

The Town of Deerpark Planning Board met for their bi-monthly meeting on WEDNESDAY, JUNE 28, 2017 at 7:00 pm at the Deerpark Town Hall, 420 Route 209, Huguenot, NY. The following were present:

**BOARD MEMBERS PRESENT:**

Robert Vicaretti –Chairman

Theresa Santiago

Rob Whitney

Craig Wagner- Vice-Chairman

Willard Schadt

**BOARD MEMBER ABSENT:** Mike Hunter

**OTHERS PRESENT:**

Glen Plotsky – Town Council

Alfred Fusco III, Fusco Engineering for Town

David Dean – Town Councilman

Al Schock – Town Councilman

Meeting was brought to order at 7:03 pm

Pledge of Allegiance

**THE SENTINEL AT PORT JERVIS – ASSISTED LIVING – 2247 GREENVILLE TURNPIKE –**

Eric Newhouse-Applicant

Mr. Newhouse explained that when they were before the Board back in April they asked for a conditional approval contingent on the write off from the Department of Environmental Conservation and the Department of Health. He continued that they plan on closing on the property in 2 weeks and it has taken more time than anticipated, along with a lapse in the DEC application. He further stated that they went to get the building permit but without the write offs from DEC and Department of Health they can't so they are back for an amended approval, The New York State Department of Health that regulates the facility wants well testing but they have to shut down the hotel and it is currently occupied. Chairman Vicaretti restated what Mr. Newhouse explained stating that the Planning Board granted conditional approval and went to get building permit and were told no because they did not comply with the conditional approval; so they are back to get the conditional approval amended, because the New York State Department of Health want another well and the building is currently occupied and they would have to shut down the building but they are not the owners yet. Chairman Vicaretti stated he was turning it over to Legal Counsel for direction, Mr. Plotsky acknowledged that the closing is in 2 weeks and what the applicant is talking about does not affect the approval, and once they own it they can start a well but the Planning Board does not regulate conditions for Certificate of Occupancy. Eric Newhouse stated that they were looking to get permit to start work, Mr. Plotsky acknowledged that as soon as they are the owner they can get the Demo Permit, Al Fusco III confirmed that a Demo Permit could be given but to get the Permit to fix anything they need the write offs from DEC and Health Department.

**GARY BUTLER – FRANKE RD – AMENDED 2-LOT SUBDIVISION –**

Gary Butler-Applicant

Mr. Butler explained that the black top on both the driveways on the plans is to be removed and the revised plans were submitted. Chairman Vicaretti stated that 2 maps were submitted today and the Town Engineer did not get a chance to review the maps thoroughly. Al Fusco III confirmed that he did get a chance to look at the site plans but the driveway entrance is 15 feet and the town requires 16 ft, he also stated that a copy of the permit for the driveway would be needed. Town Attorney stated along with a copy of the maintenance agreement, Mr. Butler stated that it was in the original application. Town Attorney further added that a copy of the easement and maintenance agreement needed to be provided for review.

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**DAN TARALLO – 52 WILSON RD – 3-LOT SUBDIVISION –  
Tom Ward-Ward Engineering  
Dan Tarallo-Applicant**

Mr. Ward explained that he was here earlier in the year with a preliminary sketch and Mr. Fusco asked for more and he is back now with the new sketch and is asking for a public hearing. Alfred Fusco III went through the comments from Fusco Engineering that there was less soil than he would like to have and he prefer to witness the deep perk test. He further explained that the site distance on lot 3 is not enough and then questioned about the endangered species report. Tom Ward asked that it be waived, Mr. Fusco asked if he had done the DEC Mapper, Mr. Ward answered that it was completed and attached to the EAF form. Mr. Fusco also stated that Lot 3 exceeds 1 acre of disturbance, Mr. Ward acknowledged that he will put a note on the map and continued saying that it will stay vacant for years. Tom Ward stated that the new owner must file when decides to develop the land and a note will be placed on the map to that decree. Town Attorney stated that Planning Board could waive the DEC Mapper but there is something there and that the Board would like to know what it is. Mr. Ward also stated that the wetlands on the property are delineated and there will be an archeologist signoff with the SHPPO. Dan Tarallo stated that this project was started 10 years ago and in talking with the Building Inspector, he had stated that this was a minor 3-lot subdivision, the wetlands have already been delineated, he continued that he has been in the community for 17 years and this is for his family to enjoy, the 3<sup>rd</sup> lot will stay vacant, Lot 2 will be for himself and his wife and all of the lots will go into his Estate. Chairman Vicaretti asked if a GML-239 needed to be done, Mr. Fusco answered no that parcel is far enough away from a state road. Chairman then asked if the Planning Board could be libel for not doing a habitat study, Town Attorney if something pops up with the EAF (Environmental Assessment Form) yes the Planning Board could be libel. Mr. Plotsky acknowledged that if the applicant can identify the environmental impact and figure out what is endangered than the Mapper could be waived, Mr. Ward stated he would contact the DEC and find out what species is endangered. Willard Schadt questioned if the deep pit test is essential because they are such large lots, Mr. Fusco replied that the design of the septic is needed for approval and also Orange County demands to have on the map to do the review, Mr. Plotsky added that the Board asks for it to make sure there is no non-buildable lots created. Town Councilman, Al Schock asked how it can be changed, Town Attorney answered change the Zoning Law. Mr. Schock then questioned if the waiver on the DEC Mapper is realistic or is it mandated by the State, Town Attorney answered that in Part 3 of the EAF there is a part regarding that and if investigated it can be legally waivable.

**SKYLEX LLC – 447 ROUTE 209 – SITE PLAN – PROPOSED OFFICE FOR COMIC BOOK BUSINESS –  
John Fuller-Engineer for Applicant**

Mr. Fuller stated that he had come before the Board last month for a pre-application with the owner, Mr. Trovei plans to put a building on his property for his mail order comic book business. He continued that he needs to get in contact DOT (Department of Transportation) for the driveway off of Route 209, and also stated that there is less than an acre of disturbance. Mr. Fusco went over the comments from Fusco Engineering, starting with soil testing, and New York State DOT application is required for site distances, also there is a typo on the map with a referral to Town of Wawayanda and the building height needs to be displayed on the map. John Fuller explained that the building is similar to a pre-engineered steel building with a 16ft eave height, 1 ½ stories tall. Chairman Vicaretti questioned if there would be any signage, Mr. Fuller replied no signs but if anything it will be in accordance with the Town Ordinance, he continued that there will not be any customers coming into the building, it's all mail order. Chairman also asked about landscaping, Mr. Fuller answered yes. Willard Schadt questioned what the interior would look like, Mr. Fuller answered office space, warehousing unfinished shelving, and open vaulted ceilings. He continued that the largest delivery trucks would be box trucks no tractor trailers. Willard Schadt asked why C&D Batteries was on the DEC Mapper, John Fuller replied because of the ground water contamination from there. Chairman Vicaretti asked about any endangered species, Mr. Fuller answered more than likely the rattle snake because they are near Big Pond Road.

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**SKYLEX LLC – 447 ROUTE 209 – SITE PLAN – PROPOSED OFFICE FOR COMIC BOOK BUSINESS – continued –**

**Motion to authorize a GML-239 Review.**

Motion made by Craig Wagner, 2<sup>ND</sup> Rob Whitney by to authorize the 239-GML review.

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

**MOTION CARRIED**

**Motion to Declare Town of Deerpark Planning Board Lead Agency.**

Motion made by Craig Wagner, 2<sup>ND</sup> by Rob Whitney to declare 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 Theresa Santiago, 2<sup>ND</sup> by Craig Wagner to schedule a Public Hearing for Skylex LLC on August 9, 2017.

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

**MOTION CARRIED**

**NEW CENTURY FILM – 517 NEVERSINK DRIVE –**

**John Fuller-Engineer for Applicant**

Mr. Fuller stated that he had been before the Board back in April for a preliminary conference, he continued that this map focuses on the short term and will discuss the long term intentions. He further stated that the applicant wants to get the property up and running, the long term intentions are 2-3 years out; which includes a film studio, 40 rooms and a restaurant and possibly a hotel but right now the septic cannot support the long term. He added that the current application is to maximize the occupancy based on the current septic; they will use the 2 residential houses, the 1<sup>st</sup> barn as office space, the large building or the Arena will eventually be a film studio but for now it will be a multi-use building. Mr. Plotsky stated that in his opinion the Board was trying to stay away from segmented reviews, John Fuller acknowledged that it was phasing not segmenting and this is to define what they are capable of using the property as it stands. Chairman asked why the applicant could not put on the map the proposal of what they want to do. Town Attorney stated that if the applicant wishes to do it this way a note needed to be placed on the map that the Environmental Review start from the beginning with a new application, and that it would be looked at as a whole and not just the new use or building. Mr. Fuller confirmed that he would agree with that and stated that it would be difficult to put all proposed ideas because some may never be done but sees no problem with a note on the map that future development is subject to the environmental review. Alfred Fusco III went through the comments from Fusco Engineering stating that occupancies need to be further explained and posted, they need to define the multiuse of the building to get an idea for parking and sewage use, also dye testing and if there are any changes in the layout. John Fuller stated the Arena was used for equestrian purposes and concerts so they are limited to the sewage availability which according to the Health Department is 100 people, but if they were to have a single event an application would be taken out for it and appropriate measures would be taken regarding the sewage. Mr. Fuller also stated that he can provide the layouts of the buildings, Mr. Fusco asked about the other barn and its intended use, John Fuller replied it will only be for storage for the owner and that the building is part of the second phase. The Architect for the Applicant stated that they will keep the seating in the arena but the floor is dirt and they would like to replace that will hardwood for indoor sports for practice and such. Chairman Vicaretti asked if it would be open to the public, the answer was yes. Mr. Fusco stated that a new driveway permit will be needed from DOT and John Fuller answered yes they plan on moving the driveway, Applicant Peter Wei stated that it looks better and the position of it is part of their culture. John Fuller stated that current driveway would be removed. Town Attorney asked if they would be keeping the Neversink Drive access, John Fuller answered yes,

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NEW CENTURY FILM – 517 NEVERSINK DRIVE – continued –

Chairman Vicaretti questioned site distances, John Fuller replied that vegetation will be removed, Alfred Fusco acknowledged that product used for the driveway needs to be on the map. Mr. Fusco added that a copy of the plans need to be submitted to the Fire Department, and a note needs to be placed on the map that there will be no residential use except for the 2 houses and any work needs a building permit. Chairman Vicaretti stated that a site visit needs to be done; Town Attorney added that 3 Members can go, Willard Schadt questioned if they were limited one site visit, Town Attorney answered No they can go more than one time to the site. Craig Wagner stated that a new EAF form needs to be submitted with the changes; Mr. Plotsky confirmed that it will need to be resubmitted with changes.

**Motion to authorize a GML-239 Review.**

Motion made by Craig Wagner, 2<sup>ND</sup> Theresa Santiago by to authorize the 239-GML review.

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

**MOTION CARRIED**

**Motion to Declare Intent for the Town of Deerpark Planning Board to be Lead Agency.**

Motion made by Craig Wagner, 2<sup>ND</sup> by Rob Whitney to declare intent for 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 APPROVE MINUTES.**

**Motion to approve June 14, 2017 Minutes.**

Motion made by Theresa Santiago 2<sup>nd</sup> by Craig Wagner to approve Wednesday, June 14, 2017 minutes.

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

**MOTION CARRIED**

**OTHER BUSINESS –**

Dave Dean questioned how Mike Hunter was doing, Theresa Santiago replied she had seen him recently and he is doing very well.

Chairman Vicaretti asked about the request to sign the Paragon Maps, Alfred Fusco III stated that they reviewed them and are fine with them.

Willard Schadt questioned about Sauschuck, Secretary Amanda Gorr answered that he was supposed to be on this agenda but John Fuller stated that he was not ready to come back yet; Willard Schadt stated that he needs to be on the Agenda to see what is going on because he is still using the equipment and property without the approval.

Town Attorney, Glen Plotsky stated that it has come to the attention of himself and the Town Engineer that Oakland Valley Raceway has expanded their track and their use without Planning Board Approval and he suggested that a notice be sent out for them to remedy and come back to the Planning Board.

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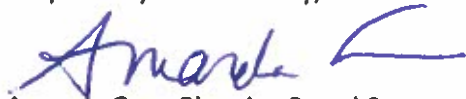
**Motion to adjourn meeting.**

Motion made by Theresa Santiago, 2<sup>nd</sup> by Craig Wagner to adjourn Wednesday, June 14, 2017 meeting at 8:49 pm.

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

**MOTION CARRIED**

Respectfully submitted by,



Amanda Gorr, Planning Board Secretary

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