

**TOWN OF CHESTER**  
**PLANNING BOARD MINUTES**  
**June 6, 2018**

Meeting called to order: 7:07pm

Members present: Chairman Serotta, Konrad Mayer, Barry Sloan, Jackie Elfers, Carl D'Antonio, Bob Conklin

Absent: Dot Wierzbicki

Also present: Dave Donovan-Attorney, Alexa Burchianti-Secretary, Al Fusco-Engineer

A motion was made to adopt the minutes from May 16, 2018. Motion made by Carl. Second by Konrad. Motion carried 6-0.

Next meeting of the Planning Board is scheduled for July 18, 2018. The June 20, 2018 meeting is cancelled. Verizon and Dorian Dehaan will be appearing on July 18<sup>th</sup> meeting.

**Alan Michalka– Decision**

Proposed converting a commercial building to a mixed use. With commercial on the first floor and a residential apartment upstairs. Nothing else has changed. Parking etc. is still all the same as the first site plane approval.

Al had previous comments in May and all comments were addressed and satisfied.

Motion made to grant a Negative Declaration by Bob. Second by Jackie. Motion carried 6-0.

Motion made to grant Conditional Final Approval made by Barry. Second by Konrad. Motion carried 6-0.

**TOWN OF CHESTER  
PLANNING BOARD MINUTES  
June 6, 2018**

**RESOLUTION OF APPROVAL**

**SITE PLAN**

**FOR**

**ALAN MICHALKA AND CHRISTINA MICHALKA**

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**Nature of Application**

Application by Christina and Alan Michalka for site plan approval allowing the existing premises hereinafter described to be used as a mixed use building consisting of commercial use on the first floor and residential use on the second floor of their existing two (2) story structure.

**Property Involved**

The property affected by this resolution is shown on the Tax Maps of the Town of Chester as parcel(s) Section 14, Block 4, Lot 8. The physical address of the property is 1376 Kings Highway, Chester, NY 10918.

**Zoning District**

The property affected by this resolution is located in the LB/SL zoning district of the Town of Chester.

**Plans**

The Site Plan materials being considered consist of the following:

1. Completed application dated January 25, 2018 and a Short Environmental Assessment Form dated January 26, 2018.
  2. Plans prepared by Lehman & Getz, PC, last revised March 8, 2010, consisting of 2 sheets.
  3. Correspondence from Greig Andersen, R.A. dated March 12, 2018.
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**TOWN OF CHESTER**  
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4. Email correspondence from Orange County Department of Public Works dated May 15, 2018.

**History**

***Date of Application***

The application was filed with the Planning Board in January, 2018.

***Public Hearing***

A public hearing was convened on May 16, 2018 and was closed that same evening.

***SEQRA***

**Type of Action:**

This matter constitutes an unlisted action under the State Environmental Quality Review Act.

**Lead Agency:**

The Town of Chester Planning Board is the lead agency in regard to this action.

**Declaration of Significance:**

A negative declaration was issued on June 6, 2018.

**GML 239 Referral**

This application has been referred to the Orange County Planning Department for review and report. The Planning Department in a letter dated April 19, 2018 has reported that this matter is one for local determination, there being no significant inter-municipal or countywide considerations found to exist.

**Findings**

The Planning Board has determined that approval of this site plan will substantially serve the public convenience, safety and welfare in that the land to be improved is of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace. Further, the site plan is appropriate and consistent with the requirements of the master plan, the official map of the Town, Article V of the Town of Chester Site Plan Regulations and applicable zoning regulations, subject to compliance in full with conditions hereinafter imposed.

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**TOWN OF CHESTER**  
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**Resolution of Approval**

NOW, THEREFORE, THE PLANNING BOARD RESOLVES to approve the final site plan application of Alan and Christina Michalka, Inc. as said proposal is depicted on the plans identified above and upon the conditions outlined below, and the Chairperson (or his designee) is authorized to sign the site plan map(s) upon satisfaction of those conditions below noted to be conditions precedent to such signing.

**Specific Conditions**

1. This approval is subject to compliance with the terms, conditions, notes and all provisions contained within and upon the "Plans" referenced hereinabove as well as compliance with all applicable laws, statutes, rules and regulations.
2. This approval is subject to compliance with those requirements that may be imposed by the Planning Board Engineer, Fusco Engineering and Land Surveying, P.C.

**General Conditions**

This approval is conditioned upon the applicant submitting all necessary copies of the plans to be signed, including mylars when required, to the Town of Chester Planning Board in accordance with the requirements of the Town Code.

This approval is further conditioned upon the applicant delivering (prior to signing of the plat) proof, in writing, that all fees—engineering, planning, legal and otherwise—in regard to this project have been fully paid. The plans shall not be signed until proof, satisfactory to the Chair, has been presented showing that all fees have been paid.

A FAILURE to comply with any such condition in a timely manner shall result, without further action, in a lapsing of this approval.

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**TOWN OF CHESTER  
PLANNING BOARD MINUTES  
June 6, 2018**

In Favor 6      Against 0      Abstain 0      Absent 1

Dated: June 7, 2018

  
DONALD SEROTTA, CHAIRMAN  
TOWN OF CHESTER PLANNING BOARD

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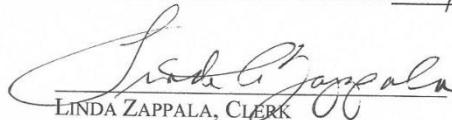
**TOWN OF CHESTER**  
**PLANNING BOARD MINUTES**  
**June 6, 2018**

STATE OF NEW YORK     )  
                                      )ss:  
COUNTY OF ORANGE     )

I, ALEXA BURCHIANI, Secretary to the Planning Board of the Town of Chester, do hereby certify that the foregoing is a true and exact copy of the Resolution maintained in the office of the Town of Chester Planning Board, said resulting from a vote having been taken by the Planning Board at a meeting of said Board held on June 6, 2018.

  
ALEXA BURCHIANI, SECRETARY  
TOWN OF CHESTER PLANNING BOARD

I, LINDA ZAPPALA, Clerk of the Town of Chester, do hereby certify that the foregoing Resolution was filed in the Office of the Town Clerk on 6/11/18.

  
LINDA ZAPPALA, CLERK  
TOWN OF CHESTER

**TOWN OF CHESTER**  
**PLANNING BOARD MINUTES**  
**June 6, 2018**

**Kips Bay– Decision**

Proposed an approximately 28,000 sq. ft. addition to the existing warehouse. DEC permits were received.

Motion to grant a Negative Declaration made by Konrad. Second by Jackie. Motion carried 6-0.

Motion to grant Conditional Final Approval made by Bob. Second by Konrad. Motion carried 6-0.

**TOWN OF CHESTER  
PLANNING BOARD MINUTES  
June 6, 2018**

**RESOLUTION OF APPROVAL  
SITE PLAN  
FOR  
KIPS BAY HOLDINGS OF WARWICK, LLC**

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**Nature of Application**

Kips Bay Holdings of Warwick, LLC. has applied for site plan approval allowing the construction of a 20,000 +/- square foot addition to their existing 41,019 +/- square foot commercial building located on a ±9.6 acre tract of land located at 173 Black Meadow Road.

**Property Involved**

The property affected by this resolution is shown on the Tax Maps of the Town of Chester as parcel(s) Section 6, Block 1, Lot 106.

**Zoning District**

The property affected by this resolution is located in the IP zoning district of the Town of Chester.

**Plans**

The Site Plan materials being considered consist of the following:

1. Completed application dated July 8, 2015.
  2. Plans prepared by ERS Engineering Consultants, P.C.  
last revised July 7, 2017, consisting of 2 sheets.
  3. Permit issued by the New York State Department of  
Environmental Conservation dated February 9, 2018.
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**TOWN OF CHESTER  
PLANNING BOARD MINUTES  
June 6, 2018**

**History**

***Date of Application***

The application was filed with the Planning Board in August of 2015.  
Permit

***Public Hearing***

A public hearing was convened on May 16, 2018 and was closed that same evening.

***SEQRA***

**Type of Action:**

This matter constitutes an unlisted action under the State Environmental Quality Review Act.

**Lead Agency:**

The Town of Chester Planning Board is the lead agency in regard to this action.

**Declaration of Significance:**

A negative declaration was issued on June 6, 2018.

**GML 239 Referral**

This application is not required to be referred to the Orange County Planning Department for review and report.

**Findings**

The Planning Board has determined that approval of this site plan will substantially serve the public convenience, safety and welfare in that the land to be improved is of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace. Further, the site plan is appropriate and consistent with the requirements of the master plan, the official map of the Town, Article V of the Town of Chester Site Plan Regulations and applicable zoning regulations, subject to compliance in full with conditions hereinafter imposed.

**Resolution of Approval**

NOW, THEREFORE, THE PLANNING BOARD RESOLVES to approve the final site plan application of Kips Bay Holdings of Warwick, LLC. as said proposal is depicted on the plans identified above and upon the conditions outlined below, and the

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**TOWN OF CHESTER**  
**PLANNING BOARD MINUTES**  
**June 6, 2018**

Chairperson (or his designee) is authorized to sign the site plan map(s) upon satisfaction of those conditions below noted to be conditions precedent to such signing.

**Specific Conditions**

1. This approval is subject to compliance with the terms, conditions, notes and all provisions contained within and upon the "Plans" referenced hereinabove.
2. This approval is subject to the applicant depositing a \$1,500.00 escrow for erosion control inspections with the Town of Chester.
3. All stormwater storage and conveyance facilities shall be installed, to the satisfaction of the town engineer. Compliance with the requirements of section 98-13 of the Town Code, including delivery of the required *Stormwater Control Facility Maintenance Agreement* prior to map signing is required. Moreover, a map note to this effect shall be placed on the plans before they are signed.
4. This approval is subject to compliance with those requirements that may be imposed by the Planning Board Engineer, Fusco Engineering and Land Surveying, P.C.

**General Conditions**

This approval is conditioned upon the applicant submitting all necessary copies of the plans to be signed, including mylars when required, to the Town of Chester Planning Board in accordance with the requirements of the Town Code.

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**TOWN OF CHESTER**  
**PLANNING BOARD MINUTES**  
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This approval is further conditioned upon the applicant delivering (prior to signing of the plat) proof, in writing, that all fees—engineering, planning, legal and otherwise—in regard to this project have been fully paid. The plans shall not be signed until proof, satisfactory to the Chair, has been presented showing that all fees have been paid.

A FAILURE to comply with any such condition in a timely manner shall result, without further action, in a lapsing of this approval.

In Favor   6        Against   0        Abstain   0        Absent   1  

Dated: June 7, 2018

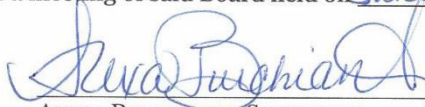
  
DONALD SEROTTA, CHAIRMAN  
TOWN OF CHESTER PLANNING BOARD

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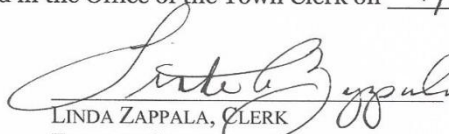
**TOWN OF CHESTER**  
**PLANNING BOARD MINUTES**  
**June 6, 2018**

STATE OF NEW YORK     )  
                                      )ss:  
COUNTY OF ORANGE     )

I, ALEXA BURCHIANTI, Secretary to the Planning Board of the Town of Chester, do hereby certify that the foregoing is a true and exact copy of the Resolution maintained in the office of the Town of Chester Planning Board, said resulting from a vote having been taken by the Planning Board at a meeting of said Board held on June 6, 2018.

  
ALEXA BURCHIANTI, SECRETARY  
TOWN OF CHESTER PLANNING BOARD

I, LINDA ZAPPALA, Clerk of the Town of Chester, do hereby certify that the foregoing Resolution was filed in the Office of the Town Clerk on 6/11/18.

  
LINDA ZAPPALA, CLERK  
TOWN OF CHESTER

**TOWN OF CHESTER**  
**PLANNING BOARD MINUTES**  
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**Lake Station Plaza– Decision**

Proposed a 2,800 sq. ft. addition. Public comment by Mrs. Oppmann concern was regarding the placement of the septic system. Al Fusco spoke with the applicant's engineer both changing it and moving it back to where it was. Al stated he gave a verbal approval. He was satisfied with all of the comments and changes.

Al Fusco letter 6-6-18:

**TOWN OF CHESTER**  
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**June 6, 2018**



- 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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June 6, 2018

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

Re: Lake Station Plaza

Dear Chairman Serotta,

We have reviewed the recent submission and offer the following:

**PROJECT:**

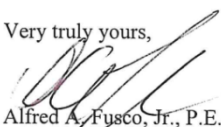
Name: Survey Map & Site Plan for Lake Station Plaza  
SBL: 17-1-101  
Acres: 2 Acres  
Zone: Mixed Use  
Material: Survey Map & Site Plan, Drainage Study, Lighting Specs

**COMMENTS:**

1. Applicant has satisfied my comments.

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  
Anthony LaSpina

Motion to grant Negative Declaration made by Barry. Second by Konrad. Motion carried 6-0.

Motion to grant Conditional Final Approval made by Konrad. Second by Jackie. Motion carried 6-0.

**TOWN OF CHESTER  
PLANNING BOARD MINUTES  
June 6, 2018**

**RESOLUTION OF APPROVAL**

**SITE PLAN**

**FOR**

**LAKE STATION PLAZA, LLC**

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**Nature of Application**

Lake Station Plaza, LLC. has applied for site plan approval allowing the construction of a 35'x70' addition to their existing 4,920 +/- square foot commercial building on a ±2.00 acre tract located at 1136 Kings Highway.

**Property Involved**

The property affected by this resolution is shown on the Tax Maps of the Town of Chester as parcel(s) Section 17, Block 1, Lot 101.

**Zoning District**

The property affected by this resolution is located in the IP zoning district of the Town of Chester.

**Plans**

The Site Plan materials being considered consist of the following:

1. Completed application dated January 18, 2018 and a Short Environmental Assessment Form dated January 18, 218.
2. Plans prepared by Mercurio-Norton-Tarolli-Marshall Engineering and Land Surveying dated last revised May 31, 2018, consisting of 4 sheets.

**History**

***Date of Application***

The application was filed with the Planning Board in January, 2018.

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**TOWN OF CHESTER  
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***Public Hearing***

A public hearing was convened on May 16, 2018 and was closed that same evening.

***SEQRA***

*Type of Action:*

This matter constitutes an unlisted action under the State Environmental Quality Review Act.

*Lead Agency:*

The Town of Chester Planning Board is the lead agency in regard to this action.

*Declaration of Significance:*

A negative declaration was issued on June 6, 2018.

**GML 239 Referral**

This application has been referred to the Orange County Planning Department for review and report. The Planning Department in a letter dated March 22, 2018 has reported that this matter is one for local determination, there being no significant inter-municipal or countywide considerations found to exist.

**Findings**

The Planning Board has determined that approval of this site plan will substantially serve the public convenience, safety and welfare in that the land to be improved is of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace. Further, the site plan is appropriate and consistent with the requirements of the master plan, the official map of the Town, Article V of the Town of Chester Site Plan Regulations and applicable zoning regulations, subject to compliance in full with conditions hereinafter imposed.

**Resolution of Approval**

NOW, THEREFORE, THE PLANNING BOARD RESOLVES to approve the final site plan application of Lake Station Plaza, LLC. as said proposal is depicted on the plans identified above and upon the conditions outlined below, and the Chairperson (or his designee) is authorized to sign the site plan map(s) upon satisfaction of those conditions below noted to be conditions precedent to such signing.

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**TOWN OF CHESTER**  
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**Specific Conditions**

1. This approval is subject to compliance with the terms, conditions, notes and all provisions contained within and upon the "Plans" referenced hereinabove.
2. This approval is subject to the applicant obtaining a Temporary Construction Entrance Permit from the Orange County Department of Public Works pursuant to their correspondence dated April 27, 2018.
3. All stormwater storage and conveyance facilities shall be installed, to the satisfaction of the town engineer. Compliance with the requirements of section 98-13 of the Town Code, including delivery of the required *Stormwater Control Facility Maintenance Agreement* prior to map signing is required. Moreover, a map note to this effect shall be placed on the plans before they are signed.
4. This approval is subject to compliance with those requirements that may be imposed by the Planning Board Engineer, Fusco Engineering and Land Surveying, P.C.

**General Conditions**

This approval is conditioned upon the applicant submitting all necessary copies of the plans to be signed, including mylars when required, to the Town of Chester Planning Board in accordance with the requirements of the Town Code.

This approval is further conditioned upon the applicant delivering (prior to signing of the plat) proof, in writing, that all fees—engineering, planning, legal and

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**TOWN OF CHESTER**  
**PLANNING BOARD MINUTES**  
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otherwise—in regard to this project have been fully paid. The plans shall not be signed until proof, satisfactory to the Chair, has been presented showing that all fees have been paid.

A FAILURE to comply with any such condition in a timely manner shall result, without further action, in a lapsing of this approval.

In Favor   6        Against   0        Abstain   0        Absent   1  

Dated: June 7, 2018

  
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DONALD SEROTTA, CHAIRMAN  
TOWN OF CHESTER PLANNING BOARD

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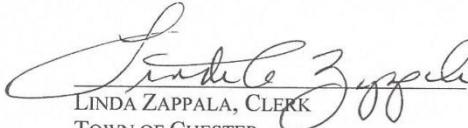
**TOWN OF CHESTER**  
**PLANNING BOARD MINUTES**  
**June 6, 2018**

STATE OF NEW YORK     )  
                                  )ss:  
COUNTY OF ORANGE    )

I, ALEXA BURCHIANI, Secretary to the Planning Board of the Town of Chester, do hereby certify that the foregoing is a true and exact copy of the Resolution maintained in the office of the Town of Chester Planning Board, said resulting from a vote having been taken by the Planning Board at a meeting of said Board held on June 6, 2018.

  
ALEXA BURCHIANI, SECRETARY  
TOWN OF CHESTER PLANNING BOARD

I, LINDA ZAPPALA, Clerk of the Town of Chester, do hereby certify that the foregoing Resolution was filed in the Office of the Town Clerk on 6/11/18.

  
LINDA ZAPPALA, CLERK  
TOWN OF CHESTER

**TOWN OF CHESTER**  
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**Simon Ostreicher– Site Plan Application**

Steve Dolson from CV Associates to represent the applicant. They are proposing a 3 lot sub-division, property located at 1251 Kings Hwy. IP Zone. All commercial. Existing building on the lot is the old saw mill. Located on the corner of Bellvale and Kings hwy. the existing structure would be lot 1. Then would like to sub-divide and do 2 warehouses. One on each lot. They are proposing a driveway on Bellvale and 2 driveways on Kings Hwy.

Al Fusco stated he did give the plans some review time. Eventually will need stamped plans. Need dimensions between the septic and wells proposed and existing. Need site distance. Need to witness perc tests. Need landscaping to be presented. Specific site work details, show area of disturbance if it is more than an acre will need a SWPPP.

Chairman asked if he was looking for site plan approval or sub-division. Steve stated that they are only looking for sub-division right now. Trying to get the feel of the board and the engineer.

Since it's located on a county road or within 500 feet thereof this will have to go to OCDP for 239 referral and to DPW as well.

Chairman stated regarding the buffers for landscaping if he came back for site plan approval. Parking in an IP zone, Chairman stated if he read his narrative correctly it suggested around 10 employees to a warehouse, but you are showing 150 spaces probably because of what the town code requires x amount per sq ft. Chariman stated what we do now is, calculate how many the town wants, but actually tell us how many you need in the beginning and set aside the rest of that property and lock it in and we call that shadow parking. You can't build on it or anything it would be reserved for parking only if its needed.

Poll Board for comments and questions:

Bob: How many driveway entrances onto Bellvale? Steve: 1 New. There is an existing entrance. Bob: So there will be 2 on Bellvale and 2 on County 13? Steve: Actually 3 on County 13, there is an existing one for a house (pointed out on the screen) and then pointed out the 2 "new" entrances, although one will most likely get eliminated now that they can do "shadow parking". So that would be only 2.

Jackie: You will approach the landscaping when you come back? The entrance in the 2<sup>nd</sup> lot is right near where the rail road tracks are? Would like to see the distance from the railroad.

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Barry: Stated that there is an area that is bog turtle habitat. Steve: stated he does.  
Chairman: He won't need that though unless he does a site plan.

Steve stated that he will shoot to come back in August but will be in touch with Alexa.

**191 Lehigh Ave– Site Plan Review**

Richard Golden, attorney for applicant. Ryan Fellenzer, engineer for applicant, both appearing before the board on behalf of Joel Schreiber.

Counsel Golden stated he understands there was a problem with this property with respect to outside storage, he was not engaged in Monday of this week. And advised his client that the outside storage was not permissible that the violation notice was proper and that he had to clear out the outside materials that were being stored. He did do that the same day. The building inspector came the following day and inspected the property and stated materials have be removed and the property was cleaned up. (submitted a letter and photos of the property)

They are asking for office use with contractor storage as permitted under the code. It is an undersized lot, however counsel stated there is a provision in the Town Code that allows this use to be requested and approved on an undersized lot and that is what they are doing. The specifics for the plan itself he will turn it over to Ryan Fellenzer.

Ryan stated they are requesting office use with contractor storage, the majority of the site is existing. There is an existing row of mature evergreens (pointed out on plan where they were located) They would like to supplement that with an 8ft high chain link fence behind that to screen the public and the road and have the evergreen privacy inserts in the fence for enhancement of the buffering. They are proposing a timber guide rail to prevent any traffic encroaching on the septic area. Showing parking. Existing sheds and structure. Showed proposed locations for the outdoor storage locations (on either side of the shed). Added the existing lighting on the plan and added photometric. Showed vehicle turning dimensions, and dumpster enclosure (which will be screened). Ryan provided pictures of the mature evergreens (different angles). The sides, the topography helps with the screening. Site is kind of built into a hill. The applicant does electrical contracting, conduit wiring and light bulbs etc and they wanted the option to be able to have the outdoor storage (contractor storage use) which is permitted in the I Zone.

Chairman pulled up the bulk table for the I Zone to confirm that outdoor storage is allowed.

Al Fusco Letter 6-6-18:

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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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June 5, 2018

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

Re: 191 LeHigh Avenue  
Our File No. CH-143

Dear Chairman Serotta,

We have reviewed the latest submission and offer the following:

**PROJECT:**

Name: Commercial Lot  
SBL: 3-1-14.1  
Acres: 1.0 Acre  
Zone: I Zone  
Material: May 5, 2018 Fellenzer plan and report

Description: The applicant is seeking site plan approval for a contractor's yard in a I Zone District.

**Comments:**

1. This project is located in the I Zone District and 98-9(J) of the zoning regulations would apply to this existing non-conforming lot.
2. Uses that allow outdoor storage of goods in this district pursuant to L.L. No. 4-2008.
3. The current lighting plan does not provide lighting across the parking area, please revise the lighting plan to provide lighting throughout the proposed contractors yard.
4. Provide a number for each existing or proposed parking spot.
5. Show the location concrete bumper blocks.
6. Existing natural features such as primary or principal aquifers, watercourses, water bodies also the plan should show if there are NYS DEC or Federal Wetlands on-site. If wetlands are not present on the site, then a note shall be placed on the plan stating that there are no wetlands located on the property.
7. The plan is indicating that a 12" culvert is to be replaced
8. Provide a legend.
9. Provide additional evergreen tree buffer along the side lot lines to screen the contractors yard from the road views, along with fencing and gates with evergreen slats.
10. Indicate on the site plan the two parking spaces that are located near the building labeled storage.

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11. The applicant is requesting a waiver for section 98-22, Subsection "E" #1, the existing parking area is gravel and the code states that all areas that have more than 10 parking spaces shall be paved.
12. The board should discuss handicap parking and compliance with ADA Standards, we recommend a minimum of one (1) handicap parking space.
13. A note shall be added to the plan that states that no unregistered, wrecked or partially dismantled motor vehicle of any type or design shall not be permitted to be parked or left standing in any yard of any district.
14. All off-street parking spaces shall be clearly marked to show the parking arrangement and movement within the parking area, provide a striping detail.

**Action:**

Pleasure of the Board.

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

Al went over the review letter he submitted to the board.

Jim Farr submitted a letter and pictures that he was at the property on June 5, 2018 and the property was cleaned up. All outside storage items were removed.

Chairman asked if they were putting a gate. Ryan stated that and pointed out on the plan that they propose an 8ft high motor driven sliding gate. (which will also have the inserts for privacy when the gate is closed)

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Chairman also asked about deliveries, Ryan stated that the applicant said they use utility vans as a majority of the pick-ups and drop offs. However they did show on the plan that the turning radius would accommodate a large truck. Counsel Golden stated that he had a conversation with the applicant prior to coming to the meeting regarding the traffic and the intensity. He stated there would be approximately four (4) car vehicles on a daily basis for employees. Other than that they have a total of 8 or 9 that they own of these cargo vans. But on a daily basis they only use 4-5 coming in the morning and leaving simply for picking up. There is a limited number of outside entities (supply places) that are coming and picking-up. They estimated a total on 10-15 vehicles and trucks combined on a daily basis and not all coming at the same time so it would be disbursed throughout the day. They do not have parking of their own vehicles routinely on site they said there may be a few times that they bring all their 8 or 9 vehicles during a holiday weekend but that would be the only times. They are proposing 12 spaces. Ryan stated that it is also important to know that this is not a customer facility they do not have customers coming in and out.

Chairman asked about hours of operation and days of operation? Ryan pointed out on the plan that it states Monday-Friday 7-6 not there on weekends. Counsel Golden stated he will double check to make sure that they are not working on the weekends. If in fact they do they will advise the board and make the changes accordingly.

Chairman stated rumor has it, (pointed out on the plan different sheds) “garage shed” was given a variance and assuming has a building permit. However, what about sheds 1, 2 and 3 (pointed out smaller sheds located around the property)? Counsel Golden stated they will check with the building department and figure out what has permits and do whatever it takes to either get proper authorization for them and if they cannot they will have them removed.

Polled board for comments and questions:

Bob: Last time he knew the town did not permit 8ft high fencing in front yards did that change? Chairman stated it does for buffers and screening (brought up e-codes and read out loud) we have that flexibility.

Carl: Asked, so back when the “garage shed” was given the variance because of the lot size it was given permission to operate as a business office is that correct? Chairman: No, first of all the Zoning Board doesn’t give permission to do anything. They went to get an area variance to go from 5 acres to 1+ and were rejected. Subsequent to that, in September of 2017 Town passed a whole bunch of zoning changes, similar to what we did with residential in 2003 when they made zoning changes in 2003 we would have made 90% of the residents pre-existing non-conforming. So they chose not to do that so



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there is a section 98-9 Exception to District Regulations. There is a sub-section (j) now which is the one that says (chairman read section). So when they went to the Zoning Board they weren't allowed to do that, so the ZBA rejected there 5 to 1+. But again the ZBA doesn't shut anyone down, that is up to the building department for be enforcements and has nothing to do with this board or the zoning board. What has changed now is 98-9(j). Counsel Golden stated to add one more thing, the building inspector stated that what they were doing that is a contractors business with a contractors yard was illegal they can't be storing they can't have that. They can have a business they said under the continued zoning, pre-existing non-conforming zoning, they could have a business office which is what they are operating now. But they could not have outside storage and that's why they were sited properly and were told they needed to get rid of everything. What is happening now is we are not coming in under that pre-existing non-conforming use we are coming in under a permitted use under the I district.

Jackie: That existing screening is aged and you can see from the bottom up that they are almost translucent at certain portions so the fencing with the privacy slats will help but they are on a berm so you will go below the berm for the fence. The bottom of the fence will be below the berm. Your client removed all that garbage so what keeps him from brining that garbage back when he has an outdoor use space? Counsel Golden stated that a couple things would happen, one being that if the board wants additional screening put in they will put it in, if they feel additional trees and shrubs would be appropriate to supplement the front and partially on the side that's obviously within the boards discretion and they would do that. If this board wants to put certain conditions on the outside yard with respect to whether or not they are also behind a fence or whether they also have screening we are happy to listen to those and work with the planning board to get something that fits in.

Konrad: Will there be any manufacturing operations on the site? Ryan: No. Konrad: So trucks come and pick up materials and leave. So it's a materials transfer location Ryan: correct.

Barry: Can you explain to the board all the code violations that have been issued the last 3 years and have they been rectified? Counsel Golden: I would if I could but only knows of the most recent one. He can look into that and report back to the board with respect to that but he was only engaged for the first time on Monday. Barry stated by the time the next time you appear you can have that. If there is no outside storage, why are there so many sheds and on the plan is proposed outside storage? Ryan: We are proposing outside storage and to do that we need to propose the contractor storage area use. Barry pointed out and asked what the 3 other sheds are being used for Ryan stated storage.

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Barry also asked how big the sheds are and if dimensions could be put on the plan as well. Ryan stated no problem. Barry would like the dumpster area detail, Ryan stated on page 3 detail number 3 states the dumpster detail. Typical chain link dumpster enclosure. Barry would like the sides as block and not chain link only the gate closure. Barry also would also like to see the sign detail. Also stated he would like to see 4 ballads, 2 inside 2 outside on the entrance so the fence doesn't get beat up with the trucks. Mark block wall on the plan as existing. Give dotted lines around the septic on plans. Are you blacktopping the parking? You have gravel, for ADA you need it blacktopped. Ryan: they are proposing to keep it gravel, since the site is not being used by customers and it's employees only they were not proposing ADA at this time. Barry stated that you still need ADA and that needs to be paved with signage. Al Fusco also stated that he put that in his review letter, an ADA space is required. Barry also asked if the whole area is going to be lit at night? Ryan stated that they are motion sensors.

Chairman stated that with Jackie's comments it would be important to do more screening on the sides. They elevation changes and goes upward. So 4ft, you could put up an 8ft fence but theoretically it 12ft up you'll be able to see it from the road so would do something here (pointed out on the plan) Ryan asked what would they like to see, Jackie stated evergreens. Counsel Golden asked how high, Jackie stated depends on the elevation. Chairman stated that you have to look from the road give us some kind of elevation drawing to show what it would look like and how that's going to block it. Ryan stated he will give an elevation drawing to show it. Barry also asked for how many square feet of storage they have on the plan. Label septic field and the septic tank.

This would have to be scheduled for a public hearing. And also send to County Planning for a 239 referral. This will also go to Anthony LaSpina for review as well. AG data statement also needs to be sent out to the Beckers.

Motion to send this applicant to a public hearing on July 18, 2018 at 7pm. Motion made by Barry. Second by Konrad. Motion carried 6-0.

Chairman Serotta received an email from a gentlemen up in Warwick Ridge sub-division, we now require all street trees to go on private property. So his question to him was he's no happy having big trees in the front of his property. Chairman told him he doesn't have the answer to that, the gentlemen wanted to know why can't he take a chainsaw and cut them down? Now, the purpose of street trees is to make the road look nice but what stops them to cutting them down? Counsel Donovan stated we are not an enforcement board. Al Fusco stated that there is not a tree ordinance in the town. As a sub-division we require them to plan it, and maintained for 3 years according to the site plan but after that property owner, man's home is his castle. Counsel Donovan stated the answer is unclear to him and he doesn't think this is a determination for the

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planning board to make. It's up to the building inspector and the Town Board if they want to change the code.

Chairman also brought up that he received a letter from Dorian. Had a very lively public hearing on Dorian's property. There was a lot of public comment specifically about the bus stop, traffic, the kids and the safety. And the safety of Pine Hill Rd. Since that Anthony LaSpina our Highway Superintendent submitted a letter everyone should have seen. He is refusing to give her a driveway permit to come out onto Creamery Pond Rd. he feels that 40ft is to close. Dorian asked 3 questions:

1. Is a traffic study going to be needed for Creamery Pond and Pine Hill?
2. Should she get a letter from the school district?
3. Should she plan on getting an easement?

Chairman asked if we can answer these?

Counsel Donovan stated well lets go to questions 2 and 3, our job, the Planning Board's job is to review applications not necessarily to tell applicants what they should and shouldn't do. If the applicant thinks it's appropriate to get a letter from the school district relative to the bus stop then that is her determination. The board cannot put themselves in a position where they predetermine or given an indication on how they would act upon receipt of that letter. You have to continue to do your job reviewing the information that is provided to you. So with respect to numbers 2 & 3 in his view it is not for the planning board to respond to. In connection to number 1, the answer to number 1 is the Highway Super is not going to approve the driveway opening so we can provide that answer. Chairman stated he will answer her email back then.

Motion made to go into executive session for an interview. Motion made by Barry. Second by Jackie. Motion carried 6-0.

Motion made to close executive session by Bob. Second by Jackie. Motion carried 6-0 at 8:48pm.

Meeting adjourned.

Respectfully Submitted,

Alexa Burchianti  
Planning Board Secretary

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