

The Town of Deerpark Planning Board met for their bi-monthly meeting on WEDNESDAY, MAY 8, 2019 at the Deerpark Town Hall, 420 US Route 209, Huguenot, NY.

The following were present:

**BOARD MEMBERS PRESENT:**

Bob Vicaretti-Chairman  
Theresa Santiago  
Willard Schadt

Craig Wagner-Vice Chairman  
Rob Whitney

**OTHERS PRESENT:**

Town Engineer-Alfred A. Fusco Jr.  
Town Attorney-Glen Plotsky  
Dave Dean-Town Councilman  
Al Schock-Town Councilman

Pledge of Allegiance

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

491 GALLEY HILL RD – PRE-APPLICATION –  
Called and cancelled prior to meeting.

D'ARCY – 46 OLD PLANK ROAD – GROUND MOUNTY SOLAR –  
Adam Cherkin-Representative for Applicant, Empire Solar

Mr. Cherkin stated that there were 7 comments from the last meeting from Fusco Engineering that have been addressed. Town Engineer confirmed that he reviewed the resubmittal and there is screening shown, the ballast system is acceptable and they are satisfied with the drawings.

**Motion to circulate GML-239.**

Motion made by Theresa Santiago, 2<sup>ND</sup> by Craig Wagner to circulate GML-239 to involved agencies

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

**MOTION CARRIED**

**Motion to schedule a public hearing.**

Motion made by Theresa Santiago, 2<sup>ND</sup> by Rob Whitney to schedule a public hearing for June 12, 2019 at 7pm for D'Arcy Solar.

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

**MOTION CARRIED**

LITTLE POND SOLAR – 181 WHITEHEAD ROAD – SOLAR ARRAY –  
Kevin Kohlstedt-Representative for Applicant, Cypress Creek Renewables

Town Engineer went through the comments from Fusco Engineering:

- EAF is corrected
- Meeting on 5/17/2019 regarding decommissioning and PILOT
- Statement from Applicant that no Atlantic White Cedar observed onsite, may need DEC concurrence
- SHPO correspondence received, giving relief in areas not being disturbed
- Talks with United States Army Corp of Engineers and NYSDEC about jurisdiction of wetlands
- Waiting for correspondence from DEC regarding SWPPP
- Waiting for decision from ZBA regarding fence variance

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**LITTLE POND SOLAR – 181 WHITEHEAD ROAD – SOLAR ARRAY – continued –**

Chairman asked if there was a buffer on DEC wetlands, Town Engineer stated 100ft but could get an access permit to go across the wetland. Town Attorney acknowledged that the Applicant went to the ZBA, there is a public hearing scheduled for Thursday, May 16 for the fence variance and has deferred the environmental review to the Planning Board and that is why they were on the agenda for tonight's meeting. Mr. Kohlstedt asked about the arch culvert pipe, he added that it is not until the building process that the design criteria is submitted, Town Engineer stated that they need to be added to the plans for review. He also asked about the decommissioning bond, Town Attorney stated there are 3 ways of handling it, one is a cash deposit, another is a letter of credit and the last is a fidelity bond.

**Motion to declare Lead Agency.**

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

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

**MOTION CARRIED**

**Motion to schedule a public hearing.**

Motion made by Craig Wagner, 2<sup>ND</sup> by Theresa Santiago to schedule a public hearing for June 12, 2019 at 7pm for Little Pond Solar.

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

**MOTION CARRIED**

**PORT JERVIS ELKS LODGE – ROUTE 6 – PUBLIC HEARING –**

David Henderson-Representative for Applicant, John Fuller's Office

Kevin Keane-Representative for Elks Lodge

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Mr. Henderson explained that he talked with the DOT and they have no comments. Bob Vicaretti stated that the County sent comments about redesigning the parking lot, Mr. Henderson stated that there is already a clear access out of the parking lot. Town Attorney added that the Board can either follow or ignore the comments, a majority plus one was not needed to override the comments. Town Engineer stated that they are satisfied, a copy of the lease was presented and the activities are minimal.

**Motion to close public hearing.**

Motion made by Theresa Santiago, 2<sup>ND</sup> by Craig Wagner to close the public hearing.

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

**MOTION CARRIED**

**Motion to approve.**

Motion made by Craig Wagner, 2<sup>ND</sup> by Theresa Santiago to approve application for Port Jervis Elks Lodge contingent on fees paid.

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

**MOTION CARRIED**

## Planning Board Minutes-May 8, 2019-continued-

### DRAGON SPRINGS – 140 GALLEY HILL RD – PUBLIC HEARING –

Town Attorney acknowledged that this was held open for written comment, all emails and letters received by 7pm tonight have been printed but not distributed. He continued that he will read them from oldest to newest and start off with #20 as it was left off with #19 at the Public Hearing on April 10, 2019

- Exhibit #20-Letter from Susan Corbett dated April 12, 2019 received April 12, 2019
- Exhibit #21-Letter from Dorothy Karmolinski received April 17, 2019
- Exhibit #22-Email from Anne Prather dated April 21,2019 received April 22, 2019
- Exhibit #23-Email from Jim Luan dated April 18, 2019 received April 22, 2019
- Exhibit #24-Letter from Edward L'Estrange dated April 20,2019 received April 24, 2019
- Exhibit #25-Email from Daniel Ulrich dated April 28,2019 received April 29, 2019
- Exhibit #26-Email from Tim Sun dated April 27, 2019 received April 29, 2019
- Exhibit #27-Email from Sunny Chao dated April 27, 2019 received April 29, 2019
- Exhibit #28-Email from Suzanne Miller dated April 30, 2019 received April 30, 2019
- Exhibit #29-Email from Qishun Liu dated May 1, 2019 received May 1, 2019
- Exhibit #30-Letter from George Keller dated May 1, 2019 received May 1, 2019
- Exhibit #31-Email from Angela Lee dated May 3, 2019 received May 3, 2019
- Exhibit #32-Letter from Dusanka Marusic dated April 15, 2019 received May 3, 2019
- Exhibit #33-Email from Arlene Richards dated May 3, 2019 received May 6, 2019
- Exhibit #34-Letter from Dave Colavito dated May 1, 2019 received May 6, 2019
- Exhibit #35-Letter with multiple signatures dated April 24, 2019 received May 7, 2019
- Exhibit #36-Letter from Shirley Hu with multiple signatures dated May 5, 2019 received May 7, 2019

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- Exhibit #37-Letter with multiple signatures dated April 24, 2019 received May 8, 2019
- Exhibit #38-Letter from Jin Bin Lo dated May 4, 2019 received May 8, 2019
- Exhibit #39-Letter from Haiqun Chi dated May 5, 2019 received May 8, 2019
- Exhibit #40-Letter from Simon & Kate Vereshaka dated May 6, 2019 received May 8, 2019
- Exhibit #41-Letter from Jame Donlin dated May 7, 2019 received May 7, 2019
- Exhibit #42-Email from Albert & Alice Roman dated May 7, 2019 received May 8, 2019
- Exhibit #43-Email from Mary Hook Silver dated May 7, 2019 received May 8, 2019
- Exhibit #44-Email from Shujia Gong dated May 7, 2019 received May 8, 2019
- Exhibit #45-Email from Matt Hildebrand dated May 7, 2019 received May 8, 2019
- Exhibit #46-Email from Christine Parker dated May 7, 2019 received May 8, 2019
- Exhibit #47-Email from S. Bronwen dated May 7, 2019 received May 8, 2019
- Exhibit #48-Email from Angela Vetanen dated May 7, 2019 received May 8, 2019
- Exhibit #49-Email from Dung & Vivian Nguyen dated May 7, 2019 received May 8, 2019
- Exhibit #50-Email from Abraham Long dated May 8, 2019 received May 8, 2019
- Exhibit #51-Email from Daniel Noll dated May 8, 2019 received May 8, 2019
- Exhibit #52-Letter from Alex Scilla with Mid-New York Environmental & Sustainability Committee received May 8, 2019
- Exhibit #53-Letter from Ruskin Moscou & Faltishek PC dated May 7, 2019 received May 8, 2019
- Exhibit #54-Email from Jessica Tingle dated May 7, 2019 received May 8, 2019
- Exhibit #55-Letter from Ben Smith received May 8, 2019
- Exhibit #56-Email from Jianjiang Ye dated May 1, 2019 received May 8, 2019

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DRAGON SPRINGS – 140 GALLEY HILL RD – PUBLIC HEARING – continued –

- Exhibit #57-2 Letters from Paul Kuhn dated May 8, 2019 received May 8, 2019
- Exhibit #58-Letter from Sarah Mink & Roger Burch dated May 8, 2019 received May 8, 2019
- Exhibit #59-Email from Birch Hunting Club dated May 8, 2019 received May 8, 2019
- Exhibit #60-Email from Matthew Kutolowski dated May 8, 2019 received May 8, 2019
- Exhibit #61-Email from Dusanka Marusic dated May 8, 2019 received May 8, 2019
- Exhibit #62-Letter from NY Chapter of Backcountry Hunters and Anglers dated May 8, 2019 received May 8, 2019
- Exhibit #63-Email from Noel Malsberg dated May 8, 2019 received May 8, 2019
- Exhibit #64-Letter from Deerpark Rural Alliance dated May 8, 2019 received May 8, 2019
- Exhibit #65-Email from Kai Yen dated May 8, 2019 received May 8, 2019
- Exhibit #66-Letter from Maryallison Farley dated May 8, 2019 received May 8, 2019
- Exhibit #67-Letter from Sona Mason from NY-NJ Trail Conference dated May 8, 2019 received May 8, 2019
- Exhibit #68-Letter from Grace Woodard dated May 8, 2019 received May 8, 2019
- Exhibit #69-Comments from Fusco Engineering dated May 8, 2019 received May 8, 2019

Town Engineer went through the comments from Fusco Engineering stating that if the Board chooses a Supplemental EIS (Environmental Impact Statement) could be done. He continued that a similar issue was raised with another applicant but if they feel there is enough information than the Applicant can move to the Final EIS.

### **Motion to close public hearing.**

Motion made by Theresa Santiago, 2<sup>ND</sup> by Craig Wagner to close the public hearing.

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

**MOTION CARRIED**

Chairman Vicaretti stated that no harm would be done by asking for it, Willard Schadt asked if discharge & water supply could be added to the Supplemental EIS to make sure there is no affect on neighboring properties. Craig Wagner asked about As Built, Town Engineer stated that some was submitted but it was not enough to be complete.

### **Motion to authorize the supplemental EIS.**

Motion made by Craig Wagner, 2<sup>ND</sup> by Theresa Santiago authorize a supplemental EIS and water taking report be done for Dragon Springs Buddhist Inc.

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

**MOTION CARRIED**

### **OTHER BUSINESS –**

Dave Dean asked about the fire fighting ability at Dragon Springs and that talk with fire companies should be done, Town Attorney acknowledged that they are part of the process. Chairman added that it was about 2-3 years ago. Dave Dean asked if there is liability on the Town if the firefighting apparatus is not capable of handling the fire. Town Attorney stated no the Fire Chief of the district and 911 Coordinator can go up to the site for inspections, Chairman stated that it was done like 3 years ago maybe the Planning Board should touch base and have them do another site inspection there could have been a change since last time.

**Planning Board Minutes-May 8, 2019-continued-**

MOTION TO APPROVE MINUTES.

**Motion to Approve April 10, 2019 Minutes.**

Motion made by Theresa Santiago, 2<sup>nd</sup> by Craig Wagner to approve the minutes for Wednesday, April 10, 2019 meeting.

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

**MOTION CARRIED**

**Motion to Approve April 24, 2019 Minutes.**

Motion made by Theresa Santiago, 2<sup>nd</sup> by Craig Wagner to approve the minutes for Wednesday, April 24, 2019 meeting.

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

**MOTION CARRIED**

**Motion to adjourn meeting.**

Motion made by Theresa Santiago, 2<sup>nd</sup> by Craig Wagner to adjourn May 8, 2019 Planning Board meeting at 8:04 pm.

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

**MOTION CARRIED**

Respectfully submitted by,

A handwritten signature in blue ink, appearing to read "Amanda Gorr", is written above a horizontal line.

Amanda Gorr, Planning Board Secretary