

The Town of Deerpark Planning Board met for a BIMONTHLY MEETING on WEDNESDAY, OCTOBER 13, 2021. The Meeting was held at Town Hall.

The following were present on the meeting:

**BOARD MEMBERS PRESENT:**

Robert Vicaretti-Chairman

Willard Schadt

Theresa Santiago

Craig Wagner-Vice-Chairman

Rob Whitney

**OTHERS PRESENT:**

Alfred A. Fusco Jr-Town Engineer

Glen Plotsky-Town Attorney

David Dean -Town Councilman

Al Schock-Town Councilman



**APPROVED**

Pledge of Allegiance

Meeting was brought to order at 7:00 p.m.

**PINE GROVE MOBILE HOME PARK – US ROUTE 209 – SUBDIVISION –**

Randall Coffill-Representative for Applicant

Mr. Coffill explained this is to separate the Park from the Fuel Division, he continued that the soils are on the map, Town Engineer confirmed. Town Engineer stated that GML-239 could be done. Chairman asked if a public hearing could be scheduled for November, Town Attorney answered that it won't be enough time for the 239 to get back and there is only one meeting in November.

**Motion to declare intent to be Lead Agency.**

Motion made by Theresa Santiago, 2<sup>nd</sup> by Craig Wagner to declare intent for the Town Of Deerpark Planning Board Lead Agency for SEQRA purposes.

**Vote 5 Ayes:** Theresa Santiago, Craig Wagner, Rob Whitney, Willard Schadt, Robert Vicaretti.

**MOTION CARRIED**

**Motion to circulate the GML-239 review.**

Motion made by Theresa Santiago, 2<sup>nd</sup> by Craig Wagner to distribute the GML-239 for Pine Grove Mobile Home Park.

**Vote 5 Ayes:** Theresa Santiago, Craig Wagner, Rob Whitney, Willard Schadt, Robert Vicaretti.

**MOTION CARRIED**

**VICCHIARELLO/SCHMITZ – UPPER BROOK RD/ACADEMY AVE – LOT LINE CHANGE –**

Town Attorney explained he received an email from Mr. Onofry that he was out of Town. Chairman acknowledged that they will put it on the end of agenda and see if anyone shows.

**SINCLAIR GAS STATION – ROUTE 6 – SITE PLAN AMENDMENT –**

Secretary explained that the applicant called and asked to be placed on the October 27 agenda.

**DANCE STUDIO – 5 MAIN ST – SITE PLAN REVIEW –**

John Fuller-Representative for Applicant

Mr. Fuller stated that the public hearing was left open for written comments, Secretary explained that the 239 was sent out on September 2, 2021. Chairman acknowledged that the 30 days are over and asked to close the public hearing.

**Motion to close public hearing.**

Motion made by Theresa Santiago, 2<sup>nd</sup> by Craig Wagner to close the public hearing for the Dance Studio.

**Vote 5 Ayes:** Theresa Santiago, Craig Wagner, Rob Whitney, Willard Schadt, Robert Vicaretti.

**MOTION CARRIED**

Town Engineer stated that all comments have been addressed. Town Attorney stated that he received a memo regarding Escrow and needing money. Chairman acknowledged that bills lag the approvals, John Fuller stated that if fees are paid can the maps be signed. Theresa Santiago stated that approval can be given contingent on fees paid.

**Motion to approve application.**

Motion made by Theresa Santiago, 2<sup>nd</sup> by Craig Wagner to approve the application for the Dance Studio contingent on fees paid.

**Vote 5 Ayes:** Theresa Santiago, Craig Wagner, Rob Whitney, Willard Schadt, Robert Vicaretti.

**MOTION CARRIED**

**PLANNING BOARD MEETING October 13, 2021 continued –**

**KERRY HUGHSON – 357 NEVERSINK DR – 2-LOT SUBDIVISION –**  
John Fuller-Representative for Applicant

Mr. Fuller explained that Mr. Hughson had come a time ago for a pre-app and represented himself. He continued that soil testing was done and asked to proceed with the subdivision. Chairman asked about the letter from SHPO, Mr. Fuller stated that there could be an archeological find, but any property along the river it can happen. Town Engineer went through comments from Fusco Engineering regarding review by Orange County Planning Department, surveyor's stamp on map for the public hearing and a notation on the map regarding timber rattle snakes and bald eagles that before a building permit issued an individual to verify that there is no species present. Chairman asked what to do with the SHPO determination, Town Engineer stated it is not a sign off they are asking for the lot to be surveyed to show there is nothing present on the property. Mr. Fuller stated that he sent photos & documentation that the parcel has been mowed, there were horses kept on it, garage and coop and stable also present. Chairman asked if this was recommended or if it has to be done, Town Attorney acknowledged that it is mandatory to do and knows its substantial to the applicant. Chairman stated that the Board's hands are tied. Al Schock asked what is substantial, Mr. Fuller stated that it is usually around \$3000 and they just do a shovel test. Willard Schadt asked is they did the experiment and found something; Town Engineer answered they would have to void that area. Willard Schadt asked where they dig, Town Engineer stated where the structure is proposed and septic. Town Engineer suggested to resubmit to SHPO to prove the area has been disturbed. Chairman was worried about setting precedent. Town Attorney stated that if SHPO asked to do study then it has to be done. John Fuller acknowledged that there have been other digs in that area and nothing came back. Town Attorney suggested that the Board take a vote. Chairman asked for a motion.

**Motion a require a survey for SHPO**

Motion made by Robert Vicaretti, 2<sup>nd</sup> by Craig Wagner to require the study for SHPO.

<b>Roll Call Vote:</b>	Theresa Santiago-	No
	Craig Wagner-	Yes
	Rob Whitney-	No
	Willard Schadt-	Yes
	Robert Vicaretti-	Yes

**MOTION CARRIED 3-2**

Al Schock asked where it states advisory, John Fuller answered on their website. Al Schock stated that if it is advisory then it doesn't have to be done. Willard Schadt added that no one likes it. Mr. Hughson asked if a letter is sent that it has been dug will it change, Town Attorney stated that he can resubmit.

**HUMANE SOCIETY – 202 ROUTE 209 – SITE PLAN REIVEW –**  
John Fuller-Representative for Applicant

Mr. Fuller explained that the 239 was done and would like to schedule a public hearing. Town Attorney confirmed that the 239 was done and a public hearing could be scheduled. Town Engineer went through the comments from Fusco Engineering stating that a SWPP is not required but soils are, a silt fence will be needed, NYSDOT will need a binder, a light fixture is needed at the end of the parking lot, buffer is needed for the one side of the lot, a dye test is needed to ensure septic can handle new flow. John Fuller asked why vegetation was needed there is only animal waste and it is an existing facility since the 50's, there is already natural grass and wooded and it is fenced in. Willard Schadt acknowledged that the landscaping that was needed by the store there are no windows on that side and felt that no landscaping was necessary.

**Motion to Declare Town of Deerpark Planning Board Lead Agency.**

Motion made by Theresa Santiago, 2<sup>ND</sup> by Craig Wagner to declare Town of Deerpark Planning Board to be Lead Agency for SEQRA purposes.

**Vote 5 Ayes:** Theresa Santiago, Craig Wagner, Rob Whitney, Willard Schadt, Bob Vicaretti.

**MOTION CARRIED**

**Motion to schedule a public hearing.**

Motion made by Theresa Santiago, 2<sup>ND</sup> by Craig Wagner schedule a public hearing for Wednesday, November 10, 2021 at 7pm for Humane Society application.

**Vote 5 Ayes:** Theresa Santiago, Craig Wagner, Rob Whitney, Willard Schadt, Bob Vicaretti.

**MOTION CARRIED**

**PLANNING BOARD MEETING October 13, 2021 continued –**

**NEW CENTURY – 517 NEVERSINK DR – SITE PLAN REVIEW –**

John Fuller-Representative for Applicant

Mr. Fuller explained that this project has changed a few times and there was a new entrance proposed off of Neversink Dr., which County said OK they just had to remove one of the current ones, but now the applicant has decided to keep all existing accesses. Town Engineer went through comments from Fusco Engineering stating that the traffic study needs to be reviewed by Orange County DPW and NYS DOT, Landscaping in right of way needs to be changed, soil testing needs to be placed on the map, a flow confirmation letter needs to be submitted to Orange County DOH, Modification of SPDES permit will be required from the DEC for sewage disposal system, documentation the existing water supply meets Orange County Health Department requirements, a SWPPP is required due to previous site plan approvals, Orange County DPW approval but could change due to the elimination of the new entrance, segmentation under SEQRA a list of site plan submittals and approval dates needs to be shown, no lighting and landscaping is shown, existing or proposed. Town Attorney acknowledged that GML-239 was done and there are comments from the County, it does have to go to DPW for review. John Fuller stated that getting rid of the new driveway eliminated that major soil disturbance. Chairman asked if there was anything holding up a public hearing being scheduled, Town Engineer stated he saw no problem.

**Motion to schedule a public hearing.**

Motion made by Willard Schadt, 2<sup>ND</sup> by Theresa Santiago schedule a public hearing for Wednesday, November 10, 2021 at 7pm for New Century application.

**Vote 5 Ayes:** Theresa Santiago, Craig Wagner, Rob Whitney, Willard Schadt, Bob Vicaretti.

**MOTION CARRIED**

**430 ROUTE 209 – DISCUSSION – SITE PLAN REVIEW –**

John Fuller-Representative for Applicant

Mr. Fuller explained that this is the property next door to Town Hall, he has been working with Mr. Krug and they would like to move forward with the steps to get approval for the inside. There is a permit for clean-up on the outside and now the applicant would like to focus on the inside for approval. He continued that there was a letter submitted responding to Fusco Engineering comments, he further stated that Mr. Nosek at a previous meeting suggested getting an independent environmental consultant to review the documentation regarding inside. Mr. Fuller went through his comments that a long form EAF has been provided, NYS DEC responsible for the outside cleanup and the permit was issued and provided to the Board, a note was added that the site disturbance will be done by the DEC, an environmentalist has been contacted for an endangered species report, SHPO has come back no impact, OCDOH has limited records on water supply and septic, working with well driller and will get water tests, DEC has done tests, light manufacturing and warehousing will be the general use, tenant will come for specific use, stormwater no increase on outside but not sure what will happen after DEC is done with cleanup, lighting will be addressed after review is done by consultant and the survey will be done. John Fuller stated he would like to move the application forward, Town Attorney stated he will get 2-3 consultants and get estimates and the Board will chose.

**SSS REATLY – 14 OLD COUNTRY RD – SITE PLAN REVIEW –**

John Fuller-Representative for Applicant

Town Attorney stated that a letter was sent to him from Mr. Onofry asking why there was a restriction, Chairman asked why it was a drainage lot. Town Attorney stated he has not seen the map; he has a letter from the building department that it is a drainage lot and non-buildable. Chairman acknowledged that it was approved in 1969. John Fuller stated it was a drainage easement a note was on the map, a letter from Mr. Emerson that it was a reserved area and no septic was to be built. Willard Schadt asked if it should go to the ZBA for an interpretation, Town Attorney stated that minutes can be pulled to see why the notation was placed. John Fuller stated that the plan was approved by the OCDOH and suggested to see if they have info. Town Attorney stated that the Board will write a letter to the DOH for information on the restriction and if it can be removed.

**PLANNING BOARD MEETING October 13, 2021 continued –**

**MOTION TO APPROVE MINUTES.**

**Motion to September 22, 2021 Minutes.**

Motion made by Theresa Santiago, 2<sup>nd</sup> by Rob Whitney to approve the minutes for Wednesday, September 22, 2021 meeting.

**Vote 5 Ayes:** Theresa Santiago, Craig Wagner, Rob Whitney, Willard Schadt, Bob Vicaretti.

**MOTION CARRIED**

**OTHER BUSINESS-**

Chairman acknowledged that the application for Rivendale has been pulled so no further action will be taken on that. Willard Schadt asked about the comments from SHPO if they are advisory or not, Town Attorney stated that it will have to be figured out and added the Board will wait to hear from the Town Engineer and himself.

**Motion to go into executive session.**

Motion made by Chairman Vicaretti, 2<sup>nd</sup> by, Theresa Santiago to pause the regular meeting and enter into executive session and invite Town Attorney, Glen Plotsky, Town Engineer, Alfred Fusco Jr, Town Councilmen, Al Schock and Davide Dean and Planning Board Secretary, Amanda Gorr.

**Vote 5 Ayes:** Theresa Santiago, Craig Wagner, Rob Whitney, Willard Schadt, Bob Vicaretti.

**MOTION CARRIED**

**Motion to exit executive session.**

Motion made by Craig Wagner, 2<sup>nd</sup> by, Theresa Santiago to exit executive session and enter back into the regular meeting.

**Vote 5 Ayes:** Theresa Santiago, Craig Wagner, Rob Whitney, Willard Schadt, Bob Vicaretti.

**MOTION CARRIED**

**Motion to adjourn meeting.**

Motion made by Theresa Santiago, 2<sup>nd</sup> by, Rob Whitney to adjourn October 13, 2021 Planning Board meeting at 8:59 pm.

**Vote 5 Ayes:** Theresa Santiago, Craig Wagner, Rob Whitney, Willard Schadt, Bob Vicaretti.

**MOTION CARRIED**

Respectfully submitted by,



Amanda Gorr, Planning Board Secretary