



Dellacore

From Glen Plotsky <gplotsky@portjervislawyers.com>

Date Tue 6/24/2025 7:32 PM

To Robert Vicaretti, Sr. <steelman4@hvc.rr.com>; Craig Wagner <cwagner4@hvc.rr.com>; Willard Schadt <willardschadt@frontiernet.net>; Pat Kean <patkean1988@gmail.com>; Theresa Santiago <nomatheresa@yahoo.com>

Cc AL FUSCO JR. <aafjr@fuscoengineering.com>; Jennifer Higinson <jmh@fuscoengineering.com>; Amanda Gorr <agorr@townofdeerparkny.gov>; Donna Schanzenbacher <dschanzenbacher@portjervislawyers.com>

All:

I am sending this email as I will be unavailable to attend the Planning Board meeting scheduled for tomorrow night. I intend to return to attendance at meetings commencing with the Board's first meeting in July.

Initially, I note that Mr. Fuller submitted his comments and changes by letter dated June 16, 2025. The regulations of the Town of Deerpark Planning Board require that any submissions be provided not less than Ten (10) Days prior to a meeting. Since tomorrow's meeting will be conducted on June 25, 2025, only Nine (9) Days were provided for review of the submitted materials. As such, the Planning Board is within its rights to immediately adjourn the matter for further discussion at its next meeting.

Based upon my review of Mr. Fuller's submissions, and the review letter from your engineering consultant, it would appear that all of the items required to be provided are now in the file.

Based upon the engineer comments and my review, I believe that the Board could perform its function and complete the SEQRA review process. If the Board believes that it is appropriate to do so, the Board could also consider issuing conditional approval based upon payment of fees as well as any other conditions the Board determines to be appropriate.

If any recipient of this email has any questions, please feel free to contact me.

--

Glen A. Plotsky, Esq.

Bavoso Law Offices  
19 East Main Street  
P.O. Box 3139  
Port Jervis, New York 12771  
(845) 856-4444 Phone  
(845) 858-8002 Fax

233 East Main Street  
Middletown, NY 10940  
Phone: (845)344-5863  
Fax: (845)956-5865

*Consulting Engineers*  
**Alfred A. Fusco, Jr.**  
Principal  
**Alfred A. Fusco, III**  
General Manager



**FUSCO**  
ENGINEERING &  
LAND SURVEYING, D.P.C.

June 24, 2025

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

Project: Delacore Inc. Conceptual Site Plan  
SBL: 44-4-23.21 & 23.22  
Acreage: 5.18 Acres  
Zone: HM-U  
Material Reviewed: Lot Consolidation Plan revised 1/14/25 and Site Plan revised 3/21/25, cover letter and attachments dated June 16, 2025.  
Our File No: D-408

Dear Chairman Vicaretti,

We have reviewed the submitted material referenced above and have found that the applicant has addressed our previously comments adequately.

Please advise if you have any questions.

Very truly yours,

Alfred A. Fusco, Jr., P.E.  
Fusco Engineering  
& Land Surveying, D.P.C.

Cc: Gary Spears, Supervisor  
Don Roat, III, Building Inspector  
Glen Plotzky, Esq.  
Amanda Schultz, Planning Board Secretary  
Raymond Cirulli, Highway Superintendent  
John Fuller, P.E.

# FUSCO

ENGINEERING &  
LAND SURVEYING, D.P.C.



233 East Main Street  
Middletown, NY 10940

Phone: (845)344-5863  
Fax: (845)956-5865

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June 24, 2025

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

RE: Quarry Management  
Section 57, Block 1, Lot 96 & 97  
Our File #D-319

Project: Lot Improvement and Amended Site Plan  
SBL: 57-1-96, 97, 80.42, 3.1, & 3.2  
Acreage: 14.59 Acres  
Zone: IB and HM-U  
Material Reviewed: Plans prepared by John D. Fuller, P.E., P.C. revised 6/16/25 and project narrative  
Our File No: D-319

Dear Chairman Vicaretti,

We have reviewed the material stated above and offer the following:

1. If a negative declaration has not been declared for this project, Applicant to do a jurisdictional determination with the NYSDEC. The NYSDEC has new regulations and can and may re-designate wetlands as a state regulated wetland.
2. \$40,000 escrow to be submitted prior to the conditional approval since inspections are required.
3. The bond is not up for discussion. Bond will be released upon sign off by the Town Engineer or completion of the work and subject to a retention of the bond for landscape replacement for 3 years.
4. Surverys not provided at this time.
5. Show location on plan for the slope matting and show the size of the rock on top of the slope.

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6. Show landscaping plan as shown in renderings and identify landscape in the Bio Retention Pond on the plan.
  7. Due to the fact that the project can take two years to build out we recommend the escrow should be \$40,000 instead of \$10,000.
  8. A benchmark should be placed onsite for elevation.
  9. Board Comments.

Very truly yours,



Alfred A. Fusco, Jr., P.E.  
Fusco Engineering  
& Land Surveying, D.P.C.

Cc: Gary Spears, Supervisor  
Glen Plotsky, Esq.  
Amanda Gorr, Planning Board Secretary  
John Fuller, P.E.  
Todd Maurizzio  
Planning Board

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## Quarry Management

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**From** Glen Plotsky <gplotsky@portjervislawyers.com>

**Date** Tue 6/24/2025 7:35 PM

**To** Robert Vicaretti, Sr. <steelman4@hvc.rr.com>; Craig Wagner <cwagner4@hvc.rr.com>; Willard Schadt <willardschadt@frontiernet.net>; Pat Kean <patkean1988@gmail.com>; Theresa Santiago <nomatheresa@yahoo.com>

**Cc** AL FUSCO JR. <aafjr@fuscoengineering.com>; Jennifer Higinson <jmh@fuscoengineering.com>; Amanda Gorr <agorrr@townofdeerparkny.gov>; Donna Schanzenbacher <dschanzenbacher@portjervislawyers.com>

All:

I am sending this email as I will be unavailable to attend the Planning Board meeting scheduled for tomorrow night. I intend to return to attendance at meetings commencing with the Board's first meeting in July.

Initially, I note that Mr. Fuller submitted his comments and changes by letter dated June 16th 2025. The regulations of the Town of Deerpark Planning Board require that any submissions be provided not less than Ten (10) Days prior to a meeting. Since tomorrow's meeting will be conducted on June 25, 2025, only Nine (9) Days were provided for review of the submitted materials. As such, the Planning Board is within its rights to immediately adjourn the matter for further discussion at its next meeting.

I have reviewed the materials provided. I am not an engineer, and therefore would defer to the comments of the Board's Engineering Consultants with respect to the technical plans.

I would mention the following:

With regard to the Site Plan:

The proposed reconfiguration of the lots would appear to be potentially desirable to all involved. While it increases the size of the commercial lot, it provides for residential lots along Lime Kiln Road. Because of the configuration of the residential lots, and the proposed development of those lots, fewer homes would be impacted. The renderings provided demonstrate an approximate view from Lime Kiln Road after construction is completed.

The applicant has provided the number of employees as well as the hours of operation. Of some concern is an indication that the hours of operation would provide for 24 hours/7 days per week access by trucks with "some limitation". Of concern is that there is no indication of what that limitation might be. It may be necessary, or at least desirable, for the board to specify exactly how many times per month the applicant can operate outside the "Normal" Hours of operation.

The balance of the information contained within the Site Plan, I defer to the Engineer.

With regard to the letter responding to the Engineers earlier comments:

I do not know the amount of the escrow, if any, that has been discussed relative to inspections. It is likely that the Town would require an independent inspector for the review of construction should conditional approval be granted.

I do not believe that a bond is negotiable. The amount of the bond is something that can be discussed, but the bond must be in place for a period of Two (2) Years or until the construction is completed, whichever first occurs. The reclamation limit/construction MUST be completed within Two (2) Years.

I believe that the Thirty (40') Foot height limit for any and all piles has been discussed. I am uncomfortable with the "benchmark [being] established in the field." The benchmark should be identified in advance based upon a permanent object currently existing on site (e.g., the existing building).

With regard to the responses to the public comments:

Mr. Fuller's comments about Land Use appear correct.

SEQRA is correctly identified as an ongoing process. I do not believe that it has been completed to date relative to this application for a Modified Site Plan. Even if an earlier determination had been made, because of the nature of this modified application, the process for reviewing SEQRA is reopened.

Section 230-28 DOES NOT APPLY. Although the materials are similar to those obtained in extractive uses, there is no application for such a use on the site.

I believe that the Thirty (30') Foot height restriction has been identified by the Planning Board as being the desired height. As indicated previously, the Planning Board has to identify the base, and inspections need to be performed to ensure that the applicant does not violate this provision.

I defer to the engineers regarding the erosion and sediment control provisions. This is true both for erosion and sediment control on the subject parcel, as well as onto U S Highway Route 6.

Based upon a review of the proposed site plan, no variances are required. The parcels that are proposed are for permitted uses in the zones in which they exist. Further, any structures, are outside the setback requirements that are established for those zones. As such No variances are required.

Until such time as the Planning Board Engineer has had an opportunity to review the submission from Mr. Fuller, I do not believe that the Planning Board should take any action other than to put the matter over for further discussion. As indicated, I intend to return at the first meeting in July. It would be my preference to be present for any such discussion regarding approvals.

If any recipient of this email has any questions, please feel free to contact me.

--

Glen A. Plotsky, Esq.

Bavoso Law Offices  
19 East Main Street

# FUSCO

ENGINEERING &  
LAND SURVEYING, D P C



233 East Main Street  
Middletown, NY 10940

Phone: (845)344-5863  
Fax: (845)956-5865

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*General Manager*

June 24, 2025

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

RE: 5 Maple Crest Dr  
Section 53, Block 2, Lot 36  
Our File #D-413

Project: Charging Stations  
SBL: 53-2-36  
Acreage: 5.97 Acres  
Zone: HM-U Hamlet/ Mixed Use  
Material Reviewed: Charging Station Concept Plan by ingalls & associates, LLP dated 4/3/25  
Our File No: D-413

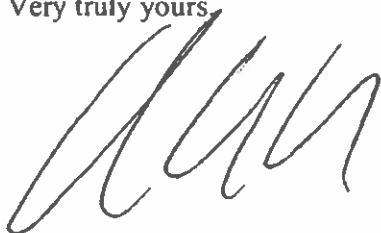
Dear Chairman Vicaretti,

We have reviewed the material stated above and offer the following:

1. A NYSDOT driveway entrance permit will need to be obtained; it is our recommendation that there only be one entrance off Maple Crest Lane. Board to review.
2. It appears the applicant is proposing a subdivision. A survey and subdivision plan stamped and signed by a New York State Licensed Surveyor is required.
3. The applicant should identify which use the project falls under in the HMU zone.
4. Site distance will have to be shown on the plan set for egress/ingress from Rt. 209.
5. Show landscaping plan and all area parking lighting plan & details.
6. Provide construction details, asphalt, curbing, striping, drainage, sidewalks, etc.
7. Show signage details. Including ADA Parking.
8. Provide details for the restroom. Lighting, maintenance schedule (winter months).
9. Provide site distance and dimensions of the proposed sign.
10. Show the one-line utilities wiring diagram. Provide location pad mount transformer and infrastructure for connection to utilities.

- 
11. Please provide SEQRA short form.
  12. Provide a letter from O&R for this Phase where there is enough infrastructure to support this type of project.
  13. What are the foundations for the container convenience boxes.
  14. Design professional to review parking layout in relationship to the charging unit and the proximity to the sidewalk. It appears to be clearance issues. Protection devices may be required.
  15. Provide all dimensions for set back on the plan, Label setback lines.
  16. Typical container area does not appear to the same size as per the foot printed convenience area.
  17. Letter from local fire department for fire suppression requirements or trained for potential fire events from the project.
  18. Provide a full written response to this letter.
  19. Board Comments

Very truly yours,



Alfred A. Fusco, Jr., P.E.  
Fusco Engineering  
& Land Surveying, D.P.C.

Cc: Gary Spears, Supervisor  
Glen Plotsky, Esq.  
Amanda Schultz  
John Fuller, P.E.  
Todd Maurizzio  
Planning Board





Outlook

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## IPP Solar Charging Facility

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From Glen Plotsky <gplotsky@portjervislawyers.com>

Date Tue 6/24/2025 7:30 PM

To Robert Vicaretti, Sr. <steelman4@hvc.rr.com>; Craig Wagner <cwagner4@hvc.rr.com>; Willard Schadt <willardschadt@frontiernet.net>; Pat Kean <patkean1988@gmail.com>; Theresa Santiago <nomatheresa@yahoo.com>

Cc AL FUSCO JR. <aafjr@fuscoengineering.com>; Jennifer Higinson <jmh@fuscoengineering.com>; Amanda Gorr <agorr@townofdeerparkny.gov>; Donna Schanzenbacher <dschanzenbacher@portjervislawyers.com>

All:

I am sending this email as I will be unavailable to attend the Planning Board meeting scheduled for tomorrow night. I intend to return to attendance at meetings commencing with the Board's first meeting in July.

I have had an opportunity to review the application and proposed site plan, as well as the EAF provided.

The site plan drawing does not appear to be consistent with the balance of the application. Specifically, the application identifies the lot size as being 5.97 acres, 5.97 acres is the total for the lot owned by IPP solar inclusive of both Maple Crest Solar I and Maple Crest Solar II, as well as the proposed Maple Crest fueling station. To the contrary, the site plan that has been submitted shows a lot line separating the proposed fueling station from the balance of that lot.

Of concern, the proposed lot containing just the fueling station appears to be 0.92 acres. The minimum lot size in the HMU zone is 1.0 acres. Therefore, the planning board could not approve this application even if it desired to. It would be required to refer this matter to the Zoning Board of Appeals for a variance.

The concept plan specifically directed relative to the charging station shows a proposed lot size of 0.92 plus or minus acres on the map. But in the bulk regulation table, it shows something over one acre, as the proposed size of the parcel. The applicant can't have it both ways. He needs to choose. The applicant can either move the lot line so that it has more than one acre, or appear before the Zoning Board of Appeals and obtain a variance.

With regard to the engineering, I defer to the planning board's consultant and engineer. I do not believe that at this juncture this application is ready for a Public Hearing and would suggest that the matter be put over for further submissions, discussions and for my attendance.

If any recipient of this email has any questions, please feel free to contact me.

--

Glen A. Plotsky, Esq.

Bavoso Law Offices

19 East Main Street

P.O. Box 3139

Port Jervis, New York 12771

(845) 856-4444 Phone

(845) 858-8002 Fax

# FUSCO

ENGINEERING &  
LAND SURVEYING, O.P.C.



233 East Main Street  
Middletown, NY 10940

Phone: (845)344-5863  
Fax: (845)956-5865

Consulting Engineers

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*Alfred A. Fusco, III*  
*General Manager*

June 24, 2025

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

RE: 28 Maple Crest Dr.  
Section 53, Block 2, Lot 40.1  
Our File #D-414

Project: Fueling station  
SBL: 53-2-40.1  
Acreage: 79 Acres  
Zone: HM-U  
Material Reviewed: Overall Sketch Plan by ingalls & associates, LLP dated 4/24/25  
Our File No: D-414

Dear Chairman Vicaretti,

We have reviewed the material stated above and offer the following:

1. Provide completion of Phase I.
2. Delineate the new portion of this phase.
3. SEQRA long form required.
4. Negotiate Pilot with Town Board.
5. Provide decommission plan and Bond approved by the Town Attorney.
6. Provide solar details and dimensions as well as fencing, lighting, and landscaping.
7. Provide a letter from O&R for this Phase.
8. Provide a full response to this letter.
9. Cloud changes.
10. Board Comments

Action: None

233 East Main Street  
Middletown, NY 10940  
(845)344-5863



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Very truly yours,

A handwritten signature in black ink, appearing to read "Alfusco", written over a horizontal line.

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

Fusco Engineering  
& Land Surveying, D.P.C.

Cc: Gary Spears, Supervisor  
Glen Plotsky, Esq.  
Amanda Schultz  
John Fuller, P.E.  
Todd Maurizzio  
Planning Board



Outlook

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## Maple Crest Solar II

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From Glen Plotsky <gplotsky@portjervislawyers.com>

Date Tue 6/24/2025 7:28 PM

To Robert Vicaretti, Sr. <steelman4@hvc.rr.com>; Craig Wagner <cwagner4@hvc.rr.com>; Pat Kean <patkean1988@gmail.com>; Willard Schadt <willardschadt@frontiernet.net>; Theresa Santiago <nomatheresa@yahoo.com>

Cc AL FUSCO JR. <aafjr@fuscoengineering.com>; Jennifer Higinson <jmh@fuscoengineering.com>; Amanda Gorr <agorr@townofdeerparkny.gov>; Donna Schanzenbacher <dschanzenbacher@portjervislawyers.com>

All:

I am sending this email as I will be unavailable to attend the Planning Board meeting scheduled for tomorrow night. I intend to return to attendance at meetings commencing with the Board's first meeting in July.

I have had an opportunity to review the application and proposed site plan, as well as the EAF provided. I have been provided with one (1) large-scale site plan for both this application and the fueling station application. As I have established my preference is to receive full size site plans for each application, I would request that I be provided with same after further revisions are made.

This is a proposal to create a second large-scale solar facility on the same parcel on which a prior application for large scale solar was granted. Of substantial difference is that this application is to construct the large scale solar in a floodplain.

This week, the town planning board received notification from The Orange County Soil and Water Conservation District, identifying that construction in a floodplain is potentially, if not certainly, problematic. I do not have the expertise to, on relatively short notice, determine whether a large-scale Solar facility in a floodplain is a permissible use, much less a desirable use.

Further, I have no familiarity with floating Solar panels. In fact, I have never heard of such a thing. It is my understanding that currently on the proposed site, there exist a number of storage trailers that are not legally permitted, nor have they been identified on the Site Plan. If they are no longer on the property or will be removed in advance of any public hearing, they should not be of concern. Their removal must be a condition of any approval.

Because this proposed facility is on the same parcel of land as Maple Crest Solar I, it is imperative that the planning board review the current status of the lot. Specifically, the planning board should be aware that Maple Crest Solar I was approved a number of years ago, Construction on that site began almost immediately, and was completed/Made operational several years ago.

The applicant obtained permission to operate BEFORE they were granted a Certificate of Compliance from the Building Department. It is suspected that such a Certificate has still not been obtained, although I could not verify this in advance of preparing this email.

Since April 23, 2024, the applicant has been advised that there are violations where the project was not built in conformity to the approved site plan. Specifically, the applicant was sent Notice of Violation and/or Notice to Remedy on April 23, 2024; June 14, 2024; October 16, 2024; as well as a follow-up letter from the Town Supervisor on May 02, 2025. Notwithstanding all of those notifications, the applicant has not come into compliance with his previously approved site plan. In addition, I am aware that an accusatory instrument and other documentation has been filed with the Town of Deerpark Local Justice Court in order to impose sanctions against the applicant.

While ordinarily ownership of one property in violation owned by a particular applicant would not impact the approval of an application relative to a second property owned by that same applicant, in this case, both applications are on the same subject property. As such, the planning board absolutely can and likely should consider the fact that there are violations of the first approval in considering whether they should give any consideration to the second application.

I have not yet received any comments from the Board's engineering consultant to the planning board. As such, I do not know whether there are technical issues with the proposal. I defer to the engineer in that regard.

Given the circumstances, I would suggest that the board either not consider this application at this time, or discuss any engineer comments that the applicant can use to update their application. At this juncture, it would not be appropriate to schedule a public hearing, or issue any type of approval.

If any recipient of this email has any questions, please feel free to contact me.

--

Glen A. Plotsky, Esq.

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Port Jervis, New York 12771  
(845) 856-4444 Phone  
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