

TOWN OF CHESTER
PLANNING BOARD MINUTES
May 1, 2019

Meeting called to order: 7:03pm

Members present: Chairman Serotta, Dot Wierzbicki, Jackie Elfers, Larry Dysinger, Bob Conklin, Mark Roberson

Absent: Carl D'Antonio

Also present: Dave Donovan-Attorney, Alexa Burchianti-Secretary, John Nosek-Engineer

A motion was made to adopt the minutes from March 20, 2019 and April 3, 2019 made by Larry. Second by Jackie. Motion carried 6-0

Next meeting of the Planning Board is scheduled for June 5, 2019

NYS Solar Farm Inc– Architectural Review

Sheldon Jacobovitz from NYS solar farm Inc. is present to represent the applicant Robert & Mary Fugett property owners of 1386 Kings Hwy. Proposing to put a ground mounted solar panel facing south in their back yard. The property is approximately 2 acres +/- and in the shape of an "L". Mr. Jacobovitz stated there is coverage all the way around the yard with trees. Chairman did a site visit and looked at the property. The panel is approximately 46X10 and is 10.5 feet high. Mary stated that it would be shielded behind big pine trees so the neighbors won't be able to see it and it will not be visible from the road. Mary has an electric vehicle and will have the ability to draw off power for her car from the power from the panel. Mary also is going to put in a charging station for the general public as well as her own private one on the other side. Will be programmable from a Bolt up to a Tesla. Would like to have it in by Memorial Day weekend. It makes no sound.

Polled board for any comments or questions.

Dot asked the direction of the panels will be facing. Response was South.

No further comments or questions.

Needs to fill out a short EAF form. This way the planning board can waive the public hearing which will need a motion.

Motion made to wave the public hearing. Motion made by Dot. Second by Larry. Motion carried 6-0

Motion made for Negative Declaration made by Jackie. Second by Bob. Motion carried 6-0

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Motion made to grant Architectural Review for the ground mounted solar panels in the LBSL district located at 1386 Kings Hwy made by Dot. Second by Larry. Motion carried 6-0

Motion made to grant site plan approval based on 98-40 for the ground mounted solar panels located at 1386 Kings Hwy made by Jackie. Second by Larry. Motion carried 6-0

This will not be forwarded until the EAF is sent in.

OC Superior–Work Session

Ronda Smith from Leonard Jackson Associates on behalf of the applicant. The applicant is doing his due diligence. He is purchasing 210 Black Meadow Rd. He would like to build a warehouse. It is in a flood plain and a flood way. Ronda stated they did their preliminary analysis for the flood plain/floodway and they believe that they could build this warehouse and meet all of FEMA's requirements for being above the flood plain and not causing any rise in the area (upstream or downstream). Ronda stated that they are doing there due diligence and that if they can prove there will be no rise in the flood plain is this something that the board would listen to. John stated that it would have to be 2 feet above the base flood elevation. No floor area whatsoever below 2 foot above the base flood elevation. Base flood elevation is 474.4 so the minimum would be 476.4 which Ronda stated they could meet. They are actually shooting for 477.5 she believes.

Chairman Serotta had a question that was on the site plan. Access easement per field map? What does that mean? Ronda stated this was actually a 2 lot subdivision they are looking to buy both lots. The easement was originally across lot one to gain access to lot 2. If they own both they won't need that easement. Chairman also said that if they come back to us, only put the parking spots you truly need and the rest can be shadow parking. Would also need a good idea of what they are going to store here. Chairman (pointed out on screen) a 250,000 gallon minute or day well. This would be subject to referral to both Orange County Planning and to the Village. This is the Villages main well. So they are going to watch this very carefully.

Dave read the code of 98-27 (a) and then (c) the exceptions.

Ronda stated she would like to point out that "vehicular access to the premises from an existing street is safe from flooding" but Black Meadow Rd floods and they can't do anything about that. So even if the building is out of the flood plain and Black Meadow Rd is flooded does that mean they don't have safe access? The flood elevation is 474.4 and the elevation of Black Meadow is 470 so it's 4 foot below.

Al Fusco Letter 4-22-19:

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Alfred A. Fusco, Jr., P.E., Principal

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April 22, 2019

Town of Chester
1786 Kings Highway
Chester, NY, 10918

Re: Work Session
Black Meadow Creek Warehouse
Our File #CH-173

Dear Chairman Serotta,

We have reviewed the submittal and offer the following:

PROJECT:

Name: Warehouse
SBL: 61-75.1
Acres: 12.917 Acres
Zone: IP Zone

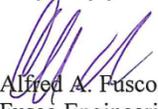
COMMENTS:

1. Applicant to show the property has the adequate frontage. Show previous subdivision or lot approval. Town Planning Board Attorney and Town Planning Board Engineer to review, to see if easement is to be used as frontage or property line, variance or determination or other relief necessary.
2. Project encroaches on Chester wetland or adjacent area; permit is required.
3. NYSDEC permits will be required for concrete bridge.
4. Traffic study required.
5. 239 GML required since within 500 feet of the Village of Chester.
6. Board comment.

Action:
None at this time.

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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John stated that there are some DEC issues that will have to be resolved. Does the frontage need a variance? There is only 50 feet frontage. This is in the IP Zone.

Bob: Zoning is saying that the area has to be safe from flooding, not the building location. In his opinion the area is not safe from flooding, the building can be raised. And the building location can be flood proofed. But the area itself can't be taken out of the area. So does that mean the entire area or the building location area?

Larry stated the most he has seen is about 8 inches of water. The pump house has never flooded.

Chairman stated that if they do proceed they are going to need a lot more information. And they are really going to have to take into consideration the Village's well. A Traffic study would have to be done with a 14 bay warehouse and if the road could handle it.

Dave stated that you are entitled to due process, if the use was not allowed they would just tell you. No results are guaranteed as you go through the process more information may be developed but you are entitled to due process.

Meadow Hill–Site Plan Review

The last time Meadow Hill was before the board was 12-5-18. Mark Siemers is present for the applicant. Proposing a 3 lot subdivision. They went ahead and fully designed the plan set which includes soil testing and sewage disposal design. They did address Anthony LaSpina's comments the addition of 15" driveway coverts on each lot, and a proposed swale along Trout Brook Rd. which will bring the storm water down to the existing stream. They also provided a negative driveway slope coming off of Trout Brook Rd. In addition they hired North Country Ecological to prepare a wetland evaluation on the property which was completed on March 28th. What was found was (on one of the parcels that was pointed out on the screen) it did not contain any wetlands but a perennial stream which is shown running through the property (pointed out on the plan) that stream is considered a water of the United States so they have revised and ensured that the sewage disposal system as designed maintained 100' separation from that stream which is required in the town code. Each separation is shown with dimension and label with arch showing the system maintains that 100' separation. Lastly were some comments from Al, endangered species investigation and to receive SHPO sign off. They have contracted with North Country Ecological and Tim Miller Associates to prepare those 2 studies and receive those sign off's they are currently under way and as soon as they receive them they will forward them to the board.

Chairman stated that one thing that can be included within your setbacks is a 25' undisturbed buffers along the stream bed. Mark: Don't know if actual buffers are shown

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only the separation from the sewage disposal system. Chairman: We want actual buffers shown with deed restrictions in the deeds and undisturbed 25'.

Anthony also would like the 25' from centerline dedicated to the town. Mark: saw that comment in the last letter. It looks like it was already done. Al: it was done when we did the other subdivision but Anthony just wanted to make sure.

Chairman asked about the pipes, stated that Anthony said galvanized pipes would be fine. Mark stated they would be high density plastic. Chairman asked how much dirt above it, that's what Anthony wants to know. Are the pipes in the Towns ROW. Mark stated that they were. Chairman told Mark that Anthony stated if they were plastic Anthony asked for 18' of soil or something above. Al stated that it would be less if it was galvanized. But whatever the DEC requires. Would also like to see it flared and 10 feet paved.

Chairman asked if it was possible to do the swales like they did at the Chesterdale subdivision. Discussion on the swales.

Polled the board for comments and questions.

There were no comments or questions. Bob stated he will wait, he is curious to what the public has to say.

This is not a 239 referral requirement.

Motion to set a Public Hearing for June 5, 2019 at 7pm made by Bob. Second by Larry. Motion carried 6-0

Hold My Knots–Work Session Application

Joe Minuto owner of Hold My Knots. Proposing a food truck located on the property of 1915 Kings Hwy. Property Owner is David Flynn sbl 4-1-5. Proposing a food truck on the corner of the property with entrance on Leone Lane. Leone Lane is actually in the Village of Chester. Looking for 8-10 parking spots. The location for parking is gravel but the weeds have grown in. They would clean it up and put new item 4.

Chairman stated you will want to stay under 10 otherwise you will have to pave.

Chairman stated that there are 2 ways coming onto that property. This will also have to go up to County OCDP for a 239 referral because it is right on Kings Hwy. One being off Kings Highway which, applicant stated they do not want to come in that way. Chairman then stated that the other entrance is on Leone Lane and we can't grant you access You will have to get permission from the Village. You will have to talk to John Orr.

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Dave stated that there is a driveway cut there now. This is a GC zone. So fast food would require site plan approval. Al stated he needs a better map. John suggested getting the survey map from the property owner and drawing something a little better. OCDP will not accept the hand drawing that was submitted for this work session.

Polled the board for comments and questions.

Bob: Stated that she doesn't have a problem with it as long as the curb cut on Leone Ln is legit.

Mark: Hours of operation? Joe: Probably 6 or 7 in the morning right through lunch. Nothing real crazy.

Larry: How would you handle power? Joe: We have a generator. Larry: What about a port a john? Joe: We didn't plan on it most food trucks don't really have one on site.

Chairman stated that they should go to the village first. Then come back to us and with a little better map. County is a 30 lag time.

Meeting adjourned.

Respectfully Submitted,

Alexa Burchianti
Planning Board Secretary