

TOWN OF CHESTER
PLANNING BOARD MINUTES
April 4, 2018

Meeting called to order: 7:00pm

Members present: Chairman Serotta, Jackie Elfers, Dot Wierzbicki, Bob Conklin, Konrad Mayer

Absent: Barry Sloan, Carl D'Antonio

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

A motion was made to adopt the minutes from January 17, 2018 and February 21, 2018 made by Dot. Second by Konrad. Motion carried 5-0.

Next meeting of the Planning Board is scheduled April 18, 2018.

4 Public Hearings tonight. Poughkeepsie Limited Partnership d/b/a Verizon Wireless, Baroda Sub-Division, Tin Barn Brewery, Dorian DeHaan Sub-Division.

Michelle Conero a NYS certified stenographer is here tonight to record all 4 public hearings.

Certified transcripts attached:

Respectfully Submitted,

Alexa Burchianti
Planning Board Secretary

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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF CHESTER PLANNING BOARD

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In the Matter of

VERIZON WIRELESS
Property Owner: Kings Estate Partnership

Kings Highway
Section 17; Block 1; Lot 51

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PUBLIC HEARING

Date: April 4, 2018
Time: 7:00 p.m.
Place: Town of Chester
Town Hall
1786 Kings Highway
Chester, NY 10918

BOARD MEMBERS: DON SEROTTA, Chairman
KONRAD MAYER
DOT WIERZBICKI
JACKIE ELFERS
BOB CONKLIN

ALSO PRESENT: DAVID DONOVAN, ESQ.
AL FUSCO, Engineer
ALEXA BURCHianti, Secretary

APPLICANT'S REPRESENTATIVE: ALLYSON PHILLIPS

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MICHELLE L. CONERO
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Newburgh, New York 12550
(845)541-4163

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CHAIRMAN SEROTTA: Tonight we have four public hearings. All public hearings are scheduled to start at 7. That's just the way the law reads. I had put an agenda out. We're going to be starting with the Verizon Wireless public hearing first, we're going to move into the Baroda hearing second, we're going to move into the Tin Barn Brewery third, and then we'll move into the Dorian DeHaan fourth. That's the order we're going to be going in.

We're really busy tonight, so the public will have ample time to speak here tonight. We have a stenographer with us tonight, Michelle. I'm going to ask you when you do want to speak in front of the Board tonight, to please come up here in the front. We have a laser pen if you want to look at anything. We're going to show everything on the board. We don't hide anything. You're going to see everything up on the board. Everything we talk about tonight will be up there. There's a laser pen on top of the projector. There's a little red button up on the top right here. Don't point it in anyone's eyes. These are supposedly dangerous and you can hurt

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VERIZON WIRELESS 3

someone's eyes with them. We're just going to point. If you see something you want to point out, that rock, you're going to point out the rock. If you want to draw something to the board try to use these. Don't go up to the board. Mr. Diltz, last time we were at a meeting you were running up to the board and using your hand. We want you to use the laser pen. We want to use the laser pen.

All right. So I'm going to open the first public hearing now. Typically how it's going to work is I may make some comments first. I will then ask the applicant to make their presentation. Obviously we have a full house here tonight. We wish we had a full house every meeting we have. We don't have that. The applicants will do a presentation in front of you tonight, try to fill you in on exactly what they're trying to do and that. At that point in time I will then open the public hearing. I'm going to ask you to raise your hand -- I'll go over this before I open the public hearing -- and then I'll call you up to come in front of everybody. All right.

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VERIZON WIRELESS

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So Allyson. Allyson is here from
Verizon -- from the law firm representing
Verizon.

MS. PHILLIPS: Yes.

CHAIRMAN SEROTTA: Let me just bring
your stuff up. Do you want me to bring the
presentation up or anything else?

MS. PHILLIPS: That would be great if
you would.

My name is Allyson Phillips, I'm with
the law firm Young, Sommer and we represent
Verizon Wireless. I'm here tonight with an
engineer from Verizon also, Mike Crosby, and also
David Harboy who is with Taconic which is a real
estate consultant for Verizon.

We put together just a little
presentation to open the public hearing. It just
gives you some general information about the
project we're proposing in the Town of Chester.
The project involves the installation of twelve
antennas on an existing water tank located off
Kings Highway. The antennas themselves will be
installed on top of the existing water tank, and
there would be a small equipment pad on the

1 ground. We do have the ground lease area
2 identified, which is only 330 square feet. The
3 actual equipment shed that would be then placed
4 there is only, I think 11 by 16. The zoning in
5 this area we've identified as suburban/
6 residential, SR-1. It's not on here but I think
7 we're also in the ridge protection overlay zone
8 here as well.

10 The purpose of the communications
11 facility we're proposing today is to upgrade the
12 existing network. This is a necessary and
13 critical upgrade taking into account what we're
14 experiencing now, which is a lot of traffic on
15 the existing network, and then as a result of the
16 propagation studies that we've done which look
17 several years into the future, look at
18 anticipated wireless usage, we're identifying
19 that this is a weakness in the system where we
20 need to upgrade with additional capacity now in
21 order to maintain the current level of service
22 going forward.

23 Specifically the project will offer
24 significant improvements in capacity and
25 in-building coverage to residential areas south

of the existing water tank, traffic along Kings Highway north and south, and portions of the residential Sugar Loaf area.

This is just a general site area map taken from our application materials. It's a little dark here but it generally just shows the site of the existing water tank and that residential area to the south.

A description of the land use being proposed. It's a co-location of twelve panel antennas. It's at the 100 above-ground level center line, what we call the center line height which is basically the middle of the antenna. The water tank itself is 95 feet tall. The overall height to the very top of the antenna is going to be 104 feet. The equipment platform I was mentioning before is 11.5 by 16 feet in size, and then there will be related ground equipment within that structure and on the site, including power and telephone that will be needed to service that.

This is just an excerpt from the overall site plan that's also included within our application materials. After the last Planning

Board meeting we did an update to that site plan to include the bulk table that the Board requested to be on the zoning diagram which shows existing bulk requirements in the zoning district. We've also since updated the building diagrams additionally to provide some added detail on proposed repairs or improvements to the access road going into the site.

You'll see on the next slide the access road. We propose to use the same access but we do propose that the curb cut would be improved, there's not much of a curb cut there now, and we would re-gravel the existing gravel roadway because it looks a little washed out and could be repaired.

This is just the specifics. It's an existing 30 foot easement that goes to the existing water tank that will be utilized. The access drive is from Evan Road. Curb cut and repairs to the existing gravel access road are proposed and have been detailed in the zoning drawings.

This is a view of the existing access as it is now. You could see the curb cut would be

1 within the apron of the existing gravel road and
2 we would just replace the gravel that's been
3 washed out over time.
4

5 This just details the public need for
6 the telephone communications facility. It's one
7 of the standards that's incorporated into your
8 local zoning law. The applicant has provided
9 expert proof in the form of a report and
10 propagation studies prepared by the
11 radiofrequency design engineer depicting service
12 that would be provided to the Town of Chester
13 with this service upgrade at this location. The
14 information clearly demonstrates that the
15 location of this facility on the existing water
16 tank off Kings Highway will provide advanced
17 emergency and nonemergency 4G communications
18 coverage to this area.

19 This is just another diagram taken from
20 our application materials that shows Verizon's
21 existing coverage area in the blue and the area
22 that the installation of these new antennas will
23 provide the enhanced coverage which is in the
24 green there.

25 CHAIRMAN SEROTTA: What is the white?

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Just to interrupt you a second.

MS. PHILLIPS: The white are areas --

CHAIRMAN SEROTTA: Is it dead zones?

MS. PHILLIPS: Not dead zones but areas
of intermittent coverage.

CHAIRMAN SEROTTA: Okay.

MS. PHILLIPS: Again, going through the
factors in the local zoning law, public need for
the communications facility, the height
justification, the analysis I just discussed
demonstrates that co-location at the 100 foot
center line level on the existing water tank
location will provide the new advanced emergency
and nonemergency wireless coverage to this target
area we're looking to cover. It will satisfy
applicable local coverage objectives with minimal
increase in the overall tank height. The tank
height is currently 95 feet. Again, the center
line of the antenna would be 100 feet. To the
very tip would be 104 feet.

We also propose that it will have
minimal visual impact. The existing water tank is
located on a 9.9 acre parcel. It includes
undeveloped woodlands in the vicinity which

1 provide natural screening of ground equipment
2 from neighboring parcels. You'll see below site
3 disturbance does not result in a disturbance or
4 removal of any of that existing vegetation.
5 You'll note that FAA markings or lighting will
6 not be required as a result of the project.
7 Also, in discussions with the landlord he has
8 agreed to and has executed a contract to have the
9 existing water tower painted as part of this
10 project. We think that will result in an overall
11 visual benefit as a result of the project.
12

13 These are just some visual simulations
14 from our application materials. This is an
15 existing photograph. If you don't mind, I'll use
16 -- just make sure I'm saying this from the right
17 location.

18 UNIDENTIFIED SPEAKER: You're not
19 taking a picture from Kings Estates? You're
20 taking a picture from the outside --

21 CHAIRMAN SEROTTA: You'll have time to
22 talk later.

23 UNIDENTIFIED SPEAKER: I'm sorry.

24 MS. PHILLIPS: This is the first
25 photograph that's included with our application

materials. This is looking southwest from the intersection of West Meadow Way and Sky View Lane. The next photo shows the simulation with the antenna on top. The photos are taken from our application materials which are available at the Town offices if anyone would like to get a better look.

The next one, this is looking south from 81 Ridge Road. The installation will be visible from this location as well.

If you go to the next slide, that's a simulation of what it would look like with the antenna on top.

The next slide we have, P-3, which will be looking northwest from the intersection of Evan Road and Darren Road, the installation will be visible from this location. The next slide will show a simulation of that view.

We have one more photo simulation. If you go to the next slide, we have -- this would be looking northwest from the intersection of Evan Road and Lindsay Road. Again, the antenna will be visible from this location. The next slide will show a simulation of what that view

will look like.

CHAIRMAN SEROTTA: That's probably this one.

MS. PHILLIPS: The next one. The P-4.

The next one will be S-4 which is the simulation. There you go.

So next we just have a quick summary of our compliance with applicable land use regulations and the Town site plan requirements. We'll note that our zoning drawings demonstrate site plan compliance in all material respects with the requirements of the local law.

As far as the SEQRA determination, we prepared and submitted a full EAF together with the additional information submitted with our application. We would propose that that would support a negative declaration under SEQRA. That's for the Board to determine ultimately.

Lot lines and setbacks are identified in the zoning diagrams. We note that the existing site where the water tank is located is a 9.9 acre site. We will say that the project is sufficiently set back from any adjacent property lines to ensure no safety hazards due to ice fall

1 or free fall from the tower, and would also
2 preserve the privacy of adjoining residential
3 properties. It's set out in more detail on the
4 actual setback plan that's included with the
5 zoning drawings, but I think the setbacks on the
6 side closest to the residential development to
7 the south, the side yard setbacks I want to say
8 are -- I can say precisely if you give me one
9 minute -- 200 feet from the water tank, 153 feet
10 from the equipment side yard, and that's above
11 and beyond what's required by the local code. For
12 the tower the minimum side yard setback would be
13 110 feet and for the equipment the side yard
14 setback would be only 30 feet. So we propose
15 those additional enhanced setbacks provide more
16 than enough protection to ensure no adverse
17 impacts from any ice fall or free fall.

18 As noted previously, existing
19 vegetation and landscaping will not be disturbed.
20 There's no removal proposed as part of this
21 project.

22 We're going to be utilizing the
23 existing access road that's always been utilized
24 for the water tank. It provides adequate access
25

1
2 for emergency vehicles and routine maintenance
3 for Verizon to service the antennas, which is
4 only anticipated to be two or three times per
5 year. That equipment that's on the site is
6 unmanned, so there's no need for any water or
7 sewer service to the site. It's not proposed as
8 part of the project.

9 We've also demonstrated in the
10 application materials that the facility will not
11 interfere with any other communication devices
12 operating in the surrounding vicinity.

13 A little information about
14 radiofrequency emissions. This is also an
15 applicable standard that we must comply with. The
16 report prepared by our professional engineer
17 documents that this facility will comply with the
18 requirements of the FCC, the Federal
19 Communications Commission, concerning
20 radiofrequency emissions and that it is
21 categorically excluded from location regulation
22 under applicable Federal Law. What that means is
23 the communications facility will comply with
24 electromagnetic field safety standards by a
25 substantial margin. The report that we provided

as part of the application materials demonstrates that the radiofrequency emissions from this facility is going to be less than 1 percent of the maximum that would be allowed at any publicly accessible area under applicable regulations. So it's in substantial compliance with that requirement. That would include the base of the existing water tank and any areas in proximity to the water tank.

A little information about the Federal Telecommunications Act. We are subject to regulation under your local laws but we also are under the -- beneath the Federal Telecommunications Act which by law states that we're a telecommunications facility in compliance with applicable exposure limits, which this facility is. The subject of electromagnetic field safety is preempted by Federal Law, which means that it's beyond the purview of the local planning board to determine that there would be some kind of health impact from the communications facility because the Federal Government has already determined through years of study that that's not the case. So that area

is preempted by Federal law.

Also additionally, FCC regulations categorically exclude antennas that are located greater than 10 meters above ground level from routine monitoring. That's about 32.8 feet. That means that basically the FCC made a determination that it's basically impossible for an antenna at that height to provide any kind of impact from radiofrequency emissions at ground level. That's due to the low power nature of the signal and elevated position of the antenna.

Just to note that Verizon Wireless transmits in the 700 to 1,900 frequencies which is non-ionizing like x-rays. It means it just doesn't transmit the level of energy that would be required to ionize an atom or move a proton. It's not the same as an electrode. It's a different frequency, different power load.

Just a summary again of what we just went over. The site is located sufficient distance from neighboring structures to protect them from falling ice or debris, a report by a professional engineer indicates that the radiofrequencies are in compliance with FCC

1 regulations, and the report indicates that full
2 operation of the radiofrequency from this
3 facility is less than 1 percent of the maximum
4 allowed on the ground at any distance.
5

6 So we would submit to the Planning
7 Board that we meet all applicable regulations and
8 meet the requirements of your local code.

9 CHAIRMAN SEROTTA: Okay. Thank you.

10 Al, you did a letter.

11 MR. FUSCO: Yes. Basically we had
12 submitted some previous comments, and the plans
13 were updated to include the information that we
14 had requested. The only thing that they did have
15 to change was the bulk requirement page.

16 The applicant has verified that the
17 tank was going to be painted. That was one of the
18 questions that came up. She re-verified that at
19 this point.

20 We asked for some information regarding
21 health and safety standards by the Federal
22 Government towards this, which again we just
23 heard some of that.

24 There were some Board comments which
25 were also adequately addressed.

I would recommend that we continue with SEQRA and close the public hearing at this point, after we have the public input of course.

CHAIRMAN SEROTTA: Okay. Thank you.

Under certain circumstances an application has to be referred to the County Planning Department and also possibly to the County Department of Public Works. This did not fall under Department of Public Works comment but it did fall under the Orange County Planning Department which means they have the ability to make comments to the Board, they can ask us to do certain things, they can ask us to reject this. This was submitted. They were given thirty days to respond, which they did. This is their letter that came back to us. It just was a simple letter just saying, "Comments, the Department has received the above-referenced site plan and found no evidence that significant intermunicipal or countywide impacts would result in this approval. We have no advisory comments regarding this application, therefore it's a local determination." It just comes back to us. So they made no comments on the application.

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All right. Before I open it to the public hearing, any questions or comments from the Board? Bob, I'll start with you.

MR. CONKLIN: Not at this time.

CHAIRMAN SEROTTA: Jackie?

MS. ELFERS: No.

CHAIRMAN SEROTTA: Dot?

MS. WIERZBICKI: No.

MR. MAYER: I have a question. You said the elevation is 100 feet plus or minus. Can it be 90 feet plus or minus and still work? That would put it below the top of the tank.

MS. PHILLIPS: I think what you have in our application materials is this field study analysis that we've done which basically justifies the height that we have proposed the antenna at in order to provide the service for the coverage area we've identified as having a need for the enhanced coverage. Also it takes into account we've tried to look at the preference that's expressed in your local law to locate on existing structures. Being of such a height that we need to put the antenna as to provide the coverage that we need, there's a

1 limited amount of existing structures that meet
2 that height requirement. This water tank was in
3 the right location, provided the height that we
4 needed to provide the coverage to the target area
5 we had identified. So I would say no, it couldn't
6 be located any lower.
7

8 MR. MAYER: I guess what I'm asking is
9 why does it have to be put on top of the tank?
10 Can it be suspended from the side, hung from the
11 top?

12 MS. PHILLIPS: My understanding from
13 the study that Verizon conducted is that that's
14 the minimum height necessary to provide the
15 coverage to the service target area that was
16 identified.

17 CHAIRMAN SEROTTA: Okay. So let the
18 record reflect that the proper notices were sent
19 out by mail and the proper legal notice was
20 published in The Times Herald Record.

21 At this point I am going to open the
22 public hearing. Again as I made brief comments
23 earlier, I want you to please raise your hand.
24 You need to come forward because we have a
25 stenographer here and she won't be able to hear

you. Please state your name and your address for the record. If I hear duplicate comments, sometimes with some of the projects I hear the same thing over and over again. You can see we have a full house, everybody wants to speak tonight, we'll be here until 2:00 in the morning. I may ask you to just move on if I hear the same comments. I will try to give everybody ample time. I'm not one of the ones that pushes the buzzer and you only have three minutes. We'll try to accommodate everybody and allow everybody to speak. We're not here in a question and answer mode tonight. What we really want to hear is questions from the Board. If we -- any significant comments we hear, we're going to ask Allyson and everybody to answer the comments at a future meeting. We're not here to make a decision tonight. That's not going to happen. If there are no other comments after tonight, if everybody is done speaking, we may close the public hearing. You're all welcome to come back here. Our agendas are on the Town of Chester's website. You should follow these. You can see our documents, agendas. Everything is out there.

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We'll set them to be coming in to a future meeting. We'll discuss that later.

So at this point in time I am going to open it to the public hearing. Does anybody want to speak for or against the application? Come on up first.

MR. MULLINS: My name is Ed Mullins, 1125 Kings Highway in the Town of Chester. When I bought my cell phone it came with a little book here. Looking through the book here it has safety regulations about RF. It gives you suggestions on how to limit the RF exposure with your cell phone. I do those things. I keep it away from my bed at night, I charge it away from where I'm not watching television. I do the same thing with my Wifi.

When I'm out in my yard mowing my grass, when my nephew's kids are out there playing, when the kids at Kings Estates are riding their bikes, how are they going to limit the exposure from the RF? Okay, you say the Government says there's legal limits. I don't trust that, okay. I don't trust Verizon. Just like the water in Flynn. But the difference

1 between the water in Flynn and the RF is that
2
3 people can choose not to drink that water. They
4 can't see the RF to limit their exposure to it.

5 You're putting cell towers in a
6 residential neighborhood. You're affecting
7 people, where they sleep, where they live, where
8 they play. They don't belong by houses,
9 regardless of whatever they think the RF is. RF
10 is cancer causing and there's other health, you
11 know, negatives to it.

12 My question is that when 27 years from
13 now, when a lady is sitting there with her
14 daughter who lived at Kings Estates and that
15 daughter has, you know, a miscarriage, will she
16 think about this time when those towers went up
17 there? When somebody 45 years from now has
18 cancer and they're going through chemo, will they
19 think about this time when those cell towers went
20 up there? It's a hazard. It doesn't belong in a
21 residential neighborhood.

22 Now that I've learned that you can't
23 consider that, let's talk about what it will do
24 to property values, all right. When I go to sell
25 my home do you think that I could have a

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disclosure from the Federal Government to assure the people that are going to buy it that those cell towers are safe? It's going to limit the amount of people who want to buy that home, all right. It's going to affect the property values of the people that live around those cell towers. Kings Estates is a community of condominiums, first-time home buyers and, you know, people of middle income, predominantly Hispanic and African American, and I think that you're doing a big disservice by robbing them of their equity. We've been listening ad nauseam for the last three years about institutional racism and I just found it in my backyard. It doesn't need to be in residential areas. It's going to affect our property values, okay, and it will affect our health. Thank you.

CHAIRMAN SEROTTA: Thanks. Yes.

MS. OLIVERAS: Good evening, everyone. My name is Ester Oliveras, I'm at 70 Evan Road. Actually, the photos that were just shown do not do justice to the water tower. The water tower is actually very beautiful without the cell plan sites.

I want to read this petition that I took from some of the neighbors. We actually look at the water tower every morning. I am on 70 Evan Road and I can see directly what it looks like. I just want to read this. "We the citizens of the Town of Warwick and Kings Estates homeowners respectfully petition of the Planning Board of the Town of Chester to deny the application of Orange County Poughkeepsie Limited Partnership doing business as Verizon Wireless for the installation of the twelve cellular antennas on the existing water tank owned by Warwick Water Corp as well as the construction of an accessory platform and related ground equipment, utility services. The reasons for such is that studies have shown that living in close proximity to a cell tower or antenna may pose significant health risks including cancer. Cell towers are continuously being approved without assurance of health and safety to the families living nearby. The property value" -- as the gentleman just said, I'm not going to repeat that one -- "will likely be compromised since people really don't want to live near cell sites." You have to take

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VERIZON WIRELESS

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into consideration that cell phone companies are paying a considerable amount of money to companies to install cell towers at the public's health risks, and we're talking here about the Warwick Water Company which would stand to gain from this venture.

So I plead with all of you to please consider our families, our children. There are health risks for our little babies. I'm very worried about the radiation that they will be getting. I work in Manhattan. I am dealing with this all the time. I came up here to get away from it and now it's coming back to us, which is really ridiculous. We came to the country to give our kids a better life and we're seeing a little bit more of the city coming into the country. I think -- I would just really appreciate your consideration.

MS. BURCHIANTI: Do you want us to take the petition?

MS. OLIVERAS: Yes. It's signed by about 35 people in Kings Estates.

CHAIRMAN SEROTTA: Do you have a copy? Do you want us to give you a copy back?

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MS. OLIVERAS: I can give you what I have.

CHAIRMAN SEROTTA: If you come into the Town we can give you a copy back.

MS. BURCHianti: Or I can e-mail it to you if you want to e-mail me. I can mail it back to you so you have a copy yourself.

MS. OLIVERAS: I appreciate it. Thank you.

CHAIRMAN SEROTTA: Thank you. Yes.

MR. OLIVERAS: I want to show you an actual picture from the backyard instead. Our house is right there. It's way closer. So they should have taken pictures after. It's in our backyard.

THE REPORTER: If I can have your name?

MR. OLIVERAS: Charles Oliveras.

CHAIRMAN SEROTTA: Does anyone else want to speak for or against the application? Janice.

MS. OPPMANN: Janice Oppmann, I live at 1128 Kings Highway. The pictures that you showed before, the little blue house that's there, that's my son and my grandchildren that live

1
2 there. We live on the other side of it. I'm
3 totally opposed to this. I think there's a lot
4 more health issues than you're putting out. Like
5 I said, you can not put this in a residential
6 area. There's other places this could go. Thank
7 you.

8 CHAIRMAN SEROTTA: Thank you.

9 MS. OLIVERAS: I'd just like to add one
10 more thing. The people that I spoke to in the
11 community, all of us said the same thing. We
12 don't have a problem with communications. I'm not
13 sure -- I understand there are dead zones and so
14 forth. We're not saying don't put it, just don't
15 put it where we are. Put it someplace else.

16 CHAIRMAN SEROTTA: Does anyone else
17 want to speak for or against? Susan.

18 MS. BALLANICH: I don't know if you
19 said it. Maybe I --

20 CHAIRMAN SEROTTA: Your name?

21 MS. BALLANICH: Suzanne Ballanich.

22 You said there's twelve antennas. How
23 big are those antennas, because some antennas are
24 bigger than others? How many channels or
25 transmitters will be on these twelve antennas?

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MS. PHILLIPS: The antenna itself -- maybe, Mike, you can provide more technical explanation. It's a series of twelve antennas on one installation. The length of the antenna itself I believe is 8 feet.

MR. CROSBY: Correct.

MS. PHILLIPS: The water tower, the total height is 95 feet, to the center of the antenna is 100 feet, to the very tip of the antenna is 104 feet.

MS. BALLANICH: How much is going to be transmitted in this ring of antennas? You can have one channel or five hundred channels. How powerful will these antennas be?

MR. CROSBY: The power -- I'm Mike Crosby, RF engineer for Verizon Wireless. The power that's transmitted is -- it's a broadband channel. What that means is there's -- there are many channels that are within that broadband channel. Really there's one broadband channel for each carrier that we install. Depending upon the software -- as the software advances, the software gets more capable, the number of channels can increase with that software. That

1
2 does have other impacts to the performance of the
3 system. There can be certain things that are
4 offset by that increase in channel capacity. The
5 channels can vary but the power stays the same.

6 MS. BALLANICH: When you talk about an
7 antenna size, do you speak in terms of wattage?
8 Do you measure an antenna size by watts?

9 MR. CROSBY: Not the physical size. We
10 do measure what the RF emissions are from the
11 site. That is calculated by a licensed engineer.

12 MS. BALLANICH: So what is the
13 projections? I don't know if you presented it.
14 What are the projections? You anticipated a need
15 and you understand this antenna to help fill in
16 that gap. What is the projection of what wattage
17 or radiofrequency is going to come off of this
18 installation?

19 MR. CROSBY: Is it all right that we're
20 addressing --

21 CHAIRMAN SEROTTA: It's okay. I think
22 the public has to understand some of this.

23 MR. CROSBY: Sure. I'm trying to think
24 of the right ways to answer your questions. When
25 we measure the emissions from the site we do so

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VERIZON WIRELESS

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in a manner that is regulated by FCC guidelines.
That's our OAT bulletin 65. That's been a
document for more than twenty years. It's an
industry standard. The mathematical calculations
to calculate that wattage and that power emission
is all part of that document. We're very
carefully and closely regulated.

It was mentioned that the maximum
permissible exposure level is less than 1 percent
for this site. So the calculations that are used
are extremely conservative and the FCC has
consulted with industry radiation organizations
to come up with those calculations. It is safe.

MS. BALLANICH: So you said -- you
mentioned 1 percent. There has to be a number
behind that. We don't work in the industry. Do
you know what the 1 percent represents in terms
-- watts? Is it watts that we're talking about?

MR. CROSBY: 1 microwatt per centimeter
square.

MS. BALLANICH: 1 microwatt per
centimeter square.

And the previous speaker just said the
house was a certain proximity to this water

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VERIZON WIRELESS

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tower. Has someone calculated with understanding of the proximity to houses that this is safe or not?

MR. CROSBY: The calculations that we're required to provide are two levels. One is for the general population, and that's the closest point somebody could get to the water tank, to the antennas. Basically the closest point you can get is directly beneath the antenna. That's roughly about 100 feet from the center line of the antenna. We also calculate for what's called an occupational standard which is 3 feet from the antenna. That's also safe.

MS. BALLANICH: If I just flip what you said, are you saying that the FCC would allow this antenna to be 99 percent more powerful than what it is and still be installed on this water tank?

MR. CROSBY: No.

MS. BALLANICH: You said it's less than 1 percent, so --

MR. CROSBY: The equipment that we use is designed to work at certain levels. If it's running at max power, which is what these

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calculations are for, those are the measurements
that are the result using those calculations.

MS. BALLANICH: I'm just trying to
understand the science behind this. It's not easy
from the outside to really get --

MR. CROSBY: I think an important
takeaway to take with you, and I think it's
important for the audience to at least consider
this part of the energy concern, and that is
right now the southern portion of Chester is
halfway in between the existing on-air cell sites
that we have and it's many miles apart. What that
means is even though we have some weak and
variable coverage in the area to serve from many
miles away, it does cause your phones to have to
run at higher power levels in order to be able to
talk back. That's what we call a reverse link.
Everybody's phone that's on them or next to them,
in bed or in the kitchen or wherever you happen
to be, those phones have to transmit at a higher
power now than they will have to after the new
site is activated. Once that new site is there,
the good news is it's from an overall power
level. The RF that's closest to you, which is

1
2 your phones, that's going to be much lower power
3 because now it doesn't have to transmit so far. I
4 think that's very important to understand that.

5 MS. BALLANICH: Thanks very much.

6 CHAIRMAN SEROTTA: Yes.

7 MR. SMITH: My name is Robert Smith,
8 I'm at 72 Evan Road in Warwick. I just find it
9 strange, why a water tank?

10 MS. PHILLIPS: I'll speak to that. The
11 local law has a preference for existing -- for
12 locating on existing facilities rather than
13 building an independent standalone cell tower. In
14 order for us to get coverage in the target area
15 that we need to fill this anticipated gap in
16 coverage, we need the antenna to be a certain
17 height. So instead of finding a green field or a
18 vacant piece of land where we can construct a 100
19 foot cell tower, we look first to see if there's
20 an existing structure in the area that we need to
21 locate the antenna on to get that same target
22 area, and if we can find an existing structure
23 that provides that height in that right location,
24 then we're going to try to locate it there rather
25 than building a new cell tower on vacant land.

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MR. SMITH: But on a water tank?

MS. PHILLIPS: Yes.

CHAIRMAN SEROTTA: Yes.

MR. FARRUGGIA: My name is Mike
Farruggia, I live at 386 Black Meadow Road. I
just want to make a general comment. I wasn't
actually going to speak on this subject tonight
but it actually pertains to all the projects that
are going on tonight. It has to do with
professional engineers. Now I've got to premise I
work with professional engineers every day of the
week. I'm driving up to Wakefield, Mass tomorrow
to meet with a team of engineers for a planning
board meeting. A planning board chairman once
told me that professional engineers are someone
we need to trust and listen to, okay. My
immediate response to that was as a planner you
need to question these engineers, and the reason
I say that is because 50 percent of all engineers
graduated in the bottom half of their class.

CHAIRMAN SEROTTA: Mike, we don't know
that that's a true statement. You already put
that in your thing. It has nothing to do with --

MR. FARRUGGIA: Please let me finish.

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This is a public hearing.

CHAIRMAN SEROTTA: I don't care if --

MR. FARRUGGIA: 50 percent --

CHAIRMAN SEROTTA: I don't care what you say. You want to bring these statistics, bring the statistics.

MR. FARRUGGIA: It's not statistics, it's a fact.

CHAIRMAN SEROTTA: Sit down. I'm saying to sit down.

MR. FARRUGGIA: In a recent example --

CHAIRMAN SEROTTA: I will ask the police to take you out.

MR. FARRUGGIA: -- the news media (inaudible) crashed and people were killed.

CHAIRMAN SEROTTA: Janice, will you ask them to remove him. I'm asking you to leave.

MR. FARRUGGIA: There were teams of engineers that reviewed this project. There were teams of engineers that reviewed this project and it crashed and killed people. Don't trust engineers just because they say that something is safe.

CHAIRMAN SEROTTA: One more outburst

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VERIZON WIRELESS

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and you're out of here.

MR. FARRUGGIA: It wasn't an outburst.

CHAIRMAN SEROTTA: I'm telling you to shut your mouth and one more outburst and you're out of here.

MR. FARRUGGIA: Don, please don't talk to me like that. That's rude.

CHAIRMAN SEROTTA: You're rude to us by doing that.

MR. FARRUGGIA: I made a public comment.

CHAIRMAN SEROTTA: When I ask you to stop -- when I ask you to stop, then you stop, all right. I'm respectful of --

MR. FARRUGGIA: You can't ask me to stop because you don't like what I'm saying.

CHAIRMAN SEROTTA: Stop or you're going to get out of here.

MR. FARRUGGIA: You can't ask me to stop because you don't like what I'm saying.

CHAIRMAN SEROTTA: Does anyone else want to speak directly for this application, please? Yes.

MR. OLIVERAS: Charles Oliveras again.

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What's the tower -- you're saying Chester. The weak spot, is it Warwick? What's your other site that you have right now?

MR. CROSBY: We have a site called Bellvale which is on the ridge line to the south, and then we have a site in east Chester which is the stealth tree by the water tanks.

MR. OLIVERAS: You don't have one in Chester at all?

MR. CROSBY: Actually I wrote down what the other names are.

CHAIRMAN SEROTTA: You have one right up here in the Village of Chester.

MR. CROSBY: To the north is east Chester, to the east is a new site we turned up last year which is called Neptune, to the south is Bellvale, to the southwest is Warwick BT which is on top of the hospital, and to the west is Warwick. We have the area.

MR. OLIVERAS: So why are you saying it's weak? Where you want to put it, we don't have a problem with our signal at all. You're picking a spot that's a border between Warwick and Chester. It's not really -- the weakness is

1 in Sugar Loaf. That's not going to alleviate it
2 because you've still got Chester and you've still
3 got Warwick, and you still have a dead zone in
4 Sugar Loaf. Shouldn't you be taking care of that?
5 We've got it strong in our community. If you just
6 stay in that general area, there is no weakness.
7

8 MR. CROSBY: The existing sites are
9 overburdened capacity. A lot of it is because of
10 the actual distance that there is involved
11 between the traffic that's on those sites to get
12 back to them.

13 MR. OLIVERAS: So then you transmit
14 more power with those, what you're doing; right?
15 That means if -- you know how you do a poster and
16 they do the night lights and you see the
17 taillights. Technically you transmit the signal
18 and that will be what we'll be seeing going
19 through our bodies during the day and during the
20 transmission.

21 MR. CROSBY: I'm not sure how to answer
22 that.

23 MR. OLIVERAS: Thank you.

24 CHAIRMAN SEROTTA: Does anyone else
25 want to speak for or against the application?

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Jay.

MR. WESTERVILLE: I just have a question. I'm not an engineer. Whenever I hear engineers speak to the safety of Wifi and things like that, they always use the expression nonionizing radiation. Well solar radiation, which gives us melanoma, et cetera, is that ionizing or not ionizing?

MR. CROSBY: Ionizing by definition is --

MR. WESTERVILLE: Let me ask you a yes or no question. Is solar radiation nonionizing?

MR. CROSBY: I'm not an expert about solar radiation.

MR. WESTERVILLE: Does anybody else know the answer?

MR. FARRUGGIA: The answer is no.

MR. WESTERVILLE: Thank you. Solar energy is nonionizing radiation. So to use that expression for safety makes no sense.

MS. BURCHianti: Can I have your name?

MR. WESTERVILLE: Jay Westerville.

MS. BURCHianti: Thank you.

CHAIRMAN SEROTTA: Anybody else? I

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thought I saw another hand.

MR. DELO: I have one. I didn't come here for this but -- Andrew Delo, D-E-L-O, and I live at 10 Granby Road in Chester. I came here for something else but I find this very interesting. I figured I'd ask the question that I always ask. How many other places did you see if it would work with Verizon's necessities?

MS. PHILLIPS: I can speak to that. We have a site selection analysis as part of our application materials where we do an engineering analysis, looked at the target area we needed to provide the coverage to. We look at all the available locations within a distance that would allow service to that target area, and then we look primarily first for existing structures that provided the height at the precise location. There was a series of locations that were identified in that report that were looked at, but ultimately this water tank was determined to be the preferred location due to it's location, the height and the fact that there was an existing structure that we could locate on rather than building a new tower from scratch.

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MR. DELO: You stated that there was multiple other Verizon tower sites; right?

MR. CROSBY: Yup.

MR. DELO: Are those all in residential areas?

MR. CROSBY: So --

CHAIRMAN SEROTTA: We'll get into that. I don't want to get too much into the question and answer tonight. It's a valid question to ask. The Board will take notice to that. We're going to ask them to answer that at the next meeting when we have more time.

MR. DELO: My ultimate question is big business. Do you care about the people that you're going to be building and causing their property to go down? Because at the end of the day if I was that homeowner I would immediately stop using my Verizon phone and get out of my plan if you don't care about their property values or their neighborhoods.

MR. CROSBY: Respectfully, the data that I've seen on this subject over many, many years, it actually encourages people to move into areas that have good public services like

wireless. I disagree, from the data I've seen,
respectfully.

MR. DELO: Okay.

CHAIRMAN SEROTTA: Thanks.

MR. DELO: Just commonsense questions.
Sorry.

MR. MARTINEZ: Good evening. My name is
Julio Martinez, I'm at 47 Marion Court, also a
resident of Kings Estate. Besides the cell tower,
what other equipment is coming to power this cell
tower and is it going to be secure? Is there
going to be any health hazard attached to that?

MR. CROSBY: Is there going to be any
what? I'm sorry.

MR. MARTINEZ: Health hazard. Is there
going to be any power lines that the kids might
be able to play with or anything that can be
exposed?

MR. CROSBY: It's going to meet all
County and Town codes, the power and fiber
installation that serves our site.

CHAIRMAN SEROTTA: He's talking about
the safety. Is there a fence, is it locked?

MR. CROSBY: Do you have a copy of the

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site plan? I would imagine everything is fenced in.

MS. PHILLIPS: There's details in the zoning drawings that were submitted with our application. The existing water tank site actually has a fence around the water tank, and that has a locked gate that will be in place once our antenna is up, the same as it is now. The equipment pad, I believe what's going to be there, you have -- I believe I can tell you. The C-2 drawing we have, the site detailed plan notes the equipment that's going to be on the pad. It's a battery cabinet, a generator, a control panel.

MR. MARTINEZ: Is it a panel that's locked and secure?

MS. PHILLIPS: Yes.

MR. MARTINEZ: Would it be where kids just can't get to it, open it up?

MS. PHILLIPS: It is a secure site.

MR. MARTINEZ: Children are curious.

MS. PHILLIPS: Yes.

MR. MARTINEZ: One more question. Any of you guys live nearby a cell tower?

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MS. PHILLIPS: I do.

MR. CROSBY: I have one across the
street from my house.

MR. MARTINEZ: How has this impacted
your community?

MS. PHILLIPS: I have good cell
coverage.

MR. MARTINEZ: You have cell coverage.
How does this affect the people in your
community?

Thank you. Thank you. Have a good
evening.

CHAIRMAN SEROTTA: Tracy?

MS. SCHUH: I have a procedural
question. I guess I'll get up. I'm assuming
you're going to close the public hearing this
evening. I want to ask procedurally, because I
didn't hear you say earlier, the public can have
ten days?

CHAIRMAN SEROTTA: We'll talk about
that.

MS. SCHUH: I want to make sure we'll
get the information. Thank you.

CHAIRMAN SEROTTA: Yes.

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VERIZON WIRELESS

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MS. JONES: My name is Fatima Jones and I live at 62 Evan Road. From my kitchen I look directly at the water tower. I want to know is it going to be noisy?

MR. CROSBY: No.

CHAIRMAN SEROTTA: The generator is not going to make any noise at all?

MS. PHILLIPS: It will be within acceptable standards.

MS. JONES: What is an acceptable standard?

MS. PHILLIPS: Commercial standards for a generator of that size that you could have on a private residential property.

MS. JONES: Thank you.

CHAIRMAN SEROTTA: Is there a generator running at all times?

MS. PHILLIPS: It's an emergency back-up generator.

CHAIRMAN SEROTTA: Anybody else? Ed.

MR. MULLINS: Ed Mullins, 1125 Kings Highway. It's going to be located on a tower that has drinking water in it. Is there any affect of that electronic stuff on top of a water tower?

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Any affect on the water that people can be drinking?

MR. CROSBY: No affect.

MR. MULLINS: No affect. And you said you both live near towers. Were they there before or after you moved in?

MR. CROSBY: I had a 250 foot tall tower built across the street from my house. I know what it's like to have something new in your neighborhood. I'm familiar with that. A 250 foot tall tower is a fairly substantial structure, especially when it has lights and marked FCC, painting.

I think our application here, which is to add twelve antennas on top of an existing structure, is fairly minimal in that regard.

MR. MULLINS: My brother-in-law's family owned that farm since the 1900s. Over time the Town has done things to the value of his property. The first thing they did was rezoned it. It stole some equity from him. Now we're at the same point again, putting a cell tower, undesirable for residential, devaluing his land once again. Again I say to you it is a detriment

1 to the property values and should be denied.

2 Thank you.

3 MR. OLIVERAS: Charles Oliveras. In the
4 city there's water towers in the roofs but the
5 cell sites are never hooked up to them. Is there
6 a reason why it's different there? They got
7 different restrictions?

8 MR. CROSBY: In the city you don't
9 always want the tallest location. Sometimes if
10 you're in a high rise environment you're going to
11 have cell sites at multiple levels to make sure
12 you have coverage for the users at different
13 levels. In a dense urban environment there might
14 be two or three sites that make up that
15 elevation, so you don't typically need a site on
16 the top. But I have seen in Johnson City there
17 was a water tank on top of a rooftop.

18 MR. OLIVERAS: In New York City I've
19 never seen them on top of the water towers. When
20 you go to roofs they're sized so you can't enter
21 the roofs. Depending on the antennas themselves,
22 depending on the shapes, it's a different range
23 also of the closeness.

24 MR. CROSBY: I have seen an application
25

1 with antennas on water tanks on top of roofs. I
2 do know that's applicable. Our role is to try to
3 make sure that we utilize existing structures
4 wherever possible. That's the case with this
5 water tank.
6

7 CHAIRMAN SEROTTA: Does anybody else
8 want to speak for or against the application?

9 (No response.)

10 CHAIRMAN SEROTTA: Let the record
11 reflect that nobody else wants to speak for or
12 against the application.

13 I'll take a motion from the Board to
14 close the public hearing or to adjourn it.

15 MR. CONKLIN: I'll make that motion.

16 CHAIRMAN SEROTTA: To close, Bob?
17 Motion to close?

18 MR. CONKLIN: Yes.

19 CHAIRMAN SEROTTA: Does anyone want to
20 second Bob's motion?

21 MR. MAYER: Second.

22 CHAIRMAN SEROTTA: By Konrad. All in
23 favor?

24 MR. MAYER: Aye.

25 MS. WIERZBICKI: Aye.

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MS. ELFERS: Aye.

MR. CONKLIN: Aye.

CHAIRMAN SEROTTA: Aye.

So the public hearing is now closed.

We do accept written comments for the next ten days. You can send in any written comments.

We will schedule -- I'm not sure -- Allyson, we'll talk to you. What we're going to ask you to do is to answer some of these questions that were heard tonight. Michelle will have to come up with a transcript. That's going to take her some time. I assume it's probably going to be a month from now before -- probably in the May meeting.

MS. PHILLIPS: Okay.

CHAIRMAN SEROTTA: All of our agendas and all of our documents, anything that -- you haven't seen all the documents. They have a full site plan out there, all the technical drawings. Everything is on the Town of Chester's website. If you go to the Town of Chester's website, you go to agenda and minutes, go to the Planning Board, you look for this meeting, April 4, and

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pick documents, you can see the site plan. You can see anything you want to see, and you can see our agendas. It's updated constantly.

So I'm assuming we're not going to set them yet tonight. We actually have to see how fast we can get this to them. They will come back and discuss this. Most likely this will be in our May meeting. You're welcome, everybody, to come back in May. The meeting is open to everybody to come back.

At this point in time we're going to move on to our second public hearing.

MS. PHILLIPS: Thank you.

MR. CROSBY: Thank you.

CHAIRMAN SEROTTA: Thank everybody for coming to the Verizon hearing.

(Time noted: 7:54 p.m.)

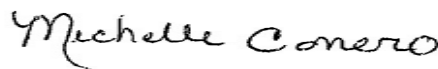
C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do hereby
certify:

That hereinbefore set forth is a
true record of the proceedings.

I further certify that I am not
related to any of the parties to this proceeding by
blood or by marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 13th day of April 2018.



MICHELLE CONERO

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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF CHESTER PLANNING BOARD

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In the Matter of

BARODA SUBDIVISION

Black Meadow Road
Section 12; Block 1; Lot 31

- - - - - X

PUBLIC HEARING

Date: April 4, 2018
Time: 7:54 p.m.
Place: Town of Chester
Town Hall
1786 Kings Highway
Chester, NY 10918

BOARD MEMBERS: DON SEROTTA, Chairman
KONRAD MAYER
DOT WIERZBICKI
JACKIE ELFERS
BOB CONKLIN

ALSO PRESENT: DAVID DONOVAN, ESQ.
AL FUSCO, Engineer
ALEXA BURCHIANI, Secretary

APPLICANT'S REPRESENTATIVE: MARK SIEMERS

- - - - - X

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CHAIRMAN SEROTTA: The next thing on our agenda tonight is the Baroda public hearing. So we're going to do this -- let everyone clear out a little bit so hopefully there's more seats for everybody. If anybody wants, there's extra chairs up here.

If I could just get order again, we'll move ahead and we'll move forward.

I'm just going to change course a little bit here. I just wanted to -- there's been some documents floating around, postcards and things like that, talking about the zoning in the area. There's been a little bit of misrepresentation and miscommunication, I think, on what the zoning is actually on Black Meadow Road. I just wanted to start and quickly explain what the zoning is, then the applicant -- I'll have the applicant do a presentation, the same thing as Baroda -- with Verizon I mean, and then we'll open it up to the public, the same way as we did before.

Let me blow this up a little bit. All right. It's a little bit hard to see and I'm not sure how this gets blown up because it's not

opening as a PDF file. Thank you, Alexa.

Black Meadow Road, starting from -- upwards from the industrial park, moving up all the way into Pine Hill Road, the industrial park area is zoned as an IP zone, industrial park zone, so the areas down below where those buildings are on the right side -- the left side as you're coming up Black Meadow Road and the orchid dealer, so on and so forth, those are all sitting around an IP zone. That's not in question here. Then starts what they call an AR-3 zone. That's what the Baroda property and the rest of anyone who lives on Black Meadow Road, that's the zone you sit in, okay. So looking at an AR-3 property here, if you look it says, under single-family -- we're not doing a municipal building, we're not doing a commercial agricultural operation. We're doing single-family dwellings here. That's the category I want to go over here. There are some other things here. These are other uses that could possibly happen. We're going to talk about one specific use later.

So in a cluster -- in an AR-3 zone, all right, going across here it says the conventional

zoning for the AR-3 on Black Meadow Road is a 3-acre zone which would require 250 foot width, a front yard of 100, yatta, yatta, yatta, going on down the line. That's what it is. So the typical zoning -- and that's typically what the applicant has to address right off the bat, a 3-acre zone, what he could do taking this parcel and divvying this up into 3-acre lots depending on environmental issues and so and so forth, wetlands and roads and everything else.

In an AR-3 zone there are two other methods that could possibly happen. So to give you a theoretical example, if you had a 30-acre parcel, theoretically you could get ten lots. You can't get ten lots. There's going to be roads involved, here we have substantial wetlands down below. None of that is going to happen. Mark is going to address later on a conventional plan based on a 3-acre zone. Also in an AR-3 zone they're allowed to do something -- if we look right here at number 3, number 3 right here, it talks about a cluster development. There's been some misconceptions of what a cluster development is. A cluster development is where you take a

1 piece of property and you go ahead and you
2 calculate the first -- the first thing the
3 applicant has to do, he has to come in with a
4 conventional plan, 3-acre lots. Simple as that.
5 He has to present it to the Board, the Board has
6 to take a look at it. We may choose to use that
7 plan and say we don't want to do anything else
8 but the 3-acre plan. That's an option. The
9 developer -- the Planning Board can request the
10 developer to go ahead and cluster if we feel that
11 that would be a better use of the property. What
12 clustering is, they come up, they do a 3-acre
13 calculation -- you're going to see this tonight
14 -- and they come up with a number of homes that
15 would be allowed on this 160 acre piece and they
16 come up with a number. In this case, Mark will
17 address this later, the number came out to 29.
18 That's what it is. That gives them the right
19 under a cluster to build 29 homes somewhere on
20 the property and to reduce the 3 acres down. The
21 next calculation has to happen is is there water
22 and sewer on the property or is there no water
23 and sewer on the property. If there's no water
24 and sewer, that's what the answer is here, there

1 is no water or sewer, the minimum lot size has to
2 be three- quarter acre. That's the minimum. Mark
3 will address this tonight. You'll see some of the
4 lots are three-quarter acres and some of the lots
5 are going to be up to 2 acres. That's going to be
6 the size. They can not build more. If the number
7 comes out to be 29 and if the Planning Board
8 accepts the number to be 29, that's the number of
9 lots that can be built somewhere on that
10 property. That's called a cluster, all right.

12 Now, there's been another running
13 around people have been saying this is a 5-acre
14 zone. Let me explain. There is no Town of Chester
15 -- 5-acre zone in the Town of Chester. There's no
16 zoning in the Town of Chester, 5-acre zoning.
17 There is an option that could happen, which is
18 called an open area development, which is similar
19 to the Odyssey Drive that was put up in there. So
20 in certain cases the developer could come in and
21 request -- again they have to give us a
22 conventional plan. The first choice of the
23 Planning Board should be to look at a
24 conventional zoning, which is the 3 acre. That
25 should be always one of our first choices. But he

can then request of the Planning Board to develop an open area development. An open area development plan is where they build on 5-acre lots. Now they have to go up to 5 acres. They put in private roads, they're not plowed by the Town of Chester, maintained by the Town of Chester or anything like that. I don't know if anyone is here from Odyssey tonight. You know the goods and the bads of living on private roads, so on and so forth and that. Once they get their 5 acres they can never be subdivided again or anything like that. It's limited to 5-acre lots. If some day Chester changed the zoning to 1 acre, it doesn't matter. 5 acres is locked in for life type of lots. The Planning Board can not authorize an open area development. All we can do is if we feel it's in the best interest for the Town to do that, we will then ask them to draw up the plan and then we will submit it to the Town Board. We have our town supervisor in the back. The Planning Board would write a recommendation. The Town Board is the only one that can authorize an open area development because it's a special -- it's not a zoning piece, like 3-acre zoning or

1 anything like that. It's almost like an overlay.
2 It's a zoning overlay that was put in the Town.
3 It's only allowed in the AR-3 zone. It's not
4 allowed in any other zones. It requires a minimum
5 of 50 acres. That would be to do this, all right.
6

7 The other thing with a cluster -- I
8 left one thing out with a cluster before. When
9 someone does a cluster, all right, if they put
10 the 29 houses and they put them all on
11 three-quarters of an acre somewhere, the rest of
12 the property has to remain forever something.
13 That other something could be an agricultural
14 easement which can only -- they can only grow
15 corn or have horses or do something horticultural
16 or something on the property. It could be owned
17 by a homeowners association. It has to stay
18 vacant and it has to stay something similar to
19 what I just said, forever, if it's done in a
20 cluster. That's the zoning on Black Meadow Road.

21 There's three different methods that
22 could happen. Typically it's conventional zoning
23 3 acres. There's a possibility that someone
24 could ask for an open area development. This is
25 where the 5 acres come, it's not 5-acre zoning,

1
2 or this cluster zoning which in this case would
3 be three-quarters of an acre or bigger for each
4 lot clustered somewhere on the property. So
5 that's my pitch on the zoning.

6 Mark, I'm going to turn this over to
7 you. The first thing you want to do is use the
8 -- this one? This is the right one, isn't it,
9 Mark?

10 MR. SIEMERS: No. That's the closer up
11 version.

12 CHAIRMAN SEROTTA: Okay. Which one?

13 MR. SIEMERS: There should be a display
14 sheet. There was two sheets there.

15 CHAIRMAN SEROTTA: It's not under the
16 cluster one?

17 As I was saying in the last meeting
18 here, if anybody wants to look at anything, we
19 always post our agendas and post everything we
20 have here. April 4. For some reason I didn't load
21 the document here. There we go.

22 MR. SIEMERS: Good evening. My name is
23 Mark Siemers, I'm a professional engineer with
24 Pietrzak & Pfau. I'm here representing the
25 applicant for the Baroda Realty Subdivision.

First I'd like to give you an overview of the existing conditions of the parcel. The parcel for the project is located on the east side of Black Meadow Road, just north of Odyssey Drive. So everybody can orient themselves to the map, this is Black Meadow Road right here, this is Odyssey Drive right here. The parcel is approximately 168 acres in size and it's bisected by Bears Cross Road. Bears Cross Road is an old dirt/gravel road that runs from Kings Highway to Black Meadow Road, and Bears Cross Road, so everybody can get a feel for it, is located right here, running right through the project parcel.

The area of the parcel located on the north side of Bears Cross Road, so that would be this section up here, has a history of row crop farming. You can still see the row crop residue out on the site now if you drive by. The portion on the south side of Bears Cross Road is mainly an upland area consisting of open field -- the open field is located right here -- and wooded areas on steeper slopes in the higher elevations which are located right here.

The site contains three separate

wetlands areas. The first wetland area is designated as a Federally regulated wetland and it's designated as wetland area A. That's located on the north side of Bears Cross Road which is in this area up here. The overall size of that wetland area is about 43.3 acres. There's a second smaller pocket of Federally regulated wetlands that runs through the middle of the southern portion of the site, on the southern side of Bears Cross Road. This area is approximately 3.51 acres in size and it's located right here, just inside the treeline above the open field. The third wetland area is a New York State DEC wetland. It's designated as WR-18. It's approximately 15.7 acres and it is located in the back of the property in this area right here.

The eastern most portion of the site is bounded along the Hudson and Lehigh Railroad. The train track is located right here on the map.

The New York State DEC wetland is surrounded by a 100-foot regulated adjacent area, which is shown on the map here, as well as a 300-foot buffer which is shown right here. That 300-foot buffer was put around the wetland area

1 because there is a possible Bog Turtle habitat
2 located within this New York State DEC wetland.

3 MR. WESTERVILLE: Sir, you're not
4 supposed to disclose that to the public.

5 CHAIRMAN SEROTTA: Jay, you'll have
6 time to talk later. Jay, you'll have time to
7 talk later.

8 MR. WESTERVILLE: I'm sure. If
9 something wrong is occurring it should be
10 addressed at the time of the occurrence.

11 UNIDENTIFIED SPEAKER: By the Board.

12 MR. SIEMERS: There's U.S. Fish &
13 Wildlife letters in the public documents.

14 MR. WESTERVILLE: They are not in
15 public documents.

16 MR. SIEMERS: They are in public
17 documents.

18 CHAIRMAN SEROTTA: Jay, we're not here
19 to -- please.

20 MR. SIEMERS: The 300-foot buffer was
21 placed around the wetland in accordance with the
22 recommendations made by the U.S. Fish & Wildlife
23 for protection of that endangered species. In
24 addition to the Bog Turtle, the parcel is located
25

within 4.5 miles of a documented Springs Colorous tree as well as about 5.5 miles of a small site for the Indiana Bat. Due to the proximity to those locations, the site has been designated with a tree clearing requirement. Any trees to be taken down on the site have to be taken down between November 1st and March 30th to avoid any impacts to the Indiana Bat, which is also an endangered species in New York State.

In addition to these things that are existing on the site, the northern portion of the project site within the Federally regulated wetlands and the New York State DEC wetland is a 100 year floodplain as defined by the National Flood Insurance Program. The floodplain runs along -- generally runs along the 474 foot contour line. I think you can see the floodplain which is located about right here running on the site.

Last, the southern portion of the project site is located within the Town of Chester ridge preservation overlay district which is any area above elevation 500 in this area of the Town of Chester.

The southeastern portion of the site, which is this section here, is a heavily wooded area of steep slopes which rises to an elevation of about 740. This area can be seen from many places within the Town and the Village of Chester.

As Don said, the zoning for the entire parcel is in the AR-3, Agricultural Residential Zone. This zone allows single-family dwellings as a permitted use. The minimum lot size for this zone is 3 acres and can be clustered down to three-quarters of an acre with individual wells and sewer disposal systems in accordance with Section 98.5 of the Town Code.

To give you a little bit of the project history, my office became the project engineers for this subdivision in June of 2014. The project did have a fairly long history with the Planning Board prior to our involvement with a previous engineering office. The previous engineer prepared a 32 lot yield or conventional subdivision plan which Don was speaking about earlier. That would be with 3 lots -- 3-acre lots. In addition to that, the previous engineer

1 proposed different iterations of subdivision
2 designs, including an open area development which
3 had roads encompassing a large portion of the
4 lot, and all of the proposed lots took up the
5 entire parcel, including the areas in the
6 wetlands and the steep slopes and the wooded
7 areas. Once my office was hired for the design of
8 the project it was realized, through discussion
9 with the Planning Board, that the yield or the
10 conventional subdivision plan was never actually
11 accepted. So we then went back and revisited the
12 yield plan. I don't know if you want to bring
13 that up now, Don. The yield plan was then
14 redesigned in accordance with Chapter 83,
15 subdivision of land regulations in the Town Code,
16 as well as taking into consideration the Federal
17 and State regulated wetlands and endangered
18 species concerns.

19
20 The proposed lots were designed in
21 accordance -- I'm sorry. The proposed roadway
22 was designed in accordance with Section 83-20,
23 the street design, and Section 101-19 of the Town
24 of Chester road specifications. That has to do
25 with the slopes of the roads, intersections and

lengths of cul-de-sacs.

The proposed lots are 3-acre lots around the proposed roadways, and they have been designed in accordance with Section 83-22 to ensure that each of the proposed lots was buildable under the Town Code.

Section 83-25 and 26 is the Town's soil groups and group tables which were consulted to ensure that the individual sewage disposal systems that are designed for each lot could be installed. In any areas where there is a question or a concern that the existing soil on the lot would not be able to sustain a sewage disposal system, we went out in the field and we did actual soils testing, which was witnessed by the Planning Board Engineer, to ensure that the viability of the system was there.

The Town's Freshwater Wetland Law, Chapter 54, was also consulted to ensure all required separation distances were met. The Town defines wetland as lands or waters lying within the boundaries of the Town of Chester as shown on the freshwater wetland map which is to be filed with the town clerk by the New York State DEC.

The New York State DEC did review and sign off on our wetland map which delineated the WR-18 which is located here. Our plan provides a 300-foot buffer from this wetland which exceeds the Town wetland regulations.

The yield subdivision plan demonstrates that the parcel can be subdivided into 30 single-family home residential lots. The Planning Board reviewed and officially accepted the yield plan, last revised in June of 2015, on July 1, 2015.

Now I'll go into what was done on the cluster design. So based on the existing conditions of the site, it was the applicant's belief that proceeding with a cluster subdivision design was the best way to develop the site. The cluster subdivision is a proposed 29-lot subdivision, so it's one less lot than what the yield count proved that it could be developed as. It will be located on approximately 43.8 acres of the 168 acre parcel. The majority of the development will be located out front in the open field area. This layout has allowed the subdivision to be done while almost completely preserving the existing trees and woods on the

site, as well as the Federally regulated wetland, and New York State DEC wetlands, and the 100 foot and 300 foot adjacent areas, the FEMA 100 year flood plain and the wooded areas located at the higher elevations of the site up to 740 located in the southern corner.

By maintaining nearly all of the existing trees on the site -- there's very small areas of tree clearing, which would be right here near the pond and a little section back here where a well needs to be put in. By maintaining nearly all of the existing trees on site, we will definitely minimize and practically eliminate any impact on the Indiana Bat and Brown Bat, which are endangered species in this area, as well as keeping the project approximately 1,500 feet away from the New York State DEC wetland.

28 lots will be proposed around the proposed roadway structure. The 28 lots will be located mainly in the grassed area as I had previously mentioned. The 29th lot will be located off of the Bears Cross Road right here and will encompass the remaining 132 acres of the site. The majority of this lot will be

1 encompassed by an agricultural and natural
2 conservation area. This conservation area will
3 encompass about 74 percent of the entire 168 acre
4 site. Like I said, the proposed lots will be
5 located in an open field area in an effort to
6 preserve the environmental areas that I just
7 mentioned. Due to this there will be a visual
8 impact from the project.
9

10 The elevation of the highest house will
11 be located at about elevation 621, which would be
12 these houses right here. That will be
13 approximately 34 feet below the existing dwelling
14 that is located right here in the Odyssey Drive
15 development and approximately 39 feet below the
16 existing dwelling that is located right here in
17 the Odyssey Drive development. The house
18 locations will mainly be visible from Black
19 Meadow Road and will have to conform to the ridge
20 preservation overlay district regulations. My
21 office is currently completing a visual analysis
22 for submittal to the Planning Board for their
23 consideration as the Planning Board has the power
24 to approve locations of houses in the ridge
25 overlay section. What we have done by locating it

in the grassed area is we have preserved the heavily wooded areas in the steeper slopes in the southeastern portion of the site which is a higher elevation. It can be seen from more areas of the Town and the Village of Chester.

The proposed lot sizes are in accordance with the AR-3 cluster regulations from the smallest lot size being three-quarters of an acre with 16 of the proposed lots ranging from one acre to an acre-and-a-half. Each proposed lot will be served by an individual well and sewage disposal system.

Soils testing was completed on site which included two percolation tests and two deep tests in the area of each proposed sewage disposal system. Each system has been designed to accommodate a four-bedroom single-family home. The project has been laid out to ensure that the wells and sewage disposal systems meet all of the required separation distances.

When and if this project gains a preliminary approval from the Planning Board, it will be submitted to the Orange County Department of Health for review and approval of the realty

subdivision. In conjunction with that review, additional joint soils testing with the Orange County Department of Health will take place out on the site. They will designate a certain number of lots that we will have to do a percolation test and a certain number of lots that we will have to do a deep test. We will go out and perform them and Orange County Department of Health will witness that testing to ensure that the sewage disposal systems that are being designed will be able to handle the houses that are proposed. In addition to that we will have to drill a certain number of wells that will be defined by the Orange County Department of Health. Those wells will be sampled and that well water will be tested to make sure that it meets the drinking water standards.

Each lot will be accessed by an interior road network consisting of one main road loop which will gain access off of Black Meadow Road in two locations. This is the main road loop right here and these are the two entrances onto Black Meadow Road. The sight distances for the entrances have been measured to ensure that the

sight distance meets the required distance in the town code as well as AASHTO regulations. There are two additional small cul-de-sacs that come off of that main loop road to serve additional lots in the project. The roadway is proposed to be thirty feet wide and was designed in conjunction -- in accordance with the Town roadway standards as well as in conjunction with a meeting that we had with the highway superintendent. We did have some steeper slopes which were allowed by the code, but the highway superintendent didn't like those steeper slopes so we redesigned the project to maintain the lesser ten percent steeper slope -- ten percent slope that the highway superintendent was requesting.

Additionally, the project will be dedicating a 100 foot strip of land located right here along Black Meadow Road at the request of the highway superintendent so that in the future the highway department may be able to extend the shoulder of Black Meadow Road right here where it kind of drops off. If you've driven up there I'm sure you know the section I'm referring to which

is just north of Bears Cross Road. The proposed roadway will contain drainage infrastructure which will control the stormwater runoff on the site.

A stormwater pollution prevention plan has been prepared for the project in accordance with the New York State Stormwater Design Manual of January 2015 and the current New York State DEC Construction Activity General Permit. The proposed project has been designed to meet the goals of this manual by, one, minimizing disturbance, preserving on-site natural features and locating the development in the less sensitive areas; two, reducing the impact by reducing impervious cover through the proposed cluster design; and three, managing the impact by utilizing green infrastructure designs such as conservation easements, additional tree plantings along the roadway and rooftop disconnect as well as treating and mitigating the stormwater in two micro-pool detention ponds which are located on the other side of Bears Cross Road. One will be right here and one will be right here. These stormwater ponds are designed to ensure that

there will be no adverse impacts to downstream areas due to the construction of this project.

The Planning Board reviewed the proposed cluster plan and voted in favor of clustering the project in July of 2015. The project was in the final stages of the design when the Town entered into a moratorium to complete amendments to the Town's zoning code. Once the Town came out of the moratorium the amended zoning was analyzed and it was determined that the amended zoning did not have an affect on the proposed project, so the project was then submitted back to the Planning Board to schedule tonight's public hearing.

So with that, I'll turn it over to the Planning Board for comments.

CHAIRMAN SEROTTA: Thanks, Mike.

Also, I sent out to the Board tonight, I did submit to -- the Town of Chester uses a planner named Allan Sorenson out of Rock Hill in Sullivan County. I did submit this to Allan a few weeks ago. He came in with a report just today. I sent it out today. It was late. I didn't get it in until about 5:00 today. Basically his comments

1 on the report was he was in favor of clustering
2 the project. He felt it would preserve the
3 majority of the site, especially the steeper
4 areas and wooded areas.
5

6 He did suggest, Mark, you leave as much
7 vegetation along Black Meadow Road -- he felt
8 there was a lot of vegetation -- as much as
9 possible. He also suggested doing some kind of
10 plantings down in this area here. We have a
11 landscape architect on our Board named Karen
12 Arent. We'll have Karen review this and also take
13 a look at it. He also said some extended planting
14 -- I'll give you a copy of this. It just came in
15 today about 5:00. Some extended plantings along
16 the roadways and that to try to mitigate as much
17 as you can.

18 The highway superintendent also called
19 me. I met with him today at about 3:30. He wanted
20 to know if you could reduce the road down to 24
21 feet from 30 feet, if that's a possibility. It
22 would be less blacktop, a little bit more green
23 area along there. It will be a reduction in the
24 size of the road. He suggested you do that. He
25 would prefer that. The only thing he asked was

1
2 to make sure, as he always says, that the
3 cul-de-sacs have room for plows to plow and for
4 fire and ambulances to make full turns without
5 having to back up. Those were his two main
6 comments.

7 As I spoke earlier, certain actions are
8 referable to the Orange County Planning
9 Department or Orange County Department of Public
10 Works. This is not one of them. It doesn't meet
11 the criteria so it was not submitted to Orange
12 County Planning. I have no report from them or
13 anything like that.

14 Mr. Fusco, you submitted a report.
15 Let's bring that up.

16 MR. FUSCO: Mr. Chairman, Board
17 Members, we had reviewed this in March. We had
18 submitted previously many reports as we moved
19 forward through the years with this.

20 At this time the developer had retained
21 an archeologist to prepare a phase 1 report which
22 we had requested at the previous month's meeting.
23 At this point we had them sent to the State,
24 however we have not yet had the results at that
25 point. So that's pending.

1
2 We still need a sign off on the
3 habitat. They had done all the habitat studies,
4 as he had related to it, with the various
5 different projections as to where they were going
6 with the project.

7 In addition to that, one of the things
8 that the highway superintendent and the Board had
9 requested was that the road profiles be reduced
10 to 10 percent or less, which they had complied
11 with in the last round of amendments. The road
12 section detail is now acceptable. We had
13 requested some additional asphalt material which
14 was done. The right-of-way regulations are noted
15 as requested. This is again by the highway
16 superintendent that we don't have any street
17 trees, fences or any other obstructions within
18 the Town right-of-way.

19 We had asked for a change in the
20 bedding detail around the pipe which was done as
21 requested.

22 They did submit a stormwater pollution
23 prevention plan included with the submission at
24 that time with an NLI. Preliminary reviews
25 appear that they are in line with the regulations

and requirements. We are continuing to review that.

The New York State DEC will require a SPDES permit for this project.

The Orange County Department of Health will be reviewing water samples and septic systems as well as my office with a final sign off, obviously, by the Orange County Department of Health. We'll be witnessing those with the Health Department when they are moving forward during the future months. As stated before, we did do some deep tests and checked soils in many of the areas as part of the yield plan.

The Planning Board Attorney is going to review the agricultural easement with the applicant because it could be a different number of nuances, and they'll be looking at that.

The project will require a drainage district, and that would be set up by the Town of Chester Town Board, so that all of the 29 houses, or whatever ends up being approved, would be paying for the drainage maintenance of the system and not the general Town.

We do request now that ponds have

fencing with gates and 15 feet of mowable access area around it so it could be properly maintained as part of the drainage district. Also show landscaping in that area.

The Town is recently reviewing a local law and moving forward with it for a FAR, which is a floor to area ratio for houses, and I suggest that they review it to make sure compliance will be made with that proposed local law.

Board comments. The Board had requested a visual impact analysis which the engineer stated is pending.

At that point, if appropriate with the Board, close the public hearing and move forward with all comments.

CHAIRMAN SEROTTA: Thanks. One other thing I didn't mention before, the highway superintendent, when I met with him today, along Black Meadow Road I'm not sure exactly where the 30 mile-an-hour starts, I think it's closer to the top of the road, he suggested the Town petition -- I think the Town has to petition the County in order to lower the speed limit and move

1 that 30 down to the bottom of the hill down here,
2
3 down more towards where Sundowski Lane, or
4 whatever it is, down towards where the Village
5 water station is. I can just tell you from what I
6 understand it's like going through hell and back
7 trying to get them to override the speed limit.
8 They tried in a couple spots here. The Town
9 doesn't have that power. It comes to the County,
10 and then I think the Department of Transportation
11 is the one that actually gives the okay to lower
12 the speed limit. We will ask the Town Board to go
13 ahead and start that process. I don't know if
14 that will be successful or not. They do meet the
15 sight distance based on the speed limits but we
16 feel for safety sake they should move that 30
17 miles-an-hour down to the bottom of the hill. I
18 think that would be a much better thing. We're
19 going to try to get that done.

20 All right. I think that's it. I think
21 we went over again there's no municipal 239 or
22 anything like that.

23 At this point in time I'm going to open
24 it up to the public hearing. I'm sure everybody
25 is anxious to talk to us.

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MR. DONOVAN: I think you should put the cluster up, the cluster plan.

CHAIRMAN SEROTTA: Thank you, Dave.

Let the record reflect that the proper notices were sent by mail, and let the record reflect that the proper legal notice was published. There was some confusion on what notices go out to the individual homeowner. We use software provided by Orange County to the Town of Chester, to Alexa here. She types the section, block, lot number of the parcel in, she puts in a number 500 feet and it draws a circle around and everybody's parcel that touches -- that's within that circle or touches the circle gets notified. So if you live a half a mile up the road, you didn't get a personal notice. Only if you live within that 500 foot realm. So some of the people around there, including some of the businesses, all got notice of that. If you're not in the 500 feet you didn't get a notice.

At this point I'm going to open the public hearing. You saw what happened with Verizon. I'm going to ask you to raise your hand, please come up in front of the Board and state

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BARODA SUBDIVISION 32

your name and that and speak clearly. We have a
Stenographer here. We're going to try to get
everybody through.

Tim, I'll wait, you're going to be
long.

Go ahead, sir. You have to come up
front.

MS. BUCHANAN: Hi. I'm Sherry
Buchanan, I live on Odyssey Drive, 150 Odyssey
Drive, and we just moved into the area recently.
I'm going to tell you one of the things that was
on the website, which is partially why we moved
into the Town of Chester, under natural
resources, the Town of Chester in many ways is
defined by a rural landscape with high aesthetic
value which contains agricultural, recreational,
natural and wildlife areas. The Town is actively
engaged in efforts to preserve these areas and
protect them from development. This is on the
Chester website. I am not against development and
growth. I am against doing it in Chester where I
moved because it said that they are against
development. I know you're trying to preserve as
much as you can but you're not going to preserve

1 our lifestyle. Our lifestyle will change for the
2 next three, four, five years. However, there's
3 going to be trucks, construction, the kids can't
4 ride their bikes anymore down the hill. All the
5 bikers that come every Saturday who are training
6 for all their marathons, they're not going to be
7 coming up our road any more. Our life as we know
8 it will be done.
9

10 And then once all the houses are built
11 it's going to be traffic. Total traffic. It is
12 going to completely, completely annihilate what
13 the Town I moved into -- it's just not going to
14 be the same place. I moved into Chester for this
15 reason, not to have trucks and construction. I
16 don't care how much you try to preserve it, it is
17 going to be a long time before it will come back
18 to that. I mean you drive by with all these
19 trucks, all the deer, anything that was there is
20 going to run. After you're there for three years
21 are they going to stay? No. They're going to
22 run. Then it's going to take six, seven, eight,
23 ten years to rebuild that habitat because they're
24 going to run and find somewhere else to go. Until
25 the water is calm, which could be who knows how

1 many years from now, they will not come back.
2
3 Guess what? By then we'll be retired, our kids
4 will be graduated. Game over. The life as we know
5 it now is not being preserved. No matter what
6 efforts you're making to preserve everything
7 around, you're not preserving the life we're
8 living in right now because it is going to be a
9 complete upheaval, trucks, traffic. Game over.
10 That's it.

11 CHAIRMAN SEROTTA: Thank you. Tim.

12 MR. DILTZ: Thank you. Thank you, Mr.
13 Chairman. I'm just getting over some laryngitis.
14 I thought you would have microphones. I'm Tim
15 Diltz, I live on Black Meadow Road.

16 You have a lot of issues with this
17 particular project. You have some fatal flaws,
18 and I'm going to point those out. I'll try and be
19 brief, let my neighbors go at it.

20 Would you put up Chapter 83 which would
21 be from the subdivision declaration of the
22 Planning Board policy? The policy reads -- 83-2,
23 the policy reads -- by the way, I have submitted
24 my written comments to all of you if you want to
25 follow along. I'm going to hit the highlights. I

also gave you some information on the fact that rainfall is increasing. It's actually doubled in the last 50 years.

Okay. The declaration of policy, right about in the middle there it says -- I actually submitted this. Do you have it separately? All proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties. Will you explain to me how this fits in? Any of you on the Planning Board. I don't want to hear just from the Chairman, we would like to hear from all of you.

CHAIRMAN SEROTTA: We're not here to answer questions tonight.

MR. DILTZ: Mr. Chairman, I asked you months ago --

UNIDENTIFIED SPEAKER: I would like to hear that.

MR. DILTZ: -- some questions and you said wait until the public hearing.

CHAIRMAN SEROTTA: We will answer all your questions, just not tonight. We'll never get through anything. You saw what happened with

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Verizon. I let that go a little bit because I thought --

MR. DILTZ: I don't know why we're here. This right here tells me this is illegal. This goes against the policy of the Planning Board. The reason for the Planning Board being here is to keep the harmony of the neighborhood the same as it's always been. Okay. All right. Thank you.

UNIDENTIFIED SPEAKER: We're going backwards.

MR. DILTZ: We are. You're destroying our open space. That's the one visible piece of that parcel that we can see. Now I've heard it said that you're preserving open space, but we can't see it. We can't see any of the open space further down from us. So it's not open space. It has to be visible to the public.

By the way, our comprehensive plan is full of records as to preserving the rural nature, open space, steep slopes and so on and so forth. I assume you all have copies of this and I hope you'll study it a little bit.

On cluster developments it says the

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Town can consider cluster developments if it
benefits the Town. Can anyone tell me a benefit?
Any of you on the Board?

CHAIRMAN SEROTTA: We're not here to
answer questions tonight.

UNIDENTIFIED SPEAKER: We all spent our
time to come here today.

CHAIRMAN SEROTTA: You can come to our
next meeting. We'll be here until 2:00 in the
morning. A public hearing is where we want to
listen to what the public has to say. We will
write all this down and we will answer all the
questions that are asked tonight, okay. That's
what we're going to do.

MR. DILTZ: I don't see any benefits. I
see only detriments. I see the highway
department's budget going up, I see increased
police patrols, I see new layers of government, a
sewer district -- a stormwater district rather, a
conservation easement stewardship that we have to
monitor. I wish you'd answer the questions. What
are the benefits? That's the only reason you can
consider a cluster, if it benefits the Town. To
my mind it doesn't. Not at all.

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CHAIRMAN SEROTTA: Again, we're going to write all your things down and we'll come back and answer all of your questions.

MR. DILTZ: We'd sure like to know now. You never had a public information hearing. Your attorney advised you you could and you didn't.

CHAIRMAN SEROTTA: A public information hearing would happen before they even designed the project.

MR. DONOVAN: I'm sorry. No one comes to a public hearing and has to listen to the attorney speak. If I could just chime in for a second on the purpose of the public hearing. The purpose of the public hearing is information gathering for the Board as opposed to individual questions and answers. So the point that you made is do you think that it's inconsistent with the character of the neighborhood, that you think there's no benefit. It's your input to the Board that the Board has to consider in making their decision as opposed to answering each individual question. The idea is to give information to the Board to assist in making the determination.

MR. DILTZ: I understand. When do we

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get answers from the Board?

CHAIRMAN SEROTTA: As soon as we have time to listen to the whole public. If everybody spoke here tonight we might have 100 pages to answer. That could take two weeks from now, two months from now. The engineers and everybody have to answer them. That's what's going to happen.

MR. DILTZ: How are you going to answer us?

MR. DONOVAN: So I just want to be clear. There's not necessarily going to be an individual answer to every question. What's going to happen, what needs to happen, the way the process is supposed to work is the issues that you bring to bear tonight are supposed to be considered by the Board, must be considered by the Board in reaching their determination.

UNIDENTIFIED SPEAKER: Can we take a show of hands for people supporting the man that's standing up there? I don't want him to appear to be one person on the piece of paper.

CHAIRMAN SEROTTA: You'll all get a chance to speak tonight.

MR. DILTZ: Can we see the flood

1 pictures, please, Mr. Chairman? Here's your
2 fatal flaw. Nobody bothered to check where the
3 high water mark was historically on the
4 floodplain. This is Hurricane Sandy. This was in
5 2012. That's almost up to the Black Head Oak
6 Floral Greenhouses.
7

8 UNIDENTIFIED SPEAKER: It's way above.

9 MR. DILTZ: She was actually under
10 water.

11 Some more of those if you would,
12 please. That's the floodplain. That's across the
13 street, which is part of the floodplain.

14 UNIDENTIFIED SPEAKER: This is where
15 we're building houses?

16 MR. DILTZ: Here we go. This is
17 Hurricane Sandy. That was a two-inch rain event
18 in 2012. In 20 -- I'm sorry. In 1972 Hurricane
19 Agnes, the water level was right here, right up
20 to the cross road. I witnessed it and we have
21 several witnesses here who witnessed it. The
22 significance of this is that the first 8 lots in
23 your site plan don't have 100-foot separation.

24 UNIDENTIFIED SPEAKER: The holding
25 pond.

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MR. DILTZ: You don't even have 50 feet. That was the high water mark of the -- forget the FEMA 100-year delineation. Let's focus. It came right up to Bears Cross Road. So those first 8 lots -- in fact, your yield plan -- I don't mean to personally attack you. Your yield plan had the first 8 -- sorry, the first 7 lots in that floodplain with basements. They would have been under water. So if that yield plan is wrong, because that has to be subtracted from the total, the yield plan has to be completely refigured. I maintain this is the wrong plan for this parcel. You can't drop the high-density housing into a marked lot. It's called sprawl. That's what towns avoid. Here we have a town that we can do better. We can do much better. We could open up Bears Cross and make it a hiking trail. That's the only dirt road left probably in the county, at least in Chester. Why can't we have a dirt road that would be open to the public? You're going to have a conservation easement which does the public no good at all. We can't use that property. We've been using it for 50 years until it was -- you gave off. That's a

1 beautiful hiking trail. It could be used by the
2 community. You could have a little parking area
3 there. There is plenty of things that could be
4 done.
5

6 The main thing is it's destroying our
7 open space. It's destroying the rural character
8 of Chester.

9 That particular hillside can be seen
10 from downtown in Chester, it can be seen from the
11 Quickway, it can be seen from Max View. That's
12 one of our best steep slopes in Town. It's
13 equally as beautiful as Broadview. Is that the
14 one in Town, Broadview?

15 CHAIRMAN SEROTTA: Knapps View.

16 MR. DILTZ: Knapps View is on Kings
17 Highway.

18 MR. DONOVAN: That's the back road.

19 MR. DILTZ: Red, what's your farm
20 called?

21 UNIDENTIFIED SPEAKER: Brookview.

22 MR. DILTZ: Brookview. It's equally as
23 beautiful. So I'm here to advocate for saving our
24 open space. By the way, that is the only open
25 space on this parcel. Open space has to be seen

1 by the public to be called open space. So
2 anything that's preserved further to the east is
3 of no use to us. I mean the fact that he could
4 never build on it again makes no difference at
5 all. We couldn't even see it anyway.
6

7 I'm going to cut it short because I
8 could go on all night. There's so many flaws
9 here. I think the main thing is nobody bothered
10 to check where the high water mark was. It
11 happened in 1972, which was, what, almost 50
12 years ago, and it's going to happen again. The
13 information I had submitted to you on increased
14 rainfalls and increased rain events means there's
15 going to be even more serious storms coming. It's
16 doubled in the last 50 years, the intensity of
17 our storms.

18 This hillside with 29, 28 septic fields
19 and wells is an ecological disaster waiting to
20 happen. You get a rain event like we had, even in
21 Hurricane Sandy, those are going to fail. It's
22 going to pollute the water, it's going to pollute
23 our aquifer, which is Black Meadow, it's going to
24 pollute downstream and we're going to have an
25 E. Coli nightmare. I urge you to reject this

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application. It doesn't belong here.

Clustering is great if it serves a purpose, if it benefits the Town. This has no benefit to the Town. None whatsoever. This benefits the developer and the applicant 100 percent, the Town zero.

So that's all I'll say for now and I'll let my neighbors have at it.

MR. FARRUGGIA: I also presented a letter to the Board with a bunch of documents for their review.

CHAIRMAN SEROTTA: State your name for the Stenographer.

MR. FARRUGGIA: My name is Michael Farruggia, I live on Black Meadow Road next door to Tim Diltz who happens to be my father-in-law.

I want to point out to those of you who don't know in the audience, Tim Diltz ran back in 1990 for town supervisor and he ran on the platform of saving that view from 1,500 condos. He won on that platform. Thanks to him it was saved. At the time, had we listened to him then, if the Planning Board had listened to him then and the Town Board listened to him then, we would

1 have bought that lot for \$800,000. Instead when
2 we did buy we paid almost \$3,000,000 plus for it.
3 That's not what I'm here to talk about.
4

5 As I said earlier, I'm a septic system
6 expert. I work with septic systems. I've
7 installed thousands of them over the years. My
8 expertise is mostly in failing septic systems and
9 why they fail. I believe this subdivision was --
10 when they planned it it was really done cheaply
11 and it's to maximize the profits by dropping a
12 bunch of houses in the only open space that you
13 can see on this development. Right next door my
14 father-in-law mentioned about Odyssey Drive. It's
15 one of the most beautiful drives. It's a private
16 road. I'm sure the folks won't mind, drive up
17 and look. You can barely see the houses in there.
18 This lot can be developed that same way. It's got
19 to happen. We're going to get development. But
20 this lot can get developed that way with maybe
21 10, 12 houses, not 29 over the whole thing. Our
22 town comprehensive plan actually points this out,
23 like my father-in-law said, so I'm not going to
24 talk about that.

25 What I want to bring up is graphic 1.

Can you bring that up? Basically what graphic 1 is is the soil logs that Mark talked about.

CHAIRMAN SEROTTA: I didn't load yours.

MR. FARRUGGIA: Okay. It's the soil logs. You can look at them. They're on page 15 of this document if you want to put it up. If you look at these, it talks a couple of different things that really concern me as a septic expert. In the design, because this is such a tightly compacted lot, it's only three-quarters of an acre, they only allow 50 percent expansion of these septic fields. A septic field, a lot of you have them out there, have finite life. They have to be maintained. The average life is 20 to 25 years on a septic system. With only 50 percent expansion, that's not the norm. It's usually 100 or more percent expansion because 20 years from now they'll all be in failure. They're going to have to have more room to expand because the waste doesn't stop.

Another thing that really concerned me about this is Mark talked about the perc tests and the deep pit tests. The perc tests were done June of 2015 and 7 2016. The deep pit tests were

done 8 of '15 and 7 of '16. These are dry months. I submitted a video to the Board, which I hope you all see tonight, but I took it on 3-18 of this month. Excuse me. 3-12 of this month. It shows water percolating out of the center of Black Meadow Road. It was percolating today, if you want to drive by you'll see it, right out of the center of the road. This is a quarter mile from where this subdivision is. My point being if these deep pit tests were done this time of year, 80 percent of those lots, as Tim pointed out, because of the soil conditions, 7 and 12, wouldn't even be able to be buildable for septic systems.

I'm going to skip the Agnes thing. He talked about the high water mark. I didn't know he was going to do that.

Also on graphic 1 that I wanted him to show, the septic soil logs, he talks about -- Mark specified an Eljen septic design. What Eljen septic designs are, and I have another graphic the Board can look at, graphic 4 right from Elgin's website, it says these type systems are used in design looking for extra capacity and

limited space. These guys had plenty of space to put 10, 12 houses in and put conventional systems in. I'm going to point out why a conventional system has to go in these sites and not an Eljen. Referring back to graphic 1 where they did the deep test pits in the dry months only, mottling was present -- it's 18 inches down to 60 inches deep. 72 inches I think on one of them. It's in every one of the soil marks. What mottling is is the presence of groundwater that comes up through the ground and it leaves a feature that creates -- a feature called radarkymorphic features. These features are as a result of saturated soil conditions. They stay present in the soil forever. The engineer notes that that's why they're on there. It's for mottling. Some of these are only 20 inches below. Why am I bringing that up? In the Eljen they want to put on all these sites, the New York State manual says as required by New York rules, in-ground designs require a minimum of four feet usable soil above bedrock, unsuitable soil and seasonal high groundwater. This is done so as not to infiltrate our drinking water with E. Coli, and the aquifer.

The Black Meadow Acquifer runs right under this property which feeds all your wells on Black Meadow and Odyssey. There needs to be a separation. It's page 7 of their manual. It's called vertical separation. What really struck me in reviewing these plans, on page 16 of the design that they came up with, under the cross section entitled Eljen in-drain cross section, it calls for only 24 inches of separation. I ask why. It needs to be a minimum of four feet according to New York State code and the manufacturer, which means the manufacturer will void any warranties.

I'm going to discuss another thing I found in the plan having to do with the Eljen manual. On page 8 of the Eljen manual it talks about additional factors affecting residential systems. Each home has a condition -- water conditioner backwash and shall be diverted from the septic tank and septic system. To bring that further, I put another graphic to the Board, graphic number 3, page 17, is the Eljen homeowners manual. On page 17 one of the don'ts, besides not having jacuzzi tubs and not having

garbage disposals, don't discharge water treatment systems into the septic system. Why do I bring that up? Page 15 of the Baroda which is right here, I don't know why it's (inaudible) so you can all see it, it says under note 6, 35 gallons a day of backwash is in the design. Why would you want this backwash in the design? It's okay in a regular septic system because they're much larger and they can handle this. The reason why is this: Home water treatments use salt and electricity and they generate chlorine. That chlorine is used in the backwash to backwash the filter media that's treating your water and then it's injected into wherever it goes. In this case, say 35 gallons of this heavily chlorinated water is going to be injected into this system. These Eljen systems work off forming bio-mats in an egg crate like system that's all wrapped together, all the filter fabric and everything, and it has extra bio-mats where a normal system only has a bio-mat on the bottom in the stone area. What happens with all that chlorine is it kills the bio-mat. It will make these Eljen units ineffective in less than 10 years. Not only

1 that, it will void the warrantee from Eljen.
2
3 They're not going to worry about it. Now with
4 only 50 percent expansion, guess what, all these
5 wells are going to be contaminated and it's going
6 to contaminate the aquifer that's underneath it
7 also.

8 I can go on all night about the
9 problems with these septic systems and designing
10 them all very close. I'm going to conclude saying
11 it's my opinion there are too many septics and
12 too many wells too close together. This property
13 could be beautifully developed but it would make
14 a lot more money for the developer to do it and
15 they'd get a lot fewer houses to sell when he's
16 done. They can do just like Odyssey Drive. All
17 those sites we talked about, the heights of them
18 are below Odyssey Drive. It's not like you're
19 going to see it all over the world.

20 Another thing to talk about is with
21 clusters like this. There's a development over
22 in the Town of Monroe called Mountain Lodge Park.
23 Mountain Lodge Park, I urge the Board to call --
24 I urge the Board to call up the town engineer and
25 verify this, okay. Mountain Lodge Park, just

1 about every home in there is on a septic and
2 well, and every home has a UV system on the well.
3 That UV system is to kill the E. Coli that is in
4 their water. I know, I installed many of them
5 over the years. So I don't think we want that
6 here. I'm telling you with these Eljen systems
7 injecting chlorinated water into them and the
8 closeness, you're going to have, and it's also
9 going to possibly affect our aquifer which could
10 affect my drinking water and the rest of yours.
11

12 Like I said, I urge you to completely
13 kill this plan and start over and have it
14 redesigned to an open area development just like
15 Odyssey next door. Something like that would work
16 and I believe it would have a lot less
17 opposition.

18 Just so you know, my phone number is on
19 the bottom of the letter that I did submit. If
20 anybody wants to reach out to me to talk about
21 any of the other flaws in the plan, I'd be happy
22 to talk to them. Thank you very much.

23 MR. DYSINGER: My name is Larry
24 Dysinger, I live on Odyssey Drive. I've been here
25 25 years.

From my perspective this is the second time the Town of Chester is negatively affecting the people on Black Meadow and in the Odyssey Drive subdivision. You did it first back in '93, changing the zoning to IP, bogus excuse of putting a sewer line in. Now you're considering a cluster zoning. Personally, if you just stuck with the way the zoning is, 3 acres, I don't have an issue with that for the most part. With this I see -- I agree with everything Mike says. I've installed hundreds of septic systems as well as replacing septic systems, so I know all about what he just said, and I concur with that.

If you look at what Tim said earlier about cluster zoning, it's supposed to benefit the Town and the local residents, okay. I'm not going to go more than that.

There are a couple items in this chapter 98 zoning. Now, it says that it's supposed to preserve steep slopes. Where are you putting the houses? I consider it a fairly steep slope. It's not a general slope, it's steep. You're not going to preserve that. You're not preserving a ridge line. My house -- my well is

1 521 feet deep. I get 6 gallons a minute. Even at
2 29 homes, or whatever it is in this area, what
3 impact is that going to have on my well or any of
4 my neighbors' wells? You're going to have a lot
5 more people sucking the water out of the ground.
6 6 gallons a minute is not a lot. I'm really
7 seriously concerned about my water and
8 availability of water. I think that's a great
9 potential problem. That's all I have to say.
10

11 CHAIRMAN SEROTTA: Thank you.

12 MS. SCHWAR: Joanne Schwar, 506 Black
13 Meadow. I didn't like this idea before I even
14 came. Everybody here basically said mostly what I
15 wanted to say with one exception, and that is
16 that I lived over in Windridge Condos, which is a
17 part of Chester, for eleven years. I was on the
18 board. I was on the board when we had the last
19 hurricane. The hurricane impacted Windridge
20 beyond our imagination. It's a low income/middle
21 income housing. The amount of money we had to put
22 in to helping our homes survive this. Basements
23 were gone. Then we had Mr. Fusco's son -- you
24 have a son that's in the business?

25 MR. FUSCO: Yes, I have a son.

MS. SCHWAR: Your son worked with me and came and he walked into the slop and in the woods to the property adjacent to Windridge which was owned by O&R. It turned out that the water table in the area owned by O&R had changed. The topography had changed in that area causing all the water from that undeveloped woodland to come into our property. So it was taking the roads, it was taking the basements. It cost us -- I don't remember how much it wound up costing in the end. We had to redo our ponds, we had to redo the fencing around the ponds, we had to redo the roads, we had to help the people that we could with the basements. It was probably close to \$75,000 to \$100,000 and we nickled and dined it. Mr. Fusco, I'm sorry, your son's budget was way out of line, we couldn't afford it. So my point is topography changes. If we have another one or two hurricanes -- does anybody on the Board live on Black Meadow? You don't. We drive that way every day. It's a hell hole over there. The beautiful homes on the hill is the only thing I want to see because everything else is like -- it's just a lot of woodlands and -- not woodlands

-- overgrown, water, flooding. Then you look at the cornstalks. That whole section, that could be a beautiful area. Like the gentleman said, I don't know who it was, he said open up the road, let people walk in there. A nice little trail in there would be beautiful. Give us back the land we thought we were getting when we moved in here.

My only point is when I hear 100-year flood, we did a 100-year flood and we failed. We didn't do well. At least in Windridge we didn't. You have another -- I love those pictures from the last hurricane, or that hurricane in '14 -- in '12. If it happens again, all those homes and all those sewer lines, we won't have to worry about them, they're all going to be in the cornfield. They're going to fly down the road with the hurricane. That's all I have to say. This is a really bad idea. Bad location, bad idea.

MR. SOCCI: Donato Socci. Good evening, neighbors. Thank you for showing up. I'm a union pipefitter. I work all around the country, so I've seen cross contaminations, I've seen polluted wells, I've done systems like the

gentleman was saying, UV treatment systems, pumping raw bleach into your drinking water like Mountain Lodge Park. It seems to me about 20 years ago or so, I could be wrong by a few years, we were in here years ago, back when Freddy Whiley owned the place, that they wanted to do a cluster development here. By show of support from the neighbors we changed it. We agreed to 5 acres per house -- minimum 5 acres per house.

Now I'm here 30 plus years. I built a few houses on Black Meadow Road on that section. That's right across from Bears Cross Road there. To me, I moved up from Rockland County. I was born in the Bronx. I bought 5 acres plus to enjoy 5 acres plus for me and my family. I looked at lots on Pine Hill Road at the time back in the '80s. They were 2 acres. I didn't want 2 acres. I wanted more than 2 acres. So I'm greedy, okay. I wanted a little more open space and start a family and raise a family here. We pay for that. We pay for this quality of life that we deserve, and each one of us deserves quality of life. We deserve to get what we pay for. \$15,000 a year in taxes. There's no line in that road with no

1 domestic water in this Town. So we're all on
2 wells. Until there is a domestic water line in
3 that road, I think if this project goes ahead
4 there's going to be problems. Like the gentleman
5 said, I've put numerous systems in, above-ground
6 septic systems. Eventually the soil is going to
7 get super saturated and leach and where is it
8 going to go? Now you have to truck out hazardous
9 waste. You can't just take that to any landfill.

11 Amongst the chemicals, bleaching water,
12 I don't want to drink bleach. If I want to drink
13 bleach I'll go to Shop Rite and get a Clorox
14 bottle. We're all paying a good dollar here. Some
15 of us have more money than others, but that's not
16 the point here. The point is we're paying for a
17 quality of life. We're paying for the acreage
18 that we're on to use for all of us. When Freddie
19 Whiley left and went out wherever he is, the
20 place was beautiful. Phil Johnson is down in
21 there, he's planting corn, he's hanging and doing
22 his thing. I think that it would be a big
23 problem, a big mistake if this Board, or whoever
24 is in charge here, allows this project to go
25 through. We all know what's going on in Monroe,

1 Blooming Grove, Lego Land. Goshen has water
2 problems. They put moratoriums on building new
3 houses up there because they got no place to get
4 water. Hopefully Lego Land going in there is
5 going to solve their problem. I'm not here to
6 solve anybody's problem, I'm here to look out for
7 the best interest of me and my neighbors because
8 we pay for it.

10 I've got nothing against 5 acres per
11 house like everybody else minimum, minimum. But
12 this cluster, and I've got another word after
13 that that I don't think anybody would like to
14 hear that. We're all here, we're not -- we're
15 all here talking to one another. It's not being
16 mad at anybody on the Board. They're here to help
17 us, to hear us and do the best that they can.

18 To me, this project doesn't belong
19 there. It's right across the street from my
20 house. It really doesn't matter. I mean I know
21 eventually, you know, progress, we're growing,
22 we're a growing nation. If I wanted to live
23 somewhere like that, I'd be living in Bushwick or
24 Williamsburg Brooklyn. Thank you very much.

25 MR. MENNA: I'm not a public speaker

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but I am a builder developer. I built probably
three-quarters --

MR. DONOVAN: Sir, for the Stenographer
state your name and address.

MR. MENNA: Angelo Menna, and I live on
16 Long Vista Lane. I built most of the houses on
Odyssey Drive and Long Vista Lane. I've been a
builder since 1976. This property's been
available as long as I've been here in one form
or another. As a builder and developer I wouldn't
touch it. The slopes are too steep, you're not --
I don't think the ground is adequate to take care
of the effluent. Plus the wells, it's going to
ruin a lot of the aquifer in the area. I don't
see any dire need for a project like this to be
approved. Thank you.

CHAIRMAN SEROTTA: Thank you. Yes.

MR. MAYESKI: Frank Mayeski, 404 Black
Meadow Road. Everybody has been presenting
figures and facts to you and you're all about
making a decision why you should allow it. Well
you're our Board now. This project is going on
since way before 2008. You have this picture.
Jay Westerville wrote this article as he says

1 houses should not be allowed on this parcel. This
2 has been going on for so long. You're our Board
3 now. As a community neighborhood we're asking
4 you not to allow this three-quarter acre lot. A
5 lot of facts kind of proves it shouldn't be
6 allowed on three-quarter acre lots.
7

8 Black Meadow Road, if there's 30
9 houses, you're talking one area putting just
10 about 30 houses on 40 acres. All of Black Meadow
11 Road, I don't know if there's 30 houses. So as
12 far as the Town saying that oh we want open
13 space, we want our town to look a certain way,
14 well we already heard you're trying to put a
15 tower next to somebody's home when we got open
16 space. Put it in the woods where it doesn't
17 affect our neighbors.

18 We have a 500 house development going
19 off 94 by Shop Rite. That's going to have a major
20 impact on this Town. Most of these people have 5,
21 6 acre lots. We're now going to look at this
22 person with a three-quarter acre lot. They'll
23 probably be paying as much taxes as we are. Why
24 am I paying -- for 5 acres I'm paying \$16,000 and
25 this person is going to come in with

1 three-quarter acres. I don't see how that's
2 justified in changing the face of the Town.
3 This alone -- like everybody says, you've got
4 Black Meadow, 94, Laroe. Those are the main
5 roads. Now I'm going to come on one of your main
6 roads into Chester and see this cluster of
7 houses.
8

9 What's on the back end? Is that going
10 to be beneficial to the horse farm that's on
11 Kings Highway so he can develop that so he
12 doesn't have to look at it? Why do we have to
13 look at that piece of property with 30 some
14 houses on it? It shouldn't be. Let's do what we
15 all set out, 5-acre minimum. The land is not
16 going to handle the three-quarters. In five years
17 you guys are going to be gone and it's going to
18 be the next Board. Let's deal with this problem
19 now. We're not saying he can't build on it.
20 Obviously he bought the property, he can build.
21 This is from 2008 we can't get our act together.
22 Let's stick with a story. If we're doing 5 acres,
23 5 acres. Spread it out, do what you've got to do.

24 We're cutting trees down. That property
25 that's by Shop Rite with the 500 acres, they

1 cleared a hell of a lot of trees out of there. We
2 can clear a few trees to accommodate our new
3 neighbors. They're going to have a problem with
4 the water and we're all going to have a problem
5 with the water. Let's work together as a Board
6 and the taxpayers here. We're paying big money.
7 Let's get something for our money. It's not
8 really the right thing. It's not saying you can't
9 do it. Obviously you've got the rules. It's not
10 right for our neighborhood. You have to stop
11 changing the face of Chester. That's what we're
12 doing. By allowing this we're changing the face
13 of Chester. I'm out after this. If this goes
14 through I'm out. I can't do it any more.

16 MR. STRAUB: Jeff Straub, 499 Black
17 Meadow Road. I think I can speak on the part of
18 all my family members, my aunts, my uncles, my
19 sister, my brother-in-law. We've been on this
20 road for -- my grandfather bought this land, 170
21 acres on this road, before you were born. We've
22 been here a long time. On his 170 acres I think
23 there's 11 houses. I think if you count them up,
24 that's how many houses.

25 You said in the beginning of this , you

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said AR, whatever the heck that loophole was,
that's what I'll call it, I'll call it a loophole
because that's what it is, that you can do
cluster housing if you, the Board, finds it
beneficial. Am I right about that? Is that what
that loophole says?

CHAIRMAN SEROTTA: Yes.

MR. STRAUB: We're all here and you're
supposed to be looking out for our best interest
as members of this Town. So the only thing I can
think is if this goes through you are not looking
out for our best interest. That's all I've got to
say.

I have to give this guy a lot of credit
because this guy, he came in with a plan where
the houses were spread out over all the friggin
land, they're all plopped on one area and he got
approved. If I had a business I would hire you.
I've got to give it to him. That's ridiculous.

My house is on 3.5 acres, whatever it
is, over 3 acres, and I can barely get my well
and my septic far enough away from each other so
it would be legal and operational. I don't know
how -- I'm higher than them. I don't know how

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this is going to work.

Again, everything -- I support everything that Mr. Diltz said. I want to say just put on record I'm 100 percent behind everything he said. Again, if this goes through it just shows us that you are really not looking out for the best interest of us. The only thing that I can see that benefits this Town is that Anthony, who is a nice guy, would have to plow less roads. That's it. That's the only benefit to Chester. Thank you.

MR. MAYESKI: Frank Mayeski, Black Meadow Road. I know it's not a question and answer. You allowed an extra foot for the overage on Black Meadow Road that dips down. I see this first row of houses right up against Black Meadow Road. That is a drainage. The water flows down from Odyssey, Black Meadow. It flows down. I don't see any --

CHAIRMAN SEROTTA: It wasn't for drainage. That's because if a car goes off that shoulder you're dead.

MR. MAYESKI: Okay. So where's the water going to go?

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CHAIRMAN SEROTTA: He wants to widen that shoulder so somebody coming down the road, if they accidentally go off they don't flip their car and go down into the water hole.

MR. MAYESKI: Is that ours, the Town --

CHAIRMAN SEROTTA: The Town will own that property.

MR. MAYESKI: So if a car does go they would get sued?

CHAIRMAN SEROTTA: The whole purpose of that -- you have to talk to the Town. The whole purpose of that property was for a safety issue because that's a dangerous piece along from Bears Crossing down towards the --

MR. MAYESKI: I agree. I've seen school buses go half off.

CHAIRMAN SEROTTA: It's dangerous. Cars may have gone off. I don't personally know. Especially when there's water down there.

MR. MAYESKI: The problem I have is the water runnage. What is the lot, the water runnage going down Black Meadow Road?

CHAIRMAN SEROTTA: They have to calculate all that stuff. It would have to be

1
2 done if it got approved. That's the purpose of
3 the 100-foot buffer.

4 MR. MAYESKI: I originally started to
5 question -- it's all about water tonight. How are
6 they -- where is this lot meant for the water?
7 You have roads, you're showing me wells and
8 septic. I'm asking you where is that water going
9 to go? You're showing me drainage ditches that
10 are going to fill and over flood because all that
11 water comes down that mountain. Where is the
12 allotment for the water?

13 CHAIRMAN SEROTTA: They calculate --
14 the engineers calculate drainage in the roads
15 through piping into the pond and everything like
16 that.

17 MR. MAYESKI: From the top of the
18 mountain?

19 CHAIRMAN SEROTTA: Right through here.
20 They can not add any additional runoff on the
21 property. Zero. They can have zero
22 additional runoff.

23 MR. MAYESKI: I'm asking what's there
24 right now?

25 CHAIRMAN SEROTTA: They're not

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responsible -- obviously the developer is not
responsible --

MR. MAYESKI: It's all the way to the
end.

CHAIRMAN SEROTTA: I'm not sure.

MR. MAYESKI: These parcels right here
butt up against Black Meadow Road.

CHAIRMAN SEROTTA: There is no ditch
along there. There might be a drainage ditch.

MR. MAYESKI: Yes.

CHAIRMAN SEROTTA: They're not
affecting that or doing anything with that.
They're not going to affect that.

MR. MAYESKI: There's a culvert there.
The Town puts the rocks. Anthony puts the rocks.
He just put the rocks in there because it's such
force coming down the mountain.

CHAIRMAN SEROTTA: They're not going to
be doing anything with that because there's a
road here with a culvert underneath and a road
here with a culvert underneath.

MR. MAYESKI: Where your dot is now,
that whole line --

CHAIRMAN SEROTTA: Right here.

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UNIDENTIFIED SPEAKER: There's rip-rap in there so the road doesn't deteriorate.

CHAIRMAN SEROTTA: That's a Town road. The Town owns 25 feet to the center of the line. The Town of Chester would be responsible for any water running down the road, not the developers.

MR. MAYESKI: They're not going to touch that culvert you're saying?

CHAIRMAN SEROTTA: They're not going to go over that culvert.

MR. MAYESKI: Thank you.

UNIDENTIFIED SPEAKER: Can I just ask the engineer, where is the dam going to be that he talked about in the -- filed for the application?

CHAIRMAN SEROTTA: Dam?

UNIDENTIFIED SPEAKER: It said something about a dam that was 225 feet long by 7 to 10 feet high.

CHAIRMAN SEROTTA: It's a retention pond.

UNIDENTIFIED SPEAKER: It was referred to as a dam in the document.

CHAIRMAN SEROTTA: We don't have any

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BARODA SUBDIVISION

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kind of dams. It's a pond. It's a stormwater pond.

UNIDENTIFIED SPEAKER: It's going to be a pond?

CHAIRMAN SEROTTA: Stormwater pond.

UNIDENTIFIED SPEAKER: We haven't gotten DEC approval on this; right?

CHAIRMAN SEROTTA: No.

KRISTIN: I just have one quick question.

CHAIRMAN SEROTTA: Stand up, state your name.

KRISTIN: I'm Kristin, I live at 300 Black Meadow. I was just curious, whatever development goes in here will they have to follow the Black Meadow bylaws?

CHAIRMAN SEROTTA: I'm not sure of any Black Meadow bylaws. I'm not aware of what that is.

KRISTIN: It's on Black Meadow Road so I'm just curious.

UNIDENTIFIED SPEAKER: That was part of our deed restriction for those houses on Black Meadow Road on the opposite side of the road.

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BARODA SUBDIVISION

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CHAIRMAN SEROTTA: I'm assuming if you
live on Odyssey --

KRISTIN: I live on Black Meadow.

UNIDENTIFIED SPEAKER: She's on my side
of the road.

CHAIRMAN SEROTTA: You can submit
something to the Board.

MR. DONOVAN: If it's private that
wouldn't be enforced by the Town.

CHAIRMAN SEROTTA: Odyssey, for
instance, has a homeowners association.

MR. DONOVAN: It's not by the Town.

CHAIRMAN SEROTTA: Whether someone
placed -- when they developed your home put deed
restrictions, I don't know. I'm not really sure.
If you want to submit something to us, we'll take
a look at it.

KRISTIN: Okay.

CHAIRMAN SEROTTA: Tracy, why don't we
go one more before you. I'm sure you have a
couple minutes for us here tonight.

MR. WARREN: My name is Jack Warren,
284 Black Meadow Road. I live directly across the
street from where this proposed project is going.

1 All I would ask is that the Board take a step
2 back, look at that area, look at the surrounding
3 homes and realize what you're doing to the
4 neighborhood. We moved in there, we made an
5 investment in a home. We knew we were on the edge
6 of an industrial terminal. We understood that
7 when we bought it.
8

9 When we came out of the industrial park
10 out by the train tracks there was an old red barn
11 going up on the hill, and that's what we looked
12 at when we came across. Then you approved the CNS
13 Grocers and you absolutely wiped out the view for
14 anybody living on that side of the hill, down the
15 hill.

16 You know, we understand progress,
17 ratables, a big company in there, benefits to the
18 Town, whatever. We lose that one view, now you're
19 looking to destroy our other views. It just makes
20 it really tough for the people in the
21 neighborhood. I think you can do a better job in
22 protecting the investments of the other people in
23 the neighborhood.

24 CHAIRMAN SEROTTA: Thank you. Yes.

25 MS. SCORSONE: I'm Linda Scorsone, I

live at 519 Black Meadow Road. I think what's been presented so far is -- you know, what I have to say is you might consider very minor but I've lived in Orange County for 31 years. I came from upstate New York. I lived over in Sterling Forest. I moved to Black Meadow at 519, a horse farm there, 5 years ago after spending 5 years with a very patient broker looking all around Orange County for a nice place to be with my horses. In case anyone questions the agricultural part of the AR, I came to Black Meadow Road because it was open space, it was going to be comfortable for my horses. It's a 30 mile-an-hour speed limit down through the road. I don't know much traffic going through there. I have 100-acre farm next to me. I want this road to stay as an agricultural property and I don't think this is the proper -- you know, everyone has said much more substantial reasons why that shouldn't go in that field. I feel aesthetically it's going to ruin the view and it's also going to put way too much traffic on the road. Thank you.

CHAIRMAN SEROTTA: Thank you.

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2 MS. BANDELIER: My name is Claudia
3 Bandelier, we live directly across the street,
4 298 Black Meadow Road. I don't like to speak in
5 front of people but I had to say something. We
6 moved up here 10 years ago from the county. Like
7 all of us, we really cherish that kind of land.

8 We were also told, you know, the zoning
9 is -- we have 6.5 acres because that was one of
10 the questions, can we subdivide, and we were told
11 no, you know, that is 6.5 acre zoning. We just
12 -- you know, we were told that's the same thing
13 for the other side.

14 So we are not -- like the rest of us,
15 we are not opposed to have houses on the other
16 side but definitely not something that is going
17 to contaminate our water. I mean I have
18 grandchildren that come to my house and that's
19 not what I moved up here from. I really hope
20 you're taking all of what you heard from all of
21 us into consideration.

22 CHAIRMAN SEROTTA: Thank you.

23 MS. SCHUH: I did have a lot to say.
24 Tracy Schuh. I know the project is challenging.
25 You have to figure out how to save the scenic

views and the natural assets and wetlands. I do think you're learning tonight that it would have been helpful to have held that public informational meeting that you had the option to do. The town code does define that option when you have a yield plan and sketch cluster plan. The Town Board had the foresight to put that provision in the code for something like this, so the public can see the yield plan and any other plans you were looking at. I do think the yield plan should have been provided on the Town's website as well because I have some issues with it.

I submitted comments on this project on behalf of the local nonprofit years ago. Two letters are in the file, one is from December 2014 and the other is August 2013. To my knowledge the Board didn't discuss many of the questions I had in the letters. Back then the project was open area and some of those comments and questions are still relevant today. For example, one that's been brought up tonight is the high water mark. That's really important to the yield plan because you have to keep a

100-foot buffer from that. I do believe your yield plan that you're basing this lot count on is overstated. I know you're not going to be happy for me to say this but I think you need to go back and look at that. If you pull it up you're going to see at first glance it has the floodplain which can be impacted by the buffer. Your code, 83-24(c)(6), says there's no disturbance of Federal wetlands and there's supposed to be a 25 foot buffer. If you pull up your yield plan, you're going to see the road layout has significant disturbance in those areas. That means that that yield plan that determined the 29 lots is not in accordance with the Town's code. I think you are looking at too many lots in this plan.

We discussed this project for a lot of years. With the amount of time the project has lingered in the review process does not mean that it was a quality review. You've got a lot of town code and environmental impacts to look at. No disrespect to anybody here but there hasn't been a lot of consistency. As has been said, there's been a different owner, different engineer on the

1 Planning Board and the applicant's side. There
2 were different variations of the project. You had
3 long gaps between the project coming back and
4 forth. There's correspondence in the file from
5 Fish & Wildlife and the DEC. I don't know the
6 last time anybody has looked at any of that. You
7 also have new Board Members here that haven't
8 looked at the yield plan and haven't looked at
9 the old files. And then there's -- you did have
10 a planner at one time but you didn't use his
11 input. Now you have a new one, which is great, so
12 I hope you consider his input.
13

14 What I find most troubling is the
15 information presented tonight. This is a public
16 hearing for the site plan. It would sound good
17 if this was the informational hearing. For this
18 to be a public hearing on this project, I have a
19 problem with what's not being presented tonight.
20 I've heard there's still a visual assessment
21 report that wasn't in accordance with the ridge
22 preservation code. Normally you guys have that
23 before a public hearing. You have letters from
24 the DEC. I heard tonight the Fish & Wildlife, I
25 don't know if you got updated letters from them,

1 if they're even an involved agency, which I think
2 they should be. I know in the file they
3 questioned the conservation easement. They want
4 to know what the restricted uses are going to be.
5 They need more information before they make their
6 determinations. Then also I think you said
7 there's been a habitat study and an archeology
8 study. None of that stuff is in the file. This is
9 not in there before the public hearing. I don't
10 really know what to comment on because I can't
11 see any of this information. In the town code,
12 98-30, it says the decision by the Board to
13 schedule a hearing on a preliminary site plan
14 comes after, it's a long list of requirements and
15 criteria, determining the adequacy of the water
16 supply, stormwater, waste disposal system, the
17 landscaping plan as well as any additional
18 information that appears necessary, and, I quote,
19 to complete an assessment of the project. I don't
20 feel like I have that tonight.

22 After this you've got to also consider
23 SEQRA. The way SEQRA is intended, if a project
24 has a potential for at least one significant
25 negative impact, that would trigger a positive

1 declaration, an environmental impact statement.
2 That should be done early in the process. This
3 project is clearly in an environmentally
4 sensitive area. You've got the ridge overlay, the
5 soil type issues, steep slopes, wetlands, et
6 cetera.
7

8 The problem I have here is that the
9 applicant has been making these modifications
10 over these years to address some of these
11 pinpoint issues. That's not the intent of SEQRA.
12 It specifically says the modifications should not
13 be construed as mitigation or a substitute for a
14 thorough assessment of the impacts. You clearly
15 have visual and other ecological impacts that
16 still need to be discussed.

17 What you've been doing here, it feels
18 like from an outsider's point of view, is
19 piecemealing this process. There's a study here,
20 a study there, none of them present tonight.

21 That brings me back to the yield plan.
22 I feel like there's definitely things in there
23 that are not in accordance with the town code.

24 I'll try to go fast. I know everyone
25 wants to go home. I know it's not required but I

1 do support that every Board Member does site
2 visits. I don't know if that's been talked about
3 by the Board. If they've driven around the town.
4 I don't know the last -- not this engineer but
5 the previous engineer, they were going to put
6 flags out, cardboard stands out there. I don't
7 know what happened with that. I definitely think
8 that you need to go out there and see what's
9 visible, what trees will be taken down. You
10 talked about the road, the trees along Black
11 Meadow Road. Your cluster code talks about a 50-
12 foot buffer which should be around the cluster so
13 it would protect those trees, but I don't know if
14 anybody read that.

16 I appreciate everyone who is on this
17 Board is here for the community. You all bring a
18 different expertise and background. I just want
19 to see that you all use that and use all the
20 tools out there for you. The SEQRA handbook is
21 excellent. The town code, you have to refresh
22 your memory on that. Not everybody can remember
23 everything.

24 I know it's all debatable whether the
25 public hearing is going to be held open or not.

1
2 Like I said before, I really don't think all the
3 information has been given to the public to look
4 at. I do think they need to have that
5 opportunity.

6 I also think if this was given a
7 positive declaration, an environmental impact
8 statement would pull all that information into
9 one place, one hearing, everybody gets to comment
10 on the same thing, there are involved agencies.
11 Everybody is looking at the same thing at the
12 same time.

13 There's a lot. I really don't think it
14 should be left up to the applicant to come up
15 with what the line of sight issues are. I think
16 this Board should go out and point out I
17 definitely want you to go look at it from here
18 and here and here. I say this because I had
19 witnessed other visual impact studies done. Some
20 were taken from 94 but not the line of sight of
21 the project. You can see the houses and a big gap
22 in the tree line. They were told at that public
23 hearing you wouldn't see any of the houses, there
24 will be enough trees to cover it. I definitely
25 think that you need to establish what is the

1 methodology that's going to be used to do that
2 visual assessment and not leave it up to them to
3 figure it out, just going around and around. I
4 think it needs to start from the Board, what
5 you're expecting, how you're expecting it, use
6 your flags or photo simulations, which I believe
7 is what the ridge overlay zone calls for. I just
8 want you to look closer at that.

10 I do hope you bring in experts. I'm
11 hearing tonight a lot of things I don't know
12 anything about, septic and wells. The
13 preservation committee does have a
14 hydrogeologist, and just take a preliminary view
15 of the yield. I've got comments on that. I'm
16 going to submit that to you. I hope you will
17 consider what those comments are and hire your
18 own experts as need be. I'm not an expert, but
19 looking at those stormwater detention ponds I
20 don't know how much use they're going to be when
21 they're under water. I'm really confused just
22 looking at that. I don't know these things.

23 I do know that the Health Department,
24 when they get into play, they don't require off-
25 site monitoring. That's you guys. If the public

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has issues with their water along Black Meadow Road, those need to be monitored, and that would be you to require the applicant to include that. I don't know, I think the Village brought pipes down the road. I don't know if they want to be tested as well when those tests take place. I just want to throw that out there.

So let's see. Did I catch everything? I guess I'll just end with -- I don't know. There's so much here. I'll just end with that I hope you keep the project in line with the goals of the Town and just not sacrifice one goal for another. I do think you guys can do that. I just think that this process needs to be more streamlined and all the information needs to be available for the public to review. That's it. That's all I wanted to say. Thank you.

MR. DYSINGER: Larry Dysinger again. A few other points I forgot to mention. It's bad enough we have to put up with all the noise and light pollution from the industrial park. When I first moved here I didn't -- it was quiet, it was always dark. I can walk in my bedroom at night and never have to put a light on, I get so much

1 light pollution. Now you're adding 29 homes all
2 stuck together. Right now we're pretty quiet
3 around our area, people are pretty respectful and
4 it's quiet, you don't get a lot of noise or
5 light. I can imagine adding 29 homes there, close
6 together. It's going to add noise. Kids playing,
7 which are fine if you have only 11 or 12 homes,
8 substantially less. I see that as adding more
9 light and noise pollution to the area, and it has
10 a negative impact on us.
11

12 It's also going to probably add -- if
13 you do this -- probably at least 60 more cars.
14 Probably more than double the traffic volume on
15 Black Meadow. Has that been looked at? If you
16 had 11 or 12 you're only talking maybe 25 cars,
17 less than half of that.

18 Between those things it will negatively
19 impact our environment, increase traffic as well
20 as the noise and light pollution, as well as
21 which will then devalue all our homes.

22 CHAIRMAN SEROTTA: Anybody else?

23 MR. DILTZ: Tim Diltz again. I just
24 wanted to mention the importance of our
25 comprehensive plan. Mr. Chairman, you were on

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this committee that wrote this I believe.

CHAIRMAN SEROTTA: Worked very hard on that.

MR. DILTZ: Very well. However, not once in any Baroda appearance before this Planning Board was the comprehensive plan even mentioned. No questions were asked about it. It wasn't used in any fashion. Why was it ignored? This is our guiding document and we rely, as residents of this Town, on your decisions as expressed in our comprehensive plan which the Town Board accepted. So you don't have the right to ignore it. I know everyone says it doesn't have any teeth, but this guides our development. For no one on the Board to even mention the comprehensive plan I think is just insensitive, to use a mild word. I hope you'll all read this cover to cover and see why it's written. It was written for you. It was written for the Planning Board. Please use it as a guideline and preserve our open space and rural character of Chester. That's all I have. Thank you.

CHAIRMAN SEROTTA: Anybody else?

(No response.)

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CHAIRMAN SEROTTA: Let the record reflect nobody else wants to speak for or against the application.

I'll take a motion whether to close the public hearing.

MR. MAYER: I'll make the motion.

MR. CONKLIN: Second.

CHAIRMAN SEROTTA: Motion by Conrad, second by Bob.

MR. CONKLIN: Yup.

CHAIRMAN SEROTTA: All in favor?

MR. MAYER: Aye.

MS. WIERZBICKI: Aye.

MS. ELFERS: Aye.

MR. CONKLIN: Aye.

CHAIRMAN SEROTTA: Aye.

So the public hearing is closed. We'll take ten more days and you can submit comments. Please look at our website. You can see when the next time Baroda will be in. Again, it's probably going to be a month from now. They need time to answer all the discussions. If the plan changes substantially, if something happens where we decide to go a different direction, there would

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be a new public hearing required again. That would happen again. So I suggest you come to our meetings. It will be nice to see everybody come to our meetings. Follow us on the web, you can see when it is. This is running well overboard tonight. We didn't plan on the stupid storms coming in, it screwed us up. I have two more to go. I'm not going to get out of here until midnight tonight. Normally we say it's going to be 8:00 or 8:30 so it's much more guided. You can actually see when Baroda will come online. We pretty much stay to that. Sometimes we drift a little bit. I encourage you to come to our next meeting.

We'll take comments for another ten days. You can always e-mail the Board. I share everything with the Board. That's not necessarily a formal public comment but I do -- my e-mail address is on -- Alexa's e-mail or my e-mail is on the web. Mr. Diltz has been e-mailing me. You're welcome to e-mail me at any time. I might not share -- I'll always share with the Board. You should feel free to comment to us at any time on anything. So thank you for

1
2 coming. It will probably be about a month. Look
3 at the website and you'll see it coming up again.
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5 (Time noted: 9:45 p.m.)
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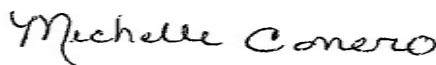
7 C E R T I F I C A T I O N
8
9

10 I, MICHELLE CONERO, a Notary Public
11 for and within the State of New York, do hereby
12 certify:

13 That hereinbefore set forth is a
14 true record of the proceedings.

15 I further certify that I am not
16 related to any of the parties to this proceeding by
17 blood or by marriage and that I am in no way
18 interested in the outcome of this matter.

19 IN WITNESS WHEREOF, I have hereunto
20 set my hand this 13th day of April 2018.
21

22 
23

24 MICHELLE CONERO
25

#276 ^[1] - 1:23 \$100,000 ^[1] - 56:16 \$15,000 ^[1] - 58:24 \$16,000 ^[1] - 62:24 \$3,000,000 ^[1] - 46:3 \$75,000 ^[1] - 56:16 \$800,000 ^[1] - 46:2 1 ^[9] - 1:7, 1:24, 7:14, 17:11, 26:21, 46:25, 47:2, 48:19, 49:6 1,500 ^[2] - 18:17, 45:21 10 ^[6] - 27:10, 46:21, 49:3, 51:25, 70:20, 75:6 100 ^[9] - 4:4, 13:15, 18:3, 18:4, 22:19, 40:5, 45:6, 47:17, 66:5 100-acre ^[1] - 74:17 100-foot ^[4] - 11:22, 41:23, 68:3, 77:2 100-year ^[3] - 42:4, 57:9, 57:10 101-19 ^[1] - 15:23 10918 ^[1] - 1:13 11 ^[3] - 64:23, 85:8, 85:16 12 ^[9] - 1:7, 38:23, 38:24,	46:21, 48:13, 49:3, 57:14, 85:8, 85:16 12550 ^[1] - 1:24 132 ^[1] - 18:24 13th ^[1] - 89:20 14 ^[1] - 57:13 15 ^[4] - 29:2, 47:6, 48:2, 51:4 15.7 ^[1] - 11:16 150 ^[1] - 32:10 16 ^[4] - 20:10, 48:2, 50:7, 61:7 160 ^[1] - 5:16 168 ^[3] - 10:9, 17:21, 19:4 17 ^[2] - 50:23, 50:24 170 ^[2] - 64:20, 64:22 1786 ^[1] - 1:13 18 ^[1] - 49:8 1972 ^[2] - 41:18, 44:11 1976 ^[1] - 61:9 1990 ^[1] - 45:20 1st ^[1] - 13:8 2 ^[4] - 6:6, 58:18, 58:19 20 ^[5] - 41:18, 47:15, 47:18, 49:18, 58:4 2008 ^[2] - 61:24, 63:21	2011 ^[1] - 38:8 2012 ^[2] - 41:6, 41:18 2013 ^[1] - 76:18 2014 ^[2] - 14:18, 76:18 2015 ^[5] - 17:11, 23:9, 24:6, 47:25 2016 ^[1] - 47:25 2018 ^[2] - 1:11, 89:20 225 ^[1] - 70:19 239 ^[1] - 30:21 24 ^[2] - 25:20, 50:10 25 ^[5] - 47:15, 53:25, 70:5, 77:11, 85:16 250 ^[1] - 4:3 26 ^[1] - 16:8 28 ^[3] - 18:19, 18:20, 44:18 284 ^[1] - 72:24 29 ^[12] - 5:18, 5:20, 6:8, 6:9, 8:10, 28:21, 44:18, 46:21, 55:3, 77:15, 85:2, 85:6 29-lot ^[1] - 17:17 298 ^[1] - 75:4 29th ^[1] - 18:22 2:00 ^[1] - 37:10 3 ^[10] - 4:22, 5:21, 6:24,	8:23, 14:12, 14:24, 50:23, 54:9, 65:22 3-12 ^[1] - 48:5 3-18 ^[1] - 48:4 3-acre ^[10] - 4:3, 4:7, 4:9, 4:20, 5:5, 5:9, 5:13, 7:25, 14:24, 16:3 3.5 ^[1] - 65:21 3.51 ^[1] - 11:12 30 ^[11] - 17:8, 25:21, 29:22, 30:2, 30:16, 58:11, 62:8, 62:10, 62:11, 63:13, 74:14 30-acre ^[1] - 4:14 300 ^[4] - 11:23, 11:24, 18:4, 71:14 300-foot ^[2] - 12:21, 17:5 30th ^[1] - 13:8 31 ^[2] - 1:7, 74:5 32 ^[1] - 14:22 34 ^[1] - 19:13 35 ^[2] - 51:6, 51:16 39 ^[1] - 19:15 3:30 ^[1] - 25:19 4 ^[3] - 1:11, 9:20, 48:23	4.5 ^[1] - 13:2 40 ^[1] - 62:10 404 ^[1] - 61:19 43.3 ^[1] - 11:7 43.8 ^[1] - 17:20 474 ^[1] - 13:17 499 ^[1] - 64:16 5 ^[15] - 7:5, 7:11, 7:15, 8:25, 58:9, 58:10, 58:15, 58:16, 60:10, 62:20, 62:24, 63:22, 63:23, 74:8 5-acre ^[7] - 6:13, 6:15, 6:16, 7:4, 7:13, 8:25, 63:15 5.5 ^[1] - 13:3 50 ^[10] - 8:6, 35:4, 42:2, 42:25, 44:11, 44:16, 47:12, 47:16, 52:4, 81:12 500 ^[6] - 13:24, 31:13, 31:18, 31:21, 62:18, 63:25 506 ^[1] - 55:12 519 ^[2] - 74:2, 74:7 521 ^[1] - 55:2 54 ^[1] - 16:20 56 ^[1] - 1:24 5:00 ^[2] - 24:25, 25:15 6 ^[4] - 51:6,	55:2, 55:7, 62:21 6.5 ^[2] - 75:9, 75:11 60 ^[2] - 49:8, 85:13 621 ^[1] - 19:11 7 ^[8] - 38:23, 38:24, 42:8, 47:25, 48:2, 48:13, 50:5, 70:19 72 ^[1] - 49:9 74 ^[1] - 19:4 740 ^[2] - 14:5, 18:6 7:54 ^[1] - 1:11 8 ^[5] - 41:22, 42:6, 42:8, 48:2, 50:17 80 ^[1] - 48:12 80s ^[1] - 58:18 83 ^[2] - 15:15, 34:20 83-2 ^[1] - 34:22 83-20 ^[1] - 15:22 83-22 ^[1] - 16:5 83-24(c)(6) ^[1] - 77:9 83-25 ^[1] - 16:8 845)541- 4163 ^[1] - 1:25 8:00 ^[1] - 88:11 8:30 ^[1] - 88:11 93 ^[1] - 54:5 94 ^[3] - 62:19, 63:5, 82:20 98 ^[1] - 54:20 98-30 ^[1] - 79:13	98.5 ^[1] - 14:15 9:45 ^[1] - 89:5 AASHTO ^[1] - 22:3 able ^[4] - 16:14, 21:12, 22:22, 48:14 above- ground ^[1] - 59:6 absolutely ^[1] - 73:13 acceptable ^[1] - 27:12 accepted ^[3] - 15:12, 17:10, 86:13 accepts ^[1] - 6:9 access ^[2] - 21:21, 29:2 accessed ^[1] - 21:19 accidently ^[1] - 67:4 accommod ate ^[2] - 20:18, 64:3 accordanc e ^[12] - 12:22, 14:14, 15:15, 15:21, 15:22, 16:5, 20:8, 22:8, 23:7, 77:15, 78:21, 80:23 according ^[1] - 50:12 Acquifer ^[1] - 50:2 acre ^[18] - 5:16, 6:3, 6:24, 7:14, 8:11, 9:3, 14:13, 17:21, 19:4, 20:10, 20:11,	47:12, 62:5, 62:7, 62:21, 62:22, 75:11 acre-and-a- half ^[1] - 20:11 acreage ^[1] - 59:17 acres ^[36] - 5:21, 6:5, 6:6, 7:5, 7:11, 7:15, 8:6, 8:23, 8:25, 10:9, 11:7, 11:12, 11:16, 14:12, 17:20, 18:24, 54:9, 58:9, 58:10, 58:15, 58:16, 58:18, 58:19, 60:10, 62:10, 62:24, 63:2, 63:22, 63:23, 63:25, 64:21, 64:22, 65:21, 65:22, 75:9 act ^[1] - 63:21 actions ^[1] - 26:7 actively ^[1] - 32:18 activity ^[1] - 23:10 actual ^[1] - 16:16 add ^[3] - 68:20, 85:7, 85:12 adding ^[3] - 85:2, 85:6, 85:9 addition ^[5] - 12:25, 13:11,
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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF CHESTER PLANNING BOARD

- - - - - X
In the Matter of

TIN BARN BREWERY

19 Lake Station Road
Section 17; Block 1; Lot 20.2

- - - - - X

PUBLIC HEARING

Date: April 4, 2018
Time: 9:54 p.m.
Place: Town of Chester
Town Hall
1786 Kings Highway
Chester, NY 10918

BOARD MEMBERS: DON SEROTTA, Chairman
KONRAD MAYER
DOT WIERZBICKI
JACKIE ELFERS
BOB CONKLIN

ALSO PRESENT: DAVID DONOVAN, ESQ.
AL FUSCO, Engineer
ALEXA BURCHIANI, Secretary

APPLICANT'S REPRESENTATIVE: JEREMY VALENTINE

- - - - - X

MICHELLE L. CONERO
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Newburgh, New York 12550
(845)541-4163

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CHAIRMAN SEROTTA: Next on our agenda tonight is a public hearing for the Tin Barn Brewery project, Jeremy from Lehman & Getz. We also have his partner in crime, Karen, also here.

Jeremy, the floor is yours.

MR. VALENTINE: If you could bring up the plan.

CHAIRMAN SEROTTA: Go to the plan?

MR. VALENTINE: Yes, please. Go to sheet 2. That's a better plan to show it.

CHAIRMAN SEROTTA: I can blow it up if you want more. That's fine?

MR. VALENTINE: That's fine.

MR. DONOVAN: You might want to blow it up so people can see.

MR. VALENTINE: I'll make this quick. This is a proposed brewery on Lake Station Road. We have our -- we've been before this Board before a couple times. We have some landscape in the front to help break up the building, break up the parking lot.

The parking lot is all in the back of the building, up on the side. The way the ground is, you're really not going to be able to see

1 that much from the road, except when you're
2 coming down this way you will see some of the
3 building and the parking. We tried our best to
4 break that up.

5 The entrance is through a buffer with
6 the DEC wetland. It's the safest spot to put the
7 site because that's where we get the best sight
8 distance. It's also perpendicular with Park
9 Drive.

10 We're in the process of getting
11 approval from DEC for our subsurface leach field,
12 which is a sand filter which discharges down to
13 the stream here. We're in the process of
14 designing a water system for the brewery itself.

15 I can answer the questions as they
16 come up. I don't want to go long into this.

17 CHAIRMAN SEROTTA: You can continue.

18 MR. VALENTINE: That's 90 percent of
19 the site right there.

20 We have our stormwater basins in the
21 front here. They're actually designed to take
22 some of the runoff from the road into that basin,
23 and that's -- this basin here is our retention.
24 We have our water quality basin upstream of it
25

1 here, here and here. We're meeting all the DEC
2 requirements for retaining water, cleaning the
3 water up and putting it back into the ground.
4 We're cleaning it up and putting it back in the
5 ground. The detention is in the detention basin
6 which is a dry detention basin itself.
7

8 CHAIRMAN SEROTTA: You're also going to
9 be growing some of your own --

10 MR. VALENTINE: We're looking to grow
11 some hops in the back corner here.

12 Our well is just off the side there.
13 It's not in the buffer itself. Possibly grow
14 some hops back in here.

15 CHAIRMAN SEROTTA: Okay. Al, I'll
16 bring your letter up next.

17 MR. FUSCO: The first part of it we had
18 comments, which was just housekeeping for the
19 Board so they know what is going on.

20 This needs to be approved by the Orange
21 County Department of Health in relationship to
22 the water part of the project. Also the New
23 York State DEC for the sewage aspect of it, as
24 well as the stormwater pollution prevention plan.

25 A bond is required by the highway

1 department. It's 5,000. We had talked about
2 10,000 but the highway superintendent in his
3 letter changed it to 5. So that was a little
4 change that we had. Then any other Board comments
5 that come across.
6

7 These are the next comments by the
8 highway superintendent. He sent them directly to
9 the applicant as well as copying the Board. He
10 had spoken to me about it prior to sending it. He
11 wanted to make sure that the culvert, that it was
12 adequate in the driveway to direct the water with
13 the swale is appropriate. That does seem to be
14 an item that the developer can comply with.

15 Also, he had some issues with the
16 driveway apron, upwards of it, and that that
17 should -- you have 12 inches of item 4 which is a
18 good stone base, and then binder asphalt and 2
19 inches of top.

20 He also asked that the roadway be kept
21 clean and that that be a note on the plan and
22 should not direct any mud and debris onto Lake
23 Station Road. Traffic control and equipment
24 going in and out.

25 He did ask for a guide rail at that

point by the retention pond, and that's a good idea as well.

He asked for a hidden drive sign since sight distance is a little difficult.

Again, the \$5,000 permit and \$50 inspection fee.

A requirement, like I said, on the bond would include a 10 percent contingency. That's it.

CHAIRMAN SEROTTA: Thanks. As I stated earlier in one of the public hearings, at times applications need to be submitted to Orange County Department of Public Works and Orange County Planning Department. This did not. Lake Station Road is not a County road, therefore it's not submitted to the Orange County Department of Public Works, but it does fall into the requirement to go to Orange County Planning Department because it's close to the Warwick borderline. This was submitted to them and we got a response back from them. Again, they can have a whole bunch of answers in the end from local determination, meaning this Board can do anything it wants, they can make advisory comments, which

1 they did, or they could ask us -- if they make
2 certain comments we have to vote on it by a
3 supermajority. That's not going to happen here.
4 They could ask us -- I'm talking too much tonight
5 -- they could actually tell us to deny the
6 application. None of this happened. It's a local
7 determination. They asked and the applicant has
8 taken care of the alignment of the proposed
9 driveway with Park Drive located across Lake
10 Station. They encouraged that type of alignment.
11 They commented that they thought that was a good
12 thing that you did that. That's that one.

14 Endangered species and the short form
15 assessment form -- environmental assessment form
16 notes the presence of a threatened or endangered
17 species or habitat suitable for such a species on
18 site. We suggested the Town require the
19 applicant to consult New York State Department of
20 -- the DEC regarding any potential impacts and
21 effective mitigations. So you'll need to work --

22 MR. VALENTINE: That's part of the
23 correspondence. The wetlands and stuff, we've
24 been working with that along with the species.

25 CHAIRMAN SEROTTA: Good. Wetlands,

1 stormwater management. The proposed project
2 contains widespread wetlands under the
3 jurisdiction of the DEC. The project has been
4 designed so all the development is located
5 outside of the wetland. They talk about the
6 driveway is within the 100 foot wetland buffer.
7 The applicant has proposed multiple bio-retention
8 areas with a stormwater prevention plan to reduce
9 the silt runoff below the pre-construction
10 runoff. This should reduce the volume of
11 contaminants that enter the wetlands. Additional
12 mitigation should be determined by the DEC if
13 necessary.
14

15 So I'm sure they're working with you on
16 all this.

17 MR. VALENTINE: They're actually
18 reviewing all that. We have to get a SPDES permit
19 from DEC to discharge for the sand filter, and
20 also get approval for the driveway, it is in the
21 buffer, along with the pipe. They're reviewing
22 that.

23 CHAIRMAN SEROTTA: That's fine. All
24 right. That's it. Again, it's a local
25 determination. The Board is free to vote whatever

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way they choose to on the application.

You did submit some type of DEC letter to us. I don't think we have to go over that tonight.

We submitted a 239 up to Warwick. There was no response?

MS. BURCHIANTI: No.

CHAIRMAN SEROTTA: We also contacted the Town of Warwick. They did not respond to anything, so they had no issues or comments with the project. We did that as a courtesy to them.

All right. So at this point in time I'm going to open it up to a public hearing. Let me get the plan back up again.

Maybe quick before I do that, let me just go back here. Is it relatively going to stay similar to the rendition you sent to us originally?

MR. VALENTINE: Yes.

CHAIRMAN SEROTTA: Which I thought was pretty nice. It's going to look something like that?

MR. VALENTINE: Correct.

CHAIRMAN SEROTTA: That's kind of what

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the building will look like. Good.

So at this point in time let me get the plan back up.

Let the record reflect the proper notice was sent by certified mail, and let the record reflect the proper legal notice was published in The Times Herald Record.

At this point in time I'm going to open the public hearing. A lot of you were probably here through the last two of them. I'm going to have to ask you to raise your hand, please come up in front of the Board. We have a Stenographer here. State your name and address so you can talk to the Board. We're here to listen to you tonight. Any comments and that, we will address those comments at a further meeting. This is not really a question and answer session even though we may answer a couple of your questions. At this point in time, if you'd just raise your hand, I'll call on you, you can come up and make any comments you'd like. Ed.

MR. MULLINS: My name is Ed Mullins, I'm at 1125 Kings Highway. I don't have any problems with anything to do with the building

itself. I support the business.

My biggest concern is when you're doing the application, one of the questions said impact on traffic. Anybody from that area knows that the intersection of Lake Station Road and Kings Highway is one of the most dangerous intersections around. Because of traffic coming from Warwick towards Chester, there's that dip there with limited visibility with the blinking yellow light, in addition to vehicles coming off of Wickham Drive. The accidents that typically happen there are the most dangerous accidents. It's cars coming from Warwick towards Chester, cars coming off of Lake Station and the drivers being hit on the driver's side door. All right. There's plenty of proof of that. Those are the accidents that typically happen there. There's also head-on collisions when people are coming, you know, from Chester turning onto Lake Station and not seeing the cars coming from the Warwick area. So I have grave concerns about adding additional traffic to Lake Station Road. Also, people that aren't familiar, you know, with the area. Not knowing that's going to be there is

1 going to increase the amount of accidents at that
2 intersection. Now you add the alcohol content to
3 it, there's going to be a deadly accident there.
4 I just hope it's not one of the people that --
5 you know, you hope it's nobody but it's not
6 people that we care about. I don't know what
7 control you have over an intersection in another
8 town, you know, because it's a Town of Warwick
9 road and a County highway. That intersection is
10 going to be a deadly one and it's going to be --
11 unfortunately it's going to be because of the
12 increased traffic from this project. Thank you.

14 CHAIRMAN SEROTTA: Just to note for the
15 record that Ed is a sergeant in the Warwick
16 Police Department.

17 MR. MULLINS: I say this because -- I
18 say this as a resident of Chester who has
19 experienced many accidents and know people have
20 been injured at that intersection. I'm not here
21 representing my department.

22 CHAIRMAN SEROTTA: I understand. I
23 understand. I'm just saying you have
24 qualifications to say what you said.

25 MR. MULLINS: I would have to go

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through another avenue that way.

CHAIRMAN SEROTTA: I'm not putting you
on the spot. Thanks.

Anybody else? Tracy.

MS. SCHUH: Tracy Schuh. I'm not
against the project. I think that -- you know me,
I'm all about the details. Sometimes the littlest
details make a big difference given your
perspective.

The only thing that comes to mind is
the building down the street. The roof on that
building is white. Had it been dark -- if any of
your are avid hikers, we see this big white
blotch in the landscape.

With this project I don't know -- I saw
the architectural rendering, so I don't think
it's going to be white. I don't know the color
but it sounds like it's going to look like a
barn, it will look nice.

My question is about at night. I don't
know if anybody is drinking over there at night.
I notice when I scrolled the site plan there's a
light plan. I bring that up because, you know
me, I think we have too many lights. The LEDs are

1 so bright. I'm just wondering, cars are going to
2 have headlights. I don't know, does this whole
3 driveway have to be saturated with every corner
4 of that area with lighting? If you drive at
5 night you'll see a residence down the way,
6 there's two, one doesn't have really bright
7 lights but they light up their driveway. Another
8 one has LED lights and they are quite bright. I
9 don't know what kind of lighting is planned. If
10 they are tall, that would be another concern.
11 I know I mentioned across the street when that
12 was going in, that I would prefer those lights
13 had been tilted inward so when you're driving by
14 -- because they're up high, you see that bright
15 LED light in your eye. I don't know if there are
16 lights up on the hill, if it could be shielded,
17 tilted towards the woods or towards -- where
18 there is nobody. So I just wanted to mention
19 that, because, like I said, the little details
20 sometimes can make a big difference in the end.

21 I don't know about the landscape. I
22 can't tell what that is. I'm just wondering if
23 down below those three little circles are going
24 to be like pine trees or something? That would
25

1 help as you're driving by. That's really the
2 angle which you're going to look up at the site.
3 And then lighting. That might be helpful if those
4 were going to be taller trees down at the bottom.
5

6 That was all I was going to say. That
7 was it. Thank you.

8 CHAIRMAN SEROTTA: Thanks. Does anybody
9 else want to speak for or against the
10 application? Janice.

11 MS. OPPMANN: Janice Oppmann, 1128
12 Kings Highway. To go back to the traffic on Lake
13 Station. Both ways that road is very narrow and
14 that looks like a really big parking lot. That
15 looks like we're going to have a lot of traffic
16 on there, and it's not just for that but people
17 use that as a thoroughfare coming back from
18 Monroe to get to Warwick. I mean I know it's a 30
19 mile-an-hour zone but that road is very narrow
20 for a lot of traffic to handle. I don't know if
21 there's something you can do. Maybe widen it. I
22 don't know what they're looking to do over there
23 but that's a dangerous road. Where you're saying
24 you're coming out across Park, that's a downhill.
25 That is not a good sight distance. Right where

they're saying that that is, you're going right across from Park Drive.

MR. VALENTINE: Yes.

MS. OPPMANN: There is a hill. It goes down the hill.

MR. VALENTINE: I know. I personally measured the sight distance myself. What's on the plan is what was measured there. That actually meets AASHTO standards.

MS. OPPMANN: Well it's not a really good sight distance because I drive up and down that road all the time. I know how that is coming up and over the hill, people don't do 30. It's a 30 mile-an-hour zone, they're going to go 40 and 50. That's a very bad area right there. I'm just saying that's not a great sight distance right there. I don't know if there's a place you can get any better. That whole road is very windy. I'm just concerned about the traffic and a lot of accidents over there. Thank you.

CHAIRMAN SEROTTA: Thank you, Janice. Tracy.

MS. SCHUH: I sat down too soon. I did want to mention something. If that is where the

entrance is going to be, I don't know your feeling on it, I'm just throwing it out there. There was no lighting on that stretch of the road. I don't know if it's worth the effort for the Park Drive folks to think about it. There's a telephone pole right there. I don't know if you can get O&R maybe to put a light on that telephone pole and maybe avoid some of the close lighting to the road. It won't be necessary, plus it will raise more awareness of what's coming, at least at night anyway, if there's a road intersection there. I just want to throw that out there.

CHAIRMAN SEROTTA: Okay. Anybody else?

(No response.)

CHAIRMAN SEROTTA: All right. Let the record reflect nobody else wants to speak for or against the application.

I'll take a motion to close the public hearing.

MS. ELFERS: I'll make the motion.

MS. WIERZBICKI: Second.

CHAIRMAN SEROTTA: Motion by Jackie. Second by Dot. All in favor?

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MR. MAYER: Aye.

MS. WIERZBICKI: Aye.

MS. ELFERS: Aye.

MR. CONKLIN: Aye.

CHAIRMAN SEROTTA: Aye.

I'll accept comments for the next ten days, official comments for the record.

Jeremy, you can answer some of these questions at our next meeting. We'll schedule you. Talk to Alexa this week.

Anybody can just follow us on the website. This may be something to come in a little bit faster on because we don't have as many comments tonight. You still have DEC stuff to get through. You've got to go through the steps. Thanks.

MR. VALENTINE: Thank you very much.

(Time noted: 10:15 p.m.)

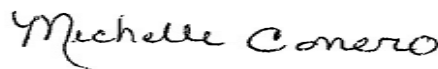
C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do hereby
certify:

That hereinbefore set forth is a
true record of the proceedings.

I further certify that I am not
related to any of the parties to this proceeding by
blood or by marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 14th day of April 2018.



MICHELLE CONERO

#276 [1] - 1:23 \$5,000 [1] - 6:6 \$50 [1] - 6:6 1 [2] - 1:7, 1:24 10 [1] - 6:9 10,000 [1] - 5:3 100 [1] - 8:7 10918 [1] - 1:13 10:15 [1] - 18:20 1125 [1] - 10:24 1128 [1] - 15:11 12 [1] - 5:17 12550 [1] - 1:24 14th [1] - 19:17 17 [1] - 1:7 1786 [1] - 1:13 19 [1] - 1:7 2 [2] - 2:11, 5:18 20.2 [1] - 1:7 2018 [2] - 1:11, 19:17 239 [1] - 9:6 30 [3] - 15:18, 16:14, 16:15 4 [2] - 1:11, 5:17 40 [1] - 16:15 5 [1] - 5:4 5,000 [1] - 5:2 50 [1] - 16:16 56 [1] - 1:24 845)541-4163 [1] - 1:25 90 [1] - 3:19 9:54 [1] - 1:11 AASHTO [1] - 16:10 able [1] - 2:25 accept [1] -	18:7 accident [1] - 12:4 accidents [6] - 11:12, 11:13, 11:18, 12:2, 12:19, 16:21 add [1] - 12:3 adding [1] - 11:22 addition [1] - 11:11 additional [2] - 8:12, 11:23 address [2] - 10:14, 10:16 adequate [1] - 5:12 advisory [1] - 6:25 agenda [1] - 2:2 al [1] - 4:15 AL [1] - 1:19 alcohol [1] - 12:3 Alexa [1] - 18:11 ALEXA [1] - 1:19 alignment [2] - 7:9, 7:11 ALSO [1] - 1:18 amount [1] - 12:2 angle [1] - 15:3 answer [4] - 3:16, 10:18, 10:19, 18:9 answers [1] - 6:23 anyway [1] - 17:12 applicant [4] - 5:9, 7:8, 7:19, 8:8 APPLICAN TS [1] - 1:21	application [5] - 7:7, 9:2, 11:4, 15:10, 17:19 application s [1] - 6:13 appropriat e [1] - 5:13 approval [2] - 3:12, 8:20 approved [1] - 4:20 April [2] - 1:11, 19:17 apron [1] - 5:16 architectur al [1] - 13:17 area [5] - 11:5, 11:22, 11:25, 14:5, 16:16 areas [1] - 8:9 aspect [1] - 4:23 asphalt [1] - 5:18 assessmen t [2] - 7:15 avenue [1] - 13:2 avid [1] - 13:14 avoid [1] - 17:9 awareness [1] - 17:11 aye [5] - 18:2, 18:3, 18:4, 18:5, 18:6 bad [1] - 16:16 BARN [1] - 1:5 barn [2] - 2:3, 13:20 base [1] - 5:18 basin [5] - 3:23, 3:24, 3:25, 4:6, 4:7	basins [1] - 3:21 below [2] - 8:10, 14:24 best [2] - 3:4, 3:8 better [2] - 2:11, 16:19 big [4] - 13:9, 13:14, 14:21, 15:14 biggest [1] - 11:3 binder [1] - 5:18 bio [1] - 8:8 bio- retention [1] - 8:8 bit [1] - 18:14 blinking [1] - 11:10 Block [1] - 1:7 blood [1] - 19:14 blotch [1] - 13:15 blow [2] - 2:12, 2:15 BOARD [2] - 1:2, 1:15 board [8] - 2:19, 4:19, 5:5, 5:9, 6:24, 8:25, 10:13, 10:15 BOB [1] - 1:17 bond [2] - 4:25, 6:8 borderline [1] - 6:21 bottom [1] - 15:5 break [3] - 2:21, 3:5 BREWERY [1] - 1:5 Brewery [1] - 2:4 brewery [2] - 2:18, 3:15	bright [4] - 14:2, 14:7, 14:9, 14:15 bring [3] - 2:7, 4:16, 13:24 buffer [4] - 3:6, 4:13, 8:7, 8:21 building [7] - 2:21, 2:24, 3:4, 10:2, 10:25, 13:12, 13:13 bunch [1] - 6:23 BURCHIAN TI [2] - 1:19, 9:8 business [1] - 11:2 care [2] - 7:9, 12:7 cars [4] - 11:14, 11:15, 11:21, 14:2 certain [1] - 7:3 certified [1] - 10:6 certify [2] - 19:9, 19:12 CHAIRMAN [21] - 2:2, 2:9, 2:12, 3:18, 4:8, 4:15, 6:11, 7:25, 8:23, 9:9, 9:21, 9:25, 12:14, 12:22, 13:3, 15:8, 16:22, 17:15, 17:17, 17:24, 18:6 Chairman [1] - 1:15 change [1] - 5:5 changed [1] - 5:4	CHESTER [1] - 1:2 Chester [6] - 1:12, 1:13, 11:9, 11:14, 11:20, 12:18 choose [1] - 9:2 circles [1] - 14:24 clean [1] - 5:21 cleaning [2] - 4:3, 4:5 close [3] - 6:20, 17:9, 17:20 collisions [1] - 11:19 color [1] - 13:18 coming [11] - 3:3, 11:8, 11:11, 11:14, 11:15, 11:19, 11:21, 15:17, 15:24, 16:13, 17:12 commente d [1] - 7:12 comments [12] - 4:18, 5:5, 5:7, 6:25, 7:3, 9:11, 10:16, 10:17, 10:22, 18:7, 18:8, 18:15 comply [1] - 5:14 concern [2] - 11:3, 14:11 concerned [1] - 16:20 concerns [1] - 11:22 CONERO [3] - 1:23, 19:7, 19:20 CONKLIN	[2] - 1:17, 18:5 constructio n [1] - 8:10 consult [1] - 7:19 contacted [1] - 9:9 contains [1] - 8:3 contamina nts [1] - 8:12 content [1] - 12:3 contingenc y [1] - 6:9 continue [1] - 3:18 control [2] - 5:23, 12:8 copying [1] - 5:9 corner [2] - 4:11, 14:4 correct [1] - 9:24 correspon dence [1] - 7:23 COUNTY [1] - 1:2 County [4] - 4:21, 6:14, 6:17, 6:19, 12:10 couple [2] - 2:20, 10:19 courtesy [1] - 9:12 crime [1] - 2:5 culvert [1] - 5:11 dangerous [3] - 11:7, 11:13, 15:23 dark [1] - 13:13 Date [1] - 1:11 DAVID [1] - 1:18 days [1] - 18:8 deadly [2] -	12:4, 12:11 debris [1] - 5:22 DEC [10] - 3:7, 3:12, 4:2, 4:23, 7:20, 8:4, 8:13, 8:19, 9:3, 18:15 deny [1] - 7:6 department [9] - 4:21, 5:2, 6:14, 6:15, 6:17, 6:20, 7:19, 12:16, 12:21 designed [2] - 3:22, 8:5 designing [1] - 3:15 details [3] - 13:8, 13:9, 14:20 detention [3] - 4:6, 4:7 determinati on [3] - 6:24, 7:8, 8:25 determined [1] - 8:13 developer [1] - 5:14 developme nt [1] - 8:5 difference [2] - 13:9, 14:21 difficult [1] - 6:5 dip [1] - 11:9 direct [2] - 5:12, 5:22 directly [1] - 5:8 discharge [1] - 8:19 discharges [1] - 3:13 distance [6] - 3:9, 6:5, 15:25, 16:8, 16:12, 16:17 DON [1] -
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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF CHESTER PLANNING BOARD

- - - - - X

In the Matter of

DORIAN DeHAAN/JOHN CONDATORE JR.

1389 Kings Highway
Section 14; Block 6; Lot 1

- - - - - X

PUBLIC HEARING

Date: April 4, 2018
Time: 10:15 p.m.
Place: Town of Chester
Town Hall
1786 Kings Highway
Chester, NY 10918

BOARD MEMBERS: DON SEROTTA, Chairman
KONRAD MAYER
DOT WIERZBICKI
JACKIE ELFERS
BOB CONKLIN

ALSO PRESENT: DAVID DONOVAN, ESQ.
AL FUSCO, Engineer
ALEXA BURCHianti, Secretary

APPLICANT'S REPRESENTATIVE: KAREN EMMERICH

- - - - - X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845)541-4163

CHAIRMAN SEROTTA: The last thing on our agenda tonight is the final public hearing. This is a three-lot subdivision in the Village of Sugar Loaf is what this is about. Let me blow this up a little bit. This is, as I said, a three-lot what they call a minor subdivision. Anything under five lots is a minor subdivision.

What we did ask the applicant to do here, so there's no confusion tonight, the Board was concerned a little bit about how much was happening in the small parcel. We had asked the applicant to prove to us that if we did give you a three-lot subdivision, that you could do what -- do something on these three lots. We never do a subdivision without making sure it's some form of a buildable subdivision. We always make sure. We always make them do a perc test. Even a farm cuts a 15-acre lot off a farm they have to do a perc test to prove to us if some day they go to sell the 15 acres, a house can go on there. We don't want to hear someone later on saying you created an unbuildable parcel. Karen is going to go over what she's showing tonight.

We're not actually going to -- the

1 approval, if it ever comes, will not be for the
2 different buildings you're seeing here. There was
3 some confusion on the Board itself here. All the
4 site plan work that was done on this was really
5 done just to prove to the Board that something
6 could happen here. She's showing some multiple
7 use buildings here. There may be a house there.
8 She's not obligated to put anything on there at
9 all. She'll choose to do that later on, at a
10 later point. They can use this plan at a later
11 point if they choose. All we're here tonight is
12 to show to the public, and Karen will do a
13 presentation, is that this is a three-lot
14 subdivision.
15

16 With that I'll turn it over to you.

17 MS. EMMERICH: Thanks, Don.

18 So we have about a one-acre parcel
19 here. This is the entire parcel. Kings Highway is
20 here. The main drag in Sugar Loaf. Pine Hill is
21 here. Creamery Pond Road. Dorian and John's house
22 is right here, existing dwelling, and we're
23 showing a three-lot subdivision with this being
24 one lot line, this is the second lot line.

25 As Don mentioned, the Board had asked

1 that we show possible uses. We show a mixed use
2 building here and one here with appropriate
3 parking, meeting all the setbacks, connection to
4 the water system through this easement --
5 proposed easement area here, and also connecting
6 to the sewer through this proposed easement area.
7

8 So the lots are, you can see here,
9 about 10,000 -- almost 11,000 square feet. The
10 main lot is roughly 18,000 square feet and 11,000
11 square feet for lot 2.

12 CHAIRMAN SEROTTA: Okay. Mr. Fusco did
13 a letter here.

14 MR. FUSCO: We had looked at this a few
15 times over the course of the submittals. Just
16 when we get to it we need stamped plans, if and
17 when we get closer.

18 The water line and sewer easements
19 should be delivered for review. I don't think
20 I've seen that yet.

21 Also, we had asked for an invert on the
22 sanitary manhole on lot 3. Like you said, we have
23 to show that it is sewer-able.

24 Also, there will be need for an Orange
25 County DPW work permit. That should be noted on

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the plan as well.

Any Board comments. Obviously we have to review SEQRA and, if appropriate, close the public hearing.

CHAIRMAN SEROTTA: All right. Thanks.

MS. EMMERICH: Can I ask a question?

CHAIRMAN SEROTTA: Sure.

MS. EMMERICH: On the water and sewer easements, since they don't pertain to any structures at this point, would that be something that could be done at site plan when those lots come in?

MR. DONOVAN: You know, I'm sorry, I was looking at something else. What does your letter say, Al?

MR. FUSCO: It says we need to see the easements for water and sewer to prove that the lots are sewer-able.

MR. DONOVAN: I think we do because -- let me recall the zoning. The lot size has to be determined by the availability of public water and sewer. I think that is something we're going to need to see.

MS. EMMERICH: So you want the

descriptions now?

MR. DONOVAN: Yes.

MS. EMMERICH: Okay. We can do that.

CHAIRMAN SEROTTA: All right. As I stated earlier on the other public hearings, sometimes we have to submit to Orange County Department of Public Works and sometimes we have to submit to Orange County Planning. In this case we had to submit to both.

The DPW, I think there was some confusion that was going on with DPW because since this is a three-lot subdivision it's only really a conceptual plan that they're putting together here and that. So they wrote this letter that came back to us here. I can not approve the proposed subdivision until a full set of engineered plans with all associated plans, details, cross sections, profiles, notes of all proposed work and Orange County Department of Public Works policy and standards need to be met and provided to the office and stuff like that. So I think basically what they're saying is you at least have to show what entrances would go on to these lots -- or only one lot. It's not

Dorian's lot.

MS. EMMERICH: Right.

CHAIRMAN SEROTTA: The one out to Creamery Pond is a Town road, so therefore -- but I think they're looking for their standard 50 foot paved, plus or minus -- you know better than I do.

MS. EMMERICH: I don't think they are. I think there was a little confusion because I did speak to Mike Carol and I've since called him and did not get a response from him in time for the meeting tonight. He said that the department has no problem with the conceptual driveways. When and if that lot 2, I think it is, comes in for whatever it might be, they're going to have to meet all Orange County --

MR. DONOVAN: For right now there's no use proposed, so --

MS. EMMERICH: Right.

MR. DONOVAN: -- you can give conceptual approval for the driveway. I think that's fine.

CHAIRMAN SEROTTA: That's fine.

MR. FUSCO: And that's why I said it

1 the way I said it, put a note on the plan that
2 you are going to need it so if they sell that
3 lot, they look at the plan, the people know they
4 have to get a permit.
5

6 MS. EMMERICH: Right. We don't have a
7 problem with that.

8 CHAIRMAN SEROTTA: Now, Orange County
9 Planning, again I think there was a little bit of
10 confusion here. In some way she loved your
11 walkways and everything else there. Again, I
12 think they looked at it more as that it was a
13 subdivision/site plan, you know. So I mean they
14 talked about lot coverage here and parking areas
15 and so on and so forth. Pedestrian connections,
16 they thought it was great the way you did that,
17 to be able to walk back to the back lots and
18 stuff like that, and the lighting plan and that.
19 I think most of -- again, they threw this back to
20 local determination but it's really just when
21 they come back for site plan it's going to go
22 back to them anyway, right?

23 MR. DONOVAN: Absolutely.

24 CHAIRMAN SEROTTA: I think this is
25 fine. That's it. There's nothing else.

1
2 Let the record reflect that the proper
3 notices were sent by mail, and let the record
4 reflect the proper legal notice was published in
5 The Times Herald Record.

6 At this point in time I'm going to open
7 the public hearing. Everybody heard my pitch
8 before. Please raise your hand, come forward. We
9 have a stenographer here, state your name and
10 address for the record. That's it. I'll open the
11 public hearing. Please come on up.

12 MS. LYNCH: Good evening. It's been a
13 very long day. Susan Lynch, 27 Creamery Pond
14 Road. Unlike the previous speakers I don't have
15 all this kind of paperwork. I'd like to speak
16 from the heart as a mother. We moved here twenty
17 years ago. We live right into Creamery Pond Road.
18 Could you actually put the plan up? That would
19 be great.

20 CHAIRMAN SEROTTA: Let's put that back
21 up.

22 MS. LYNCH: If you look at Creamery
23 Pond Road, we come down Pine Hill Road, turn left
24 into Creamery Pond Road and we're just a few
25 houses on the left. So like I said, we've been

1 here for twenty years. We have been through an
2 O&R car, while our kids were at the bus stop,
3 flying around the corner and practically plowing
4 into our children that we did successfully argue
5 with O&R over that because it's limited sight. We
6 dealt with dealing with cars coming up and down
7 Pine Hill Road, in and out of Creamery Pond at
8 the bus stops. It's just a limited sight. The
9 curve of Pine Hill Road is very limited.
10

11 The other thing is -- so it was that --
12 years ago, very early on a Sunday morning a young
13 gentleman was out, probably all night long,
14 coming up Pine Hill Road heading towards Sugar
15 Loaf, took that curve too fast, flipped the car
16 and landed in the trees. Where the proposed lot
17 2, the corner of the house, the car would have
18 been in that house.

19 I'm not an engineer, I don't know how
20 to read plans very well. Looking at the structure
21 on lot 2, and I'm looking at the general
22 dimensions, it's larger than the house I live in.
23 We live in a four bedroom, two and-a-half bath
24 center hall colonial. I conceptually can't see
25 how a structure -- I know this is proposed just

1 for the subdivision, but what I'm focusing on is
2 a structure that size to be on that part of the
3 property would be very tall and very large. As I
4 come down, like I said, every day down Pine Hill
5 to turn left into Creamery Pond, I look through
6 those trees to see if anyone is coming out of
7 Creamery Pond. With the structure there you would
8 have no sight to be able to look into Creamery
9 Pond. To me, this is a huge safety issue. This is
10 a problem we have.

12 You know, when our kids were little,
13 because our kids now are in their early twenties,
14 there were -- I don't know -- fifty kids on the
15 street and there were bicycles and everybody rode
16 around. Now there's a second wave of families
17 coming in and more young children are coming. I
18 just don't know how to express more that this is
19 just not a safe area to develop a large structure
20 at the end of that lot.

21 My other question -- I know it's not a
22 question and answer. This is a simple question.
23 That little -- this right here, is this driving
24 proposed for cars or walking --

25 CHAIRMAN SEROTTA: It's proposed for

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cars.

MS. LYNCH: There's another site plan that's on your website that if this started as a gravel walking path --

MS. EMMERICH: That's the gravel entrance.

CHAIRMAN SEROTTA: It's this one here. Do you see where I'm pointing here?

MS. LYNCH: That's the gravel?

CHAIRMAN SEROTTA: That's the gravel.

MS. LYNCH: What I had seen originally was as the gravel walkway came around it kind of came down this way.

CHAIRMAN SEROTTA: That's actually a driveway they're proposing.

MS. LYNCH: Then I really strongly object to -- emphatically object to adding another car to turn here. I don't see the logic to having cars turn in and out onto Creamery Pond when Pine Hill is right there, and Pine Hill is already a dangerous road.

The other conceptual idea I have here is, you know, this side over here, this is commercial. We're all for Sugar Loaf thriving.

1 We're all for businesses booming. We love when
2 Sugar Loaf is bustling. This is our private road
3 down here. This is where our residents live and
4 this is where we want quiet and peace and safety.
5 To put a driveway here when you're cutting off
6 the line of sight coming down Pine Hill Road to
7 turn into Creamery Pond, now you want cars to
8 pull out of that section and possibly make a
9 right turn? The sergeant, I don't remember his
10 name, talked about the accidents for the other.
11 This is an accident waiting to happen. So that --
12 I'm just very upset about that.

14 I know that this is nothing more than a
15 proposal to subdivide, but if we take the first
16 step and we approve the proposal to subdivide,
17 then what's to say that, you know, they don't
18 sell off one part of the lot and then all of a
19 sudden that one lot and they start developing on
20 that lot. It just sort of opens up a can of
21 worms. You know what, I love living here and I
22 love our street and I love our development. I
23 want to see it preserved. There's so much of
24 Sugar Loaf that is vacant and falling apart. We
25 need to work on improving and building

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businesses. Why are we taking a lot on a limited sight area, taking away whatever sight we have, adding a driveway onto a private road from a commercial zone when half of Sugar Loaf is empty as it is? To me it makes zero logical sense. That's my two cents. Thank you for listening to me.

CHAIRMAN SEROTTA: Thank you.

MS. MAURER: My name is Chris Maurer, I'm on 43 Creamery Pond Road. I want to build a little bit on what Susan said about the safety. I was working with the Postal Service for many years because we had no mail delivery. At the early part of when I was discussing it with the Postal Service, getting mail delivery, they wanted to do cluster boxes. They wanted to do cluster boxes right there. What happened was they sent a safety officer over and they decided that no, this would not happen for us because the cluster boxes were in a very dangerous area. As she had said, that's where you have limited sight. They studied the area and they said no.

The other problem we have is that's a bus stop for kids. You have all the parents all

1 driving and parking there. You try to pull in and
2 out a car there, you're going to have big
3 problems. The sight problem is not just coming
4 this way. I literally almost totaled my car
5 coming this way because you can't see unless you
6 look through the trees right here. It's very,
7 very difficult. Again, if there's a building
8 there, that's going to be a really big problem.

10 I just feel like yes, I understand that
11 this is conceptual, but this is a lot of
12 buildings on a little tiny area. If this is the
13 best that we can come up with, this scares me.

14 CHAIRMAN SEROTTA: Thank you. Yes.

15 MS. MERCEDES: My name is Colleen
16 Mercedes and I live at 157 Creamery Pond Road.
17 I'm a mother of three young children, all of whom
18 will be attending the public schools within the
19 next year-and-a-half. I know personally that at
20 the bus stops every morning, because Creamery
21 Pond is like a horseshoe shape, we can either sit
22 at the corner of Kings Highway and Creamery Pond
23 Road or we can sit right here on Creamery Pond
24 Road and Pine Hill Road. On any given day you
25 will have a minimum of about ten cars at each end

of our block on both sides of the street waiting for the bus. This is because between Creamery Pond and Fox Hill Road, which is another subdivision off of Creamery Pond, we have about eighty houses. As Susan mentioned earlier, there is a new influx of young families with a lot of young children. We anticipate approximately forty children attending Warwick Schools, using these bus stops in the next year. So again, that's a lot of kids. Like I said, ten cars on both sides of the street on either end of the block multiple times a day, because you're looking at high school, you're looking at middle school, you're looking at elementary school.

Now, what people who aren't familiar with the area may not realize is not only is this a blind curve that goes up this way, this area up at the top here, the ground is about fifteen feet higher than the road. So not only are you not able to see around this blind curve, you actually have physical land that's obscuring your view. Not only on an ordinary day would we have cars lining this side of the road right here, lining this whole side of the road right here. In order

1 to exit our block, if you can not see through
2 these trees, which when foliage is dense is
3 incredibly difficult, to see around this blind
4 curve you often have to almost inch out halfway
5 into Pine Hill Road before you can even see if
6 it's clear to make a turn when you have many
7 children, multiple cars at multiple times of the
8 day at this corner.

10 Another thing we haven't even addressed
11 is right here at the end of Pine Hill Road you've
12 got like a traffic triangle. You have three roads
13 condensing in a triangle. Just from where this
14 intersection is, it's already confusing and
15 dangerous. You might be able to fit one car here
16 between this driveway and the corner of this
17 property. If someone tries to come out of here,
18 you've got cars here, cars here, and now you have
19 a car coming out of this driveway, you can't see
20 anything. If you have multiple young children,
21 multiple families, multiple cars, that's an
22 accident waiting to happen. This is already an
23 incredibly dangerous intersection. To have to
24 ask our families -- this is a long block. You
25 can't have kids in elementary school, middle

1 school walking half a mile, often times in
2 terrible weather, and waiting at these kinds of
3 intersections by themselves. They have to be
4 driven.
5

6 The congestion would simply be too
7 much. Putting a large building here would
8 completely obscure our view, which is already
9 awful. It would really be peerless to young
10 children and families who have no other choice
11 but to stand here. I don't even want to mention
12 during inclement weather when these roads are
13 plowed the road becomes narrower. Where the cars
14 have to park is now closer and you're adding in a
15 driveway right there. Logistically it's
16 unfeasible. I don't think it's practical or
17 pragmatic to try to pack this many buildings onto
18 a single acre parcel and then route them into our
19 bus stop. I think it's a really -- it's poor
20 planning. Thank you.

21 CHAIRMAN SEROTTA: Yes.

22 MS. RUIZ: My name is Jennifer Ruiz, I
23 also live in Creamery Pond Road. I also am a
24 mother of four.

25 I'm confused. I understand that Kings

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Highway is commercial. I don't understand why the driveway coming out to Creamery Pond they have six lots for -- like a parking lot. Our road is private. If you're planning to do like a business there, that would affect us a lot, the traffic there.

Also, I have two little kids. Imagine my son going to the bus at 6:55 a.m. when the bus picks them up during the winter with snow, standing right there on the corner of Pine Hill Road and there's a car coming down to your left. Plus there is two lines, like she said, of cars.

And then I don't understand, why don't they figure out another way to get that driveway going -- they have a huge one already. Why can't that one go through the one that comes out to Pine Hill? I don't know. This is my first time doing this. I don't understand that that much. I think that's not helpful for our road. It's going to be pretty noisy.

CHAIRMAN SEROTTA: Yes.

MR. LYNCH: I guess I'm clean up here. My name is Ed Lynch, I'm at 27 Creamery Pond. You heard from my wife earlier.

1 Let me just give you a little history
2
3 on Creamery Pond since probably not all of you
4 would know. The street's been there for twenty
5 years. I was the second house on the street. We
6 now have, I think it's about fifty homes. With
7 the third addition of Fox Hill is probably
8 another ten homes. There's probably sixty or so
9 homes on that street.

10 UNIDENTIFIED SPEAKER: There's eighty-
11 five.

12 MR. LYNCH: Thank you. I knew it was up
13 there. There's only two places that the kids get
14 on the bus. We heard a lot of what was said. I
15 know my kids, who are in their twenties now, they
16 used to pick them up on their driveways but I
17 guess budget cuts and all. They have two places
18 they can pick them up at. There's literally
19 thirty to forty kids when I look out the door at
20 the various times. They pick them up right at
21 that spot. I remember the day when that car
22 flipped. We brought our kids down to show them,
23 because some day they would be drivers, what
24 driving too fast does.

25 I can tell you Creamery Pond Road,

1 notwithstanding there's a lot of fast drivers
2 there, but Pine Hill, people are going 50 or 60
3 miles-an-hour. It's the bottom of a huge hill and
4 it literally starts to come back up just before
5 you -- move your thing.
6

7 CHAIRMAN SEROTTA: It's right there.

8 MR. LYNCH: It starts to come up from
9 literally probably ten or twelve houses in height
10 of road. I mean you guys know Pine Hill Road.
11 This is really where the fastest people go. My
12 neighbor would have been here tonight twice when
13 this was canceled who lives right there. Many,
14 many times -- there has actually been turnover at
15 that house three times because of that. It's a
16 very dangerous intersection. The idea of adding
17 more congestion to that intersection just boggles
18 my mind. I love Karen, she's a great engineer,
19 but this idea is nuts. To have that occur at that
20 intersection given what we just talked about is
21 bad enough. You've heard the reasons why.

22 I'll tell you something more. The
23 police. Every time our wonderful neighborhood
24 endures, in hopes that there's a big crowd in
25 Sugar Loaf because we love Sugar Loaf, as Sugar

1 Loaf goes our neighborhood goes and it's been
2 dying for the twenty years that I've been here.
3 We appreciate the overflow of traffic that comes
4 onto our street -- I say that in gest a little
5 bit -- because we want the businesses to be
6 successful. You know what the cops do? They take
7 cones and put them all along this side of the
8 road because they don't want anybody parking
9 there. The police officers know how dangerous it
10 is because people come zipping down our street.
11 Sometimes I think they should have those bumps in
12 the road. They're going 50 miles-an-hour in
13 what's really supposed to be a 20 or 25
14 mile-an-hour road, around the curve where I live
15 and then they're zipping over to this
16 intersection which now we're going to add another
17 avenue of problem with cars.

18 Again, I know this is conceptual. Just
19 like Susan said, what you guys allow conceptually
20 could happen some day. Maybe we'll all be retired
21 and these guys will have sold their property as a
22 result of this great plan. But if you approve it
23 I'm concerned about it for all the reasons that
24 we said. The cops literally put cones there to
25

1 avoid the problem that we all talked about. So
2
3 why would we introduce more risk and safety
4 hazards like that?

5 What was said earlier. Twenty years
6 I've seen the decay of a great little village for
7 whatever reason, and now that I've spent five
8 hours here it seems I will come to more of these.
9 I've learned a lot. I want to be more active in
10 hearing what you guys have to deal with. You've
11 got lots of tough decisions to make. This one is
12 easy. This one is real easy. We don't need more
13 commercial. That really caught my attention when
14 I saw this drawing. Retail space. The last thing
15 Sugar Loaf needs is more retail. We have plenty
16 of vacant retail that's decayed for twenty years,
17 that needs to be built up and improved and
18 occupied. We don't need more of that.

19 Three subdivisions on one small parcel
20 of land? I couldn't believe when I heard there
21 were going to be three. I'm sure it's designed to
22 code because Karen wouldn't do anything less, but
23 it's ridiculous to have more buildings on that in
24 addition to the problem that was described as a
25 safety hazard because you can not get around that

1 turn without looking through those trees. To
2 introduce another avenue of risk with that
3 driveway is totally uncalled for.

4 Let me just kind of get a little
5 emotional here. This is our neighborhood. This is
6 our neighborhood. We love Sugar Loaf and the
7 commercialism of Sugar Loaf. We hope it improves.
8 Whatever you guys can, we do appreciate making
9 that happen. I've heard over the years they
10 wanted to have walkways with nice lighting and
11 all kinds of stuff that was -- you know, was
12 considerate of the neighborhood which is
13 literally right there. For twenty years I've put
14 up with the lighting and the jingle of that
15 wonderful church that's there in the village, and
16 I appreciate that. I can't appreciate more
17 lighting, more congestion, more safety hazards,
18 more risk to all of you. We are taxpayers here.
19 There's lawsuits ready to happen with that
20 congestion increase. This is our neighborhood. We
21 don't need more commercialism. We need
22 commercialism where there isn't any commercialism
23 that exists already. That's all I have to say.

24 CHAIRMAN SEROTTA: Thank you.

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2 MR. BOONE: Brian Boone, 3 Hob Street,
3 original Sugar Loafer from 1967 when my dad
4 started Sugar Loaf. No offense, I grew up in
5 Sugar Loaf when there was no Creamery Pond and we
6 used that pond --

7 MS. LYNCH: We knew that you hated us
8 as we were moving in.

9 MR. BOONE: It's not your fault. But to
10 see another property that I grew up on -- I knew
11 the Shaugnesseys very well, me and my brother
12 played on that land. That's a great property. To
13 see it get changed. I know they have the right,
14 it's their property. Sugar Loaf has changed so
15 much and it's going down. Everybody knows it's
16 going down because people need to invest back
17 into Sugar Loaf. That was a staple property on
18 that corner. To see it get redeveloped that much
19 on only a few acres, to me -- I mean that's a
20 little much. To see the other concerns people
21 have.

22 As an old Sugar Loaf person for a long
23 time, it hurts to see everything -- there's
24 change. We all know there's change. That type of
25 change I don't think really fits as much. Thank

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you.

CHAIRMAN SEROTTA: Thanks.

MR. GUERRERA: Frank Guerrera, Pine Hill Road. Sugar Loaf resident for forty-five years. I'm not sure Sugar Loaf Village really needs any more development, commercial or housing right now.

My biggest concern really is for the integrity of the historic district, that is the Sugar Loaf hamlet. We put our faith in you guys as a Board to protect our interests as the community at large, and I would just ask you to go painstakingly slow as you allow any of these proposals, even the smallest foot hole in this planning stage.

For example, I hear that there's discussion of maybe -- because this is proof of concept for these driveways. Once this gets approved through the highway department, et cetera, that that now opens the doorway for now the buildings, et cetera to follow suit along those ways. So I would even want the integrity of the driveway to be scrutinized in the proper manner because, again, we'll have to go through

the zoning laws of the historic district, et cetera. I'm sure that my neighbors have done so. Just the same, it's imperative in my mind that you keep the integrity of the hamlet in place moving forward. Thanks for your time.

CHAIRMAN SEROTTA: Thank you. Anybody else? Yes.

MR. LYNCH: I was very impressed with a lot of the presentations tonight. One of them that was brought to your attention referred to some code. This is not my thing. Money is my thing, not this. I'm a financial advisor. I know that someone brought up a code that referred to residential and development. Do you remember the one I'm talking about? It was like a paragraph. What was the --

MS. LYNCH: I don't know the number.

CHAIRMAN SEROTTA: It was in Baroda.

MS. LYNCH: There was a buffer area that was required, a twenty-foot buffer area between residential and commercial.

MR. LYNCH: Somebody had a clause up there that related to the open space dialogue that was going on with all those other properties

1 that were discussed tonight. This is a perfect
2 example. We have a neighborhood literally across
3 the street from where that driveway is being
4 proposed. We've got a neighborhood with, as we
5 talked about, kids and children and lives that
6 are trying to be developed. We don't need any
7 more commercialism. We need what we already have
8 as commercial to thrive. Thank you.
9

10 CHAIRMAN SEROTTA: Anything else?

11 MS. MERCEDES: Just one thing if it's
12 not redundant. Before anyone even considers this
13 further I think it would be really helpful if
14 there was like an official traffic review. If
15 there's somebody who can come through and -- I
16 don't know what department that would be from,
17 but who can do an official evaluation of the
18 traffic in that area coming off of Pine Hill,
19 Creamery Pond and Kings Highway, and if they
20 would even propose that to be safe before you
21 guys --

22 CHAIRMAN SEROTTA: We'll take that into
23 consideration.

24 One last comment. You guys were
25 patient tonight so you can make comments.

1
2 MR. LYNCH: I think we've said enough
3 to suggest that we don't think there's any need
4 for development whatsoever. One little out for
5 all of you. If for whatever reason you thought
6 it made sense to allow any kind of development on
7 that property, don't make it commercial. We have
8 enough commercial and we don't need more cars.
9 There's -- how many -- eleven, twelve. I mean
10 it's well designed, I'm sure, and it's probably
11 exactly the way it needs to be from a code
12 perspective, but we don't need any more
13 commercial establishments. That would solve that
14 traffic problem quite a bit.

15 CHAIRMAN SEROTTA: All right. Anybody
16 else?

17 (No response.)

18 CHAIRMAN SEROTTA: All right. I'll take
19 a motion to close the public hearing.

20 MS. WIERZBICKI: I'll make the motion.

21 MR. MAYER: Second.

22 CHAIRMAN SEROTTA: Motion by Dot,
23 second by Conrad. All in favor?

24 MR. MAYER: Aye.

25 MS. WIERZBICKI: Aye.

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MS. ELFERS: Aye.

MR. CONKLIN: Aye.

CHAIRMAN SEROTTA: Aye.

Again, I'll take written comments for ten days. Again as I said to everybody before, I welcome you should follow us, come to the next meeting. I don't know when we're going to schedule yet. Again, our Stenographer has to go ahead and type all this up, Karen needs to answer this. The Board will discuss -- you made some serious comments tonight. We will definitely have a discussion on all that. I encourage you to come to that meeting.

MS. LYNCH: Thank you so much. I know it's been a long night for you.

CHAIRMAN SEROTTA: We do put a schedule out. Again we kind of hold to that. Public hearings are different. We've never had four public hearing in one night.

MS. LYNCH: Hopefully the snow will stop.

CHAIRMAN SEROTTA: Thank you everybody for coming. The 18th is our next meeting. We've got a big agenda again. A lot going on on the

1
2 18th. I'll see everybody then.

3 (Time noted: 10:51 p.m.)
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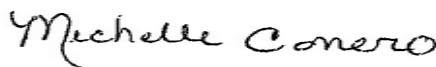
5 C E R T I F I C A T I O N
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7

8 I, MICHELLE CONERO, a Notary Public
9 for and within the State of New York, do hereby
10 certify:

11 That hereinbefore set forth is a
12 true record of the proceedings.

13 I further certify that I am not
14 related to any of the parties to this proceeding by
15 blood or by marriage and that I am in no way
16 interested in the outcome of this matter.

17 IN WITNESS WHEREOF, I have hereunto
18 set my hand this 14th day of April 2018.
19

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22 _____
MICHELLE CONERO
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