here. He said that they serve two purposes: one, being that in the first instance they need to prove the quality and the quantity of the rock; is it of economic quality; as it is no good to build a quarry, if the rock does not meet NYSDOT standard or commonly accepted engineering standards. Two, taking advantage of the open hole to install a monitoring well, to be able to monitor water levels over a long period of time.

Mr. LaFleur said concerning the traffic study, there is an examination of the closest intersections, and a service evaluations of them, both their existing conditions and the evaluation of the addition of additional traffic associated with the site. He said that his firm is examining the site against its maximum use, under the current plans used, which is agriculture, and the traffic that that can generate; compared with the traffic that can be generated that will be associated with the mine site. He said that in all instances, there is no loss of service at any of the intersections that is included in the traffic analysis. He said that there has also been an evaluation of accident ratings along the same travel paths, and find no impacts associated with the additional traffic. He said that in terms of the investigation that was done, and studies, that there is no significant impact, associated with the development of the site, based upon this design and the operational constraints.

Willard Schadt asked about the very end of the process, the reclamation, and said that he noticed that a lake will be created, and asked what the impact of that would be?

Mr. LaFleur answered that they will end up, capturing ground water, anywhere from 60' to 100' below the existing surface. He said that the shape of the water table, reflects in general, the shape of the topography, which means it will be higher in the middle and lower on the flanks. He said that as they mine down through that, there will be some seepage out of the active vertical faces, once they have encountered and get below the water table. He said that it only leaks out of the rock, at the rate that the rock is going to give it up. He said that the water table ends up being established in the remaining rock around the property, at about 2/3 of the way, up the face of the rock. He said that the tendency is, that you end up with a relatively dry excavation, with precipitation that falls in it, and a little seepage of groundwater that comes out of the face. He

said that in this instance, his clients are dealing with sandstone, which doesn't necessarily yield a great deal of water, because it's not like limestone which may have solution features, and/or a sand and gravel operation, where water moves through very quickly and easily. He said therefore, his clients are not faced with managing a lot of water. He said that what they do have, is managed internally, and will end up with the ability to move it back and forth, within the site, to create a dry area to mine.

Willard Schadt asked, that, such as in the case with Hurricane Irene, what happens when there is a significant rainfall, in terms of controlling where the water goes, once the excavated lake is full?

Mr. LaFleur answered that there is surrounding topography, and he referred to the final profiles, the reclamation plan and the mining permit application, which would be the best place to go, and said that you will find in there, the topography, that would in essence, encapsulate the site. He said that on the uphill side, there is 200' of relief. He said that on the downhill side, there is remnant relief that protects from that event. He said that his clients, when doing this analysis, looked at the precipitation falling on the footprint, and looked at the rain that will run into the footprint, and looked at the evaporation rates, and looked at anything that would run-off, and in this case, there isn't any continued run-off; so that the end of the day, there is a projected lake level, and from a safety perspective, the Board can see that the grading at the edge of the lake is more gentle, than it is throughout the rest of the reclamation, so you get a ten on one side slope, or a slope at the edge of the water by, from a safety perspective, and from a use, and from a habitat perspective, relative to creating a water body that is useful in the future.

Derek Wilson asked if the applicants had examined the section of the Town Zoning Law that pertains to mining and extractive uses?

Mr. DeSilva answered that he is aware of the Code.

Derek Wilson said that the Code says that the operation cannot be any closer than 500' to neighboring dwellings.

Mr. LaFleur answered that that is referenced specifically to the RR zone, that that is a restriction. He said that this does not however, seem to address the HMU zone, which is what this project will be in.

Derek Wilson asked the Town Attorney if he would give the Board an opinion on this. He also said that the NYSDEC is the lead agency, and asked what part of the SEQRA process is this applicant in now? He asked, has the NYSDEC read the FEIS, or has the NYSDEC declared a findings statement, or what? He said that this project will be phased, and asked if they have the phases and what is the NYSDEC's opinion on the phasing, that is, dealing with that now, or dealing with that later?

Mr. LaFleur answered that in some respects his clients are farther than the Board thinks, and in other respects his clients are nowhere near where the Board might think. He called attention to this submittal, and the way that it went in, that is, it would be the usual practice to submit the plan to the Board, and to the NYSDEC, and whoever would act as lead agency, to review it for potential impacts. He said that then there would perhaps be a public scoping session, and then

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that lead agency would make a decision for a positive impact, if warranted. He said that if they did issue a positive declaration, then the draft EIS would be created.

Derek Wilson said, but you did that already.

Mr. LaFleur said that he did it, without the draft EIS being considered at this point. He said that everything that the Board would normally see, has been submitted, but if the Board will notice that it is entitled, "An expanded Environmental Assessment." He said that the reason that he does it this way, is, that if they can design the site, and address all of the impacts up front, the NYSDEC may issue a negative declaration on this project, which then would not require the formality of a draft EIS, and a FEIS, and a Findings Statement, that is, that whole process. He said that the NYSDEC may decide that after they review these materials, that there still is a positive declaration here, and the potential for a positive impact, in which case, what the Board sees here, will get slightly changed, and a new title page, which will say "DEIS", instead of the "expanded Environmental Assessment." He said that the NYSDEC might also decide that his clients have answered, up front, all of the questions, and have addressed the potential impacts, in which case, they will declare a negative dec. He said that the permit will then be issued. He said that in terms of the application itself, the NYSDEC has issued two notices of "incomplete applications" to his clients, and they have been answered, and now his clients are waiting for a response from the NYSDEC. He said that the application before the NYSDEC hasn't even been deemed complete yet, as the Board would normally expect yet. He said that in this respect, it may look like his clients are a lot more behind that they look, based upon the materials that he has submitted to this Board. He said that that is just the approach. He said that the owners of the site wanted his firm to do a thorough job, and they wanted things done right, and he had suggested to them, that this is the way for them to put their best foot forward, up front. He said that this Board is listed as an involved agency, which gives them the ability to review and comment, with the ability to participate, directly with the applicants on the Boards' approvals, and with the NYSDEC, through the Boards' comment authority with the NYSDEC.

Derek Wilson asked about the blasting, saying that it would be a huge impact on anybody who lives in the area, and asked if it will be a shale extract?

Mr. LaFleur answered that the geology on the property is embedded sandstone and shales, and quite a bit of it is the sandstone, which is why it is attractive.

Derek Wilson asked, the sandstone will be used as an aggregate for cement and concrete?

Mr. LaFleur answered yes. He said that it can be used as an aggregate, for drainage features, as an aggregate in asphalt and in concrete.

Derek Wilson asked, as far as extraction technique, sandstone, you cannot use a ripper on a dozer?

Mr. LaFleur answered that that would not be practical for mechanical excavation. He said that this is going to require drilling and blasting. He said that there is a discussion in their submitted document and an evaluation of it, and there is a State standard for that, that is applied to the receptors, that is, he needs to design the blast, so that the receptors are protected, and also that

the State standard for vibrations at that receptor is met. He said that a blast can be designed to be much smaller, and still meet the State standards. He said that that is the responsibility of the operator, to make sure that that is done.

Theresa Santiago asked what is the distance from the blasting site to the nearest residents dwellings?

Mr. La Fleur answered that the residents on Big Pond Road, across the street, are probably 250' to 300' away. He said that the mining that will be done at the very top of the property is significantly farther than that, so that when the blasting begins, it'll probably be at least 1,000' from the people on Big Pond Road.

Theresa Santiago remarked that the residents on Foss Lane, their homes are right into that mountain.

Mr. LaFleur clarified by asking, you're talking about this southeast corner here, yes?

Theresa Santiago agreed, and said that those residents already have problems with falling rocks, and will the blasting accelerate that problem, and impact their property more?

Mr. La Fleur answered that if they have that condition now, yes, that will have to be addressed. He said that that is a potential impact there, and that wall has to be scaled and the material removed, if it's loose, and the blasting design may have to be changed for that corner, to limit vibration. He said that all of these things are tools that his clients have to protect from that impact.

Theresa Santiago asked if it will impact homes in Peenpack Meadow?

Mr. LaFleur answered, none whatsoever.

Willard Schadt asked, from the date of approval to when you start the reclamation, do you have any idea what the life span of this quarry is?

Mr. LaFleur answered that it is always "market determined." He said, for example, that if there were eight new projects on I-86 that needed a million tons of material, then the site would get excavated much more quickly, and would end up with a shorter, more useful life. He said that it will really be driven by the marketplace.

Willard Schadt said, let's assume that you are running a wonderful business and it is booming, then what is a rough estimate of the minimum life of this quarry?

Mr. LaFleur answered that he could not tell, off the top of his head, what the total volume is, as it could be five, ten, or fifteen or twenty years, and it again, is all market driven. He said that his clients are dealing with very heavy, bulky materials with low intrinsic value, so the determining factor of where they sell them, is the transportation cost. He said that the local market may drive the consumption rate.

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Willard Schadt asked, what can the Town do to prevent the abandoning of this business, in the middle of the operation? He asked, should it be bonded?

Mr. LaFleur answered that his clients are required to file a reclamation bond with the NYSDEC, and they evaluate the cost associated with doing the reclamation, and then set up the bond amount, which will differ from site to site. He said for example, if they have available topsoil on site, or if it has to be imported. then those would be two different numbers. He said, for example, if his clients are going to do the reclamation, and they have no excavation to do, to reach their reclamation objectives, do they have excavation to do. He said that every site would end up with a slightly different approach to how it's bonded. He said that the NYSDEC has developed a pretty good expertise, in doing that. He said that that bond has to be put into place, before shovel one can be put into the ground, and it has to remain in place, until the site is reclaimed, to the satisfaction of the NYSDEC, and then they will release the bond.

Derek Wilson asked if his firm has created any other mining sites in the State of New York, that have been located very closed to residences?

Mr. LaFleur answered that on this site, there are some houses that are close, but there are not a lot of houses. He said that all over New York State, there are instances where the houses have moved to the mine site. He explained that the mining permit may have been issued in 1960 or 1975, when the program first began, and what has happened is, people continue to move closer and closer to the mine site. He said that in terms of proximity to homes to mine sites, then yes, he can point to quite a few where the houses are that close. He said that in most instances, the people have moved there, after the mine had been in the development stage.

Derek Wilson asked specifically about a new mine site that is just now being proposed, does the NYSDEC look at those circumstances and say "well, everything's fine?" He said that he finds it difficult to believe that the NYSDEC would just make a negative declaration, when there are many houses so close to the blasting.

Mr. LaFleur answered that what he has done in this application, is he has submitted the information necessary to make the judgment that his client can build this mine site, without impacting those homes. He said that at the end of the day, the NYSDEC looks at it, and they've seen these same studies before, and they know what he is saying has been demonstrated elsewhere in the State, and they make a judgment. He said that if they don't see fit to do that, then they have two recourses; they can go to a positive declaration, and force the applicants to do additional work; or they can condition the permit, in ways that protect receptors, and he said that both of these options are routinely used. He said that his firm typically deals with much larger sites, in terms of mine sites, this one is relatively small for a hard rock, consolidated quarry. He said that he could point this Board to a 2,000 acre mine site. He said that this site really doesn't lend itself to a lot of detailed phasing. He said they are going to start hopefully sometime, and proceed in a certain direction, and will very quickly end up occupying a good portion of the site. He said that phasing will be of less significance, given the site and its' relative size.

Theresa Santiago asked if there would be a water impact on homes?

Mr. LaFleur answered that that has been examined, and said that in this instance there is very little draw down, in terms of even when the quarry will be dry, and will only be maintaining a portion of it wet. He said that most of the homes are actually in different watersheds, if the Board will look at the topography to the north, and the water will come from someplace else, so that's been examined quite carefully, and those answers are in the document.

Derek Wilson said that the hours of operation conflict with the Town Zoning.

Mr. La Fleur said that that will be looked into.

Al Schock asked about the use and the increased amount of traffic?

Mr. LaFleur answered that the property is currently being used for agriculture, and it can be used for agriculture. He said that with a mine site, yes, there can be more traffic.

Mr. Guertin said that pertaining to the traffic analysis, in the documentation there was an attempt to analyze different uses, and what could the maximum traffic be, based on the uses. He said that if it were an intensive farming use, they would give those numbers, which would be more than what the mining use will be.

Mr. Guertin said concerning the water, that in the submitted documentation it says, "water will flow toward the east" which, he said, means that it will go toward the residences. He said that if the Board will look at the reclamation plan, that what the end result will be, it will be a "bowl" and once the bowl is created, that will encapsulate the water flow. He said that there will be no escape off site, it'll be kept within.

Al Fusco referred to his technical memo, dated April 23, 2012:

1) We must review the traffic study further and in conjunction with the plans to upgrade the stream crossing on Big Pond Road that washed out in Hurricane Irene. Temporary repairs have been made by current plans to rebuild, require funding. FEMA funds might not be sufficient for the upgrade.

2) The NYSDEC is lead agency; however, we should have additional documentation from them on the resolution of the rattlesnake issue.

3) The project will require a SWPPP which is only briefly noted. There was no erosion control plan in my packet.

4) More specifics on the mulch program they noted would be appropriate.

5) Are pre-blast surveys to be conducted, if the project is approved?

6) Describe the employee's sanitary facilities. It was noted that no additional construction was expected.

7) Washing station for muddied vehicles.

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- 8) Specify sight distance; AASHTO chart on plans for entrance and exit.
- 9) Board comments.

Mr. Guertin said that his clients will review Mr. Fusco's comments, and address them in a future submission.

COMMUNICATION FROM BOARD MEMBERS

Theresa Santigo referred to the Times-Herald Record article about the Gibson property, and asked how many dogs are allowed on a site?

Al Fusco answered that it's four without a kennel license, and that he's not sure if the Town even offers kennel licenses anymore. He said that his office will be dealing with this applicant and will get the information to the Board. He said that he thinks there was a change in the State Law.

ADJOURNMENT

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

Meeting adjourned at 8:40 p.m

Respectfully submitted,

Barbara Brollier, secretary