

The Town of Deerpark Planning Board met for a BIMONTHLY MEETING on WEDNESDAY, AUGUST 11, 2021. The Meeting was held at Town Hall.

The following were present on the meeting:

BOARD MEMBERS PRESENT:

Craig Wagner-Vice- Chairman
Rob Whitney

Willard Schadt
Theresa Santiago

BOARD MEMBER ABSENT:

Robert Vicaretti-Chairman

OTHERS PRESENT:

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



Pledge of Allegiance

Meeting was brought to order at 7:02 p.m.

DANCE STUDIO – 5 MAIN STREET – PRE-APPLICATION –

Sarah Reed

Jessica Harris

Ms. Reed explained that they currently have a dance center in the City of Port Jervis but the owner has sold the building and they need to move. Rob Whitney acknowledged this was the building that the owner wanted a generic approval for. Ms. Reed stated that the property owner is on the way, Craig Wagner declared that they can revisit this matter when the property owner arrives.

ABER – ROUTE 42 & 97 – JOHNSON LANE – NOTATION REMOVAL –

William Onofry-Attorney for Applicant

Mr. Onofry explained that he was not present at the last meeting but Town Attorney discussed the request. He continued that he represents the property owners and they are in the process of selling the parcel off of Johnson Lane. In researching this it came up that a notation was placed on the original subdivision map that it was not to be developed, he was not sure why and the owners would like to ask to have it taken off. Town Attorney acknowledged that minutes were researched and sent to all Board Members to review from 1979. Chairman Wagner stated that he read through the minutes and it seemed the concern of the residents at the time, there were multiple objections. He further stated that the minutes reflect concerns of commercial use coming in and taking over the residential area. Willard Schadt asked what the Zoning is now for that parcel, Mr. Onofry answered commercial. Willard Schadt then asked who had the right to change it, should it be referred to the ZBA for interpretation or the Town Board because they originally put the restriction on, he felt the Planning Board wasn't authorized to make the removal. Town Attorney stated that when this subdivision was first approved the one that borders Route 97 was commercial and this one that runs off of Johnson Lane was residential but since Zoning has changed, Willard stated so it is commercial now. Mr. Onofry answered yes Hamlet Mixed Use, he asked if the application could be tabled and allow him to go to the Town Board. Town Attorney stated that the Board could send this to the Town Board and they could make a decision or referral. He suggested that Mr. Onofry write a letter to the Supervisor's Office to be added to the next Town Board agenda, it will be the 1st meeting in September.

Motion to table application.

Motion made by Theresa Santiago, 2nd by Rob Whitney to table the application for Aber Notation Removal.

Vote 4 Ayes: Theresa Santiago, Rob Whitney, Willard Schadt, Craig Wagner.

MOTION CARRIED

Motion to refer to the Town Board.

Motion made by Willard Schadt, 2nd by Rob Whitney to refer the Applicant to the Town Board.

Vote 4 Ayes: Theresa Santiago, Rob Whitney, Willard Schadt, Craig Wagner.

MOTION CARRIED

PLANNING BOARD MEETING AUGUST 11, 2021 continued –

TRIPLET LLC – SLEEPY HOLLOW ROAD – LOT LINE CHANGE –

John Fuller-Engineer for Applicant

Mr. Fuller explained that this was before the Board about 2 meetings ago for a pre-application, it is a lot line change to give land to Silver Canoe for their launch site to the Delaware River. Town Attorney acknowledged that a GML-239 would need to be done due to its proximity to the River and Pennsylvania. He disclosed that the current owner is Triplet LLC and in turn is Arthur Trovei, a Town Board Member and Mr. Plotsky stated he represents Mr. Trovei personally. Chairman Wagner also stated that it is close to the Railroad as well. Willard Schadt asked if the driveway that is on the map is the one they are currently using, John Fuller answered yes, with the change it will be their own property instead of Mr. Trovei. Town Attorney added that a current lease is in place for the easement until the lot line change can go through.

Motion to declare intent to be Lead Agency.

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

Vote 4 Ayes: Theresa Santiago, Rob Whitney, Willard Schadt, Craig Wagner.

MOTION CARRIED

Motion to circulate the GML-239.

Motion made by Theresa Santiago, 2nd by Rob Whitney to distribute the GML-239 review

Vote 4 Ayes: Theresa Santiago, Rob Whitney, Willard Schadt, Craig Wagner.

MOTION CARRIED

Motion to schedule a public hearing.

Motion made by Rob Whitney, 2nd by Willard Schadt to schedule a public hearing for Triplet LLC Lot Line Change for September 22, 2021 at 7PM.

Vote 4 Ayes: Theresa Santiago, Rob Whitney, Willard Schadt, Craig Wagner.

MOTION CARRIED

DANCE STUDIO – 5 MAIN STREET – PRE-APPLICATION – revisited –

Sarah Reed

Jessica Harris

Jamie Fedorick

Mr. Fedorick stated that this is at 5 Main St in Sparrowbush, they would like to do a dance studio. Chairman Wagner stated that it fits in HMU it is a permitted use, he just needs direction. He suggested the Applicants get an Engineer to design a site plan with the intended use, Mr. Fedorick stated he has a site plan but it was for a restaurant. Town Attorney stated to change the bulk use on the map to fit in for the intended use, it will require a certain number of parking spaces, hours of operation, number of employees, it is existing so no issues with setbacks. He further stated to file an application once that is done a public hearing could be scheduled and GML-239 due to the State Highway.

491 GALLEY HILL RD – SITE PLAN REVIEW –

David Zigler-Engineer for Applicant

Mr. Zigler explained that they had been before the Board about two years ago and have now changed the plan from 3 buildings to 2 and have addressed most of the previous comments from Fusco Engineering. He stated he was there to ask for a curtain drain, he added that they have talked to all agencies involved and no one gave a definite answer. They have done some perc tests but with the drain for the Railroad and the tracks they cannot get good percs. He further stated that they have been working on some the items addressed in the current letter from Fusco Engineering and that a silt basin will be put in and then they will be able to test soils. John Nosek for Fusco Engineering stated that it is done all the time. Mr. Zigler acknowledged that he wanted to notify the Board so people did not think that were starting construction.

PLANNING BOARD MEETING AUGUST 11, 2021 continued –

491 GALLEY HILL RD – SITE PLAN REVIEW – continued –

Mr. Nosek replied that he saw no problem and went through comments from Fusco Engineering stating that several agencies will be involved including the NYS DEC, OCDOH, SHPO, the TOD Highway Department and a SPEDES permit. He felt it will need a GML-239 once the plans are further along and a letter was provided to the Town Attorney regarding segmentation. Town Attorney stated that he did review the letter and there is one principle in common between the 2 properties and believes that there is no argument of segmentation. Willard Schadt asked if any actions could be taken, Town Attorney stated nothing they have to wait to come back.

IPP SOLAR/ARTHUR TROVEI – MAPLE CREST SOLAR – MAPLE CREST DRIVE – SUBDIVISION –

John Fuller-Engineer for Applicant

Mr. Fuller explained that last month he was there for a pre-application, it will subdivide off a piece for Mr. Trovei, this was a pre-arrangement with the Solar Company when they purchased it, it will be for recreational uses for him and his family. Town Attorney disclosed that he represents Mr. Trovei. John Nosek went through the comments from Fusco Engineering stating that a short form EAF was required, also a stamp from a surveyor needs to be provided on the map, a note placed on the map because of the flood zone that allows for no construction until granted by Planning Board, and steep grade of driveway, he then asked about the access to the parcel. Town Attorney answered that it is sort of a flag lot, it is off of the private road, he also acknowledged that he has been to the property and is not sure of the grade, he felt the lot should be tested to make sure it is buildable. Mr. Nosek stated he will withdraw comment #4 and is ok with #5 because it is an existing right-a-way but will add that a perc test needs to be done. Willard Schadt asked why the right-a-way was only 25ft, he thought 50ft was the minimum, Town Attorney stated that Highway Superintendent has been there and was found acceptable. Willard Schadt asked if the Solar Array Application would change, Town Attorney stated that they are not moving the array because of subdivision, Willard Schadt stated that the property total acreage will be different with the subdivision, should they submit a new map, Town Attorney stated that it can be addressed next with that application. He further stated that he was not sure about GML-239 the parcel is more than 500ft from Route 209 but the Private Road connects to US Route 209. Willard Schadt stated that there is time, it wouldn't hurt.

Motion to declare intent to be Lead Agency.

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

Vote 4 Ayes: Theresa Santiago, Rob Whitney, Willard Schadt, Craig Wagner.

MOTION CARRIED

Motion to circulate the GML-239.

Motion made by Theresa Santiago, 2nd by Rob Whitney to distribute the GML-239 review

Vote 4 Ayes: Theresa Santiago, Rob Whitney, Willard Schadt, Craig Wagner.

MOTION CARRIED

Motion to schedule a public hearing.

Motion made by Rob Whitney, 2nd by Theresa Santiago to schedule a public hearing for IPP Solar Maple Crest LLC/Arthur Trovei Subdivision for September 22, 2021 at 7PM.

Vote 4 Ayes: Theresa Santiago, Rob Whitney, Willard Schadt, Craig Wagner.

IPP SOLAR MAPLE CREST LLC- MAPLE CREST DR – SOLAR ARRAY – AMENDMENT –

Joseph Hens-Engineer for Applicant

Mr. Hens explained that back in March of 2020 they were approved for a 5 MW solar array, they started to move into the construction phase and the Applicant, Maziar Dalaeli was advised of slope issues. This is in the same footprint, they just need to do some flattening of the slope but the limits of disturbance are the same and will not affect their SPEDES permit, plus the DEC has been notified of the change. He continued that they are looking for guidance to either move forward or amend the site plan or re-apply. Chairman Wagner asked Mr. Nosek for his opinion, he stated that it could be handled through the Building Department and just to submit an updated erosion and settlement plan with the building permit, he felt it was less of an impact than before.

PLANNING BOARD MEETING AUGUST 11, 2021 continued –

IPP SOLAR MAPLE CREST LLC- MAPLE CREST DR – SOLAR ARRAY – AMENDMENT – continued –

Town Attorney acknowledged that Maziar was present at the last meeting and asked if it was just a field change and he stated that he would defer to the Board. Chairman Wagner stated he felt it was just a revision and asked if a motion was needed. Town Attorney answered, no just file amended maps with the Building Department. Willard Schadt stated that he withdrew his comments about the amended subdivision maps.

MOTION TO APPROVE MINUTES.

Motion to July 28, 2021 Minutes.

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

Vote 4 Ayes: Theresa Santiago, Rob Whitney, Willard Schadt, Craig Wagner.

MOTION CARRIED

OTHER BUSINESS-

Theresa Santiago asked about the corner of Route 42 and Wilson Rd, Secretary, Amanda Gorr stated that a Stop Work Order was placed and then a violation was issued on the property.

Theresa Santiago also asked about Rio Dam Road and the gentleman with the trees in his yard, Secretary, Amanda Gorr stated that they have also received a violation.

Motion to adjourn meeting.

Motion made by Theresa Santiago, 2nd by, Rob Whitney to adjourn August 11, 2021 Planning Board meeting at 8:10 pm.

Vote 4 Ayes: Theresa Santiago, Rob Whitney, Willard Schadt, Craig Wagner.

MOTION CARRIED

Respectfully submitted by,



Amanda Gorr, Planning Board Secretary