

TOWN OF CHESTER
PLANNING BOARD MINUTES
December 2, 2015

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

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

Next meeting of the Planning Board is scheduled for January 6, 2016.

Board updates: Canceled December 16, 2015 meeting, January 6th meeting there is public hearing for Siemens-SunEdison Johnson Solar Farm, Smart Growth book was emailed out to the board.

PRIMO SPORTS – SITE PLAN

First on the agenda Primo Sports: They have gone thru about a year and given us every study we asked for from Noise study, lighting study, environmental study, endangered species study, cricket frog study etc. Chairman Serotta asked Dave at the last meeting to draw up a SEQRA Declaration and, Resolution of Approval.

Dave Donovan read a draft of Negative Declaration. It has been distributed to the board, the board had opportunity to review this before this evening. Recites the studies that have been performed and that have been furnished to the planning board. Recites that the planning board requested additional studies be done. Recites the issues that pertain relative to the soil on the site, and how that is being mitigated by the removal. Lights are 10 O'clock shut down at the facility. And indicates upon all the studies that have been submitted to the board and that have been considered reviewed by the board that there will be no adverse environmental impact this is a negative declaration if the board is so inclined to adopt it at this time.

Documents are all on line at all times on our website.

Chairman Serotta polled board for questions and comments:

Barry: wants to know why we are declaring this a neg declaration and not a positive. From lighting to water to traffic. Barry wants to hire our own engineers and if necessary hire our own consultants. Why should we take the word of the applicant only. Claims they never submitted revised reports from previous comments made at the last meeting. We don't have the expertise to review the documents. Wants to hire consultants.

Chairman Serotta: All revised reports were submitted and emailed out. We have a competent engineer to review the reports, if you wanted other consultants to come in the door you should have done it a long time ago.

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Barry: Section 98-15 is a code that prohibits lighting in a residential area. 98-17 all have perimeter uses why are we allowing it? If it is in our code we have to abide by our code. I disagree with the findings of their consultants. I did not review their traffic study I don't have the expertise to review it. But I can tell you if you are going to have parking and traffic for 300 cars going down 94 & Glenmere you're going to create a traffic problem in the area for the residents and for the town.

Chairman Serotta: You don't wait for 6 months to bring this up. This was approved by the NYS Department of Transportation. Approved by the Town of Chester's Highway Superintendent it was done 6-7 month ago. When does it stop. Why didn't you make a motion to someone would have had to second it and then we would've had to vote on it. No one seconded your motion then.

Barry: Why didn't we send this to our own Town Planner? He should've had the opportunity to review the whole thing. Chairman Serotta: He said he had no sports complex experience. Barry: So we are going to allow something like this because we lack our own expertise. I'm fighting against a wall that can't be breached. Obviously the Chairman and the rest of the board don't see my views, but some people in the town do. Bleachers, we are allowing the bleachers in the setbacks.

Motion to adopt Negative Declaration made by Chairman Serotta. Seconded by Carl. Motion carried 4-1. Barry Sloan voted against. 2 absent

Site Plan Resolution nature of the application basically describes in general terms what the application is. This facility did receive an interpretation from the Town of Chester's Zoning Board of Appeals that indicates that the use is allowed in the SR-1 zoning district as an annual membership club. And we make note of that in the Resolution. Recited are the various plans that have been submitted and reviewed by the planning board and then the specific conditions, relative to the specific conditions the approval is subject to comply with requirements set forth in Al Fusco's letter of May 19, November 18, and November 30th and also comply with the landscape architect correspondence of May 14th we had extensive discussion relative to number 3 which is removal to the satisfaction of the DEC of the construction demolition debris stockpiled on the site. All the plans, conditions on the notes, provisions on the plans must be complied with. Lights have to be out by 10pm. Terms of the Stormwater facilities the code requires a maintenance agreement that will need to be signed by the applicant.

Al Fusco is ok with all the Stormwater.

Motion to grant Conditional Final approval made by Chairman Serotta. Seconded by Frank. Motion carried 4-1 Barry Sloan voted against. 2 absent

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ZIRCAR CERAMICS – WORK SESSION

Second on the agenda is Karen Emmerich from Lehman & Getz to represent Zircar. Phil Hannling owner of Zircar Ceramics.

Existing 16,000 sq ft. building, parking area in front and existing septic system. Applicants are proposing an addition to the building approximately 9,500 sq ft that would be part of the warehouse operation. The original approval for this building which was designed as warehouse but had a septic system that was designed for 40 people based on the square footage of the building. The parking is right now much more than what they need. There are 35 spaces plus 8 overflow spaces. More than what they need. Not proposing any changes there. They are in the flood plain overlay zone in the town. The new addition falls under your flood plain sub district which does not allow any right to constructed, re-constructed, altered, or removed facilities except for recreation use, conservation areas and utility and parking spaces. So we don't fall under any of those categories. There is a provision for exceptions asking to prove weather flooding is an issue on site. Engineers comments wants a flood plain study. And that the project will be constructed in accordance with the building code, 2ft above the flood plain. Right now the existing building is 3/10 of a foot above the flood plain as shown on the FEMA maps. Phil Hannling stated that there are certain issues, the original surveyor Richard Decay claimed that the building was 4-5ft above the 100 year flood plain. That's when they bought the building. Found that the people they bought it from had flood insurance. If your above the flood plain you wouldn't need flood insurance. So he hired Mr. Decay and swore on a stack of bibles that it was above the 100 year flood plain. To file for a letter of map revision to show the building was indeed above the flood plain he came and resurveyed the place and proclaimed, "oops I made a mistake" he has an erroneous base elevation. It's not, it is in fact about 6 inches below the level that the insurance company wants you to buy flood insurance. If you look at the map the building is 6 inches above the 100 year flood plain. But they raise it up a foot and say if you are below that, that's when you have to buy it. It's right on the border. Town is requesting to see the flood insurance policy.

That's why they are here, they want to get an idea of what we wanted as far as the flood plain issue is concerned.

Al's comments parking needs a variance. Map is showing that you need 53 spaces and only had 35. Code requires more even though that may be sufficient on what you need.

The building would need to be constructed in a specific matter as to allow water to flow through the foundation to avoid hydraulic pressure and erosion.

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Again it needs to be done in accordance with the building code and the building inspector.

Safe exits for parking. Everything is at the same elevation including the road. Al: you can't strand someone behind the building. We will work it out.

That's what we needed from you really, is some direction on the flood plain, and the parking will discuss.

FLORENCE MADONIA – WORK SESSION

Karen Emmerich representing Florence Madonia for proposed garden center. The intent of the owner is to move into the house on site that's in the process of being renovated. She would like to put a small garden center on site. There is an entrance on the county road. With a small shed (12x16) and pergola and sell flowers. There is a rock wall that divides the property. It's a small operation. She would be open March-December and closed for January & February. Open Wednesday-Sunday thru the prime season. Then Friday, Saturday & Sunday September-December. It would be herself and 1 other part-time employee. She would grow different annuals and perennials, sell some garden tools. Then sell seasonal items like, Christmas trees, wreaths, pumpkins etc.. thru the season. No real equipment except a lawn mower and an ATV that will be garaged. Just recently have gotten the survey, haven't laid out the site plan yet but the issue apparently is allowing the 2 uses, the residential use and the garden center use on a property that is 1.1 acres in size. They can meet the residential use requirement of 1 acre it's a question of the retail operation also on the site is 1 acre sufficient for that as well. That's why we are here tonight.

First of all the property sits in a GC zone, need to pull up town code. Al has spoken to building inspector, we were looking at the mixed uses. And there are the mixed uses that are allowed under the code. As long as the site plan that you prepare fits it. And it's modest. Everyone appreciates that it has been cleaned up. It looks good. Any building issues need to be addressed appropriately. Example, there will be an employee, need sanitary facilities. So you have to allow for sanitary facilities. Which I have no issues using the facilities in the house. It's a mixed use. But it may need a separate entrance for the employee. I'm not saying it does. But the building department may require something like that.

You would have to design parking, lighting, and maybe some kind of bathroom facility. they would need a 239 referral up to OCPD.

Polled for comments:

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Barry: any flood lights? There is an existing light across the way that's on an O&R pole that prior owner had requested and they pay lighting fees for that light across the road. But that is under O&R's control I'm not sure that they can turn it off and on. Barry: Please show that on the plan.

This is a referable item up to Orange County Planning you will have to submit a site plan application and site plan. And also a Public Hearing.

Frank: Where do you plan on putting the shed? Karen showed on map where parking and the shed and pergola is proposed to be.

Chairman Serotta: Where would the front entrance be? Kings Hwy? There are 2 side s so they would have to see which one meets code. The one with the shortest property. According to the survey it looks like it would be Kings Hwy, but that's something we would have to measure and look at.

BRIAN KRUTCHKOFF – WORK SESSION:

Proposed HVAC Company at 1831 Kings Hwy. There is an existing building Mr. Hunt property owner (present) has DPW approval for road cutout on Kings Hwy, he is using it as a mechanics shed or storage shed now. Brian wants to open a wholesale HVAC, there is no retail. Main business is chain of restaurants and 99% of business is done off site. His employees take trucks home, so there is no truck parking there at night. He needs a bathroom. So he knows he has to design a septic system. There is no retail so traffic is kept to a minimum and the guys come to pick up parts. Will use the remainder of the space for storage, equipment.

The building that is there now, he wants to change the garage door that is currently there and put a regular door. And build an office and add half bath. There are garage doors on the side.

The existing site plan that is on file. Showing the building and the driveway. Mr Hunt has been using it for a long time.

Letter from DPW:

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Edward A. Diana
County Executive

**ORANGE COUNTY
DEPARTMENT OF PUBLIC WORKS**

Edmund A. Fares, P.E.
Commissioner

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June 23, 2008

Burt Hunter Co., Inc.
485 Stage Road
Monroe, New York 10950
Attn: Burt Hunter

Re: Permit No. 13-3117-05
Tax Map No. 6-1-67.1

Dear Mr. Hunter:

Our Department has inspected the above and finds it to be satisfactory; therefore, we are proceeding to close the referenced permit.

Very truly yours,

Michael Carroll
Michael Carroll
Division of Engineering */amc*

MC/amc

Enclosure

cc: Joseph Mlcoch, Building Inspector, Town of Chester, (via fax: 845-469-9242)
Terry Cummings, District Foreman

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Code 98-30: For any use change, that will increase, water consumption, sewer capacity, parking requirements, or adversely change environmental concerns shall be subject to new site plan approval.

So the question is does the new site plan change any of these things. If the board deems that he is not going to then we have the right to waive and say it is an allowable change of use. Correct Al and Dave? Yes.

Need a short EAF, Septic design, percolation test. Have your engineer call Al Fusco to set up test.

Polled board for comments: None

CAMP MONROE- WORK SESSION:

Stanley Felsing is looking to do some kind of sub-division. Joe Scarmato, Attorney represents BTSS Holding (owner of the camp) Dave Higgins also present.

We were here in the spring, didn't have time to figure out how they were going to separate out the properties.

The main camp property remains at the middle of the site. It was the intent that the new purchasers who are camp operators would continue to operate the camp. They will retain possession of the central part of the property. The upland part which is significantly sloped will be retained by our group as well as the lower part of the site. Part of which is in the town of Monroe.

The general area, where they hoped at some point they would consider to develop, they came before the board and asked for a sub-division. Wanted a 3 lot sub-division. The reason why we didn't have idea of what we would present is because they tried to get thru the closing, separate out the lots before we had any idea of what type of future development there might be. All of the lower lot remains part of Stanley's estate and long term savings not sure how to dispose of it or what might be the best way to do it. Property is zoned residential. If they separated the 3 lots the central lot would cut off access to the upper lot. The different scenario's were possibly transferring some of the development rights in some way from the upper lot which we have no intentions of developing ultimately is there desire to leave it as natural space. But would like to take advantage of the yield of the lot if possible on the lower section. And take advantage of the cluster zoning portion of development of the zoning law. Because 2 of the lots are not continuous cluster might be a problem. Explored ideas how to connect. 1. With a road essentially run the perimeter, in doing that we would form a 2 lot sub-division.

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Connected with a 50ft right of way. Which would probably never be developed. This is a zoning exercise. We ran through the analysis, we have a preliminary design to give you an idea how many homes we think we can develop here. We are jumping way ahead of ourselves here. We don't believe Stanley is ready to commit to anything. We just wanted to explore what was possible or be considered reasonable. We would like to put the couple ideas in front of you and get some feedback. Then discuss other scenario's with regard to the land that we expect to remain undeveloped and possibly to the towns benefit, to public benefit.

Dave Higgins: Plan B plan, the landlocking and the provision of the 50ft strip, some concerns, we did address the request the road right a way around Trout Brook road be widened around the portions that we have to provide an appropriate road right of way for the town, so we did work that into this plan. That we have the intention of doing that. The reason we went beyond this is because we weren't sure that this plan was going to be acceptable to the Town or to BTSS. Both town and the camp would have to agree to this layout for us to do this. We weren't sure if this was the case, so moved forward with a yield plan that was in real keeping with the Town's cluster provisions.

Yield plan. What we showed was the development of a number of lots. We established how many lots we could fit the portion of land. Based on the town's bulk requirements for that district with central water & sewer we showed bulk area conforming lots in this area of this plan what we showed was a total of 75 lots in just this portion.

Encompassing 51.4 acres of the site. The site in total is 156 acres in total plus another 7.5 acres Omac Realty owns, gives a total of roughly 163 acres. Using a fraction of the site we were able to show 75 lots.

Cluster Plan: This would be working in the same area we called lot 1 as on the first plan and the 7.5 acres of Omac Realty, again 75 lots for cluster provisions bulk requirements, with central water and sewer. The lots areas are smaller than they would be in the yield plan but they still have bulk requirements with lot area. That each of these lots would need to meet. As we show here these lots meet those area requirements. Would need to show central water and sewer connections. The property is in the sewer district. What we are trying to show is that we can fit 75 lots conforming with the towns bulk requirements for cluster lots. With 30 acres of open space (Dave pointed out on map) Omac Realty also owns another piece (pointed out on map) but it is not continuous but at the meeting in April it was requested that we show this portion of land. Even though it was not continuous or part of the application because Omac owns it and it is landlocked. The real goal is to try and split off as we showed it in lot 1. That is really our intention for the time being. Though it would be helpful to show the yield plan and the

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cluster plan to help establish what we could build in here in the hopes that we could split lot off separate from the other.

Chairman Serotta: So you are developing a theoretical cluster. We don't do theoretical plans, our clusters here, you do a yield plan is basically engineered we require you to show primary, secondary, conservation areas, everything like that. Because when someone comes in with a cluster plan they are coming in seriously to build the houses. They are coming in to build the development. That's number 1, I don't see any of that at all. We have just conceptual. Second is it seems like you are still going back to we have a landlocked lot over here. We are back to the landlocked lot again there is no access to the lot.

Dave Donovan: Dave was it your intentions to just show that you could develop a portion of the property and then the rest we would reserve for open space.

Dave Higgins: Yes, I think so because right now we didn't have a intention to do all this. And you're right it's an investment of time, money and resources. If you go through that you're going to file it, build it. I don't think that is our intention to do that. Again with the closing with BTSS we are looking to split this off but if that's not in any way, there's 30 acres back there that is separated. And plan B that 50ft strip, we weren't sure how acceptable that plan is to the town.

Joe: If I might add, the intention is still to proceed with application for a sub-division without the development. Because we are not really sure where we are going, we really want to propose a sub-division that in some way preserve our right to ask for a cluster sub-division at some point. We are going to propose the 2 lot sub-division with the roadway connecting it. If it can be approved terrific, if it cant be approved our position might be at some point we don't want to orphan this upland parcel and give up whatever yield rights we have on that parcel without really thinking about this, and we don't have really a lot of time to do it. At this point we are trying to clarify what the best sub-division map would look like. Is it a 3 lot sub-division, because we are going to work out some sort of transfer of development rights from the upland parcel. Whether or not it is connected but we are trying to demonstrate that we can connect it. We would rather not because ultimately we believe the upland parcel is going to go to either the town or conservancy group our goal is to make that a benefit to the community.

Chairman Serotta: Our code doesn't say that, it say you are going to put a conventional plan which is a semi-engineered plan in front of us to get your yield and then to come up with an engineered plan for a cluster plan. That's what everybody has ever done. If you were to landlock this (pointed on map) it's nice to say that you are going to give it to the

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town, but how do we get to it. There's no way to possibly get there. Plan B- the town owns property adjacent to the 50ft line there. If someday that got donated to the town that's a great thing, then we could have access from Lake Hill Farms right onto this property. The other map showed land owners.

Joe: We are prepared to submit an application for sub-division showing the 2 lots with the connection. The only reason why we are presenting the proposed layouts is to show we have a reason for asking for this odd shaped lot with the connection between it. And that's what we are asking for. We aren't asking for any kind of review of the layout, trying to show if ask you for a 2 lot sub-division with the connecting road there's a reason for it. And we are hoping to obtain your approval for that sub-division. And that's all we want at this point. We need the sub-division sooner rather than later in order to conclude business and I don't want to orphan the upland piece if I can't connect it.

Chairman Serotta: We met a long time ago, when we met in Dave Donovan's office we said to design something to at least to connect it so we can deal with it someday, a road can go up there. You were already told that. So if that was true I don't even know what you would need to engineer. Except for surveys there's no real engineering, you would have to go ahead and perk 1 lot, somewhere between lot 1 and 2 you would do a perk test in front of Al. Then in the future you come back and say you want to do some kind of sub-division. Now you may lose some density I don't know one thing you would have to prove to us is, you were showing us yield in here but is that yield theoretical is that camp going to accept that yield. You have to be able to build a yield. You have to demonstrate that a yield plan could happen.

Al Fusco: There are some water issues, you don't have municipal water.

Chairman Serotta: I know the NY/NJ Trail conferences is interested in getting easements and or talked to Stanley directly. Sonia spoke to him. There is all kinds of ways we could all get together on this. There is a park in Lake Hill Farms you could actually get right into this property. There's a lot of good benefits not to be afraid of creating a 50ft. But beyond that if you're looking for fast track that's a fast track. You will have to go thru a public hearing, possibly a 239, and EAF short form.

Joe: So we would refile a sub-division application for those 2 lots. Be back here in the next 30 days maybe.

Dave Donovan: My only comment is the 50ft, we would need to put something on the map that it's not a driveway. It would need to be approved as a town road. My only concern is if that lot is separately sold someone could come in and say "hey listen that's going to be my driveway" and that's not the intent. So show that it's reserved for town

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road. Chairman Serotta: That's part of lot 1 they would have to apply for sub-division.

Dave: I thought that was a separate lot.

Dave: The way this would work is the only plan that would be filed now is the 2 lot sub-division. And at some point later, when looking to develop this on a yield plan would need to be shown as a road probably a cul-de-sac and some lots coming off of it. Then those lots would be transferred to the front when the cluster plan is done.

Then the 50ft would be deeded to the town along with the rest.

The only other thing is to file application, there will be small escrow fees, parkland fee for the sub-division. Can go on line to get the application and see all the fees.

So you file, come in here set a public hearing we need 30 days to get up to the County, so we typically will set public hearing up for 30-45 days looking at the calendar, if no major objections possible vote that night, if a lot of public coming in with objections we may have to digest it a little bit. No environmental studies yet. Just EAF short form.

Must supply some escrow money, application fee (on the website) and still would have to pay a parkland fee. That's your fast track.

Meeting adjourned 8:42pm

Respectfully Submitted,

Alexa Burchianti
Planning Board Secretary