

The Town of Deerpark Planning Board met for a BIMONTHLY MEETING on WEDNESDAY, FEBRUARY 28, 2024. The Meeting was held at Town Hall 420 Route 209.

The following were present on the meeting:

BOARD MEMBERS PRESENT:

Robert Vicaretti-Chairman
Theresa Santiago
Willard Schadt

Craig Wagner-Vice-Chairman
Rob Whitney

OTHERS PRESENT:

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



Pledge of Allegiance

Meeting was brought to order at 7:03 p.m. by Chair Robert Vicaretti.

CHENG – 2 AVE B – 2-LOT SUBDIVISION – PUBLIC HEARING –

Holly Fuller-Representative for Applicant

Motion to open public hearing made by Theresa Santiago, 2nd by Robert Whitney for Cheng Subdivision.

Vote 5 Ayes: Theresa Santiago, Craig Wagner, Robert Whitney, Willard Schadt, Robert Vicaretti.

MOTION CARRIED

Secretary Amanda Gorr read the public hearing notice into record. Chairman asked if proof of mailings were good, Secretary replied all in order.

Holly Fuller gave a brief presentation of the project, stating that it was a 2-lot subdivision at Ave B and 5th Street in Myers Grove. The property consists of 2.94 acres, 1-acre will be one lot with the balance on the other, the 1-acre lot will be developed with a single-family dwelling with a well and septic, the driveway will be off of 3rd Street. This is in the RR District, which is 1 acre zoning, all other zoning requirements are met.

John Nosek went through the comments from Fusco Engineering, that when maps are submitted for signature they need to be sealed and signed by Surveyor.

Public Comment:

No public comment.

Motion to close public hearing made by Robert Whitney, 2nd by Willard Schadt for Cheng Subdivision.

Vote 5 Ayes: Theresa Santiago, Craig Wagner, Robert Whitney, Willard Schadt, Robert Vicaretti.

MOTION CARRIED

Motion to declare Lead Agency.

Motion made by Robert Whitney, 2nd by Willard Schadt to declare Lead Agency for SEQRA purposes.

Vote 5 Ayes: Theresa Santiago, Craig Wagner, Robert Whitney, Willard Schadt, Robert Vicaretti.

MOTION CARRIED

Motion to declare a negative declaration.

Motion made by Theresa Santiago, 2nd by Craig Wagner to declare a negative declaration for SEQRA purposes.

Vote 5 Ayes: Theresa Santiago, Craig Wagner, Robert Whitney, Willard Schadt, Robert Vicaretti.

MOTION CARRIED

Motion to declare an unlisted action.

Motion made by Craig Wagner, 2nd by Robert Whitney to declare the application an unlisted action for SEQRA purposes.

Vote 5 Ayes: Theresa Santiago, Craig Wagner, Robert Whitney, Willard Schadt, Robert Vicaretti.

MOTION CARRIED

Motion to approve application.

Motion made by Theresa Santiago, 2nd by Craig Wagner to approve the application for a 2-lot subdivision for Cheng contingent on signatures on maps and fees paid.

Vote 5 Ayes: Theresa Santiago, Craig Wagner, Robert Whitney, Willard Schadt, Robert Vicaretti.

MOTION CARRIED

PLANNING BOARD MEETING FEBRUARY 28, 2024 continued –

1074 ROUTE 209 – BATTERY STORAGE – PRE-APPLICATION –
Andrew Cleary-Bed Rock Energy

Mr. Cleary stated that they were an Albany based company, this will be small scale solar under 5MW, the storage will be about 10,000 square feet of coverage, it is a clean energy source. This will shift power from off grid times to peak times and be cost saving. There are 2 options but it depends on what Utility company wants. Each container will have 6 forty-foot lithium batteries, all wires will be underground, it will be an unmanned facility, gated and fenced. This property is currently a scrap yard they will be cleaning up some of that. Lithium is an organic substance, it burns hot and will not be put out with water, the State has a safety code to regulate this and also training will be given to the local Emergency Services. He explained that it is the same technology in cell phones and Tesla vehicles. Rob Whitney asked what the containers would be sitting on, Mr. Cleary answered concrete pads with gravel underneath. Rob Whitney asked if there would be security cameras, Mr. Cleary replied that they can. Rob Whitney asked what safety there is in case of a fire, Mr. Cleary answered there are fire suppression systems in place. He added there is spacing between the containers about 8 feet. He further stated that training will be done with the Fire Departments and an emergency response plan will be done. Rob Whitney asked if lithium is organic and if there is a fire what would happen when it gets in the air, Mr. Cleary answered that it is non-toxic. Town Attorney stated that there is no zoning for this in the Zoning Ordinance. Theresa Santiago asked if there was any noise, Mr. Cleary answered No.

Chairman explained the escrow agreement, Escrow is \$1500 Town Attorney, \$3000 Town Engineer, agreement was signed by all parties. A copy was made and given to Town Attorney, Town Engineer, Applicant, and one will be given to the Escrow Manager.

ECKES – ACADEMY AVE & UPPERBROOK RD – LOT LINE CHANGE –
James Dillin-Representative for Applicant

Mr. Dillin explained that he was representing Carol & Wilbur Eckes, they would like to reconfigure the lot and have all improvements on the same parcel as the existing home. The lot is currently 1.2 acres there is no plan to build it will just allow the lot to have all improvements with the home. Town Attorney acknowledged that this is pre-existing non-conforming and this will make it less non-conforming.

Motion to approve application.

Motion made by Robert Whitney, 2nd by Theresa Santiago to approve the application for a lot line change for Eckes contingent on Town Attorney review of deeds.

Vote 5 Ayes: Theresa Santiago, Craig Wagner, Robert Whitney, Willard Schadt, Robert Vicaretti.

MOTION CARRIED

Town Attorney suggested combining the next 3 applications into one presentation being they all were generally the same just at different sites.

IPP SOLAR – 35 MAPLE CREST DR – 5 MAPLE CREST DR – 129 KENNEL RD – SOLAR –
Maziar Dalaeli-IPP Solar Associate-Representative for Property Owner
Joe Hens-Ingalls & Associates, LLP-Representative for Applicant

Mr. Dalaeli stated that this is residential solar on a container, Rob Whitney asked why on there, Mr. Dalaeli answered it is unique it improves costs, some people do not want to put it on their roof, it will be away from the home and it is portable. One will be on Mr. Honders' home and the other 2 will be on Maple Crest Dr on homes that are owned by IPP Solar. John Nosek questioned if the containers were pre-existing, Mr. Dalaeli answered no they will be a "shed" with solar on them connected to the house. Craig Wagner asked if it would be battery storage, Mr. Dalaeli replied very small. Town Attorney acknowledged that ground mount solar is allowed, it goes into the grid, there is no provision for residential battery storage or direct link to a home, it is not in the zoning. Mr. Dalaeli stated that the battery storage will be taken off the application. He added that the containers will not be visible. Chairman stated that these will be accessory uses, Town Attorney added they will be on the accessory use. Town Attorney asked if the Maple Crest applications were within 500ft of Route 209 and explained the GML-239 process.

PLANNING BOARD MEETING FEBRUARY 28, 2024 continued –

IPP SOLAR – 35 MAPLE CREST DR – BLUE HOUSE – SOLAR –

Motion to circulate GML-239.

Motion made by Robert Whitney, 2nd by Willard Schadt to circulate GML-239 for review.

Vote 5 Ayes: Theresa Santiago, Craig Wagner, Robert Whitney, Willard Schadt, Robert Vicaretti.

MOTION CARRIED

Motion to declare Lead Agency.

Motion made by Craig Wagner, 2nd by Theresa Santiago to declare Lead Agency for SEQRA purposes.

Vote 5 Ayes: Theresa Santiago, Craig Wagner, Robert Whitney, Willard Schadt, Robert Vicaretti.

MOTION CARRIED

Motion to schedule a public hearing.

Motion made by Robert Whitney, 2nd by Craig Wagner to schedule a public hearing for Wednesday, April 10, 2024 at 7PM for 35 Maple Crest Dr Blue House Solar.

Vote 5 Ayes: Theresa Santiago, Craig Wagner, Robert Whitney, Willard Schadt, Robert Vicaretti.

MOTION CARRIED

IPP SOLAR – 5 MAPLE CREST DR – WHITE HOUSE – SOLAR –

Motion to circulate GML-239.

Motion made by Robert Whitney, 2nd by Willard Schadt to circulate GML-239 for review.

Vote 5 Ayes: Theresa Santiago, Craig Wagner, Robert Whitney, Willard Schadt, Robert Vicaretti.

MOTION CARRIED

Motion to declare Lead Agency.

Motion made by Craig Wagner, 2nd by Theresa Santiago to declare Lead Agency for SEQRA purposes.

Vote 5 Ayes: Theresa Santiago, Craig Wagner, Robert Whitney, Willard Schadt, Robert Vicaretti.

MOTION CARRIED

Motion to schedule a public hearing.

Motion made by Robert Whitney, 2nd by Craig Wagner to schedule a public hearing for Wednesday, April 10, 2024 at 7PM for 35 Maple Crest Dr White House Solar.

Vote 5 Ayes: Theresa Santiago, Craig Wagner, Robert Whitney, Willard Schadt, Robert Vicaretti.

MOTION CARRIED

ROBERT HONDERS – 129 KENNEL RD – SOLAR –

Motion to declare Lead Agency.

Motion made by Willard Schadt, 2nd by Craig Wagner to declare Lead Agency for SEQRA purposes.

Vote 5 Ayes: Theresa Santiago, Craig Wagner, Robert Whitney, Willard Schadt, Robert Vicaretti.

MOTION CARRIED

Motion to schedule a public hearing.

Motion made by Craig Wagner, 2nd by Robert Whitney to schedule a public hearing for Wednesday, April 10, 2024 at 7PM for 129 Kennel Rd Honders Solar.

Vote 5 Ayes: Theresa Santiago, Craig Wagner, Robert Whitney, Willard Schadt, Robert Vicaretti.

MOTION CARRIED

1149 US ROUTE 209 – HONDERS – SOLAR – SITE PLAN REVIEW –

Maziar Dalaeli-IPP Solar Associate-Representative for Property Owner

Joe Hens-Ingalls & Associates, LLP-Representative for Applicant

Robert Honders-Property Owner

Mr. Dalaeli stated that they have submitted updated drawings in response to the last set of Fusco Engineering comments, Mr. Hens added they have made the modifications, Chairman asked which set of comments, Secretary answered the January 20, 2024 comments. Mr. Hens explained they changed the profile of the road to 10% slope and 20ft wide, there are pull offs for emergency vehicles. There is now fences around the arrays, there is no line of site from Route 209 and they have provided the SWPPP (Stormwater Pollution Protection Plan).

PLANNING BOARD MEETING FEBRUARY 28, 2024 continued –

1149 US ROUTE 209 – HONDERS – SOLAR – SITE PLAN REVIEW – continued –

Mr. Nosek stated that it is not visible from Route 209, and the only disturbance is for the arrays, Mr. Hens confirmed only cutting is for road and arrays. Mr. Nosek acknowledged that this was a Type 1 action so a NOI (Notice of Intent) needs to be prepared and intent to be lead agency needs to be circulated. Rob Whitney asked about the fencing, Mr. Dalaeli replied it is needed it will be a woven mess fence to allow wildlife to travel through.

Motion to circulate GML-239.

Motion made by Craig Wagner, 2nd by Robert Whitney to circulate GML-239 for review.

Vote 5 Ayes: Theresa Santiago, Craig Wagner, Robert Whitney, Willard Schadt, Robert Vicaretti.

MOTION CARRIED

Motion to declare intent to be Lead Agency.

Motion made by Theresa Santiago, 2nd by Craig Wagner to declare intent to be Lead Agency for SEQRA purposes.

Vote 5 Ayes: Theresa Santiago, Craig Wagner, Robert Whitney, Willard Schadt, Robert Vicaretti.

MOTION CARRIED

MOTION TO APPROVE MINUTES

Motion to approve January 24, 2024 Minutes.

Motion made by Craig Wagner, 2nd by Robert Whitney to approve the minutes for Wednesday, January 24, 2024 meeting.

Vote 5 Ayes: Theresa Santiago, Craig Wagner, Robert Whitney, Willard Schadt, Robert Vicaretti.

MOTION CARRIED

OTHER BUSINESS:

Chairman asked if an executive session could be done, Town Attorney answered yes to discuss possible litigation enter into a motion and invite Town Attorney, Town Engineer, Councilman Schock and Secretary.

Motion to enter into executive session.

Motion made by Theresa Santiago, 2nd by Craig Wagner to enter into executive session to discuss possible litigation and invite Town Attorney, Representative for Town Engineer John Nosek, Councilman Schock and Secretary, Amanda Gorr.

Vote 5 Ayes: Theresa Santiago, Craig Wagner, Robert Whitney, Willard Schadt, Robert Vicaretti.

MOTION CARRIED

Motion to exit executive session and enter back into the regular meeting.

Motion made by Robert Whitney, 2nd by Willard Schadt to exit executive session.

Vote 5 Ayes: Theresa Santiago, Craig Wagner, Robert Whitney, Willard Schadt, Robert Vicaretti.

MOTION CARRIED

Motion to adjourn meeting.

Motion made by Theresa Santiago, 2nd by Rob Whitney to adjourn February 28, 2024 Planning Board meeting at 8:57 pm.

Vote 5 Ayes: Theresa Santiago, Craig Wagner, Robert Whitney, Willard Schadt, Robert Vicaretti.

MOTION CARRIED

Respectfully submitted by,



Amanda Gorr, Planning Board Clerk