

TOWN OF CHESTER
PLANNING BOARD MINUTES
June 3, 2020

Zoom Meeting called to order: 7:02 pm

Members present: Chairman Serotta, Dot Wierzbicki, Jackie Elfers, Bob Conklin, Mark Roberson, and Carl D'Antonio

Also present: Dave Donovan-Attorney, Julie Tiller- Secretary, Alexa Burchianti-Building Inspector, Al Fusco-Engineer

Absent: Larry Dysinger

No meeting minutes to adopt

Next meeting of the Planning Board is scheduled for July 1, 2020 tentative via Zoom

Dave Donovan: The executive order to allow remote meetings has been extended through June 27th, we'll just have to wait and see what that will mean for our July 1st meeting.

Chairman Serotta: So the predicament is if we were to do social distancing between the applicants, the public & the board you have to do a 6' distancing which would need to be in all directions. So we would fit 4 people up on the desk & get the rest of the board at the desk and still have to leave room for people like Al Fusco or Dave Getz to be able to come up and state their case. I don't know where that would leave us for the public, but I did speak to Bob Valentine and he's looking at possibly using the Sugar Loaf Arts Center and that place can seat approximately 400 to 700, there's a pavilion & there's a theatre so that's a possibility. I don't think we are going to be able to do it at the town hall so we'll just see, I'll keep you all posted.

Knebel Subdivision- Decision & Resolution

Chairman Serotta: Last meeting we decided to table the case due to the neighbor's attorney submittal and do some research. So let me fill you in on what we found, I sent you all Kimberly's (attorney) letter with the June 5th meeting minutes, July 9th meeting & the October 2nd meeting from 1985 so everyone should have gotten those and they were posted on the website. On July 5, 1985 based on the meeting minutes Mr. Knebel applied for an open area development which was rejected by the planning board due to not meeting code. Open area development requires 50 acres or more & he had 46 or 49 acres not 50. In an open area development his original application said he would put a private road in and can't further subdivide the lots, they have to be minimum of 5 acres and can't be subdivided. That was his original application and that night he was told he can't do this, he can't have an open area development because he doesn't meet the criteria. So since it was rejected it was no longer a town requirement that he put no further subdivisions in there, if it was an open area development he would have had to

TOWN OF CHESTER
PLANNING BOARD MINUTES
June 3, 2020

do that but he was rejected and couldn't do that, so at that point and time that piece was lifted. Knebel also stated that night if you had 5 acres or more the project didn't have to go through the health department. Is that still true today Dave or Al?

Al Fusco: Yes I believe that's still true

Chairman Serotta: Okay right, so just because someone states they have 5 acres and doesn't have to go to the health department doesn't mean it has to stay 5 acres forever. There has been many subdivisions since then where original ones didn't have to go the health department were sub divided down to a lesser number later on. So again, this didn't prohibit any further sub divisions at that point and time. That night it was decided to move him to a public hearing on July 9, 1985 and so on July 9, 1985 there was a public hearing, no one spoke and no comments so it was immediately closed. Later that night since no one had any issues with Knebel they granted him a preliminary approval, so it was granted that night. For some reason it languished until October 2, 1985 and that night Mr. Knebel paid his escrow monies and they granted him a final approval on October 2, 1985, that's the last time anything happened with Knebel. The next thing we're going to take a look at with our planning board are the resolutions, we vote on a formal resolution that Dave draws up and it's very extensive, talks about the whole project with neg decs and dates and times and the whole thing. That was not done in 1985 so therefore there was none because we couldn't find anything there. We did pull the plans, the signed map by Ray Johansen which was sometime after October 2, 1985 but he did sign the maps. We already stated that we did not see any notes on the maps about no further subdivisions, nothing about the size of the lots, there was nothing on the subdivision maps that we saw; so that's the chronology that I found there. At our last board meeting we asked Dave Donovan to draw up the resolution and tabled it until tonight, Dave did send out the resolution and Julie sent to everybody, so Dave can we bring up the resolution now & talk about it?

Dave Donovan: Sure Mr. Chairman, I went through the nature of the application and I do recite some historical background that you have covered at length Mr. Chairman, the long & the short of it is there is no condition that was imposed relative for future subdivision or the size of the lot by the Town of Chester planning board. No condition was imposed for deed restriction, and no placing any limitation on any further subdivision or on the size of the lot. Therefore there is no Town of Chester prohibition or requirement that could be enforced by this board. This board does not have the capability to deny an application based upon the terms of a private covenant. After that the resolution just continues, we go through SEQRA which the board is going to have to adopt a declaration this evening and that the conditions are standard conditions. The first condition is the compliance with the requirements of the planning board engineer, second is compliance with the conditions outlined on the plan and the third is a finding that fees must be paid. So if the board is inclined to move forward, action would be made for a negative declaration.

TOWN OF CHESTER
PLANNING BOARD MINUTES
June 3, 2020

Chairman Serotta: So before we go to issuing a neg dec, so anyone have any comments or questions or any of the board members?

Dot: What was resolved from the drainage issue?

Chairman Serotta: That was an Anthony issue, over at the Highway Dept, they were going to work on at the bottom of the cul de sac or the T. The lot itself was going to take all that water coming off the hill and run it into the existing storm water drain. Anthony had committed to do some work over there to try to deal with some issues at the bottom of the T.

Bob: We haven't had any communication with Tony about that drainage situation to find out if the issue was resolved or something was able to be done

Chairman Serotta: I don't know if anything was done over there at this point and time but that really is not part of this application, because this application we were satisfied that he wasn't going to dump anymore water and as a matter of fact he might have actually helped.

Jackie: Where do have that running, out of the driveway? Did he change the direction a little bit?

Chairman Serotta: Right, he has swales that were put into there. They had already mapped that the water will flow towards Lake Station Rd away from the cul de sac and any water coming off the hill.

Bob: I'd like to see something from the highway superintendent stating the condition has been resolved to his liking before we sign any maps

Chairman Serotta: But what does that have to do with this particular action? I don't see it

Bob: I think we have a responsibility to look out for the neighbors and neighboring lots. It seems to me like maybe indirectly it's affected by this situation, I just think we should make sure our basis are covered for the neighbors

Mark: 35 years ago you had it on not only planning board but then in deeds for subsequent land ownership that 5 acres was it and no more subdivision's, and now 35 years later it changes. That's my personal feeling, although as my position on the board it doesn't seem as though there's enough evidence to change it.

Dave Donovan: If I could just respond, it's not saying that we haven't been given documentation indicating the existence of a private covenant, which is a covenant between Knebel & the neighbors, what I'm saying is there no condition imposed by the Town of Chester Planning Board relative to future subdivision or size of the lot. Action of condition imposed by the Town of Chester Planning Board, the private covenant cannot be enforced.

Robert Knebel: I'd like to just say the DPW did fix the guys driveway and they paved the guys driveway

Neighbor: That's a lie!

TOWN OF CHESTER
PLANNING BOARD MINUTES
June 3, 2020

Chairman Serotta: This is not a debate, this is an application for subdivision. We're not here to fix driveways; this is up to Anthony, he made some commitments to fix things and went over there with me and whether or not that got done it's really not for us to determine. Okay so at this point and time does someone want to make a motion to grant a neg dec for this application?

Bob: I'll make a motion

Dot: 2nd the motion

Mark: yes

Jackie: yes

Carl: yes

Chairman Serotta: Okay so the negative declaration passed.

Dave's resolution that was sent out and we went over earlier; does someone want to make a motion to grant a conditional final approval based on Dave's resolution

Dot: Motion to grant conditional final approval

Jackie: 2nd

Mark: Yes

Dot: Yes

Jackie: Yes

Bob: No

Carl: Yes

Don: Yes

Chairman Serotta: Okay so the motion passes. 5- Ayes, 1 – No, 1- Absent

Okay Mr. Knebel so you have to pay any additional escrow that's due and take care of those final conditions, get in touch with Julie

Robert Knebel: Thank you

1657 Management, LLC – Site Final Approval

Chairman Serotta: It's a proposed warehouse up there on Elkay Drive. We have a letter from Al Fusco and I'll just bring it up here, okay Al can you just go over the letter for us.

Al Fusco: We had included in the letter of our request was to identify the adjoiners sanitary system and they did put that on the latest revision that just came out today. In addition to it, just as a reminder they need to provide a SWPPP report to me once a week for the duration of the project until an N.O.T which is a notice of termination is accepted by the state. Meanwhile we will also be inspecting the storm water facilities and there will be an escrow account set up by the town for that purpose, other than that we are fine and good to go with the project.

Chairman Serotta: Okay good. Does the board want me to bring up the plans to go over?

TOWN OF CHESTER
PLANNING BOARD MINUTES
June 3, 2020

No replies

Okay so one question I do have is for Mr. Donovan, How do Steve and Joe Pfau get the storm water maintenance agreement that we have for the town? I know that has to be signed and it's in your resolution but how do they pick it up?

Dave Donovan: I have the format, I can send it to the attorney if he has one or I can send it right to Joe Pfau. Would that be okay with you Joe?

Joe Pfau: Absolutely

Chairman Serotta: Okay good. Usually in a residential subdivision we always go ahead and do a drainage district or tax district where the people in the subdivision pay to maintain that and typically the highway departments are the ones that gets those funds to maintain the storm water facilities. I think what the storm water maintenance agreement does say though, is that Steve you're going to be responsible, or whoever owns it, to maintain the storm water facilities in a proper manner and give the ability the legal right to go in there and do something if needed

Dave Donovan: So what the agreement will say is that the property owner has to maintain and Chester has the right but not the obligation if work needs to be done that's not being done and will be charged back to the owners. That's the standard form that everyone uses.

Joe Pfau: Does that maintenance agreement need to be completed and signed before the maps get signed or before we apply for a building permit?

Dave Donovan: Generally before the maps get signs, it's actually right in the code. I can get it to you tomorrow

Chairman Serotta: Alright any other questions or comments from the board?

Okay good, so we have to do a negative declaration on this, anyone wants to make a motion to grant a negative declaration for 1657 Management, LLC which is on Elkay Drive

Jackie: Motion for negative declaration

Mark: 2nd the motion

Dot: Yes

Jackie: Yes

Bob: Yes

Carl: Yes

Chairman Serotta: Yes for me, so motion passes for a negative declaration.

Let me bring up Dave's resolution

Dave Donovan: Mr. Chairman if I may just for purposes of clarification, this is the resolution that I prepared on behalf of the board and the boards direction, it's not my resolution. This is your standard; it identifies the nature of the application, the property that's involved and conditions to be met. We can skip up to specific conditions, there are (4) in compliance with the conditions on the back.

TOWN OF CHESTER
PLANNING BOARD MINUTES
June 3, 2020

Al, just to confirm I picked up off one of your letters that you want \$1500 deposit for the inspections, is that correct?

Al Fusco: Yes that's fine

Dave Donovan: The next condition is the storm water management facility agreement we talked about and lastly is the approval requirements imposed by Al's office. Those are the specific conditions we approve of.

Chairman Serotta: Okay so at this point and time does someone want to make a motion to grant conditional final approval to 1657 Management, LLC on Elkay Drive

Bob: I'll make the motion

Dot: 2nd the motion

Mark: Yes

Dot: Yes

Jackie: Yes

Bob: Yes

Carl: Yes

Chairman Serotta: Yes for me as well, so motion passes.

Steve you're all finished, congratulations.

Steve Brown: Thank you very much

Fridlich Homes- Work Session

Chairman Serotta: Okay next, Simon are you with us?

Simon Fridlich: Yes I'm here

Chairman Serotta: Okay so last meeting we spoke about Mount Ridge Ct. Did everyone get a chance to go up there and take a look?

Simon: And I assume you saw that lot needs fill

Chairman Serotta: Right, no one is disputing the lot needs fill and kudos to you for supplying an engineering plan so that's all good things. My own personal opinion and I guess Al will take a look more in the future, I think it will affect your neighbors as far as the dumping of the dirt.

Simon: Actually the neighbor on the right side said he can use some dirt

Chairman Serotta: But the issue I have, back to the (2) issues and you have to solve it. My concern is its located in very populated area with lots of children in the cul de sac, my next concern is I feel we have to let the neighbors know, we can't just surprise them and have to give them an opportunity to plan for it. So if we can solve these issues than we can move ahead.

Simon: I agree but you just need to tell me how to go about that.

Chairman Serotta: Okay so we can work on that but as far as the schedule and coming up the roads, Anthony LaSpina and I did go up there and Anthony's concern is a bond and keeping the road clean. We don't have anything to do with that bond, that's

TOWN OF CHESTER
PLANNING BOARD MINUTES
June 3, 2020

something you need to get in touch with Anthony LaSpina from the Town of Chester Highway Department. One more thing is Anthony also talked to John Shereen the Town of Monroe highway superintendent and he's also concerned about a bond because he's saying he just paved a portion of Lake Region Blvd and is worried about the entrance from Lakes Rd onto there is where the most amount of damage can occur. John from Monroe wants you to call him and talk to you to negotiate.

Simon: I haven't been able to reach him is one of the problems I'm having

Chairman Serotta: I have his cell and I can give it to you, might be a better way to get him

Simon: One of the issues was the size of the trucks, so they have 18 yard trucks and the only thing they can really do is light load them with 16 yards but they can't get a new fleet of trucks. If they had to do that this wouldn't be feasible at all, and their normal schedule is Monday through Friday 7:30 am to 3:30 pm, they could if we had to go to 8:00 am but in my opinion earlier is better and if they quit at 3:30 that's when most people are out and if they quit earlier then not as much foot traffic but I'll leave that up to you. We can inform the residents; just let us know how you want it done. The bond, we have been trying to get a hold of the Monroe guy but's he's always out on the road. They have no problem with getting a sweeper, they have no problem with building a silt thing at the bottom of where we're going to fill, they have no problem with tamping it and since they are already trucking the soil to other areas they already have a soil analysis and I think that's everything.

Chairman Serotta: Alright, so right now you had filed for a work session, I think at this point and time you need to put in for a site plan review application to show us and document all this stuff.

Alexa, can you make some comments?

Alexa: I just wanted to find out about the testing certification on the soil that's being brought in

Simon: He said he has it, and we can get it you

Al Fusco: I have one item, if you are going to disturb more than an acre you need to do a SWPPP and get a permit from the DEC. I believe your engineer is Mr. Sandor and he's very familiar with that. Now disturbance doesn't mean that you're digging if your placing fill and you have bare soil that's a disturbance.

Simon: It's not going to be the whole 3.5 acres that's being disturbed

Al Fusco: Well you have to disclose what's being disturbed and if it's over an acre then you need to comply with the DEC, Mike Sandor knows about it very well.

Simon: This going to get so expensive that we may just scratch it

Al Fusco: This is DEC law not Chester law. You can do an acre and go back a year from now and do another acre once it's stabilized, but you can't disturb more than 1 acre at any one point

TOWN OF CHESTER
PLANNING BOARD MINUTES
June 3, 2020

Simon: I'll have to discuss with Sandor and what he has to do but at this point you're making it so expensive that it's not worth doing this and that lot will never be built on then. No one is going to buy it, no is going to build it and there won't be a back yard and there will be an incomplete cul de sac there

Al Fusco: There are other options, you should talk to your engineer because at the .99 acre point you can put a retaining wall and that would end the disturbance

Simon: You're talking so much expense now, we are dealing with a lot that's worth \$50,000 at best. We've had it for sale at \$45,000 and couldn't sell it, so we're lucky we found someone to sell this to improve this lot. It wouldn't be worth it, the lot is just going to sit there.

Chairman Serotta: We as a planning board have to go by laws, we swore oaths, unless we are given a way to vary the law, we have competent professionals on our staff, our engineer which is Al and Dave Donovan which is our attorney and Alexa the building inspector so if they advise us this is the law and this is the rule then we can't bend

Simon: Alright well I'll talk to my engineer but if it involves a lot of money like retaining walls and things like that then that lot is going to just sit there and rot.

Al Fusco: So just for clarification, the retaining wall is just to keep you under an acre if you wanted to keep it up that high. You can put in 9/10th of an acre of fill at a time so just talk to your engineer.

Simon: I will but the truckers are looking to get rid of dirt, so if they can only get rid of a certain amount at a time then it's really not worth it for them.

Chairman Serotta: These are the rules and they need to be followed

Simon: I'll let them know

Chairman Serotta: Alright so whenever you want you can get back to us and tell us how you want to move forward.

Simon: Will do. Thank you.

Chairman Serotta: Okay so any other questions? We'll see what's going to happen, if we do have a July meeting it could be at the Sugar Loaf Center, town hall is just not going to work. Alright, thanks to everyone and we'll see about the July 1st meeting

Meeting closed at 7:56 pm

Respectfully submitted,

Julie Tiller
Planning Board Secretary