

The Town of Deerpark Planning Board met for a BIMONTHLY MEETING on WEDNESDAY, JULY 13, 2022. The Meeting was held at Town Hall.

The following were present on the meeting:

**BOARD MEMBERS PRESENT:**

Robert Vicaretti-Chairman  
Theresa Santiago



Craig Wagner-Vice-Chairman  
Rob Whitney

**BOARD MEMBER ABSENT:** Willard Schadt

**OTHERS PRESENT:**

John Nosek-Representative from Fusco Engineering  
Glen Plotsky-Town Attorney  
Al Schock-Town Councilman

Pledge of Allegiance

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

**PORT JERVIS AMBULANCE – 56 ROUTE 209 – PRE-APPLICATION –**

George Ewings-Operations Manager from Port Jervis Ambulance

Mr. Ewings handed out a packet with information regarding the history of the ambulance, the need for the building and an exterior and interior rendering of what the building could potentially look like. He continued that the current building is in the City of Port Jervis and is 65 years old. They have a bid on a piece of property on Route 209 it is about 1.5 acres and will have sleeping quarters, showers, a training center and decontamination facility. This will bring the Ambulance into current time and for the next 50 years. The cost is about \$750,000-\$1,000,000 it will be a Pole Barn type of building about 60x120. He continued that John Fuller will engineer the inside, he also explained that he knows it is in a residential area and a tree line will be there to block the view and there will be no obstructive outdoor lighting. Rob Whitney asked which road would they use as an exit, Mr. Ewings answered Orchard Lane he felt it was safer. Chairman asked if this property was directly across from the Dick's Concrete entrance, Mr. Ewings replied that it is and with the trucks entering and exiting there it would be safer to exit from Orchard. Chairman questioned the Zoning for that parcel, Secretary went to look at the map in the Building Department. Mr. Ewings questioned how they would be classified under the Town Zoning; New York State does not consider them as essential so he felt probably public use. Town Attorney suggested maybe a public service, if essential service still need Planning Board Approval. John Fuller acknowledged that the applicant does not want to invest in the property if they cannot use it for the intended purpose. Rob Whitney stated he thought it was a good idea. Secretary acknowledged that this property is in the HMU (Hamlet Mixed Use) District, Town Attorney added that at a quick glance he is not sure where to put this under. Mr. Ewings stated that is why they came to the Planning Board to make sure, the bid they put in was contingent on findings. Town Attorney acknowledged that they could come back in a couple weeks and the Board will have more information and see what's going on. Chairman stated that this matter will be tabled.

**TRIPLET LLC – JOHNSON LANE – SITE PLAN APPROVAL –**

John Fuller-Representative for Applicant

Town Attorney stated that this is off of Route 42 and years ago the Town Board put a notation for this parcel to be open and vacant. The Applicant came to Planning Board, they sent them to Town Board, Town Board sent them to the Zoning Board they removed it and now it is back before the Planning Board for Site Plan Approval. John Fuller explained that on June 8 the public hearing was closed, the comments from Fusco have been addressed; one was the clarification of soils, it is a gravel area instead of paved, and the last was waiting for New York State DOT to respond, and they stated no impact on state highway. This type of use is minimal traffic except when they bring in or take out vehicles. Noise will only be during normal business hours. He continued that revised plans were submitted on May 24. John Nosek stated that all comments are satisfied.

**PLANNING BOARD MEETING JULY 13, 2022 continued –**

**TRIPLET LLC – JOHNSON LANE – SITE PLAN APPROVAL – continued –**

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

**Vote 4 Ayes:** Theresa Santiago, Craig Wagner, Robert Whitney, Robert Vicaretti.

**MOTION CARRIED**

Motion made by Craig Wagner, 2<sup>nd</sup> by Theresa Santiago to give conditional approval contingent on fees paid to Triplet LLC.

**Vote 4 Ayes:** Theresa Santiago, Craig Wagner, Robert Whitney, Robert Vicaretti.

**MOTION CARRIED**

**HOMESTEAD – OLD FORESTBURGH & ROUTE 42 – 6-LOT SUBDIVISION –**

John Fuller-Representative for Applicant

Mr. Fuller explained that this is a 6-lot subdivision, the public hearing was held on June 8, there was some public comment. Revised plans were submitted, there are only technical issues outstanding and the one lot that fronts on Route 42 the DOT has not responded yet. Chairman asked if the newest plans were July 5 submittal, John Fuller answered yes, he continued that a wetland permit is needed because a driveway crosses over, all the Engineering issues are done. He added that once DOT and wetland approvals come back they can come back for an approval.

**GWEH LLC – BIG PONG ROAD – SITE PLAN REVIEW –**

John Fuller- Representative for the Applicant

Mr. Fuller acknowledged the applicant have been here and represented themselves at an earlier meeting, they plan to move 6 cabins and build 6 new. This is a formal application and he has received the comment letter from Fusco Engineering. John Nosek went through the letter:

- EAF Mapper shows eagle and rattle snake nests, a site inspection can be to make sure
- It is less than 1 acre of disturbance and is a replacement of existing cabins
- It is a replacement there will be no increase in runoff
- No SWPPP is required and future development will require a full SWPPP
- Construction entrance needs to be shown on the plan
- Letter to show existing utilities capacity
- Cabins that are removed need to be before an issuance of a CO for the new cabins
- The sand filter needs to be looked at

Chairman stated that the newest plans are dated July 9 and asked Mr. Fuller to go through the Site Plan. First page is the overview of the property, the existing conditions and current survey. Next is 3 acres of the Camp defined as Camp Greenkill, this has an existing entrance off of Big Pond Rd, it will have offices, a gym, the care takers house and all structures have been identified and their purpose. The next camp is called McAllister and that is not currently being used and probably won't be in the near future. Last is Telcot and that is where all the cabins are including the ones that will be removed and the 6 new ones. Chairman asked if there would be any new roads, Mr. Fuller replied all the roads are existing. He added that right now the cabins are bunk cabins and these will be upgraded and have utilities, this is to cover all basis. Town Attorney suggested that the public hearing could be scheduled for August 10 but would need to be left open for written for 239.

Motion made by Craig Wagner, 2<sup>nd</sup> by Robert Whitney to circulate the GML-239 to the required agencies.

**Vote 4 Ayes:** Theresa Santiago, Craig Wagner, Robert Whitney, Robert Vicaretti.

**MOTION CARRIED**

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

**Vote 4 Ayes:** Theresa Santiago, Craig Wagner, Robert Whitney, Robert Vicaretti.

**MOTION CARRIED**

**PLANNING BOARD MEETING JULY 13, 2022 continued –**

**GWEH LLC – BIG PONG ROAD – SITE PLAN REVIEW – continued –**

Motion made by Theresa Santiago, 2<sup>nd</sup> by Robert Whitney to schedule a public hearing for GWEH LLC Site Plan for August 10, 2022 at 7PM.

**Vote 4 Ayes:** Theresa Santiago, Craig Wagner, Robert Whitney, Robert Vicaretti.

**MOTION CARRIED**

**14 OLD COUNTRY ROAD – DISCUSSION –**

John Fuller-Representative for Applicant

John Fuller gave a brief history of the project stating that it was an old subdivision from the late 60's the Board at the time put a notation on the map calling the parcel a drainage lot. There was no documentation on why they did this or why it could not be engineered. This Board held a public hearing there were public concerns. Prior owners were denied a building permit because of the notation. John Nosek asked if soils witnessing was done yet, John Fuller answered no. John Nosek continued that soils need to be done and it needs to be shown the separation of well and septic and it needs to be engineered. He continued that usually the Town Board removes notes from the maps. Town Attorney acknowledged that the Planning Board did the original approval so it would be the same Board to remove it. He continued that Mr. Onofry attorney for the applicant gave case document and there is no explanation on the map or in the deed of the reason why the note was placed. He added that if it can be engineered he suggests that it could be removed. John Fuller stated that the original subdivision was sent to the Department of Health for approval and suggested sending it back to them for review. Town Attorney suggested that the Board make a motion to send this to the OC DOH for review.

Motion made by Theresa Santiago, 2<sup>nd</sup> by Robert Whitney to send the application and map to the Orange County Department of Health for review.

**Vote 4 Ayes:** Theresa Santiago, Craig Wagner, Robert Whitney, Robert Vicaretti.

**MOTION CARRIED**

**430 ROUTE 209 -DISCUSSION –**

John Fuller-Representative for Applicant

Berel Krug-Applicant

John Fuller explained that the Planning Board requested independent third party do a review of the project, property and applicants documents. The Town Board hired Barton and LoGuidice, the Planning Board requested that they come to meeting and speak to the findings. The Applicant would like to move forward with the site development, he has been in contact with the DEC for the involvement of the outside cleanup. Town Attorney stated that there is 2 parts to this property the exterior which the DEC is dealing with the supervision of the remediation and should be completed within the next year or so. The second is the interior, concerns had come up with the type of historical uses and the position of the Town is that they do not want to grant approval and people working there get ill due to what was produced before. The Town arranged for an environmental review to be done the information has been provided from the independent third party, they did an onsite inspection. Sebastian Reeves from Barton & LoGuidice stated he was here at request of the Planning Board to explain the findings. He continued that they are industrial hygienists. He then went through the report: They identified any remediation that had been done, they determined the existing conditions and they reviewed the facility to see if there were any new hazards. They reviewed the recommendations from the other agency to get an action plan to address lead paint and lead debris and for the mold. There had been no remediation done or abatement. Their recommendations are: Lead-The owner address with a licensed abatement to remove lead debris, use a cleanser to remove lead paint on the walls and put poly sheeting over the walls. Mold-There is mold on building structures and needs to be removed prior to renovation, there is air monitoring that can be done during renovations to make sure there is no more found. Other Things- New York State Law does not require removal of lead but does require removal of asbestos and that an asbestos surveyor be present and sample during a large-scale renovation and they recommended the debris piles be sampled as well. They suggest all materials be removed prior to renovations. There is a superfund site behind the building and DEC is directing the cleanup.

**PLANNING BOARD MEETING JULY 13, 2022 continued –**

**430 ROUTE 209 -DISCUSSION – continued –**

In the superfund it is recommended that flooring be sampled, there is universal waste, possible mercury from the light bulbs and thermometers. Before there are any occupants all recommendations should be addressed. Chairman asked if the lead-based paint and lead dust have to be remediated, Mr. Reeves answered yes by a licensed company. Chairman asked where the mold was, Mr. Reeves answered on the sheet rock and dry wall. He also asked if the applicants report shows that they tested, Mr. Reeves answered yes. Chairman suggested that before the Planning Board do anything a plan should be made and Barton and LoGuidice review the plan. Town Attorney asked how they test for PCV's, Mr. Reeves answered they drill down into the concrete. Chairman stated that the Board has one shot at this and knows the rec area is fenced in and we are leaning to the DEC for that, there were old pumps and machines that were taken there. The superfund is just for the outside, not the interior. Craig Wagner stated that there were other hazardous materials found be mentioned chromium, Mr. Reeves answered that there were a few hits but nothing substantial, if the lead is cleaned up it will take care of that too. Town Attorney asked if the cleanup should be part of the review process or contingent on a conditional approval. Mr. Reeves recommended work be completed first because other things can come up during the remediation. Mr. Krug stated that the two reports are similar and a full asbestos survey was submitted, they will be washing down the lead and the plan was reviewed by the DEC. The DEC has approval it and it was submitted to the Town and stamped by DEC in 2020. The exterior of the property the DEC is waiting on them to say ok. There will be a team visiting the site on the 28<sup>th</sup> but they are waiting for the go head. The big issue is outside, inside is not the problem, lead paint is not required to abate in commercial buildings, only residential, lead is not a problem unless ingested, building has to be renovated. Town Attorney stated that the DEC said ok but they washed their hands of the interior. Mr. Krug acknowledged that New York State says that the DEC superfund has all right to anything on site. He also stated that full scale testing will be done and an approved abatement plan would cover all concerns, but the main issue is the exterior. Mr. Reeves stated that he did not receive a remediation plan. Chairman stated he did not see a plan. Mr. Krug stated that a plan created and the DEC approved, the main concern is the lead-based paint and the plan is washing down all surfaces of the building. Town attorney suggested that they send the plans and allow for the consultants to see and decide if it is sufficient to approve. He continued that it is the Boards concern to make sure that all that come in contact with the building are safe. The Board has not received the plan the Town Engineer or consultant have not received the plan. He suggested that resubmit the plan for review. Mr. Krug asked if a site plan approval could be given with context that final approval given once remediation was complete. Town Attorney stated that Barton & LoGuidice recommended the cleanup be done first before approval because more issues could come up. Chairman stated that the Board needs an action plan for the remediation. Mr. Krug confirmed they will submit the plan. Al Schock asked if this site was a superfund, Mr. Krug answered that it is state funded. Mr. Schock then asked why it is not cleaned up yet, Town Attorney repeated what Mr. Krug said that the "DEC is waiting on us", it is superfund, why not give them the ok to do. Mr. Krug stated that he has sped up the process, he has signed the contract 6 months ago, there is a meeting on site on the 28<sup>th</sup>. Town Attorney suggested to put this back on the August 10 agenda. Chair asked if it was the 28th of July and what was the purpose, Mr. Krug answered that it was to introduce the DEC to the site. Chairman stated that he may show up and asked what time, Mr. Krug stated he was not sure but would find out.

**MOTION TO APPROVE MINUTES.**

**Motion to approve June 22, 2022 Minutes.**

Motion made by Theresa Santiago, 2<sup>nd</sup> by Robert Whitney to approve the minutes from Wednesday, June 22, 2022 meeting.

**Vote 4 Ayes:** Theresa Santiago, Craig Wagner, Robert Whitney, Robert Vicaretti.

**MOTION CARRIED**

**Motion to adjourn meeting.**

Motion made by Theresa Santiago, 2<sup>nd</sup> by, Robert Whitney to adjourn July 13, 2022 Planning Board meeting at 8:52 pm.

**Vote 4 Ayes:** Theresa Santiago, Craig Wagner, Robert Whitney, Robert Vicaretti.

**MOTION CARRIED**

**PLANNING BOARD MEETING JULY 13, 2022 continued –**

Respectfully submitted by,

A handwritten signature in black ink, appearing to read "Amanda Gorr", with a long horizontal stroke extending to the right.

Amanda Gorr, Planning Board Clerk