

**DEERPARK PLANNING BOARD - DECEMBER 12, 2012 - PAGE #**

The Deerpark Planning Board met for their bi-monthly meeting on Wednesday, December 12, 2012 at 7:00 p. m at Deerpark Town Hall, 420 Route 209, Huguenot, N.Y. The following were present:

**BOARD MEMBERS**

Al Schock, Chairman  
Mike Hunter

Theresa Santiago  
Bob Vicaretti

Willard Schadt  
Craig Wagner

**OTHERS**

Mr. Alfred A. Fusco, Jr., Town Engineer  
Mr. David Dean, Town Board Liaison  
Mr. John Fuller, Civil Engineer

Mr. Glen A. Plotsky, Town Attorney  
Mrs. Diane Milczarzyk, Applicant  
Rev. Erik Hossann, Applicant

**THE PLEDGE OF ALLEGIANCE****Soar Like An Eagle Ministries – Pre-Application Conference**

Represented by Diane Milczarzyk & Rev. Erik Hossann 672-0294

Owner/ Carmela Mercrl Applicant/ Soar Like an Eagle Ministries wishes to hold church services in a vacant building located at 1302 Route 42, Sparrowbush It is an RR Zone.

Section – Block – Lot = 2 – 1 – 39

Ms. Milczarzyk showed a diagram of the building, and said that it was built in 1880 as a church, and is now vacant and does have running water and sewer and drains and a working furnace. She indicated the location on the diagram, which is at the intersection of Route 42 and Hartwood Club Road.

Bob Vicaretti asked when they would be meeting?

Rev. Hossann answered Sunday mornings, and maybe Thursday nights for mens fellowship.

Mr. Plotsky told the applicant that he would have to apply through the Planning Board, for a special use permit, and he would have to show some kind of contract with a port-o-john company, because an outhouse is not acceptable in 2012.

Rev. Hossann said that the building does have electric and forced air heat. He said that the building was originally a church, and then the owner had used it for a business, before it became vacant. He said that the owner does have a survey map, but it is in another state. He said that there is room for parking in the grass on the property. He said that right now there are approximately 13 parishioners. He said that there is no existing septic right now, and port-o-johns were used in the past. He said that the building was built as a church, then the owners lived in it, and now it is vacant again.

Al Fusco said that the Board would have to check the plans for things like occupancy signs, fire extinguishers, exit signs, etc., when the applicant does the site plan.

Bob Vicaretti asked if Rev. Hosanne had had any conversations about this proposal with the Town Building Inspector?

Rev. Hossann answered yes.

Al Fusco asked if the applicant was going to buy the building or just lease it?

Rev. Hossann answered that they will just basically be renting it, and will be doing all of the repairs on the building.

Willard Schadt expressed concern about the size of the lot.

Al Schock told the applicant that he would have to submit a Planning Board application, and professionally drawn survey maps, and pay a \$200. application fee. He said that this is an allowed use in this zone, and it would be a special use, and would need a special use permit from this Board.

Mr. Plotsky added that the owner would have to sign an “owners endorsement”, indicating that she is aware of the project, and is okay with it.

Al Fusco and Glen Plotsky both said that they would require escrow accounts, and said that they would reduce their rates, and so they would both require \$250 a piece for the Town Engineering escrow and the Town Attorney escrow accounts.

Quality Bus Service – Pre-Application conference - #11-0201

Represented by Mr. John Fuller, Civil Engineer

Owner/ Applicant DLE Holdings, LLC wishes to build a new office & garage on

Property located at 102 Main St., Sparrowbush, N.Y.

It is in the HMU Zone.

Section – Block – Lot = 43 – 2 - 2

John Fuller said that a little over a year ago, he represented this client, who had linked the two properties, so that some of the buses could be stored on this parcel, even though there was no principle structure on this lot. He said that his client wants to put a structure on this lot, which would include a 3 bay garage, an office and bathrooms and associated storage rooms. He said that there would be storage of buses and equipment on this lot as well.

Bob Vicaretti asked if the structure would be facing the road?

John Fuller answered yes, and there would be a 10’ concrete apron entrance.

He said that there would be a door going into the service bay, and a door going into the office. He said that this would be the bus terminal for the repairing and storing of buses for sale. He said that this would be a separate entity from the other Quality Bus parcel.

He said that buses would not be going on and off the lot regularly, like they do on the other lot.

Al Fusco said that the existing septic have to be certified that they are still working. He said that this application falls under the 239 of the General Municipal Law, so it will have to be referred to NYDOT and Orange County Planning. He said that landscaping should be shown on the submitted surveys.

Al Fusco said that \$1,200 escrow is needed for his escrow, and Glen Plotsky said that \$750 is needed for the Town Attorney escrow.

Eddy Farm – Pre-Application Conference

Represented by Mr. John Fuller

Owner/ Applicant: True Warrior Ministries, Inc. wishes a 2 lot subdivision on 86 acres of property

located on Sleepy Hollow Road , Sparrowbush, N.Y.

It is an HMU Zone.

Section - Block- Lot = : 44 -4 - 46.1

John Fuller said the applicant wishes to sell the second lot, approximately 9 25 acres, that will be located along the river, to a commercial venture, and there is a natural stream on the property which would serve as the natural subdivision, and it does have frontage on Sleepy Hollow Road. He said that soils are very good there, so there shouldn’t be a problem with the septic.

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Willard Schadt asked what will happen to the old black topped road that runs along the river?

John Fuller answered that the owner thinks that it would be for the good of the town, to allow a perpetual easement, for the use of that road, for emergency access of firefighters, ambulance, etc., because the only other access to this property is off of Eddy Farm Road, which is off of Route 42.

Al Fusco asked, what commercial venture wants to buy this land?

John Fuller answered that it is Kittatinny Canoes, because they want to have a landing point in New York, as they have had problems on the Pennsylvania side with flooding and insurance and taxes.

Al Schock said that the owner would have to co-ordinate work on this property with the Town Highway Department, because there was FEMA work in this area.

Dave Dean asked if the Sparrowbush Fire Departments' concrete access to the Delaware River would be on this property?

John Fuller said that he will research that.

Al Fusco said that the Town Engineering escrow will be \$2,000 and the Town Attorney said that his escrow would be \$750.

Sauschuck Maintenance & Backhoe – Pre-Application Conference

Represented by Mr. John Fuller

Owner/Applicant: Randy & Barbara Sauschuck are seeking a Site Plan for Topsoil & mulch manufacturing plant on Hook Road , Sparrowbush, N.Y.

It is an HMU Zone.

Section- Block – Lots =: 41 - 18.11 - 19.1 & 20.1;

Section – Block – Lots = 42 -1 -1, 2 & 3

John Fuller said that the property is located off of Hook Road, off of Route 97, and the applicant will firstly do a lot consolidation of 7 parcels, to form a 12 acre lot; and the second application would be a site plan, special use, for the current operation, that is production of topsoil and general construction with backhoes and things of that nature. He said there is also a storage yard for stone, topsoil, etc. He said that the main building is where his business works out of, and he does have several storage buildings. He said that neighbors have complained about hours of operation and odors, and that will be addressed. He said that this would be an amended site plan, because there was a site plan approved in 2005.

Bob Vicaretti asked, doesn't a stream run through this property?

Al Fusco answered yes, and that will be a concern, as far as run-off, or leache additives. He said that the Board may want to limit the amount of material on the site. He said that this also would be a 239 General Municipal Law application, and needs to be sent to NYSDOT and Orange County.

Glen Plotsky said that Mr. Fuller will have to provide the prior approved site plan from 2005. He said that there also may be setback issues.

John Fuller said that the two applications will run concurrently.

Al Fusco said that Town engineering escrow for the consolidation application will be \$750. and for the site plan would be \$1,500. Glen Plotsky said that Town Attorney escrow will be \$1,000.

NANCY GIBSON SITE PLAN -#11-0301

Represented by Mr. John Fuller, Civil Engineer 856-1536

Owner/ Applicant Nancy Gibson wishes a site plan, special use permit to create an animal sanctuary on 76 acres located at 200 Peenpack Trail, Huguenot, N.Y.

It is an RR Zone

Section –Block –Lot = 37 – 1 – 14.11 & 14.12

Application submitted June 27, 2012

Section – Block – Lot = 38 – 1 – 63.1

John Fuller said that he still has to obtain a stream access permit for this applicant, across Peenpack Trail. He said that the main access is where the applicants' house is.

Al Fusco said that concerning his review, the project appears to be going along. He did say that plans do need to be submitted at least a week before the meeting, to give him time to review them.

MOTION

Schock made a motion for negative declaration. Hunter second. Roll call vote: Santiago, aye; Hunter, aye; Schadt, aye; Vicaretti, aye; Wagner, aye; Schock, aye. Motion carried.

Al Schock read the negative declaration: "In accordance with 6NYCRR Part 617 State Environmental Quality Review regulations, specifically 617.7 determining significance, the Planning Board of the Town of Deerpark has reviewed the projet application for the Nancy Gibson site plan. After thorough review of the application, plans, EAF, public comment, consultants comments, including review of the air quality, groundwater, stormwater, traffic, cultural resources, habitat, Town ordinance, Town Master Plan, impacts on energy, and impacts on the community, the Planning Board hereby proposes, by motion, that the above project will not result in any large or important impacts and therefore is one which will not have a significant impact on the environment. Therefore, we hereby issue a Negative Declaration for the Nancy Gibson site plan."

MOTION

Hunter made a motion for conditional final approval, pending payment of all fees. Santiago second. Roll call vote: Santiago, aye; Hunter, aye; Schadt, aye; Vicaretti, aye; Wagner, aye; Schock, aye. Motion carried.

MOTION

Hunter made a motion to amend the previous motion to add special use permit for two years. Santiago second. Roll call vote: Santiago, aye; Hunter, aye; Schadt, aye; Vicaretti, aye; Wagner, aye; Schock, aye. Motion carried.

DEERPARK VILLAGE -DISCUSSION -# D-0012 OR #10-0101

Al Fusco had handed out copies of the partial draft findings statement to the Board members. He said that he had added into the previous document, information that had been requested, in relationship to the alternatives. He said that he had put together a tentative draft findings statement. He read the Draft Findings: "The Board having considered the SDEIS and FEIS, the public comments, the record, and all other information related to this project. The Board hereby certifies that: 1) The requirements of SEQRA, and its implementing regulations have been met and fully satisfied; 2) Consistent with the social, economic, and other essential considerations from among the reasonable alternatives thereto, \_\_\_\_\_ minimizes or avoids significant adverse environmental impacts to the maximum extent practicable including the impacts disclosed in the FEIS, and set forth in this Findings Statement;

3) Consistent with social, economic, and other essential considerations, the significant adverse impacts of \_\_\_\_\_ revealed in the environmental impact statement process and set forth in this Findings Statement have been minimized or avoided to the maximum extent practicable by incorporating the identified mitigative measures of conditions to this decision; 4) The Board believes that the applicant has a right to use his property and develop same. The Planning Board believes that it has an obligation to the applicant, to the Town of Deerpark, and to the public to review all material submitted and to provide reasonable mitigations to impacts; 5) The Board considers the relevant environmental impacts with social, economic and other considerations and provides mitigation of the impacts identified, as are documented in the SDEIS and FEIS; 6) The Board hereby accepts the \_\_\_\_\_ as the comprehensive project density for this application. The following are the further requirements imposed by the Board which have been included in the SDEIS and FEIS but need to be referenced;

- a. Wilson Road improvements are to be funded by the applicant in the amount proposed of \$1,000.00 unit; to be collected as previously identified by applicants' attorney.

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b. The project is to abide with Town Code regarding the 500 foot buffer for hunting clubs.

c. No school age children will be allowed unless approved for a temporary 6 month period, as per Zoning Board of Appeals and homeowners association.

d. The issuance of the Findings Statement does not constitute a site plan approval. Project phases are to have site plan approval after appropriate investigation of water, sewer, and traffic generated by the previous phases, as well as the regular review requirements. Any approvals granted require that the mitigation identified in the SDEIS and FEIS be implemented by the applicant.”

Willard Schadt again expressed his concern about the water supply.

Al Fusco agreed with Mr. Schadt, and in discussions with the applicant, he suggested additional recharge and the like. He said that it is spelled out in the Findings Statement, that after a certain amount of units are built, there is now a usage, because each unit will be metered, using for example, 350 gallons per day, so you will know what the water usage is. He said that then the applicant comes back before this Board for another 250 units, the Health Department will want proof that there is enough water for these additional units. He said that that will continue with each phase. He said that if it gets close, and say the neighboring wells are starting to be affected, the Health Department will not allow the applicant to build one more unit.

Glen Plotsky said that traffic, water, etc., will be reviewed at each phase, and concerning the Findings Statement, the applicants 1,518 unit proposal, or the 900 unit alternative, whichever one the Board votes on, and then that document will be filed and can move forward to a comprehensive plan, which is general overview, and then the applicant can come back before the Board.

**MOTION**

Vicaretti made a motion to adopt the Findings Statement, with the acceptability of 1,518 units, and the final document to be given to the Chairman of the Planning Board to sign. Wagner second. Roll call vote: Santiago, no; Hunter, aye; Schadt, no; Vicaretti, aye; Wagner, aye; Schock, aye. Motion carried.

Al Fusco said that he will prepare the final document now, with the Boards' decision here tonight, and the Town Attorney will review it, and the chairman can then sign it.

Glen Plotsky said that all of the Board members will get a copy, as well as the applicant.

Dave Dean said that the issuance of the Findings Statement, which is what this was tonight, does not constitute site plan approval. He said that the different phases still need site plan approval after the studying of the water, traffic, sewer, etc.,

Glen Plotsky added that there will be public hearings for every phase.

**ADJOURNMENT**

Hunter made a motion to adjourn. Schadt second. Roll call vote: Santiago, aye; Hunter, aye; Schadt, aye; Vicaretti, aye; Wagner, aye; Schock, aye. Motion carried.

Meeting adjourned at 8:50 p.m.

Respectively submitted,

Barbara Brollier, Secretary



