

**TOWN OF CHESTER
PLANNING BOARD MINUTES
September 1, 2021**

Meeting called to order: 7:00 pm

Members present: Chairman Serotta, Jackie Elfers, Justin Brigandi, Mark Roberson, and Larry Dysinger

Also present: Melissa Foote- Secretary, Alexa Burchianti- Building Inspector and Al Fusco-Engineer

Absent: Jon Gifford, Dot Wierzbicki, and Dave Donovan-Attorney

Meeting minutes from August 4, 2021 were adopted

Motion made by Larry Dysinger

Seconded by Jackie Elfers

Chairman Serotta: Good Evening everyone. First on the agenda is **Bell Station Corp.** They are proposing an Inflatable Park and Indoor Recreation on the intersection of Pond & Laroe Road.

**Reviewing Site Plan on Projector*

Jim Dillin: I'm Jim Dillin, the preparer of this Concept Plan. Brian Leentjes, who is the owner of Bell Station Corp, couldn't be with us and I have his Chief operation officer, Mike Baier with us in case you have any questions. Brian purchased this building about 1 year ago and has been working on it for some time. This was proposed originally for a building in the Village of Chester, which we got approval for and then when the pandemic hit, we abandoned building. We're going to be buying more property. I don't know if you knew that.

Chairman Serotta: No, I didn't.

Jim Dillin: We're buying more property to the South. We're going to expand the whole thing. Brian actually owns the inflata park. It's actually in storage right now. He has to put it someplace. So what we're proposing is a 17,600 sq ft building. In it will be an inflata park, an arcade, a restaurant, four birthday party rooms, and flex activities. We wrote a letter on February 19th, 2021 to the Town Board requesting a Sewer Hook-Up Request. I can give this to you if you don't have it. It was approved.

Chairman Serotta: This is for the Sewer?

Jim Dillin: Yes, this is for the Sewer. The Board approved it subject to a formal agreement with the Town. Scott Bonacic said it could be tied into this approval. With this approval, we should have an agreement already made. It was for usage of 2,000 gallons per day. According to Town Supervisor Bob Valentine, it would be metered, so they could change the flows, prices, and they would know exactly how much its taking in. We don't have water. We're going to be building our own water system. We also have fire protection for this building. Our access is right here on Pond Road. This property has road frontage on Pond Road., Laroe Road., and Kings Highway up onto the

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back. We want to come off Pond Road. It's our only alternative because there's a strip of wetlands along the front down to the corner. This plan has no disturbance of wetlands. I have a complete Engineering Report on the wetlands, which I will be submitting with some of my final plans. The minimum setback from the Road in our zone is 75ft. This building is showing to be 75ft, this is the minimum set back line. All I have now is front & side yard. This could be I believe be considered a rear yard. I brought another map which shows along Rte 17/the Quickway. Even though it's frontage, it was considered 50ft as a rear yard. So if that's the case we didn't do that. Brian would maybe want to make it bigger, if we can do the 50ft.

Chairman Serotta: So is 75 the rear yard setback in the GC Zone?

Jim Dillin: No, it's 50.

Chairman Serotta: Why are you calling that the front of the building? To me, if you're coming in off of Pond Road then that's the front of the building, and your side is up along Tony's Property, and the other would be up along Laroe Road. Do you have the proper front set back off of Pond Road.?

Jim Dillin: Yes

Chairman Serotta: If your rear yard is 50ft. I think you're ok.

Jim Dillin: I didn't just want to do it. I think it's an interpretation.

Al Fusco: I think you only need one front yard, as far as I'm concerned so if you're going to call it Pond, as the Chairman stated that's 75 there. In the back you can call that the rear and go West, but you've got an issue with parking.

Jim Dillin: If we're allowed to go back further we can reconfigure the parking lot but I didn't want to do that option right away, I wanted to ask the Board first.

Al Fusco: I am glad you mentioned fire protection because over 12,000ft you need a sprinkler.

Jim Dillin: Yes, we wish we had water but it's probably going to be expensive.

Al Fusco: There's a water district across Laroe Road. You could consider talking to the Village about access.

Jim Dillin: Yes, well it's something to consider.

Al Fusco: Its Village water, but it's the Town's system. It's across Laroe Road.

Jim Dillin: Who owns the water?

Al Fusco: The Village. The Village owns the water, and the Town has a district. It's worth investigating.

Jim Dillin: I went through all of Mr. Fusco's comments. MJS Engineering is going to be doing all of the engineering on this plan, the storm water, etc. There is no grading on this plan, but basically it grades from the front all the way down. Some of this will sheet down to the side. This building is going to be a large retaining wall. It will be a structural wall that holds up the dirt. The Endangered Species which came up on the EAF Short form was Rattle Snakes.

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Chairman Serotta: Anything over there in that area, by Laroe & the Town Garage is going to come up with that because you're within x amount of miles of a Den. You also picked up a Bog Turtle Study.

Jim Dillin: Yes, also Bats.

Chairman Serotta: That's a simple one to mitigate.

Jim Dillin: I choose to just clear that time of the year.

Chairman Serotta: Al would you like to go over your Comments Letter?

Al Fusco: Jim SHPO needs to be on the list.

Chairman Serotta: They flagged that as an archaeological?

Al Fusco: It was found on the Mapper. We need to see the potential impact of the wetlands on the property. The Bats, you'll need to contact the DEC for cutting and dates. It's a concept plan, so I'll need a lot more detail. You can provide that in the next meeting. With the area of disturbance, you'll have to change that a little bit. Make sure you identify it, and more than likely you're going to need a SWPP. It's going to have to go 239, Orange County Planning, and Orange County Public Works as a courtesy. That's about it for now until he comes back with more details. Right now I don't have any recommendations, you can do a lead agency if you want, but that's about it.

Chairman Serotta: A couple of my concerns is that when you're grading over in this area (*referring to plan*) can this possibly be moved over a little bit, the entrance. Let's say it becomes very successful and coming off of Laroe you have a ton of cars coming in. You don't have a lot a of cue room here for them to get into that and it should be a big enough, wide enough mouth so it's easy enough to get a car in and out of there. You'll have to do a lot of grading. Can any of that hill there be chopped a little bit? Not to interfere with the building so much but come back a little further. It is close to Laroe, where the entrance to that is. I'm assuming that's the entrance you're showing on the map.

Jim Dillin: Yes, it is pretty much.

Chairman Serotta: Can that be moved since you're going to be putting walls up? You're going to have to grade quite a bit. When you're into the top you're heading into 506" to get to the top.

Jim Dillin: We're not going to grade, that's going to be left alone.

Chairman Serotta: But what about the building here?

Jim Dillin: Well this is going to be a wall that holds that up?

Jon Gifford: So you're going to have to cut it?

Jim Dillin: This is going to be cut out.

Chairman Serotta: Only the inside of the building.

Jim Dillin: Only the inside.

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Chairman Serotta: Give it a nice wide throat in there where we can move traffic in and out, because you just don't have a lot of room over at Laroe. When you start engineering, take a look at this and address this.

Jim Dillin: I'll take it into consideration.

20:13 Chairman Serotta: You've looked and this is not in any kind of Federal Flood Plain, or anything like that, right?

Jim Dillin: Surprisingly it isn't.

Chairman Serotta: Larry any comments?

Larry Dysinger: I agree with Al's comments, your definitely going to need more detail to show cut and fills. It's something that's needed. You're going to use Sewer, and I guess they're going to put a well in or tap into the Village Water.

Jim Dillin: Either. Yes that's right.

Larry Dysinger: I don't see that the wetlands are delineated. What are the buffering requirements from the Stream?

Jim Dillin: Well this is Federal?

Larry Dysinger: Is this parking lot within a buffer or outside of a buffer from that Stream?

Jim Dillin: From the wetlands you mean right?

Larry Dysinger: Yes, this is all wetlands right so how far/how close can that driveway be to that Wetland area?

Jim Dillin: To a Federal wetlands, it can be right up to.

Chairman Serotta: The Town has their own set of Wetland Codes so you'll need to check that. Under §98:30, Site Plan or under Subdivision Regulations, there are some rules. So even though the Feds say that you can build an inch off of the Federal wetlands, it doesn't necessarily hold true here. It depends on disturbance, etc. So I think you have to take a look at that.

Larry Dysinger: Also, according to the plans you are disturbing 75% of the area of that lot. So I have concerns as to where is all of that water from the building, driveway/parking lot is going to go. Today, it can be partially absorbed at least by the ground. So I would think you would need some sort of retention pond, something with curbing or something that could catch that and direct it into the pond instead of letting it go right into the stream. There's a stream all the way through this property that goes across the road down through the park, and we all know it floods. The last thing we need is a non-permeable surface with a lot more water run off that could cause more flooding. You'll need to address that, to prevent any additional water run-off.

Jim Dillin: We do have a basin here and I don't know if you saw that.

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Larry Dysinger: Yes, however I would think that if you add more detail you would have a Storm Water Plan, a Drainage Plan, you'll have catch basins, and I don't know if you're going to have curbs here or not to catch the water to feed into the Basin. That's why we need more detail to see that. Again, my concern is I don't want to add more water into the stream than it normally would. It's bad enough as it is, and we don't need to make it worse. That's all I have at the moment.

Jackie Elfers: My concern is the entrance to where it falls onto Pond Road and the line of sight coming down on the road, Kings Highway. You see like tonight it's kind of ponding right where the driveway will be. The same thing that Larry said if you're picking up a lot of this or disturbing it where is that water going to push to? Is it going to create more of a problem down at the bottom where it funnels out? Since it's Federal, and it's really protected now are you going to try and take down any of that vegetation so you could see in the building, since it's a business? It is pretty surrounded right now but what will the plan be for that?

Larry Dysinger: I guess if I could add to that. Along the stream there, it's all vegetation. There are trees, etc. It would be ashamed to eliminate that.

Jackie Elfers: But if you're planning on doing that because it's a business you need to know how you're going to do that.

Jim Dillin: We're going to have a grading plan, and you'll see the property that's undisturbed. That's what Al was talking about, the limits of what we're allowed to touch.

Chairman Serotta: Eventually, some landscaping would be good.

Jackie Elfers: Yes, because the landscaping could be minimal for the building itself. You really don't see anything in there now, but if that gets disturbed, then we'll need to do more there.

Mark Roberson: I'd like to echo, we're concerned with the wetlands. It just seems like you're almost horseshoeing something in an area that's susceptible with that. I have no issue with the project. I think the project is good. I just don't know if it's the right space for it. I think it seems very tight considering if the place is successful, how many people are going to be able to get in and get out of there? It's not only the parking but also the way that the driveway is set up.

Justin Brigandi: Everybody already said it but with the traffic I cut through Monroe all of the time and making a left onto Laroe isn't easy. I don't know how many more cars will be on there and backing that up, so that was my biggest concern. I know you're going to have to look into it more but being right up against the wetlands with the parking lot was kind of odd to me.

Alexa- Bldg Inspector: Do you know where the high-water mark are for that stream, because according to §98:30 we can't have the building within 100FT of a high water mark.

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Chairman Serotta: Let's bring up the e-code. Lately, we've now cracked down on that. Environmentally, we've been really paying attention to what the town has.

**reading code §98:30F sect.2,4*

This is what we've been holding a lot of site plans to lately. No structure or buildings shall be erected within a 100 feet of high water mark of a stream of within 50ft of an intermittent stream.

Larry Dysinger: What is that definition of an Intermittent Stream?

Chairman Serotta: An intermittent stream is of something that runs dry certain times of the year.

**reading code §98:30FB2,4*

Within 50ft of an intermittent stream or 100ft of a flowing one shall not apply to swales. There should be no site disturbance within 50ft of the high water mark of the stream or 25 of an intermittent stream. All development or site disturbance within 100ft shall be reviewed with the intent to mitigating any adverse water quality issues that could impact the stream.

So this is something that's going to have to be addressed.

Jim Dillin: I'm sure this is an intermittent stream.

Jon Gifford: You have to be 100ft away.

Jim Dillin: I didn't see this coming into this. I'll check it again.

Chairman Serotta: This is not going by Zones. It has nothing to do with the GC zone or any zone. We've been dealing a lot with this on residential zone basis, it doesn't matter what zoning it's falling in. This is something you're going to have to address and give us numbers and show us this. Come back and show us this. The code is §98:30 Section F 2, 4.

Chairman Serotta: The board agreed with you on the front yard set-backs. You're ok there, but you've got to address these other things first.

Jim Dillin: I appreciate that, it gives me more room and I can move the building back. Thank you very much.

Chairman Serotta: Let's poll the board if we should do the sign tonight for White Rabbit Restorations, since they aren't here tonight. We received an application for a sign, and it falls into Sugarloaf. Anything within the LBS Zone, we are the Architectural Board for it so any kind of work they do there has to come in front of this board.

The applicant showed the sign with colors and gave us a little bit of a location where the sign would go. This is where Wood Road intersects with Kings Highway, across the street from the Cancun Inn.

Alexa- Bldg Inspector: He's already moved in. He's right across from All Pets, where the magic shop is, but in the back.

Chairman Serotta: So he's coming through the back?

Alexa- Bldg Inspector: Yes.

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Chairman Serotta: He wants to put the sign, across from the Cancun Inn?

Alexa Burchianti: Right.

Chairman Serotta: It looks like he wants to put it 10ft in.

Alexa- Bldg Inspector: I spoke with him about having lights and he said no lighting. I let him know that if he did he would need to tell the board and they have to be downward facing. He said no, they're not proposing any lighting.

Larry Dysinger: I have a question it doesn't show the overall height of the sign.

Chairman Serotta: It looks like what he's showing here is the one section is 2 ³/₄

Alexa- Bldg Inspector: Its 3 ¹/₂ in going across and 5ft in height. So each one will be 3 ¹/₂ x 5.

Chairman Serotta: So there's a little bit of a gap in between

Larry Dysinger: So it looks like its 5, or 6ft at max?

Chairman Serotta: Yes. So let's start with Justin, do you like the sign?

Justin Brigandi: I think it's nice. I have no problem with it.

Chairman Serotta: Mark?

Mark Roberson: Yes, it's creative. I'm still not sure as to exactly where, because it seems like the location of the sign is going to be blocking All Pets.

Alexa- Bldg Inspector: Not really, it's over more. All Pets is really on Wood Road and set back and his is more on Kings Highway but setback so they kind of offset each other.

**Board looking at Google Maps Satellite to determine location of sign.*

Chairman Serotta: Actually his entrance is in the back.

Alexa- Bldg Inspector: All of the parking is in the back.

Larry Dysinger: The placement of the sign isn't going to cause a line of sight or anything?

Alexa- Bldg Inspector: No

Chairman Serotta: 6ft off the telephone pole going along Kings Highway and 10ft in from Kings Highway.

Chairman Serotta: Are you ok with the sign Mark?

Mark Roberson: Yes

Chairman Serotta: Jackie, are you ok with it?

Jackie Elfers: Yes

Chairman Serotta: Larry, are you ok with it?

Larry Dysinger: Yes

Chairman Serotta: We're going to make a **Motion to Grant Approval for the sign.**

Larry Dysinger: I'll make that Motion

Jackie Elfers: I'll 2nd

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All in favor: Yes.

Chairman Serotta: That's it on the Agenda tonight. Thank you everyone.

Meeting adjourned at 8:30pm

Respectfully submitted,

Melissa Foote
Planning Board Secretary