

**TOWN OF CHESTER  
PLANNING BOARD MINUTES  
March 5, 2014**

**Minutes of the March 5, 2014 Planning Board Meeting**

Members present: Don Serotta, Chairman, Carl D'Antonio, Stephen Denes, John Gargano, Barry Sloan

Also present: David Donovan, Attorney  
Alfred Fusco, Engineer

The meeting was called to order at 7:05 p.m.

A motion was made by Steve Denes and seconded by Barry Sloan to adopt the minutes from the December 4, 2013 meeting. The motion passed with a 5-0 vote.

Chairman Serotta introduced Al Fusco, the new Planning Board engineer.

Chairman Serotta gave an update of the Comprehensive Plan. A public hearing has been set for March 27, 2014.

**HILLS OF CHESTER SUBDIVISION** – Chairman Serotta stated the Hills of Chester is requesting a 90-day extension to final approval. A motion was made by Steve Denes and seconded by Barry Sloan to grant a 90-day extension. The motion passed with a 5-0 vote.

**RIDGEVIEW ESTATES SUBDIVISION** - Chairman Serotta stated Ridgeview Estates is requesting a 90-day extension to final approval. A motion was made by John Gargano and seconded by Carl D'Antonio to grant a 90-day extension. The motion passed with a 5-0 vote.

**WARWICK RIDGE SUBDIVISION** - Chairman Serotta stated Warwick Ridge Subdivision is requesting a 90-day extension to final approval. A motion was made by Steve Denes and seconded by John Gargano to grant a 90-day extension. The motion passed with a 5-0 vote.

**THE BARNSIDER RESTAURANT ARCHITECTURAL REVIEW** – Matt Kannon, owner of The Barnsider Restaurant, located on Kings Highway, appeared before the Board to request approval for the installation of an ATM machine, which will be located in an alcove, in front of his restaurant. It will be located outside of the county right-of-way. He submitted to the Board a picture of the machine and explained that the ATM will mount flush to the outside wall and extend into the restaurant. It will have an ATM lighted sign on top of the machine. When a person approaches the ATM, they will enter between two bollards on a cement slab level with the ground. There will be eight security cameras installed around the entire building.

John Gargano asked the applicant if he thought of locating the ATM on the side of the building where there is a ramp into the restaurant so it is not directly in front of the restaurant. Matt Kannon said we did look at locating it on the ramp, but that is a high traffic area. Also, one of the windows would have to be changed.

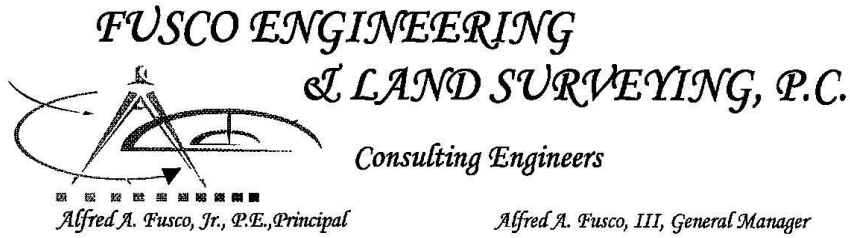
**TOWN OF CHESTER**  
**PLANNING BOARD MINUTES**  
**March 5, 2014**

Barry Sloan asked what color the bollards would be. Matt Kannon said they could be brown so they will blend in. Barry Sloan stated that there is a zoning code written that you cannot have florescent signs in the Hamlet of Sugar Loaf. Matt Kannon said the sign is part of the unit and we do need lighting to operate it. Dave Donovan asked the applicant if he has been to the building inspector. Matt Kannon said yes. Dave Donovan asked if the building inspector is treating this as a sign. Matt Kannon said I have not asked him about the sign. Dave Donovan asked if the ATM is an ATM only or when it says ATM does that constitute a sign and does that make a difference. He said from our Board's point of view, we could treat it as a sign and give that sign architectural approval as well as the ATM itself. Whether you need to get an additional permit from the building inspector would be an issue between you and him. A discussion took place to try to determine if the light was part of the machine or separate from the machine. Dave Donovan stated that the code says internally illuminated signs are prohibited. Al Fusco said it is a sign, so if you are going to approve it I suggest you give both waivers and let the building inspector decide whether they need two permits or one. Chairman Serotta said we could grant the applicant architectural review for the ATM sign and the modifications to the building.

Chairman Serotta said as far as the location of the ATM goes; you definitely don't want to put it in a high traffic area. He said no one wants to be using an ATM where there are a lot of people walking by. He asked what color are the bollards. Matt Kannon said we will make the color as subdued as possible.

Al Fusco submitted the following letter:

**TOWN OF CHESTER  
PLANNING BOARD MINUTES  
March 5, 2014**



- 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

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February 10, 2014

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

Re: Barnsider Restaurant

Dear Mr. Serotta and Planning Board Members,

We have reviewed the file offer the following:

Project: Barnsider Restaurant  
Zone: LB-SI District  
Acres: 1.7 acres  
SBL: 14-4-10

Project Description: The applicant has submitted a plan that shows an ATM to be placed on the building façade.

Comments: We have reviewed the application and offer the following comments for review.

1. The Barnsider Restaurant is proposing a ATM to be placed on the façade of the building.
2. Two bollards will be installed into an existing cement slab, the bollards should be shown on the site plan that was submitted. The bollards should not be installed within the right-of-way of Kings Highway.

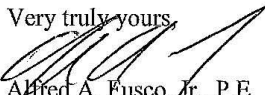
This concludes our review at this time.

Action:

1. Pleasure of the 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

**TOWN OF CHESTER  
PLANNING BOARD MINUTES  
March 5, 2014**

Al Fusco reviewed his letter.

A motion was made by Barry Sloan and seconded by Carl D'Antonio to grant architectural review including approval of an ATM sign and an earth tone color on the bollards. The motion passed with 5-0 vote.

**SUGAR LOAF TRAILS- LOT 13** – David Getz, engineer for the applicant, appeared before the Board to receive approval to make lot 13, in the subdivision Sugar Loaf Trails, buildable. He explained that when the surrounding lots were approved, this lot was designated as an “omit lot” or “not for building purposes “until the Health Department approves the lot. David Getz stated that since our last appearance before the Planning Board, we have coordinated with the Orange County Health Department. In the information we submitted to the Planning Board we included a letter from the Health Department saying that all of their technical comments have been addressed. We did not ask for a final approval letter from them, knowing that we had to come back before the Planning Board. Once the Planning Board is satisfied we will go back to the Health Department for final approval.

Al Fusco submitted the following letter:

February 10, 2014

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

Re: Gibson Hill Estates, Lot 13  
Sugar Loaf Trails, Inc

Dear Mr. Serotta and Planning Board Members,

We have reviewed the file offer the following:

Project: Gibson Hill Estates, Lot 13, Realty Subdivision  
Zone: AR-.3 District  
Acres: 3.06 acres  
SBL: 15-3-23.1

Project Description: This subdivision is of a Lot 13 of the Gibson Hill Subdivision that was "not for building purposes" during the original subdivision. The subdivision plan has now gone through an Orange County Health Department review and has received approval.

The following items are listed to assist the applicant in completing your submission to the Planning Board. Please note that this is only a guide, as the plan progresses other items may be listed in future meetings. If you need further assistance please contact this office.

Comments: We have reviewed the subdivision plan and offer the following comments for planning board review.

1. The proposed dwelling appears on the one hundred foot front yard setback, we would asked that the proposed dwelling be moved back from the setback line so that roof overhangs, soffits and gutters will be behind the setback.
2. We would like to ask the board to review 83-24 (4) Watercourses. No structures or buildings shall be erected within 100 feet of the high-water mark of a stream. There shall be no site disturbance within 50 feet of the high-water mark of a stream. The proposed dwelling and driveway appear to be within this setback.

**TOWN OF CHESTER**  
**PLANNING BOARD MINUTES**  
**March 5, 2014**

3. The subdivision plan indicates that the soil type is SxD type soils (020DE per Chester Soil Survey), this soil is Group XII, septic systems and buildings are not allowed within this group nor does it appear that modifications of the soil type is allowed, however since they appear to have OCHD approval the board could take that into consideration.
4. Provide a driveway profile, with a -2% for the first 25 feet of the driveway, with a maximum slope of 10% allowed.
5. On the New York State Dept. of Conservation Environmental Mapper the site is located in an archeological sensitive area.
6. Topography data to extend 100' beyond boundaries of the parcel.
7. Show the stream crossing Beverly Road and the culvert size.
8. Per subdivision check list number 35 the applicant is to show all dwellings within 200 feet of the lot lines. If there are no dwellings within 200 feet of the lot line then provide a note stating that there are no dwellings within 200 feet of the lot line.
10. Provide a note to call before you dig.
11. The class "C" stream that is located on this property falls under the jurisdiction of the NYS DEC and the Army Corp of Engineers we would ask that both agencies review the subdivision plans and sign off that no wetlands exist on this site.
12. It appears that the corners of the expansion area falls within the 100 foot stream setback area, we would ask that the expansion area to be moved slightly.
13. The width of Beverly Road should be shown on the plans.
14. A legend should be shown on Sheet 1.
15. Provide a Erosion Control Stormwater Plan in conformance with requirements for MS4 communities.
16. Under 83-23 (F) the applicant should provide a stormwater easement or drainage right-of-way. Applicant to show both sides of the stream on the sheet 1 and sheet 2.
17. Silt fence shall run parallel to contours, not across slopes.
18. Runoff from the new building site should be detained and treated prior to reaching the stream.
19. Provide a limits and area of disturbance on the site plan. If the disturbance exceeds one acre then a SWPPP will be required.
20. Show the flow direction of the stream.
21. Show the location of utilities on Beverly Road.

**TOWN OF CHESTER  
PLANNING BOARD MINUTES  
March 5, 2014**

22. It appears that the property line of the adjoiners located on the southwesterly side of Beverly Road is in the road line, we would ask that this line is removed from the plat.
23. Please add the Town of Chester notes on the relocation of dwellings, (83-22. Lots (N).
24. We would ask that the Town Planning Board attorney investigate the designation of "not for building purposes" on the original subdivision plans and if this requires any additional burden on the applicant.

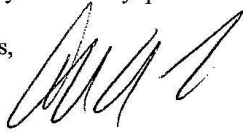
This concludes our review at this time.

Action:

1. Pleasure of the 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

David Getz reviewed comment #2 from Al Fusco's letter. He stated after receiving this comment we realized we were not using the latest version of the subdivision code and in 2007

**TOWN OF CHESTER**  
**PLANNING BOARD MINUTES**  
**March 5, 2014**

you added regulations regarding setbacks from streams, 50 foot no disturbance zone and 100 foot setback to structures. The plans that we submitted to you did not meet those requirements and the sketch that we have been discussing back and forth last week between our offices showed a new house location. The plans we submitted that you have, have the house in the yellow location. If we slide the house further north, we can keep the 100 foot setback from the edge of the stream. If we use the red location we can keep the 100 foot setback from the stream and we can relocate the driveway and the well to meet the 50 foot setback for no disturbance. We will also be able to put a stormwater facility, a bio-retention basin, between the disturbance and the stream. We can do a linear bio- retention area so that the runoff from the driveway and from the roof can be directed into that. It is similar to a rain garden. We will not be changing the approved location of the sewage disposal area.

Al Fusco reviewed the remainder of his letter.

Concerning item #5, the applicant asked Al Fusco how to address that. Al Fusco suggested that they send a set of plans to the State Historic Preservation Office (SHPO) and SHPO should give the applicant a negative letter when the situation is explained to them.

Al Fusco said we did send the applicant comments on his new plan. He should show a driveway swale that directs the flow of water into the bio-retention pond and also the roof drain should go into that. Also, include calculations for the bio-retention and a detail of it.

Dave Donovan stated concerning item #24 from Al Fusco's letter, the issue was do we need to make the applicant do anything else. If the lot just said "not for building purposes" there may be some notice requirements, but the lot is very specific "not for building purposes" unless you get Orange County Health Department approval. The applicant has that approval, so from that aspect it is a building lot, so there is no further notice requirement.

David Getz asked if the Board would like some kind of physical markers, such as a hedge or stone wall to denote the 50 foot no disturbance zone. Al Fusco said it would be a good idea to have a row of trees at the 50 foot marker.

Barry Sloan said it looks like your pumping up hill to get to your septic tank. David Getz said yes that's right, that it is a two tank system, septic tank to a pump tank following that. Also, Barry Sloan asked if the applicant is going to have the runoffs for the down spouts going underground into the rain garden and can you buffer the driveway so that it drains into the rain garden. David Getz said yes, the idea is to catch the runoff from all the impervious surfaces.

Barry Sloan said he feels the applicant should show the direction of flow from the stream. David Getz agreed.

John Gargano said where you are going to put your built in swimming pool and your deck. Al Fusco said if it was a standalone structure not attached to the main building, your requirements are 50 feet from the pool not 100. Improvements, not the main house, are 50 feet.

**TOWN OF CHESTER**  
**PLANNING BOARD MINUTES**  
**March 5, 2014**

Chairman Serotta asked the applicant to contact him when he is ready to appear before the Board again.

**WOOD RIDGE SUBDIVISION** – Mark Siemers, engineer for the applicant, appeared before the Board to present a yield plan, a cluster plan, an application and a long form EAF for a subdivision located on the north-east side of Laroe Road approximately 1500 feet west of the intersection of Laroe Road and Lakes Road. The parcel is identified as section 8 block 1 lot 50.2. The parcel is approximately 41 ½ acres and is located in the AR.3 zoning district. The project is a 10 lot subdivision, single family homes. The single family homes will be served by individual wells and sewage disposal systems.

Mark Siemer stated that it is his client's preference to develop the project as a cluster subdivision. The yield plan has been designed utilizing the conventional zoning of the AR.3 zoning district. The yield plan shows that 10 single family lots can be accomplished with the development of a cul-de-sac in the length of 1880 feet. The town road design standards states that cul-de-sacs in general shall not exceed six times the required minimum lot width. The minimum lot width is 250 feet, which would be a length of 1500 feet. However, the code goes on to state the board may approve a longer permanent dead-end street where topographic conditions and land ownership patterns so require. This land is a flag-shape land and it really does not give us the opportunity to bring the cul-de-sac back down into a second entrance. The cluster plan proposes a cul-de-sac that is approximately 760 feet long. We utilize the cluster zoning. We've held a minimum lot size of 1 acre which will give us some flexibility in design of sewage disposable systems and wells as far as separation and location. The project proposes two open space parcels. They are approximately 21.7 acres and 2 acres in size, which would maintain 57% of the overall site in open space.

John Gargano inquired about neighbors surrounding the project. Chairman Serotta showed through BING the surrounding properties.

Al Fusco submitted the following letter:

**TOWN OF CHESTER  
PLANNING BOARD MINUTES  
March 5, 2014**



- 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

February 24, 2014

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

Re: Wood Ridge Subdivision

Dear Mr. Serotta and Planning Board Members,

We have reviewed the file offer the following:

Project: Wood Ridge Subdivision  
Zone: AR-.3 District  
Acres: 41.5 acres  
SBL: 8-1-50.2

Project Description: The applicant has submitted two plans, a yield plan and a cluster subdivision plan, each subdivision plan has ten residential lots proposed. The conventional plan shows a proposed town road with a 1,880 foot cul-de-sac, the cluster subdivision plan proposes a town road with a 750 foot cul-de-sac. The applicant is asking for a cluster subdivision.

The following items are listed to assist the applicant in completing your submission to the Planning Board. Please note that this is only a guide, as the plan progresses other items may be listed in future meetings. If you need further assistance please contact this office.

Comments: We have reviewed the subdivision plan and offer the following comments for planning board review.

1. The Cluster Subdivision procedure shall be allowed at the discretion of the Planning Board if, in the Board's judgment, the application would benefit the Town.
2. If the Planning Board determines that clustering may be appropriate, it shall direct the applicant to prepare a yield plan. This plan shall be prepared in accordance with zoning requirements and conventional lot layouts. Each residential lot, its building envelope and the entire subdivision layout must comply with all applicable laws and regulations affecting the use of the land. The yield plan shall comply with basic requirements for a preliminary plat.
3. Cul-de-sac streets shall not in general exceed six times the required minimum lot width. The lot width in this zone is 250 feet; the length of the cul-de-sac in this zone should be a maximum of 1500 feet.
4. Please note that on the Conventional Subdivision near Lot 4 the road appears to be in an area of 30% slopes, this office would like to see a road profile and a regrading plan to see if this is feasible.

**TOWN OF CHESTER  
PLANNING BOARD MINUTES  
March 5, 2014**

5. Town of Chester soil types should be shown on both the cluster and conventional plans.
6. Show sight distances and the speed limit of Laroe Road.
7. The applicant is to show all dwellings, wells, septic disposal areas within 200 feet of the lot lines.
8. Provide road profiles.
9. We would ask that the Town Highway Supervisor review the plan and provide comments.

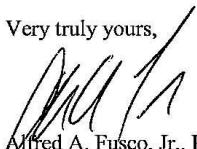
This concludes our review at this time.

Action:

1. Lead Agency designation.

Please advise if you have any questions.

Very truly yours,



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

Al Fusco reviewed his letter. Concerning item #4, he said he had a concern with lot 4 on the yield map. His concern is that the slope seems steep and it does not look like you would be able

**TOWN OF CHESTER  
PLANNING BOARD MINUTES  
March 5, 2014**

to access the lot. Mark Siemers said he has no problem preparing a profile and showing grading on that road to that lot.

Chairman Serotta said there is a 239 requirement for both DPW and Orange County Planning.

Chairman Serotta brought up the code for cul-de-sacs. He explained that what you would be waiving is actually waiving the yield plan, saying you accept the yield plan; you are not waiving the cul-de-sac length for the cluster. The cul-de-sac length for the clusters is substantially smaller. Mark Siemers said if we were to move forward and design the conventional plan, what we would do is come in and ask for approval of that cul-de-sac length. That is how it has to be thought of when you are trying to get a yield count that would be the alternative plan. Chairman Serotta polled the Board for opinions on accepting the cul-de-sac waiver on the yield plan and opinions on the cluster plan.

Barry Sloan said as far as the layout goes, I would rather have the cluster plan, but I would like to see the applicant prove the yield plan because there are a lot of steep slopes especially with lot 4. John Gargano stated he feels the same way. Steve Denes agreed, he was not buying the lot count yet. Carl D'Antonio agreed.

Chairman Serotta said the applicant is offering 21 acres of open space. The Town of Chester owns a piece property at the top of the property, which they have made into a small park called Oak Street Park. There is another piece of property at the top owned by another person named Mr. Coviello. Mr. Coviello would like the Town Board to swap properties in order to straighten the property out. There would be 22 acres in total and it would be a net, net 11 acres. If that could be done, the 11 acres, along with the 21 acres could be tied into the Oak Street Park. The Town Board would have to approve this.

Mark Siemers summarized his presentation by saying as long as we can prove out the road and the lot count, the Board is pro-cluster. Chairman Serotta agreed. Mark Siemers said he will contact the Board for a future appearance.

Chairman Serotta canceled the March 19, 2014 meeting due to lack of applications.

A motion was made by John Gargano and seconded by Steve Denes to adjourn the meeting. The motion passed with a 5-0 vote. The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Roxanne Serotta  
Planning Board Secretary