

**TOWN OF CHESTER
PLANNING BOARD MINUTES
June 1, 2022 at Town Hall**

Meeting called to order: 7:04pm

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

Also Present: Melissa Foote/Planning Board Secretary, David Donovan/Town Counsel, Al Fusco/Town Engineer, Alexa Burchianti/Town Building Inspector

Next meeting of the Planning Board is scheduled for July 6, 2022

Other Business:

New cell tower coming in. Application and agreement signed with the town. We haven't received anything yet. Clint, our telecommunication specialists will come in and work with us on this just like he did on the last one.

Public Hearing for 509 Bellvale Road / Ryan Westervelt

Chairman Serotta will open the meeting for public comments, either for in person or through the streaming service chat function.

Jeremy Valentine, Project engineer describing project - adding additional warehouse of 8,100 square feet, and increase the size of the barn in the back 1,800 square feet. New septic is needed to accommodate the increase in flow from the building. Employee parking on the side and in the front.

Al Fusco reviewing Comment Letter

Chairman Serotta Received approval from 239 OCDP

Board Comments

Larry Dysinger existing building was a great improvement. Two concerns - site plan that was approved in 2019, didn't follow initial plans for landscaping and lighting. Landscaping concerns, 40 spruces were to be installed, and it was only 28. There are 30% less trees planted than what was supposed to and the lighting that was approved is not what was originally agreed upon.

Chairman Serotta Opens the Public Hearing. Proper notices went out by certified mail, a notice was placed in time to record but there was a glitch.

David Donovan: There's a requirement that the notice be the paper 10 days before the public hearing, that requirement was not met through no fault of the applicant, but nevertheless, because the record couldn't publish it quickly enough. I've suggested to the Chairman, that public hearings should be held open until the July meeting, and that the applicant re notice in the paper and also remain. I know it's a burden on the applicant, and it's not the applicant's fault, but I think it's appropriate that the public have proper notice. Given that the notice did not get in the paper, timely fashion, the mailings were made, so it's appropriate to have the presentation listen to the public this evening. But that again to re notice and continue the hearing in July.

Comment #1 / Rosemary Shaughnessy of 83 White Oak Drive

Exterior lighting on the green building, will magnify the problem of the present lighting, excessive glare and light trespass. Advocates the use of timed motion detectors and light at lowest intensity. Feels this light trespass produced by luminaries is extending beyond boundaries of the property on which it is

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located. All exterior lighting should be shielded and directed away from residential areas. Referred to new Chester lighting code.

Comment #2 - Tracy Schuh: email was sent of pictures with the lights that she took of the property. They were emailed after business hours so the board wasn't able to view them. Landscaping - because the site is higher than some of the other properties maybe landscaping can help with that. Asked if the applicant was agreeable to 40 trees. New building, taking up more land coverage, possibly throughout the site add some trees for stormwater runoff. Plantings around the retention ponds or anywhere in line of sight, since covering land with a building. Concerns with the wetland buffer, and didn't notice it on this map. Commented on the sign off from the archaeology study from SHPO, and the DEC Habitat Study.

Comment #3 – Lydia Cuadros

Will the additional warehouse increase traffic? Will there be a traffic study?

Chairman Serotta: Stated that comments are noted and are going into the record. Received approval from Orange County. DPW and Orange County Planning commented a local determination.

**Motion to continue the public hearing to the next meeting, July 6th, by Justin Brigandi
Second by Larry Dysinger**

All in favor – 5 Ayes

Work Session

Melanie Hunter / 1597 Route 17M

Project Engineer Larry Torro, addressing the board comments from the previous Work Session meeting.

Larry Torro Modifications were made based on the comments from the last work session. Floodplain boundary that's been shown on the plan was an issue re the buffer. The stream is a 50-foot, with no disturbance within that 50 foot of buffer. 100 ft calls for no structures allowed within that 100 foot; we've cleared both those issues. Parking - as we get into the plan details and review your comments, we'll address those issues. Existing bridge - a Bridge Report was done Exiting the site will be the existing bridge so that we can still utilize it as opposed to having to tear that out.

Larry Torro Emergency services concerns with entrance to be addressed. There'll be a bridge that can handle the load coming in. Signage for exiting will be available.

Chairman Serotta stated septic will need to be installed.

Larry Torro That was one of the reasons we went with the single floor/single story building.

Melanie Hunter Referring to the daycare code in town code with regards to square footage of outdoor play area per child. We're looking at this facility for 40 children. So that would require an 8,000 square foot area. We're proposing a 4,000 square foot building, that would accommodate 20 children. Because part of that count of 40 is infants and younger children that will not be out of that facility. The present facility has 15 to 20 kids maximum in a class that would go out at one time

David Donovan asked for a narrative of the breakdown of who's going to be attending? How many? What age group is planned,

Larry Torro Breakdown will be provided.

Board Comments

Larry Dysinger Asked if the new bridge was primarily for incoming and the old bridge for outgoing.

Larry Torro Stated yes that was true.

Larry Dysinger Asked applicant to supply renderings when they come back

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Mark Roberson What will happen with updating the barn on the property?

Larry Torro: We had talked about that it was at this point. It's part of the process, but we haven't gotten any further the last time we were trying to work on the back building first.

Mark Roberson Bridge concerns with deliveries and EMS that they won't get blocked out with the bridge.

Melanie Hunter Since it's a 26-foot span, at no time can a whole box truck or one of these larger trucks actually be on the bridge when it's fully loaded on at the same time.

Mark Roberson Questioned the playing area, if there was a restriction as to why area couldn't be extended.

Chairman Serotta has to go to Orange County Planning, because it's on a state road, I'm assuming we go to Orange County DPW for the highway entrance.

Al Fusco 26: signage, important. maybe the new bridge should be maybe should have an in and out on both of them instead, and, just show that new bridge can be a no as well, that way might not be quite as confusing. Both would know you're going to have opposed traffic.

Larry Torro: 26:45 Well, it's, it'd be separated, deleted, divided. Just wanted to get the concept before the board.

Chairman Serotta Concerns about flooding in that area.

Al Fusco Electric has to be raised up to worry about flood level, and the other protections to keep it from getting damaged.

Larry Torro needed feedback from the board and will get started.

NY Solar 1001 LLC

Chairman Serotta: Karen Arent working on the landscaping plan. Sent out to Orange County Planning, 239. Needs to submit that to the Chester highway superintendent to John, to see if he wants to meet with us at the site location, reentrance going in and out. we need to take a vote on public hearing on July 6th, 2022 tonight.

Motion to set public hearing for New York Solar 1001 LLC on July 6, 2022 by sixth motion by Todd circumbinary.

All in favor, aye.

1414 Kings Highway

Project Engineer, James Dillin discussing project - A 4.4-acre parcel, located along the, bypass and its southern boundaries pewter circle. Was four acres that was reserved when the Sugarloaf heights subdivision was done. It was done in four sections. Originally a commercial property I BSL for 15 years. Over the last five years rezoned to SR dash two. We'd like to develop the property. Proposing this serviced by water and sewer that was put into the 50 lots that were done. Not proposing a high-density subdivision. Wells on lots three, four and five. Lots wanting to have border almost on site was a we're connection. There was water brought right into this project right here, sewer runs right down to one of the roads here all the way down to the pump station. The sewer also comes down in the back of these lots. Already sewer connections in this pipe which we're going to find with a camera. Two are going to be serviced by water and sewer. The two-family dwelling is going to be tied into the sewer right in the front and have an individual well in the back. Two lots are going to have the municipal sewer and they're going to be forced pumped down through easement and keep existing line that exists right here. These will have individual wells as well engineering not completed yet. This is a preliminary plan to

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show you what we'd like to do. The retention pond was designed for the Sugarloaf condominium project. It doesn't need any variances.

Chairman Serotta Federal wetland are there, the septic are designed to keep it away from the wetland 100 feet.

James Dillin: Every lot to have sewer. Instead of bringing water mains all the way down and servicing everything, looking to do a less dense subdivision, and put wells on three lots.

A crossing permit is needed to cross wetlands which we'll get, it's a short crossing. Crossing is about 30 or 40 feet.

Chairman Serotta: Needs OCDP & OCDPW

James Dillin: One entrance, we think on lot #3 that's the only entrance we're going to have onto Kingshighway.

Boards Comments

Mark Roberson, I think it's good usage. Concern with lot three entrance onto Kings Highway. It's already kind of a mess with people turning in.

Chairman Serotta Pull accident reports on the corner and then DPW is going to chime in. Signage for the Federal wetlands should be on site. We don't want disturbance right up to the wetlands. It helps for them to understand that they cannot disturb beyond that point.

Al Fusco Calculations required for no additional flows exiting the property. There will be some requirement to hold the water back that'll be done in the calculations.

Dot Wierzbicki I would like to see how DPW that pans out on Kings Highway.

Larry Dysinger concerns for the sewer as well as this easement. thinking of potential buyer of this property they're losing part of their backyard. I just don't think pumps are really desirable for homeowners.

Chairman Serotta In agreement with Larry due to a previous subdivision submission here because, Don't think we should be running an easement down somebody's line here. This creates problems.

Al Fusco refers review letter

Broccoli Patch

Ross Winglovitz Project Engineer reintroducing the board about the project, a distillery and wedding venue. Last meeting - early March, about two years since in front of the board. Initial application submitted in 2018. Questions regarding use, went to the ZBA. After several meetings, the determination was proposed used and was consistent with the zoning. After that this board had a number of comments, where we were when we last left. The reason for the hiatus was specifically regarding water. Plant originally had a well on fire tower to water supply and fire protection. Question regarding ability to potentially bring in public water. Initial discussions with town board and spent a year and a half soliciting the town board to get water back in December of 2021. The board agreed to service project as an outside user. Part of that is that we have to bring a water line down from above the Performing Arts Center. One of the stipulations of providing the site with public water provide service to the town's property to this property and fire protection to this area of the valence via hydrogen that we're going to construct. Once we had that agreement, we went off and prepared more detailed design plans. The original plan was zoning compliance we brought SEQRA issues that were brought up. Submitted the full design plans and SWPP for the March meeting. Comments that Don brought up, we address in a response letter that we prepared for this meeting. Question regarding the chain link fence that's shown on the plan, it was mislabeled as a security fence. That's been relabeled to be four feet. Potential

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contaminant a civil link to the fire department uses of foam on sight so form was discussed as part of your consultants review of the project from a fire Matic perspective. We agreed to provide foam to the fire department for their use so that they have matches for us but for any other fires they may need it for. Hours of operation - agreed to limit outdoor activities to 9pm. Use of road salt for deicing and runoff to the lake. Solar system designed in order to treat the salts and the sands that will be used for the icing and snow removal. Buffer zone has been labeled on the plan. Potential for smell brought up early on in the process. Don had called several facilities and several emissive powers regarding this. Feedback - isn't any significant smell from these facilities. Parking - calculation consistent with code, using porous pavement for stormwater. Will have underground storage and infiltration. Serves the same benefit and its much less maintenance intense. Getting the same benefit by actually returning the stormwater to the ground via an infiltration system that's underneath the pavement. Water service to the site originally an on-site well in tank and now we've opted for a water main extension from the existing system. Needs to be submitted to the Department of Health for their review. Potential exposure fire concerns at the distillery - town hired independent consultant that reviewed the plan. Applicant hired an independent consultant and made some modifications to access around the building and building layout. At the end of the process there was a letter provided by your consultant indicating that we had met the requirements. SHPO provided correspondence - no archaeological impact. Recommended to keep driveway away from the Greek Revival and the house to the left of the site. DEC and Endangered Species done with a Bog Turtle report prepared by Peter Torgersen. Will submit to get their feedback. Regarding SHPO clarification needed, does the board need anything more? Waiting on OCDPW & OCDP. Waiting to solicit your initial comments on the layout. I forwarded the correspondence from the town's attorney regarding water. They don't want to enter into an agreement and then have a project abandoned they want to enter into the agreement after the project is approved.

Al Fusco referring to review letter

Chairman Serotta: Still waiting for OCDP. Wants to wait for their response before setting Public Hearing in case they have any comments. Reached out to OCDPW we resubmitted because you're going to remove 16 spaces, and you should have a commercial entrance. That was his big two major comments. We have to have a letter, and make sure Orange County permits are received before you do anything.

David Donovan mentioned the County has 30 days, or it's two or three days prior to your issuance of a decision.

Chairman Serotta Landscaping plan, eventually to go to Karen. She can take a look at everything including possible noise buffering. Brought up no outside seating.

Ross Winglovitz No outside seating, explaining that guests will be able to walk out, and there will be Hi Top tables.

Mark Roberson Happy with the water line. Questioned about testings, regarding the supply.

Chairman Serotta Identified a realistic water usage number to give into that was part of their requests in their review of it was for us to put together what the number was, I don't remember off the top of my head but that 3000 I want to say three or 4000 was my gut from last December

Chairman Serotta Health department is going to review the town's decision to give them advice on how to proceed.

Larry Dysinger Need renderings what the building is going to look like. Concerns over paving, and emergency access. Need to show curbing with relation to drainage structures and direction of water.

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Need landscape plan and/or outdoor lighting plan. What are the plans for the distillery room and the storage room? Questioned the plans for the ceiling in that storage room.

Lou Donnelly Brought up fire concerns - Basement is concrete. Realistically if there's a fire 99% of it's going to be contained in the foundation, because the foundation is it completely encapsulated. Mentioned that he doesn't understand the pushback.

Lou Donnelly: Stated he feels like he's starting over again, with the hiring of consultants, engineers. Wants to move forward. Last time in front of the board was November 23, just before COVID.

Chairman Serotta Replying to Lou and his concerns/frustrations. Even in Covid planning board didn't miss one meeting, except for a holiday. Mentioned that 2 years went by and the planning board didn't hear from him. Advised applicant a public hearing still needs to be conducted and we're going to get a bigger audience. There's a lot of things that have to happen. Felt OCDP's last report was biased. Your consultant did a good job. Projects take time and you have a big project here. We have to protect the public and, we have to protect the town, and we have to be fair to you. That's our goal here. Feels economic development for the town is a good thing.

Al Fusco Ross addressed all comments.

Chairman Serotta Needs a landscape & lighting plan, and waiting on outside agencies. If you want to come in for the next meeting, you're welcome to.

Lou Donnelly Will submit a package for landscaping, lighting, and the elevations of the building. It's going to take two or three weeks to get landscape points.

Chairman Serotta Next meeting is July 6th.

Meeting adjourned at 9:25pm

Respectfully submitted,

Melissa Foote
Planning Board Secretary