

TOWN OF CHESTER
PLANNING BOARD MINUTES
May 6, 2020

ZOOM Meeting called to order: 7:01 pm

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

Also present: Dave Donovan-Attorney, Julie Tiller- Secretary, Alexa Burchianti-Building Inspector, Al Fusco-Engineer, Tom Becker- Town Board Member & Bob Courtenay- Town Board Member

A motion made by Larry to adopt the minutes from March 4, 2020; Second by Dot. All in favor. **Motion carried 6-0**

Next meeting of the Planning Board is scheduled for June 3, 2020 tentative via Zoom

Don will provide further instructions as meeting approaches

Knebel Subdivision- Decision & Resolution

Chairman Serotta: Last meeting requested Dave to draw up resolution for approval but since then we had Kimberly Brunner an attorney representing one of the neighbors submit a lengthy document and it had some new information inside of it. I spoke with Dave a little bit about it and what Kimberly is saying in June 1985 Mr. Knebel said there would be no further subdivisions and so on, we just got this on Tuesday and we thought the best thing would be to track all the minutes for the approval process for Knebel, so that's what we did and luckily the town now has a nice system where we can just go in and search all the Knebel minutes for me. Found there was a June 5th meeting, a July 9th meeting & October 2nd meeting so all old minutes were sent out to the board just today. Did everybody get the minutes from today? And the documents from Kimberly Brunner the attorney?

All board members reply: Yes

Chairman Serotta: So I spoke with Dave Getz, Dave Donovan and I, this is really short notice and there is some new information in there and we as a board do not like making quick rash decisions. It's my feeling that we just do a quick pause here until the June meeting and take a look at all documents and the minutes so everyone has a chance to really look at them.

Dave Donovan: Yes I received the minutes retrieved from 1985 just today and we spoke briefly about them.

Chairman Serotta: Okay so it's my opinion, and we'll take a quick poll here that we should do a pause to review all documents and decide if this is a Board decision or if this

TOWN OF CHESTER
PLANNING BOARD MINUTES
May 6, 2020

a civil matter to be handled in court. Up until now we've been holding as a Board and Dave Donovan showed us some appellant division cases where it was said this is really a civil matter to be taken up in civil court and not for the planning board. So I want to recommend a pause so everything can be looked at and reviewed and give an opinion next meeting. Going to take a quick poll:

Mark- Agrees on pause to review documents

Dot- Agree

Jackie-Agree

Larry-Agree

Chairman Serotta makes final decision on taking a pause and will schedule for 1st action item on June meeting.

Dave Getz: Yes and Doug Jones is on the conference call too

Doug Jones: Agrees to pause until June meeting, happy to receive minutes from older meeting and understands the board needs time to review

Chairman Serotta: Dave Donovan we should put all these documents up on the web right?

Dave Donovan: Yes, absolutely you should do so. Post all documents on the website

Chairman Serotta: Okay so Julie you'll get everything posted on the web and thank you everybody with the Knebel application

1657 Management, LLC Elkay Drive- Site Plan Review

Joe Pfau: Summarization – We had the public hearings, received the new Fusco Engineering letter with (4) action items

Comment #1- Is land related, there is an adjoining building next to project and Al requested we locate the well & septic on that property. We have done that but it's not on the map that was submitted but we absolutely do meet our separation distances to our wells & septic on our plan

Comment #2- Submittal of executed of the NOI SWPPP which is something they will do prior to construction

Comments #3 & #4- Also have to do with construction, all the required bonds & inspection fees due prior to construction

Comment #5- Board comments, only needed to provide on the plan for Mr. Fusco is to show the adjoiner of well & septic system

Chairman Serotta: One of the big issues was the woman with property below you was concerned about her septic system and storm water. That was a big concern; she's worried because you're sitting up higher than her. So how was this addressed? And Steve you can comment on this too

TOWN OF CHESTER
PLANNING BOARD MINUTES
May 6, 2020

Joe Pfau: Our storm water infrastructure has been designed for all storm events, the 2, 10, 25 & 100 year storm. All storm events, even the overflow go into the existing drainage infrastructure on Elkay Drive, nothing goes offsite towards her septic system.

Larry: Actually right now there's nothing impeding any run off to go on that property and what you're proposing in the drawings was to actually catch the water and then direct it into the drainage system so it actually helped the neighbor, would it not?

Joe Pfau: Yes. I'm glad you brought that up and actually the storm drain going towards her has decreased from proposed condition versus existing conditions.

There's (2) ponds, and Al Fusco has reviewed the SWPPP and we've modified the SWPPP as well. Those (2) ponds collect all of the storm water, they treat it, they attenuate the peak flows and then they discharge into the existing storm sewer, they do not discharge towards the adjoiner site.

Chairman Serotta: Alright, well unfortunately Al had trouble getting in the meeting tonight but we definitely need Al to make sure the neighbor is covered.

Larry do you feel comfortable with the way they designed it?

Larry: Yes, I believe it will help the neighbor

Joe Pfau: Yes, we are definitely not directing more storm water towards that property

Chairman Serotta: Okay, I don't really have any other comments

Alexa: I have a question, because of the elevation is there going to be any kind of a wall or just elevated berm between adjoining properties and this property?

Joe Pfau: No wall, just a berm. Berm is wide enough to have access drive around it so it's a wide berm

Alexa: Okay and that's within the 50' set back right?

Joe Pfau: Correct

Chairman Serotta: So Alexa are you comfortable with everything that's going on there?

Alexa: Yes, as long as there's a wide enough access point around the back of the storm water pond then I don't think it will be a problem.

Chairman Serotta: I'm pretty comfortable with everything, now the note went on the plan about the dirt removal once we get into that big dirt removal.

Steve you agree with that? Not saying we can't do it but we need some kind of a plan about where it's going. And the most important thing is to let the building inspector know when you're ready to move all that dirt out of there.

Steve Brown: Yes, there's quite a bit of work to be done before any dirt is moved but we will definitely get in touch with Alexa beforehand

Chairman Serotta: Mark are you comfortable with everything you've seen?

Mark: Last time we were looking for a rendering as to what this thing is going to look like, I know its light industrial

Chairman Serotta: Good point, Steve why don't you address that

TOWN OF CHESTER
PLANNING BOARD MINUTES
May 6, 2020

Steve Brown: It's in the cul de sac, in the industrial park and we are looking to do a steel building. We haven't had it fully designed by the company yet and we haven't actually chosen who the manufacturer will be so it's going to be very similar to the other buildings there. It won't be anything fancy or any crazy colors or designs and its built half way into the hill so only the front of it will be showing. A very modest steel with a concrete back wall that's retaining the hill behind it, so we don't have a rendering right now and I feel it's a bit overkill for the plan we are looking at right now. I hope you can visualize what we're planning on and it will be very much in line with what everybody else in the industrial park has.

Mark: Okay, fair enough. I'm also a little uneasy that you don't have a tenant for it yet

Steve Brown: Well that's the plan to get a tenant and build the building so baby steps getting toward that

Chairman Serotta: Dot do you have any comments?

Dot: No I'm fine

Chairman Serotta: Okay good. Bob do you have anything?

Bob: Last time we discussed this application we had discussed a retaining wall and a description of a retaining wall between the site and the building that's below them on the left hand side if you're facing the building. I don't know if I feel comfortable about Joe's comment about no wall at all, that's a pretty steep slope, actually very steep slope, I don't even think you could walk up it. So I really feel there needs to be a retaining wall between those two properties just to control erosion & anything else washing down that bank in the future.

Joe Pfau: Correct me if I'm wrong but we smoothed out those slopes, the 2 on 1 slopes & the actual run off is almost negligible.

Bob: What's the difference in elevation from the site that exists now and the finished grade of your site?

Caleb: If I could just jump in here real quick, the last time we talked I had been using an earlier version of the plan that had not been designed with our infiltration testing results, once we had the infiltration testing results we were actually able to reduce the size of the pond. The maximum slopes in that area around the pond near the bottom was 2 on 1 and I believe it was actually less than that when you go off the berm into the other property.

Larry: Feel better about 2 horizontal to 1 vertical but what needs to be addressed by Joe is how that berm will be stabilized to help ensure there's no run off?

Joe Pfau: We have a complete erosion control plan and where the actual pond is there is very little grading. There's a 4' hill in the front area, maybe less than 4', and along the rest of the berm is very close to grade. The only other grading would be where the parking lot is and need some grading there but really the fill is only a few feet. We could

TOWN OF CHESTER
PLANNING BOARD MINUTES
May 6, 2020

put a wall in but not sure what purpose it would serve, we're not grading onto the property at all.

Larry: I can see the base of that pond is 512 and the other property at the lowest point is 510 and goes up to 512 & 514 so I see your point.

Joe Pfau: The pond elevation at that point is actually lower than the existing building

Larry: Yes I see that

Al Fusco: I'm looking at it now & basically the top of the berm is 517 and it goes down on a 2 to 1 so I don't see too much concern there, it can be handled during construction

Larry: It's not so much during construction but more long term

Al Fusco: If we need to do some retainage we can have them do it at that point but I'm good with a 2 on 1 slope.

Bob: Who's going to be responsible for maintaining that slope as far as vegetation & growth in the future?

Joe Pfau: Would be the property owner responsibility

Bob: Is that slope going to be able to be maintained at these elevations?

Joe Pfau: Yes, no question. And another thing is because this is a SWPPP we are going to have coverage on this, the facility is required to have inspections I believe every 2 years to make sure the facility is being maintained and functional and those documents have to be submitted to the DEC

Bob: Is this going to be a pond that the highway department is going to have access to and clean out and maintain periodically like all the other ones

Al Fusco: No, this is going to be private. What this would be is, if you have concerns we can form a maintenance agreement with the owner & the town and that can be on file with the county if you have concerns about maintenance.

Bob: I think that would be a worthwhile item to have included

Chairman Serotta: Dave Donovan don't we have a document for the site plans that we make them sign that if they don't maintain the pond then the town has a right to go onto the property and then charge them back?

Dave Donovan: That is correct, it's a storm water facility management agreement that has to be signed. For this particular project it's not an obligation it's the responsibility of the property owner and town has the right to come in if it's not maintained

Chairman Serotta: Okay good. Bob are you more comfortable now?

Bob: Yes, as long as Al is confident this won't be a bad situation for the neighboring property

Al Fusco: Because this is substantial we are going to keep a close eye on it but I'm pretty confident with it and don't see any issues

Chairman Serotta: Okay good. Jackie what about the landscaping plan?

Jackie: They updated the landscaping plan which is good, the only thing they left on was the White Pine which will be eaten but that's their choice so I think we should put

TOWN OF CHESTER
PLANNING BOARD MINUTES
May 6, 2020

an in perpetuity note on there so it's taken care of if things do die off, but they did change the other sizes and the plantings and the numbers match on the plan so that's fine.

Chairman Serotta: So Steve do you want to keep the White Pine?

Steve Brown: Yes and in perpetuity is fine, no problem

Chairman Serotta: Okay good. Larry?

Larry: I'm good

Chairman Serotta: Okay so at this point & time do we want to ask Dave to draw up the resolution. I'll poll the board; Dave & Al are we comfortable to move forward?

Al Fusco: I don't have any issues

Dave Donovan: Absolutely, if it's the pleasure of the board then I'll draw up the resolution for your consideration.

Chairman Serotta: Okay I'm comfortable.

Mark- no issue

Dot- yes

Larry- Good

Bob- Good

Carl D'Antonio- I was a little late but I'm present now. I never get my Chester emails so I need my personal email added in. And yes I'm comfortable with what I heard.

Alexa- I'm good as long as Al is confident in the storm water plan

Chairman Serotta: Okay so Dave you'll draw up the resolution, Steve & Joe we'll put you on the June 3rd agenda to vote on the resolution that night.

Steve Brown: So as far as the board is concerned at this point everything is satisfied that we need to provide for you and now it's just that Dave will draw up a resolution for approval?

Chairman Serotta: Correct. And at point once the resolution is voted on you'll have some conditions on there, for instance making sure the escrow account is up to date and so forth and any other conditions we add on. Once all conditions are met, I'll sign the prints and you're good to go.

Steve Brown: Is there a reason we couldn't vote on it tonight?

Chairman Serotta: We typically don't that, we like to have a written resolution of approval first and then vote on it.

Steve Brown: I understand and I appreciate you having the meeting but it seems to me it's just another 30 days to wait for a two sentence approval

Dave Donovan: Standard practice of the board is to indicate an approval and authorize me to prepare a written resolution so the board has the opportunity to review it and approve that resolution and vote at the next meeting, absent of any extenuating circumstances the board generally does not vary from that procedure.

Steve Brown: Okay agreed for the June 3rd meeting. Thank you all

TOWN OF CHESTER
PLANNING BOARD MINUTES
May 6, 2020

Fridlich Homes 30 Mount Ridge Ct- Work Session

Chairman Serotta: Okay last item on the agenda for tonight, Simon Fridlich. Simon are you with us? Okay good. Simon owns a piece of property up on Mount Ridge Ct and he submitted a request for a work session tonight, he also wants to dump a certain amount of dirt, I think it was 5000 or could be more or less to be determined. I have to give you kudos because you're one of the few to ever give us a plan, most people just dump dirt and run but you actually came with a plan. So tonight is just a talk about the next steps. I'm going to state my two cents and then we'll go to the board, I took a ride to look at the property and if it's on a town road I always meet with the highway superintendent and I expect Anthony will make comments as well. So after seeing the property I understand why you need to put dirt in there. You have sewer and water up there right? So that takes care of the septic questions or anything like that. My feeling is the dirt will not impact anybody, I saw MJS plan that he sent to us, I don't think it's going to affect your neighbors in any way and I fully understand why you want to build up there.

Simon: Well we don't really want to build a house; my brother and I have retired and we've had this lot for sale since 2008 and have had some interests but when they look at the backyard, you can put the house up there but then you have no backyard and so by filling it in maybe we can sell it and someone can build a house there and we can finish this development. It's the last lot in the development and the way it is no one wants to buy it.

Chairman Serotta: Okay I can understand and I can see what you're trying to do. So Julie and I, we found on the map, I think it was from 1999 Phase 3 of Lake Region Estates. It was approved lots from the planning board way back when and I guess you built all around it. My one problem is Mount Ridge Ct and Walton Lake is down below, you're going to have to come up Lake Region Blvd, somehow I'm assuming, Cambridge Circle to Mount Ridge so my issue comes down to and the board needs to discuss on how we're going to solve this is let's say a number of 5,000 yards, if that's even enough?

Simon: The engineer sorta figured it but we don't really know until we dump & grade

Chairman Serotta: Right, so let's just use the 5,000 yard number so a typical tandem dump truck hauling 20 yards means we are going to have 250 dump trucks coming up through this big residential neighborhood. My second problem is typically cul de sacs are playgrounds with kids and I'm not saying you can't do it but that's another issue that will have to be addressed for me and we'll hear from the other board members. But if we're going to have 250 dump trucks coming up through there I think we are definitely going to get some neighbor involvement, they are going to be really upset and calling. Alexa do you agree?

TOWN OF CHESTER
PLANNING BOARD MINUTES
May 6, 2020

Alexa: Yes, I already get complaints from over there for other minor things so I can tell you right now, big dump trucks are going to be an issue.

Chairman Serotta: Right, so that's my big issue Simon, how are we going to come up with a plan that will be acceptable? And we understand that every neighbor is not going to agree, we know that.

Simon: Can we limit when the trucks run?

Chairman Serotta: Yes, that's what I want to hear. So it's not an easy thing that we can come up with tonight but these are the things that I need you to work with the board on and that would satisfy me if we come up with a plan. I think we will also have to do some kind of notice to the public if we don't hold a public meeting so the public can join our meetings and they know what's going to happen, so that's what's important to me

Simon: Is there any kind of preference as to when the trucks can run? Or do you have any suggestions?

Chairman Serotta: I think we have to discuss with the board members and see what we come up with. Before I turn it over to the board, I did speak with Anthony LaSpina and he's worried about a couple of things, worried if you do this in the summer and the tar & chip roads will be damaged by big tandem dump trucks so he wants some kind of a bond and he also suggested instead of topping those trucks at 25 yards he suggested running 15 yards or anything that would lighten the load on the roads so no damage.

Simon: I will talk to the guy that's going to do the filling and we happen to luck out and have someone that needs to move a huge amount of dirt and will do it for free to get rid of the dirt. They will also pay for any expenses incurred for this, whether we need a bond or whatever is needed. So I need to know what it is I need to tell them that they have to do in order to bring that dirt up there.

Larry: Most truckers today are running tri axles and typically they carry legally 15 to 17 yards per load

Chairman Serotta: So let me go down the rest of Anthony's comments, he wants the roads swept and entrances stabilized. Anthony called the Town of Monroe highway superintendent who also has a concern saying he just resurfaced Lake Region Blvd so he's also concerned and looking for some kind of a bond, so whatever we do needs to be shared with Monroe highway superintendent to make sure everyone is comfortable with the plan

Al Fusco: We actually need a SWPPP because they are going to disturb over an acre of land, going to be an acre and half of disturbance so we really have to do a SWPPP, doesn't have to be very involved but when you disturb that much land it's required. You mentioned the bond, the sweeper and one other thing is with all the fill they need to have their engineer identify a sanitary area because you can't put a septic system in all that fill without getting a health department approval.

Simon: There is water & sewer already up there

TOWN OF CHESTER
PLANNING BOARD MINUTES
May 6, 2020

Al Fusco: Okay, I didn't see it on the plan then we can forget that part of it but the SWPPP is something that we need to do and Mike Sandor is well aware of it

Larry: Don I have a couple of comments, I did visit the site a couple of weeks ago, it is very steep and a few concerns I have is when it is filled, the proper way of filling is compacting as you fill it and that would help prevent any mud slides because it is a steep slope so I would like to see that as a requirement to make sure it is compacted. Also the construction entrance and cleaning the streets, another concern since it's a residential neighborhood is speed control, some truckers get paid by the load so they might tend to speed a little bit so how are we going to control the speeding?

Chairman Serotta: That's a good point and we are going to document all this and make it a discussion item at the next meeting. Okay. Mark any comments?

Mark: All valid points Don, I would certainly be concerned if I was a resident in that area and leave that to the open hearing to see what the other folks have to say. I understand what you want to do but it seems like an awful large ask

Dot: Yes, that's an awful lot of trucks coming up with the dirt and I think the neighbors are going to have a fit but if all the conditions are met and all the bonds

Larry: I think the key item with something like that since it's probably going to be about 300 truckloads is communication to all the neighbors to make sure they are informed.

Jackie: Yes I think the same thing, we need a schedule so the neighbors know what's coming and especially with small kids and now that everyone is home. As long as they know & everyone is on the same page, and another thing is where the fill is coming from. Has the fill been designated what type of soil or it's not contaminated?

Simon: It's coming from KJ

Jackie: Well I think we should know what kind of fill it is and what's in the fill at least

Al Fusco: It should be tested

Jackie: Right, just in case so you're not dumping that and it's some kind of contamination and to know what it is

Al Fusco: Generally what you could do is certify new material, could get it from the applicants engineer

Simon: Okay

Chairman Serotta: Good point Jackie, thank you. Robert are you with us?

Bob: Yes I'm here and I'm very interested in Jackie's comment, I think it's a very valid and important point to make sure this fill is coming in isn't contaminated and we need somebodies signature on it saying it isn't because we don't need another Glenmere Rd incident where 2,000 yards of fill show up overnight and it turns out it's all contaminated.

Simon: So who does that? Would it be my engineer?

TOWN OF CHESTER
PLANNING BOARD MINUTES
May 6, 2020

Larry: Where the soil is coming from, whoever is getting rid of it has to provide the certificate of testing of the soil. It's the responsibility of the person getting rid of the dirt to provide you with the certificate.

Simon: Okay I'll tell him he has to do that

Carl: With all that dirt being dumped my concern is storm water runoff, the changing of the slope of the property and where all that water goes and how it will be managed & contained so the houses that are up against the property are not going to experience any runoff

Simon: The bottom of the hill has a retention pond with a retaining wall that's there already from the design of the development so it's all being retained in case of a flash flood and the only we're really changing is the slope, we're making it more gradual so I think it really would not affect the drainage at all. The only thing that might increase is if a house is built but that's already designed in that retention pond.

Larry: The big concern is potential erosion while you're filling which is why I recommend it being compacted to try to minimize any erosion.

Al Fusco: Basically with the SWPPP they have to do an erosion control plan and they might consider a siltation pond at the bottom of this to collect the silt because you know it's going to erode and that's why we're requesting the SWPPP.

Simon: Could we put a silt fence?

Al Fusco: Silt fence and possible a little siltation pond so that the water can hold it and silt won't go into waters in the state of NY

Chairman Serotta: Okay, Dave do you have any comments?

Dave Donovan: No, I think the board members have to take a look at it and I have to get my arms around how best to proceed for the board. You've identified some things that you would like to see and I need to give some consideration as to their necessity and/or appropriateness.

Chairman Serotta: So just to recap everything, Simon my big concern is somehow come up with some kind of a plan about the dump trucks and a schedule so we can let the neighbors know and keep the kids out of the street during that time, so that's really important to me. You will have to come up with bonds with both Chester & Monroe highway superintendents and get an agreed upon bond, we don't set those.

Monroe was concerned about your coming up though that road that was just re done. You should negotiate some kind of bonds and Anthony will usually give us some kind of a letter stating he's okay with everything and we will check also with the Monroe highway superintendent. Okay anyone else have any comments?

All Members: No

Chairman Serotta: So we can schedule you again for the June 3rd meeting, you can call Julie or send us an email. Try to address a lot of these issues and then come back to us and we'll negotiate everything and figure out how we are going to do it.

TOWN OF CHESTER
PLANNING BOARD MINUTES
May 6, 2020

Simon: Alright, thank you

Chairman Serotta: Alright everybody else ok? Tom & Bob, anything from our town board members?

Bob Courtenay: Thank you for allowing me to be included, I'm the liaison to the planning board so I want to have the intimate understanding of what you all do so I'm glad you gave me the opportunity and if you could continue to forward me the emails when your next meetings are because I would surely like to join.

Tom Becker: Only concern I would have is how you are going to notify the neighbors there because you have a long road that goes up

Chairman Serotta: We have to figure it out, that's my big concern too Tom. We don't want children running around or hurt and they are going to complain.

Alexa: There are a lot of very narrow roads up there and street parking so when the truck drivers come through it's going to be a tight squeeze and there's kids running around all over. So it is definitely something that's going to have to be addressed.

Simon: Is it possible that we could alternate and have some trucks go up Lake Region and some up Heaton and go the other way.

Alexa: Better off staying on one road so at least they know which road they are coming and going.

Chairman Serotta: Okay thanks, I hope everyone thought this was a success tonight better than no meeting at all. June 3rd will be our next meeting and I assume it will be Zoom again, thank you all again and good night.

Meeting closed at 8:06 pm

TOWN OF CHESTER
PLANNING BOARD MINUTES
May 6, 2020