

TOWN OF CHESTER
PLANNING BOARD MINUTES
August 5, 2020

ZOOM Meeting called to order: 7:04 pm

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

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

Absent: Dot Wierzbicki

Meeting minutes from May 6, 2020 were adopted

Chairman Serotta: First thing on the agenda is Andre Keel 40 Well Sweep Lane AR3 zone area variance for travel trailer on lot, so Mr. Keel why don't you tell us a little about what you want to do.

Andre Keel: Came before the planning boards at the request of the building inspector to have you folks approve the plan that was laid out and I do believe the plan complies with building code but the big issue is the travel trailer. Previously the trailer was on the site while I was building the bridge and I had went before the ZBA that was back about 5 years ago and I wound up having to get 3 variances through the ZBA to do this and all the while there was a lot of language going back and forth that maybe I should be going to the planning board, no one really knew what the right avenue to take was. So per my conversation with Don, it's my understanding that you folks cannot give me a variance to utilize my travel trailer to live in the trailer while I build the house. It took me 5 years to build the bridge; I'd like to say I can be moved into a structure I can call home within 18 months that has heating. The travel trailer is only ideal for 3 seasons depending on the weather. That is what I'm here for, to ask you for a variance for the travel trailer, it's my understanding that you can't do that but you can give me a negative declaration and I can move this along to zoning board. While issuing the negative declaration if you could note the plan that in your view the plan as it's submitted complies with code and then I can get it to Alexa in the building department and slowly get my approvals & permits to put the well, septic and start with the foundation.

Chairman Serotta: When we spoke the other day, Mr. Keel has had the trailer on his property for a few years; he's not been living in it but has been using it for storage. I did a site visit and he is not living in the trailer and it's actually gone right now. But he wants to move it back onto the property to live in it until he builds the house, so he' being honest with us. I'm not sure we have the ability to do that, code 98:31 is what covers this. We as a planning board has the right to grant temporary trailers, it talks about we have the power to grant a permit for a period not to exceed 1 year for temporary non-conforming building, structure or use incidental to a building or other construction project included such uses such as the storage of building supplies and machinery and a real estate offices located on tract of land. So it tells us such uses as, it doesn't

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specifically limit things so it's a little bit of a gray area. I told him I wasn't sure if we had the power to grant this, with him living in the trailer, if he was going to use it for storage of materials or machinery then I think we have the power to grant that. Dave Donovan, do you have any comments on this?

Counsel Donovan: Yes I do, so if you look at 98:31 and over the course of years we have granted approvals of temporary trailers but they really don't include, or in my view of this language, they don't include trailers for living. It's more storage, real estate office, accessory to sub division and so on, so in my view this does not encompass a trailer for living purposes.

Chairman Serotta: We'll poll the board in a minute but it's my feeling also that it's a gray area so Mr. Keel could be referred to the ZBA for a variance if they want to handle this, and then he could back to us or the ZBA could actually grant that in a variance or they can give us an interpretation if they feel this would fall under 98:31 then we would have a 1 to 3 year window that we could grant him to do that. So I'm going to ask the board members, Bob what's your opinion?

Bob Conklin: I think that's how it ended up with zoning board originally because we couldn't make it work under that 98:31 because of the living purposes.

Alexa: I'd like to say something, when he came to the zoning board he wasn't living in it and that's probably when it should have come to planning because it was strictly for storage. I was under the impression it was still going to be for storage, he did not inform me it was going to be for living.

Andre Keel: It's all fine, I was using it for storage because I couldn't live in it, the reason I can't live in it is because I need power, water & septic and having on the front yard is awkward and I don't want to be an eye sore. The next step now is to bring that in, I need power so I can build the building and while I'm at it I'm going to need water, then put the leech field in. Need to clear the trees and re authorize the leech field design because I moved it a little bit downhill and then get the paperwork to you so I can get a permit to put it in.

Alexa: Are you planning on doing that before you put in the trailer?

Andre Keel: Yes

Alexa: Okay. Fabulous

Mark Roberson: I think living there for 1 year would be alright but anything outside of that I would have some concerns but since you can already qualify living or storing in that for 5 years on one side of your property then I'm not sure why this is even here.

Larry Dysinger: I share Mark's opinion; I don't have too much issue if you want to do it for a year but having a built a house I know it shouldn't take more than a year but more than that I have a lot of misgivings about that.

Carl D'Antonio: I agree with everything that's been said so far and I'm glad to hear the water & septic is going to be addressed first before the trailer is even considered

Jackie Elfers: I'm good with that as long as it's within a year

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Chairman Serotta: The only problem I see here is the board always has to remember there are our personal feelings and then there's the law. The town board makes the laws and then we have to interpret them so my personal feelings are I wouldn't have a problem; I understand what he wants to do and he has no complaints against him. The problem is our counsel here is saying he doesn't think it falls under 98:31 for us to have that power to issue it, that's why I was thinking to send to zoning board and we'll vote. Counsel has already said he's not sure it falls under 98:31 because it's living in a trailer that we don't normally have, so we open it up to others.

Alexa: Regular trailers are not allowed to use as a dwelling according to code, this is a regular trailer it's not a manufactured home that will be put on a foundation which is allowed but trailers are not allowed to be used as living space for extended periods of time and that was the concern I had but it wasn't a concern when I sent him to planning because I thought it was only for storage. We need to figure out how we are going to allow him live in a mobile trailer as a dwelling on a temporary basis. And if it's not going to be 98:31 then everything else would be under zoning

Chairman Serotta: We have two choices here, someone can make a motion to grant 98:31 and allow him to put the trailer back on the property or make a motion to send him to ZBA for interpretation and/or a variance

Mark Roberson: I'll make the motion to send him back to the ZBA

Larry Dysinger: 2nd the motion

Bob Conklin: Alexa is he compliant with soil erosion?

Alexa: Not right now, I have to go back to the site

Bob Conklin: So right now we are just addressing the variance issue

Chairman Serotta: And if they grant it, he doesn't need to come back to us, if they interpret that he has a right to be heard under 98:31 then we can have the right to grant it. One thing I want to say, Mr. Keel spoke about us giving a neg dec and we don't have to do any of that because he did a site plan and this is a permitted use in that zone, there's two sides to the zoning tables, permitted uses and then site plan required uses and this is not one of them, it's just a standard house. If he's granted a variance to have the trailer then he doesn't come back at all. So motion is on the table, it's been 1st and 2nd, all in favor and we'll do a roll call.

Bob Conklin: Aye

Chairman Serotta: Aye

Mark Roberson: Aye

Larry Dysinger: Aye

Carl D'Antonio: Aye

Jackie Elfers: Aye

Chairman Serotta: Ok Mr. Keel, we'll write you a referral to the zoning board. Get in contact with Julie and get on their agenda

Andre Keel: Alright, thank you everyone.

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Chairman Serotta: Simon Fridlich does not appear to be present so we're going to move on.

OSTREICHER 1251 Kings Hwy

Mike Morgante: We came in front of you a little over a year ago, we had a lot of items to work through with the NYS DEC related to getting the wetland boundary delineated and the validation map completed and then we had to work through a buffer disturbance in one of the DEC buffers and also had to do a bog turtle study which took a bit of time because it can only be done during certain times of the year, we submitted all that to the NYS DEC and it's been circulated to all members of the town, the representative at the DEC has found all of it has been technically completed however they can't take any action on it until the town can at least issue a negative declaration but all that is in good order and we are poised to obtain a permit from them once this process is completed with the town. We have revised our SWPPP, I did receive a letter of comment from Mr. Fusco's office earlier today and it appears to state all the technical comments have been completed on my behalf. We have dealt with the NYS Historic Preservation office and got a no effect finding letter from them that we provided to the town. We've also been able to prepare warehouse renderings and specific warehouse floor plans and sample color charts for the board's review, so we've been able to complete a lot of work in our long absence but I think the plans are in a position where we can start to move the project forward.

Chairman Serotta: Okay so I'm assuming you want to move to public hearing tonight. I can bring up the plans, does everyone remember this one? This is two warehouses plus an existing barn & home on the property. Al Fusco sent in a letter and we can go over it, renderings were sent, in the SHPO report says no impact and that's fine, the DEC letter email thread states no impact on the big turtles and also have the wetland review and found no effect on the wetlands or endangered species so he's handled all that. Eventually we'll review the color charts and renderings so we can all see what it will look like. Two things, at around 5 o'clock today we got the Karen Arent report that the board has not seen yet but Julie will email it out to everyone and post it, Karen talks about suggestions on the alternatives to annual rye grass, also about some of the Evergreens in different locations, at building #2 she's recommending different species and things like that. So I told Karen we'll get this to all board members to read and Mike if you can get in touch with Karen and make a decision and get in agreement or challenge her on this by our next meeting.

Mike Morgante: Yes, that's no problem. I'm usually in agreement with what Karen recommends.

Chairman Serotta: Okay good, this has also been submitted to OC DPW and OC Planning. I also got something from Alexa at 5 o'clock today from DPW

Alexa: Yes, we haven't had email at work but I still get it on my phone and it came from Anthony at DPW so I wanted to get it to you so you had it for tonight

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Chairman Serotta: Mike did you see this?

Mike Morgante: Yes I did receive a copy and if I can summarize to the best of my memory, essentially the existing dwelling that's located near the intersection of Bellvale Rd and Kings Highway currently has 2 or 3 gravel access points to it and they want us to eliminate to 1 access point and we take no exception to that and then there was something regarding siting distance on lot 2, I was out there this afternoon I have it noted on the plans that there's vegetation that needs to be removed in order to establish the site distance that Mr. Trochiano is suggesting which I know we can provide so will be in good shape with that revision. I think there was one more comment that I can't recall exactly but I don't think there wasn't anything we can't get done.

Chairman Serotta: Obviously you know we don't negotiate anything from them and eventually you're going to have to get another letter from them stating everything is done and have to draw the proper permits, so this you'll have to negotiate with them. Larry, you should try to take a look at this and make some comments in at the next meeting. Fusco's report says all his comments have been addressed, I spoke to him yesterday and he didn't see the email thread about the bog turtles but the DEC did approve his bog turtle reports and they approved the wetlands. The OCDPW has been submitted and permit is pending, he didn't see the Karen Arent report that was submitted tonight, he notes escrow account to be established with the town board for SWPPP review when he starts building and any board comments. So Mr. Donovan, at this point and time do we need to declare SEQRA? He needs to move on to public hearing so we need to make a motion.

Counsel Donovan: If the board is inclined and you're satisfied with the information that you have, you are in a position to schedule a public hearing for the next meeting.

Chairman Serotta: We don't have to declare lead agencies at this point and time?

Counsel Donovan: I didn't check the files but I think you've already done that

Mike Morgante: Yes I believe you already did Mr. Chairman, at one of the last meetings I was at

Chairman Serotta: My feelings are he's got his renderings; we always make sure we have all the OCDPW and OCDP done, he has all his studies done for bog turtles and wetlands so in my opinion he's fully ready to go to public hearing at this time. Julie this will be Sept 2nd correct?

Julie Tiller: Yes September 2nd

Chairman Serotta: So can someone make a motion for public hearing at 7 pm on Sept. 2nd for Ostreicher

Larry Dysinger: I'll make a motion

Carl D'Antonio: 2nd the motion

Bob Conklin: Yes

Chairman Serotta: Yes

Mark Roberson: Yes

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Larry Dysinger: Yes

Carl D'Antonio: Yes

Jackie Elfers: Yes

Chairman Serotta: Okay Mike you're all set, you'll see Julie and get the list and notice and has to be 10 days in advance so get everything done so you have enough time.

Mike Morgante: Yes will do, thank you everyone

Chairman Serotta: Okay so next we have CORCORAN 1361 Kings Hwy

I'll pull up the site plan and Kirk please explain

Kirk Rother: This is an existing structure that's on the side of Kings Hwy just as you go into Sugar Loaf, the application is for a proposed 1400 SF +/- addition which is the area with the line around the structure. This property currently served by a septic system but there is a sewer in the street; it's not in the sewer district, I learned the sewer district in this area is quite an unusual patchwork of properties so we had to make an application to the town board to be either included in the sewer district or become an outside user and that is what the town board ultimately decided. The Corcoran's will pay a fee to be determined by the amount of tenants that live in the facility. The existing building is currently 2nd floor residential and 1st floor is office retail and our addition is single story office retail as well. Last time we were in front of board we had architectural renderings that had colors shown that I think the planning board didn't think were consistent with surrounding area so we submitted new renderings where the existing building is white and a brass bronze colored roof and front porch are gold and we will match those colors with the addition. Lastly I believe this was already sent to county planning for a 239 review with local determination and that's it, so we're hoping we're to be at the point now where the board will be ready for site plan approval. I believe it's a type II action under SEQRA because it's under 1,500 SF

Chairman Serotta: So this would be a modification to the existing site plan right Dave? It's not a full site plan review

Counsel Donovan: Yes, Kirk can you give me the square footage again

Kirk Rother: The addition is 1,440 SF

Counsel Donovan: So less than 4,000 SF is a type II action, Kirk is correct. I would assume there is an existing approved site plan.

Kirk Rother: Yes there was, the existing structure that's there was 5 years old give or take

Chairman Serotta: So what we have to do is grant revised site plan approval and grant architectural review for the new addition, right Dave?

Counsel Donovan: Yes that's correct. We have to waive public hearing and if the board is inclined to do that you are not required to have public hearing for amended site plan approval so you can do that, it's up to you. And need architectural review approval as well because you're in the LBSL

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Chairman Serotta: If I remember right, you can correct me if I'm wrong, but we already said we were going to waive the public hearing at the last time you were here.

Kirk Rother: I recall it being discussed but I don't remember if the board formally made that motion

Larry Dysinger: I have a couple questions; on the expanded parking area is that going to be paved?

Kirk Rother: There's an area of parking that we are proposing to bank and not construct at this time, the other additional 5 new spots would be paved

Larry Dysinger: How are you going to handle the drainage? Any catch basins for water run off?

Kirk Rother: There's an existing catch basin in the existing parking lot

Larry Dysinger: Yes I understand, but on the new one there's no drainage identified

Kirk Rother: We don't need it just for the amount of impervious area we're adding that will bring it back to the existing catch basin

Larry Dysinger: So it's going downhill from back to front

Kirk Rother: Correct, it slopes from the rear of the property towards Kings Hwy

Larry Dysinger: My preference would be a catch basin is installed to catch some of that water to help out; I'm not convinced the one catch basin will catch everything

Al Fusco: I feel it would be enough but if the board wishes they feel they need another one that's up to you.

Kirk Rother: The new impervious area is roughly 2,000 SF and if we were to try and install an additional catch basin on the existing lot those catch basins would be approximately 60' apart so our typical distance for catch basins is 150' apart so I don't feel it's necessary for the amount of area we're talking about

Al Fusco: He is correct with standards with catch basins required 150' apart but if the board feels another catch basin I see no fault with putting one in. It's not required from an engineering basis but it's the board's decision

Bob Conklin: If there was a 2nd catch basin installed where would it drain to? Would it go into the 1st one and then out to someplace else?

Kirk Rother: The water enters the existing catch basin and then drains back to the pond

Bob Conklin: Okay so if a 2nd catch basin was installed it would tie into that same drainage going back to the pond. What's the slope? Is it towards the pond or the main road?

Kirk Rother: Right now the pipe is sloped towards the pond but the typography, the ground surface slopes back towards Kings Hwy.

Bob Conklin: So I guess my question is if the slope of the new parking lot is directed towards Kings Hwy how is the water going to be directed towards a new catch basin?

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Larry Dysinger: There's a proposed 5' walking path and if you look at the far left of that by the curb is where I would suggest putting a catch basin and just run a pipe back to the pond.

Bob Conklin: So that catch basin is going to catch all the water from that new area, it's going to travel downhill along the curb and the catch basin would catch it.

Kirk Rother: There's no curb just asphalt parking lot

Larry Dysinger: So the sidewalk is flush with the macadam parking lot?

Kirk Rother: Yes

Larry Dysinger: Okay I see, I took the double line as being a curb

Chairman Serotta: Any other board comments?

Jackie Elfers: The only problem I see is the walk way that's level with the parking area is there's no break from a car that could jump the curb if people are on that walkway

Kirk Rother: We do have sidewalks at grade with the parking lot, if it's a really intensive traffic generator then we maybe not want to do that and separate the sidewalk from the parking lot. I understand your point but I don't think we are dealing with a large volume of traffic here.

Al Fusco: The 1 parking space right in the front, I don't have a problem with it but I wanted to point out OCPDW will look at that under 239 and either approve or disapprove it. I don't see an issue with it but I did want to bring it out because I spotted it.

Chairman Serotta: I'm assuming we submitted this to DPW though

Kirk Rother: Don if I can comment on that spot, the parking calculations we have based on square footage requires 21 spaces we have 19 and 1 handicapped right in front so per the calculations we are short 1 spot. We have a lot of flexibility in being able to add it in the back someplace possibly by the 5' walking path we were talking about. The reason we put the spot right in the front is because it's currently being used as a parking space now.

Al Fusco: Like I said I don't have a problem with it but we just want to make sure DPW is fine with it

Chairman Serotta: I think we agreed a while back that we were not going to submit this because it already had a submittal and there's no new affect. There already was a 239 when they built that building and the entrance isn't going to change.

Al Fusco: As long as it was sent to Orange County planning then you're covered so I assume you did send it because you do have the Orange County planning and if they want to forward it to DPW that's up to them.

Chairman Serotta: So Kirk, you would still need that spot even with all the bank parking. That's part of the problem in Sugar Loaf we make people destroy their property with black top and no grass left. I would be comfortable saying he's got enough parking at this point & time.

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Kirk Rother: If the board is comfortable with that I can get rid of it or the other option is I can find someplace in the back and show it as banked with the other 9 spaces. I agree that 21 parking spaces for this particular structure and use is plenty.

Chairman Serotta: Okay. I remember last time we had a lengthy discussion; the building was constructed very nicely & consists of Hardie board on the outside. Originally they wanted to make it navy blue and the board did not agree with that so now they agree to it will be Hardie board and it will mimic the other building.

Kirk Rother: Yes, we submitted a revised rendering that's basically a photograph of the existing building and that's what it will be

Chairman Serotta: I'll bring up the revised rendering; it's a very pretty building and you can all see where the herb shop is and they are putting a breezeway and the building will be built alongside this. So you will make this building look like a continuation of the main building as it is now.

Bob Conklin: What was the final decision on the catch basin? Is it going on or not?

Larry Dysinger: I thought we said no and it will just drain into the grassy area

Bob Conklin: And the little herb shop in the back, will that be removed?

Kirk Rother: Yes, it will be removed. Originally the new space was going to be for that tenant but that's not the case anymore.

Bob Conklin: Okay that's all I got

Carl D'Antonio: I'm good

Mark Roberson: Good

Jackie Elfers: Good

Chairman Serotta: We have to make a motion for revised site plan approval and Dave do we have to do a SEQRA motion too?

Counsel Donovan: You do not; you have to give amended site plan approval to this action which is type II under SEQRA meaning it's exempt because of the size of the addition.

Chairman Serotta: And also an architectural review approval

Counsel Donovan: That is correct

Chairman Serotta: Let's do the architectural review first, since he's just mimicking the new addition and be built along the side. Someone needs to make a motion for architectural review approval

Jackie Elfers: I'll make the motion

Larry Dysinger: I'll 2nd

Bob Conklin: Aye

Jackie Elfers: Aye

Mark Roberson: Aye

Larry Dysinger: Aye

Carl D'Antonio: Aye

Chairman Serotta: Aye. Okay **architectural review granted**

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Chairman Serotta: Next will be a motion for amended site plan approval

Bob Conklin: I'll make the motion

Jackie Elfers: I'll 2nd

Bob Conklin: Aye

Mark Roberson: Aye

Carl D'Antonio: Aye

Jackie Elfers: Aye

Chairman Serotta: Aye. **Amended site plan approval granted**

Kirk Rother: Thank you. So what am I doing with that parking spot, should I leave it or take it off?

Chairman Serotta: I would just take it off

Kirk Rother: Okay so then has a reaction to my parking calculations. Should I just put a note?

Chairman Serotta: Parking on street because the rule in Sugar Loaf is you can park with 400'

Kirk Rother: Okay thank you to everyone

Chairman Serotta: So now we'll go to **SAPANARO 1351 Kings Hwy**

Kirk is in front of us again and I'll bring up his site plan and Kirk tell us a little bit about this.

Kirk Rother: What you see on the map is 2 lots, on the right hand side which I guess would be north is an existing structure and on the south side is a vacant lot and on this plan it is a proposed mixed use, retail on the 1st floor and residential on the 2nd floor. This lot is immediately after the entrance to the Lycian Theatre, this was approved circa 2008 I believe. Mixed use building with 8 proposed parking spaces also proposes to connect to the sewer on Kings Hwy and water is individual wells. So Don, when we spoke briefly I believe we said this plan is still in effect and if we wanted to pull a building permit on this there's no reason why we couldn't.

Chairman Serotta: As far as I know and until the zoning changes, there is no expiration on site plans. Mr. Donovan correct me if I'm wrong

Counsel Donovan: Currently there is no expiration on site plans in the Town of Chester so you are correct.

Kirk Rother: So in consideration of the times my client is concerned about his ability to rent a commercial space on the 1st floor so instead he would like to build a 2 family structure here. It's a significantly less impact on the lot and 2 family is permitted in the zone subject to a site plan approval from planning board, the one caveat to 2 family is zoning lot area requirement is 175% of the underlying lot area requirement I guess if it was a single family and the underlying lot area requirement in the zone I believe is just over 20,000. So 175% of that would be about 48,000 and this existing lot is about 22,557 so it has the lot area required for retail mixed use and would have the lot area

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required for single family but it does not have the lot area required for 2 family. We would need an area variance from zoning board and really all we were looking to accomplish tonight is a referral to the ZBA.

Chairman Serotta: The parking is showing as 4 spaces is that going to be enough and meet code?

Kirk Rother: 2 per dwelling unit is what code states

Chairman Serotta: Can everyone see the plan? What Kirk is asking us is there's already a site plan in affect for a standard multi-unit for a retail and residential unit at this location. This is about the tenth time someone has come to me and wanted to build residential homes in Sugar Loaf because there's gluttony of store fronts that could be open and Sugar Loaf is experiencing a bit of a down turn and no one wants to put more store fronts in there at this time. So what he's asking us to do is approve a 2 family residence there, what Kirk and I discussed is anywhere in the town in zoning specific areas and it is allowed here a 2 family house, but whenever you want to have a 2 family you have to take the original calculations of what a single family would be and multiply by 175% so he doesn't have the size of the lot and therefore needs a variance. So we are here tonight to just go through this quickly and send him to ZBA for an area variance. Any questions or comments from the board?

Al Fusco: Yes I basically said to go to the ZBA and when you come back we can review further comments but he needs to start with the ZBA

Bob Conklin: Nope I'm good for right now

Car D'Antonio: I'm good

Jackie Elfers: Good

Mark Roberson: Good

Larry Dysinger: Good

Chairman Serotta: So can we make a motion to send Mr. Rother over to the ZBA for Sapanaro lot

Carl D'Antonio: I'll make the motion

Larry Dysinger: I'll 2nd

All in favor: AYE

Chairman Serotta: Okay so Julie we have to make a letter of referral for Sapanaro to go over to the zoning board.

Chairman Serotta: Next Kirk is back in front of us again for **210 BLACK MEADOW RD, LLC**. Okay so let me bring up the plans so we can all see it and Kirk you have the floor

Kirk Rother: This application is for 2 parcels of land about 13 acres of land on Black Meadow Rd and it was previously owned by Lafarge but it is currently vacant it was sold by Lafarge to my clients, it's improved by an existing access road and bridge that goes over a tributary to Black Meadow creek and if you look on the outdoor storage plan the

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central larger portion is mostly wetlands on the northern part under state and southern part being federal but when we contacted the state to get the wetlands verified they said they were all under their jurisdiction so all the wetlands you see are NYS DEC wetlands. So on the land that's left on the outdoor storage plan that irregular shaped outline there is broken concrete slab that is a remnant of Lafarge, my applicant would like to use this property in 2 steps. First would like to be able to have outdoor storage here and his particular use is he has a concrete company I believe its Superior Concrete and he wants to be able to store his rebar, fasteners and forms and things like that. As far as improvement to the property all we are proposing at this time is gate at the entrance.

Larry Dysinger: So no lighting?

Kirk Rother: No, nothing. They will probably bring a shipping container which he would use to store his metal fasteners and ties, no lighting; no electric, will definitely be a gate and to my knowledge not even a fence around the property at this point. The first step of approval would be to ask for some sort of outdoor storage use which is permitted within this zone and whatever SEQRA review and whatever site plan approval would be required associated with that use. If you want to move to the phase 2 plan which involves putting a proposed building on the property, a warehouse distribution building. The ultimate goal is a 40,000 SF +/- building to accomplish this we have a long road ahead of us, being in a flood plain we have to deal with FEMA, we have to figure how to get a septic in flood plain and storm water management in flood plain which should be interesting. So this is the ultimate goal to have some kind of warehouse structure on this property for distribution use.

Counsel Donovan: So Kirk did you indicate that that outdoor storage is permitted in the IP zone? I don't see it

Kirk Rother: Yes I believe outdoor storage is footnote 2

Counsel Donovan: We need to clarify, look at local law 4 2008, outdoor storage of goods. Seems like he's putting a lot of crap there, what's he going to have there Kirk?

Kirk Rother: Materials related to installation of concrete, metal forms & rebar that he can buy in bulk to save money and store there.

Jackie Elfers: Will he also dump his concrete and waste from other jobs there too?

Kirk Rother: No he doesn't have any cement trucks he doesn't do the actual concrete work

Jackie Elfers: But he also does a lot of removal when he does foundations, Superior, so that's what I'm concerned about

Kirk Rother: Use #8 states wholesale operations so what about use #12 light industrial uses

Chairman Serotta: So let me make a few comments, Kirk there's 2 problems here to be outside storage it's usually accessory to something and sounds like the accessory here is going to be a business so that's #1. Back to what Dave said and excuse my French but it sounds like it's going to be a shit hole, so you would have to come up with a plan that

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shows what is going to happen. There's houses up there and if this is going to be a crappy mess then how do we protect the residential area. I'm feeling like your accessory is to nothing, I'm just not seeing how this is going to work and this is just going to be a messy place and we need some kind of plan to show that it's not going to offend the people of Black Meadow Rd. One other thing, right next to this property is well that's pumping 250,000 gallons a day which is the primary well for Village of Chester and this is their major well. The Village is very concerned on what's going to happen here and the well and this project, do we have to worry about the trucks going in and out of there and possibly a diesel spill? So I don't know all the answers yet but these are the things we need to be concerned with but if it gets into the well it's a big problem. I did speak with Mark Edsall the engineer and we shared all the documents that were sent from Kirk and asked us to continue to share all the information and anything that's approved and they will be making comments down the line and I feel it's important to listen to these comments. They are not concerned about the looks, if it's clean and have no effects on the well then they won't comment but I care about it being messy.

Larry Dysinger: My concern is what exactly is being stored there to protect the environment and also that it's maintained orderly and not like a junk heap and that's not good for the neighborhood because like you stated there's homes right there. Need guarantees on how it's going to be maintained & protected

Carl D'Antonio: To add to what Larry is saying, as far as the height aspect, how high are they planning on stacking it up? With homes close by I'm sure they are going to have some visual effects on this and that's a big concern

Mark Roberson: How often does that place flood? Larry I know you're closest to that area

Larry Dysinger: Not very often, maybe once a year but it varies from year to year. That spot where the storage is probably just barely high enough, so it is a concern that the storage should be above flood level

Mark Roberson: In flood plain & DEC buffers which would bleed over into the phase 2 plan so I have a lot of concerns with the whole thing

Bob Conklin: Everyone has good valid points; my concern is I respectfully disagree with Kirk on his interpretation of the uses, I don't think this fits either #8 or #12 so I don't see where it would allowed at in that zone.

Chairman Serotta: Probably would fit #9 but doesn't allow outside storage

Bob Conklin: That's for wholesale operations and it doesn't sound like that's what he's proposing

Chairman Serotta: But 9 is fully enclose warehouse so he could build a warehouse there but footnote 2 doesn't apply to that. They are trying to pick the ones for self-service storage

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Alexa: That footnote pertains to 98:19E is the section of the code that goes with that footnote, buffer strips and landscaping. See at the bottom it says amended in 9/9/2008 by local law #4 2008

Chairman Serotta: Kirk, I don't think anything fits under this section, this is a work session and we're trying to work through this but unless he builds the warehouse but then if he builds the warehouse what about the outside storage. And second of all, I don't think anyone is going to okay just to shit pile stuff out there on a concrete pad because it's definitely going to be visible, so I think you need to go back to your client

Al Fusco: Make sure Kirk has a copy of my letter because that outlines a lot of the stuff

Kirk Rother: Okay so we are done with the outside storage, does the board have anything to discuss with regard to the warehouse? It's very preliminary in nature and just a sketch; I have a question for Dave, fully realizing everything about that was talked about the outside storage seems it's stacked against me but I'm curious to know how this works with regards to SEQRA if this whole outside storage thing was to move forward and in the background we have the warehouse application, it's actually 2 separate applications right?

Dave Donovan: Well you have one property Kirk, so I think the correct SEQRA analysis would be to evaluate the cumulative impacts of each project.

Kirk Rother: Okay so the whole reason we would have even pursued this as outside storage followed by a proposed warehouse would be that the outside storage would get to the finish line substantially quicker than the warehouse but if the two are tied together through SEQRA that's kind of a moot point, am I correct?

Dave Donovan: I think it's like you do an analysis for a shed when you really want to build a house. I would not recommend the board truncate the analysis or give an approval for just the outdoor storage because you may never build the warehouse, so I would not recommend the board do that.

Kirk Rother: Okay, understood.

Chairman Serotta: Next is **RIDGE ROAD EQUITIES, LLC**

They have been in front of us a number of times and started out with 15 lots and now reducing down to about 10 lots. Ridge Road Equities is on Ridge Rd on the corner of Kings Hwy & Ridge Rd across the street from the Ostreicher warehouses. I'm going to bring up the plans and Kirk please take the floor and tell us about what you want to do.

Kirk Rother: This plan has been around for a while, 2 things hoping to accomplish tonight, it's been in sketch form with the lots taking various configurations primarily the 3 or 4 lots on the west side. This is owned by Kevin O'Reilly owner of Satin Foods, he initially bought this property to build his own house which would be on the big lot #2, he then decided to pursue a subdivision on it, and it's in the SR1 zone and you actually get quite a few lots on this. We've refined the layout and the changes were on the 4 lots to the left, we made them narrower and wider the reason being the owner would like to

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have the other lots for his children. The highway superintendent was out to the property and all driveways were staked out, reviewed driveway locations and he was generally okay with them. In prior version of the plan Lot 2 & Lot 3 driveways were on the crest of the hill, Mr. O'Reilly prefers we not have the driveways in that location and it would require that we cut the hill a little bit because existing terrain slopes up so we proposed and the highway superintendent reviewed shifting location of the driveway for lot #2 all the way over to the left next to lot #1. To do that we create an unusual shaped lot #1 with regards to the frontage on Ridge Rd, I believe the way zoning reads as long as I have my lot width at the minimum front set back this is a conforming lot but before I fully design this I want to verify I'm reading the code correctly and the board agrees with me. The other issue that would like to discuss is the ridgeline overlay and the line of sight analysis, the location of the house on lot #2 is on the top of the ridge. Mr. O'Reilly wants to build his house there and he is willing to mitigate visual impact to the greatest extent possible and build a single story house. Proposed some architectural features and some trees, he's working with Jeff Degraw to come up with a rendering and we should have it in the next week or two and that's about it.

Chairman Serotta: So on Lot #1 what is the lot width in an SR1? The way the code reads at the front setback line you're supposed to have the width there. Do you have it there or not? I also think the planning board has the right to set that, I believe in 98:2 it says it can be determined by the planning board, I'm not saying we should or not but we have to look at that

Kirk Rother: The lot width in this zone 150 feet

Dave Donovan: The lot width definition is the distance between the side lot lines measured at the required minimum front yard or in the case where building set back lines are established by the planning at time of subdivision. So we could vary it or it looks like while an oddly shaped lot this needs to be the code requirement for lot width

Kirk Rother: Okay. We also have the same issue on Lot #6 which we spoke about at a prior planning board meeting and on that lot it's beyond my control.

Chairman Serotta: Okay so we have the right to set that for you, it's a reasonable request. I believe you submitted some visuals from Kings Hwy line of sight drawings; I'm going to bring those up for the board to view.

Kirk Rother: This is the view of the site from Bellevale Rd, the site would be in the background along the ridge. This photo was provided to me by Tracey Schuh, we took the Orange County 2 ft topography and ran a line of sight analysis from Bellevale Rd across Kings Hwy through our site and we show all trees and shrubs, the bottom section would be Bellevale Rd and you see the tower and overall terrain. Lot #4 house is shown on the top of the ridge.

Chairman Serotta: Not sure there will be too much effect on the ridge here since already have houses on the right side and the other side is the 110 ft water gap. I think the board should take a ride out there and check this out. Any questions?

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Larry Dysinger: Not concerned about the ridge line but from my perspective lot #1 is a flag lot. To me road frontage on Lot #1 is about 30 or 40 ft

Chairman Serotta: If I bring up 98:2 the Town of Chester doesn't go by road frontage it goes by you measure in the front setback, and I believe Kirk said it was about 60 ft, and at the closest point of that front setback line is where you measure lot width from, we don't do road frontage in Town of Chester, many towns do but we don't.

Larry Dysinger: Okay, if it meets code then I don't have an issue

Chairman Serotta: We will need a full set of plans, has more homework to do. Also the Chesterdale project is a curb less swale project and it came out beautiful. They love having swales & water soaking into the ground and less storm water ponds and it's really a great thing. So I know Anthony requested that along Ridge Rd and my question is can that be accomplished here?

Kirk Rother: Yes, so the existing swale along Ridge Rd starts a little down from the crest of the hill, it has a little definition and washes out somewhere between lots 4 & 5 and Anthony had asked if that entire swale along our side of Ridge Rd could get it reconfigured it to the standard as we did at Chesterdale Estates. It's a very wide and shallow and homeowners maintain it and we agreed to do that and make the improvement along the entire road

Chairman Serotta: I think Anthony is smart for requesting this and a lot less maintenance

Larry Dysinger: Will the swale have an under drain?

Kirk Rother: In Chesterdale Estates because it was so flat so we did put an under drain in it but given the slope of this road I would not propose an under drain.

So if the board is comfortable with the configuration of lot 1 & 2 and we're okay with the house on the ridgeline on lot 2, I will finish this up

Chairman Serotta: We are going to have to submit to both county DPW and county planning.

Dave Donovan: I think it's a little premature for that Don

Al Fusco: County will request we give them a SWPPP

Kirk Rother: SWPP on this this will be over 5 acres so triggering up to do a full blown storm water quantity/quality and require a storm water retention pond which is a lot of baggage.

Al Fusco: Have to do the SWPPP and there is various ways to do it and they have plenty of drainage available. The lot lay out is fine, it has to go to Board of Health for the sanitary systems and wells. I did make note that Anthony wanted some culvert work and also may be required to take 25 ft from the center line so Anthony has the ability to maintain the swale bit I'm comfortable with the way it's headed.

Chairman Serotta: One final question, lot 8 & 9 driveways don't touch do they?

Kirk Rother: No they do not; they are probably about 10 ft apart from each other

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Chairman Serotta: Okay good, so you're done and call us when you are ready to come back.

Last on the agenda is **POMEGRANATE SOLUTIONS- DAVIDSON DRIVE**

I'm going to bring up your plans and Chris the floor is yours.

Chris- Lanc & Tully: Thank you, so this project Pomegranate Solutions is a light industrial building 120,000 SF and 6,000 of which will be office space. Project previously appeared before the board back in March as a work session and we formally completed our application & we would like to catch everyone up to speed with our design. This is off Bellevale Rd and Davidson Drive, this combines 4 vacant lots for a combined 8.78 acres for light industrial use. Since last meeting we took care of some of the things you asked for, I had a phone call with Alexa with regards to fire code and it's been determined there is no rear access not required for this site due to the natural topography. Wetlands have been delineated on this site; there are no state wetlands, there is a small federal wetlands area of about .15 acres so we actually moved the access to minimize the disturbance of that and we kept it below .1 acre. The traffic study has been made by Maser and it's determined no significant impact and no major improvements or traffic signals required. The long EAF has been submitted and besides that the technical aspects of the plans have progressed and we've honed in on the parking spaces a bit more using industry standards for light industrial which is based off the number of employees, provided some preliminary grading, moved some of the access points and were just looking for some feedback from the board before we continue.

Larry Dysinger: I have a couple of things, no access from the back and one of the issues raised was in case of fire is there access for fire trucks? And Davidson Rd right now I believe only has a binder course on it, would doing this project finish that road?

Chris- Lanc & Tully: Yes so Davidson Rd would be finished

Chairman Serotta: And all the storm water catch basins will be fixed. So what about the fire access? Alexa can you join in and tell us?

Alexa: Chris & I spoke back in March and because of the size, the office space and the size there's a specific code that the rear access wasn't going to be needed but with the topography of the property it was built in the rear, I believe.

Chris- Lanc & Tully: Rear of the property would be K&E Awning and would require a massive wall for rear access & cause problems because of low elevations

Al Fusco: Can do fire alarms and sprinklers and distances that can be measured off and I can sit down with them as we move along. A lot of my comments were related to technical details, traffic study looked reasonable; we need certified surveys so we know what we're looking at. The bulk table Chris, you need to check I think you got mixed up. Should show snow storage, road profile, SWPPP details, standard DEC SPEDES permit for over 1,000 gallons per day sewer, landscaping, lighting, fencing, endangered species

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and we need to talk to Anthony the highway super. The basic concept is good but we need a lot of details.

Chairman Serotta: The question I have is, Chris are you looking for the town to take over Davidson Drive?

Chris- Lanc & Tully: I don't believe so but I need to defer to the client

Chairman Serotta: In my opinion I don't see any reason why the town would want to take over that road. It's a maintenance that we would take on for a private business so doesn't make sense. I will say this property sat here for years and is unproductive piece of property so anything your client is willing to do to improve that would be an asset

Chris- Lanc & Tully: Understood and thank you Mr. Chairman

Chairman Serotta: Okay any final comments

Larry Dysinger: No comments but anything that will fix it up would be good

Carl D'Antonio: Agree with Larry

Jackie Elfers: Would be great if it was developed

Mark Roberson: Any ideas what's going in there?

Chris- Lanc & Tully: Nothing yet

Bob Conklin: No comment

Chairman Serotta: Okay Chris so you have some homework to do and get back to us

Chris- Lanc & Tully: I will take Al Fusco's comments & include in my next submission. Thank you to everyone

Chairman Serotta: Thank you everyone & good night

Meeting adjourned @ 9:46 pm

Respectfully submitted,

Julie Tiller
Planning Board secretary