

TOWN OF CHESTER
PLANNING BOARD MINUTES
May 20, 2015

Members present: Chairman Donald Serotta, Robert Conklin, Frank Gilbert, Barry Sloan, Ernie Damiani, and Carl D'Antonio.

Also present: David Donovan, Planning Board Attorney and Al Fusco, Engineer.

The meeting was called to order at 7:05 p.m.

Minutes were sent out from the April 1, 2015 and April 15, 2015 meetings. A motion to adopt both sets of minutes was made by Carl D'Antonio, seconded by Ernie Damiani. All were in favor.

Next meeting is scheduled for June 3, 2015.

Chairman Serotta showed a prototype of the new website to the audience and explained the new functionalities that it will have.

PRIMO SPORTS – CONTINUED PUBLIC HEARING

The only item on the agenda for tonight is a continued public hearing for Primo Sports. The last public hearing was held on April 15, 2015. The applicant is back tonight to answer the public input.

Chairman Serotta stated the project plans got resubmitted back to the Orange County Planning Department and a new Municipal 239 letter was written. Karen Arent wrote a letter on the landscaping plans on this project. Fellenzer Engineering sent out several letters which they are going to go over tonight. Al Fusco has also submitted a letter. Hours of operation are going to be discussed for the lighting. The project has come into a couple of SEQRA roadblocks at this time and that will be discussed tonight.

Appearing before the Board for the applicant was Amador Laput from Fellenzer Engineering, project manager. Mr. Laput stated from the last public hearing the Board asked the applicant to address the issues raised and he will do that at this time.

Board member Bob Conklin raised a concern if the height of the proposed light poles required an additional variance. Mr. Laput referring to Zoning §98-15 lighting of properties which has no height restrictions and states that lighting will be subject to site plan approval.

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Board member Barry Sloan at the last meeting discussed if the existing building was going to be renovated and what it would be used for and if it would be brought up to code. Mr. Laput stated that it is a storage building that is going to be renovated and used for maintenance items and lawn equipment and would be brought up to NYS codes.

Mr. Sloan also asked if distance of Tetz Road to the entrance of Rt. 94 and the left turn onto 94 was capable of handling the vehicular traffic. Mr. Laput referred to the traffic study done by Maser Engineering which was previously submitted and a letter from DOT which referenced the study and discussed no further need for additional cuing lane or a right-turn lane on Rt. 94 to come into Tetz Road.

Mr. Sloan also brought up speeding vehicles on Rt. 94 towards Chester and the possibility of a blinking light. Mr. Laput said the applicant referred to DOT and DOT said that no further improvements would be required.

Also from Mr. Sloan if traffic is backed up people may want to go down Glenmere and Green Drive and wants no parking signage. The applicant would agree to put no parking signage along those roads. Chairman Serotta stated that is only something the Town Board can do. He also mentioned no parking means no parking for everyone so they would want to check into that.

Mr. Laput in answer to previously-raised questions about the septic fields explained that the project is defined by the New York State Department of Environmental Conservation for the system. They would typically defer to the Department of Health for the review but it is the DEC that is going to issue the State Pollutant Discharge Elimination System permit for the septic system. So they performed the guidelines where they did soil testing, percolation testing, and deep pit tests. The testing revealed good soil in the area. The location of the septic is designed to protect the wells. The DEC calls for a separation distance from a well to the septic field of at least 100 feet. The septic is at over 200 feet to the closest well, twice what the DEC requires. The tests were witnessed by the Orange County Department of Health and the Planning Board Consultant Fusco Engineering. The applicant was able to move the system an additional 20 feet to the edge of the field and that is the furthest they are able to move that field.

Mr. Laput also stated the applicant was willing to extend the berm from two feet to a three-foot high berm along Green Drive. He showed the location of the tanks to the Board and stated that any odor would mean a failure of the tanks. There would be no odor if everything were functioning properly.

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Mr. Laput stated there is an existing line of trees and they are proposing an additional line of trees that would be part of the approved site plan. If the trees were to die they would replace them. He stated the construction entrance would be on Tetz Road. There may be some construction entrance at the garage when topsoil is brought in to stockpile.

For the hours of operation, Mr. Laput stated the applicant is proposing 10:30 pm on weekdays and 11 pm on weekends. The Primo Sports team has in their business model a number of sports clubs who want to practice until 10:30 on the weekdays. He stated this is consistent with other areas that have night lighting.

Mr. Laput stated that someone at the last public hearing wanted to know what was going to be in the building. The building will have indoor soccer fields and basketball courts. It would not be used for a gym facility.

As far as addressing traffic, the applicant referred to the traffic study done by Maser Consulting that has already been provided. He stated the landscaping plan will buffer not only for sight, but for noise as well. They have downsized as far as what would be allowed on the site based on the acreage.

Mr. Laput stated the applicant had developed a number of storm water plans that include taking drainage from the fields, the building and the parking areas and collecting that into a underground subsurface extended retention chamber that will loop around the parking lot and will discharge to the pond in the same rate that the predevelopment flows were per the New York State DEC. The system is designed for a 100-year storm which is over eight inches of rain in 24 hours.

Chairman Serotta showed the audience the following letter from Landscape Architect Karen Arent:

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KALA

Karen Arent Landscape Architect

To: Chairman Donald Serotta and the Town of Chester Planning Board

From: Karen Arent, Landscape Architect

Date: May 14, 2015

Subject: Primo Sports

Consultant: Fellenzer Engineering, Esposito and Associates

COMMENTS:

Fencing

1. Fencing is shown moved away from the road as requested. The detail sheet with the fencing was not forwarded. Details must be reviewed to make sure the fence and net poles, fabric and rails are a long lasting black finish.

Site Plan

2. A slope is shown to transition grades between the fields and the existing pond. The slope will be seeded with grasses that if left to grow long, will filter storm water runoff.

Landscaping

3. Trees are now shown around the perimeter of the site, helping to create beautiful views into the site from surrounding roads. Tall growing deciduous and evergreen trees will provide foreground, helping distract the viewer from visual impacts of the tall lights and high fence. Most additional trees requested were provided and more could be shown, however, a compromise was reached and a satisfactory number of trees were provided.
4. Evergreen and deciduous screening is shown to block views of the building and parking from homes along Glen Drive and Glenmere Road. Evergreen trees are now located on the slope which will provide additional height upon installation.

Lighting

5. The lighting plan was not provided. Proposed colors and finishes of the light poles and lights should be reviewed to make sure light poles will blend into the landscape as much as possible.

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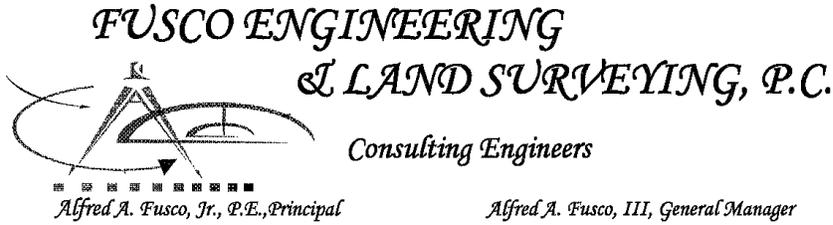
Chairman Serotta asked Mr. Laput if the applicant would follow the comments. Mr. Laput agreed and said they were on the most recent plans.

The plant list was developed by Karen Arent and Steve Esposito with specific species and numbers that would be involved. There are additional plantings to help buffer between the light pole and along Rt. 94. There is fencing along the fields to help prevent balls going out into the road.

Ernie Damiani asked if there could be screening around the circle of the cul de sac fence either by slats in the chain link fence or some kind of planting with the knowledge that it is an emergency access area.

Al Fusco submitted the following letter:

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- 233 East Main Street
Middletown, NY 10940
Phone: (845) 344-5863
Fax: (845) 956-5865
- 19 Waywayup Lane
Port Jervis, NY 12771
Phone: (845) 956-5866

May 19, 2015

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

Re: Primo Sports Complex
Orange County, New York

Dear Chairman Serotta,

We have reviewed the recent information and offer the following:

Project: Primo Sports Site Plan
Zone: SR-1 (Suburban Residential)
Acreage: 25.77 Acres
SBL: 6-1-85.2
Material Reviewed: Plan set – Fellenzer Engineering revised 5/11/15
Review letter dated 5/12/15

Comments:

1. Stamped plans by Surveyor and Engineer are required.
2. Show guide rail end section.
3. SPDES permits for stormwater and sanitary waste are to be provided to the Town Engineer and Building Inspector prior to construction.
4. The Highway Superintendent requires a \$10,000 cash bond for work on Tetz Road. Please deposit prior to construction.
5. Show additional pavement repair to cul-de-sac.
6. The sanitary system has been relocated further from the adjoiners. The system must be reviewed and approved by the Orange County Department of Health and the NYSDEC must issue a SPDES permit. The system must also be certified by a professional engineer licensed in New York State.

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7. The applicant is to present Orange County Department of Health approval of water system prior to construction.
8. Escrow account to be set up for inspections during construction.
9. Hours of operation to be discussed with Board; possibly longer periods for a finite number of events.
10. Board comments.

Action:

1. SEQRA review
2. Please of the Board.

Please advise if you have any questions.

Very truly yours,



Alfred A. Fusco, Jr., P.E.
Fusco Engineering & Land Surveying, P.C.
AAF/cam

Cc: Alex Jamieson, Supervisor
Town Board
Anthony LaSpina, Highway Superintendent
Town Attorney
Board Attorney
Joseph Mlcoch, Building Inspector
Linda Zappala, Town Clerk

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Al Fusco stated that as the project progresses he wants to make sure he has stamped plans by the surveyor and engineer.

There is a guiderail section that he wants to see slide down into the berm.

Mr. Fusco stated as the project progresses and if the Board concurs as SEQR proceeds and if a conditional approval is given Primo can secure the permits from the DEC. The DEC will not issue permits until SEQR is done on the project. These have to be received before any construction is started.

The Board is going to retain a \$10,000 cash bond for the work on Tetz Road until it is all accepted by the Highway Superintendent and then it will be returned. That should be deposited prior to construction.

The sanitary system must be totally reviewed and approved by the Orange County Department of Health and accepted by them. Mr. Fusco will continue to review it as well and a New York State DEC SPDES permit must be issued because the flows are over 1000 gallons per day. That permit will have conditions which shall be required to be adhered to and the building department will police that continually. If there is an issue with that and it is not resolved locally, then the DEC would be brought in for resolving any conditions that were broken on their behalf.

There is a note that after it is approved by the DEC and the Health Department and after it is installed and the installation witnessed, that it be certified by a professional engineer licensed in New York State.

In addition to the sanitary sewage, the storm water has a similar approval process whereby that will be sent to the New York State DEC and that will be a Notice of Intent and eventually a SPDES permit. That would be to correct the erosion control and the storm water pollution prevention plan's permanent improvement.

The applicant is also to present the Department of Health Approval of the Water System prior to construction, escrow set up for construction, hours of operation discussed, Board comments. There are some additional DEC reviews as well.

Ernie Damiani stated one of his questions was regarding septic field failure and that the only way odor would come from the field is failure of the system. Mr. Fusco stated that was correct. Mr. Damiani asked if it did fail, what would be the recourse process there to address it. Mr. Fusco stated first it would be up the applicant to remedy the problem. If

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they failed to do that and the violation continues it could be condemned. There are suitable New York State Building Code and DEC remedies to make sure that everything is corrected. Mr. Damiani asked at what point would the DEC get involved. Mr. Fusco stated that if the building department was substantially frustrated they would involve the DEC which has substantial fines for violations.

Barry Sloan asked Mr. Laput why the septic field could not be moved to an area where it was even further away from residents' homes. Mr. Laput stated it is because of the soil conditions. He said that testing in other parts of the site revealed the area of the proposed septic field as being the best soil. Mr. Sloan asked why the applicant didn't do perc tests up in the other area. Mr. Laput said they did, but it was beyond one inch per hour. Mr. Sloan asked what it was at the proposed location. Mr. Laput said they were very fast at two minutes and the longest one was 18 minutes. Mr. Fusco stated he was there witnessing the perc tests and the best soils on the site were located at the proposed location. He stated that after one inch per hour it could not be put in that other location.

Bob Conklin asked how deep the perc tests were at the proposed septic location. Mr. Laput said they were all done at 24 inches. Mr. Conklin said the property has been graded and regraded several different times. He asked if the perc tests were done in natural soils and not soils that were brought back in. Mr. Laput said they would have checked two feet below proposed grades. Mr. Conklin said it didn't make sense to him that they would put the septic at the lowest point on the property where water is already not draining off.

Mr. Sloan said all the water is going to the berm and collecting on Mr. Meehawk's property. He said you have to divert the water. He asked Mr. Fusco to please check this out. Mr. Laput said they would be happy to review their test results with Fusco Engineering. Al Fusco said he would review it and also call the Board of Health as well. Chairman Serotta asked Al Fusco to come back with a strong report regarding other options. Mr. Fusco agreed and stated he would also talk to the Board of Health about this issue.

Chairman Serotta then talked about SEQRA that boards are bound to follow. He stated that the DEC was comfortable with the Planning Board being the lead agency, but had a couple of concerns they wanted the Board to look into. One of the concerns was that there might be Northern Cricket Frogs in the area. This triggers the applicant to have to perform a study. The applicant submitted the following letter:

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Ecological Solutions, LLC

Connecticut
1248 Southford Road
Southbury, CT 06488
Phone (203) 910-4716
ecolsol@aol.com

May 19, 2015

**Northern Cricket Frog (*Acris c. crepitans*)
Call Surveys, Primo Sports Site,
Town of Chester, New York**

Introduction

The state-endangered northern cricket frog (*Acris c. crepitans*) has been documented in the Town of Chester and Glenmere Lake located in the Village of Florida, New York (NYSDEC Correspondence). As part of the project's application review process, the New York Department of Environmental Conservation (NYSDEC) requested that a northern cricket frog call survey be conducted at a small man made pond on the subject site.

Background

The northern cricket frog occupies a scattered distribution in southeastern New York including Orange, Ulster, and Dutchess Counties. In New York the species is primarily associated with circum-neutral lakes and ponds with a thick aquatic and emergent vegetation component. Breeding occurs in these weedy, shallow water bodies in June and July. Outside the breeding season northern cricket frogs have been documented using various wetland (e.g., riparian, forested, emergent, vernal) and upland habitats (e.g., forests, wet fields, lawns).

This section of Orange County contains habitat known to support northern cricket frog populations. Northern cricket frogs breed in weedy lakes in June and July.

Protocol

Ecological Solutions, LLC was retained by the Applicant, to complete a call survey study at the on site pond. The study period will be 4 days covering the period from May 20 to June 15, 2015 with two surveys occurring in May, and two surveys occurring in June.

The proposed protocol for the investigation follows and is taken from the document entitled, "Call Survey Protocol" last revised by G. Kenney on 9/29/2010:

- Each call survey will be separated by at least seven (7) days.
- At least 10 sampling points will be established around the Pond perimeter. Each sample point will be surveyed for a minimum of ten (10) minutes.
- Surveys will begin ½ half hour after sunset and will end by midnight.

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Primo Sports Site– Northern Cricket Frog
June 16, 2015

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- Surveys will only be conducted on still nights with winds no more than 12 mph and temperatures above 60 degrees F.
- All data as outlined in the Call Survey protocol document will be collected.
- Glenmere Lake in the area of the Glenmer Preserve project will be used as a reference point since I studied this area with positive results in 2008 and 2009.

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Chairman Serotta said the applicant was going to perform a study according to the DEC's standards.

A second issue regarding the SEQR process was an e-mail that was received regarding construction and demolition fill that is present on the property. The owner of the property was responsible to work with the DEC and some fines were issued. This construction and demolition fill issue needs to be addressed. The e-mail is on file and available to view on the website as an associated document to this meeting. Chairman Serotta said the Board expects a letter back from the DEC addressing this issue. The Board cannot issue any kind of an approval until they can give a negative declaration on the SEQR act of the State of New York. That means things like cricket frogs have to be solved, C&D dumping has to be resolved and things like that.

The attorney for Primo Sports explained the cricket frog study further. He also stated he believed the construction debris to be wood, building materials and some things that were crushed up and that the applicant would be providing the DEC's findings regarding that issue to the Board. The Miller Environmental letter regarding the cleanup of the construction debris is on file and also available on the website associated with this meeting. Al Fusco stated he would investigate the C&D at the site as well.

Orange County Department of Planning asked to take another look at the project as the plans progressed and they submitted the following comment letter:

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 Steven M. Neuhaus County Executive	Orange County Department of Planning	
	124 Main Street Goshen, NY 10924-2124 Tel: (845) 615-3840 Fax: (845) 291-2533	David E. Church, AICP Commissioner www.orangecountygov.com/planning planning@orangecountygov.com

**County Reply – Mandatory Review of Local Planning Action
as per NYS General Municipal Law §239-l, m, & n**

Local Referring Board: Town of Chester Planning Board	Referral ID #: CHT 01-15M
Applicant: Luca Spenseri	Tax Map #: 6-1-85.2
Project Name: Primo Sports	Local File #: none provided
Proposed Action: Site Plan for outdoor recreational facility	
Reason for County Review: Within 500 feet of NYS Route 94	
Date of Full Statement: March 11, 2015; additional information received May 15	

Comments: Based upon new information, we are issuing revisions to our previous letters dated April 6 and April 23, 2015. The binding comments from the letter of April 23, 2015 concern the proposed landscaping; the Town has submitted a letter from their landscaping consultant, Karen Arent Landscape Architect that demonstrates satisfaction of the County's concerns. Based upon this revision, we have found no evidence that significant intermunicipal or countywide impacts would result from its approval. We offer the following advisory comments:

1. **Landscaping:** Per the Town's landscape architect consultant, the proposed modifications to the landscaping show trees surrounding the perimeter of the site, allowing views into the site from surrounding roads, but lessening the visual impact of the lighting and fencing. We advise the Town to ensure that the proposed landscaping is maintained in good condition and to review the site during conditions of normal activity (for instance, on a Saturday during the summer months) to ensure that the impacts of the project development on neighboring properties are minimized.
2. **Light Pollution:** The proposed lighting plan shows the location of the proposed light fixtures and gives their basic specifications. Bright stadium lighting along Route 94, in addition to posing a quality of life issue for neighboring property owners, has the potential to distract drivers. The proposed LED lighting, while shown in the product brochure to have limited impact on the surrounding properties, does still have the potential to be disruptive to neighboring property owners as well as traffic on Route 94 due to the proposed installation of the fixtures at 70 feet above grade. We recommend that the Town reserve the right to have the outside LED lighting reduced in height and/or intensity if light glare is problematic to neighboring residential property owners and pass-by traffic on Route 94.
3. **Stormwater Management:** We continue to advise the Town that the high amount of impervious surfacing onsite may cause temporary ponding or flooding during a 100-year storm event, even though the project is not located in a floodplain. The proposed building, roads, parking and sports fields cover just over 50% of the project site and more than four acres of this is impervious surface.

See reverse side

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- a. Low Impact Development measures should be incorporated within the footprint of the existing development; for example, the proposed facility could have a green roof, and portions of the parking lot could be developed with permeable pavement, allowing more stormwater to infiltrate. Additionally, bioretention facilities could be developed onsite; for example, on the north end of the site between the baseball diamonds and Route 94.
4. Noise Pollution: The proposed hours of operation do not extend beyond 11:00 p.m. We advise the Town to ensure that the noise emanating from the site during normal operations does not exceed the standards set by the Town noise ordinance.
5. Shared Parking Potential: The proposed project is located adjacent to the Tetz Industrial Park, which contains the new Coach USA bus facility. The applicant may wish to consider offering a portion of the parking lot in a shared parking arrangement during the week to Coach USA for use as a park-and-ride facility, since the bulk of activity associated with the project will take place on weekends. If the applicant and Coach USA are interested in this arrangement, the County has model shared parking agreements available upon request and would be happy to facilitate this arrangement.

County Recommendation: Local Determination. Comments #1a and 1b from our previous letters dated April 6 and April 23, 2015 have been revised and made advisory/nonbinding.

Date: May 18, 2015

Prepared by: Megan Tennermann, AICP, Planner



David Church, AICP
Commissioner of Planning

As per NYS General Municipal Law 239-m & n, within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. A referring body acting contrary to such a recommendation of modification or disapproval (with a supermajority vote) must set forth the reasons for the contrary action in such report. For such filing, please use the final action report form attached to this review or available on-line at www.orangecountygov.com/planning.

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The County has now chosen to make it a local determination which means the Planning Board is free to do what they want and they included advisory and non-binding comments. Chairman Serotta read from the letter to those in attendance. He did state for the record that the Town does not have a noise ordinance.

Chairman Serotta polled the Board for questions and comments before reopening the public hearing. Frank Gilbert stated he was concerned about the septic system. He also stated he didn't think the berm is high enough and the water should be run off into a different direction. He is concerned about the soils and thinks further testing should be done. Finally he is concerned about the hours of operation and feels 11:00 pm is too late.

Bob Conklin said his two primary issues were the septic and the building out along 94. He would like to see the septic system relocated and is not in favor of the building out on 94.

Carl D'Antonio stated his concerns are the septic and the storm water management in the corner of the property. He is also concerned with the report from 2012 regarding the soils and the cleanup process.

Ernie Damiani stated his concerns were also with the septic and hours of operation. He feels 11:00 pm is too late. He brought up the Preservation Collective's letter and asked to address some points. He would like to see natural tone colors for the building, no blue, to help it look more like a residential structure than a commercial structure. Mr. Damiani asked whether there was going to be a public address system on the outside. Mr. Spensieri stated there was none. Chairman Serotta stated he believed the code said you're not allowed to have one. Mr. Damiani also asked whether netting was considered a fence. Chairman Serotta stated the Board can waive certain things when there are safety-type features involved. It is an accessory feature for safety. It is not functioning as a fence to keep people out. It's functioning as a net to keep balls in. Mr. Damiani also asked if the parking lot and light poles considered a structure and if so, is it subject to the setback laws. Dave Donovan said a parking lot is not considered a structure, nor are the accessory items such as guardrails considered structures for setback purposes.

Barry Sloan was concerned with overflow traffic that exceeds the parking proposed and is there going to be a limit on capacity at the field. He is concerned where that traffic is going to go in a residential area.

Dave Donovan advised the purpose of a public hearing is to bring issues up to the Planning Board to assist the Board in making a decision.

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Chairman Serotta reopened the public hearing at 8:50 pm.

First to speak from the public was John Toth of 3970 Summerville Way. He stated the traffic on Rt. 94 is crazy. He has a very difficult time getting out of his driveway onto Rt. 94. He's witnessed tragic deaths over the last 15 years due to the traffic. He states traffic is a huge issue. He is also concerned with the lighting.

Next to speak was Steve Meehawk of 24 Green Drive. He spoke at the last public hearing. He thanked the Board members for listening to his concerns regarding the septic system. His major concern is still the septic system and the DEC's response to the soil. He asked the engineer when he comes out to the lot to come and see him. He will show him all around the lot.

Andrew Delo of 10 Glenmere Road spoke at the last public hearing and reiterated his concern is all about the site. He said no one has talked about the traffic study that was done in January. He asked to do a traffic study when it counts, during the summer months. He stated the applicant wouldn't even be using their fields during the winter. Phil Grealy of Primo Sports said the latest traffic study was written in January. That was not when the data was collected. He said they followed the guidelines that NYSDOT specified. He said the January date is the date of the letter. The studies were done in September and October of 2014. The first study was conducted in September and revised to reflect the new access in October. Mr. Grealy stated they had month-by-month historical data from the NYSDOT so they know what the variations are. The applicant cannot request a speed change. It has to come from the municipality which means not the Planning Board, but the Town Board. Mr. Delo also expressed his concern about the soil report.

Leonard Germaine of 4070 Summerville Way spoke at the last public hearing as well. He stated the project belongs on 50 acres, not 25. He believes another parcel would be suitable for the project, not this one. Dave Donovan stated the applicant has the variance from the ZBA and there is nothing the Planning Board can now do about it. Mr. Germaine stated the ZBA should have addressed the use variance as well. Mr. Germaine questioned the club membership interpretation from the ZBA. He stated the reason for not putting the septic in the front of the property is because the soil is all clay and it floods. He said his family had farmed that property for years. He knows it like the back of his hand. He said it is all clay and shale. There is no soil there, just a lot of rock. He stated he would help anyone who wanted to know about that property. He said he still doesn't agree with the hours of operation and the height of the light poles. He doesn't think the drainage system as designed will be sufficient.

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Barbara Utter owns properties at 33, 35, 39 and 69 Glenmere Road. She stated her 33 Glenmere property is right beside Green Drive and is lower than Green Drive. She questioned what happens when water from the fields go into the ditch, the pond and the underneath culvert that leads into her property. She stated she's already had 9 inches of water in one of the basements when they were putting the two new houses up on Glenmere Road. The corner of her property has never been dry since they put the two new houses in. When the Primo project goes in, she is concerned how much more water is she going to get. She is also concerned with the increased traffic.

Gary Goldstein of 11 High Street stated he was an attorney with a litigation practice. He stated he was familiar in his line of work of having to defer to expert opinion reports. He appreciated everyone's concerns, but the Department of Health, NYSDOT, NYSDEC and engineering reports are expert opinion. He stated these experts were not interested parties in the application. These are what are relied upon, not conjecture by concerned parties. He stated other potential permitted uses of the site are a trucking terminal, a dormitory for agricultural workers, a repair garage with chemicals, and a composting or food processing site. Mr. Goldstein urged the Board to look at the benefits to the community this project will bring including jobs and activities for children. He believes this project is one of the least impacts on the community.

Tracy Schuh of the Preservation Collective submitted a letter to the Board which is on file and available on the website as an associated document to this meeting. She stated the Board could hire their own consultant if they felt there was a problem with the traffic study. She asked whether bleachers, light poles and dumpsters are allowed in the setbacks. She questioned the setback calculations. Ms. Schuh said she thinks there is a lot going on very close to the residents. She read the lighting code out loud. She hopes the building has architectural details to it to make it look less commercial. She is concerned about the parking calculation.

Barry Sloan asked Chairman Serotta to bring up a rendering of a project on Bellvale that shows an industrial building with a country barn façade. Chairman Serotta stated that building has not yet been approved. Mr. Sloan said that's what he would like to see, not a commercial looking building. Lenny Germaine said he agreed. Ernie Damiani asked if the applicant could reach out to the kids in the neighborhood to treat the facility like a park for them or passes to use the batting cages or things along those lines.

Let the record reflect that no one else wished to speak for or against the application.

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Dave Donovan did wish to address the Preservation Collective's letter regarding when the clock starts to run. The 62-day decision provision does not begin until the Board reaches a SEQR determination which is either issue a negative declaration or a separate procedure if there is a positive declaration. If the Board chooses to close the public hearing, it is not under any time constraints until such time as SEQR is closed out.

A motion was made by Bob Conklin to close the public hearing, seconded by Ernie Damiani. All were in favor. The public hearing was voted unanimously closed.

The applicant will let the Board know when it is next prepared to come back.

The meeting was adjourned at 9:50 pm.

Respectfully submitted,

Tanya McPhee
Planning Board Secretary