

The Town of Deerpark Planning Board met for a BIMONTHLY MEETING on WEDNESDAY, March 10, 2021. The Meeting was held VIA ZOOM.

The following were present on the meeting:

BOARD MEMBERS PRESENT:

Robert Vicaretti-Chairman
Rob Whitney
Willard Schadt

Craig Wagner-Vice- Chairman
Theresa Santiago



APPROVED

OTHERS PRESENT:

Alfred A Fusco III-Town Engineer
Glen Plotsky-Town Attorney
David Dean-Town Councilman

Pledge of Allegiance

Meeting was brought to order at 7:01 p.m.

**NEIGHBORHOOD SELF STORAGE – ROUTE 209 -EXPANSION OF STORAGE UNITS –
Vincent Jones-Applicant**

Mr. Jones stated that his Engineer was not on yet and asked to be recalled.

KIM- THIRD STREET – WINERY –

No one present on Zoom meeting for this matter, Chairman stated they would recall.

**PINEVIEW – WHITEHEAD ROAD – SUBDIVISION –
John Fuller-Representative for Applicant**

Mr. Fuller explained that they have addressed all comments and are asking for a conditional final approval. Town Attorney acknowledged that at the public hearing there was discussion about the Local Law that requires a 500 ft buffer from Hunting Camps unless the owner consents. Town Attorney continued that the applicant had said they would be willing to consent and it will be put in the deeds. Mr. Fuller added that there was a note on the map, he shared his screen and read the note it covers right up to the property line. Town Attorney further stated that it should be placed in the deed so there is no question. Willard Schadt asked if there was a State Regulation on how far you could be from a home to discharge a firearm, Town Attorney answered it is 500ft unless there is consent from the property owner.

Motion to declare Lead Agency.

Motion made by Theresa Santiago, 2nd by Rob Whitney 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, Robert Vicaretti.

MOTION CARRIED

Motion to declare negative declaration.

Motion made by Theresa Santiago, 2nd by Craig Wagner to declare a negative declaration for SEQRA purposes.

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

MOTION CARRIED

Motion to approve application.

Motion made by Theresa Santiago, 2nd by Craig Wagner to approve subdivision for Pineview contingent on Town Attorney accepting new deeds, fees paid and Fusco Comments being satisfied.

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

MOTION CARRIED

PLANNING BOARD MEETING MARCH 10, 2021 continued –

NEIGHBORHOOD SELF STORAGE – ROUTE 209 -EXPANSION OF STORAGE UNITS – recall –

Vincent Jones-Applicant

Michael Sandor-Representative for Applicant

Mr. Sandor explained this was the Self-Storage place that is existing on Route 209, their plan is to extend the facility toward the State Road. They are still working on some things with SHPO, they will address the endangered species reports, lightening and paving will be the same as is there now, landscaping will be between the fence and the highway to soften the view of the units. He further explained that the fence will be expanded and will have security cameras and there currently is a keypad activated gate, there will also not be a new sewer. Town Engineer went through the comments SHPO sign off, Endangered Species report, show lightening and landscaping, show area of disturbance, any impacts on wetlands, certified survey needed and GML 239 will need to be done because of its proximity to Rte. 209. Town Engineer added that it meets Zoning and sees no issues. Town Attorney asked if the current fence would be moved, Mr. Sandor answered yes it will be moved to the front of the property to enclose all units. He further stated that they are available if any Board Member would like to do a site visit, he continued that there will be no effects on the wetlands and it will use the existing entrance. Town Attorney asked what the front set back would be, Mr. Sandor replied 35ft is Code and it is 66ft, Town Attorney questioned that setback for the fence, Mr. Sandor answered 40ft. Theresa Santiago asked how many new units, Mr. Sandor answered 3 in the front and 1 smaller one in the back so 4 total. Robert Whitney asked if the new units would be in the front where the church parishioners sometimes park, Mr. Jones answered yes. Robert Whitney also asked about the septic, Mr. Jones stated it is outside the fence on 209. Town Attorney explained to get new maps showing lightening and landscaping and be put on the next meeting agenda. Willard Schadt asked for clarification on the where the septic tank is located, Mr. Sandor stated he will get it.

Motion to declare intent to be Lead Agency.

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

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

MOTION CARRIED

Town Attorney stated that the Escrow Agreement needed to be signed. Glen Plotsky, Town Attorney stated that **Attorney Escrow** will be **\$750** and Town Engineer, Alfred A. Fusco III, stated that **Engineering Escrow** will be **\$1500** the Escrow Form was filled out and will be emailed to all parties for signatures. 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.

KIM- THIRD STREET – WINERY – recall –

Tim Gottlieb-Representative for Applicant

Mr. Gottlieb stated that all comments have been addressed and they are ready for an approval. Town Attorney asked if Department of Health was involved with this, Mr. Gottlieb answered no AG & Markets, Town Attorney acknowledged that it would regulated by the State then.

Motion to declare Lead Agency.

Motion made by Craig Wagner, 2nd by Rob Whitney 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, Robert Vicaretti.

MOTION CARRIED

Motion to declare negative declaration.

Motion made by Rob Whitney, 2nd by Craig Wagner to declare a negative declaration for SEQRA purposes.

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

MOTION CARRIED

PLANNING BOARD MEETING MARCH 10, 2021 continued –

KIM- THIRD STREET – WINERY – recall – continued –

Motion to approve application.

Motion made by Craig Wagner, 2nd by Rob Whitney to approve application for Kim-Winery contingent on fees paid and any additional Fusco Comments being satisfied.

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

MOTION CARRIED

CHRISTOPHER ST & NEVERSINK DR – SUBIVISION – PRE-APPLICATION –

John Fuller-Representative for Applicant

Mr. Fuller explained that this was a new subdivision the owners are the former proprietors of Equity Homes, he shared his screen to show the subdivision to the Board. He continued that it is a 28-acre parcel in total with 7 ½ acres of it across the street which backs up to the rail lines. There will be a 600ft cul-de-sac road created with 8 lots that will use and the other 3 lots will be on the other side of the road in the 7 ½ acres and will use Neversink Dr. The 8-lots are in the Neighborhood Residential (NR) and the other 3 are in the Rural Residential (RR). He continued that each will have a single-family dwelling with onsite well and septic, preliminary environmental work have been done, also soil tests have been preformed and site distance will be achieved from the road and the 3 lots where the proposed driveways are on the map, he added that the Department of Health will be involved. He went on to say that the other side of the road where the 7 ½ acres are is very rugged. Chairman Vicaretti asked if the road will be private, John Fuller stated they would like to present it to the Town for consideration, Town Attorney replied that the Town will not accept it, he then added that generally they won't but the applicant can ask. Chairman Vicaretti asked if the 3-lots will have to be cleared to allow for the homes, John Fuller answered that not totally clear cut, they plan on putting bi-level homes built into the slope. Chairman stated that it needs to be determined what the area of disturbance will be with wells, septic and the homes. Town Engineer agreed and added that it seems a few are in flood zones but all construction is outside the floodway. Theresa Santiago asked how many homes are on Christopher St now, John Fuller answered it will be a new road. Theresa Santiago asked if there was a specific number of homes that could be on a private road. Town Attorney acknowledged that his office represents the Applicant and he could prepare the deeds for this property. Willard Schadt asked about site distance, John Fuller answered no problem with site distance. Town Attorney acknowledge that a question was asked about a road maintenance agreement, he answered if it is a private road then yes one will be needed. Town Attorney stated that the Escrow Agreement needed to be signed and a formal application filed. Glen Plotsky, Town Attorney stated that **Attorney Escrow will be \$1000** and Town Engineer, Alfred A. Fusco III, stated that **Engineering Escrow will be \$2200** the Escrow Form was filled out and will be emailed to all parties for signatures. 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.

RIVENDALE – NEVERSINK DR- SUBDIVISION –

John Fuller-Representative for Applicant

Chairman asked if the maps were updated. John Fuller explained that the maps are the same, this was just responding to the extensive comments that were presented both verbal and written at the public hearing.

PLANNING BOARD MEETING MARCH 10, 2021 continued –

RIVENDALE – NEVERSINK DR- SUBDIVISION – continued –

Mr. Fuller shared his screen to briefly summarize the comments from the narrative:

- Floodplain, FEMA & Town Regulations-all will be in compliance and all structures will be built in accordance with FEMA regulations
- Protection of waters-sewage pipe will be built under a Class C stream and will require a permit from the DEC
- Historic Impact-they have done a full evaluation and it was sent to SHPO, they responded there was no impact
- Traffic Study-they did submit to the DOT and this is an existing County driveway
- Emergency Services-they have sent documents to various agencies
- Infiltration testing-done testing, lies in river valley, outstanding soils
- Proximity to Millennium Pipeline-spoke with representative and was aware of the proposed subdivision before they started the construction to replace the line.
- Orange County Department of Public Works-they have been to the site
- Orange County Department of Health-will get involved after a preliminary approval is given
- NYS DEC-they have been in contact with them before the public hearing was done
- Nature Conservancy-there are deed restrictions and a note can be put on the map for no impact in that area
- Special Use Permit-no it is in the HMU District and is a subdivision
- Stormwater-SWPP has been sent to Town Engineer and all State regulations were followed
- Further development-there will be none
- Relative to Dragon Springs-No business relationship
- Environmental Impact Study-one is required and it will be extensive

Town Attorney acknowledged a few questions that were asked one was how many were on the Zoom meeting; 13 panelists and 15 attendees. Another was asking about public access to copy of comments; in file accessible at the Town Hall. Town Engineer stated that he received the maps and narrative that day and was asking for time to review it properly. Town Attorney agreed he has not had time to review the document. John Fuller explained he wanted to get the answers to the public concerns in and then wait for comments from Board and consultants.

DEERPARK VILLAGE – WILSON ROAD – EXTENSION – DISCUSSION –

Demetris Colocassides

Harry Bakalis

Christos Anthansiou

Chairman explained there was a Zoom conference between Applicant, Town Officials and Consultants. Mr. Colocassides stated that it was a good meeting and a lot of ideas were exchanged and what the consensus was is that the project will be approved as a whole, but building permits will be issued in stages. Town Attorney gave a summary from the Zoom meeting; the plan is to adopt the full project but there are a few changes that would need to be done, certain aspects in the PPRD Zone need to be added also environmental requirements have changed, a modification of Wilson Road will need to be done i.e., Road improvement and widening. Eminent domain is the most probable way to achieve the widening of the road at the expense of the applicant. The original approval was for stages, also the road will have to be built in advance, a letter from the Town that will approve concept but could be subject to further review in the future. He continued that they will need to come back with an updated site plan showing all units, build out will be done in stages and no permit will be issued until the previous is completed. He suggested an extension for 60 days. Mr. Colocassides felt that 60 days was not enough time and asked for a 10-month extension. Town Attorney answered he didn't see a problem with a longer extension and added that the Town Supervisor also had no objection to an extended approval.

PLANNING BOARD MEETING MARCH 10, 2021 continued –

DEERPARK VILLAGE – WILSON ROAD – EXTENSION – DISCUSSION – continued –

Question was asked for the Section Block and Lot of the property, Mr. Colocassides answered it was Section 23, Block 1, Lots 32.2 & 38.8. Craig Wagner was in agreement that the extension would be to do checks and balances, to do well testing and allow for the change in the plans. Willard Schadt asked if the improvement on Wilson Road would be the entire length, Town Engineer explained that they will do a traffic study to access where the road will need to be widened. Willard Schadt then asked if it will be in both directions, Town Engineer replied he believed so. Town Attorney suggested giving a 9-month extension to keep it in the calendar year.

Motion to grant extension.

Motion made by Willard Schadt, 2nd by Theresa Santiago to grant an extension for Deerpark Village until Wednesday, December 8, 2021

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

MOTION CARRIED

MOTION TO APPROVE MINUTES.

Motion to Approve February 10, 2021 Minutes.

Motion made by Craig Wagner, 2nd by Rob Whitney to approve the minutes for Wednesday, February 10, 2021 meeting.

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

MOTION CARRIED

Chairman Vicaretti stated that he read through the minutes of the last meeting and congratulated Craig Wagner on a job well done.

Motion to Approve February 24, 2021 Minutes.

Motion made by Craig Wagner, 2nd by Rob Whitney to approve the minutes for Wednesday, February 24, 2021 meeting.

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

MOTION CARRIED

OTHER BUSINESS-

Chairman Vicaretti asked if anything had been done with the Ponds & Riodan application, he recalled there was an issue with the meets & bounds. Town Attorney stated he had a discussion with Mr. Ponds and explained what was needed in the wording.

Chairman also asked if the maps for the solar on West Peenpack were good to be signed. Town Attorney stated everything was good.

Willard Schadt asked if there was a foreseeable date when in person meetings could take place, Town Attorney answered that he believes the Town Supervisor is holding off until the State says so but is expecting sometime in April.

Motion to adjourn meeting.

Motion made by Theresa Santiago, 2nd by, Rob Whitney to adjourn March 10, 2021 Planning Board meeting at 8:41 pm.

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

MOTION CARRIED

Respectfully submitted by,



Amanda Gorr, Planning Board Secretary