

TOWN OF CHESTER
PLANNING BOARD MINUTES
December 7, 2016

Meeting called to order: 7:02pm

Members present: Chairman Serotta, Barry Sloan, Ernie Damiani, Steve Denes, Carl D'Antonio, Frank Gilbert, Bob Conklin

Also Present: Alexa Burchianti-Secretary, Dave Donovan-Attorney, John-Engineer (replacement for Al Fusco)

A motion was made to adopt the minutes from November 2, 2016. Motion Made by Frank Gilbert. Second by Barry Sloan. Motion carried 7-0

Next meeting of the Planning Board is scheduled January 18, 2017. December 21, 2016 and January 4, 2017 are cancelled

Ridgeview Estates– 90 Day Extension

The project has been purchased from the bank. Asking for a 90 day extension.

Motion made by Carl. Second by Steve. Motion carried 7-0

Lewis Sign Co.– Public Hearing

Chris Lewis and Liz Manning for Lewis Sign. Proposed conversion of 2 billboards to 1 static, 1 digital. On Greycourt Road. Static billboard to replace the (date & time Billboard) and the digital billboard to replace (the Suresky Billboard)

Proposed to relocate the proposed digital sign in a little more on Greycourt. And relocate the proposed static sign over a little more so there will be 500ft spacing in between boards.

Al Fusco Letter:

**TOWN OF CHESTER
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Alfred A. Fusco, Jr., P.E., Principal

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

November 30, 2016

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

Re: Lewis Sign Company

Dear Chairman Serotta,

We have reviewed the file and offer the following:

PROJECT:

Name: Electronic Message Centers
Applicant: Lewis Sign Company
SBL: 3-1-13
Acres: 33.3 Ac
Material: New Survey from Dan O'Brien and EAF

We have reviewed the submittal and offer the following:

COMMENTS:

1. Code references unreadable; use larger font on survey map.
2. NYSDOT comments and approval.
3. Board comments.

Action:
239GML
SEQRA
Pleasure of Board

Please advise if you have any questions.

Very truly yours,

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

Cc: Alexa Burchianti

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There is going to be a discussion about the response from the OCDP on the 239 referral. The OCDP 's response was unfavorable. We follow the laws of the Town of Chester. When the Town wrote the Billboard Law a 239 was sent to OCDP and it came back as local determination. They had no comments or concerns. When Rock City Media was before the Planning Board for a digital Billboard. The OCDP wrote almost the exact same comments on their 239 response as they did for Lewis Sign, and didn't have any problems and also called it a local determination. Now the law was passed, a new applicant is in front of us doing everything by code and the OCDP disapproved it.

Let the record reflect that the proper legal notice was published in the Times Herald Record. Let the record also reflect that the proper mailings were sent out. The public hearing is open if anyone would like to come and speak for or against the application.

Let the record reflect no one spoke for or against the application. Motion to close the public hearing made by Bob. Second by Frank. All in favor. Motion carried 7-0

Dave: If the board determines to override the OCDP which you have the right to do. You would need a super majority which would be 5 votes in favor. Regarding the issues they identified, I added some suggested language if the board is inclined to overrule. The Orange County Comprehensive Plan is nothing more than a guideline it does not have the power of law. You have the obligation, if it is compliant with the Town of Chester code but somehow inconsistent with the Orange County Comprehensive Plan, my recommendation to you would be you need to follow the Town of Chester code.

Poll Board for comments and/or questions:

Frank: No comment

Bob: No comment

Carl: No Comment

Steve: I Understand their concerns, however it seems to be the recommendation seems to be inconsistent with their previous approvals. Not sure why they suggested to go in that direction. There is nothing in this applicant that would warrant a disapproval.

Ernie: Great job in identifying the disconnect between this particular application and the previous responses. Inconsistent. And got a verbal explanation which I'm not satisfied with. Perhaps would be interested in putting together a letter asking them to explain given to what we see are very similar applications and why they came to different conclusions.

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It's a missing puzzle, no one here can explain what we are seeing. I would tend to ask the question and give them the opportunity to respond. And see what it looks like. It's just a thought.

Barry: You pointed out all the inconsistencies and I'm going to be the voice of reason. I did a drive by on route 17. Just listen to the numbers. The Town of Monroe and the Town of Harriman is 5.7 miles along route 17, they have Zero billboards, they have 1 shopping marquee at the commons of Harriman. Town of Blooming Grove 2 miles along Route 17 they have 2 billboards. Town of Goshen is 6.1 miles along route 17 they have 4 billboards. The Town of Chester 4 miles along route 17 and we have a total of 29 billboards!! You can count them both east and west. 17 goes all the way to Sullivan County and we have more billboards than any other Town. I have written to the County, I have sent an email to Dave Church and Megan after I read the letter. Why is it only Chester that is allowing the billboards. You can tell me that they were all grandfathered in, I don't buy that. I am being the voice of reason for the town. And it's about time we take down the billboards. The next applicant is going to come along and I'm going to voice the same thing. I am against the billboards. Enough is enough.

Don: We don't make policy, it's a democratic society and the policy passed. You can be against it, If someone comes in for a 3 acres sub-division in a 3 acre zone and has no other issues with the property we can't say well we want it to be 6 acres because it's on a hill. We can't do that. We don't have the ability to do that. As far as all of them to become digital that can't happen. But we can also leave ourselves open for litigation if we say no to everything that the town says people can do.

Carl: In the revision what are the distance that the signs have to be? Don: 1000ft Carl: I don't know if this matters but if they are relocating the existing signs is that considered grandfathered. If the sign isn't moved then it's grandfathered. But if the sign moves is that in the category of having to be 1000ft.

There is conflict in the interpretation of the codes. All agreed to wait for next meeting to discuss with Al Fusco on the new billboard law.

Dave: Typically we defer to Al since he wrote the ordinance for the Town, obviously he's not here and John wouldn't know. Explain to the board the magnitude of the difference, you are removing a billboard and replacing a billboard?

Chris Lewis: The 2 existing wood structure ones, and rebuilding them to the current code part of which they withstand 100 mph winds. Puts us into a steel structure, which is a more substantial structure. We were looking to relocate but still on the same piece of property. Dave: In order of magnitude in relocating are you 10 feet away or 1000 feet away? Chris: they are both moving probably, now this is really rough, probably about

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400 feet or so both going East. The one with the time and temperature is right up on the corner of Greycourt Road and the end of the exit ramp. And moving that one is like “wag the dog” I wanted to move the other one.

Ernie: So both billboards are being relocated, and for every other structure in the town code, correct me if I’m wrong, that is relocated the new code applies it’s no longer grandfathered is that correct? Dave: Ernie I do not believe that is correct, let me pull that up for a second.

Dave: Ernie, there is a time period. Building and structures non-conforming as the bulk and use maybe restored but not enlarged provides restoration and replacement commence within 6 months of the date of destruction. So there is a period of time to reconstruct a non-conforming building this is a separate part of the code. I would really like to get Al’s input on this.

This may also be an issue for interpretation for the Zoning Board.

Don: We could refer you to the ZBA now or you can wait until January 18th to see what Al says. If its unfavorable you’ll possibly have to go to ZBA anyway. So I will give you a choice. We could vote to send you to ZBA now or do you want to wait? Chris: I would prefer to wait and see what Al says, Thank you very much I appreciate all the consideration.

Ok see you on January 18th about 7:20.

Durma 2 Sub-Division – Site Plan Review

Bill Durma- Looking to sub-divide off the family farm to satisfy his mother’s estate for himself.

We did a 15 acre sub-division not long ago for Pat Miller, which happens to be Bill’s sister. Certain parcels are willed off to family members. He’s looking to keep it Agricultural and put some cows with a running shed on his property. Same rule we applied to his sister. The portion of Bill’s parcel is 19.25 acres. He already put the proper notes are on the plan. The 2 driveways, he knows he will need to do a perc test.

Al Fusco Letter:

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

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Port Jervis, NY 12771
Phone: (845) 956-5866

December 6, 2016

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

Re: Durma Subdivision

Dear Chairman Serotta,

We have reviewed the submittal and offer the following:

PROJECT:

Name: 2 Lot Subdivision – Lands of Durma
Acre: 75 acre total – 19.25 acres for Lot 1; Balance to Lot 2
SBL: 1-1-100
Zone: AR3
Material Reviewed: Plan by Noviello Engineering

COMMENTS:

1. A percolation test is required on Lot #1 to show it is buildable for at least one single family home.
2. The plan should show both Lot 1 and Lot 2 clearly for filing purposes. Acreage to be shown for both lots.
3. Plan to be certified by Licensed Land Surveyor in the State of New York.
4. 25' from centerline to be gratuitously transferred to the Town of Chester for highway purposes.
5. I did not have a Short Form SEQRA; one should be on file.
6. Board comments.

Action:
239GML
Set public hearing.

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: Alexis Burchianti

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Showing where parcel to divide off on plans. No parkland fee unless he comes back and wants to put a house on the property.

John: new map needs to be done, will have a problem with the county filing with the current plan. It only shows the piece that you want sub-divided. The plan needs to show the original parcel with the acreage and what parcel is being sub-divided off with the acreage. Need to survey the new lot for a survey line. Al recommended a 25ft dedication to the town for the road, that is up to the boards discretion. Bill: I think Matt was under the impression you wanted the whole thing surveyed. Dave: What John means is he can do what's called deed plotting. The deed at some point and time is going to have metes and bounds, they can use that description from the deed and plot that into a map. Even if it's a smaller scale. As long as the county can distinguish it.

Polled board for comments:

No comments at this time.

Motion made to schedule Public Hearing for January 18, 2016 at 7pm. Motion made by Steve. Second by Carl. All in favor. Motion carried 7-0.

EJ Electric – Work Session

81 Black Meadow Road. Bob Winoski, Director of Safety for EJ Electric. Company based in NYC awarded a maintenance contract with Orange and Rockland for 3 years. For their high voltage systems and distribution system.

They assembled there crew. They are to provide their own "show up" location where they site their vehicles. A list of the type of vehicles was sent to Alexa that would be on this site.

Bucket truck, corner mode digger, Pole trailer, Bob Cat, ATV (argo)

Will need temporary power, will also need a temporary construction office trailer on site. Along with a storage container for supplies. Even though it's a winter scape, it's basically screened.

Poll Board for comments:

Frank: no, this is what this area is used for. We developed this for this purposed. Nothing is permanent, it's only temporary. No septic is being installed, no building, not breaking ground for anything.

Barry: The temporary trailer is only allowable for 1 year – (with extension every year) for the storage trailer and office trailer. We should put a 3 year limitation on the truck

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parking. And the amount of trucks allowable to be parked. It could be more, so I would want them to come back for extension.

Motion made to write a letter to Joe Mlcoch Building inspector to grant 2 temporary trailers on the property, for a period of 1 year requiring an extension each year for max of 3 years. And the ability to park the equipment. With the maximum of 12 trucks. Not including the trailers and employee cars or ATV's.

Motion made by Don. Second by Frank. All in favor. Motion carried 7-0.

AJ Ross – Architectural Review

Alan Ross proposing new sign on the railing. Wasn't at the last meeting, Board approved the wall sign and the signs for the back, not the sign that was proposed on the lawn. Landlord will not allow a lawn sign, so the new proposal is to put it on the railing facing out toward the street. (pictures shown)

Barry: I don't like it – it doesn't look good. It's not conforming to the town of sugarloaf. The realty sign doesn't match, color is horrible.

Ernie: I agree with Barry. I don't like it.

Steve: Agree it doesn't look good.

Carl: Not opposed to the placement, just not the colors.

Bob: Isn't there a size requirements?

Frank: I see there are 2 entrances. Is one for AJ Ross and the other for Linda Ross Realty? Couldn't you put lettering on the glass. Alan: well then you won't see it from the road. Frank: I don't know if you're getting the feeling from the board but nobody is happy with that sign.

Alan: I will get rid of that sign. I will redo sign over the door if that is acceptable. Barry: you still need to show a rendering of the new sign.

I think what you are hearing is you will have to come back here on January 18th with a new rendering. Show us what the sign looks like on top.

Alan: I have a plexy glass sign with just her logo.

See you back on January 18th

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Castle Billboard – Site Plan Review

Brian Leentjes and Jim Dillin PLS for the Castle. The sign is existing it is not moving, 3 years ago it was approved for the monopole and was anticipating when the digital regulations came in they would switch it to digital. State won't look at it until Town approves it.

Al Fusco Letter:

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November 30, 2016

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

Re: Bazs Digital Sign
Orange County, New York

Dear Chairman Serotta,

PROJECT:

Name: Bazs LLC
Applicant: Bazs Digital Sign *Castle Billboard*
SBL: 2-1-61.2
Acres: 3.73 Acres
Material Reviewed: New survey from James Dillin and EAF

We have reviewed the submittal and offer the following:

COMMENTS:

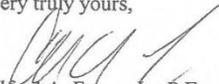
1. EAF, part 1, Question 2, answer is YES – NYSDOT. Also, answer Part 1, 10 and 11.
2. Must comply with all of 98-21C(3), Digital Signs, including technical comments shown on plans.
3. Must comply with 98-21H technical requirements on notes on plan.
4. We need NYS Professional Engineer to design footings, foundation and to certify 100 miles per hour loads.
5. Need NYSDOT comments and approval.
6. Show location with dimensions of sign with distance from property lines.
7. Board comments.

Action:

None at this time
239GML when substantial submittals received.

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: Alexis Burchianti

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Revised EAF needs to be submitted. All comments from Al's letter need to be addressed. Dimensions are 36x10. Show dimensions to the property line.

Ernie: what is the distance from that billboard to the closest billboard?

Don: The closest one is in the Village. Barry: Holiday Inn just put up a digital billboard.

John: The location is not moving and it's existing. This is strictly being changed from static to digital correct? Ernie: Is it 1000ft? Code says it has to be 1000ft from the nearest billboard. Don: Within our own Town.

We need to get Al's opinion again on the billboard ordinance since he wrote it. Or refer them to the ZBA for an interpretation.

So we all agree to have Al come back on both projects and give us his read out on both.

Castle Workshop – Site Plan Review

Brian Leentjes and Jim Dillin PLS for the Castle. 2 part site plan. Proposing to build a 4800 sq ft. for storage and workshop to maintain and work on equipment. After they submitted this they added a zip-line to the site plan.

The zip-line – is a 2 seater chairlift will take off and land in the village. 2 people sit side by side and go backwards to the top of the pole hang out for approximately 15 seconds then go forward to the original take off point. It is less extreme than a traditional zipline.

Sent a video but it didn't go thru. Older people would be more incline to go on this. More like a chairlift. Only going faster. The run is approximately 650-670ft.

So it is the building then it's going to have the "pole" for the zip line right by the workshop building.

Al Fusco letter:

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November 30, 2016

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

Re: Workshop/Zipline
Orange County, New York

Dear Chairman Serotta,

PROJECT:

Name: Castle Workshop/Zipline
SBL: 2-1-61.2
Acres: 3.73 Acres
Zone: LB
Material Reviewed: New survey from James Dillin and EAF

We have reviewed the submittal and offer the following:

COMMENTS:

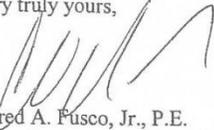
1. EAF not complete.
2. Application does not include zipline, informal discussion to be held.
3. Zipline pole 120 feet maximum in Zoning is 50'. Need ZBA referral. Also zipline footing and pole to withstand 100 mph. NYS Professional Engineer to design entire zipline system with certification.
4. Need elevation certification for workshop since in 100-year floor plan. Building design to conform to floodplain regulations, elevations and building rendering to be shown.
5. Wall lights to be downward. Show shop drawing on plan.
6. Dimension building and setbacks on plan and show grading.
7. Will the zipline require additional parking?
8. SHIPO and NYSDEC need to be addressed under SEQRA.
9. Additional workshop details.
10. Landscaping and lighting.
11. Board comments.

Action:
239GML

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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
Cc: Alexa Burchianti

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Need new EAF for zip line. Should consider separating the workshop and zip line, and put them in 2 separate applications. Need elevation certificate. Need to find out if zip line requires additional parking. Need to find out about endangered species.

Couldn't find anything in the code about pole height. Would require height variance and possibly a use variance.

Maybe should look into doing a joint public hearing with the village for zip line.

The workshop is strictly for maintenance and storage.

Poll Board for comments:

Barry: Did you run this by the County? Brian: No. Barry: You have the Billboard, then you have this zip line that's going to be running 50, 60, 80ft off the highway. No trees for screening. Think about the distraction. Brian: the one that we road was right on the highway. Barry: It will have to go thru review.

No other comments.

Brian: Jim did re-do the parking on the site plan, had 46-49 parking spots before. Now we have 62 just by spending a little time to reconfigure. Still on gravel. Still same as what we had. Taking out the batting cages. They are in front of the village to put another 5000sq ft. footprint where the batting cages were instead of putting outdoor rides, which were going to be to costly to run seasonally.

Motion made to send the zip line application to the ZBA for the pole height variance and/or interpretation. Motion made by Frank. Second by Bob. All in favor. Motion carried 7-0.

Will return January 18th for the workshop.

Motion to adjourn meeting. Motion made by Don. Second by Steve. All in favor. Motion carried 7-0

Respectfully Submitted,

Alexa Burchianti
Planning Board Secretary