

TOWN OF CHESTER
PLANNING BOARD MINUTES
January 5, 2022 via Zoom

Meeting called to order: 7:00 pm

Members present: Chairman Serotta, Jackie Elfers, Justin Brigandi, Mark Roberson, Larry Dysinger, John Gifford, and Dot Wierzbicki

Also present: Melissa Foote- Secretary, and Al Fusco-Engineer, and Dave Donovan-Attorney

Absent: 0

No meeting minutes to be adopted

OTHER BUSINESS

Chairman Serotta: If time permits, we'll have a discussion on short term rentals. We'll be developing some kind of recommendation to the town board. The governor has authorized the Zoom meetings up until January 15, 2022. Our next meeting may or may not be Zoom. If it is going to be extended, it will be a Zoom meeting. We'll see what happens after the 15th.

PUBLIC HEARING ON DAVIDSON DRIVE HOLDINGS LLC

Mike Morgante from Arden Consulting Engineers, PLLC representing applicant. **Chairman Serotta** present to represent the applicant. A Site Plan and Lot Line combination located near the intersection of Bellvale Road and Lake Station Road and Davidson Drive addressed

Mike Morgante: This is a site plan and lot line combination. The project site is located near the intersection of Bellvale Road and Lake Station Road and Davidson Road. It was constructed a while back but was never pursued. The project site is, in the IP Zone. The site was formally approved as a subdivision, that subdivision was never pursued. Davidson Drive Road had been worked on over the years. Wetlands have been delineated by our environmental consultants and validated. Parking is proposed for an additional 13 truck parking and loading spaces. Due to the close proximity to a residential neighborhood, careful consideration was taken into account in designing the truck loading areas, and visibility of the project. Discussed the existing vegetation already there, and the existing wetlands that surrounds three sides of the property. DEC – submitting shortly for a wetland disturbance permit due to the stream that's an associated wetland with a buffer. Needs Board's feedback if any changes to the grading plan. Septic system on SE corner of the building. Soil testing and Percolation testing has been witnessed by Mr. Fusco's office. Bio retention facility in the North Western portion of the site, and run off from the bio retention facility will overflow into a wet pond. Truck loading areas are considered hot spots according to the NYS DEC Stormwater Pollution Prevention program requirements. Site will discharge to the location outside of the buffer. As it relates to Wetlands and Wetlands disturbance, a retaining wall replacing a wall to minimize any disturbances. Stormwater Pollution Prevention requirements. Met. Fire Access – Southern, Western, & Northern sides of the building have access. Erosion and Sediment control plan completed. Lighting plan - zero-foot candle level to all of the property corners, edges of the property fully shielded light fixtures. Landscaping plan - associated with stormwater facilities. Heavy existing vegetative buffer mostly trees around West End, Southern, and Eastern portion properties. No visual screening

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required of these positions. Truck turning diagrams received from Town for review for proper access in and out of the site. Zoning requirements – met. Archaeological Study done, Phase I done. SHPO sign off - no impacts.

Chairman Serotta - Environmental studies?

Mike Morgante: DEC was submitted due to a hit on Environmental Assessment, may be some Bog Turtle habitat. Environmental Consultant went back out, no locations for suitable habitat on our site. One came up but it's well far away from the particular project. It's protected by a large wetland. Everything in our project design is moving to the west, so nothing from our project will be affecting anything to the east, which is where the potential Bog Turtle Habitat is, or at least where we think it may be. Submitted to the DEC on December 17th, and are still awaiting feedback.

Frank Phillips/Creighton Manning discussing the traffic study: Traffic study was conducted at the two intersections. They were studied because Lake Station Road terminates on either end, or the majority of turning movements occur there. Counted during peak hours during the weekday when the business is open, receiving employee traffic in the morning, and in the afternoon period when employees are leaving. Two time periods studied. Plenty of capacity in the roadways to account for the volume of traffic that's expected for this project. Most of the traffic will originate from the North, where **Route 17 of comes** down Kings Highway to Kings Highway bypass to Bellvale Road. The majority will come in from the east side of the site. We don't want trucks going through Sugarloaf. Guidance given to promote that flow of traffic. Light industrial uses. No retail element. Employees coming in and out every day, and small number of trucks, less than a typical industrial warehouse. Truck footprint is a lot lower.

Parking: Checked against town code, and industry standards, Institute of Transportation Engineers guidance, we're well parked. Located on a town road, we don't have to seek other discretionary approvals from DOT or Orange County. We knew that COVID pandemic has historically impacted traffic volumes. Found that the traffic volumes counted during the morning commute were lower than pre pandemic traffic volumes. Adjusted them based on historic data. PM/evening volumes did not need to be adjusted. We have a have a good basis of existing traffic to model.

Board Comments

Jackie Elfers Expressed with concerns that study was done in July when there is not school traffic.

Frank Phillips Checked against the historical data and adjusted based on that data, which factored schools being in session and no pandemic.

Larry Dysinger: Commented on the two intersections. Wants input with respect to lighting that's on the drawings. Are they more a broadcast type of light, does it shine down and out, and is light trespassing on to the other property? Would like to see some shielding on some of the lighting, so it does not go beyond the property line.

Chairman Serotta stated we should run this by DPW.

Jackie Elfers: Landscape plan looks really well. Has concerns with the track & blinking light. My concern is the track, and the blinking light. Traffic major concern.

Jon Gifford: No Questions or Comments.

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Justin Brigandi: The trucks shouldn't be able to go through Sugarloaf.

Al Fusco: Most of what we had discussed previously, were addressed by Mr. Morgante. We have a couple of things open that we need to just clarify. We really haven't seen a view shield yet.

Chairman Serotta opens the meeting to the Public.

Since the DEC has not seen our final approval for the project, this is going to be the first to a minimum of two public hearings. There will be another public hearing or two for sure to come up in the future. We don't have a date on this right now, not sure when it's going to happen. Re-notice everybody via Certified Mail, and notice placed in the Times Herald Record. There is a 10-day written period after this meeting where you can go ahead and send us any kind of comments you want in writing or by emails.

Comment #1 - Brad, sent an email. The southeast corner of the building grading encroaches on the NYSDEC wetland adjacent area. There is no fire access road around the building. Sprinklers in the Warehouse? Status of review by the fire department. Mentioned stormwater pollution prevention plan on page 8 states that the additional runoff production value for the entire watershed is provided by the conservation of natural resources in the NYSDEC, wetland and adjacent area. Section 5.3.2 of the New York State Stormwater Design manual provides a number of criteria to apply this practice. The narrative does not provide any details about how these requirements are met. There is a 1% annual chance flood zone immediately adjacent to this project to the East, which includes Bellvale Road, County Route 82. What is the impact of this project on that flood zone?

Comment #2 - Susan

Lives at Lake Station Road, by Paradise going towards Bellvale. Traffic impact going to Warwick, and going to Bellvale because of turn, and school bus & school bus stops. No overnight parking. Quality of life issues to be considered. Concern over enforcement of rules. Vegetation -warehouse on the corner in view, and the berm that was supposed to be planted there is inadequate. Many items planted have died and never replaced. What is going to be addressed for that? Concerned with additional traffic, how am I supposed to pull out of my driveway? I feel that I'm going to be rear ended. Thank you.

Mike Morgante: We'll take a look at the sight distance from your driveway. That's a relatively simple fix. And we'd be happy to look into that.

Susan: The bigger issue is speeding. Many accidents happen at that blinking light. Control, and additional support needed to ensured, so that people are doing what they're supposed to be doing.

Comment #3 Veronica

Issues with tractor trailer blindsiding you right in front of you. OCDPW has to be evaluating that road. There are no lines on Lake Station Road.

Chairman Serotta: We'll take that into consideration.

Veronica: Water is also my concern I have my Well on the opposite side of the street from my house. So, there's going to be a whole lot of tractor trailer increase there. If something happens to the road and I lose my water. What do I do? Tractor trailers at 3am in there that are they're sitting and running for hours with all of their lights on underneath the light. Noise level is another issue. Lighting should be done very well What's the parking lot capacity the?

Chairman Serotta: Your questions will get answered in the future, not tonight.

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Comment # 4 Susan M. and Ed:

We live at Paradise Lane, on the corner of Lake Station and Paradise Lane. We are directly across from Davidson drive. Concerns with vegetation in relation to the size of that building. You're going to need giant redwoods for us not to see the project. It's impossible that they're going to have the kind of vegetation that's going to shield it. Traffic & lighting concerns, there's no streetlights, it's residential. What is going to be done about that? There should more than a blinking light, there should be a regular light over on Kings Highway. There have been a lot of accidents there, including fatalities.

Comment #5 Ed: Wants the board to honor that, and try to keep our residential area as nice and as desirable as it is. If truck traffic is originating from Route 17, why bring it down Lake Station, and why would you not take it from Bellvale directly to Davidson Road, bypassing Lake Station? Existing vegetation, shrub and is deciduous, this time of year, offers no protection.

Comment #5 Tracy: Commended the board for recognizing that this project is a concern for people beyond on the 500-foot notification, and were able to extend it as permitted by code, because traffic and noise can go beyond that. Concerns about wetlands and stream by the site. It seems like the habitat studies are only focused on Bog Turtles; you're not getting real ecological recommendations. Lighting on Davidson drive that's proposed on it wasn't proposed with the adjacent project on pomegranate. Concerned about that impact on amphibians. I believe there's a lot of grading, there's a roadway, and a big parking lot on the other side of that of that line. Is there's an opportunity for, habitat halfway to create between these projects and keep it vegetated, with some trees of substance, or is it just going to be two parallel retaining walls? Maybe there's some evergreens that can be added. Will there be a landscaping report at next public hearing? They might want to be doing light industrial, but as a whole is there like a worst-case scenario that's looked at and what this site can accommodate, and may change into all warehouse use. Why wasn't Kings Highway, and the 17-end intersection included in the Traffic Studies Report? How many are expected trucks versus employee cars? Parking Lot overhangs Concerned about a white building at the corner of Lake Station, that roof when the sun hits that roof, it's very reflective. What is the look of this building, it can be seen from areas we may not have thought of yet? Thank you.

Chairman Serotta adjourned the public hearing, but didn't close it.

Dave Donovan: Mr. Chairman the board could adopt a resolution, make a motion to continue the public hearing. You can re notice, as we discussed before, but right now just the motion to continue the public hearing.

Motion to Continue Public Hearing made by Larry Dysinger

Seconded by Jon Gifford

All in favor – Aye – 5

Chairman Serotta encouraged the public to look at our website in case they come back in before the public hearing. Missing line for the driveway in drawings coming out on to Lake Station Road, that would be nice to have. Acknowledged line of sight comments for residents on that street, and suggested a line-of-sight analysis. Noise – possibly creating a sign beyond the site forbidding the use of Jake brakes by the trucks. Trucks are going down a hill, and a lot of truckers tend to use Jake brakes and make a lot of noise.

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iCAN Storage

Kirk Rother Engineering, Engineer representing Applicant

Chairman Serotta: **Judy Klein** is here tonight the owner and **Kirk Rother**, the Engineer. Looking to get a final approval tonight.

Al Fusco addressing his comment letter

We find the engineering items have been addressed to the accordance of our comments. The only item that appears to open is the applicant does not wish to agree to any sort of restriction over the front of the lot the restrictive covenant and the board should Make a decision on that. Everything else seems to be in order.

Chairman Serotta stated he doesn't feel there's a need to put a restrictive covenant in the front. If they change the site plan and start moving down towards Kings Highway, they're going to come back to us for revised site plan. It's at that point in time, you can say no, or whatever you want to do at that point.

The Board & the Building Inspector had no comments or Questions.

Chairman Serotta stated two documents to be sent is the Neg Dec & Final Resolution.

Dave Donovan: Under the state environmental review act, this is a Type 1 - Unlisted Action. You've gone through due diligence on this project, indicating a Negative Declaration.

Motion to grant the Negative Declaration made by Larry Dysinger

Seconded by Jon Gifford

All in favor – 5 Ayes

Counsel Dave Donovan: Referring to the specific conditions.

A provision added that's supposed to have an escrow for inspections, erosion and sedimentation defaults, and stormwater facilities.

Chairman Serotta: Do we have a stormwater maintenance agreement? They wouldn't sign that here, would they?

Kirk Rother: The only stormwater management on this is a swale along the side of the entry road.

Counsel Dave Donovan: We can delete condition number 3.

Chairman Serotta: An outdoor light provision subject to the lighting ordinance of the Town of Chester.

Motion to grant Final Approval Site Plan by Dot Wierzbicki

Seconded by Larry.

All in favor: Aye – 5

Kirk Rother: Are we still waiting for the DEC, or can we start clearing?

Chairman Serotta: You still have your DPW approvals, you have to secure a driveway permit, and a building permit. We wish you luck on your Project Connect and we'll see in the future. Thank you.

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NY Solar LLC / Greycourt Road

Light Star & Mott Macdonald representing Applicant

Chairman Serotta: Karen Arent/Landscaping Architect will be the Landscape Architect for us on this project. I've asked Karen to look over the Heritage running behind the Solar Arrays. Zoning - changed from OPI to an AI Zone, but that doesn't affect anything. In response to Village Engineers Comment letter, all technical items were solved. Documents were sent answering some of our questions. You've addressed the water. SHPO, came back regarding their biggest comment, landscaping. SHPO has concerns with sight line. There's a segment here where the topography raises and you don't see anything. I think it can be very difficult to screen this big hill from the trail. I wanted to get some feedback from the board.

Board Comments

Karen Arent: I think even if it is an array, it might be better just having a complete screening, where you don't see anything. Maybe some tall trees might be nice so when you look up you don't see it, as well as nice for habitat. My thoughts are to do a very native, rich planting. That invites a habitat for pollinators, birds, and perhaps put it along the fence line. There will be views from the residents over here off of Lehigh.

Try to do some more habitat planting, rather than trying to completely hide this especially in the winter. Try to do something to make an interesting landscape rather than trying to completely seal. That would be a better goal because it's so it's been sitting you know high on the hills, so it's going to be very difficult to see.

Chris Vorlicek/Lightstar: Proposed or what we'd like to propose is screening basically the fence line. When you're sitting from the road, you're not expected to see a huge chunk of the solar array just given that you're sitting higher and the array your kind of looking down at it. If we can match the fence line height you shouldn't be able to mitigate any visual impact from Gray Court Road.

Emily Jaeger: Met with Karen Arent a couple of weeks ago. we looked at where we could provide taller shading and screening and identified three different types of screening. Drawing that shows the different shading types of vegetation - in most recent civil package on page C 202.

Chairman Serotta: Need to get Karen to go ahead and agree with everything. Karen threw at us a question for the board on the Heritage Trail. There's probably two ways to do this. We could put some kind of such heavy screening, or we could do a lot of natural plants for screening, which would also be better for the animals.

Jackie Elfers: Agrees with Karen & Don. If you screen it like a tunnel, it's going to take away from what trail is supposed to do. I think with the proper landscape, it will add to this view. It will definitely give you that feeling of a landscape, not something that you're trying to hide. I think it's a better way to go.

Larry Dysinger: Some focus primarily along the northwest side, where Sanford Avenue all that those homes there as well as on Lehigh, where most of the people who are going to look at it all the time, need to address their impact. Feels should be painted a green color. I would like to see something like that, it would make a huge difference on minimizing the visual impact factors. I agree with the comment about the tunnel effect low lying best, to minimize it,

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maybe taller stuff over by the Southern Sanford Avenue, heavy screening from the Heritage Trail (for openness), screening better for housing on Sanford Avenue. Puts a great quarter Lehigh right here.

Dot Wierzbicki: In agreement that there shouldn't be any heavy screening from the Heritage Trail (for openness) & better screening for the housing near the project.

Counsel Donovan: So long as you do your due diligence on that. You need to do is make sure that the fence and the array or the solar facility is properly screened for residential properties, public roads, private roads and private rights away to the maximum extent practicable.

Alexa Burchianti: Suggests/comments with Plantings and the proximity to the Arrays. Is the rest of the property going to be mowed and maintained, for me to go in there, and go through knee high brush to try and check the plantings to make sure things are still alive, things aren't getting choked out. If any plants need to be replaced, etc. If it's not maintained, I can't get there. I don't know if we're going to do it further out away from the array to buffer, or if we're going to do it close the way we did at the Community Solar, but that was a little rough to go in there. A lot of it got choked out because the overgrowth from the grass around it choked out a lot of the plants, and they had to come in and replant because they made them come in replant.

Karen Arent: What I'm finding with a lot of the native plantings is that when once you open up an area, and it's not maintained all the wild roses, rose vines were taken over. There's no sense doing a nice planting if all the invasive areas.

Justin Brigandi: Were we able to get the residents input that live nearby.

Chairman Serotta: That would be for a Public Hearing, and we're not ready for a Public Hearing yet. Let's talk about the colors here. Can the polls be painted in advance? Recommendation would be the black fence?

Chris Vorlicek: Proposed fencing - black coated PVC or black coated galvanized steel. Painting the arrays, that's not something that we're familiar with on that scale of community solar projects. I'm hesitant to commit to it at this stage, unfamiliarity with the request, but if the intention is with the screening, the landscaping is there to mitigate the visual impact.

Karen Arent: We're not going to be able to screen a lot of the arrays because they're up so high, and the planting is so low. I don't know if you can do a visual analysis with the arrays painted just for us to see what it would look like.

Chairman Serotta: Can they be ordered in colors?

Chris Vorlicek: Maybe if we're doing a smaller size project we might, because we're working with a manufacturer that does do that kind of customization. For this scale, really, the goal is to provide cheap energy access to the community. We want to focus on using the lower cost materials. We'll look into it, but at this point, we haven't really considered it. Labor is high, but we're more than willing to work on the landscaping. If mentioned at the Public Hearing it might spark some further ideas.

Chairman Serotta: Painting not done in a factory wouldn't be effective, in 3 – 4 years there will be maintenance issues. Needs to submit to Orange County Planning, due to the Heritage Trail but prefer we get more planning. Right now, it's too premature to send there. Next meeting, we will have some agreement on the landscaping, and some of Larry's comments.

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SHPO comments needed. We do require bonding on the project that will be worked out with Scott. Pilot needs to be done.

Chris Vorlicek: No response via Pilot from County or School District.

Chairman Serotta: Submit the bonding decommissioning bond to Scott. Echo what Larry mentioned, need actual pictures of some of the other sites. I'm assuming you want to come in the next meeting. At that point in time, hopefully we'll get the landscaping pretty much under control and off to the county. We can then call for a public hearing, go on from there.

Oakwoods Subdivision

James Rugnetta, PIETRZAK & PEAU, Engineering & Surveying, PLLC representing applicant

Chairman Serotta – Reviewing project - 6 lot cluster subdivision, South Side of Camp Monroe Road. OCDP 239 submitted, nothing received yet. Received SHPO. Did we do an environmental on DEC on Endangered Species?

James Rugnetta: EAF Mapper, only alerted Indiana Bats. Note was supplied no tree clearing between November and March.

Chairman Serotta: Last meeting, we got into the cluster plan. I've been reaching out for almost a year to NY, NJ Trail Conference, with no response. Spoke with an attorney, the head person that handles the Highlands Trail. In support of the planning board helping them trying to get them to the Appalachian Trail in the easiest possible way. Mentioned taking piece in the back off. It's not done. Someone is going to take a walk in there and just see if it's beneficial to them. If it is, they'll need some kind of access in the back. Spoke with Mr. Donovan, and Ashley Torrey/Village Monroe Board Attorney, whether they would own it or have an easement and so on. There's a very strong possibility that that piece in the back is going to have to come back into play again. When you did submit that 50 feet there was no way getting there, so an access point to meet that open space to is needed in order for people to hike and then cross over there. Submitted to the Town Board & Mr. Valentine. It doesn't make much sense for the town of Chester to own this property. Considering private ownership at the back. Spoke with Mr. Donovan, about putting some really strong worded conservation easement here.

David Donovan: In the past, I have consulted with the town attorney, he will talk to the planning board. Really strong language is necessary. It's prepared by the applicant and reviewed by myself and Planning Board.

Chairman Serotta: I think Mr. Donovan and the planning board has to agree to this. I think we have to put No Disturbance signs. Be prepared to put that easement back for the NY NJ trail conference, you'll need to put some kind of an access from Camp Monroe Road for the hikers to come in through there, if that's what they choose. If under private ownership, since its way back in the woods, Alexa may need to and go back and inspect it.

Alexa Burchianti: With these heavily wooded larger conservation easements, I want to be able to inspect maybe once or twice a year (depending on the area), see that nobody's doing anything they shouldn't be. Agree with signage showing for conservation easement, for the purpose that people aren't confused between what they think their property line is and the conservation easement line is.

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Larry Dysinger: Signage should be on posts not on the trees.

James Rugnetta: Do you have a written memo of your conversation with the people for that trail?

Chairman Serotta: No.

James Rugnetta: Discussing changes from last plan. Culverts are provided under the driveway and shown on the sheet. Inverts shown on grading utility plans. Drainage analysis conducted crossing on Camp Monroe Rd., that was a 24-inch CMP. Drainage analysis showed it was adequate. Side note, retaining wall removed & graded.

Jackie Elfers: Trees – Do we know what trees are going to come down vs clear cutting everything?

Chairman Serotta: James, make a note of that.

James Rugnetta: Submitted a tree survey by North Country. We can show overlay of that tree survey on this actual sheet. It's not going to show all the trees in the area only the larger ones. And those ones we can basically kind of do little overlay of this and show the ones that are coming down.

Jackie Elfers: Effective drainage is needed due to the way it slopes down to the road.

Chairman Serotta: We want to know what are the actual cuttings.

James Rugnetta: We also provide rain gardens along the driveways. So, the driveways have side swales. Whatever drainage comes off the driveway survey, go into those side swales, and go to rain gardens or long driveways, that's a decrease in peak flow coming from the new impervious area on the lot. It's going to act as a storage and filtering area for that runoff from the impervious area.

Jackie Elfers: We call for some native plants to be installed when rain gardens are done.

Chairman Serotta: To be submitted over to the highway superintendent.

Larry Dysinger: Where did we leave off with environmental on this? Don?

James: We did a bio environmental study duty like the EAF.

Larry Dysinger: Well, what's the environmental impact on this? You have not only this, but the adjacent properties being developed, it's compounded.

James Rugnetta: Shown within the drainage analysis study, with a map along with it. It takes into account the Monroe parcel. I performed the analysis, I'm a certified environmentalist. We perform the Stormwater Pollution Prevention Plan, and follow DEC standards, rules and regulations to minimize the amount of environmental impact. while doing that and follow basically all the rules and regulations that New York State has put in to minimize the amount of environmental impact.

Larry Dysinger: Do we need an outside consultant to review this or not for environmental impact?

Al Fusco: We do it through the environmental impact statement. We've reviewed that, and, the drainage capital which are not calculated yet. We're doing our calculations on it as well. There are no endangered species, or habitats which were identified through the environmental impact statement. We basically have to look at that drainage, and if it's sufficient. I believe we can go forward with the be unlisted action,

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David Donovan: In most instances, we have Al's office that reviews the stormwater, check the soils, and look at traffic unless we need to go to a higher level. And we've done it before with different consultants. The bottom line point I want to make is the planning board is the lead agency under SEQRA is ultimately responsible for making environmental determination. If the board feels they need additional consultants to assist them, the law gives you the you the ability to do that.

Alexa Burchianti: I see that there's Army Corps wetlands, is Army Corps taking a look at this?

James Rugnetta: Army Corps does not need to take a look at this because they allow for a disturbance up to attend an acre which we are under.

Dot Wierzbicki: Did we have to send this to Monroe?

Chairman Serotta: We did send it to Monroe, and no comments. Monroe is going to take another look at it.

Alexa Burchianti: Have we gotten anything from Monroe about their side of it.

Chairman Serotta: Yes, we sent this to them a while ago. We're not finalized.

Larry Dysinger: Al, I have a question for you, based on your analysis, with the rain gardens and everything else. After this development, there should be no additional water running off site and the respect.

Al Fusco: That's correct.

Larry Dysinger: Concerns with issues at Pickerel Street, during heavy rains and flooding, we don't want to aggravate that.

Chairman Serotta: The developer should have been sited. They were supposed to put a drainage, deeper swale going down, all the way down.

No more questions/comments from the Board

Motion to grant a public hearing February 2, 2022 by John Gifford

Seconded by Larry.

All in favor: Aye – 5

Chairman Serotta summarized to James, discuss with appropriate person regarding conservation easements, and Al will continue to look at the Stormwater and runoff.

Somerville way

Engineering & Surveying Properties, PC Representing applicant

Chairman Serotta: It's for 3 lot subdivision. It's combination of lots together, ending up with 3 separate lots in the end. It's over by the greens of Chester. It's off of Summerville way.

Keith: Three existing residential lots looking to combine & re subdivide, lot line change.

There's an existing house that accesses through the existing driveway that kind of loops around to the west coming off.

Chairman Serotta: They don't come in through that other person's driveway.

Keith: They may but they don't have legal rights to that driveway off to the northeast. We're just doing it 2 new additional dwellings on the property that will gain access off of 94. Requires

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DOT approval. Performed a preliminary soil testing, and additional testing witnessed by Al Fusco's office. Provided grading design to driveways with some portions of rather steep slope due to the nature of the topography in that area. EAF - it was identified as a potential sight for the Northern Long Eared Bats back, clearing note was provided on plans to limit the remarks. We've also received the comments of Mr. Fusco's office.

Al Fusco: Reviewing his comment letter. Driveways very steep. Check the lot numbers, confusing. Silk fencing, witness percolation testing, separation distances between septic's and wells, culvert detail, endangered species report. I don't see anything of major significance that we'll have a problem with.

Chairman Serotta: Drive way Steep, our code states nothing steeper than 8%. In the past sometimes approved, maybe a 10% grade. I think that has to be looked at. We need identification of what the grades on the driveways are going to be.

Keith: On the profiles, they do show what portions of it are at 15%.

David Donovan: Could you go through the back?

Keith: It would probably take a lot more grading in order to get access. That would also have to that driveway or the existing driveway would have to be bought off as to a community driveway or common driveway.

Chairman Serotta: We don't allow private roads; we don't do that in a town. There are some ways they go ahead and they combine easements out on the driveway. There are no private roads only time we do a private road on a large 50, 58 plus acre subdivision that we call an open area subdivision. This doesn't even come close this. I think that has to be looked at and then we have to look at the code about the 15%. Has the DOT chimed in to this at all?

Keith: No, we haven't submitted to the DOT for their review.

Larry Dysinger: Concerns - Steep driveway lack of line of sight. Couple of houses to the west have complained about cars speeding & minimal line of sight.

Chairman Serotta: DOT would have to take guard rails down. A gas line crossing is right there. Can't move forward without DOT's comments.

Al Fusco: Identify a different form of access. Need specifications, right away, sight distances.

Jackie Elfers: Might create a drainage issue.

David Donovan: Is access to Lot #1 by easement?

Chairman Serotta verifying with Engineer.

Keith: No, they own all three.

David Donovan: They have no ownership where their access is, I got to take a look at that. Keith, I'm not quite sure you can do what you want to do relative to that, because you're providing, a common access, favor lot number one overlaps two and three, which brings them out to Summerville, but a property that they don't own, which has the potential to implicate to 280a in the town law. I need to take a close look at that. And you guys got some issues?

Chairman Serotta: Isn't that 280a subsection F, where the Town Board has to vote and allow that?

David Donovan: Potentially, yes.

Keith: There may have been an easement at that time that was filed or an agreement between the property owners but we haven't found anything filed with the county.

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Jackie Elfers: These are major things that need to be addressed first.

Justin Brigandi: Unless they have the driveway coming into the back. I don't see how it's going to work.

Al Fusco: It's not workable.

Board in agreement that with the negative grade coming down the road they're entering, it would channel the water.

Chairman Serotta: I think you've got a challenge here to come back. You heard some of the comments made tonight. We're here if you need us in the future.

Meeting adjourned at 10:00pm

Respectfully submitted,

Melissa Foote
Planning Board Secretary

DRAFT