

TOWN OF CHESTER
PLANNING BOARD MINUTES
March 6, 2019

Meeting called to order: 7:00pm

Members present: Chairman Serotta, Bob Conklin, Carl D'Antonio, Jackie Elfers, Dot Wierzbicki, Larry Dysinger

Also Present: Dave Donovan-Attorney, Al Fusco-Engineer

Absent: Alexa Burchianti-Secretary, Mark Roberson

Next meeting of the Planning Board is scheduled March 20, 2019 and April 3, 2019.

Board updates: Mark will be back from deployment end of March beginning of April. Would like to start the subdivision regulations soon.

Hills of Chester– 90 Day Extension

Letter came in from Tom DePuy for request for extension. Chairman stated that he thought they were going to start building soon. Al had them re-delineate the wetlands and some wetland work.

Motion made to grant the 90 day extension by Bob. Second by Carl. Motion carried 6-0

Tin Barn Brewery– Public Hearing

Jeremey Valentine from Lehman & Getz present to represent the applicant Dale and Lauren Van Pamelan Tin Barn Brewery.

The SHPO study was done, 239 municipal referral and the referral to the DPW. The DPW is still ongoing. Currently the DPW wants the sign moved. Currently the sign is in the DPW right of way. Has to be pushed back about 8'. There are a few things that the DPW was concerned with.

DPW letter 2-27-19:

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Steven M. Neuhaus
County Executive

**ORANGE COUNTY
DEPARTMENT OF PUBLIC WORKS**

Erik Denega, P.E., P.M.P.
Commissioner

P.O. Box 509, 2455-2459 Route 17M
Goshen, NY 10924-0509
www.orangecountygov.com
TEL (845) 291-2750 FAX (845) 291-2778

Via Email: aburchianti@thetownofchester.org

February 27, 2019

Alexa Burchianti, Planning Board Secretary
Town of Chester
1786 Kings Highway
Chester NY 10918

Re: Tin Barn Brewing Inc.
62 County Route 13A – Sugar Loaf Bypass
Town of Chester, Section 13 - Block 1 - Lot 44.22
Plans by: Lehman & Getz, P.C. Sheets: 1-2 dated 1/8/19
Short Environmental Assessment Form (4 pages) dated 1/2/19

Dear Chairman Serrota:

This Department has reviewed the plans for the above referenced project and have the following comments. We request that all the below comments, notes, and details be addressed and that the revised plans be submitted to Orange County for review, comment, and/or approval.

STANDARD COUNTY NOTE:

1. "No site preparation or construction, including utility connections, shall commence until a valid Highway Work Permit has been secured from the Orange County Department of Public Works under Section 136 of the Highway Law" must be on **all** sheets of the project plan set.

EXISTING PHYSICAL FEATURES:

1. Show the County Right of Way on the East Side of County Route 13A.

PROPOSED UTILITY CROSSING:

1. The utility crossing shall be directional drill. No open cut of the county road shall be allowed.
2. Add the following note: The Orange County Department of Public Works Backfill Detail on Sheet 2 is included on the plans should the directional drill be unsuccessful, and an open cut be authorized by Orange County Department of Public Works – Highway Engineering.

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3. The proposed sewer manhole and sewer lateral conflict with the existing storm drainage and pole anchor for the adjacent utility pole at DeRose Lane. The proposed sewer lateral road crossing alignment shall be shifted North.

LANDSCAPING: Add notes 1-3 to the plan set.

1. No plantings (shrubs/trees) or landscaping features (Gates, Fences, Stone Pillars, Stone Walls, Signs, etc.) shall be placed within the County Right of Way.
2. All disturbed areas are to be graded, seeded, and strawed daily.
3. All trees and drip lines are required to be completely outside of the County Right of Way.
4. The existing sign shall be removed from the County Right of Way.
5. Show all proposed landscaping, signs, etc. for the proposed facility.

If you have any questions, please contact this office at your earliest convenience.

Very Truly Yours,



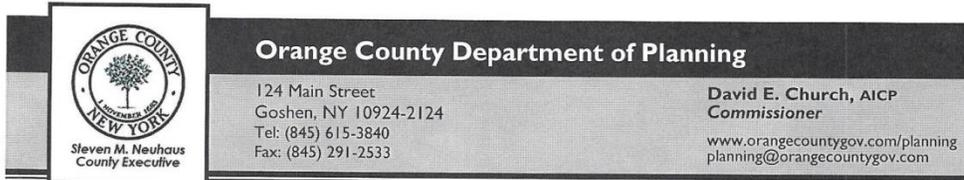
Mike Carroll
Senior Engineer

cc: Travis Ewald, PE, Deputy Commissioner
Michael Villarosa, PE, Principal Engineer
Anthony Trochiano, PE, Principal Engineer
Jeremy Valentine, Lehman and Getz, P.C. Email: jeremy@lehmangetz.com

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Jeremey stated he will make the changes on revised plans and submit.

OCDP Response letter 2-7-19:



**County Reply – Mandatory Review of Local Planning Action
as per NYS General Municipal Law §239-l, m, & n**

Local Referring Board: Town of Chester Planning Board **Referral ID #:** CHT 02-19M
Applicant: Dale Van Pamelen **Tax Map #:** 13-1-44.22
Project Name: Tin Barn Brewery **Local File #:** none provided
Proposed Action: Site Plan for change of use for existing 12,000 sq. ft. building with existing appurtenant development onsite
Reason for County Review: Within 500 feet of County Route 13A (Kings Highway)
Date of Full Statement: January 31, 2019

Comments:

The Department has received the above referenced site plan and has found no evidence that significant intermunicipal or countywide impacts would result from its approval. We would like to offer the following advisory comments:

Landscaping: As the site and all improvements are existing at this time, and the usage of the proposed site is likely to be similar in terms of traffic, we advise the Town that there are not many improvements to suggest. We do advise the Town and the applicant that if the applicant wanted to cool the building somewhat and absorb some of the stormwater runoff from the macadam parking lot, they could plant some woody-stemmed deciduous trees along the edge of the parking lot, building and driveway. This would provide shade on the southern part of the site during the summer with sunlight in winter, and woody-stemmed plants such as oaks and maples take up more water than smooth-stemmed plants like small shrubberies.

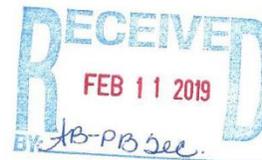
County Recommendation: Local Determination

Date: February 7, 2019

Prepared by: Megan Tennermann, AICP, Planner

**David Church, AICP
Commissioner of Planning**

As per NYS General Municipal Law 239-m & n, within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available online at www.orangecountygov.com/planning.



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SHPO Letter 2-7-19:



ANDREW M. CUOMO
Governor

**Parks, Recreation,
and Historic Preservation**

ROSE HARVEY
Commissioner

February 07, 2019

Mr. Jeremy Valentine
Project Manager
Lehman & Getz
17 River Street
Warwick, NY 10990

Re: DEC
Tin Barn Brewery
62 Kings Highway Bypass, Chester, NY
19PR00783

Dear Mr. Valentine:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the OPRHP and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

Based upon this review, it is the New York State Office of Parks, Recreation and Historic Preservation's opinion that your project will have no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Michael F. Lynch, P.E., AIA
Director, Division for Historic Preservation

Division for Historic Preservation

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • www.nysparks.com

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The bog turtle report was submitted and dated 2-7-19 and is on file if anyone from the public would like to view it. (The report is 14 pages and was also posted on line) Al Fusco also reviewed it and was ok with the report. The report stated that based upon the habitat assessment the proposed construction activity will not have an impact to this reptile species. This was the only species that was identified on the mapper.

Al Fusco Letter 2-25-19:



- 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

February 25, 2019

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

Re: Tin Barn Brewery
Our File #CH-166

Dear Chairman Serotta,

We have reviewed the latest submission and offer the following:

PROJECT:

Name: Tin Barn Brewery
SBL: 17-1-20.213-1-44.22
Acreage: 4.8 Acres
Zone: LB/SL
Material: Habitat study – Lehman & Getz plans 2/15/19 – Narrative report – layout of interior

COMMENTS:

1. We have reviewed the submittals and they have addressed our concerns.
2. Resolution of approval to include:
 - a. Permit required from OCDPW for work on right-of-way.
 - b. Building permit from Town of Chester to include backflow prevention
3. Board comment.

Action:
SEQR
Conditional Approval

Please advise if you have any questions.

Very truly yours,


Alfred A. Fusco, Jr., P.E.
FUSCO ENGINEERING &
LAND SURVEYING, P.C.
AAF/cam
Cc: Alexa Burchianti

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Al Fusco stated that he they have addressed everything that they had concerns with. They need a permit from OC DPW and from the town building department when they do this and make sure this includes back flow prevention. Jeremy stated that the owner signed the application and is with Bill Keller in the Water Dept. to sign it so they can submit it to the Health Department.

Chairman received an email today from the Supervisor with a letter from Jim Farr regarding the water. We know they petitioned the town for sewer but the question was about water.

James Farr Letter 2-28-19:

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To: Supervisor Bob Valentine and Town Board

Cc: Don Serotta, Planning Board Chairman
Scott Bonacic, Town Attorney
Dave Donovan, Planning Board Attorney
Al Fusco, Jr., P.E., Planning Board Engineering
Bill Keller, Water System Operator

From : Jim Farr, P.E., Town Water Engineer and Building Inspector

Date: 28 February 2019

Re: Tin Barn Brewing Water and Wastewater

Pursuant to the request of the Town Supervisor, I have reviewed the proposed potential wastewater and water impacts of the Tin Barn Brewing project on the Town's water and wastewater systems.

I have also spoken with Ms. Elizabeth Mansfield, Real Estate Agent, apparently representing the project sponsor and Billy Keller the Town's Water Operator. I have also attached an e-mail from Ms. Mansfield summarizing the project's sponsor's proposed protocol for water and wastewater usage.

The following is a summary of my opinions and recommendations:

A. WASTEWATER

Wastewater is proposed to be conveyed to the Moodna Sewer Basin collection and conveyance system for ultimate treatment at the Harriman Wastewater Treatment Plant. The Planning Board should be provided with a "will serve" letter confirming that the Moodna Sewer Basin Commission is willing to accept the wastewater.

The applicant should also agree to pre-treat the wastewater if deemed necessary by the Moodna Sewer Basin Commission. The project sponsor will be responsible for all capital, inspection, operation and maintenance costs for the conveyance and treatment of the wastewater.

Farr Engineering
P.O. Box 302 – Port Jervis, NY 12771
(914) 474-1980

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If necessary, the Town Board shall either expand the Sewer District or enter into an outside sewer user agreement with the applicant.

Beer brewing produces a high strength wastewater. The Town should confirm if the Moodna Sewer Basin Commission will charge an extra fee for this higher than normal domestic strength wastewater, so the applicant and the Town's billing department is aware of this extra charge , if applicable.

The applicant shall be responsible for all applications/permits, construction, inspections and sampling costs if sampling is deemed necessary by Moodna Sewer Basin Commission.

B. WATER SUPPLY

It appears that the subject parcel is located outside of the Sugar Loaf Water District. If necessary, the Town Board can either expand the Water District or enter into an outside sewer user agreement with the applicant.

It is my understanding that the homes on Derosé Lane where the applicant's engineer has proposed a connection to the Sugar Loaf Water District's 6-inch water main has historically experienced low water flow and water pressure during typical peak residential water usage periods in the morning and evening. There have also been several service lines breaks in the vicinity.

Based on the exiting water system conditions and the attached the proposal from the project sponsor's e-mail I recommend the following:

1. The applicant's representative stated in the e-mail that the project sponsor would comply with the following conditions:
 - a. They will fill one (1) 930-gallon beer brewing barrel on Sunday and Monday nights.
 - b. They would start filling the tank around midnight and continuing filling the tank for approximately 7 hours at an approximate rate of 2.2 gallons per minute.

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- c. The project sponsor would ONLY use the Town's water for filling the beer brewing tanks.
 - d. The project sponsor would use the existing on-site well and building plumbing for ALL other potable water uses in the building that may include washdown, food preparation, drinking, bathroom facilities, cooking, cleaning etc.
2. The connection to the Water District shall be subject to the following conditions that should be noted on the site plan:
- a. The maximum size of the water service connection shall be 1-inch in diameter. The applicant's engineer shall provide a report to the Planning Board and Water Department that the 1-inch service and 2.2 gpm flowrate will have no adverse impacts to the water district's existing customers.
 - b. The water service shall be copper with a burial depth of a minimum of 48-inches to 60 inches maximum.
 - c. A backflow preventor (double check valve or reduced pressure zone) per the NYSDOH code for the use shall be provided. The backflow preventor must be tested annually and the report submitted to the Town with the September water bill. If the test report is not submitted, water service can be terminated by the Town.
 - d. The project sponsor shall purchase a water meter from the Water Department. The meter shall be installed by the project sponsor.
 - e. Water flows from the Town connection shall be recorded by the project sponsor on a daily basis if water is used or not. The tabulated water usage shall be maintained by the project sponsor and be made available to the Town upon request. If proper records are not being maintained the Town may terminate water service.
 - f. A curb stop shall be provided at the County right-of-way to allow closing of the water service.
 - g. A flow control valve shall be provided to limit the flow to 2.2 gpm. The use of a manually adjustable valve is NOT acceptable.

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- h. A pressure relief valve shall be provided to prevent water hammer.
- i. The applicant shall establish an escrow fee to allow inspection of all work by Town representatives.
- j. Design of the complete water supply system shall be detailed on the plans for review by the Water Department.
- k. There shall be no cross-connections between the Town's water supply to be used for beer tank filling ONLY and the on-site well to be used for all other building purposes.
- l. The project sponsor shall agree that at any time that the proposed project operations create an adverse impact to the existing Town water operations, they shall immediately cease use of the Town's water supply until such time that the matter is resolved by the project sponsor to the Town's satisfaction.

If the applicant is in agreement with all the conditions outlined above, it is my opinion that the Town can provide water and wastewater capacity to the proposed project.

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Chairman pulled up the internal sketch of what the layout would somewhat look like. (this sketch is also posted on line)

Larry asked about existing lighting. Just wants to make sure it conforms. Jeremy Valentine explained the building is lower than the road, and they have no plans on changing the lighting. They were going to use the existing lighting that is there.

Polled board for comments and questions before Chairman opens the Public Hearing.

Bob: Wondering if we will get a “will serve” letter confirming that Moodna sewer basin is going to accept the waste water. So he is assuming that line will take the added capacity? Chairman stated that Bob brought this up at the last meeting. Jeremy Valentine stated he has been playing a little phone tag with the people at Moodna. He spoke to Jim Farr and opined regarding BOD’s. Bob stated he just doesn’t want to see the applicant get into a jam. Bob: What is considered high strength waste water?

Valentine: It’s the BOD’s (Biological Oxygen Demand) very high nutrients. There will be a septic tank for the BOD’s to settle and then the waste water gets pumped out. No pre-treatment. The solids settle out before it gets pumped out. No fields.

Bob: Jim stated that you are going to be filling tanks Sunday and Monday nights? One tank each day? Jeremy: Yes, correct one 930 gallon tank each day.

Chairman asked who determines the decision about the BOD’s Moodna? Did you provide them with any technical? So they can understand this? Jeremy stated he will provide them with anything they request.

Al stated that he was fine with the letter, plus the Town or Moodna can always request and require pre-treatment if it becomes an issue.

Let the record reflect that the proper notices was placed in the Times Herald Record and the proper notices were sent out by certified mail. Public Hearing now open.

Walter Kannon- Spoke in favor of the applicant and read a poem

Donna Sansone-1 DeRose lane - Has concern about water pressure. Outdoor activities, noise? They live right across the street. And brewing process, smell or odors? And the after product, is there going to be a smell? Not in favor of it.

Bill Valasquez-Pewter Circle - Property values? And quality of life? A lot of traffic already coming down that strip. Not policed properly. So what’s going to happen when people have been drinking? Come out and racing. Is there going to be a strain on the police department? And if there is how is that going to be subsidized by new resident? Do they bare any cost of increase in taxes because we have to have more police on calls?

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Emergency calls? Accidents? There is a hill there that goes into the property, combine that with alcohol and is that really the safest to travel to. The last thing he wants is to pull out of his driveway and have something happen. There have already been a couple of accidents down the highway. Also water usage, 933 gallons 2x's a week what happens if there demand goes up and its 933X4? How is that policed? How is that enforced? Is there any enforcement? The BOD? That goes into a tank then gets pumped but still goes into the system, there is still going to be impact. So what is the guarantee? He would like all of that wrapped up that if there is any change to the expected that they 100% own the change because it wouldn't be fair to pass it on to the residents that are already there. He only got his notice 2 days ago. Has there been any traffic studies? Is that normal that no studies were done? Drinking is very different from an auction house. It's a different audience.

Walter Kannon- Mentioned that he also didn't get his notice till a couple days ago, but he's here so other people could've made it also.

Chris Maurer- Creamery Pond - How many brews per week? What are the hours of actual brewing are going to be? The reason she's asks that is because if you've ever been around a brewery, I've heard is smells like dirty socks, or body odor. It's a very pungent smell. So she would like to know is what steps are going to be taken to mitigate the smell to the surrounding community? It's not just the houses; you also have shops keepers and shoppers. Do they want to be smelling that all day. Will it make people not want to come down to the shops? Are you going to be using scrubbers? Are you going to be using condensing vapor stats for the boil? Those are technical questions that need to be asked and to find out exactly what this is going to smell like. Is there going to be a storage bin for the spent grain? And what are you going to do with the spent grain? Because that also smells as it ferments. How often is it going to be disposed of? How is it going to be disposed of? In the brochure she stated that the applicant put that they wanted to have huge festivals. Well how often are those going to be? How many people expecting? Is there going to be a traffic study done? And is this going to be spring and fall festivals in sugar loaf? How much of traffic is there going to be with these festivals? Are there going to be outdoor music venues? How is that going to impact the surrounding neighbors with the noise? These are things that she feels hasn't been discussed. And hopes that she will get those will get answered. Chairman asked for Chris to send him an email with her questions.

Patrick Sansone- 1 DeRose Lane - As far as traffic goes he can see how many people goes into Jenacks right now and it's very minimal. So it will increase for sure. Concerned about noise? He can hear when the Lycian had music on the lawn. It was quiet, was muffled, but this is right across the street. And if they are doing it on weekends every

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weekend, it can get very noisy. I can understand a couple of times during the summer, but not all the time. It's hard to give an answer when you don't know all the details. So he would be against it until there are some answers. Worried about property values and quality of life. Received the letters so he assumed the board wants their input. One thing is changing the use. Is it a broad change of use? Like industry, manufacturing, restaurant now? Or is it going to be a small microbrewery? So that can be a big difference, so if they want to sell in a few years can they put in a chicken processing plant? Worried about the smell.

Bonnie Metzgar- 5 DeRose Lane - Stated that most of neighbors and herself get up at around 4am to get ready for work, on Monday mornings if you are filling the tanks how is that going to impact herself and the neighbors houses with regards to water? This is an ongoing issue with water. She is constantly on the phone with Bob Valentine asking why they don't have water again. Also when they come out of DeRose Lane they have a hill coming off one side coming towards there road a curve on the other side and the driveway for their property is directly across. It's a dangerous intersection as it is. People fly past on the bypass like it is a speedway, her daughter had a friend that was killed. She has been on that road doing 55 and people have blown past her like she was standing still. Concerned if people are inebriated and pulling out of the brewery are they going to get hit or is this going to have more of an impact as far as being more accidents on the road? Greater possibility of people being inebriated. And concerned about the smell. And noise. And resale value of her property?

Bill Sabella- 3 DeRose Lane - Just to reiterate on the intersection of the bypass and the hwy itself, right by the firehouse. They had to cut his father out of a car about 3 or 4 years ago. Someone had stopped for the light but assumed he was going to turn and he went straight onto the bypass and they got him. The traffic issues have to be looked at. People coming up over the hill coming from Bellvale and they are speeding. He's gotten clipped a few times just trying to make a right turn forget a left. You got down to where the bypass ends and it drops to 40 again. Has seen a drunk hit the telephone pole across the street from his house and knock the pole down. These are concerns that need to be looked at. Mr. Sabella stated you can look at all the legal issues you want but you got to look at the moral issues. Quality of life issues.

Tracy Schuh- When she heard about water and sewer she got a little concerned, she knows they only went to town board for sewer. The water was the new thing she heard and had no idea there was a problem there with water. She read the comprehensive plan and it said about that sewer district doesn't have a backup well. Has a backup but has bacteria problems. Town was supposed to be actively looking some other water source. Is curious about what kind of restrictions (couldn't understand muffled on tape) the

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towns water engineer has looked at this added some concerns and mitigating some of the impacts. Are there restrictions if there is a drought? She stated that she was always told that they have no more sewer capacity, so not really sure. It's hard to understand what we are talking about in laments terms. Are we talking about water/sewer usage that would be equal to 2 houses 3 houses? Would be helpful if they could break it down like that. Other question is site plan doesn't remember seeing hours of operation. What is the actual use? Parking? Looks like they have enough parking. Question about the buffer from the side yard? Maybe they should put that on the plan for the outside no clearing limits? Outdoor use? Storage? Garbage? Dumpsters? Public assembly? Still needs town board approval for water and sewer. Chairman also asked Tracy to send her comments and questions in an email.

There were several complaints that the public received there notices only 2 days ago.

Chairman stated that the mailings were sent out in a timely manner and don't understand why they went somewhere else. The document showing the mailings will be posted on line and does suggest that people make a copy and go to the post office and complain.

A motion was made to keep the public hearing open until March 20, 2019 made by Dot. Second by Larry. Motion carried 6-0.

We do not vote on the water and sewer the Town Board does that.

Rachel Bertoni– Architectural Review

Property located at 1392 Kings Hwy is in front of the board for Architectural Review for a small 10-16' stage platform in her backyard and 2 sheds that received variances from the ZBA Board. Pictures were submitted on the sheds and the platform. Chairman pulled up the survey to show the location on the property.

Polled board for questions and comments:

Larry: so do the sheds meet the side yard distances? Chairman they received variances from the ZBA board.

Motion to grant Architectural Review for the 2 sheds and the stage platform, made by Jackie. Second by Dot. Motion carried 6-0

Ridgeview Estates-Discussion

Anthony had sent a letter regarding access to the storm water ponds at Ridgeview Estates. Chairman pulled up the approved Fox hill plans and showed what they did with

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the ponds with the sand filters and stabilization areas. The problem is that the ponds are on private property. How would someone like tracks from the big machines tearing up the lawn or in there driveway. It's a problem and this is what Anthony is concerned about. And on Ridgeview the ponds are going to be on private property. And feels the Planning Board made a mistake, we form drainage districts and make the houses responsible for money wise and Anthony then takes care of everything the lawn, dredging etc. so the PB did everything right except they didn't take that into consideration. So what Anthony is asking, is he would like every single pond guaranteed owned by the town. Town Supervisor is not thrilled about this idea because of liability involved. What Bob, feels is that we should provide proper access not through someone's front yard or something like that. So it's something we should figure out.

It appears on Ridgeview, there are II phases, Phase I the pond is on lot #4 it appears Anthony can get in from the new road Mountainside, so doesn't know if it's a big deal, but what happens if the town feels they should fence it because kids are going near it or someone could drowned, something like that. So his feeling is the town should take over these ponds. Chairman stated that he feels someone would have to petition the town board to do that and he doesn't think they would be thrilled about that.

Dave Donovan stated that if we are going to "own it" it's a town board issue, some places leave it on private property. Historically it was left on private property in the town of Chester, with an easement in favor of the Town. When the MS4 became more stringent there were more requirements on the Town. Frankly it's not a bad idea for the Town to own it the issue you get involved in is, sometimes the developer doesn't want to lob off a piece of their property which may otherwise be valuable to dedicate to the Town. Engineering is the same.

Al stated he understands Anthony's point of view. We will have to look at it in this particular incidence because this is sort on where they are under construction at this point. The good thing is they have not yet filed the map so they would have to come back to us here. We have to make sure also, that if we do take the pond they don't lose a lot because you are taking half the land away so that is something we would need to look at. He just reviewed the proposed deeds of dedication which they show us ahead of time so we have time to look at it. Scott and himself have been reviewing them, and it shows easements in favor of the Town for the drainage and deeds for the roads. Al spoke to Scott Bonacic about it and his position was we will take the easement not the land, that was his first point of view. Anthony has a different point of view so they will discuss it and meet with Anthony. Al stated that he has another issue because the way they designed this is they put rain gardens on each of the lots to take the water off the roof so they send it to a rain garden which is nice, it makes the pond a little smaller so it helps

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out. However, when we did the MS4 audit that was the project they inspected with the DEC auditor. Al stated that the auditor said well that's great but what happens when the homeowner puts a pool on top of it or fills it in for a playground for kids or whatever the case is. She asked if we would consider putting deed restrictions in? So that's what he wrote to the board, is when they come back to us to file the map that that's something we can discuss also is to put deed restrictions on the maps so when someone buys the property they know they would have to maintain these as rain gardens and they just don't pop a pool on it. That was a thought with the DEC.

Larry: For these runoff basins to meet storm water needs you have to have the basin anyway it doesn't matter who owns it. It could still take away a lot regardless you have to be able to handle the water. So a developer has that issue regardless. It's not a matter of taking away a lot that could be otherwise developed. There is really 2 issues. 1 is access the other is maintenance of it. In both cases the Town doesn't necessarily have to own it they just have to have access to it and the right to go in there to maintain it. He thinks the important point is to maintain it, Larry stated he put a lot of retention basins in, in Warwick, it was owned by the development and it never got maintained and it looks like garbage and the whole purpose got defeated because it wasn't to extravagant anymore. So he feels it's important to maintain it and can incur a fee to the owners to do that. But you have to have access to it, it doesn't necessarily have to be paved roadway but it could be a path to get in there and that can be done through an easement. He agrees with Anthony that you do have to have access and you do have to have planned that out to do that.

Al stated we put a 15' road around all of them including this one. He like to have control that's something that the chairman and the attorney have said that, that is up to the Town board anyway.

Jackie: So what Anthony is saying that is the Town needs to own it to put a structure around it if he deems it unsafe. Chairman stated yes, it becomes a liability issue. Al stated that we have put fences around some with a gate.

Chairman stated we need to be careful from now on and make sure he has proper access and stabilization to access it.

Chairman asked Attorney Donovan how can we enforce the rain gardens though. Dave Donovan stated that if we require rain gardens on each lot he assumes that you would want to show them where they are relative to the proposed houses. Al stated on the plans. Mr. Donovan stated you can require it as the developer issues deeds out to the homes that they be maintained. Larry stated that he would assume they would require to have dry wells or whatever would be on the "as built" so if someone goes in there to

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get a permit to put a pool in there or something the building inspector should be looking at the “as built” sees it has a dry well and if they want to put a pool where the dry well is they should be at least be made to maintain it or relocate it but still have a dry well.

Al stated that they counted that as part of their storm water pollution plan they have to be maintained. He is satisfied if they put it on the plan.

Under DEC regulations you are forced to do a certain amount of “green” technology when you do a storm water pollution prevention plan and a rain garden fits that bill and so does a dry well for that purpose. The DEC has approved methods, a rain garden, bio retention swale. Which brings us to the next discussion:

Al Fusco-Discussion on MS4

He did the same pitch at the Town board, MS4 stands for Municipal Separate Storms Sewers Systems (4 S’s) in 2008 the United States EPA and the government passed the Clean Water Bill in order to clean up storm water. Storm Water is as big as pollutant as sanitary. It just doesn't smell quite as bad because it carries erosion and sediment and it’s not good for the rivers, it takes away from the farmlands, you’re wasting topsoil. More important than anything is you are adding nutrients into the water, example if you have a critical facility like Greenwood Lake where that Storm Water goes in there you are creating pollutants and nutrients in there and that’s what makes it go green. All the algae and the blooms and what not. What happens is in 2008 the United States EPA through the State agencies the DEC in our case has the burden to try to clean up the Storm Water. So what they did was created a MS4 program and it’s based on if you have a storm system and have a population of over 10,000 people you are an MS4 community. There’s probably about 25 municipalities in Orange County of that there is about 12 of them that are MS4’s. The cities, Town of Chester, Town of Goshen, Town of Blooming Grove, Town of Newburgh, a lot of them the bigger towns. They take that burden and put it on the Towns. So the Town is the enforcer of storm sewers. Now in the Town Code we have a small section on storm sewers on what you have to do. You know from sitting on here most of you that if you disturb more than 1 acre of land you have to do a SWPPP which is a Storm Water Pollution Prevention Plan what that does is, you take all the areas that are going to run off, the road, driveways, roofs of houses, anything that is impervious the water runs off quicker. Because of that you have to collect that water into ponds, into rain gardens, into bio retention swale, into drains to slow that water up so that you don’t have any additional water going off the site than you do in its natural state. So you have to hold back the water and let it go out smaller. The idea of the ponds are, you put the water in the ponds and you have a little pipe coming out of the pond and you have a big overflow in case there’s too much but the water fills up and then maybe over 3-4 days maybe a week it slowly drains out so it’s not polluting

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downstream. It's not eroding downstream. So that's one aspect of it which is the construction aspect. As Chairman has stated before we have a good program we check it every day, every week, whatever is required depending on the rainfall. Greens of Chester is a good example where we have had issues but we are there all the time watching it making sure we don't have issues and if we are then we have the ability to give out violations. So that is one aspect of it. There are other aspects of it to, is that there are things called outfalls, and that's like running a drain into a stream, that's called an outfall. They want to make sure these are all marked on a map. So we have to map these out. We have a good map going for the Town right now but we are going to expand it and we have to check at least 25% of these during dry periods in the summer to see if they have a water flow in them. If they have a water flow and it's not raining we have to try and back it up to try and find out what the problem is. Especially if it's got oil slick in it or soap bubbles from a commercial aspect that's washing cars and the soap bubbles are going in there or someone is dumping oil into the catch basins. That is called an illicit discharge. The town is required to investigate this. And find out who the culprit is and eliminate it. In addition to that the Town has the ability to issue stop work orders to stop someone from washing trucks and putting soap in there, from the erosion, to make sure the silt fences are up. Another aspect of MS4 is public participation (which is what we are doing right now) talk to the public, the building inspector etc. if you see something tell us or a representative of the Town. Handing out brochures, setting up some programs in the school, soil and water conservation group use to do it but they stopped that. So we have to start setting up some programs. A program such as the Kiwanis was here the other day for a cleanup program, that's public participation. What they want us to do is keep track of how many people. Have to write down how many people. Another one is the highway department, what does the Highway department do to prevent some of the siltation? They clean the catch basins. Well that's fine we clean the catch basins twice a year, they want to know which ones we cleaned which day, so it's a lot of record keeping also. They also want to know when we sweep. Anthony sweeps every day, but how many times did he sweep the whole town? Is it 3 times a year, how many times did we sweep the parking lots, where do we put the materials afterwards, housekeeping at the highway garage do they wash the trucks and the soap goes into the stream. Well it doesn't because Anthony runs a good show. We have water separators with 2 or 3 tanks it goes into before it leaves and goes into the sanitary sewer. He runs a very good show and that's the type of thing that we did. We just had an audit by the DEC that went back to 2010 and believes he demonstrated that we do a pretty good job, between Anthony, himself, the Town Board, the Planning Board, the inspectors, everybody does their job, probably we could do a little better job with documentation that's why we learned our lesson and documenting this and with the Town Board. We are going to do a report that is ending on March 9th which starts the

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new year and we will have to do a report, will have a public hearing at the town board on the report, and then we submit it to the State my he believes May 1st. They review it, comes back to us if they have questions. So the burden for Stormwater Pollution Prevention is on the Town by virtue of the MS4. We're also going to provide possibly a new local law to strengthen that position.

Motion was made to go into executive session on a personnel issue, motion made by Chairman Serotta. Second by Larry. Motion carried.

As Secretary for the board I was absent for this meeting and the minutes were interpreted from listening to the recording. I have no record of what time executive session was adjourned.

Respectfully Submitted,

Alexa Burchianti
Planning Board Secretary