

**TOWN OF CHESTER**  
**PLANNING BOARD MINUTES**  
**May 5, 2021**

**ZOOM Meeting called to order: 7:04 pm**

**Members present:** Chairman Serotta, Larry Dysinger, Dot Wierzbicki, Jackie Elfers, Justin Brigandi and Jon Gifford

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

**Absent:** Mark Roberson

Meeting minutes from March 3<sup>rd</sup> were adopted

**Chairman Serotta:** Hello everyone, tonight we have a public hearing for the Pomegranate Solutions warehouse project; if you're here to speak please use the chat feature so I can unmute you.

Okay but first on the agenda we have WILLIAM GEILER 17 SPERANZA CT this is in the AR3 zone and since the last meeting I did a little research. I was the Chairman in 2009 when Speranza got sub divided and all 3 lots were created with large conservation easements on them. The subdivisions got approved on 6/15/09; Lot #1 owns the piece in the back, Lot #2 is Mahoney and Lot #3 is Mr. Geiler's lot which is 4.6 acres and he has a substantial amount of conservation easement on his lot. A majority of this 13 to 14 acre parcel got put into a conservation easement which includes the 100 year flood zone. Lot #2 and Lot #3 have very steep topo line so that's a big slope. When Mr. Geiler first came in about doing the fill and grading, the concern was we weren't exactly sure where that fill was going to go so we asked you for a plan and you did provide that. I took a ride to see it in person to see where everything would be located and I also asked Alexa to supply me with the as built to see where exactly your house was built. We also found in the file a violation from 2018 that you were putting large amounts of fill in back in 2018 that was never satisfied.

**Alexa- Bldg Inspector:** Don, the order was a stop work order for fill that was issued because fill was being brought in

**Chairman Serotta:** When I drove in there I see there's been a lot of fill that has been brought in over the years but what was even more concerning to me was you now have appeared to clear cut an enormous amount of the conservation area which includes the 100 year flood plain has now been clear cut; it's just not there anymore. The conservation easement was set to the benefit of conserving the trees. The trees were not cleared to DEC rules and I asked Alexa to file a violation against you and the Mahoney's. The stop work order says no more work to be done on the property back in 2018 and was ignored for 3 years. So now I don't trust a hand written drawing due to this new found information; you have severely damaged a conservation area and a flood zone. You have roads coming in on the right side and the bottom line is you clear cut and everything and went against the conservation easement that was put in place. I feel you

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have deceived the board and withheld information so at this point and time I'm going to poll the board and see what comments they have

**Larry Dysinger:** The fact that the conservation easement has been clear cut is a definite violation and a breach of trust so I think you need an engineer plan to show everything that's going on and what's been affected.

**Jackie Elfers:** I agree, everything that's going on needs to be rectified first and clear and not hand drawing

**Justin Brigandi:** I agree, the conservation easement should not have been touched

**Jon Gifford:** I'm in agreement with everyone else

**Dot Wierzbicki:** I agree that we need a much more detailed plan

**Al Fusco:** I had reviewed it before and then got a copy of the as built with the conservation easement and flood zone, these hand sketches need to be put on the as built and hire an engineer. We need to see topo, grading with explanations, the conservation easement and the restrictions so we need full engineering at this point.

**Dave Donovan:** I concur with everything that was said and so I don't think the board can go any further with this at this point.

**Chairman Serotta:** I feel Alexa needs to cite you as well as the Mahoney's and this needs to be handled accordingly.

**Alexa- Bldg Inspector:** I've already spoken to town attorney and we are discussing what type of citation will be issued and a court appearance will be in order.

**Dave Donovan:** Mr. Chairman I would suggest the planning board has gone as far as they can on this matter and let the violations be handled by the proper departments and the planning board just move on to the next agenda item.

**Chairman Serotta:** Okay, we need to move on and until all this is rectified this matter is closed as far as the planning board is concerned.

Next we have **POMEGRANATE SOLUTIONS** public hearing, Chris from Lanc & Tully is here to represent so I'll turn over the share so you can do your presentation.

**Chris-Lanc&Tully:** Good Evening everyone my name is Chris and I'm representing the Pomegranate project. This project involves the consolidation of four lots and spans approximately 8.7 acres, the project site is situated between Lake Station Rd and Sugar Loaf bypass Highway on Davidson Drive off Bellvale Rd. The property is currently vacant and consists of forested area as well as brush. Here I have the color presentation plan of the property, the property is located within the industrial park district and the property meets all the bulk requirements and therefore did not need any use variances. The use is also allowed within the zone, the building is a total 110,000 SF that includes 8,000 SF of office space in both front corners. Town code requires 90 parking spaces and we currently had 96 parking spaces as well as the 4 required ADA spaces, in addition we have 10 loading spaces in front and as you can see there is a north access and south access both coming off Davidson Drive. This site is served by a private well and septic field as shown. The traffic study was completed by Maser and the study

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concluded this project would not have any adverse effects on neighboring roads. Our office has completed the SWPPP and I know Al Fusco had some comments on that which we will address. I think that covers the scope of this project and if the board would like any other aspects discussed I'd be more than happy to address them

**Chairman Serotta:** Can we bring up the rendering for the public to see?

**Larry Dysinger:** How tall is the building?

**Chris-Lanc&Tully:** It's 35 feet which is within the bulk requirements

**Larry Dysinger:** So looks like you have approximately 20 feet sticking above of the ground there. Will the building be visible from Bellvale Rd? I ask because of visibility and also the color that will be visible and we asked this of different subdivisions about views from areas of the town and we don't want an eye sore.

**Chairman Serotta:** The other thing is, everything coming out of the county is very slow and it's due to COVID-19 but this was submitted to OC Planning back in November 2020 and we got a response back in April. Chris did a report based off what the county recommended so I think that is important to review so everyone understands your responses.

**Chris-Lanc&Tully:** Sure I can do that, so on Al Fusco's comments we provided the SWPPP, the soil tests for septic and discussed the road is to remain private at last months meeting and we also revised the lighting plan.

Getting into the county letter, they never received the traffic study but we did have it for them and it answered their comments on that. Regarding the water supply protection, the county was commenting on the fact that it's in the northern NJ basin aquifer and recommended bio retention and infiltration measures and we did exactly that, we have 4 bio retention areas shown and that was all included in the SWPPP that was handed in. Comment 3 was regarding endangered species, we had Ecological Solution complete our habitat analysis where they recognized the site has the long eared bat and we noted clearing will only be from November 1<sup>st</sup> to March 31<sup>st</sup> to mitigate the impacts on that species. Comment 4 was the federal wetlands on site and that was also flagged by Ecological Solutions and we limited the impact of wetland to under .1 acre and are covered under the nationwide permit and we will make that permanent once SEQRA is closed. Next is the parking comment, we provided a truck turning diagram that shows trucks can make it through the site. Comment 6 is regarding lighting and landscaping, they recommended landscape should be reviewed and support the lower lighting on the poles and that pretty much concludes all the county comments.

**Chairman Serotta:** Okay thanks Chris, so I'll poll the board now for any comments or questions

**Larry Dysinger:** I did look at the lighting and there are much fewer of them on the revised plan so I'm happy about that. The building mounted ones were at 25 feet which is in compliance, my only concern is the color right now.

**Dot Wierzbicki:** I personally don't think the color is undesirable for the IP zone

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**Jon Gifford:** Is the location easily visible from other roads?

**Chris-Lanc&Tully:** Bellvale Rd is the main road it could be possibly visibly and maybe Kings Hwy

**Justin Brigandi:** I think the color is good and have no objection to what's being proposed

**Alexa-Bldg Inspector:** I don't have a problem with the look or color of the building, I think it looks good

**Al Fusco:** I think Jackie should look at the landscaping, Chris knows what to do with the visual, the escrow, and lastly then show some ADA ramps on your plan and that's all I have.

**Jackie Elfers:** The landscape is not depicted as it's shown here but that's okay, but there's no evergreens shown which is okay but the ones that were chosen are going to be extremely large, the Sunset Maples are nice in the front and they are going to be like 30 feet and if the building is 35 feet that's okay. The Pin Oaks over by the septic field will be 60 to 70 feet high and 25 to 40 feet wide so I'm not sure they are the best choice. Or the shrubbery right in front of the leech fields, they will be like 9 feet wide and 8 feet high so putting them right by the leech field might not be the best choice. Then the parking area you're also putting those shrubs right in those islands and they are going to be 9 feet tall so you might be better off putting Boxwoods in there that will stay small in the islands and maybe Green Giants by your leech field in the front corner.

**Chris-Lanc&Tully:** Okay I appreciate that feedback and we'll take another look at the landscaping and appropriate those species

**Jon Gifford:** I have one other question, what kind of heating or air conditioning is being used here?

**Chris-Lanc&Tully:** I'm not exactly sure yet if they decided on that but I'll look into it

**Chairman Serotta:** Okay so let's open the public hearing; let the records reflect the proper notice was published in the Times Herald Record and the proper mailings were sent, the public hearing is officially open. I think the only person here is Tracy so you can unmute and go ahead.

**Tracy Schuh:** Hello everyone, I just want to start off by saying I'm not against development but I want to make sure all the environmental impacts are avoided. One of the things I wanted to ask about was the OC Planning comments on the traffic study; I don't know how the planning board wants to handle getting them the information and then getting feedback on it and making sure they have all the information. As for the traffic study itself, it was not completed in a typical way so the methodology was done during a shut down; the cumulative impacts seem to be missing and with all these new projects in the area I'm not sure if the maximum impacts are being looked at. Next I'd like to talk about the visual; I'm questioning the grade of the property and want to know what the final grade of the site will be and will it be level with Davidson Drive because it is a is a big hill. I'm happy to hear the planning board is asking for the line of site

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reports. I'm concerned about the lighter color will have reflective aspects; the lighting reduced is a good thing and the possible motion lights for afterhours should be noted on the plan so it can be enforced later and the signage light doesn't seem to be necessary. As far as the trees go, I like tall trees and feel they are good to shade and cool the building, I also wanted to know if this will go to the landscape designer? No offense to the planning board but I think the more vegetation the better. Another thing are the standard notes for vegetation to make sure if any die they will be re planted. The snow storage area should have signage and should be noted on the plan so they don't plow and push down the new trees and also a well protection sign so no salt gets infiltrated into the well system. Also maybe some notes on the plans about outside storage in general and keeping old equipment in the woods. Lastly I did have a question about how there's more parking on one side of the building; how are the employees crossing that parking lot? Maybe you can do a crosswalk because how are people maneuvering around the site? I think that's all I have for now but I want to mention the color again, I know everyone likes the color and I don't disagree but I don't know if it will fit into the surroundings and talking about visual profiles and there's houses that look over that site so I think that should be taken into consideration. That's it and thank you.

**Chairman Serotta:** Okay thank you Tracy. If anyone else is here to speak please unmute yourself; we'll just wait a few minutes to give everyone a chance. Seems there's no one else here tonight but we will have a 10 day comment period if anyone wants to send anything in. Would anyone like to make a motion to close this public hearing?

**Larry Dysinger:** I'll make a motion to close

**Justin Brigandi:** I'll 2<sup>nd</sup>

**All in favor:** Yes

**Chairman Serotta:** Public hearing is closed. Okay Chris, so you need to address the comments received tonight as well as Larry's comment and Jackie's consideration on the landscape and then come back in front of us.

Next we have **NY SOLAR 1001, LLC- 190 GREYCOURT RD** and Chris Vorlicek is here to represent them

**Chris-NYSolar:** This property is at 190 Greycourt Rd and is split up into 2 pieces, NY Solar is the applicant for this utility scale solar farm and we are currently proposing about 17.5 acres worth of solar on the northern section of the parcel. We are conforming to all the zoning requirements with 75 foot setbacks from the side and rear lots and 100 feet from Greycourt Rd. There is a 100 year flood plain area up here but we are not proposing any of the actual system in that area. The development timeline for this project is we have an interconnection application filed with Orange and Rockland Utilities and we are hoping to get a fully executed interconnection service agreement by about August or September. We just kicked off the Phase 1 site soil right now so that's in progress and we are hoping to come back before the planning board with a full site plan

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by August or September once we get that fully executed service agreement from O&R and that's about it for now.

**Chairman Serotta:** Okay I have couple of things about this, I spoke with our ex water commissioner of the Village of Chester who happens to now be a Town of Chester councilman. The Village has a water easement that cannot be built on; the entrance road would be okay but it could affect some of your arrays so that needs to be researched. Another thing that will definitely come up is the visibility from the Heritage Trail; once we got to public hearing that will come up. You will have to file a letter of intent that the solar farm will be done in the Town of Chester, this will be for the PILOT negotiation which is payment in lieu of taxes and the Town of Chester and County of Orange needs to be notified in that letter of intent. The AGG tax is probably a definite thing there and I also think there's a bond that is required as well

**Al Fusco:** Chris, just so you know, I'm the town engineer and I review the bond and we don't take salvage into consideration

**Larry Dysinger:** Is the typography going to be changed?

**Chris-NYSolar:** Looking at the site, if we can get away with no grading then that's our goal

**Larry Dysinger:** Are the homes on the northwest corner going to be looking at all these solar panels?

**Chris-NYSolar:** We can do a visual report if the town would like us to

**Jackie Elfers:** I think the visual impact is important especially with the Heritage Trail

**Dot Wierzbicki:** I have no comments at this time

**Jon Gifford:** Looks good so far but I am going to walk the trail and see what I can see from there

**Justin Brigandi:** Does being next to a solar farm help any of the residents?

**Chris-NYSolar:** We could offer a discount to the entire town as a whole

**Justin Brigandi:** Will there be a fence or trees as a buffer?

**Chris-NYSolar:** Once we get to the final permit design you'll see some visual screening trees composed of local species for this area

**Alexa-Bldg Inspector:** Are we going to discuss decommissioning?

**Chairman Serotta:** That will be when or if they come back for site plan

**Al Fusco:** I'm good with everything that has been covered so far

**Chairman Serotta:** Okay so this will be submitted to OCPD eventually and also maybe the OCPDW but I'm not sure and the town highway superintendent will review. So you come back to us when you're ready and just get in touch with Julie and she'll get you on the agenda.

Last on the agenda for tonight is **LARRY DYSINGER 46 ODYSSEY DRIVE** for a residential ground mount solar system. We have Gabby here from New York State Solar Farm, Inc to represent the project so I'll turn it over to her to tell what is being proposed.

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**Dave Donovan:** Let the records reflect that Larry will be recusing himself from this application

**Gabby-NYS Solar Farm:** Good evening all, NYS Solar Farm is seeking to install a ground array for 46 Odyssey Drive. It's a 15 panel ground mount and this application was submitted to the town on 4/21/21. This proposed location is for 15 – 360 watt panels, Larry's ground mount will provide him with full coverage of asset for his home and is not visible by any surrounding properties and is shielded by the natural tree line. It meets all the property setback requirements; it is 300 feet from the driveway and 500 feet from the neighbor's house. The array is 16 feet in length, 15 feet wide, 10 feet in height and about 80 foot trench from the house to the array. Timeline to install is about 8 weeks from approval and that pretty much covers everything. Any questions?

**Chairman Serotta:** I can see to the right of the property is pretty wooded so I have no issues with it

**Jackie Elfers:** I think it's good

**Dot Wierzbicki:** I have no issues with it

**Jon Gifford:** Sounds good to me

**Justin Brigandi:** Seems like a good scenario

**Al Fusco:** I have no issues and it meets all the requirements so it's fine with me

**Dave Donovan:** Mr. Chairman, this would be called a small scale solar energy system and the planning board can waive the public hearing if so desired by way of making a motion to do so.

**Chairman Serotta:** In the past if we felt the arrays were far enough away and there was little impact on the surrounding neighbors then we do waive the public hearing if we didn't feel it's necessary; my feeling here is it not necessary so can I have someone make a motion to waive the public hearing for this application?

**Dot Wierzbicki:** I'll make the motion to waive public hearing

**Jon Gifford:** I'll 2<sup>nd</sup>

**All in favor:** Yes

**Chairman Serotta:** Next we need a motion to declare a neg dec unlisted action

**Jackie Elfers:** I'll make the motion

**Justin Brigandi:** I'll 2<sup>nd</sup>

**All in favor:** Yes

**Chairman Serotta:** Then finally can we get a motion to approve the Dysinger round mounted solar array

**Justin Brigandi:** I'll make the motion

**Jackie Elfers:** I'll 2<sup>nd</sup>

**All in favor:** Yes

**Chairman Serotta:** Alright Larry, you're all set. Approval granted for the solar array; I'll write a letter to Alexa that the board has granted site plan approval.

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Okay so if there's nothing else for tonight then we're done and I'll see you all next month, thank you.

**Meeting adjourned at 8:47 pm**

Respectfully submitted,

Julie Tiller  
Planning Board Secretary