

TOWN OF CHESTER
PLANNING BOARD MINUTES
January 6, 2016

Members present: Chairman Serotta, Frank Gilbert, Carl D'Antonio, Steve Denes, Ernie Damiani, Barry Sloan

Also present: Dave Donovan-Attorney, Al Fusco-Engineer, Alexa Burchianti-Secretary

Next meeting of the Planning Board is scheduled for February 3, 2016

Board updates: Minutes are being reviewed and will be released soon. At the end of meeting we will go into executive session

HILLS OF CHESTER – 90 DAY EXTENSION

We do have the right to have them come in front of the board to ask why, since we have been granting so many, and have them explain or put it in writing.

Motion made to grant 90 day extension by Frank with condition that a letter of explanation is submitted for the next time. Second by Carl. Motion carried 5-1 Barry Sloan sustained.

SIEMENS SUN-EDISON – PUBLIC HEARING

Amador Laput from Fellenzer Engineering, explains to the public where on the site plan the proposed solar farm. On plan it shows encroaching in a tree line and has been discussed. They will not be cutting any trees and will change the configuration of the set up. There will be no reflection, it will be fenced, and showed where it will join the grid on Johnson road. Once system is in place it will require very little maintenance there will be a slow growing grass planted underneath the panels. Also pointed out there will be little to no visibility from 94 and Johnson road. Showed the tree lines where the panels won't be visible to homeowners in the surrounding area. There will not be any disturbance to wetlands, environmental studies were done all threatened endangered species study was done for bog turtles etc. none were found.

OCDP letter:

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Steven M. Neuhaus
County Executive

Orange County Department of Planning

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David E. Church, AICP
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County Reply – Mandatory Review of Local Planning Action
as per NYS General Municipal Law §239-l, m, & n

Local Referring Board: Town of Chester Planning Board **Referral ID #:** CHT 10-15M
Applicant: Siemens-SunEdison **Tax Map #:** 1-1-4
Project Name: Johnson Solar Farm **Local File #:** none provided
Proposed Action: Site Plan for installation of approximately 10 acres of ground-mounted photovoltaic cells producing approximately 2 megawatts of electricity
Reason for County Review: Within 500 feet of the Town of Chester/Town of Goshen boundary
Date of Full Statement: December 29, 2015

Comments:

The Department has received the above referenced site plan and has found no evidence that significant intermunicipal or countywide impacts would result from its approval. We would like to offer the following advisory comments:

Professional Review: The proposed project has been reviewed for aesthetics and visual impact by the landscape architect for the Town of Chester Planning Board, Karen Arent. We would appreciate it if the Planning Board would include a copy of her report or letter for our file.

Environmental Impact: Although the proposed solar array will have no direct impact to the onsite federal wetlands or endangered or threatened species, according to the Habitat Suitability Assessment and Wetland Report prepared for this project by Ecological Solutions LLC, the removal of trees at the north end of the forested area may potentially increase surface runoff during storm events, thereby increasing soil erosion and siltation of nearby waterbodies. Additionally, the proposed solar array will cover approximately 10 acres that currently have no impervious surface. We therefore advise the Town to require green infrastructure/runoff reduction techniques for stormwater management on this project.

Solar Facility Regulations: The Town of Chester does not at this time include regulations for solar energy facilities in its zoning code. We encourage the Town to contact our office for resources, including model code language, if they choose to update their zoning code to include regulations for solar energy production.

County Recommendation: Local Determination

Date: December 30, 2015

Prepared by: Megan Tennermann, AICP, Planner

David Church, AICP
Commissioner of Planning

As per NYS General Municipal Law 239-m & n, within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available on-line at www.orangecountygov.com/planning.

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There will be no run off increasing they won't be cutting the trees down. On the original plan it shows the systems in the tree line. They will redo plan to show new configuration so the trees won't be disturbed.

OCDP talked about impervious surface. But because grass is going to be planted under the panels the surface will not be adding an impervious surface. But will provide a report that shows that.

Al Fusco Letter:

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- 233 East Main Street
Middletown, NY 10940
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Donald Serotta, Planning Board Chairman
Town of Chester
1786 Kings Highway
Chester, NY, 10918

Re: Siemens Solar

Dear Chairman Serotta,

PROJECT:

Name: Johnson Solar Array
Applicant: Sun Edison LLC
Acreage: 83.8 Acres
SBL: 1-1-4
Zone: AR-3

We have reviewed the latest material delivered to us yesterday. We have the following comments at this time:

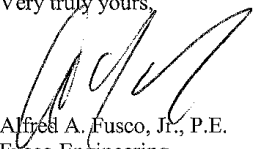
1. Show wetland delineation on plan as indicated in wetland report.
2. Show details of electrical connection to utility system.
3. The County suggested that green stormwater technology be utilized for the increased runoff due to the area of disturbance. A SWPPP should be prepared to handle any increase runoff using green technology, i.e. bio swale, etc.
4. Show compliance with landscape architect Karen Arent.
5. Beneficial use – prepare submittal for review, i.e. education, demonstration, pilot, etc.
6. Need stamped signed construction drawings.
7. Board comments.

Action:

Close public hearing if appropriate.

Please advise if you have any questions.

Very truly yours,



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

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Original plan did not have the wetlands delineated. They now have 4 flags that identify the wetland boundary south of the array, and will be shown on the plan.

Details of the electrical connection to the utility system, on the north side showed the equipment pad and overhead pull line that goes to Johnson road when they will connect to the grid. And that will be shown on the plan as well.

County suggests green storm water technology be utilized for the increase in run off due to the area of disturbance. A SWPP should be prepared to handle any increase run off using green technology. We can provide the SWPP and show that there will not be any increase in run off from the post construction to the pre. So that will satisfy that concern. We are not adding any additional impervious areas.

Karen Arent agrees with the site findings and that no additional landscaping is required due to the fact of the placement of the solar array is going to be located in a part of the field that is not visible or minimally visible to any neighbors or traffic with little or no affect.

Beneficial use: Superintendent of the school district has been contacted. Will also prepare a submittal. Waiting to have a meeting with the Town Supervisor. John from Siemens had a conference call with the High school principal and the School Superintendent and discuss a STEM (Science, Technology, Engineering, Mathematics) program for the district. It was just a preliminary discussion. They are arranging to have headquarters to come down or do a conference call and discuss with them further developments and projects for this program. It was a brief discussion but very productive.

The equipment will be underground till it ties into the poles on Johnson road. Will show pole placement on next set of plans, need to talk to Orange and Rockland. Above ground utility poles, it had not been laid out yet that's why it hasn't been on the plans.

Barry Sloan asked why can't the disconnects be underground like what is required for housing development. Mark Fellenzer said it's not impossible but they need to talk to Orange & Rockland on what they are requiring.

Frank: What is the life span of the overhead or underground cabling ? 30 years. Don't see a reason for underground you'll have to dig up the property to bury it and then dig it up to remove it.

Steve: After 25 yrs does the land owner have the option to renew. Yes

Open the Public Hearing:

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Let the record reflect all mailings, and proper legal notification was done.

James Gass 7 Author Road – Will this affect the property value or have a problem selling his home? Would assume it creates more taxes for the town. Are they going to expand?

Chairman Serotta: It is a tax exempt project but there are other benefits that we are trying to get for the town. The other question we would have to answer at the next meeting. If they wanted to expand they would have to come in front of the board again with plans for approval before anything else gets done.

Gloria Bilcik 78 Surrey Road – Will Johnson Farm benefit? They are hard working people. Why was she notified it doesn't affect her? If the farm benefits then I say go ahead.

Chairman Serotta: By law they have to notify owners within 500ft of the property line.

William Prokopchak 1 Third Court – There is a creek that he calls (the surrey meadows creek) they can do whatever they want but they are not going to help with flood waters. There is a creek that runs behind that no one mentions because it got flooded 3 yrs ago because the infrastructure is not maintained. Whatever there solar panels are going to do they better make sure it can't get flooded because it's part of the Modena system that runs all along into Washingtonville.

Chairman Serotta: We will make sure that it does not get affected.

Anthony Lise 1 Brennon Court – handed in picture of view from his house. Is concerned about being able to view the array.

Showed him on the picture where it would be and it is obstructed by a small hill

Gladys 3 Author Road – walks all the time and haven't seen any flooding on Author Road. Thinks it's a wonderful thing the solar panels are the thing of the future.

Let the record reflect no one else spoke for or against.

Motion to close Public Hearing made by Frank. Second by Steve. Motion carried 6-0

We invite the public to come back on Febuary 3rd meeting we will address comments and concerns.

LIGHT CLUB CURIOSITY – ARCHITECTURAL REVIEW

Melissa Somma – owner for vinyl decal on window for her shop in Sugarloaf. That is the only signage that will be there.

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Motion made by Frank. Second by Ernie. Motion carried 6-0

KRUTCHKOFF – WORK SESSION

David Getz from Lehman & Getz Engineering -Did soil test for to be suitable for sewage disposal system. To put small bathroom in building for small office. Only site disturbance is where they would put it in.

At the last meeting this had a site plan from many years ago and had county approval for road cut onto Kings Hwy. So this is not a referable item. We made the decision that this was a waivable item based on 98.30 which says if its not increasing sewer, water, traffic or causing any kind of environmental issue the board has the option to not require a full site plan approval and to waive him in.

Al Fusco the septic system is now acceptable.

Dave Donovan: Dave what is the size of the building? Answer-Approx 2800 sq ft. Dave Donovan: So there is a cutoff I believe of 2500 sq ft for a type 2 action. Which is no action under SEQRA . If you are satisfied that there will be no adverse impacts on the environment then as indicated 98.30 the code. But feel that it is close enough to give the negative declaration before to provide the waiver of the site plan approval.

Motion made for Negative Declaration for unlisted action made by Frank. Seconded by Carl. Motion carried 6-0

Motion made to Waive Site Plan Approval by Frank. Seconded by Steve. Motion carried 6-0

FLORENCE MADONIA – WORK SESSION

Karen Emmerich from Lehman & Getz –Called Chairman Serotta to find out if they would need a variance for the sheds on property. Sheds are closer to the rear property line. 98.11 (b) no accessory building shall protect near to the front street line than the principal building. Have we determined the front street line. There are 2 building envelopes, 1 for the residential and 1 for the commercial. The triangular area is the building envelope for the lot based on the setbacks. Both are behind the front setback line of the lot. Chairman Serotta: code states that on a multi-fronted road the smallest distance becomes the front. Kings Hwy is the front from the way it looks. The shed is an accessory building. Al Fusco stated to put a note on the plans that the employees will use the sanitary facilities in the house. Only 1 p/t employee beside Florence. Karen: So if they are considered accessory buildings we would not need a variance. Al Fusco: Still show the dimensions on the plan and make the note about the sanitary facility.

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Chairman Serotta: So if Karen makes those changes then they are good to go. Al Fusco: Yes, we will just have to file a 239 and set public hearing.

Motion made for Public Hearing for February 3rd by Frank. Second by Carl. Motion carried 6-0.

BARNSIDER – WORK SESSION

David Getz from Lehman & Getz Engineering – Bruce Zaretsky is under contract to buy the Barnsider property. Bruce is forming a corporation Barnsider LLC. They have developed a concept plan to make some changes. Harry has designed a concept form an addition that would extend toward the south along with that area a new seating area would be created that is pavement now. So would create a new entrance drive into the site (pointed out on plan) right now it is wide open blacktop. The Applicant feels it would improve the look from the road and also a nice spot for outdoor dining. Mr. Zaretsky has not closed on the property yet they are doing environmental testing. So until all the issues are cleared up he will not be closing on the property. But he does expect that to happen within the next month or two.

At this point they have concept plan, pointing out the addition on the plan. Inside the building they are replacing the kitchen, and changing some of the staircases and the hallways and seating areas. There are a couple of general questions would like to discuss. Mr. Zaretsky (who couldn't be here tonight) his plans were originally to get approval as quick as possible to do the outdoors changes, but because the closing won't happen for a month or 2 he's feeling he can't door the outdoor work this season. He doesn't want to be under construction when the warm weather arrives and busy season starts. So his plan at this point is to buy the property and make interior changes. And open up as quickly as he can to catch the good season. Then perhaps will be back in the fall or during the year to work out the exterior changes and work on them after the busy season is over, and have those ready to be in place for the following year.

General questions we have, what we show here is a revised parking layout, obviously we would try to fit as many parking spaces as we can at the same time we have an ample area for what he wants to do adjacent to the building. It's a tight fit. There is a slope that leads down to the wetlands extending it further back creates more need for retaining walls and site work. 1 Question is the parking space size? Code says that partking spaces should be computed to be 200sq ft which we would assume to be 10x20. Because of the limited area of the site in this layout that we have used 9x18 with 24ft isles which is a standard design in many cases. Because of the slope in the back and the tight setbacks to the property line 9x18 works out much better than the 10x20 would. Question is can your board waive the 200sq ft requirement or do we need to go to ZBA?

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Dave Donovan: Code 98.22 – So Dave that would mean unless there is specific language in here that requires the board to waive the size you need to go to the ZBA.

Al Fusco: The 10x20 that's what we've been holding since I've been here.

Chairman Serotta: There's a lot of things that we can't waive we don't have that power. Sounds like this will be one of them.

Al: You have enough land it's just a matter of additional retainage? Dave: yes retaining walls is one issue, and then asked Mr. Zaretsky what the policy is going to be, is the parking was solely going to be for the Barnsider (by the way he is the same person that runs Smokeys Tavern in Vernon which is very successful place. He plans to bring very similar food to this spot) His reaction was he will probably have a sign that says parking for Barnsider but he's not going to patrol it. If someone wants to park here and go into the village that seems like the standard. He wants to continue that. So the amount of spaces required is a tricky calculation. You had said we would also have to identify how many seats. Al: I counted the seats you have I counted 4 seats per table and your parking works if that's what you're going to do. If you go by sq. footage which I didn't calculate you are probably short. Dave: You are probably right. Dave Donovan: do you know how short you are? Dave: No I didn't want to get into those calculations yet because this is still very conceptual. Dave D.: the only thing we have done on occasion in the past is we have done some shadow parking. If you don't think your use is going to need the number of parking spaces provided by the code, I don't think we can waive the 200 sq ft. but I have offered the opinion in the past the board has the authority to either to show shadow parking or bank parking where you could expand into. Al: you can show it in the back area even though it's expensive up to the wetland you can show shadow parking. Dave D. : It would generally be left up to the building inspector.

Dave: another question that might be for the ZBA review. The existing building is really close to this property line, just a few feet of setback. By adding onto that building do we need a variance? A setback variance? It's an existing condition but we are making the building larger. Dave D.: So let me weigh in on that a little bit. I don't know how the Chester ZBA has treated this in the past, many municipalities provide that when there is an existing non-conforming condition it can stay forever unless there is request for new approval or there is some kind of increase in the volume intensity of the use they require a variance.

Dave Getz: We are just asking questions at this point.

Chairman Serotta: Have you spoken to the building department at all? Dave G: Mr. Zaretsky has spoken to the building inspector on a couple of things.

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Dave G: Going to go over then plans again and try to hash out what it is they want to do and have the architect do more detailed plans before they come back.

Chairman Serotta: As I stated earlier we are going to go into an executive session, Lenny Germain has filed an Article 78 against the Town of Chester Planning board Challenging the Primo Sports decision we received the article 78. Our legal counsel Dave, can I have a motion to go into executive session to discuss that litigation.

Motion made by Ernie. Second by Steve. All in favor 6-0

Executive session started at 8:57pm-ended at 9:21

Motion to close meeting made by Ernie. Second by Carl. Motion carried 6-0

Respectfully Submitted,

Alexa Burchianti
Planning Board Secretary