

**TOWN OF CHESTER
PLANNING BOARD MINUTES
November 3, 2021**

Meeting called to order: 7:02 pm

Members present: Chairman Serotta, Jackie Elfers, Justin Brigandi, Mark Roberson, Larry Dysinger, John Gifford, and Dot Wierzbicki

Also present: Melissa Foote- Secretary, Alexa Burchianti- Building Inspector and Al Fusco-Engineer, and Dave Donovan-Attorney

Absent: 0

Meeting minutes from October 6, 2021 were adopted

Motion made by:

Seconded by:

All in favor: 7 Ayes

Chairman Serotta: Good Evening everyone. First on the agenda is **Chester Agricultural Center**, represented by MJS, and Bradley Cleverley is here. We also have 3 of the principals, Lucinda Poindexter/President of Ogden Foundation, Rose Noonan/Executive Director of Housing Action Counsel- a non-for-profit org, based in Westchester

****Bringing up the plan****

Brad Cleverley: This is Brad Cleverly from MJS Engineering, I'm here for the Chester Agricultural Center, Inc. This is an existing 14.7 Acre site, at the corner of Rte. 94 & Meadow Ave. The site is largely fields at this time. There's also a pond towards the back end of it, the stream that runs through it. It has frontage on both state road as well as the local town road. There's an existing pond on the West side of the site, with a stream that runs through this. The pond is pretty much fields, and also some woods along Rte. 94. One of the major aspects of this, is going to be for the use of the Chester Agricultural Center Inc. Lucinda is going to speak a bit about the Chester Agricultural center. But before I will go into specifics about the site design.

****referring to site map sharing on the screen****

On this drawing, the properties which are owned by the Chester Agricultural Center Inc. are on the left.

Lucinda Poindexter: Hello, I am Lucinda President of Ogden Foundation which is a family foundation based out of Cornwall, NY. We helped start the Chester Agricultural Center in 2014. It was a partnership between the Foundation and several Board Members of Orange County Land Trust. We had learned there were several acres of black dirt for sale in Chester at the time and we were interested as a foundation in land preservation and farming. We eventually landed on an LLC model and the LLC purchased land in Chester. The first site was along Meadow Ave., and then shortly thereafter we purchased land on Greycourt. The idea behind the LLC to purchase land was to lease it to beginning Organic Farmers, with 30yr. renewable, affordable leases.

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The idea is to give affordable land to Beginning Organic Farmers. We also thought that by converting this land to organic farming methods, we would also be improving the health of the soil and water. About 4 yrs. ago we realized that maybe the LLC model was not the best model to use. So, we formed a not for profit and the investors donated their shares. It's now a not-for-profit.

****Referring to Shared Screen, sharing pictures by Lucinda Poindexter. PowerPoint Presentation showing properties in the Village, Grey Court & the Town****

There are 8 Farmers at the Center. They each have their own markets and businesses. Farmers lease land from us, a 30 yr. renewable lease and they also lease infrastructure. We're able to offer farmers infrastructure from washing and packing vegetables to crop houses. One of our farmers has a market at the union square market. It's a huge market in NYC and they are there 2x a week. We have a number of crop houses. One of our Farmers has a restaurant business called Dig. They farm at Chester and use it in a training program. A common problem throughout the farming community is housing not just here in the Hudson Valley but probably throughout the country. We applied for a grant last year from Enterprise community partners for \$250,000 to explore this issue, so we're meeting with people throughout the region. We purchased this property with the idea that we were going to provide housing for the farmers and farm workers for them. The idea was that it would be used by our farmers and farm workers. There would be mixed use. Their organization has worked out a lot in affordable housing, as far as what housing we want and need.

Rose Noonan: Hello, my name is Rose, the Executive Director of Housing Action Council, a non-for-profit organization based in Westchester County but we work throughout the Hudson Valley. The enterprise who has provided funding to the Agricultural Center together with Housing Council.

Chairman Serotta: When we first received this application, I asked the Planning Board Attorney, Dave Donovan and our Engineer, Al Fusco.... What relationship does the Planning Board have with, towards a Farm operation? That was my first concern. Also, are there any issues that may procure us from the Planning Board. I did reach out to Alan Sorenson who is the commissioner from County Planning and asked for his help on this. Bradley did get you a copy of the email.

Bradley Cleverley: No, I did not. I haven't seen that. I know it was referenced in Mr. Fusco's comment letter.

Melissa Foote: I sent it to the Planning Board. I'll send it to whomever you need me to send it to.

**** Chairman Serotta reading the email referenced above for County Commissioner of planning, Alan Sorenson****

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Chairman Serotta: One of the questions was:

How does it fit within the Chester's zoning deal with the farmers in the town of Chester? The property is in the Agricultural Zone, AR3. To the left (*referring to site map*), you are a commercial agricultural operation. We see you can have seasonal or non-seasonal stands no larger than 1,000 sq ft that are not seasonal. I see that one of the things you are proposing is a non-seasonal stand on the property. Bradley is that Correct?

Brad Cleverley: Yes, that's correct.

Chairman Serotta: It meets the zoning as a farm operation. We do have that 1,000sq ft size limitation, I don't know if that fits your plans. That's something to take a look at. (*Looking at Zoning Bulk Table 98 Attachment 2 #12*) An Accessory to a farm operation, the Town of Chester allows dormitories or residence for employees living on the premises. So, I guess one of the questions I would have here is are these directly for people who have leases or direct part of the farms? If someone can answer that.

Lucinda Poindexter: All of the housing which is unique, is that it would provide housing for the Farmer Lessees. So, for the farm owners and their labor it may be year-round or it may be seasonal or a mix. We're trying to do research with a Grant. We also possibly thought it could house visitors to sights because some of our farmers do have groups to come learn for a week, or 2 weeks. Part of our mission is education; it would all serve the purpose of supporting the farms. There is no other site that we own; this is the only property that we could use that would allow us to do housing because it's not on black dirt. Through a work shop from Habitats for Humanity, the research showed that they wanted to live near their labor. Where there is one housing where they could be close to them.

Chairman Serotta: I think this is great. We just always have to make sure that it fits within AG & Market. We don't treat anyone different with that. I think you should reach out to AG's & Market. To send something back to us. Dave, do you have anything to add or Comments?

Counsel Donovan: Yes, if I can. I just have to say two things. I think that I need to clarify in my mind. According to the *Bulk Table in # 12*. I don't know if we have people other than employees, right now we have tenant farmers would be living there whether they fall under that definition or not, I don't know. It's something that needs to be resolved. The other thing, in terms of Density, how do you develop that? It looks like you have detached housing I don't know if you found an authorization for that.

Brad: I really went directly out of Town Code. The Town Code says non seasonal stand, so we have 1,000 sq Ft non seasonal town code over on the area which is near to Rte. 94. The setback is out of the AR3, AG Res District, the front, the side, and the rear yard setbacks. I met the setbacks to the Wetlands. In this Zone there weren't something in there for any subcodes for these many residences per acre in the Town Code for this district. This is really based on the AG Use for what's in the Town Code.

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Counsel Donovan: In your clusters, what appear to be 5 units, are 5 separated units that are attached housing?

Brad Cleverley: That's correct. It's preliminary, but there would be a mix of dormitories and residences, like stand-alone unit residences. The exact mix has not yet been determined but they would meet that definition of dormitories or residences. 98-2.

Counsel Donovan: There's no separate definition in the zoning code, right?

Brad Cleverley: I couldn't find one.

Counsel Donovan: Me neither. It's just raising the question on the attached housing and the issue with the employees which I don't know whether that eliminates the owners or operators or not. It's just an open issue.

Brad Cleverley: Well in farm use, it's pretty common, and throughout the history of Orange County that the owner lived in the big house and the workers lives in the small house.

Counsel Donovan: But they're all living in the small houses here, right?

Brad Cleverley: Right, but there's only one size houses here.

Counsel Donovan: I don't have any issue with that, I just want to make sure that it complies with the code.

Chairman Serotta: Al, do you want to make any comments?

Al Fusco: The letter that you got from the Dept of Agriculture was a little telling. When I first looked at it, it looked pretty much like multiple housing and the district regulations. If you have 3 or more units in a structure it's multiple dwellings so it does need a lot more investigation. Being that they are looking at separate situations possibly, and they haven't completed their study yet they may come back to us with separated housing. I am aware that there are grants or were grants in Orange County for Migrant Workers. Some of these homes they would use modular units and things of that nature but there are still a lot of questions here that need to be answered. I think Dave's comments were ideal and we just need to get a better feel, and how would it be able to meet the code or not meet the code and require some type of variances. I think this is a work in progress so to speak.

Chairman Serotta: We've talked in the past about redoing some of our Zoning and the importance of having good definitions. Let's hear from the Board a little bit. I did speak to the Town of Chester Supervisor; he was not against this proposal either. He wasn't against having some sort of Agricultural Tourism where you were coming in with somebody that was into learn how to grow gardens for a couple of weeks, or something like that. Chester benefits in the long run because they will be eating at our restaurants, and using our local shops.

Board Comments:

Larry Dysinger: I've been to the site and right along the stream there that comes from the pond, it's a little low there so I'm not so sure that maybe some of that may be in Wetlands. You can tell that the Farmers never cut the field there, the grass is pretty tall

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and it looks pretty wet, so it may need to be identified if it is or isn't in Wetlands. To me they are multifamily units. How do we know that down the road that it's not used for AG anymore and it's rented out to people, what protections are there for that? That would concern me a little bit. There's no way to monitor it for the town, if somebody else was to rent it out for non-AG people. So how do we protect the Town there?

Lucinda Poindexter: I agree that's a good point, but the conservation easement that we have on the land, it will keep that black dirt in farming in perpetuity. So, if for some reason the Chester Ag center went away, there's still going to be farming on that land.

Chairman Serotta: Yes, I think that you guys need to write these things down, and then eventually come back and talk to us about this.

Counsel Donovan: I can provide everyone a copy of the Code that I helped write in the town of Hamptonburgh re Farm Worker Housing. It's an agreement that was signed, that it would always be used as farm worker housing. If it wasn't used for farm worker housing anymore it had to be dismantled and removed. So going forward this is probably an outline of something that we can implement. This would just be another mechanism to make sure the Town's protected.

Jackie Elfers: We're going to need to see what it's going to look like. We would want it to fit in with what the scope of what Chester's trying to do. If you're going to have classes, does it negate the not-for-profit par. Are you going to be making money off of this? It would be part of the discussion. If the farm workers, owners and visitors are all living together how do you separate that, is it a hotel situation? There a couple of things going on there at the same time.

Justin Brigandi: I know that it was mentioned before, that people would come in for potentially 1 or 2 weeks at a time. What does that do as far as Short-Term Rentals? Does it change anything zoning wise?

Chairman Serotta: I don't see that as the same as Short Term Rentals, but I see your point. I think it is a short-term rental but I think it's different because it's a farm.

Justin Brigandi: I like the project, it's just a lot of new things.

Jon Gifford: No problem with it, are you looking for it to be seasonal or summer only?

Lucinda Poindexter: Some would be all year, especially for the farmers. The restaurant chain would be there for 6 months and in the off season we could do training or classes to get people into the residences when the farmers weren't there.

Dot Wierzbicki: How big will each unit be square footage wise?

Brad Cleverley: That hasn't really been determined yet. It's dependent upon further studies.

Dot Wierzbicki: Now each farmer brings in their own migrant works or how does that work? How many be in each building.

Lucinda Poindexter: They all have a different model. One farm brings H2A workers but they wouldn't use these for that.

Dot Wierzbicki: Would there be a lot of people in one unit?

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Lucinda Poindexter: No

Dot Wierzbicki: Who's going to be responsible for the upkeep of the buildings?

Lucinda Poindexter: We would probably hire a management company.

Alexa Burchianti: Larry touched on a big point, and Justin because it's kind of falling into Short Term., depending on how start do definitions. We need to clearly define the difference between Agricultural and Residential short term. Code Wise, protection wise for the town, whether it's going to be dormitory style or individual housing. I need more detail on what the building end of it would be. I was going to talk to Al about the Septic situation. Is this Black Dirt to the left of that Septic Field that's proposed?

Alexa Burchianti: That's part of my major concern. I'm thinking Long Term. What if in 5 years someone decides they want to buy this particular parcel, and use it all for rentals for income? That's my biggest problem. But like David said we can put clauses in, but I don't know how that's going to work out later on down the road, if they want to sell it.

Chairman Serotta: It would have to be worked out. Dave can work with your Attorneys and it can be worked out. This is more of a work session, like a meet and greet. To get a better understanding of what you're trying to do. The difference of what a short-term rental and a long-term rental would have to be identified as possible short-term rentals for agricultural purposes only. The other thing is, the number of buildings and the size of the buildings is that right down the street in the Village there happens to be rentals. I don't know if they're 2 bedrooms, 3 bedrooms, 1 bedroom. Eventually Bradley, we'd like to see landscape. We don't want to see something that's plain; we want to make it look nice. We're not talking about extensive landscaping, but it would be nice to see some type of landscaping. The next question is, what are the next steps? How much site plan over view do we have to have vs. directly going over to the building inspector? That lessens your load if you did less on the Planning Board. How do we work out these other things? How do we say this fits the Zoning? If I did a quick poll of the Board, does anyone have any objection to this item? Does anyone want to say no? As you can see that no one is objectionable to that. It's always our goal to make sure the zoning is done right. I think if we put some sort of document together sort of what like Hamptonburgh does, regarding short term rentals that would be best, like the comments that Justin and Larry had. What happens if the Chester Agricultural is no longer around, etc. We just want to make sure that this doesn't become a big housing project that we geared towards one project and it became something else. What are the next steps? Where do you think we have to go from here now?

Counsel Donovan: If I could make a suggestion Don. It would be helpful to put together a written Narrative with here's who we are, and here's what we do. Here's who going to live there, some will be seasonal, some will be year-round, it may change, but basically, it's accessory to the commercial farm operation. Just an explanation that will key in to some of the issues we mentioned tonight. Also, some of the details in term of

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water, waste water those types of things will resolve itself. Making sure we have the use and density down; I think the narrative will be helpful.

Al Fusco: We have to be careful the down the road with occupancy.

Lucinda Poindexter: I appreciate everyone's time and being positive about the project. It will bring some recognition to the area because it's a model that we're building that's important to Farmer's throughout the country, because Housing is such a big issue. We'll figure out getting a PowerPoint together and we'll get to the Board.

Chairman Serotta: We're here all you have to do is let us know when you want to come back in and call Melissa and let her know when you want to come back in, and we'll go from there.

Chairman Serotta: Let's go back and answer these questions and we'll go from there and we'll welcome you back in. Maybe go back to Ag & Market and try to talk to them a little bit too. Thank you for coming tonight, we'll see you soon.

Chairman Serotta: Next on the agenda tonight is **iCan Storage**, and Kirk isn't able to make it, so we have Chris Rainato here representing iCan Storage. Has Kirk updated you on where we are?

Chris Rainato: Yes, we have some changes based on the last comments from the last meeting.

****Pulling up the Site Plan****

Chris Rainato: The site is storage for individual pods not to be accessed by the public. The changes that we made from the last one, added site lights along with isometric footprints per new Chester lighting code. Added the hours of operation, existing tree line, and the some of the silk fence based on the Planning Board Comments. Those are pretty much the only changes we've made.

Chairman Serotta: Al, I think you mentioned most of what they asked to do was ok.

Al Fusco: It is. We need DPW, and we're waiting for the 239 Report to come back from OCDP. We recommended some landscaping. They did say there was some existing tree area in there. That's up to the Board and Jackie, I would say.

Chairman Serotta: Just a couple of comments there. We're getting to the point where we're getting into the winter scape coming so they're not cutting any trees at all, so the big question was do they need to put any kind of landscaping. So, they're going to come back in December so I'm assuming that we can come to that question later. Jackie made a good comment earlier no sense cutting trees to plant trees. Maybe Jackie can take a ride soon.

Jackie Elfers: I've been watching it, and I think it would be the side that is visible as you come up Kings Highway and also the backside so as the leaves come down, we'll be able to get a better visual to see. Plus, the slope, it would be hard to plant on like that, so you have to come and take that all into account but we're getting closer to seeing it.

Larry Dysinger: I just noticed 2 things, while looking at them today. There's a proposed illuminated sign. Are there some details on that? Is it back lit or is it just

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illuminated from an outside? The other thing I noticed, there's a culvert pipe going across the driveway entrance. It looks like its dumping it out to the left, but where is that water then going to?

Chris Rainato: Right now, the water from the road way is a little bit of ditch and across the driveway to left into the wetland area into a culvert and then it crosses up Kings Highway into Pond Road into the little Island.

Larry Dysinger: My concern is that today, the water runs down the ditch to the hill and it heads North. That's where it goes today but now it's being directed somewhere else and we don't want to create a problem for the other driveway. That's my concern.

Chairman Serotta: I think DPW will probably be taking a look at that too. Melissa submitted to Orange County DPW and we don't know when we're getting that back because they're not under the 30-day clock. We submitted electronically to the OCDP, they claimed they didn't get it. This is not the first time something like this has happened.

Melissa Foote: Yes, it was submitted it on October 12, 2022.

Chairman Serotta: I believe at this point and time they can have a Public Hearing. Does someone want to make a Motion to grant a Public Hearing on December 1, 2021?

Motion: Larry Dysinger

Jackie Elfers: Second

All in favor: 6 / Ayes

Chairman Serotta: By then we'll have the 239. Someone has to reach out to Melissa to get you the notice to send out to everyone. The rule is they have to be no more than 10 days prior to the Meeting or the Public Hearing will be cancelled. Great, we'll see everyone then. It will be a Zoom Meeting. Thank you.

Chairman Serotta: Does someone want to make a motion to set a Public Hearing for December 1, 2021 for iCan Storage?

Motion: Larry Dysinger

Jackie Elfers: Second

All in favor: 6 / Ayes

Chairman Serotta: Someone needs to get in touch with Melissa and she'll have the notification list for the mailings no later than 10 days prior or else we have to cancel the Public Hearing. Get them out as soon as you can. You'll be all set. Thank you.

Meeting adjourned at 8:34pm

Respectfully submitted,

Melissa Foote
Planning Board Secretary