

**TOWN OF CHESTER
PLANNING BOARD MINUTES
June 21, 2017**

Meeting called to order: 7:03pm

Members present: Chairman Serotta, Bob Conklin, Jackie Elfers, Dot Wierzbicki, Barry Sloan (7:25pm)

Also Present: Dave Donovan-Attorney, Al Fusco-Engineer

Absent: Carl D'Antonio, Alexa Burchianti

Next meeting of the Planning Board is scheduled July 19, 2017

*These minutes have been transcribed by Michelle Conero.

Respectfully Submitted,

Alexa Burchianti
Planning Board Secretary

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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF CHESTER PLANNING BOARD

In the Matters of

- HILLS OF CHESTER (Ninety-Day Extension)
- SIEMENS - SUN EDISON (Six-Month Extension)
- HUDSON SOLAR (Continued Public Hearing)
- BOARD DISCUSSION (Proposed Zoning Changes)

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Date: June 21, 2017
 Time: 7:03 p.m.
 Place: Town of Chester
 Town Hall
 1786 Kings Highway
 Chester, NY 10918

BOARD MEMBERS: DON SEROTTA, Chairman
 BOB CONKLIN
 JACKIE EFFERS
 DOT WIERZBICKI
 BARRY SLOAN (From 7:25 p.m.)

ALSO PRESENT: DAVID DONOVAN, ESQ.
 AL FUSCO, Engineer

MICHELLE L. CONERO
 3 Francis Street
 Newburgh, New York 12550
 (845) 541-4163

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CHAIRMAN SEROTTA: It's a little after 7:00 and the Town of Chester Planning Board is now in session. Alexa will not be with us tonight, she has a gradation. We have Michelle as a Stenographer who is going to do minutes for the meeting tonight.

Alexa did not send in -- the last set of minutes would have been from the 7th. She didn't finish those yet. There wasn't enough time for her to get those done. There's no minutes to adopt tonight.

As I said the last time, the July 5th meeting has been canceled and our next meeting will be July 19th. So no meeting on the 5th, July 5th. Happy Fourth of July to everybody. The next meeting will be July 19th after this.

Just two quick things before we get into the continuation of the public hearing. We received a

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letter, everybody should have seen

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it, from the Hills of Chester. It

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was a letter requesting a ninety-day

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extension. We got a letter from them

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about a year ago saying that they're

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still finalizing the Hills of Goshen

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and they expect to start the Hills of

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Chester in 2018. We can grant them

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the ninety-day extension.

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Does someone want to make a

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motion to grant the ninety-day

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extension?

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MR. CONKLIN: So moved.

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MS. WIERZBICKI: Second.

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CHAIRMAN SEROTTA: Motion by

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Bob, second by Dot. All in favor?

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MR. CONKLIN: Aye.

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MS. EFFERS: Aye.

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MS. WIERZBICKI: Aye.

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CHAIRMAN SEROTTA: Aye.

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So Alexa will write that letter

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out.

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The second thing on the agenda

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is the Johnson Solar Farm over on

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Johnson Road. In their approval they

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had to receive, I'm not sure why, a

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six-month -- somehow in the approval

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you have to get six-month extensions

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to their approval. So it's a site

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plan for the solar farm over there.

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What happened was the company

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that originally was going to build it

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declared Chapter 11. Somebody else

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took it over. We're just waiting for

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them to finalize the deal and move

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forward hopefully on that.

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Does someone want to make a

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motion to grant a six-month extension

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for the Johnson Farm solar plan?

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MS. EFFERS: So moved.

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MS. WIERZBICKI: Second.

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CHAIRMAN SEROTTA: Motion by

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Jackie, second by Dot.

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MR. CONKLIN: Can we make

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comments?

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CHAIRMAN SEROTTA: Sure.

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MR. CONKLIN: Should we be

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taking this action? It's come to

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light that these uses are not permitted, they are prohibited by our zoning. They're not specifically permitted.

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CHAIRMAN SEROTTA: But that's not true. We already made the statement when we approved Johnson's Solar Farm, okay. I spoke with the Pace law school, and I explained that, and we considered them a public utility. Pace law school agreed that there are some regulations, just as Hudson Solar has some regulations, by the Public Service Commission. When we approved that project we approved it under a public utility structure. Ms. Shu thinks we didn't do that or it comes up the wrong way of doing it, but that's not how we approved that. We can go back to the minutes. That's what the Board's statement was. That was backed up by different lawyers, and that's how we approved it. So that's not --

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MR. CONKLIN: I've got to tell you I disagree because the way our zoning is set up, these type -- it's a check valve design to keep these type of uses, some sort of control over them until the zoning can catch up to it. The zoning specifically says if it's not permitted then it's prohibited.

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CHAIRMAN SEROTTA: Public utilities are permitted.

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MR. CONKLIN: Public utilities by a utility company. In my opinion these are a private entity.

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CHAIRMAN SEROTTA: So is Orange & Rockland. So is ConEdison. We've been down this road. We approved it. You might have voted yes. I don't know. I can go back to the record and see what your vote was.

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MR. CONKLIN: I think we should revisit.

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CHAIRMAN SEROTTA: We approved

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them. You'll get sued.

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MR. DONOVAN: I mean that's not -- that ship sailed as far as that.

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MR. CONKLIN: Right. I agree we made a mistake. Maybe we made a mistake, maybe we didn't. At this point how far off is the zoning from being --

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CHAIRMAN SEROTTA: You know as well as I know. They're going to have a public hearing on July the 12th.

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MR. CONKLIN: They're proposing a solar ordinance; correct?

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CHAIRMAN SEROTTA: Right. The ship -- we already went down this road here. It was the Board's decision, it was -- it might have even -- I don't know if it was a unanimous decision. I can pull those records out. We declared them to be a public utility. That was reviewed by lawyers who've run through that.

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2 So ConEdison -- we've already talked
3 about that. ConEdison is a private
4 entity. It is not -- people think
5 it's a public company. It's not a
6 public company. It's a privately
7 owned company. These are privately
8 owned companies. Hudson Solar is a
9 privately owned company. They all
10 have regulations based on the Public
11 Service Commission. That's why we
12 ruled it would fall under the public
13 utility. That will change a little
14 bit when we pass the solar law, which
15 we are going to discuss a little
16 later tonight. This has already been
17 approved. We gave him final site
18 plan approval.

19 MR. CONKLIN: Okay.

20 CHAIRMAN SEROTTA: More
21 discussion?

22 UNIDENTIFIED SPEAKER: Can I
23 ask a question?

24 MR. CONKLIN: I'll be
25 abstaining from the vote.

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CHAIRMAN SEROTTA: Then the
motion fails.

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MR. CONKLIN: Correct, the
motion fails.

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MR. DONOVAN: You need four
affirmative votes.

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CHAIRMAN SEROTTA: I don't
know what's going to happen. I will
pull the records and find out how
everybody voted and stuff like that.
We're leaving ourselves open to
possible litigation. I can't see
into the future but just because
somebody writes a letter, I don't buy
that. We've already made statements
here and put stuff on the record in
the past.

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All right. So the motion
fails.

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MR. DONOVAN: You need to
record a vote. There hasn't been a
vote.

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CHAIRMAN SEROTTA: All right.

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All in favor?

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MR. CONKLIN: Abstain.

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MS. EFFERS: Aye.

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MS. WIERZBICKI: Aye.

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CHAIRMAN SEROTTA: Aye.

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MR. DONOVAN: Just for the

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record, just indicate three aye

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votes. Member Conklin abstained. The

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motion fails. The motion to grant

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the six-month extension fails.

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CHAIRMAN SEROTTA: Okay. The

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next thing on the agenda tonight is

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Hudson Solar. It's a continuation of

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a public hearing. We'll hear from

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the applicant first and then I will

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reopen the public hearing for any new

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information that the public wants to

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provide to the Board. Just hang on

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one second here.

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So you want to bring up the

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screen pictures? You probably want

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to bring up the site plan. Let me

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bring up this here. Okay. That's

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the one you want?

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MR. PATAK: The other one also.

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CHAIRMAN SEROTTA: The other
one also?

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MR. PATAK: Yeah.

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CHAIRMAN SEROTTA: Okay.

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MR. PATAK: So based on the
last time we were here, and we did go
out --

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MR. DONOVAN: May I interrupt
you? Only because we have a
Stenographer here, maybe if you could
kind of orient yourself and speak a
little louder so she can pick up what
you're saying. She may not be able
to hear you with your back to her,
and you're a low talker anyway.

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MR. PATAK: That's okay.

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So since the last time we were
here, and what we discussed with the
Board was doing a mockup of the solar
array in the four corners here, which
we did. Before we did that we changed
the design slightly, as most people
-- some people here know. What we
did was we changed the tilt angle of

1
2 the solar panels themselves a little
3 bit. That allowed us to compress the
4 overall dimensions. We reduced the
5 space in between them. What it
6 allowed us to do was to make the
7 overall footprint about five feet
8 shorter. So we actually brought it
9 in on the site five feet shorter on
10 this side, and then it allowed us,
11 from the east and west dimension, to
12 bring it in about thirty-four feet.
13 Rather than bringing it in equal
14 distances from both sides, we felt
15 that the visual impact for these
16 neighbors was more severe. We
17 actually brought it in a full
18 thirty-four feet from the east side.
19 That made the overall footprint a lot
20 smaller.

21 Then we did actually -- if you
22 wanted to go to the screening plan,
23 please. Then under the
24 recommendation of the landscape
25 architect we did add the screening

1
2 that we had talked about at the last
3 public hearing meeting. We are now
4 offering to put in the green giant
5 here. We pushed them out so that
6 their overall impact through the
7 years would not affect the production
8 of the array. Really the homes here
9 in this area are the most likely to
10 see the array just because of the
11 topography. We felt that adding it
12 here was the best option because it
13 will protect that view for these
14 homeowners and not affect the
15 production of the array. So overall
16 we shortened it by thirty-four feet
17 this direction and five feet here.
18 We're allowing all this to return to
19 natural vegetation in this area.

20 Those are the changes that we
21 made since the last meeting we were
22 here, and then created that screening
23 plan also. That's it.

24 CHAIRMAN SEROTTA: Chris,
25 thanks.

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Karen, do you want to make some comments? Karen, would you introduce yourself to the Stenographer.

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MS. ARENT: Karen Arent, Landscape Architect. I apologize for missing the meeting last week. I thought it was tonight for some reason.

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I looked at the green giants. Twenty-five feet apart is pretty far to plant green giants because they are tall, narrow growing plants. I suggested maybe taking these three and moving them to create a double staggered row and adding more, as necessary, to create a thick screening in here because the house is right over here that they are trying to screen.

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Also we discussed the possibility of deer browsing. Western arborvitaes are rarely damaged but in some areas they are severely damaged. I think that this

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2 area there is probably not such --
3 not too high of deer pressure because
4 it's so open. I feel there's more
5 deer pressure in more suburbia and
6 village environments. I think
7 arborvitae is a good choice. Just
8 to be careful, I think we should move
9 them down the hill a little bit so if
10 they grow tall and they get deer
11 browsed, at least the part of the
12 plant that we need for screening will
13 be higher than what the deer browse.

14 I suggested that the first
15 couple years perhaps they put
16 temporary deer fencing up, because if
17 they plant them only six feet high,
18 the deer will eat them up to about
19 five feet, and that doesn't leave
20 enough for the plant to grow. So if
21 they temporarily put deer fencing,
22 that would be good.

23 The Forsythia, in my
24 experience, is usually tolerant of
25 deer browsing, although I'm of little

1
2 concern that a small baby plant --
3 it's not really a small baby plant.
4 They're going to plant five footers
5 but they have only a few sprigs, so
6 if the deer do start browsing they
7 won't be strong enough to recover. I
8 suggested there could be some kind of
9 monitoring and fencing if necessary
10 to protect the plants.

11 The same as the silky dogwood.
12 Silky dogwood I'm not very familiar
13 with how much the deer browse. I
14 tried to look it up but it's not on
15 any lists. A lot of the cornice,
16 about half are once in awhile browsed
17 and the other half are more
18 frequently browsed. So it's hard to
19 say whether or not they're going to
20 be damaged if there's enough deer
21 pressure. Again, I don't think
22 there's going to be a lot of deer
23 pressure in this area because it's so
24 wide open. So these shrubs should be
25 monitored and fenced, if needed, for

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the first three or four years. Once

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they get established -- I have

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Forsythia in my front yard and I have

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herds of deer coming through. They

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do eat it but they don't destroy it.

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It needs to get a good strong hold to

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make sure it will survive.

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CHAIRMAN SEROTTA: You sent

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pictures? Your pictures?

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MS. ARENT: There's more

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pictures of the winter. That's silky

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dogwood in the winter. It's pretty

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thick. That's why I thought it would

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be a good option. This is silky

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dogwood in the summer. Forsythia is

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really thick in the winter. That's

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the summer. Then if you go down more

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you can see -- I use Forsythia a lot

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for screening because you really

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can't see through it in the winter.

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It's inexpensive, it grows fast and

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provides that real thick cover. That

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gives you an idea of how good the

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screening would be.

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CHAIRMAN SEROTTA: Thank you,
Karen.

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MS. ARENT: You're welcome.

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CHAIRMAN SEROTTA: Chris,
anything else?

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MR. PATAK: No. Just under
Karen's advisement we can stagger the
trees. That's not a problem.

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CHAIRMAN SEROTTA: Okay. All
right. Before I open the public
hearing, questions, comments from the
Board?

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MR. CONKLIN: I'm good.

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CHAIRMAN SEROTTA: Jackie?

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MS. EFFERS: No.

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CHAIRMAN SEROTTA: All right.
At this time I'm going to reopen the
public hearing. Again, I stated in
the last meeting that the proper
notice was sent out. No new notices
went out, if anybody is here and
didn't get a notice. Also, the
proper notice was sent to The Times
Herald Record. It only happens once.

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All right. So whoever wants to speak for or against the application, please, like last time, raise your hand. We have a Stenographer tonight. You have to state your name, address if you could, and come up in front of the Board.

MS. SHAUGHNESSY: Rosemary Shaughnessy, 83 White Oak Drive.

Since I was familiar with Mrs. Seligmann and the intent of her gift to the foundation, she really discouraged any thought of unreasonable disturbance of the beauty of the open field and housing or the like. She wanted it to be preserved as a homestead, not as I believe a commercial entity or, God forbid, now a public utility. I find that that's a disgrace. It's such a gift with the history of it.

All right. I would like to know the zoning regulations for such a utility in the Town of Chester. I

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2 don't believe there are any
3 presently. I think that that should
4 really be established before
5 utilities are placed in such a rural
6 and agricultural area. There has to
7 be some respect for her gift.

8 CHAIRMAN SEROTTA: Anybody
9 else? Yes.

10 MR. FROSINI: Gene Frosini, 67
11 White Oak Drive. I'm wondering, the
12 guy Phil Johnson who farms the land
13 now, taking that away from his
14 tillable land, I'm not so sure where
15 he would stand with using it at all.
16 I notice at that end of the property
17 is the better part. In any event, I
18 don't know how he would stand once
19 the rest of the place goes fallow.
20 As you all know, once you let a field
21 go it turns into quite a disaster as
22 far as I guess appearance and -- who
23 ever else might know better. I'm
24 curious to know if that might have an
25 affect on the farmer that is using

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it.

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Again, I don't know the plan as to continuation. If this is let go, do we keep seeing it right down to Bellvale Road or do they stay confined to that? I'd like the Board, if you decide to approve it, at least maybe it can be confined to that and in three years time it doesn't stretch itself another 6 acres out to Bellvale Road. That's all.

CHAIRMAN SEROTTA: Thank you.

We're not here really to answer comments tonight. That will happen in July. I'll just answer that they can't change anything without coming back to this Board. Whatever they show on the site plan now is going to stay there. I can't predict the future. I can't tell you I'll be on the Board in the future. They just can't go in and add 10 panels, 200 panels. They can't do anything

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without coming back to this Board.

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How the Board would react, there

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would be another public hearing most

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likely, the whole thing. Just to

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answer that question.

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Anybody else? Yes.

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MS. FROSINI: Alicia Frosini,

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67 White Oak Drive in Sugar Loaf. My

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husband mentioned agriculture. We're

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also in agriculture. You know, I

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have really believed very strongly

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about Arlette, what she left the

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conservation land for.

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Myself, I work very hard in

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keeping pollinators. I know this

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sounds silly to you folks, your

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utility companies and so forth. I

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did talk to the horticulturist even

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about invasives and weed seed and so

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forth once you let agricultural land

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go fallow like this.

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I'm not a scientist in a sense

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but there are a lot of issues besides

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it being agricultural land,

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2 conservation land that Arlette wanted
3 preserved, it's also a neighborhood.
4 I just don't understand. This is
5 really a residential neighborhood
6 that, you know, Arlette clearly --
7 you know, before we purchased our
8 land I certainly did my homework to
9 see what is surrounding me. Clearly
10 it was written that this was
11 conservation land, so that fit the
12 bill for me. I never would have
13 thought in a million years that this
14 would become a public utility. I
15 mean, again, I know that Nancy has
16 had to do things to keep it viable
17 for the Citizen Foundation, and I
18 understand that, but as far as I know
19 a lot of things have already been
20 opened up. You know, using it for
21 different functions and this and
22 that, which, you know, I'm not going
23 to go there because I understand that
24 you have to keep things viable. This
25 is pushing it a little too far in my

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mind.

I really encourage you all to give it some thought. I mean you can -- every magazine I pick up is about the pollinators, the bees.

By the way, this is National Pollinator Week. Probably none of you realize that. Every magazine I pick up is about the bees that are in peril. Barn owls, which are in our backyard. They're losing a lot of this habitat.

I don't know what these solar panels emit. I don't know what kind of -- I'm not versed in that. I have some very serious concerns, and I really hope that the Zoning -- whoever takes some of this into account because this is a neighborhood, aside from everything else that I just mentioned. I don't know if anyone realizes that. So that's all I can say.

CHAIRMAN SEROTTA: Okay. Yes.

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MR. WINSHIP: Gary Winship, 57
White Oak Drive. I just want you all
to realize that there's thirteen
families that live around this
project. This is our home. At the
end of the day the foundation people
go home, the solar company is long
gone and we have to look at it.

I don't think there's any rules
in place to give a vote on this right
now. I think let's wait and see what
happens, what the rest of the Town is
going to do and other towns around
us.

Thank you for your time.

CHAIRMAN SEROTTA: Anybody
else?

MR. STARK: Donald Stark, 83
White Oak Drive. Very quickly, this
is an AR zoned area, agricultural
residential. For the life of me I
can not figure out how a solar panel
fits within that description, even if
it's considered a public utility.

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That's certainly not agricultural and

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it certainly isn't residential. So

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us having moved in to an area saying

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it was all agricultural/residential,

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all of a sudden it became commercial

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due to a -- I don't know --

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technicality or description. It

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really does not fit the spirit of

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what the design describes.

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Thank you.

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CHAIRMAN SEROTTA: Anybody

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else? Nancy.

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MS. PROYECT: Nancy Proyect,

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Orange County Citizens Foundation, 23

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White Oak Drive, Sugar Loaf. 23-26

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White Oak Drive.

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I'd just like to say that we've

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already submitted our statement. I

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appreciate everybody coming out to

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look at it to give it a chance. The

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Citizens Foundation has tried to be a

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good neighbor and tried to also

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remain sustainable. We continue to

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do that with this project. We think

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2 it's good for the community. We
3 think it's good for the Citizens
4 Foundation. We're really pleased
5 that Hudson Solar is willing to work
6 with the neighbors and with us to try
7 to be more accommodating with their
8 screening and the setup of the
9 project. They are losing some
10 productivity by changing the
11 screening and the setup of what they
12 are doing.

13 I'd just like to urge you again
14 to approve this. Thank you for your
15 time.

16 CHAIRMAN SEROTTA: Anybody
17 else?

18 MR. FROSINI: Gene Frosini, 67
19 White Oak Drive.

20 I'm still curious. I can't
21 quite come to grips with this 58
22 homes that are benefited by this
23 project. I don't get that. Is there
24 a direct correlation between that or
25 is it a hypothetical? It creates the

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power for theoretically 58 homes and somehow it comes back to somebody in some form, which is beyond me.

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Somebody needs to explain that. It

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was brought up last time which

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baffled me. I'm curious now if that

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could be explained somehow.

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CHAIRMAN SEROTTA: Do you want

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to address that?

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MR. PATAK: Sure. Essentially

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the production of the system would

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offset an average home's usage times

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58. So essentially if you're talking

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about what actually happens, the

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power from the system goes back to

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the utility grid, it's monitored by

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the utility and by ourselves through

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a lot of accounting and

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administrative paperwork. A certain

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amount of production will offset a

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certain customer or member. So

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essentially --

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MR. FROSINI: How is that? Who

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is that person that benefits from

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that? It's coming back into the system. To me it comes back as a credit to the Seligmann Foundation. Correct?

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MR. PATAK: No. It comes as a credit to the array, if you will. There are members as you'll refer to them. If for example you were a customer, your account would be registered as a satellite account with Orange & Rockland. We would report to Orange & Rockland what the components to the system for your account was offsetting. They take that credit and apply it to your bill. So physically the system doesn't need to be on a particular --

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MR. FROSINI: Who are these 58 homes that get this benefit?

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MR. PATAK: Those are members that we are going to bring -- that we're going to offer a part of this system to. There will be a purchase option.

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MR. FROSINI: Typically who would those people be? I'm just curious.

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MR. PATAK: Through the years we've collected quite a database of people that don't have good homes for solar. They don't have a lot of ground space for doing their own solar project on site. There's at least one or two homes I go to a week that could benefit from doing this rather than doing it on their home because of a number of variables, too many trees, old roof, just don't have the space for it. So essentially this could actually be less expensive to certain people.

Without getting long winded about the economics and technical end of things, we're facing this array essentially true south which means it will produce more per panel than on some people's homes that have an east facing or west facing roof. That's

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how it works. That's how it's built.

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Like I said, there's a lot of people

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that want to do this.

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MR. FROSINI: It doesn't make

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any sense dollars and cents wise.

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Where is the money being made?

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MR. PATAK: A customer will

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purchase a portion of the system and

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then they will receive the power from

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the system. They will purchase that

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part of the system. That's how the

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system is.

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MR. FROSINI: That money goes

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back to whom?

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MR. PATAK: The member owns

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that part of the system. Somebody a

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mile down the road who is an Orange &

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Rockland member now owns a certain

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number of panels of that system.

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MR. FROSINI: They literally

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pay money for that. Who do they pay

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the money to?

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MR. PATAK: To us.

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MS. FROSINI: It's like a

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cooperative in a sense?

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MR. PATAK: Essentially, yes.

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MS. FROSINI: Myself

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personally, you know, we certainly

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have the property and everything to

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do solar. We chose not to cut down

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our trees because that's my air

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conditioning. I try to be energy

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efficient in that sense, thinking of

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the environment as well.

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I understand solar is green and

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all that and so forth. I like to

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keep my trees. You are approaching

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people who want to keep their trees.

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Is that basically --

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MR. PATAK: That's one reason.

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People have grown trees that they are

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attached to for one reason or

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another, or they are just -- you

21

know, a lot of the homes on both

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sides, east and west, have east/west

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facing roofs. They have a lot of

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trees like yourself. It's not the

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best home or the most ideal situation

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for doing solar on their property.

CHAIRMAN SEROTTA: Chris, I have to cut this now. You explained how it works, and that's how it works.

Does anybody else want to speak for or against the application ?

MS. SHAUGHNESSY: Rosemary Shaughnessy. You're leasing the land from the foundation?

MR. PATAK: Yes. We have an agreement.

MS. SHAUGHNESSY: How many year lease is it?

MR. PATAK: 25.

MS. SHAUGHNESSY: A 25-year lease?

MR. PATAK: Yes.

MS. SHAUGHNESSY: And what's the viability of the panels? What's their lifetime?

MR. PATAK: Life expectancy of at least 25 --

MS. SHAUGHNESSY: Or less?

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MR. PATAK: -- warrantee. But they would be more -- the life expectancy will be more like 30 to 35. The warrantee on the panels are 25.

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MS. SHAUGHNESSY: So 25 and the lease is 25. At the end of the 25-year duration what happens to the panels?

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CHAIRMAN SEROTTA: We'll be discussing that. They're going to put the decommissioning plan in front of the Board and things like that.

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MS. SHAUGHNESSY: In July?

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MS. SHAUGHNESSY: Would it not be more appropriate to have all that settled before you vote on an issue like this?

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CHAIRMAN SEROTTA: I didn't necessarily say we were going to vote right away. I said we'll have a discussion after we hear what the public has to say and digest

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everything. They'll be required to give us the decommissioning plan which will explain their life. Once that stuff is functioning for 6 months, no more than 6 months, they are going to have to restore that property back to the way it was. That's what the code requires.

MS. SHAUGHNESSY: Thank you.

CHAIRMAN SEROTTA: At this point in time does someone want to make a motion to close the public hearing?

MS. WIERZBICKI: I'll make the motion.

MR. SLOAN: Second.

CHAIRMAN SEROTTA: Dot made the motion. A second by Barry. Any comments, questions, --

MR. CONKLIN: No.

CHAIRMAN SEROTTA: -- discussion?

(No response.)

CHAIRMAN SEROTTA: All in favor?

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MR. CONKLIN: I abstain.

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MS. EFFERS: Aye.

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MS. WIERZBICKI: Aye.

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MR. SLOAN: Aye.

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CHAIRMAN SEROTTA: Aye.

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You abstained to close the

8

public hearing?

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MR. DONOVAN: Just so the

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record is clear, Member Sloan showed

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up, so four members in favor. The

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motion to close the public hearing

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passes.

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CHAIRMAN SEROTTA: So at this

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point in time the motion is closed --

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the public hearing is closed, not the

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motion is closed.

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We will set you for 7:00 on

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July the 19th. At that point in time

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we'll further our discussions and

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then we'll go from there.

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MR. PATAK: Okay. Thank you.

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CHAIRMAN SEROTTA: Thank you

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for coming.

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MR. SLOAN: Did you say

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July 1st?

CHAIRMAN SEROTTA: July 19th.

Barry, before you came we gave an extension to the Hills of Chester.

The Johnson Farms needs a six-month extension. We only had four members here. Bob abstained so the motion failed.

I'm going to put it up again to another vote here. They get an extension of our resolution of approval. They come back for six-month extensions.

Jackie made a motion to do that. We couldn't vote because it was three to one.

Does someone want to make a motion to grant the six-month extension to Johnson Farms, the solar project?

MS. WIERZBICKI: I'll make the motion.

MS. EFFERS: Second.

CHAIRMAN SEROTTA: Motion by

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Dot, second by Jackie. Any

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discussion or comments?

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(No response.)

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CHAIRMAN SEROTTA: All in

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favor?

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MR. CONKLIN: I abstain.

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MS. EFFERS: Aye.

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MS. WIERZBICKI: Aye.

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MR. SLOAN: Aye.

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CHAIRMAN SEROTTA: Aye. The

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motion passes.

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MR. DONOVAN: Member Conklin

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has abstained.

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CHAIRMAN SEROTTA: Okay. The

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next thing on the agenda tonight is

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-- at our last meeting I gave out to

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everybody, there's been a couple of

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slight changes but I gave out the

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Town of Chester is proposing a set of

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zoning -- one quick thing. The Town

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of Chester is proposing, based on the

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original comprehensive plan, to make

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certain zoning changes. It's not all

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inclusive and it doesn't encompass

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everything. There's much more work that has to be done on our zoning in the Town of Chester.

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Basically they've been targeting just a couple areas. We talked about that last time. There will be some word definition changes, which is Section 98-2. They're looking at schools, special instructions, religious institutions. Before we used to say the word just church. Now we redefined that a little bit to mean mosque, churches. We made a whole bunch of definition changes.

There was a committee going on -- just for the public, there was a committee that went on. Richard Lopez is here tonight and was part of the committee. It went on for a year or so, I guess, to come up with these changes. Again, it was scaled down a little bit. One of the purposes was the comprehensive plan made some

1
2 recommendations to make certain
3 zoning changes into the Town and to
4 tighten up certain other things.
5 That's what this is more about. They
6 also have a solar policy in this.

7 There was some confusion in the
8 billboard law. The Town of Chester
9 passed a billboard law. Like all
10 laws, they have to be reviewed once
11 in awhile. The Board -- it comes in
12 front of the Board here and we get
13 the confusion or the gray areas that
14 we have to tighten up a little bit.
15 So we worked on that a little bit.
16 That's the extent of it. That's
17 where it is.

18 I passed that out to everybody.
19 I have it here. We can go over it or
20 go down the line with questions or
21 comments. If anybody wants to go
22 over it.

23 I can tell you one of the
24 changes was the utility grade for the
25 solar farm was done at 50 acres.

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Based on when Alan saw the reaction of the Board, it got changed down to 25. That was one area that did get changed. That was one change that he made. It says 50 acres. I can show you that.

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MR. SLOAN: Don't you think 25 is too much?

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CHAIRMAN SEROTTA: Here's your chance to talk about it tonight. Our job tonight is to supply the Town Board -- they've set a public hearing. There was mass confusion on that last time. The notice went in the paper. Not because of us. We made sure we dotted our I's here. It will be July 12th. Everybody should come to that public hearing. It is the Town of Chester's zoning hearing on July 12th. I'm sure Alan Sorenson who was here last time, the Town Planner, I'm assuming will be here. He'll make a presentation. Hopefully they'll put it on the board like we

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do here. I think it's better because
you get a chance to see things, we're
not hiding things.

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Then after that --

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UNIDENTIFIED SPEAKER: What

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time is it?

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CHAIRMAN SEROTTA: -- we can go

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ahead and you can make comments.

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They will digest your comments and

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possibly make changes or whatever and

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eventually vote on it. It's called a

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local law. That's what it is. I

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don't know what local law it might

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be. Local law 2017-1 or something

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like that.

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UNIDENTIFIED SPEAKER: What

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time?

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CHAIRMAN SEROTTA: 7 p.m. I

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have the notice here. Let me just

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close this. I think there was a

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notice in the paper already. If not,

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you're going to get to see it because

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the town clerk sent me the notice. I

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think she sent out -- by rules, the

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Town of Chester Town Board meets the same as the Planning Board. They're asking for our comments back.

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We received the letter from them. Here's the letter that should have went -- I think it was published, I'm not positive. To answer that question, July 12th at 7 p.m. here at the Town Hall. That's when they'll be voting -- not voting. Public hearing only. That's when you'll have a chance to comment, question. I think you can -- I'm not sure if they post things online. I will make sure it's on the Town of Chester -- it should already be on our website here. If not, you can go to the Planning Board and go to the Town of Chester agenda and minutes, either this meeting or the last meeting of the Planning Board under documents, and you'll see the zoning changes. I'm sure you can get the written comments from the town clerk.

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You'll probably have to pay for that.

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UNIDENTIFIED SPEAKER: It's on the home page.

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CHAIRMAN SEROTTA: It's on the Town of Chester's. Let's take a look at that real quick if you wanted to see it. They have this little banner going across here. Here it is. So it's this right here. It's in that little box up here. Here is all -- everything we're talking about here tonight. It's about 17, 18 pages. There are some maps. Everything is there. So if and when you're looking at it, the same thing with us, you can see crossed out things might have been the original statement and things have been crossed out. Not underlined is new. Coming in everything there is new. At times you may see some cross outs.

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I'll leave it up to the Board. Did everyone have a chance to take a look at it? Again, they broke it

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into different sections. As I say, we can go through this real quick.

Does anyone have any questions on the definitions? That's what this is.

MR. SLOAN: One of the definitions I think is missing or should be in there is daycare centers. There's no definition for daycare center really in this Town.

CHAIRMAN SEROTTA: Are you sure? Under 98-29?

MR. SLOAN: It should be modified.

CHAIRMAN SEROTTA: There's two types of daycare centers. I've got to warn you because I got my lesson learned by Laura one day when I was on the ZBA. If somebody wants to take their house and have seven or less kids in the house, the Town of Chester, we have zero control over that. Absolutely zero control. The State of New York jumps in. They

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apply for some kind of license or something like that.

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MR. SLOAN: Shouldn't that be in the zoning?

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CHAIRMAN SEROTTA: It can't be. I got that rammed right down my throat one time. The lawyer read it. We tried to cite them.

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MR. SLOAN: You can open a daycare center in your house for twenty kids?

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CHAIRMAN SEROTTA: I said seven. It's seven or less. It may be a bump. If you have two people working there you may get up to twelve or something. There's a law in place. That's called a home daycare center. That is unregulated by Town zoning. It's the same as a farm. It trumps a lot of Town's zoning. We don't have a lot of control over farms because the right to farm lands. It's the same thing, the right to daycare. A bigger

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daycare I think is in 98-29.

MR. DONOVAN: There's a whole series of definitions. Daycare center (facility) is defined as is daycare children; as is daycare children, family; as is daycare group family; as is daycare of school age children in a group family daycare home.

I can't speak to the sufficiency of any of the definitions but certainly that's five separate definitions.

What was the other thing you mentioned?

CHAIRMAN SEROTTA: 98-29.

MR. DONOVAN: There's also a separate definition --

CHAIRMAN SEROTTA: For home daycare. I just remember, though, that they came in real quick with a letter from the State of New York explaining to us why we were wrong.

MR. DONOVAN: Family daycare

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homes. Daycares licensed by the New York State Department of Social Services.

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CHAIRMAN SEROTTA: These are the big ones.

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MR. DONOVAN: There's a specific requirement for that type of use as distinct from the definition, which is in 98 whatever the heck this is. 98-2.

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CHAIRMAN SEROTTA: Right. So I think -- I'm not sure, Barry. I think everything is probably in there. They have to come under this here. These are probably regulated in certain areas in our zoning, I'm assuming in the bulk tables, daycare centers. Do you have one in particular in mind? The one up in Sugar Loaf?

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MR. SLOAN: No. I'm talking more of home daycare centers.

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CHAIRMAN SEROTTA: Google the State of New York and look at home

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daycare.

MR. SLOAN: Okay.

CHAIRMAN SEROTTA: Unless that's changed. I can tell you this Town got a letter from the State of New York explaining why we were wrong, why we had no control whatsoever. They get inspected and the State has control. I'm not saying everybody can just go out there and let the kids run around.

MR. SLOAN: Do they have to be licensed?

MS. EFFERS: They have to be inspected.

CHAIRMAN SEROTTA: It's just we can't --

MR. SLOAN: It doesn't say that.

CHAIRMAN SEROTTA: The house I'm talking about was in --

MS. EFFERS: That's because it's not Chester. The State regulates that.

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MR. SLOAN: Shouldn't you have
the word license in there, in the
zoning?

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CHAIRMAN SEROTTA: Well it
probably does under these people
here.

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MR. DONOVAN: Let me ask you
this question: Is that being
addressed by the changes that you
have in front of you? Your
obligation is to comment on local law
number whatever the heck it is.

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MR. SLOAN: I'm just saying
it's missing from the definitions.

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MR. DONOVAN: But this is not
intended to be comprehensive.

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CHAIRMAN SEROTTA: They're not
handling --

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MR. DONOVAN: Wait. Say that
again.

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MR. SLOAN: I agreed.

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CHAIRMAN SEROTTA: It's
unusual.

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MR. SLOAN: When you're right

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you're right. But it's something for
the comprehensive committee to think
about.

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CHAIRMAN SEROTTA: I said that
when I opened it up, saying that I a
hundred percent agree this is a --
this part of this is what has to be
done. Our subdivision regulations
are terrible, we have to wing it all
the time.

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MR. DONOVAN: All right, all
right.

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MR. SLOAN: He wants to get
home.

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CHAIRMAN SEROTTA: Other
questions, comments?

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MR. SLOAN: Moving down the
list, are we going to have input to
the limits on the solar farms?

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CHAIRMAN SEROTTA: That you do.
You do. They are passing solar
regulations.

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MR. SLOAN: But the Town Board
is asking for our input. Can we

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discuss the limits amongst ourselves
and give the Town --

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CHAIRMAN SEROTTA: That's what
we're supposed to do.

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MR. SLOAN: That's what I'm
asking you to do, discuss it.

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CHAIRMAN SEROTTA: You want me
to go into the solar law in the back?
That's what we're supposed to do,
Barry. It's like one time I think
the Board didn't a hundred percent
agree with you but the comment you
made was passed. Whatever we say
here tonight, Michelle is writing --
is going to give us a transcript
back, and Alexa -- we're not sure who
is going to write the letter to the
Town Board.

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MR. DONOVAN: Typically it
would be me. You have comments that
you want to make, and that can be
incorporated. There are certain
specific comments that you're
required to report on. We can go

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through those because they are

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probably less important to you than

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what you really want to say about the

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substance of the local law. Why

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don't you go ahead and do that.

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CHAIRMAN SEROTTA: Do you want

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to go over the whole thing, Barry, or

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particularly --

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MR. SLOAN: No. The only

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thing --

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CHAIRMAN SEROTTA: It's broken

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into three sections.

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MR. SLOAN: It's the size of

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the solar farm.

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CHAIRMAN SEROTTA: It's broken

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into three sections. The State of

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New York regulates solar panels on

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homes. The building inspector gives

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a building permit. People don't

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realize that they're supposed to get

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a building permit and that's the end

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of that.

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I had objections, and that got

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brought into this, on people putting

1
2 up billboard size -- what we talked
3 about. I brought pictures from
4 Cornwall that we thought we should
5 have a public hearing and at least
6 have the Planning Board control if
7 someone is going to put one big panel
8 up in the middle of their yard. What
9 I found in Cornwall offensive was
10 they're facing the back of this
11 panel. It was ugly and horrible.
12 Like I said, it was a \$700,000 house.
13 We got this for -- this was 40 foot
14 by 18 or 20 foot high. We'll be
15 taking control of that based on this.

16 And then comes the different
17 solar farms. Alan, in his
18 definitions he calls them small scale
19 -- let's go see what he has here. He
20 starts out with a small scale one. I
21 think the small scale he's actually
22 talking about a single panel or a
23 couple panels in somebody's yard.
24 That's going to come back to us. We
25 can have a public hearing on that if

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we choose. Large scale is when you start to get into like the Johnson's Farm. I guess even this one here.

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MR. SLOAN: Johnson's Farm is not even anywhere near 25 acres.

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CHAIRMAN SEROTTA: It's 12 acres. If we feel that 25 acres is too big, then we should make that comment.

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MR. SLOAN: I mean unless we're going to turn, you know, a farm into a solar company. I mean where are you going to put a 25-acre farm in this village? A 25 acre solar array?

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CHAIRMAN SEROTTA: There's not a lot of land left anyway. Is it our recommendation? I mean we can just poll the Board. Do we have a number or do we want to just -- they already lowered it from 50 to 25. Do you want to have a number less than that?

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MR. SLOAN: I think 20 is more than sufficient.

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CHAIRMAN SEROTTA: Maximum?

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MR. SLOAN: Maximum.

MR. CONKLIN: On how big a lot?
If you're talking a 20 acre -- a
solar array on a 20-acre piece of
property or 25-acre piece of
property, that's highly unacceptable.
If you're talking a 25-acre piece of
land with a maybe maximum 5-acre
array so that it's got enough
buffering and screening --

MR. SLOAN: I'm talking a
20-acre array.

CHAIRMAN SEROTTA: I understand
what Bob is saying. Similar to our
zoning, we have a maximum lot
coverage.

MR. CONKLIN: Exactly.

CHAIRMAN SEROTTA: Bob is just
saying maybe there should be a
maximum of 20 with a ratio with a
maximum lot coverage.

MR. SLOAN: Let's say
20 percent, 25 percent.

CHAIRMAN SEROTTA: What did we

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say? What's a typical -- what did we

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say?

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MR. CONKLIN: It's been a long

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time. I want to say probably 10 or

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15 percent maybe.

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CHAIRMAN SEROTTA: Do you have

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the book, Dave? Look at a house,

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maximum coverage.

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MR. SLOAN: Therefore you've

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got to have 200 acres?

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MR. CONKLIN: Whatever they set

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down. I think you can't put a

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20-acre array on a 20-acre piece of

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land.

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MR. SLOAN: I agree with you a

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hundred percent.

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CHAIRMAN SEROTTA: Instead of

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us coming up with numbers, let

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Sorensen come up with numbers and we

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just say there should be a maximum of

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Similar to the maximum lot coverage

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there should be --

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MR. CONKLIN: I think you're on

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the right track if you take that approach.

CHAIRMAN SEROTTA: How's that? The way the law is written it can be in, I think, any zone in the Town.

They talk about 12 feet high max. That's what the Johnson's Farm was. They are much bigger panels than these over here.

I know Scott added -- there is a section now that's different from the one you had on the decommissioning plan. They have to give us a decommissioning plan. They want a bond of 125 percent of the decommissioning plan to be with inflation taken care of, so on and so forth. That's somewhere towards the back here they have that.

You can see here the utility scale solar energy system is permitted as a special permitted use. There are three, I, IP, OP/office parks. So basically all the large

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areas -- what they call the larger

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areas would not be included in the

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SR-2s, which is the higher density

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home areas, and the SR-6s.

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Barry, they put in here they

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buried the lines. That was an

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important thing to you. They had to

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do that.

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It talks about warning signs.

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I mean it talks in here about the

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ridge overview. The height shall be

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reviewed by the Board as far as that

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goes. They can't cut a lot of trees.

15

Preference to be on fields only. All

16

that stuff like that is put into

17

there.

18

Questions are going to be for

19

the Town Board, not for us. You're

20

getting a preview.

21

UNIDENTIFIED SPEAKER: We're

22

listening but we're not

23

understanding.

24

CHAIRMAN SEROTTA: You've got

25

to ask the Town Board.

1

2

UNIDENTIFIED SPEAKER: That
will be here on that date?

3

4

CHAIRMAN SEROTTA: Yes.

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12

Here's the decommissioning
section in here. It talks about the
security, what they have to do,
maintenance on it, ownership changes,
modifications. Shall be subject to
prior site plan review and approval
before the Planning Board except for
routine maintenance.

13

14

15

MR. SLOAN: Who reviews the
cost of escalation of the
decommissioning plan?

16

17

CHAIRMAN SEROTTA: I guess Al,
Dave and Scott.

18

19

20

MR. DONOVAN: I would defer to
the engineer and/or building
inspector.

21

22

23

MR. FUSCO: Once this passes
it's going to be up to the Planning
Board to --

24

25

MR. DONOVAN: The building
department, not the Planning Board.

1

2

MR. FUSCO: I meant for the
bond, the amount and stuff.

4

5

MR. DONOVAN: To set that
amount.

6

7

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11

MR. SLOAN: What about the
review? You set the limits initially
for the first plan but who reviews it
every five years? I see up here
it's reviewed every five years
pending inflation.

12

13

14

MR. FUSCO: It will be -- he's
right, probably the building
department at that point.

15

16

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20

CHAIRMAN SEROTTA: That should
be a part of our report. This is the
gray stuff that I don't want it
thrown back at us. We have no
regulatory, no enforcement. We meet
twice a month.

21

22

23

MR. SLOAN: Shouldn't it be the
town engineer as opposed to the
building --

24

25

MR. FUSCO: That makes sense.

CHAIRMAN SEROTTA: So another

1

2

comment should be that the town

3

engineer should review it every

4

five years.

5

MR. SLOAN: Every five years.

6

CHAIRMAN SEROTTA: Another

7

thing that I think we should -- when

8

I took a look at this too, that

9

should probably go in there, when

10

screening happens. I don't know if

11

-- I don't think it said it in here

12

but when screening does happen, and

13

it doesn't matter whether -- Dave, I

14

think you once pointed this out, if

15

it's for screening purposes, if

16

that's the whole purpose, I have

17

trouble with this word, isn't that in

18

perpetuity?

19

MR. DONOVAN: Yeah, because

20

it's part of the approved site plan.

21

CHAIRMAN SEROTTA: Somehow that

22

has to get onto the -- to say that

23

the -- unfortunately the deer and the

24

bear come in and eat it all and knock

25

it down, they're going to be

1

2

responsible to put it back in again.

3

That's the chance you're taking.

4

There's been some questions at us.

5

On Fox Hill we made them put a lot of

6

evergreens on the hill. If all those

7

trees die and there's this talk about

8

three years. I think somehow we have

9

to say, one, it should go into the

10

solar one year because this is where

11

you talk about a lot of screening.

12

On our site plans we probably should

13

be putting they have to do this.

14

MR. DONOVAN: A site plan is

15

different than a subdivision, right.

16

The subdivision you're approving the

17

lot layout but not what's going to go

18

on the site. You want to put up a

19

couple trees and they die, that's on

20

you. For an approved site plan,

21

especially where it's not ornamental

22

landscape but it's landscaping

23

required by this Board pursuant to

24

the landscaping plan for screening

25

purposes, that's got to be enforced

1

2

because it is part of the approved

3

site plan. If that is consumed by

4

deer or dies, it needs to be

5

replaced. It's not a three-year

6

period on the site plan, it's in

7

perpetuity.

8

MR. SLOAN: That was one of the

9

things I asked Hudson Solar when we

10

were walking in the field, how long

11

are they going to guarantee all the

12

landscaping that they're putting in.

13

They're in, you know, let's say

14

extensive landscaping. We'll use

15

that term. I mean who is going to be

16

responsible? Our town law only says

17

two years.

18

CHAIRMAN SEROTTA: Three years.

19

MR. DONOVAN: It would be

20

different for a site plan. It would

21

be the property owner that would be

22

responsible. It wouldn't be Hudson

23

Solar, it would be the property

24

owner, whoever that may be.

25

CHAIRMAN SEROTTA: They are

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responsible? The foundation?

MR. DONOVAN: They are the owner of the property.

CHAIRMAN SEROTTA: I think one, fortunately we're not talking about our subdivision regulations which drastically need to be changed. We could at least make a comment saying, on the solar, extensive landscaping, it's in perpetuity, then somebody has to maintain it. That's a point that got brought up and I think that's true. Why are we doing it. It's a waste of time. You say you're going to screen something and three years from now someone comes in with a chain saw and cuts it all down. When we say to do something it's got to be done. We'll mention that too in the report. We can do it on the solar policy. He can't keep making changes before the public hearing to say every site plan has to say that. We can put any reasonable conditions we

1
2 want on any site plan. If and when
3 -- if -- I'll use the word if we do
4 approve this, we have a right to put
5 that on the site plan. We can put
6 any condition we want. If they don't
7 agree to it, they don't get approved.
8 It's nice and simple. That's the
9 power we have.

10 Any other comments or questions
11 on the solar policy?

12 MS. WIERZBICKI: Who is going
13 to enforce the landscaping when they
14 die?

15 MR. DONOVAN: That falls on the
16 building department.

17 MS. WIERZBICKI: The building
18 inspector?

19 MR. DONOVAN: That's correct.

20 CHAIRMAN SEROTTA: There's been
21 people in the Town preaching that it
22 never gets done. We can't do it. We
23 just can't. Once it leaves our desk,
24 it's signed -- we're just an approval
25 Board. That's all we are. The

1
2 building department has to do it.
3 Somewhere in the laws it should put
4 that onus on them. Whatever they
5 have to do to get that done.

6 MR. SLOAN: I'll give you a
7 perfect example. As you walk out
8 today, look across the street,
9 there's a row of dead -- what were
10 they -- arborvitae?

11 CHAIRMAN SEROTTA: Those are
12 cedars or whatever.

13 MR. SLOAN: Those are cedars?

14 CHAIRMAN SEROTTA: Or
15 something.

16 MR. SLOAN: They're dead.

17 CHAIRMAN SEROTTA: One of the
18 comments I heard is -- I'm not going
19 to say who, they said but I don't
20 know what else we can do unless they
21 want to add a new job to our job
22 description.

23 Karen I guess left here
24 tonight. We hire a landscape
25 architect because we want her to --

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we value her opinion.

MR. SLOAN: Isn't that code enforcement's responsibility?

MR. DONOVAN: I don't want to get off task.

CHAIRMAN SEROTTA: Let's not get off task. So that's the solar policy. Any other comments, questions on that?

MR. CONKLIN: Nope.

CHAIRMAN SEROTTA: All right. So basically I guess we said lot coverage less than 20 acres. Landscaping has to be done in perpetuity. That should go in there.

Is there anything else we said?

MS. EFFERS: Ratio of the land.

CHAIRMAN SEROTTA: Lot coverage, ratio of the land. Dave will get those in there.

Before we go on to the other definitions we can look at the bulk tables a little bit, too. The sign

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law; Barry, your favorite one.

MR. SLOAN: I was wondering when you were going to get around to that.

CHAIRMAN SEROTTA: He didn't do one other thing I asked him to change. Let me find where it is here. Schedule C, billboards. Right here under billboards. There's one other thing that has to change. This was wrong right here. There were two mistakes. The I zone was left out and this said AL or something. There's no such thing as AL. It's agricultural industrial.

The only thing that changed on this law here, which I know you're excited about Barry, is the Planning Board may authorize the relocation of a pre-existing billboard upon a finding that such relocation would not adversely affect the Town and such relocation would not increase the number of billboards otherwise

1
2 allowed pursuant to the provisions of
3 Section 98-2 (h) (2) (b) (12). All
4 that's saying is that if somebody
5 makes a case where the billboard in
6 it's current location, not a new one,
7 the Town has already picked the
8 billboards that are going to stay
9 here. If it's a benefit to the Town
10 to move it because it might look
11 better, it could be blocking
12 something, it's giving us the
13 ability. It doesn't mean we do, it's
14 a --

15 MR. SLOAN: So this is written
16 specifically for the Lewis sign?

17 CHAIRMAN SEROTTA: Not
18 necessarily the Lewis sign. The
19 bottom line is sometimes I think we
20 have to -- with others also, if they
21 move it ten feet. It got to the
22 point if they moved it one inch they
23 weren't allowed to do it. In a case
24 where -- I'm not picking on anyone
25 particularly. Talmadge's billboards,

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it could be Lewis's billboards which are really Tommy Becker's. The other ones are already done. Six of them along 17 have already passed the Board in there. They didn't ask for any relocations.

8

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MR. SLOAN: You've got the whole east side to worry about.

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CHAIRMAN SEROTTA: Some of those are in the village. One may look better if it's moved. All I'm saying is it gives us the ability. You may not like it. We may not like it. It's just not saying -- it's not creating that.

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Also, he was supposed to pull out of 98 IX which said billboards are not allowed in the Town. It was supposed to have been removed by 2006. They never pulled that out. It conflicted with this local law when they passed it. I did ask for this. I asked that we would have the ability to move a sign. That's if

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this passes.

I don't know if anyone took a chance to look at it. There were certain parcels in the Town that they recommended making changes to the zoning. I don't know, you know, if you had a chance to look at it. It talks in here of zoning regulation changes. So here, section, block 3-1-15 and 16 from OP to general commercial. These were all done during the comprehensive plan. This was not by the committee that Richard and I and a bunch of others worked on. I guess we discussed these. Some are just single parcels, different things around, and they're just doing certain changes. One was in Sugar Loaf. Was that Cannon's property.

MR. LOPEZ: No. It was Palmer's I think. Not Palmer. It was the commercial property on the residential side opposite where Kings

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Highway comes into the bypass.

CHAIRMAN SEROTTA: They were recommending that it go to --

MR. LOPEZ: Residential, so it was contiguous with the other residential areas that were there.

CHAIRMAN SEROTTA: So these are some of the changes that were asked to be made. I don't think anything is major and substantial.

There was some talk of rezoning the Camp Monroe area. That's not going to happen I don't think. I think that was pulled out. It will stay the same, which is AR-3 and SR-2. I don't think that's going to be rezoned.

That's what this table is and all these maps are all about, the different zones and changes to that. It's basically to just straighten out some areas that the comprehensive plan, the committee worked on to try to just straighten certain areas out.

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That's all this was. This is

3

probably hard to see. You have to

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get yourself either a tax map or go

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to the Orange County GIS site to see

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where these things are and look at

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where they're at.

8

Definitions. Does anybody have

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any questions, comments on the

10

definitions?

11

MR. CONKLIN: The only comment

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I would have on the definitions is

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that it seemed rather vague to

14

classify small scale or large scale.

15

That should be a little more

16

definitive than that. I can just see

17

that getting beat up left and right.

18

CHAIRMAN SEROTTA: I guess

19

they're saying here -- they're

20

talking about 12 kilowatts per hour

21

is a large scale energy system.

22

MR. SLOAN: Up at the very top.

23

You just passed it.

24

CHAIRMAN SEROTTA: Talking

25

about a solar energy system that

1

2

produces energy primarily for the

3

purpose of off-site sale and

4

consumption.

5

Where did you see it, Barry?

6

MR. SLOAN: Small scale.

7

CHAIRMAN SEROTTA: The does not

8

produce more than 12 kilowatts.

9

Large scale is 12. Utility is --

10

MR. LOPEZ: Unlimited.

11

MR. CONKLIN: That's fine.

12

CHAIRMAN SEROTTA: There's too

13

many definitions. Are you all right

14

with it?

15

MR. CONKLIN: That's fine. At

16

least it gives somebody some guidance

17

ahead of time of what the system is.

18

CHAIRMAN SEROTTA: They didn't

19

get into things like community ones.

20

I questioned Alan on this. I mean I

21

wasn't a hundred percent clear on

22

this. From what I understand --

23

first of all, we know how the Johnson

24

Farm works. I'm sure the Sugar Loaf

25

one would work exactly the same.

1
2 Johnson's Farm, let's go to
3 that one. It's a big solar farm.
4 Basically it generates electric, it
5 goes through the wires. It does not
6 go to Johnson's Farm, it goes through
7 the wires, goes out to Orange &
8 Rockland and there's a big meter
9 there. So instead of the electric
10 coming this way like we have in our
11 homes, saying this is how much you're
12 using, this is how much you're giving
13 Orange & Rockland and then a credit
14 is generated based on that. Johnson
15 was totally different. The laws in
16 the State of New York have now
17 changed. That was one that would be
18 classified here as a utility grade
19 one where the benefit of that was
20 going to the Lamont Geological
21 Society over in Palisades, New York.
22 That's who was getting that credit.
23 I'm making up a number here. If that
24 generated \$100,000 a year in
25 electric, Lamont Geological Society

1
2 was getting \$100,000 credit back to
3 them. If they used \$110,000 worth of
4 electric, they were getting \$110,000
5 electric bill. The Johnsons were
6 getting a rental fee on their farm
7 for their property. Basically that's
8 how that worked. That's called a net
9 metering. I don't know of any farm,
10 including this one here, that's not
11 going to be a net metering farm.

12 Again, this one is a little
13 different. The State of New York now
14 has passed a new law because a lot of
15 people live in areas where they can't
16 put panels on their house, it's
17 facing wrong, there's too many trees.
18 There's a whole bunch of reasons.
19 Sugar Loaf, one thing it probably
20 doesn't cover is the -- did they do
21 architectural --

22 MR. LOPEZ: We were trying to
23 see if it was visible by the street.

24 CHAIRMAN SEROTTA: Did we say
25 that in here?

1

2

MR. LOPEZ: I don't know if we
put it in.

3

4

CHAIRMAN SEROTTA: The
conversation happened. The people of
Sugar Loaf want panels all over the
roofs of all those buildings that
were built a long time ago. Guess who
gets the heat? We're going to get
the heat. If it doesn't say anything
we're getting the heat because we
provide architectural review whether
it's good or not. So that's probably
something we should make a statement
here on, that what they call a
historic or something like that.
Historic or -- I don't know what
word --

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19

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MR. LOPEZ: They're just
referring to it as the local business
of Sugar Loaf. It's really the
only --

23

24

25

CHAIRMAN SEROTTA: It's
probably the only district we have
in Chester. In Sugar Loaf we should

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2

have a rule or something to give the
Planning Board some guidance. We had
one coming at us once but then she
backed out. I'm not going to tell
you who it was. Someone in Sugar
Loaf wanted to put panels.

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UNIDENTIFIED SPEAKER: You
can't do the panels on the buildings
in Sugar Loaf but it's okay for the
people on White Oak Drive to look at
panels?

13

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CHAIRMAN SEROTTA: I didn't say
that. I'm just saying there should
be a rule so we know what to do when
it comes in front of us. That's what
the key is here.

18

19

20

You can't plant trees around
the building either. You can't do
that either.

21

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I think there should be some
kind of -- something to do with the
Sugar Loaf historical district or
something maybe to give us some
guidance when we have an

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2 architectural review. It's
3 guaranteed to come in front of us.
4 Maybe the committee should have put
5 down some kind of architectural.
6 It's going to come at us. How do we
7 know whether it's good or bad?
8 There's no public hearing required on
9 an architectural review.

10 MR. LOPEZ: The problem is that
11 some of the panels that you may see
12 might be on the southern side of the
13 roof and the applicant may say well
14 it's usable on the southern side but
15 that's the one that architecturally
16 is a problem.

17 CHAIRMAN SEROTTA: People would
18 see.

19 MR. LOPEZ: It might be a
20 little bit of a problem.

21 CHAIRMAN SEROTTA: We should
22 address something to do with that. I
23 think something should be added to
24 that area.

25 So those are the comments on

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2

the solar. So we covered the solar,
we covered the sign law, --

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MS. WIERZBICKI: The daycare.

5

6

CHAIRMAN SEROTTA: -- the
daycare. The rest of it we covered.
I told you you can check in there.

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If you want to look at the section,

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block and lot numbers, you can look

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at the different zoning that was

11

changed.

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Definitions, again we've

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changed areas where they're going to

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make changes to areas where religious

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institutions, where schools. They've

16

clarified the schools down further.

17

So for instance in Sugar Loaf

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we felt there shouldn't be some kind

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of big school up there, it should

20

only be the School of Arts.

21

MR. LOPEZ: Connected to the

22

arts.

23

CHAIRMAN SEROTTA: Arts and

24

something or other. You'll see it

25

here. There's a definition of the

1
2 school of arts or something or other
3 in here. There's some different
4 types of schools set up in here.
5 They're matched against the bulk
6 tables of where they can be in the
7 Town. That's what they did as far as
8 that. That's the bulk of it. That's
9 the bulk of this change right now.
10 That's the only thing really going in
11 here. Schools of art, dancing, music
12 and theater in Sugar Loaf.

13 Again, these are all the new
14 bulk tables in there. The bulk
15 tables will tell you what's allowed
16 and where they go.

17 MR. SLOAN: Are the bulk tables
18 in the zoning law, the revised ones?

19 CHAIRMAN SEROTTA: Yeah. Right
20 here. Here they are. Schedule G,
21 AR-3.

22 MR. SLOAN: How come wind farms
23 weren't discussed? That's for the
24 next round?

25 CHAIRMAN SEROTTA: Probably for

1

2

the next round because we never had
one in front of us.

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MR. SLOAN: There's always a
first time.

5

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CHAIRMAN SEROTTA: We were
going to have one, remember? Frozen
Ropes was going to put a turbine on
the hill.

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MR. CONKLIN: It might be a
good idea to be proactive instead of
reactive and get it in there while
we're doing it.

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CHAIRMAN SEROTTA: The trouble
is I think they wanted to lock this
in. I agree with you. It gets to
the point you'll never get done. I
don't know if we can really mention
that at this point in time. There's
probably another set of regulations.

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MR. CONKLIN: Did you explore
the possibility or are you just
saying that you don't think we can?

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CHAIRMAN SEROTTA: Well, our
job tonight is to take this and just

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make comments on it. I don't think we can at this go-around. Do I think we should have that? The answer is yes.

MR. CONKLIN: Okay.

CHAIRMAN SEROTTA: We can't.

So these are the bulk tables, the new bulk tables. I don't think Alan actually matched up -- you can see in there, here's your solar where it fits into -- this is AR-3 where it's allowed. It refers to the new section 98-40. That would be the new solar policy they're going to put in. And then, you know, everything else. They threw some stuff out of there. Anything you see a cross out is not going to be allowed anymore. Certain schools -- I guess schools in general can't be allowed. This was SR-1, a similar type of a thing there. SR-2, suburban residential. This is probably SR-6. The only SR-6 we have left in the Town is the Greens of Chester which was a court ordered

1
2 site plan approval to the Board. I
3 don't know where that's going to go.
4 There's some interest in it. I don't
5 know if it will ever come back.
6 That's the only SR-6 we have left in
7 the Town. The other one was the one
8 that got annexed into the village.
9 This is high-density housing. We
10 don't have any left because this has
11 already been taken care of.
12 Residence office district zoning is
13 small over towards Whispering Hills.
14 We have local business, I think you
15 have general commercial. They're all
16 in the map, the Town of Chester's
17 map. It shows them. Office park.
18 You can see the only office park is
19 actually increased to allow solar
20 energy to go into different office
21 parks. IP, industrial park. So they
22 would allow schools of vocational in
23 there. There's a definition of what
24 vocational is. And then the I
25 district, this should be the I,

1
2 industrial district. Again not much
3 change here except for allowing the
4 solar. The last one is probably the
5 AI, which is agricultural industrial,
6 which there's not a lot of that in
7 the Town. It's over in the -- what's
8 the County owned property over there?
9 Camp LaGuardia. Then I think there's
10 a piece off of Glenmere Road.

11 MR. SLOAN: How about Sugar
12 Loaf Industrial Park?

13 CHAIRMAN SEROTTA: That's not
14 AI. That's actually IP.

15 All right. So that's those
16 tables. That's it really. There's
17 nothing else. That's it.

18 So basically our only comments
19 are going to be in the solar area
20 mainly. I don't think there was
21 anything else. Michelle will write
22 it up and you can take a look at it.

23 Did you take notes on that?

24 MR. DONOVAN: I did take notes.
25 That would certainly be helpful. I

1
2 want to take the Board through, we
3 talked about this last time, Article
4 8, Section 98-39 talks about the
5 amendment and procedure and the
6 report of the Planning Board. In
7 making such report on proposed
8 amendment, which this local law is,
9 the Planning Board shall make inquiry
10 and determination considering the
11 items specified below concerning
12 proposed amendment to or change in
13 the text of the chapter. There's a
14 bunch of those. You have to go
15 through four separate things.

16 The first is whether the
17 proposed changes are consistent with
18 the aims and principals embodied in
19 the chapter, in the zoning ordinance
20 as to the particular districts
21 concerned.

22 CHAIRMAN SEROTTA: We have to
23 answer that?

24 MR. DONOVAN: You do.

25 CHAIRMAN SEROTTA: Do we think

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they're consistent with the zoning regulations in the district?

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MR. DONOVAN: Yes.

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CHAIRMAN SEROTTA: They're saying, for instance, is a solar -- is a sign --

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MR. DONOVAN: Whether such changes are consistent with the aims and principals embodied in the chapter, in the chapter meaning the zoning ordinance, as to the particular districts concerned.

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CHAIRMAN SEROTTA: So that would mean in an AR-3 District? Is that what they're talking about?

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MR. DONOVAN: Whatever change is proposed, would it be appropriate in the district in which it is proposed.

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CHAIRMAN SEROTTA: I guess they're saying are these changes consistent in the district they're proposed. I guess what they're saying is if you're going to put a

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junkyard in the middle of a high-density housing zone. Probably we would say no. Generally these are probably consistent with the zoning, changing the bulk tables. All right.

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MR. DONOVAN: Your second is which areas, land uses, buildings and establishments in the Town will be directly affected by such change and in which way will they be affected.

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CHAIRMAN SEROTTA: Bob, I'm looking at you to answer that one.

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MR. CONKLIN: I'll plead the Fifth on that one.

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MR. SLOAN: It's everything.

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CHAIRMAN SEROTTA: It's going to add certain things to certain areas, right? They're changing where --

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MS. EFFERS: Solar appears everywhere.

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CHAIRMAN SEROTTA: Solar appears basically everywhere. The billboard law, that's not really

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changing anything. That's a minor thing.

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MR. DONOVAN: If you want to answer it to the effect everything is going to be affected and the way it will be affected it's difficult to tell by this until there's a site specific application, you can answer it that way.

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CHAIRMAN SEROTTA: This is more piecemeal. That's fine, right?

13

MS. WIERZBICKI: Yeah.

14

CHAIRMAN SEROTTA: All right.

15

MS. EFFERS: Yes.

16

CHAIRMAN SEROTTA: Okay.

17

That's why we have you here, Dave.

18

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MR. DONOVAN: The next one is the indirect implication of such change and it's affect on other regulations.

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MR. SLOAN: Everything is going to affect another regulation.

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CHAIRMAN SEROTTA: I'm not sure. What does it really affect in

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other regulations? You know what I mean?

MS. WIERZBICKI: It's not going to have a big impact.

CHAIRMAN SEROTTA: It's new regulations but I don't know how it's going to affect any other regulations.

MR. SLOAN: Definitions might affect the bulk tables.

MR. DONOVAN: The indirect implications of such changes and it's affect on other regulations. I mean if none can be identified, none can be identified. This level of inquiry is limited to the affect on other regulations.

CHAIRMAN SEROTTA: No. I would say no.

MR. DONOVAN: And whether such proposed amendment is consistent with the aims of the Town plan.

MR. SLOAN: Yes.

CHAIRMAN SEROTTA: That it is.

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2 They're trying to match all this up.
3 The Town comprehensive plan
4 recommended that a solar policy be
5 developed, made the changes to
6 different zoning and things like
7 that. Tightening up certain other
8 rules. This is all consistent.

9 MR. DONOVAN: The next area is
10 you need to evaluate the amendment of
11 the local law to the extent that it
12 involves a change in the zoning map.
13 You looked at that kind of briefly.

14 CHAIRMAN SEROTTA: I don't
15 think he gave us a map here. If it
16 is it might be black and white. It
17 is going to have a change in the map.

18 MR. DONOVAN: The areas of
19 concern there is whether or not uses
20 permitted by the proposed change
21 would be appropriate in the area of
22 concern.

23 CHAIRMAN SEROTTA: The purpose
24 of those --

25 MR. DONOVAN: Understand that.

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2 So that's not saying -- it wouldn't
3 be specific to solar because solar --
4 you're not changing the zone. If
5 it's an area that's zoned IP that's
6 going to go residential or vice
7 versa, that's what this inquiry is
8 about.

9 CHAIRMAN SEROTTA: All the
10 changes that were recommended in that
11 section back here to the little
12 changes were in the comprehensive
13 plan. There's a section, I think
14 Alan even identified it in there.
15 I'm going back to these. It's in the
16 beginning. All of these. The
17 purpose of all of this was to tighten
18 this whole thing up. We found there
19 were holes in the middle of a
20 residential area, there was a
21 commercial thing, in the middle of a
22 commercial there was a residential
23 thing. They're trying to tighten
24 this up. The answer would be it is
25 consistent.

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MR. DONOVAN: The second area is whether adequate public school facilities and other public services exist or can be created to serve the needs of any additional residences likely to be constructed as a result of such change.

CHAIRMAN SEROTTA: They're not making any changes that would make any mass amount to require public schools or something like that.

MR. DONOVAN: There is no residential change. You're not changing any zone to increase --

CHAIRMAN SEROTTA: Not the zone. They may change a parcel to residential. That's not going to change that.

MR. DONOVAN: Whether the proposed change is in accord with any existing or proposed plans within the vicinity. It's a change in the zoning map. Let's assume that you had a use that wasn't permitted and

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it is now going to be permitted, or

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vice versa. As a result of the

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change to the map, not the change to

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the text, the change to the map.

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CHAIRMAN SEROTTA: It's not

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going to affect anything. Again,

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these were all part of the

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comprehensive plan. They were all

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identified.

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MR. DONOVAN: The affect of the

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proposed amendment upon the growth of

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Town as envisioned.

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CHAIRMAN SEROTTA: Yes.

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MR. DONOVAN: Lastly, whether

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the proposed amendment is likely to

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result in an increase or decrease in

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the total zoned residential capacity

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of the Town.

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CHAIRMAN SEROTTA: It would

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really have no affect. There's no

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massive change. It would be

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different if they were going to

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change 100 acres. That's not

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happening. None of these are large

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parcel changes.

MR. DONOVAN: Thank you for enduring that.

CHAIRMAN SEROTTA: All right. Any other questions?

We'll write this to the Town Board. July 12th at 7:00 p.m. will be the public hearing the Town Board will hold. Everybody is welcome to go.

Dave will send out the letter. They can't vote.

MR. DONOVAN: Let me turn something around. I want them to add something. Based upon these notes, let me turn something around, get it in draft form, we'll circulate it. I'm going away Tuesday. I'll be in the office until Tuesday and I will not back until July 10th. I would like to have something to the Town Board. I can answer what needs to be answered. I think I have a pretty good idea. Let me just circulate

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that to everybody on the Board so I
can get something to the Town ahead
of time.

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CHAIRMAN SEROTTA: Okay.

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Perfect. So let me just hit real
quick here before we break. We do
have a couple things.

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We will have discussion on the
solar farm. Then on July -- the
other case -- I didn't know if we had
anything else. Dehaan is back.

11

12

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Remember Dehaan wanted to do a

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three-lot subdivision of a property?

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Jackie wasn't there. She's back now.

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She is scheduled. She's using the

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original plans.

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MR. SLOAN: Eleven years.

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CHAIRMAN SEROTTA: One of her

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problems she ran into, I'm assuming,

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I can't speak for her, she has to

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come in and do her own presentation.

23

We didn't allow -- that's another

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thing. I don't think we have a

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definition of living space. We don't

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allow living space in an accessory

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building. Town of Chester passed a

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new law that allows living space in

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an accessory building. I think she

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wants to build a garage and then

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above the garage she wants to put her

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office and a kitchen. She's saying

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it's a kitchen for showroom. She

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does --

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MS. WIERZBICKI: What's going

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to be on the other lot?

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CHAIRMAN SEROTTA: One lot will

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be vacant.

15

MR. SLOAN: She wants to sell

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off one lot. That's what I heard.

17

CHAIRMAN SEROTTA: It's a

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three-lot subdivision, so --

19

MS. WIERZBICKI: What's the

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minimum?

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MR. CONKLIN: Usually the State

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definition of living space is

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sanitary, cooking, sleeping

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facilities.

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CHAIRMAN SEROTTA: It has to go

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side by side.

MR. CONKLIN: All three combined is what the State's building code definition is.

CHAIRMAN SEROTTA: There's been rejections in the Town. Like a guy has a barn and he wants to put something on top of the barn, a rec room or a man cave.

MR. CONKLIN: I'm just answering your question. Short of anything else to work from, that's what we always used in the past.

CHAIRMAN SEROTTA: So now the Town said accessory buildings which are less restrictive because an accessory building -- I don't know what Sugar Loaf is, if it's ten feet off the property line. Sugar Loaf is crazy anyway. It's like five feet off the property line anyway. It doesn't make much of a difference. You weren't allowed to have your garage and something above. Now she

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can. That's one of the reasons she

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held off, because the Town kept

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saying you can't do it. I'm assuming

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she's coming in. I don't know. I

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think Alexa posted the plans.

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MR. SLOAN: There was also a

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question of access on Pine Hill Road.

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CHAIRMAN SEROTTA: It can't be

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on Pine Hill Road.

11

MR. SLOAN: That's what it was.

12

CHAIRMAN SEROTTA: It was.

13

That's not going to happen. You

14

brought that up. I took a ride up

15

there. It's off of Creamery Pond

16

Road.

17

MR. SLOAN: She switched it.

18

CHAIRMAN SEROTTA: She had to

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switch it because it was suicide.

20

She spent seven years arguing with us

21

that it was okay. She's coming back

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and the Hudson Solar Farm. That's

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the two cases. Obviously other stuff

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may come in. That's what it is.

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All right. So have a good

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Fourth of July. The meeting is
closed.

(Time noted: 8:30 p.m.)

C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do
hereby certify:

That hereinbefore set forth is a true
record of the proceedings.

I further certify that I am not
related to any of the parties to this
proceeding by blood or by marriage and that
I am in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 8th day of July 2017.

Michelle Conero

MICHELLE CONERO