

The Town of Deerpark Planning Board met for a BIMONTHLY MEETING on WEDNESDAY, SEPTEMBER 27, 2023. The Meeting was held at Town Hall 420 Route 209.

The following were present on the meeting:

**BOARD MEMBERS PRESENT:**

Craig Wagner-Vice-Chairman  
Rob Whitney

Willard Schadt  
Theresa Santiago

**BOARD MEMBER ABSENT:** Robert Vicaretti-Chairman

**OTHERS PRESENT:**

Glen Plotsky-Town Attorney  
John Nosek -Representative from Fusco Engineering  
Dave Dean-Town Councilman  
Alan Schock-Town Councilman



Pledge of Allegiance

Meeting was brought to order at 7:01 p.m. by Vice-Chair Craig Wagner.

**4S ENTERPRISES – PEENPACK TRAIL – SUBDIVISION – PUBLIC HEARING –**  
John Fuller-Representative for 4S Enterprises

Mr. Fuller explained that this was about a 7-acre parcel, it borders Peenpack Trail, Route 42 and Parks Rd. There is an existing home on the Peenpack Trail side, recently renovated. The lot with the existing home will access off of Peenpack Trail will be 3.8acres and the other lot will be accessed off of Parks Rd and have 3.5 acres with the intention of building a single-family home. He continued that joint soils were witnessed with the Town Engineer’s office. Chairman asked if mailings were validated, Secretary Amanda Gorr answered yes. Town Attorney acknowledged that there was response from Orange County Department of Planning stating there was no significant intermunicipal impacts. Chair Wagner opened the floor for Public Comment.

Public Comment:

William VanInwegen-15 Parks Rd- Mr. VanInwegen stated he wanted to make sure it would be a single-family dwelling and that it could not be changed.

John Fuller- Mr. Fuller explained there was not enough acres minimum is 2 and any bigger would need 4 or more.

Glen Plotsky- Mr. Plotsky acknowledged that a variance would be needed to add any home bigger than a Single-Family Dwelling.

John Fuller- Mr. Fuller added that it is a buildable lot and there is 100ft separation from the stream that runs through it.

William VanInwegen- Mr. VanInwegen stated that if that is the law then that is the law.

John Nosek-Mr. Nosek went through the comments from Fusco Engineering stating that a surveyor’s signature and seal need to be on the map, pump information is missing and Town Attorney should review the offer of dedication for filing.

Glen Plotsky- Mr. Plotsky asked what was being dedicated.

John Fuller- Mr. Fuller acknowledged that the lot off of Parks Rd goes to middle of the road and they will be dedicating 25ft to Town.

John Nosek-Mr. Nosek added that the comments can be a condition of approval.

Motion made by Willard Schadt, 2<sup>nd</sup> by Rob Whitney to close the public hearing for 4S Enterprises.

**Vote 4 Ayes:** Theresa Santiago, Robert Whitney, Willard Schadt, Craig Wagner.

**MOTION CARRIED**

Motion made by Theresa Santiago, 2<sup>nd</sup> by Rob Whitney to declare Planning Board lead agency for SEQRA purposes.

**Vote 4 Ayes:** Theresa Santiago, Robert Whitney, Willard Schadt, Craig Wagner.

**MOTION CARRIED**

Motion made by Theresa Santiago, 2<sup>nd</sup> by Rob Whitney to declare a negative declaration.

**Vote 4 Ayes:** Theresa Santiago, Robert Whitney, Willard Schadt, Craig Wagner.

**MOTION CARRIED**

Motion made by Rob Whitney, 2<sup>nd</sup> by Theresa Santiago to approve the application for 4S Enterprises for their 2-lot subdivision conditioned on maps signed, Town Attorney’s approval of the dedication and payment of fees.

**Vote 4 Ayes:** Theresa Santiago, Robert Whitney, Willard Schadt, Craig Wagner.

**MOTION CARRIED**

**PLANNING BOARD MEETING SEPTEMBER 27, 2023 continued –**

**HOMESTEAD – ROUTE 42 – 6-LOT SUBDIVISION –**  
John Fuller-Representative for Homestead Subdivision

Mr. Fuller stated that there was a public hearing already for this almost a year ago, there was some public comment, DOT (Department of Transportation) sent an email that it is acceptable to apply for a permit for lot on Route 42. Also, DEC (Department of Environmental Conservation) validated the wetland map, they have sent a letter to the Army Corp of Engineers for the buffer permit and have not heard anything yet. He continued that GML-239 was done and soil testing was done with Alfred Fusco III on every other lot. John Nosek went through the comments from Fusco Engineering stating that stamped and signed maps were needed, SWPPP(Storm Water Pollution Prevention Plan) is complete, a SPDES (State Pollutant Discharge Elimination System) coverage letter is needed from the DEC. He continued that a wetlands permit was needed for the driveway on lot 6 and 25ft road dedication needed to be approved by the Town Attorney. He also stated that the NOI(Notice of Intent) needed to be filed with the DEC, Mr. Fuller acknowledged that the NOI could not be filed until a conditional approval was given, he continued that it needed to be in writing to issue the buffer permit.

Motion made by Rob Whitney, 2<sup>nd</sup> by Theresa Santiago to declare Planning Board lead agency for SEQRA purposes.

**Vote 4 Ayes:** Theresa Santiago, Robert Whitney, Willard Schadt, Craig Wagner.

**MOTION CARRIED**

Motion made by Rob Whitney, 2<sup>nd</sup> by Theresa Santiago to declare a negative declaration and an unlisted action.

**Vote 4 Ayes:** Theresa Santiago, Robert Whitney, Willard Schadt, Craig Wagner.

**MOTION CARRIED**

Motion made by Rob Whitney, 2<sup>nd</sup> by Theresa Santiago to approve the application for Homestead Subdivision for their 6-lot subdivision conditioned on maps signed, Town Attorney's approval of the dedication, approval of SPDES permit, buffer permit approved and payment of fees.

**Vote 4 Ayes:** Theresa Santiago, Robert Whitney, Willard Schadt, Craig Wagner.

**MOTION CARRIED**

**IPP SOLAR – ROUTE 209 – FENCE QUESTION –**

No one was present for applicant.

Town Attorney acknowledged that the applicant needed to show regulations that a fence was not required. Rob Whitney stated that he has driven past a few that did not have any, Town Attorney stated that we changed the zoning to accommodate the law of 7ft fence with 1ft of barb wire. John Nosek added that this is millions of dollars of equipment he couldn't see why they wouldn't put up fencing to protect it.

**MULLER – MULLER LANE – LOT LINE CHANGE –**

Bobbie Jo Muller-Co-applicant and Representative for other applicant.

Ms. Muller explained that she owns a small lot and this will give her a larger piece and allow for her driveway and lot lines to be on her property. She also stated that there was a community well that was shared with the other lots but it was turned off, she will be using that well for her home. Town Attorney asked what the lot size would be after the change, Ms. Muller answered .487 acres. He acknowledged that it would be less nonconforming and he would just have to approve deeds and suggested the Board approve with the condition that he will approve the deeds.

Motion made by Rob Whitney, 2<sup>nd</sup> by Theresa Santiago to refer the application for Bobbie Jo Muller for a lot line change to the assessor's office conditioned on Town Attorney's review of deeds and payment of fees.

**Vote 4 Ayes:** Theresa Santiago, Robert Whitney, Willard Schadt, Craig Wagner.

**MOTION CARRIED**

**GOLDEN BASIN – 443 ROUTE 209 – SITE PLAN REVIEW –**

Jian Hu-Representative for Applicant

Mr. Hu explained that this was a 2-story building in the existing footprint, he has updated the drawing, there will be no changes to the existing access off of the 2 roads. John Nosek stated that there are no comments from Fusco Engineering all is good to go. Town Attorney acknowledged that there was comment from the GML-239 and there were no problems.

**PLANNING BOARD MEETING SEPTEMBER 27, 2023 continued –**

**GOLDEN BASIN – 443 ROUTE 209 – SITE PLAN REVIEW – continued –**

Motion made by Rob Whitney, 2<sup>nd</sup> by Theresa Santiago to approve the application for Golden Basin Inc contingent on payment of fees.

**Vote 4 Ayes:** Theresa Santiago, Robert Whitney, Willard Schadt, Craig Wagner.

**MOTION CARRIED**

**MOTION TO APPROVE MINUTES**

**Motion to approve September 13, 2023 Minutes.**

Motion made by Theresa Santiago, 2<sup>nd</sup> by Rob Whitney to approve the minutes for Wednesday, September 13, 2023 meeting.

**Vote 4 Ayes:** Theresa Santiago, Robert Whitney, Willard Schadt, Craig Wagner.

**MOTION CARRIED**

**OTHER BUSINESS:**

Town Attorney acknowledged that Vice-Chair Craig Wagner ran the meeting nicely.

**Motion to adjourn meeting.**

Motion made by Theresa Santiago, 2<sup>nd</sup> by Rob Whitney to adjourn September 27, 2023 Planning Board meeting at 7:38 pm.

**Vote 4 Ayes:** Theresa Santiago, Robert Whitney, Willard Schadt, Craig Wagner.

**MOTION CARRIED**

Respectfully submitted by,

A handwritten signature in black ink, appearing to read 'Amanda Gorr', written in a cursive style.

Amanda Gorr, Planning Board Clerk