

TIMELINE
BARODA SUBDIVISION

Project started with AFR Engineering & Surveying in 2010

Pietrzak and Pfau Engineering & Surveying took over project in 2014

June 17, 2014: Initial planning board submission, submit sketch cluster plan dated 6-16-14. No EAF.

July 16, 2014: Attend 1st planning board meeting. Board requested a new yield plan be prepared. Old plan by AFR never approved. (see minutes) received Fusco letter dated 7-12-14.

Sept 30, 2014: Submit yield plan w/ additional requested info. now 7 sheets. submit revised 2 sheet sketch cluster plan as per Fusco letter dated 7-14-14.

Oct 15, 2014: Attend planning board meeting. discuss new yield plan because previous plan never finalized. general concern about slopes (see minutes) receive Fusco letter dated 10-8-14.

Nov 12, 2014: Submit revised yield plan responding to Fusco letter dated 10-8-14.

Dec 3, 2014: Attend planning board meeting. discuss yield plan and soils/septics. receive Fusco letter 12-2-14.

May 28, 2015: Consultants meeting: w/ D. Serotta, Al Fusco, Dave Donovan, Mark Siemers, Joe Pfau, reviewed yield plan dated 1-7-14 w/ constrained soils overlay to determine what lots required soils testing. It was decided to perform deep test pits on yield lots 1, 7, 8, 15, and 28.

June 22, 2015: Submit revised yield plan with witnessed soils as agreed to at 5-28-15 consultants meeting and numerous other revisions as per planning board comments.

July 1, 2015: Attend planning board meeting presenting revised yield plan set and sketch cluster plan. The yield plan was voted on and approved unanimously for 30 lots. The board was polled for preference of a cluster plan and that polling was unanimous. were directed to submit application and EAF so the board could start SEQR at the next meeting. (see minutes). received Fusco letter dated 6-30-15.

Feb 25, 2016: Meet with highway dept to review road layout.

April 1, 2016: Submit revised sketch cluster with highway dept revisions.

May 4, 2016: Attend planning board meeting. board declared intent to be lead agent. No formal sketch approval in code but board gave general acceptance of the sketch plan so to proceed with preliminary design of the cluster plan. Told to update application (new) (see minutes) receive Fusco letter dated 5-2-16.

Nov. 18, 2016: Submit updated planning board application, long EAF, and preliminary cluster plan set (after general acceptance of sketch cluster plan).

MORATORIUM – Adopted by Town on 10/26/16

MORATORIUM – ended on November 14, 2017

Jan 17, 2018: Attend planning board meeting after moratorium lifted. Reviewed plan set previously submitted. no significant comments just bringing the board back to speed after moratorium. Let the board know SWPPP almost done. Receive Fusco letter dated 12-27-17.

January 17, 2018 – Public Hearing set for 3/7/2018 (both March meetings cancelled).

Feb 28, 2018: Submit revised cluster plan set and SWPPP, plans in response to Fusco letter dated 12-27-17.

March 8, 2018: Received Fusco letter dated 3-8-18.

April 4, 2018: Attend public hearing. Public hearing closed.

April 20, 2018: Mark Siemers corresponds with Al Fusco and Don Serotta project history and public hearing responses. Research OCDOH on Eljen and H₂O softener. Retain archeologist.

October 19, 2018: Plan revisions – 50' existing buffer (move sds and hs out of buffer). Revise grading, etc.

January 2019: Cluster and yield plan revision.

March 2019: Locate Village well location and elevation.

May 2019: Retain visual analysis consultant – Tim Miller Associates.

Summer and Fall 2019: Archeology dig – submit to SHPO.

February 28, 2020: SHPO sign-off.

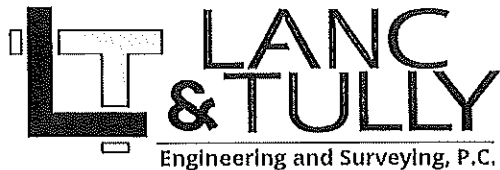
March 2020: COVID

June 2021: DOH changes – sanitary requirements.

Fall 2022: Review DOH sanitary changes to verify septic design requirements.

January 10, 2023: Submit revised yield plans, copy of cluster plan, visual analysis and PH responses.

CORRESPONDENCE



TOWN OF CHESTER PLANNING BOARD REVIEW

Project Name: Baroda Subdivision

Project Location: East side of Black Meadow Road at Bairds Cross Road
SBL: 12-1-31

Reviewed by: Kristen O'Donnell

Date of Review: February 24, 2023

Plans Reviewed: Cluster Subdivision Plans consisting of 17 sheets prepared by Pietrzak & Pfau last revised 11/11/2022 and Visual Impact Assessment (undated).

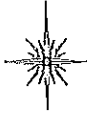
Project Summary: The application is for a 29-lot major residential subdivision in a cluster layout to be accessed via three curb cuts (one proposed as a private driveway) onto Black Meadow Road and served by individual wells and septic systems. Based on Planning Board minutes from 2015, it appears the Yield Plan, which establishes the maximum number of lots for the project, has been accepted by this board so our comments are limited to the cluster plan and supplemental materials provided.

Comments:

1. The Project Site is located in the AR-3 Zoning District and within the Ridge Preservation Overlay District. A cluster subdivision layout, permitted by Section 83-15 of the code, has been prepared which has a smallest lot area of 0.75 acres (32,805 square feet). This layout allows for the preservation of 124.4 acres open space including areas of state and federal wetlands, slopes, ridgelines and agricultural fields.
2. It is unclear from the plans what will be permitted to occur within the proposed "50 foot buffer easement". With the easement running just over 10 feet from three of the proposed dwellings, it will be important to know what future homeowners will be able to do in this area and how they will be made aware of these restrictions.
3. We note the wetland delineation, as noted on sheet 1, has expired.
4. Note #1 under Ridge Preservation refers only to lots 5 and 6 of the proposed subdivision. It is clear from the Town's zoning map that all upland areas south of Bairds Cross Road are within the Ridge Preservation Overlay District. This note should be revised.
5. A visual impact assessment has been prepared which provides existing conditions photos in the direction of the site and line of sight diagrams from 7 surrounding vantage points including the roads specifically mentioned in the Ridge Preservation Regulations as being sensitive receptors. The location of the proposed dwelling sites should be added to the line of sight diagrams for context and the diagram should confirm that *proposed* topographical conditions are shown.

6. The mitigations offered in the visual impact analysis should be more specific. While it is understood that individual homes have not yet been designed, a more specific range of dwelling size, color (including both siding and roof shingles) should be provided for board review.
7. While most subdivision approvals allow flexibility in the final location of an individual dwelling on an approved lot, in order to best control visual impacts and impacts to other sensitive environmental features, the Town Subdivision Regulations allow the Planning Board to request a plat note requiring a future owner/builder to return to the Planning Board unless the relocated dwelling remains on 20% of the area of the originally approved dwelling location, within the lots approved building envelope, and does not negatively impact any of the criteria provided in Section 83-22.N(1) of the code.
8. A sidewalk detail should be provided in the plan set.
9. The plans should note that roads will be offered for dedication to the Town of Chester.
10. The subdivision regulations (see §83-24.A(2)) require 10% of major subdivisions to be set aside for parks or recreation purposes. If the Planning Board finds that a suitable park or parks of adequate size to meet the requirement cannot be properly located on such subdivision plat, the Board may require a sum of money in lieu thereof. The Board shall then require as a condition to approval of the subdivision such payment to the Town of a fee per unit as set by Town Board resolution from time to time.

This concludes our comments at this time. If you have any questions or require anything further, please contact our office.



PIETRZAK & PFAU

ENGINEERING & SURVEYING, PLLC

January 10, 2023

Donald Serotta, Chairman
Town of Chester Planning Board
1786 Kings Highway
Chester, NY 10918

Re: Baroda Cluster Subdivision
Town of Chester – SBL: 12-1-31
P&P No. 14118.01

Dear Mr. Serotta:

In reference to the above project, enclosed please find one (1) copy of the revised Yield Plan set, one (1) copy of the Cluster Plan set, one (1) copy of the Visual Analysis and one (1) copy of the Public Hearing Responses. Revisions to yield plan and cluster plan have been made in response to the public hearing comments.

Please place this item on your next available Planning Board agenda.

Thank you for your attention to this matter. Should you have any questions or require anything further, please do not hesitate to contact this office.

Very truly yours,

PIETRZAK & PFAU, PLLC

JJP/tmp
encs.
cc: Client

Joseph J. Pfau, P.E.

FUSCO ENGINEERING
& LAND SURVEYING, P.C.
Consulting Engineers



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

Alfred A. Fusco, III, General Manager

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March 8, 2018

Don Serotta, Chairman
Town of Chester Planning Board
1786 Kings Highway
Chester, NY, 10918

Re: Baroda Subdivision
Section 12, Block 1, Lot 31

Dear Mr. Serotta and Planning Board Members,

We have reviewed the most recent submittal and offer the following:

Project: Baroda 29 Lot Subdivision
Acreage: 168.20 acres
Zone: AR-3
SBL: 12-1-31
Material Reviewed: Pertrzak & Pfau 2/28/18 revised plans, SWPPP, NOI, Response letter

COMMENTS:

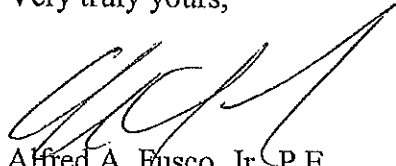
1. The developer has retained an archaeologist to prepare a Phase I report as per OPRSP (SHPO). We await results. Still need NYSDEC sign off on habitat.
2. The project engineer has reduced the roadway profiles to 10% or less as per Highway Superintendent.
3. Road sectional detail is acceptable.
4. Right-of-way regulations are noted as requested.
5. Bedding detail is acceptable as requested.
6. The SWPPP has been included in the submission with the NOI. Preliminary review appears in line with requirements; detailed review is continuing. NYSDEC SPEDES permit is required.
7. The OCDOH will review water wells/septics as well as the Town Engineer' final sign off by OCDOH.
8. Planning Board Attorney to review agricultural easement with the applicant.
9. A drainage district will be required by the Town of Chester Town Board.
10. Ponds to have fencing with gates and 15' mowable access drive around pond. Also show pond landscaping.
11. Applicant to review proposed FAR local law for compliance.
12. Board comments: Board requested visual impact analysis.

Action:

Close public hearing.

Please advise if you have any questions.

Very truly yours,

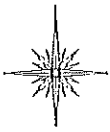
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Alfred A. Fusco, Jr., P.E.

Fusco Engineering & Land Surveying, P.C

AAF/cam

Cc: Alexa Burchianti
Dave Donovan
Anthony LaSpina
Applicant



PIETRZAK & PFAU

ENGINEERING & SURVEYING, PLLC

February 28, 2018

Donald Serotta, Chairman
Town of Chester Planning Board
1786 Kings Highway
Chester, NY 10918

Re: Baroda Cluster Subdivision
Town of Chester – SBL: 12-1-31
P&P No. 14118.01

Dear Mr. Serotta:

In reference to the above project, enclosed please find one (1) copy of the revised Baroda Cluster Subdivision Plan, one (1) copy of the Stormwater Pollution Prevention Plan (SWPPP) prepared for the project, and one (1) disk containing these items in digital format. The plan has been revised in accordance with the Fusco Engineering & Land Surveying, P.C. letter dated December 27, 2017, and the preparation of the SWPPP. The specific revisions and responses are as follow:

Fusco Engineering & Land Surveying, P.C. letter dated December 27, 2017:

1. New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) has been contacted regarding the proposed project in regard to possible impacts to historic or archeological sites in the area. Based on the correspondence with OPRHP, a Phase I survey will be required for this site. A qualified archeologist is currently being contracted to complete this survey and any concerns indicated by OPRHP will be addressed. The correspondence with OPRHP is provided in the SWPPP.
2. As discussed in the January 17, 2018 Planning Board meeting, a meeting was held with the Highway Superintendent to discuss utilizing a 12 percent grade on the proposed roadways due to the existing grade of the land. Although this is allowable by code, it was indicated that this would not be an acceptable situation for this project, and a maximum 10 percent grade would be required. The roadway and lot layout was revised to maintain a maximum 10 percent grade on the proposed roadways, in accordance with the Highway Superintendents request.
3. The Typical Road Half Section detail has been revised to reflect non-woven geotextile under the 12" NYS Item 4 course, and a tack coat between the wearing course and binder course, as requested.
4. A note has been added to the plan as General Note 13 on the cover sheet and Note 2 of the Typical Road Half Section which states that no trees, fences, streetscape, etc. are to be located in the Town of Chester 50 foot right of way.

5. The Pipe Bedding & Backfill Detail has been revised to show the final backfill as approved R.O.B. compacted in 8" lifts, as requested.
6. A SWPPP, including a draft NOI has been included with this submission.
7. NYS DOT sight distance triangles have been provided on Drawings 5 and 6 of 17, as requested.
8. The required well testing will be completed in conjunction with the testing required by the Orange County Department of Health for Realty Subdivision review and approval.
9. Comment noted.
10. The applicant will work with the Planning Board Attorney for the preparation of an agricultural easement for the proposed project.
11. No revision to plan based on comment.

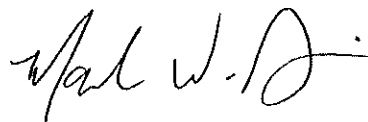
Stormwater Pollution Prevention Plan Preparation:

1. The Proposed stormwater management areas have been designed as P-1 Micropool Extended Detention Ponds. The design and details, including proposed outlet structures, have been provided on the plan set.
2. Minor adjustments to the stormwater infrastructure piping has been completed to ensure the stormwater from each area is directed to the appropriate stormwater practice.

This item has been scheduled for a Public Hearing at the March 7, 2018 Planning Board Meeting. I appreciate your attention to this matter. Should you have any questions or require anything further, please do not hesitate to contact this office.

Very truly yours,

PIETRZAK & PFAU, PLLC



Mark W. Siemers, P.E.

MWS/tmp
encs.

cc: Client w/ encs

14118.01 Planning Board Letter 2018-02-28

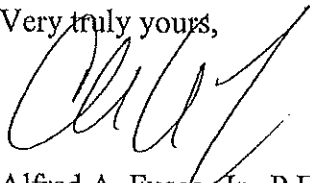
Consulting Engineers

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- 19 Waywayup Lane
Port Jervis, NY 12771
Phone: (845) 956-5866

Meeting with Highway Superintendent and review Engineer on road specifications.

Please advise if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Alfred A. Fusco, Jr.', written in a cursive style.

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

Fusco Engineering & Land Surveying, P.C

AAF/cam



PIETRZAK & PFAU

ENGINEERING & SURVEYING, PLLC

November 17, 2016

Donald Serotta, Chairman
Town of Chester Planning Board
1786 Kings Highway
Chester, NY 10918

Re: Baroda Subdivision
Town of Chester – SBL: 12-1-31
P&P No. 14118.01

Dear Mr. Serotta:

In reference to the above project, enclosed please find twelve (12) copies of the Baroda Cluster Subdivision Plan, twelve (12) copies of the updated Town of Chester Planning Board Subdivision Application, and twelve (12) copies of the updated Full Environmental Assessment Form.

The enclosed Cluster Subdivision Plan consists of a full preliminary subdivision design including Existing Conditions, Plat Sheets, Utility Plans containing full sewage disposal system designs and drainage infrastructure designs, Grading Plans, Erosion Control Plans, Roadway Profile designs, and full construction detail sheets. This design has been completed in accordance with the Planning Board's acceptance of the cluster subdivision sketch plan at the previous Planning Board appearance for this project.

Please note, the Town of Chester Planning Board Subdivision Application and Full Environmental Assessment Form are being signed by the project applicant, and will be forwarded to you upon receipt.

Please place this item on your next available Planning Board agenda for discussion and consideration of scheduling of a Public Hearing. I appreciate your attention to this matter. Should you have any questions or require anything further, please do not hesitate to contact this office.

Very truly yours,

PIETRZAK & PFAU, PLLC

Mark W. Siemers, P.E.

MWS/tmp

encs.

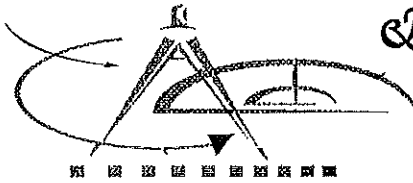
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Baroda Subdivision PB Letter 2016-11-17

FUSCO ENGINEERING

& LAND SURVEYING, P.C.

Consulting Engineers



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May 2, 2016

Don Serotta, Chairman
Town of Chester Planning Board
1786 Kings Highway
Chester, NY, 10918

Re: Baroda Subdivision
Section 12, Block 1, Lot 31

Dear Mr. Serotta and Planning Board Members,

We have reviewed the most recent submittal and offer the following:

Project: Baroda 29 Lot Subdivision
Material Reviewed: Cluster Plan by Pietrzak & Pfau dated 3/31/16
Review Letter by Pietrzak & Pfau dated 4/1/16

COMMENTS:

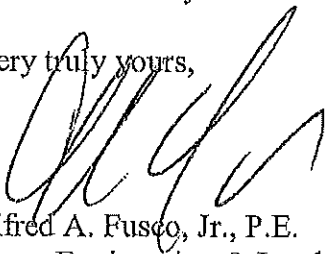
1. The previous revised yield plan had taken our previous comments into consideration. The design engineer has demonstrated compliance with the design requirements.
2. The new overall cluster plan is only a sketch and much more detail is required in order to even comment on this plan.
3. Any wetland disturbance needs to be identified.
4. Lot #29 with the Agricultural Conservation Easement should be explained to the Board.
5. Road profile to be provided based on review letter.
6. Show sight distances.
7. Board comments.

ACTION:

1. Consideration of concept cluster plan.

Please advise if you have any questions.

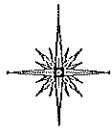
Very truly yours,

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

Fusco Engineering & Land Surveying, P.C

AAF/cam



PIETRZAK & PFAU

ENGINEERING & SURVEYING, PLLC

April 1, 2016

Donald Serotta, Chairman
Town of Chester Planning Board
1786 Kings Highway
Chester, NY 10918

Re: Baroda Subdivision
Town of Chester – SBL: 12-1-31
P&P No. 14118.01

Dear Mr. Serotta:

In reference to the above project, enclosed please find twelve (12) copies of the revised cluster subdivision sketch plan. During preliminary design of the previously reviewed cluster subdivision sketch plan, it was determined that a section of the proposed road would require a twelve (12) percent grade due to the existing topography on the project parcel. A meeting was held with Anthony La Spina, Town Highway Superintendent, to review this design in accordance with the Town of Chester code. After discussing the required twelve (12) percent grade and associated vertical curve length, it was determined that a ten (10) percent grade would be the maximum allowable grade for any road within this project.

To meet this requirement, the proposed internal road configuration has been revised, maintaining the two proposed entrance locations onto Black Meadow Road, which provides the required sight distance. Additionally, the proposed lots have been reconfigured to accommodate the revised road layout.

Please place this item on your next available Planning Board agenda for discussion. Should you have any questions or require anything further, please do not hesitate to contact this office.

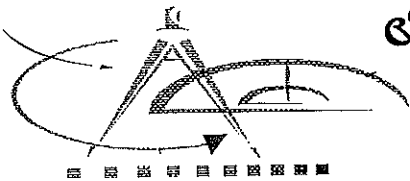
Very truly yours,

PIETRZAK & PFAU, PLLC

Mark W. Siemers, P.E.

MWS/tmp
encs.
cc: Client

FUSCO ENGINEERING & LAND SURVEYING, P.C.



Consulting Engineers

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Alfred A. Fusco, III, General Manager

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December 2, 2014

Donald Serotta
Town of Chester Planning Board Chairman
1786 Kings Highway
Chester, NY, 10918

Re: Baroda Subdivision
Black Meadow Road
Orange County, New York

Dear Mr. Serotta and Planning Board Members,

We have reviewed the sketch plan for the Baroda Yield Plan prepared by Pietrzak and Pfau Engineering and Land Surveying, PLLC and dated November 7, 2014 and we offer the following comments:

With regards to the Yield Plan:

1. The overall yield plan continues to show septic disposal systems in soil types that are not permitted within the Town Subdivision Regulations. The yield plan should demonstrate to the Planning Board a plan that meets zoning requirements for a cluster plan, this plan does not. This is a regulation and there is no relief in zoning to allow for a septic to be built Soil Group VII and XII. The applicant should adjust the yield plan to show an overall subdivision that only shows septic disposal areas within Group I through Group VI.
2. In Group VI the subdivision regulations state that on-site soil investigation is a must to determine if a septic disposal system can meet design requirements so for this yield plan to be accurate the applicant should provide the board with soils testing of the lots within this Soils Group.
3. Prior to the Planning Boards acceptance of the yield plan the board should receive a jurisdictional determination from the Army Corp of Engineers (ACOE) and a wetlands delineation validation from the NYSDEC. Both of these certifications are critical components to the yield plan since many lots have buildable areas directly adjacent to wetland limit lines. The NYSDEC may determine that these wetlands are hydraulically connected and therefore become all NYSDEC jurisdiction. The plan should also indicate the name of the firm that flagged the wetlands, the plan indicates that the client supplied the information this will need to be clarified.

4. The yield plan continues to show significant disturbance to slopes exceeding 15 %. In some cases, cuts of 25 feet are proposed. These types of cuts are excessive and may not be realistic if bedrock and/or blasting will be required. The applicant should discuss if blasting will be required to achieve final grades.
5. Each lot of the yield plan should provide a suitable location for a septic system. A percolation test and deep test pit should be provided for each lot to confirm buildability. Our office will likely witness some of the questionable areas including steep slopes and low lying areas adjacent to wetlands.
6. The following septic disposal areas are located in soil group areas that are not allowed to be developed for septic disposal areas: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 21, 22 and 23. This basically amounts to 67% of the lots proposed are not allowed for septic disposal systems.
7. Every lot should show a proposed location for a well, with 100' or 200' radius proving that the well meets proper setbacks from septic disposal systems.
8. Lot 11 does not appear to be a feasible lot, over half the lot requires re-grading of slopes, the slopes appear to be 2 on 1 slopes, this is usually avoided.
9. Many of the septic disposal systems are located within 25' of steep slopes; these systems should be relocated to meet current regulations.
10. From aerial photos, there appears to be a pond that is located on the northeasterly side of proposed Road A; please provide the location of the plans.

Please advise if you have any questions.

Very truly yours,



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

Fusco Engineering & Land Surveying, P.C.

AAF/sdb



PIETRZAK & PFAU

ENGINEERING & SURVEYING, PLLC

November 12, 2014

Donald Serotta, Chairman
Town of Chester Planning Board
1786 Kings Highway
Chester, NY 10918

Re: Baroda Cluster Subdivision
Town of Chester – SBL: 12-1-31
P&P No. 14118.01

Dear Mr. Serotta:

In reference to the above project, enclosed please find twelve (12) copies of the modified Yield Plan. As you will recall, the Planning Board previously advised us to review the layout to reduce the required grading, as some cuts were approximately 40 feet. This plan has since been revised to provide maximum cuts of 18 feet. This plan also eliminated previous Lot 1, as the Board was concerned with the limited buildable area due to wetlands.

Additionally, the Yield Plan has been modified in response to the Fusco Engineering letter dated October 8, 2014. The specific revisions and responses are as follows:

1. *Comment: The yield plan needs to include approximate (+/-) distances on all lot lines and curve lines. This is essential to confirm that minimum zoning requirements have been met.*

Response: Approximate (+/-) distances have been provided on all proposed lot lines and curve lines.

2. *Comment: The total amount of federal wetlands disturbance needs to be indicated on the plans. More than half acre of total disturbance will likely not be obtainable from the ACOE, even with an individual permit.*

Response: The total ACOE wetland disturbance has now been shown on the 50 scale drawings. Note 3 has been provided on Sheet 1 indicating the total wetland disturbance = 21,400 s.f.; less than ½ acre.

3. *Comment: Provide the soils map overlay for the yield plan, for both Town of Chester soils identification and Orange County Soils identification. This information is necessary to determine any soil limitations.*

Response: The soils map overlay has now been provided on the yield plan (50 scale drawings), for both the Town of Chester soils identification (Group #) and Orange County Soils identification, as requested.

4. *Comment: The applicant will need to obtain a jurisdictional determination from the ACOE and a wetlands delineation validations from the NYSDEC. Both of these certifications are critical components to the yield plan since many lots have buildable areas directly adjacent to wetlands limit lines. The NYSDEC may determine that these wetlands are hydraulically connected and therefore become all NYSDEC jurisdiction.*

Response: It is our understanding that the applicant has received the jurisdictional determination from the ACOE and the New York State DEC. Once those documents have been obtained, they shall be provided to the Planning Board.

5. *Comment: The yield plan shows significant disturbance to slopes exceeding 15%. In some cases, cuts of 40 feet are proposed. These types of cuts are excessive and may not be realistic if bedrock and/or blasting will be required. The applicant should discuss if blasting will be required to achieve final grades.*

Response: As discussed above, the layout has been modified so that the maximum cuts have been reduced to 18 feet.

6. *Comment: Each lot of the yield plan should provide a suitable location for a septic system. A percolation test and deep test pit should be provided for each lot to confirm buildability. Our office will likely witness some of the questionable areas including steep slopes and low lying areas adjacent to wetlands. Some of the lots appear to show significant cuts in the area proposed for subsurface sewage disposal systems.*

Response: The proposed septic location has been shown for all lots on the 50 scale drawings. These proposed septic locations have been compared to the Table of Soils Groups in §83-26 of the Town Code. The proposed septic locations are located in Soils Groups IV, VI, VII and XII. Soils Groups IV and VI allow for septic systems to be installed. Soils Group VII states that septic systems are not to be installed in these areas, as they are typically wet, however based on the mapped wet areas of the site, the proposed septic systems are located in dry upland area. Soils Group XII states that septic systems are not to be installed in these areas due to steep slopes, however the proposed septic systems are located in areas with acceptable slopes as can be seen with the topography provided on the map. Because the yield plan is providing 3 acre lots and the soils mapping shows adequate soil percolation, we are requesting that percolation tests not be required on the yield plan.

7. *Comment: The yield plan must show conceptual locations for storm water treatment areas. These areas must be located at the low points of proposed road construction and realistic in terms of size to address NYSDEC storm water regulations.*

Response: The yield plan now also shows conceptual locations for stormwater.

8. *Comment: Provide sight distances for the entrances to verify that they are valid locations for new roadway access.*

Response: Sight distances have now been provided for both roadway locations.

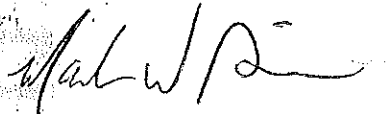
With regard to the cluster plan, there have been no modifications done at this time, as the Planning Board indicated they want to further review this plan. We look forward to further reviewing the cluster plan at the next available Planning Board meeting.

With regard to the Long Environmental Assessment Form, it is our understanding that this has been previously provided with the initial application. This document will be updated upon finalization of the project layout, at the Board's request.

Please place this item on your next available Planning Board agenda for consideration of the Yield Plan count, as well as the Cluster Plan concept. I appreciate your attention to this matter. Should you have any questions or require anything further, please do not hesitate to contact this office.

Very truly yours,

PIETRZAK & PFAU, PLLC

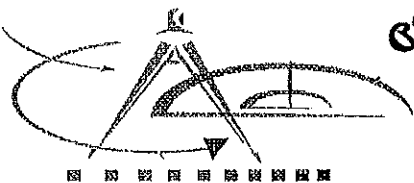


Mark W. Siemers, P.E.

JJP/tmp
encs.
cc: Client, w/enc.

Baroda Subdivision PB Letter 2014-09-30

FUSCO ENGINEERING & LAND SURVEYING, P.C.



Consulting Engineers

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

Alfred A. Fusco, III, General Manager

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

▪ 19 Waywayup Lane
Port Jervis, NY 12771
Phone: (845) 956-5866

October 8, 2014

Donald Serotta
Town of Chester Planning Board Chairman
1786 Kings Highway
Chester, NY, 10918

Re: Baroda Subdivision
Black Meadow Road
Orange County, New York

Dear Mr. Serotta and Planning Board Members,

We have reviewed the Sketch plan for the Baroda Subdivision prepared by Pietrzak and Phau Engineering and Land Surveying, PLLC entitled "Yield Plan" and "Overall Cluster Sketch plan" and offer the following comments:

With regards to the Yield Plan:

1. The yield plan needs to include approximate (+/-) distances on all lots lines and curve lines. This is essential to confirm that minimum zoning requirements have been met.
2. The total amount of federal wetlands disturbance needs to be indicated on the plans. More than a half acre of total disturbance will likely not be obtainable from the ACOE, even with an individual permit. It appears that more than a half acre of disturbance is proposed.
3. Provide the soils map overlay for the yield plan, for both Town of Chester soils identification and Orange County Soils identification. This information is necessary to determine any soil limitations.
4. The applicant will need to obtain a jurisdictional determination from the ACOE and a wetlands delineation validation from the NYSDEC. Both of these certifications are critical components to the yield plan since many lots have buildable areas directly adjacent to wetland limit lines. The NYSDEC may determine that these wetlands are hydraulically connected and therefore become all NYSDEC jurisdiction.
5. The yield plan shows significant disturbance to slopes exceeding 15 %. In some cases, cuts of 40 feet are proposed. These types of cuts are excessive and may not be realistic if bedrock and/or blasting will be required. The applicant should discuss if blasting will be required to achieve final grades.
6. Each lot of the yield plan should provide a suitable location for a septic system. A percolation test and deep test pit should be provided for each lot to confirm buildability. Our office will likely witness some of the questionable areas including steep slopes and low lying areas adjacent to wetlands. Some of the lots appear to show significant cuts in the area proposed for subsurface sewage disposal systems.

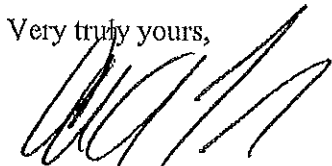
7. The yield plan must show conceptual locations for storm water treatment areas. These areas must be located at the low points of proposed road construction and be realistic in terms of size to address NYSDEC storm water regulations.
8. Provide sight distances for the entrances to verify that they are valid locations for new roadway access.

With regards to the Cluster Sketch Plan:

1. The Planning Board should discuss the acceptability of using a boulevard entrance with an emergency secondary access in lieu of two entrance locations onto Black Meadow Road.
2. Approximate (+/-) distances should be provided for all lot lines and curve lines to verify minimum zoning requirements.
3. Provide a long form EAF.
4. Since the Cluster Sketch plan is entirely dependent upon the Yield Plan, further comments on the Cluster Sketch Plan will be deferred until after the Yield Plan is accepted by the Planning Board.

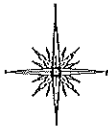
Please advise if you have any questions.

Very truly yours,



Alfred A. Fusco, Jr., P.E.
Fusco Engineering & Land Surveying, P.C.
AAF/cam

Cc: File



PIETRZAK & PFAU

ENGINEERING & SURVEYING, PLLC

September 30, 2014

Donald Serotta, Chairman
Town of Chester Planning Board
1786 Kings Highway
Chester, NY 10918

Re: Baroda Cluster Subdivision
Town of Chester – SBL: 12-1-31
P&P No. 14118.01

Dear Mr. Serotta:

In reference to the above project, enclosed please find twelve (12) copies of the Yield Plan set (7 sheets total) and twelve (12) copies of the Sketch Cluster Plan (2 sheets total).

Please note that the yield plan has been redeveloped to include full grading plans and road profiles entirely outside of the 300 foot NYSDEC wetland buffer. The total number of proposed lots on the yield plan is 29.

Additionally, please note that the Sketch Cluster Plan layout has been slightly modified to include a boulevard style entrance and emergency access drive to Black Meadow Road. This has been done due to poor sight distance along Black Meadow Road. Second, please also note that sheet 2 of the cluster sketch plan shows proposed well and septic locations to verify that required separation distances can be met for each lot. Last, Lot 29 is proposed to be a farm lot, with a conservation easement encompassing more than 50 percent of the parent parcel area.

Please place this item on the next available Planning Board agenda for further discussion. Should you have any questions or require anything further, please do not hesitate to contact this office.

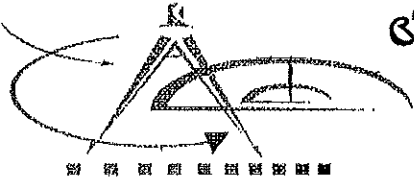
Very truly yours,

PIETRZAK & PFAU, PLLC

Mark W. Siemers, P.E.

JJP/tmp
encs.
cc: Client

FUSCO ENGINEERING & LAND SURVEYING, P.C.



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

Consulting Engineers

Alfred A. Fusco, III, General Manager

- 233 East Main Street
Middletown, NY 10940
Phone: (845) 344-5863
Fax: (845) 956-5865
- 19 Waywayup Lane
Port Jervis, NY 12771
Phone: (845) 956-5866

July 12, 2014

Donald Serotta
Town of Chester Planning Board Chairman
1786 Kings Highway
Chester, NY, 10918

Re: Baroda Subdivision
Black Meadow Road
Orange County, New York

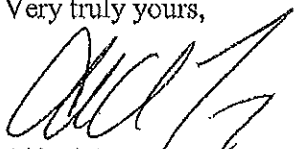
Dear Mr. Serotta and Planning Board Members,

We have reviewed the Sketch plan for the Baroda Subdivision prepared by Pietrzak and Phau Engineering and Land Surveying, PLLC entitled "Overall Cluster Sketch plan" and offer the following comments:

1. The cluster sketch plan indicates a total of 28 single family lots. Under SEQRA, the cluster plan cannot be accepted for total lot count until a conventional concept plan is prepared. The conventional concept plan must be of sufficient detail to assure that a conventional plan is buildable for 28 lots. (See comment 2)
2. Prepare a conventional concept plan (Based upon current zoning without cluster) meeting the zoning requirements of the Town of Chester. In addition, provide well and septic locations and a conceptual road layout. The road layout and septic locations should meet maximum slopes requirements. The concept plan should also address wetlands disturbance and any other environmental constraints.
3. Datum needs to be provided on the conceptual plan(s). It is very difficult to evaluate the existing topography. We recommend a larger scale.
4. Given the amount of wetlands on-site (both federal and state wetlands), the applicant will need to secure a jurisdictional determination from the ACOE as well as NYSDEC wetland certification. This process should be started as soon as possible.
5. The planning board should discuss what should be done with the conservation easement. The Town may wish to take ownership of this land or dedicate the land to a land trust or recreational organization if the land has potential of recreational use.
6. Sight distances should be noted future submittals for entrances off Black Meadow road.
7. Provide a long form BAF.

Please advise if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Alfred A. Fusco, Jr.', written in a cursive style.

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

Fusco Engineering & Land Surveying, P.C.

AAF/cam

Cc: File



PIETRZAK & PFAU

ENGINEERING & SURVEYING, PLLC

June 17, 2014

Donald Serotta, Chairman
Town of Chester Planning Board
1786 Kings Highway
Chester, NY 10918

Re: Baroda Subdivision
Town of Chester – SBL: 12-1-31
P&P No: 14118.01

Dear Mr. Serotta:

In reference to the above project, enclosed please find twelve (12) copies of a cluster sketch plan. Please note that the proposal calls for twenty-eight (28) single family clustered homes, and one (1) remaining farm lot, with a conservation easement.

Please place this item on your next available Planning Board agenda for discussion. Should you have any questions or require anything further, please do not hesitate to contact this office.

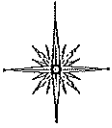
Very truly yours,

PIETRZAK & PFAU, PLLC

Mark W. Siemers, P.E.

MWS/tmp
encs.
cc: Client

Baroda Subdivision PB Letter 2014-06-17



PIETRZAK & PFAU

ENGINEERING & SURVEYING, PLLC

June 22, 2015

Donald Serotta, Chairman
Town of Chester Planning Board
1786 Kings Highway
Chester, NY 10918

Re: Baroda Cluster Subdivision
P&P No. 14118.01

Dear Mr. Serotta:

In reference to the above project, enclosed please find twelve (12) copies of the revised Yield Plan and twelve (12) copies of the revised Cluster Sketch Plan. In accordance with the consultant meeting held on May 28th, my office has conducted the deep pit soils testing on Lots 1, 7, 8, 15, and 28. These tests were witnessed by a representative of Fusco Engineering & Land Surveying, P.C. All tests conducted proved acceptable for the installation of a sewage disposal system. The locations of these tests have been provided on Drawings 1-4, with the results being provided in a table on Drawing 5.

In regard to the wetland areas shown on the map, Douglas Gaugler of the New York State Department of Environmental Conservation indicated in a telephone conversation that the NYSDEC wetland delineation was signed on March 29, 2012, however a copy of that map is not available. Mr. Gaugler requested that we forward the NYSDEC Wetlands Delineation map to him for re-signature. This map will be forwarded to the Board upon receipt from the NYSDEC. It should be noted that the NYSDEC wetland line shown on the map is the approved delineation. The Federal Wetland delineation was submitted to the Army Corps of Engineers for review in February of 2010. The project was issued a Permit Application File Number and received a review. The ACOE has been contacted for the status of the Jurisdictional Letter. More information will be provided to the Board once received by this office.

Please note that subsurface investigation of the site, beyond the deep pit soils tests, has not been conducted. It is not known if blasting would be required to achieve the proposed design of the Yield Plan, however blasting is an allowable activity in the Town of Chester and may be utilized, conforming to all applicable codes and regulations, to achieve the final grades proposed. Additionally, grading has been provided for each lot, providing the "Lots to be buildable" in accordance with §83-22 of the Town Code. Each lot has been provided with a 5,000 square foot buildable area, with a minimum dimension of 40 feet, graded to an average slope of 15%. The proposed grading back to the existing grade has been provided at a grade

of one foot vertical on two foot horizontal per §83-22.A.(1)(d). No retaining walls have been proposed to achieve the Yield Plan Design.

Additionally, each lot has been provided with an individual well and sewage disposal system. Each well has been provided with a 100' and 200' radius proving that the well meets the appropriate setback requirements. Each sewage disposal system has been reviewed and verified to be located a minimum of 25 feet from a steep slope, which is defined by the Orange County Department of Health as a slope in excess of 1 vertical on 3 horizontal.

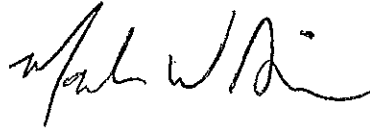
Last, the existing ponding area located on the northeasterly side of Bairds Cross Road has been hatched and labeled for ease in identification. This has been provided on all submitted plans.

In regard to the revised cluster sketch plan, the requested 100 right-of-way dedication along Black Meadow Road has been provided on the northeast side of Bairds Cross Road. Additionally, the previously proposed boulevard entrance has been removed, making both entrances off of Black Meadow Road typical 30 foot wide road entrances.

Please place this item on your next available Planning Board agenda for consideration of acceptance of the Yield Plan, as well as the proposed clustering of the project. I appreciate your attention to this matter. Should you have any questions or require anything further, please do not hesitate to contact this office.

Very truly yours,

PIETRZAK & PFAU, PLLC



Mark W. Siemers, P.E.

MWS

encs.

cc: A. Fusco, P.E. w/enc.
Client

Baroda Subdivision PB Letter 2015-06-22

APRIL 4, 2018
PLANNING BOARD MINUTES

TOWN OF CHESTER
PLANNING BOARD MINUTES
April 4, 2018

Meeting called to order: 7:00pm

Members present: Chairman Serotta, Jackie Elfers, Dot Wierzbicki, Bob Conklin, Konrad Mayer

Absent: Barry Sloan, Carl D'Antonio

Also Present: Dave Donovan-Attorney, Alexa Burchianti-Secretary, Al Fusco-Engineer

A motion was made to adopt the minutes from January 17, 2018 and February 21, 2018 made by Dot. Second by Konrad. Motion carried 5-0.

Next meeting of the Planning Board is scheduled April 18, 2018.

4 Public Hearings tonight. Poughkeepsie Limited Partnership d/b/a Verizon Wireless, Baroda Sub-Division, Tin Barn Brewery, Dorian DeHaan Sub-Division.

Michelle Conero a NYS certified stenographer is here tonight to record all 4 public hearings.

Certified transcripts attached:

Respectfully Submitted,

Alexa Burchianti
Planning Board Secretary

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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF CHESTER PLANNING BOARD

- - - - - X

In the Matter of

BARODA SUBDIVISION

Black Meadow Road
Section 12; Block 1; Lot 31

- - - - - X

PUBLIC HEARING

Date: April 4, 2018
Time: 7:54 p.m.
Place: Town of Chester
Town Hall
1786 Kings Highway
Chester, NY 10918

BOARD MEMBERS: DON SEROTTA, Chairman
KONRAD MAYER
DOT WIERZBICKI
JACKIE ELFERS
BOB CONKLIN

ALSO PRESENT: DAVID DONOVAN, ESQ.
AL FUSCO, Engineer
ALEXA BURCHIANI, Secretary

APPLICANT'S REPRESENTATIVE: MARK SIEMERS

- - - - - X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845) 541-4163

CHAIRMAN SEROTTA: The next thing on our agenda tonight is the Baroda public hearing. So we're going to do this -- let everyone clear out a little bit so hopefully there's more seats for everybody. If anybody wants, there's extra chairs up here.

If I could just get order again, we'll move ahead and we'll move forward.

I'm just going to change course a little bit here. I just wanted to -- there's been some documents floating around, postcards and things like that, talking about the zoning in the area. There's been a little bit of misrepresentation and miscommunication, I think, on what the zoning is actually on Black Meadow Road. I just wanted to start and quickly explain what the zoning is, then the applicant -- I'll have the applicant do a presentation, the same thing as Baroda -- with Verizon I mean, and then we'll open it up to the public, the same way as we did before.

Let me blow this up a little bit. All right. It's a little bit hard to see and I'm not sure how this gets blown up because it's not

opening as a PDF file. Thank you, Alexa.

Black Meadow Road, starting from -- upwards from the industrial park, moving up all the way into Pine Hill Road, the industrial park area is zoned as an IP zone, industrial park zone, so the areas down below where those buildings are on the right side -- the left side as you're coming up Black Meadow Road and the orchid dealer, so on and so forth, those are all sitting around an IP zone. That's not in question here. Then starts what they call an AR-3 zone. That's what the Baroda property and the rest of anyone who lives on Black Meadow Road, that's the zone you sit in, okay. So looking at an AR-3 property here, if you look it says, under single-family -- we're not doing a municipal building, we're not doing a commercial agricultural operation. We're doing single-family dwellings here. That's the category I want to go over here. There are some other things here. These are other uses that could possibly happen. We're going to talk about one specific use later.

So in a cluster -- in an AR-3 zone, all right, going across here it says the conventional

zoning for the AR-3 on Black Meadow Road is a 3-acre zone which would require 250 foot width, a front yard of 100, yatta, yatta, yatta, going on down the line. That's what it is. So the typical zoning -- and that's typically what the applicant has to address right off the bat, a 3-acre zone, what he could do taking this parcel and divvying this up into 3-acre lots depending on environmental issues and so and so forth, wetlands and roads and everything else.

In an AR-3 zone there are two other methods that could possibly happen. So to give you a theoretical example, if you had a 30-acre parcel, theoretically you could get ten lots. You can't get ten lots. There's going to be roads involved, here we have substantial wetlands down below. None of that is going to happen. Mark is going to address later on a conventional plan based on a 3-acre zone. Also in an AR-3 zone they're allowed to do something -- if we look right here at number 3, number 3 right here, it talks about a cluster development. There's been some misconceptions of what a cluster development is. A cluster development is where you take a

piece of property and you go ahead and you calculate the first -- the first thing the applicant has to do, he has to come in with a conventional plan, 3-acre lots. Simple as that. He has to present it to the Board, the Board has to take a look at it. We may choose to use that plan and say we don't want to do anything else but the 3-acre plan. That's an option. The developer -- the Planning Board can request the developer to go ahead and cluster if we feel that that would be a better use of the property. What clustering is, they come up, they do a 3-acre calculation -- you're going to see this tonight -- and they come up with a number of homes that would be allowed on this 160 acre piece and they come up with a number. In this case, Mark will address this later, the number came out to 29. That's what it is. That gives them the right under a cluster to build 29 homes somewhere on the property and to reduce the 3 acres down. The next calculation has to happen is is there water and sewer on the property or is there no water and sewer on the property. If there's no water and sewer, that's what the answer is here, there

1 is no water or sewer, the minimum lot size has to
2 be three- quarter acre. That's the minimum. Mark
3 will address this tonight. You'll see some of the
4 lots are three-quarter acres and some of the lots
5 are going to be up to 2 acres. That's going to be
6 the size. They can not build more. If the number
7 comes out to be 29 and if the Planning Board
8 accepts the number to be 29, that's the number of
9 lots that can be built somewhere on that
10 property. That's called a cluster, all right.

12 Now, there's been another running
13 around people have been saying this is a 5-acre
14 zone. Let me explain. There is no Town of Chester
15 -- 5-acre zone in the Town of Chester. There's no
16 zoning in the Town of Chester, 5-acre zoning.
17 There is an option that could happen, which is
18 called an open area development, which is similar
19 to the Odyssey Drive that was put up in there. So
20 in certain cases the developer could come in and
21 request -- again they have to give us a
22 conventional plan. The first choice of the
23 Planning Board should be to look at a
24 conventional zoning, which is the 3 acre. That
25 should be always one of our first choices. But he

can then request of the Planning Board to develop an open area development. An open area development plan is where they build on 5-acre lots. Now they have to go up to 5 acres. They put in private roads, they're not plowed by the Town of Chester, maintained by the Town of Chester or anything like that. I don't know if anyone is here from Odyssey tonight. You know the goods and the bads of living on private roads, so on and so forth and that. Once they get their 5 acres they can never been subdivided again or anything like that. It's limited to 5-acre lots. If some day Chester changed the zoning to 1 acre, it doesn't matter. 5 acres is locked in for life type of lots. The Planning Board can not authorize an open area development. All we can do is if we feel it's in the best interest for the Town to do that, we will then ask them to draw up the plan and then we will submit it to the Town Board. We have our town supervisor in the back. The Planning Board would write a recommendation. The Town Board is the only one that can authorize an open area development because it's a special -- it's not a zoning piece, like 3-acre zoning or

anything like that. It's almost like an overlay. It's a zoning overlay that was put in the Town. It's only allowed in the AR-3 zone. It's not allowed in any other zones. It requires a minimum of 50 acres. That would be to do this, all right.

The other thing with a cluster -- I left one thing out with a cluster before. When someone does a cluster, all right, if they put the 29 houses and they put them all on three-quarters of an acre somewhere, the rest of the property has to remain forever something. That other something could be an agricultural easement which can only -- they can only grow corn or have horses or do something horticultural or something on the property. It could be owned by a homeowners association. It has to stay vacant and it has to stay something similar to what I just said, forever, if it's done in a cluster. That's the zoning on Black Meadow Road.

There's three different methods that could happen. Typically it's conventional zoning 3 acres. There's a possibility that someone could ask for an open area development. This is where the 5 acres come, it's not 5-acre zoning,

1
2 or this cluster zoning which in this case would
3 be three-quarters of an acre or bigger for each
4 lot clustered somewhere on the property. So
5 that's my pitch on the zoning.

6 Mark, I'm going to turn this over to
7 you. The first thing you want to do is use the
8 -- this one? This is the right one, isn't it,
9 Mark?

10 MR. SIEMERS: No. That's the closer up
11 version.

12 CHAIRMAN SEROTTA: Okay. Which one?

13 MR. SIEMERS: There should be a display
14 sheet. There was two sheets there.

15 CHAIRMAN SEROTTA: It's not under the
16 cluster one?

17 As I was saying in the last meeting
18 here, if anybody wants to look at anything, we
19 always post our agendas and post everything we
20 have here. April 4. For some reason I didn't load
21 the document here. There we go.

22 MR. SIEMERS: Good evening. My name is
23 Mark Siemers, I'm a professional engineer with
24 Pietrzak & Pfau. I'm here representing the
25 applicant for the Baroda Realty Subdivision.

First I'd like to give you an overview of the existing conditions of the parcel. The parcel for the project is located on the east side of Black Meadow Road, just north of Odyssey Drive. So everybody can orient themselves to the map, this is Black Meadow Road right here, this is Odyssey Drive right here. The parcel is approximately 168 acres in size and it's bisected by Bears Cross Road. Bears Cross Road is an old dirt/gravel road that runs from Kings Highway to Black Meadow Road, and Bears Cross Road, so everybody can get a feel for it, is located right here, running right through the project parcel.

The area of the parcel located on the north side of Bears Cross Road, so that would be this section up here, has a history of row crop farming. You can still see the row crop residue out on the site now if you drive by. The portion on the south side of Bears Cross Road is mainly an upland area consisting of open field -- the open field is located right here -- and wooded areas on steeper slopes in the higher elevations which are located right here.

The site contains three separate

wetlands areas. The first wetland area is designated as a Federally regulated wetland and it's designated as wetland area A. That's located on the north side of Bears Cross Road which is in this area up here. The overall size of that wetland area is about 43.3 acres. There's a second smaller pocket of Federally regulated wetlands that runs through the middle of the southern portion of the site, on the southern side of Bears Cross Road. This area is approximately 3.51 acres in size and it's located right here, just inside the treeline above the open field. The third wetland area is a New York State DEC wetland. It's designated as WR-18. It's approximately 15.7 acres and it is located in the back of the property in this area right here.

The eastern most portion of the site is bounded along the Hudson and Lehigh Railroad. The train track is located right here on the map.

The New York State DEC wetland is surrounded by a 100-foot regulated adjacent area, which is shown on the map here, as well as a 300-foot buffer which is shown right here. That 300-foot buffer was put around the wetland area

because there is a possible Bog Turtle habitat located within this New York State DEC wetland.

MR. WESTERVILLE: Sir, you're not supposed to disclose that to the public.

CHAIRMAN SEROTTA: Jay, you'll have time to talk later. Jay, you'll have time to talk later.

MR. WESTERVILLE: I'm sure. If something wrong is occurring it should be addressed at the time of the occurrence.

UNIDENTIFIED SPEAKER: By the Board.

MR. SIEMERS: There's U.S. Fish & Wildlife letters in the public documents.

MR. WESTERVILLE: They are not in public documents.

MR. SIEMERS: They are in public documents.

CHAIRMAN SEROTTA: Jay, we're not here to -- please.

MR. SIEMERS: The 300-foot buffer was placed around the wetland in accordance with the recommendations made by the U.S. Fish & Wildlife for protection of that endangered species. In addition to the Bog Turtle, the parcel is located

1 within 4.5 miles of a documented Springs Colorous
2 tree as well as about 5.5 miles of a small site
3 for the Indiana Bat. Due to the proximity to
4 those locations, the site has been designated
5 with a tree clearing requirement. Any trees to be
6 taken down on the site have to be taken down
7 between November 1st and March 30th to avoid any
8 impacts to the Indiana Bat, which is also an
9 endangered species in New York State.
10

11 In addition to these things that are
12 existing on the site, the northern portion of the
13 project site within the Federally regulated
14 wetlands and the New York State DEC wetland is a
15 100 year floodplain as defined by the National
16 Flood Insurance Program. The floodplain runs
17 along -- generally runs along the 474 foot
18 contour line. I think you can see the floodplain
19 which is located about right here running on the
20 site.

21 Last, the southern portion of the
22 project site is located within the Town of
23 Chester ridge preservation overlay district which
24 is any area above elevation 500 in this area of
25 the Town of Chester.

The southeastern portion of the site, which is this section here, is a heavily wooded area of steep slopes which rises to an elevation of about 740. This area can be seen from many places within the Town and the Village of Chester.

As Don said, the zoning for the entire parcel is in the AR-3, Agricultural Residential Zone. This zone allows single-family dwellings as a permitted use. The minimum lot size for this zone is 3 acres and can be clustered down to three-quarters of an acre with individual wells and sewer disposal systems in accordance with Section 98.5 of the Town Code.

To give you a little bit of the project history, my office became the project engineers for this subdivision in June of 2014. The project did have a fairly long history with the Planning Board prior to our involvement with a previous engineering office. The previous engineer prepared a 32 lot yield or conventional subdivision plan which Don was speaking about earlier. That would be with 3 lots -- 3-acre lots. In addition to that, the previous engineer

1 proposed different iterations of subdivision
2 designs, including an open area development which
3 had roads encompassing a large portion of the
4 lot, and all of the proposed lots took up the
5 entire parcel, including the areas in the
6 wetlands and the steep slopes and the wooded
7 areas. Once my office was hired for the design of
8 the project it was realized, through discussion
9 with the Planning Board, that the yield or the
10 conventional subdivision plan was never actually
11 accepted. So we then went back and revisited the
12 yield plan. I don't know if you want to bring
13 that up now, Don. The yield plan was then
14 redesigned in accordance with Chapter 83,
15 subdivision of land regulations in the Town Code,
16 as well as taking into consideration the Federal
17 and State regulated wetlands and endangered
18 species concerns.

20 The proposed lots were designed in
21 accordance -- I'm sorry. The proposed roadway
22 was designed in accordance with Section 83-20,
23 the street design, and Section 101-19 of the Town
24 of Chester road specifications. That has to do
25 with the slopes of the roads, intersections and

lengths of cul-de-sacs.

The proposed lots are 3-acre lots around the proposed roadways, and they have been designed in accordance with Section 83-22 to ensure that each of the proposed lots was buildable under the Town Code.

Section 83-25 and 26 is the Town's soil groups and group tables which were consulted to ensure that the individual sewage disposal systems that are designed for each lot could be installed. In any areas where there is a question or a concern that the existing soil on the lot would not be able to sustain a sewage disposal system, we went out in the field and we did actual soils testing, which was witnessed by the Planning Board Engineer, to ensure that the viability of the system was there.

The Town's Freshwater Wetland Law, Chapter 54, was also consulted to ensure all required separation distances were met. The Town defines wetland as lands or waters lying within the boundaries of the Town of Chester as shown on the freshwater wetland map which is to be filed with the town clerk by the New York State DEC.

The New York State DEC did review and sign off on our wetland map which delineated the WR-18 which is located here. Our plan provides a 300-foot buffer from this wetland which exceeds the Town wetland regulations.

The yield subdivision plan demonstrates that the parcel can be subdivided into 30 single-family home residential lots. The Planning Board reviewed and officially accepted the yield plan, last revised in June of 2015, on July 1, 2015.

Now I'll go into what was done on the cluster design. So based on the existing conditions of the site, it was the applicant's belief that proceeding with a cluster subdivision design was the best way to develop the site. The cluster subdivision is a proposed 29-lot subdivision, so it's one less lot than what the yield count proved that it could be developed as. It will be located on approximately 43.8 acres of the 168 acre parcel. The majority of the development will be located out front in the open field area. This layout has allowed the subdivision to be done while almost completely preserving the existing trees and woods on the

1 site, as well as the Federally regulated wetland,
2 and New York State DEC wetlands, and the 100 foot
3 and 300 foot adjacent areas, the FEMA 100 year
4 flood plain and the wooded areas located at the
5 higher elevations of the site up to 740 located
6 in the southern corner.
7

8 By maintaining nearly all of the
9 existing trees on the site -- there's very small
10 areas of tree clearing, which would be right here
11 near the pond and a little section back here
12 where a well needs to be put in. By maintaining
13 nearly all of the existing trees on site, we will
14 definitely minimize and practically eliminate any
15 impact on the Indiana Bat and Brown Bat, which
16 are endangered species in this area, as well as
17 keeping the project approximately 1,500 feet away
18 from the New York State DEC wetland.

19 28 lots will be proposed around the
20 proposed roadway structure. The 28 lots will be
21 located mainly in the grassed area as I had
22 previously mentioned. The 29th lot will be
23 located off of the Bears Cross Road right here
24 and will encompass the remaining 132 acres of the
25 site. The majority of this lot will be

1 encompassed by an agricultural and natural
2 conservation area. This conservation area will
3 encompass about 74 percent of the entire 168 acre
4 site. Like I said, the proposed lots will be
5 located in an open field area in an effort to
6 preserve the environmental areas that I just
7 mentioned. Due to this there will be a visual
8 impact from the project.
9

10 The elevation of the highest house will
11 be located at about elevation 621, which would be
12 these houses right here. That will be
13 approximately 34 feet below the existing dwelling
14 that is located right here in the Odyssey Drive
15 development and approximately 39 feet below the
16 existing dwelling that is located right here in
17 the Odyssey Drive development. The house
18 locations will mainly be visible from Black
19 Meadow Road and will have to conform to the ridge
20 preservation overlay district regulations. My
21 office is currently completing a visual analysis
22 for submittal to the Planning Board for their
23 consideration as the Planning Board has the power
24 to approve locations of houses in the ridge
25 overlay section. What we have done by locating it

in the grassed area is we have preserved the heavily wooded areas in the steeper slopes in the southeastern portion of the site which is a higher elevation. It can be seen from more areas of the Town and the Village of Chester.

The proposed lot sizes are in accordance with the AR-3 cluster regulations from the smallest lot size being three-quarters of an acre with 16 of the proposed lots ranging from one acre to an acre-and-a-half. Each proposed lot will be served by an individual well and sewage disposal system.

Soils testing was completed on site which included two percolation tests and two deep tests in the area of each proposed sewage disposal system. Each system has been designed to accommodate a four-bedroom single-family home. The project has been laid out to ensure that the wells and sewage disposal systems meet all of the required separation distances.

When and if this project gains a preliminary approval from the Planning Board, it will be submitted to the Orange County Department of Health for review and approval of the realty

subdivision. In conjunction with that review, additional joint soils testing with the Orange County Department of Health will take place out on the site. They will designate a certain number of lots that we will have to do a percolation test and a certain number of lots that we will have to do a deep test. We will go out and perform them and Orange County Department of Health will witness that testing to ensure that the sewage disposal systems that are being designed will be able to handle the houses that are proposed. In addition to that we will have to drill a certain number of wells that will be defined by the Orange County Department of Health. Those wells will be sampled and that well water will be tested to make sure that it meets the drinking water standards.

Each lot will be accessed by an interior road network consisting of one main road loop which will gain access off of Black Meadow Road in two locations. This is the main road loop right here and these are the two entrances onto Black Meadow Road. The sight distances for the entrances have been measured to ensure that the

1 sight distance meets the required distance in the
2 town code as well as AASHTO regulations. There
3 are two additional small cul-de-sacs that come
4 off of that main loop road to serve additional
5 lots in the project. The roadway is proposed to
6 be thirty feet wide and was designed in
7 conjunction -- in accordance with the Town
8 roadway standards as well as in conjunction with
9 a meeting that we had with the highway
10 superintendent. We did have some steeper slopes
11 which were allowed by the code, but the highway
12 superintendent didn't like those steeper slopes
13 so we redesigned the project to maintain the
14 lesser ten percent steeper slope -- ten percent
15 slope that the highway superintendent was
16 requesting.

17
18 Additionally, the project will be
19 dedicating a 100 foot strip of land located right
20 here along Black Meadow Road at the request of
21 the highway superintendent so that in the future
22 the highway department may be able to extend the
23 shoulder of Black Meadow Road right here where it
24 kind of drops off. If you've driven up there I'm
25 sure you know the section I'm referring to which

is just north of Bears Cross Road. The proposed roadway will contain drainage infrastructure which will control the stormwater runoff on the site.

A stormwater pollution prevention plan has been prepared for the project in accordance with the New York State Stormwater Design Manual of January 2015 and the current New York State DEC Construction Activity General Permit. The proposed project has been designed to meet the goals of this manual by, one, minimizing disturbance, preserving on-site natural features and locating the development in the less sensitive areas; two, reducing the impact by reducing impervious cover through the proposed cluster design; and three, managing the impact by utilizing green infrastructure designs such as conservation easements, additional tree plantings along the roadway and rooftop disconnect as well as treating and mitigating the stormwater in two micro-pool detention ponds which are located on the other side of Bears Cross Road. One will be right here and one will be right here. These stormwater ponds are designed to ensure that

there will be no adverse impacts to downstream areas due to the construction of this project.

The Planning Board reviewed the proposed cluster plan and voted in favor of clustering the project in July of 2015. The project was in the final stages of the design when the Town entered into a moratorium to complete amendments to the Town's zoning code. Once the Town came out of the moratorium the amended zoning was analyzed and it was determined that the amended zoning did not have an affect on the proposed project, so the project was then submitted back to the Planning Board to schedule tonight's public hearing.

So with that, I'll turn it over to the Planning Board for comments.

CHAIRMAN SEROTTA: Thanks, Mike.

Also, I sent out to the Board tonight, I did submit to -- the Town of Chester uses a planner named Allan Sorenson out of Rock Hill in Sullivan County. I did submit this to Allan a few weeks ago. He came in with a report just today. I sent it out today. It was late. I didn't get it in until about 5:00 today. Basically his comments

1 on the report was he was in favor of clustering
2 the project. He felt it would preserve the
3 majority of the site, especially the steeper
4 areas and wooded areas.
5

6 He did suggest, Mark, you leave as much
7 vegetation along Black Meadow Road -- he felt
8 there was a lot of vegetation -- as much as
9 possible. He also suggested doing some kind of
10 plantings down in this area here. We have a
11 landscape architect on our Board named Karen
12 Arent. We'll have Karen review this and also take
13 a look at it. He also said some extended planting
14 -- I'll give you a copy of this. It just came in
15 today about 5:00. Some extended plantings along
16 the roadways and that to try to mitigate as much
17 as you can.

18 The highway superintendent also called
19 me. I met with him today at about 3:30. He wanted
20 to know if you could reduce the road down to 24
21 feet from 30 feet, if that's a possibility. It
22 would be less blacktop, a little bit more green
23 area along there. It will be a reduction in the
24 size of the road. He suggested you do that. He
25 would prefer that. The only thing he asked was

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2 to make sure, as he always says, that the
3 cul-de-sacs have room for plows to plow and for
4 fire and ambulances to make full turns without
5 having to back up. Those were his two main
6 comments.

7 As I spoke earlier, certain actions are
8 referable to the Orange County Planning
9 Department or Orange County Department of Public
10 Works. This is not one of them. It doesn't meet
11 the criteria so it was not submitted to Orange
12 County Planning. I have no report from them or
13 anything like that.

14 Mr. Fusco, you submitted a report.
15 Let's bring that up.

16 MR. FUSCO: Mr. Chairman, Board
17 Members, we had reviewed this in March. We had
18 submitted previously many reports as we moved
19 forward through the years with this.

20 At this time the developer had retained
21 an archeologist to prepare a phase 1 report which
22 we had requested at the previous month's meeting.
23 At this point we had them sent to the State,
24 however we have not yet had the results at that
25 point. So that's pending.

1
2 We still need a sign off on the
3 habitat. They had done all the habitat studies,
4 as he had related to it, with the various
5 different projections as to where they were going
6 with the project.

7 In addition to that, one of the things
8 that the highway superintendent and the Board had
9 requested was that the road profiles be reduced
10 to 10 percent or less, which they had complied
11 with in the last round of amendments. The road
12 section detail is now acceptable. We had
13 requested some additional asphalt material which
14 was done. The right-of-way regulations are noted
15 as requested. This is again by the highway
16 superintendent that we don't have any street
17 trees, fences or any other obstructions within
18 the Town right-of-way.

19 We had asked for a change in the
20 bedding detail around the pipe which was done as
21 requested.

22 They did submit a stormwater pollution
23 prevention plan included with the submission at
24 that time with an NLI. Preliminary reviews
25 appear that they are in line with the regulations

1
2 and requirements. We are continuing to review
3 that.

4 The New York State DEC will require a
5 SPDES permit for this project.

6 The Orange County Department of Health
7 will be reviewing water samples and septic as
8 well as my office with a final sign off,
9 obviously, by the Orange County Department of
10 Health. We'll be witnessing those with the Health
11 Department when they are moving forward during
12 the future months. As stated before, we did do
13 some deep tests and checked soils in many of the
14 areas as part of the yield plan.

15 The Planning Board Attorney is going to
16 review the agricultural easement with the
17 applicant because it could be a different number
18 of nuances, and they'll be looking at that.

19 The project will require a drainage
20 district, and that would be set up by the Town of
21 Chester Town Board, so that all of the 29 houses,
22 or whatever ends up being approved, would be
23 paying for the drainage maintenance of the system
24 and not the general Town.

25 We do request now that ponds have

fencing with gates and 15 feet of mowable access area around it so it could be properly maintained as part of the drainage district. Also show landscaping in that area.

The Town is recently reviewing a local law and moving forward with it for a FAR, which is a floor to area ratio for houses, and I suggest that they review it to make sure compliance will be made with that proposed local law.

Board comments. The Board had requested a visual impact analysis which the engineer stated is pending.

At that point, if appropriate with the Board, close the public hearing and move forward with all comments.

CHAIRMAN SEROTTA: Thanks. One other thing I didn't mention before, the highway superintendent, when I met with him today, along Black Meadow Road I'm not sure exactly where the 30 mile-an-hour starts, I think it's closer to the top of the road, he suggested the Town petition -- I think the Town has to petition the County in order to lower the speed limit and move

1 that 30 down to the bottom of the hill down here,
2
3 down more towards where Sundowski Lane, or
4 whatever it is, down towards where the Village
5 water station is. I can just tell you from what I
6 understand it's like going through hell and back
7 trying to get them to override the speed limit.
8 They tried in a couple spots here. The Town
9 doesn't have that power. It comes to the County,
10 and then I think the Department of Transportation
11 is the one that actually gives the okay to lower
12 the speed limit. We will ask the Town Board to go
13 ahead and start that process. I don't know if
14 that will be successful or not. They do meet the
15 sight distance based on the speed limits but we
16 feel for safety sake they should move that 30
17 miles-an-hour down to the bottom of the hill. I
18 think that would be a much better thing. We're
19 going to try to get that done.

20 All right. I think that's it. I think
21 we went over again there's no municipal 239 or
22 anything like that.

23 At this point in time I'm going to open
24 it up to the public hearing. I'm sure everybody
25 is anxious to talk to us.

1
2 MR. DONOVAN: I think you should put
3 the cluster up, the cluster plan.

4 CHAIRMAN SEROTTA: Thank you, Dave.

5 Let the record reflect that the proper
6 notices were sent by mail, and let the record
7 reflect that the proper legal notice was
8 published. There was some confusion on what
9 notices go out to the individual homeowner. We
10 use software provided by Orange County to the
11 Town of Chester, to Alexa here. She types the
12 section, block, lot number of the parcel in, she
13 puts in a number 500 feet and it draws a circle
14 around and everybody's parcel that touches --
15 that's within that circle or touches the circle
16 gets notified. So if you live a half a mile up
17 the road, you didn't get a personal notice. Only
18 if you live within that 500 foot realm. So some
19 of the people around there, including some of the
20 businesses, all got notice of that. If you're not
21 in the 500 feet you didn't get a notice.

22 At this point I'm going to open the
23 public hearing. You saw what happened with
24 Verizon. I'm going to ask you to raise your hand,
25 please come up in front of the Board and state

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your name and that and speak clearly. We have a Stenographer here. We're going to try to get everybody through.

Tim, I'll wait, you're going to be long.

Go ahead, sir. You have to come up front.

MS. BUCHANAN: Hi. I'm Sherry Buchanan, I live on Odyssey Drive, 150 Odyssey Drive, and we just moved into the area recently. I'm going to tell you one of the things that was on the website, which is partially why we moved into the Town of Chester, under natural resources, the Town of Chester in many ways is defined by a rural landscape with high aesthetic value which contains agricultural, recreational, natural and wildlife areas. The Town is actively engaged in efforts to preserve these areas and protect them from development. This is on the Chester website. I am not against development and growth. I am against doing it in Chester where I moved because it said that they are against development. I know you're trying to preserve as much as you can but you're not going to preserve

1
2 our lifestyle. Our lifestyle will change for the
3 next three, four, five years. However, there's
4 going to be trucks, construction, the kids can't
5 ride their bikes anymore down the hill. All the
6 bikers that come every Saturday who are training
7 for all their marathons, they're not going to be
8 coming up our road any more. Our life as we know
9 it will be done.

10 And then once all the houses are built
11 it's going to be traffic. Total traffic. It is
12 going to completely, completely annihilate what
13 the Town I moved into -- it's just not going to
14 be the same place. I moved into Chester for this
15 reason, not to have trucks and construction. I
16 don't care how much you try to preserve it, it is
17 going to be a long time before it will come back
18 to that. I mean you drive by with all these
19 trucks, all the deer, anything that was there is
20 going to run. After you're there for three years
21 are they going to stay? No. They're going to
22 run. Then it's going to take six, seven, eight,
23 ten years to rebuild that habitat because they're
24 going to run and find somewhere else to go. Until
25 the water is calm, which could be who knows how

1 many years from now, they will not come back.
2
3 Guess what? By then we'll be retired, our kids
4 will be graduated. Game over. The life as we know
5 it now is not being preserved. No matter what
6 efforts you're making to preserve everything
7 around, you're not preserving the life we're
8 living in right now because it is going to be a
9 complete upheaval, trucks, traffic. Game over.
10 That's it.

11 CHAIRMAN SEROTTA: Thank you. Tim.

12 MR. DILTZ: Thank you. Thank you, Mr.
13 Chairman. I'm just getting over some laryngitis.
14 I thought you would have microphones. I'm Tim
15 Diltz, I live on Black Meadow Road.

16 You have a lot of issues with this
17 particular project. You have some fatal flaws,
18 and I'm going to point those out. I'll try and be
19 brief, let my neighbors go at it.

20 Would you put up Chapter 83 which would
21 be from the subdivision declaration of the
22 Planning Board policy? The policy reads -- 83-2,
23 the policy reads -- by the way, I have submitted
24 my written comments to all of you if you want to
25 follow along. I'm going to hit the highlights. I

1
2 also gave you some information on the fact that
3 rainfall is increasing. It's actually doubled in
4 the last 50 years.

5 Okay. The declaration of policy, right
6 about in the middle there it says -- I actually
7 submitted this. Do you have it separately? All
8 proposed lots shall be so laid out and of such
9 size as to be in harmony with the development
10 pattern of the neighboring properties. Will you
11 explain to me how this fits in? Any of you on
12 the Planning Board. I don't want to hear just
13 from the Chairman, we would like to hear from all
14 of you.

15 CHAIRMAN SEROTTA: We're not here to
16 answer questions tonight.

17 MR. DILTZ: Mr. Chairman, I asked you
18 months ago --

19 UNIDENTIFIED SPEAKER: I would like to
20 hear that.

21 MR. DILTZ: -- some questions and you
22 said wait until the public hearing.

23 CHAIRMAN SEROTTA: We will answer all
24 your questions, just not tonight. We'll never get
25 through anything. You saw what happened with

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Verizon. I let that go a little bit because I thought --

MR. DILTZ: I don't know why we're here. This right here tells me this is illegal. This goes against the policy of the Planning Board. The reason for the Planning Board being here is to keep the harmony of the neighborhood the same as it's always been. Okay. All right. Thank you.

UNIDENTIFIED SPEAKER: We're going backwards.

MR. DILTZ: We are. You're destroying our open space. That's the one visible piece of that parcel that we can see. Now I've heard it said that you're preserving open space, but we can't see it. We can't see any of the open space further down from us. So it's not open space. It has to be visible to the public.

By the way, our comprehensive plan is full of records as to preserving the rural nature, open space, steep slopes and so on and so forth. I assume you all have copies of this and I hope you'll study it a little bit.

On cluster developments it says the

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Town can consider cluster developments if it
benefits the Town. Can anyone tell me a benefit?
Any of you on the Board?

CHAIRMAN SEROTTA: We're not here to
answer questions tonight.

UNIDENTIFIED SPEAKER: We all spent our
time to come here today.

CHAIRMAN SEROTTA: You can come to our
next meeting. We'll be here until 2:00 in the
morning. A public hearing is where we want to
listen to what the public has to say. We will
write all this down and we will answer all the
questions that are asked tonight, okay. That's
what we're going to do.

MR. DILTZ: I don't see any benefits. I
see only detriments. I see the highway
department's budget going up, I see increased
police patrols, I see new layers of government, a
sewer district -- a stormwater district rather, a
conservation easement stewardship that we have to
monitor. I wish you'd answer the questions. What
are the benefits? That's the only reason you can
consider a cluster, if it benefits the Town. To
my mind it doesn't. Not at all.

1
2 By the way, I'm not -- I'm here to
3 press for an open area development. I think it
4 suits this parcel. It's the wrong plan for the
5 wrong piece of land. We have a beautiful open
6 area development right next door. The same thing
7 can be done with this particular parcel. I know
8 it was discussed in 2011. I don't know why you
9 dropped it.

10 CHAIRMAN SEROTTA: If you'd like I can
11 show you why the Planning Board dropped it.

12 MR. DILTZ: They did it beautifully
13 next door.

14 CHAIRMAN SEROTTA: It's a different set
15 of engineers. That's not the plan. They didn't
16 put Odyssey on this property here. An engineer
17 came in, hired by the applicant, and submitted a
18 plan, an open area development which --

19 MR. DILTZ: Here's your fatal flaw. Can
20 you put up the pictures? Leave that right there.
21 Mr. Fusco submitted a letter to you saying there
22 is no sewer/septic systems allowed in soil groups
23 7 and 12. Most of this development is in soil
24 groups 7 and 12. Can we get an answer on that?
25 Why is this being considered?

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CHAIRMAN SEROTTA: Again, we're going to write all your things down and we'll come back and answer all of your questions.

MR. DILTZ: We'd sure like to know now. You never had a public information hearing. Your attorney advised you you could and you didn't.

CHAIRMAN SEROTTA: A public information hearing would happen before they even designed the project.

MR. DONOVAN: I'm sorry. No one comes to a public hearing and has to listen to the attorney speak. If I could just chime in for a second on the purpose of the public hearing. The purpose of the public hearing is information gathering for the Board as opposed to individual questions and answers. So the point that you made is do you think that it's inconsistent with the character of the neighborhood, that you think there's no benefit. It's your input to the Board that the Board has to consider in making their decision as opposed to answering each individual question. The idea is to give information to the Board to assist in making the determination.

MR. DILTZ: I understand. When do we

get answers from the Board?

CHAIRMAN SEROTTA: As soon as we have time to listen to the whole public. If everybody spoke here tonight we might have 100 pages to answer. That could take two weeks from now, two months from now. The engineers and everybody have to answer them. That's what's going to happen.

MR. DILTZ: How are you going to answer us?

MR. DONOVAN: So I just want to be clear. There's not necessarily going to be an individual answer to every question. What's going to happen, what needs to happen, the way the process is supposed to work is the issues that you bring to bear tonight are supposed to be considered by the Board, must be considered by the Board in reaching their determination.

UNIDENTIFIED SPEAKER: Can we take a show of hands for people supporting the man that's standing up there? I don't want him to appear to be one person on the piece of paper.

CHAIRMAN SEROTTA: You'll all get a chance to speak tonight.

MR. DILTZ: Can we see the flood

1 pictures, please, Mr. Chairman? Here's your
2 fatal flaw. Nobody bothered to check where the
3 high water mark was historically on the
4 floodplain. This is Hurricane Sandy. This was in
5 2012. That's almost up to the Black Head Oak
6 Floral Greenhouses.
7

8 UNIDENTIFIED SPEAKER: It's way above.

9 MR. DILTZ: She was actually under
10 water.

11 Some more of those if you would,
12 please. That's the floodplain. That's across the
13 street, which is part of the floodplain.

14 UNIDENTIFIED SPEAKER: This is where
15 we're building houses?

16 MR. DILTZ: Here we go. This is
17 Hurricane Sandy. That was a two-inch rain event
18 in 2012. In 20 -- I'm sorry. In 1972 Hurricane
19 Agnes, the water level was right here, right up
20 to the cross road. I witnessed it and we have
21 several witnesses here who witnessed it. The
22 significance of this is that the first 8 lots in
23 your site plan don't have 100-foot separation.

24 UNIDENTIFIED SPEAKER: The holding
25 pond.

1 MR. DILTZ: You don't even have 50
2
3 feet. That was the high water mark of the --
4 forget the FEMA 100-year delineation. Let's
5 focus. It came right up to Bears Cross Road. So
6 those first 8 lots -- in fact, your yield plan --
7 I don't mean to personally attack you. Your
8 yield plan had the first 8 -- sorry, the first 7
9 lots in that floodplain with basements. They
10 would have been under water. So if that yield
11 plan is wrong, because that has to be subtracted
12 from the total, the yield plan has to be
13 completely refigured. I maintain this is the
14 wrong plan for this parcel. You can't drop the
15 high-density housing into a marked lot. It's
16 called sprawl. That's what towns avoid. Here we
17 have a town that we can do better. We can do much
18 better. We could open up Bears Cross and make it
19 a hiking trail. That's the only dirt road left
20 probably in the county, at least in Chester. Why
21 can't we have a dirt road that would be open to
22 the public? You're going to have a conservation
23 easement which does the public no good at all. We
24 can't use that property. We've been using it for
25 50 years until it was -- you gave off. That's a

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beautiful hiking trail. It could be used by the community. You could have a little parking area there. There is plenty of things that could be done.

The main thing is it's destroying our open space. It's destroying the rural character of Chester.

That particular hillside can be seen from downtown in Chester, it can be seen from the Quickway, it can be seen from Max View. That's one of our best steep slopes in Town. It's equally as beautiful as Broadview. Is that the one in Town, Broadview?

CHAIRMAN SEROTTA: Knapps View.

MR. DILTZ: Knapps View is on Kings Highway.

MR. DONOVAN: That's the back road.

MR. DILTZ: Red, what's your farm called?

UNIDENTIFIED SPEAKER: Brookview.

MR. DILTZ: Brookview. It's equally as beautiful. So I'm here to advocate for saving our open space. By the way, that is the only open space on this parcel. Open space has to be seen

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2 by the public to be called open space. So
3 anything that's preserved further to the east is
4 of no use to us. I mean the fact that he could
5 never build on it again makes no difference at
6 all. We couldn't even see it anyway.

7 I'm going to cut it short because I
8 could go on all night. There's so many flaws
9 here. I think the main thing is nobody bothered
10 to check where the high water mark was. It
11 happened in 1972, which was, what, almost 50
12 years ago, and it's going to happen again. The
13 information I had submitted to you on increased
14 rainfalls and increased rain events means there's
15 going to be even more serious storms coming. It's
16 doubled in the last 50 years, the intensity of
17 our storms.

18 This hillside with 29, 28 septic fields
19 and wells is an ecological disaster waiting to
20 happen. You get a rain event like we had, even in
21 Hurricane Sandy, those are going to fail. It's
22 going to pollute the water, it's going to pollute
23 our aquifer, which is Black Meadow, it's going to
24 pollute downstream and we're going to have an
25 E. Coli nightmare. I urge you to reject this

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application. It doesn't belong here.

Clustering is great if it serves a purpose, if it benefits the Town. This has no benefit to the Town. None whatsoever. This benefits the developer and the applicant 100 percent, the Town zero.

So that's all I'll say for now and I'll let my neighbors have at it.

MR. FARRUGGIA: I also presented a letter to the Board with a bunch of documents for their review.

CHAIRMAN SEROTTA: State your name for the Stenographer.

MR. FARRUGGIA: My name is Michael Farruggia, I live on Black Meadow Road next door to Tim Diltz who happens to be my father-in-law.

I want to point out to those of you who don't know in the audience, Tim Diltz ran back in 1990 for town supervisor and he ran on the platform of saving that view from 1,500 condos. He won on that platform. Thanks to him it was saved. At the time, had we listened to him then, if the Planning Board had listened to him then and the Town Board listened to him then, we would

1
2 have bought that lot for \$800,000. Instead when
3 we did buy we paid almost \$3,000,000 plus for it.
4 That's not what I'm here to talk about.

5 As I said earlier, I'm a septic system
6 expert. I work with septic systems. I've
7 installed thousands of them over the years. My
8 expertise is mostly in failing septic systems and
9 why they fail. I believe this subdivision was --
10 when they planned it it was really done cheaply
11 and it's to maximize the profits by dropping a
12 bunch of houses in the only open space that you
13 can see on this development. Right next door my
14 father-in-law mentioned about Odyssey Drive. It's
15 one of the most beautiful drives. It's a private
16 road. I'm sure the folks won't mind, drive up
17 and look. You can barely see the houses in there.
18 This lot can be developed that same way. It's got
19 to happen. We're going to get development. But
20 this lot can get developed that way with maybe
21 10, 12 houses, not 29 over the whole thing. Our
22 town comprehensive plan actually points this out,
23 like my father-in-law said, so I'm not going to
24 talk about that.

25 What I want to bring up is graphic 1.

Can you bring that up? Basically what graphic 1 is is the soil logs that Mark talked about.

CHAIRMAN SEROTTA: I didn't load yours.

MR. FARRUGGIA: Okay. It's the soil logs. You can look at them. They're on page 15 of this document if you want to put it up. If you look at these, it talks a couple of different things that really concern me as a septic expert. In the design, because this is such a tightly compacted lot, it's only three-quarters of an acre, they only allow 50 percent expansion of these septic fields. A septic field, a lot of you have them out there, have finite life. They have to be maintained. The average life is 20 to 25 years on a septic system. With only 50 percent expansion, that's not the norm. It's usually 100 or more percent expansion because 20 years from now they'll all be in failure. They're going to have to have more room to expand because the waste doesn't stop.

Another thing that really concerned me about this is Mark talked about the perc tests and the deep pit tests. The perc tests were done June of 2015 and 7 2016. The deep pit tests were

done 8 of '15 and 7 of '16. These are dry months. I submitted a video to the Board, which I hope you all see tonight, but I took it on 3-18 of this month. Excuse me. 3-12 of this month. It shows water percolating out of the center of Black Meadow Road. It was percolating today, if you want to drive by you'll see it, right out of the center of the road. This is a quarter mile from where this subdivision is. My point being if these deep pit tests were done this time of year, 80 percent of those lots, as Tim pointed out, because of the soil conditions, 7 and 12, wouldn't even be able to be buildable for septic systems.

I'm going to skip the Agnes thing. He talked about the high water mark. I didn't know he was going to do that.

Also on graphic 1 that I wanted him to show, the septic soil logs, he talks about -- Mark specified an Eljen septic design. What Eljen septic designs are, and I have another graphic the Board can look at, graphic 4 right from Elgin's website, it says these type systems are used in design looking for extra capacity and

limited space. These guys had plenty of space to put 10, 12 houses in and put conventional systems in. I'm going to point out why a conventional system has to go in these sites and not an Eljen. Referring back to graphic 1 where they did the deep test pits in the dry months only, mottling was present -- it's 18 inches down to 60 inches deep. 72 inches I think on one of them. It's in every one of the soil marks. What mottling is is the presence of groundwater that comes up through the ground and it leaves a feature that creates -- a feature called radarkymorphic features. These features are as a result of saturated soil conditions. They stay present in the soil forever. The engineer notes that that's why they're on there. It's for mottling. Some of these are only 20 inches below. Why am I bringing that up? In the Eljen they want to put on all these sites, the New York State manual says as required by New York rules, in-ground designs require a minimum of four feet usable soil above bedrock, unsuitable soil and seasonal high groundwater. This is done so as not to infiltrate our drinking water with E. Coli, and the aquifer.

1 The Black Meadow Acquifer runs right under this
2 property which feeds all your wells on Black
3 Meadow and Odyssey. There needs to be a
4 separation. It's page 7 of their manual. It's
5 called vertical separation. What really struck me
6 in reviewing these plans, on page 16 of the
7 design that they came up with, under the cross
8 section entitled Eljen in-drain cross section, it
9 calls for only 24 inches of separation. I ask
10 why. It needs to be a minimum of four feet
11 according to New York State code and the
12 manufacturer, which means the manufacturer will
13 void any warranties.

14 I'm going to discuss another thing I
15 found in the plan having to do with the Eljen
16 manual. On page 8 of the Eljen manual it talks
17 about additional factors affecting residential
18 systems. Each home has a condition -- water
19 conditioner backwash and shall be diverted from
20 the septic tank and septic system. To bring that
21 further, I put another graphic to the Board,
22 graphic number 3, page 17, is the Eljen
23 homeowners manual. On page 17 one of the don'ts,
24 besides not having jacuzzi tubs and not having
25

garbage disposals, don't discharge water treatment systems into the septic system. Why do I bring that up? Page 15 of the Baroda which is right here, I don't know why it's (inaudible) so you can all see it, it says under note 6, 35 gallons a day of backwash is in the design. Why would you want this backwash in the design? It's okay in a regular septic system because they're much larger and they can handle this. The reason why is this: Home water treatments use salt and electricity and they generate chlorine. That chlorine is used in the backwash to backwash the filter media that's treating your water and then it's injected into wherever it goes. In this case, say 35 gallons of this heavily chlorinated water is going to be injected into this system. These Eljen systems work off forming bio-mats in an egg crate like system that's all wrapped together, all the filter fabric and everything, and it has extra bio-mats where a normal system only has a bio-mat on the bottom in the stone area. What happens with all that chlorine is it kills the bio-mat. It will make these Eljen units ineffective in less than 10 years. Not only

1 that, it will void the warrantee from Eljen.
2
3 They're not going to worry about it. Now with
4 only 50 percent expansion, guess what, all these
5 wells are going to be contaminated and it's going
6 to contaminate the aquifer that's underneath it
7 also.

8 I can go on all night about the
9 problems with these septic systems and designing
10 them all very close. I'm going to conclude saying
11 it's my opinion there are too many septics and
12 too many wells too close together. This property
13 could be beautifully developed but it would make
14 a lot more money for the developer to do it and
15 they'd get a lot fewer houses to sell when he's
16 done. They can do just like Odyssey Drive. All
17 those sites we talked about, the heights of them
18 are below Odyssey Drive. It's not like you're
19 going to see it all over the world.

20 Another thing to talk about is with
21 clusters like this. There's a development over
22 in the Town of Monroe called Mountain Lodge Park.
23 Mountain Lodge Park, I urge the Board to call --
24 I urge the Board to call up the town engineer and
25 verify this, okay. Mountain Lodge Park, just

1 about every home in there is on a septic and
2
3 well, and every home has a UV system on the well.
4 That UV system is to kill the E. Coli that is in
5 their water. I know, I installed many of them
6 over the years. So I don't think we want that
7 here. I'm telling you with these Eljen systems
8 injecting chlorinated water into them and the
9 closeness, you're going to have, and it's also
10 going to possibly affect our aquifer which could
11 affect my drinking water and the rest of yours.

12 Like I said, I urge you to completely
13 kill this plan and start over and have it
14 redesigned to an open area development just like
15 Odyssey next door. Something like that would work
16 and I believe it would have a lot less
17 opposition.

18 Just so you know, my phone number is on
19 the bottom of the letter that I did submit. If
20 anybody wants to reach out to me to talk about
21 any of the other flaws in the plan, I'd be happy
22 to talk to them. Thank you very much.

23 MR. DYSINGER: My name is Larry
24 Dysinger, I live on Odyssey Drive. I've been here
25 25 years.

1 From my perspective this is the second
2
3 time the Town of Chester is negatively affecting
4 the people on Black Meadow and in the Odyssey
5 Drive subdivision. You did it first back in '93,
6 changing the zoning to IP, bogus excuse of
7 putting a sewer line in. Now you're considering a
8 cluster zoning. Personally, if you just stuck
9 with the way the zoning is, 3 acres, I don't have
10 an issue with that for the most part. With this
11 I see -- I agree with everything Mike says. I've
12 installed hundreds of septic systems as well as
13 replacing septic systems, so I know all about
14 what he just said, and I concur with that.

15 If you look at what Tim said earlier
16 about cluster zoning, it's supposed to benefit
17 the Town and the local residents, okay. I'm not
18 going to go more than that.

19 There are a couple items in this
20 chapter 98 zoning. Now, it says that it's
21 supposed to preserve steep slopes. Where are you
22 putting the houses? I consider it a fairly steep
23 slope. It's not a general slope, it's steep.
24 You're not going to preserve that. You're not
25 preserving a ridge line. My house -- my well is

1
2 521 feet deep. I get 6 gallons a minute. Even at
3 29 homes, or whatever it is in this area, what
4 impact is that going to have on my well or any of
5 my neighbors' wells? You're going to have a lot
6 more people sucking the water out of the ground.
7 6 gallons a minute is not a lot. I'm really
8 seriously concerned about my water and
9 availability of water. I think that's a great
10 potential problem. That's all I have to say.

11 CHAIRMAN SEROTTA: Thank you.

12 MS. SCHWAR: Joanne Schwar, 506 Black
13 Meadow. I didn't like this idea before I even
14 came. Everybody here basically said mostly what I
15 wanted to say with one exception, and that is
16 that I lived over in Windridge Condos, which is a
17 part of Chester, for eleven years. I was on the
18 board. I was on the board when we had the last
19 hurricane. The hurricane impacted Windridge
20 beyond our imagination. It's a low income/middle
21 income housing. The amount of money we had to put
22 in to helping our homes survive this. Basements
23 were gone. Then we had Mr. Fusco's son -- you
24 have a son that's in the business?

25 MR. FUSCO: Yes, I have a son.

MS. SCHWAR: Your son worked with me and came and he walked into the slop and in the woods to the property adjacent to Windridge which was owned by O&R. It turned out that the water table in the area owned by O&R had changed. The topography had changed in that area causing all the water from that undeveloped woodland to come into our property. So it was taking the roads, it was taking the basements. It cost us -- I don't remember how much it wound up costing in the end. We had to redo our ponds, we had to redo the fencing around the ponds, we had to redo the roads, we had to help the people that we could with the basements. It was probably close to \$75,000 to \$100,000 and we nickled and dined it. Mr. Fusco, I'm sorry, your son's budget was way out of line, we couldn't afford it. So my point is topography changes. If we have another one or two hurricanes -- does anybody on the Board live on Black Meadow? You don't. We drive that way every day. It's a hell hole over there. The beautiful homes on the hill is the only thing I want to see because everything else is like -- it's just a lot of woodlands and -- not woodlands

-- overgrown, water, flooding. Then you look at the cornstalks. That whole section, that could be a beautiful area. Like the gentleman said, I don't know who it was, he said open up the road, let people walk in there. A nice little trail in there would be beautiful. Give us back the land we thought we were getting when we moved in here.

My only point is when I hear 100-year flood, we did a 100-year flood and we failed. We didn't do well. At least in Windridge we didn't. You have another -- I love those pictures from the last hurricane, or that hurricane in '14 -- in '12. If it happens again, all those homes and all those sewer lines, we won't have to worry about them, they're all going to be in the cornfield. They're going to fly down the road with the hurricane. That's all I have to say. This is a really bad idea. Bad location, bad idea.

MR. SOCCI: Donato Socci. Good evening, neighbors. Thank you for showing up. I'm a union pipefitter. I work all around the country, so I've seen cross contaminations, I've seen polluted wells, I've done systems like the

gentleman was saying, UV treatment systems, pumping raw bleach into your drinking water like Mountain Lodge Park. It seems to me about 20 years ago or so, I could be wrong by a few years, we were in here years ago, back when Freddy Whiley owned the place, that they wanted to do a cluster development here. By show of support from the neighbors we changed it. We agreed to 5 acres per house -- minimum 5 acres per house.

Now I'm here 30 plus years. I built a few houses on Black Meadow Road on that section. That's right across from Bears Cross Road there. To me, I moved up from Rockland County. I was born in the Bronx. I bought 5 acres plus to enjoy 5 acres plus for me and my family. I looked at lots on Pine Hill Road at the time back in the '80s. They were 2 acres. I didn't want 2 acres. I wanted more than 2 acres. So I'm greedy, okay. I wanted a little more open space and start a family and raise a family here. We pay for that. We pay for this quality of life that we deserve, and each one of us deserves quality of life. We deserve to get what we pay for. \$15,000 a year in taxes. There's no line in that road with no

1 domestic water in this Town. So we're all on
2 wells. Until there is a domestic water line in
3 that road, I think if this project goes ahead
4 there's going to be problems. Like the gentleman
5 said, I've put numerous systems in, above-ground
6 septic systems. Eventually the soil is going to
7 get super saturated and leach and where is it
8 going to go? Now you have to truck out hazardous
9 waste. You can't just take that to any landfill.

11 Amongst the chemicals, bleaching water,
12 I don't want to drink bleach. If I want to drink
13 bleach I'll go to Shop Rite and get a Clorox
14 bottle. We're all paying a good dollar here. Some
15 of us have more money than others, but that's not
16 the point here. The point is we're paying for a
17 quality of life. We're paying for the acreage
18 that we're on to use for all of us. When Freddie
19 Whiley left and went out wherever he is, the
20 place was beautiful. Phil Johnson is down in
21 there, he's planting corn, he's hanging and doing
22 his thing. I think that it would be a big
23 problem, a big mistake if this Board, or whoever
24 is in charge here, allows this project to go
25 through. We all know what's going on in Monroe,

1
2 Blooming Grove, Lego Land. Goshen has water
3 problems. They put moratoriums on building new
4 houses up there because they got no place to get
5 water. Hopefully Lego Land going in there is
6 going to solve their problem. I'm not here to
7 solve anybody's problem, I'm here to look out for
8 the best interest of me and my neighbors because
9 we pay for it.

10 I've got nothing against 5 acres per
11 house like everybody else minimum, minimum. But
12 this cluster, and I've got another word after
13 that that I don't think anybody would like to
14 hear that. We're all here, we're not -- we're
15 all here talking to one another. It's not being
16 mad at anybody on the Board. They're here to help
17 us, to hear us and do the best that they can.

18 To me, this project doesn't belong
19 there. It's right across the street from my
20 house. It really doesn't matter. I mean I know
21 eventually, you know, progress, we're growing,
22 we're a growing nation. If I wanted to live
23 somewhere like that, I'd be living in Bushwick or
24 Williamsburg Brooklyn. Thank you very much.

25 MR. MENNA: I'm not a public speaker

1 but I am a builder developer. I built probably
2 three-quarters --

3 MR. DONOVAN: Sir, for the Stenographer
4 state your name and address.

5 MR. MENNA: Angelo Menna, and I live on
6 16 Long Vista Lane. I built most of the houses on
7 Odyssey Drive and Long Vista Lane. I've been a
8 builder since 1976. This property's been
9 available as long as I've been here in one form
10 or another. As a builder and developer I wouldn't
11 touch it. The slopes are too steep, you're not --
12 I don't think the ground is adequate to take care
13 of the effluent. Plus the wells, it's going to
14 ruin a lot of the aquifer in the area. I don't
15 see any dire need for a project like this to be
16 approved. Thank you.

17 CHAIRMAN SEROTTA: Thank you. Yes.

18 MR. MAYESKI: Frank Mayeski, 404 Black
19 Meadow Road. Everybody has been presenting
20 figures and facts to you and you're all about
21 making a decision why you should allow it. Well
22 you're our Board now. This project is going on
23 since way before 2008. You have this picture.
24 Jay Westerville wrote this article as he says
25

1 houses should not be allowed on this parcel. This
2 has been going on for so long. You're our Board
3 now. As a community neighborhood we're asking
4 you not to allow this three-quarter acre lot. A
5 lot of facts kind of proves it shouldn't be
6 allowed on three-quarter acre lots.
7

8 Black Meadow Road, if there's 30
9 houses, you're talking one area putting just
10 about 30 houses on 40 acres. All of Black Meadow
11 Road, I don't know if there's 30 houses. So as
12 far as the Town saying that oh we want open
13 space, we want our town to look a certain way,
14 well we already heard you're trying to put a
15 tower next to somebody's home when we got open
16 space. Put it in the woods where it doesn't
17 affect our neighbors.

18 We have a 500 house development going
19 off 94 by Shop Rite. That's going to have a major
20 impact on this Town. Most of these people have 5,
21 6 acre lots. We're now going to look at this
22 person with a three-quarter acre lot. They'll
23 probably be paying as much taxes as we are. Why
24 am I paying -- for 5 acres I'm paying \$16,000 and
25 this person is going to come in with

1 three-quarter acres. I don't see how that's
2 justified in changing the face of the Town.
3 This alone -- like everybody says, you've got
4 Black Meadow, 94, Laroe. Those are the main
5 roads. Now I'm going to come on one of your main
6 roads into Chester and see this cluster of
7 houses.

8
9 What's on the back end? Is that going
10 to be beneficial to the horse farm that's on
11 Kings Highway so he can develop that so he
12 doesn't have to look at it? Why do we have to
13 look at that piece of property with 30 some
14 houses on it? It shouldn't be. Let's do what we
15 all set out, 5-acre minimum. The land is not
16 going to handle the three-quarters. In five years
17 you guys are going to be gone and it's going to
18 be the next Board. Let's deal with this problem
19 now. We're not saying he can't build on it.
20 Obviously he bought the property, he can build.
21 This is from 2008 we can't get our act together.
22 Let's stick with a story. If we're doing 5 acres,
23 5 acres. Spread it out, do what you've got to do.

24 We're cutting trees down. That property
25 that's by Shop Rite with the 500 acres, they

1 cleared a hell of a lot of trees out of there. We
2 can clear a few trees to accommodate our new
3 neighbors. They're going to have a problem with
4 the water and we're all going to have a problem
5 with the water. Let's work together as a Board
6 and the taxpayers here. We're paying big money.
7 Let's get something for our money. It's not
8 really the right thing. It's not saying you can't
9 do it. Obviously you've got the rules. It's not
10 right for our neighborhood. You have to stop
11 changing the face of Chester. That's what we're
12 doing. By allowing this we're changing the face
13 of Chester. I'm out after this. If this goes
14 through I'm out. I can't do it any more.

16 MR. STRAUB: Jeff Straub, 499 Black
17 Meadow Road. I think I can speak on the part of
18 all my family members, my aunts, my uncles, my
19 sister, my brother-in-law. We've been on this
20 road for -- my grandfather bought this land, 170
21 acres on this road, before you were born. We've
22 been here a long time. On his 170 acres I think
23 there's 11 houses. I think if you count them up,
24 that's how many houses.

25 You said in the beginning of this , you

1 said AR, whatever the heck that loophole was,
2
3 that's what I'll call it, I'll call it a loophole
4 because that's what it is, that you can do
5 cluster housing if you, the Board, finds it
6 beneficial. Am I right about that? Is that what
7 that loophole says?

8 CHAIRMAN SEROTTA: Yes.

9 MR. STRAUB: We're all here and you're
10 supposed to be looking out for our best interest
11 as members of this Town. So the only thing I can
12 think is if this goes through you are not looking
13 out for our best interest. That's all I've got to
14 say.

15 I have to give this guy a lot of credit
16 because this guy, he came in with a plan where
17 the houses were spread out over all the friggin
18 land, they're all plopped on one area and he got
19 approved. If I had a business I would hire you.
20 I've got to give it to him. That's ridiculous.

21 My house is on 3.5 acres, whatever it
22 is, over 3 acres, and I can barely get my well
23 and my septic far enough away from each other so
24 it would be legal and operational. I don't know
25 how -- I'm higher than them. I don't know how

1 BARODA SUBDIVISION 66
2 this is going to work.

3 Again, everything -- I support
4 everything that Mr. Diltz said. I want to say
5 just put on record I'm 100 percent behind
6 everything he said. Again, if this goes through
7 it just shows us that you are really not looking
8 out for the best interest of us. The only thing
9 that I can see that benefits this Town is that
10 Anthony, who is a nice guy, would have to plow
11 less roads. That's it. That's the only benefit to
12 Chester. Thank you.

13 MR. MAYESKI: Frank Mayeski, Black
14 Meadow Road. I know it's not a question and
15 answer. You allowed an extra foot for the overage
16 on Black Meadow Road that dips down. I see this
17 first row of houses right up against Black Meadow
18 Road. That is a drainage. The water flows down
19 from Odyssey, Black Meadow. It flows down. I
20 don't see any --

21 CHAIRMAN SEROTTA: It wasn't for
22 drainage. That's because if a car goes off that
23 shoulder you're dead.

24 MR. MAYESKI: Okay. So where's the
25 water going to go?

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CHAIRMAN SEROTTA: He wants to widen that shoulder so somebody coming down the road, if they accidentally go off they don't flip their car and go down into the water hole.

MR. MAYESKI: Is that ours, the Town --

CHAIRMAN SEROTTA: The Town will own that property.

MR. MAYESKI: So if a car does go they would get sued?

CHAIRMAN SEROTTA: The whole purpose of that -- you have to talk to the Town. The whole purpose of that property was for a safety issue because that's a dangerous piece along from Bears Crossing down towards the --

MR. MAYESKI: I agree. I've seen school buses go half off.

CHAIRMAN SEROTTA: It's dangerous. Cars may have gone off. I don't personally know. Especially when there's water down there.

MR. MAYESKI: The problem I have is the water runnage. What is the lot, the water runnage going down Black Meadow Road?

CHAIRMAN SEROTTA: They have to calculate all that stuff. It would have to be

done if it got approved. That's the purpose of the 100-foot buffer.

MR. MAYESKI: I originally started to question -- it's all about water tonight. How are they -- where is this lot meant for the water? You have roads, you're showing me wells and septic. I'm asking you where is that water going to go? You're showing me drainage ditches that are going to fill and over flood because all that water comes down that mountain. Where is the allotment for the water?

CHAIRMAN SEROTTA: They calculate -- the engineers calculate drainage in the roads through piping into the pond and everything like that.

MR. MAYESKI: From the top of the mountain?

CHAIRMAN SEROTTA: Right through here. They can not add any additional runoff on the property. Zero. They can have zero additional runoff.

MR. MAYESKI: I'm asking what's there right now?

CHAIRMAN SEROTTA: They're not

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responsible -- obviously the developer is not
responsible --

MR. MAYESKI: It's all the way to the
end.

CHAIRMAN SEROTTA: I'm not sure.

MR. MAYESKI: These parcels right here
butt up against Black Meadow Road.

CHAIRMAN SEROTTA: There is no ditch
along there. There might be a drainage ditch.

MR. MAYESKI: Yes.

CHAIRMAN SEROTTA: They're not
affecting that or doing anything with that.
They're not going to affect that.

MR. MAYESKI: There's a culvert there.
The Town puts the rocks. Anthony puts the rocks.
He just put the rocks in there because it's such
force coming down the mountain.

CHAIRMAN SEROTTA: They're not going to
be doing anything with that because there's a
road here with a culvert underneath and a road
here with a culvert underneath.

MR. MAYESKI: Where your dot is now,
that whole line --

CHAIRMAN SEROTTA: Right here.

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UNIDENTIFIED SPEAKER: There's rip-rap in there so the road doesn't deteriorate.

CHAIRMAN SEROTTA: That's a Town road. The Town owns 25 feet to the center of the line. The Town of Chester would be responsible for any water running down the road, not the developers.

MR. MAYESKI: They're not going to touch that culvert you're saying?

CHAIRMAN SEROTTA: They're not going to go over that culvert.

MR. MAYESKI: Thank you.

UNIDENTIFIED SPEAKER: Can I just ask the engineer, where is the dam going to be that he talked about in the -- filed for the application?

CHAIRMAN SEROTTA: Dam?

UNIDENTIFIED SPEAKER: It said something about a dam that was 225 feet long by 7 to 10 feet high.

CHAIRMAN SEROTTA: It's a retention pond.

UNIDENTIFIED SPEAKER: It was referred to as a dam in the document.

CHAIRMAN SEROTTA: We don't have any

1 BARODA SUBDIVISION 71
2 kind of dams. It's a pond. It's a stormwater
3 pond.
4 UNIDENTIFIED SPEAKER: It's going to be
5 a pond?
6 CHAIRMAN SEROTTA: Stormwater pond.
7 UNIDENTIFIED SPEAKER: We haven't
8 gotten DEC approval on this; right?
9 CHAIRMAN SEROTTA: No.
10 KRISTIN: I just have one quick
11 question.
12 CHAIRMAN SEROTTA: Stand up, state your
13 name.
14 KRISTIN: I'm Kristin, I live at 300
15 Black Meadow. I was just curious, whatever
16 development goes in here will they have to follow
17 the Black Meadow bylaws?
18 CHAIRMAN SEROTTA: I'm not sure of any
19 Black Meadow bylaws. I'm not aware of what that
20 is.
21 KRISTIN: It's on Black Meadow Road so
22 I'm just curious.
23 UNIDENTIFIED SPEAKER: That was part of
24 our deed restriction for those houses on Black
25 Meadow Road on the opposite side of the road.

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CHAIRMAN SEROTTA: I'm assuming if you
live on Odyssey --

KRISTIN: I live on Black Meadow.

UNIDENTIFIED SPEAKER: She's on my side
of the road.

CHAIRMAN SEROTTA: You can submit
something to the Board.

MR. DONOVAN: If it's private that
wouldn't be enforced by the Town.

CHAIRMAN SEROTTA: Odyssey, for
instance, has a homeowners association.

MR. DONOVAN: It's not by the Town.

CHAIRMAN SEROTTA: Whether someone
placed -- when they developed your home put deed
restrictions, I don't know. I'm not really sure.
If you want to submit something to us, we'll take
a look at it.

KRISTIN: Okay.

CHAIRMAN SEROTTA: Tracy, why don't we
go one more before you. I'm sure you have a
couple minutes for us here tonight.

MR. WARREN: My name is Jack Warren,
284 Black Meadow Road. I live directly across the
street from where this proposed project is going.

1 All I would ask is that the Board take a step
2 back, look at that area, look at the surrounding
3 homes and realize what you're doing to the
4 neighborhood. We moved in there, we made an
5 investment in a home. We knew we were on the edge
6 of an industrial terminal. We understood that
7 when we bought it.
8

9 When we came out of the industrial park
10 out by the train tracks there was an old red barn
11 going up on the hill, and that's what we looked
12 at when we came across. Then you approved the CNS
13 Grocers and you absolutely wiped out the view for
14 anybody living on that side of the hill, down the
15 hill.

16 You know, we understand progress,
17 ratables, a big company in there, benefits to the
18 Town, whatever. We lose that one view, now you're
19 looking to destroy our other views. It just makes
20 it really tough for the people in the
21 neighborhood. I think you can do a better job in
22 protecting the investments of the other people in
23 the neighborhood.

24 CHAIRMAN SEROTTA: Thank you. Yes.

25 MS. SCORSONE: I'm Linda Scorsone, I

live at 519 Black Meadow Road. I think what's been presented so far is -- you know, what I have to say is you might consider very minor but I've lived in Orange County for 31 years. I came from upstate New York. I lived over in Sterling Forest. I moved to Black Meadow at 519, a horse farm there, 5 years ago after spending 5 years with a very patient broker looking all around Orange County for a nice place to be with my horses. In case anyone questions the agricultural part of the AR, I came to Black Meadow Road because it was open space, it was going to be comfortable for my horses. It's a 30 mile-an-hour speed limit down through the road. I don't know much traffic going through there. I have 100-acre farm next to me. I want this road to stay as an agricultural property and I don't think this is the proper -- you know, everyone has said much more substantial reasons why that shouldn't go in that field. I feel aesthetically it's going to ruin the view and it's also going to put way too much traffic on the road. Thank you.

CHAIRMAN SEROTTA: Thank you.

1
2 MS. BANDELIER: My name is Claudia
3 Bandelier, we live directly across the street,
4 298 Black Meadow Road. I don't like to speak in
5 front of people but I had to say something. We
6 moved up here 10 years ago from the county. Like
7 all of us, we really cherish that kind of land.

8 We were also told, you know, the zoning
9 is -- we have 6.5 acres because that was one of
10 the questions, can we subdivide, and we were told
11 no, you know, that is 6.5 acre zoning. We just
12 -- you know, we were told that's the same thing
13 for the other side.

14 So we are not -- like the rest of us,
15 we are not opposed to have houses on the other
16 side but definitely not something that is going
17 to contaminate our water. I mean I have
18 grandchildren that come to my house and that's
19 not what I moved up here from. I really hope
20 you're taking all of what you heard from all of
21 us into consideration.

22 CHAIRMAN SEROTTA: Thank you.

23 MS. SCHUH: I did have a lot to say.
24 Tracy Schuh. I know the project is challenging.
25 You have to figure out how to save the scenic

1 views and the natural assets and wetlands. I do
2 think you're learning tonight that it would have
3 been helpful to have held that public
4 informational meeting that you had the option to
5 do. The town code does define that option when
6 you have a yield plan and sketch cluster plan.
7 The Town Board had the foresight to put that
8 provision in the code for something like this, so
9 the public can see the yield plan and any other
10 plans you were looking at. I do think the yield
11 plan should have been provided on the Town's
12 website as well because I have some issues with
13 it.
14

15 I submitted comments on this project on
16 behalf of the local nonprofit years ago. Two
17 letters are in the file, one is from December
18 2014 and the other is August 2013. To my
19 knowledge the Board didn't discuss many of the
20 questions I had in the letters. Back then the
21 project was open area and some of those comments
22 and questions are still relevant today. For
23 example, one that's been brought up tonight is
24 the high water mark. That's really important to
25 the yield plan because you have to keep a

100-foot buffer from that. I do believe your yield plan that you're basing this lot count on is overstated. I know you're not going to be happy for me to say this but I think you need to go back and look at that. If you pull it up you're going to see at first glance it has the floodplain which can be impacted by the buffer. Your code, 83-24(c)(6), says there's no disturbance of Federal wetlands and there's supposed to be a 25 foot buffer. If you pull up your yield plan, you're going to see the road layout has significant disturbance in those areas. That means that that yield plan that determined the 29 lots is not in accordance with the Town's code. I think you are looking at too many lots in this plan.

We discussed this project for a lot of years. With the amount of time the project has lingered in the review process does not mean that it was a quality review. You've got a lot of town code and environmental impacts to look at. No disrespect to anybody here but there hasn't been a lot of consistency. As has been said, there's been a different owner, different engineer on the

1 Planning Board and the applicant's side. There
2 were different variations of the project. You had
3 long gaps between the project coming back and
4 forth. There's correspondence in the file from
5 Fish & Wildlife and the DEC. I don't know the
6 last time anybody has looked at any of that. You
7 also have new Board Members here that haven't
8 looked at the yield plan and haven't looked at
9 the old files. And then there's -- you did have
10 a planner at one time but you didn't use his
11 input. Now you have a new one, which is great, so
12 I hope you consider his input.

14 What I find most troubling is the
15 information presented tonight. This is a public
16 hearing for the site plan. It would sound good
17 if this was the informational hearing. For this
18 to be a public hearing on this project, I have a
19 problem with what's not being presented tonight.
20 I've heard there's still a visual assessment
21 report that wasn't in accordance with the ridge
22 preservation code. Normally you guys have that
23 before a public hearing. You have letters from
24 the DEC. I heard tonight the Fish & Wildlife, I
25 don't know if you got updated letters from them,

1
2 if they're even an involved agency, which I think
3 they should be. I know in the file they
4 questioned the conservation easement. They want
5 to know what the restricted uses are going to be.
6 They need more information before they make their
7 determinations. Then also I think you said
8 there's been a habitat study and an archeology
9 study. None of that stuff is in the file. This is
10 not in there before the public hearing. I don't
11 really know what to comment on because I can't
12 see any of this information. In the town code,
13 98-30, it says the decision by the Board to
14 schedule a hearing on a preliminary site plan
15 comes after, it's a long list of requirements and
16 criteria, determining the adequacy of the water
17 supply, stormwater, waste disposal system, the
18 landscaping plan as well as any additional
19 information that appears necessary, and, I quote,
20 to complete an assessment of the project. I don't
21 feel like I have that tonight.

22 After this you've got to also consider
23 SEQRA. The way SEQRA is intended, if a project
24 has a potential for at least one significant
25 negative impact, that would trigger a positive

1 declaration, an environmental impact statement.
2
3 That should be done early in the process. This
4 project is clearly in an environmentally
5 sensitive area. You've got the ridge overlay, the
6 soil type issues, steep slopes, wetlands, et
7 cetera.

8 The problem I have here is that the
9 applicant has been making these modifications
10 over these years to address some of these
11 pinpoint issues. That's not the intent of SEQRA.
12 It specifically says the modifications should not
13 be construed as mitigation or a substitute for a
14 thorough assessment of the impacts. You clearly
15 have visual and other ecological impacts that
16 still need to be discussed.

17 What you've been doing here, it feels
18 like from an outsider's point of view, is
19 piecemealing this process. There's a study here,
20 a study there, none of them present tonight.

21 That brings me back to the yield plan.
22 I feel like there's definitely things in there
23 that are not in accordance with the town code.

24 I'll try to go fast. I know everyone
25 wants to go home. I know it's not required but I

1 do support that every Board Member does site
2 visits. I don't know if that's been talked about
3 by the Board. If they've driven around the town.
4 I don't know the last -- not this engineer but
5 the previous engineer, they were going to put
6 flags out, cardboard stands out there. I don't
7 know what happened with that. I definitely think
8 that you need to go out there and see what's
9 visible, what trees will be taken down. You
10 talked about the road, the trees along Black
11 Meadow Road. Your cluster code talks about a 50-
12 foot buffer which should be around the cluster so
13 it would protect those trees, but I don't know if
14 anybody read that.
15

16 I appreciate everyone who is on this
17 Board is here for the community. You all bring a
18 different expertise and background. I just want
19 to see that you all use that and use all the
20 tools out there for you. The SEQRA handbook is
21 excellent. The town code, you have to refresh
22 your memory on that. Not everybody can remember
23 everything.

24 I know it's all debatable whether the
25 public hearing is going to be held open or not.

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Like I said before, I really don't think all the information has been given to the public to look at. I do think they need to have that opportunity.

I also think if this was given a positive declaration, an environmental impact statement would pull all that information into one place, one hearing, everybody gets to comment on the same thing, there are involved agencies. Everybody is looking at the same thing at the same time.

There's a lot. I really don't think it should be left up to the applicant to come up with what the line of sight issues are. I think this Board should go out and point out I definitely want you to go look at it from here and here and here. I say this because I had witnessed other visual impact studies done. Some were taken from 94 but not the line of sight of the project. You can see the houses and a big gap in the tree line. They were told at that public hearing you wouldn't see any of the houses, there will be enough trees to cover it. I definitely think that you need to establish what is the

1 methodology that's going to be used to do that
2 visual assessment and not leave it up to them to
3 figure it out, just going around and around. I
4 think it needs to start from the Board, what
5 you're expecting, how you're expecting it, use
6 your flags or photo simulations, which I believe
7 is what the ridge overlay zone calls for. I just
8 want you to look closer at that.

9
10 I do hope you bring in experts. I'm
11 hearing tonight a lot of things I don't know
12 anything about, septic and wells. The
13 preservation committee does have a
14 hydrogeologist, and just take a preliminary view
15 of the yield. I've got comments on that. I'm
16 going to submit that to you. I hope you will
17 consider what those comments are and hire your
18 own experts as need be. I'm not an expert, but
19 looking at those stormwater detention ponds I
20 don't know how much use they're going to be when
21 they're under water. I'm really confused just
22 looking at that. I don't know these things.

23 I do know that the Health Department,
24 when they get into play, they don't require off-
25 site monitoring. That's you guys. If the public

1 has issues with their water along Black Meadow
2 Road, those need to be monitored, and that would
3 be you to require the applicant to include that.
4 I don't know, I think the Village brought pipes
5 down the road. I don't know if they want to be
6 tested as well when those tests take place. I
7 just want to throw that out there.
8

9 So let's see. Did I catch everything?
10 I guess I'll just end with -- I don't know.
11 There's so much here. I'll just end with that I
12 hope you keep the project in line with the goals
13 of the Town and just not sacrifice one goal for
14 another. I do think you guys can do that. I just
15 think that this process needs to be more
16 streamlined and all the information needs to be
17 available for the public to review. That's it.
18 That's all I wanted to say. Thank you.

19 MR. DYSINGER: Larry Dysinger again. A
20 few other points I forgot to mention. It's bad
21 enough we have to put up with all the noise and
22 light pollution from the industrial park. When I
23 first moved here I didn't -- it was quiet, it was
24 always dark. I can walk in my bedroom at night
25 and never have to put a light on, I get so much

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light pollution. Now you're adding 29 homes all stuck together. Right now we're pretty quiet around our area, people are pretty respectful and it's quiet, you don't get a lot of noise or light. I can imagine adding 29 homes there, close together. It's going to add noise. Kids playing, which are fine if you have only 11 or 12 homes, substantially less. I see that as adding more light and noise pollution to the area, and it has a negative impact on us.

It's also going to probably add -- if you do this -- probably at least 60 more cars. Probably more than double the traffic volume on Black Meadow. Has that been looked at? If you had 11 or 12 you're only talking maybe 25 cars, less than half of that.

Between those things it will negatively impact our environment, increase traffic as well as the noise and light pollution, as well as which will then devalue all our homes.

CHAIRMAN SEROTTA: Anybody else?

MR. DILTZ: Tim Diltz again. I just wanted to mention the importance of our comprehensive plan. Mr. Chairman, you were on

1 this committee that wrote this I believe.

2 CHAIRMAN SEROTTA: Worked very hard on
3 that.

4 MR. DILTZ: Very well. However, not
5 once in any Baroda appearance before this
6 Planning Board was the comprehensive plan even
7 mentioned. No questions were asked about it. It
8 wasn't used in any fashion. Why was it ignored?
9 This is our guiding document and we rely, as
10 residents of this Town, on your decisions as
11 expressed in our comprehensive plan which the
12 Town Board accepted. So you don't have the right
13 to ignore it. I know everyone says it doesn't
14 have any teeth, but this guides our development.
15 For no one on the Board to even mention the
16 comprehensive plan I think is just insensitive,
17 to use a mild word. I hope you'll all read this
18 cover to cover and see why it's written. It was
19 written for you. It was written for the Planning
20 Board. Please use it as a guideline and preserve
21 our open space and rural character of Chester.
22 That's all I have. Thank you.

23 CHAIRMAN SEROTTA: Anybody else?

24 (No response.)
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CHAIRMAN SEROTTA: Let the record reflect nobody else wants to speak for or against the application.

I'll take a motion whether to close the public hearing.

MR. MAYER: I'll make the motion.

MR. CONKLIN: Second.

CHAIRMAN SEROTTA: Motion by Conrad, second by Bob.

MR. CONKLIN: Yup.

CHAIRMAN SEROTTA: All in favor?

MR. MAYER: Aye.

MS. WIERZBICKI: Aye.

MS. ELFERS: Aye.

MR. CONKLIN: Aye.

CHAIRMAN SEROTTA: Aye.

So the public hearing is closed. We'll take ten more days and you can submit comments. Please look at our website. You can see when the next time Baroda will be in. Again, it's probably going to be a month from now. They need time to answer all the discussions. If the plan changes substantially, if something happens where we decide to go a different direction, there would

1 be a new public hearing required again. That
2 would happen again. So I suggest you come to our
3 meetings. It will be nice to see everybody come
4 to our meetings. Follow us on the web, you can
5 see when it is. This is running well overboard
6 tonight. We didn't plan on the stupid storms
7 coming in, it screwed us up. I have two more to
8 go. I'm not going to get out of here until
9 midnight tonight. Normally we say it's going to
10 be 8:00 or 8:30 so it's much more guided. You can
11 actually see when Baroda will come online. We
12 pretty much stay to that. Sometimes we drift a
13 little bit. I encourage you to come to our next
14 meeting.

15
16 We'll take comments for another ten
17 days. You can always e-mail the Board. I share
18 everything with the Board. That's not
19 necessarily a formal public comment but I do --
20 my e-mail address is on -- Alexa's e-mail or my
21 e-mail is on the web. Mr. Diltz has been
22 e-mailing me. You're welcome to e-mail me at any
23 time. I might not share -- I'll always share
24 with the Board. You should feel free to comment
25 to us at any time on anything. So thank you for

coming. It will probably be about a month. Look
at the website and you'll see it coming up again.

(Time noted: 9:45 p.m.)

C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do hereby
certify:

That hereinbefore set forth is a
true record of the proceedings.

I further certify that I am not
related to any of the parties to this proceeding by
blood or by marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 13th day of April 2018.

Michelle Conero

MICHELLE CONERO

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JANUARY 17, 2018
PLANNING BOARD MINUTES

**TOWN OF CHESTER
PLANNING BOARD MINUTES
January 17, 2018**

Meeting called to order: 7:05pm

Members present: Chairman Serotta, Barry Sloan, Dot Wierzbicki, Jackie Elfers, Konrad Mayer, Carl D'Antonio

Absent: Bob Conklin

Also Present: Dave Donovan-Attorney, Alexa Burchianti-Secretary, Al Fusco-Engineer

Next meeting of the Planning Board is scheduled February 7, 2018.

Ridgeview Estates– 90 Day Extension

Chairman stated that they got the road bed in and some of the curbing, so obviously they will need an extension.

Motion made to grant the 90 day extension by Konrad. Second by Carl. Motion carried 6-0.

Hudson Solar– 90 Day Extension

Hudson solar requested an extension. They are still working on decommissioning.

Motion made to grant 90 day extension made by Barry. Second by Dot. Motion carried 6-0.

Marciano/Byrne– Public Hearing

Dan Yanosh engineer for the applicants. 2 existing lots with 2 existing houses on it. They received a variance from ZBA. No new properties. No new building lot. No new buildings are proposed. Mr. Byrne would only like the extra land so he can increase his yard space for gardening and animals.

Ms. Marciano 's current lot is 3.09 acres and will go to 1.82 acres. Mr. Byrne is currently 1.33 acres and will go to 2.6 acres.

Al Fusco was satisfied with everything that was requested from the last meeting.

Polled the board for questions. Board had no further questions.

Let the record reflect that the legal notice was printed in the Times Herald Record and the certified mailings have gone out.

TOWN OF CHESTER
PLANNING BOARD MINUTES
January 17, 2018

Roy Zucca- 4 Stacey Lane: Only wants to know what exactly is being done. Just wants to make sure this is only a sub-division and not expanded into something else. Make sure there is no buildable lot. What about an easement.

Dave Donovan stated that if they wanted to create a buildable lot they would have to come back to this board. He can't say what an easement would do or not do for them, don't know what's behind them.

Daryl -5 Valerie Drive: Daryl stated he was approached about asking for an easement which runs along the backline. He stated he said no. And doesn't know why they were asking for an easement.

Roy re-approached the bench. Stated the reason he asked about the easement is because he was approached this summer by the people that own surrounding property that want to build an access way across Stacey Lane and up Goosepond Mtn Rd. So the acquisition of that property would maybe allow them to break through and build an access.

Chaz Byrne: Stated he just wanted to clear the air. He is not affiliated with any other properties he is just looking for a piece of property that Marciano was not currently utilizing to give more land to his animals and gardening.

Let the record reflect no one else spoke for or against the application.

Motion to close the Public Hearing made by Dot. Second by Barry. Motion carried 6-0.

Will be put on the agenda for the February 7th meeting for possible decision and resolution.

Barnsider/Sugar Loaf Tap House– Architectural Review

Marco Solari new owner of the old Barnsider.

Request for the new sign for the restaurant. Sketch of sign was pulled up on the projector screen. Some replacing of siding and windows. Replacing rotted wood on the façade of the building under the windows to match existing wood siding.

Poll board for comments.

Barry: Matching the colors of the siding? Marco stated everything is going to be the same just upgraded.

Dot: Asked if the sign was going to be all filled in blue? Marco the center will be that cobalt blue color. The letters (Tap House) will be silver other lettering white. Rest of the sign brown to match the building.

**TOWN OF CHESTER
PLANNING BOARD MINUTES
January 17, 2018**

Motion made to grant architectural review for the sign and improvements made to the outside of the building. Motion made by Barry. Second by Jackie. Motion carried 6-0.

Lewis Sign– Site Plan Review

Chris Lewis and Liz Manning . The plans that were re-submitted were the same plans as when they first appeared before the board. They are proposing the signs moved now. The sign tucked in the corner will be eliminated. There is 501 feet in between the existing electronic sign to the proposed STATIC sign. And 501 feet from the STATIC sign to the proposed digital sign. And it's over 1000 feet from digital to digital.

Al Fusco letter 12-27-17:



December 27, 2017

Donald Serotta, Planning Board Chairman
Town of Chester
1786 Kings Highway
Chester, NY, 10918

Re: Lewis Sign Company

Dear Chairman Serotta,

We have reviewed the file and offer the following:

PROJECT:
Name: Electronic Message Centers
Applicant: Lewis Sign Company
SBL: 3-1-13
Acres: 33.3 Ac
Material: Dan O'Brien Plan

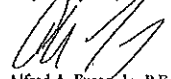
We have reviewed the submittal and offer the following:

COMMENTS:
1. Need signed and stamped plan.
2. Need revision date
3. Signature copy, if passed. To include detail pages.
4. Recommend NYSDOT permit prior to C.O.
5. Board comments.

Action:
SEQR Review

Please advise if you have any questions.

Very truly yours,


Alfred A. Fusco, Jr., P.E.
Fusco Engineering
& Land Surveying, P.C.
AAF/cam
Cc: Alexa Burchianti

TOWN OF CHESTER
PLANNING BOARD MINUTES
January 17, 2018

Revision dates need to be put on the plans. All detail pages need to be submitted with the plan. NYS DOT permit prior to CO.

Poll Board for comments and questions:

Carl: Stated he is a little confused, thought originally when the project first came in front of us that if the sign was to move that it would no longer be grandfathered. Chairman explained that the zoning law changed that if the planning felt it benefits the Town to be in a different location that planning had the power to do that.

Jackie: Just the structure. We will see the structure of them correct? Chris: Yes, they all meet the wind load and have technical drawing on them.

Dot: Middle static board? You're moving it? Chris: yes so they can create the spacing.

Chris will put flags out on poles to show where the boards will be placed so the board can visualize the placement.

Barry stated and questioned the amount of faces and the span between the faces if it was allowed. Chairman stated that it will be looked into and discussed for the next meeting.

Scheduled to reappear at the next meeting February 7th.

Baroda – Site Plan Review

Mark Siemers from Pietrzak & Pfau representing applicant. Was last before the board in May of 2016, during that meeting presented the revised layout.

Located on Black Meadow Rd. proposing 29 homes. The project area is approximately 170 acres. The property is bisected with Baird Cross Rd. There is a railroad track right of way that runs across the back of the property. Baird Cross Rd is mostly Army Corp of Engineers wetlands there is a couple of small pockets that are upland, where they propose to have the stormwater detention basins. There is a area of NYS DEC wetlands on the northern most portion of the project. There is a location is here that has a potential bog turtle habitat. To address that, there is a 300ft buffer put around the DEC Wetlands. And will go nowhere near that wetlands with the proposed development. Previously in the project they did a conventional yield plan, they did soils showing that the sewage disposal system could work. And also did profiles and graded out the roads and showed where the home sites could work. The yield plan proved that they could get 30 single family lots on the 170 acres. They then designed a cluster sub division of 29 single family lots. Located in the lower portion of the project. There is a tree line that they kept the development away from to minimize as much tree clearing as possible. The original cluster plan had a slightly different road and lot configuration. The way it

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was configured would require they run the road at 12% they met with Anthony LaSpina the highway superintendent and discussed the section 12% road with him. Even though 12% it is allowed by code he did not like it he requested that they keep the road at a 10% grade. That plan was presented at the May 2016 meeting. There was discussion at that meeting ultimately the planning board gave the nod to that layout and to go ahead with a full design. At that meeting the board declared intent to become Lead Agency. After that meeting they went back and designed the plan, the roadways, the grading plan, sewage disposal systems, well separations, erosion control plan, street tree plan, everything that a preliminary sub division requires. They submitted that plan with an updated application and updated full EAF. When it was submitted back the Town had already entered a moratorium. So nothing has been done since that time which was November 2016. Now the Town is out of the moratorium they have review the design and project against the zoning revisions and determined the project would not be affected by the zoning revisions that were enacted by the Town.

Tonight bringing the plan back in front of the board to re-familiarize yourselves with it. Discuss any questions on the design. To bring the board up to date, Mark stated he is currently wrapping up the SWPPP and will be utilizing the conservation/cluster design a conservation easement to meet the green infrastructure practices as well as tree plantings. And will be using the pond locations that were pointed out for peak flow stormwater mitigation and release it to the wetlands. That will be ready for the next meeting. Also tonight wanted to verify the Lead Agency notices were circulated and that the board, its been 30 days so the board should now be lead agency and wants to move the project forward towards a public hearing. Counsel Donovan stated that he would have done that it was a long time ago so he will have to check.

Chairman asked if lot #29 was originally supposed to under a conservation easement? The way it shows here there is a boundary or is this a separate lot? Mark stated that it is not a separate lot. Just the hatch is the easement area. The lot is 130+ acres. The line is just the easement line. The easement will be he believes broken up into 2 separate easements. 1 will be a forever conservation easement which will be provided to protect the bog turtle habitat. The other section will be an agricultural easement.

Chairman also pointed out the 100' wide on the side which will be dedicated to the town because Anthony requested it so a shoulder can be put in on the side of the road on Black Meadow.

Poll Board for comments:

Barry: So this is the same plan from last year? Mark: Correct.

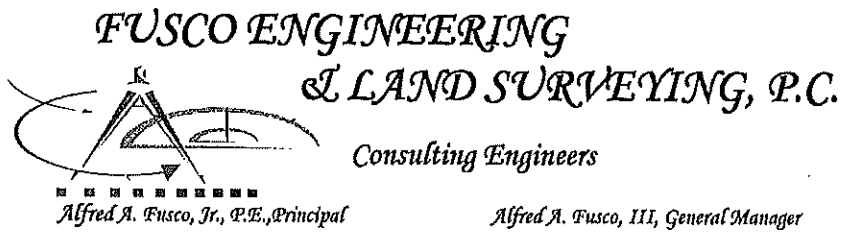
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Konrad: There are no other buildings going into the area where the shaded area is?
Chairman stated no, that's the easement.

Chairman Serotta suggested he look at some of the visual impacts. So that the board can take a look at that too.

Al Fusco Letter 12-27-17:

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December 27, 2017

Don Serotta, Chairman
Town of Chester Planning Board
1786 Kings Highway
Chester, NY, 10918

Re: Baroda Subdivision
Section 12, Block 1, Lot 31

Dear Mr. Serotta and Planning Board Members,

We have reviewed the most recent submittal and offer the following:

Project: Baroda 29 Lot Subdivision
Acreage: 168.20 acres
Zone: AR-3
SBL: 12-1-31

COMMENTS:

1. NYSDEC mapper identified archaeological sites and endangered or threatened species. Provide sign off from SHPO and NYSDEC.
2. Make effort to reduce proposed 10% grade on roadway.
3. Place fabric between subgrade – 12" NYS Item #4 – and add tack coat between binder and top.
4. Note added: no trees, fences, streetscape, etc. in 50' R.O.W.
5. Pipe bedding and backfill detail. Final backfill to be approved ROB compacted in 8" lifts.
6. Provide SWPPP and NOI.
7. Provide sight distance NYSDOT chart.
8. Require well testing per code.
9. OC Dept. of Health to review sanitary, water and realty subdivision.
10. Copy of proposed agricultural easement.
11. Board comments.

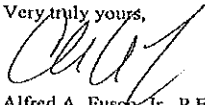
Action:

Meeting with Highway Superintendent and review Engineer on road specifications.

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Please advise if you have any questions.

Very truly yours,



Alfred A. Fusco, Jr., P.E.
Fusco Engineering & Land Surveying, P.C.
AAF/cam

Need to resupply the SHPPO. Al would like permission to meet with Anthony and Mark to go over the road specifications. There are some specs that Anthony would like changed. Some of them are fabric between the sub grade and the item #4 now. There and 12" of item #4. Also a tack coat between the binder and the top.

Also need a note on the plan that there are no trees and fences in the street scapes in the right of way. Also Al requested a little chart for the site distance on the plans.

Al stated, just so the board knows we will require and the Health Department as well, well testing so we have some well test results on the project. Mark Asked if that can be done in conjunction with the Health Department review? Al stated it could and he would

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re-review the language we had because he believes we require a little more than the Health Dept. he will recheck the ordinance. The OCDOH will review the sanitary and the water.

Barry: Lot 3, 14, & 15 the back yard is in the federal wetlands if he is reading this right. Lot 14 how far is the back of the house to the federal wetlands? Page 6 of 16. Mark: There is a little strip that runs. There is an indentation that the Army Corp connected. It's not a stream but it can run if it rains I guess. The back of the house is 50ft away, which when they worked with Army Corp in the past they always requested the house be 50ft off the wetlands. It's just a strip it's not the whole area 50ft behind the house.

Pictures for the view shed

Barry suggested we get Alan Sorenson opinion on the project.

Polled the board to have Alan review the Plan. All agreed.

Chairman stated it is not a 239 referral. He measured that it was about 1500 feet from Kings Hwy and about 1700 feet from the Village line. Not near any park.

Motion made to set public hearing on March 7, 2018 made by Dot. Second by Jackie. Motion carried 6-0.

Verizon Wireless – Site Plan Review

Hyde Clark - Attorney for Young & Somer representing Verizon Wireless.

They are proposing to put antennas on top of an existing water tank next to Kings Estate. Chairman pulled up the site plan on the projection screen

Hyde stated the existing water tank is approximately 95 feet tall. They are proposing to located the antennas on top which are about 8 feet in height. So the top would be about 104 feet. In addition to the antennas within there would be an enclosed fenced compound they would put there supporting equipment. Originally they submitted a equipment platform, Verizon changed that to a concrete slab with cabinets on top of the slab with a supporting diesel generator. That generator only comes on in an emergency when they lose power. It will run once a week for about 20 to 30 minutes just as service. Because they are on existing tower facility there is already an access road. No proposed changes to the access road. There are adequate means to be able to access the fenced in compound. When they go to look and determine where a propose site should be there are 2 steps. First a search ring which was provided in the application materials. There states where they have the need for both coverage and capacity, it's both. You have areas where you don't have any service at all and then you areas where you have RF which is

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radio frequency engineer has made determination that there not sufficient capacity or that they will reach the capacity for a certain facilities. It's been determined that they had a certain area where they do have a coverage and capacity need. First step is to see if the can co-located which is using an existing structure or an existing tower. This water tank is a little south of their search ring but when you have the opportunity to use an existing structure and not have to put in a new tower, you go to the RF Engineer and say can they provide this service by using this existing facility. And it was determined that it can meet there needs with that height and topography. They would need a few waivers that they also requested in their statement of intent. Most notably the code limits the height of a facility to 100 feet. So they would need a waiver from the planning board. The Planning Board has the ability to waive that height limitation. They would be looking for a minimal of a 4 foot waiver on that. To allow the 104 feet. In the materials they provided a full EAF, a copy of the lease agreement to be able to co-locate. The RF safety report was also submitted under tab 7. Which goes through the fact that the facility will be less than 1% of the allowable RF exposure. Noninterference report. And photo sims for visual.

Chairman asked how Verizon picks an area curious why Kings Estates. There are other areas that have zero coverage. Hyde stated that, that was there first place to go. Because they want to maximize existing facilities without having to build a new tower. So the search ring which should that was an area of need. It was identified that this tank was very close. Then there was an analysis by the RF engineer. Chairman asked is that need met by citizens writing Verizon a letter or Verizon found it in the goodness of their heart found this area. Just curious because there are areas drastic dead zones. Big dead zones. Hyde stated there are all search acquisitions first.

Simulated pictures were passed around to show what the water tower currently looks like then what it would look like with the antennas on top.

Barry asked if anyone was going to paint the water tank. It's in terrible shape and is rusted.

Jackie: This is Verizon only? There is no one else like sprint or another provider could put on top.

Chairman stated cell tower and cell service is very highly regulated by the Federal Government. There are very strict rules even the amount of time we have to approve or disapprove something. Obviously the tower/tank needs to be painted agrees with Barry. Maybe black. Karen Arent the Landscape Engineer always said it blends better. Can that be subject to approval? Dave: Stated that he doesn't have enough information, if you are going to say that the tank is unattractive or you don't like the color I don't know what

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the connection is to the application for the antennas. If there is some objective measure that says it doesn't meet Health Dept. standards then it may not also relate to this gentleman's application but it may be an issue for the owner of the water tank. Just understand you don't get a gallon of paint and a roller, to paint a water tower is a substantial undertaking. Barry asked Counsel Donovan what happens to the phase "comprehensive plan" which includes others than just the applicant. Need to consider the whole neighborhood and the whole surrounding area. Dave stated he understands that, however you have the ability to impose reasonable conditions on your approval, but the condition you imposed has to have some connection to a legitimate objective that flows from the application.

Chairman stated that we could ask the owners if they would paint the water tower. Hyde said he would pass that request on.

Konrad asked if the antennas are attached to the tank by welding them. They will make sure the interior of the tank isn't damaged correct? Hyde responded by stating that the design is engineered and the attachments are all looked at.

This is a 239 referral which will be sent over.

Motion made to set public hearing on March 7, 2018 at 7pm or soon thereafter, motion made by Dot. Second by Jackie Motion carried 6-0.

Dorian DeHaan – Site Plan Review

Karen Emmerich from Lehman & Getz representing the applicant. Proposed 3 lot subdivision. 1 existing dwelling on lot #1. 2 proposed buildings on lot 2 and 3 for mixed use. Retail space below and residential above. On Lot #2 the retail space is 1400sq. ft. with a 1400sq. ft residential apartment above. On lot #3 the retail space is 1700sq. ft and 1200sq. ft above for an apartment.

Al Fusco Letter 12-27-17:

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December 27, 2017

Donald Serotta, Planning Board Chairman
Town of Chester
1786 Kings Highway
Chester, NY, 10918

Re: Dehaan Subdivision

Dear Chairman Serotta,

We have reviewed the recent submission and offer the following:

PROJECT:

Name: 3 lot subdivision - Dehaan
SBL: 14-6-1
Zone: LB/SL
Acreage: 0.916 Acres
Material: Getz plans 12/19/17 and review letter

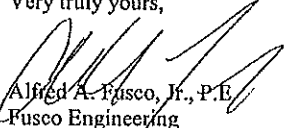
COMMENTS:

1. Require signed stamped plans.
2. Sheet 1 of 5: bottom refers to lots 3 and 4; there is lot 4 on plans.
3. Waterline and sewer easement to be delivered for review.
4. Show sanitary manhole invert on lot 3.
5. Check Building Code for sprinkler; may be required.
6. Board comments.

Action:
239GML (OCPD and OCPDW)

Please advise if you have any questions.

Very truly yours,


Alfred A. Fusco, Jr., P.E.
Fusco Engineering
& Land Surveying, P.C.
AAF/cam
Cc: Alexa Burchianti

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Water line and sewer easements should be delivered for review. Show invert on sanitary manhole on lot 3. Because they are going to have mixed occupancy they may require a sprinkler. Karen stated she looked into that and they will require a sprinkler for the residential portion. Most likely the whole building will be sprinklered.

This will be a 239 action and referred to DPW as well. Public hearing would have to be set for March because there isn't enough time.

Karen pointed out a walkway that would be impervious pavers that goes through and around both lots 2 and 3. Because they have shared parking. Chairman stated that if parking is going to be shared between lots 3 and 2 then there has to be some kind of easement.

Counsel Donovan asked the question of the plan are titled sub-division are we also doing a site plan? Karen stated that the board had wanted some more detail on the plans and originally on shown theoretical structures on the lots. There's nothing technically proposed at this point and time. Dave stated that he doesn't know if we want to require an easement at this stage, there maybe should be just a note that says future use of the property may require a shared parking easement. If we don't know what is going to go there, a certain number of parking spaces is shown. They may or may not be required depending on the use that goes in there. There may be more or there may be less. Chairman stated that they did ask them to identify everything and identify where they could park on the property. Dave stated and they have done that, but I don't know if you need to have an easement that is going to be modified is his only point. Can put a note on the plan that an easement is going to be required for shared parking.

Polled board for comments:

Barry: Why are you proposing lot 2 to be a commercial establishment when it would be a lot easier to get through this board and the community opposition because going to raise concerns for the people on Creamery Pond, sell it off get rid of it. Eliminate all your parking all your access from lot 2 to lot 3. You would eliminate your walkway, fountain with your benches, and this is out of the equation and you sell it off as residential. Seeing all the commercial property that's in Sugar Loaf now what makes you think that you can attract a commercial tenant which is really in a residential area. You will have all these people up in arms about a commercial piece of property. When you have all the commerce you could ever ask for on Kings Hwy. Barry stated he is just throwing out that idea. Dorian stated she felt it was a good thing for Sugar Loaf. Sugar Loaf needs more activity not less.

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Barry stated you have all residents across Creamery Pond. There are kids on buses getting on and off, they line up every morning cars all the way back. Dorian stated that she has been working on this for 12 years now and this is what they decided to do and if becomes a loss or can't find an investor for it then it's on herself not on the planning board. Barry stated they he agrees it would be on her but the board is the one who would approve the use and can't see approving a use for that.

Dave Donovan stated that you are responding to the board's request telling them what you want to do, how it's going to layout, where the access is going to be and the parking going to be, at the end of the day this is a 3 lot sub-division with an existing dwelling on lot #1 and something will go on lot number 2 and 3 it may be this. Dave stated that he thinks the answer probably is if there is not a market for what is being proposed then perhaps something else will be done. Karen stated that was correct, and whoever comes in with retail operation is going to have to come to the board for site plan approval at that point and time.

This is a 239 referral and will be referred also to DPW.

Karen is requesting setting a public hearing.

Motion made to set public hearing for March 7, 2018 made by Konrad. Second by Carl.
Motion carried 6-0.

Meeting adjourned.

Respectfully Submitted,

Alexa Burchianti
Planning Board Secretary