

The Deerpark Planning Board met for their bi-monthly meeting on Wednesday, JANUARY 25, 2017 at 7:00 pm at the Deerpark Town Hall, 420 US Route 209, Huguenot, NY. The following were present:

**BOARD MEMBERS PRESENT:**

Bob Vicaretti-Chairman  
Theresa Santiago  
Willard Schadt

Craig Wagner-Vice Chairman  
Rob Whitney



**APPROVED**

**BOARD MEMBER ABSENT:** Mike Hunter

**OTHERS PRESENT:**

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

Meeting brought to order at 7:01 pm.

Pledge of Allegiance

**SOUTHERN REALTY & DEVELOPMENT, LLC – DOLLAR GENERAL SITE PLAN – Public Hearing –**  
Zachary Peters - Mercurio-Norton-Tarolli-Marshall – Engineer for Applicant  
John Joseph – Developer for Applicant

Mr. Peters stated that since the public hearing back in July there has been no major changes to the Site Plan, they did however finalize with the Department of Transportation (DOT). Town Attorney acknowledged that the public hearing was closed at 8:20 PM on July 13, 2016; Chairman Vicaretti added that the public hearing was closed for verbal and written comments. Mr. Peters stated that they are ready to move forward to where everything is addressed to approve. Willard Schadt questioned what the issues were with DOT; Mr. Peters replied the entrance and drainage issues also site distance; which the possibility of moving the entrance is not feasible but the DOT did suggest a no left turn sign. Willard Schadt asked if all the DOT concerns were resolvable, Zachary Peters answered that it was mostly drainage and technical issues. Chairman Vicaretti questioned the letter received from Kimberly from the DOT; Mr. Peters stated that it was an onsite visit with DOT along with email correspondence and telephone conversations. Town Attorney suggested sending all DOT Letters and emails for the Board to review. Mr. Joseph then explained the spill that was discovered and what halted the application, he stated that in 1997 the old tanks from Baker's Store were removed, and someone was hired to test on the borders of the property line DEC issued no further action. Mr. Joseph continued that it will not be disturbed in the building of the proposed Dollar General, Chairman Vicaretti questioned what would happen if it was disturbed, Mr. Joseph answered that then yes the contaminated area will have to be dealt with then. Chairman asked if there was a letter from the DEC regarding this, Mr. Fusco stated that the DEC officer had a conversation with the Building Inspector, Bob Emerson. Mr. Joseph stated it was minor in nature and there is no obligation on their part to do anything. Mr. Joseph asked if they could be put on the agenda for February 8, Town Attorney stated that the Board would have to wait for the final from DOT, Chairman Vicaretti added that if the sign off from DOT is in before then yes if not then it will be February 22 Meeting.

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**THE SENTINEL AT PORT JERVIS – ASSISTED LIVING PROPOSAL FOR DAYS INN –**

**Eric Newhouse – Representative for Applicant**

**Susan Grager – Schopfer Architects LLC – Engineer for Applicant**

Mr. Newhouse stated that they had been before the Board in the summer with a pre-application and now this is the formal application, it is property located at 2247 Greenville Turnpike in the Town of Deerpark. He continued that he is going to purchase the property and convert it to an Assisted Living Facility, it will not be a nursing home or independent living residents will have 3 meals and medication management, they will have assistance with every day activities. He further explained that they will be licensed with New York State, they plan to renovate the entire facility and eliminate the swimming pool and put an addition in its place, the expected time line is 12-18 months. He also added that they operate other similar facilities in New York and Florida. Town Attorney then stated a public hearing was held with the Industrial Development Agency (IDA) Mr. Dowd, Attorney for IDA stated that he is aware the base assessment. Town Attorney added that most pilots are based on vacant land and is taxed with the improvements made thereafter; this will be based on the current assessment and based on the new improvements made to the property. Chairman Vicaretti then asked Mr. Newhouse if he received a copy of the comments from Fusco Engineering, he stated that he had and then proceeded to discuss them with the Board; he stated that a structural Engineer will certify stability of building, handicap parking is more than required, civil engineer will review the capacity of the well, there will be testing of the water quality there is also onsite septic system. DEC approval and copy of SPEDES permit the water usage will drop; it is based on full occupancy of a hotel at 20,000 gallon per day. Chairman questioned about the surge rate on the septic if it was built into the plans, Mr. Fusco stated it is about the same as the hotel. Chairman also asked about the addition kitchen use, Mr. Newhouse stated that there has always been a commercial kitchen and a restaurant in the hotel. Mr. Newhouse stated that the Department of Health does not issue a permit just a letter; he continued that the details on the foundation are on the site plan for the addition, and Ms. Grager added that the proposed generator will run the facility at 100%. Mr. Newhouse continued that the property is actually 2 lots and the gravel lot may have to be subdivided out which does not affect the project but could affect the Bulk Tables. Willard Schadt stated that according to the survey it looks like the entrance is not on the property and questioned if there was an easement. Chairman stated that the easement would be in the Deed, Mr. Newhouse stated a title search would be done and determined at that time, he then questioned if the Short Form EAF is enough. Mr. Fusco answered that the Short Form is sufficient the proposed addition is going to be where the existing pool is so there will be no new disturbance. Craig Wagner asked if the lighting will be changed, Mr. Newhouse stated that all will be new.

**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 Theresa Santiago to declare intent for 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 authorize GML-239 Review.**

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

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

**MOTION CARRIED**

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THE SENTINEL AT PORT JERVIS – ASSISTED LIVING PROPOSAL FOR DAYS INN – continued –

Glen Plotsky, Town Attorney stated that **Attorney Escrow** will be **\$1500** and Alfred Fusco III, stated that **Engineering Escrow** will be **\$3000** the Escrow Form was filled out and signed by Town Attorney, Town Engineer and 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.

APPROVAL OF JANUARY 11, 2017 MINUTES –

**Motion to Approve January 11, 2017 Minutes.**

Motion made by Theresa Santiago, 2<sup>ND</sup> by Craig Wagner to Approve January 11, 2017 Minutes.

**Vote 4 Ayes:** Theresa Santiago, Craig Wagner, Rob Whitney, Bob Vicaretti. Willard Schadt abstained from voting because he was not present at the January 11, 2017 Meeting.

**MOTION CARRIED**

OTHER BUSINESS –

Chairman Vicaretti questioned the fees on the special inspections that are on the comment list from Fusco Engineering, he felt that it is not business of Planning Board that it is after the approval has been given and should go through Building Department. Alfred Fusco III stated that the Building Department does not do site inspections and do not regulate SWPPP. Glen Plotsky stated that the Planning Board has no enforcement on the fee, Willard Schadt added that there is no table, no schedule it's arbitrary. Al Schock acknowledged that it could be added to the regular escrow, Alfred Fusco III stated that Planning Board sets Escrow and makes it part of the approval, this is money that has to be set aside for special inspections. Chairman stated that he was not comfortable because it is arbitrary; Mr. Fusco confirmed it is same as escrow to review but it's for the Engineer that does the actual inspection. Dave Dean he understands both sides and there should be a policy established and not necessarily the Planning Board to enforce. Town Attorney stated that someone needs to set Escrow and it has to be paid before building starts, the question is the basis for regulation and what involvement should the Planning Board have in setting the escrows. He continued that it would only be logical to be part of the approval, and he added that a discussion with the Town Board, Building Department and Planning Board to develop a policy of enforcement and approval. Craig Wagner stated that the State says that Planning Board impose fees as part of site plan, Willard Schadt suggested that it can state that the fees are not established by Planning Board but set forth by Town Engineer or Town Board.

**Motion to Adjourn Meeting.**

Motion made by Theresa Santiago, 2<sup>ND</sup> by Craig Wagner, to Adjourn Meeting at 8:16 p.m.

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

**MOTION CARRIED**

Respectfully Submitted By,



Amanda Gorr, Planning Board Secretary