

**TOWN OF CHESTER**  
**PLANNING BOARD MINUTES**  
**November 1, 2017**

Meeting called to order: 7:03pm

Members present: Chairman Serotta, Konrad Mayer, Dot Wierzbicki, Jackie Elfers, Bob Conklin, Carl D'Antonio, Barry Sloan

Also Present: Robert Dickover-Attorney (in place of Dave Donovan), Alexa Burchianti-Secretary, Al Fusco-Engineer

A motion was made to adopt the minutes from September 20, 2017 and October 4, 2017. Motion made by Dot. Second by Jackie. Motion carried 7-0.

Next meeting of the Planning Board is scheduled December 6, 2017.

Board updates: The new Zoning Law has been filed with the State and is accepted.

**Clean Energy Collective-Public Hearing**

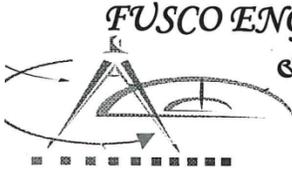
Joe Shanahan from Clean Energy Director of Real Estate & Permitting, and Jim Ullrich from Alpine. Joe Shanahan gave a description of the company and a brief description again of the community solar project proposed at 215 Black Meadow Road. The solar power is not sold directly to the utility companies. They build the facilities and basically subscribe property owners to participate in the community shared solar. They pride themselves on being a good corporate community neighbor. They chose their sites as best they can to make them as non-visually impactful as they can. This site is among those chosen for that purpose.

Jim Ullrich states that the property is approximately 23 acres in size. There is an approved site plan for an industrial building in the front on the lot. The proposed solar project is the leasehold parcel on the balance of the property. Of the 23 acres 4.8 acres will be under solar panels. The overall lot coverage solar panels, fenced area, and the grass strips in between is still only about 20% lot coverage. There are some State wetlands to the North East and are setback more than the 100 foot buffer zone. And maintaining the tree line on the west side. And augmenting it with some more plantings which Jim pointed out on the plan for more screening.

Chairman Serotta pulled up a Bing shot of the property. Jim Ullrich pointed everything out on the screen.

Al Fusco Letter 10-26-17:

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

**FUSCO ENGINEERING  
& LAND SURVEYING, P.C.**

*Consulting Engineers*

*Alfred A. Fusco, III, General Manager*

- 233 East Main Street  
Middletown, NY 10940  
Phone: (845) 344-5863  
Fax: (845) 956-5865
- 19 Waywayup Lane  
Port Jervis, NY 12771  
Phone: (845) 956-5866

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October 26, 2017

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

Re: Clean Energy

Dear Chairman Serotta,

We have reviewed the recent submission of 10/20/17 and offer the following:

**PROJECT:**

Name: Clean Energy Collective Solar Generation  
SBL: 6-1-102  
Acres: 23.3 Acres  
Zone: IP Zone  
Material: Alpine plans dated 10/20/17

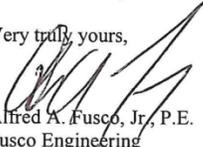
**COMMENTS:**

1. SHPO letter regarding archeological and NYSDEC on endangered species.
2. Decommissioning estimate.
3. Landscaping to be reviewed by Board for sufficiency.
4. Board comments.

Action:  
Pleasure of the 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 Fusco stated that they did apply for the SHPO letter just haven't heard back yet. And the DEC on endangered species we did receive the study on it. Heard the decommissioning estimate was coming just haven't seen it yet.

Jim stated that he spoke to Lisa Massi at the DEC, the Bog Turtle was the issue in the area however, they do not have any habitat in the area where they are proposing the panels. Should the stray, which they usually don't, the fencing is placed with a 6 inch gap on the bottom so they have freedom of movement if that was to happen.

Chairman: You are also in the Indiana Bat area so there will be restrictions on when you can cut trees. Spoke with the Supervisor today, you will have to discuss the pilot with him and the Assessor. That is not an issue this board deals with.

Poll Board:

Bob: I like the fact that it is very low impact. That just raises a question. What kind of tax base does this fall into? Joe: It's a hybrid for a better lack of terminology. It isn't treated as real estate development unless your community votes to "opt out" in order to tax it differently. What they generally do to keep things simple is sit down with the Supervisor and the Assessor and provide all the cost of construction, the equipment depreciation and production etc. and what they try to do is enter a PILOT agreement with the Town for the term of their lease. Which basically provides a check annually for an agreed upon sum occasionally there is an escalation clause in it during the course of the 25 years. It is usually approved by the Town Board. And it sets the rate and guarantees a check every year. Bob: Has that happened in this application yet? Joe: We generally don't approach the subject until we are to a point of being permitted. Obviously it's an awkward situation negotiating finances with the Town while you are going through the permitting process. Joe states he has no problem if this board votes to approve this project that it be contingent upon entering an PILOT agreement satisfactory to the Town of Chester.

Chairman: The property owner has been running an AG hay cutting business in there for years and hasn't been paying any taxes anyway. It would be a plus net for the town.

Jackie: The plants chosen on the plan are deer hearty. Would choose a different variety. Green Giants are a stronger variety. Anything that would be deterrent to them.

Barry: Wanted to see the decommissioning plan again. \$850 for a container? What size container is that? Joe: Dumpster yes. 15 or 20 yarder. Barry: In 15 or 25 years you think that's a correct number? Joe: There is a provision for an escalator in there. And proposing 125% of removal cost. Al: Rate of inflation is usually 2% p/yr. Chairman:

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\$850 for a 30yd dumpster is a lot of money. Joe: Just paid \$480 for a 15 yard last week on a different job site.

Let the record reflect that the legal notice was published in the Times Herald Record and the mailings went out.

Public Hearing is now open.

Tracey Shuh: I like a couple of things I heard tonight, like they are going to keep the existing tree line and the gap in the fencing for the species is all good stuff. Is not against solar but does have clarification questions. The one thing they stated is that there were no designated esthetic resources, just wanted to point out that the Town in there Comprehensive Plan does have a scenic roads and setback section. Does talk about how we have unusual scenic beauty and it talks about the view sheds on Kings Highway. I believe from what I saw at the last meeting this can't be seen on Kings Highway so just pointing it out that this section is in your Comprehensive Plan it does talk about it for future reference. Chairman: This is a big ridge (pointed out on the screen) Tracey: I know, but that statement just made me think, that the Town does have resources for future reference. And as far as HOW they did this study, I know I mentioned this before on another project, I know we don't have any standards on how we want an applicant to do a visual analysis, I did like that they put a target out there. Of the same height that these would be. In the future, in a more visual area, I think you may want something in all 4 corners and in the middle, and something tied together with red flag or caution tape or something to get the scale of the project. Again just another reference for the future. I would like to see the planning board have more of a guide line. The other thing was I saw somewhere about that this is consistent with the new regulations that the Town adopted. I didn't know if the setbacks meet them with the code had required for that. And my second to last question, the code talk about the total area shall not exceed 20 acres. But it says in no case shall it exceed 50% of the total lot area. Can you explain that, Is confused. Jim: 4.8 Acres of the 23 acres is being used which is less than 20% of lot coverage. Tracey: and that minus's out the building that already going to be slotted out for it? Is it all the same lot? Chairman: it's all on the same lot. But that's just a tiny little piece but that has nothing to do with the solar. Tracey: But it's all on the same lot? Chairman: Yes but if you take the percentage of the building to the lot it's small. The building is a small building! Jim: The panel area is 4.8 the entire are with fencing is 9.+ but the panel area is 4.8. Tracey: My last question is there a stream located on the property? Again I know you have regulations about 100 feet away from the high water mark up stream, and 25 feet for intermittent streams. So.... I wasn't sure. Chairman: I'm not sure that's an active stream. Tracey: so is it would be 25 feet? Chairman: We will check that.

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Claudia Bandelier lives on Black Meadow Rd. would like to share into the system and would like to know who to speak to, find out about it. Joe stated that there will be sales people that will send out notifications regarding it.

Donato Socci-Black Meadow Rd. pretty familiar with Solar. Worked in California for a few years also Arizona. All for green energy. Question is, Are they Crystalline panels, mirrored or passive? Joe: They are not mirrored panels they are passive panels. Donato: What they do now is incredible. Where are you actually tie into the grid? Joe: On Black Meadow Rd. there is a 3 phase pole right on Black Meadow. Donato: Is there going to be a storage shed there? Joe: On the premises there will be a 12X12 ft pad roughly that the equipment will be on it. Donato: That's it for me, if you want to expand in the future you would have to come back to the Planning Board correct? Joe: there are no plans for expansion. Chairman: The answer is yes, he would have to come back to the Board. Donato: Well just wanted it on the record all for it.

Let the record reflect no one else spoke for or against the application.

Motion to close the Public Hearing. Motion Made by Konrad. Second by Barry. Motion carried 7-0.

Ned to get the board the SHPO letter. Will set you for December 6, 2017.

Bob stated he feels it would be beneficial to have the material of the panels in the file. Especially for decommissioning purposes.

**Suresky's-Site Plan Review**

Steve Esposito Engineer for Suresky's. They are here to amend the originally approved site plan. Proposing right now is the approximately 560 spaces that are now gravel they would like to pave. After 1 winter of snow plowing they would like to pave it. Also, since there it will go to impervious surfaces they will do a small diversion swale into the basin. Also convert from storage to infiltration with add little weir and berm in the center. And pond "b" has to be raised. Those a really the only improvements that they are proposing.

Chairman stated at the last meeting increased landscaping was discussed. (brought up the new landscaping plan)

Steve pointed out on the plan the existing vegetation. They are proposing to infill certain areas. There will be an additional 40 Norway spruce and an additional 41 Forsythias they are deer resistant and stay full and using the forsythia to fill in any areas that are weak at the ground levels. And just so you know the applicant desires those holes to be plugged up probably more so than the board for security reasons. They don't want people on Kings Hwy to be able to see it.

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Chairman: So the trees that turned brown and didn't make it will be replaced? Steve:  
Yes, we have a list of trees that will be taken out and replaced.

Jackie: Norway is a good choice and the forsythias will fill in.

Al Fusco Letter 10-24-17:



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Please advise if you have any questions.

Very truly yours,



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

We asked at the last meeting for additional information on the SWPPP and on the plan. Which the provided AI stated he re-checked it and found that it was acceptable. The only thing that needs to be done is to re file with the DEC so we need a new MS4 acceptance form which needs to be signed by the Supervisor of the Town. Once they have approval here they will go to himself and the Supervisor get him to sign that so they can get there

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SPEDES permit. The buffer they did add accordance what we recommended. We looked at everything that the OCDP had recommended.

OCDP Response:

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 Steven M. Neuhaus County Executive	<b>Orange County Department of Planning</b> 124 Main Street Goshen, NY 10924-2124 Tel: (845) 615-3840 Fax: (845) 291-2533	David E. Church, AICP Commissioner <a href="http://www.orangecountygov.com/planning">www.orangecountygov.com/planning</a> <a href="mailto:planning@orangecountygov.com">planning@orangecountygov.com</a>
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**County Reply – Mandatory Review of Local Planning Action  
as per NYS General Municipal Law §239-1, m, & n**

<b>Local Referring Board:</b> Town of Chester Planning Board	<b>Referral ID #:</b> CHT 09-17M
<b>Applicant:</b> Suresky & Sons Inc.	<b>Tax Map #:</b> 6-1-70.12
<b>Project Name:</b> Suresky & Sons Inc. Vehicle Inventory Center	<b>Local File #:</b> none provided
<b>Proposed Action:</b> Site Plan for new construction of vehicle staging and distribution center	
<b>Reason for County Review:</b> Within 500 feet of County Route 13 (Kings Highway)	
<b>Date of Full Statement:</b> September 21, 2017	

**Comments:** The Department has received the above referenced site plan and has found no evidence that significant intermunicipal or countywide impacts would result from its approval. We would like to offer the following advisory comments:

Green Infrastructure/Runoff Reduction: Although the proposed stormwater management structures seem to be adequate for the stormwater volume anticipated to occur onsite, we note that none of the proposed stormwater management will allow much onsite infiltration. The Stormwater Pollution Prevention Plan prepared for this project shows that no impervious surface coverage reduction techniques were included in the project design. We further note that the parking lot is noted to be a combination of pavement and compacted gravel, which is known to have similar runoff characteristics to pavement. We advise the Town to require additional Green Infrastructure measures in keeping with the New York State Stormwater Design Manual, which will allow pollutants to filter out of the stormwater runoff before it enters the groundwater supply. This could include pervious pavement options—products similar to asphalt pavement have been used with great success in various locations in Orange County—along with other infiltration options that do not require significant commitments of limited site area.

Traffic and Load Impacts: Although the proposed project does not take direct access from Kings Highway, trucks traveling to the project site will use Kings Highway, thereby increasing the truck traffic on a two-lane road, and increasing wear and tear on the pavement. We advise the Town Highway Superintendent to work with the County Department of Public Works to determine what the impacts resulting from this project are likely to be, and to determine appropriate mitigation.

**County Recommendation: Local Determination**

**Date:** October 19, 2017  
**Prepared by:** Megan Tennermann, AICP, Planner

  
David Church, AICP  
Commissioner of Planning

As per NYS General Municipal Law 239-m & n, within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available on-line at [www.orangecountygov.com/planning](http://www.orangecountygov.com/planning).

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Poll Board:

Barry: Does the Town have access to the retention pond? Steve: Yes, the ponds have not been reconfigured. There is an agreement with the Town filed with the County for maintenance purposes.

Al Fusco explained what MS4 is.

Bob: The lot looks pretty full where are all the cars going? Steve: Good question. They will be moved (crammed all together on one side) where it is already paved and inside the building. Bob: As long as they aren't on Elkay Drive and disturb the industrial neighbors.

Motion made for a Negative Declaration. Motion made by Dot. Second by Barry. Motion carried 7-0

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**TOWN OF CHESTER  
PLANNING BOARD  
NEGATIVE DECLARATION**

**Determination:** Please take notice that, according to the provisions of 6NYCRR, Part 617.7, the Town of Chester Planning Board as lead agency, having reviewed and considered information provided by the applicant, the Environmental Assessment Form and plans for the proposed project and having considered the reasonably related long-term, short-term and cumulative effects and impacts of the project, has determined that the action described below will not have an adverse impact on the environment and the Planning Board has, therefore, adopted a resolution to this effect.

**Contact Person/Address:** Donald Serotta, Chairman  
Town of Chester Planning Board  
1786 Kings Highway  
Chester, New York 10918  
(845) 469-7000

**Name of Project:** R.I. Suresky & Sons, Inc. Site Plan

**Location:** 1821 Kings Highway

**Tax Map Parcel:** 6-1-70.12

Town of Chester, County of Orange

**Type of Action:** Unlisted

**Project Description, Background and Reasons Supporting the Negative Declaration:** In October R.I. Suresky & Sons, Inc. (the "applicant") received site plan approval allowing the construction of a 12,500 +/- square foot building where automobiles are received from manufacturers via car haulers and are finished, cleaned and prepared for sale on a ±15.50 acre tract located at 1821 Kings Highway. The applicant now seeks to amend the previously approved plans to the extent of now paving that portion of the site that was previously improved by a gravel surface as well as making certain modifications to the drainage facilities currently installed.

The Lead Agency has carefully considered all issues of potential environmental concern and concludes that the project, as proposed, will not have a significant effect on the environment for the following reasons:

- There will be no substantial adverse change in existing traffic, noise or odor levels.
- There will be no substantial increase in erosion, flooding or drainage problems.
- There will be no removal or destruction of large quantities of vegetation or fauna, no impact on a significant habitat area, nor any other significant

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adverse effect to natural resources.

- There will be no substantial adverse change in existing air quality.
- No hazard to human health is created.
- There will be no adverse impact on surrounding property values.
- The cumulative effect of all of the impacts on the environment do not result in a substantial adverse impact on the environment.

**Date of Action:** November 1, 2017

**Involved Agencies:** Town of Chester Planning Board  
1786 Kings Highway  
Chester, New York 10918

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**Interested Agencies/Parties:**

Orange County Planning Department  
124 Main Street  
Newburgh, NY 10924

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Motion made to grant Final Approval. Motion made by Konrad. Second by Carl. Motion carried 7-0.

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**RESOLUTION OF APPROVAL**

***AMENDED***

**SITE PLAN**

**FOR**

**R.I. SURESKY & SONS, INC.**

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**Nature of Application**

In October R.I. Suresky & Sons, Inc. (the “applicant”) received site plan approval allowing the construction of a 12,500 +/- square foot building where automobiles are received from manufacturers via car haulers and are finished, cleaned and prepared for sale on a ±15.50 acre tract located at 1821 Kings Highway. The resolution of approval adopted by the planning for that site plan application is incorporated herein by reference. The applicant now seeks to amend the previously approved plans to the extent of now paving that portion of the site that was previously improved by a gravel surface as well as making certain modifications to the drainage facilities currently installed.

**Property Involved**

The property affected by this resolution is shown on the Tax Maps of the Town of Chester as parcel(s) Section 6, Block 1, Lot 70.12.

**Zoning District**

The property affected by this resolution is located in the IP zoning district of the Town of Chester.

**Plans**

The Site Plan materials being considered consist of the following:

1. Completed application dated August 23, 2017 and a Short Environmental Assessment Form dated August 23, 2017.
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2. Plans prepared by Engineering and Surveying Properties dated July 22, 2015, last revised October 24, 2017, consisting of 4 sheets.
3. Amended Landscape Plan and Details prepared by Esposito & Associates dated July 22, 2015, last revised October 17, 2017.
4. Stormwater Pollution Prevention Plan prepared by Engineering and Surveying Properties dated July, 2015, last revised October, 2017.

***Date of Application***

The amended application was filed with the Planning Board in August, 2017.

***Public Hearing***

A public hearing on this amended site plan application has been waived by the planning board.

***SEQRA***

*Type of Action:*

This matter constitutes an unlisted action under the State Environmental Quality Review Act.

*Lead Agency:*

The Town of Chester Planning Board is the lead agency in regard to this action.

*Declaration of Significance:*

A negative declaration was issued on November 1, 2017.

**GML 239 Referral**

This amended application has been referred to the Orange County Planning Department for review and report. The Planning Department in a letter dated September 21, 2017 has reported that this matter is one for local determination, there being no significant inter-municipal or countywide considerations found to exist.

**Findings**

The Planning Board has determined that approval of this site plan will substantially serve the public convenience, safety and welfare in that the land to be improved is of such character that it can be used safely for building purposes without

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danger to health or peril from fire, flood or other menace. Further, the site plan is appropriate and consistent with the requirements of the master plan, the official map of the Town, Article V of the Town of Chester Site Plan Regulations and applicable zoning regulations, subject to compliance in full with conditions hereinafter imposed.

**Resolution of Approval**

NOW, THEREFORE, THE PLANNING BOARD RESOLVES to approve the final site plan application of R.I. Suresky & Sons, Inc. as said proposal is depicted on the plans identified above and upon the conditions outlined below, and the Chairperson (or his designee) is authorized to sign the site plan map(s) upon satisfaction of those conditions below noted to be conditions precedent to such signing.

**Specific Conditions**

1. This approval is subject to compliance with the requirements of the Planning Board Engineer, Fusco Engineering and Land Surveying, P.C.
2. This approval is subject to compliance with the terms, conditions, notes and all provisions contained within and upon the "Plans" referenced hereinabove.
3. Compliance with the requirements of the *Stormwater Pollution Prevention Plan* prepared by Engineering and Surveying Properties dated July, 2015, last revised October, 2017.
4. All stormwater storage and conveyance facilities shall be installed, to the satisfaction of the town engineer. To the extent required, compliance with the requirements of section 98-13 of the Town Code, including delivery of the required *Stormwater Control Facility Maintenance Agreement* prior to map signing is required.

**General Conditions**

This approval is conditioned upon the applicant submitting all necessary copies of the plans to be signed, including mylars when required, to the Town of Chester Planning Board within one hundred eighty days of the date of this approval.

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This approval is further conditioned upon the applicant delivering (prior to signing of the plat) proof, in writing, that all fees—engineering, planning, legal and otherwise— as well as the posting of all required bonds in regard to this project have been fully paid. The plans shall not be signed until proof, satisfactory to the Chair, has been presented showing that all fees have been paid and said required bonds have been posted.

A FAILURE to comply with any such condition in a timely manner shall result, without further action, in a lapsing of this approval.

In Favor   7        Against   0        Abstain   0        Absent   0  

Dated: November 1, 2017



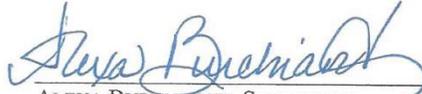
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DONALD SEROTTA, CHAIRMAN  
TOWN OF CHESTER PLANNING BOARD

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STATE OF NEW YORK    )  
                                  )ss:  
COUNTY OF ORANGE    )

I, ALEXA BURCHIANTI, Secretary to the Planning Board of the Town of Chester, do hereby certify that the foregoing is a true and exact copy of the Resolution maintained in the office of the Town of Chester Planning Board, said resulting from a vote having been taken by the Planning Board at a meeting of said Board held on November 1, 2017.

  
\_\_\_\_\_  
ALEXA BURCHIANTI, SECRETARY  
TOWN OF CHESTER PLANNING BOARD

I, LINDA ZAPPALA, Clerk of the Town of Chester, do hereby certify that the foregoing Resolution was filed in the Office of the Town Clerk on November 8, 2017.

  
\_\_\_\_\_  
LINDA ZAPPALA, CLERK  
TOWN OF CHESTER

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**Gibson Hill 13-Site Plan Review**

David Getz from Lehman & Getz Engineering. Received letter and stamped plans from the DOH.

DOH letter:

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**Steven M. Neuhaus**  
*County Executive*

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**DEPARTMENT OF HEALTH**

**Eli N. Avila, MD, JD, MPH, FCLM**  
*Commissioner of Health*

124 Main Street  
Goshen, New York 10924-2199

Environmental Health                      (845) 291-2331  
Fax: (845) 291-4078

October 20, 2017

Sugar Loaf Trails, Inc.  
152 Gibson Hill Road  
Chester NY 10918

**Re:**  
**Approval of plans for:**  
**Gibson Hill Estates (Lot #13)**  
**Realty Subdivision**  
**Town of Chester**

**SBL: 15-3-23.1**

Dear Applicant:

Plans entitled Gibson Hill Estates (Lot #13), prepared by Lehman & Getz, P.C., and dated May 1, 2013, latest revision October 11, 2017, are approved.

Our Certificate of Approval is enclosed. The approved plans are being returned to the engineer for transmittal to you. The engineer, or other design professional, is now responsible for submitting scanned copies of the approved documents to the OCHD within 30 days. These documents should be submitted using the email address that has been provided for entry into our Sharefile system. Failure to submit these documents may delay our review and/or approval of subsequent projects.

Very truly yours,

Edwin L. Sims, P.E.  
Acting Dir. of Env. Health/  
Principal Public Health Engineer

ELS/ajc

cc: Engineer ✓  
O.C. Planning Dept.  
File

Enc.

**TOWN OF CHESTER  
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**ORANGE COUNTY DEPARTMENT OF HEALTH  
Division of Environmental Health**

**CERTIFICATE OF APPROVAL OF REALTY SUBDIVISION PLANS**

**TO: Sugar Loaf Trails, Inc.  
152 Gibson Hill Road  
Chester NY 10918**

The Orange County Department of Health certifies that a realty subdivision map entitled Gibson Hill Estates (Lot #13), dated May 1, 2013, latest revision October 11, 2017, located in the Town of Chester showing plans for providing satisfactory and adequate water supply and sewage facilities for said subdivision have been filed with and approved by the Department on this date pursuant to Article II of the Public Health Law.

The following information was furnished in the application for approval of plans:

Total area: 3.06 +/- acres      Number of lots: 1

Water supply: Individual Wells

Sewage disposal: Individual Subsurface Sewage Disposal Systems

The owner intends to build n some lots and sell some lots with out buildings.

Approval of the proposed water supply and sewage facilities is granted subject to the following conditions:

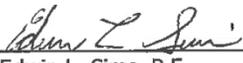
1. **THAT** the proposed facilities are installed in conformity with said plans.
2. **THAT** no lot or remaining lands shall be subdivided without plans for such resubdivision being filed with and approved by the Orange County Department of Health.
3. **THAT** the purchaser of a lot sold without water supply and/or sewage disposal facilities installed thereon **will** be furnished with a reproduction of the approved plans and shall be notified of the necessity of installing such facilities in accordance with the approved plans.
4. **THAT** the purchaser of a lot sold with water supply and/or sewage disposal facilities installed thereon will be furnished with a reproduction of the approved plans and an accurate as-built plan depicting all installed sanitary facilities.

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5. **THAT** the sanitary facilities (water supply, any water treatment, and sewage disposal facilities) on these lots shall be inspected for compliance with the approved plans at the time of construction by a P.E., R.A. or exempt L.L.S. and that written certification to that effect shall be submitted to this Department and the Local Building Code Enforcement Officer within 30 days and prior to occupancy.
6. **THAT** individual wells and sewage treatment systems shall no longer be constructed or used for household domestic purposes when public facilities become available. Connection to the public sewerage system is required within one year of the system becoming available.
7. **THAT** plan approval is limited to 5 years. Time extensions for plan approval may be granted by the Orange County Department of Health based upon development facts and the realty subdivision regulations in effect at that time. A new plan submission may be required to obtain a time extension.
8. **THAT** the approved plans must be filed with the Orange County Clerk prior to offering lots for sale and within 90 days of the date of plan approval.
9. **THAT** all local and state agency rules and regulations be complied with.

October 20, 2017  
Date

 , P.E.  
Edwin L. Sims, P.E.  
Acting Dir. of Env. Health/  
Principal Public Health Engineer

**TOWN OF CHESTER**  
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ERS Consultants- Bog Turtle study was submitted . Keeping the 50' buffer. Site does not contain habitat for Bog Turtles. There is no DEC wetlands it's Federal.

SHPO Response:

**TOWN OF CHESTER**  
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**Parks, Recreation,  
and Historic Preservation**

**ANDREW M. CUOMO**  
Governor

**ROSE HARVEY**  
Commissioner

November 01, 2017

Ms. Karen Emmerich  
Lehman & Getz Engineering  
17 River St.  
Warwick, NY 10990

Re: SEQRA  
Gibson Hill Estates, Lot 13 - 115 Beverly Road  
115 Beverly Road, Chester, NY 10918  
17PR06875

Dear Ms. Emmerich:

Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP) as part of your SEQRA process. These comments are those of OPRHP and relate only to Historic/Cultural resources. If this project will involve state or federal permitting, funding or licensing, it may require additional review for potential impacts to architectural and archaeological resources, in accordance with Section 106 of the National Historic Preservation Act or Section 14.09 of NYS Parks Recreation and Historic Preservation Law.

OPRHP has reviewed the Phase I archaeological report submitted for this project – *Phase I Archaeological Investigations at 115 Beverly Road, Town of Chester, Orange County, New York* (Cammisa, July 2017).

Based on the information provided, we have no concerns regarding this project under SEQRA. This recommendation pertains only to the Area of Potential Effects (APE) examined during the above-referenced investigation. It is not applicable to any other portion of the project property. Should the project design be changed OPRHP recommends further consultation with this office.

If you have any questions, please don't hesitate to contact me.

Sincerely,

Philip A. Perazio, Historic Preservation Program Analyst - Archaeology Unit  
Phone: 518-268-2175  
e-mail: [philip.perazio@parks.ny.gov](mailto:philip.perazio@parks.ny.gov)

via email only

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**Division for Historic Preservation**

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • [www.nysparks.com](http://www.nysparks.com)

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Copy of the Fema map was submitted. David stated that the shaded area to the left is a “Zone A” approximate study. The project site itself the tributary that runs through the site was not studied as part of the Fema map. Technically there would be a flood plain associated with the stream; again it’s confined to the area that they are not disturbing. And there would be no Fema regulations involved.

Al Fusco letter 10-24-17:

**TOWN OF CHESTER  
PLANNING BOARD MINUTES  
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- 233 East Main Street  
Middletown, NY 10940  
Phone: (845) 344-5863  
Fax: (845) 956-5865
- 19 Waywayup Lane  
Port Jervis, NY 12771  
Phone: (845) 956-5866

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October 24, 2017

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

Re: Gibson Hill Estates, Lot 13  
Sugar Loaf Trails, Inc

Dear Mr. Serotta and Planning Board Members,

We have reviewed the file offer the following:

Project: Gibson Hill Estates, Lot 13, Realty Subdivision  
Zone: AR-.3 District  
Acres: 3.06 acres  
SBL: 15-3-23.1  
Material Reviewed: Getz letter and plans – OCDOH letter

Comments:

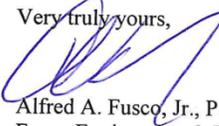
1. The OC Dept. of Health approval was given for the septic system.
2. The SHPO letter is pending.
3. Wetland issues pending by the applicant's consultants.
4. Board comments.

Action:

1. Pleasure of the Board.
2. Approval if any subject to SHPO and wetlands.

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 the SHPO letter and wetland issues were pending before he wrote this letter. Basically those were the only things that were outstanding. After reviewing them Al Fusco is satisfied with everything. It appears everything is in order.

Poll board for comments and questions:

Bob: A little confused about the flood map. I know this lot. This lot is very low. It the lowest lot in the sub-division. Is this an unnumbered "A Zone"? Is that why you are saying you don't have any issues with the flood map? Dave: It wasn't studied. The property wasn't studied. When they define the scope of the Fema study, the flood insurance study, they sit down with a representative of a municipality and they identify the streams to be studied and the length of the streams. When you get to some of the smaller streams they don't continue the detailed study along the full length. Bob: But doesn't it take a detailed study to remove the lot from the zone, flood map? Chairman: It's not in the flood zone though. Bob: I can't believe that's the case. Dave: The property floods. No one could tell you that it doesn't. What we are saying is that it was NOT included in the Fema Flood Insurance Study for Orange County. So that you can't go to that booklet and find information on this, they didn't do cross sections, they didn't calculate 100 year other flood elevations. If someone wanted to construct in the vicinity of a stream you could have an engineer prepare a study that would delineate the flood plain but it was not done as part of the Fema study. If you continue North that whole section was not done. If you look at the Fema Maps there are large areas that were not included. Bob: The way I understand it, when the flood maps were designed, there "crayon guy" would fill in the entire area around a stream then it was up to the applicant to do the detailed study and remove that lot or reduce the size of the flood area. Am I correct Al? Al: No, that's how it was done. Sometimes, they did a lot recently, they were trying to correct a lot of those issues they did in some areas but in some areas they didn't. Really what it is, is that the engineers need to do, and they will probably make them do it when they apply for a building permit is do a flood elevation survey just to make sure that they are 2 foot above everything. Bob: The lowest elevation being the basement floor. Chairman: There is no basement. Bob: Where ever the utilities are. Al: The utilities will have to be 2 foot above any flood elevations. David: You asked us that last month where the floor elevation compares to that stream and I can tell you the flood elevation of 624 and down toward the stream the top of the bank is about 616. The channel invert would be lower than that, our floor elevation is at least 8-10 feet higher than the stream. Bob: I hope you're real confident because I know instances where people were made to fill in basements and to remove utility equipment to a higher floor. In a situation that's not as low as that. Dave: We specified on the plans (pointed it out) "no basement in this building" for that reason. Al: Also this was checked by the Health Department, the Health Department wouldn't let you put the septic in a flood area.

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Chairman: This is only an intermittent stream, this isn't a flowing stream. Bob: Well if Fema comes in, once the building permit is issued and Fema comes in and they see that the floor elevation or the equipment is lower than the specified number that is on the map that is when the whole issue will rise and they will have a problem. I'm just trying to head that off. But when the building permit gets issued that's when the subject will come up.

No other comments from board members.

Dave will draw up a resolution for the next meeting December 6<sup>th</sup>.

Meeting Adjourned.

Respectfully Submitted,

Alexa Burchianti  
Planning Board Secretary