

**TOWN OF CHESTER
PLANNING BOARD MINUTES
August 20, 2014**

Minutes of the August 20, 2014 Planning Board Meeting

Members present: Don Serotta, Chairman, Frank Gilbert, Robert Conklin, Stephen Denes,
Barry Sloan

Also present: David Donovan, Attorney
Alfred Fusco, Engineer

Stephen Denes arrived at 7:10 p.m.

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

WARWICK RIDGE SUBDIVISION – A motion was made by Barry Sloan and seconded by Bob Conklin to grant a 90-day extension to final approval. The motion passed with a 4-0 vote.

SCARLET'S WAY SITE PLAN – Chairman Serotta stated that the applicant is here tonight for final approval for a site plan to demolish the building that is presently on the site and replace it with a new building for a retail business which is a dog boutique. Dave Donovan reviewed the specific conditions of the resolution that he prepared. A motion was made by Barry Sloan and seconded by Bob Conklin to declare lead agency and issue a negative declaration as an unlisted action. The motion passed with a 4-0 vote. A motion was made by Frank Gilbert and seconded Barry Sloan to grant conditional final approval. The motion passed with a 4-0 vote.

JIM THEODOREU SUBDIVISION – Chairman Serotta recused himself for this application. Barry Sloan substituted as chairman. He stated that the applicant is here for final approval for a two lot subdivision on Deer Trail. Dave Donovan reviewed the specific conditions of the resolution he prepared. A motion was made by Steve Denes and seconded by Chairman Sloan to declare lead agency and issue a negative declaration for this unlisted action. The motion did not pass. Bob Conklin was opposed. Dave Donovan said four affirmative votes are necessary to carry the motion; the vote was 3-1. He said the Board cannot take any further action tonight unless there is a re-vote or the matter is held over until the next meeting. Chairman Sloan said the next meeting is September 17th, 2014; we will bring the application up for approval at that time.

HAMLING SUBDIVISION – David Getz, engineer for the project and David Hamling owner of the property, appeared before the Board for a work session for a four lot subdivision located on Nature's Trail, a private road off of Gibson Hill Road. David Getz stated that the Hamling property consists of 28 acres and the private road is shared by several other property owners. At the present time there is not a formal use and maintenance agreement for the road. The proposal involves subdividing the 28 acres leaving about 12 acres with the main house. There is a building on the property now that was the subject of a ZBA application earlier this year. That second structure is currently being used as a residence for the owner's son. The Hamling's appeared before the ZBA and received a temporary variance. David Getz said as part of this application the smaller home would be converted to a non-residential use and three new building lots would be created. He stated that he did soil tests and feels that the three lots are viable in

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terms of a septic system. He said there is a section in the town code 83-27 open area development and that is the standard that we would use for the subdivision.

Chairman Serotta stated that this is the first private road that this board has had before them. Dave Donovan said I looked at the tax map and I don't see Nature's Trail shown. He said if it is not on a filed subdivision map or an official map of the town, then the applicant needs to get a variance from the ZBA. If it is not an open area development and we don't have prior road specs then I think you need to build this road to the town road specs., not to the private road specs. Dave Donovan asked when Nature's Trail was laid out. David Hamling said when we bought the house 20 years ago our address was Gibson Hill Road. When 911 went in they re-named it Nature's Trail. Dave Donovan said I don't see how the applicant can do an open area development because you need 50 acres to do one and they don't have that amount of acreage I think you have to get a 280-A variance from the ZBA. Dave Donovan said the other question that needs to be resolved is there is a theory in law called overburdening an easement. It is an issue that we need to address and resolve.

Al Fusco said we need to research who actually owns the road and what rights they have with the easement. In addition to that we need to look at the possible upgrade of the existing road and that is what you would do through the 280-A process. Chairman Serotta said Nature's Trail does not come close to handling any kind of emergency vehicles. Also, you would probably have to get a formal maintenance agreement with your neighbors for the road.

Dave Donovan said we need to iron out the ownership issue. There is a twist in that we can't condition your approval of making off- site improvements but we can deny your application if the off-site road does not support the initial traffic. Let's assume we could agree on specification for the existing Nature's Trail, but if you don't own it or some property owner raises an issue saying you can't widen the road that becomes an issue we have to confront.

Chairman Serotta said as far as the second home on the property goes there would have to be some kind of an agreement on the time that use would be abandoned. The code says no two houses on single family lot. You received relief from the ZBA. If we move forward with this we would have to have you agree to a specific period of time to abandon the use of the second house. The code clearly states no residential space in any other building.

Chairman Serotta asked the applicant to contact him in the future if he wishes to go forward with the project.

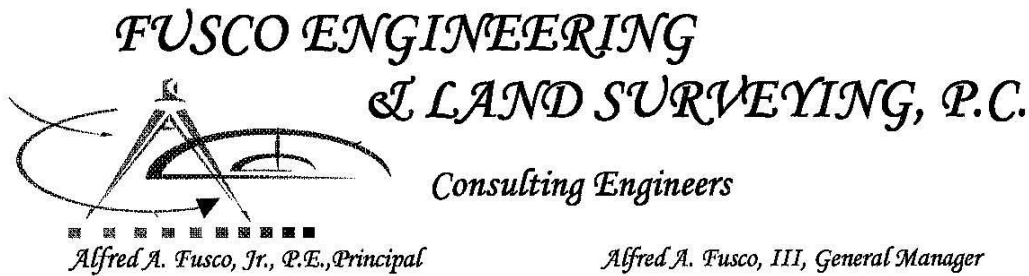
ASHFORD ESTATES SUBDIVISION - Mark Siemers, engineer for the applicant, appeared before the Board to present revisions made to the 19 lot cluster subdivision located off of Vivian Lane. He said a major revision that was made was the removal of one of the lots. This was due to the Town of Goshen providing a letter stating that only two lots can be constructed without additional costly well testing. The lot that was eliminated was previously lot one. He explained that he also designed, profiled, graded and provided a detail for the requested drainage swale to run behind proposed lot one and two as well as the detention pond. The swale runs behind the detention pond to an 18" culvert flared in section that connects to the proposed catch basin.

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Additionally, the open space parcels were revised. He explained that we now have parcels A, B, C and D. Parcel A is located behind lots 12 through 19. Parcel B consists of the land in the Town of Chester that fronts on the Heritage Trail. Parcel C is the entire property that is located in the Town of Goshen. Parcel D is the small triangle piece that is along Hambletonian Avenue. All of these parcels are proposed to be dedicated to the Town of Chester. This property line was added to give the Town flexibility once the open space is taken over. If ever in the future there is a desire to transfer this to the Chester School District they will not need to subdivide it. At the last planning board meeting the Board authorized Dave Donovan to prepare a resolution of final approval and tonight we would like to ask the Board to consider acting on that resolution.

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

August 20, 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,

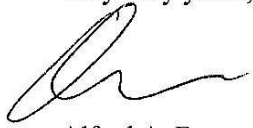
We have reviewed the Subdivision plan for the Ashford Estates Subdivision prepared by Pietrzak and Phau Engineering and Land Surveying, PLLC entitled "Ashford Estates Cluster Subdivision" dated August 8, 2014 and offer the following comments:

1. This project has preliminary approval and OCHD approval. The applicant is seeking final subdivision approval.
2. The subdivision plat will need to be signed by a NYS licensed land surveyor. It appears that the subdivision plat is based upon a deed plot, the subdivision plat does not show any details along the property lines that is normally shown on a boundary survey for example stonewalls, fencing, sheds and other improvements, found property corners, etc. along or near the boundary lines.
3. Proposed location of all monuments shall be shown.
4. Existing monuments shall be shown with a symbol and described.
5. All lot corner markers shall be permanently located satisfactorily to the Town Engineer, shall be steel rods at least one inch in diameter and at least 30 inches in length and shall be located in the ground to existing grade.
6. Monuments of a type approved by the Town Engineer shall be set at all corners and angle points of the boundaries of the original tract to be subdivided and at all street intersections, angle points in street lines, points of curves and such intermediate points as shall be required by the Town Engineer. Monuments shall be located at the beginning and the end of each curve along one side of the street right-of way.
7. All rear lot corners shall be staked prior to signing of the subdivision map, the monuments along the road will have to be staked prior to acceptance of the new town road.
8. A zoning table has been shown for the subdivision, however a table should be provided for each individual lot.

9. A planning board approval box shall be placed on the plan (2.5" x 4") for stamping.
10. The plans indicate a total of nineteen lots of the nineteen lots only four of those lots had percolation testing witnessed by the Orange County Health Department; we would ask the applicants engineer verify this.
11. Provide Karen Arent's acceptance of the revised landscaping plans.
12. A Stormwater Pollution Prevention Plan along with a notice of intent should also be on file with the Town of Chester, this office will also need a copy once construction begins.
8. 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/sdb

Cc: File

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Al Fusco reviewed his letter. Concerning item 2, Mark Siemers stated typically sheet 2 is the plat sheet which we try to keep clean. It is mainly for filing with the county for proposed lot lines. Sheet 2 will be signed and sealed by a professional engineer and a licensed surveyor. We do show these features on the cover sheet as well as through the utility plans. I would like not to have to add those to the plat sheet to keep it clean for filing with the county. Al Fusco agreed to that. Concerning number 7, Mark Siemers asked as far as having the corners staked out prior to the signature of the subdivision map, is that part of town code? Al Fusco said it does not need to be prior to the signature. Concerning item 10, Mark Siemers said the Health Department wanted to witness deep soil tests on five lots and witness perk tests on five lots. That was done, but with the removal of lot 1, we also removed all the information on lot one and that was one of the witnessed lots. Al Fusco said that is fine.

Al Fusco stated there are two other items he wanted to discuss. There was a town meeting today concerning drainage districts with the department heads. Al Fusco said I know you have put together a drainage district petition package. One of the things on the resolution is that we made mention of stormwater, but I would like it to be changed to say that there will be a drainage district for it. At the meeting it appeared that is the direction the town wants to go. Dave Donovan said we have been moving incrementally towards that. When this project received preliminary approval we were at the stage of saying it needs to support MS-4 community. It should be municipally owned and maintained. Al Fusco said the second thing is the estimate. Dave Donovan said relative to SEQRA we did that at preliminary, so we covered that base.

Dave Donovan reviewed the resolution he prepared. He said he reached out to the town attorney to let him know the Planning Board was looking to take action this evening. The town attorney raised a question on the open space, whether the Town of Chester has agreed to own it. As a result of that, he asked me to tell the Planning Board to hold off giving final approval until that issue is resolved. Mark Siemers said he understands.

Barry Sloan asked if Karen Arent, landscape architect, was going to review the whole subdivision. Chairman Serotta said she did already. Barry Sloan asked if her review takes into account that the applicant eliminated lot 1 with a swale. She might want to landscape the swale. Mark Siemers said that it would just be grass, the same thing you do to the right-of-way areas. The swale was requested by the highway superintendent. Barry Sloan said Karen Arent should look at the swale to see if she wants to landscape it to prevent water runoff or overflow. Al Fusco said I don't see an issue with it, we reviewed it and it will be just a grass swale. Al Fusco said let Karen Arent take a look at it.

The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Roxanne Serotta
Planning Board Secretary

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