

# **TOWN OF CHESTER PLANNING BOARD MINUTES May 3, 2023**

**Meeting called to order @ 7:01pm**

**Members Present:** CHAIRMAN SEROTTA, LARRY DYSINGER, JON GIFFORD, JACKIE ELFERS, JUSTIN BRIGANDI,

**Members Absent:** MARK ROBERSON, DOT WIERZBICKI

**Also Present:** MELISSA FOOTE/Planning Board Secretary, TODD MAURIZZIO/ Al Fusco Rep for Town Engineer, ALEXA BURCHIANTI/Town Building Inspector, ASHLEY TORRE / Planning Board Attorney for David Donovan - G&E PROPERTIES, DAVID DONOVAN/Planning Board Attorney

Next Planning Board Meeting scheduled for June 7, 2023 – On Agenda – Broccoli Patch, Tin Barn, Trade Trans, 50 Elkay – Waiting on Plans asked for board. 2 Referrals were sent to ZBA Black Meadow Crossings & 215 Black Meadow Rd.

**Tin Barn** – Need ARB Application for Fence

## **PUBLIC HEARING - 26 McBride Road/Nelson Subdivision**

**KEITH WOODRUFF:** Showing sheet 2 from plan set.

Lot line change – not approved use, subdivision, existing substandard lot, .4 acres proposing from adjoining properties to make 2.8.

Was before Town Board for Local Law – Passed AI Zone min acreage 2

**Lot1-** no change

**Lot 2** – Has changes, the driveway, the septic, the well. dwelling, etc. Tree clearing will be kept to a minimal. There's an existing farm access road at the vicinity of where the proposed driveway enters or accesses off of McBride Road so the applicant's going to utilize that same location to the greatest extent possible.

## **PUBLIC HEARING - 26 McBride Road/Nelson Subdivision**

Lighting – Standard contractors' low wattage not to protrude outside of driveway.

**DAVID DONOVAN:** Lot # 1 – Existing well. Separation distance 120 ft, between new dwelling.

**KEITH WOODRUFF:** We are going to maintain what OCDOH requires, septic.

**TODD MAURIZZIO:** Perc Tests need to be done.

**KEITH WOODRUFF:** They are done

## **BOARD COMMENTS**

**JUSTIN BRIGANDI:** It looks good

**JOHN GIFFORD:** It looks good

**JACKIE ELFERS:** It looks good.

**LARRY DYSINGER:** Lighting – doesn't meet lighting ordinance – pls direct downward.

**KEITH WOODRUFF:** Cut Sheet showed they are adjustable, doesn't show it.

**CHAIRMAN SEROTTA:** Let the record reflect all proper notices were received and published.

**COMMENT #1 - ANTHONY STANISCIA - 47 McBride Rd.** I have concerns – current property has a non-conforming and derelict structure. I would like to see it removed. 1 story structure, filled with junk. Detriment to property next door. Another structure (shows demolished on plan)?

**KEITH WOODRUFF:** Yes, it's being demolished.

**LARRY DYSINGER:** Move the proposed structure if possible. Perc is excellent. Can't object to separating property, but pls accommodate my concerns.

**Motion to close Public Hearing by JUSTIN BRIGANDI**

**Second by JOHN GIFFORD**

**All in Favor:** 4 Ayes

**G&E Properties Inc. & MAJRCCS LLC**

Proposed Lot Line Change

**JAMES DILLIN:** Explaining project – 3 existing lots. 25 yrs. ago had a single-family dwelling and added a new entrance. Steep driveway, property has been considered one property. About 10 yrs ago was an industrial piece of property. Property used by Palmers for trucking, etc. House is eliminated, 2 new buildings have been put in. Uses we have now is preexisting non-conforming.

Used currently for bus and maintenance storage.

Creating 50ft ROW, would like to take 3 lots and make them 2

**CHAIRMAN SEROTTA:** How do you build a storage unit that was on another lot.

**CHAIRMAN SEROTTA:** Trucking not allowed now

**LARRY DYSINGER:** No issues, going over the lot, it makes sense

**JACKIE ELFERS:** Good

**JOHN GIFFORD:** Good

**JUSTIN BRIGANDI:** Good

**ASHLEY TORRE:** ROW / Easement – Maintenance agreement needs to be made.

**ASHLEY TORRE:** You'll need to submit a draft of agreement before you file. Lot line change, provision hearing not required for a lot line change. Type II action.

**Polled Board:** Is a PH Required?

**LARRY DYSINGER:** No

**JACKIE ELFERS:** No

**JUSTIN BRIGANDI:** No

**CHAIRMAN SEROTTA:** No. You'll come into next meeting with maintenance agreement and lot line changes.

**145 Kings Highway**

**Bringing map up**

**JAMES DILLIN:** Map hasn't changed since last meeting, OCDPW Approval received- entrance approved, permit – Wetlands crossing with the driveway, note put in for Army Corp. Larry mentioned a lighting note, added (Note #10) but after approval it will be added to the map. Per 239 enter notes (7) re Bats and tree cutting time, not sure if there are nay trees to cut down.

**CHAIRMAN SEROTTA:** Would this goes over the 5-acre rule, lot 7 went over, over developed. Alexa enforced that the property will comply. Waiting for landscaping plan.

**JAMES DILLIN:** If builder comes in and divides, they would We have no control over it and it was up to Alexa and she rectified it.

**BOARD COMMENTS**

**JUSTIN BRIGANDI:** Good

**JOHN GIFFORD:** Good

**JACKIE ELFERS:** Good

**LARRY DYSINGER:** Good with the 2 lots, Lot 7 – it was dramatic and it hasn't been addressed yet. Person who cut trees and should have known better – it's up to the developer. Septic moved – ok. Something in writing about landscaping. Segmentation – not sure, raises concern applicant/builder not forthcoming. CAN WE ADD NO FURTHER SUBDIVISION? We want applicant to be forthcoming and upright.

**ASHLEY TORRE:** Not a cluster, these specific lots because of dimensions could restrict it.

**JAMES DILLIN:** A unique part of lot is that it has a lot of frontage.  
**CHAIRMAN SEROTTA:** Would you require him to put something in writing?  
**ALEXA BURCHIANTI:** Yes, because it's requiring a landscaping plan.  
**ASHLEY TORRE** - Going over Neg Dec & Resolution of Approval

**Motion to grant Neg Dec by LARRY DYSINGER**  
**Second by JACKIE ELFERS**  
**All in Favor: 4**

**Motion to approve Final Resolution by JUSTIN BRIGANDI**  
**Second by John Gifford**  
**All in Favor: 4**

**Tin Barn Brewery**

Proposed Amended Site Plan  
Reviewing plans

**DAVID GETZ:** Plans submitted provide update to 2018/2019 – changes, parking, etc. Provided Narrative, Narrative – reviewing open items:

ARB, Parking, Sound

Pole locations – not changed since property purchased 2019. Poles preexisting, additional lights, wants more lighting because of younger employees walking to their car. We will change it to meet code but use max allowed. Lights that went out – may not meet with current code. Need plan with lighting

**DAVE GETZ:** – Sheet 2 Lighting plan with recommendations. AF picked up that there are some areas are low/high and will make necessary adjustments, and not effecting neighbors.

**TODD MAURIZZIO:** existing plan with light pole on West Side – not landing in the same spot. Foot candles were good. Parking level at .1 & .2 need to be lower.

**DALE /TIN BARN BREWERY:** Balance of not being intrusive and still lighting parking lot.

**LARRY DYSINGER:** Top right doesn't conform

**JACKIE ELFERS:** What area are you concerned about employees? Security, timing.

**DALE /TIN BARN BREWERY:** We close at 10pm leave later by 11:30pm it could be a dimmer, not sure.

**LARRY DYSINGER:** Check into manufacturers

**JOHN GIFFORD:** Good

**JUSTIN BRIGANDI:** Good

**LAUREN/TIN BARN** - Seating – more intense than before

276 – indoor, 292 – Outdoor. Would like to increase to 315 within the building – certificate occupancy

**DAVID DONOVAN** – You'll need to show, clarify new seating. It's important to show.

**BOARD COMMENTS: NONE**

**DAVE GETZ:** Do you want us to show 315 capacity? We'll clarify.

**DAVID DONOVAN:** Don't guess

**CHAIRMAN SEROTTA:** bringing up Jenack spot from Feb 2019 – get audio, minutes, and plan.

**DAVE GETZ:** Showing Sheet 1 – Viewing parking spaces. Storm Water Issues. The Back end – hit **Laura Stubecki's** lot. A Violation issued – yes but they are working together with **Laura Stubecki**

**LARRY DYSINGER:** There's a question of grade of parking, within code.

**JACKIE ELFERS:** More visible then with regards to parking

**DAVE GETZ:** SWPPP – under acreage, land covered with artificial grass, permeable

**TODD MAURIZZIO/AL FUSCO'S OFFICE:** Retention Pond, SWPPP – post & pre

**JOHN GIFFORD:** Good

**JUSTIN BRIGANDI:** Good

**Sound concerns brought up**

There is music Friday 6 – 9, and every other Saturday

Have a decibel meter to keep below 85

Ran a test at higher volume with heavy duty speakers

Storage container blocking the sound

Mentioned House behind the candle shop had complaints.

**DAVE GETZ:** Added canvas barriers to the sides, someone needs to be proactive and monitor measures.

**CHAIRMAN SEROTTA:** reviewing decibel noise levels to neighborhood.

**JUSTIN BRIGANDI:** any way to prove these are legitimate results, just witness numbers.

**DAVID DONOVAN:** have someone off on that. They are very proactive with sound.

**CHAIRMAN SEROTTA:** WE can hire someone on our end to verify. We have to plan on this.

**JOHN GIFFORD:** Good, doing diligence.

**LARRY DYSINGER:** Appreciate provided data. Going to us for asking for approval for something you weren't supposed to do. Inside is good, but outside is difficult. How will it be monitored with people outside. Understand you're trying to do the right thing. Storage containers being metal cannot absorb sound, which not approved will.

Allowing outdoor music, needs to be considered. Prefer music indoor not indoor. Worried about music and impacts of neighbors.

**CHAIRMAN SEROTTA:** Richard Logo. Concerts going to be affected or the PAC going to be affected. It needs to be balanced. Needs to be applied to all.

**LAUREN/TIN BARN BREWERY:** Music Coordinator hired – owners are aware. There are rules and regulations, controlling. Wood Baffle system, house sound system for outside for control issues.

Contained area – music with a volume knob.

**CHAIRMAN SEROTTA:** Deck – Building Permit Needed and an ARB – Deck, container/Shed pics.

Board deciding if a Site Visit would be good on either maybe a Friday or Saturday Night to understand.

**DAVID DONOVAN:** You're allowed to have a meeting, you can observe, you can't deliberate on Planning Board business – It can be used information gathering purposes, not a discussion, and it doesn't need to be advertised.

**DALE/TIN BARN:** No bands outside yes.

**CHAIRMAN SEROTTA:** Simulated test

Site Visit confirmed for **May 17<sup>th</sup> @ 7pm.** Planning Board Members **MARK ROBERSON & DOT WIERZBICKI** will be notified by **SECRETARY FOOTE**

**TODD MAURIZZIO:** Bathroom issues, discharge higher- needs to see existing to proposed.

**LARRY DYSINGER:** Thank you for the work you submitted.

**Motion to Close to Adjourn the meeting @ 8:54pm by JUSTIN BRIGANDI**

**Second by: LARRY DYSINGER**