

**TOWN OF CHESTER
PLANNING BOARD MINUTES
October 3, 2018**

Meeting called to order: 7:01 pm

Members present: Chairman Serotta, Larry Dysinger, Dot Wierzbicki, Jackie Elfers, Mark Roberson, Carl D'Antonio, Bob Conklin

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

A motion was made to adopt the minutes from July 18, 2018 and August 15, 2018.
Motion made by Carl. Second by Dot. Motion carried 7-0

Board updates: Chairman introduced the 2 newest members of the Planning Board, Larry Dysinger and Mark Roberson and welcomed them.

Someone came before the town board proposing a cell tower by Walton Lake Estates up on top of the hill. Don't know when and if they are going to come in front of our board. And if they do we will hire our specialist again Clint and go from there.

Hills of Chester– 90 Day Extension

Motion made to grant a 90 day extension. Motion made by Bob. Second by Jackie.
Motion carried 7-0

191 Lehigh Ave– Site Plan Review

Ryan Fellenzer from Fellenzer Engineering was present to represent Joel Schrieber from 191 Lehigh Ave.

Ryan discussed and reviewed some changes since the last meeting that were concerns of the board. SHPO letter of no impact was submitted. ROW 25' from center line has been put on the plans. Previously the concern was the chain link fencing, they are now proposing to go with a cedar panels or the option with the wood grain vinyl style. Either or according to Karen's preference. Fencing will continue along side of the property to screen the outdoor storage area so they extended it all the way back. 10' off the property line. Secondary line of evergreens in the front. In the general notes the caretaker's residence will be 1 employee, no children. Any building department issues will be rectified after they get site plan approval and they make a submission to the building department with architectural drawings PRIOR to any occupancy of the caretaker's resident. They will get permit, CO, building plans together for building department review before anyone is moved in there, Jim Farr agreed with that. Sunday operations, they added clarification, on Sunday they do not have deliveries or pickups. They aren't doing any kind of outside work on Sunday's. There is no heavy machinery out there, no forklifts, no large excavation equipment.

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Chairman Serotta stated that the caretaker's note corresponds to Jim Farr's letter and read it out loud.

Karen Arent letter 10/1/18:

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KALA

Karen Arent Landscape Architect

To: Chairman Donald Serotta and the Town of Chester Planning Board

From: Karen Arent, Landscape Architect

Date: October 1, 2018

Subject: 191 Lehigh Avenue

Consultant: Fellenzer Engineering

COMMENTS:

1. Plans specify Norway Spruces for screen planting. During the meeting, Green Giant Arborvitae, planted 6' apart were discussed. Proposed Norway Spruces should be revised to show Green Giant Arborvitae, spaced 6' apart. Also, the plan states that the Norway Spruces should be spaced 8' apart, yet they are shown 10' apart. Plant symbols should be shown spaced to scale and in accordance with recommended spacing.
2. The shrub shown between the existing Norway Spruces is called out as Weeping Hemlock. Is this what is desired? I think Forsythia was discussed. Forsythia is not evergreen but does grow dense enough to provide winter screening. In my opinion, Weeping Hemlock is not a suitable screening plant because it is very slow growing and is likely to be infested by an insect that requires spraying to maintain the health of the plant.
3. Forsythias are shown on the drawing with an evergreen symbol. Forsythias should be shown with a symbol that depicts a deciduous plant.
4. I believe tall evergreen screening was discussed to screen the area where Forsythias are shown to block views of the outdoor storage located on a higher terraced area.
5. Trees exist on the slope behind the building. Existing vegetation to remain should be labeled on the drawing. A cloud like symbol could be drawn and the trees could be approximately located with a list that identifies the trees that will remain. This will help insure that the trees will in fact remain and if they are removed, there is a list of what existed.
6. Sheds are shown in the front yard. Zoning codes usually prohibit sheds in front yards.
7. There are two types of fences detailed on the drawings. The wood fencing shown should have a more finished appearance since it will be in the front yard. Attached are two images to illustrate a wood fence with a more formal, finished appearance. These fences have 1x4 top and bottom trim, 2x6 cap board, 6x6 posts. The posts should have some type of decorative top such as the copper pointed top. The vinyl fencing detail looks good, except, instead of tan, a color that resembles wood should be chosen. The Illusions fence company has the grand illusions vinyl wood bond

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*191 Lehigh Avenue
Dated October 1, 2018 continued*

fence that has wood grains and will appear like a wood fence and will be long lasting. From the website, it appears that mahogany, cherry or walnut would be suitable colors, however, colors should not be chosen from a website but from a sample. It would be great if the consultants could bring a sample of the fence and colors to the meeting. The detail should show a nice cap for the posts, along with all the information listed above to make sure the highest quality fence is installed. The Planning Board may want to request the high-quality vinyl fence because it will not rot. However, it is imperative to see a sample of this fence.



8. A 20' high sliding gate may be difficult to operate during snowy conditions. What can be done to make sure this gate will function properly? Will there be pavement on the path the gate wheel will travel? If so, it must be shown on the drawing. Will the motor housing or slide driver unit be on the inside? If not, what will they look like? Please clarify these details to make sure the gate looks great on the street side and

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191 Lehigh Avenue
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- operates well. Should notes be put on the drawing to ensure that the gate will remain closed most of the time? If the gate is wood, it appears it must be a swing gate that will open out. This may cause traffic stacking problems that must be discussed. Perhaps all fencing and gates should be the high-quality vinyl wood grain fencing to avoid this issue?
9. The gate should be constructed with the same exact fencing material. The detail mentions that the fencing is not installed on the "tail". I'm not sure how this will look. The consultants should bring a photo of a gate like this one to the meeting, so we can see what the "tail" looks like. If the tail will be on the inside of the fence, not visible from the street, it should be labeled to install it on the inside and it's not necessary to bring a photograph to the meeting. The gate should be specified to be the same height as the fence.
 10. The chain link fencing shown on the slide driver gate mechanism drawing should be removed to avoid confusion. All mechanism components should be on the inside of the gate so that there are no ugly parts that don't match the gate (i.e.: metal supports or mechanisms).
 11. The dumpster enclosure should be the same material as the fence.
 12. What is the light square outside the gate on the existing survey? Are they the columns that currently exist with lights on them? If so, the foot candles of the lights should be included on the lighting plan. The columns should also be re-built as necessary, so they are in good condition. If these indeed are the columns, is it necessary to install bollards on the outside of the fence? If it is necessary, the bollards should be decorative, not a yellow painted steel pole. Could the bollards be wood, perhaps with yellow stripping and reflectors? Perhaps there a way to make the bollards visible in an aesthetically pleasing way.
 13. The lighting photometric diagram only shows 2-foot candles. Usually there is more foot candles closer to the fixture. This should be double checked to make sure the lights are not super bright by the bulb. Perhaps new fixtures that point down should be considered to minimize glare?

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KALA

Karen stated that she believes they discussed using Green Giant arborvitaes and forsythia's as the shrubs in between the trees. Ryan stated he had no problem changing the species of trees and shrubs. Karen would like on the plan the rear where the hill is that existing vegetation is to remain and possibly document just some of the trees. Shed are technically in the front yard which typically is not allowed.

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The fence details: Karen feels the cedar fence would be very rough looking for the front yard. The poster that Ryan presented of pictures of a sample (vinyl wood) Karen feels would look very elegant. Karen feels that the gate would be too heavy if it was in wood. As long as the vinyl is wood grain, matte, no glare, and also feels it should have some details like the post caps being it's in the front yard she didn't want it to look like a stockade fence. Darker the color the better. Most visibility is going to be the gate. All the gate mechanisms should be on the inside. Karen commented on the 2 yellow bollards. Ryan stated another board member wanted the bollards to protect the gate. Planting warranty should be put on the plan.

Karen also stated she looked at the lighting, and that there would be a lot of glare because there is no protection, they are just open lights that shine right out. Suggests the dark sky compliant lights. That would keep the lights shining down. The existing stone pillars in the front need to be refurbished.

Ryan came forward with a poster of a different plan (not yet submitted to the planning board), stating they did their homework and found the 900 sq. ft. storage has variance and a building permit. Chairman stated that was safe no one was questioning that one. The question was the 3 other sheds. Ryan showed on the revised plan the other 3 shed relocated so they are not in the front yards and will conform with the set backs. They will get building permits. They are proposing moving the 200 sq ft shed towards the proposed parking area (where the pool use to be) and relocate the ADA parking space closer to the building.

Al Fusco Letter 9-18-18

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Alfred A. Fusco, Jr., P.E., Principal

Alfred A. Fusco, III, General Manager

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September 18, 2018

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

Re: 191 LeHigh Avenue
Our File No. CH-143

Dear Chairman Serotta,

We have reviewed the latest submission and offer the following:

PROJECT:

Name: Commercial Lot
SBL: 3-1-14.1
Acres: 1.0 Acre
Zone: I Zone
Material: 9/6/18 Revised Fellenzer plans

Comments:

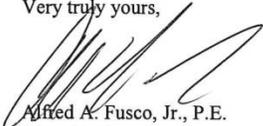
1. Board had requested consideration of concrete (masonry) dumpster enclosure.
2. Add notes regarding compliance with Building Department for caretaker in the existing building as a condition of approval that the applicant submit a Building Permit with plans stamped by a Professional NYS Engineer or Architect that the building is in compliance with the Building Code for both commercial and residential use. Fence also requires a permit. Also, the Planning Board as per Building Department may wish to limit bedrooms or square footage.
3. Consider ADA parking closer to the office area.
4. Detail of sign requested.
5. Lighting requested to have motion detectors; please note.
6. Surveyor noted on plan needs stamp and signature on final plan.
7. Engineer to stamp and sign final plan.
8. Board to consider if hours of operation are acceptable.
9. Sign off required by landscape architect consultant of Town.
10. Board comments.

Action:

SEQRA
Pleasure of Board.

Please advise if you have any questions.

Very truly yours,


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

Cc: Alexa Burchianti

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Al stated that he had suggested the ADA parking closer to the building. Decision of the board if they want to limit the amount of livable space upstairs for the caretakers quarters, limit the bedrooms or square footage. Al stated if they are prepared with a detail of the sign they should provide it so they don't have to come back. Lighting, motion sensors, should be on the plans. Signed and stamped plans. Hours of operation the board needs to determine. Along with Karen's comments.

Chairman asked Karen if that she is good with everything. The fencing as long as it's vinyl and the trees. Karen stated if they put everything on plan.

Chairman stated he is comfortable with accessory buildings now, this board cannot approve ones in the front yard. We can't approve sheds less than 5ft off the property line. He still needs building permits for these, but we can approve the location. There has been some complaints about the lighting being on at 9-10:00 at night. Lights can't be left on 24 hrs. Ryan stated they wanted to keep one on by the front door for security purposes. Karen stated the lighting should have the downward shield lighting.

Chairman stated he is comfortable with the hours of operation, also asked if the note for tractor trailers NOT backing into the driveway is on the plan. Ryan stated that it was. Caretaker, they put the notes in there, they will draw a building permit and have Jim Farr inspect everything prior.

Bob: stated that most of his concerns have been addressed with the exception of the caretaker's apartment, he still has an issue with. Bob asked Al Fusco if the building inspector done a site visit or if he was running blind and assuming that he's going to be able to bring the residence up to fire safety standards for separation between the mixed use. Al stated he cannot speak for the building inspector, however his person experience then can, it might not be cost effective but they can adequately separate, with a 2 hour fire wall. Bob stated he thinks it's more than just a 2 hour separation. There's egress windows involved. Al stated of course, but he was referring to the actual separation. Bob stated that he did some homework on this and the original building was built in 1850 with subsequent additions through the years. He would feel much better if the building inspector did a site visit or we hired an architect of our own to look at the situation to see if what we are approving can be done.

Carl: Just a question about the Sunday operation. It will consist of what since there won't be any deliveries? Ryan stated office work.

Jackie: Believes they need to adjust the warranty on the landscaping one year is not sufficient. And made comments regarding the trees. And feels the vinyl fence is a good idea. Karen and Jackie concurred that the Norway spruces will be on the outside and the Green giants on the inside.

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Chairman stated that there is a difference between approving landscaping for screening vs. making a property look nice. So the warranty for the screening landscaping should be in perpetuity otherwise it's pointless. They have to maintain that screening forever.

Dave Donovan should tighten up the language in note 1 for the language and also remove "no additional cost to the owner"

Dot: How many outside lights in total on the property? Ryan responded 6 fixtures. And they will change them to dark sky compliant. How many employees on a given day?

Ryan: About 4 Dot: what about Sunday? Ryan: no more than that

Karen stated that on the note it only says no deliveries on Sundays, it doesn't say that there is no outside activities. Carl stated that under of hours of operations it should reflect that there's going to be no outside operation. It's not specifying.

Dave Donovan stated that just so there is clarity on that, he may want to consult with his client. What the board is looking for is some sort of reduced intensity on Sunday. However, they need to recall that the property is in the I Zone so to say no deliveries is fine, he suggests to the board, to say that they can't go outside perhaps might not be a condition that they can impose. Ryan stated that's why they started with no deliveries; does that mean that they are not allowed to walk outside? Deliveries and pick-ups is what he felt were the general concerns about generating noise which is why they put that specifically on the plan. Dave suggested that they work on that language a little bit and feels it is an unreasonable condition to say you can't go outside at all. The idea is to have a lower intensity. Karen asked if they can use a bob cat outside? Carl stated heavy equipment should be forbidden on the property on Sunday. Dave asked Ryan if that is something they would typically have? Ryan stated No. No heavy equipment, no bobcats, no forklifts. Al Fusco stated that they had mentioned or made comment of loading there vans for work on Monday. Ryan responded yes. Larry asked, manually loading the van?

Dave stated big picture the board has the ability to impose conditions that are related to a legitimate objective. Reduced activity on a Sunday is a legitimate objective. But you have to bear in mind that the property is in an Industrial Zone, so saying you can't have any activity I think is NOT a reasonable condition you could impose. So somewhere in the middle. Maybe anything with a backup sound.

Larry: On the exterior lighting on the 2nd page would like detail of what the light looks like. And light fixtures. Has a concern with Sunday, it's right on the border of industrial and residential. Has a concern with starting at 7am on a Sunday especially for loading trucks for deliveries the next day they will be making some noise and believes at 7:00 in the morning has a concern about that. Would much prefer something later like 9:00. Ryan stated that they are currently proposing that no deliveries or pickups will occur on

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a Sunday. Larry: I understand! That's different than loading the trucks, you are sitting there putting materials into trucks you are going to make noise and at 7:00 on a Sunday you are right on the boarder of a residential area, trying to be consideration of the neighbors. Doing any outside activities at 7:00 in the morning. After 9:00 that's not so bad. They have to be respectful of the neighbors. Agrees on the pvc vinyl fencing.

Chairman addressed Bob Conklin stating that Jim Farr was comfortable saying that he would not issue a building permit or a CO for the caretaker's residence unless it met all the standards. Bob: He thinks it's a wrong move to approve something that they don't know for a fact that it can be met. Normally it's not unachievable, but on a house that was started in 1850, ceilings are low, windows are probably undersized, electrical, smoke alarms. He doesn't think they should be approving something before they know it can be brought up to standard. Dave responded, if a condition of approval is compliance with the applicable provisions of the NYS Uniform Fire Prevention Code does that satisfy your concern or not? Bob stated he would prefer to know ahead of time that they can bring the building up to those standards before we approve it. Dave: Even with that condition? Bob: Yes. Larry stated he's a little surprised it hasn't been done already, why would you submit something without doing the assessment to make sure you can comply? Maybe they did that, and just didn't share that. It would be nice to know. Bob: we should know. We hire a landscape architect for landscaping purposes for screening or aesthetics but we are not looking to hire an architect to assure the board that we can meet life safety measures? Something seems wrong there. Jackie: they wouldn't be able to close the building permit if they can't bring it up to standards. Bob: Having done that job, I know how tremendously difficult it can be to gain compliance on something that is already in place. And that's why I say we should be certain that the building can be brought up to standards. Jackie: And if he can't he doesn't get the permits, doesn't get to close it and nobody gets to move in, in a perfect world. Bob: In a perfect world yes. Larry: Feels it would be a lot less problems if you know up front than after the fact.

Dave have we done this before? We've had other buildings that we've approved for different types of uses. Mostly commercial, some mixed uses in Sugar Loaf. I just like the board to be consistent so everyone plays by the same rule book. Bob stated he is aware of a few cases. One was a new building that happened about the time he came on the planning board. There was one in Sugar Loaf that was a similar situation that was a retail situation and the upstairs was the living space, he doesn't believe that we did our due diligence there we probably should've been more aggressive about that situation. Doesn't mean that we shouldn't pick up the ball now and do the right thing.

Chairman: If someone proposes a building a bridge, we don't look at the tension steel that's all the building department and engineering. Michalka's we recently changed from

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a retail building to a mixed use. That' was an old building also, if we can't trust the building department of the Town to enforce, it's their job to determine whether or not it meets standards. Bob: I'm not saying I don't trust the building department, I'm saying know how difficult it can be to gain compliance once a situation has been approved and working. Chairman: We are only approving it based on condition that Jim Farr or the current building inspector would be the one that has to make that ultimate decision. We are not saying yeah, you can just move the person in there. We are just saying that they meet zoning, they can have a caretaker BUT it's conditioned on the Town of Chester building department going ahead and giving an inspection and a CO. If he needs to hire an architect to do that that's his problem, he has the same rights we do. Bob: so if they can't meet standards then what? Dave: If they can't meet the Uniform Fire Prevention Code then they can't have a caretaker living there. Bob feels we are putting the building department in a bad way. Larry: Is our approval of the site plan conditioned that the building is going to be compliant with building codes? Chairman: If they put a caretaker in correct. Dave: The building has to be compliant with building code no matter what. (Depending on the use) Let's assume the building inspector determines they can't have a caretaker, the rest of the building still has to meet code. Whatever code that would be applicable to the building in its condition now it has to comply.

Chairman discussed all the things that need to get done.

Polled board to have Dave draw up a draft resolution for the next meeting. Entire board agreed.

Next meeting will be October 17, 2018 at 7pm.

Meeting adjourned,

Respectfully Submitted,

Alexa Burchianti
Planning Board Secretary