

**TOWN OF CHESTER
PLANNING BOARD MINUTES**

August 5, 2015

Members present: Don Serotta, Chairman, Steve Denes, Ernie Damiani, Carl D'Antonio, Bob Conklin, Frank Gilbert and Barry Sloan.

Also present: Dave Donovan, Attorney, Al Fusco, Engineer and Tanya McPhee, Secretary.

A motion to adopt the minutes from the July 1, 2015 meeting was made by Carl D'Antonio, seconded by Steve Denes. Motion carried 7-0.

Next Planning Board meeting is scheduled for August 19, 2015 at 7 pm.

Chairman Serotta updated the Board on the Primo Sports project. The owner of the property, Alex Kocot, is pulling out 1200 cubic yards of material as per the DEC. Calls had come into Town Hall from concerned neighbors seeing work being performed and one neighbor also called the police. The highway superintendent also requested a bond from the owner regarding the roadway. The rest of the studies have been completed. Once the DEC gives the go ahead from the clearing of soil, Primo will come back before the Board.

Chairman Serotta also advised the Board that Dorian DeHaan-Rossi wanted to do a three-lot subdivision and wants to come back before the Board and submitted plans. Once she submits escrow money she will be put on the next agenda.

RIDGEVIEW ESTATES – 90-DAY EXTENSION

First item on the agenda is Ridgeview Estates. The Board received a letter requesting a 90-day extension. A motion to grant a 90-day extension was made by Frank Gilbert and seconded by Ernie Damiani. Motion carried 7-0.

HILLS OF CHESTER – 90-DAY EXTENSION

Next item on the agenda is Hills of Chester. The Board received a letter requesting a 90-day extension. A motion to grant a 90-day extension was made by Bob Conklin, seconded by Ernie Damiani. Motion carried 7-0.

SCARLET'S WAY – ARCHITECTURAL REVIEW

Next item is an application for architectural review for a fence at 1361 Kings Hwy in Sugar Loaf. Appearing before the Board were John and Kayla Schamarek. John Schamarek described the fence as wooden stockade and the location of gates and the fencing. The Board viewed photographs of the proposed fencing material.

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Chairman Serotta polled the Board for comments and questions. Barry Sloan asked about if the fence would be painted or stained in the future. It was agreed that for preservation purposes a clear stain would be allowed.

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

July 28, 2015

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

Re: Site Plan for Scarlet's Way
Kings Highway

Dear Mr. Serotta and Planning Board Members,

We have reviewed the file offer the following:

Project: Scarlet's Way Fence
Zone: LB-SL District
Acres: 0.585 acres
SBL: 14-6-12

Comments:

1. Note says "all stockade fence except in front 4' area length"; specify styles of all fencing and colors.
2. Show detail of gates.
3. Board comments.

Action:

1. Board's prerogative.

Please advise if you have any questions.

Very truly yours,

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

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Mr. Fusco stated he just questioned the one section. The applicant stated it was separation for the two buildings. Mr. Fusco asked if all gates would be six feet and the applicant stated they would be six feet in the section where the fence was six feet and five feet to match the height of the fence in the other section.

A motion to grant architectural review for the fence was made by Frank Gilbert, seconded by Bob Conklin. Motion carried 7-0.

MERRILY & CO – ARCHITECTURAL REVIEW

Next item is an architectural review for a sign at 1375 Kings Hwy in Sugar Loaf. Appearing before the Board was Kathleen Parrella. Ms. Parrella presented the Board with a mock-up of what the sign would look like for her new store. She stated one is 24x36 and the other is 18x24. There is a pre-existing sign post from a previous tenant that she will use.

Chairman Serotta polled the Board for comments and questions. The Board unanimously agreed it was a very attractive sign.

A motion to grant architectural review for a sign was made by Steve Denes, seconded by Barry Sloan. Motion carried 7-0.

DURMA FARMS – WORK SESSION

Next on the agenda is a minor subdivision of two (2) lots at 3454 Route 94. Appearing before the Board is Patricia and Tim Miller. Patricia Miller inherited part of the farm from an estate and wants to subdivide a portion from the rest of the farm. She wants to create a new lot.

Ms. Miller said she wants to keep the lot agricultural. She does not want to put up a fence or any physical separation. It will remain as part of the farm.

Chairman Serotta stated that even though the subdivision is simple, the applicant is required to go through the Town's process. Even though the applicant wants to stay agricultural, a subdivision creates a buildable lot. The applicant will have to show the potential for a driveway to come onto the property, a setback for a house somewhere on the lot, and one perc test on the property. That is the minimum for a subdivision.

Chairman Serotta also discussed the fee structure with the applicants plus escrow and parkland fee.

Mr. Miller objected to the fees and suggested they should be waived. Chairman Serotta and Attorney Dave Donovan explained the rules and reiterated the fee structure.

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WILD HAVEN – WORK SESSION

Next item on the agenda is a major subdivision at 408 Bull Mill Road. Appearing before the Board was Kim Wilson.

Chairman Serotta stated that Wild Haven received preliminary approval from the Planning Board for a six (6) to eight (8) lot subdivision in 2009. Mr. Wilson appeared tonight to discuss with the Board changing to phase a two (2) lot subdivision and the build the remainder at a later time.

Mr. Wilson explained due to financial restraints he is proposing putting in lots 1 and 7 in a Phase I to Bull Mill Rd. These lots do not need access to the new cul-de-sac road that would go in. The perc tests had been done in 2010.

Dave Donovan stated the project was given preliminary approval in 2009 and questioned whether it has been back since then. It was discussed it may have been renewed once since then. Mr. Donovan said the Board would have to figure out if the regulations have changed since that time and if anything different needs to be done. The Board needed to determine if the wetland delineations remain valid as well. He stated the applicant would have to come back with a Phase Map that shows what is being proposed now and the balance of the project and likely a storm water management plan for the bigger plan.

Mr. Wilson inquired as to whether he could submit a plan for just lots 1 and 7 and at a later date submit for more lots. This would be a two (2) lot subdivision. Mr. Donovan said he could and speculated that he didn't think the applicant had any approval given the time that had passed. Chairman Serotta stated that if time was an issue the applicant could submit a three (3) lot subdivision including the house and two new lots. Jim Dillin would work on it.

Chairman Serotta stated that in the previous approval the trees by the cemetery needed to be removed to create a site distance and the stone wall created no shoulder. The Board discussed how it could be handled and said they would speak with the highway superintendent and the town historian.

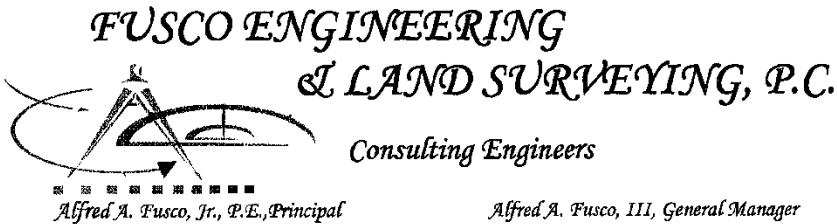
BAZS – WORK SESSION

Next on the agenda is a work session for a site plan for a warehouse on Bellvale and Lake Station Road. Appearing before the Board was Jim Dillin the project engineer. The owner of the property, Brian Leentjes, was also present.

In January Al Fusco made comments for the applicant to take care of. The applicant feels they have accomplished everything on the letter:

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December 17, 2014

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

Re: Bazz Site Plan
Black Meadow Road
Orange County, New York

Dear Mr. Serotta and Planning Board Members,

We have reviewed the Preliminary Site Plan for Bazz prepared by KC Engineering and Land Surveying, P.C. and James Dillin, L.S. and dated December 3, 2014 and a application to the NYS DEC Wetlands Permit Application and plans dated November 18, 2018 we offer the following comments:

1. The applicant has submitted a plan to the NYS DEC for a permit to work within the 100' wetland buffer. We would ask that the applicant copy us on the NYS DEC comments.
2. The applicant has provided a NYS DEC Wetland Map; the boundaries of the wetland have been shown and submitted to the NYS DEC for approval.
3. The applicant has indicated that at the time that the structure was started there was not a NYS DEC wetland located on this property since then the NYS DEC has extended the boundaries of NYS DEC Wetland WR-27 subsequently a NYS DEC wetlands disturbance is now required the applicant has submitted to the DEC for this permit approval.
4. The current plans indicate a septic tank and pump chamber tank located on the northwesterly side of the building with a force main through the building, we would ask that the applicant to discuss this.
5. The soils testing that has been provided and was performed in the 2009, our office would like to see additional testing performed, at least one percolation and deep soils test, these tests should be witnessed by our office.
6. The existing well will need to be sampled, tested and approved by the orange county health dept. as a non transient non-community public water supply. Provide documentation from the health dept.
7. Approval is required from the Orange County Department of Public Works for either an existing entrance modification approval for a new entrance.

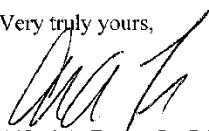
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8. Per 98-30 site plan approval no structures or buildings shall be erected within 100 feet of the high-water mark of a stream. All development within 100 feet of any stream shall be reviewed with the intent of mitigating any adverse water quality issues that could impact the stream. A portion of the proposed building and the gravel drive falls within this 100 foot buffer. The planning board should discuss with the applicant what mitigating factors that they are proposing.
9. Provide the location of the roof drains.

Please advise if you have any questions.

Very truly yours,



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

Cc: File

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The applicant did a turtle study. They got a complete application notice and received the permit two days ago. That is the permit that allows them to work within 100 feet of the wetland buffer that is delineated on the plan. There is no change to the buffer. The applicant still wants to put the force main through the building. Al Fusco stated he did not have an issue with that.

Mr. Dillin stated the soil testing was done with Al Fusco's office last week. A perc test and deep test hole was performed. He stated that the interest in the building has been in warehousing so they were going to back off on the number of people using the building so they could come in with a regular water system. The applicant also has the OCDPW permit as well to start the entrance.

Chairman Serotta polled the Board for questions and comments. No one had anything at this time. He stated Dave Donovan would draft a resolution and the applicant should come back in two weeks. The applicant stated they had dirt fill to move into the building and some cutting to do to get to that fill. Al Fusco stated he would oversee it subject to the building inspector's approval. Chairman Serotta stated that applicant should submit new prints and they would get the resolution at the next meeting.

SURESKY & SONS – WORK SESSION

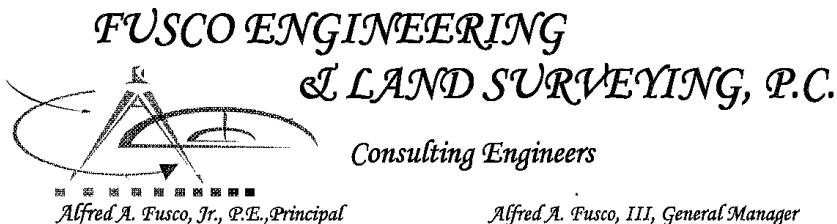
Due to the Board being ahead of schedule the last applicant on the agenda; Suresky & Sons was taken before the next scheduled applicant as they were not yet in attendance.

Appearing before the Board were Ross Winglovitz of Engineering Properties and Jeff Musumeci from Suresky.

Al Fusco had submitted the following letter to the applicant in July:

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- 19 Waywayup Lane
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Phone: (845) 956-5866

July 28, 2015

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

Re: RI Suresky & Sons Inc.
Orange County, New York

Dear Chairman Serotta,

We have reviewed the application package for the above noted plan and offer the following:

Project: Vehicle Storage and Prep
Zone: IP
Acreage: 15.87 Ac (691,229 SF)
SBL: 6-1-70.12
Material Reviewed: SWPPP Report (July 2015)
Plans dated 7/22/15
Engineering Report

Comments:

1. Arrange joint soils inspection. Show all septic elevations, dimension separations from septic.
2. Supply me with completed Long Form EAF.
3. 239 GML review required.
4. Show pavement connection detail to existing pavement.
5. Show building elevation and colors.
6. Show snow storage and area.
7. Draft stormwater maintenance agreement.
8. Site improvements to be inspected by Town Engineer.
9. Identify hours of operation.
10. Detail security vs fencing as discussed at last meeting.
11. Show wetland disturbance W1. Show wetland disturbance and indicate permit to be secured.
12. Identify curbing; detail curbing.

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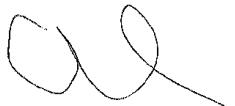
13. Note to get highway permit bond for \$10,000.
14. Based upon DEC design standards, it appears that the design flow for the 12,500 SF retail building should be larger than 1,000 gpd. It appears that a subsurface SPDES permit is required.
15. The plans should specify the total number of employees on site.
16. Due to the elevation of the septic system in proximity to wetlands, as well as the longer percolation rates, soils testing witnessing should be performed. Please contact our office to schedule a joint site inspection.
17. Plans must be signed and stamped by the design professional.
18. The formal NOI should be signed and submitted.
19. The SWPPP must include a phasing plan. There is over nine (9) acres of site disturbance. The phasing plan will assure no more than 5 acres of site disturbance at one time.
20. The sequence of construction notes/specifications should be included on the plans.
21. There are a number of details for the SWPPP, including soil stockpiling, porous pavement, preservation/conservation areas, etc., which could not be identified on the plans.
22. Show all wells within 200 feet of the proposed septic system or note that there are none.
23. It appears that an Army Corp of Engineers wetlands disturbance permit is required as the total area of disturbance exceeds 0.1 acres of federal wetlands.
24. It appears that a retaining wall is necessary at the ES culvert at the invert 509.88 and the finished surface grade adjacent to this location if 516+/-.
25. Regarding the storm water calculations in the SWPPP, peak hydrograph charts, including peak discharge flow and peak elevation, could not be found for the 10 and 100 year storms for ponds B1 and C2.
26. More landscaping should be provided around the main building including shrubs and island landscaping.
27. The lighting plan needs to be included in the site plan set to be adequately reviewed.
28. Board comments.

Action:

1. Lead Agency.
2. 239 GML Notification.

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 McCooh, Building Inspector
Linda Zappala, Town Clerk

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Mr. Winglovitz went line-by-line through the letter.

Mr. Winglovitz stated Al Fusco suggested joint site inspection of the soil testing and the applicant would coordinate that with his office. He also stated he will provide Al Fusco with a complete EAF with addendum information.

Mr. Winglovitz stated that after the meeting he would like the Board to make the 239 referral. He stated the building elevations and color would be a standard stainless steel building, gray in color. Snow storage areas would reduce the number of cars that could be stored, but the parcel is not open to the public so the applicant would just make aisles that employees could work around.

Mr. Winglovitz asked if the Town had a standard storm water maintenance agreement and Chairman Serotta said one would be provided.

It was discussed the applicant would like to have a gate into the driveway so a vehicle could pull up, approach the gate which would be locked and then gain permission to come into the site. Al Fusco stated the security system should be noted on the plan since the Board would be waiving fencing in this case.

The applicant asked that the \$10,000 highway permit bond be reduced. It was stated that there are no significant improvements in the highway other than the connection. Al Fusco stated it is due to heavy equipment on town highways. Al Fusco stated he would talk to the highway superintendent but for now it remains at \$10,000.

The applicant asked to not have to go through a whole SPDES permit process. The design is currently at 1000 gallons a day and could accommodate 66 employees. The applicant only intends on having between four to six employees and would provide justification to Al Fusco regarding this topic.

Regarding landscaping since the site is a private site and not public, the applicant is requesting only to landscape around Kings Hwy and a few plantings around the building. Barry Sloan stated he would like to have Karen Arent the landscape architect review the plan.

Chairman Serotta polled the Board for questions and comments.

Mr. Sloan also raised concerns about the paved and gravel surface runoff and the additional truck traffic the area will see. The applicant stated they only expected seven to ten trucks a week. Mr. Sloan said the intersection at Kings Hwy and 17M was a problem already without additional truck traffic.

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The Board indicated that they want the landscaping of the project reviewed by its landscape architect, Karen Arent, regarding the view shed from Kings Hwy.

Carl D'Antonio asked about fencing. The applicant stated there would be an eight-foot high chain-link fence, 400 feet in length to both the east and west of a 20-foot-wide chain-link, manually operated, and rolling gate. There would be no barbed wire or electricity. The fencing is on the Elkay Drive side. The applicant did not wish to have any fencing on the Kings Hwy side and wanted only natural vegetation screening.

Mr. Sloan also asked about the turning radius from Elkay onto Black Meadow. The applicant stated the car carriers have a very small turning radius.

Storm water structures were discussed.

Chairman Serotta stated he would refer the application to the Orange County Department of Planning and set a public hearing date for September 16, 2015 at 7 pm.

Mr. Donovan reiterated for the Board that Suresky is a client of his office and if any legal matters need to be addressed the Board would have to seek alternate counsel. Al Fusco advised for fire purposes to put a Knox Box on the gate.

Bob Conklin made a motion to set the public hearing for September 16, seconded by Frank Gilbert. Motion carried 7-0.

GUANERI SUBDIVISION – WORK SESSION

Appearing for the applicant was Jim Clearwater of MJS Engineering and Paul and Linda Guaneri of 18 Natures Trail. It is a seven-acre site on Natures Trail which is a private road. The applicant received a side yard variance from the ZBA for a non-conforming pre-existing condition for one corner of their house. The ZBA determined that a 280A variance was not necessary. The applicants wish to subdivide the property to create one new single-family residence on the new lot to build a new three-bedroom house for them.

Mr. Clearwater stated that he added additional design to the plans. The septic is shown. They've done additional perc tests and the deep tests were done but not submitted on the plan because the plan was submitted prior.

Al Fusco submitted the following letter:

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July 29, 2015

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

Re: Guarneri Subdivision
Natures Trail

Dear Chairman Serotta,

We have reviewed the latest plan submitted for the above offer the following:

Project: Guarneri 2 Lot Subdivision
Zone: AR-.3 District
Acres: 7 acres
SBL: 18-1-25
Material Reviewed: Revised Plan Dated 7/24/15

COMMENTS:

1. I had previously spoken to the engineer and thought we had agreed to widen the paved area on Natures Trail to provide a turn out, an emergency turn around at the end of the drive for emergency vehicles on Lot #1 and Patch Road. I don't see any of that.
2. Print variance from ZBA on plan.
3. Need Town Engineer to witness deep and perc tests.
4. Board comment.

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: Highway Superintendent

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Mr. Clearwater stated the present road is 12-feet-wide paved. He stated he met with the highway superintendent and stated the Mr. Laspina didn't care how wide the road was because it's not a public street. Al Fusco suggested a turn-off or pull-over area on the side be installed to make it easier for cars to pass each other on the road. Mr. Clearwater stated that recently there were fire trucks on the road and they had no trouble getting in or out and turning around. Their neighbors, the Hamilings, recently paved the end of the road and trucks are able to turn around.

The cost of improving the section of Natures Trail from the Guaneri's property out to Gibson Hill is prohibitive. To pave even two feet on the side of Natures Trail is \$12,000. Mr. Clearwater asked the Board if the road could stay the same or nearly the same as it is, that would be preferred.

Paul Guaneri, the applicant, stated he has lived there for 30 years. He's had UPS deliveries, garbage trucks, oil trucks, etc. that have had no trouble turning around on his road. He submitted photographs showing emergency vehicles on his road. Al Fusco's opinion was that the photographs demonstrated the need for a pull-off because the truck is half off the road. He said there should be a one-foot shoulder on each side, the potholes patched, a cut-out put in the middle so a truck can pull over so another vehicle can go by and at the end of the road where the new house is going to go, have an adequate turn around for emergency vehicles.

Chairman Serotta agreed the photographs showed the need to improve the road. Mr. Guaneri argued he should not be penalized for what another neighbor may intend to do in the future. He agreed he should repair the potholes and repave to his property.

Attorney for the Board, Dave Donovan, stated the law is very clear for 280A that an official map or plan has to be filed with the County Clerk by the Town Clerk with a certificate received by the Town Clerk. The map hanging on the Highway Department's wall is not an official map or plan. Mr. Clearwater stated that the ZBA was satisfied that it was official. Mr. Donovan stated that they were also supposed to make a determination under 280A whether or not the road is suitably improved. Mr. Donovan stated he was troubled by the decision rendered by the ZBA because he does not believe it is accurate.

Mr. Donovan stated the Planning Board could take the ZBA's decision for what it's worth and proceed accordingly or ask the ZBA to reconsider, but would need a unanimous vote to reconsider. Mr. Donovan stated he has been with the Town of Chester for 18 years and knows there is no official map or plan. If there had been, the applicant would not have been sent to the ZBA to begin with.

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Frank Gilbert asked everyone to consider what the road will look like in the winter with snow mounds on either side of the road. Mr. Guaneri said he would make some improvements, but didn't think he should solely be responsible for the entire road. Chairman Serotta stated the applicant should at least put down a stabilized Item 4 on each side as a compromise. The applicant needs to come back with some form of improvements shown.

The Board discussed how to proceed. It was considered sending the application back to the ZBA or what improvements they felt the applicant should have to do. It was discussed that whatever the Guaneri's were required to do, anyone else on the private road wishing to subdivide would have to do the same. The Board discussed what they could legally require the applicant to do.

Chairman Serotta stated to the applicant the Board would like to see a stabilized pull-off of Item 4 and widen the road two feet from the new driveway with Item 4 to Gibson Hill. The applicant stated he was okay with that.

Chairman Serotta stated the applicants should come back on September 2, 2015 to show the Board the new improvements and September 16, 2015 for a public hearing.

A motion to set a public hearing for the Guaneri subdivision was made by Barry Sloan, seconded by Steve Denes. Motion carried 7-0.

The meeting was adjourned at 9:45 pm.

Respectfully submitted,

Tanya McPhee
Planning Board Secretary

Adopted September 16, 2015