

the drainage issues on the upper part of Academy Avenue, but has since become aware of it. She said that Frank Somarelli was her excavator, and as they were building, they saw that every time it rained heavily, the volume of water that came off of the town road onto Marys' property was far more than the culvert, which was on the plan, could handle. She said that after viewing this on more than one occasion, she also found another problem, which was the position or location of a utility pole, and the underground electric which goes from that pole, which has a ditch filled with sand, which will collect water, etc. She said that one issue is her own neglect to get permission to amend the permit, before Frank and her decided that a better solution would be a blacktop swale. She said that another issue is the actual problem of the high volume of run off from the town road. She said that another issue is the debris carried by the run off, due to the gutter along the road, not being blacktopped. She said that the fourth issue is that, after Tom Rombousak had put down his deposit and made an offer to purchase the property, Tom and her had inspected the property, and after he made the offer, she physically went to the property and the town had dug a sump pit on private property to handle the weather. She said that her cousin and her had decided to put in a pond, because if it was not put in, the run off would flood the lower part of his property plus his neighbors' property during periods of heavy rain. She said that the pond is beautiful and is really handling the run off. She said that the issue is, she and Tom are really opposed to putting in this culvert, because of the volume of water, and what is going to happen is, that the culvert will not handle it, and the water is going to go around it, over it, erode under it, and fill it with debris from up above. She said that the swale there does work, and has been substantiated by John Fuller, so this solution is already in place, to that extent. She said however, there is still the debris, and Tom said that he would donate the whole frontage to the town, if the town would want to put in culverts, blacktopped gutters, and he would donate the land, and allow the use of the pond, by the town, forever. She said that neither Frank nor herself has faith in the idea of a 15" culvert. She said that she asking the Planning Board to allow her to amend the plan, so that the blacktopped swale that was put in, to handle everything. could remain in place, She said that Tom is offering to deed over, or give an easement to the Town of Deerpark for free, if the town will put in a blacktopped gutter, and perhaps a larger culvert, which will direct the run off into Tom's pond.

Al Schock said that this board does not determine this issue.

Al Fusco said that he spoke with the Town Attorney about this matter, He also said that the board has also received a letter from the Town Highway Superintendent, basically saying that this is a highway issue, not for the Planning Board. He said that this is a highway permit issue. He said that when a building permit is taken out, for a new home, a driveway permit also needs to be taken out, and at that time, they have their specifications that they give the applicant, and also a bond is involved and the applicant has to perform his duty, and if he does, the bond is given back.

Ms. Hodges said that after contacting the Highway Department Superintendent and Mr. Fusco's office, they refused to meet with her and Frank and Tom up there, and said that the only solution was to put in the 15" culvert. She said that John Fuller was involved in

that request.

Al Fusco said that it might've been a scheduling problem, not necessarily a refusal.

Ms. Hodges said that she talked courteously to every department, and Mr. Plotsky was the one that sent her to the Planning Board, to get the permit changes, to amend the site plan. She said that if nothing is done about the runoff, it will continue to be a major problem.

Al Schock said that this is not the Planning Boards' issue.

David Dean identified himself as the Town Board liaison and agreed that this is the Highway Departments' issue. He said that another issue that is compounding this, is that the road is in extreme disrepair and there is ongoing litigation with the property owners up above. He said that it is unfortunate circumstances that Tom Rombousak and the town also, finds themselves in. He said that this will be worked out. He said that giving carte blanche approval to blacktopping the swales all the way up the hill is not possible. He said that a study on that has to be done. He said that something will be worked out with the litigation so Tom Rombousak will not suffer.

Ms. Hodges said that all her client wants to do, is to be helpful.

Dave Dean said that he understands. He said that for the time being, there should not be any pressure for anybody to take anything out, or replace culvert pipes, but until such time when everybody sits down and figures out how they're going to figure out this situation.

Al Schock asked if this is holding up Tom's C of O?

Ms. Hodges answered yes, Mary and Tom are already living in the house, and cannot get homeowners insurance.

Dave Dean said that he will check into this tomorrow, or such time when he can confer with the Town Attorney. He said that hopefully the Building Department will be back in touch with Ms. Hodges by Monday

Ms. Hodges thanked the board.

GARY BUTLER SUBDIVISION – UPDATE - # 07-0501

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

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

It is in the RS zone.

Section – Block – Lot = 27 – 1 – 16.22

Application received April 30, 2007.

Tim Gottlieb said that his client has had several final conditional approvals for awhile, and he has submitted final drainage issues to the Town Engineers' office, and Al Fusco has said that the final plan looks good.

Willard Schadt asked if the issues have been finalized with the YMCA?

Mr. Gottlieb said that he had stopped dealing with the YMCA, because they would not communicate, and so he and the Town Engineer themselves had come up with an acceptable mitigation.

Al Fusco confirmed Mr. Gottliebs' statement.

MOTION.

Santiago made a motion to grant final approval to the Gary Butler subdivision, conditioned upon payment of all fees. Wagner second. Roll call vote: Santiago, aye; Weiner aye; Wagner, aye; Schadt, aye; Schock, aye. Motion carried.

Tim Gottlieb thanked the board.

APPROVAL OF MINUTES - JULY 9, 2014 AND AUGUST 13, 2014.

Santiago made a motion to approve the minutes from the July 9, 2014 meeting. Schock second. Roll call vote: Santiago, aye; Schadt, abstain; Weiner, aye; Wagner, abstain; Schock, aye. Motion not carried.

Santiago made a motion to approve the minutes from the August 13, 2014 meeting. Schock second. Roll call vote: Santiago, aye; Schadt, abstain; Wagner, abstain; Weiner, abstain; Schock, aye. Motion not carried.

The secretary was instructed to place the approval of both the July 9th and August 13th minutes on the October 8th agenda.

Willard Schadt asked about the courses that Planning Board members need to take. Dave Dean explained where the courses will be held, and the town will pay for the classes..

ADJOURNMENT

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

Meeting adjourned at 8:50 p.m.

Respectfully submitted,

Barbara Brollier, secretary