Meeting called to order: 7:02pm

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

Also present: Dave Donovan-Attorney, Alexa Burchianti-Secretary, John Nosek-Engineer (Substituting for Al Fusco)

A motion was made to adopt the minutes from August 7, 2019 and September 4, 2019. Motion made by Carl. Second by Larry. Motion carried 7-0

There will be a mid-month meeting on October 16, 2019. Broccoli Patch will be back, we hired a fire safety consultant Adam McCarey. The report has been sent Chairman asked everyone to review it for the meeting. A new one may be coming is for a battery storage facility to tie into the O&R substation over by The Rock. They should be coming in for a work session. Nothing has been submitted yet. Chairman stated we should use Adam McCarey on that one as well.

**Westervelt/Synergy - Public Hearing**

Jeremy Valentine from MHE Engineering present to represent Ryan Westervelt. The project is the old saw mill on Bellvale and they are proposing to turn it into a warehouse. They showed the landscaping on the revised plan. They still have not heard back from the Orange County DPW on what they want. Chairman stated that there has been an issue, other boards haven’t heard from them either. Chairman stated he will reach out as well.

Trees are shown on the plan separating the house that is on the lot on the side. They called out the height and spacing of the trees on the plan. Chairman stated that they fence should go all around the house.

Chairman asked Larry about the turning radius, Jeremy stated they are probably lose the one entrance that is closest to the house, DPW doesn’t like having 2 entrances on a single lot. But IF they let them keep that one also the entrance width will increase to the same size as the one up top. Larry stated he was ok with that. Jackie was ok with the landscaping.

Al Fusco did not submit a new letter, all comments were addressed excluding the County DPW.

The 239 Response has not gotten back to us yet they still have a couple of days. County has a 30 day window to get back to us.

Chairman polled the board for any comments or questions before he opens the public hearing. No comments were made.

Let the record reflect that the legal notice was published and the notices were sent certified.

**Rosemary Shaunasy** White Oak Dr.: Was wondering about ambient lighting at night and how that was going to be addressed? Jeremy: On page 3 there is a lighting plan, they will be dark sky compliant, there are some light on the building they are going to be shielded. Rosemary: How much anticipated truck traffic? Is it Monday thru Friday? Is it 7 days a week? Jeremy: The clothing bins that you see, this is what this is for, clothes come in they repackage them and they go out. So about 1 truck a week or so large box truck. Rosemary stated there are currently large trucks parked on the lot and they run and create noise. Is that something that is going to keep occurring? Jeremy: No, they wouldn’t want the trucks running that’s a waste of fuel. If they are parked, they may park in the back for a day or so but that’s about it. The hours of operation are seven days a week 8am - 7pm is what they are looking for. Rosemary: That’s kind of late for truck traffic. You’re making light of it. Rosemary stated she feels that it will get extended to even later. Rosemary: this really isn’t conducive to a rural neighborhood. Jeremy: Unfortunately, this is an Industrial Zone. Rosemary stated she realizes that, but it’s not a good neighbor.

**Tracy Schuh**: Asked Chairman if she could bring up the site on bing maps, stated that it is a very picturesque area. She gets the residents’ concerns that live right across the street and is right outside the hamlet. Our comprehensive plans talks about how we have to accommodate growth but also enhance our rural character. Was trying to get a visual of what an 8’ tall chain link fence looks like. Jeremey corrected her that it is a 6’. She doesn’t know how much of the trees are going to shield that, she doesn’t know how far apart they are. Will they grow so that the trucks will be taller and you’ll see the gate eventually? She’s thinking long term. There are 2 other large warehouse proposals next door to this so whatever the board accommodates here you’ll likely have to accommodate there. So even though he may not have a lot of truck traffic at 7 pm there might be someone else who would and will want the same treatment. Thinking about the landscaping, they aren’t tearing down an old barn and putting up some ugly building so she thinks that’s great. The town code is very short it says something about no fence along the front edge of any front lawn shall be over 4’ in height for open and 3’ for solid. Does that apply here? How tall is the gate? Also she doesn’t know what the standard notes are on the plan for landscaping, is it in perpetuity, she didn’t see it. The question is will it be inspected on installation? When does someone go back out and look? Is it 2 years after planting for replanting? This is more of an issue with subdivision when houses are being built at certain times. She knows this is an issue of whose job it is. Is it the Engineers job, the building inspectors, to go look at these things? She doesn’t know who keeps a running list of trees that were planted and when they should be looked at if they need to be replaced. So maybe that should be on the site plan. Another thing was signage. Signage on the other side of the street to direct trucks to the bypass, she doesn’t see that on the plan. Is that still a requirement?

**Rosemary Shaunasy**: Wanted to point out that by the lower entrance there is a school bus stop just to take that into consideration. Jeremy stated he is pretty sure that entrance is probably going to be removed but they will keep that in mind. They are waiting for the DPW for a month and a half now.

**Cindy Becker** Sanford Ave: Just listening to the comment from the lady that just sat down. Cindy asked if she was understanding correctly that they are asking for 7 days a week 8-7? Is that a permitted use and time in that area? For the hours and days? Chairman stated we won’t be able to answer all the questions tonight but we will note the questions and at the next meeting Jeremy will answer all of it. Chairman stated it is an IP Zone so chances are it is allowed to be open 7 days.

**Ryan Westervelt** Owner - He just wanted to remind everyone that basically all they are doing is restoring an existing building. This was a saw mill which made A LOT of noise and there was a lot of outside storage. So essentially what they are doing is converting it to something that is going to be making no noise and have the proper landscape screening and will be an improvement. As far as the hours? That is a question that is on the paperwork that we have to submit, so anyone in there right mind isn’t going to pigeon hole themselves and say they will be open from 8-3 and then have the town come back and say, well how come you guys are working until 5:00?. So how he came up with that time was just a reasonable amount of time that we “maybe” working. This is not an operation where there are shifts, people aren’t always going to be coming here and doing things. This is essentially our headquarters, the truck is going to be parked there it goes out, it comes back, we may transfer clothes onto a trailer or we may not even do anything. We may just park the truck there and deliver the clothes directly to one of our customers. This is not going to be like an Amscan situation where you have craziness going on. He understands people have certain concerns, but if we are going to sit here all night and talk about the hypotheticals we can talk about all kinds of stuff that may happen. But he doesn’t have plans for any of that stuff happening. He lives right down the street on Cherry Lane, trying to invest in Chester and keep his business in Chester and also make it esthetically pleasing that is his ultimate goal.

Let the record reflect no one else spoke for or against the application.

Motion to close the public hearing made by Bob. Second by Larry. Motion carried 7-0. The board will continue to take any written letters for 10 days.

Chairman had a question for Jeremy asking where the 6’ fence was going. Was it around the residence? Jeremy showed on the plan that the 6’ will go in the front of the warehouse as security measure with the trees.

Jackie stated the note should say in perpetuity regarding the landscaping since that’s what was discussed.

They are going to re-appear on October 16th meeting and make sure they add the note on the plan regarding the landscaping and will be prepared to respond to the questions. They understand that we are waiting for the DPW response. Chairman is going to make a call to find out what is going on.

Chairman polled the board to ask if Dave Donovan can draw up the resolution for the next meeting. All in favor.

**Meadow Hill - Site Plan Review**

Joe Pfau from Petrzak & Pfau engineering present to represent the applicant. They did a number of revisions on the plan a in response to public comment and have received there sign off from SHPO. They provided a stream buffer now along the existing stream that runs through the site. Also provided an easement to through the stream to the Town for any future and or potential maintenance. They also provide stream buffer markers, along the buffer strip in maximum 100’ intervals on both sides of the stream with details as well. The most part everything else stays the same. They did soil testing with the Town Engineer, everything came out fine. And are requesting a final approval this evening.

Chairman, you are routing the drainage ditch (and pointed out on the screen which way the drainage ditch was running) there is also a nice big tree (pointed out on screen approximately where). Joe stated that they detailed that ditch so they do not go into property. Chairman doesn’t want the tree that is very close to the road damaged or taken down. Chairman stated if you run the drainage ditch all the way down to the stream you cut the roots or kill it. Doesn’t see why you can’t do a 45 degree angle so that healthy tree stays protected. Chairman told Joe to go and check it out, but that tree needs to be protected.

Chairman stated he provided the environmental report and SHPO.

Al Fusco letter 10/1/19:



John reviewed Al’s letter. Soils test was witnessed. Total area of disturbance? John asked if it was below an acre or below for disturbance? Joe was trying to find it on the plans. 5 acres full SWPPP between 1-5 basic SWPPP. Joe stated he will add it. Show site distances. Items 2-3 done and 4 & 5 need to be done. Dedication was already done prior.

Chairman asked Joe to show him the swale from the driveway up the hill on lot #1. Roadside swale and culvert under all 3 driveways channeling into that swale.

Details of the marker signs. Chairman suggests it should say “no disturbance” on there. Stream Buffer No Disturbance. So there will be a 25’ buffer on each side and a 30’ easement so Anthony can get a machine or something to be able to do work if they have to.

John asked if the easement will need a document of offering for the easement for the stream. Dave Donovan stated deed document in addition to the map notice is the preferred way. That would be a condition of approval. Joe asked if we could run that down center line of stream since the stream meanders as opposed to metes and bounds description. Both John and Dave were ok with that.

Chairman stated that during the public hearing there was some comment on whether this was a perennial stream or an intermittent stream. This stream is not documented on the GIS website. It has no name. Chairman brought up pictures of the stream that were taken on July 17, 2019 (the exit over to trout brook) the next picture was of the stream coming off the property and the shot was taken 2 weeks ago. Going into going trout brook itself. And it’s dry. These show that it is clearly an intermittent stream and is the reason why it’s getting a 25’ buffer and not a 50’

Chairman stated that there are a few things you have to do so obviously you are not getting approval tonight. Joe asked if they could be conditioned they appear to be minor.

Polled board for comments and questions:

Bob: Asked Chairman-You met with Highway Superintendent out there? Chairman stated 3 or 4 times sometimes including during a big rain storm. Bob: Did he express and concerns about the size of the culvert (shown in the first picture) Chairman stated not that one because it’s huge 50 or 60”. The only one he expressed a little bit which it would be the towns responsibility because it crosses the town road is where crosses the drainage ditch coming down Camp Monroe and under Trout Book and that where it was originally dumping directly onto his property. That’s where the new swale is going to take the water from there. So he wanted to make sure he sizes that one, he was supposed to meet with Al.

Carl: What are the sizes of the culverts under the driveways? Joe: 15”

Jackie: It’s noted on the plan that they are single family home? Joe: Yes

Chairman stated that you came here in June and now it’s October, call were made no one ever answered so you didn’t seem in to much of a rush. When we are ready we will be ready. Answer the questions that are left. We will poll the board to ask Dave to draw up a resolution for the next meeting just in case you can answer everything by then.

Polled board to ask Dave to draw up resolution for the next meeting. Entire board was ok with it.

Reappear on October 16, 2019

**The Congregation of Heichal Torah-Work Session**

David Hall Attorney for applicant. His client is asking for a one time permit to extend the use of the camp from November 1st to May 31st. There was some back and forth on exactly what his client’s intentions exactly were. This is all based around a current school is under construction in Middletown so they need a place to put the children for this school year, so that’s why they would like to use the camp in Monroe, bus them in for this school year with the intention that when construction is complete they would continue going to go to their current school.

Chairman stated that there is no formal application in front of the board, it was only a work session application so we first have to understand what it is you want to do. The purpose of a work session is to sort things out and get an understanding of what you want to do and then give you some direction on which way to go or can you proceed ahead.

No approvals would be given tonight anyway because it’s only a work session.

Chairman explained to positions and duties of the planning board and what codes we follow. Planning board cannot change uses or issue variances or special use permits. With the exceptions of cell towers.

Chairman stated he did some research; the camp has been around a long time. It’s been around since the 50’s and knew Stanley. Stanley has been in front of the board to do a few things the last time was when they subdivided the property into 3 parcels. The first zoning was done in 1966. The second zoning change was 1973 and then one in 2003. There were many changes since that. The Comprehensive Plan was done in 2015. So you might see changes in 2017 and other dates. The camp falls into what’s called a pre-existing non-conforming use. There has never been a camp zoning in this town, he stated then again he could be wrong but he can’t find it. Chapter 98-8 talks about non-conforming use. Chairman told him to go to the e-codes which are on line so he can research it as well. This has been a summer camp for a long long time. So by adding something or changing it’s use now by increasing that, you have to look at 98-8 and see what that says in there. It is his opinion that they cannot increase that non-conformity. Second, this is AR-3 zone Agricultural Residential 3. In AR-3 zone basically they are looking for farms, housing, and some other uses. Every zone has municipal uses. Cell towers there is a pecking order on where they should go but it could go in an AR-3 but that would be the last zone. Schools, any kind of schools other than public schools is not in the zone. Even if you weren’t pre-existing you’d be adding a use that’s not allowed in the AR-3 zone. So based on all those things I don’t think there is anything we can do for you. Mr. Hall asked if there is any other option that they have? There are zoning boards , planning boards, his question is, is there scenario where they can get a permit to operate this? Dave Donovan stated that we can’t give you legal advice or your client legal advice what the chairman is indicating is here what’s in the code, the way that it has been analyzed so far appears to him, the chairman and the rest of the board is that the use isn’t allowed. If there is another option, not trying to be sequiturs about this or anyway but I don’t know that there is but I don’t want to tell you that there’s not. Mr. Hall understood. Mr. Hall stated going forward, say he searches and he finds nothing then it’s nothing and this is done. Is there any appeal or any other route to take to do this? Mr. Donovan stated that getting to that is not a formal determination so this was a work session and generally people come in for work session to get some direction. The direction you are getting your getting is that it looks like this is not a permitted use. So you are entitled to due process, you can file a formal application and go through the process and there would be a public hearing and there would be a determination. You might be several months down the road before you get to that point. Are there any other avenues to pursue? I can’t tell you yes and I can’t tell you no. Mr. Donovan stated he is not trying to be difficult but. Chairman stated we can only speak for this board that’s all we can say. There are other boards in this town but we aren’t sending you anywhere and we can’t speak for them.

Mr. Hall thanked the board for their time.

Meeting adjourned.

Respectfully Submitted,

Alexa Burchianti

Planning Board Secretary