

The Town of Deerpark Planning Board met for their bi-monthly meeting on WEDNESDAY, FEBRUARY 26, 2020 at the Deerpark Town Hall, 420 US Route 209, Huguenot, NY.

The following were present:

BOARD MEMBERS PRESENT:

Robert Vicaretti-Chairman
Theresa Santiago
Willard Schadt



Craig Wagner-Vice Chairman
Rob Whitney

OTHERS PRESENT:

John Nosek-Fusco Engineering
Glen Plotsky-Town Attorney
David Dean-Town Councilman
Al Schock-Town Councilman

Pledge of Allegiance

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

MAPLE CREST SOLAR – MAPLE CREST DRIVE – PUBLIC HEARING –

Maziar Dalaeli-IPP Solar-Representative for Applicant

Joseph Hens-Ingalls & Associates-Representative for Applicant

Secretary read public hearing notice, she further stated that mailings were acceptable. Mr. Dalaeli gave a brief explanation that IPP Solar is located in New York City, they only do commercial projects. The parcel is suitable for this and it is isolated, it is a parcel off of Route 209. Mr. Hens further stated that it is a parcel on Route 209 and Maple Crest Dr, the access will be off of Trovei Lane, there will be a 6ft fence with screening. He continued that they did visuals from Edgewater Lane and line of site diagrams, they also have a drone video and photos, but felt with the elevation and grading it will not be visible. Mr. Dalaeli acknowledged that it is on the other side of the hill and there are trees on both side of the river bank and that should address the visual impacts. John Nosek went through the comments from Fusco Engineering which included the decommissioning agreement, the PILOT agreement, SHPO sign off and that the 239 was sent on January 27 which would not be 30 days from tonight's meeting. Town Attorney explained further the decommissioning agreement, which is between the Engineers and it is used to dismantle the panels if the project is abandoned, because it is solar they will be exempt from the state for a length of time after that total tax it will be 10,000/megawatt and go up 1% per year and the GML-239 has not been 30 days so the public hearing will have to be left open for written comment. Mr. Dalaeli stated that he has had a meeting with the Supervisor about the PILOT and have seen the language and working on an agreement, the decommissioning amount is acceptable, he stated that he didn't expect an approval tonight. Mr. Hens continued that SHPO is in phase 1, there is more testing and a final report will be submitted and signed off on before approval.

PUBLIC COMMENT:

Mark Botting/Jennifer Hellman – 52 Edgewater Lane- Mr. Botting stated that he looked at a copy of the site plan and sees where the panels begin, it is directly across the river, he asked where the fence will be, he asked if he will see the reflection of the panels, if there would be noise and lights, he wondered if an environmental study had been done and if he could get a copy. John Nosek stated that a Long Form EAF would be on file with the Town. Mr. Botting also asked about what trees would be taken down and worried about wildlife in the area and property values.

Vincent Ferrara – 34 Trovei Lane – Mr. Ferrara asked if they would be buying the land or leasing it, he explained that Trovei Lane is a hard uphill turn, it is the only access in and out and is worrying about getting in and out during construction, he added that this is a big project with a lot of equipment, he stated he is for the project and progress, he is also worried about noise at night.

PLANNING BOARD MEETING FEBRUARY 26, 2020 continued –

MAPLE CREST SOLAR – MAPLE CREST DRIVE – PUBLIC HEARING – continued – PUBLIC COMMENT continued:

Timothy Moul – 46 Edgewater Lane – Mr. Moul he has been there for 30 years looking at mountains and the river, there is 30-40 trailers there, he is worried about the wildlife and environment and added that it was a beautiful piece of property.

Dave Kowal – 28 Trovei Lane – Mr. Kowal stated that Mr. Ferrara covered most of his concerns.

Dominick Tufano – 30 Trovei Lane– Mr. Tufano stated that Mr. Ferrara went through most of his concerns as well, he added that he was wondering who would own the property and maintain it, he stated he was closest to the project he has safety issues and is worried about the road it is bad now during flooding the road is fully covered who will be responsible for the maintenance. He continued that he was worried about the wildlife, bald eagles have nests on the river and would hate to see anything happen. He further stated that the visual impact could be great.

Chairman Vicaretti– Mr. Vicaretti stated that the EAF has been filed with the Town.

Grace Woodard-2 Old Carriage Rd– Ms. Woodard stated that it was a great turn out and she is concerned about the clear cutting of the trees and releasing CO2 into the air and also runoff, she asked what type of planting was going to be under the panels and if catch basins were to be put in. She acknowledged that solar is great to offset fossil fuels but worried about clear cutting too many trees.

Motion to close public hearing.

Motion made by Theresa Santiago, 2nd by Craig Wagner close public comment portion of the public hearing but leave the written open for Maple Crest Solar.

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

MOTION CARRIED

Chairman Vicaretti explained to the applicant that they could answered questions tonight or they could wait and submit in writing. Mr. Dalaeli answered some of the questions raised by the public: He stated that the panels have a 25-year warranty provided by the manufacture, they are made of glass, aluminum and silicon and are easily recyclable. Also, they plan to buy the property and own it, he added that if there is an annual cost to maintain Trovei Lane they will participate, where the panels will be located will not impact Trovei Lane. He further stated that the panels and system do not have any noise, no humming, the construction will be done during the day, there will not be any lighting. He also stated that the visibility from the other side of the river will be minimal and acknowledged that he had pictures and videos that were taken from Edgewater Lane and offered to show them or to meet anyone onsite and they are not there to destroy habitats and want to work with everyone. Willard Schadt asked if there was a road maintenance agreement for Trovei Lane, Town Attorney answered No.

CHARLES BRACE – BOEHMLER RD – GROUND MOUNT SOLAR –

Dayan Arantes-Representative from Empire Solar

Lauren White-Representative from Empire Solar

Ms. White explained that this was a ground mount solar at 176 Boehmler Road, it consisted of 24 cells and one inverter, it will be about 450 sqft. It is a 5.3 acres parcel and the array will be 200ft away from the road, screening will be planted and can do more by the road. They have a 25-year warranty, they are made of non-reflective tempered glass and will not be facing the road. Chairman asked if they had a stamped plan by a surveyor, Town Attorney stated that the plans need to be stamped by an engineer, and acknowledged that an accessory structure cannot be in the front yard. Ms. White explained that Mr. Brace's front door does not face the road. Town Attorney explained that front yard is where road is not where front door is located. Mr. Arantes asked if they could apply for a variance, Town Attorney added that it may be a problem but they can apply. Town Attorney stated that the Escrow Agreement needed to be signed.

PLANNING BOARD MEETING FEBRUARY 26, 2020 continued –

CHARLES BRACE – BOEHLER RD – GROUND MOUNT SOLAR – continued –

Glen Plotsky, Town Attorney stated that **Attorney Escrow** will be **\$650** and Town Engineer, John Nosek, stated that **Engineering Escrow** will be **\$1000** the Escrow Form was filled out and signed by Town Attorney, Town Engineer and Representative for Applicant. A copy was given to each; also, a copy will be given to Escrow Manager, Danielle L Glynn and a copy will be placed in the file.

SCHEUERMANN – PEENPACK TRAIL – 2-LOT SUBDIVISION –

John Fuller-Representative for Applicant

Mr. Fuller explained that he was at the January 22 meeting for a pre-application, this is a simple 2-lot subdivision, he reviewed the comments from Fusco Engineering stating that for the driveway he will get with the Highway Superintendent, no SWPPP will be required it is less than an acre of disturbance, he will call the Building Department to schedule a time to witness the soil test. Chairman questioned if a public hearing was needed, Town Attorney answered, yes. Mr. Fuller asked because no GML-239 needed to be done if the public hearing could be scheduled for March 11. Willard Schadt asked about the right-a-way on the map, Mr. Fuller answered that it was in the deed from a long time ago.

Motion to declare intent to be Lead Agency.

Motion made by Craig Wagner, 2nd by Rob Whitney to declare Town of Deerpark Planning Board intent to be Lead Agency for SEQRA purposes.

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

MOTION CARRIED

Motion to schedule a public hearing.

Motion made by Craig Wagner, 2nd by Rob Whitney schedule a public hearing for Wednesday, March 11, 2020 for Scheuermann Subdivision.

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

MOTION CARRIED

MARRA – ROUTE 6 – 2-LOT SUBDIVISION –

John Fuller-Representative for Applicant

Mr. Fuller explained this application was a simple 2-lot subdivision, on Route 6 it was 3.25 acres in the IB Zone. He stated there will be a storage building on one lot for commercial use and the other currently has a single-family dwelling on, all requirements are met, there is already a highway cut but it will go to NYS DOT for review, the 2 lots will share a driveway entrance. Town Attorney asked if there would be 2 residences, Mr. Fuller answered only 1 and the other has an existing garage that will be used as a low intensity commercial use. Town Attorney further asked how much of the driveway will be shared, Mr. Fuller answered less than 20ft. Chairman questioned if there was a definition of a shared driveway, Town Attorney replied he doesn't think it specifies 2 residences but there will be a driveway maintenance agreement. Chairman asked well location for the storage building and the existing well on the residence. John Nosek went through the comments from Fusco Engineering stating that they need a letter from SHPO, there was a possible wetland noted too in the mapper, soil and perc tests needed to be witnessed and the proposed easement needs to be reviewed by Town Engineer and Town Attorney. Glen Plotsky, Town Attorney stated that **Attorney Escrow** will be **\$500** and Town Engineer, John Nosek, stated that **Engineering Escrow** will be **\$1000** the Escrow Form was filled out and signed by Town Attorney, Town Engineer and Representative for Applicant. A copy was given to each; also, a copy will be given to Escrow Manager, Danielle L Glynn and a copy will be placed in the file.

PLANNING BOARD MEETING FEBRUARY 26, 2020 continued –

MARRA – ROUTE 6 – 2-LOT SUBDIVISION – continued –

Motion to declare intent to be Lead Agency.

Motion made by Theresa Santiago, 2nd by Craig Wagner to declare Town of Deerpark Planning Board intent to be Lead Agency for SEQRA purposes.

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

MOTION CARRIED

Motion to authorize circulation on GML-239.

Motion made by Craig Wagner, 2nd by Rob Whitney to authorize the circulation of the GML-239 to required agencies.

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

MOTION CARRIED

RIVENDALE – NEVERSINK DRIVE – 20-LOT SUBDIVISION –

John Fuller-Representative for Applicant

Mr. Fuller explained this is a comprehensive project it is a 20-lot subdivision on the corner of Neversink Dr and US Route 209 that was occupied by the gas company. It will be accessed by a private road off of Neversink Dr, with a common association, each home will have its own well and it will have a community sewer system. Mr. Fuller acknowledged that most of the comments have been addressed or are in the process, studies have been done and will provide letters. Town Attorney stated that SWPPP needs to be provided, Mr. Fuller asked if intent for Lead Agency could be done tonight and then the next meeting do GML-239.

Motion to declare intent to be Lead Agency.

Motion made by Craig Wagner, 2nd by Rob Whitney to declare Town of Deerpark Planning Board intent to be Lead Agency for SEQRA purposes.

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

MOTION CARRIED

John Nosek went over the comments from Fusco Engineering regarding wetlands, endangered species, SHPO, Upper Delaware Council (UDC) review, Home Owners Association (HOA), water supply system and sanitary disposal system, landscaping, SWPPP, Orange County DPW for driveway entrance, fire department involvement, traffic study, escrow and bond setup, pump stations to have standby generators and witnessed testing for infiltration center. Al Schock asked if there is a threshold of houses that the Town has to take over the road, Town Attorney replied no but it has to be built to Town specs, John Nosek confirmed built to Town specs but privately maintained, Town Attorney added it will be part of the HOA. Dave Dean asked why the UDC would be involved, John Fuller answered possibly because of the proximity of the Neversink to the Delaware River, Town Attorney stated he would talk to Alfred Fusco and find out why.

KOA-GUYMARD TURNPIKE – SITE PLAN REVIEW –

John Fuller-Representative for Applicant

Mr. Fuller explained he has represented KOA over the last decade, there was an approval with the last owners of the campground, but a Quonset hut was built and changed the site plan. It has since been removed this would be to amend Site Plan to update ownership and to add the note to comply with the noise ordinance. Town Attorney confirmed that it was been removed there was litigation with this matter, they have complied. John Nosek asked if any new structures have been added or is it all existing. John Fuller stated all existing, the special use and site plan were under the previous owners. Town Attorney acknowledged the Town knew what was there and what was permitted and now there will be a site plan to reflect that.

PLANNING BOARD MEETING FEBRUARY 26, 2020 continued –

KOA-GUYMARD TURNPIKE – SITE PLAN REVIEW – continued –

Willard Schadt asked about the note regarding the noise. Town Attorney stated that is so the campground will operate according to the site plan and if they do not it will jeopardize their yearly campground permit for the Town and will be subject to court fines.

Motion to grant approval.

Motion made by Craig Wagner, 2nd by Rob Whitney approve application for KOA Campground contingent on fees paid.

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

MOTION CARRIED

MOTION TO APPROVE MINUTES.

Motion to Approve February 12, 2020 Minutes.

Motion made by Craig Wagner, 2nd by Rob Whitney to approve the minutes for Wednesday, February 12, 2020 meeting.

Vote 4 Ayes: Theresa Santiago, Craig Wagner, Rob Whitney, Robert Vicaretti. Willard Schadt abstained he was not present for the meeting.

MOTION CARRIED

Motion to adjourn meeting.

Motion made by Theresa Santiago, 2nd by Craig Wagner to adjourn February 26, 2020 Planning Board meeting at 9:01 pm.

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

MOTION CARRIED

Respectfully submitted by,



Amanda Gorr, Planning Board Secretary