

**TOWN OF CHESTER**  
**PLANNING BOARD MINUTES**  
**October 5, 2016**

Meeting called to order: 7:06pm

Members present: Chairmain Serotta, Carl D'Antonio, Steve Denes, Bob Conklin, Frank Gilbert

Members Absent: Ernie Damiani, Barry Sloan

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

A motion was made to adopt the minutes from August 17, 2016 and September 7, 2016. Motion made by Carl. Second by Steve. Motion carried 5-0

Next meeting of the Planning Board is scheduled for November 2, 2016. The October 19<sup>th</sup> meeting is cancelled.

The attached transcript was transcribed by Michelle Conero a New York State Notary.

Respectfully Submitted,

Alexa Burchianti  
Planning Board Secretary

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STATE OF NEW YORK : COUNTY OF ORANGE  
TOWN OF CHESTER PLANNING BOARD

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In the Matters of:

HILLS OF CHESTER (90-Day Extension)

EIGHTEEN-EIGHT GROUP (Public Hearing)

CAMP MONROE (Board Discussion)

CHESTERDALE ESTATES (Resolution of Approval)

INTRODUCTORY LOCAL LAW OF 2016 (Board Discussion)

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Date: October 5, 2016  
Time: 7:05 p.m.  
Place: Town of Chester  
Town Hall  
1786 Kings Highway  
Chester, NY 10918

BOARD MEMBERS: DON SEROTTA, Chairman  
STEVE DENES  
CARL D'ANTONIO  
BOB CONKLIN  
FRANK GILBERT

ALSO PRESENT: DAVID DONOVAN, ESQ.  
ALFRED A. FUSCO, JR., P.E.  
ALEXA BURCHIANI, Secretary

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MICHELLE L. CONERO  
10 Westview Drive  
Wallkill, New York 12589  
(845)895-3018

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CHAIRMAN SEROTTA: It's a little after 7:00. The Town of Chester Planning Board is now in session.

Alexa sent out the minutes for 8/17 and 9/7. Did everybody get those? Does anyone want to make a motion to adopt those minutes?

MR. D'ANTONIO: I will.

MR. DENES: Second.

CHAIRMAN SEROTTA: Motion by Carl, second by Steve. All in favor?

MR. DENES: Aye.

MR. D'ANTONIO: Aye.

MR. CONKLIN: Aye.

MR. GILBERT: Aye.

CHAIRMAN SEROTTA: Aye.

Barry will not be with us tonight, and Ernie is also traveling and will not be with us tonight.

The meeting on 10/19 may or may not happen. Most likely it will not happen. It depends on the outcome of tonight. We have to move something forward or something. There's a possibility of the 19th but I don't think we're going to have it.

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The first thing on the agenda tonight is an extension -- 90-day extension for final approval for the Hills of Chester. They have to come back every three months. They sent us a letter awhile back that they're still building. They have one or two more homes in the Hills of Goshen and then he's saying he's going to start the Hills of Chester.

Does someone want to make a motion to grant a 90-day extension for them?

MR. D'ANTONIO: I will.

MR. GILBERT: Second.

CHAIRMAN SEROTTA: A motion by Carl, a second by Frank. All in favor?

MR. DENES: Aye.

MR. D'ANTONIO: Aye.

MR. CONKLIN: Aye.

MR. GILBERT: Aye.

CHAIRMAN SEROTTA: Aye.

The second thing on our agenda tonight is a public hearing for Eighteen-Eight Group. Jim -- it's a site plan for a warehouse, small warehouse on Black Meadow Road.

Jim, we have a Stenographer tonight so

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you have to pretend you've never been here before.

MR. DILLON: James Dillon representing the applicant.

CHAIRMAN SEROTTA: Let me just bring the plans up a little bit.

All right, Jim.

MR. DILLON: Since the last -- since the last meeting we totally revised our stormwater plan and added sheets 4, 5, 6. It was totally redesigned by MLS Engineering. Al got a chance to look at the plans, and I think he has some comments on them.

The only other thing is we put up more detail on some of the -- I'm sorry, I've got to talk to the public about what we're doing. Right?

CHAIRMAN SEROTTA: Right.

MR. DILLON: The application is Black Meadow Road, the southerly side of Black Meadow Road. It's for Eighteen-Eight Group, LLC. They propose a 9,600 square foot commercial building. The man that's proposing to do it runs the stainless steel business where he just brings in

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stainless steel, repackages it and sells it.

MR. DONOVAN: Jim, maybe you can show what's existing and what's proposed on that.

MR. DILLON: Okay. Right now this site is totally vacant. There's a little stream right along here. There's a slight wetlands, some Federal wetlands right along the border where there's a stream. The back -- it's a 23-acre parcel in total. This piece right now is not being used. It's been used for agricultural over the years, either hayfields or cornfields. That's part of the application but we're not using it.

The site development is right in this area. It's approximately a 1.2 acre disturbance.

We're going to have a single driveway entrance right off of Black Meadow Road.

We've provided I believe about a dozen cars, probably not even that many. Only about eight cars parked along the building. We'll go to sheet 2. We're going to have parking right in front of the building, handicap parking.

It's a very simple site plan. It's basically all sheet drainage. We can get into

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the stormwater but the water is just carried off through grass swales into some ponds, which we can see on the retention, and then dumps into this stream over here which carries across.

This, incidentally, is the municipal well the Village of Chester has right across the street. And our septic system is well out of the way, draining the opposite way, way in the back of the property.

So that's what we're planning to do on this project.

It's just a 10 -- a little less than 10,000 square foot building for commercial use.

CHAIRMAN SEROTTA: All right. Just for the Board Members, this is the Zircar building that we just approved that expansion next door. It's a new building going directly next to it.

All right. Al, let me bring up your --

MR. FUSCO: Yes. I did review the stormwater pollution prevention plan. It was submitted by MLS Engineers, and they did have a notice of intent. It did appear to be more in line with what I had been requesting right along.

They will need, however, to get an MS-4

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approval from the Town Board to execute the notice of intent.

And also, as we proceed with this they'll have to execute the maintenance agreement as well as stamping and sealing the SWPPP documents.

But they did a decent job of it. I'm pleased with it.

The survey and site plan need to be signed and sealed, obviously.

The Board may wish to consider some additional landscaping. The landscaping is a little thin. It's a Board decision. You may want to have a little bit along the road, but that's up to you. Maybe look at the site plan when I'm done and see if you want to.

And also, the Board can consider if you want fencing around the sedimentation control area.

I said landscaping. That's a double repeat. I don't need fencing around the landscaping. But we are doing it where we have a district. We've been requiring a fence. This is not going to be a district. It will be privately

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maintained and the liability is with the owner,  
not with the Town, so it's -- it isn't something  
I think that's demanded by us but it's something  
for the Board to consider maybe out of  
consistency. I would ask that you just show the  
dimension between the pump station and the septic  
disposal system, only because the Village had  
contacted us before. I know it is over 200 feet.  
Just show that it's 247 feet or whatever.

Any Board comments. Other than that,  
I'm satisfied and, you know, talk to the Board  
how they want to proceed.

CHAIRMAN SEROTTA: Why don't we go  
back. Jim, where are the sediment control areas?

MR. DILLON: Why don't we go to  
sheet --

CHAIRMAN SEROTTA: D? The same size as  
the pond.

MR. DILLON: I don't think they hold  
water.

MR. FUSCO: They can.

CHAIRMAN SEROTTA: Which sheet, do you  
know?

MR. DILLON: Sheet 4. I think you have

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it right there.

You have the swale that collects water right in this area right here, and then it seems to be like a forebay and it discharges into the catch basin that's out into the front.

The roof water goes into this --

MR. FUSCO: Those are dry wells.

MR. DILLON: -- these dry wells. If there's any overflow I believe it just runs on the ground right over to this area and out. It's a very simple plan. It's similar to what we had but it's more advanced. It's a lot more advanced. We didn't have this pond here at all. We had some tanks in here.

MR. FUSCO: I think at most it's about four feet deep.

CHAIRMAN SEROTTA: This is really not a children -- I mean this is not something we need to run by Anthony either.

MR. FUSCO: No, it's not. That's why I prefaced it. I just wanted to make mention. We had been doing it and I wanted to make sure everybody knew why we could not do it on this if we wanted to.

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CHAIRMAN SEROTTA: Does the Board have any comments, questions? Frank, anything? Bob?

Fence, no fence? I mean we've been forcing the big ponds to be fenced because they're developments.

MR. GILBERT: I think with it being in the interior part of the area and there's no residential nearby per se, I don't think I'd demand a fence.

MR. CONKLIN: How deep is it?

MR. FUSCO: Four feet.

MR. DILLON: Four feet.

MR. FUSCO: It will probably be dry most of the time.

MR. CONKLIN: Steep banks, sloped banks? MR. DILLON: They're sloped.

MR. CONKLIN: If someone got in they could get out?

MR. DILLON: Oh, yeah.

MR. GILBERT: How deep is the one up by the highway, Black Meadow?

MR. FUSCO: The other ones are covered in. They're dry wells.

MR. GILBERT: Dry wells in front of the

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building?

MR. FUSCO: Yeah. And one in back also.

MR. CONKLIN: Jim, just refresh my memory here on the truck traffic thing. You've got room in the back corner there for -- I'm assuming -- if I recall, he gets tractor trailers in for deliveries?

MR. DILLON: I don't think he gets many. Yeah, a tractor trailer could obviously come in here, pull into this area here and then back into this dock here.

MR. CONKLIN: And then just pull out again. Is it a big effort?

MR. DILLON: I don't think it's a big effort.

MR. CONKLIN: He's not going to be negotiating out in the road like we had that other situation down the road?

MR. DILLON: No. The only problem -- well, we have a lot of people turning around I believe in his lot, don't we? I mean he owns this lot over here. That's what he has a problem with. The people come down, they find out that

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they're going nowhere and they pull into his lot and they turn a tractor trailer around.

MR. CONKLIN: Whether it's turnaround traffic or traffic that's trying to back in. But he's got this big sign that's out there that says all trucks have to turn around on Black Meadow. We don't need another situation like that.

MR. DILLON: No. I think that's because they're using his yard all the time.

MR. GILBERT: This is not a back in situation.

MR. DILLON: No. You can negotiate this. A tractor trailer can pull right into this site.

MR. CONKLIN: I'm good.

CHAIRMAN SEROTTA: Carl?

MR. D'ANTONIO: Are there going to be any dumpsters outside the building?

MR. DILLON: I did modify that. I don't think -- I think we had a concern -- this is my dumpster area here by the building. I had a chain-link fence with vinyl slats in it and it's been now changed to the same dumpster that I put on the former site, which is split block with

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a wood fence.

CHAIRMAN SEROTTA: A wood fence?

MR. DILLON: Yeah. It's a different --  
it's a different dumpster enclosure.

MR. D'ANTONIO: Does it say up here  
this is also a drainage area?

MR. DILLON: This is existing. This is  
like the limits of the Federal wetlands right  
along that line.

MR. D'ANTONIO: I'm good.

MR. DILLON: The stream is really here  
but it just goes up a little bit. It runs  
through a culvert right here.

MR. FUSCO: Did you all want any -- to  
look at any landscape issues?

CHAIRMAN SEROTTA: We're going to. Let  
Steve make his final comments.

MR. DENES: I'm okay.

CHAIRMAN SEROTTA: And the landscaping  
plan, Jim?

MR. DILLON: Go to sheet 2.

CHAIRMAN SEROTTA: 2.

MR. FUSCO: That's pretty much it.  
There's a couple trees. There's a tree here, tree

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here, tree here. I thought you might want something a little bit more --

MR. GILBERT: Is there anything along Black Meadow Road?

MR. DILLON: There's landscaping along the front of the building here.

MR. GILBERT: How about by Black Meadow?

MR. DILLON: Nothing here.

CHAIRMAN SEROTTA: They got away with it because they're sitting there. His building and Zircar are, you know --

MR. GILBERT: Even some white pines wouldn't be bad out there.

CHAIRMAN SEROTTA: Something maybe.

MR. DILLON: You mean right along the front?

MR. GILBERT: There's no parking out there; right?

MR. DILLON: There's no parking. The only objective would be keep it back for sight distance. If we came back twenty feet or so, that would be fine. I can do that.

CHAIRMAN SEROTTA: Throw some trees in

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there, make it look a little bit nicer.

MR. DILLON: I can screen the front with white pines every twenty feet.

CHAIRMAN SEROTTA: Yeah.

MR. GILBERT: They grow fast.

MR. DILLON: Yeah, they grow fast.

CHAIRMAN SEROTTA: Make sure you have the right sight distance.

Also, didn't Barry or somebody ask you to put a no left-turn sign or something?

MR. DILLON: We discussed -- I had no objection to it, and my client wouldn't either.

CHAIRMAN SEROTTA: So put a no left turn, because Barry --

MR. DILLON: That's for trucks only. Trucks only. No left turn for trucks.

MR. GILBERT: As they're leaving?

MR. DILLON: As they're leaving.

CHAIRMAN SEROTTA: There's no room. They're stuck.

MR. DILLON: What's the weight limit? 18,000?

CHAIRMAN SEROTTA: I don't know about the weight or anything like that. There's

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nowhere for them to turn around. They go up to, what is it, Pine Hill Road and they're in trouble at that point in time. They can't make the turn.

MR. DILLON: We talked about that.

MR. GILBERT: They have to go stay overnight at the Glenmere.

MR. CONKLIN: Is that a sign that would have to be --

MR. DONOVAN: It has to be on their property.

MR. CONKLIN: If it's out on the road it has to be done by the Town Board; right?

MR. DONOVAN: That's absolutely right. I think we talked about that before. That's correct. That would require --

MR. DENES: Are you going to have a stop sign before they enter Black Meadow Road?

MR. DILLON: We don't usually do it. We always do it on a municipal road but not on a driveway.

MR. DENES: The County requires it.

CHAIRMAN SEROTTA: In Sugar Loaf they require that?

MR. DENES: Yup. Even for a stupid

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little -- that's County.

CHAIRMAN SEROTTA: You're probably not getting that much traffic there, so --

MR. DILLON: I would say not. I mean I think if we had a lot of traffic we probably would put it.

CHAIRMAN SEROTTA: All right. At this point in time -- also, this -- it was awhile ago but this was a referable item to Orange County Department of Planning. This came back, I think it was in -- when was it? June 6th it came back from them. Okay. They talked about making sure we paid attention to stormwater management, and also they were worried about the cumulative impact between the Zircar expansion and this new building.

Al, we took these into consideration; right?

MR. FUSCO: Yes.

CHAIRMAN SEROTTA: And it's what they call a Local determination which means the Board is free to do what they want. Otherwise the County had no other issues.

At this point in time I'm going to open

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it up to the public hearing.

Alexa, the mailings were sent out and received correctly?

MS. BURCHIANTI: Yes.

CHAIRMAN SEROTTA: And the proper notice was placed in The Times Herald Record?

MS. BURCHIANTI: Yes.

CHAIRMAN SEROTTA: So let the record reflect both mailings and the newspaper publication was done correctly.

At this point in time I'm going to open the public hearing. Anyone who wants to speak for or against the application, please just raise your hand, come up in front of the Board and state your name and address. Does anyone want to speak for or against the application?

(No response.)

CHAIRMAN SEROTTA: Let the record reflect that no one wants to speak for or against the application.

I'll take a motion to close the public hearing from anybody.

MR. DENES: Motion.

MR. D'ANTONIO: Second.

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CHAIRMAN SEROTTA: Motion by Steve,  
second by Carl. All in favor?

MR. DENES: Aye.

MR. D'ANTONIO: Aye.

MR. CONKLIN: Aye.

MR. GILBERT: Aye.

CHAIRMAN SEROTTA: Aye.

All right. So I guess that leaves us,  
is the Board satisfied for the next meeting --  
you're not getting an approval tonight, Mr.  
Dillon. Is the Board satisfied to ask Dave to  
draw up a resolution at the next meeting? Okay  
everybody?

MR. GILBERT: Yes.

CHAIRMAN SEROTTA: Do we need to vote  
on that, Dave?

MR. DONOVAN: You need to vote the next  
time.

CHAIRMAN SEROTTA: Right. We're asking  
you to draw up a resolution of approval for the  
site plan.

We'll put you on the agenda on --

MS. BURCHIANTI: Are we having the  
second meeting?

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CHAIRMAN SEROTTA: No. It will probably be November. He's not in a rush; right?

MR. DILLON: No. That's fine.

MS. BURCHIANTI: November 2nd.

MR. DILLON: The 2nd. The 2nd is good.

CHAIRMAN SEROTTA: November 2nd, 7:00.

MR. DILLON: 7:00. Fine.

CHAIRMAN SEROTTA: All right.

MR. DILLON: Fine.

CHAIRMAN SEROTTA: We'll see you then.

MR. DILLON: I'll address Al's comments and get him the signed, sealed plans.

CHAIRMAN SEROTTA: All right. You'll send us those plans. Just double check the landscaping and the couple other issues. No fence around the pond or anything like that.

MR. DILLON: Thank you very much.

CHAIRMAN SEROTTA: The next thing on the agenda, let me just bring it up here, is Camp Monroe.

We've had a couple meetings. We had the two public hearings -- not two public hearings. A public hearing and a continuation of the public hearing.

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Alexa did send out -- we had the transcripts from -- the stenographer sent the transcripts from all the public comment and everything.

Dave and Joe, do you want to make comments or anything like that?

MR. SCARMATO: I don't have anything else to present.

MR. HIGGINS: We did receive the comments from Al, and I have no objection to them. I spoke with Al earlier today and we would add the -- we have to talk to Al about adding -- giving a plan that shows where we would monument the corners and have Al approve that and go out and do that, and then provide certification to the Planning Board that the monuments have been set, and then that would be on the final plan for approval.

CHAIRMAN SEROTTA: Al, anything else?

MR. FUSCO: Basically we just had some survey information that they had given us and we reviewed. We're set with that at this point.

Dave and I did speak. He's going to give me a schedule for the monuments, and I'm

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satisfied with that.

We did have some Town Board action, if you wanted to discuss that.

CHAIRMAN SEROTTA: We'll talk about that soon.

MR. FUSCO: Okay. All right.

CHAIRMAN SEROTTA: So let me just -- all right. So again for the record, this is a three-lot subdivision. This piece up here is approximately 29 plus or minus acres. It has a little bit of an odd ball shape. It's running down with a little 50 foot right-of-way, which I think this is called Wilson Road. This will buffer the properties right here on Wilson along here, and then there's some properties and another road that's going in here. This is the existing Camp Monroe as it stands now, and this will be approximately a 26 acre piece bordering a -- what size is that? 14 acres or something like that?

MR. HIGGINS: Approximately.

CHAIRMAN SEROTTA: Approximately 14 acres which is sitting in the Town of Monroe. This is this piece right here. They're not

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proposing any development whatsoever at this point in time. This piece here will be dedicated again to the Town of Chester. It's connected to this red piece right here. This will be a lot line change, so this red piece is going to be a very odd ball looking. But this is approximately 7 acres. The 7 acres will become 37 acres when it's done. This piece here again will be all the camp facilities. The existing camp. And again, this is just going to be vacant land at this point in time.

We did receive a petition with an amended couple of extra signatures on the petition. I think what the Board heard the most was the worries of the residents in the Lake Hill Farms. Well, years ago there was one, I guess Mr. Hershkowitz, or whoever, bought a house here, I don't know if he still owns it. He was going to tear the house down. The Town passed a law you can't tear a house down just in order to put a road in. So that would be impossible. And now with this road -- this buffer right behind here, that could never happen anyway. So he can tear the house down all he wants but it doesn't make a

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difference.

Over here the main concern we heard, and this is what we heard in the petition, was that everybody was worried that something was going to happen with this piece here or possibly the other pieces and come in to -- I'm not sure. Where is the stub? About right here I guess it is, which is Washington. Right? So that was what we heard the biggest concern. The Board -- Dave and Al are going to address particularly this issue. We'll talk about that in a second.

We have to do things that we have the power or the legal rights to do as a Board. That's all we can do. We can't do any more than that. We did discuss this with the Town of Chester Town Board. I know the residents had a lot of push back, also came in to the Town Board. Sometimes when you do a lot of civic duty you can get things done when you come in and speak to the Town Board. We're not a governing body. We can't force -- we can only force things when somebody comes in and talks to us about developing something. If somebody came in and said I want to put 300 houses, we have to be

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concerned about the residents who are living near there, their water situation, the animal situation, the sewer situation, all that. This is not the case here. There was a lot of false allegations here about the 180 homes. I still would like to know the person, to stand up and say we did that. But there's no 180 homes being proposed or anything like that. There were past developments that are long since gone. There's absolutely nothing in front of this Planning Board here at all. Again, it's back to a three-lot subdivision. Simple as that.

The residents came back. I attended the last Town Board meeting. I don't remember the exact date. The Town Board has been taking up a slot each time discussing this, and then the Town Board now has decided to take an action on this, all right.

So Dave -- well, let, I guess, Al talk first.

MR. DONOVAN: I was not at the Town Board meeting. I only heard secondhand.

CHAIRMAN SEROTTA: Al, why don't you discuss what the Town Board's situations is going

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to be.

MR. FUSCO: Sure. The Town Board asked me to prepare an easement on the end of Washington.

CHAIRMAN SEROTTA: Maybe that might be easier to --

MR. FUSCO: On the end of Washington. It's an existing Town road. What I prepared on their behalf is a 50 by 10 foot easement, and it's going to be a conservation easement to the benefit of the Town. The Town already owns it but the Town will regulate what can and can't be done with that, such as access from -- through access from other properties or similar situations and such. Scott Bonacic is actually drawing up the easement. I prepared plans and a metes and bounds description. The Town Board did authorize this to move forward, and the papers will be, you know, reviewed, signed, sealed and, you know, filed in Goshen probably at the next Town Board meeting.

CHAIRMAN SEROTTA: So basically what Al is saying here is the Town is going to take action here, right here at the very end, and how

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many feet? 10 feet?

MR. FUSCO: 10 feet by the width of the right-of-way, which is 50 feet.

CHAIRMAN SEROTTA: The Town always has 50 feet. So that's where 50 feet is coming from. Whenever a road is being built, unless it's wider, the Town always takes 50 feet. The road might not be 50 feet. The Town always owns 50 feet. The Town's intention is to take 50 feet wide, the right-of-way, which is partially paved, and 10 feet of it and put a conservation easement on it. So that theoretically is the same as putting a fence, a berm, trees, whatever you want to call it. It's blocking any access to the road. That's what they're going to do. This Board can not do that. They are the governing board, they can do that. So this is their intentions. They've said that publicly. I see a lot of faces that were at the meeting that night when they stated that, and that's the Town Board's intention to do that. So therefore any future -- anybody trying to come through here, it would be an impossibility. We would have no power as a Planning Board to say we're going to

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revoke that or take that away. We could not do that, all right, unless the Town Board told us to do that, and that's not going to happen. So that's the Town Board's answer.

Dave will address a little bit why we couldn't go any further or what our role is and the best we could actually do.

MR. DONOVAN: I don't know that -- I prepared a draft resolution.

CHAIRMAN SEROTTA: We'll talk about it then.

MR. DONOVAN: Correct.

CHAIRMAN SEROTTA: All right. So at this point in time does the Board have questions? That's the Town's intention. Everybody was here during the emotional public hearing and that. That seemed to be the crux of the worry of what was happening here, okay. This project will not affect your water. If anything, it can help your water situation because if they ever develop that well there's a chance that they could get water into the Lake Hill Farms at that point in time. I'm not telling you that will ever happen. I don't know.

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There was also some concern over on  
Wilson here. Right here on Wilson. Some of the  
neighbors were saying that I guess it gets wet.  
So this is the Town piece. That little strip is  
going to go like this, I don't know where it is  
exactly, and then go up here. Some of the  
residents were concerned about the Town putting  
some kind of a road going in there and it's going  
to affect drainage and people. Well, in order  
for them to put -- I'm sure the Town is going to  
take that into consideration. If anything,  
they'd be putting some kind of a dirt road or  
something to get a machine up in there if they  
were going to develop a well or something. Right  
now there's no intentions of that whatsoever. It  
may be of benefit to the people of Lake Hill  
Farms or within the Town of Chester. I don't  
know. I can't tell you what the future is going  
to bring. It is so noted that there is a  
drainage problem in there. The Town, you know,  
it's in our public record here, it's in our  
minutes here. So I'm sure the Town will take  
that into consideration if they were to go ahead  
and develop -- not develop it but get some kind

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of little access road going into there or something like that. To me that was the two major concerns. Nobody on Wilson wants any kind of drainage or water problems, including the guy that walks his dogs in here or something like that, and the access from Washington.

So Frank, any questions, comments?

MR. GILBERT: No. It seems like a sincere attempt by the Town Board to alleviate the concerns of the residents there. I have no questions.

CHAIRMAN SEROTTA: Bob?

MR. CONKLIN: No. I'm good.

CHAIRMAN SEROTTA: Carl?

MR. D'ANTONIO: No.

CHAIRMAN SEROTTA: Steve?

MR. DENES: I have no questions.

CHAIRMAN SEROTTA: All right. So at this point in time I want to bring up the resolution for Camp Monroe. Dave will go over that.

Go right to the conditions I guess, Dave.

MR. DONOVAN: That's Chesterfield.

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CHAIRMAN SEROTTA: Sorry. Technical glitch here. Be done in a second.

MR. DONOVAN: While Don is doing that, as you all know you have the right to impose reasonable conditions when you approve a site plan or a subdivision. Those conditions need to have some kind of relationship to the application that's in front of you.

The application in front of the Board relative to this three-lot subdivision doesn't call for any access to any road. It's just to divide the parcel into three parcels. No building of any kind is contemplated or is requested. No access to any road is requested. So there's not a condition for us to impose relative to traffic or access.

What I did put in the resolution for your consideration is, and while Don culls it up, a brief paragraph that says no building or construction of any kind or nature is encompassed by this approval. Additionally, no rights to develop any three parcels created by this approval beyond what is already depicted upon the approved plat as conferred by this approval, nor

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is the right to gain any access to any roadways adjoining these parcels contemplated or conferred by the approval of this application. Meaning that all you're doing is approving three lots. You're not giving anyone the right to access any roads other than where they already have access.

CHAIRMAN SEROTTA: So what Dave is saying here, we're not approving any kind of development. We're approving a three-lot subdivision. One lot will be actually a lot line change which is going to be added to the Town of Chester. That's it. The Town Board will take action.

My suggestion is that you, similar to the last couple weeks here, you come to those meetings and make sure it's an agenda item on the Town Board. Make sure it does get passed. We don't follow on that. Once it leaves here tonight we're not going to be following up on that. You should follow up on that and make sure that actually gets done. I'm not saying it's not going to get done. Obviously the attorney has already worked and the engineer has already worked on it. It's an action that's already been

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done.

Dave, did we do SEQRA?

MR. DONOVAN: If the Board is inclined to act, you need a negative declaration and a vote to adopt this resolution.

CHAIRMAN SEROTTA: What about reverting to declare us lead agency on this?

MR. DONOVAN: There's no other involved agencies. You can do that if you want, but --

CHAIRMAN SEROTTA: That's fine.

All right. Does someone want to make a motion to declare --

UNIDENTIFIED SPEAKER: I have a question.

CHAIRMAN SEROTTA: This is not questions and answers at this point in time.

UNIDENTIFIED SPEAKER: Well if you have question time, I have a question.

CHAIRMAN SEROTTA: We don't have question time. You had your choice last time we were here. I'm not here to debate this.

UNIDENTIFIED SPEAKER: She has a statement.

CHAIRMAN SEROTTA: Well you could've

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submitted it in writing. There's no more --

UNIDENTIFIED SPEAKER: This is a question. It's something that was not fully explained.

CHAIRMAN SEROTTA: Well you can talk to me after the meeting.

UNIDENTIFIED SPEAKER: Okay.

CHAIRMAN SEROTTA: I'll be glad to talk with you about it.

At this point in time does someone want to make a motion to declare a negative declaration, a SEQRA declaration, for this project?

MR. CONKLIN: I'll make that.

MR. D'ANTONIO: Second.

CHAIRMAN SEROTTA: Motion by Bob, second by Carl. All in favor?

MR. DENES: Aye.

MR. D'ANTONIO: Aye.

MR. CONKLIN: Aye.

MR. GILBERT: Aye.

CHAIRMAN SEROTTA: Aye.

Does somebody want to make a motion to grant conditional final approval to the Camp

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Monroe three-lot subdivision based on Dave  
Donovan's resolution? Does someone want to make  
that motion?

MR. CONKLIN: I'll make the motion.

MR. DENES: Second.

CHAIRMAN SEROTTA: A motion by Bob,  
second by Steve. All in favor?

MR. DENES: Aye.

MR. D'ANTONIO: Aye.

MR. CONKLIN: Aye.

MR. GILBERT: Aye.

CHAIRMAN SEROTTA: Aye.

You're all set. Thank you.

MR. HIGGINS: Thank you.

MR. SCARMATO: Thank you.

CHAIRMAN SEROTTA: Dave and Joe, we'll  
get this -- what do you call it -- signed in a  
couple days.

Dave, you need to give us mylars. You  
know, the typical -- you spoke to Alexa already.

MR. HIGGINS: Not yet but I think -- my  
understanding is we have to submit -- we have to  
actually set monuments -- monumentation along the  
parcels along property borders. We're going to

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submit a map to Al --

MR. FUSCO: That's for the deeded property.

CHAIRMAN SEROTTA: Before we sign maps. Eventually I'll need six sets of maps plus whatever you want for yourself. Three or four copies and one set of mylars. This resolution will be signed in a matter of a couple days.

MR. HIGGINS: Okay.

MR. DONOVAN: Speak to me on the dedication of the lot. I'll handle the conversation with the town attorney. Speak to me because I'll be more familiar.

CHAIRMAN SEROTTA: The next thing on our agenda tonight is Chesterdale Estates. They were in front of us at our last meeting. We asked Dave to draw up a resolution.

Let's bring your plan up first. I don't have an electronic thing because you decided at 2:00 in the afternoon to give me a plan. Now, should I be happy or should I be unhappy? I'll give you two choices.

MR. ROTHER: Take your pick.

CHAIRMAN SEROTTA: I'm saying, you

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know, we declared -- you know, we were going to vote on this tonight. I don't know. It depends on what Al says. I mean you can't submit stuff at 2:00 in the afternoon the day of the meeting.

MR. ROTHER: I'm sorry. I was under the impression the Board didn't need me to resubmit plans.

CHAIRMAN SEROTTA: Then why did you even do it? I don't know. You confused everything. At this point in time you give me five sheets. I don't know. You throw this at us today at 2:00, you know, and I get grief because the Board Members get upset because they don't know why we're getting stuff at 2:00 in the afternoon. Alexa never even saw it.

MR. ROTHER: The only thing that's on the plan --

CHAIRMAN SEROTTA: I don't even have a valid --

MR. ROTHER: We added that gray --

CHAIRMAN SEROTTA: I only have a paper copy. I don't like paper, okay. We have people sitting out there. You know I don't like paper. I run a paperless job. I cut the engineers and

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cut the clients a break. We don't use a lot of paper here. Now I've got to use paper. If somebody in the audience wants to know what we're talking about, they have no clue. It's really up to Al.

Is there anything based on what you submitted tonight -- this is Chesterdale. We have no electronic copies.

MR. ROTHER: So disregard this I should say.

CHAIRMAN SEROTTA: Maybe we should look and see what Al has. I'm saying I'm annoyed. I really am. Then James shouldn't -- you're his boss. He shouldn't --

MR. ROTHER: I asked him to send it to you.

CHAIRMAN SEROTTA: But at 2:00 in the afternoon what good is it? It's toilet paper at 2:00 in the afternoon. He could be busy somewhere or something like that. It's just annoying, it really is, this last minute stuff.

MR. ROTHER: That wasn't the intent.

CHAIRMAN SEROTTA: We're pretty easy going here. I just think it's a little

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disrespectful to send stuff in like that.

Al.

MR. ROTHER: Duly noted. I will not do it again.

MR. FUSCO: I did print it out as soon as it came in. I looked at it. James had called me a day or so before asking me some questions, mainly about the fencing and what not. So I did review it very quickly and I whipped together a quick report.

We still need a couple of things. We still need stamped plans. Just a reminder that we are going to need Health Department stamped plans. We did get a letter I believe but we don't have the stamped plans yet. You won't get that until after we do approval here. Monuments are going to be needed, escrow is going to be needed. These were all just repeats of what were in the letter last time. Nothing new.

They did put the fence around the drainage area. They did put the notes in regarding nothing in the right-of-way that we had asked for. They did put some information in in relationship to the Town of Blooming Grove

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action, which the Town of Blooming Grove acquiesced to let the Town of Chester Building Department control the septic systems that are going with the houses that might be partially in the Town of Blooming Grove, and that was so noted on the plan as well.

So those are basically the changes on the plans. You know, I'm still fine with them. It is conditional upon, you know, my last letter which I think Dave had handled anyway. These are no new comments. They were all in the old letter.

CHAIRMAN SEROTTA: All right. What about petitioning the Town Board for the drainage district?

MR. ROTHER: It's in the works.

CHAIRMAN SEROTTA: It's in the works?

MR. ROTHER: Mike Lucine's office is doing it.

CHAIRMAN SEROTTA: Dave, I had one other question. It's this and every other one we end up with open spaces, so on and so forth. There was a question that came up recently on a lot up in Fox Hill where it became open space.

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It became like a conservation easement on somebody's property and that. The question came down from the building department was is a fence allowed. So since -- do we need to ever specify or is there --

MR. DONOVAN: Generally there is a conservation easement in the file that's fairly specific. So without reference to that, I don't remember what that said.

CHAIRMAN SEROTTA: Who draws that up?

MR. DONOVAN: Generally it would be prepared by the applicant's attorney and reviewed either by me or by Scott as the town attorney to determine if it's appropriate.

CHAIRMAN SEROTTA: I just think in the future, though, you should be putting down what may or may not happen. So for instance, I don't have a problem, especially this could be ag property, if they want to put fences up. I don't think we should have a long debate and questions as to what happened last time or whether or not they can put a fence up.

Is that interfering with a conservation easement or something like that?

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MR. ROTHER: This says nothing could happen except for permitted agricultural uses.

CHAIRMAN SEROTTA: That's what it would say. So that would probably cover a fence.

MR. DONOVAN: Yup. My recollection is relative to that the fence was allowed, if I recall correctly with the Fox Hill situation. I did not speak to Joe directly but I believe I spoke --

CHAIRMAN SEROTTA: That was a big question. It was a big deal, whether or not they were allowing fences or anything like that.

All right. Does the Board have any questions for Kirk or anything like that?

MR. ROTHER: The plan we sent you shows the road around the pond today, which I apologize. I've been scolded and I promise you I'll never do it again. I'm a fast learner.

MR. DONOVAN: We have a Stenographer now so it's going to be twice.

CHAIRMAN SEROTTA: This is real official here tonight.

MR. ROTHER: And the other kind of purpose for me sending you the plan was just last

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week Blooming Grove asked me to add this note, and I'll read it to you. It says, "The installation, repair, replacement of the septic systems lying in the Town of Blooming Grove will fall under the jurisdiction of the Town of Chester Building Department." They said why make somebody go back and forth, and I said to them I don't suspect you'll have a problem with that because if you'll recall we moved the houses up so if somebody wanted an accessory use or something. I sent you the plans so you could see that, and that's it. That's it.

CHAIRMAN SEROTTA: You didn't move the septic down by Mr. So and so's house, did you?

MR. ROTHER: No.

CHAIRMAN SEROTTA: You weren't able to -- Al has already stated that that -- in your professional opinion that that was okay, he had that protection in between.

MR. ROTHER: And that was reviewed by the Board of Health, and they witnessed the soil testing.

CHAIRMAN SEROTTA: So there were no soil changes or --

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MR. ROTHER: Aside from the notes and the road around the pond, the plans are identical.

CHAIRMAN SEROTTA: And this squares up with the Johnson Road intersection; right?

MR. ROTHER: Yes.

CHAIRMAN SEROTTA: All right.

Mr. Donovan?

MR. DONOVAN: Just at the bottom of the first page on the plans, Kirk, I'm going to have a different last revised dated. What's the last revision date?

MR. ROTHER: This has a Board of Health approval so we don't change the revision date. It's last revised August 10, 2016.

MR. DONOVAN: So those new things that you put on there --

MR. ROTHER: No. In the lower left corner we'll put a date for our own knowledge. The Board of Health, if we change the plan we have to resubmit it to them and pay a \$25 --

MR. DONOVAN: I understand. Otherwise this already has a neg dec. This was given preliminary approval some time ago, so there

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already is a neg dec.

Condition number one requires the drainage improvement district. Condition number two requires satisfaction of Al's conditions. Condition number three is the parkland requirement.

The blank space and that should be revised to Al's letter dated October 5th.

And it may be -- it may be appropriate to add a note relative to the open space just to reaffirm that in terms of -- I'm sorry that I don't recall ownership of that.

CHAIRMAN SEROTTA: It's on lot --

MR. ROTHER: Lot 10.

MR. DONOVAN: I think I should add a condition re-emphasizing that so there's no confusion, if that's what the Board --

CHAIRMAN SEROTTA: And there will be an easement in the Town's favor to get to the pond and around that and all that stuff.

MR. ROTHER: It's a drainage easement.

CHAIRMAN SEROTTA: Part of the drainage.

MR. DONOVAN: It's all part of the

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condition that it has to be provided.

MR. ROTHER: There's also some open space on lot 1.

CHAIRMAN SEROTTA: Up by Derman's farm. All right. Does somebody want to make a motion to grant final -- conditional final approval to Chesterdale Estates?

MR. DENES: I'll make the motion.

CHAIRMAN SEROTTA: Motion by Steve. A second by somebody?

MR. GILBERT: Second.

CHAIRMAN SEROTTA: Frank. All in favor?

MR. DENES: Aye.

MR. D'ANTONIO: Aye.

MR. CONKLIN: Aye.

MR. GILBERT: Aye.

CHAIRMAN SEROTTA: Aye.

All right. You're all set.

MR. ROTHER: Thank you.

CHAIRMAN SEROTTA: I wasn't a happy guy today at 2:00.

MR. ROTHER: You should have just sent me a text saying that.

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CHAIRMAN SEROTTA: I might not have said a nice thing in a text.

MR. GILBERT: He'd rather do it in public.

MR. ROTHER: Thanks.

CHAIRMAN SEROTTA: All right.

MS. BURCHIANTI: Can you send me a copy of the prints?

CHAIRMAN SEROTTA: All right. One last thing and we go home tonight. The Town of Chester is considering a building moratorium in the Town. Alexa sent out -- here's a copy of the draft zoning law. We received a letter from the Town Board asking us, as per Town Code, to review the moratorium -- proposed moratorium law that they're doing. Here it is right here. Asked the Planning Board to review it. A public hearing has been scheduled I think.

Al?

MR. FUSCO: Yes.

CHAIRMAN SEROTTA: The end of October or something?

MR. FUSCO: October 26th possibly.

CHAIRMAN SEROTTA: So this is the basic

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law. I hope everybody had a chance to read it.

It really comes down to one paragraph, okay. They talk about the intent of the law, the legislative finding of the law, why they want to go ahead and, you know, actually institute a moratorium and that. But this is -- the real section for us is right here, okay. I can probably blow this up a little bit.

So Dave and I had a conversation this morning.

I had -- Al, I had a little bit of difficulty with this. I'm not quite sure, you know, how it applies here. It's just a little bit of confusion. I know that we submitted -- I submitted to the Town Board, I also submitted hopefully -- well, you were on the Town Board that night, but I submitted also to the town attorney, right.

This is the current subdivision project load in the Town of Chester. This is where we're at and where they sit. I just want to make sure that we understand and the applicants understand, you know, where they sit and where they can go from here and that.

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So Fox Hill, which is maybe sold all or most of the homes up there but still have one house or two -- I think they have one to go. Are they affected by this?

The Greens of Chester was a court-ordered settlement of 431 units next to Whispering Hills. This Board did not approve it. It was an order of the court that ordered me to sign their prints. So that has been signed. That is an official subdivision. The maps have been filed. They're being taxed on 431 -- it's not actually 431 lots. It's about 300 and some odd lots. There's some two-family ones up in there. There's been no building go on. I guess there's been some meetings on that. There's no building permits drawn.

Ashford Estates is off of Vivian over in the Surrey Meadows area. They have one model up. I know they're heavily advertising.

MR. FUSCO: They have a lot of buildings up.

CHAIRMAN SEROTTA: So they're going on. So there's nineteen homes going there.

Warwick Ridge we approved awhile ago.

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These, again, are final approval. And I signed their prints, meaning they paid all these fees, they bonded all the bonds that have to be submitted, the drainage districts. Everything is a hundred percent done. That's nineteen units. That's off of Ridge Road. They're also building away, right, as we speak?

MR. FUSCO: Yes.

CHAIRMAN SEROTTA: Gunary was a tiny little subdivision. I guess they're going to be exempt from this. That's one we did recently. It was about a six-acre piece that chunked off three acres off of Natures Trail. I also signed that one. She hasn't started the second house. She's trying to sell her house and she's trying -- I guess when she gets her house sold she'll start. They want to move to the new house. I guess they want to downsize and do some things.

The Hills of Chester we had tonight. He received conditional final. They're telling us that they can't build until the Hills of Goshen is done. They're almost done with the Hills of Goshen. The Hills of Chester is a twenty-unit subdivision that sits next to

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2 Whispering Hills and exits out into Whispering  
3 Hills, which was against this Planning Board's --  
4 what we wanted to do, but we got sued and the  
5 Town decided to settle the lawsuit and said okay,  
6 they can go out to Whispering Hills. So that was  
7 against what we wanted to do here.

8 Ridgeview Estates is a -- was a  
9 foreclosure bought by the bank and I think is in  
10 -- getting close to being sold. I'm assuming  
11 that they're going to want to start that soon.

12 Woodridge is Mr. Shafron we just  
13 approved last week. That's a ten-lot subdivision  
14 off of Laroe Road. He is just finishing up Eagle  
15 Crest which is off of Hambletonian Road up near  
16 Sugar Loaf. I think he wants to begin  
17 immediately to start working in there. That's  
18 the one they already cut some of the trees down  
19 and started going in there. It's a small ten-lot  
20 one.

21 Chesterdale, this spreadsheet I  
22 submitted a month ago, just went from preliminary  
23 to conditional final. They would be moved up to  
24 the next box. It's a ten-lot subdivision off of  
25 Route 94 in the old Harriman trucking mine off of

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Johnson Road.

Camp Monroe we just approved tonight.

These two here are going to move from preliminary -- well, Camp Monroe didn't have anything, it was just public hearing stages. All those move up into the conditional final piece. Again, what the conditional final is is they have to meet the conditions everybody saw in these resolutions tonight. That means in some cases -- not the Camp Monroe, that's a simple one. The other ones have to bond out their projects, they have to do all kinds of things in order to get their final approvals and signed plans. So they're a little bit a ways from that.

We have two other projects that are in -- Baroda has been around for too long. They switched engineers. I think that will be twenty-nine houses off of Black Meadow Road. That one probably will move ahead. Peter, Zack & Powell are good engineers. I think that will eventually move ahead but I think this will be affected by the moratorium. There's no public hearings. There's nothing happening. All we did was approve a cluster design, and that was awhile

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ago, and they haven't come back to us since then.

And then about a month ago we had Ridge Road Equity which was an eighteen-lot subdivision next to Warwick Ridge off of Ridge Road. So that one I'm assuming is going to be affected by the moratorium.

So Dave and Al, I didn't quite know how -- somehow this -- you know, it has to be addressed. I thought that this list was going to get addressed. It should be updated, obviously, because two of the projects here moved from nothing into the conditional final. But I wasn't quite sure -- in here I was just confused a little bit about -- you know, it talks about no building permits and no -- anything happening, and then it talked in one spot -- let me get my glasses on quick. Maybe we should blow this up a little bit more even. The goal was to restrict anything of more than five or more residential lots for -- multi-family unit dwellings containing five or more dwelling units. All right. So that's fairly clear. But from there I just -- no new applications may be accepted and no building or other permits or certificate of

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2 occupancies may be issued or granted for  
3 residential development consisting of five or  
4 more residential lots for multi-family. We have  
5 no multi-family ones now anyway, except for I  
6 guess the Greens of Chester. I guess it affects  
7 them under multi-family ones. Five or more units  
8 other than those previously approved site plans  
9 and subdivisions as of the effective date. So is  
10 that where the list is getting covered based on  
11 that or --

12 MR. FUSCO: According to what you're  
13 reading, yes. That's what I would say. But --

14 MR. DONOVAN: I did --

15 MR. FUSCO: -- that being said, the  
16 Town Board had looked at your list before, and  
17 they actually read through it at one of their  
18 meetings, and I think they were thinking of  
19 adopting your list as the list. I can't speak for  
20 them. Things might have changed since then. But  
21 that's part of what the public hearing was for.  
22 What I would recommend that you do is give them  
23 and copy Scott, myself and Dave with your new  
24 list that you just are developing here and say  
25 this is the status of projects that we have now

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for your information and for possible inclusion into the local law and just -- that's what I would do, because some of them had discussed taking your list -- I think there were eleven of them at the time.

CHAIRMAN SEROTTA: The list hasn't probably changed, only their status has changed. That's all that's happened.

MR. DONOVAN: I would read the local law to say as written, you need to have a filed map or signed site plan. So if you had a conditional final approval, that wouldn't qualify. In other words, you would be -- that development would be impacted by this moratorium.

CHAIRMAN SEROTTA: A conditional final approval?

MR. DONOVAN: That's correct. And if the Board should disagree with that, then you should communicate that to the Town Board. I understand there's been discussion about this issue. What direction that discussion will take I don't know. It's ultimately up to the Town Board, obviously.

The way I read this, Al, unless you

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read it differently, is if you don't have a filed subdivision map relative to the subdivisions, you would be impacted by the moratorium.

MR. FUSCO: I agree a hundred percent. In side discussions, I know they had Don's list and they went over it. Nobody seemed to object to anything that's been started yet.

CHAIRMAN SEROTTA: How would it affect - like for instance I know Shafron was here that night and I think they were saying to him on Woodridge -- not Woodridge. Up on Laroe Road, the one he's doing up there. I know this is his next project so he's banking on getting going. In other words, we're going to say to him that he has to stop?

CHAIRMAN SEROTTA: We don't say anything. It's the Town Board. If this local law is adopted, yeah, he's impacted by the moratorium. That's what this says.

MR. FUSCO: What they may do is take your list and adopt your list as exclusions to that and no new ones come forth. That's up to them. I know they discussed it. It was mentioned. I don't know that that's what their

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intent is because --

MR. DONOVAN: So there's different cutoff points that you can have. You can make the cutoff point exactly what they've done here, which is filed map or signed site plan. They can make the cutoff a conditional final approval. They can make the cutoff preliminary approval. They can make the cutoff a filed application. Those are all permissible cutoffs under the law.

CHAIRMAN SEROTTA: So it's really not our job to -- you know, I'm not here to say no, exempt, you know, Shafron but leave the other guy in or anything.

MR. GILBERT: Give them the list and let them do what they want.

CHAIRMAN SEROTTA: If anything, we should put the legal terms in like you just said right then. These are some of the things that the Board --

MR. DONOVAN: Well if the Board is inclined, you should make reference to a milestone, be it preliminary, conditional, final or application. But you should by reference to a milestone, that way you're not treating similarly

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situated projects differently.

CHAIRMAN SEROTTA: But should we make a reference that a conditional final -- is that our job to say a conditional final should be exempted or not?

MR. DONOVAN: Under the law the Town Board is required to refer this to the Planning Board for your review and report. So the Planning Board could review and report any way you think is appropriate. There are certain items that you're supposed to cover which don't really come into play in a moratorium local law, nor is it consistent with the master plan. What will be the impact on facilities in the community, water, sewer, roads, they don't really come into play. I think more important is if the Board has anything they want to say -- you don't have to say anything, but if they have anything they want to say relative to yes, we think that this is the right way and any project that doesn't have a filed map shouldn't be -- should be impacted by the moratorium or we think a different milestone should apply. I think that's likely what the Town Board wants to hear from

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you. You could also forward that spreadsheet to them so that they have an idea, they have an informed decision. Like is it just one three-lot -- one seven-lot subdivision that we're talking about or is it twenty-five. They're not going to know the answer to that.

CHAIRMAN SEROTTA: I mean they have the map. It needs to be updated. I did submit the map before.

MR. GILBERT: Couldn't we just give them the status of these applications and let them go from there?

MR. DONOVAN: Ultimately it's up to them. I think they may -- they may be interested in your recommendation. You know, if you think the milestone is conditional final. I'm just making that one up.

MR. GILBERT: You can't show favoritism either.

MR. DONOVAN: Well that's why you tie it to a milestone as opposed to --

CHAIRMAN SEROTTA: See, the problem with conditional final, though, we're a little bit lenient on some of them who cry the blues on

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2 money because the State relaxed that rule saying  
3 that a financial difficulty or a financial  
4 hardship is a hardship. So but then you have  
5 somebody who wants to move ahead who, you know,  
6 spent a lot of money, came here with engineers  
7 and are ready to start the project in the fall,  
8 they're ready to go in November, then you have  
9 the backcutting, trees. They can only work  
10 between -- what's it, Al, November to April, --

11 MR. FUSCO: Right.

12 CHAIRMAN SEROTTA: -- freely, otherwise  
13 they've got rattlesnakes and bats and everything  
14 else that they have to make sure that they cover.  
15 They can't even cut a tree, right, from May to --

16 MR. DONOVAN: It depends where they're  
17 located.

18 CHAIRMAN SEROTTA: It seems like every  
19 project we have is a bat. We're within that  
20 four-mile bat range. And then some of them are  
21 rattlesnake questions and stuff like that.  
22 We'll come back to the Board and talk about  
23 milestones in a second.

24 The other problem I had, though, where  
25 again I found it just to be a little bit

1  
2 confusing here, it says here -- I'm not  
3 criticizing the Town Board here. We were asked  
4 to review this and we take this seriously. It  
5 talks about here that the effective -- the date  
6 of the local law. Let's say this goes into  
7 effect on November 1st. I'm just making -- the  
8 Town Board, the Planning Board, Vinnie the Zoning  
9 Board of Appeals shall not process, hear, approve  
10 or sign any new or pending preliminary or final  
11 site plan, preliminary or final subdivision,  
12 yatta, yatta, yatta, down the line. Here it  
13 talks about on the effective date -- any  
14 applications for approval or permits filed after  
15 the effective date are not otherwise exempted  
16 from the moratorium shall be filed at the risk of  
17 the applicant and shall be not granted or issued  
18 until the moratorium is lifted. The paragraph up  
19 there is saying we can't even talk to them.

20 MR. DONOVAN: I assume what that means  
21 is someone comes in and they file an application  
22 anyway. Because this doesn't prohibit anyone  
23 from filing an application. It prohibits the  
24 appropriate board from processing that  
25 application. They try to cover the bases. By

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filing the application you're not giving yourself any rights.

CHAIRMAN SEROTTA: All right. Because it just --

MR. DONOVAN: I don't know that anyone is going to come in and pay a big fee when nothing can happen. I think -- I read that to say if you do that, that doesn't mean anything.

CHAIRMAN SEROTTA: All right. But it does mean that Alexa doesn't schedule -- we don't schedule them, we don't hear them and we don't do anything.

MR. DONOVAN: We can't. Correct. If this is adopted, that's correct.

MR. CONKLIN: That's because of the language in that first paragraph where it says --

CHAIRMAN SEROTTA: Yeah, right. It says we can't even talk to you, which --

MR. CONKLIN: If I recall correctly, the last time we had a moratorium we still processed and heard applications but it was at their risk like this paragraph is stating --

MS. BURCHIANTI: So I can't take --

MR. CONKLIN: -- so that things don't

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just stop dead.

MR. DONOVAN: Correct. At that time --  
don't you remember, Frank?

MR. GILBERT: Yes.

MR. DONOVAN: The old timers. You can  
process an application but that wouldn't give  
anyone vested rights. You could have your  
meeting, you could have a public hearing but you  
couldn't grant --

MR. GILBERT: It would be in limbo.

CHAIRMAN SEROTTA: But again, this is  
where I got confused when I read it. You know,  
I'm just saying here shall not process, hear,  
approve or sign any new, you know, bah, bah, bah,  
bah, or any kind of grading permits, special  
permits, variances or any land use application  
permits. So it says can not -- to me the word  
process here --

MR. CONKLIN: It's off. It's stopping  
everything.

CHAIRMAN SEROTTA: Those two  
paragraphs --

MR. GILBERT: What does the other  
paragraph say?

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CHAIRMAN SEROTTA: The other one says effective date on any applications for approvals or permits filed after the effective date -- so again let's pretend it's November 1st -- and otherwise exempted from the moratorium shall be filed at the risk of the applicant and shall not be granted or issued. But we can't even hear or process. I mean we can't accept that. You can't hand that piece of paper in. I think that paragraph should be pulled out.

MR. GILBERT: It's contradicting itself.

CHAIRMAN SEROTTA: It's contradicting itself. That's where I got into a little bit of a problem.

MR. CONKLIN: I agree with you.

CHAIRMAN SEROTTA: And does this -- and it goes back to this, too. Does this affect any of the signed -- the way they wrote this, Dave, does this affect any of the signed site plans? You know, to be fair to Warwick Ridge, Ashford Estates, Fox Hill, Eagle.

MR. DONOVAN: Filed subdivision maps are exempted, the way I read this, A. And B, New

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York State Town Law gives them for any zone change three years of what's called statutory vested rights.

CHAIRMAN SEROTTA: So you're reading this that they're okay?

MR. DONOVAN: And based upon some voicemail and e-mail communications with the town attorney today, that's how he construes it as well, which is helpful since he wrote it.

CHAIRMAN SEROTTA: All right. I mean the way it's said here no new application -- not here. It says --

MR. GILBERT: They just left the door open.

CHAIRMAN SEROTTA: -- may be accepted and no building or other permits or C of Os may be issued or granted for residential development consisting of five or more residential lots or multi-family, so on and so forth, containing five or more dwelling units other than those previously approved site plans and subdivisions as of the effective date. So that's why they would get previously approved --

MR. DONOVAN: I'm saying a signed site

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plan or a filed subdivision map.

CHAIRMAN SEROTTA: So they're okay?

MR. DONOVAN: They're okay.

CHAIRMAN SEROTTA: I just want to --  
I'm not trying to stick up for them. I'm saying  
they're in the middle of the selling their houses  
and, you know, they probably shouldn't be  
stopped.

All right. So where do we go from  
here. Let's hear from the Board. Frank? Bob?  
Everybody, questions, comments. We have to give  
something to report back to the Town Board.

MR. GILBERT: It says not otherwise  
exempt from the moratorium.

CHAIRMAN SEROTTA: Right. So I don't  
know what that means either. That was the other  
thing. There's no exemptions; right?

MR. FUSCO: That's what they're talking  
about. They put your list there. That's where  
it's appropriate. Not otherwise --

MR. GILBERT: I kind of agree with Al.  
I think we forward them our list and give them  
the status of the list and let them decide how  
they want to --

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CHAIRMAN SEROTTA: Do we make a comment that it should be clarified which ones are exempted, Dave?

MR. DONOVAN: That's up to you. I would just suggest if you're going to do that, you do it by reference to milestone, not project name, so they know which projects are there, but you should have some objective metric as opposed to just --

MR. GILBERT: Right. Have a list of milestone, what's exempt and what's not.

CHAIRMAN SEROTTA: In reality most of them come out to be minor when you look at this. I'll go back to that. The big one is the Greens of Chester, but that's not going to be under the moratorium. Right, Al?

MR. FUSCO: No. That's exempt.

CHAIRMAN SEROTTA: Fox Hill is almost done. The Greens of Chester --

MR. DONOVAN: Forget about those. They're never part of it because they're --

CHAIRMAN SEROTTA: They're signed.

MR. DONOVAN: -- they're done.

CHAIRMAN SEROTTA: So in reality --

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MR. DONOVAN: Just the ones below that.

CHAIRMAN SEROTTA: -- we're only talking about sixteen, ten, ten, and Camp Monroe would be exempt anyway because it falls under the five threshold.

MR. DONOVAN: Correct. As presently written.

CHAIRMAN SEROTTA: Right. So the only thing they would be exempting out is twenty-six -- the possibility of thirty-six homes. That's all they --

MR. DONOVAN: If you want to use conditional final as your metric.

CHAIRMAN SEROTTA: Right. And Ridgeview, we don't even know when that's going to come because that's in the process of being sold.

MR. GILBERT: You just narrowed it down to three.

CHAIRMAN SEROTTA: What?

MR. GILBERT: You just narrowed it down to three.

CHAIRMAN SEROTTA: It's three things. Right. We're not saying anything about that road

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-- Ridge Road Equity. And they can't do anything about Greens of Chester or those up in there.

MR. DONOVAN: Well, I don't know the answer to that. They're not proposing to do anything.

CHAIRMAN SEROTTA: Okay. Fine.

So Frank, Bob, questions, comments?

MR. GILBERT: I agree with Dave. We have to set a standard or a benchmark what you're going to use as a cutoff.

CHAIRMAN SEROTTA: And do we want to set that threshold that projects that had received conditional final? So right now all of these -- these guys -- if I change the spreadsheet right now you've got five of them actually. That's what it comes down to. It's five of them.

MR. DONOVAN: Camp Monroe is three lots, so it wouldn't apply.

CHAIRMAN SEROTTA: So you have four. Chesterdale got approved tonight. So you've got five sitting in the -- Camp Monroe wouldn't apply because it's only a three-lot subdivision.

MR. DONOVAN: You have four.

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CHAIRMAN SEROTTA: Do we want to say exempt --

MR. DONOVAN: Are there any site plans? Do you know if there are any site plans that fall into that category?

CHAIRMAN SEROTTA: No. A site plan wouldn't be a business plan, it would be -- I think. Right, it's only residential development?

MR. FUSCO: It's only residential.

CHAIRMAN SEROTTA: So it's not -- no. So there's no -- I don't know if we have any outstanding --

MR. DONOVAN: It doesn't matter.

CHAIRMAN SEROTTA: It doesn't matter anyway. So just these.

Steve and Carl?

MR. CONKLIN: Don, I think that we need to maybe make some comments on that first paragraph that kind of closes the door on any future progress. I mean this is for six months and a lot of projects take more than six months to get approved. I mean why would we want to close the door on any new applications that come in that would stop us from at least hearing and

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proceeding forward, maybe to a certain point?

MR. GILBERT: Yeah, but if you go down to the effective date, any applications -- it doesn't close the door.

MR. CONKLIN: But they're contradicting each other. So those two paragraphs need to be reworded so they fall into compliance with each other.

MR. GILBERT: It's a contradiction.

CHAIRMAN SEROTTA: I mean I don't have a problem if they're saying that no -- you know, it's a moratorium, period.

MR. CONKLIN: I honestly don't think that's their intent. I could be wrong. I don't think it's their intent to stop total progress all together. They just want control it somehow. Right?

CHAIRMAN SEROTTA: Yeah. What they want to do -- I mean if you go back to what their purpose is again, the comprehensive plan was done a good year and maybe a year and four months ago, right. The zoning is still sitting now at 2003 with some updates over the years. There's been some recent updates and stuff like that. What

1  
2 they want to do is to retake a look at what the  
3 comprehensive plan said, possibly make an  
4 addendum or anything if they don't agree with  
5 something in there maybe, and then make sure the  
6 zoning catches up now all of a sudden so the 2003  
7 falls into 2016. That's what they -- that's the  
8 reason they want to do this, okay. And they want  
9 to make sure that they take a look at all the  
10 residential zones and everything like that,  
11 making sure we have enough water, sewer,  
12 everything else, you know, based on what could  
13 happen based on where the comprehensive plan  
14 allowed development in the Town. So that's the  
15 purpose behind it. So I guess they do want to  
16 stop it. I mean that's what they want to do.

17 MR. GILBERT: A reasonable halt to  
18 certain residential.

19 MR. DONOVAN: That's generally the  
20 purpose of a moratorium. If the newly adopted  
21 comprehensive plan gives rise to potential zoning  
22 amendments, you don't want -- it's called a race.  
23 You don't want to have developers racing to make  
24 sure they acquire vested rights before the zoning  
25 catches up to the comprehensive plan. So a

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moratorium is the traditionally recognized tool.

MR. CONKLIN: Which paragraph should apply then, since they're contradictory to each other?

CHAIRMAN SEROTTA: You're going back to this one here where --

MR. DONOVAN: I don't know that they are. Everyone else seems to think so but I don't think they are.

CHAIRMAN SEROTTA: When it says any application for approval --

MR. DONOVAN: You can file an application but -- if anybody shows up and gives Alexa a subdivision map and a check and an escrow deposit, that provision says they can't come back six months, nine months, a year later and say you have to process under your zoning as existed at the time I filed this application. That's what I think that means.

MR. GILBERT: They can file the application and put the money down.

CHAIRMAN SEROTTA: But we don't hear it. That's all. All except Baroda. Baroda and Ridge Road, whatever that was called again.

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MS. BURCHIANTI: Ridge Road.

CHAIRMAN SEROTTA: Ridge Road Equities or whatever it is. They can't come back in front of us until this is over.

MR. DONOVAN: That's correct.

CHAIRMAN SEROTTA: And any new application that is over five --

MR. DONOVAN: Under this law as presently written they could not. That's correct.

MR. GILBERT: That brings you down to what? Four?

CHAIRMAN SEROTTA: Again it would be four. Do we want to go ahead and say that we think that the -- out of the four I can tell you that the Hills of Chester, I don't know when that's going to move. And the Ridgeview Estates, I don't know when that's going to move. They're thirty-six homes in those two ones. Woodridge and Chesterdale, the developer has been calling me on Chesterdale. He says he's going to move on this now. That's Feeney. And Shafron, you know, is finishing Eagle Crest, and Woodridge is his next project. So he wants to move.

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So do we want to make a recommendation that anything, you know -- we feel that anything that received final approval with signed plans and also anyone that received conditional final should be exempted and anybody else --

MR. GILBERT: I kind of think anybody with signed plans should --

MR. DONOVAN: Anyone that has final approved site plans is not impacted.

CHAIRMAN SEROTTA: So we don't even mention that. We think that based on this list the conditional final -- anyone who has conditional final, do we want to say that, would be exempted?

MR. GILBERT: How many is that?

CHAIRMAN SEROTTA: Again, I have to change it. Chesterdale goes into the conditional final. That bumps up. And Camp Monroe, it doesn't count.

MR. GILBERT: So you only have Chesterdale?

CHAIRMAN SEROTTA: So the two real ones -- I'm not saying the others aren't real, but the two ones that could get active soon would be

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Chesterdale and Woodridge, twenty houses.

MR. GILBERT: They have preliminary?

CHAIRMAN SEROTTA: No. Conditional  
finals.

MR. GILBERT: Okay. So who has  
preliminary?

CHAIRMAN SEROTTA: Nobody. This is an  
old list. They asked me to do this list about a  
month ago.

MR. GILBERT: Okay. So anybody that  
has final approval?

CHAIRMAN SEROTTA: Right now we have  
only final approval, signed, conditional approval  
-- conditional final approvals and two no  
approvals. That's all that's in front of the  
Board.

MR. GILBERT: Who has the conditional  
final?

CHAIRMAN SEROTTA: Hills of Chester and  
Ridgeview, which keep coming in for ninety-day  
extensions. That's these two. So we've got those  
two. And then we have Woodridge and Chesterdale.  
Chesterdale has to change. This wording will be  
changed when I get home tonight. We'll say

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conditional final and it gets moved into that.  
So those are the real two active ones, will be  
those two projects.

MR. GILBERT: I would move them into  
the conditional final.

CHAIRMAN SEROTTA: Do we want to  
recommend to the Town Board that --

MR. GILBERT: They've done all this  
work. I mean --

CHAIRMAN SEROTTA: Right. Is the Board  
okay doing that?

That would be the milestone, Dave,  
would say to the Board as it is?

MR. DONOVAN: If that's the consensus  
of the Board.

CHAIRMAN SEROTTA: Is that the  
consensus of the Board?

MR. D'ANTONIO: I'm good with that.

MR. DENES: I'm just a little concerned  
why this is only applying to residential  
applications and not commercial, industrial or  
agricultural. What happens if somebody comes in  
and wants to do a zoning change on the  
agricultural property to industrial? This is --

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this only applies to residential. So that kind of stuff can go ahead even though it may be contrary to the comprehensive plan? I kind of have a problem with that.

CHAIRMAN SEROTTA: I mean it would have to meet the zoning. In other words, like in an AR-3 zone they can't really do anything commercial I don't think.

MR. DENES: They can apply for a zoning change. I guess I'm saying in that case they would be doing it blind to the intent of the comprehensive plan theoretically.

CHAIRMAN SEROTTA: Well any time you go for a zoning change it could be -- right.

MR. DENES: I guess what I'm saying is once the comprehensive plan is set, that might give the Town a different direction or objectives as to what gets developed where on other uses, not just residential. That's what -- I guess I'm just having difficulty comprehending why this is applicable only to residential properties and not other uses.

MR. GILBERT: Well they're at their own risk.

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MR. DENES: I'm sorry?

MR. GILBERT: They're at their own risk.

MR. DENES: Exactly. I guess the intent here is to take a time out while the comprehensive plan is --

MR. GILBERT: If somebody files an application, they are at their own risk of the outcome.

MR. DENES: Well I guess if that's the case then, you know, do they wait until the comprehensive plan is adopted fully and the zoning laws are -- the zoning code is changed according to the comprehensive plan? So they can go through all the rezoning or application process, whatever, but you can't do anything until six months, theoretically, down the road. And by the way, at that point, even though we've heard your case for a new commercial building, come May of next year you may not have that ability to build your project. If that's the case, that's fine. I guess I just -- during the time --

MR. GILBERT: It's getting a little far

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extreme.

MR. DENES: That's what I wanted to get at, why we're restricting it to residential and not any other --

MR. GILBERT: We're not.

MR. DENES: Understood.

CHAIRMAN SEROTTA: I mean anybody can request a zone change. I mean anyone could want to build a factory in the middle of a development. That could happen. But the odds of that happening --

MR. DENES: Let's just say -- it doesn't go to zoning. Let's just say it's an industrial application and the comprehensive plan, if it has -- let's just say it has a different view of where industrial projects should take place or how they should take place, whatever. The industrial uses are addressed in the comprehensive plan, not just residential. This almost makes it sound like the comprehensive plan only focused on residential development and nothing else. That's where I'm having the disconnect. I know it's not our job to tell the Town Board what they should be looking at.

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Maybe Al, since you've been part of this, I don't know why this is being picked.

MR. FUSCO: Don and I have been looking at the zoning. I've been working on the zoning and the concentration to begin with, because of the moratorium, on the residential aspect of it for obvious reasons. I mean that's -- that's why you had two hundred people here two weeks ago or a month ago or whatever. They weren't here complaining about an industry coming in. They were here concerned about residential subdivision, mega subdivision. So that's what's being concentrated on right now. And, you know, I think that they are going to look at all of the zoning but the beginning concentration is going to be on the residential aspect so that the moratorium can go away. Nobody wants this to stay on forever. Short term, get it under control, get everything happy. That's why they started doing the zoning piecemeal. We did a few things. You know, we did some work at Sugar Loaf, we did some work up there at Camp Laguardia. They felt they needed a time out, you know, to go to the next step. So that's the reason. And

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2 it's not unusual. Ninety percent of moratoriums  
3 that I've been involved in were mainly on the  
4 residential end, not on the commercial and the  
5 industrial because everybody loves those tax  
6 bases. That's not surprising.

7 CHAIRMAN SEROTTA: I mean I think what  
8 Steve is saying -- I was being a little thick  
9 before. I think what Steve is saying is if the  
10 comprehensive pointed to a piece of property or a  
11 tract of land or a big tract of land and said  
12 that should only be industrial or should only be  
13 residential, or let's say it says it should be  
14 agricultural lands and right now it's zoned  
15 industrial, by the time the zoning gets done, the  
16 guy could walk in with an application and build a  
17 big, you know, factory on top of a piece of  
18 property that the comprehensive plan that was  
19 adopted already, it was actually an adopted plan,  
20 says not to do -- you know, not to do it. He's  
21 saying why shouldn't the moratorium just apply to  
22 everything.

23 MR. DENES: Whatever is the subject of  
24 the comprehensive plan that has not yet been  
25 followed up on through a change in the zoning

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ordinance. I mean if we've already -- the Town Board has already addressed commercial uses and industrial and agricultural, you know, that's water under the bridge. But if it hasn't, then those other uses are still, you know, undetermined.

CHAIRMAN SEROTTA: Is it our job to say we should include a moratorium on everything that they have?

MR. DONOVAN: It's your comment. If you think that's a recommendation you want to make to the Town Board, you do that.

CHAIRMAN SEROTTA: The thing is it affects businesses like Sugar Loaf. We get a lot of little stuff coming through our door here. What happens if somebody wants to do a site plan up in Sugar Loaf or something like that, some tiny little thing. How do you handle that?

I understand what you're saying, Steve.

MR. DENES: I think a site plan is one thing. If somebody comes in with a whole new application, industrial, just start from scratch. It's like wait a second, we had other intentions for that land.

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MR. FUSCO: Do you have a specific piece of property?

MR. DENES: I'm sorry?

MR. FUSCO: Do you have a specific --

MR. DENES: No. I don't have anything specific.

MR. FUSCO: Because I don't know that there were any specific pieces of property in the comprehensive plan that they were looking to change from industrial to something else.

MR. GILBERT: I think he's just speaking in general.

MR. DENES: Yeah, in general. I just don't want to be caught in a position in February --

MR. FUSCO: I don't think there are any.

CHAIRMAN SEROTTA: There was a piece I think along Greycourt Road that's sitting as office park where all those signs and all that stuff, believe it or not, is considered office park. I think the comprehensive plan -- the comprehensive plan --

MR. FUSCO: They changed that already.

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It's been changed.

CHAIRMAN SEROTTA: It's changed to industrial.

MR. FUSCO: Yeah.

CHAIRMAN SEROTTA: But I think the comprehensive plan pointed out that they thought that should be agricultural, AI.

MR. FUSCO: Obviously the Town Board felt differently.

CHAIRMAN SEROTTA: And then as part of the other -- you know, the comprehensive plan pushed for the wetland pieces and the agricultural pieces along Greycourt Road to stay agricultural. That's what it pushed as. Not to make, you know, a factory, even though a factory could never go in that field because there's a bunch of wetlands in there. It could never happen anyway.

MR. FUSCO: They also recommended that they change it to light industrial, specifically for the cheese factory. It was specifically mentioned. So I don't think it's a concern.

CHAIRMAN SEROTTA: All right.

MR. FUSCO: I mean you're the Board so

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you want to relay that, that's up to you.

CHAIRMAN SEROTTA: Do we want to say that we're okay with their moratorium except we think projects that received conditional final should be exempted? Is that something we should say based on the list that we'll submit to them?

MR. FUSCO: Sure.

CHAIRMAN SEROTTA: Is the Board okay with that?

MR. GILBERT: I'm fine with that if that's legally what Dave thinks we can do.

CHAIRMAN SEROTTA: That's a milestone.

MR. DONOVAN: It's not up to me. Could you do that? Absolutely.

MR. GILBERT: Yeah, yeah.

MR. DENES: The other thing I would suggest is if a nonresidential application comes in, not a site plan approval or anything that involves an existing property in use, but if a new site plan approval request comes in for anything but a residential, maybe that's something that the Board could evaluate on a case-by-case basis, because I just don't want to get surprised a couple months from now, we never

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saw this coming or -- in other words, we should have the ability to put a brace on something else besides residential that may conflict with the comprehensive plan.

MR. GILBERT: All I can say is we can only deal with what's in front of us.

MR. DENES: I understand. I understand. Maybe in our letter of recommendation we could address that as well.

CHAIRMAN SEROTTA: That it should address large scale commercial development?

MR. DENES: New commercial, industrial. Anything other than residential because that's covered already. Maybe it's at the discretion of the Planning Board. I don't know if that's something that --

MR. D'ANTONIO: If it's an existing business you say business modification is acceptable but not a new building?

MR. DENES: A new application for --

CHAIRMAN SEROTTA: The only problem you're going to have with that is the County -- the County is not going to be happy because the County pushed Camp Laguardia into an industrial.

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2 Trying to attract businesses to go in there.  
3 They're looking to possibly make it like seven  
4 lots or something. Seven large lots in there.  
5 That would be contrary because if the County was  
6 lucky enough to -- you know, all of a sudden  
7 three new businesses wanted to pop up or  
8 something like that, they're not going to be  
9 happy with that because they were pushing heavy  
10 on the towns and they already changed the zoning.

11 Right, Al? That's already a done deal?

12 MR. FUSCO: Yup.

13 CHAIRMAN SEROTTA: They changed that to  
14 industrial over there. I'm not sure that they'd  
15 want to do that, because Alex was part of the  
16 committee. I was part of that same Camp  
17 Laguardia committee with the county executive,  
18 including Blooming Grove. It was Blooming Grove,  
19 the Village and the Town. I'm not sure they'd  
20 want to do that. I think the County would be  
21 really upset by that. Not that they have anyone  
22 coming in the door tomorrow. What happens if  
23 they did? I think they'd really be upset, saying  
24 a moratorium is going to affect that.

25 MR. DENES: It's just a concern. That's

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all.

CHAIRMAN SEROTTA: There will be a public hearing --

MR. DENES: Okay.

CHAIRMAN SEROTTA: -- October 20th.

So Dave, how do you -- how do we proceed from here? What do you do?

MR. DONOVAN: Alexa sends me an e-mail to remind me to do this.

CHAIRMAN SEROTTA: That letter will state that we've reviewed the moratorium and our recommendation is to exempt --

MR. DONOVAN: Any subdivision that has conditional final approval.

CHAIRMAN SEROTTA: As a Board.

MR. DONOVAN: You tell me if you want to make any recommendation that the Town Board should consider any kind of commercial developments that may be in conflict with the comprehensive plan. I mean that's an excellent comment. I can tell you as someone who drafts legislation, it's kind of hard to make that kind of -- there's not an objective. It's easy to say conditional final approval is the cutoff.

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2 Anything before that you can't process five lots  
3 or more. Anything that may be in conflict with  
4 the comprehensive plan. It's a difficult thing  
5 to -- it's a really good idea but I'm trying to  
6 think how that gets drafted into legislation. If  
7 you want -- if the Board wants me to pass that  
8 along as a concern of the Planning Board, I can  
9 certainly do that. Ultimately it's up to the  
10 Town Board to discern if they want to do that.

11 MR. CONKLIN: I think they would gloss  
12 right over that.

13 MR. DONOVAN: The issue is do you want  
14 to make that comment? Does the Board want to  
15 make that comment?

16 CHAIRMAN SEROTTA: Do we want to be on  
17 record doing that?

18 MR. D'ANTONIO: There's conditions in  
19 the residential moratorium.

20 CHAIRMAN SEROTTA: I think they'll  
21 reject this. They want to make this a straight  
22 residential -- multi-family residential  
23 moratorium.

24 MR. D'ANTONIO: For obvious reasons, as  
25 stated earlier.

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MR. DONOVAN: So would it be okay with the Board if I indicated that Board Member Denes was interested in the impact of the potential commercial -- what he just said.

CHAIRMAN SEROTTA: Make a statement.  
That's fine.

MR. DENES: We can call it general non-residential development as well should be viewed --

MR. DONOVAN: That's okay with the Board?

MR. GILBERT: Anything you do is fine with me, Dave. That's why you make the big money.

CHAIRMAN SEROTTA: I mean Steve is partially right because I think there are some of the residential zones now that can take some form of a possible commercial development.

MR. GILBERT: Absolutely. When you come to get into industrial and commercial, they don't want to mess with that.

CHAIRMAN SEROTTA: All right. Dave, so you'll write that up?

MR. DONOVAN: Yes, I will.

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CHAIRMAN SEROTTA: The Board is okay with that?

MR. GILBERT: Yes.

CHAIRMAN SEROTTA: All right. So I'm cancelling the -- tonight is the 5th. I'm cancelling the 19th meeting. We don't need to have it now. I was just holding that if we had to move somebody over for a quick signing or something like that.

Bob Conklin has to be here for the November meetings.

MR. CONKLIN: Don't count on it.

MS. BURCHIANTI: When did I say the next meeting was? November 2nd?

CHAIRMAN SEROTTA: I think it's November 2nd. Our next meeting will be November 2nd. Right now we have nothing on the agenda.

The public hearing will be October 20th. I suggest everybody attends.

There also is a meeting tomorrow night. Tomorrow night there is a meeting on whether or not the Town of Chester -- it's not whether or not we should by The Rock. There is a question and answer session.

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MR. D'ANTONIO: Answers.

CHAIRMAN SEROTTA: Answers and stuff like that. Everybody, if you get a chance tomorrow night, 7:00 I think it is. You should try to come for that, too.

UNIDENTIFIED SPEAKER: Actually, I think tomorrow night is a lot more about the financial bond, the merging of the two and the actual purchasing of the lot supposedly.

CHAIRMAN SEROTTA: They're supposed to actually answer all those questions from last week.

So that's it. Motion to close?

MR. DENES: Motion.

MR. D'ANTONIO: Second.

CHAIRMAN SEROTTA: Seconded by Carl.

All in favor?

MR. DENES: Aye.

MR. D'ANTONIO: Aye.

MR. CONKLIN: Aye.

MR. GILBERT: Aye.

CHAIRMAN SEROTTA: Aye.

Have a good night. We'll see everybody in November.

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(Time noted: 8:38 p.m.)

C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public  
for and within the State of New York, do hereby  
certify:

That hereinbefore set forth is a  
true record of the proceedings.

I further certify that I am not  
related to any of the parties to this proceeding by  
blood or by marriage and that I am in no way  
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 20th day of October 2016.

*Michelle Conero*

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MICHELLE CONERO