

**TOWN OF CHESTER
PLANNING BOARD MINUTES
May 4, 2016**

Meeting called to order: 7:03pm

Members present: Chairman Serotta, Barry Sloan, Bob Conklin, Ernie Damiani, Frank Gilbert, Carl D'Antonio, Steve Denes (7:20)

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

A motion was made to adopt the minutes from April 6, 2016. Motion made by Carl. Second by Barry. Motion carried 5-0

Next meeting of the Planning Board is scheduled for Wednesday June 1, 2016

Board updates: Meeting cancelled for May 18, 2016

Ridgeview Estates- 90 Day Extension

Motion made to grant 90 day extension Ernie. Second by Carl. Motion Carried 5-0

Ashford Estates-90 Day Extension

Motion made to grant 90 day extension by Bob. Second by Carl. Motion carried 5-0

Rachel Bertoni-Architectural Review

1392 Kings Highway, Requesting approval for 12X26 shed on property. Pale beige in color. Won't really be seen from street. 3 other sheds on property. Need to go to the building department for a permit.

Motion made by Bob. Second by Ernie. Motion carried 5-0

Baroda Realty – Work Session

Mark Siemers from Pietrzak & Pfau appearing for Baroda Realty. The last time they were in front of the board we accepted the yield plan clustering sub-division. Since that time they have redesigned the road way. The internal roadway inter-sections there was a certain part of the road that required a 12% grade which was coming around a curve. Section 83.20 does allow for this design and a maximum of 12% with a 600 feet maximum. However, Anthony LaSpina had requested that they maintain a maximum of 10% grade throughout the road. So they're configured the road and lot configuration. With this it will remain with a 10% grade. And reduced the number of internal intersections to 2. The access points will be the same and sight distances. The area coverage has also remained the same. The cluster plan is still 29 lots. Presenting the

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revised layout of the cluster plan and would like intent for lead agency for SEQRA review on the project.

Design doesn't go anywhere near the wetlands. The 2 ponds are located outside the 100 year flood plain.

Chairman Serotta: The 300 foot buffer for the bog turtles? (Mark pointed out on map where it is located) It's not even close to any kind of development.

Pointed out the DEC wetland.

Polled Board for comments:

Ernie: Did you submit a conventional plan? Mark: Yes, it was accepted in July of 2015.

Al Fusco Letter:

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Middletown, NY 10940
Phone: (845) 344-5863
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- 19 Waywayup Lane
Port Jervis, NY 12771
Phone: (845) 956-5866

May 2, 2016

Don Serotta, Chairman
Town of Chester Planning Board
1786 Kings Highway
Chester, NY, 10918

Re: Baroda Subdivision
Section 12, Block 1, Lot 31

Dear Mr. Serotta and Planning Board Members,

We have reviewed the most recent submittal and offer the following:

Project: Baroda 29 Lot Subdivision
Material Reviewed: Cluster Plan by Pietrzak & Pfau dated 3/31/16
Review Letter by Pietrzak & Pfau dated 4/1/16

COMMENTS:

1. The previous revised yield plan had taken our previous comments into consideration. The design engineer has demonstrated compliance with the design requirements.
2. The new overall cluster plan is only a sketch and much more detail is required in order to even comment on this plan.
3. Any wetland disturbance needs to be identified.
4. Lot #29 with the Agricultural Conservation Easement should be explained to the Board.
5. Road profile to be provided based on review letter.
6. Show sight distances.
7. Board comments.

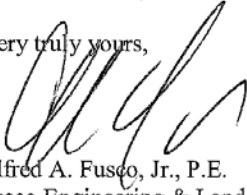
ACTION:

1. Consideration of concept cluster plan.

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Please advise if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Alfred A. Fusco, Jr.', written over the text 'Very truly yours,'.

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

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#4 Agricultural easement, minor discussion last July when they were last in front of the board. There is an agricultural easement that will go over the lot and ultimately what is allowed within that agricultural conservation easement is determined by the town board. That was Marks' understanding at the last meeting.

Poll Board for Comments:

Barry: Can you go Mark out the 2 road way entrances (paint on road) so we can see where they are. Mark: Yes, will definitely go Mark it out. Barry: what is going to be done with the gully along Black meadow on the left side, are you going to grade it? Chairman Serotta: there is a 100 foot dedication to the Town of Chester, Anthony would like to move the ditch. Mark: So that "gully" will be regraded and be the proposed driveway for lot 29. It will have to meet driveway standards.

Motion to declare intent to be Lead Agency in SEQRA made by Frank. Second by Barry. Motion carried 6-0

Frank: This is the best plan we have seen so far.

Lot 29 – Primarily agricultural- restricted.

Al: Highway Department is requesting fences around the ponds. Make sure they have access. Chain link is acceptable as per Al Fusco.

There are both Federal and State wetlands. State wetlands has been signed off by NYS DEC. Army Corp of Engineers has signed off on the other section.

7:37pm Motion made to go into executive session made by Ernie. Second by Barry. Motion carried 6-0

Motion to close executive session made by Carl. Second by Frank. Motion carried 6-0.

Board Discussion – New Regulation Laws

Regulations for Parking Ordinance – Sugarloaf

Al Fusco: There were several issues in Sugarloaf there were a lot of requests and discussions by members of the Sugarloaf community. Individuals and groups. Looking to try and create additional parking regulations that would allow future growth and expansion of the facilities since parking is at such a premium.

If a neighbor had a piece of land that was able to parking and that was within a certain distances of the facility that they could utilize that as part of their parking with an agreement with that owner.

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Parking for a new building or an expansion of an existing building of 3000 sq. ft. or less they are exempt from the extra parking however, if it's over 3000 sq. ft. it will be in accordance with the regular schedule. The planning board can waive any of the requirements for the good of the town.

Replace the sq. ft. of the parking areas from 10X20 to 9X18 except for handicap spaces which will still be the same width.

Chairman Serotta: For an existing building would it be better if a use change was sent to you as the engineer to take a look at it to make a decision? Especially if it was something that required a large amount of parking. Change of use, which is what we have now. We don't have that in the parking we have that in site plan approval. Maybe just put your hand in it saying the engineer would review the change of use and determine whether or not it has to go to the planning board.

Chairman Serotta: I would like on the record that I am all in favor to help them. It's been ridiculous what we have had them do in the past. I glad to see we have done some shadow parking. So whatever we can do to help in the Sugarloaf area I'm all in favor for. As long as we keep it safe.

Polled Board for comments:

Ernie: New buildings, if it's less than 3000 sq. ft. it's not subject to off street parking?
Al: correct

Frank: New buildings should be referred to the engineer also. 3000 sq. ft. could be a lot of employees or a lot of customers.

Steve: So if you have an existing structure that is 4000 sq. ft. and you take it down because it's just old and falling down (which was once exempt), and rebuild it with the same dimensions now falls into the new requirement and is no longer exempt? Al: Yes, you would be, however again the Planning Board can waive any or all requirement for the good of the town. So if it's over 3000 sq. ft. you'd have to comply with so much per sq. ft. so much per employee. But the Planning Board has some flexibility. Steve: My question is if the intent of the property owner is to take down a building and rebuild it with the exact same dimensions why is it fair for them to now be subject to something different than what they came in with? Al: There are some remedies around that keep the foundation or keep a wall.

Ernie: Suppose I do 2500 sq. ft. twice? Al: that wouldn't work. Ernie: say I do 2500 this yr and in 2 years do it again? Is it total sq. ft of the building? Al: That's a point you can do accumulative.

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Dave: This is the part of zoning amendments that I make sure we do pay attention to the code. Whatever everyone is interested in what's a good idea or bad idea, 98.39 talks about amendment procedure and report of the planning board. Making a report on a proposed zoning text amendment. There should be something written communication addressed to the Town Board and should address everything everyone said tonight. It should in some fashion address the 4 items. Direct or indirect changes or implications. Whether its consistent with the comprehensive plan. That just needs to be communicated so we are compliant with the code requirement.

Regulations for Accessory Buildings

Issues with housing in the Sugarloaf area, with artist that work and live on the property. Accessory buildings shall have no living space unless the accessory building is expressly for the purpose for providing of living space. Ie...caretakers, managers unit, which is provided for elsewhere in these regulations. The exception would be in the sugarloaf zone. To allow accessory buildings to have living space as approved by the building dept. or the planning board if determined to be required by the town engineer.

The town board wanted it to be specified, and it is in the section right above that but they wanted it repeated that a permitted accessory building may be located in any required side, or rear yard provided that such building except for parred purposes shall not exceed in 20' in height, shall be set back at least 10' from any lot line or 5' with Planning Board approval. And at least 10' from the principal building. And the building shall not occupy more than 30% of the required side or rear yard. Building shall meet all front yard setback requirements. That is already is existing nothing has changed they just wanted it repeated.

Polled Board for comment:

Chairman Serotta: The comprehensive plan, there was all different comments on how we should go with accessory buildings and "living space". The way it ended up was only in Sugarloaf would this be allowed to have some form of living space in an accessory building.

We should have a definition of "living space" I'm not crazy about putting a whole bunch of accessory buildings in Sugarloaf and making the living quarters. They have to meet minimal building codes. "inhabitable space"

Another example is if someone wants to take down there old garage and rebuild it and put a staircase on the side and put an architect studio above it. I don't necessarily feel there is anything wrong with that. This is not going to apply anywhere outside of

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Sugarloaf the zoning board has been faced with this for many years and has mixed decisions about it.

Frank: I don't know how you can control it. If someone wants to put in an accessory building it has to meet certain codes but it can go above and beyond those codes too.

These aren't strictly existing buildings; they can start bringing them in like some people bring trailers in. Chairman: Lot coverage comes into it though. It can't exceed the lot coverage.

What happen to the owners living above their businesses? Now they want to live above, and have another apartment out back too? They can't live in both places. Chairman: We never said they couldn't rent. Frank: So they would be able to rent these accessory buildings out? Chairman: Like Scarlets Way. If they are multi use. Example. If the owner lives upstairs and has a shop downstairs, and the shop goes out of business you can rent it.

Bob: I have to agree with Frank here, we are going down a road here that is going to open a can of worms. I think it's going to make the situation with parking, which is already an issue, opening the door to create a worse situation than we already have.

Frank: Hypothetically if 6, 8, 10 years from now Sugarloaf is not the place it is today (not that I want that to happen) and a lot of those businesses move out, then what do you have? You have a shanty village.

Barry: I don't feel like we are opening a can of worms, we are trying to create a law that is going to be enforced. Right now it's almost willy nilly on what I really want. If this law comes to be, this section, and we get them to enforce it. Would like to limit to 2 accessory buildings, there should be a maximum.

Steve: Item 1 not to exceed 20' in height. Talking about to dormer over a garage is probably going to be more than 20' after you take account the pitch of the roof. Wondering if we can open it up to be the same height as the house?

Chairman Serotta: Even if you use above your garage for storage would have to walk in the peak so you don't hit your head. I always said I thought 20' is to low.

Steve: will there be a conflict with the town engineer? Al: If the building inspector get something that he is uncomfortable with he will give it to me. I will then make the decision whether it should go to the planning board.

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Zoning Map Change

Al: im doing a whole new zoning map.

Changing the portion where Camp LaGuardia property is. There are currently 2 zones running thru it right now. AI Zone and OP Zone. The Town is going to change the OP Zone to I Zone. Blooming Grove is also talking about changing to something similar. The committee is reviewing this on a County level. Looking for more flexibility with I Zone it was always a business zone.

Polled board for comments:

Barry: No Comment

Ernie: No Comment

Steve: So and Office building could be built in an I Zone? Al: Yes, everything that is in the OP Zone is in I Zone the only thing you couldn't do is manufacturing, or light manufacturing. Now it will allow a little more flexibility.

Would like to make sure trucks don't use this as a traffic pattern.

Steve had a general request with regards to the new map. "I would encourage the new zoning map to show key features that should affect development planning. The new map should clearly show waterways, lakes, parks, wildlife preserves, major roadways, power transmission lines and historic districts. It would be nice to show wetlands and ridges too"

Carl: No Comment

Bob: No Comment

Frank: No comment

No issues with Zone change.

Meeting Adjourned: 8:46pm

Respectfully Submitted,

Alexa Burchianti
Planning Board Secretary