

The Town of Deerpark Planning Board met for a BIMONTHLY MEETING on WEDNESDAY, AUGUST 9, 2023. The Meeting was held at Town Hall 420 Route 209.

The following were present on the meeting:

**BOARD MEMBERS PRESENT:**

Robert Vicaretti-Chairman  
Rob Whitney

Willard Schadt  
Theresa Santiago

**BOARD MEMBER ABSENT:** Craig Wagner-Vice-Chairman

**OTHERS PRESENT:**

Glen Plotsky-Town Attorney  
Scott Buchholz -Representative from Fusco Engineering  
David Dean-Town Councilman  
Alan Schock-Town Councilman



Pledge of Allegiance

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

**300 EDDY FARM RD – PRE-APPLICATION –**

Joseph Hoehmann -Representative for Chinese Christian Herald Crusades, Inc

Mr. Hoehmann stated that they would like to put five units, like park model trailers on the property. This will be where the old dormitory was, it will be on a temporary basis. It is a retreat center now and he said that the Department of Health stated that they are covered for the trailers in regards to the septic. This is so they do not have to open a whole building. Town Attorney asked if these were RV's, Chairman asked if it were mobile homes. Joe Hoehmann answered kind of it still has the wheels on it. Town Attorney asked if it was a manufactured home or mobile home, Mr. Hoehmann replied that manufactured the wheels are still on but it doesn't have to be. Town Attorney stated that he would have to research because he thought they were only allowed in the Manufactured Home Parks. Mr. Hoehmann acknowledged that they are RV models, Town Attorney stated that they are not staying for a length of time, it is on private property, maybe a private campground. He asked what Zone it was in, Al Schock stated it looked like HMU (Hamlet Mixed Use) Town Attorney confirmed that campgrounds are permitted in that zone but not in the RRC (Recreational River Corridor), but motels/hotels are permitted in both Districts. Rob Whitney questioned if they would have their own septic and water, Mr. Hoehmann stated they would use onsite existing systems. Town Attorney asked the size of the property, how many acres, Mr. Hoehmann answered 80 acres or so. Town Attorney also asked how many trailers, Mr. Hoehmann replied five. Town Attorney stated that research would have to be done on was the current site plan is approved for if it is a camp/conference center than in the definition it says overnight use is allowed. Rob Whitney asked if the models would be placed on concrete pads, Mr. Hoehmann answered yes he would imagine so they will be staying there. Town Attorney suggested to have a second pre-application to allow for Secretary to research and have this on the agenda for the first meeting in September.

Motion made by Rob Whitney, 2<sup>nd</sup> by Theresa Santiago to allow for a second pre-application meeting on September 13, 2023.

**Vote 4 Ayes:** Theresa Santiago, Robert Whitney, Willard Schadt, Robert Vicaretti.

**MOTION CARRIED**

**1149 SOLAR ARRAY – 1149 US ROUTE 209 – SOLAR SITE PLAN – PRE-APPLICATION –**

Maziar Dalaeli-IPP Solar Associate-Representative for Property Owner  
Joe Hens-Ingalls & Associates, LLP-Representative for Applicant  
Robert Honders-Property Owner

Town Attorney acknowledged that this is not ground mount solar this is a commercial solar array; ground mount is for private homes. Mr. Dalaeli gave out a map of the project then stated that he or Mr. Hens could answer any questions. Mr. Hens stated that this is a commercial system where part of the property is part in the RR (Rural Residential) District and part in HMU. The system will be 18.5 MW, it will have a porous stone access drive with a 6ft high fence. He continued that not much of the array will be visual, the lot itself is surrounded by trees, SWPPP (StormWater Pollution Prevention Plan) will be done and SEQRA action should be a Type 1 and a long for EAF(Environmental Assessment Form) will be submitted with the application.

**PLANNING BOARD MEETING AUGUST 9, 2023 continued –**

**1149 SOLAR ARRAY – 1149 US ROUTE 209 – SOLAR SITE PLAN – PRE-APPLICATION – continued –**

Willard Schadt asked where it was on Route 209, Mr. Honders stated it was North on 209 in Cuddebackville, opposite the pond and old D&H canal. He stated that it was a 50ft strip that widens out, the lot is shaded and it will not be seen from the road or other properties. Town Attorney asked that when the full site plan is done to use different colors on that site plan, the current colors make it hard to read the words. Mr. Honders stated that he has already cleared a lot of trees on the property. Willard Schadt asked how wide the space is between panel sets, Mr. Hens replied he had to check but he thought it was about 100ft. Town Attorney acknowledged that it is HMU and it is contiguous with and owned by same owner than they can ask to change the RR to HMU. He also suggested they contact the School District and Orange County and the Town will require a PILOT (Payment In Lieu Of Taxes) agreement. Mr. Dalaeli stated that this was 5 parcels that were combined to one, Town Attorney stated in another words that the parcel is one large lot that overlaps into a RR District. Mr. Dalaeli answered that it is and there are 4 systems if they need to they can subdivide. Rob Whitney asked about setbacks if they did subdivide, Mr. Hens suggested they could go to the ZBA (Zoning Board of Appeals) Town Attorney answered yes but it would be a limited variance with conditions.

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

Ryan Fellenzer-Representative for Applicant

Mr. Fellenzer stated that there was a response since the last meeting from the OCDPW (Orange County Department of Public Works) regarding the traffic study. They have submitted for storm water and NOI (Notice of Intent) to the DEC (Department of Environmental Conservation). The letter from the DPW stated that there was no issue with the traffic study and had a few technical comments. He felt they have responded to all the comments from Fusco's Office. They are requesting a conditional approval contingent on the SPDES (State pollutant Discharge Elimination System) permit and OCDOH (Orange County Department Of Health) approval. Chairman stated there was still correspondence needed from DOT (Department Of Transportation) and questioned the response from the County. Mr. Fellenzer stated that they will comply will all County comments, he has been in contact with Kate Schmidt. Chairman asked with all the ongoing operations how they would phase in construction and will they be using a separate construction entrance and how it will affect current uses. Mr. Fellenzer answered that there are currently two entrances off of Neversink Dr., and the project will not be built all at once or immediately and they will use the least amount of impact to the current uses. Chairman asked if there was an egress plan to access the area where the WWTP (WasteWater Treatment Plant) will be. Mr. Fellenzer replied that there is an emergency access off of Route 209 that will be used for the WWTP. Town Attorney acknowledged that the Board asked for total review on everything that New Century wanted to do on the property, but they did not request to build in phases. New Century needs to take out a permit within 6 months of approval but it would be up to the Building Department to decide how they wanted to do the phasing of the projects. Chairman asked about responses from the NYS DOT (New York State Department of Transportation), Mr. Fellenzer stated they have reached out a number of times and Mr. Nosek from Fusco Engineering as well with no response. The traffic study shows ~~there will not be that much of an impact to US Route 209 and there are no entrances off of Route 209, this could be part~~ of the conditional approval. Town Attorney stated that the conditions of approval would be NYS DOT, OCDOH,, WWTP being constructed before other aspects are done, the applicant has made an effort and has reached out to all agencies involved. Mr. Fellenzer added that besides OCDOH they need the SPDES permit from DEC and OCDPW sign off, to start moving forward and cannot get any permit or a Certificate of Occupancy until those agencies sign off. Town Attorney suggested that the Board take action under SEQRA and declare this a Type 1 action. He went on to say that intent was declared plans went to all agencies through the GML-239 and have received comments back from everyone except DOT. Mr. Fellenzer added that the County did respond to GML-239. Town Attorney stated that after the vote for SEQRA is done then the approval will incorporate all the agencies comments. He further stated that Fusco Engineering and John Nosek have reviewed all comments made and there are no negative impacts, a Long Form EAF was submitted and reviewed.

Motion made by Theresa Santiago, 2<sup>nd</sup> by Rob Whitney to declare a negative declaration under SEQRA and this project as a Type 1 action.

**Vote 4 Ayes:** Theresa Santiago, Robert Whitney, Willard Schadt, Robert Vicaretti.

**MOTION CARRIED**

**PLANNING BOARD MEETING AUGUST 9, 2023 continued –**

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

Willard Schadt acknowledged that there were too many conditions and asked if something could be drafted up with everything so nothing was forgotten in the approval, and a vote can be taken at the next meeting. Town Attorney replied that one of the consultants will draft the conditions of approval and then it can be something that will be given to the applicant as well. Willard Schadt stated that he liked that idea. Mr. Fellenzer added that any Fusco Engineering comments that were left would also be added to that list. Town Attorney stated he would send it to the Board for review. Chairman asked if it could be sent via email, Town Attorney answered yes but no one can reply to all, because if they do it makes it a meeting. Chairman stated to put the conditions in their mailboxes and they will pick them up and review, if there is no issued it will be voted on at the next meeting.

**MOTION TO APPROVE MINUTES**

**Motion to approve July 26, 2023 Minutes.**

Motion made by Rob Whitney, 2<sup>nd</sup> by Theresa Santiago to approve the minutes for Wednesday, July 26, 2023 meeting.

**Vote 4 Ayes:** Theresa Santiago, Robert Whitney, Willard Schadt, Robert Vicaretti.

**MOTION CARRIED**

**OTHER BUSINESS**

Chairman acknowledged that he was glad to be back and appreciates everyone for carrying the torch in his absence and he is good to go and on the mend.

**Motion to adjourn meeting.**

Motion made by Theresa Santiago, 2<sup>nd</sup> by Rob Whitney to adjourn August 9, 2023 Planning Board meeting at 7:59 pm.

**Vote 4 Ayes:** Theresa Santiago, Robert Whitney, Willard Schadt, Robert Vicaretti.

**MOTION CARRIED**

Respectfully submitted by,



Amanda Gorr, Planning Board Clerk