



TOWN OF DEERPARK PLANNING BOARD – JULY 13, 2016

The Deerpark Planning Board met for their bi-monthly meeting on Wednesday, July 13, 2016 at 7:00 pm at the Deerpark Town Hall, 420 US Route 209, Huguenot, NY. The following were present:

BOARD MEMBERS:

Bob Vicaretti-Chairman
Theresa Santiago
Rob Whitney

Mike Hunter
Willard Schadt
Craig Wagner

ABSENT BOARD MEMBER: Tom Faggione

OTHERS PRESENT:

David Dean, Town Councilman
Al Schock, Town Councilman
Glen Plotsky, Town Attorney
Al Fusco III, Fusco Engineering for Town

Meeting brought to order at 7:04 pm.

Pledge of Allegiance

Motion to open Public Hearing.

Motion made by Theresa Santiago, 2ND by Craig Wagner to close Regular Meeting and open the Public Hearing for Southern Realty & Development LLC.

Vote 6 Ayes: Theresa Santiago, Craig Wagner, Rob Whitney, Mike Hunter, Willard Schadt, Bob Vicaretti.

MOTION CARRIED

SOUTHERN REALTY & DEVELOPMENT, LLC – DOLLAR GENERAL SITE PLAN – Public Hearing –

Larry Marshal – Engineer
John Joseph – Applicant

Planning Board Secretary read Public Hearing Notice into Record. Chairman Vicaretti asked what date Notice was in Newspaper; Secretary stated it was in the Times Herald Record on June 24, 2016. Chairman asked if applicant provided proof of mailings, Town Attorney answered yes. Larry Marshal started off the presentation by giving a brief description of the proposed site plan; he stated that the proposed building is a 9,224 sqft Dollar General Store. He continued by saying that it will have 37 parking spaces which is in compliance with Zoning also it will have its own well and septic. He further stated that there will have to be trees removed, but a landscaping plan has been presented for along the back of the building to screen it from the park and canal. He also stated that a lighting plan has been submitted for down lit lights isolated to the parking area and walkway around the proposed building. Chairman asked Town Engineer to go through their comments, Mr. Fusco stated that a letter from SHPPO was still needed, there was a letter submitted for no archeological disturbance, screening needs to be in place, and an approved SPEDES needed to be provided. He further added that soil tests were done and witnessed by Fusco Engineering; he suggested applicant put money in an escrow for the storm water prevention maintenance.

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SOUTHERN REALTY & DEVELOPMENT, LLC – DOLLAR GENERAL SITE PLAN – Public Hearing – continued –

Chairman asked if the approved driveway permit was needed for Board Approval, Mr. Fusco stated that once Board gives an approval then they can get a Department of Transportation (DOT) approval. Mr. Marshal acknowledged that they have met with DOT and feel that it is the best possible location with site distances.

Chairman opened the Public Hearing to Public Comment, he advised each speaker to state name and address for the record.

Public Comment:

Neida Rinaldo – 1035 Route 209 – Ms. Rinaldo stated that she lives next door to property and feels that the increased traffic is going to be a safety issue, she continued by stating that it is an unsafe stretch of road anyway and that she cannot even get mail delivered to her house because it is considered a blind spot. She added that cutting down the trees will harm the animal life in the area.

Mike Hunter – Mr. Hunter confirmed that if the Post Office believes that a stop to deliver to a mail box is unsafe they will request the person to get a P.O. Box instead.

Les Jensen – 3 Route 211 – Mr. Jensen also expressed concerns regarding the traffic and safety issues along with his feeling that this project will destroy property values in the area. He stated he was afraid that allowing this will bring in more businesses and develop the small hamlet into a more city feel. He stated he felt that being so close to the intersection is not a good idea and asked if traffic studies would be done.

Chairman Vicaretti – He stated that a traffic study would be warranted.

Town Engineer – Mr. Fusco advised that a traffic study is not a warranted item.

Town Attorney - Mr. Plotsky stated that the Board could ask for a study to be done.

Chairman – Mr. Vicaretti confirmed that he felt one should be done because it is on a main highway.

Juanita Leisch – 3 Route 211 - Ms. Leisch stated that her concern was with the dirt and water runoff at that section of road and that the culvert across the street is not cleaned as it should be, so with the extra dirt and water on road way could cause for more accidents, because the cars could slide on the dirt and sediment on the road surface. She continued to state that the intersection has been a problem for years even stating that the first fatality in Orange County took place at that intersection. She further stated that she works from home and that she had witnessed an individual doing a traffic count and that she felt it was inaccurate because the person was to her knowledge intoxicated.

Virginia Galle – 1038 Route 209 – Ms. Galle stated that she lives across the street from the property and is afraid that she will have no privacy. She continued that she was also concerned with accidents and safety in that area, and also asked to look at the site plan to see where the intended driveway would be located. She also added that she has put her home up for sale because she feels the property values will go down.

Denise Levitz - 2 & 6 Piatt Dr. – Ms. Levitz also expressed concern with traffic and safety; she further stated that the speed limit in that area could also be a problem and that a reduction should be made. She is also worried about the wildlife in the area and added that there is also a spring 15 ft. from where the proposed well is to be placed.

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10 minutes recess

Meeting brought back to order at 8:02 pm.

SOUTHERN REALTY & DEVELOPMENT, LLC – DOLLAR GENERAL SITE PLAN – Public Hearing – continued –

Grace Woodard – Ms. Woodard questioned the appearance of the store and also signage that will be used. She felt that the building should blend in with the community. She further questioned if the money will stay in the community being the company is based in Tennessee.

Chairman – He thanked everyone for their comments and stated that they all will be taken into consideration.

Motion to close Public Hearing.

Motion made by Willard Schadt, 2ND by Mike Hunter to close Public Hearing and enter back into the Regular Meeting.

Vote 6 Ayes: Theresa Santiago, Craig Wagner, Rob Whitney, Mike Hunter, Willard Schadt, Bob Vicaretti.

MOTION CARRIED

Craig Wagner asked if an application could be denied based on the traffic issue, and asked about the speed limit reduction. Town Attorney answered that it is a DOT decision regarding the speed limit and also the DOT could suggest a different driveway placement which would go to the Town Engineer for review. He continued stating that it is a permitted use in the Zoning with Planning Board Approval and as long as all agencies sign off the application could be approved. Larry Marshal addressed some of the concerns raised by the public; first was the silt and water runoff, he stated that there is a storm water basin being planned out to filter everything into the ground which is a requirement of New York State Department of Conservation (NYS DEC) which will also be reviewed by DOT. He then addressed the issue of traffic concerns considering Route 209 is a State Highway the entrance and exit are being reviewed by DOT and it is up to them to determine if it is safe or if there is an alternative placement for them.

SPEARS SUBDIVISION – 3-lot Subdivision –

John Fuller – Representative

Mr. Fuller stated that they were before the Board last month for a pre-application it is a 3-lot subdivision involving Steven & Kara Spears, Gary & Kathy Spears and Raymond & Joyce Cirulli located off of Lakewood Dr. in Lakewood Estates. He continued by stating that currently there are 2 lots one with about 6 acres and the other with around 8 acres and the third lot will be made by taking acreage from both lots. He further stated that the access is through Lakewood Estates and that there is also a right-a-way through Tristate Christian Camp to Route 209. Town Attorney declared he also represents the Spears' but as he has said before his loyalty is to the Town but if the Board feels there is a conflict other counsel can be used.

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SPEARS SUBDIVISION – 3-lot Subdivision – continued –

Town Engineer went over comments and stated that the right-a-way needed to be 30' minimum and it is 50' shown on map, he also stated that a Driveway Maintenance agreement be drafted and approved by Town Attorney as part of the Approval. Chairman questioned if Escrows were done, Secretary answered they have been paid and Escrow Agreement has been signed. **Attorney Escrow of \$500 and Engineering Escrow of \$1000** have been paid; the Escrow Form was filled out and signed by Town Attorney, Town Engineer and Representative for Applicant. A copy was given to each; also a copy will be given to Escrow Manager, Danielle L Glynn and a copy placed in the file. Application fee has also been paid.

Motion to Schedule a Public Hearing.

Motion made by Craig Wagner, 2ND by Mike Hunter to schedule a Public Hearing for Wednesday, August 10, 2016 at 7:00 PM for Gary Spears – Spears 3-lot Subdivision.

Vote 6 Ayes: Theresa Santiago, Craig Wagner, Rob Whitney, Mike Hunter, Willard Schadt, Bob Vicaretti.

MOTION CARRIED

LOREN MCCUNE – LOT COMBINATION – PRE-APPLICATION –

John Fuller – Representative

Mr. Fuller stated that he had maps and formal application and he handed them out to the Board to review. He also stated that these four parcels are on one deed but has four separate lot numbers, and Mr. McCune would like to consolidate them into one lot. Willard Schadt acknowledged after reading the Zoning he found that lot lines of adjacent parcels can be combined by the Assessor. Chairman asked if this was adjacent to the Subdivision, John Fuller answered yes. Town Attorney confirmed that Willard Schadt is correct in his interpretation of the Zoning and added that the lot is not buildable and McCune would need ZBA approval to build.

PARAGON SUBDIVISION – LOREN MCCUNE – 11-LOT SUBDIVISION –

John Fuller – Representative

John Fuller stated that he was requesting a preliminary approval. Chairman Vicaretti asked Town Engineer to go through their comments. Town Engineer stated that site distances needed to be shown for some of the lots also brush removal was needed, a note needed to be added to the plan for the driveways off of Airport Rd, also approval reviews from NYS DOT and Orange County Department of Health, screening needed to be shown on the map, also a construction fence to protect non-disturbed area for each lot needs to be shown and an amended letter from Torgersen regarding the rattle snakes. John Fuller confirmed that when he did his walk Mr. Torgersen stated that the rattle snakes were just coming out but they can do another site walk. Chairman Vicaretti stated that because they are individual lots and will be purchased separately it is hard to ask for a landscaping plan; Willard Schadt added that the intent to sell some sort of curb appeal will be made to the lots.

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PARAGON SUBDIVISION – LOREN MCCUNE – 11-LOT SUBDIVISION – continued

John Fuller – Representative

Motion to grant a preliminary approval to Paragon Subdivision – Loren McCune.

Motion made by Craig Wagner, 2nd by Theresa Santiago to grant a preliminary conditional approval to Loren McCune for Paragon Subdivision for his 11-lots contingent on letter from SHPPO and amended letter from Torgersen regarding the rattlesnakes.

Vote 6 Ayes: Theresa Santiago, Craig Wagner, Rob Whitney, Mike Hunter, Willard Schadt, Bob Vicaretti.

MOTION CARRIED

ERIC NEWHOUSE – PRE-APPLICATION – ASSISTED LIVING PROPOSAL FOR DAYS INN –

Eric Newhouse – Applicant

Mr. Newhouse explained that he would like to renovate the Days Inn Hotel and turn it into Assisted Living licensed by the Department of Health. He continued to say that there is currently 103 units and he planned on downsizing the number of units. Theresa Santiago asked what would be changed, Mr. Newhouse stated that the footprint would not change the only thing he intends to do is remove some of the parking lot and replace it with more greenery. Craig Wagner questioned if it was going to be for Elderly, Mr. Newhouse answered yes. Chairman asked about the water and sewer and Mr. Newhouse replied that it would all have to be brought up to code. Mike Hunter asked if they would have activities and activity areas for the residents, Mr. Newhouse answered that yes a recreational room as well as activity rooms. Theresa Santiago questioned how many floors the building has, Mr. Newhouse replied two. Chairman Vicaretti queried as to whether there was an elevator in the building, Mr. Newhouse answered no he would need to add one. Mr. Newhouse stated that the potential resident will be someone who can function mainly on their own just need help with meals, medication management, bathing, dressing and transportation.

MILLENNIUM PIPELINE COMPANY – PRE-APPLICATION –

Frank Palumbo – Representative

Mr. Palumbo started off the presentation by passing out maps so the Board could review them. Town Attorney asked if there was a right-a-way, Mr. Palumbo answered that it is an existing deeded driveway. Chairman asked if it was an existing building, Mr. Palumbo replied no it is a proposed building to house equipment on the property. Willard questioned the dimensions; Mr. Palumbo stated it was 80'x40' building. Chairman asked if there was a Planning Board approval for the current use, Dave Dean stated it was an essential services and a permitted use so no Planning Board approval was needed. Frank Palumbo also stated that there is nothing new proposed except for the building. Town Engineer asked if any facilities were present on site, Mr. Palumbo replied none just a portable facility. Mr. Palumbo questioned if the SEQRA EAF Mapper needed to be done considering the area of disturbance is already disturbed. Town Attorney stated that he believes that a GML-239 did not need to be done and a short form EAF would be fine. Frank Palumbo asked to be on the July 27 Agenda and Town Attorney said it would have to be August 10 Agenda due to the 14 day deadline.

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**ASPEN RIDGE – REBECCA HWANG – 15-LOT SUBDIVISION –
Michael Morgante – Representative**

Mr. Morgante stated that this is a property located off of Peenpack Trail it is a proposed 15-lot subdivision with parcels ranging from 1 ½ acres to 5 acres in size with each having their own individual wells and septics. He continued that soil testing have been done and separation distances for each lots well and septic will be achieved. He also stated that the plan is to minimize clear cutting on the lots and the proposed road and driveways will be under 10% grade. Chairman Vicaretti acknowledged that the Zoning is Rural Residential (RR) and minimum 1 acre is required so there is potential for further subdivision. Town Attorney stated that Board can request that a note be added for no further subdivision. Chairman asked if Fusco comments from March 17 have been satisfied, Town Engineer answered most have been and Mr. Morgante stated in regards to the new comments the applicant should not have a problem satisfying . He further stated that the goal of the Applicant is to have the proposed road inside the subdivision be gated and private and a road maintenance agreement will not be a problem. Willard Schadt confirmed that the agreement should be done before the public hearing. Theresa Santiago asked about rattle snakes, Mr. Morgante answered that a habitat study will be done. Town Engineer added that a Knox Box should be put on the gate for the Fire Department entry to the lots.

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

Motion made by Theresa Santiago, 2ND by Mike Hunter to declare intent for the Town of Deerpark Planning Board to be Lead Agency for SEQRA purposes.

Vote 6 Ayes: Theresa Santiago, Craig Wagner, Rob Whitney, Mike Hunter, Willard Schadt, Bob Vicaretti.

MOTION CARRIED

APPROVAL OF JUNE 8 & JUNE 22, 2016 MINUTES –

Motion to Approve June 8 & June 22, 2016 Minutes.

Motion made by Theresa Santiago, 2ND by Craig Wagner to Approve June 8 & June 22, 2016 Minutes.

Vote 6 Ayes: Theresa Santiago, Craig Wagner, Rob Whitney, Mike Hunter, Willard Schadt, Bob Vicaretti.

Mike Hunter abstained on Approving June 8 Minutes because he was absent; Rob Whitney and Craig Wagner abstained on Approving June 22 Minutes because they were absent for that meeting.

MOTION CARRIED

OTHER BUSINESS –

Willard Schadt asked if a Policy or if it could be made habit to designate one or two people to do site visits and report back to the Planning Board, Town Attorney answered yes.

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Motion to Adjourn Meeting.

Motion made by Theresa Santiago, 2ND by Craig Wagner to Adjourn Wednesday July 13, 2016 Planning Board Meeting at 10:02 p.m.

Vote 6 Ayes: Theresa Santiago, Craig Wagner, Rob Whitney, Mike Hunter, Willard Schadt, Bob Vicaretti.

MOTION CARRIED

Respectfully Submitted By,

A handwritten signature in blue ink that reads "Amanda Gorr". The signature is written in a cursive style with a large initial 'A' and a long, sweeping underline.

Amanda Gorr, Planning Board Secretary