

The Town of Deerpark Planning Board met for a BIMONTHLY MEETING on WEDNESDAY, MAY 12, 2021. The Meeting was held at Town Hall.

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:

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

Pledge of Allegiance

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

BERRY-VANHORN – ROUTE 42 – LOT LINE CHANGE –

No one present, will recall.

430 ROUTE 209 – PRE-APPLICATION –

John Fuller-Representative for Applicant

Mr. Fuller explained that this was the old C&D Battery property next door. The Applicant is not present he was hoping for a Zoom meeting. The new owners have had a conversation with the Supervisor, Mr. Spears, to develop the site and reuse the property. He continued that it would be light manufacturing/warehouse type of use, which is permitted in the HMU district. The building will get a full restoration, it is structurally sound, the site has been cleaned up. Chairman Vicaretti stated he was familiar with the site and the condition and asked if any demo was going to be done and if it will be removed off site. John Fuller replied that they have done asbestos testing and testing for other materials and any replacements the materials will be removed. Chairman gave a brief history of the property that the site was contaminated and a superfund was set up to clean up. Mr. Fuller acknowledged that there was an application with the DEC and have been in contact with them. Chairman asked if the Town had received notification if it has been cleaned. Town Attorney acknowledged that some inspections will be done by the Building Department and others will be through DEC. He went on to say that the Board can put conditions on the approval. He added that he has not seen any correspondence that it is cleaned, the building has been vacant for at least 30 years. Chairman stated that it is good that someone will rehab the building and get rid of an eye sore in the Town. Town Attorney confirmed he was happy to see something happening over there but advised the Board to tread lightly. John Fuller stated he understood and felt it was a good use of the property.

Glen Plotsky, Town Attorney stated that **Attorney Escrow** will be **\$2500** and John Nosek, stated that **Engineering Escrow** will be **\$4000** the Escrow Form was filled out and signed by Town Attorney, John Nosek for Fusco Engineering and John Fuller, Representative for Applicant. A copy was given to each; also, a copy will be given to Escrow Manager, Danielle L Glynn and a copy placed in the file.

HUMANE SOCIETY – 200-204 US ROUTE 209 – PRE-APPLICATION –

John Fuller-Representative for Applicant

Mr. Fuller explained that the Applicant received a grant to build a new building, much of the current buildings will be repurposed, no demos. The new building will be 40x140ft and be more modernized. He submitted preliminary renderings and also a preliminary site plan. Mr. Fuller continued that there will be a new parking area and additional parking. Town Attorney asked if all other buildings were staying and asked him to point out each building on the map, Mr. Fuller answered yes and identified each building currently on the property. Town Attorney stated that only the new building was proposed and acknowledged that he did not know all those other buildings were on the property. He asked if the owners wished to consolidate the parcels, Mr. Fuller replied that he had talked about it but if can avoid it that would be better. Willard Schadt disclosed he was on the Board of Directors a time ago for the Humane Society. Glen Plotsky, Town Attorney stated that **Attorney Escrow** will be **\$650** and John Nosek, stated that **Engineering Escrow** will be **\$2000** the Escrow Form was filled out and signed by Town Attorney, John Nosek for Fusco Engineering and John Fuller, Representative for Applicant. A copy was given to each; also, a copy will be given to Escrow Manager, Danielle L Glynn and a copy placed in the file.

PLANNING BOARD MEETING May 12, 2021 continued –

**BERRY-VANHORN -ROUTE 42 – LOT LINE CHANGE – recall –
Carl VanHorn-Applicant**

Chairman Recalled this application.

Mr. VanHorn explained that he added more land to get the setback of 37ft 1in to avoid going to the Zoning Board in the future, the septic is now listed on the map and an EAF is provided. John Nosek asked if there were time constraints with the GML-239, Chairman stated that it needed to be done, Willard Schadt stated even for a lot line change, Carl VanHorn asked if it had to be done. Town Attorney acknowledged that the Secretary pulled all lot line changes since 2015 and about 6 out of 4 were done, some should have been done but weren't. Town Attorney also stated that the footprint is not changing on Route 42, no new driveway was proposed, he continued that Law states that anything before the Planning Board that is within 500ft of a State, County or another municipality a GML-239 distribution must be done. He further stated that it is consistent of the Board to waive the public hearing, but with the 239 that would put this back on the agenda for June 23.

Motion to distribute GML-239 Review.

Motion made by Craig Wagner, 2nd by Theresa Santiago to start the GML-239 Review.

Vote 4 Ayes: Theresa Santiago, Craig Wagner, Willard Schadt, Robert Vicaretti.

1 Nay: Rob Whitney.

MOTION CARRIED

Motion to waive a public hearing.

Motion made by Theresa Santiago, 2nd by Rob Whitney to waive the public hearing.

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

MOTION CARRIED

Carl VanHorn asked if the next step would be to get the deeds, Town Attorney stated he would review them and send a letter. Town Attorney disclosed that his office will be preparing the deeds.

**ZHI – SHORE DR – 17-19 SHORE DR – LOT LINE CHANGE –
John Fuller-Representative for Applicant**

Mr. Fuller explained that he came before the Board in the fall and was referred to the Zoning Board of Appeals, these are existing nonconforming lots, it is to move a lot line because the septic goes over a property line. He continued that they went to the ZBA got the variances needed and are back now for consideration. John Nosek went through Fusco Engineering comments stating that plans need to be signed by licensed surveyor and the variances need to be put on the map. Willard Schadt asked if there was a public hearing at the ZBA meeting, John Fuller answered yes and there were no comments.

Motion to waive a public hearing.

Motion made by Craig Wagner, 2nd by Theresa Santiago to waive the public hearing.

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

MOTION CARRIED

Motion to approve application.

Motion made by Craig Wagner, 2nd by Theresa Santiago to approve the application for Zhi-Shore Dr Lot Line Change contingent on the verbiage for the variances being placed on the maps, signed by a licensed surveyor and fees paid.

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

MOTION CARRIED

PLANNING BOARD MEETING May 12, 2021 continued –

MARION SUBDIVISION – NEVERSINK DR & CHRISTOPHER ST – 11-LOT SUBDIVISION –

John Fuller-Representative for Applicant

Mr. Fuller stated that this was a pre-app from two months ago, they have now submitted a full application with escrows. He continued that this is on both sides of Neversink Dr, near the radio station. The one side will have a road with a cul-de-sac with 8 lots along with 3 lots on the other side parallel to Neversink Dr and the rail track for a total of 11 lots. This is a county road and will require a permit from Orange County. This will also need Department of Health approval. Town Attorney questioned if it was 11 or 12 lots, Mr. Fuller read the narrative into the record that this is 11 new lots with an existing dwelling. Chairman felt it was preliminary and should hold off on the GML-239, John Fuller agreed. Mr. Fuller acknowledged that he was not sure if Christopher St was private road or Town Rd, he added that he had not had a chance to look at the deeds.

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

John Fuller-Representative for Applicant

Mr. Fuller stated that it has been about a year since he was there for this application. He explained that the Applicant first came to the Board and was approved for Film Production which is an active use, then the Flea Market was approved. Now they are there for the long-term scope. The first part on this application they would like to take the two residential homes and create a catering business in the kitchens in the basement, they would sell the food offsite. The next they would like to make the first barn into a dormitory style hotel on the first floor, to support the film crew with shops and a restaurant on the second floor. He continued that he has met with the County and discussed putting in a new driveway a little further down Neversink Dr. Chairman asked what the latest plans were, John Fuller answered 9/4/2020 plans. Town Attorney stated that he wanted to make sure he had the plan and the uses already present right: the applicant would like to put a commercial catering business in the residential homes, continue the use of the offices in the one barn, continued use of arena for film production, continue the Flea Market and add a motel and shops & restaurant to the other barn. Chairman asked if they were still doing the restaurant in the arena, Mr. Fuller answered no just in the barn now. John Nosek acknowledged that there are so many uses currently that they need to define what is existing and what is proposed. John Fuller stated on the map he can provide clarity. Theresa Santiago asked if the Board had already denied for catering in the basement. Town Attorney stated that they will need a Full Environmental Review, and there is no new building so they can argue that its not segmentation and it is permitted in the zone but they are pushing the envelope. Chairman stated to his knowledge that when the houses was put there 30 some years ago, he believes deed restrictions were put on them for no other uses. Mr. Fuller stated he was not aware, Town Attorney asked for copies of the deeds. Town Attorney acknowledged that a Long Form EAF needed to be done and asked how many people would be in the dormitory hotel. Mr. Fuller answered 22 single occupancy rooms, Willard Schadt asked if it would be short-term or long-term. Town Attorney asked if it was rooms for the people working with the film production use, Chairman questioned if they were going to be staying there and using it as a legal address. John Fuller answered the questions that his understanding is that it is not permanent living, it will be transient and the Board can put stipulations. Town Attorney stated to get him the deeds to him for review and Mr. Fuller can have a discussion with the Town Engineer about the type of environmental impact it will have. He further added that this is the third change in the uses of the property and no environmental review has been done since this property was a horse farm. John Fuller asked if they just wanted the Long EAF or if a EIS was going to be needed, Town Attorney told him to ask the Town Engineer. John Nosek acknowledged to identify current use and proposed uses, get a master plan for the project. John Fuller stated that what they have proposed has come about due to the use of the water and sewer. Chairman suggested that Mr. Fuller discuss what is needed with the Town Engineer, Town Attorney told Mr. Fuller to get a master plan and amended application to make it accurate.

PLANNING BOARD MEETING May 12, 2021 continued –

RIVENDALE – NEVERSINK DR – 20-LOT SUBDIVISION –

John Fuller -Representative for Applicant

Mr. Fuller explained that in the fall there was a public hearing via zoom and back in February they came back with responses to the public comments. Chairman asked Mr. Fuller to go through the questions and responses. Mr. Fuller stated that there were 16 areas that were brought up, Chairman told Mr. Fuller to just summarize the topics. Mr. Fuller went through the responses from his office as follows:

- Floodplain – everything will be built to FEMA standards.
- Protection of Waters – They have gone through an environmental review and the DEC will be involved.
- Historic & Archeological Impact – Threaten and Endangered Species was done as part of the EAF; also, there will be signoff from SHPO required.
- Traffic Study – This was performed with NYS DOT and Orange County DPW.
- Emergency Services – submitted plans to the Huguenot Fire Dept and have accepted.
- Soil Testing – done and witnessed by Dept of Health.
- Proximity to Pipeline – The pipeline is new and Mr. Fuller spoke with representative of millennium, he stated it was installed in accordance with standards. They were aware of the subdivision when they used the lot to stage during the pipeline installation.
- Orange County DPW – someone has come out and looked at the property
- Orange County Dept of Health – The Applicant will have to submit for review the project.
- NYS DEC – Someone has addressed and there is no mitigation needed.
- Nature Conservancy – There are deed restrictions and they were in reference to the old use of the property for the protection of the Neversink River.
- Special Use Permit – This project does not require a special use permit; this is a permitted use in the HMU District.
- Stormwater – A full SWPP and SPEDES will be done.
- Further Development – Nothing further development after this subdivision.
- Relation to Dragon Springs – No correlation with Dragon Springs or the property.
- Environmental Impact Study – Not sure if one will be required.

John Nosek stated that there are environmental concerns most were addressed in the responses, a DEIS could be required. Chairman asked if a positive dec should be done. Town Attorney stated that there are concerns raised by the public and the EIS reviews various environmental concerns. He acknowledged that he did review the Home Owners Association and the maintenance of the sewer and property appears to be acceptable. John Fuller asked if just the Part 2 on the Long Form EAF could be done instead of an EIS, Town Attorney suggested that the Board could declare Lead Agency and ask Town Engineer to prepare Part 2 of the EAF Form.

Motion to declare Lead Agency.

Motion made by Theresa Santiago, 2nd by Craig Wagner to declare 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 request Part 2 of EAF.

Motion made by Craig Wagner, 2nd by Theresa Santiago to request Town Engineer to prepare Part 2 of the Long Form EAF.

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

MOTION CARRIED

Willard Schadt asked about the deed restrictions, Town Attorney asked Mr. Fuller if he has been to the property because there is supposedly a camper on the property. Mr. Fuller replied he has not been to the property recently, Town Attorney advised him to speak with the applicant. Town Attorney acknowledged that there is a restriction of AG use only for an earlier approval for a former use of the property, if so which area and is it in the part of area being disturbed, he advised that it can be modified but he needs to do research on it. John Fuller stated he will be in contact with Fusco Engineering when Part 2 is done.

PLANNING BOARD MEETING May 12, 2021 continued –

MOTION TO APPROVE MINUTES.

Motion to Approve March 10, 2021 Minutes.

Motion made by Craig Wagner, 2nd by Theresa Santiago to approve the minutes for Wednesday, March 10, 2021 meeting.

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

MOTION CARRIED

Motion to Approve April 28, 2021 Minutes.

Motion made by Rob Whitney, 2nd by Theresa Santiago to approve the minutes for Wednesday, April 28, 2021 meeting.

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

MOTION CARRIED

OTHER BUSINESS-

Chaman asked about 136 Berme Rd, the Schmidt project be stated that the form sent for DOT was blank, John Fuller stated they did get approval, Town Attorney acknowledged to send a filled in copy and copy of check.

Dave Dean stated that it was an important meeting and there is a lot of good stuff coming up.

MOTION CARRIED

Motion to adjourn meeting.

Motion made by Theresa Santiago, 2nd by, Craig Wagner to adjourn May 12, 2021 Planning Board meeting at 8:49 pm.

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

MOTION CARRIED

Respectfully submitted by,



Amanda Gorr, Planning Board Secretary