

The Town of Deerpark Planning Board met for a BIMONTHLY MEETING on WEDNESDAY, AUGUST 31, 2021 at 7PM. The Meeting was held at Town Hall.

The following were present on the meeting:

BOARD MEMBERS PRESENT:

Robert Vicaretti-Chairman

Craig Wagner-Vice- Chairman

Theresa Santiago

BOARD MEMBERS ABSENT: Willard Schadt, Rob Whitney

OTHERS PRESENT:

John Nosek-Fusco Engineering

Glen Plotsky-Town Attorney

Pledge of Allegiance

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

DANCE STUDIO – 5 MAIN STREET – SITE PLAN REVIEW –

John Fuller-Engineer for Applicant

Linda Fedorick-Property Owner

Sarah Reed-Applicant

Jessica Harris-Applicant



APPROVED

John Fuller explained that last meeting they came for a pre-application and stated they needed to get out of their Port Jervis site, they already have an approval for a septic system by the Department of Health for a restaurant. Chairman asked if that information was on the site plan, John Fuller answered yes. Mr. Fuller continued that there is a time constraint and would like the GML-239 and public hearing to be scheduled. John Nosek went through the comments from Fusco Engineering, the septic system was approved already by the Orange County Department of Health (OCDOH) for considerably higher design flows so there should not be a problem with this intended use. He added that due to the decreased usage that the lowest level of chlorination testing will probably be needed. He further stated the parking that is currently shown on map might not be enough and to avoid over flow onto Main St, maybe a contingency plan for how the students get picked up, staggered intervals are a possibility and a pavement walkway and if any additional landscaping is requested it needs to be placed on the map. Ms. Fedorick explained she has spoken with the OCDOH and they did discuss periodical water testing and have taken a sample 2 days ago and will have it tested. John Nosek asked that the results be provided. Chairman asked about the parking space issue, John Fuller stated he believes it meets Zoning and stated that a staggered format could be used. He added that he believes it will probably be lower, a lot of families have more than one child in the class and/or car pool. Chairman asked if they will be staying while the students are in class, Sarah Reed stated that the parents are not allowed in the building. John Nosek stated that skewed parking would be the best no more than 10 parents at one time. Chairman asked if that had to be on the site plan, John Nosek stated it could be part of the conditional approval. John Fuller acknowledged they are pressed to get in the building, Ms. Reed stated they cannot have classes until they can get in the new building. Craig Wagner stated they could go to the Building Department and go in and do renovation at their own risk. Town Attorney stated they can install things to get started but the changes have to go to the Building Department. John Nosek stated that the County is turning reviews out quicker and the public hearing can be done on September 22 and if the County response is in then action can be taken if not the public hearing could be left open for written comment.

**Motion to circulate the GML-239.**

Motion made by Craig Wagner, 2<sup>nd</sup> by Theresa Santiago to distribute the GML-239 review

**Vote 3 Ayes:** Theresa Santiago Craig Wagner, Robert Vicaretti.

**MOTION CARRIED**

**PLANNING BOARD MEETING AUGUST 11, 2021 continued –**

**DANCE STUDIO – 5 MAIN STREET – SITE PLAN REVIEW – continued –**

**Motion to schedule a public hearing.**

Motion made by Craig Wagner, 2<sup>nd</sup> by Theresa Santiago to schedule a public hearing for 5 Main Street Dance Studio for September 22, 2021 at 7PM.

**Vote 3 Ayes:** Theresa Santiago Craig Wagner, Robert Vicaretti.

**MOTION CARRIED**

**SINCLAIR GAS STATION – ROUTE 6 – SITE PLAN ADJUSTMENT –**

Warren Post-Contractor Representative

Thomas Ritman-Owner's Representative

Mr. Ritman stated that they have an approval for new diesel pumps, but in the process for a building permit they realized they forgot the canopy over the pumps. Chairman asked if it was an amended site plan. Mr. Post explained that actual drawing will be forthcoming from the canopy company, but showed a rendering of what it will look like. Chairman asked if the drawings were sent to Fusco Engineering, Secretary replied that she sent an email with the information to Alfred Fusco and Carol in the office. John Nosek asked why it was not on the original application, Mr. Post answered it was an afterthought, it is to protect the pump, it will match the existing one that is over the gas pumps. Chairman asked about setbacks. Town Attorney asked if it would be taller than existing, Mr. Post answered yes but will have same logo and same banding. Chairman acknowledged that the Town Engineer would need to review and give a response. Town Attorney stated that a public hearing could be waived, John Nosek stated he will look at the Code. Town Attorney suggested this be put on the agenda for the next meeting. Mr. Ritman asked if specs for the canopy was needed and a new site plan, John Nosek answered yes to both.

**DEMARCO – LIME KILN ROAD – LOT IMPROVEMENT SUBDIVISION –**

William Onofry-Representative for Applicant

Mr. Onofry stated that this was a straight forward application, both are less than one acre, both are pre-existing non-conforming lots. Chairman acknowledged that both were non-conforming and this was not creating a non-conforming lot. John Nosek stated that it is eliminating an encroachment, they will not meet current zoning, he sees no issues. Town Attorney confirmed that it is starting with 2 non-conforming and ending with 2 non-conforming, he continued that the Board rarely requires and public hearing for a lot line change and the Board could approve contingent on his review of the deeds, Engineers approval of maps and fees paid.

**Motion to waive the public hearing.**

Motion made by Craig Wagner, 2<sup>nd</sup> by Theresa Santiago to waive a public hearing for DeMarco Lot Line Change.

**Vote 3 Ayes:** Theresa Santiago, Craig Wagner, Robert Vicaretti.

**MOTION CARRIED**

**Motion to approve application**

Motion made by Craig Wagner, 2<sup>nd</sup> by Theresa Santiago to approve the application for DeMarco Lot Line Change contingent on Town Attorney's review of the deeds, Town Engineer review of the maps and fees paid.

**Vote 3 Ayes:** Theresa Santiago, Craig Wagner, Robert Vicaretti.

**MOTION CARRIED**

**430 ROUTE 209 – ROUTE 209 – DISCUSSION –**

John Fuller-Representative for Applicant

Mr. Fuller explained that the Applicant was planning on being present at the last meeting but it was cancelled and he could not make this meeting. He continued that the last time they were there a long informative work session took place, outlining the DEC role in the cleanup. There was an email chain that was sent to all the Board members to allow them to reach out and communicate with the DEC.

**PLANNING BOARD MEETING AUGUST 11, 2021 continued –**

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

A permit was issued to the DEC to allow them to clean up outside, he added it is a 2-step process one; cleaning of the stream and two; work on the site. He continued that there are issues with the building and clarity on what will be done and when, the DEC is open to talk with the Town to discuss. Mr. Krug asked to be put on the agenda to show there is a process in place to start the cleanup and move forward. He continued that a road map is in place to proceed and the applicant has no problem retaining an environmental specialist to do testing on the building but believes a report was done and submitted to the Building Department some time ago. Chairman stated that this is a huge project and acknowledged that the site needs to be totally cleaned before an approval can be given. Town Attorney explained that there are 2 issues first is the indoors which is the buildings and a discussion needs to be made to an appropriate professional to tell what is going on and if there any concerns of chemicals. The second is the outdoors and the stream/lagoon and the dirt that's being handled through the DEC. He continued that all harmful substances need to be capped off the site needs to be safe, but it needs to come from someone that knows what they are talking about, until the building is remedied safe no approval will be given and external will wait for DEC. Chairman asked if the applicant has already done a study, John Fuller answered yes and asbestos and lead paint was found inside. Town Attorney stated that the Town Engineer will rely on who prepared the document. John Nosek asked if a copy of the report could be sent to Fusco Engineering and they will decide who can review. Town Attorney asked to be kept informed on the outdoor clean up moving forward. John Fuller acknowledged that JSL did the report and is sure it was sent to Alfred Fusco III and Building Department. Town Attorney stated that an environmental specialist may take their own samples.

**UPPER DELAWARE COUNCIL – SHANNON CILENTO – PRESENTATION –**

Secretary, Amanda Gorr explained that Ms. Cilento emailed and could not make this meeting and asked to be rescheduled for September.

**MOTION TO APPROVE MINUTES.**

**Minutes tabled until next meeting, no quorum.**

**Motion to adjourn meeting.**

Motion made by Theresa Santiago, 2<sup>nd</sup> by, Craig Wagner to adjourn August 31, 2021 Planning Board meeting at 8:07 pm.

**Vote 3 Ayes:** Theresa Santiago, Craig Wagner, Robert Vicaretti.

**MOTION CARRIED**

Respectfully submitted by,



Amanda Gorr, Planning Board Secretary