

**TOWN OF CHESTER
PLANNING BOARD MINUTES
September 4, 2019**

Meeting called to order: 7:00pm

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

Members absent: Bob Conklin

Also present: Dave Donovan-Attorney, Alexa Burchianti-Secretary, John Nosek-Engineer (for Al Fusco)

A motion was made to adopt the minutes from July 17, 2019. Motion made by Mark. Second by Carl. Motion carried 6-0

Next meeting of the Planning Board is scheduled October 2, 2019

Hills of Chester-90 day extension

Chairman stated that he realizes that we told them at the last extension request that was going to be the final one. However, plans are done and sitting in Alexa's office but the Attorney Scott Bonacic and Al Fusco haven't gotten the performance bond squared away yet. It is being worked on but waiting for everything to be finalized.

Motion to grant 90 day extension made by Jackie. Second by Larry. Motion carried 6-0

Broccoli Patch-Site Plan Review

Ross Winglovitz present with the owner Lewis Donnelly. They received the interpretation from the ZBA board. They revised a few things in accordance with the ZBA approval. They are no longer proposing 2 separate buildings for the Distillery/Restaurant/Catering it will be all one building. They couldn't get away from the buffer of the cemetery without combining them. And that catering was in fact a permitted use and multiple uses.

Resolution from the ZBA was projected on screen.

Latest site plan date 9-3-19 was also projected on screen. Cottage on the plan will be the proposed residence.

They will need a referral to OCDP as well as County DPW. They would like to get comments from the County while they are working on the planning board comments.

They would like to make some of the parking with non-impervious surface down below closer towards the pond. Hoping it would reduce the need for one of the retention ponds.

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Al Fusco Letter 8/26/19-

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Alfred A. Fusco, Jr., P.E., Principal

Alfred A. Fusco, III, General Manager

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August 26, 2019

Donald Serotta, Planning Board Chairman
Town of Chester
1786 Kings Highway
Chester, NY, 10918

Re: Donnelly – Broccoli Patch Inc
Our File No. CH-163

Dear Chairman Serotta,

We have reviewed the latest submittal and offer the following:

PROJECT: Distillery, Residence, Catering Hall
SBL: 13-3-2
Acres: 2.199 Acres
Zone: LB/SL
Material Reviewed: 1/7/19 Engineering Properties, 1/22/19 report

Comments:

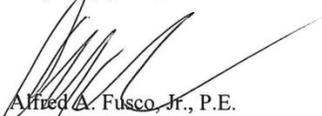
1. Evaluation of bog turtle presence or habitat pending.
2. Project in Town of Chester Sewer District 4A, but not in water district; proposing on site wells. Applicant to provide well logs and water testing to ensure sufficient potable water.
3. Site grading, utilities and erosion control not to be provided until site layout is acceptable to Board as per applicant's engineer.
4. Hours of operation 11:00 AM to midnight every day to be reviewed by Board.
5. 98-19 buffer strips landscaping – rear adjacent to residential area 15 foot buffer.
6. Setback parking from property line.
7. Board comments.

Action:

None at this time – no specific plan.

Please advise if you have any questions.

Very truly yours,



Alfred A. Fusco, Jr., P.E.
Fusco Engineering
& Land Surveying, P.C.
AAF/cam

Cc: Alexa Burchianti

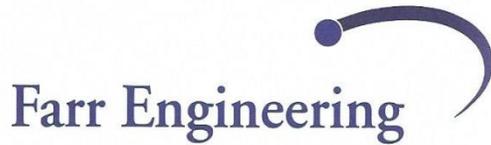
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John Nosek went over Al's letter, John stated some of these comments a little premature.

They will be doing well testing and a bog turtle and will be preparing an evaluation. Grading detail will be provided once everyone is satisfied with the layout, there were comments from Jim Farr that Ross will discuss with him regarding fire apparatus access so they can address.

Jim Farr Letter 8/30/19:

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James M. Farr, P.E., Principal
JFarr@Farr-Engineering.com

30 August 2019

Donald Serotta, Planning Board Chairman
Chester Town Hall
1786 Kings Highway
Chester, NY 10918

Re: Donnelly- Sugar Loaf – 1355 Kings Highway
Broccoli Patch Development

Dear Don,

Pursuant to your request we have reviewed the above referenced site plan dated January 7, 2019 regarding fire department access. Based on my review of the site plan I offer the following comments:

1. The potential need for automatic fire sprinklers will be made once the architectural plans are prepared. Typically, architectural plans including the potential need for fire sprinklers are not prepared until the project is through the Planning Board process. The International Building and Fire Code – 2015 dictates when and where fire sprinklers may or may not be required. The Building and Fire Code allows multiple uses on the same property and within the same structure. The code dictates the need for fire walls, fire barriers and sprinkler systems based on the uses.
2. Chapter 5 of the IFC- 2015 addresses fire department access. Per Chapter 5 the following needs to be addressed:
 - a. **Section 503.1.1 – Buildings and Facilities-** Fire apparatus access roads shall be within 150 feet of all portions of the building. If the distance from the fire apparatus to any point around the perimeter of the building is more than 150 feet, an additional fire access road is required. Demonstrate compliance with this section.

Farr Engineering
P.O. Box 302 – Port Jervis, NY 12771
(914) 474-1980

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- b. **Section 503.2.1 – Dimensions-** Requires a minimum 20-foot fire access road. Portions of the access road are less than 20 feet. Revise per the code.
- c. **Section 503.2.4- Turning Radius-** The turning radii in the parking lot do not appear adequate for fire apparatus. Discuss with the Fire Chief the radii required for the Fire District's equipment.
- d. **Section 503.3- Markings-** A fire lane should be marked on the plan and painted on the surface in the field.
- e. **Section 503.4.1- Traffic Calming Devices-** There appears to be a landscape island in front of the portico. At a minimum the area should have a mountable curb for fire apparatus. The radii of the island should also be reviewed for fire truck access.
- f. **Section 507.5- Fire Hydrant System-** On-site fire hydrants shall be provided if the nearest fire hydrant is more than 400 feet away and if fire protection is available within the district.

3. IFC – 2015 Appendix D – Fire Apparatus Access Roads

The requirements of this section must be complied with including:

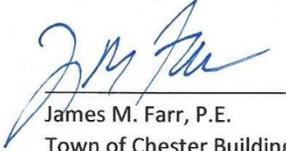
- a. **Section D103.1 Access Road Width with a Hydrant-** Where a fire hydrant is located on a fire access road, the minimum road width shall be 26-feet
- b. **Section D103.4 – Dead Ends –** If the access road is more than 150 feet long, a turnaround is required per Table D103.4. It appears that the access road is more than 150 feet which would require a turn around.
- c. **Section D103.6- Signs-** Signs shall be provided and shown on the site plan per the section.
- d. **Section D105 – Aerial Fire Apparatus Access Road-** If the building exceeds 30 feet in height, the requirements of this sections are applicable. The site plan only notes that the building is less than 35 feet but doesn't state a height.

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I recommend that the applicant's design professional meet with the Fire District's Chief to review the site plan and provide his comments to the Board.

Should you have any questions or comments, please call me at (914) 474-1980 or e-mail me at JFarr@Farr-Engineering.com.

Respectfully submitted,



James M. Farr, P.E.
Town of Chester Building Inspector

Farr Engineering
P.O. Box 302 – Port Jervis, NY 12771
(914) 474-1980

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Plans show a water tank to be able to provide for the sprinkler system. Lou's idea is to make the water tank look like a silo to fit the character and the nature of the building and area.

Chairman stated he wanted Jim to look at the plans especially since comments were made about possible explosions or fire hazards. Possible have the Fire Chief look at the plans as well. We don't want to put the public in danger, and if there was a fire make sure the firefighters can fight it. All the fire walls and fire codes is the business of the building department. The planning board doesn't get into all of that.

Ross stated that they submitted some architectural renderings of the front and back of what they would like it to look like. On the catering room side it will be mostly open to the second floor.

Chairman stated this is a little early however the applicant asked to submit to OCDP and DPW. Ross stated the entrance is on a county road and would like to get there feedback sooner rather than later to make sure it's satisfied. Since the entrance is there now in case they have a better spot for it now would be the time to address it. The existing parking in the front is technically in the ROW and want to formalize anything to make sure that is still not going to be an issue. Maybe they will ask for signage.

If any major changes are made we might have to send it back to OCDP again. Ross would just like to get some kind of feedback from them.

Chairman asked the board if they were comfortable sending the 239 in this early. Board responded that they were ok with it. Chairman stated we will eventually have to talk about hours of operations, traffic, fire access, porous materials for the parking down below by the lakeside so we could possible get rid some of the storm water areas and make it pretty. On another note, the building department may have not complained when you were cutting trees and clearing, we do have rules here and he doesn't know why that wasn't enforced when the time came. There are no violations in the file from what he understands, they haven't sited you or anything like that. But, we are going to enforce a buffer along the pond, he says this a long we have subdivisions coming in there is a 25-50' buffer on streams we don't want "Scotts turf builder" running into the streams, he is sure this lake is stressed out as it is. From what the chairman understands the Creamery Pond lawns weren't supposed to be all the way to the pond, but they are down there too at this point and time. He isn't sure why. A lot of fertilizer has run into this pond it puts a lot of phosphorus and all kinds of other stuff in there and that's why we get "green" ponds. But we will have to put a buffer in there. We have a very good landscape architect that we use. You will have to show lighting on the pond so we aren't showing lighting off in the distance. So there is a lot to do.

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Poll board for comments or questions:

Larry: He already asked about the exit and entrance. Agrees about the parking using a non-impervious surface. Saw Jim's letter.

Dot: Capacity for each use? Ross stated they calculated the parking from the numbers of each use. Catering 200, Restaurant 80, Distillery is just operational. Restaurant open until? Mr. Donnelly stated nothing is open late anymore, 11-12 maybe, weddings same thing till midnight. Dot: What about the Distillery? Lou: It's just operational it's just a picture for the restaurant. And probably won't be in operation during normal hours.

Jackie: Outdoor usage while catering in use, music outside? Lou: No, at most it would be someone playing a cello or something and it would be during daylight hours, other than that you would have a ceremony or a cocktail hour outside.

Larry: So no speakers outside? Lou: No absolutely not.

Carl: Garbage Collection? Commercial dumpster? Enclosed Lou: stated one would be inside the distillery for the mash that is transported for feed. The other would probably be at the far end but will take a look and come up with a plan.

Mark: Distillery itself - environmental stuff- any studies have been done? How many gallons are you looking to do. Lou: The most that can be done under the type of license is 70,000 gallons a year. Which is a tremendous amount. Mark: What about the offset stuff when this is being made? It produces some sort of chemical and odor that can blacken trees and its surrounding. Lou went on to explain the differences between doing whiskey, bourbon, vodka, etc. and the process.

Chairman stated to Mark that he is going to do what he did for the brewery and that is call some of the local or county wide distilleries and the code enforcement officers in those districts and see if they have had any problems or situations with anything and ask them their opinions.

Anthony Riale-Work Session

Lives and owns 5 Third Court. Wants to bring dirt in over 100 yards. The back yard is like a river when it rains. Larry asked how high he wants to raise it. Anthony stated about a foot at the most far back down to about 3 inches and grade it in. Larry: Any retaining wall at the edge? Anthony: No, there is a levy in the back that drains out to the town sewer line behind all the properties. He had Anthony from the Highway dept. come out there about a month after he bought the house and stated that Anthony told him to do what he had to do to drain it and Jim Farr was out there about a week ago and told him he doesn't have a problem with it but needed to run it past the planning board.

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Chairman took a ride out to the site, he did speak to Jim Farr, however, putting 400-600 yards of dirt in the back of your house, what you do to your property could have a major effect on your neighbor's property. Without an engineer's report or something and how the effect water wise we can't issue anything.

Larry: What would be helpful is if he had a topo map, assuming what looks like a swale. So all the properties looks as if they are all graded into that drainage. So you will still be angled going into the drainage just bringing your property up a little bit so it's not so wet?

Anthony pointed out on the screen. The pictures he submitted, states that his property is lower than everyone else's and takes weeks for his property to dry out.

Larry stated that the concern is by raising your yard it's not going to adversely affecting any other yard. Anthony stated everything would be raised up and graded into his own property if anything he is the one that would end up with the mud pit.

Jackie: where did you get the calculation of 400-600 yards? Anthony: Just from being in construction for 18 years, it may be less he just knows it will be more than 100 yards.

Chairman stated he's still not convinced that this doesn't need to be looked at by an engineer. It also requires site plan and a public hearing. We have to at least have the neighbors have a chance to say something. We can't make someone else worse.

Neil Weinstein-Work Session

Owner of 320 Bull Mill Road. He was having dirt brought into his yard, didn't know about the 100 yard maximum, has 11 acres of land. He did this before. Neil stated that when he spoke to Joe 15 years ago stated Joe told him he didn't need a permit he only needed to put a silt fence around the pond. The pond is a manmade pond and can actually be filled in. Neil stated he put up silt fencing and about 3-4 weeks ago there was a heavy rain the trucks were coming in and they were bringing mud onto the street. He had his son bring shovels. Joe called him and said that he may have to shut him down if he doesn't clean the streets by 5. He spoke to Anthony LaSpina drove by and Anthony told him that he would have to stop until the street dried up then he could resume filling (he thought he had a permit) then the next day there was a Stop Work Order on his pole. Joe told him to talk to Jim Farr, he spoke to Jim and Jim told him about the 100 yard.

Chairman stated that the big problem is the federal government maps and creates and shows flood prone areas, whether you knew it or not doesn't excuse anything. On the flood plain your pond is in the flood plain. There is a massive amount of fill. You raised it. We have serious issues in certain areas. You changed the entire contour of this flood

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zone. Neil stated it was probably around 150' and stated that when he initially did his yard years ago that was already raised up about 4' and Joe was there at the time and no one ever said anything. He assumed that it was ok. Chairman stated that no one is arguing that you don't take care of your house, you have a nice house. But you filled in a flood plain. The State, County, and the Town all have rules.

Chairman stated that you have to hire an engineer that deals with flood plains and situations like that. And come back with a report and tell us if it has been damaged do you have to pull the dirt out, can this just be leveled off, might be. The thing is you have to come back to the board with this so you can lift this violation off of your property. If they say there is really no effect or agree that the elevations are ok then that violation can get lifted. But the report is needed. Also Anthony requires a road bond to make sure that the roads don't get damaged from the big trucks.

Just get the board some kind of plan and we will be more than happy to put you back on the agenda and work with you. We just need somebody to say to us this is not going to effect and you can move on from there.

Tin Barn Brewery-Architectural Review

Lauren VanPamelen called us, they want to change the entrance way to the building. Add sliding barn doors and box the columns in, the wood on the roof the boards going across, add the Tin Barn sign (painted) in the middle of the peak. All pictures were submitted.

Chairman pulled up the plan and pictures and explained what Lauren was asking for, Lauren was away and could not be present this evening.

Polled the board for any comments or concerns: No comments or concerns were addressed.

Motion was made to grant architectural review. Motion made by Larry. Second by Dot. Motion carried 6-0

Hazel & Patrick Corcoran-Site plan & Architectural Review

NO SHOW

Ryan Westervelt/Synergy-Site Plan Review

Jeremy Valentine from MHE is present representing the applicant Ryan Westervelt who was also present. They submitted revised plans, showing the fence, handicap parking. There wasn't that much. Jeremy stated he has been trying to get in touch with the DPW

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and hasn't had much luck with getting in touch with the new person in charge of permitting. Larry opined regarding the turning radius of the driveways.

Ryan Westervelt owner of the company and purchaser of the property stated that the trucks are basically the 26' box trucks, these are not going to be distribution tractor trailers like the warehouses in Chester. These will be small and honestly probably less traffic than when this property was used as the saw mill. They will use a larger tractor trailer occasionally maybe once a week.

All parties opined on the entrance opening and the size. All are in agreeance that the opening should be bigger so the trucks wont have to go in the opposite lane to make the turn. Will have to wait for County DPW comments.

They submitted a report on the bog turtles from ERS Consultants. No wetlands on the site, no bog turtles on the site. Nothing within 300'

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ERS CONSULTANTS, INC.
11 Forester Avenue * Warwick, NY 10990
Tel # (845) 987-1775 * Fax # (845) 987-1788

August 5, 2019

Ryan Westervelt
Synergy
1407 Kings Highway, Unit 422
Sugar Loaf, NY 10981

RE: Endangered Species Habitat Assessment on the Synergy Warehouse Project

Dear Ryan;

The New York State Department of Environmental Conservation (NYSDEC) New York Natural Heritage Program has identified one federal and state listed species, the bog turtle (*Glyptemys muhlenbergii*), that occurs in the vicinity of the subject property.

ERS Consultants, Inc. conducted an endangered species habitat assessment on August 2, 2019 at the Synergy Warehouse Project located at 509 Orange County Highway 82 (Bellvale Road) in the Town of Chester, Orange County, New York. The subject property consists of approximately 4.5 +/- acres and is known as Section 17, Block 1, Lot 9.1. The site is partially developed with an existing dwelling, garage, barn, and saw mill.

Prior to conducted field investigations, the National Resource Conservation Service (NRCS) Soils Maps, the US Fish & Wildlife Services (USFWS) National Wetland Inventory Maps (NWI) and the NYSDEC Freshwater Wetlands Maps were reviewed. The NRCS Soils Maps show one soil unit, Mardin soils on the subject site. Mardin soils occur throughout the site and are not considered a hydric soil. The USFWS NWI Maps show no wetlands on the subject site. The NYSDEC Freshwater Wetland Maps also show no State regulated wetlands on site but state wetlands (WR-36, Class 2) do exist to the south.

It is our understanding that the applicant is proposing to utilize the existing saw mill structure and parking area. The existing well and the on-site septic system will also be utilized.

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Habitats occupied by bog turtles in the Hudson Valley are wet meadows, sedge meadows, and red maple swamps (New York Natural Heritage Program, NYSDEC Bog Turtle Fact Sheet, USFWS 2001). Bog turtles have specific habitat requirements that include spring-fed, open-canopy wetlands with shallow, slow-moving water, deep mucky soils, and tussock-forming herbaceous vegetation. For example, tussock sedge (*Carex stricta*) or moss (*Sphagnum* spp.) covered hummocks are typical habitat for these species.

A diversity of microhabitats within these wetlands provide areas that the turtles require for basking, foraging, nesting, and hibernation.

Based upon a lack of hydrology, hydric soils, and hydrophytic vegetation, no wetlands exist on the subject site, therefore no bog turtle habitat exists onsite. Additionally, no suitable bog turtle habitat exists within 300 feet of the subject site's property boundary.

In reviewing the current site plan for Synergy prepared by McGoey, Hauser and Edsall Consulting Engineers, D.P.C., dated 5/28/19 and based upon this habitat assessment, the proposed project will not result in an impact to this reptile species.

Very truly yours,
ERS Consultants, Inc.



David Griggs
Senior Scientist

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Alfred A. Fusco, Jr., P.E., Principal

Alfred A. Fusco, III, General Manager

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August 29, 2019

Town of Chester
1786 Kings Highway
Chester, NY, 10918

Re: Westervelt
Our File #CH-180

Dear Chairman Serotta,

We have reviewed the material submitted and offer the following:

Project: Clothing Packing
SBL: 17-1-9.1
Zone: IP
Acreage: 4.53 Acres
Material Reviewed: Plans – McGoey, Hauser & Edsall

Comments:

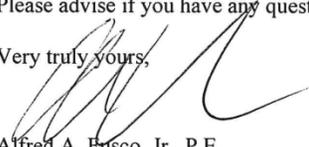
1. The applicants have addressed our concerns.

Action:

Lead Agency
Set Public Hearing

Please advise if you have any questions.

Very truly yours,



Alfred A. Fusco, Jr., P.E.
Fusco Engineering
& Land Surveying, P.C.
AAF/cam

Cc: Alexa Burchianti

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Chairman stated that they can vote to have the public hearing but is reluctant because the county referral won't be back in time. Dave Donovan stated that we can have the public hearing and keep it open so the public will be able to comment on the county response.

Jackie: The landscape you show 40 of the Blue spruces if you count them out but there is no size and note and it should say in perpetuity.

Motion made to grant a public hearing on October 2, 2019 at 7pm. Motion made by Larry. Second by Dot. Motion carried 6-0

Respectfully Submitted,

Alexa Burchianti
Planning Board Secretary