

Al Schock asked who is responsible, if the dam breaks?

Al Fusco answered the applicant. He said that his firm will be on top of this during construction, to make sure that everything is done properly and provide periodic inspections.

Al Schock asked, since the Town then inspects it, doesn't it make the Town liable?

Al Fusco answered that the Town has an obligation to inspect it.

Al Schock asked, if the Town didn't inspect it, would the Town be liable?

David Bavoso answered yes, the Town would be liable, if they didn't inspect it, and the best course of action is to make sure that the dam is inspected. He said that ultimately if something happens to that dam in the future, it is going to be an issue for the applicant, being that it is a dam on their property, however, the reason why the Board goes through these procedures, is to make sure that there is a dam in place, that isn't going to cause a problem. He said that that is part of why the fire department wants to make comments, as to safety and necessary emergency relief in that area. He said that ultimately the applicant is the primary liable party, if the dam were to break for some reason. He said that the NYSDEC and the Town will be inspecting that dam, to make sure that that doesn't happen.

Willard Schadt asked Al Fusco, if he could explain about the spillway?

Al Fusco answered that for the spillway, the applicant has some large pipes in place for a spillway, and what happens if those pipes freeze up or get clogged with debris, that is, that the spillway is just an extra margin of safety.

MOTION

Hunter made a motion to accept the negative declaration. Schadt second. Roll call vote: Santiago, aye; Wagner, aye; Hunter, aye; Vicaretti, aye; Schadt, aye; Breitenfeld, aye; Schock, aye. Motion carried.

David Bavoso said that originally when the Board had received a letter from Orange County Department of Planning, the language seemed to indicate that they wanted the Town to require a restrictive covenant, or a conservation easement, and since then the County has clarified that, and says that at the time they didn't fully understand the nature of the project, and that they don't believe that those restrictions would be necessary any longer, because they now have a better understanding of what the use is going to be. He said that based upon that clarification, his office has no other issues with this project.

Willard Schadt asked Al Fusco to clarify the inspections?

Al Fusco answered that the inspections would be for re-enforcement when the applicant would do any pouring, and during excavations, and basically whenever the applicant would require a scheduled Building Department inspection, and anything that is re-enforcement of the concrete spillways, placement of the pipes, the walls, etc.

Willard Schadt if the inspections overlap with the Building Department or are they done at different times?

Al Fusco answered that inspections would probably be around the same time. He said that the NYSDEC is not going to come out onto the property that often. He said that after the dam is constructed, it is incumbent upon the applicant to maintain it, and it could be a condition that could be wrapped up into the special use permit, that is, the inspection of the dam to be done every year, or whenever the special use permit extension comes up. He said that the NYSDEC does do inspections, but he said that he fears that they will not do all that many inspections.

Willard Schadt asked if the project was more inclined to get an inspection from the NYSDEC, if the Town requested it, as opposed to nobody requesting it, even though they know they have a list of dams that they have to inspect, will this get more attention, if the Town says, "this is coming up, can you come and inspect it?"

Al Fusco answered that it is hard to say. He said that if the Town wants to ask, it is something that they can do.

Dave Dean commented that New York State DEC requires all dam owners to have an inspection and a permit and an updated log, with the ongoing history of the dam. He said that the NYSDEC on occasion comes out to inspect the dam which is located on the hunting club land that he belongs to, but there is no set inspection period. He said however, the hunting club dam was built back in 1956, and since this is fifty years later, and rules have changed, and the Planning Board can put conditions into their approval of a special use permit, that they have to have this agreement with the NYSDEC, about monitoring the health of the dam. He said that if the Planning Board wants a periodic inspection, above what times the NYSDEC inspects, they could put that into the resolution.

Al Fusco agreed and said that in the construction documents that his firm has, there is a handbook and operators manual for the dam that the NYSDEC requested from the applicant, and it does address those issues. He said that he thinks that that would be advantageous to the Town, for the Board to put the condition of periodic inspections, and especially when the special use permit comes due, to put those conditions into the special use permit. He said that at the next Planning Board meeting, which will be within the 30 days extension that the Board is granting, that is when the Board will want to put in the conditions for the special use permit.

David Bavoso said that basically along those lines, the thirty day extension was to give time to the inspection, due to the fact that the Building Department has not been staffed at all times for the last couple of weeks. He said that when the applicant comes back after the thirty day extension, the applicant is going to be looking for a full renewal, which is what the applicant would've normally requested here this evening. He said that when that special use permit is issued, the renewal is issued, the Board can make the inspections a condition of the special use permit.

Lana Han said that her client is good with the thirty day extension for tonight.

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David Bavoso said that for clarification, there will not be a Planning Board meeting in thirty days, because the fourth Wednesday in November is the evening before Thanksgiving, so he suggested that the applicant get together with the Building Department prior to the November 9, 2011 meeting.

Al Fusco said that he will set up a meeting with the Building Inspector and this applicant for early next week.

MOTION

Santiago made a motion for conditional preliminary approval, subject to meeting the conditions on the town engineers' technical memo, dated October 26, 2011 and payment of all fees. Hunter second. Roll call vote: Santiago, aye; Wagner, aye; Hunter, aye; Vicaretti, aye; Schadt, aye, Breitenfeld, aye; Schock, aye. Motion carried.

The secretary was instructed to place this applicant on the next agenda.

McCALLISKEY & WARD - #06-0601

Represented by Ed Ward 283-9505

Owners/ Applicants Ed Ward & Jim McCalliskey wish a 3 lot subdivision on property located on Brandt Rd., Westbrookville, N.Y.

It is an RR Zone.

Section -Block -Lot = 7 -1 - 37

Application received June 4, 2007.

Mr. Ward said that the project is downsized to a 3 lot subdivision, and all of the perks were done.

Al Fusco reviewed his technical memo, dated October 26, 2011. He said that this application has been downsized from a five lot to a three lot subdivision. He said that there's an existing one family home, and two additional lots. He said that looking at the site plan, there is a lot of information going on, that is all relevant, and he said that there needs to be a second sheet for the site plan, that is, the soils and slope analysis information to be on a separate sheet, and then there's going to be a site plan sheet that will have the septic design location, dimensions, driveways, sight distance, areas of disturbance, etc. He said that his office needs the percolation data, which needs to be put onto the site plan. He said that his office proposes that the applicants' engineer provide curtain drains around the septic fields and give details of elevations. He said that he is concerned about run-off. He said concerning driveway profiles, that the steepness needs to be looked at, and so the elevation analysis needs to be added to the plan, so that the Board can see that. He said that this plan calls for two driveways coming into a "common drive" and so he suggested a "pull off" area or something like that, be created.

Ed Ward said that there is a "pull off" area, and said that he will get it put on the map.

Al Fusco said that the 25 foot area reserved for highway needs to be shown and a metes and bounds description provided. He asked where the Sullivan County property line is, and asked if it's within 500 feet?

Ed Ward answered that it is not.

Al Fusco asked for documentation from the applicants' surveyor. He said that on the EAF there is a solid waste question that still needs to be answered. He said that Part II of the EAF, will be filled out by the Board, prior to approval.

He said that disturbance for the two new lots is two acres, plus or minus. He said that the idea is that if it is over one acre, then the applicant needs to do a SWPPP.

Ed Ward said that his engineer will do that.

Al Fusco said that he has no more technical comments, and at this point the Board can re-establish lead agency.

David Bavoso concurred, and just to be on the safe side, the Board should re-establish lead agency.

MOTION

Wagner made a motion to re-establish lead agency. Santiago second. Roll call vote: Santiago, aye; Wagner, aye; Hunter, aye; Vicaretti, aye; Schadt, aye, Breitenfeld, aye; Schock, aye. Motion carried.

TRI-COUNTY PROPERTIES - PRE - APPLICATION CONFERENCE

Represented by Jeff Clune (Deerpark Oil)

Owner/ Applicant Jeff Clune wishes a site plan approval for two-story commercial building (offices and apartments), located on Darraugh Lane, Sparrowbush, N.Y.

It is an HMU Zone

Section - Block - Lot = 44 -2 - 4

Mr. Clune handed out maps to the Board. He said that he wishes to put a two story office building across the street from the current fuel oil, propane storage facility, on a one acre parcel. He said that there will be two offices on the ground floor, and two apartments above that.

Al Fusco said that this project is in the HMU zone, which does allow as a special use, office buildings, businesses, professional offices, and multi-family dwellings, so this proposal does fit the zoning. He said that the applicant has 1.02 acres, and the requirement is one acre, so there is enough land. He said that the bulk table looks good. He said that there will be some issues of standard septic design, stormwater issues, and it seems that the area of disturbance appears to cover the whole lot.

Willard Schadt asked what kind of building, the construction, it would be?

Jeff Clune answered, just standard, concrete foundation, wood siding, wood frame, etc.

The Board concurred with Al Fusco that this is a "do-able" project, and told the applicant when he submitted his application and maps, that he could be placed on the next available agenda.

The secretary told the applicant that he had never set up a town attorney escrow, and that needs to be done before he comes back, with \$1,000. put into that account. She also said that there is \$500. outstanding town engineering fees due.

Jeff Clune said that he will be addressing those fees with the town engineer, as soon as he is done here.

TEN MINUTE RECESS

DEERPARK VILLAGE - EXECUTIVE SESSION

MOTION

Hunter made a motion to go into executive session for the purpose to discuss ongoing and potential litigation at 7:50 p.m. and invite the Town Attorney, Town Engineer, the Town Supervisor, and the Town Board members. Wagner second. Roll call vote: Santiago, aye; Wagner, aye; Hunter, aye; Vicaretti, aye; Schadt, aye, Breitenfeld, aye; Schock, aye. Motion carried.

MOTION

Schadt made a motion to come out of executive session at 9:10 p.m.. Santiago second. Roll call vote: Santiago, aye; Wagner, aye; Hunter, aye; Vicaretti, aye; Schadt, aye, Breitenfeld, aye; Schock, aye. Motion carried.

MOTION

Santiago made a motion to adopt the Resolution concerning Deerpark Village. Hunter second. Roll call vote: Santiago, aye; Wagner, aye; Hunter, aye; Vicaretti, aye; Schadt, aye, Breitenfeld, aye; Schock, aye. Motion carried.

ADJOURNMENT

Schadt made a motion to adjourn. Schock second. Roll call vote: Santiago, aye; Wagner, aye; Hunter, aye; Vicaretti, aye; Schadt, aye, Breitenfeld, aye; Schock, aye.

Motion carried.

Meeting adjourned at 9:11 p.m.

Respectfully submitted,

Barbara Brollier, secretary