

TOWN OF CHESTER
PLANNING BOARD MINUTES
December 2, 2020

ZOOM Meeting called to order: 7:02 pm

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

Also present: Dave Donovan-Attorney, Julie Tiller- Secretary and Al Fusco-Engineer

Absent: Bob Conklin

Meeting minutes from September 2, 2020 were adopted

Chairman Serotta: First thing on the agenda tonight is **RIDGE ROAD EQUITIES** they were here last month for a public hearing, it's a subdivision off Ridge Rd and Kings Hwy it's being represented by Kirk Rother so Kirk I'll turn it over to you.

Kirk Rother: Good Evening everyone, last month at public hearing the public comments were primarily about the ridgeline overlay and there were some comments from the preservation collector that were written. We have added to the plan for this submittal trees along Ridge Rd and there was also a landscape plan that was prepared by Steve Esposito for the O'Reilly house on the crest of the hill. Some of the other comments included were whether we were going to preserve the trees that are right up on top of the ridge, there were earlier versions of the plan where the trees would be removed but the landscape plan for Lot 1 proposes a mix of red maple, red oak, Norway spruce & giant arborvitae and the intent is to break the silhouette of the house on the ridge and offer some mitigated landscaping like we spoke about. That's the only change since last month; I think the board was pretty comfortable with the state of the plans at that point. I still need to do the soil testing with Fusco Engineering and will hopefully have that done next week.

Chairman Serotta: I have a question, why would we put all those street trees in? Until we really start developing then why put them in? Another important thing is what Anthony LaSpina wants with the swales along the side Ridge Rd and also wants them moved back a little bit like you did at Chesterdale Estates

Kirk Rother: I met with Anthony on the site a few months back and he did ask us to improve the swale along Ridge Rd, you can see on the plan the proposed grading along the edge of Ridge Rd so we do have that entire swale graded along the frontage of Ridge Rd. We did use that same design we used at Chesterdale and proposed a steel pipe so we can have a wide shallow swale that the homeowner can maintain

Chairman Serotta: Are you going to try and keep a little more dirt towards the road like Anthony wants?

Larry Dysinger: The plans shows its back from the road

Kirk Rother: The way it is now, the swale is at the ROW line so it's about 6 to 8 feet from the edge of the pavement

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Chairman Serotta: Okay Anthony is always worried about cars going into the drainage ditch because there's not a lot of shoulder

Al Fusco: One other thing is to move the shade trees out of the ROW because Anthony doesn't like them there. So my comments from my review are we need a letter from Kirk about the birds and the bees because the mapper had something on it so I just told him to provide mitigation, the lots fine, Kirk already talked about the soil testing that needs to be done, shade trees are good, we mentioned the driveways are acceptable to the highway superintendent, they are already showing the 25 feet dedication so that's good, need to get the plans to the highway department and any planning board comments and that's all I have

Chairman Serotta: Kirk we spoke today about one of the lots there's a drainage swale that goes along Lot 4 that has a culvert under the driveway. Where does that culvert dumping the water? Anthony was suggesting a large culvert so nothing gets blocked up. Another thing is I've been talking with Dave Donovan about you submitted a 10 lot EAF but only doing 4 lots now, so we talked about future well testing or if the Board of Health will be involved. Dave can you please give us your opinion on all that?

Dave Donovan: My thought is since as originally proposed this would be a Health Dept subdivision so when the property owner comes back in for future subdivision of the property that it goes to the Health Dept

Kirk Rother: We can basically chop off 4 lots or less every 3 years and the Health Dept does not consider it a realty subdivision that would trigger their review but that's not the intent here. What I pointed out was I believe the concern here is in regards to wells and not the septic's, so the Health Dept regulations say we drill and test one well every 10 months, the Town of Chester subdivision regulations require for major subdivisions that we drill and test one well every 3 months. Unlike the Health Dept where the clock resets every couple of years I believe with regard to major and minor subdivisions the clock never resets, so the next lot that gets subdivided off of this I believe will be considered major subdivision in regards to Town of Chester zoning so the Town of Chester more stringent protocol will kick in at that time.

Dave Donovan: That is the objective, to make sure the integrity of the subdivision is accomplished and if we use a trigger that the next lot that's subdivided makes it a major subdivision irrespective of time then the property owner will have to comply either by Health Dept review or Town of Chester review. We are trying to avoid what is called a creeping subdivision, where you cut off a couple and you wait and then keep developing so you're not capturing the overall impacts but we can capture and adequately study the overall impacts to make sure the environmental concerns are addressed then however we get there is okay by me.

Chairman Serotta: Okay good, Kirk I think you mentioned in one of our last meetings on your EAF the endangered species was the bat, correct?

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Kirk Rother: Yes this came by virtue of the DEC screener and basically every place gets a positive hit for the bat. We have on sheet 1 of the plans in the general notes #16 states due to potential habitat of the Indiana bat tree cutting will be limited to November 15th through March 31st

Al Fusco: That satisfies my requirements

Chairman Serotta: So now let's go to the board for any comments or questions they might have

Jackie Elfers: Only thing I saw on the landscape plan is that some of the larger trees are close to the septic tank and leech fields so you might want to look at that, especially the oaks you don't want them to encroach on the fields. I think the plan is really nice and I believe it will create what you're trying to do

Larry Dysinger: I think they did a good job on the landscaping and the rain garden is a good idea to handle all the water from the roof. It's well laid out and complies with everything that we've asked for so I'm good with it

Carl D'Antonio: I like it, they did a good job

Mark Roberson: Just to be clear, the only reason why Kirk put together the landscape plan for the main house was because it was part of the ridge view. Correct?

Chairman Serotta: Yes correct and to be more of a screening

Dot Wierzbicki: I'm good but do we have to put a condition about the swales on the approval so Anthony gets them the way he wants

Chairman Serotta: I think we're good and Anthony will inspect them as we go. We can now poll the board to do a conditional approval until the soil tests are done with Fusco's office, do you think we can get this done in December?

Al Fusco: Yes I believe we can get them done, no problem

Chairman Serotta: So let's poll the board to have Dave draw up a conditional resolution and we can vote on it at the next meeting

Jackie Elfers: Yes

Larry Dysinger: Yes

Carl D'Antonio: Yes

Dot Wierzbicki: Yes

Mark Roberson: Yes

Chairman Serotta: Alright Kirk so come back on January 6th and Dave will draw up the resolution.

Next on the agenda is Kirk again for **SAPANARO 1351 KINGS HWY** a 2 family house and we had the public hearing last meeting

Kirk Rother: So this is in Sugar Loaf, it's a 2 family dwelling previously approved as a commercial 1st floor and residential 2nd floor, we got the ZBA area variance for lot size, and we had a public hearing last month. We are still waiting for DPW for comments on our entrance with still no response as of today. Two comments that I took away from the public hearing were there's a 25 foot buffer from wetlands and when we took a closer

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look at that resulted in clipping about 6 or 8 feet from the back left corner of the house. The question was posed to Chairman Serotta that the approved plan did not take into account that 25 foot buffer and did that vest us any grandfathered rights, after he spoke with Mr. Donovan the verdict was they wanted the 25 foot buffer. We added this jog in the back of the building that you can see which provided the 25 foot buffer to the wetlands and we actually pulled the building up a little bit so the front of the building was right at the front setback line. We also added some landscaping as requested by the planning board and that's it since last meeting.

Al Fusco: Still waiting on OCDPW & still need the MOODNA approval for the pump station, if he gets a note on the plan once he gets the approval the I'm good with that

Kirk Rother: Yes I'm waiting to get an answer from them to verify

Jackie Elfers: The only things I can say is the boxwoods are great but the barberry are illegal in NYS so please note that and you should just go with the worry free in crimson color and they stay small

Larry Dysinger: I'm good

Mark Roberson: Is there going to be a little more landscaping on the Lycian side?

Kirk Rother: That property line is pretty well vegetated

Carl D'Antonio: I'm good

Dot Wierzbicki: I'm good, I think the house is very nice

Chairman Serotta: Okay so Kirk we're back to the same situation, we can't override the county so we can ask Dave to draw up the conditional resolution of approval and then come back on January 6th and if you don't get the DPW approval by then we'll see then. I'll poll the board for Dave drawing up a resolution of approval

Jackie Elfers: Yes

Larry Dysinger: Yes

Mark Roberson: Yes

Carl D'Antonio: Yes

Dot Wierzbicki: Yes

Chairman Serotta: Alright so Dave you have some homework for January 6th and Kirk we'll see you next month.

Next we have **OAK WOODS SUBDIVISION** they are proposing a cluster plan so town code 98:25 requires anyone doing a cluster has to give us a yield plan

James- Pietrzak&Pfau: This plan has been in front of you previously, it's a 7 lot yield lot and is required to show you how many lots can fit in the area under zoning laws. You requested me to note wetlands disturbance that is going to happen and you can see it's under the disturbance line. I also show the separation from the septic to the wetlands, so we are seeking approval on the yield plan so we can move forward with the cluster.

Al Fusco: I had calculated the level of disturbance is less than .1 acre which is 4,000 SF so they are substantially under that so they would fall under the general permit and that

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would not adversely impact the project by virtue of the area of disturbance shown on the plan, so I'm comfortable with them moving from the yield plan to the cluster plan.

Chairman Serotta: Okay so we'll take a vote on that, so I'll go to the board for any comments now

Jackie Elfers: This is a vote for the plan up to 7 seven lots in cluster format? I'm fine with that and then all the details will be addressed when the real plan comes in

Larry Dysinger: I'm satisfied with the yield plan

Mark Roberson: I'm good

Carl D'Antonio: Yes I think it's okay to move forward

Dot Wierzbicki: Yes I'm good

Chairman Serotta: Dave do we need a formal resolution to accept a yield plan?

Dave Donovan: Practice in the past would be to just adopt the motion without a formal resolution giving authorization to proceed with the cluster based upon the yield plan showing a maximum of 7 lots

Chairman Serotta: Okay so I need a motion to proceed ahead with a cluster based on this yield plan of 7 lots

Larry Dysinger: I'll make the motion

Dot Wierzbicki: I'll 2nd

All in Favor: Yes

Chairman Serotta: So James, we need to see on your next plan we want to see where you're going to put the cluster homes, we want to see open space and access to the open space; how it's going to affect the wetlands and are there any steep slopes. One more thing I want to bring up is we are trying to tie the Highlands Trail into Appalachian Trail which comes from Warwick and crosses over near Lakes Rd on the way to Greenwood Lake. One of the things that Tracy brought up is we are always looking to help them so one of the things we'd like to see if the owner of this piece also has a property in Monroe as well to tie into the trail so if can see what you and your client can do and maybe tie that Monroe subdivision plan and tie it in

James-Pietrzak&Pfau: Okay, that Monroe plan was already approved last year and I'm not sure how much open space is left but I can definitely look into it

Chairman Serotta: Next up we have **ALZAMORA 26 NEAL DRIVE** and representing this applicant is Achilles from Infinity Solar, so 98:40 of the code says this is a small scale solar system and our role here is to try and protect the neighbors. I did a site visit and met with the homeowner Mr. Alzamora and we walked the property and did some measurements. This right across from Ridge Rd and Neal is a private drive off Eagle Crest sub division and I was a little bit concerned how it would affect these neighbors but he's shooting about 251 feet from the house so we should be okay. He has all open space behind him so it will never be developed and they are proposing to put the array of panels in the back corner of the lot and they are all large lots over there of about 5 acres each. We did receive a letter from the closest neighbor Mr. Johnson saying

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that he was in support of it and had no problem with it. I also emailed out a picture of Mr. Alzamora's backyard and you can see the back of the property goes upward and you can barely see the neighbors so again I think it's going to be okay. Code 98:40 says the solar panel cannot be higher than 12 feet, I spoke to Mike the engineer today and he assured me it will not be higher than 12 feet.

Achilles-Infinity Solar: Hello everyone, so the panels will be all black without any silver framing on it and where you showed the backyard layout is 250 feet from the home. There will be 36 panels in the array; 3 rows of 12 panels each and if we need to add shrubs by the neighbors we are willing to do so. We need to have the panels southern facing for best performance so they will be facing the neighbor's house.

Chairman Serotta: Adding shrubs would be silly; you don't want to block the sun. Southern facing will have Mr. Alzamora looking at the side of the panels, our building inspector Alexa will require to know exactly where the septic is to identify it, Mike your engineer said he had the plan and Alexa will need that.

Jackie Elfers: I think it's mostly the neighbor that sent the letter saying he's okay with it then I'm okay with it; you could do some Boxwood just for a distraction

Larry Dysinger: I'm good with it

Mark Roberson: Will they be articulating or fixed panels?

Achilles- Infinity Solar: Fixed

Carl D'Antonio: Yes the tilt height, is it the row of 3 or the row of 12?

Achilles- Infinity Solar: It's the row of 3, so it's 3 rows of 12 and will never exceed 12 feet

Dot Wierzbicki: I'm good with it

Chairman Serotta: Okay good so we need to grant 2 motions; first one to waive the public hearing, can I get a motion?

Larry Dysinger: I'll make a motion to waive the public hearing

Mark Roberson: I'll 2nd

All in Favor: Yes

Dave Donovan: This is a small scale solar system so per code the planning board has the authorization to waive the public hearing

Chairman Serotta: Need a 2nd motion would be to grant site plan approval for solar array

Carl D'Antonio: I'll make the motion

Jackie Elfers: I'll 2nd

All in Favor: Yes

Chairman Serotta: Okay Achilles, you're all set, next step would be getting a building permit and Mike needs to submit a site plan to Alexa and make sure the septic system is identified.

Next on the agenda we have **NMC3, LLC – 7 Lot Subdivision** this is being represented by engineer Jim Dillin so I'll turn it over to you to tell us about it

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Jim Dillin: This is property created along the bypass that was put in around 1990 to divert traffic around the Sugar Loaf area. It's a 72 acre parcel in the AR3 zone and has the ridge preservation district through it. It also has wetlands that are shown close to the bypass; the proposed layout is making the estate lots up on top of the hill Lots 5, 6 and 7 which are 15, 14 & 24 acres. On the other side there are 2 residential lots Lot 1 is 3 acres. Lot 2 is 3.7 acres and Lot 3 is 6 acres and Lot 4 is 5.4 acres so it is a major subdivision. It only has 2 residential lots which are Lot 1 & 2 and this plan will not be required to go the Orange County Health Dept. but it will be required to get county entrance permits on every lot. I believe after this meeting the board will be able to submit the plans to the county to start the review. We've done deep test holes on every lot and designed septic systems on every lot; the soils are probably a little better than average on most Orange County properties. The applicant has started a house on Lot 6; we've gotten an entrance approval on Lot 6 and the county has given us a permit to enter the road. We have everything preliminary designed and I know Al has some questions which we'll go over and all the homes we are doing will be below the ridge overlay district.

Al Fusco: Okay so #1 you need the engineer's certification of no impact on the wetlands, need to show the 100 year flood plain, need the natural communities and endangered species report as required by the DEC mapping, need SHPO sign off, on Lots #1 and #3 need to show a 100 foot separation from well to septic field, we already spoke about the joint soil tests, need to show the proposed areas of disturbance labeled on the plans, show the 15% and larger grade limits on the plans, and we need the OC DPW approval for the driveways and of course any board comments.

Chairman Serotta: I looked at your long form EAF, and we all know about the bats but you also mentioned the bog turtles so that needs to be addressed and the SHPO report. So Al, when we do the 239 we normally submit the application and plan but do we need a SWPPP too?

Al Fusco: He had a narrative that indicated the areas of disturbance were minimal so just show it to us and if it's more than acre on the subdivisions with the roads and driveway and everything else then we'll need to do the SWPPP

Jim Dillin: On sheet 2 of the plan I have a total disturbance key at the top of the page; every lot is less than one acre

Chairman Serotta: Another question I have is what about a public hearing? Are we to that point yet; Al what do you think?

Al Fusco: I think you could probably set it for the January 6th meeting if you can get the 239 submitted by tomorrow

Jackie Elfers: At the public hearing will the people be looking for how the houses look and questions about how large they will be because of the ridge line, will we be able to answer that?

Chairman Serotta: Dave, are we allowed to dictate the size of the houses?

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Dave Donovan: This is not in the LBSL district so no architectural reviews are required. They would have to comply with all the building codes

Jackie Elfers: One other thing I saw is its note next to an archaeological site

Al Fusco: They say it could be within 1 mile so they want you to pinpoint and make note on the plan and they will make them dig some holes to check.

Larry Dysinger: I have no issues at this point

Mark Roberson: Will any of this affect the current building that's going on at Lot #6?

Jim Dillin: We have a county permit and septic design is done so it will not affect

Carl D'Antonio: I'm good

Dot Wierzbicki: I'm good

Chairman Serotta: We need to get the 239 out to OC Planning; we need to notify the OCDPW and are we comfortable to make a motion to schedule public hearing on January 6th?

Mark Roberson: I'll make a motion

Larry Dysinger: I'll 2nd

All in Favor: Yes

Chairman Serotta: Okay Jim, you know what to do and get in touch with Julie and she'll give you everything you need. You're in good shape and your biggest thing will be getting the DPW approval.

Last thing on the agenda for tonight is MAJRCCS, LLC this is a trucking terminal that has been taken over by Quality Bus and owned by the Palmer's and they are asking us to approve a lighting plan that was submitted

Jim Dillin: This site is next to Storage Town and the site has always been since 1985; the proposed bus parking area is where they stored the trucks, we now made a more conventional layout where we show the bus parking and we show where we want to light it up. There are 12 light poles that we want to put in and you can see where the bases of these lights are in already, it's always been there and we just want to light it up for at night. We submitted a luminaire plan to show the intensity of the lights and the bases have been put in but no lights yet

Al Fusco: I looked at this and we need to see the foundation bases and the cut sheets on the lighting proposal because it did say it was downward and shielded but I really couldn't tell that from what was submitted so I need to see the shop drawings from the factory to make sure everything is well shielded.

Larry Dysinger: Need to make sure there won't be any light trespassing

Al Fusco: I did blow up the lumen plans and I'm good with it; doesn't look like the lighting should go anywhere near 94

Larry Dysinger: If you look at that drawing, it shows light will go beyond the property line?

Jim Dillin: At the property line the level is at .1

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Larry Dysinger: Okay if you're beyond the property line you should not be able to see lights at all. And I agree with Al we need to see the foundation bases to make sure they are deep enough to support the light

Chairman Serotta: What will we need in order to give an approval on this?

Larry Dysinger: I think as Al said, we need details on the lights and on the concrete bases

Al Fusco: Yes, details on the concrete bases and the shop drawing on the lights

Jim Dillin: Okay no problem, I have the light cut sheets and Chris will get me the concrete base designs

Jackie Elfers: I'm good

Larry Dysinger: Show that they are fully shielded

Carl D'Antonio: I'm good

Dot Wierzbicki: Good

Mark Roberson: Seems good and not much light violation

Chairman Serotta: Okay Jim, so come back on January 6th with your final drawings and then we should be good to give approval.

That's it for tonight so everyone have a good night and Happy Holidays, thank you.

Meeting adjourned 8:55 pm

Respectfully submitted,

Julie Tiller
Planning Board Secretary