

TOWN OF CHESTER
PLANNING BOARD MINUTES
January 21, 2015

The following Planning Board meeting minutes were transcribed by a stenographer from Cummings Reporting.

Respectfully submitted,

Tanya McPhee
Planning Board Secretary

TOWN OF CHESTER
PLANNING BOARD MINUTES
January 21, 2015

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PLANNING BOARD: TOWN OF CHESTER
CHESTER, NEW YORK

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In The Matter of The Application of
RIDGEVIEW ESTATES,
Located on Laroe Road, Town of Chester,
New York,
for Extension to Approval

-----x

January 21st, 2015
1786 Kings Highway
Chester, New York
7:00 p.m.

BEFORE:

DONALD SEROTTA, Chairperson
SCOTT D. BUCHHOLZ, Engineer
DAVID DONOVAN, Attorney
ROBERT CONKLIN
STEPHEN DENES
BARRY SLOAN
CARL D'ANTONIO
ERNIE DAMIANI

CUMMINGS REPORTING & VIDEO SERVICES
138 Main Street
Post Office Box 682
Goshen, New York 10924
(845) 294-6115

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-PROCEEDINGSCHAIRPERSON

SEROTTA: It's about 7:00. Town of Chester Planning Board is now in session. There is no minutes to adopt. The 17th of December still have to be written. Frank Gilbert is away. Nothing else to really report.

I sent out to you that Ridgeview Estates sent a request. Mark Siemers here sent a request for a 90 day extension of final approval. It's over on Laroe Road. They're still going through some financial issues and stuff.

Anybody want to make a motion and grant a 90 day extension to Ridgeview?

MR. DENES: I will.

CHAIRPERSON SEROTTA: Motion by Steve. Second by Bob. All in favor?

MR. CONKLIN: Aye.

MR. SLOAN: Aye.

MR. D'ANTONIO: Aye.

MR. DAMIANI: Aye.

CHAIRPERSON SEROTTA: Aye.

MR. DONOVAN: Aye.

MR. DENES: Aye.

(Proceedings concluded.)

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3 C-E-R-T-I-F-I-C-A-T-I-O-N

4

5 I, Nicole Rotoli, a stenographic Court

6 Reporter and Notary Public within and for the

7 State of New York, hereby certify:

8 That the witness whose examination is

9 hereinbefore set forth was duly sworn by me and that

10 the transcript of said examination is a true record

11 of the testimony given by the said witness; and

12 That I am not related to any of the parties to

13 this action by blood or marriage and I am in no way

14 interested in the outcome of this matter.

15

16

17 _____

18 Nicole Rotoli

19 Court Reporter

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PLANNING BOARD: TOWN OF CHESTER
CHESTER, NEW YORK

-----X

Public Hearing in the Matter of:
WOODRIDGE SUBDIVISION,
Located on County Route 45 - 811 Laroe Road,
Town of Chester, New York

-----X

January 21st, 2015
1786 Kings Highway
Chester, New York
7:00 p.m.

BEFORE:

DONALD SEROTTA, Chairperson
SCOTT D. BUCHHOLZ, Engineer
DAVID DONOVAN, Attorney
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-PROCEEDINGSCHAIRPERSON

SEROTTA: Okay. Next thing on the agenda tonight is a public hearing for a 10 lot subdivision off of Laroe Road. 811 Laroe Road. It's a little bit of a contention on the address here, but that's what the county has in their records. It's a 10 lot major subdivision. It's been in front of us before. Mark Siemers from Pietrzak & Pfau represents the applicants. Mark, I'd ask you to start out by going over some things. You got the report from Fusco's office today from Scott?

MR. SIEMERS: Yes. Yup.

CHAIRPERSON SEROTTA: Do you know Scott?

MR. SIEMERS: Yes, I do.

CHAIRPERSON SEROTTA: So, where do you want to start? Do you want the plans up first or the documents?

MR. SIEMERS: Sure. I'll give an introduction of the project and then I'll turn it back over to the Board.

Good evening. My name is Mark Siemers with Pietrzak & Pfau. I'm here representing the applicant on the project. The parcel of land is approximately 42 acres in the AR.3 zone district

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1 -PROCEEDINGS-

2 located on the north side of Laroe Road
3 approximately halfway between the Trout Brook Road
4 intersection and Lakes Road intersection with Laroe
5 Road. The proposed project is a conservation or
6 cluster type single family residential subdivision
7 proposing 10 building lots, each approximately 1
8 acre in size with an open space parcel of
9 approximately 23 acres proposed for the higher
10 elevations of the site. Pointing at the map you
11 can see Lots 1 through 10 are located right here on
12 the parcel. The overall parcel is this entire L
13 shape thing here and the proposed 23 acre open
14 space is located at the upper elevations of the
15 parcel.
16 The proposed lots will be accessed by a new
17 roadway coming off of Laroe Road, which will be

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18 about 760 feet long and end in a cul-de-sac bowl.
19 The design of this entrance has been submitted to
20 the Orange County DPW for review and approval. The
21 DPW has returned a comment checklist that we are
22 currently working through and will be submitting
23 back to them upon completion of their comments.
24 The roadway will contain a drainage
25 infrastructure, which consists of catch basins and

4

1 -PROCEEDINGS-

2 piping that will help control the storm water
3 runoff from the project. Each proposed dwelling
4 will be serviced by individual wells and sewage
5 disposal systems. Our office has completed soil
6 testing for the sewage disposal systems and
7 designed appropriately sized septic systems based on those
8 soil systems. The proposed wells and sewage
9 disposal systems have been placed on the site to
10 maintain appropriate separation distance as
11 required by the New York State and Orange County
12 Health Department.
13 All of this information will be submitted to
14 the Orange County Department of Health for review
15 and approval. The plan has actually already been
16 sent to the Orange County Department of Health for
17 the designation of the test well. A well needs to
18 be drilled and tested on site before the plan can
19 ultimately be submitted to the Health Department.
20 So, the plan was sent to them and the proposed well
21 in Lot 8 has been designated for drilling and
22 testing.
23 So, as I previously stated the project is
24 proposed as a cluster subdivision, which allows us
25 to utilize a conservation design and minimize the

5

1 -PROCEEDINGS-

2 amount of proposed impervious area contributed by
3 the proposed roadway, which in a conventional
4 design would require the roadway to come up the
5 hill and bend adding much more impervious area.
6 Also, by using the conservation design we can limit

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7 the amount of tree clearing that's required for the
8 subdivision. Clearing limit lines have been
9 provided on the plan and will be staked out at the
10 time of construction to ensure that trees are not
11 removed unnecessarily. Additionally, the east and
12 west property lines, which adjoin existing houses,
13 have been provided with a 40 foot vegetative buffer
14 that will be preserved.
15 The stormwater runoff has been analyzed for
16 both the existing and proposed conditions of the
17 site in accordance with the Town Regs and New York
18 State DEC Stormwater Design Manual. For the peak
19 flow runoff attenuation a retention pond has been
20 proposed in the lowest corner of the project, which
21 is right here next to Laroe Road and the proposed
22 new road. The retention pond will detain
23 stormwater runoff for the proper amount of time and
24 release it over time to mitigate stormwater
25 generated by this project as well as help improve

6

1 -PROCEEDINGS-

2 the downstream conditions once the project is
3 constructed. In this case, the peak runoff rates
4 have been reduced between 9 and 18% for one design
5 point study and from 53 to 65% for the second
6 design point study.

7 Full erosion control plans for construction of
8 the project have been included in the plan in
9 accordance with New York State Standards and
10 Specifications for erosion and sediment control to
11 assure that no adverse impacts to downstream areas
12 occur during construction.

13 And that's the project in a nutshell and I'll
14 turn it back over to the Board.

15 CHAIRPERSON SEROTTA: I just have one question
16 because the people from the public are here. This
17 was submitted to the Health Department. Why did
18 they pick Lot 8, just curious, for the well test?

19 MR. SIEMERS: I don't know their ultimate
20 reasoning. Usually they look at the project and
21 they try to select a well that's not too low, not
22 too high and is also easily accessible. So,
23 they'll figure that there's a path coming in here

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24 and the well is located right here whereas these
25 wells are located in the backs of the lots. Other

7

1 -PROCEEDINGS-

2 than that I don't know why they selected that one.

3 CHAIRPERSON SEROTTA: Mrs. Mack here has
4 requested a pump drawdown test on that and I'm
5 assuming some of the other closer neighbors could
6 also do that too, right?

7 MR. SIEMERS: Yeah. I spoke to my client and
8 if the Board requires it he doesn't have a problem
9 monitoring, you know, an adjoining well while we do
10 the well pump test.

11 CHAIRPERSON SEROTTA: Depending what their
12 requests are. You already have one request right
13 here so you're definitely going to have a request
14 there and you should have received her e-mail which
15 had her contact information to talk to her about
16 it.

17 MR. SIEMERS: I did and I actually want to
18 apologize to you. I put your card in my shirt last
19 time we met and I washed it so I lost your contact
20 information from the last meeting.

21 MS. MACK: Never do laundry.

22 CHAIRPERSON SEROTTA: All right, Scott, let's
23 maybe switch over to Scott quick.

24 Scott, do you want to review your letter?

25 MR. BUCHHOLZ: We reviewed the plans. We have

8

1 -PROCEEDINGS-

2 generated some comments. There are 15 comments.

3 None of the comments are really major. A lot of
4 the comments will be answered through the Health
5 Department review process.

6 Comment number 1 basically deals with the
7 movement of the houses to lower elevations. I
8 don't know, Mark, if that is possible or --

9 MR. SIEMERS: Well, I looked at the plan. The
10 houses are actually located in areas where it will
11 allow us to sewer the house by gravity without
12 putting a pump station in, which is always

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13 something that we want to do. We also always look
14 to put in a standard system wherever we can.
15 That's the preference of the Health Department so
16 if we can put a standard system in we do try to do
17 that. So, once you put the standard system in with
18 the separation to the house the houses actually
19 land where they are. The only house that I do see
20 that we might be able to push up is Lot 2 a little
21 bit, but it's not really going to do anything
22 because it's still going to land on this contour
23 right here once it's graded out. It won't change
24 the elevation of the house at all. Also, pushing
25 them up -- you know, we like to keep the houses in

9

1 -PROCEEDINGS-

2 line so we don't have one house much further up
3 than the other houses and have someone looking in
4 the back door. So, you know, we try to put them at
5 the lowest elevations we can. The two highest
6 houses are going to be Lot 5 and 6 at an elevation
7 of 680. All the other houses will be below that.
8 MR. BUCHHOLZ: Comment number 2 - basically
9 we're just asking for a buffer along Laroe Road.
10 The site is totally wooded basically. So, maybe
11 utilizing some of the existing trees that are there
12 and if there are areas that, you know, that you can
13 see into the subdivision from the road maybe some
14 type of row of evergreens to act as a buffer.
15 MR. SIEMERS: Yeah. We discussed this at the
16 previous Planning Board meeting and we will
17 continue to discuss it.
18 MR. BUCHHOLZ: 4 is basically just add notes.
19 5 just details of the septic system that Mark will
20 be doing with the Health Department. Same with 6,
21 7, 8. 9 - just provide a typical driveway detail.
22 Usually like to see driveway profiles of each
23 driveway.
24 MR. SIEMERS: This is the only one I have a
25 question on because we don't typically provide

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1 -PROCEEDINGS-

2 driveway details. We do show the grading and I
3 would like to put a note on there that the grading
4 needs to follow the Town of Chester maximum slopes
5 so that we don't need to go and actually provide
6 the full profile.

7 MR. BUCHHOLZ: Whatever the Board's
8 comfortable with. Just like on some of these lots,
9 Lot 7, 8, 9, you have a culvert pipe that crosses
10 under the driveway and a lot of times the profiles
11 show that you have proper cover and such on there.

12 So, whatever the Board's comfortable with.
13 The drainage swale on Lot 7, comment number
14 12. Have you guys done any calculations to ensure
15 that a 24 inch is sized properly or oversized?

16 MR. SIEMERS: Yeah. I was trying to flip
17 through the Stormwater Pollution and Prevention
18 Plan quickly to see if that information was
19 provided in there. I thought that it was provided
20 in there but I'll re-review that and get any
21 information over to you that you need. We
22 definitely did look at those culvert sizes and size
23 them.

24 MR. BUCHHOLZ: It seems like a substantial
25 swale that comes down there that you're proposing

11

1 -PROCEEDINGS-

2 the 24 inch culvert on.

3 Number 13 is just a note that there are no
4 federal jurisdictional wetlands located on the
5 site.

6 Number 14 deals with the selection of the
7 trees. I know the highway super does not want the
8 trees in the right of way so moving them further
9 away from the right of way may allow them to use
10 the trees that Mark has selected. I know that the
11 red maple, sugar maple, and pin oak are not salt
12 tolerant type trees. Pin oaks along the roadway, I
13 don't know, they can look kind of scrubby sometimes
14 too. Just something to think about.

15 MR. SIEMERS: Yeah. We don't mind discussing
16 what tree species the Board would like to see.

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17 These are the tree species that we have used on our
18 previous projects. We carried it over to this
19 project.
20 If you'd like to see different tree species we
21 don't have a problem with that. Mainly we're
22 concerned with showing the location of them and we
23 can push those back a couple of feet. The code
24 requires a temporary easement of 10 feet so as long
25 as it's within that 10 feet from the right of way

12

1 -PROCEEDINGS-

2 the trees should be okay.

3 MR. BUCHHOLZ: Comment number 15 basically
4 just is a note that drainage district needs to be
5 formed and as the project progresses it should be
6 submitted to the Town Board for review and
7 approval. That's it.

8 CHAIRPERSON SEROTTA: Let's go back to 14
9 quick. Now, the code, does it specify, do you know
10 if it actually requires the trees to be planted in
11 the right of way, out of the right of way because
12 Anthony --

13 MR. DONOVAN: I don't know.

14 CHAIRPERSON SEROTTA: The only question I have
15 if it's planted outside of the right of way
16 couldn't the person just go in when they buy that
17 lot and just cut them down?

18 MR. DONOVAN: Yes.

19 CHAIRPERSON SEROTTA: So, should we require at
20 least a deed restriction or something? I don't
21 know. You're the attorney.

22 MR. DONOVAN: I've heard that.

23 CHAIRPERSON SEROTTA: You don't have to answer
24 this today. I mean, we can get back on that --

25 MR. DONOVAN: It's the first time that we've

13

1 -PROCEEDINGS-

2 done this. I don't know -- in prior applications
3 when we've approved subdivisions -- these are
4 different -- we require street trees. These are,
5 as I understand it, additional landscaping in

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6 addition to street trees.

7 CHAIRPERSON SEROTTA: No, no. These are the
8 street trees.

9 MR. DONOVAN: These are the street trees on
10 the new road?

11 CHAIRPERSON SEROTTA: Right. Anthony's
12 requesting that all street trees now be planted
13 outside of the right of way. I'm not sure how our
14 code reads. And it's not something you have to
15 answer tonight. We have a town councilman here
16 tonight.

17 MR. VALENTINE: There's a lot of provision for
18 replacement also. The trees could die. It's on
19 transferred property.

20 CHAIRPERSON SEROTTA: That's what I'm saying.
21 It has to be guaranteed for two years, that's our
22 minimum here, but what happens after two years?
23 They'd have a right for a chainsaw to go in there
24 and cut this down.

25 MR. SIEMERS: There is a temporary maintenance

14

1 -PROCEEDINGS-

2 easement note. How we always show the trees we
3 basically show them being planted right on the
4 right of way line so that they're right on the
5 line. But there is a note, a temporary maintenance
6 easement note, which reads, "In order for trees to
7 be maintained or replaced by the developer a 10
8 foot wide temporary maintenance easement shall run
9 parallel to the right of way until release of the
10 maintenance security for the trees." And I believe
11 that's straight out of --

12 MR. DONOVAN: But the issue is what happens in
13 five or ten years?

14 CHAIRPERSON SEROTTA: Did you say temporary
15 maintenance?

16 MR. SIEMERS: Yes. It's temporary
17 maintenance.

18 CHAIRPERSON SEROTTA: Make a note that before
19 final approval this has to be decided, how we're
20 going to do this, whether the trees are staying in
21 or out of that. I just think, Bob, that should go
22 to -- you know, when you rewrite the zoning someday

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23 or something or subdivision regulations that should
24 get factored in and how that gets handled and stuff
25 like that.

15

1 -PROCEEDINGS-

2 Scott, anything else?

3 MR. BUCHHOLZ: No. That's basically it.

4 Minor comments.

5 CHAIRPERSON SEROTTA: Also, before we start

6 getting into the public hearing --

7 MR. DONOVAN: If I can just interrupt for a

8 second. In the subdivision regulations, 83-20, B5,

9 Street Trees. "It is required that shade trees be

10 preserved and/or furnished and planted, at the

11 expense of the owner of the subdivision, along both

12 sides of the road on private property within the

13 subdivision. These shade trees shall be located at

14 no more than 40 foot intervals apart and also from

15 1 foot to 10 feet from the street right of way

16 depending upon sidewalk placement. All tree

17 varieties, placement, condition, and quality are

18 subject to the approval of the Town Planning Board

19 prior to and after planning. Trees shall be hardy

20 --", and it talks about the types of trees.

21 CHAIRPERSON SEROTTA: So, that's almost saying

22 they should be planted out of the right of way.

23 MR. DONOVAN: That's saying that they should

24 be planted out of the right way, correct.

25 CHAIRPERSON SEROTTA: So, maybe Anthony's been

16

1 -PROCEEDINGS-

2 right all along and we haven't been doing that. It

3 sounds like that. But then how do those trees get

4 bind, say, from the chainsaw two years after

5 they're --

6 MR. DONOVAN: The issue -- I mean, you can put

7 a requirement in. I will tell you the issue

8 becomes enforcement. If you have a homeowner with

9 a diseased tree or it's an aesthetic issue it's up

10 to the Town to go enforce that. I don't know that

11 the Town is going to be interested in doing that.

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12 I think it depends.

13 CHAIRPERSON SEROTTA: All right. Well, it's

14 going to take almost a year to get -- probably

15 close to a year maybe to get to the Health

16 Department. How long do you think this will take?

17 MR. DONOVAN: It could.

18 MR. SIEMERS: It could.

19 CHAIRPERSON SEROTTA: Many months to decide

20 this.

21 So, based on municipal law, which is from the

22 State of New York, this is an action that had to be

23 required to both Orange County Department of Public

24 Works and also required to be referred to the

25 Orange County Planning Department for any comments.

17

1 -PROCEEDINGS-

2 It seems like the Public Works now lost a lot of

3 employees up in Orange County and are writing

4 boilerplate. So, they changed the name and send

5 the exact same letter down every time. So, this is

6 the referral. Let the record show that the

7 Planning Board did refer it up to the Orange County

8 Department of Public Works. This is their typical

9 one. They come back and say, okay, this is what

10 the applicant needs to do. You're going to have to

11 get a ROW permit from the county. They're going to

12 have to make sure they do everything that's on

13 these checklists here, but that's all this is.

14 It's just a bunch of checklists and this is

15 something that I'm sure, Mark, you're used to or go

16 by because you're going to have to get a permit

17 from them.

18 MR. SIEMERS: Right.

19 CHAIRPERSON SEROTTA: The Town doesn't issue

20 the ROW cut permit. That can be done by the

21 county.

22 Also, this was referable to the Orange County

23 Planning Department who looks at things like

24 aesthetics and stormwater and everything like that.

25 They don't look at the road so much in that.

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18

1 -PROCEEDINGS-

2 So, they have two choices. They can make it a
3 local determination, which means the Planning Board
4 is free to do anything they want. They can make it
5 a local determination with comments or they can
6 make it mandatory comments, which means we have to
7 have a supermajority in order to override the
8 county. In this case here they made it a local
9 determination, which we can do anything we want.
10 Basically -- just real quick here, anybody can foil
11 this if they want to see it. They talked about
12 tree cover. They suggested trying to cut down the
13 minimum amount of trees on the property as
14 possible, if they could do that. So, they're
15 asking you to try to do the least amount of
16 environmental changes as far as that goes. And the
17 open space. Let's just jump down to the next one
18 before we talk about open space a little bit. The
19 green infrastructure/runoff reduction. So, they're
20 talking sole proposed stormwater by retention. We
21 commend the applicant for including green
22 infrastructure techniques in the project design.
23 We advise the Town to ensure there is a long-term
24 maintenance plan. The long-term maintenance plan
25 is the stormwater maintenance district that's going

19

1 -PROCEEDINGS-

2 to be required for this project, which means the
3 people who live there are going to have to pay a
4 tax and have the pond follow a certain maintenance
5 schedule and if they don't do it the Town steps in,
6 we do it, and then they have to pay for it out of
7 those funds. So, they're actually taxed on their
8 tax bill for that.
9 The open space is the big parcel we talked
10 about. So, I was speaking with Mrs. Mack, who's in
11 the audience tonight, and she had -- I thought --
12 you know, we kind of talked a little bit about it.
13 I thought she had a good idea on something.
14 There's really three choices the Board is going to
15 have to make a discussion, not necessarily tonight.
16 So, typically the big parcel there, which is how

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17 many acres in total, Mark?
18 MR. SIEMERS: 23.
19 CHAIRPERSON SEROTTA: 23 acres. There's three
20 choices that can happen. The first choice is
21 always to ask the Chester Town Board is the Town of
22 Chester interested in taking the parcel. I think
23 we're probably even obligated by our code to ask
24 that question first. So, I think the applicant or
25 the Planning Board needs to get to the Town Board

20

1 -PROCEEDINGS-
2 and ask that question. We've already had some
3 preliminary discussions, I guess, Bob you were here
4 and we talked about some of the discussions. One
5 of the benefits if the Town -- well, there's a
6 problem if the Town took it there's no access, it's
7 being provided no access to the parcel. So, we
8 talked about this. I don't want to belabor the
9 point, but the Town of Chester owns a parcel right
10 up here right where my little red dot is. Another
11 person owns this parcel here. They've suggested
12 swapping the parcels in the past where the Town of
13 Chester would take this part of this and let's say
14 there's 30 acres up on the top, whatever it is, I
15 don't remember the exact piece, that the net net
16 would be each guy would end up with the same amount
17 of property. If that happened the Chester's
18 property could be tied to a park called Oak Street
19 Park up on the top up here. So, you could gain a
20 little bit more access down through here but then
21 it would make sense to give the Town of Chester 22
22 acres because now Oak Street Park becomes 22 acres
23 plus 15 -- don't quote me on the 15, so don't hang
24 me if it's not 15, but whatever this big parcel
25 would be here and then all joining into Oak Street.

21

1 -PROCEEDINGS-
2 Does it make sense? It's really for the Town of
3 Chester to decide that but, you know, it's
4 something we had talked about.
5 The Coviello family, now I understand I think

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6 the matriarch died but I still think they're
7 interested in swapping with the Town. I think they
8 have it for sale now. They would like to build a
9 home in there or something. They would have to go
10 through the Planning Board and stuff like that.
11 So, that's option number 1.
12 Option number 2, which was what Rhoda Mack and
13 I had talked about, was the 400 acres of the
14 Sherman Chester Golf property got foreclosed and
15 the Open Space Institute purchased the property.
16 Basically when Open Space purchases something
17 they're really a holding tank for the State of New
18 York and they'll be turning it over as Goose Pond
19 Park. So, Goose Pond Mountain Park will become 400
20 acres richer. Some day I'm sure Mr. Cuomo made a
21 deal after X amount of years they'll reimburse the
22 3.1 million dollars that the Open Space Institute
23 paid for Sherman's.
24 This is Sherman's property right over here.
25 So, this parcel doesn't abut that so it's something

22

1 -PROCEEDINGS-
2 we could consider too. Just say to Open Space, "Do
3 you want 14 more acres? I got 414 acres, that's
4 what you could have." It's just maybe better for
5 the wildlife, you know, but it still remains as
6 open space. No matter what this always has to
7 remain as open space up on the top of the ridge
8 here.
9 If neither one of those want to take the
10 parcel the last choice is for the engineer to go
11 ahead and say Lot number 7, Lot number 6, Lot
12 number 5 owns that piece. It would make sense
13 probably for Lot 7 and he would sell Lot 7 as --
14 Mark, what are these about an acre, acre and a
15 quarter pieces?
16 MR. SIEMERS: Right.
17 CHAIRPERSON SEROTTA: So, let's say it's an
18 acre. Doesn't matter what it is. If this was an
19 acre this parcel could become a 23 acre parcel.
20 Now, with a conservation easement on the entire
21 rest of the piece there. So, they really can only
22 disturb, there would be --

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23 Now, the problem with doing it that way is who
24 enforces that they don't cut the trees and who
25 enforces they don't do things. That's always a

23

1 -PROCEEDINGS-

2 problem. Dave will tell us that.

3 MR. DONOVAN: That's correct.

4 CHAIRPERSON SEROTTA: It's always a problem.

5 So, it would probably be better if the Town or the

6 Open Space Institute took this parcel up here.

7 So, enough said. Those are our three choices.

8 This will be hammered out prior to them receiving

9 final approval, which can take close to another

10 year before this even happens because of going

11 through Health Departments and other regulations he

12 has to go through. Maybe sooner.

13 So, I think the Board should think of these

14 things and consider them and we'll go from there.

15 Bob, I hope that you would go back to the Town

16 and talk about this.

17 MR. VALENTINE: Yeah. We discussed the whole

18 park situation already.

19 CHAIRPERSON SEROTTA: And you'll give us

20 advice -- first choice is yours. So, you know, if

21 the Town Board feels they want it. I just think

22 though this is a landlocked parcel so if you don't

23 do a swappy up there technically you really have no

24 rights to get to that property because you really

25 have no rights going on this here, this piece here.

24

1 -PROCEEDINGS-

2 It's actually landlocked so it becomes, you know,

3 an issue.

4 Enough said on that. So, that was the other

5 comment that the Orange County Planning Department

6 had made. Megan Tennerman is the planner for

7 Orange County so this was the open space comment

8 that she made in there. And, again, it's a local

9 determination and the Planning Board is free to do

10 what they want.

11 This was the Health Department letter that

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12 Mark had talked about, which chose Lot number 8
13 again for the well testing. A few new people
14 walked in tonight. If anybody's wells are close by
15 or something like that please contact the Planning
16 Board and if we deem it to be reasonable we'll have
17 your well hooked up for a testing procedure while
18 he draws down his 24 hour drawdown when he tests
19 the wells.

20 That's basically that. Everybody got Rhoda
21 Mack's e-mail from Rhoda? I sent that out to the
22 Board. I hope you all had a chance to see that.
23 Rhoda, I think I pretty much -- well, you're going
24 to speak any way. I pretty much covered everything
25 else.

25

1 -PROCEEDINGS-

2 All right. Board comments before we go to
3 public comments. Bob.

4 MR. CONKLIN: Don, can you bring up the
5 development plan?

6 Mark, these homes here, I can't quite see what
7 your scale is. By the time they add decks to the
8 back of these homes is they're going to be
9 sufficient space in these backyards for accessories
10 such as pools and sheds and what have you?

11 MR. SIEMERS: Yes. I can give you --

12 MR. CONKLIN: Without going through zoning
13 variances?

14 MR. SIEMERS: Yes. Basically what we did was
15 the building setback line is the line for the
16 conservation easement or the vegetative buffer
17 easement. So, they would have -- you know, you can
18 see -- they have this, you know, these two would
19 probably be the tightest.

20 MR. CONKLIN: What's that scale? Is it 50 to
21 100 feet or something?

22 MR. SIEMERS: The cover sheet is a 100 scale
23 so they would have about 60, 65 feet.

24 MR. SLOAN: Lot 4 you got 75 feet from the
25 back of the house to the easement. Lot 3 you got

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26

1 -PROCEEDINGS-

2 90.

3 MR. DONOVAN: And that's to the back of the
4 house, Barry?

5 MR. SLOAN: Back of your house. So, by the
6 time you put a deck or something on --

7 MR. SIEMERS: From the deck is about 65 feet.

8 MR. DONOVAN: What's the rear yard setback
9 there, Mark?

10 MR. SIEMERS: It's 40.

11 MR. SLOAN: That vegetative buffer, we don't
12 want that disturbed.

13 CHAIRPERSON SEROTTA: Barry, you were
14 measuring from the vegetative buffer to the house,
15 right?

16 MR. SLOAN: Right.

17 CHAIRPERSON SEROTTA: It's gonna be tight. If
18 he puts a deck on the pool has to be a certain
19 amount of distance from the house and the deck
20 counts and it also has to be --

21 MR. DONOVAN: Only the deck would need to meet
22 the -- I'm sorry, Mark, 40 feet? You said rear
23 yard setback was 40 feet?

24 MR. SIEMERS: Yes.

25 MR. DONOVAN: Because that's attached to the

27

1 -PROCEEDINGS-

2 house but the pool is gonna have a different
3 setback.

4 CHAIRPERSON SEROTTA: Right. But it has to be
5 a certain amount of distance from the house.

6 MR. DONOVAN: Correct but it's got a much
7 lesser distance.

8 MR. SLOAN: By the time you put a fence around
9 the pool you could be within the 40 foot setback or
10 you're gonna get close.

11 MR. SIEMERS: I mean, you have 65 feet for a
12 backyard. That's a fairly large backyard.

13 CHAIRPERSON SEROTTA: Remember, this is part
14 of their backyard. You have 65 feet but you also
15 have the 40 feet. Just for the public's knowledge
16 we asked them to put these buffers in here to try

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17 to keep the tree cutting down. It helps the
18 neighbors over here, it helps the neighbors over
19 here, and makes the subdivision kind of a little
20 bit better coming in there. If we strip that out
21 and allowed them to tear all those trees down that
22 doesn't really make a lot of sense.
23 MR. SLOAN: Mark, what's the objection to
24 moving the house on Lot 4? The engineers asked for
25 that.

28

1 -PROCEEDINGS-
2 CHAIRPERSON SEROTTA: It's probably the
3 septic, right?
4 MR. SIEMERS: The sewage disposal system is
5 located right here around these soils.
6 MR. SLOAN: You can't move that up 20 feet?
7 MR. SIEMERS: No.
8 MR. BUCHHOLZ: You can't move that towards the
9 road at all, Mark?
10 MR. SIEMERS: No. Not based on the soils we
11 did out there.
12 MR. DONOVAN: Just to talk about the pool.
13 The rear yard setback for a pool is 15 feet.
14 CHAIRPERSON SEROTTA: So, it actually could be
15 right on the vegetative line as long as they don't
16 -- you know, the fence line could be right on the
17 vegetative line.
18 MR. CONKLIN: That's my only comment. We
19 don't want to create a situation that makes it
20 difficult for people to improve their property.
21 CHAIRPERSON SEROTTA: Right. We've always
22 said that. I agree with you. Some engineers were
23 proposing flood zones right off the decks so they
24 walk in, drown, and we told them forget it. Carl?
25 MR. D'ANTONIO: Nothing.

29

1 -PROCEEDINGS-
2 CHAIRPERSON SEROTTA: Steve?
3 MR. DENES: My points have been covered
4 already. Thank you.
5 CHAIRPERSON SEROTTA: Ernie?

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6 MR. DAMIANI: Nothing.

7 CHAIRPERSON SEROTTA: Mr. Sloan?

8 MR. SLOAN: Bring it up. Note it.

9 MR. DAMIANI: Don, can you pull up the drawing

10 with the stone walls and the houses?

11 MR. SIEMERS: The stone walls are shown right

12 here.

13 MR. DAMIANI: One of the ideas is that you

14 preserve the stone walls as best you can. I know

15 that stone walls here, there's several of them,

16 crisscross the lots. Some of them go right through

17 the houses and the houses go through the stone

18 wall. What are your thoughts about preserving the

19 stone walls? What attempts have you made to do

20 that?

21 MR. SIEMERS: What we do is, you know, there's

22 a trade-off when we do a subdivision. When we go

23 from the conventional subdivision to the cluster

24 subdivision we have to locate it on the lower

25 elevations that are, you know, more easily

30

1 -PROCEEDINGS-

2 developed. So, when that happens we have to

3 utilize this area. I mean, I'm sure that there is

4 quite a few stone walls that are being preserved up

5 in the open space. However, we have to lay the lot

6 out based on how the soils work with the sewage

7 disposal system. We have to then put the roadway

8 obviously down the middle so we can have lots on

9 both sides and then lay out the driveways and the

10 houses.

11 So, basically what ends up happening is the

12 stone walls -- right here we have a sewage disposal

13 system that needs to go next to the stone wall and

14 there would be a small section that would be

15 removed for the grading of that house. This

16 section down here would have to be removed for the

17 road and the driveway. While we would like to

18 preserve stone walls where we can we can't preserve

19 all the stone walls in the area of development. We

20 do try to conserve -- the Town Code specifies

21 primary and secondary conservation areas. I don't

22 believe that stone walls actually show up in that

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23 calculation when we went through and did the
24 conservation area mapping.
25 MR. DAMIANI: So, for example, this house here

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1 -PROCEEDINGS-

2 with the driveway on the other side and you shift
3 it to left a little bit you completely miss that
4 stone wall instead of breaking it up. I'm just
5 looking for, you know, little pieces here and there
6 where you might be able to make a minor change and
7 preserve a wall.

8 CHAIRPERSON SEROTTA: The only problem with
9 that, Ernie, would be I don't think this person who
10 buys this lots wants a diagonal stone wall running
11 right through the middle of his property. How are
12 they going to cut their lawn? Everything becomes
13 difficult. That would be a real problem. Plus,
14 the other thing, a lot of these stone walls are --
15 Mark, he puts these on there but I think you should
16 go walk and see what they're like. Most of these
17 are dilapidated. They were done possibly by the
18 farmers or Indians many years ago. Like right
19 there you can't have a -- I don't think anyone here
20 on the Board would want a stone wall going through
21 the middle of their yard. If they were able to
22 somehow get them on the sides of the yards or
23 something like that.

24 It's a point noted. Barry?

25 MR. SLOAN: Three things. Lot number 5 – I

32

1 -PROCEEDINGS-

2 still think you got some very steep slopes there
3 going up in the back. Is there any way you can
4 push that forward? If you want to put a deck on
5 there -- unless you're gonna be bringing in some
6 heavy equipment you got to grade that whole
7 backyard out with all those contour lines in the
8 back.

9 MR. SIEMERS: We show the proposed grading.

10 There's a bit of a cut right there. We show the
11 house on a flat pad. We really can't shift that

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12 septic any more than we have. It's right on where
13 it needs to be. The house I believe is a 20 foot
14 separation from the septic, which is required, so
15 we really can't shift that forward any more. You
16 know, we've shown the grading for the lot. I think
17 we actually shifted Lot 5 and Lot 6 down off the
18 ridge from the last plan that you saw.

19 MR. SLOAN: You got less than 20 feet from the
20 back of the house to your first graded line and
21 then it just goes straight up. How is somebody
22 going to put a deck back there? What do you do?

23 CHAIRPERSON SEROTTA: Are you showing the
24 deck? Is that a deck right there?

25 MR. SIEMERS: Yeah. That's the deck right

33

1 -PROCEEDINGS-

2 there.

3 MR. SLOAN: Yeah. Anybody can draw a deck.

4 It's another thing to build a deck.

5 MR. SIEMERS: Keep in mind that these aren't
6 actual house architectural either.

7 MR. SLOAN: Yeah, but the contours are.

8 MR. SIEMERS: These are 30 by 50 feet. We can
9 show additional grading if you want to see a larger
10 backyard back there.

11 CHAIRPERSON SEROTTA: This is more of a knob.

12 It's not straight up from there, right, this is

13 more of a knob that's in the back there?

14 MR. SLOAN: Yeah but you actually put the

15 house right into that knob. If you want to call it

16 a knob call it a knob. You cut out that knob and

17 put a house there and building pad. To me that's a

18 severe slope and nobody's going to be able to use

19 that backyard. It's almost as bad as the house on

20 Creamery Pond coming down Pine Hill Road. You got

21 three houses there that are totally useless as far

22 as having a backyard. How that was allowed, who

23 knows, but that was before me.

24 MR. BUCHHOLZ: Mark, can you look at shifting

25 the line between Lot 6 and Lot 5? Maybe getting

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1 -PROCEEDINGS-

2 the house over into the slopes that are like right
3 on the property line. They're kind of spread out
4 there a little bit more. Keep your septic system
5 where it is but shift the house more towards the
6 north.

7 MR. SIEMERS: This lot could be graded out ten
8 different ways. We can hold the garage here and we
9 can have a walk-out basement, bring in the contour
10 lines through the house and then have a flat spot
11 over here. We can show many different options of
12 how this can be graded out. If you want to see a
13 larger backyard we can show the grading for a
14 larger backyard. Whether they actually go out and
15 do that when they build the house, you know, I
16 don't know if they'll grade a large backyard there
17 or if they'll do a walk-out basement or --

18 MR. SLOAN: Could you raise the house?

19 MR. SIEMERS: Not with the driveway slopes.

20 MR. SLOAN: So, that lot to me needs a little
21 bit of work. I don't know what you're going to do
22 with it but it needs work.

23 That's one thought. The other thought is
24 that, number two, we gotta send this to our
25 landscape consultant, which we discussed. I want

35

1 -PROCEEDINGS-

2 to make sure it gets done.

3 CHAIRPERSON SEROTTA: We'll send it to her. I
4 didn't send it yet. She'll work with Scott and
5 find out what type of trees go in there and
6 everything like that.

7 MR. SLOAN: We discussed last time or I
8 discussed or I brought up the suggestion of putting
9 a berm on Laroe Road along Lot 1 and we discussed
10 it but I don't know what was ever decided. If you
11 want, Don, bring it all the way up and show Lot 1.
12 You can zoom in a little bit.

13 MR. SIEMERS: The discussion, as I recall, was
14 whether we would place additional pine trees along
15 Lot 1 to help screen.

16 MR. SLOAN: I mean, you got a natural culvert

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17 coming down Laroe Road so my thought was to put a
18 little berm in there and then put the pine trees on
19 top and do as much screening for Lot 1 onto Laroe
20 and also so the neighbors across the street -- the
21 whole line of them and everybody else coming down
22 doesn't see Lot 1.

23 MR. SIEMERS: We don't have a problem putting
24 some additional pine trees. We can show the pine
25 trees in Lot 1 and plant them. Again, that will go

36

1 -PROCEEDINGS-

2 to the enforcement issue that the homeowner can
3 always take them down but we can show them on the
4 plan and have them planted during the construction
5 of the project to help screen Lot 1.

6 As far as a berm goes I would not want to put
7 a berm here because stormwater naturally comes down
8 into the roadside swale. If we put a berm here
9 we're gonna start catching stormwater on the lot
10 and I would prefer it to come down to the natural
11 swale and run into the proposed drainage
12 infrastructure.

13 MR. SLOAN: Weren't you sloping it towards the
14 ROW? Weren't you sloping each lot towards the
15 ROW's cul-de-sac?

16 MR. SIEMERS: The natural slope of the land --

17 MR. SLOAN: I know the natural slope comes
18 down to Laroe. Aren't you also sloping it to the
19 left?

20 MR. SIEMERS: We don't reshape the entire lot,
21 no. This section of the stormwater will come down
22 to the natural roadside swale. It will come down
23 to this proposed culvert, which will be taken into
24 the proposed catch basin and brought into the
25 detention pond where it's detained and then

37

1 -PROCEEDINGS-

2 released to the designed points.

3 So, no, we don't shape the entire lot to go
4 towards the ROW. We utilize the land where we can.

5 MR. SLOAN: But you will be showing pine trees

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6 along there?

7 MR. SIEMERS: Sure.

8 CHAIRPERSON SEROTTA: Remember, you know, I

9 think, again, Bob I'll say it to you again, the

10 ridge laws have to be taken a look at it. This is

11 one of the examples where they are actually

12 preserving the ridge. The real high part of this

13 property is up here. It's up on the preserved area

14 way up on the top here. That's where the real high

15 stuff is. You're almost going to be -- you're

16 going up somewhat but it's not level going all the

17 way back 700 feet but it's somewhat level.

18 Surrounding this whole property is -- you know,

19 they let them build Trout Brook Estates up on the

20 top that are like up on Mount Everest looking down

21 at these houses here. The ones on Leone off of

22 Trout Brook, Leone Boulevard, the big houses up on

23 the top there. They're 200 feet higher than this

24 piece of property is. So, I think if he screens

25 the front a little bit, cuts the least amount of

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1 -PROCEEDINGS-

2 trees, put 40 foot buffers on the side. So, you

3 know, I think we accomplished a lot of the goals.

4 And then preserve the whole top of the mountain.

5 The whole top is being preserved.

6 Anything else?

7 So, at this point we'll open the public

8 hearing. So, let the record reflect that the

9 proper mailings were sent out to the neighbors

10 within 500 feet of the parcel and let the record

11 reflect that the proper notice was put into the

12 Times Herald-Record.

13 At this point I'll open the public hearing.

14 We have a stenographer tonight with us. I also

15 digitally tape all meetings so you have to come up

16 to the front and just please come up, state your

17 name and your address for us and where you live.

18 So, just raise your hand. I don't have a sign on

19 sheet tonight or anything like that. Whoever wants

20 to speak just raise your hand and I'll call on you

21 and come on up.

22 Nobody? Mary.

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23 MS. BINGHAM: Mary Bingham, Town of Monroe. I
24 came with one concern --
25 CHAIRPERSON SEROTTA: Mary, there's a laser

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1 -PROCEEDINGS-
2 pen right there which you know how to use.
3 MS. BINGHAM: A concern I originally came here
4 for had to do with the traffic on Laroe as it heads
5 out towards Lakes Road. Traffic over at Laroe and
6 Lakes Road has that blinking light. I take that
7 road all the time to get to work and I don't know
8 if any traffic studies were done but it seems to be
9 my perception that there are more accidents there
10 and I can't really pinpoint why other than maybe
11 people are starting to speed on Lakes Road even
12 more so than they used to do years ago. So, I'd
13 like to know if any traffic studies were done as
14 this might affect that blinking light at Laroe and
15 Lakes Road. Has the DEC EAF planner been utilized
16 because that also will spot cultural and endangered
17 species. I don't know if you're using it or not
18 but other municipalities are.
19 MR. DONOVAN: You mean the mapper?
20 MS. BINGHAM: Yes. And as I said, it's good
21 for highlighting any cultural because, Don, you had
22 mentioned possibly Indians were building some of
23 the walls.
24 CHAIRPERSON SEROTTA: I don't know.
25 MS. BINGHAM: It's just another thing that

40

1 -PROCEEDINGS-
2 will possibly guide you as to if something of a
3 cultural aspect is over there.
4 I'm not quite sure where the -- again, you
5 don't want to have any icing occur on Laroe Road
6 because that's a very heavily traveled road now.
7 So, you were talking about Lot 1 and I don't know
8 if you're gonna be putting any catch basins down
9 along that area. You were talking about a swale.
10 You're talking people might be putting pools or
11 cutting down whatever to put decks in and you might

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12 have a straight run of water coming down this way.
13 So, if you're having a swale or a catch basin I
14 don't know what the advantage of one versus over
15 the other might be.
16 CHAIRPERSON SEROTTA: Normally we don't answer
17 a lot of questions and things like that but we can
18 answer a few tonight. We don't have a lot of
19 people here so I'd rather everybody gets an
20 understanding.
21 Mark I think kind of answered that, Mary, by
22 saying that they're going to grade along this way.
23 They're going to catch it in a swale. Right here
24 is a catch basin and a culvert pipe that's going to
25 send it over to the stormwater. So, their goal is

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1 -PROCEEDINGS-
2 to catch all the water and not allow any of it to
3 go out onto Laroe Road.
4 MS. BINGHAM: Because with the swale sometimes
5 there's a little bit of overflow so that's why I
6 was wondering why you were going with one but that
7 answers my question.
8 Again, just some concern with possible icing
9 possibly on Laroe. This does appear that the
10 detention basin is gonna hold the water there but I
11 don't know if it's designed for a 100 year storm or
12 what. So, if you could just identify that later on
13 as well.
14 And those were all my comments. Thank you.
15 CHAIRPERSON SEROTTA: Thank you. Anybody
16 else? Your hand up was first so come on up in
17 front. State your name.
18 MS. BOWMAN: Cindy Bowman, B-O-W-M-A-N.
19 So, I'm Cindy Bowman and I own one of the lots
20 that's adjacent this. I live somewhere above there
21 but how do I know --
22 CHAIRPERSON SEROTTA: You're up on the top.
23 You're way up on the top.
24 MS. BOWMAN: Yeah. I'm just curious about
25 what it looks like in reference to my property

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1 -PROCEEDINGS-

2 line. Like where am I on this?

3 CHAIRPERSON SEROTTA: I'll show you something
4 even easier.

5 MR. BUCHHOLZ: Actually, I believe Mark's plan
6 shows your house, Ms. Bowman.

7 CHAIRPERSON SEROTTA: We can just bring up the
8 GIS site which will be nice.

9 MS. BOWMAN: This is where their lot ends and
10 then this is part of that nobody's using it thing.

11 MR. SIEMERS: This will all stay wooded.

12 MS. BOWMAN: That's just gonna stay what it is
13 and this is part of what they're talking about.

14 They're not sure who's gonna be owning that?

15 MR. SIEMERS: Right.

16 CHAIRPERSON SEROTTA: This is gonna be a
17 better picture here. This is Sunfish right here.

18 So, basically the property -- there it comes. This

19 is what I was waiting for. There we go. This odd
20 shape piece of parcel right here is the parcel

21 we're talking about. This is the Orange County
22 site we're on. This is the parcel. The

23 development's all down right in this -- no higher
24 than right here. This piece is the 22 acres which

25 also encompasses a small sliver protecting up in

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1 -PROCEEDINGS-

2 through here. This is the cul-de-sac at the end of
3 Poplar I think it is up on the top. This is the

4 cul-de-sac. There's like a sewer pump station or
5 water pump station up on the top there. This is

6 where it gets a little sticky. This is the

7 Coviello property. This is the Town of Chester's
8 property. You can see that technically -- so

9 Coviello's kind of -- the whole situation gets

10 difficult in here. So, Chester owns this, Chester

11 owns that, and then this is Walt Lake Estates up in
12 the top up in here.

13 MS. BOWMAN: And then this one's mine.

14 CHAIRPERSON SEROTTA: Oh, you're over in this
15 area over here?

16 MS. BOWMAN: Is that right? Yeah. So, that's

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17 where --

18 CHAIRPERSON SEROTTA: These are your houses,
19 over in here?

20 MS. BOWMAN: Yeah. So, I'm gonna back up to
21 the back of the new development but then there's
22 that strip --

23 CHAIRPERSON SEROTTA: Let's go back to that
24 quick.

25 MR. DONOVAN: Mark, do you know where her

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1 -PROCEEDINGS-

2 house is so you can give her order of magnitude how
3 many feet away are the houses at the top of the
4 cul-de-sac from her house?

5 MR. BUCHHOLZ: Her house is right there.

6 That's her house right there.

7 MR. DONOVAN: If I can also ask -- I'm very
8 sorry but since there's a stenographer here if you
9 can talk loud and one at a time otherwise whatever
10 he says to you won't appear in the record when you
11 want to see it some day.

12 MS. BOWMAN: Okay.

13 MR. SIEMERS: 600 feet away from the first
14 proposed house.

15 MS. BOWMAN: From the first proposed house,
16 okay. Is that from my house or from my line?

17 MR. SIEMERS: From your house.

18 MS. BOWMAN: From my house is 600 feet to the
19 --

20 MR. SIEMERS: That's 600 feet and this is 115
21 feet of open space between your lot and Lot 6.

22 MS. BOWMAN: So, 600 feet from my house to
23 that house?

24 MR. SIEMERS: Right.

25 CHAIRPERSON SEROTTA: Mark, how wide is this?

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1 -PROCEEDINGS-

2 MR. SIEMERS: 115 feet.

3 CHAIRPERSON SEROTTA: So, you got 115 feet
4 forever wild. They can't do anything there. No

5 cutting, nothing through there.

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6 MS. BOWMAN: Okay, thanks.

7 CHAIRPERSON SEROTTA: Rhoda.

8 MS. MACK: I want to speak most specifically
9 about the open space. Has the Board ever done this
10 before, approved a cluster development and had open
11 space that you had to do something with?

12 CHAIRPERSON SEROTTA: Yes.

13 MS. MACK: So, you've gone through the process
14 of who is responsible, liabilities, all of that?

15 MR. DONOVAN: What the code provides,
16 ultimately the Town Board decides what's going to
17 happen to the open space. They can own it, it
18 could go to the Orange County Land Trust, Open
19 Space Institute, something like that. Actually, it
20 could also be owned by a Homeowners Association. I
21 don't think you covered that before, Don.

22 CHAIRPERSON SEROTTA: Right, that's true.

23 MR. DONOVAN: The Town could have that as
24 well.

25 CHAIRPERSON SEROTTA: My bad. That's a fourth

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1 -PROCEEDINGS-

2 option. Correct.

3 MR. DONOVAN: I'm only so smart because I was
4 reading it while you were talking.

5 MS. MACK: What I would want to say is that
6 that land up on the ridge is, from my experience,
7 from my observation, very valuable as a wildlife
8 corridor and in your code that is one thing that
9 you recognize as something to protect in the open
10 space. I'm not sure that the Homeowners
11 Association will properly cover it. Is that
12 something that you --

13 CHAIRPERSON SEROTTA: That won't happen here.

14 That's not going to happen here. I guarantee it.

15 MS. MACK: The other one, the extension to the
16 Oak Street Park, I'm not sure what that would mean.

17 CHAIRPERSON SEROTTA: This is Oak Street Park
18 right over here. So, right now Oak Street Park
19 would be blocked to get into here. They're also
20 blocked to get over to here so they come down
21 through here and this is all kind of -- you know,
22 is it worth it, I don't know. A park person has to

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23 say whether this is all worth doing. This is where
24 we talked about, again, the Coviello swap or
25 something. If this was drawn right here in 2 then

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1 -PROCEEDINGS-

2 this park becomes a much bigger piece and then
3 grabs the 22 acres in there and becomes a much
4 bigger thing. And that's something the Town Board
5 has to decide and they've talked about it.
6 MS. MACK: I would just urge that in thinking
7 about what you're going to do and how you're going
8 to establish long term it just needs to be done
9 thoughtfully and carefully and think of all the
10 contingencies. My personal recommendation is that
11 in any way you can keep it as untouched as
12 possible. To just let the wildlife have one
13 corridor from Goose Pond on out would really be the
14 the best long term for the health of the Town of
15 Chester so that you have that area that is not
16 fragmented, it's not disturbed. We've actually had
17 two sightings, two witnesses, a mountain lion up
18 there.
19 MR. DONOVAN: There goes the marketing for
20 that.
21 MS. MACK: So, that is my concern about that.
22 That is my recommendation. That if there's a way
23 to keep it as untouched as possible that would be
24 ideal. I know you have to do what has to be done
25 in terms of legalities and so on, but that is what

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1 -PROCEEDINGS-

2 I would like to see happen.
3 The other issue for me, and I'm not sure what
4 can be done about it, is that my property next door
5 is very water rich and I'm expecting that with ten
6 houses, two, two and a half bathrooms, whatever
7 they're going to be, they'll be pumping out quite a
8 bit of water per day. I do expect that that will
9 drop the water table, which is, as you see, feeding
10 into my little valley. I understand the current
11 State of Law is whatever is in the ground, the

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12 ground water, is whoever taps it taps it.
13 So, I don't have any requests or
14 recommendations. Just stating that that property,
15 the 22 acres adjacent to the development, is now a
16 very water rich place. It's really the watershed
17 for that entire area and the development is going
18 to change that, the hydrology of the area. But
19 that's kind of a done deal I guess. But of course
20 that is why I'm interested in the well drawdown at
21 least.
22 The smartest, most thoughtful preservation of
23 that ridge line is something I'd like to see
24 happen. It's a ridge that you see from Laroe Road
25 as you come down and I'm really tickled that it

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1 -PROCEEDINGS-

2 won't be touched. I think that's a real boon long
3 term for the Town of Chester to have.
4 CHAIRPERSON SEROTTA: Thank you. Anybody
5 else?
6 MR. BOWMAN: Silas Bowman married to Cindy who
7 just talked.
8 So, when we first moved here about two years
9 ago we raised pigs to try our hands in farming.
10 When I get out of the Military in a couple years we
11 had planned on a horse or cow. At the time right
12 now it's zoned that we could do that as long as we
13 have the proper fencing. Is the development gonna
14 affect our ability to have a cow or horse for our
15 own personal use that you know of.
16 MR. SIEMERS: No, I don't believe so. There's
17 none that I know of.
18 MR. BOWMAN: So, we're not gonna be infringing
19 on anybody's ability to not smell cows growing?
20 MR. SIEMERS: As long as it's legal in the
21 zone then I believe you have the right to do it.
22 Dave could probably answer that better than I
23 could.
24 MR. DONOVAN: That's correct. As long as you
25 comply with the Town of Chester zoning regulations

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1 -PROCEEDINGS-

2 you don't have an issue. Now, I can't say that you
3 don't get along with your neighbor. I can't
4 control who lives in the house 600 feet away but in
5 terms of the zoning if you're compliant then you
6 don't have an issue.

7 MS. BUDRIK: Carmela Budrik. I'm right above
8 the Bowman's.

9 CHAIRPERSON SEROTTA: Could you spell your
10 last name?

11 MS. BUDRIK: B-U-D-R-I-K. No C in Budrik.

12 We're 100 Hidden Drive at the very end of the
13 road. We are as landlocked as anybody is gonna
14 get. Other than that street we can't go anywhere
15 else but through there. I have two questions. One
16 is to your point. We dig down -- I think our well
17 is 165 feet down and we are very, very water rich
18 there. So, I don't know what the affect would be
19 and I wanted to ask if you knew because we go down
20 so far. Those ten houses, are they going to have
21 an affect? I know I'm two lots up there but would
22 there be any impact on our water because that's a
23 pretty good resource. We are very, very water rich
24 there.

25 MR. SIEMERS: I wouldn't be able to say with

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1 -PROCEEDINGS-

2 any certainty until we drill the well and test it.
3 Like Don said -- I don't know if you were here in
4 the beginning, but Don said if you want your well
5 monitored when we do the test to send an e-mail or
6 something to the Planning Board.

7 MS. BUDRIK: And that would monitor the water,
8 the affect --

9 CHAIRPERSON SEROTTA: You're going to have to
10 sign a document to allow them to come onto your
11 property. They're going to put some kind of a
12 test. I'm not even sure, I haven't seen this
13 either, but they put some kind of a test on your
14 well. A head. And that will monitor how your
15 water table, your well happens. So, all of a
16 sudden if your well goes dry when they're pumping

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17 down and they're going to run water out for 24
18 hours, correct, or more?
19 MR. SIEMERS: I believe it's 24.
20 CHAIRPERSON SEROTTA: 24. So, during that
21 period your well could be tested if you have a
22 major concern on that and they'll give you the
23 results. So, if the Planning Board sees that those
24 houses are going to have a major -- then I guess we
25 have to discuss that if it comes back to us.

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1 -PROCEEDINGS-
2 MS. BUDRIK: So, this process would happen
3 before it got too far down the line where it
4 becomes a major issue?
5 CHAIRPERSON SEROTTA: His next step, just to
6 tell you where he is. He's looking to try to get
7 the whole thing kind of quasi design where we shake
8 heads up and say okay and he gets something called
9 a preliminary approval. At that point in time
10 that's when he'll start running -- the well testing
11 is after the preliminary, right, or not?
12 MR. SIEMERS: Yes. It's for the Health
13 Department.
14 MR. DONOVAN: The issue there is the Health
15 Department won't allow the county test to go
16 forward without a preliminary approval. A
17 preliminary approval is not the final approval but
18 it's still a preliminary approval.
19 CHAIRPERSON SEROTTA: But based on conditions.
20 So, if your well or Mrs. Mack's well goes dry then
21 that's something the Planning Board would take into
22 consideration.
23 MS. BUDRIK: So, additionally, another
24 question I had, which it may not be, but where I am
25 we purchased that house specifically because of the

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1 -PROCEEDINGS-
2 view. So, we're sitting above the Bowman's at a
3 much higher elevation and we see clear over their
4 house. We've got a beautiful view of the mountain.
5 I'm not gonna see anything from where I am? Can

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6 you tell me that based on the layout as you know
7 it? Nothing is gonna be cleared enough for me to
8 see it that far back, right? The Bowman's have,
9 what, you're 600 feet from it so I'm probably 1,000
10 feet because I think we're about 500 apart. That's
11 not gonna -- I can't believe that's gonna skew a
12 view but I'm looking for somebody to tell me if I'm
13 sitting on that deck and I'm seeing houses that's
14 not gonna work for me. Not that I can impact
15 anything but clearly the reason we purchased that
16 house is the view. If that view gets obscured in
17 any way that's gonna be a problem.
18 MR. SIEMERS: I don't know what elevation your
19 house is at but I can tell you that there is going
20 to be a 115 foot strip of woods where the trees
21 aren't gonna be cleared.
22 MS. BUDRIK: I wish I could tell whether or
23 not I'm gonna be able to see past that.
24 CHAIRPERSON SEROTTA: The thing is if you're
25 seeing mountains in the background this is down

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1 -PROCEEDINGS-
2 from you so that's not going to affect the mountain
3 view.
4 MS. BUDRIK: It wouldn't affect my mountain
5 view but, I mean, am I gonna see rooftops all of a
6 sudden -- you know, that's gonna bother me.
7 MR. SIEMERS: Can you see these houses?
8 MS. BUDRIK: I see nothing.
9 MR. SIEMERS: Can you see these houses down
10 here?
11 MS. BUDRIK: This is what, Laroe you're
12 talking about?
13 MR. SIEMERS: Yes.
14 MS. BUDRIK: No.
15 MR. SIEMERS: I believe that the trees would
16 obscure any view of any house.
17 MS. BUDRIK: The Bowman's acreage would
18 probably protect a lot of that as well.
19 And then I have one more concern is traffic.
20 So, on Hidden Drive there was some work done on
21 Laroe Road a couple years ago when they did all the
22 -- they widened the road and they really botched up

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23 Hidden Drive because when I first bought the house
24 you came in nice. Now we got this incredibly
25 horrible, very difficult icing up condition, which

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1 -PROCEEDINGS-

2 is terrible. So, now as the traffic increases and
3 I've got this horrible incline trying to get out of
4 my road what's gonna to happen with the traffic
5 that this is gonna cause on the road. That's a
6 concern as well. It's difficult to get out of
7 Hidden Drive now because of the angle that our road
8 is at and the traffic. So, with ten additional
9 houses, two cars per house, I got twenty more cars.
10 Everybody trying to get out. I think that's gonna
11 be a concern. I think somebody should take a look
12 at at least enhancing or correcting our Hidden
13 Drive. There's no street lights anywhere and our
14 mailboxes for everybody on Hidden Drive is right on
15 Laroe. So, now I've got twenty additional cars and
16 it's 7:00 at night and it's dark. I have to walk
17 down that slope, come around the corner with no
18 lights trying to get to the mailbox. It's a
19 hazard.
20 So, I think that we should be a little
21 concerned about the additional traffic with the
22 situation we have at the end of Hidden Drive. And
23 those are my concerns. Thank you.
24 CHAIRPERSON SEROTTA: Thank you. Anybody
25 else? Rhoda again. Name and rank serial number.

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1 -PROCEEDINGS-

2 MS. MACK: Rhoda Mack.
3 I just wanted to let you know that as far as
4 that open space is concerned it already does have
5 some ATV trails back there, so I'm thinking in
6 terms of long term management. That's already back
7 there coming up from Bull Mill Road and they are
8 pretty well established. What about hunting back
9 there? Does it become a no hunting area?
10 CHAIRPERSON SEROTTA: If it goes to -- first
11 of all, answering the ATV, you know, comes down to

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12 enforcement. The State of New York has laws that
13 state that you're not allowed to ride an ATV on
14 private land without permission. So, if they're
15 doing that then, you know, you should file a
16 complaint. Whether or not anything will happen I
17 don't know.

18 As far as if the property goes to the Town I'm
19 not really sure unless the Town puts some kind of
20 restriction. I mean, there could be potential for
21 hunting. I know guys park here at times I think
22 and hunt into there. They go back into these
23 pieces here.

24 MS. MACK: I understand the deer population
25 needs to be controlled.

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1 -PROCEEDINGS-

2 CHAIRPERSON SEROTTA: The Open Space Institute
3 -- on Goose Pond you're not supposed to hunt.

4 Whether or not the Open Space will take Sherman's
5 property -- well, no longer Sherman's but the 400
6 acres and make it non-hunting. It's gonna become
7 part of Goose Pond so I'm assuming that will be
8 non-hunting but, again, everybody hunts in Goose
9 Pond also. It comes down to enforcement. I know
10 the State Park Police have come in there at times
11 in Goose Pond. They go out off of Lazy Hill Road
12 and they try to enforce it but when you got 2,000
13 acres it gets difficult.

14 MS. MACK: Oh, sure. I'm just concerned about
15 safety of young children and rifles with long
16 ranges.

17 One question on the well drawdown. At what
18 point, if a well draws down 50%, do you say, "We
19 need to look at this"? At what point does it get
20 looked at?

21 CHAIRPERSON SEROTTA: We'll have to discuss
22 this. You know, we'll figure this out because
23 there is certain -- I guess our code states the
24 answers to a lot of those things.

25 MR. DONOVAN: Well, part of it is going to

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1 -PROCEEDINGS-

2 depend on what the Health Department says. It's a
3 county supervised test.

4 CHAIRPERSON SEROTTA: It's a county supervised
5 test?

6 MR. SIEMERS: Well, the county only requires I
7 believe a 4 hour test. What we did on Fox Hill is
8 we did a 24 hour test and we monitored -- not Fox
9 Hill. On Ashford Estates we did a 24 hour test and
10 we monitored the wells. The well monitoring data
11 was then looked at by a hydrogeologist who also
12 performed the test and then they make conclusions.
13 Whether the well affected the monitored well at
14 all. So, what they look at is the water level in
15 the well and if the water level drops at all during
16 the pump test there's a certain amount that's
17 acceptable. I don't know those numbers off the top
18 of my head. But, you know, as long as it recovers.
19 There's a determination made whether it affects it
20 or not and that information will be supplied to the
21 Board.

22 MS. MACK: Thank you.

23 CHAIRPERSON SEROTTA: Anybody else?

24 MR. BUDRIK: Yes. My name is Dennis Budrik.

25 I live at 100 Hidden Drive and I still have

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1 -PROCEEDINGS-

2 concerns about the well. Obviously testing one
3 well of ten wells is like almost nothing especially
4 if you live near it because I can tell you that
5 running one well for 24 hours -- were you even
6 gonna run it for 24 hours or for 4 hours in your
7 test?

8 MR. SIEMERS: Like I said, last time we tested
9 we ran it for 24.

10 MR. BUDRIK: What are you doing this time?

11 MR. SIEMERS: So, I believe we would run it
12 for 24.

13 MR. BUDRIK: Is that written down somewhere,
14 that it's gonna be 24?

15 MR. SIEMERS: It's on public record.

16 MR. BUDRIK: So, then the determination --

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17 what is the apparatus that's used to measure the
18 loss of well water in a well, do you know?
19 MR. VALENTINE: It's a monitor they put on
20 that. They put a monitor in the well.
21 MR. BUDRIK: What is it, a float?
22 MR. VALENTINE: I believe it's a float of some
23 sort. It's a sensing monitor.
24 MR. BUDRIK: Again, we have no determination
25 made as to how many foot drop would occur and all

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1 -PROCEEDINGS-
2 of that monitoring is done by a party that's
3 interested in procuring this, not preventing it.
4 CHAIRPERSON SEROTTA: It's monitored with the
5 Orange County Health Department supervising.
6 MR. BUDRIK: Oh, okay.
7 CHAIRPERSON SEROTTA: So, this is all done by
8 the Health Department. We don't do any of this.
9 We require the testing but it's out of our hands.
10 Their septic systems and the wells and everything
11 have to be approved by the Orange County Health
12 Department. That's what's going to take the next
13 nine months -- six to eight months to a year for
14 him to even get through all this.
15 MR. BUDRIK: So, then how do we realize the
16 full impact of ten wells when only one well is
17 being tested?
18 CHAIRPERSON SEROTTA: You almost have to ask
19 the Orange County Health Department. These are
20 rules that they make. Chester could have their own
21 rules. I'm not sure. We have certain rules that
22 we --
23 MR. DONOVAN: I'm not a hydrogeologist so I
24 can't answer that question. I'm only a lawyer. I
25 can't answer that question.

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1 -PROCEEDINGS-
2 MR. BUDRIK: You understand my concerns. You
3 know, I live above this where people are drilling
4 wells below me. They can easily be tapping into my
5 water source.

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6 MR. DONOVAN: The only thing I can say to you
7 is typically this is the protocol that's followed.
8 Whether that's satisfactory or not that I can't
9 answer, but it's the typical protocol that the
10 Orange County Health Department requires for
11 required pump tests in Orange County.
12 MR. BUDRIK: In the end result if I end up
13 with a well that runs out of water all the time
14 what recourse do I have?
15 MR. DONOVAN: I can't answer that in a vacuum
16 because I don't know what the cause of that is.
17 So, if that happens a year from now, ten years from
18 now. I can't answer that question unfortunately.
19 MR. BUDRIK: Right. If it would happen at all
20 it would probably happen right after the wells were
21 all drilled and used.
22 I mean, having lived in Fort Montgomery before
23 this where our well was always running out of water
24 it's a heavy concern of mine. Like who wants to
25 run out of water? You like to flush the toilet,

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1 -PROCEEDINGS-
2 don't you? It works, right? I mean, it's a
3 concern.
4 So, if we wanted monitoring done on our well
5 the County of Orange is going to be doing that
6 monitoring - yes?
7 CHAIRPERSON SEROTTA: Yeah. Well, it would be
8 the applicant and a hydrogeologist I guess that you
9 hire, Mark?
10 MR. SIEMERS: Yes.
11 MR. BUDRIK: So, he's not impartial.
12 CHAIRPERSON SEROTTA: But under supervision of
13 Orange County Health Department.
14 MR. DONOVAN: Except that they are all
15 licensed people. You have a professional engineer
16 with a license. Hydrogeologist is typically a PE
17 with a license.
18 MR. BUDRIK: Okay.
19 CHAIRPERSON SEROTTA: Which they're putting
20 their licenses on the line.
21 MR. BUDRIK: So, where do we apply for this
22 monitoring?

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23 CHAIRPERSON SEROTTA: So, what I would do is
24 just send a letter to the Town of Chester Planning
25 Board, 1786 Kings Highway. Just send us a letter

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1 -PROCEEDINGS-

2 and we'll ensure that -- I'll get these letters to
3 Mark. If you send me your e-mail address on that
4 I'll send you an acknowledgement that we got it and
5 we'll send this package over to Mr. Siemers here
6 and we'll make sure that your well was tested.

7 That's all we can do. As Dave said we'll make sure
8 that the proper protocols that we're bound by or,
9 you know, the Town of Chester is bound by Orange
10 County and the Health Department is followed.

11 That's all we can do.

12 MR. BUDRIK: Okay. Thank you.

13 CHAIRPERSON SEROTTA: Anybody else?

14 So, the next question comes do we close the
15 public hearing tonight? Board discussion.

16 MR. CONKLIN: I'm satisfied. It seems like
17 the audience is satisfied. Nobody else is willing
18 to speak so I'm in favor of closing the public
19 hearing.

20 CHAIRPERSON SEROTTA: Someone want to make a
21 motion to close the public hearing?

22 MR. D'ANTONIO: I'll make the motion.

23 CHAIRPERSON SEROTTA: Motion by Carl. Second
24 by Bob. Down the line. Barry?

25 MR. SLOAN: What's the harm of keeping it

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1 -PROCEEDINGS-

2 open?

3 CHAIRPERSON SEROTTA: Well, we've gone through
4 this before a bunch of times. Give me the purpose
5 -- well, first let's vote on the motion. Well,
6 let's have discussion first. The purpose, I'm not
7 sure what the purpose is, hold it open for how
8 long? We can't vote to give him preliminary
9 approval until we close the public hearing.

10 MR. DONOVAN: Well, you got to issue a
11 negative declaration before you can give

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12 preliminary approval. I'm looking through the --
13 when we said in our notice we attend to lead agency
14 there was a -- I don't know, Mark, you've seen the
15 DEC's letter. They brought up a couple issues. I
16 don't know if they're addressed or where you are in
17 terms of that.

18 MR. SIEMERS: Right. And we'll respond to
19 that when we respond to the public hearing
20 comments.

21 MR. DONOVAN: Typically you hold a public
22 hearing open if there's gonna be additional
23 information that you think you might get to help
24 you in your decision making. Remember that at the
25 end of the process there's the opportunity, you can

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1 -PROCEEDINGS-

2 waive it if you'd like, but you have the ability to
3 have another public hearing before you grant final
4 subdivision approval. I don't know if that
5 satisfies you or not. The only thing I want to
6 point out is if you do want to keep the public
7 hearing open there is a state law requirement that
8 it can't be open more than 120 days.

9 Don't know if that helped or hurt but that's
10 the law.

11 CHAIRPERSON SEROTTA: Ernie, any discussion
12 before we vote on this? Steve?

13 MR. DENES: No. I think I've had all my
14 questions answered.

15 CHAIRPERSON SEROTTA: So, let's just vote on
16 the -- so, motion has been made to close the public
17 hearing. Gonna vote. Bob?

18 MR. CONKLIN: Yes. Close the public hearing.

19 CHAIRPERSON SEROTTA: I say close. Carl?

20 MR. D'ANTONIO: Close.

21 CHAIRPERSON SEROTTA: Steve?

22 MR. DENES: Close it.

23 CHAIRPERSON SEROTTA: Ernie?

24 MR. DAMIANI: Close.

25 CHAIRPERSON SEROTTA: So, now let me explain

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1 -PROCEEDINGS-

2 to the public what that means. So, now you say,
3 okay, you got cut off on this. The Town of Chester
4 Planning Board does accept e-mails and letters all
5 throughout the process. Not all boards do that, we
6 do that. What we can't have is at every meeting we
7 can't get into two hour discussions here. We'd
8 never get anything done. If you have any other
9 future concerns you can send the Town of Chester --
10 my e-mail is on the website. You can send us a
11 letter and we will gladly take your letters. Mrs.
12 Mack has been sending us letters and e-mails as we
13 go along and if we see a valid comment in there
14 that has to be addressed we'll take care of that
15 for you.
16 The other thing is I post an agenda.
17 Unfortunately, there are two Town websites right
18 now. Eventually that's going to get ironed out but
19 the original town website, which is
20 Thetownofchester.org, my agenda is always out there
21 and it's always up to date. So, if you go to the
22 calender function on Thetownofchester.org go to
23 calender and you'll see the first and third
24 Wednesdays of the month and you'll see when this
25 applicant will be coming back. If you hang in a

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-PROCEEDINGS

few

minutes he may request a come back shortly.
Also, there's a bulletin board out there and
there's a paper copy also. So, I encourage
everybody -- you know, typically people don't come
out the night of the public hearing. So, you're
always welcome to come and listen to what we do
here and then after the meeting if you want to send
us an e-mail or something and you have another
question or comment we'll take those into
consideration. You should send me a letter if you
want your well tested. We'll take care of that for
you. If you send me your e-mail I'll acknowledge
that I did get your letter. You can send it to me
by e-mail and I'll just reply back to you and tell

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you that I got it. We'll ensure that your wells get tested.

MR. CONKLIN: Don, maybe you should clarify. You're saying well tested. Well monitored.

CHAIRPERSON SEROTTA: Not well tested, well monitored. Right. Not tested. Thank you, Bob.

Mark, anything else for tonight? Mark will answer -- at the next meeting will come back with answers to everything he's heard tonight. He'll be provided with a transcript. We have a stenographer

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-PROCEEDINGS

with

us tonight. As I say, also have a digital -- you can request a copy of the digital meeting tonight also can be made too. So, it's digitized, the meeting.

MR. SIEMERS: I don't believe I have anything else tonight. I will answer these questions and resubmit.

CHAIRPERSON SEROTTA: No specific date, right?

MR. SIEMERS: Not right now but I would think it would be for next month.

CHAIRPERSON SEROTTA: Our next meeting would be -- we have nothing right now. So, February 4th or 18th. Everything is open. So, the first and third Wednesday. Thank you for coming tonight and we'll see you in the future.

(Proceedings concluded at 8:21 p.m.)

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C-E-R-T-I-F-I-C-A-T-I-O-N

I, Nicole Rotoli, a stenographic Court Reporter and Notary Public within and for the State of New York, hereby certify:

That I am not related to any of the parties to this action by blood or marriage and I am in no way interested in the outcome of this matter.

Nicole Rotoli
Court Reporter

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PLANNING BOARD: TOWN OF CHESTER
CHESTER, NEW YORK

-----x

In The Matter of The Application of
SUGARLOAF WOOD WORKING BUSINESS,
Located on Bellvale Road/Kings Highway,
Town of Chester, New York,
for Proposed temporary mobile unit

-----x

January 21st, 2015
1786 Kings Highway
Chester, New York
8:25 p.m.

BEFORE:

DONALD SEROTTA, Chairperson
SCOTT D. BUCHHOLZ, Engineer
DAVID DONOVAN, Attorney
ROBERT CONKLIN
STEPHEN DENES
BARRY SLOAN
CARL D'ANTONIO
ERNIE DAMIANI

CUMMINGS REPORTING & VIDEO SERVICES
138 Main Street
Post Office Box 682
Goshen, New York 10924
(845) 294-6115

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CHAIRPERSON

SEROTTA: Next thing on our agenda tonight is going to be a work session. Something new. I don't even know if I sent anything out to you on this today. I got it kind of late today.

Sal, do you want to come up? Sal, Sal or --

SAL III: Hello. I'm Sal. Nice to meet you.

SAL JR: I'm Sal Senior.

SAL III: He's Sal Junior. I'm III.

MR. DONOVAN: And your last name just for the record?

SAL III: Mastropolo.

CHAIRPERSON SEROTTA: Let me just tell you what this one is about. You're Sal Junior?

SAL III: Yeah and I'm III.

CHAIRPERSON SEROTTA: You're Sal III. Sal III called me about a week, week and a half ago. I'm just going to kind of go through this. This is what he supplied us here. His father opened a business around 30 years ago but about 16 years ago -- I don't know if anyone knows where the Laroe Sawmill is up in the Sugarloaf area. It's not in LBSL. It's actually in an IP district up in the corner of Bellvale Road and Kings Highway. That's where it is. It's a pretty big piece of property

3

1 -PROCEEDINGS-

2 and they have it for sale right now.

3 So, Sal Junior, which is really Sal Senior

4 here, opened his business about 16 ago on the

5 property. He leases the big barn up on the

6 property and he stores barn siding, barn beams,

7 hand hewn beams, things like that. And then

8 recently he got into -- people are looking to get

9 some of these -- they're beautiful actually, but

10 primitive tables made out of barn wood and so on

11 and so forth. Could be a dining room table and so

12 on and so forth. So, he got a little bit into that

13 also, which is a little bit into the retail style

14 business.

15 So, I guess recently he got cited by the

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16 building inspector for running a business and also
17 running a retail business up there. So, I guess
18 someone made a complaint to something like that,
19 that he was running a business on the property.
20 That's how I got involved. I asked Bob to come
21 tonight. Bob, also, I called him on the phone. I
22 sent him an e-mail that I had gotten from Sal and I
23 asked Bob to go up there also. Bob, as a Town
24 Board member, went up to see them also so I asked
25 Bob to come tonight.

4

1 -PROCEEDINGS-

2 So, I kind of put that a little bit in a
3 nutshell. Then we'll take about the zoning a
4 little bit and why he's here and what he wants to
5 do and so on and so forth.
6 This is what he sent us. Did I send this out
7 to everybody by today? I was working late. It was
8 probably about 4:00 so I probably didn't get this
9 out. I will e-mail you everything that Sal III
10 sent to me today this afternoon. These are some of
11 the things that they do in the house. They take
12 down barns is what they do. So, why don't you tell
13 us a little bit about what you do as far as how you
14 get your products, things like that.
15 Sal III: Sure. I think there was pictures.
16 I had little pictures that go with it.
17 CHAIRPERSON SEROTTA: This is the barn they
18 lease, right?
19 SAL III: Right. So, if you pass it on Kings
20 Highway right before you get into Sugarloaf we're
21 on the right and there's that white house on the
22 corner. And then over there is a little green
23 building, which is where Jack Laroe's Sawmill is.
24 CHAIRPERSON SEROTTA: Over in this area here,
25 right?

5

1 -PROCEEDINGS-

2 SAL III: Over all the way to the right.
3 CHAIRPERSON SEROTTA: Right there. There's
4 the sawmill.

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5 SAL III: So, that's a functioning sawmill so
6 they take huge logs and they chop it up into all
7 kinds of usable timbers. We rented the barn and
8 basically what we do -- if you scroll down. I have
9 a bunch of pictures. That's us. Keep going.
10 CHAIRPERSON SEROTTA: We only care about the
11 dogs.
12 SAL JR: That's Charlie.
13 SAL III: Keep going all the way down. Keep
14 going, keep going, keep going. So, that's the
15 inside. So, basically what we do is we take down
16 these old barns. People would otherwise let them
17 go to waste. Sometimes they are selling them,
18 sometimes they want them down, and we take them
19 down and then we salvage what wood is usable and
20 then we store it in that big red barn and this is
21 the inside. If you go down a couple more that's a
22 table we built. Keep going, keep going. So, that
23 would be like an example of what we would go in and
24 rip down and then we have the final -- this was all
25 set up nicely with pictures but it didn't go

6
1 -PROCEEDINGS-
2 through I don't think in the e-mail.
3 MR. CONKLIN: I think somebody's jealous
4 because you had a great idea.
5 SAL III: It was a competitor company. They
6 ended up releasing that information.
7 CHAIRPERSON SEROTTA: I guess the question --
8 tell us a little bit about -- you not only sell
9 things like this here. Or not sell, you make
10 these?
11 SAL III: You know, sometimes we can make it
12 or -- our target market is restaurant designers,
13 contractors, and carpenters that work for private
14 areas. If a homeowner wants to have this look we
15 market to the contractors who build these people's
16 homes so they would come and purchase material from
17 us. As we get more popular -- I mean, he's been
18 doing it for 16 years but there are people who come
19 in and say, "Oh, man. This stuff looks great. You
20 know, we want to have a table." So, we say, "Okay,
21 we'll build you a table." And we work with other

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22 contractors, other, you know, carpenters that will
23 -- for a fee they'll build the furniture, which
24 we're working on actually employing a couple
25 people. The carpenter. You know, we have a

7

1 -PROCEEDINGS-

2 carpenter that works by himself. We're thinking of
3 employing him for full-time, which is supposed to
4 happen --

5 SAL JR: The 1st, February 1st.

6 SAL III: Right on the 1st. But that's pretty
7 much what we make. You know, the legs are from the
8 beams of a barn. That's actually a very old floor
9 that stored battle tanks?

10 SAL JR: Yeah. Bloomfield, New Jersey there's
11 a building that they took down and they used to
12 store all the army tanks during the war. They
13 would drive them into this building, which was
14 huge, probably 1,000 feet by 1,000 feet and they
15 would just wash them and then send them back out to
16 war.

17 SAL III: So, long story short, when we got
18 that complaint the building inspector said we can't
19 have a business there and that's tough because he's
20 been renting it for 16 years and it's affordable
21 and as you can see we have a lot of stuff. That
22 picture, if you go down a little bit, we'll get
23 back to that later but the idea is to purchase a
24 mobile unit.

25 CHAIRPERSON SEROTTA: It didn't scan real

8

1 -PROCEEDINGS-

2 great.

3 SAL III: I know, it's hard. I don't have the
4 maps.

5 CHAIRPERSON SEROTTA: I'm going to bring Bing
6 up any way. We can look at the barn in that. What
7 he wants to do, this is the barn and then explain
8 what you want to do next.

9 SAL III: The barn that we work out of and we
10 store things in it's got a lot of space and it's

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11 very affordable, but it's very cold. It's actually
12 colder than outside because of the little bit of
13 sunlight during the winter. It gets very cold on
14 the inside.
15 SAL JR: It's 20 degrees colder actually.
16 SAL III: And during the summer it's very hot
17 in there. So, I think it would really help us if
18 we could have something that's easy to move and
19 something that's easy on the eyes but small that we
20 can go inside to warm up or cool down. And we
21 decided -- you know, we were thinking about a bunch
22 of different ideas. Joe had suggested that we buy
23 like a shed, but we thought it wouldn't be cost
24 effective because we would have to pay to have it
25 insulated and it would require a building permit.

9

1 -PROCEEDINGS-

2 We had this opportunity to buy this mobile unit,
3 which is typically known I guess in the code as a
4 mobile home, but it's not a mobile home, it's a
5 construction trailer and it's a tin sided 56 foot
6 long little building on wheels. I think it's about
7 14 feet high and the idea is we take this trailer
8 and if you want to just scroll up a little bit.
9 What we did was we took this old building -- keep
10 going, keep going. This one right here. We took
11 this old building and we used this siding that we
12 had that's part of our material and we used the
13 siding to reside this building to make it look nice
14 and pretty and we have more of it and what we would
15 like to do is take this tin construction unit, this
16 mobile trailer, and side it with this siding in
17 order to make it look exactly like this.
18 Now, we rent the property so we thought it
19 wouldn't be cost effective to go through buying a
20 building because we can be -- you know, he's
21 selling the property so, you know, we're always
22 working to find a better alternative in the future
23 but for now just to stay warm and stay cool during
24 the summer we thought it would be nice to side the
25 building with this and kind of cover the wheels and

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10

1 -PROCEEDINGS-

2 it would look just like this only when it's time to
3 move it we would remove the siding and pull it away
4 via truck. As for things like sewage there's a
5 company that would come and kind of like a
6 porta-potty company that would come on schedule.
7 Now, if you look at this picture here, the
8 map, the building is gonna run parallel and it's
9 gonna be sided with that siding and the idea came
10 up to paint it the same color, which we can give it
11 that same kind of rustic looking red. From the
12 road, which is over here, there's a bunch of tree
13 -- there's a tree line there so not only is it hard
14 to see the barn it's hard to see even the roof
15 sometimes.

16 MR. SLOAN: This is parallel to Kings Highway?

17 CHAIRPERSON SEROTTA: Correct.

18 SAL III: Yes.

19 MR. SLOAN: This slopes down in the back.

20 SAL III: It does.

21 MR. SLOAN: How are you going to grade it?

22 SAL JR: There's a flat spot there, sir.

23 Right where you're pointing there's an actual --

24 the thing is only 12 foot wide and 56 foot long.

25 MR. SLOAN: What does this thing look like

11

1 -PROCEEDINGS-

2 before it's gonna be shedded?

3 SAL III: I wanted to show you after it's
4 shedded. No, it's just a clean looking tin.

5 SAL JR: They have them where they're doing
6 the construction near Middletown. It don't look
7 bad but it's tin. It's a construction trailer.

8 CHAIRPERSON SEROTTA: It's a construction
9 trailer that he'll barn side and paint red,

10 SAL JR: It looks like the roof actually,
11 exactly.

12 CHAIRPERSON SEROTTA: He'll blend it into the
13 barn so it looks like the barn and he's going to
14 put it right next to the barn.

15 MR. SLOAN: But construction trailers on
16 wheels are raised up 4 feet off the ground.

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17 SAL JR: Actually, it's about 8 inches off the
18 ground.
19 MR. SLOAN: So, you're going to eliminate the
20 chassis?
21 SAL JR: No. Were just gonna leave it there.
22 We're just gonna run the barn siding right down and
23 leave like 3 inches on the bottom and you would
24 never see it. If we painted it red and antiqued it
25 it would look like a piece of the barn but nobody

12

1 -PROCEEDINGS-
2 could see it anyway because when you're on Kings
3 Highway as you drive by you can just make out the
4 roof of the barn.
5 SAL III: We thought it be kind of cool to run
6 the siding down to kinda of take away -- just for
7 cosmetics so we didn't have to have a store on
8 wheels, so to speak. We thought it would be nice
9 because with the heat and the air conditioning we
10 can have a computer.
11 MR. SLOAN: So, it's a regular construction
12 trailer you're going to reside?
13 SAL JR: Yes, sir.
14 CHAIRPERSON SEROTTA: This is where it would
15 go. Here's the barn.
16 MR. SLOAN: Do you live in that house?
17 SAL JR: No, I don't.
18 MR. SLOAN: You don't live there?
19 SAL JR: No.
20 MR. SLOAN: So, you're not part of the ongoing
21 weekly garage sale?
22 SAL III: I think he stopped.
23 SAL JR: That's Frank. He stopped. His wife
24 passed away about four years ago and then he just
25 stopped doing it. He's a good old guy. He watches

13

1 -PROCEEDINGS-
2 the whole property for us.
3 MR. SLOAN: I never saw someone have a garage
4 sale --
5 SAL III: His house is rather empty now.

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6 CHAIRPERSON SEROTTA: Barry, you can see the
7 flat spot. You can see the car parked right there.
8 MR. SLOAN: You can't tell there but I know it
9 does slope down.
10 CHAIRPERSON SEROTTA: Right here it drops.
11 SAL JR: Right where he's pointing his thing
12 that's exactly where it would be. So, near the
13 road, you can't really see it because it looks like
14 shrubs --
15 CHAIRPERSON SEROTTA: This is vegetation right
16 here.
17 SAL JR: That's well over your head. So, as
18 you drive by you just make out the roof of the
19 barn. You won't even be able to actually see it.
20 There is some spots that if you stopped and peeked
21 in between you would see it but it wouldn't -- I
22 mean, we try to keep the place clean.
23 MR. SLOAN: Construction trailers have a flat
24 roof. What are you going to do to the roof?
25 SAL III: It's kinda of up for grabs, the

14
1 -PROCEEDINGS-
2 idea, really. Either we can leave it or we can
3 come up with a facade that goes on top of it.
4 SAL JR: If you want we could make it peak.
5 We could do that also. We have enough lumber and
6 tin to build whatever you want us to.
7 SAL III: We were thinking about the roof, you
8 know --
9 MR. SLOAN: You can do a shed roof going into
10 the barn roof.
11 SAL JR: Yeah, that would be nice. It would
12 just come straight up.
13 MR. SLOAN: So it would look like it's
14 continuous.
15 SAL JR: Yeah. We would love that.
16 SAL III: If we can get it close enough.
17 There's always the issue that there is gonna be a
18 space here.
19 MR. SLOAN: Yeah because of the height. So,
20 you'll have the barn and you'll a vertical drop and
21 then you have the shed.
22 CHAIRPERSON SEROTTA: He means how close he

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23 can get it to the barn because sometimes, you know,
24 if you're gonna put a trailer in there it might be
25 difficult to put it right next to -- 1 inch from

15

1 -PROCEEDINGS-

2 the building.

3 SAL JR: If this was the trailer and this

4 would be the height the height of the barn would be

5 like this but you could run rafters here and just

6 put tin, which would be nice because it would

7 create a whole other spot for storage.

8 SAL III: I don't know that we'll connect the

9 roof to the barn. I don't know if that's gonna get

10 confusing in the end. We can think of ideas for

11 the roof. I don't know that we even need a roof.

12 MR. DONOVAN: You might want to think about

13 that because it becomes a fixture. If you're not a

14 tenant anymore the landlord gets the fixtures.

15 SAL III: But we can still put its own roof on

16 it, something that we can remove. A nice roof with

17 a peak on it just to take away from the fact that

18 it's flat.

19 CHAIRPERSON SEROTTA: One of the predicaments

20 he has is that this is for sale. At one time I

21 heard he even might have sold it or something.

22 Some kind of factory was going to buy it or

23 something.

24 MR. SLOAN: It's for sale for --

25 CHAIRPERSON SEROTTA: Someone approached me

16

1 -PROCEEDINGS-

2 and said that they might have been -- someone was

3 approaching it for a modular home factory or

4 something like that. That's what somebody said.

5 SAL JR: It's been for sale for about two

6 years now.

7 CHAIRPERSON SEROTTA: Yeah. So, you know, the

8 predicament is for him to do a million dollar

9 improvement here and he could get out of here in a

10 year. They could just say, "Hit the road, Jack.

11 You have to leave now." So, he's trying to take

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12 something to make it portable to take it and run
13 but also have a place to go to the bathroom and
14 also to meet the code -- I mean to stay out of the
15 cold and stuff like that.
16 SAL III: Yeah, that's the goal. Is just to
17 stay out of the elements and have somewhere --
18 CHAIRPERSON SEROTTA: Actually, I went there
19 the other day. The son, number 3 there, was
20 freezing to death and shaking and the father was
21 okay, I was okay, but number 3 thought he was going
22 to die out there in the cold. Because it was
23 pretty cold over in that area.
24 MR. SLOAN: Just explain this. You got --
25 Jack is over here, right --

17
1 -PROCEEDINGS-
2 SAL III: Right.
3 MR. SLOAN: -- he owns all this property?
4 SAL JR: Yes.
5 MR. SLOAN: So, he's renting you the barn?
6 SAL JR: Yes.
7 MR. SLOAN: And he rents out the house?
8 SAL JR: Yes, he does.
9 MR. SLOAN: To somebody else, to a third
10 party?
11 SAL JR: Yes.
12 SAL III: Frank - the one who has the garage
13 sale.
14 MR. SLOAN: What are these two houses?
15 SAL JR: It's a garage. He actually rents
16 that garage to a person -- a local guy.
17 MR. SLOAN: So, that's a fourth barn?
18 SAL JR: Yes.
19 MR. SLOAN: And this barn?
20 SAL JR: That's ours.
21 MR. SLOAN: That's yours and this is yours.
22 SAL JR: Yes.
23 MR. SLOAN: And this?
24 SAL III: That's open space. It used to be a
25 silo.

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18

1 -PROCEEDINGS-

2 SAL JR: That stuff there is actually from the
3 person that rents that little white house that you
4 were pointing to.

5 SAL III: This stuff isn't here anymore. This
6 is an old photo, right?

7 SAL JR: Yeah. That's an old photo. That's
8 all gone there.

9 MR. SLOAN: So, here we got four people. Is
10 it legal?

11 SAL III: There's three.

12 SAL JR: Somebody rents the house separately
13 and then they rent the little garage and we rent
14 the barn.

15 CHAIRPERSON SEROTTA: All this is old. I
16 mean, I googled up and Laroe's Sawmill was
17 supplying wood to the army in World War II. So,
18 I'm saying that's not for us to really judge that
19 or anything like that. This has been going on a
20 long time. It's a grandfathered use that he could
21 rent this out.

22 MR. SLOAN: So, everything is grandfathered
23 in?

24 CHAIRPERSON SEROTTA: I mean, this was a farm
25 and farms have multiple houses. To this day a

19

1 -PROCEEDINGS-

2 farmer -- if Talmadge wants to build -- Talmadge's
3 got three houses right on his property. His mom's,
4 his house, and then the big barn, right, and then
5 another barn. So, Talmadge's got all kinds of
6 stuff and that's the right to farm. They have a
7 right to do all that. So, what he's doing is
8 maximizing use of his property.

9 SAL III: In reality this portion here -- we
10 never really even get to see him. I know he stores
11 stuff there and he rents the inside.

12 CHAIRPERSON SEROTTA: He came there the other
13 day with a van. I saw when we met.

14 SAL III: He doesn't live in it. He stores
15 little knick-knacks and antiques in here. So,
16 there's really one person living and this is

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17 storage and these two are the ones that we rent to
18 do our business.

19 MR. SLOAN: Ask Dave. Can we compound illegal
20 use?

21 MR. DONOVAN: Let's go back to the beginning.

22 What zone is this in?

23 CHAIRPERSON SEROTTA: IP. So, let me bring up
24 the IP zone for you. Here it is right here.

25 MR. SLOAN: I'm not disputing that it can't be

20

1 -PROCEEDINGS-

2 there. I'm disputing whether we can compound
3 possible illegal use.

4 MR. DONOVAN: If you look at the list of uses
5 it sounds like what we've been told tonight that it
6 fits at least into number 12. I think the issue
7 that you have or the issue that's out there is we
8 have other uses on the site is what we're hearing,
9 right. So, typically when you approve a site plan
10 you approve the overall site.

11 SAL JR: Sir, what other uses are you
12 referring to?

13 CHAIRPERSON SEROTTA: The rental houses he's
14 talking about.

15 MR. DONOVAN: Not you, other people.

16 SAL JR: Somebody rents the house and somebody
17 also rents that little building, the little white
18 building.

19 MR. DONOVAN: Right.

20 CHAIRPERSON SEROTTA: But I'll go back to it.
21 You know, regardless of what's happening there we
22 go through this all the time. That's not what's in
23 front of us tonight. Whether somebody wants to
24 file a complaint with the code enforcement officer
25 or the Town saying that they shouldn't be renting

21

1 -PROCEEDINGS-

2 houses and stuff like that. I go back to my
3 premise that Jack Laroe -- I found historical
4 documents, I can get them from Kirkpatrick, that
5 they were supplying wood in World War II to the

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6 United States Army and for the war efforts. So, we
7 know that the Laroe Sawmill and this property was
8 producing wood products and that was the main
9 function. So, that was long before Chester had any
10 zoning or anything like that. So, it's my feelings
11 that it's a grandfathered use, the wood product
12 processing on this property. That's the way I
13 feel. Now, whether or not he can have multiple
14 houses, somebody would have to look at that whether
15 he's doing all that. I think you would go against
16 the brick wall because I think if it's a farm and
17 those houses -- they don't look like new houses to
18 me.

19 SAL JR: 1820s that house was built.

20 CHAIRPERSON SEROTTA: So, a lot of those
21 houses are old so they're probably all
22 grandfathered and, you know, he has a right to --

23 MR. VALENTINE: It says right there. Houses
24 in existence.

25 CHAIRPERSON SEROTTA: Existence prior to --

22

1 -PROCEEDINGS-

2 so, they can have single family dwellings prior to
3 May 2003. You know, but that's not really what's
4 in front of us. His predicament is he's told that
5 he's got to get out of there. The second thing
6 that Joe told him, which I don't think is correct,
7 I know in 2003 we changed the zoning here. He was
8 told he can't have any kind of retail use and there
9 were a couple of businesses that petitioned the
10 Town in 2002 when the comprehensive plan was last
11 done asking to have a small retail portion to the
12 wholesale business. So, his primary business is
13 wholesale. He sells to, you know, carpenters and
14 contractors and things like that. What he does do,
15 he doesn't dispute that, you know, Ernie you can go
16 buy a table from him. So, you may want to go to
17 his place, sit down with him in his new tailer, and
18 say, "This is what I want. I want a nice dining
19 room table and I want it this height." But if you
20 look at an accessory use here, voila, here's what
21 got added in this set of zones in 2003. Retail
22 showrooms accessory to a wholesale business. So, I

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23 think he clearly is a retail showroom in an
24 accessory to the wholesale business because he's
25 been doing mostly wholesale and that's what he does

23

1 -PROCEEDINGS-

2 here. Selling to carpenters is not the same as
3 selling to you and I.

4 SAL III: People do come in and visit.

5 CHAIRPERSON SEROTTA: Yeah, they do. And he
6 doesn't dispute that.

7 SAL III: So, it's retail.

8 CHAIRPERSON SEROTTA: Right. And that's his

9 retail section. Sal did put into his -- Sal III,

10 he talked about the traffic information here and he

11 says that, you know, he estimates he may have five

12 to ten customers come a week. That could be

13 wholesale or retail, correct?

14 SAL III: Either/or.

15 CHAIRPERSON SEROTTA: And his average visit

16 time is about 45 minutes. So, you're not creating

17 this large jam of traffic or anything. It doesn't

18 appear that that's going to create a traffic

19 problem coming in off of -- they actually can come

20 in either Bellvale Road or Kings Highway and most

21 likely you'll come in on Kings Highway.

22 SAL III: That's never changed. That's pretty

23 much always been the same except for on Apple Fest.

24 MR. CONKLIN: Don, can you go back to the

25 zoning schedule there?

24

1 -PROCEEDINGS-

2 CHAIRPERSON SEROTTA: Sure.

3 MR. CONKLIN: One of the permitted accessory

4 uses it says, "Caretakers or watchman's dwelling."

5 They were explaining earlier that the gentleman

6 that lives there kind of keeps an eye on the whole

7 place. So, that right there would probably open

8 the door for allowing that home to be legal

9 accessory use.

10 CHAIRPERSON SEROTTA: Yeah. That's a good

11 point there too. There's a million reasons why he

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12 can have all those homes and those other uses
13 there, but that's not what's in front of us
14 tonight.
15 MR. SLOAN: What is in front of us?
16 CHAIRPERSON SEROTTA: So, what's in front of
17 us tonight is we have a couple of choices here. We
18 can make him go through a huge site plan approval
19 process, which means he's got to get surveys and
20 he's got to do all this stuff and spend a lot of
21 money to do that when he may get kicked off the
22 property --
23 MR. SLOAN: Lighting --
24 CHAIRPERSON SEROTTA: Right. Lighting, the
25 whole thing.

25

1 -PROCEEDINGS-
2 SAL JR: They could keep us here for years.
3 CHAIRPERSON SEROTTA: Or we can go ahead
4 similar to what -- with Andreas Custom Kitchen when
5 that Hasidic group came in to make the lingerie
6 business. We took a look at them and we said that
7 the use fit the -- there was no real difference
8 because basically 9830 -- I can bring up Code 9830
9 here. It says one thing we need to look at, has he
10 increased traffic, sewer, water, any environmental
11 issues. Anything he's doing has that changed
12 anything on the property or has he caused the
13 change of use. Change of use is no. It's still
14 wood product business. Traffic, he's kind of
15 answered that for me, you know, in what he said to
16 us. I'm not even sure he's getting that. I was
17 there for an hour and there was no cars there so
18 nobody came in. He's telling you he's going to
19 pump out the septic and he's going to -- water I
20 guess is going to have to be brought in -- bottles
21 of waters.
22 SAL III: The truck brings it.
23 CHAIRPERSON SEROTTA: A truck brings it.
24 So, he's not going to have any issues with
25 sewer water so there's no issues with sewer water.

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1 -PROCEEDINGS-

2 So, the Board in the case of the Andreas Custom
3 Kitchen and a couple of others in Sugarloaf in the
4 past, the Hobby Shop and a couple of others, we
5 waived site plan approval. We said we didn't think
6 it required site plan approval.

7 Now, that doesn't get him past the trailer.

8 Now he needs a temporary trailer permit, which we
9 have the right to grant him a two year permit and
10 up to two years with a renewal option that he has
11 to come back to the Planning Board in two years and
12 get a renewal. So, that's why he's in front of us.

13 Now, our good counsel can give us some
14 directions too. The options are --

15 MR. SLOAN: I want to see how Dave is going to
16 draft this.

17 MR. DONOVAN: Well, it depends on the
18 direction you want to take. If you want to
19 interpret -- no, you can't interpret. If you want
20 to make a finding that this use is part and parcel
21 of the individual grandfathered use you could waive
22 the site plan approval requirement and just say
23 this is part of the original grandfathered use.

24 It's consistent with that.

25 Alternatively, you could say we want a site

27

1 -PROCEEDINGS-

2 plan for the entire site. We want to know what's
3 going on, we want to regulate what's going on in
4 that site.

5 Your third alternative is to send it to the
6 Zoning Board to say we need an interpretation
7 and/or a variance. Those are your options.

8 CHAIRPERSON SEROTTA: And that has nothing to
9 do with the trailer. That just has to do with the
10 use of the property.

11 MR. DONOVAN: How did I do, Bar?

12 MR. SLOAN: Pretty good for an amateur.

13 CHAIRPERSON SEROTTA: So, quick line of
14 discussion before -- Scott, any comments from our
15 engineering? Do you see anything that would cause
16 environmental, traffic, nuclear issues here?

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17 MR. BUCHHOLZ: I don't see any issues from an
18 engineering standpoint. None whatsoever.
19 CHAIRPERSON SEROTTA: So, Bob. Questions,
20 comments?
21 MR. CONKLIN: Lumbering is lumbering. You're
22 cutting wood, you're cutting wood whether it be
23 logs or barn beams. I don't see what the
24 difference is. I don't see any reason why we
25 should prevent this from moving forward.

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1 -PROCEEDINGS-
2 SAL JR: Thank you, sir.
3 CHAIRPERSON SEROTTA: We haven't voted yet so
4 don't get happy yet.
5 SAL JR: It sounded good so far.
6 CHAIRPERSON SEROTTA: I have no issues with
7 this. Obviously you can see I have no issues with
8 this. I think this fits within the grandfathered
9 of the property and he's not doing anything
10 different. If he's running an automobile truck
11 dealer or something that's a different story.
12 Carl?
13 MR. D'ANTONIO: And what we're looking at here
14 this is the IP -- as far as the retail showroom use
15 that covers anybody who came in retail wise falls
16 under this jurisdiction for this property.
17 CHAIRPERSON SEROTTA: Right.
18 MR. D'ANTONIO: So, he's covered there. And
19 we're not talking about the trailer yet?
20 CHAIRPERSON SEROTTA: No. We're going to have
21 to vote on that also. Steve?
22 MR. DENES: It seems the only open issue
23 really is the trailer. Everything else is --
24 CHAIRPERSON SEROTTA: Ernie?
25 MR. DAMIANI: I'm okay.

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1 -PROCEEDINGS-
2 CHAIRPERSON SEROTTA: Barry?
3 MR. SLOAN: Like Bob said, wood is wood. I
4 just don't want to get in a pissing war later down
5 the line where somebody else comes in and says,

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6 well, you did it for these guys, you know, why
7 don't you do it for me.
8 CHAIRPERSON SEROTTA: If somebody comes to
9 Laroe Sawmill and these guys decide to leave there
10 and somebody comes in there and said I want to open
11 some kind of processing of wood business then the
12 answer is yes. They would have to -- Joe would
13 probably -- they would go to Joe and Joe tells them
14 get off the property and then they would make a
15 call to me or somebody and say that, you know --
16 and they would have to come back. But the answer
17 would be yes. That's what we're saying.
18 MR. SLOAN: What are we issuing, a formal
19 finding?
20 MR. DONOVAN: I think what you're issuing is a
21 determination that site plan approval is not
22 required because the use is allowed because it's
23 consistent with the grandfathered use of the
24 property.
25 CHAIRPERSON SEROTTA: Does someone want to

30
1 -PROCEEDINGS-
2 make a motion and find that this use is consistent
3 with the grandfathered -- Dave we'll draw this up
4 as a formal resolution.
5 MR. SLOAN: I want to make that motion.
6 CHAIRPERSON SEROTTA: Motion by Barry. Second
7 by Steve. All in favor?
8 MR. CONKLIN: Aye.
9 MR. DONOVAN: Aye.
10 MR. DENES: Aye.
11 MR. SLOAN: Aye.
12 MR. D'ANTONIO: Aye.
13 MR. DAMIANI: Aye.
14 CHAIRPERSON SEROTTA: Now, you don't have to
15 get off the property, so we've passed that step.
16 So, you're clean there.
17 SAL JR: Thank you.
18 CHAIRPERSON SEROTTA: Now, the second step is
19 he wants to put a trailer in the property. It was
20 cold there the other day. He's willing to barn
21 side it and make it look nice. This isn't the Taj
22 Mahal property as it starts with. We're dealing

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23 with a farm. We saw Bing's shot here. So, I think
24 he's willing -- it's his business. If you take a
25 look just -- you know, sometimes we have to have a

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1 -PROCEEDINGS-

2 little trust in people -- well, he has a nice dog
3 so that's the first thing. But if you look -- I
4 was impressed and I'm sure you can take a ride up
5 there and check it out but if you want to see a
6 very neat barn inside. Everything is cataloged and
7 in perfect order inside that barn. I'm sure Sal
8 III or Sal Junior would give you a tour of the
9 barn. I think that they want to do a nice job and
10 they'll barn side the -- I thought it was a nice
11 idea. Barn side the outside and paint it red.
12 It's going to blend right into the barn anyway. No
13 one's going to see it.
14 MR. DENES: It really wouldn't be much
15 different than the Wright's Farm. They got that
16 little shed right there. It's a rural community.
17 It wouldn't disturb the look and feel of it, of the
18 area.
19 CHAIRPERSON SEROTTA: So, the next step is to
20 grant them a two year trailer --
21 MR. SLOAN: It's two year?
22 CHAIRPERSON SEROTTA: We'll give them a two
23 year. I mean, one year I think is not good enough.
24 MR. SLOAN: No. But two years is also very
25 short.

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1 -PROCEEDINGS-

2 CHAIRPERSON SEROTTA: He's going to have to
3 come back. We don't have the power to go any
4 longer.
5 MR. SLOAN: I know.
6 CHAIRPERSON SEROTTA: We have no power for
7 that. So, two years maximum.
8 MR. SLOAN: He's got to understand that. This
9 is one board. It might change in two years.
10 CHAIRPERSON SEROTTA: Someone can tell you
11 that you have to pull the trailer out in two years.

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12 That could happen.
13 SAL JR: We'll be fine. Two years will be
14 wonderful.
15 CHAIRPERSON SEROTTA: We don't have powers to
16 -- if you want to change that you go to the Zoning
17 Board of Appeals and say I want five years.
18 SAL JR: No. Two years is fine.
19 CHAIRPERSON SEROTTA: We'll give you two
20 years, correct?
21 MR. DONOVAN: Correct, Mr. Chairman.
22 CHAIRPERSON SEROTTA: He keeps me in line
23 here.
24 MR. DONOVAN: It's a full-time job.
25 CHAIRPERSON SEROTTA: Sometimes I have a big

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1 -PROCEEDINGS-
2 mouth and I open it the wrong way.
3 MR. CONKLIN: Question and comment. What are
4 you gonna do for heat and AC? You're not going to
5 have a wood stove in this modular --
6 SAL JR: It has an electric baseboard and it
7 has heat and what was the other thing?
8 SAL JR: AC.
9 SAL JR: And it has an air conditioner on the
10 outside of it.
11 MR. CONKLIN: Are you going to be able to put
12 the AC out the back of the unit so it's not --
13 SAL JR: It's already connected. It's sort of
14 built right into it.
15 MR. CONKLIN: You're going to have to deal
16 with the building inspector as far as an electrical
17 permit to hook electric.
18 SAL JR: Yes, we will.
19 CHAIRPERSON SEROTTA: We do not waive -- we
20 have no power to waive any kind of bill. You're
21 going to have to check with him but you're going to
22 go back with a piece of paper saying you can stay
23 there and you can have a trailer there. That's the
24 difference.
25 SAL JR: And then whatever he requires we'll

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1 -PROCEEDINGS-

2 get it done.

3 CHAIRPERSON SEROTTA: Right. As far as a
4 building permit or building codes or anything like
5 that you have to follow his rules on that. We
6 can't change that.

7 SAL JR: That will be fine.

8 MR. DENES: Are there going to be requirements
9 to tie down the trailer because this is not just a
10 construction trailer?

11 SAL JR: It has a steel frame that you can't
12 even hardly -- with a machine you can't hardly pick
13 it up. So, it's really heavy.

14 CHAIRPERSON SEROTTA: A lot of times they do
15 tie them down but I don't know if we need to do
16 that here. He wants to be able to move it because
17 he may have to get out of town quick.

18 MR. DENES: We'll leave that to Joe I guess.

19 CHAIRPERSON SEROTTA: Someone want to make a
20 motion?

21 MR. SLOAN: I got one question. We got to put
22 a stipulation on how much time when he moves the
23 trailer in to when it gets sided because I don't
24 want to be looking at a trailer.

25 SAL JR: Tell us how long you want. It's

35

1 -PROCEEDINGS-

2 probably like a ten day job.

3 CHAIRPERSON SEROTTA: So, if we gave you a
4 month after the trailer is brought onto the
5 property you'll side it?

6 SAL JR: Definitely.

7 CHAIRPERSON SEROTTA: You can't paint it
8 though this time of the year I don't think, can
9 you?

10 SAL JR: We can antique the boards inside.

11 CHAIRPERSON SEROTTA: So, a month.

12 MR. SLOAN: Yeah, a month.

13 SAL JR: That's fine.

14 SAL III: That includes we have to paint it?

15 We just want to make sure we have an understanding
16 of what is required. Is it required?

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17 CHAIRPERSON SEROTTA: Do we want it red or do
18 you want to just leave it barn sided?
19 SAL JR: Look at this building right here, the
20 one up on the top. That's the exact board. That's
21 Europe and we purchased it. It was shipped over
22 to us --
23 SAL III: We might paint it but if we have a
24 month restriction -- if we have a month we'd have
25 to paint everything inside and then bring it out.

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1 -PROCEEDINGS-
2 So, we would like to paint it but whoever mentioned
3 the weather is pretty spot on. We would have to
4 paint boards on the inside and then bring it out
5 board by board and that might be -- but we do want
6 to paint it because we think it will look nice.
7 CHAIRPERSON SEROTTA: How about three months
8 -- give them a reasonable period --
9 MR. SLOAN: Give them a month to side it and
10 then four months to paint it.
11 CHAIRPERSON SEROTTA: And by the warm weather
12 you have to paint it. How's that?
13 SAL JR: That's even better because then we'll
14 be able to spray it on the outside.
15 CHAIRPERSON SEROTTA: How's that? Is that
16 better?
17 SAL JR: Yes. That's a lot better.
18 MR. SLOAN: You're going to have to side three
19 sides plus the roof though.
20 MR. D'ANTONIO: The stipulation of the roof.
21 How long for the roof?
22 CHAIRPERSON SEROTTA: Do we really need to do
23 the roof? You're not even going to see this thing.
24 If he makes it nice --
25 SAL JR: You can't see the roof. The only way

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1 -PROCEEDINGS-
2 you can see the roof is if you pulled up about 20
3 feet from it. From any other point you can't get
4 close enough to see it.
5 MR. SLOAN: How are you going to finish the

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6 vertical side?

7 CHAIRPERSON SEROTTA: It ends in the flat

8 roof. It's like a house.

9 SAL JR: See how this ends right here? This

10 section to the right is a flat roof.

11 MR. SLOAN: But it's probably pitched the

12 other way.

13 SAL JR: That right there is actually a flat

14 roof.

15 CHAIRPERSON SEROTTA: They can make it just

16 look like that.

17 SAL JR: That's what it would look like. You

18 put a piece of trim all the way around the whole

19 face and the two sides and just put tin on the top.

20 SAL III: If you scroll up there might be

21 another glimpse of -- no, not that one. Maybe one

22 more. You can see over there.

23 SAL JR: On the left.

24 CHAIRPERSON SEROTTA: It's going to look like

25 that. It's going to look like a flat roof and

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1 -PROCEEDINGS-

2 they'll put some trim around it. My vote would be

3 he doesn't have to do anything with the roof. Just

4 keep it neat like this and when the warmer weather

5 comes get it painted red so it looks good.

6 It's getting late so somebody want to make a

7 motion to grant a two year temporary trailer permit

8 to the applicant on the condition that he barn

9 sides it or whatever you want to call this wood,

10 that he barn sides it and by -- do we want to put a

11 month or by no later than May or something we could

12 say. April/May?

13 MR. SLOAN: Thirty days to barn side it.

14 CHAIRPERSON SEROTTA: Thirty days to barn side

15 it.

16 MR. SLOAN: And let's say by May 1st to paint

17 it.

18 SAL JR: That's fine.

19 CHAIRPERSON SEROTTA: Is that feasible, May

20 1st?

21 SAL JR: Yes because we can paint it in April.

22 MR. D'ANTONIO: What about hours of operation

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23 or anything? Are we concerned with that because of
24 the lighting?

25 CHAIRPERSON SEROTTA: No.

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1 -PROCEEDINGS-

2 MR. SLOAN: No because we waived site plan.

3 MR. D'ANTONIO: I'm just saying --

4 CHAIRPERSON SEROTTA: You're too far down on
5 that one. You missed that -- that train's gone.

6 We're now in aesthetics and trailers.

7 So, somebody needs to make a motion to grant a

8 two year temporary trailer permit to be barn sided

9 within thirty days of installation of the trailer,

10 not from today but thirty days of the installation

11 of the trailer, and to be painted similar to the

12 barn color by May 1st. That's what the resolution

13 will have to be. So, who wants it? Ernie's never

14 made one. Come on, Ernie. Ernie made the

15 resolution. Second by --

16 MR. CONKLIN: I'll second it.

17 CHAIRPERSON SEROTTA: Second by Bob. All in
18 favor?

19 MR. DONOVAN: Aye.

20 MR. DENES: Aye.

21 MR. SLOAN: Aye.

22 MR. D'ANTONIO: Aye.

23 MR. DAMIANI: Aye.

24 MR. CONKLIN: Aye.

25 CHAIRPERSON SEROTTA: I'll give you paperwork.

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1 -PROCEEDINGS-

2 We will write the resolution. We'll figure out

3 something to give to you within two or three days.

4 No later than a week I'll have a piece of paper for

5 you. You'll need to check with the building

6 inspector, go to him and found out what you need to

7 do but you'll go in with approval to stay there and

8 you'll go in with approval to put a trailer on the

9 property for two years. After two years you got to

10 either come back here or get chased by him again.

11 SAL JR: Thanks so much guys.

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12 MR. SLOAN: Put it on your calender, two
13 years.
14 SAL III: I just had a couple quick questions
15 about signage.
16 CHAIRPERSON SEROTTA: He's pushing it. Here's
17 the signage one now.
18 SAL III: Well, you know, I'm curious.
19 CHAIRPERSON SEROTTA: There is a 9822 --
20 Section 9822. Go to the code book, go to
21 Thetownofchester.org, E-code. That's our code out
22 there.
23 SAL III: 9822?
24 CHAIRPERSON SEROTTA: 9822. No, 22 is
25 parking. Let's find out for sure.

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1 -PROCEEDINGS-
2 MR. SLOAN: No electric signs.
3 SAL III: Yeah, I know.
4 CHAIRPERSON SEROTTA: In the IP district
5 you're allowed to have signs. In the Sugarloaf
6 district --
7 MR. DONOVAN: 9821.
8 CHAIRPERSON SEROTTA: 9821. In the Sugarloaf
9 district you would have to come back to us but
10 you're not in the Sugarloaf district, you're in the
11 IP district. You have to follow whatever the rules
12 say on that 9821. It talks about, you know --
13 SAL III: So many feet per building.
14 CHAIRPERSON SEROTTA: Yeah. It talks about it
15 in there. You can see what the sign law is. You
16 know, that would be the building inspector type of
17 a thing. You're going to have to -- so, there's a
18 whole sign law in here and then you go into the IP
19 section. Don't forget, Bob, we forgot about the I
20 district so we got that completely blank so that
21 has to be changed. Somewhere in here is a whole
22 thing on IP district. You're allowed to have
23 signs. Just follow the rules and make sure you --
24 I don't think there's a sign permit. No. I think
25 you have a right to put a sign there and just make

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-PROCEEDINGS

sure

that you don't break the zoning --

MR. DONOVAN: Just check with the building inspector.

CHAIRPERSON SEROTTA: Check with him.

MR. SLOAN: Make it out of wood.

SAL III: We will.

CHAIRPERSON SEROTTA: I have your phone number. I have your e-mail too so I will e-mail you the approval documents. I'll sign them and we'll draft the documents, I'll sign them, and I'll get a copy to the building inspector and get a copy to you.

SAL JR: There's a fee, isn't there?

CHAIRPERSON SEROTTA: Yeah. You got to give me a check made out to Chester. It's a check for \$250. Unfortunately, I told you there's a work session fee. Made out to Town of Chester.

That's it guys. There's nothing on our agenda. I'll just give you a quick update. Premo Sports is saying they're coming on the next meeting but haven't scheduled and BAZ Bellvale Road up there is saying he's coming the next meeting but haven't scheduled so I'll keep you posted.

Make a motion to go home?

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-PROCEEDINGS

MR.

CONKLIN: Go home.

MR. DENES: Go home.

MR. D'ANTONIO: Go home.

(Proceedings concluded at 9:05 p.m.)

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C-E-R-T-I-F-I-C-A-T-I-O-N

I, Nicole Rotoli, a stenographic Court Reporter and Notary Public within and for the State of New York, hereby certify:

That I am not related to any of the parties to this action by blood or marriage and I am in no way interested in the outcome of this matter.

Nicole Rotoli

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Court Reporter