

**TOWN OF CHESTER
PLANNING BOARD MINUTES
December 5, 2018**

Meeting called to order: 7:01pm

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

Absent: Mark Roberson

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

A motion was made to adopt the minutes from October 17, 2018 made by Carl. Second by Larry. Motion carried 6-0

Next meeting of the Planning Board is scheduled January 16, 2018. Cancelling the December 19th and January 2nd meeting due to it being the same week of the new year.

Board updates: Chairman stated that he will be meeting with County, along with the Village of Chester and Town of Blooming Grove on Friday December 7, 2018 with Great Wolf Lodge.

BDA Properties– Discussion

Jim Dillin engineer for the applicant is present on his behalf. The property is located at 215 Black Meadow Rd. 23.3 acres and currently has site plan approval for a warehouse (that is being built) and in the back end of the property a solar farm which was approved in December of 2017. The property owner would like to sub-divide the back part of the parcel (solar farm 19.6 acres, only about 4.7 acres of solar panels) from the front part of the parcel (the warehouse) into 2 separate lots. Jim stated it is owned by 1 owner right now and has become problematic that with all the different mortgages and taxes to have the property in one piece with a lease on the back. Jim created a 25' wide access easement that runs over the existing improvements that he did on the site plan for the 8,000 sq. ft. building (warehouse). Once the solar farm gets built there will be very little traffic that goes down the easement probably just to check on the panels and the electric. Previously he explained to the Planning Board he wanted to do this with a 280A variance, where they have a pre-existing right of way which would access the back. He was advised by the attorney that it would be a 280A but under an ODA. Which he would need to go to the Town Board and ask for an ODA (Open Development Area). Jim is in front of the Planning Board tonight to ask for the Planning Board to write a referral letter to the Town Board.

Chairman stated that the Solar company sold it to another company by the name of Nautilus.

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Dave Donovan stated in terms of an Open Development Area as provided by section 280A, before the Town Board considers whether or not they are going to do that they refer it to the Planning board for it's advice. That's it, that's all the statute says it's advice. Counsel Donovan stated that the Board can give advice that you deem appropriate under the circumstances to assist the Town Board in making a determination.

Chairman stated that he had one concern; the new solar law can't be more than 50% of the property. Jim Dillin stated that he recomputed the numbers, they have 19.6 acres on that lot that they are proposing to separate. The site plan that the planning board approved allowed for building coverage of 4.78 acres of panel on that 19 acre site. When they did the computation for building coverage on the site plan it was a 20.8% coverage. What they did include was 23.3 acres which was the entire parcel. Now they want to subdivide off a 3.7 acres in the front. So Jim stated he a new calculation for the lot coverage. It's 24.4 less than 25% maximum lot coverage. Chairman stated that so on a 19.6 (20 acre) it's only going to use 4 acres? Jim Dillin replied with, "that's all they can use because that's all that you approved" that's in the resolution.

Chairman pulled up the site plan that was approved for the solar farm. Chairman Serotta stated, looking at the plan it looks like the solar array is taking up most of that lot. Jim asked chairman to expand the screen to show note #5 it state 4.78 acres of surface. Chairman, is this the disturbance? Jim Dillin, this is just the panel area. Not the area in between. 98-40 (f)(b) total area of the solar energy system shall not exceed 20 acres, but no case shall exceed 50% of the total lot area. Jim stated he is saying the surface area is 24% which is less.

Chairman explained what an ODA is, and the referral they will write to the Town Board with any concerns, comments or questions. And after Jim goes to the Town Board they will have to come back to the Planning Board anyway.

Chairman polled board:

Larry: His concern is the warehouse building is "Not a very good neighbor" non-conforming lights were installed and is lighting up the whole valley. He can understand lights being on the driveway side. But they have it on all sides, and they have outward facing lights of the highest intensity. That's not being a good neighbor. Jim stated he will speak to the owner, there is also a code that they are not allowed to emit so much light. Larry said he called the building inspector he wasn't in. Larry stated that "you are asking for us to grant a subdivision in good faith and so far I don't see good faith there". Jim Dillin stated it sounds like he's not in compliance and I'm sure he will be, this is the first he's heard of it.

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Bob: He would reserve his comments for when he comes back.

Meadow Hill LLC– Application

Joe Pfau Engineer before the board representing the applicant Meadow Hill LLC. It is a minor sub-division. 3 single family lots. Property is in the SR-2 zone. 4.8 acres. All utilizing individual wells and septic's. They will all use existing road frontage. 2 lots on Camp Monroe Road and the other on Trout Brook Road. There is a small area of wetland on the property they are in the process of re-delineation. They are in front of the board for sketch review tonight, and if everything is acceptable they will start to prepare the preliminary plans and soils testing and all the erosion control details.

Al Fusco letter 11-12-18:

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

Alfred A. Fusco, III, General Manager

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November 12, 2018

Town of Chester
1786 Kings Highway
Chester, NY, 10918

Re: Meadow Hill Subdivision
Our File #CH-161

Dear Chairman Serotta,

We have reviewed the application and offer the following:

PROJECT:

Name: 2 Lot Subdivision
SBL: 15-1-24
Acres: 4.8 Acres
Zone: SR-2
Material: Petrzak & Pfau 10/18/18, EAF, Narrative, Application

COMMENTS:

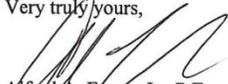
1. Sketch plan appears to be acceptable as sketch.
2. Need preliminary drawings in accordance with code Chapter 83.
3. Need delineated wetland along with lot metes and bounds and certified survey.
4. SHPO sign off.
5. Endangered species investigation.
6. Witness perc's and deep tests by Town Engineer.
7. Board comment.

Action:

None at this time.

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 this is the sketch plan and has no problem with the sketch it appears to be acceptable; we need preliminary drawings in accordance to the code chapter 83 and there's a list that Mark and know better than anyone. We need the delineated wetlands which they stated they are in the process of doing. When they submitted the EAF they had a mapper which indicted they needed a SHPO sign off. Need and endangered species investigation because that also came up on the mapper. And need to witness the perc's, because this will not be going to the health department.

Chairman stated there is a lot of water on that property, there are some sections of codes you will have to deal with.

Chairman pulled up code 83-24(c)(4) & (6) and read regarding watercourses and streams. Chairman told Joe this is something that they need to look into, he stated it may not pertain to this but they need to look. With possibly lot #3.

Next code Chairman brought up was 98-30 (f)(2)(b)(4)(c) once again brought up about a buffer with regards to a stream.

Chairman and Anthony took a ride out to the site. Based upon Anthony's basic comments, 25 feet from the centerline need to be dedicated to the Town of Chester on both roads along your property. Lot 1 pointed to a big hillside is about 6ft higher than the road. Will have to cut a driveway in there, there are no ditches along the road so Anthony is requesting a negative degree when entering the Town road, second of all take off some of the hillside and create a small swale for that lot along Trout Brook diverting water going to the stream. Lot#2 Anthony is requesting 15" coverts. There is already a drainage ditch. Lot#3 15" convert again, big issue on this lot is the setbacks from the stream etc.

Polled board for comments:

Bob: Almost positive that the flood plain regulations are going to have to be looked at with this lot, so you may want to figure that in. Chairman stated he's not on the FEMA map he is in the X zone believe it or not he checked. Al stated that there are special flood plain regulations but only if it an A or AE. Joe stated that he will take a look.

Jackie: Just driveway issue, that's a huge issue with the ice across the road and the septic where it's located in comparison to where the streams are. That's important.

Ridge Road Equities– Site Plan Review

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Steve Esposito representing Ridge Road Equities. Proposed 10 lot sub-division. Last appearance was in May. Board asked them to measure all the site distances and stake out the driveways with the lot numbers on them. Which they have done.

Chairman pulled up the sketch plan. Located on Ridge Road and Kings Hwy. 10 lots. Each of the proposed driveways have had the sight distances measured to make sure they comply for the speed limits for those roads. There is one lot that may have to cut the bank back a little bit. With the weather being the way it's been they haven't been able to do any soil testing yet.

Al Fusco Letter 11/6/18:

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

Consulting Engineers

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November 6, 2018

Town of Chester
1786 Kings Highway
Chester, NY, 10918

Re: Ridge Road Equities
Lands of O'Reilly
Our File #CH-121

Dear Chairman Serotta,

We have reviewed the recent submission and offer the following:

PROJECT:

Name: 10 Lot Subdivision
SBL: 17-1-99.2
Acres: 23.2 Acres
Zone: SR-1
Material: 10/18 Kirk Rother plan, Esposito letter

COMMENTS:

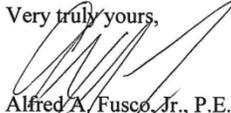
1. It was noted on the plan that the property lies in the Chester RPO district. As such needs to comply with Section 58-26 of the Town of Chester Zoning Code.
2. This is a sketch plan. The next submittal should include all necessary items for a preliminary plat as per Town of Chester Zoning Code Section 98-30(F).
3. We want wells and septic with 200 feet of property, not just 100.
4. Need certified survey.
5. Stamped plans.
6. Board comments.

Action:

None at this time.

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 review the letter submitted. They next submittal should be more items. If at all possible Al stated he would like the wells 200' off the property not just 100' particularly because of the road salt, if they could look at that it would be beneficial. Going into preliminary plans there needs to be more details.

Chairman stated he took a ride with Anthony to the site, on lot 1 & 2 stakes were missing. The only comments that they had at this time were, 25'ft dedication from centerline. The County would probably want the same thing. This will have to go to OCDP and DPW for referral. Also wanted to make sure, that some kind of swale gets put in, lot 3 or so once you pass that. Covert pipe so people can get into their houses and so we don't have any drainage issues going out onto the road. Anthony gets nervous with the wells being close to the road, just as Al stated before with the salt. Anthony is the first one to get blamed. He always requests to get those wells as far away from the road as possible. Steve stated that the wells run very deep so they have room to be able to move them. The only other question Anthony & Chairman had was, lot 10 looks to have a small stream that comes down along the edge. So a covert maybe needed there as well.

Polled board for comments:

Larry: Question for Al, your recommendation is that the wells should be 200' from the road? If that is the case wouldn't that be a conflict with the septic then? Al: Well then they would have to move the septic. They may even want to consider putting the septic in the front and the well in the back. There are different ways to do it. The engineers will measure it and find out which is the best. In each case you may not be able to do that. It's a request that they TRY to do it not that we mandate that they HAVE to do it.

Larry: Stated he is assuming this is conforming to zoning? Chairman: Yes. Larry: It is. "One concern have is we are running out of farmland and stuff like that, and your throwing in a bunch of houses, and I know it conforming to zoning codes and stuff. But it's taking away a lot of our open land". He guesses he can't really argue but has concerns about that there is another farm that is going away filling up with homes adding more traffic. That is a narrow road.

Steve responded to Larry that, he wasn't on the board when they first came before the board with a different sketch that had more houses and through roads. They re-evaluated it and thought that this would be a more appropriate sub-division for that area of the town. They are larger lots and less houses.

Bob: Improvement to prior plan will hold comments for next time.

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Broccoli Patch-Donnelly– Application

Lou Donnelly property owner of 1355 Kings Hwy. Ross Winglovitz engineer both appeared before the board. The applicant is proposing a distillery, catering hall and residence. The applicant has current site plan approval for a microbrewery that was done a long time ago. They would like to convert that to a distillery and add an addition on to that existing building. The rear of the property, a barn type structure a catering facility with a residence. The parking area will remain the way it somewhat is. They are looking to have one way in and out. A loop road would go around the catering facility. They currently have sewer. There is a well, so they will look into to provide water, and a storage tank to provide fire protection to service the property. They are willing to discuss water from the Lycian which has public water. They would be willing to look into to extend that into the property. The catering will hold only about 150 seats. Parking calculations, if they did a seating capacity for that would be roughly with what they have with maybe a few more spots and handicap.

Al Fusco Letter 11-28-18:

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

**FUSCO ENGINEERING
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Consulting Engineers

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November 28, 2018

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

Re: Donnelly – Broccoli Patch Inc
Our File No. CH-163

Dear Chairman Serotta,

We have reviewed the submittal and offer the following:

PROJECT: Distillery, Residence, Catering Hall
SBL: 13-3-2
Acres: 2.199 Acres
Zone: LB/SL
Material Reviewed: Sketch plan – Ross Winglovitz, application, SEAF

Comments:

1. SEAF states archaeological area; need SHPO review.
2. SEAF – bog turtle identified as endangered; need report and DEC sign off.
3. Verify water and sewer district for site.
4. Sketch plan appears adequate. Preliminary follow up required in accordance with Town Code #98-30(F).
5. Show area of disturbance.
6. Show flood plain and floodway.
7. Show wetland noted in SEAF.
8. Dimension all aspects of project, including utilities, setbacks, separations between other utilities.
9. Parking is way under; need to address with Board.
10. Board comments.

Action:

239 GML after more detail.

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 reviewed his letter. Preliminary plan should follow up with town code. Referral will have to be done with County and DPW.

Chairman had a question, stated that he spoke earlier about buffers along stream beds and watercourses etc. He hasn't had a chance to go out to the site to look at it yet, Mr. Donnelly gave permission to take walk out there. Chairman asked if it was cleared over to Creamery Pond or if there's vegetation. Mr. Donnelly stated that it is cleared. Chairman asked if it's completely cleared. What we would still like to see is a 25' buffer put along there where you're not going to do anything. Whatever is there leave it there, without putting grass, so forth. Second, there is a cemetery. Code 40(a)(1) and 40(a)(5)(c). (a)(1) states that not structure shall be less than 100' from a cemetery or burial site. (a)(5)(c) the building inspector shall not issue a building permit for any structure that is located within 200' of any cemetery or burial site without first referring the matter to the planning board for review and consistent this above noted provisions. Chairman stated it refers back to each other but you have to make sure you are at least 100' away or you will have to go to the ZBA for a variance.

Clifton Patrick is our Town Historian and this will get referred to him for review anyway since he is the one who has identified all of the cemeteries in the town.

Dave Donovan went over just to clarify the different structures proposed to be on the property. Mr. Donnelly's residence is going to be within the catering facility structure so it is a mixed use building. Mr. Donovan read the definition of a mixed use. And put the question on the table if everyone was comfortable with it and that it satisfies it. (no response from board) And the other question he put on the table is, restaurants are allowed but doesn't see catering facility. Doesn't see the definition of catering facility. Is everyone satisfied that the catering facility is allowed? Chairman stated he will run that by the board. There will be 2 commercial uses and a resident.

Chairman stated he feels it is a mixed use building (the residential use and combined with the catering facility) whether it is located above or to the rear of the building. Mr. Donovan stated the code reads "a building" there are going to be multiple buildings on this property. Dave stated he just wants to clarify and make sure everyone is comfortable with that before the applicant spends a lot of money and it is out on the table and resolved as thoroughly as possible. Chairman stated he would probably need more time to think about this.

Larry: Doesn't have any issues at this point, enough questions were raised already that need to be addressed.

The site has an existing site plan with an extension that was approved for a microbrewery. Mr. Donnelly stated he came before the board last year and the board

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told him the approvals are still good. His question is whether they are making beer or making whiskey he didn't know that would be an issue. Chairman and Dave both stated that the use isn't the issue. The issue is that Dave is rising are the 3 different uses. Al stated we aren't ready to do anything anyway. We would still have to do a 239, do all dimensions, calculate parking etc. Ross stated that they would do their homework and respond in writing to some of the questions that came up tonight.

Chairman asked if they are paving all of the driveway surfaces. Mr. Donnelly personally would like to keep it stone so it looks more country so it looks like it belongs in the Village. The buildings are going to be barn style. The water tank is going to look like a silo. Would like to keep it as country I they can. That would be up to the board. The code states that anything with over 10 spots would have to be paved. Mr. Donnelly said he will do whatever the board wants.

Bob: Thinks we need to find out definitely about the catering aspect of it. The way the zoning works is if it's not specifically permitted then it's prohibited. We need confirmation that catering is allowed in the LBSL before it goes any further.

Carl: Parking, briefly on the catering, you will have at least 15, 20, 25 employees when there is a wedding. That would have to be calculated into the parking as well.

Al brought up 98-29(k) and read aloud. They have some research to do.

Eventually, since this is just a sketch plan we would need hours of operation, lighting, etc. Chairman suggested they do some homework and come up with a good detail with what you want to do in there and we may have to send it over for an interpretation from the ZBA. This is a little bit of a gray area.

Jackie: Thinks everyone wants to see Sugarloaf function the way it should function so to bring something like that is important and then do it the right way because there are neighbors and residents about the lighting, hours of operation, sewer what are you adding to the sewers, the well do you have the capacity, screening protection landscape wise if necessary. It needs to be more detailed. You want to function, you want to thrive but you want to protect too.

Mr. Donnelly stated what he was thinking was the lake; it's a beautiful lake and a beautiful lake view. They left a couple of trees just to leave some trees there, he knows that some of the neighbors are agitated because he cut the trees but at the end of the day they needed to come down anyway. Jackie: But you also need to think about what their concern is and make it part of the situation. Taking down trees is one thing but what are you doing to create a buffer for them. And hours of operation are important not many

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weddings end at 9:00 at night. A Saturday night wedding is not ending at 9 and we need to know that to make an informed decision to make it all work.

Dot: Her concerns were the distance from the cemetery which was addressed. Still concerned about the parking spaces. Doesn't see the difference between a restaurant and a catering facility, still making food.

Larry: Agrees with Dot, doesn't see much difference between a restaurant and catering, still making food and serving it. The parking lot is pretty large and if it is going to be paved that could cause a lot of water run off so you should consider porous asphalt and maybe some water storage under the pavement. Ross: They would have to prepare a SWPPP because they are over an acre of disturbance so by law will be submitted to Al. Larry and enough parking spaces for employees and guests.

They will come back at the January meeting.

Meeting adjourned.

Respectfully Submitted,

Alexa Burchianti
Planning Board Secretary