

The Town of Deerpark Planning Board met for their bi-monthly meeting on WEDNESDAY, MARCH 11, 2020 at the Deerpark Town Hall, 420 US Route 209, Huguenot, NY.

The following were present:

BOARD MEMBERS PRESENT:

Robert Vicaretti-Chairman
Theresa Santiago

Craig Wagner-Vice Chairman
Rob Whitney

BOARD MEMBER ABSENT: Willard Schadt

OTHERS PRESENT:

John Nosek-Fusco Engineering
Glen Plotsky-Town Attorney
David Dean-Town Councilman
Al Schock-Town Councilman

Pledge of Allegiance

Meeting was brought to order at 7:00 p.m.

LINGLE – BIG POND ROAD – GROUND MOUNT SOLAR – PUBLIC HEARING –
Paige Trombino-Representative for Applicant

Secretary read public hearing notice, she further stated that mailings were acceptable. Ms. Trombino gave a brief explanation stating that it is a 36-panel system that will be located on the back of the property. There is vegetative screening proposed, it will be spruces that will not lose their leaves, the property is not located near any county roads. The system will be 12.42 KW and it is not near the well or septic. John Nosek asked if the snow and wind load certification was on the plans. He also stated that the proposed screening and existing natural screening is in his opinion, enough. Rob Whitney confirmed that there is quite a lot of screening already. John Nosek further stated that where existing screening is shown they may not need anymore, but should add a note on the map that tells what type of trees and the height.

Public Comment:

No public comment.

Motion to close public hearing.

Motion made by Theresa Santiago, 2nd by Rob Whitney to close public hearing for Lingle Solar project.

Vote 4 Ayes: Theresa Santiago, Craig Wagner, Rob Whitney, Robert Vicaretti.

MOTION CARRIED

Ms. Trombino stated that it does show the snow load on the map and John Nosek confirmed that it was on the map.

Motion to declare Lead Agency.

Motion made by Craig Wagner, 2nd by Rob Whitney to declare Town of Deerpark Planning Board to be Lead Agency for SEQRA purposes.

Vote 4 Ayes: Theresa Santiago, Craig Wagner, Rob Whitney, Robert Vicaretti.

MOTION CARRIED

Motion to declare Type 2 action and a negative declaration.

Motion made by Craig Wagner, 2nd by Rob Whitney to declare the project a Type 2 action and a negative declaration.

Vote 4 Ayes: Theresa Santiago, Craig Wagner, Rob Whitney, Robert Vicaretti.

MOTION CARRIED

PLANNING BOARD MEETING MARCH 11, 2020 continued –

LINGLE – BIG POND ROAD – GROUND MOUNT SOLAR – PUBLIC HEARING – continued –

Motion to grant approval.

Motion made by Rob Whitney, 2nd by Craig Wagner approve application for Lingle Solar contingent on a note being placed on the map specifying type of trees and height and fees paid.

Vote 4 Ayes: Theresa Santiago, Craig Wagner, Rob Whitney, Robert Vicaretti.

MOTION CARRIED

SCHUEERMANN – PEENPACK TRAIL – 2-LOT SUBDIVISION – PUBLIC HEARING –

John Fuller-Representative for Applicant

Secretary read public hearing notice and stated that mailings were acceptable. John Fuller gave a brief presentation on the application, stating that it was a 2-lot subdivision at 671 Peenpack Trail, the parcel is 6 ½ acres, it will be subdivided into two 3 ½ ± acres pieces one has a single-family dwelling and the second will be a flag lot for a relative to build a home. He also stated that soil testing has been done and witnessed by a Town Official.

Public Comment:

Arthur Brace-197 Boehmler Road- Mr. Brace stated that he wanted to see what was going on and that there was an old garage on the property that wouldn't be allowed with new Zoning and believes they tried to subdivide this parcel 20 years ago and ran into a problem because of the garage. He also stated that there is an old fence where part is over the line.

Town Attorney-Glen Plotsky- Mr. Plotsky asked if the fence encroaches on the neighboring property.

Arthur Brace-197 Boehmler Road- Mr. Brace answered, yes.

John Fuller- Mr. Fuller acknowledged that the issue with the garage has already been addressed prior that it was preexisting and added that if the fence is over the line, he has no problem asking them to remove it.

John Nosek- Mr. Nosek asked if soil witnessing was done and explained that a surveyor's stamp needed to be on the map and can be a condition of approval.

John Fuller- Mr. Fuller replied, yes.

Chairman Vicaretti- Mr. Vicaretti stated that can do an investigation on the fence and be a condition of approval.

John Fuller- Mr. Fuller stated he spoke on behalf of his client and if the fence is over it will be removed.

Town Attorney-Glen Plotsky- Mr. Plotsky stated that 20 years ago an accessory structure could not be on a property by itself, now Zoning has changed, also any encroachment needs to be removed.

Motion to close public hearing.

Motion made by Craig Wagner, 2nd by Rob Whitney close public hearing for Scheuermann Subdivision.

Vote 4 Ayes: Theresa Santiago, Craig Wagner, Rob Whitney, Robert Vicaretti.

MOTION CARRIED

Motion to declare Lead Agency.

Motion made by Theresa Santiago, 2nd by Craig Wagner to declare Town of Deerpark Planning Board to be Lead Agency for SEQRA purposes.

Vote 4 Ayes: Theresa Santiago, Craig Wagner, Rob Whitney, Robert Vicaretti.

MOTION CARRIED

Motion to declare Type 2 action and a negative declaration.

Motion made by Craig Wagner, 2nd by Rob Whitney to declare the project a Type 2 action and a negative declaration.

Vote 4 Ayes: Theresa Santiago, Craig Wagner, Rob Whitney, Robert Vicaretti.

MOTION CARRIED

PLANNING BOARD MEETING MARCH 11, 2020 continued –

SCHEUERMANN – PEENPACK TRAIL – 2-LOT SUBDIVISION – PUBLIC HEARING – continued –

Motion to grant approval.

Motion made by Theresa Santiago, 2nd by Craig Wagner approve application for Scheuermann Subdivision contingent on a removal of any encroachment, surveyor's stamp on plans and fees paid.

Vote 4 Ayes: Theresa Santiago, Craig Wagner, Rob Whitney, Robert Vicaretti.

MOTION CARRIED

MARRA – ROUTE 6 – 2-LOT SUBDIVISION –

John Fuller-Representative for Applicant

Mr. Fuller stated that this is a 2-lot subdivision off of Route 6, joint soil testing has been done with Mr. Dodd from the Building Department. John Nosek went through the comments from Fusco Engineering stating that wetlands have been signed off on, SHPO is still pending, soils are done and witnessed, still waiting on GML-239 review and Town Engineer and Town Attorney need to review the easement on the property. John Fuller acknowledged he will get a copy of the easement to each.

Motion to schedule a public hearing.

Motion made by Theresa Santiago, 2nd by Rob Whitney schedule a public hearing for Wednesday, April 22, 2020 for Marra Subdivision.

Vote 4 Ayes: Theresa Santiago, Craig Wagner, Rob Whitney, Robert Vicaretti.

MOTION CARRIED

NEW CENTURY – NEVERSINK DRIVE – SITE PLAN DISCUSSION –

John Fuller-Representative for Applicant

Peter Wei-Applicant

John Fuller explained that they had come to the Board for a pre-submittal for a restaurant now they have been discussions to expand the scope and passed out a new map showing the expansion. Chairman asked Mr. Fuller to refresh everyone's memory on what is there and currently approved. Mr. Fuller explained that New Century has an approval for a film studio, also a seasonal market-flea market, they had come before the Board for a small restaurant in the front half of the arena building in the old VIP section. Now because the Health Department will be getting involved due to the restaurant, they would like to expand the sewer capacity. The existing structures are 2 residential houses, 1 large barn, the arena building and a 2nd barn. They would like to develop the 1st barn into a lodging building/motel and on the 2nd floor have a restaurant and small shop. The building will need enhancement of utilities and sewage, parking and traffic. Chairman Vicaretti asked the square footage of the rooms, John Fuller answered the floor plan will have 22 units, about 12x12 or 150 sqft. Town Attorney asked what would be in the rooms; bed bath, sitting room, John Fuller replied kitchenet, bed and bath. Town Attorney asked how long someone would be able to stay in the room, John Fuller stated it would be transient in nature, Town Attorney asked how it would be enforced, John Fuller acknowledged it will be a hotel development in nature. Town Attorney asked if the septic load is based on number of rooms, square footage or number of people, John Fuller answered that it is based on Department of Health and state code, John Nosek confirmed it is on Health Department figures. Town Attorney acknowledged that enforcement will be the issue. John Nosek suggested to submit to the Health Department before they submit a formal application. He also asked what was in the other barn, John Fuller answered storage and a couple offices. Chairman asked if there would be two restaurants, John Fuller replied, yes.

PLANNING BOARD MEETING MARCH 11, 2020 continued –

NEW CENTURY – NEVERSINK DRIVE – SITE PLAN DISCUSSION – continued –

Town Attorney stated that there needs to be parking for the proposed uses other than the Flea Market parking, John Fuller confirmed parking for Flea Market is on the lawn, he added they will have to add parking which will require a SWPPP. Chairman Vicaretti questioned the size of the units and if it was permissible, John Nosek answered that it is HMU but will have to look. John Fuller stated that hotel/restaurants are allowed, building code allows under transient, meets minimum requirement, but it will need to be sprinkled. Town Attorney asked what would the kitchenet consist of, John Fuller answered a sink and microwave, it will be transient in nature for a period of time, maybe a week, not an extended stay which is an apartment. Chairman stated that he felt they could move forward with the project. Town Attorney acknowledged that escrows will change due to the addition, Engineer will probably double and Attorney will be 1500. He continued by saying the building and zoning code needs to be looked at regarding how many uses on one lot, each is allowed. Traffic and septic need to be addressed, a long form EAF need to be done and to could possibly be a positive declaration. Chairman asked about water draws and the possibility of another well, John Fuller answered that it could be a series of wells or community water treatment which will be regulated by Department of Health.

RIVENDALE – NEVERSINK DRIVE – SUBDIVISION –

John Fuller-Representative for Applicant

Mr. Fuller explained that at the last meeting in order to do lead agency he had to submit SWPPP, now it is submitted circulation can be done. John Nosek went through comments from Fusco Engineering and stated that circulation can be done.

Motion to authorize circulation on GML-239.

Motion made by Craig Wagner, 2nd by Theresa Santiago to authorize the circulation of the GML-239 to required agencies.

Vote 4 Ayes: Theresa Santiago, Craig Wagner, Rob Whitney, Robert Vicaretti.

MOTION CARRIED

MAPLE CREST SOLAR – SOLAR FARM – CLOSE PUBLIC HEARING –

Maziar Dalaeli-IPP Solar-Representative for Applicant

Joseph Hens-Ingalls & Associates-Representative for Applicant

Mr. Dalaeli explained following last meeting he set up a meeting onsite with the neighbors on March 3 and walked the site and showed where the panels are going. He felt they seemed comfortable and added that the fencing by the river makes little sense and will not achieve much by putting it there. The fence will be used to block the two points of entry and with technology it will achieve safety. He further stated that they did discuss opening the other end of Trovei Lane for emergency purposes. Chairman stated a letter written from one of the neighbors was received stating that they approved of the project after an onsite conversation with applicant. Town Attorney stated that county comments have been entered into written comments and distributed to the Board and will be reviewed by the Engineer and can be discussed at the next meeting. He continued that there is a draft PILOT in place and it is consistent with other solar projects in the Town, decommissioning bond has been discussed and is conditions of a Building Permit. Chairman Vicaretti stated that they will review the comments from the county and discuss at the next meeting. Joe Hens asked if he could be copied on the comments, Secretary replied she would email them tomorrow. Maziar Dalaeli stated that it is not a time sensitive approval and know they are close to the finish line but is worried about the NYSEDA incentive and get the form signed, he added he can send it to the Attorney for review and have it signed tomorrow.

PLANNING BOARD MEETING MARCH 11, 2020 continued –

MAPLE CREST SOLAR – SOLAR FARM – CLOSE PUBLIC HEARING – continued –

Town Attorney stated that if he changed Deerpark to one word and where is says date of approval write the word PENDING, but he will not authorize the Chairman to sign a blank form. He added that they can be placed on the next agenda it is close enough and it will be subject to county comments and review by the Engineer and Members.

Motion to close public hearing.

Motion made by Craig Wagner, 2nd by Rob Whitney close public hearing for Maple Crest Solar.

Vote 4 Ayes: Theresa Santiago, Craig Wagner, Rob Whitney, Robert Vicaretti.

MOTION CARRIED

MOTION TO APPROVE MINUTES.

Motion to Approve February 26, 2020 Minutes.

Motion made by Craig Wagner, 2nd by Rob Whitney to approve the minutes for Wednesday, February 26, 2020 meeting.

Vote 4 Ayes: Theresa Santiago, Craig Wagner, Rob Whitney, Robert Vicaretti.

MOTION CARRIED

Motion to adjourn meeting.

Motion made by Theresa Santiago, 2nd by Rob Whitney to adjourn March 11, 2020 Planning Board meeting at 8:15 pm.

Vote 4 Ayes: Theresa Santiago, Craig Wagner, Rob Whitney, Robert Vicaretti.

MOTION CARRIED

Respectfully submitted by,



Amanda Gorr, Planning Board Secretary