

**TOWN OF CHESTER**  
**PLANNING BOARD MINUTES**  
**March 3, 2021**

**ZOOM Meeting called to order: 7:01 pm**

**Members present:** Chairman Serotta, Larry Dysinger, Jackie Elfers, Mark Roberson and Dot Wierzbicki

**Also present:** Dave Donovan-Attorney, Julie Tiller- Secretary, Alexa Burchianti-Building Inspector and Al Fusco-Engineer

**Meeting minutes from November 4, 2020 were adopted**

**Chairman Serotta:** I have a quick board update, Larry single handed got the new lighting ordinance past last Wednesday at the town board meeting. Any new projects that come in moving forward we will have to take that into consideration, so congratulations to Larry.

First on the agenda tonight is **WILLIAM GEILER 17 SPERANZA CT** and he's looking to bring in some fill on his property. Mr. Geiler why don't you take the floor and explain to us what you want to do.

**Bill Geiler:** Hi everyone, so Speranza is a private road off Gibson Hill Rd and my property is 4.6 acres and the house sits on approximately 2.5 acres. I went to the DEC wetlands mapper to make sure we're not on any wetlands. The property slopes on a downhill and that would be where I'd like to construct a berm and a swale and the berm would be covered in grass and plantings and most likely evergreens. That would be to collect and retain water from running into the neighbor's yard; right now we get a lot of water that comes down my driveway and floods around my house and then runs into my neighbor's yard. That's why I want to construct the berm as the first part and then a small retention area like a sediment pond to collect and slow the rain water. Alexa came out to look and see the property so I'm not trying to hide anything. It's a very steep slope, maybe 35 degree slope and it keeps washing away so I want to fill it in and plant grass on it. At the bottom it's very rocky and shrub brush grows up in between and hard to maintain so I did some measurements with a transit and I'm looking at a 6 to 8 foot fill. It would be done in 2 foot increments and would be compacted soil in a couple different lifts to meet the final grade and then coated with topsoil and then seeded for grass. There would be a silt fence around the whole fill area, if I need to I'll create a tracking pad out of shot rock for the trucks coming in and out and clean their tires and then would be removed when the project is finished. That's pretty much the whole project that I'm proposing

**Chairman Serotta:** Do you have any idea how much fill you're going to be bringing in?

**Bill Geiler:** No, I'm exactly sure yet

**Larry Dysinger:** I would say it's about 6,000 to 7,000 yards on your lot

**TOWN OF CHESTER**  
**PLANNING BOARD MINUTES**  
**March 3, 2021**

**Al Fusco:** Are you proposing your neighbor also? When I looked at it, the square footage is pretty close to an acre if you do both and if you go over an acre you will have to do a formal SWPPP

**Bill Geiler:** Probably only mine, my neighbor would have to do his own property. My property is .62 acres

**Al Fusco:** Okay that sounds about right; if it's just your piece then I can tell it's under an acre

**Chairman Serotta:** I have a few questions, when I went to the GIS site it shows there's a flood zone that runs through your property. Then I went to a FEMA flood panel and that also confirmed that part of your property is in a flood zone. One thing we need to have answered is any of this fill going into the flood zone?

**Bill Geiler:** Our tree line is where the flood zone is and that was originally staked out when we bought the property and we've stayed away from that area. It's never flooded or had any water down there in the 10 years I've lived there.

**Chairman Serotta:** The thing is do we need to have a little bit more accurate documentation before we allow 6,000 yards to be put in there? Al, can you comment on that?

**Al Fusco:** We would need more than a hand sketch and you're not allowed to fill in anywhere in a flood plain. We need a more accurate depiction of what's going where the flood plain is and the elevations. We need to see all the things you're talking about like tracking pads and everything else to scale on an actual plan.

**Larry Dysinger:** You also mentioned you'll be compacting in 3 foot lifts and standard industry practices are 12" lifts

**Bill Geiler:** I do it every day with 2 to 4 foot lifts with the machines we use and gets tested by Techtonics and then they build buildings on it. I can't spend thousands of dollars on engineering to bring in fill to my yard for the kids to play on

**Jackie Elfers:** I think it's more you need a better depiction of the plan not that you need engineering. We need to see the wetland; we need to see the tracking pad to make sure and also to protect the people around you because it is such a steep slope

**Larry Dysinger:** Do you have an as built for the property? It would show the wetlands and that would be helpful and that would save you the expense of engineering because that would be an official survey and show the wetlands.

**Chairman Serotta:** The Orange County GIS is not showing wetlands its showing flood zone running down through there.

**Al Fusco:** I asked for a better plan not an engineered plan but you have to show the road with shot rock and take your neighbor's property off and show us where the entrance would be and all that would help give a better picture of what you want to do.

**Chairman Serotta:** We're not trying to make you send money but we need something better to show everything. And your neighbors on this private road with all these trucks

**TOWN OF CHESTER**  
**PLANNING BOARD MINUTES**  
**March 3, 2021**

coming in, what about them? Are they on board? Maybe we can get a little note that they signed saying they're on board and we always look at the road to make sure.

**Bill Geiler:** The plan was to re do the driveway after the project is complete and possibly some neighbors are looking to do pools so once all the projects are complete we we're planning on collectively getting the road re done

**Chairman Serotta:** Another question I have is what about the guy on Gibson Hill with the white fence?

**Bill Geiler:** That's my neighbor Jay, he's on board with it and will be involved if he wants to do something himself. Right now the water runs down to his back wall and I can't control that

**Alexa- Bldg Inspector:** That's exactly what happens over there, it just runs down and has created ravines and is always wet and marshy

**Bill Geiler:** I'll work on printing the GIS map from Orange County and draw my plans on top of that map to show everything I'm doing

**Chairman Serotta:** I think if you show us where that flood plain is we might be able to approve this

**Dave Donovan:** Mr. Chairman if I may; so there are rules and everyone needs to follow the same rules and we need more information and things need to be satisfied before any decisions can be made.

**Larry Dysinger:** We do appreciate you're trying to do the right thing and if you give us more information that would be good

**Bill Geiler:** I'll work on the map and get everything shown on it and I'll get a letter from the neighbors. I don't know how long it will take but there's no rush and I'll get everything sent to Julie to send out to you guys.

**Chairman Serotta:** Okay so you can get everything together and when you're ready get in touch with Julie.

Next on the agenda for tonight is **NMC3, LLC** subdivision on Sugarloaf bypass off Bellvale Rd. Dave Donovan our counsel is unable to give legal advice on this one because the applicants are his long time clients so we have Ashley Torres helping us and she will attend any meetings on this application. I'll turn it over to Jim Dillin now so he can explain the updates that have been made.

**Jim Dillin:** Thank you Don, if you could please bring up sheet 2 of the plans to show the overall site plan. At the January meeting we had the public hearing and I'll go through my response letter which reviews the public comments. First was the endangered species habitat report from ERS Consultants that has now been submitted. We since have received a response from SHPO on February 22<sup>nd</sup> and their comments were they recommended we perform a phase 1A & 1B on the archaeological studies and we are in the process of obtaining those studies. We still have to do the soil testing with Al Fusco's office, the area of disturbance we have listed on the top of sheet 2, we shaded all the 15% and over slopes and it is in the scenic over lay. We are still waiting for the

**TOWN OF CHESTER**  
**PLANNING BOARD MINUTES**  
**March 3, 2021**

OCDPW for the driveway permits; it's been a few months but still no response. We added a note #7 on sheet 2 stating Lots 2, 3, 4 & 5 contain federal wetlands as shown on the overall site plan, no encroachment of any kind are allowed without proper permitting from the ACLE. All the public comments received seemed to be very concerned about the wetlands so we decided to add that note right on the map. Also in response to a public comment about Lot #2 we added note #8 stating it will require a planting buffer as shown on sheets 2 & 3 for spruce trees to be planted 15 feet from the existing federal wetlands at 30 foot intervals to provide a physical buffer for protection of wetlands; plantings required prior to a building permit. There were a couple of comments from neighbors; Paula Spector was concerned about where our subdivision was in relation to her property. Her property is about 1400 feet south of us and we are about 200 feet below her on Lot #7. Next was a comment from Alicia Frosini and she had questions about the wetlands, she's on the other side of the road behind Lots 2, 3 & 4 and wanted to make sure the wetlands were identified on the subdivision map which I believe we properly addressed with my note #7. Alicia also had a question about what kind of lighting these homes would have and basically it will just be lighting of a residential nature and for residential use; she also asked about the studies which we have now submitted. That's basically what we've done since the last meeting, there's still a few items to be completed that I spoke about.

**Chairman Serotta:** Okay thank you Jim, now why don't you talk about the environmental study from ERS Consultants

**Jim Dillin:** Yes, the studies were all done and we covered that in note #6

**Al Fusco:** They indicated each wetland area and went through each wetland area and said they didn't really see any evidence of bats. As far as the plantings it was the same and said the habitat wasn't correct for that. They did indicate the Indiana and long eared bats both had possibilities so there's a restriction placed the plan stating they have to do seasonal tree removal

**Chairman Serotta:** When Ashley and I started discussing the project and looking at the plans and I'd like to have her tell us her findings on the notes on the bats

**Ashley Torres:** Sure, looking at the wording in that it looks like you merged the wording together, so should be the Northern Long Ear and the Indiana bat just to be clear it's two separate species. The tree clearing restriction from the DEC I believe is November 1<sup>st</sup> to March 31<sup>st</sup> when both species are involved so the note needs to be corrected.

**Chairman Serotta:** Now let's talk about the SHPO report, after we had the public hearing there's a 10 day period for public comment responses. We received 4 letters from citizens and their concerns were Lenape Indian and some kind of sacred ceremonial or burial sites on that mountain. Ashley and I reached out to SHPO; Phil Perazio who wrote the letter and he's the archaeologist for SHPO so we had a good talk with him and went over everything. It's nice to get letters and I'm all for preserving any

**TOWN OF CHESTER**  
**PLANNING BOARD MINUTES**  
**March 3, 2021**

archaeological sites but I felt the applicant is not disturbing anything up on the hill at all. We looked at the plans and there's no proposed disturbance up on the ridge and right now I'm only concerned about the 2 section, block & lot numbers that the applicant owns and is proposing for the project. In our conversation with Phil we came up with an idea that we wanted to propose a restriction on the ridge about future development and put some wording on the plan.

**Ashley Torres:** When we spoke with SHPO they had received the same 4 letters we received for public comments and were happy with our proposed plan notes as follows: The property is located in an archaeologically sensitive area and partially within the Town of Chester ridge preservation overlay district. Any future disturbance above the ridge line shall require review and approval from the Town of Chester Planning Board and the New York State Department of Parks, Recreation and Division of Historic Preservation.

**Chairman Serotta:** Also SHPO agrees with me that Town of Chester Planning board has no authority whatsoever to allow private citizens on this applicant's property. So SHPO is driving this project and they are forcing them to do the 1A and 1B study in the area of disturbance down below the ridgeline and the map note is just going to state if any future disturbance above the ridge line they have to come back and see us. I think that covers us and the 4 letters we received.

**Jim Dillin:** The applicant or myself have no problem at all with that

**Larry Dysinger:** I have 2 comments; I would like to see a note about the new lighting ordinances and on Lot#2 what size the blue spruce will be? I prefer it to be 6 foot high so it makes a boundary and I'd like to see something specified

**Chairman Serotta:** Okay but right now I'd like to find out if everyone is happy with the notes in regard to SHPO?

**Dot Wierzbicki:** Yes

**Larry Dysinger:** Yes

**Jackie Elfers:** Yes

**Al Fusco:** Yes

**Alexa:** Yes

**Chairman Serotta:** Good. Now let's get back to the blue spruces, we should enforce the wetland buffer covered under 83:24C6 and it talks about the 25 feet. I think we should put some kind of signs up but the question is do they need to put the blue spruces there? They could, but I'm not saying they have to; or can we just do small wetland buffer signs saying no disturbance past this mark. I'd like to hear from the board about it but I think it's something we should do on large wetlands now in order to stop someone from putting lawns right onto the wetlands.

**Al Fusco:** In Monroe many years ago they placed wetland markers about every 50 to 100 feet but many times these wetlands are jagged and in order to prevent any incursion on the wetlands it was a good start. Not only to keep the homeowners away from putting

**TOWN OF CHESTER**  
**PLANNING BOARD MINUTES**  
**March 3, 2021**

in the lawns but by also keeping the excavating equipment out of it so I think it's a good idea to have it done sooner than later. I suggest in a great expanse every 100 feet and if it's a little jagged piece then every 50 feet.

**Jackie Elfers:** I think the signage is a good idea but I think the trees are nice too so maybe do both because it's residential

**Larry Dysinger:** I agree with every 50 feet on the signs, I think it's a good idea

**Dot Wierzbicki:** I agree with the signs

**Mark Roberson:** I think the trees would be better than the signs

**Dot Wierzbicki:** What's happening on Lot 3 with all the wetlands?

**Jim Dillin:** Lot 3 is buffered by the stone wall on the left side and that will be the limits of what they clear. It's very heavily wooded and full of brush on the other side of that wall so I don't know if the signs on Lot 3 would really help. If you were going to do it I would say a couple signs right behind the house

**Chairman Serotta:** Well let's not waste too much time on this right now, why don't you just come back with a proposal at the next meeting and tell us where you want to put the signs up the board will decide then.

**Jim Dillin:** I think that's a good idea, I'll talk to my clients about it in the meantime

**Chairman Serotta:** Ok good, a few more public comments that were made that I want to cover tonight; one was about the OC Planning and I want to state this board is well aware of its obligation under municipal 239 referral and we always make sure it get submitted. This project was submitted and as of the public hearing date it was 33 days past the time frame, I made personal calls to the OC Planning Dept. and was unable to get any answer. I stated all this in the meeting to the person that made the statement that we didn't submit it to OC and we are now at approximately 90 to 93 days out and still have no response but we did fulfill our obligation. I'd like to now have Ashley our counsel for this project make a comment on this as well

**Ashley Torres:** Yes, so generally if more than 30 days passed since the county has received the application then you could act on the application. There is one exception that if you receive a report from them 2 days before final action then you do have to consider the report and if they have any requirements or request modifications then you would have to have the majority vote in order act contrary to that.

**Chairman Serotta:** This is probably the first time this has ever happened, and I believe they have been hit hard with the COVID-19 issues and lack of workers and access to emails so we'll see what happens. Jim already spoke about the OCDPW; we are still waiting for their response but we need the driveway responses and eventually permits. We are still working for some kind of access up Sugar Loaf Mountain, I don't have too much to update at this time but the negotiations are still ongoing and it's going to take some time.

**Larry Dysinger:** I'd like to say I think they are making the changes based on local comments and I think that's good

**TOWN OF CHESTER**  
**PLANNING BOARD MINUTES**  
**March 3, 2021**

**Dot Wierzbicki:** I'm fine

**Mark Roberson:** I'm good

**Jackie Elfers:** I'm good

**Chairman Serotta:** Alright, Jim so whenever you're ready to come back just let us know and make all the changes we talked about on the map notes and we'll see you next time.

Next we have **POMEGRANATE SOLUTIONS** and Chris is here from Lanc & Tully so I'll give you the host and you can bring up the plans.

**Chris-Lanc&Tully:** I was in front of the board last in November and a lot has changed since then, we conducted the soil testing for septic and we arrived at acceptable results at the septic field and with that we reduced the footprint that used to be "U" shape and is now an "L". We revised the grading and the entire site is higher than previously; besides that we added lighting to our lighting plans, added more in depth landscaping plans and now provided an architectural rendering that we are looking for feedback from the board on. That's about it on the plans but the main open item at this point is whether or not this will be a town road or remain private. I noticed in Al's letter that the board is now exploring the town may want the road dedicated to them and I spoke with Mike Morgante of Arden Consulting about his property and he's exploring it become a town road through his property as well. I'd like to get a clear idea on how to move forward with the road and whether I'll need a variance if we are going to have a frontage issue if it remains private or if the town is looking to take ownership.

**Chairman Serotta:** When we had talked to you there was no project anywhere near you so it didn't really make a lot of sense to have a town road going through private property but now that we have your project and a second project coming in right next to you it might make more sense to make it a town road. It's still up in the air right now and I guess we need to hear from the board on this; Al you said you feel it makes sense correct?

**Al Fusco:** Yes it does make sense for both the businesses and the town, but it creates issues for the second project more than this one but I think it's definitely worth exploring

**Larry Dysinger:** The road is in dire need of upgrading, so the question is would this developer be willing to upgrade it to an acceptable standard

**Chris-Lanc&Tully:** Yes, absolutely

**Chairman Serotta:** Mike Morgante, are you in favor of making this a public town road?

**Mike Morgante:** Yes we are all for making it happen

**Chairman Serotta:** Okay so we are not at a crossroad yet about sharing the road but I think it would be a good idea to make it a town road

**Chris-Lanc&Tully:** If it remains private I would need a frontage variance so I was hoping to find out one way or the other.

**TOWN OF CHESTER**  
**PLANNING BOARD MINUTES**  
**March 3, 2021**

**Dave Donovan:** The town could remain open area for the road so it would be privately owned by these two owners. I think Chris' question is valid because he needs to know if he will need a variance or not

**Chris-Lanc&Tully:** Our road was built to town standards already so I don't see much of a reason why our portion can't be dedicated to the town prior to the finishing of the project

**Chairman Serotta:** It's not really a private road it's basically more of a driveway. This was definitely originally designed to be a public road but is this any different than a driveway?

**Larry Dysinger:** If this is considered a driveway and private then you have the frontage

**Chairman Serotta:** My feeling is the planning board has the right to set where the frontage is. There is a road going in there with direct access to Bellvale Rd, we don't have the frontage rules in the town, we only have lot width rules determined at the front setback under 98:2 then the planning board has the right to automatic variance

**Chris- Lanc&Tully:** So that would be the alternative route if the town doesn't want the road

**Al Fusco:** I think another month delay until we can figure it out won't affect the applicant because they don't even have the SWPPP yet

**Chairman Serotta:** So we might need another month to give you a full answer and like Al stated you still have a few things to do and we'll find out these answers for you in the meantime. Any questions or comments from the board?

**Dot Wierzbicki:** Does Raynor Garage Doors have a separate property or does he have an easement on your client's property?

**Chairman Serotta:** We don't really know the answer to that; it was a long time ago

**Larry Dysinger:** I have no more comments at this time

**Jackie Elfers:** I'm good

**Mark Roberson:** No comment

**Chairman Serotta:** Okay Chris so make sure you get a copy of the new lighting ordinance and get your SWPPP done and we'll get answers for you. Thank you  
Next on the agenda Mike Morgante has a new project but first I'd like to tell everyone that 1251 Kings Highway final got approval from the OCDPW and that was one of the conditions, next was the Karen Arent final approval and last was the color chart submitted of the metal building options. I would like to know what the planning board thinks of the green color.

**Larry Dysinger:** I'm okay with the forest green but is it a gloss or satin finish?

**Mike Morgante:** I think we have the option to choose

**Larry Dysinger:** I prefer the satin to prevent glare

**Dot Wierzbicki:** I'm good with the green

**Mark Roberson:** Yes I like the green

**TOWN OF CHESTER**  
**PLANNING BOARD MINUTES**  
**March 3, 2021**

**Jackie Elfers:** I'm good and I prefer the satin finish too

**Chairman Serotta:** Alright good, and we need to sign the storm water management agreement and get it back as soon as possible and they will need to provide proof back to the board as filed with county. Okay so now we can move on to the new project which is **DAVIDSON DRIVE HOLDINGS, LLC** and Mike I'll turn it over to you now

**Mike Morgante:** Hello everyone, so this is a general overview of the project and my applicants would like to consolidate these lots in the IP zone and would be a distribution warehouse of approximately 166,000 square foot building with full movement access off Lake Station Road. As currently shown this project meets all zoning requirements so no variances are required and there will be 332 parking spaces as required by town code. There is a NYS DEC wetland that we recently had flagged and mapped and I'm going to start contacting the DEC inspector to set up a site visit in the next few weeks to validate the wetlands that will be an important component to make sure the wetland boundaries are established before we move forward. There is a wetland disturbance so we will have to work with the DEC for a permit. We put together a rough concept grading plan just to give you an idea of the direction this project may be headed. The 332 parking spaces encompass all four sides of the building right now; we have some retaining walls shown along the western edge in order to minimize the disturbance in the wetlands. We have approximately 25 loading docks for this proposed project. We have a potential septic area shown in the back right hand corner as well as a potential well location shown in the south western corner at the proposed building. This is the location where there would be an intersection with Pomegranate Solutions and us, as shown right now there is no provision for any dedication road because these plans were submitted before the planning board chairman and I spoke but now that we are aware of it we can try to realize the plan and see if we can make something work for everybody.

**Chairman Serotta:** I think I threw a wrench into both the projects; it wouldn't be fair to Pomegranate to hold them up. I think both these projects are good for the Industrial Park and I feel you would get support for any variances you might need. We will have to look at all this to be fair to everybody and decide on the private or town road.

**Mike Morgante:** I have one more question for the board; right now as shown I have access to all four sides of the building which is nice from the fire access stand point, is there a minimum?

**Alexa- Bldg Inspector:** Are you going to propose to sprinkler the building?

**Mike Morgante:** I don't know at this point but if I could get 3 sides I can work with it

**Chairman Serotta:** Okay, I think it's a good thing; it's a perfect location and the board will work with you and we can get some nice landscaping over there. Any comments from the board for Mike?

**Mark Roberson:** I have a question; what's preventing you from your road proposal, what is that based off of? Is it just off old historic or is there some kind of wetland that's preventing you from moving it closer to that west line?

**TOWN OF CHESTER**  
**PLANNING BOARD MINUTES**  
**March 3, 2021**

**Mike Morgante:** Yes it's the wetlands, the actual wetland boundary is here and here's the actual 100 foot wetland buffer

**Mark Roberson:** Okay I understand, thank you

**Larry Dysinger:** The better solution to me would be having half the amount of cars because 300 cars coming on Lake Station Road is going to be a big concern from the residential homes over there so the alternate plan with the lesser cars would be better.

**Jackie Elfers:** That is a tough turn on Lake Station especially with a tractor trailer

**Chairman Serotta:** Okay so we have a lot to think about and Mike you get in touch with us when you're ready to get on the next agenda. Thank you to everyone and we'll see you all on the next meeting on April 7<sup>th</sup>

**Meeting adjourned at 9:28 pm**

Respectfully submitted,

Julie Tiller  
Planning Board Secretary