

**TOWN OF CHESTER
PLANNING BOARD MINUTES
December 3, 2014**

Minutes of the December 3, 2014 Planning Board Meeting

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

Also present: David Donovan, Attorney
Alfred Fusco, Engineer

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

A motion was made by Frank Gilbert and seconded by Steve Denes to adopt the minutes from the October 15, 2014 and November 5, 2014 meeting. The motion passed with 6-0 vote.

WARWICK RIDGE EXTENSION – A motion was made by Steve Denes and seconded by Frank Gilbert to grant a 90-day extension of final approval to Warwick Ridge. The motion passed with a 6-0 vote.

HILLS OF CHESTER EXTENSION – A motion was made by Frank Gilbert and seconded by Bob Conklin to grant a 90-day extension of final approval to Hills of Chester. The motion passed with 6-0 vote.

TETZ MINE EXPANSION PUBLIC HEARING – Rosemary Stack, attorney for the applicant, appeared before the Board to give a brief presentation of the project located at Tetz Lane off of route 94. The applicant currently owns a parcel known as the Utter parcel where they are mining 36 acres. They own an adjoining parcel of 22 acres and are seeking to expand on to that. They submitted their application to the DEC, which they are required to do, to obtain a mining permit. They will undergo an environmental review under the state environmental quality review act. That process starts with a notice of lead agency coordination. It coordinates the review through all the involved agencies. The DEC became lead agency, meaning they coordinated it and took control of that process. The environmental review took place and a number of studies were done. The environmental review concluded on February 3, 2014 with a negative declaration under SEQRA. The DEC concluded that no significant environmental impacts would occur with the 22 acre addition to the mining site. Rosemary Stack stated that what we are here for tonight is site plan review from the Planning Board.

Paul Griggs, engineer for the project, stated that a number of studies were done such as a mining reclamation plan, an analysis of water resources, a noise study, a visual and screening study, a archeological historical study, plants and wildlife study and a wetland study. The property is zoned industrial; the terrain is steep so they are flattening out the topography making it suitable for industrial development as it has been done in the past.

Rosemary Stack presented a photograph of the mining site from 2008 illustrating improvements that were made to the site such as the construction of the Fresenius Building. She also presented a photograph showing the site in 2014 and the construction of the Hudson Transit Building.

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Chairman Serotta asked if all traffic during construction will go out Tetz Lane. There are no new roads to be built and no new access to Glenmere Road. Rosemary Stack said that is correct. Chairman Serotta asked how many pads would be going into the project. Gary Tetz, owner of the property, said it depends on the demand.

Chairman Serotta said this project was submitted to Orange County Planning. They chose this project as a local determination but added that they want proper screening to be put in during the mining operation. Rosemary Stack said the visual study, as the DEC noted in their negative declaration, indicates that 95% of any views within a 5 mile radius are blocked by vegetation and topography. The DEC concluded as part of the negative declaration there are no significant impacts. As far as needing additional screening from this board, I don't think that is necessary.

Chairman Serotta opened the public hearing. Let the record reflect that the proper mailings were sent out and the proper notice was placed in the Times Herald Record. The first speaker was Frank Mayeski, residing at 404 Black Meadow Road. He stated the Board asked Mr. Tetz how many pads he could put there, that property is big and you could max out a lot of pads in there. He stated that the photos that were presented were taken from the sky looking down. When you drive on Black Meadow Road you look up, you see Coach and bright lights 24 hours a day. You hear the buses, it has an impact. He asked how come there are no limits on how many pads can go in there. Chairman Serotta said we are not here to approve new pads. When they propose a business someday your property will be taken into consideration. Whoever is going to develop the pad, will have to go through a full site plan approval. Frank Mayeski asked about the blasting, saying there is constant blasting. My walls and my windows shake from the blasting. Where do I have a say in that? Chairman Serotta said we are not an enforcement board we are just an approval board. Frank Mayeski asked what are you approving based on what? Chairman Serotta said we are approving tonight a site plan for a mining operation that was given a negative declaration and approval from the DEC. The DEC always regulates the mines; we have no control over that. Frank Mayeski said Rosemary Stack said they put berms and trees. Where are the berms and trees if I can see buildings from Black Meadow Road? Frank Gilbert said buildings that have gone in up to this point, have gone under landscape scrutiny. Landscaping does not happen overnight. It's a process that evolves. It's not instant gratification.

The next person to speak was Mike Farruggia, residing at 386 Black Meadow Road. He said I want clarification on where the mine will be and what you are putting in place on the explosions that Frank Mayeski talked about. He said one time they did an explosion with a low cloud cover that knocked me out of my chair in my home. With the new mine going in will you put anything else in place to make sure that you are looking at the weather and the clouds. Also, clarify where Black Meadow Road is on the map of the mine. Where the claim is it closer to Chester and further away from Florida? Paul Griggs said we are going further away from Chester.

The next person to speak was Art Donohue, residing at 139 Glenmere Road. Art Donohue asked Gary Tetz to go to the map and give a point of reference where the new site will be. Gary Tetz pointed on the map where the site will be and also where Glenmere Road is. Art Donohue said what Mr. Tetz says clearly illustrated for us the fact that he is pointing to the rim of a mountain range that separates Glenmere Road from the industrial park. Mr. Serotta, you are aware of

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where Unilock is, how the folks who live on Green Road now have a wonderful view of Unilock because of the fact that they completely defoliated the entire buffer between Green Road and Unilock. Chairman Serotta said I was not on the Board when Unilock was approved. Barry Sloan said I was on the Board when Unilock was approved. We told them to landscape around their entire property. Barry Sloan said I brought in pictures a year and a half later of trees that were all dead that they planted. I presented them to the Board but we are not the enforcement agency of Chester. It is really up to the building department. You are right, Unilock did not live up to the site plan that was approved. Art Donohue said here is my point, now we are referencing a mountain range that acts as a natural buffer between our residences and the mining operation. Mr. Tetz, I understand this is your business, but as a residence of this area I came to a meeting here about two years ago when you showed me definitively where the mining operation was and clearly illustrated the fact that it wasn't going to impact our homes. Now you are illustrating the fact that it will. Help me understand definitively the mountain range that separates our homes from the industrial park. Are you telling us you are going to scallop out continuously or is that mountain range coming down? Paul Griggs said if you look at the map the blue hatched area will remain permanently and provide visual screening. By the time any ridge is taken down you are looking at a reclaimed site behind it. The visual study was done to determine the location and the height of these barriers. You will still have the wooded slopes around the outside as well as the physical portion of the ridge that will be left. We did take that into consideration in developing this mine plan. Basically, what we are doing is we are keeping most of this property as wooded and we are not going to take down all the trees at once. We will take down a couple acres of trees a year starting on the north side moving south, having the remainder of the hill still in place. Art Donohue asked Gary Tetz you are in possession of property along Glenmere Road. Gary Tetz said correct. Art Donohue asked if they are egress points for you. Gary Tetz said no. The egress road will never go out onto Glenmere Road.

Chairman Serotta asked if anyone else would like to speak for or against the application. Chairman Serotta polled the Board for their opinion on keeping the public hearing open. All members present voted to close the public hearing. A motion was made by Frank Gilbert and seconded by Carl D'Antonio to close the public hearing. The motion passed with a 6-0 vote.

Frank Gilbert stated he wanted to reiterate about the landscaping. He said four or Five years from now when someone does put a building on this site, we will securitize the landscaping at that time.

Chairman Serotta scheduled the applicant for December 17, 2014 at 7:20 p.m.

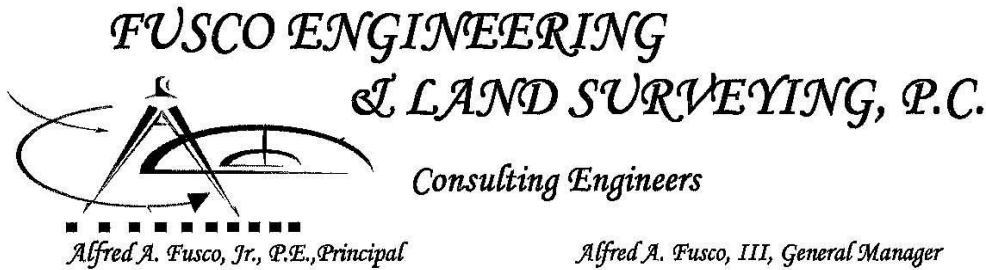
Wood Ridge Subdivision – Mark Siemers, engineer for the applicant, appeared before the Board to present revised plans for a major subdivision located on Laroe Road. He stated the revision made to the yield plan was the addition of a soils map. The Town has a section in the subdivision regulations that breaks the entire town into 15 separate soils groups. These soil groups have been added to the plan set. The soils are within group 4 and 6. At the previous planning board meeting we had discussed the soils testing to prove out the sewer disposal system. I showed at that meeting that we have done a number of soils testing on the project. We have done the soils testing to prove out that the property can handle 10 lots. It was my understanding

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that the Board seemed to be in acceptance that further soils testing was not needed. Al Fusco's letter shows that in group 6 the subdivision regulations states that soils testing needs to be done on sewage disposal systems, however we already have done the testing on the site and it shows that it can hold 10 lots. I am requesting that the Board think about accepting the soils testing that has already been done. The lots we are showing are over 3 acres which further support the fact that we will be able to find a location on each lot to support a sewer disposal system.

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

December 2, 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 last dated November 18, 2014 and we offer the following comments:

With regards to the Yield Plan:

1. The yield plan shows that there are three septic disposal systems within soils Group VI, in Group VI the subdivision regulations state that on-site soil investigation is a must to determine if a septic disposal system can meet design requirements, the applicant should provide the board with soils testing of the lots 5 through 7.
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.

With regards to the Cluster 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. They survey plat has lines missing.
2. The plans must be submitted to the OCDPW for highway entrance approval. A offer of dedication from the centerline of Laroe Road will probably be required by the OCDPW.
3. The plan should show the names of adjoining owners on all sets of plans, the adjoining landowners on the southwest side of Laroe Road will also need to be shown on the plan.
4. The well and septic system for the lands of Hughes should be shown on the plan, it appears that this position is critical for design of wells and septic systems on Lots 2 through 5.

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5. The wells and septic systems should be shown on the southwest side of Laroe Road, the position of septic system on Lot 1 may have a impact on the wells located downhill.
6. The proposed road is located across the street from the lands now or formerly of Mack (southwest side of Laroe Rd) it would appear that the headlights from the traffic exiting the subdivision will shine on the dwelling. The applicant should take this into consideration and move the intersection so that the headlights will not impact the neighbors on the southwesterly side of Laroe Road or provide appropriate mitigation.
7. The Planning Board should continue to discuss how the Open Space area will be protected via ownership or by a homeowner's association, land trust or similar agency.
8. Regarding the erosion and sediment control plan, there must be provisions to provide silt storage for 3,600 CF per acre of disturbance. Please provide. Also, there must be locations for soil stockpiling. Finally, the disturbance must be phased as the total area of disturbance exceeds 5 acres. This needs to be shown on the plans.
9. Numerous lots show rippable shale at shallow depths (18"). It appears that fill systems will be required for a number of lots. Please revise as necessary.

With regards to the long form EAF:

1. The total area of disturbance far exceeds 4.5 acres. Please revise accordingly.
2. A permit for storm water SPDES from the NYSDEC should be identified under permits/approvals.

With regards to the Stormwater Pollution Prevention Plan:

1. The storm water drainage report identifies four discharge locations. Under post developed conditions, peak flows will be reduced as a result of the installation of a wet pond detention basin.
2. The engineer should discuss if land conservation and tree planting alone can meet the RRV requirements of the NYSDEC storm water design manual.
3. The NOI is incomplete and must be submitted in full with signatures. Once the SWPPP is accepted, our office will complete the MS4 acceptance form for forwarding to the NYSDEC for storm water coverage.

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. Concerning item 1 from his letter, Dave Donovan asked if the soil tests that were done are to prove out your lot count as opposed to being the approximate locations of sewer disposal systems that would be approved by the health department. Mark Siemers said the soils testing that we have done was to prove out the sewage disposal systems for the cluster subdivision. The 10 lots that we proposed in the cluster subdivision where we show the sewage disposal system, we have done two perks and two deeps on each septic system. Dave Donovan said the point is to make sure that they are all approvable by the Orange County Health Department. Al Fusco said also, what we are indicating is that on the proposed lots on the yield plan, that they must be approvable lots. Mark Siemers said all the soils work that we have done is in the cluster subdivision. Al Fusco said we want some done in the yield area because if you are proposing a yield on solid rock you can't have a lot there, so you have one less lot. Mark Siemers asked if you are requiring soils done on the yield plan also even though we are not proposing that to be actually constructed. Lots 5 thru 7 have possible shallow bedrock. Our lots are over 3 acres and we would be able to get a sewage disposal system on a 3 acre lot. Concerning item 5 from Al Fusco's letter, Mark Siemers said we located the wells and sewage disposal systems of the adjoining lots. He said when we were out there one of the homeowners was not at home; there was no evidence of a sewage disposal system. We are going to go to the county and review where that septic system is. Based on where the well currently is and based on the flow of the topo we don't anticipate having a problem with our well location on lots 1 thru 4. The Mack well is located 200 feet from center line of Laroe Road. We will have 250 feet away from the lot 1 sewage disposal system which is further then what the Orange County Health Department requires for separation distances. The next lot over is an abandoned house and there is no evidence of a well or sewage disposal system on that lot. We are checking file maps for the other Mack residence. Regarding the stormwater plan, Mark Siemers stated the last time we were in front of the Board we did not have a stormwater design. Since then, we have done a full stormwater pollution prevention plan. We have designed all the pipes in the roadway. We have looked at the design points and we basically have 4 design points for the project. All the stormwater flows over to Trout Brook. We captured most of the water coming off the hill up to the subdivision that is above us and we bring it down and capture it in the infrastructure in the roadway and bring it into the stormwater pond. We detain it in the pond and we have reduced the peak flows coming out of the pond basically for this design point and the design point further down anywhere from 9% to 60%. We have greatly reduced the flows coming to those two points. We did look into the flooding issues that were highlighted for us. We also addressed the N.Y. State DEC runoff reduction volume and the way that we have addressed that is by utilizing the cluster design with open space and tree plantings. We have provided 3 ½ times the required minimum runoff reduction volume in our design.

Chairman Serotta stated he received a letter from Rhoda Mack stating that when the county widened the road it caused a significant flow of water which damages her driveway. She is concerned that the subdivision may increase the water flow. Mark Siemers said there will be less peak flow during a storm.

Frank Gilbert expressed concern regarding water that may run onto Laroe Road. Bob Conklin asked how large a storm can the detention pond handle. Mark Siemers said it is designed for 100-year storm event with a 1 foot free board which is an extra foot of space in the pond above

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the 100-year storm. Above the 100-year storm we also have the flat grade of the outlet structure so the water can pour into the flat grate and maximize out the outlet pipe and if the storm gets above that there is an emergency riprap overflow to the pond. Al Fusco said the highway superintendent requested the wells be moved further back on the lots. Mark Siemers said we looked at the wells and the separation to each proposed sewage disposal system. We were able to push lots 9 & 10 wells further back off the road. Lot 8 we were able to get inside the front setback line. We were able to push each lot back. Chairman Serotta said Mark Siemers put in a 25-foot buffer surrounding the project. He asked are you proposing that to be owned by the homeowner with a conservation easement. Mark Siemers said right now that is what we are showing. Chairman Serotta asked if the buffer could be made larger. Mark Siemers said possibly we could bring the buffer up to the building setback line which would be 40 feet.

Mark Siemers presented conservation maps which he reviewed with the Board. Barry Sloan questioned the steepness of lots 4 & 5 with steep slopes of more than 25%. Mark Siemers said I would like the Board to consider scheduling a public hearing so we can move forward with the project. Chairman Serotta polled the Board for an opinion on scheduling a public hearing. All members present voted not to schedule a public hearing until more information on the yield plan proving out is available.

BARODA SUBDIVISION – Mark Siemers, engineer for the applicant, appeared before the Board to present a 29 lot cluster subdivision off of Black Meadow Road. Al Fusco reviewed the yield plan and found a portion of the soils does not meet standards for septic systems. Mark Siemers said we would have no problem going out and doing soil tests but even in areas where the subdivision regulations say that a septic system should not be installed, what the subdivision regulations are basing that on is a broad description of the soil. What we propose to the Board is that we go out and we actually do the soils on these lots and prove out in the field that a sewer disposal system can be installed. Al Fusco can review those sewer disposal systems and as long as they prove out then that lot will stay in the yield count. Al Fusco agreed. Mark Siemers stated the applicant paid the previous engineer to go out and do a number of soil tests for the open area development that was previously proposed. They did approximately 28 to 35 perk holes and 13 to 20 deep holes. He said he would like to place that on top of the yield plan and see if they fall in any of the sewage disposal system areas and ask that we can utilize those tests. Al Fusco said he did not have a problem with that. Bob Conklin stated he is concerned with using the information on the soils from the prior engineer. He said how we know that we can trust that his information is correct. Al Fusco said if it looks like the previous engineer showed that this area was bad it gives us a good indication to look further.

Mark Siemers said he will contact the Board to schedule his next appearance.

The meeting was adjourned at 8:50 p.m.

Respectfully submitted,

Roxanne Serotta
Planning Board Secretary

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