

**TOWN OF CHESTER
PLANNING BOARD MINUTES
April 6, 2022 at Town Hall**

Meeting called to order: 7:03pm

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

Next meeting of the Planning Board is scheduled for May 4, 2022

Board updates:

Other Business:

Oak woods - Waiting on applicant to answer the public comments.

Architectural Review Board Applications

Richard Logothetis / 1405 Kings Highway

Applicant presenting his project to replace a 4 x 4 Shed with 8 x 8 medium BLUE Shed, WHITE Trim and BROWN Shingles, and a gooseneck light style.

Larry Dysinger: Would like to know that it will meet the town's lighting.

Richard Logothetis: It's an LED, antique type lamp.

Board agrees with project.

Motion to Approve Application by Mark Roberson

Second by Justin Brigandi

All in Favor: 5 Ayes

LRB Solutions, Laura Stubecki/ 1406 Kings Highway

Applicant presenting her project to build a Vestibule by front entrance. Color is the same as the building and the Vestibule won't extend beyond the roofline. It will be 5 x 8ft, with the window, and using the existing structure.

Larry Dysinger asked applicant about lighting.

Laura Stubecki stated she's using the existing light.

Motion to Approve Application by Justin Brigandi

Second by John

All in Favor: 5 Ayes

Melanie Brown / Cachet – 1373 Kings Highway

Melanie Brown presenting her project for a store front sign, in two parts with small attachment at the bottom. They Colors of the sign are cream background and black letter forms.

John Gifford asked **Melanie Brown** if sign was going to be attached to the building.

Melanie Brown said no, and will be using existing posts from previous owner.

Motion to Approve Application by Larry Dysinger

Second by Jackie Elfers

All in favor: 5 Ayes

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Alison Barone / 1397 Kings Highway

Alison Barone presenting her project for a privacy fence with a gate.

Chairman Serotta advised **Alison Baron** that fences cannot be higher than four feet in the front yard.

Alexa Burchianti stated that whichever side of the house is closest to the street is considered the front yard.

Chairman Serotta inquired about fence material and color.

Alison Barone stated it would be natural wood light in color or white.

Chairman Serotta advised **Alison Baron** that the better side of the fence should be facing inside of her property.

Alison Barone agreed with fence placement.

Dot Wierzbicki asked about the existing tall bushes and if they would be coming down when she installs fence. Wants to make sure that the line of sight isn't blocked.

Motion to Approve Application by

Second by Jackie Elfers

All in favor: 5 Ayes

Work Session

Melanie Hunger / 1597 Route 17M

Engineer Larry Torro presents applicant project.

5.3-acre site, 25,000 square feet building, two levels for a dance studio model, daycare center, some office and retail space that basically supports those users.

Board discussed Parking and that more detail would be needed. Access to/from proposed site, point of entry potentially look at both sides of it having two lane traffic.

Well services as well as subsurface septic system needed.

Chairman Serotta discussed concerns over the bridge. He felt the bridge was designed to take some really heavy farm equipment, but unsure about a fire truck. Also concerned about bridge during construction, and/or construction vehicles. Bridge Report needed.

Larry Torro stated they will look into the stability of that bridge.

Melanie Hunter discussing her current business that it's a collaborative business and they have an enrichment program for their daycare center that's existing in current site.

Chairman Serotta referred to Chester Code, 98-29h, re daycare centers to provide an outdoor, play area for the kids.

Chairman Serotta referenced the Floodplain. Septic system seems to be it's far enough away 100 feet from the from the stream, no disturbance within 50 feet of the stream. Referred to Chester Code Section 98-30/Site Plan Approval, if and when they are going to file a site plan. Wants buffer on that stream and you can't do any kind of disturbance there, to stay natural. No fertilizers running in the stream.

Larry Dysinger addressed floodplain concern, and felt that the board should review it.

Addressed that Board review Chester Code section 52.

Al Fusco referring to floodplain concerns stating the height of the building in relation to the floodplain, that everything needs to be two feet if anything is located within a flooded area.

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Applicant would have to make accommodations, so the water can flow in and out without causing damage to the facilities or the properties.

Chairman Serotta Asked about the existing Red Barn, and how they wanted to use it.

Board Comments

Justin Brigandi: Stated his concerns with flooding were addressed. Bridge concerns.

Chairman Serotta: Bridge needs to be investigated, and a Bridge report should be done.

Mark Roberson: Would like to see renderings of the proposed project.

Jackie Elfers: Stated that with regards to the current area and landscaping that applicant should keep it looking the same.

Larry Dysinger has concerns with the bridge, and flooding, that sort of thing. Since the barn is very historic, concern about style of the building, would like to see something that would blend in to that area complement that farm and something that will architecturally blend with the surrounds.

Melanie: Stated that with regards to landscaping, her intentions are to mirror that and make it a warm, beautiful gateway to Chester.

Chairman Serotta: Would like to see some landscaping plans

Sugar Loaf Square

David Niemotko, Project Engineer representing Sugarloaf Square Incorporated, Ernie Tartaglione is the managing member of that LLC, discussing the project. Discussing the properties the applicant owns, (the two buildings). It's been a financial burden to carry two buildings, that have been vacant for a long time. Owner is asking to convert the two buildings and add a third floor for apartments. Proposal includes three plans one was an existing plan. The other is the proposed plan showing the existing building which is about 5700 square feet. Wanted to add to keep that footprint and add two floors to it. The other existing building is about 4300 square feet, wants to add two floors to that. The two additional buildings have the same type of footprint, with 57 apartments. A second building was approved by the planning board, but it was never constructed for an apartment use. Research was done it was found that the mix of studios one bedrooms, two bedrooms would work very well. It would create a lot of pedestrian traffic in the area to support the stores and restaurants. Accessibility by foot and bicycle is great to that whole area and even in supporting to Sugarloaf PAC. Asking to go through the process of adding multifamily to the current LBSL zone. Would like the board's direction and input to see what could be done to add multifamily to that zone. Not asking for the zone to be changed. Asking that multiple family be added as a permitted use within that zone. Right now, the parking that's shown would accommodate the number of units proposed. A secondary access could be accomplished to provide easy maneuverability in and out of the current site. Believes it's a viable option, and has a great deal of economic feasibility. Looking forward to Boards comments and direction.

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Board Comments

Chairman Serotta: Stated there are two paths to go. One, is the Zoning Board of Appeals for a Use Variance. If you fail, or any part of the Five Questions part test, you automatically lose. What needs to be done is to petition the Town Board, for a special permitted use for planning board's approval. Special permitted uses could either be given to the planning board to make that decision, or the town board issues a special permitted use and then you'd come back to the planning board. I don't know what they would choose to do. I think the case you have to make is really to the town board. The other question is about sewer/water? There are more and more big businesses coming in now. The residents of Sugarloaf are worried about their water system. Questions if the town has the sewer capacity to handle that

David Niemotko: I agree with going to the town board.

David Donovan: There's generally a referral for a variance to the Zoning Board of Appeals, you could indicate that you made this application, and then you can submit a petition. There's a protocol to make some change to petition to the town board, you would need to follow that process.

Chairman Serotta stated to board members that there not here to approve anything,

Larry Dysinger has reservations, the impact of 57 units and the sewer and water for the area. A study should be done. Feels it's a major change for that area. Currently there are single family homes there and with multifamily, it's a major change to that area. We would need input from residents.

David Niemotko feels the area's not thriving. This would be a good opportunity being a good viable use to help the area thrive even more so.

Dot Wierzbicki feels there a lot of hurdles for applicant to go first.

Jackie Elfers feels the projects going to change the whole aesthetic, traffic, water, sewer, and the quality of life.

Justin Brigandi stated it' a tremendous change for Sugarloaf if this were to happen.

Chairman Serotta addressed the applicant that the town board has to make those decisions, and also public comment. We don't write referrals to the town board. Advised applicant to go in front of the town board.

509 Bellvale Road / Ryan Westervelt

Jeremy Valentine, Project Engineer representing the applicant briefed the board about the project, to build an 8100 square foot warehouse. In addition, doubling the size of the green barn.

Chairman Serotta asked Jeremy about the color of the barn and would like to see some renderings.

Referring to Al Fusco Review Letter.

Jeremy Valentine discussed the applicant wants to increase the size of that green barn for more storage and will match that same siding and style of the existing warehouse.

Chairman Serotta: 239 was submitted to OCDP & Submittal to OCDPW

Al Fusco going over Fusco Review Letter

Chairman Serotta asked the project engineer about any additional bathrooms

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Larry Dysinger had comments regarding a trailer that has been on the property and if it was being used for storage, and if it would be removed once the work is completed.

Commented about landscaping and stated there was supposed to have been more shrubs and trees. Felt the landscaping wasn't in accordance to what they were supposed to do. Concerns with lighting and would like to see a detailed lighting plan. Stated that with regards to the existing building there seems to be an there's an overabundance of lightnings. Noticed the lighting may broadcast out and maybe some of the neighbors could be able to respond to that. But we're probably not too happy about it. Concerned that lights aren't shielded. And I hate to see. After driving by the site feels it not conforming.

Alexa Burchianti commented on the landscaping and it did change a little bit. The trees had to be staggered because of the topography of the properties. The way they were going to grow in would fill in better, so they were staggered and did two rows. Applicant did do all of the trees, and then some. A site visit was done to make sure they were counted before a CO was issued. The layout had to change just a little bit because if it was too far in front with regards to the visuals. Being able to pull in and out was going to be difficult, so we staggered them front to back, so when they grew in and filled in, they would get nice full coverage vs. when they're too compact and they end up dying. Referring to the lighting, they all are downward facing and are completely shielded. It's fully encased, which is considered shielded. The pictures of the lighting fixtures were on the plans and comply with the lighting. There are a lot of lights, but that's what was approved.

Chairman Serotta asked project engineer to speak to the applicant and see he really needs all the lighting.

Alexa Burchianti commented that just because you can see a light doesn't mean that it's trespassing. The barn has a light that's also same fixture that's on the warehouses, all around on the barn is also downward facing and that side of the barn faces the street. If the light is on, yes, you can see the light but it's not trespassing off the property.

Jackie Elfers Questions regarding increase in bathrooms in the new space, and is there an expected increase in trucking and traffic.

Jeremy Valentine addressed the board that it's not increasing hours

Mark Roberson stated that with the existing structure they did a great job, and would like it to stay in that same form. Concerned that with an additional bathroom, it will increase the sewer

Chairman Serotta stated it needs to be submitted to Orange County Planning / 239 & DPW

Chairman Serotta: The next step is to make a decision whether this goes for a public hearing or not, but we're not in that position at this point in time. We'll have another discussion when we get the county's reports back.

Other Business / Short Term Rental – Boards comments needed to address the local law to submit to the Town Board

Chairman Serotta briefing the board regarding STR Local Law. Alexa, drew up a Local Law. Went to the town board, and requested the town attorney to draw up a Local Law that could be adopted by the town board. Prior to adopt to adopting by the town board, two things have to

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happen to town. Chester Planning Board has to review the local law and make comments and Orange County Planning has to come back with a response.

Draft is posted on the website. The town board will have a public hearing Wednesday, April 13, 2022, where the public has a chance to come in, read the local law and make any comments.

Board Comments

- Parking - expanding the driveway should be allowed to avoid parking on the road should with building department approval.
- Occupancy based on number of bedrooms. – Alexa stated Occupancy is based per building code on square footage. Commented that the New York State Fair Housing Authority has ruled that their belief is it's limited to two people per bedroom is fair and reasonable
- Fines or loss of STR registration should be instituted if owner of the STR breaks any of the adopted codes.
- Concerns over being too restrictive
- Noise Concerns

Motion to go into Attorney Client Session by Jon Gifford

Second by Mark Roberson

All in Favor: 5 Ayes

Motion to come out of Attorney Client Session by Chairman Serotta

Second by Dot Wierzbicki

Meeting adjourned at 9:07pm

Respectfully submitted,

Melissa Foote
Planning Board Secretary