

TOWN OF DEERPARK PLANNING BOARD - JULY 22, 2015

The Deerpark Planning Board met for their bi-monthly meeting on Wednesday, July 22, 2015 at 7:00 pm at the Deerpark Town Hall, 420 US Route 209, Huguenot, NY. The following were present:

BOARD MEMBERS:

Bob Vicaretti-Chairman  
Mike Hunter  
Willard Schadt

Craig Wagner- Vice Chairman  
Theresa Santiago

ABSENT BOARD MEMBERS: Tom Faggione

OTHERS:

David Dean, Town Councilman, Town Board Liaison  
Alan Schock, Town Councilman  
Glen Plotsky, Town Attorney  
Al Fusco Jr., Town Engineer - Fusco Engineering

Pledge of Allegiance

MARTELL SUBDIVISION-Glen Plotsky stated that the agent for the applicant, Tim Gottlieb requested the extension via letter and after speaking to Mr. Gottlieb and with Chairman Vicaretti it was agreed that they would not have to be present for the meeting. Since then, there has come to be a dispute with the Escrow accounts, Glen Plotsky recommended that Planning Board grant an extension 2-3 days following the first meeting in August to allow the property owner to discuss and address the Escrow issue with the Town Engineer and then have a representative present at next meeting.

**Motion to approve extension for Martell Holdings for 30 days for review of Escrow by Applicant and Fusco Engineering**

Motion made by Mike Hunter, 2<sup>nd</sup> by Theresa Santiago to approve extension for 30 days.

**Vote 5 Ayes:** Theresa Santiago, Craig Wagner, Mike Hunter, Willard Schadt, Bob Vicaretti

**2 Absent:** Steven Weiner, Tom Faggione

**MOTION CARRIED**

Glen Plotsky asked Planning Board to choose either August 13, or August 27 for review of Escrow issues.

**Amendment of Motion to approve extension for Martell Holdings until August 27, 2015 for review of Escrow by Applicant and Fusco Engineering**

Modified Motion made by Mike Hunter, 2<sup>nd</sup> by Theresa Santiago to approve extension to August 27, 2015.

**Vote 5 Ayes:** Theresa Santiago, Craig Wagner, Mike Hunter, Willard Schadt, Bob Vicaretti

**2 Absent:** Steven Weiner, Tom Faggione

**MOTION CARRIED**

## Planning Board Minutes – July 22, 2015

### MINISTERIO NUEVA VIDA INTERNATIONAL, INC (NEW LIFE MINISTRIES) PRE-APPLICATION-

Randy Koffel-Legal Representative for Applicant

John Fuller-Engineer for Applicant

John Fuller explained that the 40 acre parcels formally known as Paradise Farms have been vacant for a many number of years and the 7 buildings shown on the plan are all existing structures. The first parcel is 30 acres on one side of 209 and the other is 10 on the other side of road. The Applicant is a religious group based out of Long Island with 400 parishioners. They purchased the property with the intention to use as a religious retreat/conference center/campground. The property is listed as Hamlet Mixed Use (HMU) all plans are permitted uses in the Zone under Planning Board Approval. John Fuller indicated that the former owners attest that the water and sewer are in working order but they will be tested and will probably be under Department of Health Regulations too. He also stated that because of the amount of people coming to property they will more than likely be bused or use vans to transport them to site, lowering the amount of traffic in and out.

Al Fusco questioned the campground part of it because the Town has separate licenses for RV parks and such and that there needs to be something stated to separate that because there will probably not be RV's or tents on property more dormitory style. Also need to show parking for buses on site plan for that intended use, and water and sewer systems. He also questioned if DOT permits were going to be needed. Mr. Fuller stated that no new driveways were going to be put in but a DOT review could be done.

Bob Vicaretti questioned the Hours of Operation, Lights and Noise (Movies/Concerts etc.), John Fuller stated that it will be year round use predominately on weekends and summertime.

Al Fusco asked if there was going to be a place of worship in one of the buildings, Mr. Fuller stated yes. Mr. Fusco asked to make mention on map which building will be used for it as it is a permitted use in zone.

Bob Vicaretti asked if the applicant was going to file for a religious exemption to make it tax exempt, Randy Koffel stated yes.

Al Fusco stated to classify use as a Camp instead of Campground to eliminate the question of tents and RV's and a conference center/retreat to get all uses on application. He also questioned how or where the crossing on 209 is going to be, Mr. Fuller stated that there is no designated site. Willard Schadt stated the safest spot should be indicated on map. Mr. Fuller stated that the camp will have their own staff help with crossing. Willard Schadt questioned if maybe a reduction in speed limit there, Mr. Fuller stated the state will probably lean more to require signage instead.

Bob Vicaretti asked about the underground storage, John Fuller stated that it is a root cellar.

John Fuller also stated that there is an open building permit to clean up the property and repair some of the buildings which they are working on.

Bob Vicaretti asked if the septic and well are up to code, Mr. Fuller stated that it needs to be identified and tested and check with Health Department. He does believe there is multiple septic.

Glen Plotsky stated that Attorney Escrow will be **\$750** and Al Fusco Jr. stated that Engineering Escrow will be **\$1,500**.

## Planning Board Minutes – July 22, 2015

### ORANGE & ROCKLAND UTILITIES – PHASE II - DEERPARK 69KV SUBSTATION –

Representatives for Orange and Rockland:

Erik Denege-Project Manager

Diego Morales-Principal Engineer

Mark Licari-Senior Electrical Engineer

Mike Homenick– Senior Civil Engineer

Alan Lipman- Attorney

Mr. Denege explained that about a year ago Orange and Rockland came before the Planning Board with a preliminary sketch of the Phase II Substation. He further stated that projected start of construction is for September 2016 and a plan to energize the Substation for Fall 2017.

Glen Plotsky stated that in the packet given by applicant a variance is going to be required for the Building Height, ordinarily Planning Board would deny the application and send it to the Zoning Board of Appeals. Mr. Lipman stated that O&R are not sure whether a variance will be needed all studies are not completed yet. If there is one needed it will not be a significant variance. Mr. Plotsky just wanted them to be aware of the possibility that it could hold up the process if a variance is needed. Mr. Denege stated that the variance if needed would only be a 5ft variance but in about 2-3 months the definite height of the building will be determined, he feels strongly that the variance could most likely be avoided. Mark Licari stated that this Substation will help out the 6,500 customers in the Deerpark area to improve restoration time due to outages.

Mike Homenick stated that the driveway is a permitted DOT temporary driveway but it will become the permanent driveway and they will be making an application to DOT for the permanent driveway. The fenced in area with building will take up just under an acre of land. He explained any oil that does by chance leak out from the transformers, a rock barrier will be made to stop the oxygen from getting to it and igniting. Also there will be concrete that has a powder in it that will solidify the oil when it reaches it. There are two wetlands on the property one toward the back and the other toward the right. Mr. Homenick went onto discuss the security system that will be in place, there will be an 8ft chain link fence erected. All security cameras will be monitored 24/7 from an outside office with a two-way loud speaker on the premises. Also he stated there will be infra-red cameras outside the station that will be running at night and thermal cameras inside the building. In place will also be motion detector cameras. Theresa Santiago questioned if there was a backup system for the security in case of a power outage, Mr. Licari stated that there is DC battery backup. Mike Homenick explained that the lights will not be on in or around the building all night only when there is a crew there. There will be a once a month inspection and other than that except if there is an outage that will be the only traffic in and out of the Substation.

Al Fusco Jr. discussed the comments made by his office, he read it into record. A copy will be placed in the file. Mr. Homenick addressed a few of the comments starting with #8 on Fusco Engineering comments sheet regarding a Fire Department knox box, Mike Homenick stated that he met with Fire Chiefs from the local Fire Departments and stated that the fire departments are to maintain the fire to the fence line, Orange and Rockland will be first inside because an energize substation is potentially very dangerous. Mr. Homenick also addressed #14 on Mr. Fusco comment sheet regarding an Inspection Escrow for the Building Inspector, he stated They have on Orange and Rockland have their own Construction Management Crew on site for inspections and that they have inspections at every step of the process, but are happy to have the Building Inspector present and can make all findings available for review. Al Fusco Jr. stated he just wanted to have Building Department involved to make sure site plan in followed.

Willard Schadt wanted to thank Orange and Rockland for their informative presentation he wished all other applicants came with that much information.

**Planning Board Minutes – July 22, 2015**

DICK’S CONCRETE (PJ QUARRY) – DEERPARK WEST INDUSTRIAL PARK –

Jim Ullrich- Representative for Dick’s Concrete (PJ Quarry) from Alpine Environmental Consultants

Jim Ullrich explained the proposed plan is to redevelop the 67 acres site in an Industrial District (I1) zone and to construct a 570, 636 square foot building. This plan is Step 1 to start the SEQRA process to establish thresholds. This is early in the process and could have a potential subdivision of the 67 acres. Mr. Ullrich further stated that access will be off of Route 209 and only the access to City of Port Jervis will be used in an emergency.

Bob Vicaretti asked if Al Fusco Jr. wanted to go through the recommendations from Fusco Engineering. Al Fusco read it into record. A copy will be placed in the file.

Al Fusco stated that the application looks good just needs more detail. Jim Ullrich stated that some of the studies are already underway, and there will still be a few months before they are back in front of Planning Board.

Mr. Ullrich also explained that because of where the building will be erected there will not be much landscaping that will be needed.

Theresa Santiago questioned if any of the land was in the City of Port Jervis. Mr. Ullrich stated that they own property in the City but any traffic through that part will only be in case of an emergency.

MESSIAH CHAI INC. –

Mrs. Batsheva Elkeslasi Representative for Messiah Chai, Inc.

Bob Vicaretti stated that the revised plan is in and a public hearing needs to be scheduled. Glen Plotsky corrected Mr. Vicaretti stating that a Public Hearing was already held on this matter and now it was ready for approval. Al Fusco stated that his office had no comments and recommend approval of the project. Bob Vicaretti questioned whether the Planning Board declared themselves lead agency for SEQRA purposes, Mr. Plotsky stated that he does not remember but to do it again just to be sure. He further stated that the public hearing was held in January of 2014 and held up because one of the consultants was delaying a document for Planning Board Approval.

Glen Plotsky suggested that the Planning Board declare themselves Lead Agency and declare a Negative Declaration. Mr. Vicaretti asked if all fees are current and paid. Glen Plotsky stated that everything is current as of right now.

**Motion to declare the Town of Deerpark Planning Board Lead Agency for SEQRA.**

Motion made by Craig Wagner, 2<sup>nd</sup> by Mike Hunter to declare Planning Board Lead Agency.

**Vote 5 Ayes:** Theresa Santiago, Craig Wagner, Mike Hunter, Willard Schadt, Bob Vicaretti

**2 Absent:** Steven Weiner, Tom Faggione

**MOTION CARRIED**

**Motion to approve amended plans for Messiah Chai, Inc. contingent on all fees being paid.**

Motion made by Mike Hunter, 2<sup>nd</sup> by Theresa Santiago to approve amended plans for Messiah Chai, Inc.

**Vote 5 Ayes:** Theresa Santiago, Craig Wagner, Mike Hunter, Willard Schadt, Bob Vicaretti

**2 Absent:** Steven Weiner, Tom Faggione

**MOTION CARRIED**

**Planning Board Minutes – July 22, 2015**

DRAGON SPRINGS R10-1, R10-2, R10-3, R10-4 –

Representative: Johnathan Lee New President of Dragon Springs

R10-1 is a Meditation Hall; R10-2 is a Music Hall; R10-3 is a combination of a parking lot relocation, proposed parking structure, relocation of preapproved shed, fire gazebo relocation, temporary construction shed; R10-4 Waste Water Treatment Plant.

Bob Vicaretti questioned if this is a new application, Al Fusco stated yes he believed it was. Mr. Vicaretti stated that if it is a new application any data that comes in should be dated newer than the new application. Mr. Lee stated that they bundled everything together under one application which was requested by DEC and Planning Board, this is a new submission for all applications and all applications are the same as before this is not a new application it is revised plans. Mr. Plotsky stated that from his understanding this is the whole plan now not a new application, Dragon Springs is applying for the same thing but now it's everything all together. Willard Schadt stated this is a consolidated application and we will be approving all not each individually. Glen Plotsky stated yes and any revisions will be on whole application as one instead of each individual, this was done to address DEC stated concerns. Craig Wagner questioned that after a SEQRA review is done if Dragon Springs comes back down the line and wants to add to that same site plan. Mr. Plotsky stated that is something that needs to be addressed with this if this is the last of the building on the property.

Johnathan Lee stated that the majority of the building is done maybe a few small temporary buildings such as a shed or gazebo or a fountain the land he feels is maxed out. Glen questioned his definition of small temporary building because the last small temporary building was 50,000 sq ft., he just wanted to make sure that everyone is on the same page. Mr. Lee stated that his definition of small is small anything else will come to Planning Board for review.

Johnathan Lee questioned the letter from the Fire Chief that wants to schedule an appointment to come up and take a look at site. Glen Plotsky stated that is a big concern for Planning Board and that before a public hearing is scheduled that needs to be taken care of. Al Fusco read into record the comments and recommendations from his office. A copy will be placed in the file. Mr. Fusco stated that the Planning Board needs to establish Lead Agency for the overall combined project. Glen Plotsky agreed, and also a 239 GML review so Planning Board should declare Lead Agency to start the GML process.

**Motion to start GML 239 Review.**

Motion made by Mike Hunter, 2<sup>nd</sup> by Craig Wagner to start the 239 GML Review.

**Vote 5 Ayes:** Theresa Santiago, Craig Wagner, Mike Hunter, Willard Schadt, Bob Vicaretti

**2 Absent:** Steven Weiner, Tom Faggione

**MOTION CARRIED**

**Motion to declare the Town of Deerpark Planning Board Lead Agency for SEQRA.**

Motion made by Theresa Santiago, 2<sup>nd</sup> by Mike Hunter to declare Planning Board Lead Agency.

**Vote 5 Ayes:** Theresa Santiago, Craig Wagner, Mike Hunter, Willard Schadt, Bob Vicaretti

**2 Absent:** Steven Weiner, Tom Faggione

**MOTION CARRIED**

## Planning Board Minutes – July 22, 2015

### DRAGON SPRINGS CONTINUED -

Bob Vicaretti questioned if all fees are up to date, Glen Plotsky stated that Engineering Escrow is fine but Attorney Escrow is a mess right now. Johnathan Lee questioned what happens next, Glen Plotsky stated that as long as the paperwork is turned in to the Engineers to start the GML Process by Friday, July 24, 2015 then the project will be on the August 26, 2015 Agenda and hopefully the Planning Board will hear back from the fire department by then.

Bob Vicaretti questioned why the Greenhouse is still on the EAF form that was dropped. Al Fusco stated he seen a new EAF form, but nothing in with new site plans. Johnathan Lee stated that a new one was submitted. Glen Plotsky asked Mr. Lee to bring the new EAF with 10 copies to distribute to the Planning Board.

### LETTER FROM DEC REGARDING MINING OPERATION IN HUGUENOT –

Bob Vicaretti stated he received a letter from the DEC regarding the mining operation in Huguenot, this is basically for our review because the DEC is Lead Agency. Glen Plotsky stated that the Town Board made some comments and they were sent to DEC to review but this was just a courtesy letter to Planning Board.

### APPROVAL OF APRIL 8, APRIL 22 AND MAY 13 MINUTES –

#### **Motion to Approve April 8, 2015 Minutes.**

Motion made by Mike Hunter, 2nd by Craig Wagner to Approve April 8, 2015 Minutes.

**Vote 5 Ayes:** Theresa Santiago, Craig Wagner, Mike Hunter, Willard Schadt, Bob Vicaretti

**2 Absent:** Steven Weiner, Tom Faggione

**MOTION CARRIED**

#### **Motion to Approve April 22 2015 Minutes.**

Motion made by Craig Wagner, 2nd by Mike Hunter to Approve April 22, 2015 Minutes.

**Vote 5 Ayes:** Theresa Santiago, Craig Wagner, Mike Hunter, Willard Schadt, Bob Vicaretti

**2 Absent:** Steven Weiner, Tom Faggione

**MOTION CARRIED**

#### **Motion to Approve May 13, 2015 Minutes.**

Motion made by Craig Wagner, 2nd by Theresa Santiago to Approve May 13, 2015 Minutes.

**Vote 5 Ayes:** Theresa Santiago, Craig Wagner, Mike Hunter, Bob Vicaretti

Willard Schadt abstained because he was not present for meeting.

**2 Absent:** Steven Weiner, Tom Faggione

**MOTION CARRIED**

### OTHER BUSINESS –

Bob Vicaretti stated that Steven Weiner is leaving the Planning Board he has not submitted a letter of resignation as of yet

Bob Vicaretti questioned when we have to approve an extension is there any way we can add a fee for that. David Dean, stated that can be looked into.

David Dean stated that he has a few things to discuss one there is a new Planning Board Secretary, Amanda Gorr. Second is exciting news about the new Substation from Orange and Rockland this will generate revenue for town. Also Dragon Springs he hears good reports from Supervisor Spears about Mr. Lee and his cooperation. Mr. Dean has great concern about if there was a significant fire on the site he does not believe that the Town Fire Departments have the apparatus to fight it. He feels the County Fire Coordinator should be a part of the visit with Cuddebackville Fire Department too.

**Planning Board Minutes – July 22, 2015**

**Motion to Adjourn Meeting.**

Motion made by Mike Hunter, 2nd by Theresa Santiago to Adjourn Meeting at 9:16 p.m.

**Vote 5 Ayes:** Theresa Santiago, Craig Wagner, Mike Hunter, Willard Schadt, Bob Vicaretti

**2 Absent:** Steven Weiner, Tom Faggione

**MOTION CARRIED**

Respectfully Submitted By,

Amanda Gorr, Planning Board Secretary