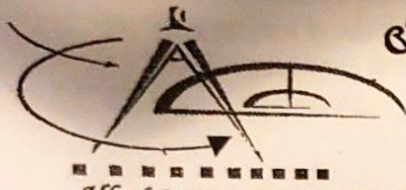


# FUSCO ENGINEERING & LAND SURVEYING, P.C.

*Consulting Engineers*



Alfred A. Fusco, Jr., P.E., Principal

Alfred A. Fusco, III, General Manager

- 233 East Main Street  
Middletown, NY 10940  
Phone: (845) 344-5863  
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Port Jervis, NY 12771  
Phone: (845) 956-5866

October 26, 2020

Robert Vicaretti, Chairman  
Town of Deerpark Planning Board  
420 Route 209  
Huguenot, NY 12746

RE: 491 Galley Hill Road  
Our File No. D-331

Dear Chairman Vicaretti,

We have reviewed the submittal and offer the following:

Project: Commercial and Residential  
SBL: 8-1-4.2  
Acreage: 8.7 Acres  
Zone: HMU  
Material Reviewed: Application, Long Form EAF with mapper, ATV&Z plans 9/16/20, Drainage map  
Developed and Existing conditions

Comments:

1. Applicant to address natural communities as identified in EAF.
2. Applicant to address endangered and threatened species (Northern Long Eared Bat) as identified in EAF.
3. Applicant to address archeological sites with SHPO sign off as identified in EAF.
4. Briefly reviewed preliminary stormwater management design report. Need completed with NOI. Also, an erosion and sediment control plan meeting NYSDEC requirements must be submitted. Provide design details of all ponds including bio pond and dry pond.
5. Double pipes (HDPE) to have 12" of cover or switch to steel or DIP.
6. Show sight distance.
7. Note driveway requires permit from Highway Department; show profile.
8. Show top and bottom of all retaining walls. Provide design details of all walls.
9. Identify curbing, walkways to be concrete.
10. Will gazebo area have audio equipment?
11. Provide well testing, drill log, quantity/quality, and water line to facilities.
12. OCDOH permit required for water system.
13. OCDOH and NYSDEC permits required for sewage treatment. However, it was discussed to have public sewers from another municipality for service to this area. Provide update.
14. Detail wood deck and walkway on pillars.
15. Detail gazebo.
16. Board to discuss sufficiency of landscape and lighting.
17. Show ADA details including residential access.
18. Show building elevations with dimensions; rendering if required by Board.

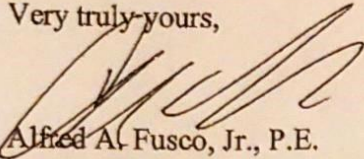
19. Typical apartment detailed layout.
20. Will require 239 GML when application is further along.
21. This project is adjoining other proposed development we believe is to be developed by the same team.  
The Board needs to know about this development due to issues of segmentation under SEQRA.
22. Board comments.

Action:

None at this time.

Please advise if you have any questions.

Very truly yours,



Alfred A. Fusco, Jr., P.E.

Fusco Engineering  
& Land Surveying, P.C.

AAF/cam

Cc: Gary Spears, Supervisor  
Glen Plotsky, Esq.  
Alfred A. Fusco, III, Building Inspector  
Amanda Gorr, Planning Board Secretary

**BURKE, MIELE, GOLDEN & NAUGHTON, LLP**

40 MATTHEWS STREET

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RICHARD B. GOLDEN  
KELLY M. NAUGHTON\*  
ROBERT M. MIELE\*\*  
ASHLEY N. TORRE\*\*  
PATRICK T. BURKE

JOSEPH P. MCGINN (1941-2000)

\* ADMITTED IN NEW YORK & MASSACHUSETTS

\*\* ADMITTED IN NEW YORK & NEW JERSEY

June 4, 2021

Alfred A. Fusco, Jr. P.E.  
Fusco engineering & Land Surveying, P.C.  
233 East Main Street  
Middletown, New York 10940

Re: 491 Galley Hill Road  
Your File No. D-331

Dear Mr. Fusco:

The following is in response to Item #21 of your letter of October 26, 2020, regarding your concern of SEQRA segmentation. Apparently, there is still some uncertainty as to your consideration of this project as a stand-alone project, unrelated to the Deerpark Commons project.

The SEQRA Regulations define "segmentation" as "the division of the environmental review of an action such that various activities or stages are addressed under this Part as though they were independent, unrelated activities, needing individual determinations of significance." 6 N.Y.C.R.R. § 617.2(ah). The DEC's SEQRA Handbook elaborates on this principle by noting that the issue of segmentation is limited to those projects:

"involving two or more related components [of a singular action] that may not be presented or applied at the same time. Typically, this may involve a series of applications for the same project (zone change, extension of sewer service, subdivision approval) or phases (residential or mixed use development to be constructed over several years). It also may involve separate project sites (for example, a resource recovery facility with bypass disposal at another location). Proposals or parts of proposals that are related to each other closely enough to be, in effect, a single course of action should be evaluated as one whole action."

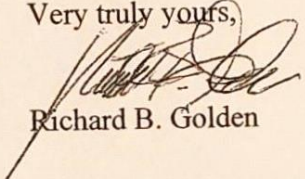
The obvious touchstone is that for two projects to be considered together to avoid segmentation they must be essentially part of the same action. In contrast, the 491 Galley Hill Road project is a completely separate and distinct project from the adjacent Deerpark Commons

development. To review these projects separately does not constitute impermissible segmentation under the law. Indeed, to treat them together is impermissible and there is no basis under SEQRA or otherwise to do so.

There is no relationship between the two projects; they are completely independent of one another, and the adjacency of the parcels is purely coincidental. 491 Galley Hill Road is a stand-alone mixed-use building (residential and retail) not related to the Deerpark Commons project in terms of purpose, design or integration. Other than the location of the properties, the only other connection is that the owner of 491 Galley Hill Road, Maria Yu Tai, is a 1% owner of the Da Tang Development LLC, the owner of the Deerpark Commons property. This coincidental minor ownership overlap does not create a link between these two independent projects. These remain two functionally independent developments and must be treated as such under SEQRA and otherwise. Any decision by the Town to try and delay the 491 Galley Hill Road project by tethering it to the Deerpark Commons project would be entirely improper.

If you, or Glen Plotsky, have any questions regarding the above, please let me know. I would be happy to discuss this matter further with you both.

Very truly yours,

  
Richard B. Golden

cc: Hon. Gary Spears, Supervisor  
Glen Plotsky, Esq.  
Amanda Gorr, Planning Board Secretary



# ATZL, NASHER & ZIGLER P.C.

ENGINEERS - SURVEYORS - PLANNERS

Web: [www.anzny.com](http://www.anzny.com)

July 26, 2021

Town of Deerpark Planning Board  
420 Route 209  
Huguenot, NY 12746  
Attn: Robert Vicaretti, Chairmain

Re: Memo  
491 Galley Hill Road  
Project 4617

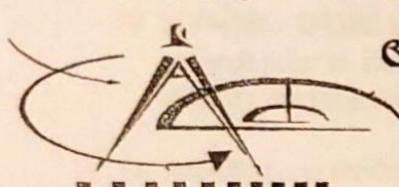
The following is our response to Alfred A. Fusco, Jr., P.E. of Fusco Engineering and Surveying, P.C. letter dated August 26, 2019:

1. Comment: Applicant to address natural communities as identified in EAF.  
*Response: Attached you will find a report by Ecological Analysis.*
2. Comment: Applicant to address endangered and threatened species (Northern Long Eared Bat) as identified in EAF.  
*Response: Attached you will find a report by Ecological Analysis.*
3. Comment: Applicant to address archeological sites with SHPO sign off as identified in EAF.  
*Response: Phase 1 Archeological Investigation by Al Cammisa attached.*
4. Comment: Briefly reviewed preliminary stormwater management design report. Need completed with NOI. Also, an erosion and sediment control plan meeting NYSDEC requirements must be submitted. Provide design details of all ponds including bio pond and dry pond.  
*Response: Open item until we receive comments from NYSDEC Permit Review.*

5. Comment: Double pipes (HDPE) to have 12" of cover or switch to steel or DIP.  
Response: *Revised invert and slope to match NYSDEC requirements which creates 2 + plus FT. of cover.*
6. Comment: Show sight distance.  
Response: *Amended Drawing 1.*
7. Comment: Note driveway requires permit from Highway Department; show profile.  
Response: *Subject to NYSDEC Permit.*
8. Comment: Show top and bottom of all retaining walls. Provide design details of all walls.  
Response: *Elevations are depicted, design is open item.*
9. Comment: Identify curbing, walkways to be concrete.  
Response: *Amended Drawing 2.*
10. Comment: Will gazebo area have audio equipment?  
Response: *Not proposed at this time.*
11. Comment: Provide well testing, drill log, quantity/quality, and water line to facilities.  
Response: *See attached. Correspondence with Orange County Department of Health.*
12. Comment: OCDOH permit required for water system.  
Response: *See attached. Correspondence with Orange County Department of Health.*

13. Comment: OCDOH and NYSDEC permits required for sewage treatment. However, it was discussed to have public sewers from another municipality for service to this area. Provide update.
- Response: *Request permission to access site for installation of a curtain drain.*
14. Comment: Detail wood deck and walkway on pillars.
- Response: *Details on SK01 and SK02*
15. Comment: Detail gazebo
- Response: *See SK01, SK02, and SK04*
16. Comment: Board to discuss sufficiency of landscape and lighting.
- Response: *See Drawing 4.*
17. Comment: Show ADA details including residential access.
- Response: *See Drawing 5.*
18. Comment: Show building elevations with dimensions; rendering if required by Board.
- Response: *Drawing SK04.*
19. Comment: Typical apartment detailed layout.
- Response: *Drawing SK03.*
20. Comment: Will require 239 GML when application is further along.
- Response: *Open item.*

**FUSCO ENGINEERING**  
**& LAND SURVEYING, P.C.**  
*Consulting Engineers*



*Alfred A. Fusco, Jr., P.E., Principal*

*Alfred A. Fusco, III, General Manager*

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Port Jervis, NY 12771  
Phone: (845) 956-5866

August 10, 2021

Robert Vicaretti, Chairman  
Town of Deerpark Planning Board  
420 Route 209  
Huguenot, NY 12746

RE: 491 Galley Hill Road  
Our File No. D-331

Dear Chairman Vicaretti,

We have reviewed the submittal and offer the following:

Project: Commercial and Residential  
SBL: 8-1-4.2  
Acreage: 8.7 Acres  
Zone: HMU  
Material Reviewed: Application, Long Form EAF with mapper, ATV&Z plans 9/16/20, Drainage map  
Developed and Existing conditions

Comments:

1. We received the wildlife study prepared by Ecological Analysis. The plans must include a note to restrict tree clearing times of year as required by NYSDEC.
2. Please submit the Phase 1 Archeological study to SHPO for review.
3. There are design details including pond details, outlet structure details still missing from the plans. Also, provide the completed eNOI for our review.
4. To date, we have not received an erosion and sediment control plan or details regarding same.
5. Provide submittal to the NYSDEC for the stream crossing permit and provide review comments from them once received. Unless their policy has changed, they do not allow multiple pipes in parallel.
6. Driveway requires permit from Highway Department. Provide plans to HD for review.
7. A detail of the proposed stone wall or concrete retaining walls could not be found on the plans.
8. Provide well testing, drill log, quantity/quality, and water line to facilities. This will be a public water supply as per the OCHD. Also, address the OCHD email comments of 10/25/2020.
9. OCDOH approval is required for water system. This must be provided prior to final approval.

NYSDEC SPDES permit will be required for subsurface sewage treatment proposed and must be secured prior to final site plan approval. Initial soils testing should be shown on the plans. Also, please identify the projected wastewater usage for the entire site.

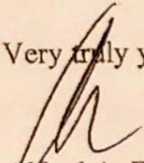
11. Architectural renderings are recommended for all structures. Elevations have been provided but give little detail as to how these structures will look as well as materials used.
12. Board to discuss sufficiency of landscaping. ST trees are called out on the plans but not identified in the legend.
13. The lighting plan needs to show full isolux curves with ft-candles to verify adequacy. Also, it is recommended that all areas of pedestrian traffic including walkways and the gazebo be illuminated.
14. Will require 239 GML when application is further along.
15. The planning board attorney should review the letter received by the applicant's attorney regarding the potential for segmentation under SEQRA with regards to the adjoining development.
16. Board comments.

Action:

None at this time.

Please advise if you have any questions.

Very truly yours,



Alfred A. Fusco, Jr., P.E.  
Fusco Engineering  
& Land Surveying, P.C.  
AAF/cam

Cc: Gary Spears, Supervisor  
Glen Plotsky, Esq.  
Alfred A. Fusco, III, Building Inspector  
Amanda Gorr, Planning Board Secretary