

**TOWN OF CHESTER  
PLANNING BOARD MINUTES  
December 17, 2014**

**Minutes of the December 17, 2014 Planning Board Meeting**

Members present: Chairman Don Serotta, Barry Sloan, Ernie Damiani, Steve Denes, and Bob Conklin

Also present: Dave Donovan, Town Attorney and Al Fusco, Engineer

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

A motion was made by Steve Denes and seconded by Barry Sloan to adopt the minutes from the December 3, 2014 meeting. The motion passed with a 5-0 vote.

**COMPREHENSIVE PLAN PUBLIC HEARING** – Continued until January 14, 2015. Public comments were accepted and they did not close the hearing. The Town Board took the January 7, 2015 slot, so the January 7<sup>th</sup> meeting is cancelled. Next meeting will be on January 21, 2015.

**BAZS SITE PLAN PUBLIC HEARING** - Public hearing for a site plan for a light industrial use on the corner of Bellvale and Lake Station Road represented by Jim Dillin. Jim Dillin, land surveyor, appeared before the board. The owners, Brian and Alice Lentjes were present. The property is located in the IP zone and is 7.3 acres. On the site right now exists a steel frame and a foundation of a building that's 180 by 320 feet. It was originally constructed in 1986. The name of the application back then was Olympus Mega Fitness Center. The construction stopped before the building was sided. It has been vacant since 1986. It has had several applications before the board. The applicant would like to rehabilitate the building. He does not have a proposed user right now. He wants to use it for industrial which could be for manufacturing or research. They are doing a generic site plan.

The applicant supplied 61 parking spaces and 9 truck-loading docks. Because the applicant does not know what is going to be used, if and when the project gets approved they will go back to the town engineer and let him look at it and see if it fits the criteria.

The property has New York State Wetlands against it. The wetland line has been delineated and approved by New York State DEC. The applicant is in the process of getting it revalidated. It's been validated several times by other applicants.

In addition to the wetland line, there is 100-foot buffer line that runs 100 feet from the wetland line which needs 100-foot buffer permit from the DEC which has been applied for, but needs to be granted before an actual site plan approval.

The applicant presented a detailed grading sheet which shows the grading on the project. The entrance road is in the exact same place as before when it was the Olympus Fitness Center. The county has to reapprove the entrance which is far away from Lake Station Road so they don't

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interfere with traffic. There is 120-foot turning area for a tractor trailer to pull in and back up and to drive out. They've put a gravel road around the building which is going to be for fire protection. They will be able to traverse the building if need be. There is no new disturbance to the wetland created. The boundary of the wetland has been the disturbed area.

The wetland lines came about somewhere in the 1990's when the DEC drew the wetlands up to this property. When this building was built in 1986 there were no New York State wetlands. Because it's all preexisting, they've met with the DEC and working on the most minimal disturbance as possible.

There is an existing well on the site. This has been drilled by a previous owner. The well is 250 feet deep and it has a 30-gallon-a-minute rate which is more than adequate for the project which is just warehousing. The applicant is going to be putting in a septic system to handle the 60 people. It is similar to and about twice as big as a normal house system pumping into the building through a forced main and collecting system on top of the hill.

There is a wooded area that is going to be maintained. Along Station Road there is going to be cutting out to put in the septic system. The drainage is a sheet drainage. It's very flat. The building slab is going to be slightly elevated from the ground. The applicant is going to put an artificial highpoint in the parking lot where the water will run down through the dry swales for water quality and exit into the wetlands. The front of the building will run to a storm water pond for settling out and then overflow a culvert into the wetlands. It's a very simple drainage process with not a lot of catch basins. It all runs totally over the ground.

In the lighting and landscaping plan the lighting is 23-foot high lights that point directly down. The lighting fixture arrangement will produce an illumination level of not more than a half foot-candle at the property line. No light is being put over Lake Station Road at all. The light in the front is going to be shielded so there is no lighting out to Bellvale Road.

For the landscaping they are going to be putting trees along the entrance consisting of pine and maple. There are existing spruce trees and a wooded area that will be maintained to screen the building which sits 17 feet lower than the highest point on Lake Station Road.

Chairman Serotta stated that before a public hearing is set, certain plans are referred up to the Orange County Planning Department when they meet one of five criteria. This did meet one of them. If the plan sits on a county road it's referred up to the County Department of Public Works and referrals come back to the Planning Board.

Chairman Serotta talked about the 239 that came in from County Planning. County Planning gave two choices with some in between comments in and they can either make mandatory comments requiring a super majority by the board or they can require just a local determination

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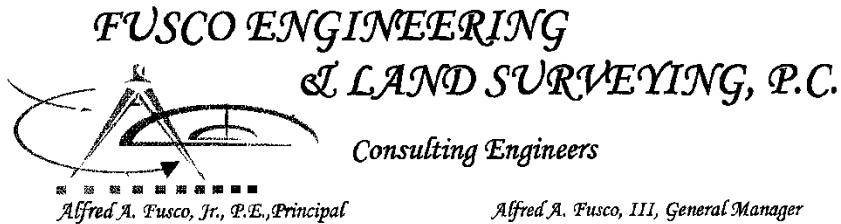
meaning that the board is free to do what they want. County Planning did make one advisory comment about the drainage.

Chairman Serotta stated the plan did go up to Orange County Department of Public Works and it was boiler plate. They have to get a driveway permit and a driveway cutoff on Bellvale Road. It's a checklist to go through rather than a review.

Mr. Dillin stated that they were asked to do some renderings. He stated they can't keep every one of the trees but they are going to try to keep as much as they can. There is going to be a pond that goes behind the trees. There will be a piece cut out where the septic system is. There will be trees and shrubs along the building. The applicant showed various renderings.

Chairman Serotta stated that 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

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December 17, 2014

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

Re: Bazs Site Plan  
Black Meadow Road  
Orange County, New York

Dear Mr. Serotta and Planning Board Members,

We have reviewed the Preliminary Site Plan for Bazs prepared by KC Engineering and Land Surveying, P.C. and James Dillin, L.S. and dated December 3, 2014 and a application to the NYS DEC Wetlands Permit Application and plans dated November 18, 2018 we offer the following comments:

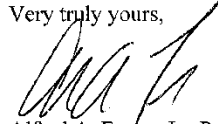
1. The applicant has submitted a plan to the NYS DEC for a permit to work within the 100' wetland buffer. We would ask that the applicant copy us on the NYS DEC comments.
2. The applicant has provided a NYS DEC Wetland Map; the boundaries of the wetland have been shown and submitted to the NYS DEC for approval.
3. The applicant has indicated that at the time that the structure was started there was not a NYS DEC wetland located on this property since then the NYS DEC has extended the boundaries of NYS DEC Wetland WR-27 subsequently a NYS DEC wetlands disturbance is now required the applicant has submitted to the DEC for this permit approval.
4. The current plans indicate a septic tank and pump chamber tank located on the northwesterly side of the building with a force main through the building, we would ask that the applicant to discuss this.
5. The soils testing that has been provided and was performed in the 2009, our office would like to see additional testing performed, at least one percolation and deep soils test, these tests should be witnessed by our office.
6. The existing well will need to be sampled, tested and approved by the orange county health dept. as a non transient non-community public water supply. Provide documentation from the health dept.
7. Approval is required from the Orange County Department of Public Works for either an existing entrance modification approval for a new entrance.

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8. Per 98-30 site plan approval no structures or buildings shall be erected within 100 feet of the high-water mark of a stream. All development within 100 feet of any stream shall be reviewed with the intent of mitigating any adverse water quality issues that could impact the stream. A portion of the proposed building and the gravel drive falls within this 100 foot buffer. The planning board should discuss with the applicant what mitigating factors that they are proposing.
9. Provide the location of the roof drains.

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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Mr. Fusco stated that the New York State DEC wetland issues need to be solidified with permits and mapping. Mr. Fusco stated the septic tank and pump station needed to be discussed. He is not hot on it going through the building and he would rather it go around the building. Mr. Fusco said they were going to ask for another perc test since the last one was done in 2009 and he usually requests them every three years. The well sounds good. The applicant needs to get some sampling and needs to submit through the Orange County Health Department for a non-transient, non-community water supply. The applicant needs to satisfy Public Works.

Mr. Fusco stated there is some issue in relationship to the 98-30 site plan approval that we have an ordinance that the plan has to be 100 feet away from the stream. The board has a right to waive that and discuss any mitigation factors that they may require. Mr. Fusco stated it looked like they have to provide some roof drains for that large roof area.

Mr. Dillin agreed and said they would put some piping there.

Mr. Fusco stated that the Orange County Department of Transportation gave a checklist and the applicant has to provide all the information back to them. It was an existing approved location so he does not anticipate any issue with that.

Chairman Serotta asked if there is a stream on the property.

Mr. Dillin stated that it is really wide on the property and fans out, but after it leaves the property it does go back into the stream. It's isolated after it leaves the property.

Chairman Serotta asked if there were any questions or comments from the board before he opened the public hearing.

Mr. Barry Sloan asked if the site plan is going to be sent to Karen Arent for landscape and review. Chairman Serotta said yes. Mr. Barry Sloan also asked that the trees for the drainage be compatible with the wetlands. He also stated that the applicant is not showing the existing construction trailer on any of the maps.

Mr. Dillin stated they didn't have it because they were temporary. Mr. Barry Sloan said the applicant would have to come back to the board for approval of the construction trailer.

Chairman Serotta asked if they are going to keep that there. They said no, they are not going to use that for construction but the boxes are sitting there for and during construction and the fence is there to keep the equipment safe. Mr. Dillin believes the trailer already exists there. Mr. Barry Sloan said it should show the construction trailer to be removed on the maps. Mr. Dillin stated that what they are not going to keep they will show and if they are going to remove it they will say they are going to remove it and he will add that to the plan.

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Chairman Serotta asked if the storage boxes will be removed after construction. Mr. Dillin said yes. Mr. Barry Sloan stated that there is an ordinance that you have to apply for a permit for the construction trailer and it has to be shown on the map. The applicant stated they will add that to the next plan.

Chairman Serotta opened the public hearing. He stated the applicant had to send out mailings to people who live within 500 feet of the property in question and it also had to be published in the Times Herald Record. Let the record reflect that the proper mailings went out and the proper notice went out to the Times Herald Record.

Chairman Serotta opened the floor to public comment. First to speak was Bob Poltenovage of Lake Station Road. He stated the site was a mess for years and that the parts that were supposed to go on the building have been rotting on the ground all this time. He said the girders are rusted and some are missing and he doesn't see how you can build on something that has been rotting for 30 years. Mr. Poltenovage stated he has a well and is concerned about the septic system. He stated previously there was talk about a water purification system. He has concerns that the septic system is placed by Lake Station Road and he is right across the street from that and he has a well. He thinks that is too close to people's houses all along there. Mr. Poltenovage has felt that the property has been neglected and not very neighborly to surrounding homes. He feels he would be more convinced if the property had been taken care of. Chairman Serotta stated he would take the comments into consideration.

The next speaker was Ms. Varcey, 46 Lake Station Road. Her concern is the loading docks. She asked how many bays there were. Chairman Serotta stated nine. She is concerned with truck exhaust and truck traffic. She would not call the area heavily wooded, especially at times when there are no leaves on the trees. It's in plain sight of Lake Station Road. She asked if there is a particular requirement that the parking lot be so many feet from the property line. Mr. Dillin answered that he believes the code she is referring to is that you are not allowed to park any closer than the minimum setback line. Ms. Varcey stated that the tractor trailers would be parked for some amount of time and asked if there would be some limitation on trailers parking there overnight. Mr. Dillin stated that he is not even sure there are going to be tractor trailers since there is no user yet. Her concern is that the definition of light industry is very big and who and what would be in the facility, what their hours would be, what potential chemicals they would be using, what trucks would be bringing in, and noise. She stated that she could hear what is happening on the property even now without a user. It's a general quality of life concern. She also asked if there any planned access for the road that runs across from Paradise. Mr. Dillon answered no, it's not proposed. The DEC was against disturbance in that area. Ms. Varcey said she would like to see the property cleaned up, but is concerned with what the light industry might be and truck traffic.

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Next speaker, Richie Lodato 4 Bellvale Road. Mr. Lodato asked where the dumpsters were going to be located. Mr. Dillin answered on the corner. Mr. Lodato asked what is the zoning in this area. Mr. Dillin answered industrial park. Mr. Lodato asked what that means in an industrial area, like same as Chester Industrial Park. Mr. Dillin said yes, it's been zoned that way for some time. Mr. Lodato asked if this could be 24/7 operation. Chairman Serotta said he will take comments from the public but he's not here to approve anything tonight. He explained that the applicants just bought the property and are the new owners. The applicant wants a generic approval. Chairman Serotta said it would have to be reviewed by the town engineer. If the applicant is going to increase traffic, noise, water usage, sewer usage they may have to come back in front of the board. Then more questions will be asked. The board will review all of that, but it's not on that minute level yet. It might be reasonable for the board to put some minimal conditions on the site plan approval saying if it exceeds any of those then they are going to have to come back before the board and then there would be a new public hearing. Mr. Lodato asked to be shown the seven acres. Mr. Lodato asked to go back to see the picture of the structure of the building. Mr. Dillin stated it was a very simple rendering. Mr. Lodato asked if they were looking to make the building look more residential or a very industrial-looking building. It was stated they are stuck with the shape of the building but would like to side it red so it had a barn feel to it.

The next speaker was Dave Teller, 15 Paradise. He asked if the idea was to repurpose the existing foundation in steel and if the size of the new structure will be the size of the steel they see now. Mr. Dillin said yes. Mr. Teller asked if there were any planned additions. Mr. Dillin said no. He asked what the purpose of this meeting is. Chairman Serotta said the applicant has just submitted his proposed plans and it is a public hearing to let the neighbors speak. The board is eager to hear the public's comments so that they can take them into consideration. Ultimately the applicant is looking for site plan approval from the Planning Board. Mr. Teller asked if the proposed use is consistent with the current zoning and Chairman Serotta stated yes, it is. Mr. Teller asked when a proposed tenant use is revealed for this building, is that necessarily looked at, approved and open to public hearing or is it possible that the neighbors could end up with commercial use with odors without having any control over that? Chairman Serotta stated that if there is any change of use, the applicant will have to go to the building department and the Town Engineer, Al Fusco, will take a look at it. Chairman Serotta said they may make some conditions after hearing the neighbors' concerns since it borders on residential property. The way the Town Code works, Al Fusco has a choice to take a look at it and if he feels that it rises to the level to go back to an additional modified site plan review, he would send it back to the Planning Board. If it comes back to the board then the neighbors would get another opportunity to have a public hearing. Town Attorney, Dave Donovan stated it depends. The application that was submitted identifies certain generic type of approvals. Mr. Dillin spoke about the number of anticipated employees, which indicates the amount of parking, the size of the septic system. If those things change, then the building inspector and the town engineer are going to refer it back to the



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planning board. The Planning Board then has the option to schedule a public hearing or not do so, but generally if it meets the threshold to be sent back here, it meets the threshold to have a public hearing. Mr. Teller stated it would be unfortunate to end up in a residential area with offensive manufacturing.

Mr. Donovan said it would be helpful if he ran through the uses that are allowed in this zone. One of the uses is wholesale operations of a light industry nature. Permitted uses are single-family homes that were in existence before May 2003 and municipal buildings. Uses that require site plan approval from the Planning Board are office buildings for business research and professional use, bed and breakfasts, daycare centers, nursery schools, schools of special instruction and referred everyone to read the posted list. Chairman Serotta stated the applicant is proposing to bring this in as a generic under number 12 on the list which is light industrial uses including manufacturing, assembly, converting, packaging, altering, finishing, cleaning or any other processing of materials involving use of only oil, gas, electricity or the equivalent.

Bob Poltenovage spoke again and stated that at one time previous owners were going to build a modular home factory and back then he looked into what light industry was and it was defined as the use of relatively light equipment to produce relatively small objects and he made the argument that a mobile home is 70 feet long and 20 feet wide is not a relatively small object. He is worried that the definitions that are in the town rules seem to fit that. He feels that it is very liberal. He also restated his concern with the girders and the foundation. He also stated that down Lake Station Road the water goes underneath the road and there is a spot there that goes to the wetland that goes all the way to the Warwick Municipal Airport. So he is concerned about the water filtration system killing plants and animals.

Dave Teller spoke again and asked if there is any truth to the statement that this type of building will need more than one entrance. Chairman Serotta stated there is no proposal for more than one entrance. Mr. Teller then asked if there is any requirement that this would need more than one entrance. It was answered that would be a building inspector and a New York State Building Code issue that the Planning Board would not look at. Mr. Teller asked if he can be assured that there won't be an entrance on Lake Station. Chairman Serotta said the applicant would have to come back for a modified site plan for that. It's okay under code to have one entrance.

The next speaker was Mary Creagh who lives on 41 Paradise Lane. Ms. Creagh questioned the lighting plan. Mr. Dillin discussed the lighting plan on the projector. Ms. Creagh commented that the lighting would be closest to Lake Station and asked if they will be on 24 hours. Mr. Dillin stated he did not know, but probably one or two would be left on. Ms. Creagh commented that it would be great if they could add any extra landscaping between Lake Station and the building. When she drives up now that the trees are bare, you do see a lot of it. Ms. Creagh asked if there was a way to put the entrances at another location, not on Lake Station. Chairman Serotta said the entrance is not on Lake Station Road and cannot be put by the bays because of the wetlands.

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The next speaker, Judy Rizzo, of 44 Paradise Lane gave support for the project to the owners for proposing economic development.

Let the record reflect that nobody else wants to speak for or against the application at this time.

Chairman Serotta polled the board member as to whether to keep the public hearing open or close it now.

Barry Sloan was comfortable closing.

Steve Denes did not have any problem closing.

Ernie Damiani questioned if there were other issues that needed to be addressed for the applicant to come back. Chairman Serotta stated that once the minutes were received, the board would review everything and talk about how to proceed with the generic application. He explained that the applicant has a lot of permitting through the DEC to get through. Mr. Damiani stated to close it.

Chairman Serotta explained that by closing it, it only means the board will no longer have the public coming to talk to them. He stated he does accept e-mails and phone calls.

Chairman Serotta asked if there was a motion to close the public hearing. Motion made by Barry Sloan and seconded by Steve Denes. The motion passed with a 5-0 vote.

**TETZ MINE EXPANSION** – Chairman Serotta stated there was a public hearing on a site plan mine expansion on Tetz Lane for Gary Tetz. At the last meeting the public hearing was closed. The attorney, Dave Donovan, sent out a resolution for final site plan approval.

Chairman Serotta polled the board for comments and questions. Al Fusco, engineer stated he was satisfied at this time. Bob Conklin stated he was good for now. Chairman Serotta stated he was good for now. Steve Denes had no comments or questions. Ernie Damiani stated he had no questions. Barry Sloan stated he had no questions.

Dave Donovan indicated that this is an amendment to an existing mining facility. The applicants already have an approval from the DEC. They are mining a 36-acre portion of the property. They have applied to the DEC for an expansion for 22 additional acres. Mr. Donovan cited the provision of law that indicates that all other State and local laws relating to the extracting mining industry have been superceded by the State of New York with certain limited exceptions. The only ones that apply here are laws or ordinances of general applicability. Mr. Donovan recited the materials that have been submitted and the only condition that's imposed is that the applicant needs to get their permit from the DEC to operate. Absent that permit, they don't have site plan approval. Once they get that permit from the DEC they are from the Planning Board's perspective, good to go.

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Chairman Serotta asked Gary Tetz how long until this starts. Mr. Tetz replied a long time. Mr. Donovan stated the DEC is the lead agency in connection with this project and they've already issued a negative declaration.

A motion was made to adopt the resolution by Mr. Conklin and seconded by Mr. Denes. The motion passed with a 5-0 vote.

**WOODRIGDE SUBDIVISION** – Chairman Serotta stated the Board talked about the project. A couple of issues that happened were there was a question on the soils group on three of the lots out of the ten so the ten-lot yield was not accepted. At that point Al Fusco said there was a seven-lot yield with three questionable ones. Since then Mark Siemers' clients have taken a machine and dug deep hole tests and supplied the soil tests and supplied the results to Al Fusco on those three lots in the upper part of the property.

Al Fusco stated he had requested some additional soils work to make sure that the yield analysis was complete and Mark Siemers had forwarded the results of the soils tests which they had performed. He stated the results were fairly consistent with the rest of the property. They did hit some solid material at a fairly shallow depth, but it was rippled shale which is allowed and gave them four feet of usable soil. Mr. Fusco concluded at that point that the soils tests were adequate to allow septic disposal in those areas.

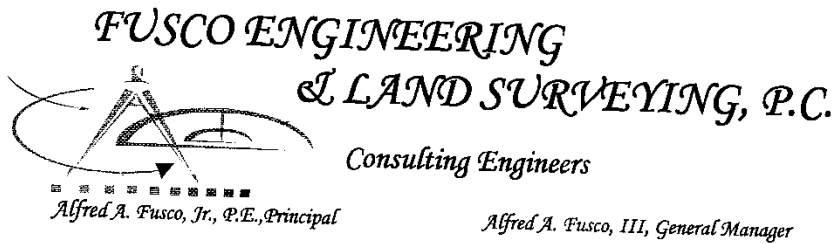
Chairman Serotta stated the flagged lots were 7, 6 and 5. He stated this is not where the applicant wants to build houses, but septic tanks could go into those lots. That's all the applicant has to prove is that they are buildable lots.

Chairman Serotta polled the Board for comments and questions. Barry Sloan had no comment. Ernie Damiani had no comment. Steve Dennes stated he was comfortable. Bob Conklin had no comment.

Chairman Serotta then asked if the Board was comfortable with the ten-lot yield. The applicant submitted a yield map of 10 lots.

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 12, 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" dated Dec. 11, 2014 and "Cluster Subdivision Plan" dated Nov. 18, 2014 and offer the following comments:

With regards to the Yield Plan:

1. The applicant has provided deep soil testing on lots 5 through 7, this soil testing indicates that a septic disposal could possibly be designed for the proposed location.

With regards to the Cluster Subdivision Plan:

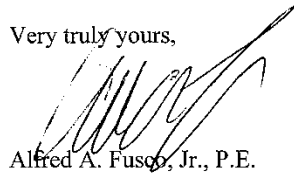
1. The subdivision is located in a Ridge Preservation Zone as such there are many restrictions that this subdivision will need to adhere to, new structures within this district shall be located to the maximum practical extent so as not to be visible from any point on Pine Hill Road, Bull Mill Road, Black Meadow Road or on a state, county or interstate highway, and the if structures cannot be completely obscured they shall be made to blend as unobtrusively as possible into the hillside to avoid breaking the natural ridgeline. See code 98-26.
2. The Power to approve the location and dimensional attributes during the subdivision process in the RPOD is given to the Planning Board. The Planning Board shall require a visual impact assessment to evaluate the potential visual impacts of the new structures and to minimize the removal of trees and vegetation.
3. Structures shall be located at the lowest elevation possible in order to avoid breaking the ridgeline.

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4. This subdivision is located on Laroe Rd. (County Hwy. No. 45) the Ridge Preservation regulations require the homes to be screened from the road.

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 stated that the applicant had always listed the yield plan in a ridge preservation zone. He wanted to bring to the Board's attention that in accordance with code 98-26 that the Planning Board has responsibility to look at the visual impact in relationship to building on ridge preservation area. In relationship to that, there are certain mitigation measures that are pretty standard in that you keep the disturbance to a minimum, cut as few trees as you have to, on the view side you plant some additional plantings to make sure that the home is somewhat blocked and reasonable colors such as earth tones and to pull the actual houses down of the ridge somewhat.

Mr. Donovan then stated that what the code says is that once the Planning Board has agreed that the conventional yield plan meets all pertinent requirements, it talks about holding a discretionary public hearing. It does not make any mention of any vote of the Planning Board that is required to accept the yield plan. The Board needs to be careful of approving an action before completing SEQRA, but at the same point in time he feels that there should be some sort consent by the Board of the cluster plan. To the extent there should be some reservation that if there is additional information that comes forward to indicate it's contrary to the code, that the Board should be able to reverse field. If the applicant is going to spend money on the plan, there should be some indication from the Planning Board that you are amenable and do agree that the yield plan meets all pertinent requirements.

Chairman Serotta polled the board regarding the yield plan. Mr. Conklin, Chairman Serotta, Mr. Denes, Mr. Damiani and Mr. Sloan all agreed to move ahead to the cluster plans.

Chairman Serotta referred to a plan depicting open space, described where Mr. Siemers added 25-foot buffers on the sides of the properties to help conservation easement.

Mr. Siemers stated the applicant submitted new plans today in anticipation of the public hearing of the cluster plans so that it is in the public file for review and that they have increased the buffer all the way around to 40 feet.

Chairman Serotta asked Mr. Siemers if along Laroe there could be a small buffer in. Mr. Siemers could not say whether one could be put in, but agreed to speak with the applicant to see if they are willing to look at any planting evergreens. He doesn't believe there is enough room for the grading of the pond and the septic system on Lot 1 to put any buffer along Laroe Road, but they may be able to get some vegetation in there to reduce the visual impact.

Chairman Serotta stated that it is 760 feet from the cul de sac to Laroe and they may not see very much.

Mr. Siemers stated that one of the requirements or provisions of the ridge preservation overlay district is that the Planning Board would require a visual impact assessment to be done. So he highlighted in the Town of Chester three roads, Pine Hill Road, Black Meadow Road and

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Bellvale Road. He indicated that the highest house is listed at the 680 contour and pointed out the disturbance limit line. Leaving existing vegetation will help shield the project from surrounding areas. The ridge runs through the Town at 960, 940, 1160 shielding the project from just about everything on one side of the town. Another smaller ridge shields County Route 82 from the project. The only visual impact this project will have is on a section of Laroe Road. Mr. Siemers requested that the Board review this plan and waive a requirement doing a visual impact due to the minor amount that the project will be seen from any roads highlighted in the code. The required notations are on the plans and the applicant has submitted several architectural with color schemes for the Board to approve.

Mr. Siemers asked that a lengthy visual impact assessment not be required as it's not visible from areas in the town.

Al Fusco stated that instead of doing a negative he would prefer to say that the visual impact analysis submitted is satisfactory.

Chairman Serotta stated the Mr. Siemers asked to set a public hearing on January 21, 2015.

Chairman Serotta polled the Board for questions and comments. Bob Conklin stated that if buffering could not be done along Laroe Road, what is the possibility of moving the buffering line back to lot lines so that it's only one house that is not buffered. Chairman Serotta asked if Mr. Conklin meant a 25-foot conservation easement. Mr. Conklin stated just evergreens.

Mr. Siemers replied they are already landscaping the storm water facility and already have trees all around it and would consult with his client.

An unidentified speaker questioned why the whole development couldn't be shifted up 50 feet in order to put in the buffering. Mr. Siemers responded that the pond has to go on the low point of the property that is going to be used for drainage. A second reason why it can't be moved is the soils for the sewage disposal system on Lot 1 won't allow a shift up. A third reason is that the code says to try to keep the houses as far down as possible. The only house that may be seen is possibly Lot 1. There is a 40-foot buffer around the entire project. Mr. Siemers also stated that having trees on private property to create a buffer is not an ideal situation.

A motion was made by Mr. Sloan and seconded by Mr. Conklin to grant a Public Hearing on January 21, 2015 at 7:00 pm. The motion passed with a 5-0 vote. The meeting was adjourned.

Respectfully submitted,

Tanya McPhee

Planning Board Secretary