

**TOWN OF CHESTER
PLANNING BOARD MINUTES
January 6, 2021**

ZOOM Meeting called to order: 7:02 pm

Members present: Chairman Serotta, Larry Dysinger, Jackie Elfers, Mark Roberson and Dot Wierzbicki

Also present: Dave Donovan-Attorney, Julie Tiller- Secretary, Alexa Burchianti-Building Inspector and Al Fusco-Engineer

Meeting minutes from October 7, 2020 were adopted

Chairman Serotta: A quick update for tonight's agenda, Ridge Road Equities will not be appearing because Kirk wasn't ready so he's off the agenda for tonight. I'm having surgery on January 21st so the February 3rd meeting is cancelled and as of right now we don't have anything on the schedule so we will reconvene in March.

Okay so tonight we have a public hearing for NMC3, LLC project, if you're here to speak please use the chat feature and I will call on you when we're ready for you to make your public comment so we don't have everyone trying to talk over each other.

1st on the agenda is **NMC3, LLC project on the east and west side of Sugarloaf bypass near Bellvale Rd**

It's a 7 lot sub division and I'll bring up the plan so we can review it.

Jim Dillin: Hello everyone, I'm representing the applicant on this project. This is a 72 acre subdivision located in the AR5 zone we are proposing a total of 7 single family homes on the entire property. These are very large lots and don't require board of health, the houses will be served by individual private wells and individual septic systems. The updated plans include the flood plain on Lot #4 and the northern end of Lot #5, this will also need county entrance approval which we applied for and still waiting for the results. Also has a ridge preservation overlay on Lots 5, 6 & 7 and you can see we are keeping all our improvements below this line so we don't impact and need any approvals. Lots #2 and 7 are going to have a total of 1 acre clearing wooded area and that's the basic concept of the subdivision.

Chairman Serotta: On Lot #7 is that tree line staying?

Jim Dillin: Yes it is

Al Fusco: I can go over my comments, SHPO sign off was requested but not yet completed, soil testing is pending but was noted, calculate areas of disturbance, show 15% slope, OCDPW approval and any board comments

Chairman Serotta: On the species studies there was a possibility of the bog turtle

Jim Dillin: Yes, we have a study that's almost complete and we will submit that once it's done

Chairman Serotta: Okay good, any comments from the board?

Jackie Elfers: All my questions were answered, thank you

Larry Dysinger: Nothing new at this time

Mark Roberson: None for me

TOWN OF CHESTER
PLANNING BOARD MINUTES
January 6, 2021

Dot Wierzbicki: I'm good

Chairman Serotta: I'd like to say a couple things; OCDPW takes a long time to get back but we did submit the 239 GML for this 31 days ago to Orange County planning and we haven't gotten a response back from them yet either so we're not bound by them anymore. Okay so let the records reflect the mailing for tonight's public hearing was all sent and the legal notice was published in the Times Herald Record. This is not a question answer session; we will take comments into consideration but not specific questions. We received a few letters for tonight that was entered into the records; I want to discuss one of them that were received from Bradley Cleverly talking about trail access to Sugar Loaf Mountain. We had a discussion about this at the last meeting, first of all this is private property not public and what Jim Dillin pointed out that Orange County took for taxes a 25 acre piece between Rose Lane and all the way over to Kings Hwy. The town supervisor, myself and one of the town councilman have worked with the county executive and the county has now secured that piece of property and made a commitment to us that if we could get access to the top of the mountain then this piece running from the bypass to the top of the mountain would be used for future trail access and that's the goal. We won't be putting easements on private property; that's not necessary so that's our answer to that letter that was sent in.

Brad Cleverly: Hello everyone, yes you did answer the question to access to Sugar Loaf Mountain but I would still say the cars parked along Kings Hwy it does block access so it seems like the opportunity for the town to take action here instead of waiting around for land trust and the county.

Chairman Serotta: This board does condone trespassing on private property and anyone parking there is considered trespassing on private property. We are looking to do this legally and properly, this board does not support things done illegally or trespassing

Jim Dillin: Mr. Chairman I'd like to make a comment if I may, I just want to say as soon as I let you know about this property which has the direct trail you got right on it and I think the town has done a lot just for that and got it secured and I applaud you for that.

Chairman Serotta: Thank you Jim, we are all for the trail and to have access to it and to make sure it gets done legally and properly. And there's a new parking lot in the hamlet of Sugar Loaf because that's always been a problem there so now we have it. Next letter we received was from Jerome & Paula Spector; Jim you received a copy of this letter as well. It was entered into the record and it will be the applicant's responsibility at a future meeting to answer your questions and you also asked about seeing the maps and they are all posted on the town website for the public to view.

Paula Spector: Hello thank you, I did look at the maps on the website but I wanted to know if the site will be marked so I can walk the property line and make sure where exactly it is.

TOWN OF CHESTER
PLANNING BOARD MINUTES
January 6, 2021

Chairman Serotta: Mr. Dillin will take your questions into consideration and they will get answered at a future meeting and I do have the questions you submitted through the chat feature. We will get an endangered species report and that will be posted on the website as soon as it's received; I hope that answers your questions. You can go to the town's website and look at the agendas and you can see when they are coming back in. Next we have Cliff Patrick that wants to say something, he is saying he would like to submit written comments following tonight's meeting within the next 10 days and that's fine, we will accept them. Alright so we have Tracey Schuh here that wants to speak so I'll turn it over to her now

Tracey Schuh: Hello everybody and Happy New Year. For the record I'm speaking tonight as a fellow resident and not on behalf of any organization. I'm not speaking against the project but I do have a lot of questions. First I'd like to say thank you for addressing the public trail issue and the goal, I think if we did not have the property next door for the county to acquire this board could have maybe required a cluster of these houses to gain an easement and go that route but I guess that idea has been dropped because of this other opportunity if I'm understanding correctly. I think looking at this plan its good there's no more than an acre of trees to be cleared and that always makes me happy. We all know this is a beautiful stretch of roadway with the mountain scape and the open field so I think thoughtful house placement is definitely important to maintain the community character; such as placing those houses behind existing tree lines although the lots along the railroad will be visible in those open fields and I'm not sure if you do a site visit or stake out so you can see them. Perhaps the new lot owners will add trees along the roadway later on, probably for the lights and noise and pollution control from the traffic that will likely be there but I guess time will tell. The question I wanted to ask just to be clear, this is not an open area development by definition so there aren't any requirements on these large lots so there are no restrictions being placed on them for limiting future sub divisions. I bring this up because this planning board had an issue with another sub division not too long ago where the residents disputed some personal covenants or agreements and I want to make sure it's clear upfront with this approval so it doesn't come up again. I also have some questions for the planning board about water quality; I raised some questions on the Ridge Road project about standards that Chester requires with well tests, I don't remember if they if they were answered specifically about smaller sub divisions are not required to go the health department but they have more stringent protocols so I know if they have water softeners it needs to be planned ahead of time so the septic systems can be designed to handle the filtration. The lots that are closer to the road, if they are in an agricultural area and asked for other water test sampling other than just bacteria maybe like nitrates, sulfur or iron and that was a question I had for the planning board. Also last year the town board, the building inspector and town engineer were working on well test guidelines and I don't know if that ever materialized so it could be referred to. As for

TOWN OF CHESTER
PLANNING BOARD MINUTES
January 6, 2021

wetland protection, when we say the wetlands have been delineated do you check that with your own consultant or engineers because I don't know what makes it qualify for delineated and that was another question I had. Looking at Lot #2 I was wondering what measures are being taken to those wetlands are disturbed by future homeowners, they may innocently try to dry up their front lawn for more useable space and won't understand the value of wetlands and their functions and benefits. When I look at Google images it looks like the wetlands drain into a small pond area behind Lot 3 and I want to know if there will be deed restrictions on the site plan noting at least a 25 foot buffer and maybe some wetland markers to consider protecting these resources in our town. Next I have some procedural questions like when setting a public hearing, what are our requirements of reports and public information and when it's available? Like in this case you mentioned it needs habitat study, SHPO and other things and I don't know if you close the public hearing tonight and then the reports come in and the public has comments on them how will that work? In my experience the public will not be allowed to comment as I was told with the warehouse project and in that case I emailed comments that were not forwarded to the board because my email came in after the public hearing was closed so I just wanted to know if there's going to be new information on this project will the public hearing be re-opened? I know sometimes you get the Fish & Wildlife reports, DEC or Army Corp of Engineers on wetlands and the SHPO but I think it should be available for the public to see prior to the public hearing. There was a question about the one house already being built, I thought if someone submits an application, until those reports come in and I'm not sure procedural wise how this is handled and I'm not trying to hold up the builders but I want to get a handle on the procedures for consistency on future applications. That's all I have for tonight and thank you very much.

Chairman Serotta: Thank you Tracey. Is anyone else here to speak tonight? Dave Donovan can you please give your thoughts about the board closing the public hearing tonight? But before we get to that to that it looks like Paula has something else to say

Paula Spector: Yes, thank you. Will these questions get answered before the approval happens?

Chairman Serotta: Absolutely. The board requires all the endangered species reports and the SHPO report and we get all the reports that will verify everything is good on this project. Nothing gets approved before everything is verified and approved

Paula Spector: And the water quality and how it will affect me?

Chairman Serotta: Yes, our engineer will definitely review it and check everything for us. Okay so now Dave can you talk about us closing the public hearing before we receive the reports.

Dave Donovan: The purpose of the public hearing is to inform the board and raise any issues with the board that you may wish to consider in your determination. If you think you need to hear more information then you should keep the public hearing open, if you

TOWN OF CHESTER
PLANNING BOARD MINUTES
January 6, 2021

think you've heard what the issues are and can deliberate then you can close the public hearing. If there are new issues that come up in the future then you have the ability to re-open the public hearing, so it lies in the planning board's discretion as to whether you want to keep it open or not

Chairman Serotta: Thank you Dave. It's my opinion the reports we are waiting for are what the board needs in order to make its decision, so it's not necessarily for the public. Any other comments before we make a motion to close this public hearing? Alright so no more comments; can I get a motion to close the public hearing?

Dot Wierzbicki: I'll make a motion

Larry Dysinger: I'll 2nd

Jackie Elfers: Yes

Mark Roberson: Yes

Dot Wierzbicki: Yes

Chairman Serotta: Public hearing is officially closed, if something major comes up there's a possibility we would re-open the public hearing. We will take all the public comments received tonight into consideration and discuss them. I do agree with Tracey about the notes on the site plan about the buffers and I feel it's a good point. There's nothing left to discuss about this tonight and once we get all the reports we will look at everything and we're still waiting for OCDPW which is very slow.

Jerry Gagliardi: We just want to thank everyone and we're looking forward to moving into the community

Chairman Serotta: Next on the agenda is a proposed lighting plan on a preexisting non-conforming site the applicant is **MAJRCCS, LLC** and I'd like to turn it over to our engineer Al Fusco for his comments

Al Fusco: I received from Mr. Dillin the light pole base foundation design which I found acceptable. The cut sheets for the lighting do show it's facing downward and we're fine with that so we have no problem with this application

Larry Dysinger: From what I've seen I'm okay and it seems to be complying, the design shows it will not encroach on adjoining properties so I'm okay with it

Dot Wierzbicki: I have no issues

Mark Roberson: If Larry's good with it then I'm good

Jackie Elfers: I'm okay

Chairman Serotta: Okay and I have no issues. So Dave we are planning on just writing a letter to Alexa that we reviewed and approve

Dave Donovan: This is one of those instances where there's really no application, it's not a site plan or a sub division it's simply the building inspector asking for assistance for lighting plans and sent to the planning board for review. Our engineer has looked at it with his background so you just need a motion to write the letter to approve.

Larry Dysinger: I'll make a motion

Jackie Elfers: I'll 2nd

TOWN OF CHESTER
PLANNING BOARD MINUTES
January 6, 2021

Mark Roberson: Yes

Dot Wierzbicki: Yes

Chairman Serotta: I say yes, so Mr. Palmer you're ready to go, we'll send you the letter shortly.

Last on the agenda for tonight is **SAPANARO 1351 KINGS HIGHWAY** it's a 2 family dwelling and he did get a variance from ZBA. He had a little trouble with the wetlands that was taken care of and the final piece we have been waiting for from OCDPW finally was received so let's review that

Kirk Rother: This was the letter we waited 10 weeks for and the only comment was comment #1 where they requested we increase the width of the driveway to 18 feet, we had it as 14 feet on the prior plan so we added 2 feet to either side. Comment #2 was to remove a culvert from the detail and Comment #3 they are requesting documentation on the sewer. So two plan changes were made from last month but I didn't submit a new plan because they were fairly inconsequential of widening the driveway by 2 feet and the other being we revised the rosey barberry to the worry free barberry and that was it.

Chairman Serotta: The question I have is Anthony Trochiano wants to see another hard copy of the plan showing these changes, so Dave can we give Mr. Sapanaro a conditional approval tonight pending the approval of the final letter from DPW?

Dave Donovan: It seems to me that the DPW is fine with the location of the entrance so it's a detail they've asked for a few extra feet but they didn't say they would deny the entrance entirely so it's up to the planning board. You can make it subject to final OCDPW approval if that's what the board is inclined to do

Chairman Serotta: Alright, I want to bring up the resolution Dave drafted for us. Was the first question architectural review?

Dave Donovan: So this will be for site plan and architectural review. Kirk, I need the newest to date version of your site plans and was there a plan for the architectural that I should reference?

Kirk Rother: The last revised was dated December 15, 2020 and that was revised per the DPW comments. We just did a photo rendering of what the building will look like, it wasn't a formal plan and the board was comfortable with that.

Dave Donovan: If you skip down to the specific conditions it states it complies with the plans, complies with any comments from Al Fusco office, complies with OCDPW and I'll add in a #4 which will state it complies with renderings submitted and approved by the board. If the board is interested in acting tonight it will be a negative declaration first and then to adopt the resolution.

Chairman Serotta: So first I need a motion to grant negative declaration

Mark Roberson: I'll make the motion

Larry Dysinger: I'll 2nd

Jackie Elfers: Yes

Dot Wierzbicki: Yes

TOWN OF CHESTER
PLANNING BOARD MINUTES
January 6, 2021

Chairman Serotta: And I vote yes so the **negative declaration is granted**
Next I'll make a motion to grant the final conditional approval for site plan based on the conditions that Dave talked about.

Larry Dysinger: I'll 2nd

Mark Roberson: Yes

Jackie Elfers: Yes

Dot Wierzbicki: Yes

Chairman Serotta: I vote yes so motion **passed for final conditional site plan**
Kirk you're all set and if no one else has anything to discuss then we're done for tonight.

Meeting adjourned at 8:11 pm

Respectfully submitted,

Julie Tiller
Planning Board Secretary