

**TOWN OF CHESTER
PLANNING BOARD MINUTES**

December 1, 2021

Via Zoom

Meeting called to order: 7:00 pm

Members present: Chairman Serotta, Jackie Elfers, Justin Brigandi, Mark Roberson, Larry Dysinger, John Gifford, and Dot Wierzbicki

Also present: Melissa Foote-Secretary, Al Fusco-Engineer, and Dave Donovan-Attorney

Absent: 0

No Minutes to Adopt

iCan Storage / Public Hearing

It's located on Kings Highway by the Rock. Kirk Rother is the Engineer and Judy Klein is the applicant.

****Pulling up the Site Plan****

Kirk Rother: The application is for a site plan approval for iCan storage, it's 2 acres, on the West Side of County Route 13, also known as Kings Highway across from Pond Road. They are storage containers 16ft x 8ft, they get brought to properties for people to store their goods. The facility will be used as a staging area for those storage containers, gravel parking area, for 40 containers. No water or sewer or office facilities. Generally, not open to the public, jus for the owners of iCan and their trucks moving these containers in and out. Lighting - 6 proposed lights meeting Towns current lighting code. The lighting levels are pretty deminimous it's just for security purposes in the evening and night hours. Fencing - surrounded by a chain link fence access off to County Route 13. Archaeological Study complete with no Artifacts identified, and no further work recommended. Landscaping - going to wait until there was a leaf off condition for the board to determine whether they feel landscaping was necessary, and defer to the board on that topic.

Chairman Serotta stated that SHPO, Archaeological, and Torgerson Letter we're submitted to Planning Board. With regards to landscaping, Jackie Elfers has been watching from the summer scape into the fall scape, and now to the winter escape at the site, and feels the same way, that cutting trees just to plant trees doesn't really make a lot of sense. There was a lot of Red Twig, Dog Woods in there, and she didn't feel that a lot of landscaping was required in there.

Megan Tennermann from OCDP / 239 stated, the Torgersen Report, covered Rattlesnakes and Bog Turtles. Local determination - no evidence of significant countywide impact. Standard notes need to be added to site plan re construction of not cutting between April 1 – October 31.

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Chairman Serotta asked if the board had any comments or questions before it was turned over to the public:

None

Chairman Serotta: Let the record reflect that the proper notices were sent out and let the record reflect that the proper legal notice was published in the Time Herald's Record. This is not a question-and-answer session even though we may answer a question or two, during the public comment phase. I am going to open it up for Public Hearing.

Comment #1 - letter was received from a resident who lives directly across the street from the proposed project. They have a business and she also lives there. She's having trouble with vehicles and large trucks and pickup trucks utilizing her property for their vehicles. Unfortunately, this is not a planning board issue. She'll need to call the police. She's just worried about the lighting a little bit.

Chairman Serotta asked if the lights are on 24 hours a day, and if they are security/motion detector lighting. With regards to the house below, would the lighting fall below, into her windows, etc.?

Kirk Rother stated that the lights would be dusk to dawn on light sensor. It's a shoe box type light that shines straight down. 15-foot-high mounting height. With regards to landscaping discussion, the first 75 feet of this property as measured from the right of way line, will not be disturbed at all. When in leaf on conditions, I don't think you're going to see anything.

Chairman Serotta asked if the board had any comments.

Larry Dysinger: I agree with Kirk that it's only 15 feet tall with all the vegetation, and it is downward facing. I think he's done his due diligence of complying with the lighting ordinance. The only thing you say is that if at some point it does go beyond should shielding be put up, that's all you have to do.

Chairman Serotta: At this point in time, I'll open the public hearing. We have Tracy Schuh.

Comment #2 - Tracy Schuh: Lighting question - previous meetings there was discussion about motion lighting. Could there be additional shielding on that side of the light if it is a problem? Are pods stacked on top of each other and what are the dimensions Regarding the buffer - could half of that be restricted to stay vegetation in perpetuity, like Suresky. Mrs. Schuh wanted to know if the large tree that is headed out of Town Hall, towards the site could be preserved, and if there are things that need to be done on site to make sure when the construction trucks are making the road, that they don't take down the tree.

Larry Dysinger: Sign details should be provided. Is there a light shining on it or is it back lit? According to outdoor lighting if it's illuminating from outside, it has to shine downward.

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Chairman Serotta asked the applicant if they were having a sign and asked that at the next meeting to submit a rendering or design of the sign.

Applicant, Judy Klein stated there is a sign, but it doesn't have to be very bright or intrusive in anyway, since it's not beckoning the public. It's there to identify our site.

Chairman Serotta stated that since nobody else wants to speak for or against this application a motion to close the Public Hearing be set.

Larry Dysinger: I'll make the motion.

Dot Wierzbicki: I'll second.

All in Favor: Aye's 6

Chairman Serotta asked that the Engineer & Applicant will answer some of these questions, and that most likely it will be moving towards a final approval.

Kirk Rother stated that they'll address concerns and questions with regards to the sign.

Chairman Serotta Are they Double Decker Pods?

Kirk Rother: They're not. They're single stacked. They are 8 ft high.

Chairman Serotta: Are lighting motion detectors from dusk to dawn?

Kirk Rother: Yes, but it's not usually motion detector. They turn on at dusk and turn off at dawn.

Chairman Serotta: Are they on all night? Alexa may have to take a look at the lights if it becomes intrusive. Maybe make a condition on the lighting, if this does happen some shielding be added.

Kirk Rother agreed.

NY Solar, LLC

Chairman Serotta: You're proposing a 4.1-megawatt solar farm.

Chris Vorlicek is here on behalf of the applicant to NY Solar 1001 LLC to discuss a 4.1 Mega Watt Solar Farm. Meg Thornton and Mark Howard from Mott Mac Donald. Summarizing project. We are committed to prioritizing the land owners we partner with as well as the communities they serve. We strive to push forward innovative ways to maximize benefits not only to the land owners and surrounding communities we serve but also to the surrounding ecology but to the land and the farm owners that these solar farms are sited on. Some benefits are providing community with more accessible, and energy added discounts. Creating jobs and tax revenue, reducing our carbon foot print and preserving the land from other potentially undesirable development activities. Everything is located to the north of Grey Court Road on a 20-acre limited disturbance area.

Last attended a May 5, 2021 Work Session Meeting. Property was approved a month ago for an interconnection from Orange and Rockland Utilities. The location of water line easement was determined based off of a site visit with the Village of Chester water

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commissioner. Easement documents found relating to water line and the easement width with the legal document came up in the title search. They will be working with the landscape architect to determine the best locations for the screening trees, if any should be required. This is in an office park zoning district. No variances are expected to be needed as it complies with all zoning requirements.

Chairman Serotta let applicant know that Zoning changed in there a year or two ago. It's an industrial zone now. The same thing applies. That water line feeds from a reservoir over in Monroe and that is an important water line going into the Town of Chester.

Mark Howard: With the Water Line, we have an easement agreement but no legal survey document with the meets and bounds of that water line. water line has been walked the end as best as we could identify it with the Commissioner. We don't know how deep the water line is, we do have one easement crossing as part of our underground collection system, so all of these need to be addressed. The intent is to provide the crossings as we would any other utility easement and we will have all of that verified with the commissioner when we have the water line crossing agreements together.

Larry Dysinger: Question about that water line. I'm sure you'll allocate enough space so if the line has to be dug up or maintained someone from the Water Department will be able to be able to work there without having to worry about Solar Panels in the way. Correct?

Mark Howard: Yes. The easement agreement we have is a 20ft wide easement and we provide space outside of that easement. Anywhere we have crossings it still provides for space with the water line maintenance. We will have part of our collection system that crosses that water line and we will need to verify the depth before we can design that crossing, it will likely be sleeved at the water line, if they need to dig it up, it won't damage or impact that. It will be found before they do anything excavation.

Ultimate goal is to maintain the drainage as much as possible in the condition as is, so we don't divert drainage. site is currently an agricultural field, but we'll end up with a reduced run off condition which negates the need for retention ponds. When we design these sites, we have Grade Criteria. With maximum and minimum grades, we want to follow the concords of the site as much as possible. We maintain the overall the shape and slope of the site. Storm Water Prevention Plans and the Hydrology Reports were submitted. We use New York Standards. because we're going through Agricultural runoff coefficients to Meadow type run off coefficients that are fully vegetated. No retention ponds during construction, we have perimeter controls. There was a question about the final drive entrance. As a general rule in the NYS for the Driveway Permits, the DOT requires IFC level drawings. We do the plans, profiles, and the construction

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level details at a later stage in the design after permitting. We have all of this in the construction plans.

Chris Vorlicek: Are there any questions related to the detailed engineering drawings?

Al Fusco: The chairman will go over my letter that I released later.

Meg Thornton: We focused on the view from the Orange Heritage Trail as it's a public use area, and we did the visual use analysis from there. The trees are fairly spread apart in our photos. There are a fair number of deciduous trees so when we start working with the landscape architect that is an area where we may want to add some additional screening from the trees or put in some privacy fencing. We have fairly good screening from the vegetation as it exists because a lot of it is fairly woody. From the south side, all of the homes are fairly well screened there's a garage that has some view but it's still pretty well screened along the way from the array. On the West side of the site there is a cemetery. We made sure that we are in compliance with all of the buffer distances, which is 200ft. There may be some screening that is desired from that location, although the cemetery itself is completely surrounded by trees. That may be something to be considered and we'll seek direction from the Town on that. The slightly more challenging area is the North West corner and the residents along the North West corner of the project area. The view makes the solar panels seem smaller. We will take into consideration from the Landscape Architect and how she feels about what they can see. There are trees growing in that area but we are definitely open to suggestions from the Town on what they'd like to see from that area.

Larry Dysinger: There are some homes on Lehigh Ave. that will see the arrays. So, you need to take those into consideration also.

Meg Thornton: We're open to determining what might work best for the screening from that direction. The privacy slats in the fencing might be the easiest thing for the small areas. Tree line in the fields will remain. We can add some additional trees, and put slats in the fencing.

Chairman Serotta: The Planning Board uses a landscape architect, Karen Arent. We submitted everything over to her and she's going to check out the Heritage trail. She'll have some suggestions and will be at the next meeting. Meg can work with her to put together the landscaped plan for the next meeting.

Meg Thornton: Wetland delineation surveys were completed and we avoided all wetlands. Cultural Resource Phase 1b Survey was conducted and SHPO was submitted, and also sent to the Town historian. SHPO had one comment, they wanted to see the most recent drawings, and they were submitted. Endangered species, and habitat report done. There is just one tree we're looking at clearing.

Al Fusco reviewing comment letter

Mark Howard: Wetland's boundaries have been identified on the Civil Site in the legend.

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Al Fusco: Clarification is needed. Make sure that we don't have any erosion and sedimentation.

Chairman Serotta: Karen Arent Town of Chester Landscape Architect, has done large scale, power substations for the Town in the past. There definitely has to be some landscaping in this area. You definitely want to check under Section 98. I think it's 90-40. It hasn't been submitted to the highway superintendent. The highway superintendent may want to require a road bond or a driveway entrance bond going in. They'll need a commitment that you're going to sweep the road if there's any kind of mud and anything coming off the site during the construction phase. Those are definitely things that you're going to have to get a highway permit for.

Chairman Serotta stated that NY Solar 1001 LLC must send out a letter of intent to the taxing authorities here. A pilot that will have to be developed. We have three taxing authorities, the local which is the town of Chester, the county of Orange, and the school district, Monroe Woodbury school district. Even though you're not sending to the local assessor you'll be sending to the town supervisor. You'll negotiate a PILOT. There will be an overall bond. We talked about the decommissioning bonds, and that will be worked out with our attorney, David Donovan, and the Towns attorney, Scott. It's in the town code, Section 98-40.

Larry Dysinger: What I'm interested in mostly is the framework and the panels, and the height. Also details on how you'll be establishing the ground cover.

Mark Thornton: All of those issues are addressed in the next phase. New York State has a very detailed requirements on what they require for seeding. It's all done for the state standards and the correct vegetated species, with what we plant and which times of the year we plant.

Larry Dysinger: Are these panels tracking the Sun? On the existing plan, it shows a gorgeous tree in the field that is probably 100 yrs. old. Is it going to stay or go?

Mark Howard: Yes. These are single axis trackers that are oriented going south and the track from east to west. That's the one tree that has to go. We don't have room for that tree.

Larry Dysinger: On the framework what are the colors?

Mark Howard: Typically, it's Galvanized Steel.

Larry Dysinger: On that point, having just installed the Solar System myself, it was a galvanized steel pipe and it sticks out like a sore thumb. It makes a world of difference if it's green colored. The framework just blends into the environment. I would like to say to try to minimize the impact of that framework on the surrounding area and all the homeowners. My personal recommendation would be a framework be green, so it doesn't stick out like a sore thumb. But that's something we can discuss.

Mark Howard: The cost of galvanized is less expensive. The biggest issue is painting over galvanized. If it's going to be painted after the fact because when we start driving the piles, if it's painted, you tend to peel that off and then you have corrosion problems.

Larry Dysinger: Will NY Solar LLC own the property?

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Chris Vorlicek: No, it will still be a lease agreement with a maximum term length is 45 years, but it can be as little as 20 years depending on how the property owner wants to behave.

Larry Dysinger mentioned to Chairman Serotta that we notify the Tax Assessor because the property has an AG exemption and that it would have to be terminated.

Chairman Serotta stated that there would be rollbacks involved.

Mark Roberson questioned what determines the size of a project like this, and if they are trying to max every square inch of the lease, or is there a particular kilowatt that is trying to be achieved?

Chris Vorlicek: For this site we actually had to downsize the site due to limited grid capacity. At the final review stage with Orange and Rockland, the results came back saying that we had to downsize the project. So, in this instance, it was limited by the hosting capacity of the distribution grid infrastructure. But it kind of worked out because we were able to optimize the available space, while accommodating the natural resources around the site, including the floodplain in the area too. It's kind of a best fit for this type of area. Considering the grid as well.

Mark Roberson: This is one of the largest solar arrays that I've sat on. My concern would be trying to figure out what to do with that water, snow, everything else that goes along with it, because it's not right into the earth, like an open plane is.

Mark Howard: These are not fixed arrays where you have a specific drip line, which is one of the concerns with fixed arrays that runs east west, as opposed to the tracking arrays, which run north south. Because they track the vegetation tends to grow very well underneath them. You don't have the drip lines. This is why the New York has the EDM memo that provides the solar exemptions on the rooftop disconnections is because they do in fact, drain or act like regular meadows. That's how we approach the hydrology and the grading designs. As if this were a memo that just in terms of the field, we have a few piles on the field, but the arrays do not typically affect the vegetation underneath.

Chairman Serotta: New York State is moving by a certain year to be going a certain percentage of the electricity come from renewable sources.

Mark Roberson: I'm all for the project, it's just a very large project, and I'm not sure if that really fits the feel and look of our town. It opens the avenue to a lot more and that's a concern of mine.

Questions or comments from the Board?

Jon Gifford: Is there anything fairly local and a comparative that would be similar to it anywhere in this area? I would like to see what they have done in the past.

Scott Greenberg/ VO of Construction Engineering at Lightstar – Was with a company called Novelis, and they built the Solar facility right on Black Meadow Road in Chester, by BK Tile. It will look very similar.

Chairman Serotta: Are the Tracker ones taller than the standard fixed arrays?

Scott Greenberg: When they're in tracking position early in the morning in the afternoon, midday, they're actually a little lower because they're flat.

Chris Vorlicek: The town of Chester's zoning laws don't allow maximum height of soil collectors to be above 12 feet, but we have the system configured to maintain its

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maximum height below that threshold. So, it'll fit within the currently established zoning criteria for height.

Justin Brigandi asked about fencing and the height of the fence in relation to the panels.

Mark Howard stated that fencing in 8ft, similar to the ones with a barbed wire top, similar to what you would see around any electrical facility or substation. It doesn't exceed the maximum eight, but it will be above the top of the fence.

Chairman Serotta asked Chris Vorlicek if the applicant wanted to be placed on the January 5th, 2022 Agenda.

Chris Vorlicek agreed to the January 5, 2022 meeting and would be working with Town's landscape architect, and address the other outstanding comments.

DAVIDSON DRIVE HOLDINGS

Mike Morgante summarizing: Architectural floor plans and elevation views have been submitted for the Boards review. Stormwater pollution prevention plan submitted. Joint inspection has been completed with Mr. Fusco's office for perk testing, etc. Archeological study, SHPO, submitted and received an effect finding letter from SHPO. Traffic Impact Study completed, no impact to local service to the surrounding roads. Wetland boundary, delineated and validated and emailed to Planning Board. Habitat study done, and some comments came back from the DEC as it relates to the Bog Turtle situation. Habitat Consultant will be preparing a more detailed habitat study as relates to the Bog Turtles. The town has established in the past lead agency for this project. This is a 166,000, square foot, warehouse, outside light industrial use building. They'll be access from the Lake Station Road, essentially opposite Paradise Lane.

All the zoning requirements are met for the IP zone.

Detailed landscaping plan has been submitted. If Karen reviews the project, could she please keep in mind there is a 100-foot buffer. Spent a lot of time on the grading of the site to try to balance it as much as possible to minimize disturbance to the surrounding wetlands and essentially, with retaining walls, have really reduced and minimize any disturbance to wetlands. The only little disturbance that there is, is the gradients required for the road coming in. Erosion sediment control plan in completed in accordance with SWPPP requirements. There are fully shielded lights, and our lighting plan is pretty good.

Chairman Serotta agreed with Mike on the landscape package, but not sure if Karen will work on this account.

If there was some kind of a serious emergency. I think it's a good idea that there would be an emergency access from either side to either building. If there's going to be an emergency gate that someone needs to have the ability to access that gate.

Dave Donovan stated, if there's an emergency, the first responders are going to go the fastest way to attend to the emergency.

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Board Comments

Larry Dysinger: The line of sight isn't good at the intersection of Lake Station Road and Kings Highway. Lighting concerns, they're not very shielded, they look more broadcast. Need details for the wall mounted fixtures.

Mike Morgante: It's, it's more of a broadcast that is downward facing, there is some light going on to the other property on the north side.

Al Fusco: I had a couple of technical things. we didn't do the soil testing. But you need to put it on the plan. Add tree cutting note. A certified survey is needed.

Chairman Serotta: You can come back in January?

Motion to have a public hearing on we're definitely January 5, right on the date.

Larry Dysinger: I'll make the motion.

Dot Wierzbicki: I'll second.

All in Favor: Aye's 6

OAKWOODS SUBDIVISION

Chairman Serotta states that since there was a lot of time had passed and feels we need to retake a look at the Yield Plan and take a look at the Cluster Plan.

James Rugnetta summarizing the project:

Last before the board with a sketch plan on December 2, 2020.

The yield plan is required to go through with the cluster development. It shows the amount of lots you would be able to create within a parcel.

7 parcels each would have its own well and septic outside the 100ft buffer.

Land dedicated to the Appalachian Trail. Appalachian Trail doesn't accept land donations. Reached out to Open Spaces Institute, but they haven't reached out. We were wondering, if the Town of Chester wanted that land dedicated to them.

Rain gardens provided for each house to mitigate the amount of storm water coming from the houses. We would not need a full SWPPP. We can provide a drainage analysis for the project.

Zero disturbance of wetlands.

The code requires there to be no disturbance of any watercourse within 50 feet of the watercourse. This bridge rather stems those 50 feet so there is zero disturbance within any of the wetlands. Erosion and sediment control plan shows that service limit line. These are Army Corp. wetlands, and we are allowed to disturb a 10th of an acre, this is under a 10th of an acre.

Chairman Serotta referring to the Open Spaces – With regards to the determination of who's going to own the open space. We were talking about the New York New Jersey Trail Conference. they closed down about two years ago. I have placed numerous calls over the last two months. I haven't gotten any response. I spoke to the attorney in Monroe, and she feels the same way we're not going to go any further with that, That 50ft strip will now be part of that conservation easement

We recently got another piece of open space on when we subdivided camping row, we took the 33 acres up on the ridge, and there was access through an area in Lake Hill Farms. We've just recently had a very disastrous conservation easement; we just went

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through and it hasn't even been solved yet the whole issue of this whole thing. A land owner, clear cut. If you clear cut trees on the on the property that has a conservation easement, we would need to negotiate penalties or something that's done to the conservation easement.

David Donovan: What typically happens is, there are penalty provisions in there. You can make those penalty provisions stronger. But, let's be clear that so much of this relies upon the goodwill of the people involved. acting in goodwill. The municipality has the right but not the obligation to pursue enforcement. I can't guarantee you that there can be swift enforcement and penalties provided to the extent that there's any violation of the terms of the conservation easement. I can say that Scott and I can grab something that's fairly strict and less severe penalties. But just recognize that if someone wants to do a destruction on a holiday, or at a time when on a weekend where there's no immediate recourse to the court, it's not a perfect situation. There are no guarantees.

Chairman Serotta: The people on make Hill Farms, I'm assuming they're going to like having a conservation easement back there because then it gets protected forever. It's a decision we're not going to make tonight.

You'll have a nice big piece of land up towards the back here, which totals in about what 13 acres in General James, the total was 13.28 acres versus 13.48.

We can't force the town of Chester, to take that property. So, if we said, we want a 50-foot stretch running on the right or left side, and we want to stretch going to the back, we're going to go to the town board. We would then have to have some kind of an access point. The logical thing probably would be to increase Lot three and four.

This is something to the board that we would have to address.

Chairman Serotta questions James regarding a drainage ditch in front Lot 1.

James Rugnetta: Where it slopes that way, there is another 18-inch CMP pipe.

Chairman Serotta: I think needs to be studied and possibly replaced.

Al Fusco comments:

Full SWPPP not required. The engineer needs to demonstrate stormwater peak flows don't exceed what's there now. Possibly rain gardens bio retention, swales recommended you've already done some of that, show on the plan. Some symbols on the plan view are not in the legend, clarify those please. Erosion and sedimentation control, we need the soil stockpiles, things of that nature to minimize soil erosion and move forward on that plan. Give us each of that.

Side slopes exceeding three on one requires special slope protection.

We need inverts, slopes and calculations to verify pipe sizes.

Chairman Serotta referring to Al on Camp Monroe 3 lot subdivision. I think we did the towns right of way was put out 25 feet off the property line. We want to make sure that right the town has the right away to get 25 feet off the centerline.

Al Fusco confirmed.

Larry Dysinger: The two driveways across the wetlands. Do you have any details on the culverts for that?

James Rugnetta: On the cluster plan, we're not proposing any culverts because you are allowed to disturb a 10th of an acre of Army Corps wetlands. The culvert was specifically for the yield plan.

been led water than to migrate downhill there is nothing to allow it to go through.

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Larry Dysinger: If you look at the grading there it goes downhill. Is the water going to overflow the driveway?

James Rugnetta: The water goes downhill. It does fall over the driveway, but it's not enough that it would flood the driveway. Water runs perpendicular and would run down the driveway, or back into the wetland.

Larry Dysinger: The property abuts the boundary between Monroe and Chester. Does the county have to be notified about this, as well as Monroe?

Chairman Serotta stated that a 239 has to be issued.

Larry Dysinger: Did Monroe, conversely notify us about that on the other side of the boundary?

Chairman Serotta: There's a standard Municipal 239 referral. We're obligated to run this up to the county of Orange, and Monroe was obligated to run it up to the county of Orange. It's not a requirement, but there's something called a 239-M?

David Donovan: Correct Mr. Chairman. There's a requirement done at the public hearing, that notification be given to the adjoining municipality.

Chairman Serotta: Larry, we'll make sure of that Right. Now, we'll make sure that the button the row, I believe that there is a requirement, I believe it's at the public hearing.

Al Fusco stated that when the 239 is done we do intent to be lead agency, and send it to Monroe and the County.

Larry Dysinger asked either Al Fusco or Don because of the wetlands is the Town going to need to hire an Environment Consultant or is it required.

Al Fusco answered that the Town can ask for a jurisdictional determination of the wetlands and the applicant and get the Army Corps of Engineers to do a jurisdictional determination to verify them?

Mark Roberson: Are we going to make any motions about whether we're doing the cluster versus the yield.

Chairman Serotta: I don't think we have to do some serious thinking James needs to come back into some of the questions we got already tonight.

James Rugnetta: We'll take care of the comments that were provided to us. We'll 're going to try to get back in for the next meeting. We'll remove that part of the conservation easement.

Meeting adjourned at 10:00pm

Respectfully submitted,

Melissa Foote
Planning Board Secretary