

TOWN OF CHESTER
PLANNING BOARD MINUTES
November 18, 2015

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

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

A motion was made to adopt the minutes from October 7, 2015 & October 21, 2015
Motion made by Steve Denes. Second by Carl D'Antonio. Motion carried 7-0

Next meeting of the Planning Board is scheduled for December 2, 2015

Board updates: Solar Procurement seminar on November 30, 2015 @ 6:30 at the 911 center in Goshen. Orange County Planning Board put together a "Smarth Growth Book" it's a 7 county document. Will have a discussion one night at a planning board meeting so board can make some recommendations. Trying to develop procedure to get it out there.

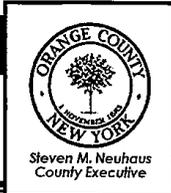
DURMA FARM – PUBLIC HEARING

First item on the Agenda is Public Hearing for 2 lot subdivision off of Route 94 Durma Farm. Tim Miller for Durma Farm, subdividing approximately 14 acres from a family farm to satisfy an estate. No immediate plans to build. If and when they decide to build they will come back to the planning board. Al Fusco said everything was satisfied.

Letter from OCDP:

**TOWN OF CHESTER
PLANNING BOARD MINUTES
November 18, 2015**

Mailed 11/13/15 MB



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 09-15N

Applicant: Tim and Pat Miller

Tax Map #: 1-1-8.212

Project Name: Durma Farm Subdivision

Local File #: none provided

Proposed Action: Minor Subdivision to create two lots from one existing parcel, both lots to remain undeveloped at this time.

Reason for County Review: Within 500 feet of NYS Route 94; within 500 feet of the Town of Goshen/Town of Chester boundary; within 500 feet of active farmland located within Orange County Agricultural District No. 1

Date of Full Statement: October 15, 2015

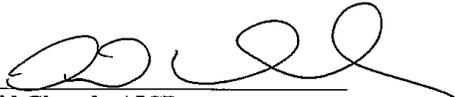
Comments:

The Department has received the above referenced minor subdivision and has found no evidence that significant intermunicipal or countywide impacts would result from its approval. We have no advisory comments regarding this application.

County Recommendation: Local Determination

Date: November 5, 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. 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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Letter from Al Fusco:

**TOWN OF CHESTER
PLANNING BOARD MINUTES
November 18, 2015**



- 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

November 18, 2015

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

Re: Miller/Durma

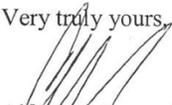
Dear Chairman Serotta,

We have reviewed the County Planning review which stated local determination and reviewed the proposed resolution.

All appear in order.

Please advise if you have any questions.

Very truly yours,


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

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Let the record reflect the proper mailings were done and proper notice published in the Times Herald Record. Public Hearing is now open:

Let the record reflect no one spoke for or against the application.

Motion to close Public Hearing made by Ernie Damiani. Second by Steve Denes. Motion carried 7-0

We are going to move forward tonight with the Final Approval. Dave drew up a Resolution that everyone should have received. Motion made to grant conditioned Final Approval by Barry Sloan. Second by Carl D'Antonio. Motion carried 7-0.

Al for all final bills so we may reconcile the escrow account. 10 sets of paper prints and 1 set of mylar for Orange County.

AVA'S HOPE CHEST – ARCHITECTURAL REVIEW

Second on the agenda Ava's Hope Chest 1365 Kings Hwy. Kristina is just looking to replace the signs that were currently existing from the previous business, all signs are exactly the same size just in different color. Beige background with brown and black print. Polled the board for questions and comments.

Motion to grant sign approval. Motion made by Ernie Damiani. Second by Barry Sloan. Motion carried 7-0

SIEMENS-SUNEDISON – WORK SESSION

Next on the Agenda Solar Farm 124 Johnson Road. Amador LaPut from Fellenzer Engineering appeared on behalf of Siemens-SunEdison. Also appearing is Ryan Fellenzer & Jon Dahalgren.

Response to Al Fusco's letter. Letter from Amador:

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www.fellp.com

Principals:
Archie D. Fellenzer Jr., P.E.
Mark D. Fellenzer, P.E.
John D. Fellenzer, P.E.
Eric D. Fellenzer, P.E.

November 17, 2015

Town of Chester Planning Board
1786 Kings Highway
Chester, NY 10918

Attention: Mr. Donald Serotta, Chairman

Subject: Johnson Farm Photovoltaic Array
121 Johnson Road, Chester, NY
Fellenzer Engineering Project 15-255

Dear Mr. Serotta,

In response to the comments from Fusco Engineering and Land Surveying, PC dated October 6 2015, we offer the following partial comments. We are currently working on the other items and will provide those responses in a future submission. Our comments are shown in *italics as "FE Comment:"* below Mr. Fusco's comments.

1. Planning Board Attorney to advise on use.

FE Comment: The use is a Public Utility Structure.

2. Project requires screening or buffer not to interfere with sun but scenic vistas information to include maintenance of buffers and screening.

FE Comment: Landscaping for screening and buffering will be proposed. A workshop was conducted on site with Karen Arent Landscape Architect on November 9, 2015 and we await her comments.

3. The array has a useful life guarantee required for restoration of the land after useful life. Entertain bond, commitment, etc.

FE Comment: To be provided.

5. Show required buffers (state, federal, or local). Show wetland delineation.

FE Comment: Federal wetlands have been delineated by Ecological Solutions, LLC and will be shown on the plans. See Federal Threatened and Endangered Species Habitat Suitability Assessment and Wetland Report.

10. Need habitat assessment.

FE Comment: A Federal Threatened and Endangered Species Habitat Suitability Assessment and Wetland Report has been provided by Ecological Solutions, LLC.

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**JOHNSON FARM PHOTOVOLTAIC ARRAY
FE PROJECT NO. 15-255**

11. SHPO letter of no effect, impact for cultural resources.

FE Comment: A SHPO letter of no effect has been provided.

13. Board should consider requiring Long Form EAF.

FE Comment: A Long Form EAF has been provided with this submission.

16. Clarification of real estate exemptions.

FE Comment: To be provided.

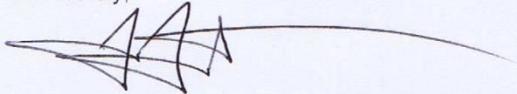
17. Additional comments will be generated as material is submitted.

FE Comment: No comment.

18. Board comments.

FE Comment: No comment.

Sincerely,

A handwritten signature in black ink, appearing to be 'Amador C. Laput', with a long horizontal line extending to the right.

Amador C. Laput
Project Manager

cc: Fusco Engineering

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The use is now a public utility structure. Had meeting with Karen Arent regarding the landscaping. Will identify screening and plantings with Karen and Steven Esposito.

The restoration of the land: This is going to be a 20year lease, in terms of the lease will be to restore the land to its' original state at the end of the lease. If they don't continue the lease, they will have everything removed and the land will be restored to the state that it is right now.

Wetland: Federal wetlands only no state wetlands were found. So no buffers were required for that. Will show all the town buffers, outside or inside of the setbacks from the lot, from the property lines and from the Town of Goshen where from the most part is in the middle of the lot.

No threatened endangered species were found.

Letter of no effect from OCDP:

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ANDREW M. CUOMO
Governor

**Parks, Recreation,
and Historic Preservation**

ROSE HARVEY
Commissioner

November 06, 2015

Mr. Ryan Fellenzer
Fellenzer Engineering, LLP
22 Mulberry Street, Suite 2A
Middletown, NY 10940

Re: SEQRA
Johnson Farm Photovoltaic Array
121 Johnson Road, Chester, NY 10918
15PR06265

Dear Mr. Fellenzer:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the OPRHP and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

Based upon this review, it is the New York State Office of Parks, Recreation and Historic Preservation's opinion that your project will have no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Ruth L. Pierpont

Deputy Commissioner for Historic Preservation

Division for Historic Preservation

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • www.nysparks.com

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Long form EAF submitted: (on website)

The use as the solar field will not have the AG exemption so it will be taxable. That's one benefit back to the town. As far as Amador knows there will not be a tax exempt status for the solar field.

Chairman Serotta: What's true is the 11 acres will come off the AG exemption so whatever value the assessor puts on the 11 acres is what will be taxable. What is exempt for 15 years is the Ray itself. NYS does not allow solar panels on roofs or these types of projects to be taxed for 15 years.

Karen Arent: Showed on the map where the solar panels will be located. There really is only 1 spot visible which is the intersection of Johnson Rd & Route 94. But it is really far away and there is some for ground trees that really disrupt the view but if you are looking for them, you are going to see them back there. There really is no good way to screen them from that location, when she did the site visit, Karen drove along the road and looked in every direction including in areas from Goshen. Drove along 94 didn't see a thing. Looked from a residence and they have evergreen trees of the exact area of the farm which is already screened from those evergreen trees. Another house didn't have a view of it because of all the hedge row. The only view is from the area of intersection. And it's really difficult to provide screening. Karen was told the panels are non-reflective. They absorb the sun instead of reflecting it. An wants to make sure the framing that holds the panels are non-reflective as well. If that's the case then that's the best way to litigate. Amador: The glare study is being done which is required by FAA. All of the panels are low reflectivity. The racking system supporting the panels are going to be covered underneath, the panels are about 2'X4' and placed very tight so you won't see anything in between. But from the side you might be able to see the side view of the racking on that end which will be galvanized steel low reflectivity, but won't be exposed from the surface. Might only be able to see the post that is driven into the ground. Karen: If it's just on the side they that should be ok. Because it is so far away. They did a great job siting this.

They configuration can go from portrait to landscape. When they are portrait they are probably about 7ft high. Landscape about 8ft high. Right now they are set up as landscape, and fixed mounted. They will be pointing south.

Chairman Serotta: First of all on 94 there is a 55mph speed limit if you timed the distance you would only get a 2 second look if that, in that one particular spot.

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Habitat & Wetland Report: No threatened endangered species were found. There were wetlands found. And they will propose to stay out of any federal wetlands. They will not propose any disturbance.

All studies have been done. Not cutting any trees.

Chairman Serotta: Benefits- The benefits for the Johnson Farm will get lease money which is a good thing, The benefit to the environment it's a 2 mega watt plant which is less oil. Other benefits for Chester? Amador it would be tailored to each specific community, so we can't offer anything right now yet because they would have to meet with the Supervisor and the school district. There could be things like STEM program in schools Siemans could help with them STEM curriculum with the education component could be tied to this array and being able to view it, but also be able to help set up the schools to set up what kind of curriculum for solar power, then they could teach in classes at the school. They could tie this into the project, and see hands on. We will reach out to the Superintendent of schools to see if he would be interested in any of this. Siemans is offering curriculum training and also the ability to take some practical experience and apply it to the solar.

The Town: If the town had a small sample building Siemans could look at small array like a demonstration to show the benefits of solar power. But it could be something in the neighborhood of 5 kilowatts and be able to power some part of the building. It could be a public display. Again would have to talk to the Supervisor and officers of the town. Chairman Serotta: So they are actually talking about providing some solar panels on a gratis basis to demonstrate how other municipalities. We would showcase, and it would offer some free power for the town. NYS will not allow them to give the credits. Town can't take the energy credit. If the town was interested in doing a larger project, something substantial, their own 2 megawatt project they could offer some incentive.

Polled board for questions on the benefits:

Barry: less obtrusive than the billboards on 17

Ernie: this is new ground for us feels we should proceed slowly and cautiously as opposed to "winging it". Zoning code doesn't specifically address this right now not specifically.

Steve: Agrees with Ernie this is new ground for us proceed cautiously, keep our options open and see where the industry goes. Maybe do more research on our part maybe warranted. Can Al do a little more research on it? Al: Has been reading tremendous amount of material, Town Board has asked him and Chairman Serotta jointly to put some regulations and or changes into the Zoning Ordinance for the future. Currently it

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doesn't specifically say "utility" or "utility structure". They will develop 2 different things. ie. Solar on farm, solar on houses.

Ernie: Since nothing is in place as of yet would they consider a moratorium? Chairman Serotta: We don't consider that we have zero power. Dave: In terms of a moratorium the legislative body of the town would have to act. Chairman Serotta: They already said at prior meeting they are not tending to put a moratorium. Al: that's why they authorized Chairman Serotta and Al to come up with ordinance quickly. They believe they can have suitable ordinance in about 3 months. About 1 month to put together, attorneys to review it because it is a local law, then read at a town board meeting, public hearing set up on it. Then passed and filed with the State.

Carl: The STEM curriculum for the schools, are there going to be any monies to cover the expense towards the program? Amador: hasn't been discussed yet.

Bob: Who's responsible for the removal of the equipment at the end of the 20 years and to restore the land. Amador: The owner of the system (Columbia University) Al who would bear the burden of the bond in this case. Al response was Columbia University

Al Fusco letter:

**TOWN OF CHESTER
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Alfred A. Fusco, Jr., P.E., Principal

Alfred A. Fusco, III, General Manager

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

November 18, 2015

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

Re: Siemens Solar

Dear Chairman Serotta,

PROJECT:

Name: Johnson Solar Array
Applicant: Sun Edison LLC
Acreage: 83.8 Acres
SBL: 1-1-4
Zone: AR-3

We have reviewed the habitat and wetlands report, letter of No Effect SHPO, new EAF and have the following comments:

1. Need additional wetland analysis. I only got the habitat report on Monday and need additional time to review thoroughly.
2. On the EAF, disturbance stated 0.5 acres; verify on plans and show disturbance.
3. EAF unsigned.
4. Need to discuss beneficial use.
5. Board comments.

Action:

Pleasure 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

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Motion made for public hearing for January 6, 2016 by Barry. Second by Carl. Motion carried 7-0

PRIMO SPORTS – WORK SESSION

Amador Laput and Ryan Fellenzer from Fellenzer Engineering and Jon Dahalgren from Tim Miller Associates present for Primo Sports. And Luca Spensieri owner of Primo Sports.

3 things that will be addressed tonight DEC and dirt piles, Noise & Light Study, and Cricket Frog report. Also a legal issue. We received a letter from Michael Sussman their attorney has answered it now. So Dave will touch upon it.

The issue that has been raised is relative to a provision in the code (relative issue of a variance) that says Unless construction has commenced and diligently pursued within 6 months of date of granting of a variance such variance shall become null and void. On one hand 6 months has long elapsed therefore this project is no longer viable in front of the planning board therefore needs to go back to the zoning board. In response to that we have a letter on behalf of the applicant saying we have 2 things. 1 is interpretation 1 is a variance. The interpretation is that the use is allowed as a membership club. Code calls out interpretation section 9837 (a) as distinct from a variance in section 9837(b) the language 9837(a) talks about interpretations and 9837(b) talks specifically about variances whether they be area or use variance. The language in the code then goes on to say unless construction has commenced and diligently pursued within 6 months of the date of granting the variance, such variance shall become null and void. A fair reading of the code is that interpretation is different animal from a variance and that there is not an end life to the interpretation that it continues. Relative to the variance the issue on one hand is the code clearly states that if you don't diligently pursue construction within 6 months the variance is null and void. On the other hand the situation is such that without site plan approval this application cannot proceed to get a building permit so it is impossible for the applicant to perform. The specific language to the code doesn't address what happens if you are not allowed to get as building permit. Looked for case law. None was found to address the issue. What to the planning board is a fair reading of the language in the code. You are in a position to reasonably infer that if you cannot get a building permit the 6 month period does not start to run. Because you could not have gotten a building permit and started construction. However, if it means what it says you could interpret it as well or reaches the conclusion that they do need a variance and the variance does need to be reviewed. Unfortunately there is nothing that addresses this specifically.

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Chairman Serotta: It's a logical conclusion that permits would have to be issued they would be fined and stopped if they tried to do anything prior to that. I'm sure Mr. Spensieri would love to start shoveling dirt and get started tomorrow but he can't. He's held off he hasn't done anything with the property. It's his feeling that it starts after he gets his final site plan approval that's when the clock should start running. All agreed that the variance has NOT expired yet.

Miller environmental completed additional testing on the soils. 12 tests, 3 of the locations showed results that were in excess of the DEC lower limit certain contaminants. The limit is 1000 microgram per kilogram, the highest one was 1400 some were 1050. The DEC has received the report and issued a letter.

DEC Letter:

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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Materials Management, Region 3
21 South Putt Corners Road, New Paltz, NY 12561-1620
P: (845) 256-3000 | F: (845) 255-3414
www.dec.ny.gov

November 16, 2015

Nicholas Marrone
Project Manager/Geologist
Miller Environmental Group, Inc.
169 Stone Castle Road
Rock Tavern, NY 12575

Sent by email to: nmarrone@millerenv.com

Re: Case-specific Beneficial Use Determination
Kokot Property, SBL 6-1-85.2 (Green Rd) T-Chester, Orange County

Dear Mr. Marrone:

Thank you for your letter November 4, 2015 in which you present chemical data generated by analysis of samples of the construction and demolition debris (C&D) currently stockpiled on the above-referenced property. Your also letter suggests that the C&D debris should be approved for beneficial use as subgrade fill material below roads and parking lots to be constructed by a future property owner.

The data you have provided, which includes results for 12 samples, greatly improves our understanding of the C&D chemistry and shows that this material is typical of C&D which is currently being generated by DEC-registered C&D processing facilities in this this area (New York City and the lower Hudson Valley). C&D of this type is not suitable for use as surface fill on farms or residential properties but generally is suitable for use as subgrade fill material below paved surfaces on commercial properties. To allow such a use, a case-specific beneficial use determination (BUD) issued by the Department would be required.

For the Department to issue a case-specific BUD, as prescribed in 6 NYCRR 360-1.15(d), there are a number of requirements which must be met. In cases such as this, where C&D is proposed for use a fill material, the most important and relevant of these requirements are (i) a demonstration that what is being proposed represents a bona fide reuse of the material as opposed to disposal; and (ii) a demonstration that the use proposed will not adversely affect human health or the environment.

The data you have provided shows that the C&D would not pose a significant risk to the environment if used as subgrade fill material below paved surfaces such as roads and parking lots. This is based on the rationale that (i) the chemistry of the C&D is similar to the chemistry of the materials normally used to make asphalt pavement and (ii) the presence of an asphalt pavement above the C&D would prevent direct human and environmental exposure to contaminants within the C&D. What is lacking in this submittal is documentation regarding the project and a demonstration that there is a both a need for subsurface fill material and a



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reasonable prospect that the project will come to fruition. Normally to make that determination we would need to see a site development plan which has been approved by the municipality and which calls for subgrade fill material of the type and quantity you are proposing to use.

When we discussed this matter on the phone today, you indicated that the site plan approval might be a problem because the municipality is requiring a sign off from DEC on the fill material before approving the site development plan. The intent of this letter is to make it clear that the Department supports the beneficial use of C&D of this type for subgrade fill applications in cases where the C&D debris is being used as a substitute for mined soils which would otherwise have to be procured.

It is in the best interest of all involved parties and the environment to have the C&D used in a manner which is beneficial and which reduces human and environmental exposure to certain contaminants which it contains. In the interim, while you are working on obtaining the approvals needed for onsite beneficial use and/or developing plans for an alternative management option, we expect that the stockpiled C&D will be properly covered and that adequate erosion and sediment control measures will be maintained.

If there are any questions regarding what additional documentation is required to be included in a complete and approvable BUD petition, or if I can be of further assistance, please contact me at 845-256-3126 or by email at steve.parisio@dec.ny.gov.

Sincerely,



Steven Parisio
Regional Solid Waste Geologist

ecc: Donald Serotta, T-Chester Planning Board (by email @ DonaldSerotta@yahoo.com)
Alex Kokot (by email @ kokot4@warwick.net)
J. Lansing
L. Reiff

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It condones a beneficial use for these soils. There are 2 options. 1. Where the soils will be kept on site and be covered by impervious areas where they are not exposed to the air and rain. That would be under parking areas, driveways. Used as fill in any of the asphalt roadways or driveways. Or under the building. The DEC promotes the beneficial use so they know that the materials are being safely contained rather than being dumped somewhere and being exposed to the elements. The other option is to remove the soil completely. Then they will not be on site at all and no other permits will be required.

The materials in the soil are similar materials that are used to make asphalt pavement. PAH's are Petroleum based products found in coal, tar, asphalt, shingles. PAH is also found in food and air normally in very very small amounts.

Al: Just to clarify for the board. We requested a letter from the DEC, this is as much of a letter as you will ever get from the DEC. However we said we wanted a sign off from the DEC and the DEC said that they will "allow an application for beneficial use" of this soil. They never said they were going to "give it" they recommend it, they encourage it, but in order for them to consider the application they have to have a site plan approval by this board so they would then consider it.

Barry: If DEC won't sign off on the soils how can we grant approval if we can't guarantee the neighbors around there that the soil will not contaminate there wells.

Al: What the DEC is saying is they would support it if the soil is being covered by asphalt. Which is not an unusual situation.

There is about 1000 yards of soil.

Chairman Serotta: The board is trying to work on both sides here. Trying to come up with reasonable compromises. Barry has a point, we can mitigate hours and lights and make sure that the wells aren't getting polluted. How much can we ask them to do? We realize everything is time and money. People's lives and houses going to sleep at night, we are trying to be as flexible as we can. People are going to be affected by this, when we can mitigate something, we are not going to let you point lights into their houses, and we want to make sure they can go to sleep at night and not worry about the poison that they feel may go to their house if there is a simple solution.

Lighting & Noise Report-Jon Dahlgren from Tim Miller & Associates, basis of the noise study was to take noise measurements at the site and compare to active games. Before soccer games and during. When doing the noise studies there are a lot of variables ie. weather, wind, the topography, and the ground that you are taking measurements across. It will be louder if the ground is a parking lot versus grass. Took measurements

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at Primo Sports for the whole day starting at 1pm till 11pm 2 different locations. Green Drive and on route 94. The noise during the day time was around 58-61 discibles at the site and evening from 53-59 discibles. Generally on the 50's. The soccer games where measurements were done were 2 sites 1. In Pine Island (Primo Sports site) 2. Torn Valley Sports Center in Hillburn. Monitors were placed about 20ft away from the fields so could get noise from players and the fans. Both games were about 70-80 fans with parents and supporters. At the Pine Island site is open field difference in pre-game measurements to during the game. Very little difference. From 1-2 disciple increase. That could have been a bit influenced by the wind. It was a windy day. 53-54 discibles. At the Torn Valley site, little different set up, more of a stadium set-up. Buildings on 3 sides. The noise was more reflected by the buildings and more parking lot. Higher noise, pregame was 52-55 discibles. During the game 57-61. About a 5 disciple difference. To summarize what we can expect at Primo Sports is a range from 1-5 disciple increase in the noise for the neighbors. The new location is expected to only have 1-3 increase. It is further away, open field, grassy area more similar to the Pine Island location. According to NYS DEC criteria is really barely noticeable to tolerable.

Lightening Study page 9 pointed out where the lights will be visible on the ground. The iso lines are contours where the lights are brightest and moving out towards the edges where the lights are dim. Southern 2 fields will not be lit. The only fields lit will be the 2 soccer fields and the baseball field. Edges of the site will be 1ft candle. Center of the fields will be 30ft candle. And not extending off the property along route 94.

Fixtures will be 60-70ft in height. LED Lights and are shielded and directed onto the field so glare is extremely limited. No direct glare for the neighbors. Hours of operation the applicant is proposing to have the lights for certain games not continually till 11pm. To have some flexibility with tournaments, special games up until 11pm. Neighbors will see a glow across the field but will not see lights glaring into any ones windows or onto their property.

Noise sampling was done on a continuous basis. You will have peaks of noise. Example if a truck goes by, dog barks etc. when we compare noise levels it's averaged over time. There is a difference between indoor noise and outdoor noise. The LED lights can also be adjusted. They will be fixed, no movement.

Barry Sloan commented on a correction on page 3 route 49 should be route 94. Page 4 ambient noise talking about parents and supporters of 70-80 people. Why are we talking about a facility that has 300 parking spaces. 70 people vs 300 is a big difference. Page 5 ambient noise levels at primo sports in the afternoon facility isn't even built yet. And you are saying that ambient noise is between 58-61. Which is the same ambient noise at primo sports field in Pine Island. How can that be? Jon replied that they took samples

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from route 94 50ft from the road. The measurements at 61 disciples is truck traffic. Barry: wouldn't you assume that the facility that is going to be built plus the truck traffic would give you a higher noise level? If you have 61 disciples without the facility then you add the facility you are going to be up I don't know where. Jon: Typically the louder truck traffic is going to drown out the noise from the people on the field.

Location 1. Why did you measure from green drive? Why not from peoples driveways? Jon: didn't want to go on private property.

Page 6 Barry pointed out error that the report showed the wrong code. Code section 7.18 didn't exist. Page 7 paragraph about lighting need to look up didn't see it in the code.

Light till 11pm at night are there going to be 3 fields lit up at once. Thought only the center field was going to have lighting.

Lucas Spensieri we don't expect to have soccer and baseball going on at the same time. Willing to mediate on the time, if 11 is too much for you we will bring it down to 10pm. So this way part of the concern will disappear but the 300 parking spaces we need to have because of the code don't expect to have 300 people at the facility. 70-80 people is an accurate number that comes to watch games.

Jim Lagarde - Scenic farms driving range is next door to the pine island location. The owners were originally concerned about the noise the games were going to bring. Especially at the 9 hole. They asked members to see if they could hear anything and if noise was a problem. The owners of the Farm wish primo was going to be there long term. They are also going to be planting quite a bit of trees to buffer the noise as well. The noise from the trucks and the traffic itself will over shadow any noise produced from the fields.

Chairman Serotta: there will be 5-6 months out of the year that they won't be outside anyway. To cold, games will be indoors. There is offensive noise and NON offensive noise. I didn't know that kids laughing and clapping and playing is an offensive noise. Trucks J breaking is louder and more offensive. Is this 7 days a week? Are there games going everyday? Jim: No traditionally games are September, October, early November. Then April, May, some of June and they are on Saturday's and Sunday's during the afternoon with a 10am start. You will see it's must less than what you anticipate. During the week Monday-Friday you won't even see games, it's training programs and internal classes and internal programs.

All the studies that were asked of you to do have been done, last remaining issue is the dirt. Amador: We have had the discussion, if it gets us to the approval, we will make it a condition and have the dirt removed. Agreed to use the language that the DEC used.

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Dave to draw up resolution. Scheduled on December 2, 2015 meeting, will call for a vote.

Motion to adjourn meeting made by Frank Gilbert. Seconded Chairman Serotta. All in favor. Meeting adjourned 9:57pm

Respectfully Submitted,

Alexa Burchianti
Planning Board Secretary