

TOWN OF CHESTER
PLANNING BOARD MINUTES
October 7, 2020

ZOOM Meeting called to order: 7:04 pm

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

Also present: Dave Donovan-Attorney, Julie Tiller- Secretary, Alexa Burchianti-Building Inspector, John- Fusco Engineering & Bob Courtenay

Absent: Jackie Elfers

Chairman Serotta: Hello everyone, first up on the agenda **Melissa & Joe SOMMA 1379 Kings Hwy** for architectural review, so Joe why don't you explain to us what you want to do.

Joe Somma: The house is currently burgundy and dark gray and my wife wants it to be a light purple with darker purple trim around the windows. Nothing crazy, just want to make it look nice and the shutters will be a light purple to match

Chairman Serotta: Okay so let's hear any comments from the board

Bob Conklin: I have no comment at this time

Larry Dysinger: What do your neighbors think? I don't have any concerns but you may want to consider the neighbors

Mark Roberson: I have no problems with it

Carl D'Antonio: Those colors don't look very purple to me, they look like very easy tones and I like them

Dot Wierzbicki: I love the purple just not sure if it fits in the Sugar Loaf vibe, I'm just not too sure about purple

Larry Dysinger: That's why I asked about the neighbors

Carl D'Antonio: Can we consider these comments tonight?

Chairman Serotta: Well it's not a public hearing so we can't get into that tonight

Dot Wierzbicki: If majority agrees than I'll go with it, I just don't want any backlash from neighbors but as long as it's not too dark then I'm good with it

Chairman Serotta: Okay good, so the trim will be the darker color and the house will be the lighter one. If the board all agrees on it then can I get a motion to grant architectural review?

Mark Roberson: I'll make a motion

Larry Dysinger: I'll 2nd

All in favor: AYE

Chairman Serotta: Okay so **motion granted & passed for architectural review.** Congratulations and we'll have a letter ready for you next week

Joe Somma: Thank you very much to the board, have a good night

Chairman Serotta: Okay so next is **1251 KINGS HWY** but before we start I want to address all the public comments and there were 2 types; some to be answered by the

TOWN OF CHESTER
PLANNING BOARD MINUTES
October 7, 2020

engineers and others directed to the planning board about not following the comprehensive plan and lack of communication. So I want to talk a little about the history of the zoning in the Town of Chester in particular as it relates to this project and I want to go over the planning board process and the zoning for this so just bear with me. Okay so 1966 was the first zoning in the Town of Chester, it was very limited, and there was no map and no comprehensive plan. In 1974 was the first undertaking of the comprehensive plan and the first zoning was implemented and putting in an official map and the areas for the industrial parks in the Town of Chester was created. This parcel was included in the IP zone to the south of Sugar Loaf so this was the first time this property was included in the IP zone. In 2003 I was the zoning board chair and I was also a member of the 2003 comprehensive plan, at that time we did an updated comprehensive plan from 1974 and the main emphasis on that plan was to reduce the number of housing units in the Town of Chester. An example being 1.5 acres became 3 acres and half acres became 1 acre but all industrial parks including this parcel remained the same, there were no changes whatsoever. In 2015 I chaired the 2015 comprehensive plan, Alan Sorensen was the Orange County planner and he was the coach on this project. We put together a committee and worked together for over a year, we held a public hearing in the beginning of the process listening to what the public wanted; he called it strengths and weaknesses in the town. We held another public hearing when we finished the plan and then we turned it over to the town board and a 3rd public hearing was held. The process took place over the course of a year and the committee was made up of 7 people and we allowed up to 30 minutes of public comments during that time and it was decided all industrial parks and this parcel was to remain the same and no changes in the zoning. Then there were comments about the 2019 community preservation plan, so it was a small committee that was run and the main goal was to target specific areas within the Town of Chester to try and get conservation easements, there was 193 targeted parcels that were specifically identified to save or conserve and this parcel was not included as a target. Next I want to bring up is the 1974 zoning map that hangs in the Town of Chester building department and this parcel is contained within the IP zone, at one time they were going to run the bypass right through this property but it never happened. Next is the 2003 zoning map and this is the IP zone and this parcel remained the same in the IP zone, then comes the 2010 zoning map and this parcel is sitting right here. This parcel is 17-1-99.221 every single parcel in Orange County has a numeric section, block & lot number and if we look here at parcel #186 which is directly across the street and is for sale now but 17-1-99.222 was identified but 17-1-99.221 was not identified so since 1974 until 2020 this parcel has remained an industrial park piece and has never changed. All this information is on the comprehensive plan and available on the website. It's established it is in the industrial park, in the 2020 Town of Chester zoning in the IP district, item #9 when an applicant comes in it's the planning board responsibility to look at if this fits as a use within the

TOWN OF CHESTER
PLANNING BOARD MINUTES
October 7, 2020

Town of Chester, item #9 is a fully enclosed warehouse and distribution centers so Mr. Ostreicher submitted the plan to subdivide his property and build 2 new warehouses all within the Town of Chester use that are listed here and he meets all requirements. There were questions about outside storage and if you look at footnote #2 uses that allow outdoor storage and this is not one of them so he cannot have any outside storage at this place. Next comments are we don't take the environment into consideration and all kinds of things, so what I want to show now is this project submitted their application on June 6, 2018 and six meetings have been held so far including tonight. All planning board agendas and all documents related to this project are posted electronically on the town website through this entire review process and the public has full access to all our data. We have a planning board engineer, Al Fusco that reviews all submissions and makes comments; we have a planning board attorney, Dave Donovan who reviews all submissions and makes comments and keeps a check on the use to make sure it's within the zone. All planning board members are very knowledgeable and make comments and do drive bys to make sure they are familiar with the project. In cases like this that are large projects we work with a landscape architect, Karen Arent and she has done many projects with us for in this town and she has reviewed all submissions and made comments throughout the process and the applicant has agreed to fulfill all her comments. There's an extensive landscape package here and the applicant has agreed to all of it. Next is the DEC reviewed this submission and approved the wetland delineations and the proposed wetland buffers, there is a DEC wetland and they have to have proper buffers and make sure the storm water prevention control process is done right and there is nothing affected there. There's also a DEC mapper and there was an endangered species that was potential on this property so that had to be submitted to DEC, they reviewed the submission and at our last meeting it showed they approved the endangered species studies and gave the go ahead that there was no impact found. It was also submitted to the NYS Historic Preservation office and they reviewed the submission and found no evidence of historical significance. Next was Orange County Dept of Planning reviewed the submission and found this application as local determination which means this board is free to move ahead and make determinations they see fit. The OCDPW has reviewed this submission because it's on a county road and is in the process of approving county road access; I also called spoke directly with Erik Denega the commissioner of the DPW and we spoke about placing signage at the beginning and end of the roads and he stated he is not going to put any signage on any of the county roads and it was just not going to happen. Then finally there was a public hearing held on 9/12/20, by law all property owners within 500' of the property were notified by certified mail and notice was published in the Times Herald legal section. Another comment that was made was the Town of Monroe has a constant contact system where people can sign up and put their email address in and have constant

TOWN OF CHESTER
PLANNING BOARD MINUTES
October 7, 2020

contact of information and that Chester should be doing the same thing. This is the wrong forum for that, you need to be in front of the town board to suggest that system. The planning board agenda is constantly changing and it all gets posted on the Chester website and is available for the public to view at any time. In 2008 when I took over the planning board and we implemented this digital system on the Town of Chester website and everything is available and updated as quickly as possible. So in a nutshell I tried to explain the comprehensive plan, the community preservation plan, the zoning for this parcel and the process that project went through which is the same process we do for every project. We don't do anything until we have full signed off letters from state of New York or the federal government or whatever we have to do and I do not sign a blue print until all this happens. Okay so I'm going to turn it over to Mike Morgante to answer any questions that came in for this project.

Mike Morgante: Thank you, so I'm going to share my screen so everyone can see it, so there were some technical comments about landscaping from Ms. Arent and there is certainly an extensive landscaping plan that was provided to provide proper screening but more importantly I would like to address the public hearing comments. One of which were hours of operation for the particular building, so the hours of operation for the warehouse will be 7am to 10pm from Sunday through Saturday and those hours have been noted on the plans shown on sheet #1 and the construction is noted as 7am to 7pm on sheet #8 the erosion sediment control plan since Jan.21, 2019 so it's always been part of the plans. Next were comments from the planning board about fencing for Lot 1 and we agreed it was a good idea so added a 4' fence and also note on Lots 1 & 2 there's an extensive landscape screen so between the fencing and landscaping we will certainly be protecting the safety of the people on Lot 1 from the warehouse on Lot 2. Also concerns about the existing barn on Lot 1, I think as Mr. Chairman had noted there is no outdoor storage permitted and we have taken it one step further and placed a note on the plan as note #14 stating the existing barn on Lot 1 is not to be used for commercial purposes unless approved by the Town of Chester planning board. Another comment about the existing barn on proposed Lot 1 to be repainted and over grown vegetation to be removed, the applicant took note to that request and thinks it's a good idea. Next concerns were related to truck traffic so I would be happy to review this and would also remind the planning board as well as the public that this project has been carefully reviewed by the OCDPW, it's a county road so they would be the ones to determine if a traffic study would be required. It should be noted that for a 40,000 SF warehouse there is not going to be a lot of truck traffic that's actually generated. We have technical data from the Institute for Traffic Engineering (ITE) and they are essentially the industry bible for traffic generation, so as you can see here a truck generation per square feet and if we go to the 40,000 the median amount of trucks would be about 24. In my personal opinion and in my experience I think that number is frankly quite high but that's the number we're looking at and OCDPW is not even eluded to the fact that a traffic study

TOWN OF CHESTER
PLANNING BOARD MINUTES
October 7, 2020

will be necessary knowing from their experience that this will not be a significant traffic generator. We also had a comment related to the storm water pollution prevention plan; there has been an extensive SWPPP that was submitted to the planning board engineer which has been accepted and there's an operations and maintenance section in that plan that states it's the responsibility of the property owner however the applicant takes no exception to any additional maintenance agreements that the Town of Chester may require as part of the approval process, understanding sometimes we have delinquent owners that are not maintaining things and this provides Town of Chester the opportunity to rectify any conditions that might exist. Next were the comments on site lighting, we did an extensive site lighting study and as you can see here is the lighting plan as it relates to Lot#2, typically as you get to the edge of the property line you are looking for foot candle levels to be around zero and we are certainly accomplishing that on the Lot #2 and Lot #3 sites. We were very careful to provide the minimum amount of lights that would be required for a project of this size that we are just lighting the parking lot and nothing else. Might also be worth noting that we have extensive landscaping around the perimeter of both of these sites and as a result of that there will be even further shielding of any potential lighting spillover. All the lights proposed are fully shielded and downward pointing so no night sky pollution. Next comment was outdoor storage so again no outdoor storage was proposed for the warehouses or dwelling. The last comment was about water demand for this project and I know the perception for a 40,000 SF warehouse would seem like a lot but the calculated water demand plan would be approximately 450 gallons per day for each building. A four bedroom house would use approximately 440 gallons per day so essentially each warehouse water demand is very similar to that of a four bedroom house. That concludes my responses to public comments and planning board comments so I will stop sharing the screen at this time Mr. Chairman and return the host to you.

Chairman Serotta: Mike can we go over the lighting plan a little more? Seems people want to know about that

Mike Morgante: Sure, I'd be glad to. This is the lighting and landscaping detail sheet and you can see that these light poles are fully shielded and only providing downward lighting; all lights are fully shielded and down lit. So this is the lighting plan for Lot 3 and as you can see these numbers represent the foot candle lighting level would be in different areas of the property, so where we have parking lots and loading docks we want a fair amount of light, we want to be at least over one foot candle. As we approach property lines we want that level to be near zero, as you can see we are not even close to the property line here and we are at a zero already and that's not even taking into account all the screening from the landscaping. At the entrance of the site the foot candle levels that range from .1 to .5 so the entrance is lit just enough that it can be seen. On sheet 8 you will see pretty much all the same results, in the front of Lot 2 foot candle levels are from .2 to .6 so we are well below levels and took all measures to ensure no

TOWN OF CHESTER
PLANNING BOARD MINUTES
October 7, 2020

light pollution on any of these parcels. Is there anything else you want me to review Mr. Chairman?

Chairman Serotta: There was also an error on Lot #2

Mike Morgante: Yes, I have it up right now. We reduced the size of the building pretty early on but it was never noted on the plan, so you can see now building #1 is 40,050 SF which is what it was always intended to be, the 60,000 that was on there was when it was still in concept stage. We significantly reduced the size of this building once we took into account the landscaping and lighting that had to be incorporated so this is the most appropriate size for this lot from a sustainable purpose.

Chairman Serotta: Tonight is not a public hearing the public hearing is closed. We cannot have comments tonight because it's not a public hearing.

So Mike we also spoke about a couple of retaining walls behind building #1

Mike Morgante: Yes they not more than 4 feet tall, the only purpose of these retaining walls was to help us to avoid grading into the wetland buffer. When I was speaking with Mike from the DEC who is the person we were dealing with, this was something he and I discussed, rather than go for the wetland permit since it was such a small area he requested it and we honored it and that's the only purpose for these retaining walls.

Chairman Serotta: Okay, so you and I had a conversation today about building #1, since that's sitting up higher along Kings Hwy we proposed both to sit at 45 feet but I think you spoke with your client today so why don't you talk about that.

Mike Morgante: I believe the zoning code allows for a max 45 foot building height and what essentially we were proposing for these warehouses was approximately a 42 foot tall building. I spoke with my client and discussed if we could reduce the height of the building and he agreed he would reduce the height of the building along Kings Hwy by 5 feet so would go from 42 feet to 37 feet which is a 5 foot reduction in height.

Larry Dysinger: That would be at the eaves right? Not at the ridge?

Mike Morgante: I would have to double check but either way we are willing to reduce the building height by 5 feet

Chairman Serotta: A few other comments made about Chester Planning Board architectural review, so in the LBSL zone we have ultimate power to reject or determine whatever we want in that zone. In any other zone other than the LBSL we have negotiating warning and try our best to make it as palatable as we can and in most cases the applicants work with us. We did require a very large landscape package here and we asked to reduce the height along Kings Hwy and the applicant agreed to both. Another comment we have is about this fitting into the neighborhood, this IP zone runs from Kings Hwy all the way over to Lake Station Rd, in that we have on 400 Bellvale Rd which is on Lake Station Rd a 61,000 SF building and we're now in front of the planning board which is in the process of submitting an application and studies is a project called Pomegranate Solution and they are proposing a 120,000 SF on Davidson Drive. So this fits the zoning code for Town of Chester, we have asked this applicant to compromise

TOWN OF CHESTER
PLANNING BOARD MINUTES
October 7, 2020

and he has complied so it's in line with these other buildings and is within the IP zone. Next I want to talk about colors, I went out to 400 Bellvale Rd today and took some pictures and you can see it's a very muted color, they are using a tin roof and I think the doors are very nice tan color and they did a nice trim too. So I think this might be good instead of a white door so it blends in nice.

Mike Morgante: I think the applicants will agree with whatever the board suggests and I'd like to mention this is actually the building we are trying to mimic. If we can determine the colors the applicant will agree.

Chairman Serotta: Okay good. So at this point and time we discussed the zoning, the preservation plans, Mike addressed all the comments that were submitted, we showed the site plans, talked about the colors and other buildings within the IP zone. The applicant has agreed to do all of Karen Arents comments and plans will be submitted back to her before we sign anything. I know you ran into some issues with the DPW, you'll have to discuss that with them. There was a letter sent on 10/2/20 and another one on 10/6/20 so all the board members should have seen that and there are some more negotiations that will have to be worked out there and again no prints will be signed until I get a letter from OCDPW stating all complying. I'll turn it over to the board members now for any comments or questions.

Bob Conklin: I'm satisfied; my questions have all been answered

Larry Dysinger: Most of my issues have been addressed, I have 2 comments; the brown is nice but my preference would be a light green so it looks like vegetation but I suppose I can go with the brown. Has the OCDPW been satisfied with the line of sight? Some of those trees look pretty close to the road and I'm not sure about the line of sight

Chairman Serotta: There were some questions about the line of sight but I'm not sure what the answer was. Mike can you tell us?

Mike Morgante: I had a conversation with Anthony Trochiano about this yesterday, so what the county likes to have is a sight line from the entrance to the high point on Kings Hwy that will have 2 feet of clearance between the driver's eye and the ground. That is going to require some kind of grading there in the right of way; I have not yet gotten a chance to get into that part of it because we just had the discussion yesterday. What I can show you is a sheet that's been provided to me showing what his take on it should be and it's actually pretty close to what we have shown on our plan. The only question is the little bit of grading that needs to take place in the right of way for the 2 foot clearance he's looking for.

Chairman Serotta: Larry was asking about the landscaping and the trees over there

Larry Dysinger: My reaction was a couple trees are close to the road and the entrance and it may impact the line of sight. If OCDPW is satisfied with the line of sight requirements then I'm okay with it

Mike Morgante: I can bring that to Mr. Trochiano's attention to make sure he takes a look at the landscaping plan around the entrance.

TOWN OF CHESTER
PLANNING BOARD MINUTES
October 7, 2020

Mark Roberson: I'd like to echo what Larry mentioned about the color, I think earth tone color would be best and don't necessarily all need to be brown

Carl D'Antonio: I'm satisfied

Chairman Serotta: We need some kind of consensus with the board on the color, green would be fine for me as well.

Larry Dysinger: Maybe to address the concerns of the people in the area we want it to blend in as much as possible so I like the green.

Dot Wierzbicki: I think light green would be nice too

Bob Conklin: Green or brown, I think any earth tone would be fine

Larry Dysinger: Light green is my preference

Mark Roberson: Light green would be good

Carl D'Antonio: I favor the green over the brown

Chairman Serotta: Green might be better. We have not had a final letter from Karen so we need that before we sign any prints and same thing with the DPW. We could issue a conditional approval based on submittal of final color, the final landscape package and the final DPW approval, so I'll go down the line of board members for their thoughts.

Bob Conklin: Conditional approval

Larry Dysinger: Conditional approval

Mark Roberson: Conditional approval

Car D'Antonio: Conditional approval

Dot Wierzbicki: Conditional approval

Dave Donovan: So I'm clear Mr. Chairman, are we going to take care of this tonight if that's the board's pleasure, we could issue a negative declaration and a conditional approval

Chairman Serotta: We declared lead agency on this and went out to the DEC and got no challenge. Can someone make a motion to grant a negative SEQRA declaration for the project?

Dot Wierzbicki: I'll make a motion

Larry Dysinger: I'll 2nd

Bob Conklin: Yes

Larry Dysinger: Yes

Mark Roberson: Yes

Carl D'Antonio: Yes

Dot Wierzbicki: Yes

Chairman Serotta: Okay so **negative declaration passed**. Next we need a motion to grant a conditional approval based on receiving the DPW approval letter, Karen Arent approval and a color chart

Larry Dysinger: I'll make a motion

Carl D'Antonio: I'll 2nd

Bob Conklin: Yes

TOWN OF CHESTER
PLANNING BOARD MINUTES
October 7, 2020

Larry Dysinger: Yes

Mark Roberson: Yes

Carl D'Antonio: Yes

Dot Wierzbicki: Yes

Chairman Serotta: And I'm a yes. **Conditional approval passed**

Okay Mike you're all set for now but nothing will happen until we get all the letters we discussed and the final color chart and then you'll submit your final plans.

Mike Morgante: Understood. Thank you for your time everyone and have a good night

Chairman Serotta: Next we have **210 BLACK MEADOW RD, LLC**

Kirk are you with us? Just for planning board recollection, Kirk first came in as a work session and talked about outside storage before they built any kind of a warehouse and we told him no because there is no outside storage allowed in this zone and the people of Black Meadow Rd don't want to look at that. So since then his applicant has decided to submit a full application and that's where we are tonight, so Kirk I'll turn it over to you now

Kirk Rother: The application before the board is for a proposed warehouse distribution, fully enclosed, it's 43,150 SF and as the board will recall this was a former concrete plant so there's a concrete slab that encompasses almost the entire proposed building area. Access road exists and the bridge exists, there were some problems on the plan last time with the loading docks on the south side of the building so we revised that to the north side of the building facing C&S Freight. It's a complicated project, it's in the flood plain, it's surrounded by DEC wetlands and the existing road is entirely in the DEC wetland buffer. As Mr. Serotta indicated at the last meeting we have the Town of Chester municipal well at the entrance of the site so we have a long road and this is just our first submittal as a formal application and I guess our objective would be to formally kick off the SEQRA process.

Chairman Serotta: So I guess if we are going to declare lead agency, Dave you can help me on this, we need Kirk to submit a list. The Village of Chester has a keen interest in this and the DEC will also have a keen interest, they probably won't challenge us to be the lead agency but will still want the ability to make comments on this. Dave would this be the appropriate time for Kirk to develop a list of agencies to circulate the declaration of lead agency?

Dave Donovan: Yes, the planning board could declare intent and my office would handle the circulation. Kirk I just need sufficient copies of the EAF and list of involved agencies.

Chairman Serotta: Would we actually vote on being lead agency?

Dave Donovan: You can just declare your intent with a motion

Chairman Serotta: I need a motion to declare intent to be lead agency and circulate to the proper other agencies based on the list that Kirk will provide to Dave Donovan

TOWN OF CHESTER
PLANNING BOARD MINUTES
October 7, 2020

Bob Conklin: I'll make a motion

Larry Dysinger: I'll 2nd

Mark Roberson: Yes

Carl D'Antonio: Yes

Dot Wierzbicki: Yes

Chairman Serotta: I'm yes, so we have now declared our intent to be lead agency. Kirk you have a lot of issues to deal with on this property, the entrance road is on the DEC wetland.

Kirk Rother: Also just so the board is aware, we have already gone out on site with Mike from the DEC and he delineated this and we have the signed wetland map in our possession.

Chairman Serotta: The other thing that will have to be looked at is this area here and going across the street is in a flood plain. Kirk is going to have to demonstrate how this building is going to be handled in this flood plain so that's a major thing. Another major thing is that well, it pumps 250,000 gallons a day and the Village only has two major sources of water, one is Walton Lake and the other is this well. I would say this well is probably their primary source of water so they have a very keen interest, this plan has already been sent to Mark Edsall at McGoey Hauser and we had a conversation about this project and we are forwarding all information received on this project to him.

Another question is what is going to be stored in this warehouse? Is this going to be harsh chemicals that have a potential to leak? You are probably going to have to identify that or restrictions may need to be placed because I'm sure the Village will want to know. You really need to be careful because we will definitely be held accountable for that.

John- Fusco Eng: Comments 1 and 2 are both regarding the long EAF identifies from the DEC map the potential impact on archaeological sensitive areas so therefore we are asking for a SHPO review. Comment 2 was the endangered species checked on site and they should consult with the DEC regarding any mitigation that may be required.

Comment 3 the EAF indicates it's in the flood plain so we are asking the applicant to provide the limits of the flood plain and the 100 year certificate so we can compare that to the proposed elevations of the building, general rule is we want to be at least 2 feet above the 100 year flood elevation if possible. Comment 4 is a note about solid waste being handled at the site so I guess the applicant is going to have to let us know if we need a multi sector SPEDES permit from the DEC which is different from storm water construction SPEDES, I'm not sure if that's required but they are going to have to address that. Comment 5 we do believe a full SWPPP is going to be required, as the plans become more detailed we are going to need a detailed storm water pollution protection plan addressing for both pre and post development as well as water quality. Comment 6 was already addressed, I believe the town has a DEC wetland delineation validation map. Comment 7 will need soil testing for the septic system. Comment 8 the bridge exists but we feel the engineer should take a look at it and check the condition of

TOWN OF CHESTER
PLANNING BOARD MINUTES
October 7, 2020

it and get us a written evaluation as to its structural integrity as to whether it needs improvements or is in sound condition to drive tractor trailers over it. Comment 9 we asked for a truck turning radius plan, there's a couple spots we feel may be difficult for trucks to get around as well as back into the loading docks. So we want the engineer to take a look at that and make sure there are no problems. Comment 10 will need some lighting and landscaping per town code for future plans. Comment 11 notes the bulk setbacks should be included in the bulk table. As far as actions required there should be a GML 239 and if the board is inclined to do so, intent to be the lead agency.

Chairman Serotta: Kirk I have a question about Comment 4, what is on the EAF about solid waste?

Kirk Rother: I don't know, I'll have to check the EAF. We have no intention of solid waste handling, if anything it might have been checked yes on that just for the general handling of garbage that's generated from the facility.

Chairman Serotta: That needs to be clarified because I thought it was to store cement forms & materials

John- Fusco Eng: Okay so it's product storage & distribution, no disposal or processing going on there of any sort? You should probably have to check no on that section of the EAF so take a look at that.

Kirk Rother: The actual use that we made the application under was fully enclosed warehouse and distribution facilities, so I don't anticipate he's going to want to store his concrete forms and rebar inside this warehouse.

I do have a question; we show that lane on the west side of the building intended to be a fire lane. Does the Town of Chester Fire Dept. review and comment on plans?

Chairman Serotta: My experience in the past is the fire company will not make comments. I'm going to refer to Alexa on this as she is the fire inspector, can you comment

Alexa: I have to look at the plan in full view and then I can submit fire comments. If I don't feel that plan is adequate or is something missing...do we know if the building is going to be sprinklered? If it's not going to be sprinklered then we are going to have a fire access road around the entire building but I'll have to check everything on the bigger plans so I have better idea of what we're looking at

Kirk Rother: Okay, the reason why I ask ties into John's comments about the turning radius, sometimes the fire department has a vehicle that we can make sure will be able to maneuver around the site then we can do the analysis for that vehicle

Alexa: The code for that is 20 feet. Is there 20 foot access around the building?

Larry Dysinger: There is a driveway around the building so it can be used as a fire lane

Chairman Serotta: Another question is do you have some bank parking set up?

TOWN OF CHESTER
PLANNING BOARD MINUTES
October 7, 2020

Kirk Rother: Yes, on the south side of the building we banked parking. The parking calculations per code requires 86 spots and the applicant does not feel like he needs all of that, probably half.

Chairman Serotta: Okay good, so just give us your proposed number and we'll go from there. So Kirk you have some homework to do and you'll come back so you're done for now. Next let's go to **SAPANARO 1351 KINGS HIGHWAY** Kirk came in front of us for a proposed 2 family house in Sugar Loaf where the current site plan shows a downstairs retail and upstairs residential but Mr. Sapanaro does not want to do that so they want to do a 2 family. They didn't meet the lot size requirement for a 2 family so we sent them to the ZBA and they granted the variance for a 2 family dwelling on this lot. Kirk submitted a plan and we also have a rendering.

Larry Dysinger: That rendering shows a driveway on each side & the site plan does not

Kirk Rother: This rendering shows a 2 family that is left side and right side, 2 separate entry ways and 3 bedrooms each

Chairman Serotta: We have to approve all your color selections as well as site plan. Right now this is not a proper plan because as Larry stated you're hugging to the right of the building and putting your 4 parking spots over there, so we are going to need a correct plan and rendering on what you're going to do.

Kirk Rother: It's pretty simple site plan, 1 structure and parking requirement per code is 2 per dwelling unit so 4 parking spaces. We need county approval for the proposed entrance because it's on Kings Hwy. Project is served by the sewerage system in Sugar Loaf and we are proposing a well.

Chairman Serotta: This is definitely a municipal 239 and municipal OCDPW referrals. John, will this require a SWPPP?

John- Fusco Eng: Doesn't require a SWPPP but I don't think I received the plan electronically at our office because I don't have any review comments yet and I'll have to take a look at it.

Chairman Serotta: We need to wait for DPW review, this did get submitted to county planning and we have a short EAF. This also will require a public hearing but the problem is today is Oct.7th and the next meeting will be Nov.4th and that's less than 30 days so we will have to move the public hearing to December meeting.

Kirk Rother: On ZBA we got the 239 back within 2 weeks and it was a local determination

Dave Donovan: Yes, the planning board still has to make the referrals. That's what the law requires but it's up to the board if they want to schedule public hearing for November.

Kirk Rother: Would the board be comfortable with scheduling the Nov.4th public hearing at this time?

TOWN OF CHESTER
PLANNING BOARD MINUTES
October 7, 2020

Chairman Serotta: So let me poll the board, should we schedule public hearing on Nov.4th

Bob Conklin: Yes

Carl D'Antonio: Yes

Larry Dysinger: Yes

Mark Roberson: Yes

Dot Wierzbicki: Yes

Chairman Serotta: I'm a yes. So time will tell if we will need a 2nd public hearing. Can I get a motion to schedule the Sapanaro public hearing on Nov.4th at 7 pm

Larry Dysinger: I'll make the motion

Bob Conklin: I'll 2nd

All in favor: Yes

Chairman Serotta: Public hearing for Sapanaro has been scheduled.

Next on the agenda is **RIDGE ROAD EQUITIES** this started as a 10 lot subdivision, we have been looking at this for a long time and now we have a new plan. So Kirk please explain what the newest plan is

Kirk Rother: Mr. O'Reilly wants his house on Lot 1 and the other 3 lots are for his children. He has decided it's more important to get going on his house so he scaled back to a 4 lot minor subdivision because he wants to start construction on his house.

Chairman Serotta: You have to explain what happens in the future

Kirk Rother: If he wants to subdivide in the future he would need to come back before the board and I believe that would then be considered a major subdivision

Chairman Serotta: You've done a full EAF on the entire project

Kirk Rother: Yes, so the board has been reviewing the full scope as a 10 lot subdivision, you have the long EAF for those 10 lots so you know what the ultimate build out would be, we've reviewed driveways with Anthony already and the we submitted a supplemental EAF for the 4 lot subdivision.

Dave Donovan: This project is different because there are future plans for future development. The important thing from the SEQRA point of view is you need to demonstrate the full analysis of the proposed 10 lot subdivision.

Kirk Rother: Up until this point we have been doing the full analysis of the 10 lot subdivision

Dave Donovan: What is the reason why you're backing off the 10 lots?

Kirk Rother: The owner wants to start construction on his house on Lot 1, that combined with the realization if he creates these full additional lots his children may end up keeping he will be paying taxes on them. I told him he was probably looking at June of 2021

Dave Donovan: You need to do a full SEQRA analysis for a 10 lot subdivision; it shouldn't be that difficult for you and it will help the planning board to evaluate the impacts of a 10 lot subdivision. You can probably get a permit for Lot 1 now

TOWN OF CHESTER
PLANNING BOARD MINUTES
October 7, 2020

Alexa: Yes he can

Kirk Rother: I agree and I believe the planning board has all the information they need to do an environmental determination on the whole.

John- Fusco Eng: What additional environmental impacts would happen if it were 10 lots as opposed to 4 lots, I don't think it would generate a traffic impact study or cause any additional traffic. I don't know what significant impacts would be with a full build out plan that you're looking at versus the 4 lots that are proposed right now. Other than additional site disturbances and possibly the need for a storm water detention pond.

Kirk Rother: The full build out would trigger the next level of SWPPP design, our intention is to do all of it on the lots and we actually even show that in concept on the 10 lot plans so there wasn't one central storm water management facility that any of these one lots would be burdened with. The 10 lot plan is pretty far along in the design process so as far as the board's position on the SEQRA review, that's the route we are going.

Dave Donovan: As long as we covered that base and any information based on a 10 lot subdivision and we're acting in a manner that's no less than protecting the environment then I'm okay of John's okay.

John- Fusco Eng: Yes, I don't see any wetlands disturbance and I don't see that 6 more lots down the road will be affecting any traffic impacts.

Chairman Serotta: Okay so let's go through your comments letter

John- Fusco Eng: Comment #1 the EAF identified threatening endangered species so we contacted the DEC to find out if anything needed to be done for mitigation purposes and it is limited to the Indiana bat and due to the fact no trees on this parcels there's no impact. Comment #2 noting we need a basic SWPPP not a full SWPPP because it's been reduced below the threshold of full SWPPP. Comment #3 all the lots meet the zone of SR1. Comment #4 we need the surveyors stamp on each page of the plan. Comment #5 need soil test witnessing so please contact our office to schedule that. Comment #6 approval from the OCDPW required for Lot 4 that used to be lot 10. Comment #7 need details referring to Lot 6 but since only 4 lots now you need to re do your lot numbering on the plans. Comment #8 asking to provide adjoining wells and septic's or note them on the plans. Comment #9 we need generic calculations for sizing of the culverts in the right of way. Comment #10 all plans to be submitted to the highway superintendent to review driveways on Ridge Rd. Comment #11 need to make sure the offer of dedication actually gets signed and delivered to the town before the map is filed.

Larry Dysinger: I have a comment; my preference is that all lots be off Ridge Rd so no driveways are going out onto Kings Hwy.

Bob Conklin: I agree with Larry, it seems like a lot on that crown of the road there. Is the county aware all this activity is going on in this one location?

John- Fusco Eng: I would have to defer to Dave because how he decides to subdivide his property is not for the planning board to dictate as long as he meets code requirements.

TOWN OF CHESTER
PLANNING BOARD MINUTES
October 7, 2020

Chairman Serotta: Cannot have a flag lot in the SR1 zone

Dave Donovan: To essentially lose (depicted) Lot 6 the planning board would have to identify legitimate reason of concern that states it would be unsafe to have a driveway on Kings Hwy and if you have a legitimate reason you may cause the lot, for lack of a better phrase to be “lost”. It becomes more difficult to lose that lot if it’s not for an objective reason.

Larry Dysinger: It’s not losing the lot it’s still going to be 4 lots, it’s just a matter of where they are. I’m just saying my preference would be to use Lots 8, 9 & 10 as the three extra lots so you’re not putting additional traffic and driveway entrances on Kings Hwy because line of sight is definitely an issue there.

Kirk Rother: I understand the points and they are legitimate, the 3 lots proposed are the lots I had the conversation with my client about.

Chairman Serotta: I’m not sure what the difference would be if you went with 8, 9 and 10 to start with if you can’t get a county approval on that

John- Fusco Eng: If he gets approval from the OCDPW that would alleviate the issue of traffic and safety concerns otherwise the county wouldn’t grant the approval

Kirk Rother: We’ve already gone one round with them and waiting for their approval hopefully.

John- Fusco Eng: Maybe you can go back to your client and see if there’s a legitimate reason that is motivating him to want to get that lot approved right now as opposed to waiting

Chairman Serotta: I think Larry’s request is reasonable. You’re asking to fast track this, so in a way it will be even faster to not go to the county. Why can’t we just do, based on this plan in front of us, Lots 8, 9 & 10 and the rest is Lot #1. So I think you need to talk to your client about that. Also on Lot #6 we are going to have to work with you on the setbacks so we’re trying to work with you.

Kirk Rother: That is correct, so we have a front setback of 60 feet and just given the geometry of the existing parcel that we have to work with.

Chairman Serotta: And that’s fine we’ve already said we would work with you so I think you should talk with your client and why can’t we do Lot 1 and then 8, 9 & 10 I’m going to poll the board and see if the board is okay with moving ahead with a 4 lot plan.

Bob Conklin: Yes, I’m okay with a 4 lot and keeping it to Lot 1 and 8, 9 & 10

Larry Dysinger: Yes

Carl D’Antonio: Yes

Dot Wierzbicki: Yes

Mark Roberson: Yes

Chairman Serotta: Okay so the board has spoken and we can move ahead with the 4 lot plan. You can let Julie know if you want to get on the next meeting agenda.

Kirk Rother: Yes and next step is public hearing

TOWN OF CHESTER
PLANNING BOARD MINUTES
October 7, 2020

Chairman Serotta: I don't know, Dave Donovan can you help me out?

Dave Donovan: I'm not sure that you have the lay out in front of you, have we heard from OC planning department? Public hearing is generally based on a certain map, typically when you go to public hearing you have the map the board wants a public hearing for and the board has expressed a desire to have a different map. So there's going to be a change, might not be a dramatic change but there will be a change. I leave it up to the board's discretion.

Chairman Serotta: So we would require him to change the lot numbers of 8, 9 & 10 and Lot 4 becomes Lot #1

Dave Donovan: How quickly can you deliver that map so the public can take a look at it with enough time before public hearing?

Kirk Rother: I can have it by tomorrow.

Dave Donovan: I can tell you that you are not prohibited from scheduling the public hearing, so if the board is comfortable with that and Kirk can submit revised maps then you are able to do that if you're so inclined

Chairman Serotta: This public hearing would be for the 4 lot subdivision, so we can have Julie draw up the list but you need to drop the map before she releases your mailing list. Can I get a motion to schedule public hearing for Nov.4th at 7 pm?

Dot Wierzbicki: I'll make the motion

Larry Dysinger: I'll 2nd

Bob Conklin: Yes

Larry Dysinger: Yes

Mark Roberson: Yes

Carl D'Antonio: Yes

Chairman Serotta: Okay so you're set for the public hearing at next meeting on Nov.4th and so now we have 2 public hearings for that date and we'll see what else comes up.

Meeting adjourned at 9:40 pm

Respectfully submitted,

Julie Tiller
Planning Board Secretary