

The Town of Deerpark Planning Board met for a BIMONTHLY MEETING on WEDNESDAY, JUNE 12, 2024. The Meeting was held at Town Hall 420 Route 209.

The following were present on the meeting:

BOARD MEMBERS PRESENT:

Craig Wagner-Vice-Chairman  
Willard Schadt

Theresa Santiago  
Patrick Kean

BOARD MEMBER NOT PRESENT:

Robert Vicaretti-Chairman

OTHERS PRESENT:

Glen Plotsky, Town Attorney  
John Nosek-Representative from Fusco Engineering  
Alan Schock-Town Councilman  
Rob Whitney-Town Councilman

Pledge of Allegiance

Meeting was brought to order at 7:00 pm by Vice-Chair Craig Wagner.

2 HARTWOOD CLUB RD – 2 HOMES – PRE-APPLICATION –

Kalejaiye Atinuke-Applicant  
Jeff Quinn-Neighbor

Mr. Atinuke explained that he would like to put another home on the property, the lot is just over 54 acres and he would like to build another home. The current home is too small it is now a 2 bedroom and he would like more room. Town Attorney believed that he could, he would just have to set the home so if he ever subdivided that property it would meet setbacks. He suggested that Mr. Atinuke consult with an Engineer and he could go straight to the Building Department. Mr. Quinn acknowledged that the current home is in the front of the property and where he would like to build the second home is in an old tomato field. Willard Schadt asked if he would have enough road frontage; Mr. Quinn answered that there is about a tenth of a mile of frontage. John Nosek suggested that they hire an engineer and show a plan. Town Attorney explained that with the acreage it is doable and they needed to show a driveway and well and septic for the second home, Mr. Quinn asked if they could use the current driveway, Town Attorney replied that there would have to be a road maintenance agreement in the event that this is subdivided and sold in the future there would be no potential issues.

IPP SOLAR – 1149 ROUTE 209 – SOLAR ARRAY – DISCUSSION OF COMMENTS FROM PUBLIC HEARING –

Maziar Dalaeli-IPP Solar Associate-Representative for Property Owner  
Joe Hens-Representative from Ingalls & Associates LLP  
Robert Honders-Applicant

Mr. Dalaeli explained that they would address comments made at the public hearing last month. There was a question about fossil fuel vs Solar, Mr. Dalaeli stated that it is a policy decision and that solar is allowed in the Town of Deerpark. Another concern was clearing of trees, a SWPPP (Storm Water Protection Pollution Plan) has been submitted to the Town Engineer addressing water runoff and soil erosion and comments have been made by Town Engineer's office. Maintenance is done in house and it is minimal once up and running it would be about 1 time a month. The array is connected to the grid by the overhead line on Route 209. There is a decommissioning bond in the works and asked if it could be made part of the conditional approval. This is more than 500 ft from the nearest home, there is no way it can be seen because of the topography of the property, there is no sound unless right on top of the panels, there is no odor and no health hazard with regards to the electromagnetic field. There was concern about the wildlife, they are proposing a wildlife fence. This proje twill benefit the residents for reduced prices in electric after subscribing to the solar. Town Attorney acknowledged that there were some advisory comments from Orange County as part of the GML-239 review. Mr. Dalaeli stated that all comments were recommendations and they will be taken into consideration, and they are not clearing all 152 acres, Joe Hens added about 60 acres will be cleared. Mr. Dalaeli believed the fence would allow for wildlife traffic; Mr. Hens confirmed it was a woven/agricultural fence. Town Attorney questioned the space underneath the fence, Mr. Dalaeli stated that it would be more a deterrent but County recommended 12–18-inch gap.

**PLANNING BOARD MEETING JUNE 12, 2024 continued –**

**IPP SOLAR – 1149 ROUTE 209 – SOLAR ARRAY – DISCUSSION OF COMMENTS FROM PUBLIC HEARING – continued –**

John Nosek stated that a decommissioning plan needed to be done and a bond posted after review by the Town Attorney and Town Engineer. Fencing needed to be shown on the site plan, he stated that he is not personally ok with the fence discussed this is a high voltage facility. SWPPP was submitted and comments have been made by Fusco Engineering. An ENOI (Notice of Intent) with DEC (Department of Environmental Conservation) was needed and the comments from February 2024 from Fusco Engineering needed to be addressed. He felt no action should be taken. Craig Wagner read the comment from the County regarding the fence that the proposed fence does not allow for wildlife crossing and that they suggest raising the 12 inches every 50 feet to allow for wildlife traffic. Town Attorney acknowledged there is a 7ft federal regulation for the fence but it does not give design requirements for the type of fence, Mr. Dalaeli stated that they will follow what the Board wants. Willard Schadt added that the terrain is very extreme on parts of the property, Mr. Dalaeli further added that there will be gaps in the fencing anyway due to the topography. Willard Schadt asked if there would be grading, Town Attorney further asked about the grade where the array will be placed, Mr. Dalaeli stated that after the trees are cut down where the arrays will be placed they will take out all the stumps to make it relatively flat, Joe Hens added that the lot is very rocky. John Nosek acknowledged that the SWPPP cannot be more than 5 acres at a time, Joe Hens confirmed it would be done in phasing and there is an erosion and sediment control plan in place and a silt fence will be installed as well. Chair Wagner stated it was his opinion that the fence should be for protection of the array and to not allow people into the sites, Theresa Santiago agreed. Willard Schadt questioned if the 12 inches was set in stone and if possibly it could be 6 inches, Joe Hens stated that it is an agricultural fence, it is a mess material that allow smaller animals to move through, Town Attorney asked if a sample of the fence could be brought in, Joe Hens answered yes. Town Attorney questioned the number of acres to be cleared was 60, Joe Hens answered 50-60 but some have been cleared already, Mr. Dalaeli added that amount includes the access roads. John Nosek acknowledged that with the phasing of the clearing that it is 5 acres for stabilization and that it has to be graded, seeded, and hayed before they can move on to the next 5 acres. Joe Hens also added that the presence of the Northern long eared bat makes restrictions on when they can start clearing, John Nosek stated to make sure that is a note on the plan. John Nosek asked what percentage was cleared and what was forest, Joe Hens replied that 6.2 acres currently is open. Town Councilman Schock pointed out to the Board that the County comments are advisory comments and not mandatory, Craig Wagner stated that the Board could see if there are other options. Town Attorney asked if the applicant would waive the 62 days, Mr. Dalaeli answered yes. Chair Wagner asked if there were any actions to take, Town Attorney and John Nosek both answered no, he also asked if there were any comments from the Board with none.

**CHINESE CHRISTIAN HERALD CRUSADES – 300 EDDY FARM RD – RESCHEDULE PUBLIC HEARING –**

Chair Wagner stated that the public hearing for Chinese Christian Herald Crusades was asked to be rescheduled to June 26, 2024 meeting.

Motion made by Theresa Santiago 2<sup>nd</sup> by Craig Wagner to reschedule a public hearing for Chinese Christian Herald Crusades for June 26, 2024 at 7PM.

**Vote 4 Ayes:** Theresa Santiago, Patrick Kean, Willard Schadt, Craig Wagner.

**MOTION CARRIED**

**MOTION TO APPROVE MINUTES**

**Motion to approve May 22, 2024 Minutes.**

Motion made by Theresa Santiago, 2<sup>nd</sup> by Patrick Kean to approve the minutes for Wednesday, May 22, 2024 meeting.

**Vote 4 Ayes:** Theresa Santiago, Patrick Kean, Willard Schadt, Craig Wagner.

**MOTION CARRIED**

**PLANNING BOARD MEETING JUNE 12, 2024 continued –**

**OTHER BUSINESS:**

Town Councilman Schock stated that the fence should be to protect people from entering and damaging equipment or themselves. John Nosek added he was not in favor of it and that it is a high voltage facility, Chair Wagner agreed. John Nosek also pointed out that after the land is cleared it will grow back except where the pads are and access roads.

**Motion to adjourn meeting.**

Motion made by Theresa Santiago, 2<sup>nd</sup> by Patrick Kean to adjourn June 12, 2024 Planning Board meeting at 7:56 pm.

**Vote 4 Ayes:** Theresa Santiago, Patrick Kean, Willard Schadt, Craig Wagner.

**MOTION CARRIED**

Respectfully submitted by,



Amanda Gorr, Planning Board Clerk