

**TOWN OF CHESTER
PLANNING BOARD MINUTES
October 15, 2014**

Minutes of the October 15, 2014 Planning Board Meeting

Members present: Don Serotta, Chairman, Frank Gilbert, Robert Conklin, Carl D'Antonio,
Barry Sloan

Also present: David Donovan, Attorney
Alfred Fusco, Engineer

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

ORANGE AND ROCKLAND UTILITIES SUBSTATION – Chairman Serotta stated that this is a continuation of the public informational hearing for Orange and Rockland/Con Edison Utilities for a second substation off of Sugar Loaf Mountain Road. Erik Denega, engineer for Orange and Rockland, gave an overview of the project. He stated Orange and Rockland met with Karen Arent, landscape architect for the Town of Chester, along with the people of the the neighborhood that expressed dissatisfaction concerning landscaping. He said we met with Mr. DeRosso , Mrs. Sodano, Mr. Brischoux and Mrs. Zarcone. We offered Mr. DeRosso a landscape plan and he opted to provide his own plantings. We did provide a landscaping plan for Mrs. Sodano. The plan provides screening for her side lawn in the direction where the substation is going to be. The plantings will be on the property behind her. The owner of that property was approached by our public affairs department along with Mrs. Sodano and we requested permission to put plantings on his property. It will be 24 plantings, mainly pine trees. Another issue with the landscaping was complaints with the existing substation. We had a landscape contractor go there to clean up the entire area. Our landscape architect provided a maintenance plan. We have since planted 20 Shadblow trees and 10 eight-foot white pines. We are going to implement a long term maintenance plan for this substation. Mr. Brischoux had a dead tree that was in the right-of-way, which we removed. Mrs. Zarcone had a concern that a gate had been damaged. We are intending to replace the gate posts and install a new gate by the end of this month.

Erik Denega said there was a question of the benefit of the project locally. The project does restore the original number of interfaces feeding O & R and replaces the unreliable Central Hudson feed. It does physically provide more backup in this area. Another benefit is the tax revenue that will come from this project. Based on cost estimate at this point, tax revenue will be approximately 1.4 to 1.7 million dollars per year to the Town. Lastly, once this project is closed out we will be working with the building inspector on getting a certification letter from him based on the project meeting the building and fire codes in New York State. In reference to the emergency access, we did contact the building inspector today. One thing that has come back is that the interior loop road within the fence line of the substation would have sufficient radius for a fire truck to turn around. We are anticipating that the Board would also like something outside the fence line along the access road. We can provide turn around pads somewhere along the access drive. Also, the access road has been changed to a paved road.

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Karen Arent, landscape architect for the Town, stated that there is not much that Orange & Rockland can do to address Mr. DeRosso's concerns because of his situation of his driveway going right underneath the power lines. You are only allowed to plant something 15 feet high and that would not do anything to screen the power lines. He chose not to proceed forward with any of the plantings we suggested. It appears that we have a solution to hide the power lines during the winter for Mrs. Sordano. She has very good screening now while there are leaves on trees. But in the winter there needs to be some more evergreens. White Pines will be planted there. As far as the existing facility, there were a lot of plants that did not survive because of poor soil so in addition to planting trees, the landscaper brought in yards of good soil. I personally thought that the landscape along the road looked nice wild because it did not draw attention to itself, so we kept it wild but will weed wack along the road. They planted 20 Shadblow plants which get 20 feet tall. Next year in the winter we can look at it again to make sure it is as invisible as we think it is today because it is hard to predict exactly where you will see the new transformer location.

Al Fusco submitted the following letter:

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- 233 East Main Street
Middletown, NY 10940
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- 19 Waywayup Lane
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Phone: (845) 956-5866

October 13, 2014

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

Re: Orange & Rockland 345 KV Transmission Line and Proposed Substation
Sugar Loaf Mountain Road
Town of Chester, Orange County, N.Y.

Dear Mr. Serotta and Planning Board Members,

We have reviewed a copy of a response letter dated June 17, 2014 from Orange and Rockland in response to our comments dated September 9, 2014. In addition, we also received site plans to scale.

1. Plans MUST be signed and sealed by the licensed professional. Future plans cannot be accepted without the engineer's stamp and signature.
2. We had not received a long form EAF for review or otherwise approved environmental documents; a demonstration of SEQRA compliance. However, we received, on 10/10/14, the enclosed explanation that the NYSDEC has ruled SEQRA does not need to be addressed by this Planning Board.
3. The applicant's response indicates an area map has been provided showing all parcels owned by the applicant. However, an area map could not be found on the plans.
4. Property owners and uses within 300 feet have not been provided. This was requested previously.
5. The site plan sheets have a lot of line work which is faded and extremely difficult to read.
6. The response indicates 0.34 acres of wetlands disturbance but the plans note 0.39 acres of wetlands disturbance. Please clarify. Also, a copy of the nationwide permit must be obtained from the ACOE before the planning board can issue a site plan approval unless conditional.
7. The federal wetlands delineation and certification could not be found on the plans as previously requested.
8. A full SWPPP must be submitted for review. The plans denote a micro-pool extended detention basin and bio-retention treatment area. However, calculations supporting this design criteria could not be

found. This town is an MS4 town and all storm drainage criteria must be approved before an NOI can be submitted to the NYSDEC.

9. Provide the speed limit on Sugarloaf Mountain Road along with sight distance for the proposed access drive. (2nd request).
10. Provide a gated entrance to limit access to the proposed facility.
11. Provide a boundary survey for the project site. (2nd request).
12. The Town of Chester is not approving the EM&CP. They are approving the site plan. Please check and make sure that all erosion and sediment control measures are included on the site plans as required.
13. Provide a lighting plan.
14. A location map could not be found on the site plans.
15. Verify landscape approval by Karen Arent, LA.

Please advise if you have any questions.

Very truly yours,



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

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Chairman Serotta stated that we require stormwater drainage districts on all projects. Erik Denega said there is a drainage pond going in. Chairman Serotta asked who will maintain that pond. Al Fusco said O & R would have to maintain that pond. We need documentation stating that. Dave Donovan said the purpose of having an agreement is that if they don't maintain it as a backup the Town could go in and do it. Al Fusco said I don't believe that we are going to need to go to that extreme but we do need to have a commitment from Orange & Rockland and a contract with them that will be filed with the county that indicates that they are going to be responsible for the maintenance and identify the how, when and where it will be maintained.

Chairman Serotta polled the Board for comments and questions. Frank Gilbert stated he feels the area has a very industrial look when you drive up Sugar Loaf Mountain Road. He said I just hope that the placement of the plantings will benefit the residences. As far as the pond, I hope the Town will have access to it in case of an emergency. Bob Conklin said with regard to the service road, will that road be plowed and accessible during winter months. John Coffey, engineer for O & R, said yes our substation operations maintains that. Barry Sloan asked for a guarantee to the residents that the plantings are going to survive more than one year. Erik Denega said Orange & Rockland is responsible to keep those trees alive. If they die we need to replace them. The plan that we put in place is a continuance annual maintenance plan with a landscaper.

Chairman Serotta re-opened the public informational hearing. The first person to speak was John DeRosso, residing at 15 Beverly Road. He stated that O & R visited his house three times and he still has no clue what this project is going to look like. He said on two occasions I was told it was going in two totally different places. He said I was also told that the one monopole that is up now was going to come down. At the last meeting I was informed that the monopole is staying up and two more are going up right next to it. He said within 300 yards I have two lattice work towers, two monopoles and three new monopoles. He stated that I have the realtor with me tonight who sold me the house in 1994. He saw the house back in 2009 before O & R did anything. I asked him how much of a loss on my house am I looking at. The realtor told me based on what the house looked like before, I am looking at 25% to 30% loss of property value. John DeRosso said that that industrial look of the substation will never be able to be changed. There is no way this should be in a residual area. When I saw the original substation layout, it looked like it was going to be hidden but when it was finished it was a nightmare. The other issue I have is safety. I live about 600 feet from where this proposed substation is going and I am worried about fire. I just don't feel comfortable being here. I don't see any solution for us in this. At this point I don't think we will be able to sell our house.

The next person to speak was William Nozkowski, residing at 21 Sugar Loaf Mountain Road. He said he agrees with John DeRosso. The original plan looked like the substation was going to be in the woods and you wouldn't see. But you see everything. All the money we pay in taxes, we will never get back. Someone should buy the houses. There wasn't anything there but woods, now it looks like a thruway going through there.

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Dave Donovan reminded everyone that this is regulated by article 7, section 130 of the public service law. He read the law. He said we are not in the position to say no to this project. We are in a position to say to O & R we would like you to present to us in writing a confirmation that you intend to abide by the landscaping that you put on the plan. Beyond that, state law does not allow us any additional authority.

The next person to speak was Claude Brischoux, residing at 51 Sugar Loaf Mountain Road. He said he can't complain. O & R met with me and the only concern I had was a tree that was dead on their property since they built the new station. I am worried about the property value. Since the new station went in, prior to that, my property was appraised at \$375,000. I am a broker, and I can tell you if someone wants to give me \$260,000 it's theirs, but in all fairness, they did what they said they were going to do.

A motion was made by Bob Conklin and seconded by Frank Gilbert to close the public informational hearing. The motion passed with a 5-0 vote.

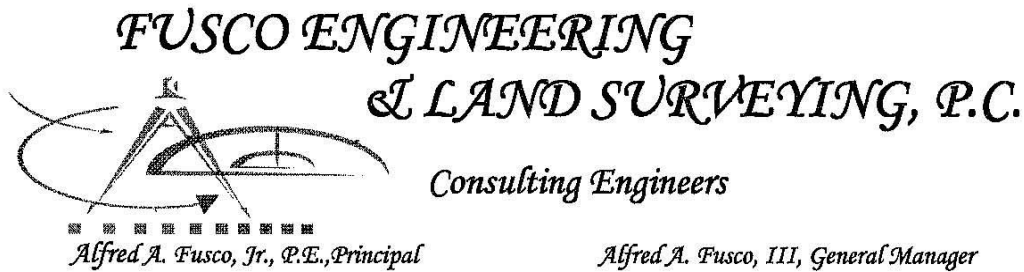
TETZ MINING SITE PLAN – Rosemary Stack, attorney for the applicant, appeared before the Board to present a site plan for expansion of a mine off of Tetz Road. Dave Donovan stated that state law ties our hands to a large degree. The authority for issuing mining permits is vested with the DEC under the Mine Land Reclamation Law. Our focus is very narrow.

Rosemary Stack presented the notice of complete application as well as the negative declaration to the Board. She said the DEC issued a permit earlier this year which prompted us to come before you. As we did in 2008, we need to come and give you what you need on a site plan to meet your conditions but everything inside the site plan, the operation of the mine itself, is governed by the regulations of the DEC jurisdiction.

Paul Griggs, engineer for the project, explained to the Board the location of the mine and the additional land which will be added. He reviewed what the project will entail with the Board. He stated that we had 36 acres approved previously and we are adding 22 acres to it. It is a fairly steep ridge. We are going to be leaving perimeter bermes around the side and leaving a little bit of a ridge for visual screening as well as noise screening and dust control. He said the plan will take a few years to complete. In terms of the studies that were done, we did a noise study, the archeology study; we did a visual study, as well as plants, wildlife and wetlands.

Al Fusco submitted the following letter:

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October 8, 2014

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

Re: E. Tetz and Sons, Inc.
Tetz Chester Mine
Orange County, New York

Dear Mr. Serotta and Planning Board Members,

We have reviewed the submission for the E. Tetz and Sons project and offer the following comments:

Project: Mining Modification to an Existing Permitted NYSDEC mine.
SBL: 12-1-12.22
Acreage: 58 Acres
Zone: I District
Material Reviewed: Griggs-Lane Consulting Geologists Mining Plan and Report.

Comments:

1. The mining report should include the NYSDEC review letter dated July 5, 2013 as well as a copy of the NYSDEC application.
2. The mining plan is unclear with regards to phasing. It is unclear what phases are proposed for this mining application. The mine should identify phases in 5 acre increments with provisions for drainage/erosion control for each phase.
3. The legend on the mining plan does not seem to correlate with the color codes or the symbols of the mining plan itself. Please clarify.
4. Grading contours have not been provided for the proposed mining application.
5. The plans shows a silt fence around the proposed mine. However, silt collection (i.e. silt ponds or equivalent) is required for 3,600 CF of storage per acre of mining area disturbance. This could not be found on the plans.
6. In accordance with NYSDEC regulations, a full SWPPP (stormwater pollution prevention plan) is required due to the total limits of disturbance. Please submit a full SWPPP for review.

7. Sections A-A, B-B, C-C, and D-D need to be at a legible scale. Typical scales are 1 inch equals 5' (1"=5') vertically and 1 inch equals 100 feet (1"-100') horizontally.
8. The applicant has supplied me on request for the SEQRA Negative Declaration for this project dated 2/3/14 and enclosed. The document indicated that they had considered the impacts to the following resources:
 - a. Land
 - b. Surface water
 - c. Groundwater
 - d. Air
 - e. Noise
 - f. Threatened and Endangered Species
 - g. Traffic
 - h. Historical/Archeological and Visual Impacts

The impacts were non-existent or mitigated as per the document (copy enclosed). We suggest any approval be conditioned on compliance with all mitigation measures indicated in the document.

9. We wish to highlight two (2) of the above items that are critical to the Board's review. The first is: the Negative Declaration included the review of traffic and indicated there "will be no increase in truck traffic as a result of the proposed 22 acre expansion of Cluster Mine, no impacts to traffic are anticipated".

The second was visual/aesthetic resources will be mitigated by a planned mining operation as follows: Mining will proceed from Northeast to Southwest to mitigate views from the Southeast, South, West, and Southwest throughout the life of mine; reclamation will occur concurrently with mining operations; the mine will be worked from interior areas outward to ensure intervening ridges remain until final reclamation occurs; construction of vegetated perimeter berms will provide additional screening of the site and will remain until reclamation occurs; tree cutting and the strip of overburden will be limited to the area needed for one season's operational requirements; and portable processing plants will be relocated as the mine face advances Southward, allowing topography and vegetation to screen processing operations. Also, the Negative Declaration states: "there will be no permanent impact to the visual quality of views in the study area".

"Based upon existing topography and vegetation the implementation of proposed mitigation measures noted above and upon the analysis performed by the applicant and DEC no significant visual impacts are anticipated to aesthetic resources or sensitive places".

10. NYSDEC Permit dated 5/22/14 enclosed. We suggest an approval be conditional on all permit conditions including mined land reclamation conditions and general conditions.
11. The applicant has demonstrated compliance with NYSDEC requirements to date. The Board must consider any local issues that might not have been addressed to the Board's satisfaction.
12. Board comments.

Action:

1. Set Public Hearing
2. 239 GML notification to County

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Chairman Serotta asked what their vision is for the role of the Planning Board for site plan approval. Rosemary Stack said what we need to do as far as the site plan is to provide you with a map that complies with your checklist of the items that are general applicability. We need to provide you with a site map that shows you where the perimeters of our site are, where the adjoining property's are, and how the site plays in as far as the zoning. Everything else is governed by the DEC. It is not governed under a construction permit. Al Fusco said we asked for copies of their SWPPP. Rosemary Stack said you can get copies of the SWPPP but the SWPPP pertains to the existing site it doesn't pertain to the new site. It is not a construction SWPPP because some of your comments were going toward a construction permit. Al Fusco said we are basically asking for information and some clarification so we have a complete file for our records.

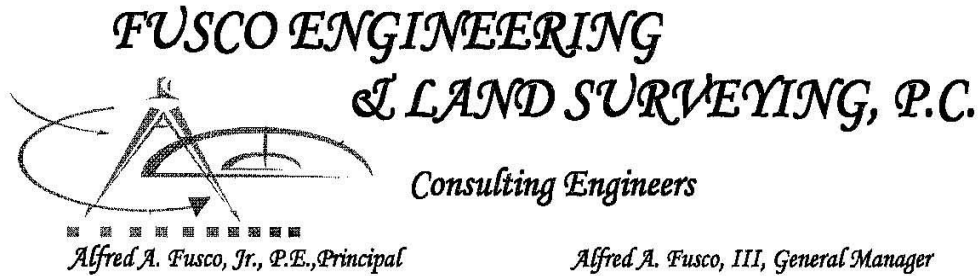
Al Fusco said a 239 is required because it is within 500 feet of county property. A public hearing is also required. Barry Sloan asked to make the radius 1000 feet to notify residents instead of the normal 500 feet. Dave Donovan read the town code. Chairman Serotta polled the Board. Four out of five board members voted to keep the notification of neighbors at 500 feet.

A motion was made by Frank Gilbert and seconded by Bob Conklin to schedule a public hearing on December 3, 2014. The motion passed with a 5-0 vote.

WOOD RIDGE SUBDIVISION – Mark Siemers, engineer for the applicant appeared before the Board to present a yield plan and a cluster plan for a subdivision located at 811 Laroe Road. He stated he was before the Board in March of 2014 and presented a yield plan and a cluster plan. Since that time we have had an aerial survey done as well as soils testing for the sewage disposal system. At the March meeting the Board and Al Fusco had questions on the lot grading for the yield plan. He said we have revised the yield plan and now provide a roadway profile as well as roadway grading and full lot grading plan. The yield plan now proves out that 10 lots are allowable on this parcel. He said now that we have provided the Board with the graded out yield plan we continued on with further developing the cluster plan. We have designed the cluster plan providing subdivision plat, utility sheet, grading plan, erosion control plans, roadway profile, and sewage disposal. We are continuing to work on stormwater infrastructure design as well as working on the stormwater pollution prevention plan which will be submitted. The proposed entrance is designed and will be submitted to Orange County DPW. We are completing the conservation area maps. Tonight we wanted to show the Board our progress and begin moving through the process of a cluster subdivision and to ask the Board to declare lead agency.

Al Fusco submitted the following letter:

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October 9, 2014

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

Re: Woodridge Subdivision
Laroe Road
Orange County, New York

Dear Mr. Serotta and Planning Board Members,

We have reviewed the Subdivision Plans for the Woodridge Subdivision prepared by Pietrzak and Phau Engineering and Land Surveying, PLLC entitled "Yield Plan" and "Cluster Subdivision 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. Also, total acreage of each lot should be indicated.
2. The cul-de-sac exceeds six times the minimum lot width. However, it is our understanding that the Planning Board granted a unanimous waiver to this subdivision requirement.
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. A percolation test and deep test pit should be provided for each lot to confirm buildability. Our office may witness some of the soils tests.
5. The yield plan provides an area suitable for storm water treatment. The yield addresses suitable grades for a new road and driveways.
6. Subject to compliance with items 1 thru 5, it would appear that the subject parcel can support a lot yield of 10 single family residential building lots.

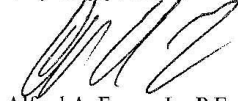
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With regards to the Subdivision Plan:

1. A certified boundary survey must be provided on the plans with metes and bounds and all existing landmarks. The surveyor's stamp and signature must appear on the plans.
2. The plans must be submitted to the OCDPW for highway entrance approval. A 25' offer of dedication from the centerline of Laroe Road will be required by the OCDPW.
3. The proposed storm drainage collection system needs to be shown with pipe sizes, inverts and grate elevations. Pipe sizing calculations based upon a 25 year storm event should also be included. There are no catch basins shown at the low point of the road.
4. The limits of disturbance need to be shown on the plans. A full SWPPP needs to be submitted for review. The full SWPPP must address post-development run-off, water quality and run-off reduction in accordance with NYSDEC storm water regulations. Also, submit a completed NOI for review.
5. The Planning Board should discuss how the Open Space area will be protected via ownership or by a homeowner's association, land trust or similar agency.
6. The erosion control plan needs to demonstrate silt storage based upon 3,600 CF per acre of disturbance. The permanent storm water pond can be used a temporary sediment basin during construction.
7. Engineering design details including road cross-section and catch basin and piping details should be included on future submittals.
8. Provide a long form EAF.
9. The plans must clearly show property corners found and monumentation to be set including new property corners and PC's and PT's along the new road right of way.
10. Provide adjoining well and septic system locations on the plans or note that there are none within 200 feet of the property boundary line.
11. Conservation Analysis plans have not been received to date.

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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Al Fusco reviewed his letter. He stated on the cluster plan on one side of the road there are wells in the back of the property and the septic in the front of the property and on the other side they have the wells in front and the septic in the back. The highway superintendent is concerned about sodium pollution in relationship to the wells. Al Fusco said I indicated to him that it goes with the slope of the land and how you can fit those in. I don't believe we can say we want the wells in the back, we could say that we want them a certain distance from the street. Mark Siemers said we will look at the separation of distances and move it as far back as possible. Al Fusco asked what the diameter of the cul-de-sac is. Mark Siemers said the cul-de-sac is 100-foot diameter pavement and 120-foot right-of-way.

Chairman Serotta said Anthony LaSpina, superintendent of highways, also has a problem with two driveways and plowing snow. He is concerned that the snow he dumps will block two of the driveways. He would like to see the driveways moved more toward the center of the cul-de-sac. Mark Siemers said he would not have a problem with that. Concerning the stormwater ponds, he is asking if there needs to be a guardrail. Anthony LaSpina also requested that proper paving equipment be used when the road is being built. He also requested that the Town take possession of the proposed 21.7 acres of open space.

Chairman Serotta stated the neighbor next to the property Rhoda Mack, wrote an e-mail stating her concern about water running into her driveway and washing it out. Mark Siemers said while we are doing our stormwater study we will look at the culvert under the driveway. Bob Conklin asked if there are curbs and catch basins planned for this project. Mark Siemers said yes. Bob Conklin said as long as there are curbs planned, is that going to help the salt problem with the wells? Al Fusco said yes the curbs will help.

Chairman Serotta stated that a buffer should be considered for the Hughes house that is next to the subdivision. Mark Siemers agreed.

Barry Sloan expressed concern about the steepness of the property and the potential problem of the water running off. Mark Siemers said that will be part of our stormwater study.

Chairman Serotta said can you buffer along Laroe Road by preserving some trees. Chairman Serotta said Anthony LaSpina needs to be able to get to the ponds to maintain them. Mark Siemers said what we have been doing is providing an access drive to the stormwater ponds.

Barry Sloan requested that street trees be planted as the houses are sold and not when the road is dedicated. Al Fusco said you can have the trees put in any time.

Carl D'Antonio said the Hughes house is so close to the property line and he would like to see a landscaping plan along that boundary. Mark Siemers said the whole lot is wooded. If we can put some kind of easement on the back of the line we will leave a buffer.

Dave Donovan said the codes indicates that once the Planning Board has agreed the conventional yield plan meets all pertinent requirements, the Planning Board may hold a preliminary public

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information meeting in which the applicant will present both the conventional yield plan and the sketch cluster plan and the public will have the opportunity to ask questions and make comments. It is not required, but if you think it is appropriate to present the two plans you can do that. Chairman Serotta polled the Board. All present Board members voted not to have the preliminary public information meeting.

Dave Donovan said we may want to declare our intent to be lead agency. A motion was made by Barry Sloan and seconded by Carl D'Antonio to declare The Town of Chester Planning Board to be lead agency. The motion passed with 5-0 vote.

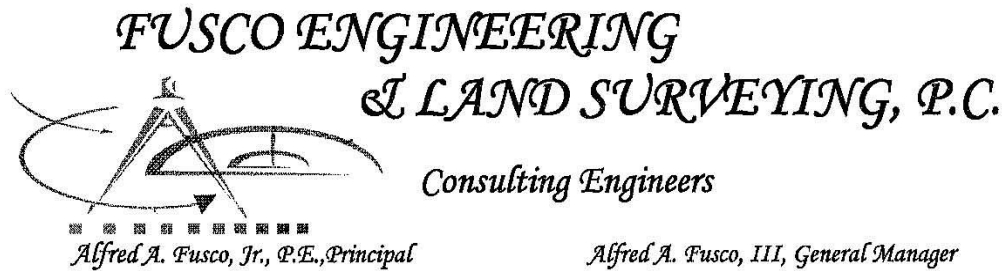
Mark Siemers stated the next item on the list is the Town Board is to be notified. Dave Donovan said he will notify the Town Board when he sends the EAF out with the notice of intent.

ASHFORD ESTATES SUBDIVISION – Mark Siemers, engineer for the project, appeared before the Board requesting conditional final approval for Ashford Estates Subdivision. He stated that at the last meeting we asked for conditional final approval and there was some question as to the Town Board and the open space. I spoke with Scott Bonacic, Town Attorney, as well as Bob Valentine, Town Board member. Mark Siemers said Bob Valentine said he was going to be here tonight. Mark Siemers said Bob Valentine indicated that the Town Board had indicated that they were going to accept the open space. Scott Bonacic said he was not involved in any of those communications. In my conversation with him I said I could not see why that couldn't be a condition of final approval. Scott Bonacic then reached out to Dave Donovan. Dave Donovan said my conversation was just as you described. He thought that Bob Valentine would be here this evening to indicate that the Town was inclined to take ownership of the open space.

Dave Donovan reviewed specific condition number 3 from the resolution concerning open space. He said that condition was developed because Scott Bonacic was not sure if the Town was going to take the open space. That condition allows it to be handled in accordance with the code which is either the Town, or an HOA or a land trust or some other method. Ultimately it is going to be determined by the Town Board. I'm satisfied with that condition. I believe with my conversations with Scott Bonacic he was satisfied with the Board moving forward. Al Fusco said the Town Board did discuss the open space at the last Town Board meeting. He said I believe that everything you say is correct. Chairman Serotta said I spoke with Supervisor Jamison. The intention is to take over the open space.

Al Fusco submitted the following letter:

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October 8, 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. We have received the SWPPP for our review. The SWPPP is complete with all design calculations to meet NYSDEC stormwater requirements. There are two minor comments: (1) Reference is made to "Fox Hill Cluster Subdivision" (2) A detail of the proposed rain garden for each lot could not be found on the plans. We also do not have acknowledgement and coverage of construction storm water SPDES coverage from the NYSDEC.
2. A separate boundary survey must show all improvements including stone walls, overhead wires, poles, sheds, etc, adjacent to the property lines. This could not be found on the plans. There appear to be encroachments.
3. Exterior property (original boundary) corners need to be set now, so that the town will know the property limits to which they will own.
4. The Planning Board must resolve SEQRA before taking action on this application.

The following items can be a condition of approval, but **MUST** be resolved before construction can commence OR the maps are signed for filing:

1. Offers of dedication must be presented for review and approval and include the right of way for the new road as well as any easements including drainage easements for pond maintenance, in addition to lands to be dedicated to the town. These documents must be approved by the Town Board and appropriately executed.

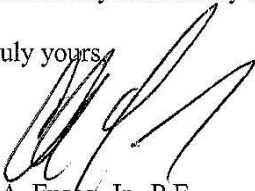
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2. The formation of a drainage district will need to be created. The applicants attorney must submit to the Town Board an application for a drainage district with a legal description of same district. All appropriate signatures must be executed and filed.

3. A detailed cost estimate of all public improvements must be submitted for review. Once approved, the owner will need to provide a construction bond and post appropriate inspection fees before any maps are signed for filing.

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

**TOWN OF CHESTER
PLANNING BOARD MINUTES
October 15, 2014**

Al Fusco reviewed his letter.

Dave Donovan reviewed the specific conditions of the resolution.

Frank Gilbert said concerning specific condition number 3, everyone spoke to somebody but do we have anything in writing. Dave Donovan said the answer is, in my view, there is an indication that it is going to be the Town, but it is not resolved. Dave Donovan said that condition says you have to comply with the code. Either the Town is going to own it, it is going to be an HOA or a land conservation trust. Chairman Serotta said the prints will not be signed until condition 3 is handled.

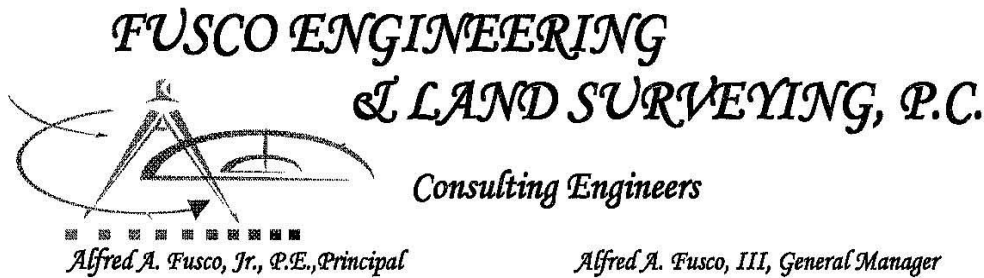
Carl D'Antonio asked was the bond ever remedied for the road. Mark Siemers said that is part of the construction bond. We provided a cost estimate to Al Fusco and it will be finalized and bonds will be posted.

A motion was made by Bob Conklin and seconded by Carl D'Antonio to grant conditional final approval to Ashford Estates. The motion passed with 5-0 vote.

BARODA SUBDIVISION – Mark Siemers, engineer for the project, appeared before the Board to present a yield plan and cluster plan for Baroda Subdivision, located off of Black Meadow Road. Mark Siemers stated there was a yield plan done by the previous engineer in 2011 but it was never finalized. Since that plan, there has been correspondence with the DEC and Fish and Wildlife. The DEC signed off on the wetland with a 100-foot buffer on March 29, 2012. We are working to get a copy of those signed maps. In the correspondence with Army Corp. of Engineers and in getting a JD letter and sign off on the rest of the wetlands, US Fish and Wildlife got involved. There are some potential Bog Turtle habitat in the DEC wetland and a 300-foot buffer was placed around that wetland to protect the Bog Turtle habitat. Given those two pieces of information we took the yield plan and we revised it. We shortened up the road and we made sure none of the lots with the buildable areas were inside of the 300-foot buffer. The old yield plan had a cross road. We have an entrance and exit with one loop road and we show each proposed lot with 5000 square foot box which is the codes definition of a buildable lot. We profiled the road in order to get the road in. In the the steeper slopes there has to be some substantial cuts and fills. We showed that the road grading could be accomplished as well as the grading for each lot. Each buildable box we showed was accessible by 10% driveways and the buildable boxes are graded out at 15% average grade. The yield plan proves out that the property can produce a yield of 29 lots. We then showed the 29 lots on the cluster plan. We show 28 cluster lots and the remaining lot we are proposing to put a conservation easement over all of the critical areas, wetland areas and to meet the zoning requirement of having 50% of the lot conserved. Our major goal is to get a nod from the Planning Board on the cluster because we would like to proceed with the soils testing on the cluster.

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

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.

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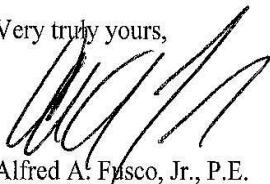
7. The yield plan must show conceptual locations for storm water treatment areas. These areas must be located at the low points of proposed road construction and be realistic in terms of size to address NYSDEC storm water regulations.
8. Provide sight distances for the entrances to verify that they are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

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Al Fusco reviewed his letter. Al Fusco said that some lots are very steep. Mark Siemers said there is substantial earth work that would need to be done to complete the conventional plan but our main goal in the yield plan is to prove out that it can be constructed. Al Fusco said 15% and 40-foot cuts are a little excessive. Dave Donovan read the code for cluster developments. Chairman Serotta said I just want to make sure that we have a realistic yield plan.

Chairman Serotta said I think a cluster is appropriate for this property but we need to take a longer look at the yield plan. Bob Conklin said the cluster plan is a high visibility layout and we really need to take a close look at this. Dave Donovan said the issue of the yield plan needs to be resolved. There may be lots that you feel are not going to be buildable in the yield plan and therefore should not be included in the cluster plan and it changes the number of lots. That may change the developers thinking in terms of how he wants this project to layout.

Chairman said that the highway superintendent is requesting a 100-foot strip of land dedicated to the Town along Black Meadow Road. He wants to create a shoulder to prevent cars from going into a dangerous ditch along the road.

Mark Siemers said he will work on the yield plan and will call to schedule his next appearance before the Planning Board.

The meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Roxanne Serotta
Planning Board Secretary