

**TOWN OF CHESTER  
PLANNING BOARD MINUTES  
July 16, 2014**

**Minutes of the July 16, 2014 Planning Board Meeting**

Members present: Don Serotta, Chairman, Frank Gilbert, Robert Conklin, Carl D'Antonio, Stephen Denes

Also present: David Donovan - Attorney  
John Nosek – Engineer

The meeting was called to order at 7:00 p.m.

A motion was made by Frank Gilbert and seconded by Bob Conklin to adopt the minutes from the June 18, 2014 meeting. The motion passed with a 5-0 vote.

**HILLS OF CHESTER SUBDIVISION** – A motion was made by Frank Gilbert and seconded by Carl D'Antonio to grant a 90-day extension for final approval. The motion passed with a 5-0 vote.

**PRIMO SPORTS SITE PLAN** – Luca Spensieri, owner of Primo Sports, appeared before the Board to present a sketch plan to build a sports complex on the corner of Route 94 and Glenmere Road. He explained the complex will be approximately 26 acres including a parking lot for 200 cars. There will be six athletic fields; three will be regulation size. The complex will include a concession stand for fast food, bathrooms and storage facilities. The building will be approximately 60,000 sq. feet.

Chairman Serotta stated because this property sits in an SR-1 zone, it would have to be classed as an annual membership club. Dave Donovan said annual membership clubs providing outdoor recreation facilities are permitted in this zone. Chairman Serotta said annual membership clubs are limited to at least 50 acres parcels. We would have to give Primo Sports a referral to the ZBA for a variance because Primo Sports only has 26 acres. An interpretation is also needed under 98-29 in the Town Code. Chairman Serotta read the code. Part of the code reads that membership clubs shall be conducted as a service to members, not as a business. The ZBA will have to decide if this fits within the zoning.

Chairman Serotta polled the Board for their feelings toward allowing this complex. He stated he feels it is great for the Town. He said he would like to recommend to the ZBA that the Planning Board is in favor of the application. Frank Gilbert was in favor of the complex. Bob Conklin had a concern that Primo Sports would outgrow the 26 acres fast. Carl D'Antonio asked if the fields would have lights for night time play. Luca Spensieri said three fields will have lights. Steve Denes was in favor of the complex.

Jim Lagarde, a partner for Primo Sports, asked if they would be able to break ground in the fall. Dave Donovan said the answer to that is no, I don't see any possibility that you are breaking ground this fall. Luca Spensieri asked if it is possible to get a permit to start grading in the fall. Chairman Serotta said that is a possibility. The applicant was referred to the ZBA by the Board.

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**ASHFORD ESTATES SUBDIVISION** – Mark Siemers, engineer for the project, appeared before the Board to present Ashford Estates subdivision which was last in front of the Board on December 19, 2012. At that time it received conditional preliminary approval. He stated that since then, submittals were made to the Orange County Dept. of Health, the Town of Goshen building inspector and the comments from Pat Hines, who was the engineer for the Town of Chester previously, were addressed. He said he also received comments from Karen Arent, the landscape architect for the Town of Chester, on the landscape plan. The project received Orange County Dept. of Health approval. Currently, the drainage district map and planning report is being completed. This will be submitted to the Town Board for consideration of forming the drainage district along with a request for the consideration of acceptance of the open space. He stated that color schemes were submitted of the two most commonly built houses to satisfy the Ridge Preservation Overlay code.

Mark Siemers opened a discussion with the Board concerning an issue with the Town of Goshen. He stated that a package was submitted to the Town of Goshen building inspector on February 5, 2013. The package outlined the Town of Goshen zoning code which allows 15 residential dwelling units on the Town of Goshen parcel which is part of the project. That is based on analysis of two different sections of their zoning code. One section allows eighteen units; the second section allows fifteen units. The zoning code states that the lesser of the two is your maximum density. Therefore, the property has an allowable density of 15 units. This was submitted to the building inspector. Eventually, we were informed that there is an appendix C which is attached to their zoning code. The appendix C states that any development with 3 or more lots requires specific well testing. Wells need to be drilled, one well for every 3 lots and specific well testing needs to be completed. Mark Siemers said the reason we disagree with this interpretation is that the section in the zoning code for the aquifer overlay district states that the only time you would go to appendix C is if you are looking for an increased maximum density, which we are not doing. We are looking for the straight calculation. However, it is their opinion that well testing applies to anything that is over 3 lots. That being said, we drilled a well on lot 5 and on lot 17 in the Town of Chester, which was required to be drilled for the Dept. of Health for quality and quantity testing. These wells were tested above and beyond any county or state standard at the request of the Town water department. They were tested at a flow to show that a 20 lot residential subdivision can be accommodated and not affect the existing Surrey Meadows well. That testing showed that these wells would not affect the Surrey Meadows well and that the property can handle a 20 lot subdivision. In order to meet the Town of Goshen requirement, we would have to go on the Town of Goshen parcel and drill an additional well that would be unnecessary and we would have to test that well basically the same way we tested the wells on the Town of Chester parcel. Once we received the determination that we would have to drill that well, we requested that a letter be submitted to you from the Town of Goshen building inspector stating that the parcel can achieve two lots and the parcel can achieve more than two lots if you do the well testing. Mark Siemers said I would like you to take into consideration all the information while we discuss whether the project will be approved for 19 or 20 lots. Tonight we want to discuss the outstanding issues with the project and request that the Board consider issuing a conditional final approval.

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Dave Donovan stated that Mark Seimers makes a fine argument, but I disagree. The resolution dated December 19, 2012 under specific conditions, number 2, states the following: The Town of Chester Planning Board lacks the necessary jurisdiction to determine the yield count in the Town of Goshen. To date the applicant has not received any confirmation from the Town of Goshen regarding whether or not the Town of Goshen property will support 3 lots. Accordingly, until such time as confirmation is received from the Town of Goshen, with regard to the viability of 3 lots the approval is limited to the 17 lots and no further lots shall be allowed until such time as the Town of Goshen Planning Board confirms that the property in Goshen will yield at least 3 residential building lots. Dave Donovan said that the building inspector sits and advises the Planning Board. The building inspector's letter is clear. He states two lots without any further well testing. Until the Town of Goshen says 3 lots, it's 2 lots because that is what they said.

Chairman Serotta polled the Board for comments. All present Board members agreed, only two lots in Goshen would be approved, not 3.

John Sorrentino, owner of the property, said sometimes common sense should come into play too. The water testing was done on 20 lots and to go back and test for one additional lot, it exceeds its value of what the lot is worth. If you look at their bulk regulations I am actually entitled to 15 lots. I didn't ask for 15, I only asked for 3 lots. Your engineer is fully qualified to look at the Goshen parcel and determine how many lots by bulk regulation I can get. I didn't need to prove out those lots. I went above and beyond on the Chester side to do the water testing. I don't see the point to do it in Goshen for the additional lot. This Board can make the determination that yes, he meets the water criteria. That's where common sense comes in. I don't hear a valid answer why I'm losing the lot except to protect the Town to make sure that someone is not going to sue.

Al Fusco's office submitted the following letter:

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- 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: Ashford Estates Subdivision  
Black Meadow Road  
Orange County, New York

Dear Mr. Serotta and Planning Board Members,

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

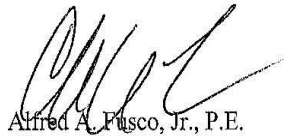
1. This project has preliminary approval and OCHD approval. The plans have been submitted for final subdivision approval.
2. As discussed in our meeting July 10, 2014, the plans will show a diversion swale at the rear property line of lots 1, 2 and 3 for the purpose of minimizing storm water run-off onto the parcels along Surrey Road.
3. A drainage district will need to be formed. The applicant must submit a proposed drainage district offer for review. Provide annual operating expenses for the pond maintenance for review.
4. Please submit offers of dedication for all lands to be dedicated to the Town of Chester. These documents must be submitted to the Town Board for resolution of approval. Also, offers of dedication must be prepared and submitted to the Chester Union Free school district.
5. Provide easements on the plans and descriptions of easements for all storm water ponds and storm water improvements outside the future road right of ways.
6. A detailed cost estimate of construction must be provided for all public improvements including roads, storm drainage, storm water treatment, piping, curbs, catch basins, street trees, etc.
7. We are in receipt of OCHD approval. However, we have not received a copy of the NYSDEC storm water construction SPDES coverage letter. Please provide.
8. The applicant should show the location of the existing water mains in Vivian Lane and Surrey road. These mains must be shown to verify acceptability of proposed storm water improvements.

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9. Provide Karen Arent's acceptance of the revised landscaping plans.
10. The planning board must decide if a final public hearing is required. Also, a resolution of SEQRA must be completed before the planning board can act on final subdivision approval.

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

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John Nosek, engineer from Al Fusco's office, reviewed the letter.

Dave Donovan commented on the formation of a drainage district. He stated the Board could make the formation of a drainage district a condition of final approval. The Board agreed to make the formation of the drainage district a condition of final approval.

Mark Siemers responded to Al Fusco's letter. Concerning items 3, 4, 5 and 6 the cost estimate we can submit before the next meeting, but we are requesting that it be brought in as a condition of final approval. Number 7, we do have the Health Department approval, however, typically we like to submit the SPDES closer to construction. We are also requesting that that be made a condition of final approval. Number 8, as we discussed in the meeting with the highway superintendent and Bill Keller, there is some discrepancy on exactly where the water mains are, so I don't know if we will be able to show those locations on the plan. However, we will add a note that water mains are being marked out prior to construction and to be field verified at the crossing locations of the drainage pipe. John Nosek said that will be acceptable. Mark Siemers said in regard to the public hearing, the plan hasn't changed, so I am requesting that the Board waive the final public hearing. Dave Donovan read the code for a final public hearing. He said if it is basically the same plan as the plan submitted at the public hearing, then the Board is within their rights to waive the final public hearing. A motion was made by Frank Gilbert and seconded by Bob Conklin to waive the final public hearing. The motion passed with a 4-1 vote. Steve Denes opposed the motion.

Chairman Serotta opened a discussion concerning the open space proposed by the applicant. He stated he made a presentation to the Town Board recently, urging them to move ahead to make a decision on whether or not they want the open space. He said the Chester School District is interested in a portion of the open space being offered. He met with the superintendent and the assistant superintendent of Chester Schools, the head of grounds and maintenance for Chester Schools and Anthony LaSpina, superintendent of highways, for the Town of Chester. They walked the property and the Chester School District felt they could make good use of the lower part of the property which is approximately 41 acres.

Mark Siemers asked the Board if Dave Donovan could prepare a resolution for conditional final approval at this time so they could begin reviewing it. The Board agreed it could be prepared.

Chairman Serotta scheduled the applicant for August 20, 2014 at 8:00 p.m.

**BARODA SUBDIVISION** – Mark Siemers, engineer for the applicant, appeared before the Board to present a cluster subdivision plan. He stated that this project has a long history with the previous engineer AFR Engineering, dating back to 2005. The previous engineer completed a standard subdivision layout which is a yield plan. That plan was last revised Nov. 18, 2011. It showed a lot count of 31 lots. Mark Siemers said he reviewed the correspondence with the Planning Board engineer, and it appears that this was deemed acceptable sometime in 2011. Additionally, there was a long form EAF prepared that will probably need to be revised to reflect the cluster subdivision. The EAF has been submitted and Mark Siemers thinks the Planning

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Board declared lead agency. Dave Donovan said he does not remember if the Board declared lead agency.

Mark Siemers presented the cluster subdivision plan. He stated they are proposing 28 lots clustered in the western corner of the site. He said we have 28 lots located around a 30-foot wide road which would be dedicated to the Town once it is completed. We have two entrances coming in off of Black Meadow Road. We have kept all the single family lots up on the south west side of Bairds Cross Road, keeping them out of the wetland and the flood plain area. We are proposing a 29<sup>th</sup> lot which is the remainder of the entire area, which is approximately 134 acres. We are showing a deeded conservation area over this lot which would encompass wetlands which are federally regulated. There are New York State DEC regulated wetlands in the back with a 100-foot buffer. Our proposed stormwater locations are on the higher locations on the northeast side of Bairds Cross Road where the stormwater will be piped and controlled before it is released into the low line fields and ultimately comes to a culvert that crosses Black Meadow Road. The 29<sup>th</sup> lot has been labeled as a farm lot. Our client would like to retain that lot as a farm lot. Each lot is served by individual wells and sewer systems.

Chairman Serotta stated that Anthony LaSpina, highway superintendent, has requested a 50 to 100-foot piece of land running along Black Meadow Road so he can increase the shoulder. Chairman Serotta said this project has already been sent to the DEC and Fish and Wildlife. They have come back with their comments. Fish and Wildlife requested a 300-foot buffer off the back because of potential Bog Turtles. Mark Siemers said as far as I can tell from letters the DEC signed off on the wetlands March 29, 2012. We will try to get a copy of that signed map. The Fish and Wildlife was involved while they were trying to get the jurisdictional letter from the Army Corp. of Engineers. It looks like that correspondence drops off at some point. We will get in contact the Army Corp. of Engineers and see where that stands.

Dave Donovan said to Mark Siemers that it would be helpful if you could put together a letter with a check list because there were a lot of things that were done but not followed up on. Dave Donovan said it has been so long I think we need to figure out where we are procedurally. He read the procedural regulations for clusters. He said that Al Fusco's office has to make sure that the yield plan was accepted. Mark Siemers said I can tell you from research what I saw in 2011, I believe the transition between Erik Denega and Pat Hines took place in 2011. In February or March of 2011, Erik Denega made comments on the yield plan and there was some revisions made to the yield plan. When it came back in front of Pat Hines, Pat Hines made no more comments on the yield plan. As far as I can tell, the way the previous engineers were moving forward with the open area development of 30 lots, that lot count was accepted. Dave Donovan said there should be a review letter from McGoey's office which indicates that the yield plan is acceptable.

Chairman Serotta polled the Board for questions or comments. Carl D'Antonio had concerns about lots 10 and 12. He said because of the federal wetlands, there is not much backyard space.

Al Fusco submitted the following letter:

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- 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:

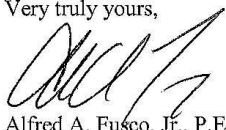
1. The cluster sketch plan indicates a total of 28 single family lots. Under SEQRA, the cluster plan cannot be accepted for total lot count until a conventional concept plan is prepared. The conventional concept plan must be of sufficient detail to assure that a conventional plan is buildable for 28 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 EAF.



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Please advise if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read 'AAF', is written over the printed name.

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

Cc: File

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John Nosek from Al Fusco's office reviewed the letter.

Mark Siemers asked if the Board deemed clustering to be desirable for this parcel. Frank Gilbert said I am not a fan of clustering, but for this particular piece of property it could be the only option. Bob Conklin also said he is not a big fan of clustering and would like to see a second option. Steve Denes would consider a cluster plan, but would like to see another option. Carl D'Antonio said based on the yield count of 31, I can't see with all these elevation changes getting 30 homes without some drastic slopes on the lots, so I have to side with the cluster. Chairman Serotta said I think a cluster plan is the best way to go.

Mark Siemers said what I don't want to do is reinvent the wheel. I don't want to reproduce work that our client has already paid for and had the Board review. Mark Siemers said what I would like to do is progress with the cluster, go out and do some soils testing. Dave Donovan said I want to make sure that we have covered all the procedural bases. We need to establish that the yield plan was accepted by the Board. John Nosek said and that it is a viable, buildable 31 lot subdivision.

Bob Conklin asked if the road grades can meet town code for inspection. Mark Siemers said we have not gotten to that point yet. Bob Conklin said also, the septic systems look like they are designed on steep grades without room for expansion. Mark Siemers said they need to be designed with a 50% expansion and they need to be on 15% slopes. That will be reviewed by the Department of Health.

Mark Siemers said he will notify the Board when he wishes to appear again.

The meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Roxanne Serotta  
Planning Board Secretary