

TOWN OF CHESTER  
PLANNING BOARD MINUTES  
May 6, 2015

**Minutes of the May 6, 2015 Planning Board Meeting**

Members present: Donald Serotta, Chairman, Robert Conklin, Frank Gilbert, Barry Sloan, Ernie Damiani, Stephen Denes, and Carl D'Antonio.

Also present: David Donovan, Planning Board Attorney and Scott Buchholz, Engineer.

The meeting was called to order at 7:00 p.m.

Chairman Serotta stated there were no minutes to adopt at this meeting. The Planning Board Secretary has completed the outstanding minutes, but Chairman Serotta had not yet had the opportunity to read and review the drafts. There are two sets of minutes that the Board will have before the next meeting which are of the April 1, 2015 and April 15, 2015 meetings.

As a Board update, Primo Sports will be having a continued public hearing on May 20, 2015.

Chairman Serotta explained that the Town is moving to a new website and that he and Tanya McPhee, Planning Board Secretary, have found an organizational module for Planning, Zoning and Town Board minutes, agendas and documents. The Town Supervisor, Alex Jamieson did purchase the module. In the future minutes, agendas and documents associated with those minutes will be available to the public via the website.

**HILLS OF CHESTER - 90-DAY EXTENSION OF FINAL APPROVAL**

Until the Hills of Goshen are finished, the applicant will not start the Hills of Chester and are seeking a 90-Day Extension of Final Approval.

Motion to grant extension made by Bob Conklin, seconded by Ernie Damiani. The motion passed unanimously.

**TETZ MINING – ONE-YEAR EXTENSION ON CONSTRUCTION TRAILER**

Gary Tetz of Tetz Mining sent in a letter of June 18, 2014 stating the construction trailer needed to be moved to another area of the mining site off of Tetz Lane. The Planning Board grants one-year special permits for that. The year is coming up so the applicant requested an extension beginning on June 18, 2015 for the construction trailer.

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Motion to grant one-year extension made by Frank Gilbert, seconded by Carl D'Antonio. Motion passed unanimously.

**KASTAN ART – ARCHITECTURAL REVIEW FOR SIGN IN SUGAR LOAF**

Appearing before the Board was Brian Kastan. He wishes to put a sign in front of his new art gallery located at 1388 Kings Hwy in Sugar Loaf. Mr. Kastan brought with him the actual signage he intended to hang.

Mr. Kastan stated he has two businesses out of the location. The main business is the art gallery and he also works as a clinical hypnotist. He presented two signs to the Board. The smaller sign for the hypnosis business will just be placed in the window. The larger sign is going to hang from chains in the front approximately three inches below the second story. There is an existing light that will shine on the new sign.

Chairman Serotta explained to the applicant he would have to get a sign permit from the Building Inspector. The Planning Board's purpose is to approve any sign in Sugar Loaf first for architectural review.

Chairman Serotta polled the Board regarding the signs. No one had any problem with the signs.

Motion to grant architectural review for the signs made by Barry Sloan, seconded by Steve Denes. The motion passed unanimously.

**EAGLE CREST MAJOR SUBDIVISION**

Appearing for the Eagle Crest Subdivision is Kirk Rother, Consulting Engineer. Mr. Rother appeared previously before the Board on April 1, 2015. Mr. Rother stated last month they presented the board with a sketch. This month what they are presenting is what they would actually file with the County Clerk. They are calling it an amended subdivision plat for Eagle Crest Sections II and III because that was the last section that was filed. All this is doing is creating two 25-foot strips in lieu of a 50-foot strip that would be part of Lewis Court. Sheets 2 and 3 show the grading of the driveways and driveway details.

Mr. Rother stated that Al Fusco, Engineer, caught a couple of discrepancies. One was the width of the driveway. It shows 20 in the details and 16 shown. It would be 16-foot width.

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Chairman Serotta stated that the project extended the open space and conservation area. Mr. Serotta then polled the Board for questions and comments. Steve Denes asked how the shared driveway is being resolved. Mr. Rother stated there will be a maintenance agreement. When the applicant files the Warwick subdivision map there will be a maintenance agreement that Warwick makes the applicant file first getting a liber, page and date and then add that to the map before the chairman will sign it. In this particular instance they will create it so that it is 50/50 between the two lots and the cost of maintenance. Mr. Rother also stated that Warwick's regulations require that the driveway be paved.

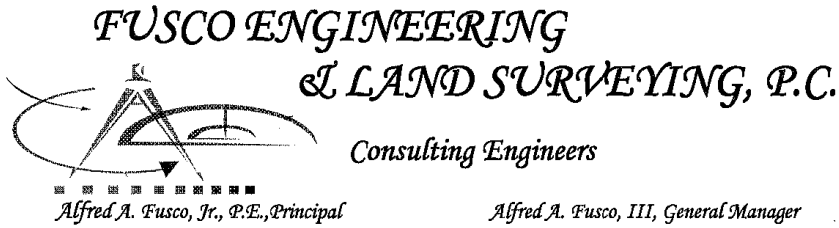
Mr. Denes asked if the residents will be paying additional monies for the maintenance of that driveway. Mr. Rother stated that the two lots will split the maintenance of the driveway.

Ernie Damiani asked how the house lot and the driveway lot are tied together from a legal standpoint. Mr. Rother said the map states that the lots are to be conjoined with the Warwick lots. From a deed perspective these will be two separate pieces of land. Mr. Damiani questioned what would keep someone from selling their house lot and keeping the driveway lot. Mr. Rother said they will be tied together on the deed. They will get separate tax lot numbers because they are in two separate towns. Dave Donovan said the problem would come in if there was not a title insurance involved because the title company is going to insure access to the public road and would want that separate tax lot included in the conveyance. They would not insure title if it was not included and the bank wouldn't loan money if it was not included. Mr. Rother stated that when the deed gets created it gets a Schedule A which is going to describe everything including the 25' strip. Each lot has fee ownership of 25' and each lot has reciprocal right-of-way. So each lot has the right to use the entire 50' but own in fee 25' feet.

Dave Donovan requested at the end of Note: Purposes of Plat that line be put in stating there will be a common driveway maintenance agreement that will be filed.

Al Fusco submitted the following letter:

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- 233 East Main Street  
Middletown, NY 10940  
Phone: (845) 344-5863  
Fax: (845) 956-5865
- 19 Waywayup Lane  
Port Jervis, NY 12771  
Phone: (845) 956-5866

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May 6, 2015

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

Re: Eagle Crest

Dear Chairman Serotta,

PROJECT:

Name: Eagle Crest of Warwick Section 2 and 3  
Acreage: 17.02 Acres  
SBL: 23-1-11.2  
Zone: AR-3  
Material Reviewed: Amended Subdivision Plat – 3 pages – Kirk Rother, PLLC dated 04-24-15

We have reviewed recent submittal and offer the following comments:

1. Note: 25' driveway parcel to be conjoined with proposed Warwick Lot 1 should be "proposed Warwick Lot 3".
2. Need stamp and signature from licensed surveyor.
3. Plan calls for 16' driveway – detail shows 20'; should be consistent.
4. Board comments.

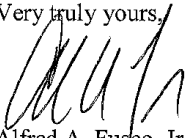
Action:

1. SEQRA Unlisted Action.
2. Waiver or set Public Hearing.
3. Pleasure of Board.

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Please advise if you have any questions.

Very truly yours,



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

Cc: Planning Board Attorney  
Town Attorney  
Supervisor  
Highway Superintendent  
Town Clerk  
Building Inspector

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Scott Buchholz, Engineer, read the comments from the above-submitted letter. He also stated to Mr. Rother to consider what would stop a car from going down into the storm water pond. Mr. Rother said perhaps a guardrail of some sort.

An additional comment made by Mr. Buchholz was Sheet 2 of 3 tax lot 13 and 12 has an over write on the approximate dwellings.

Dave Donovan submitted the following Amended Resolution of Approval Final Subdivision:

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**AMENDED RESOLUTION OF APPROVAL**  
**FINAL SUBDIVISION**  
**FOR**  
**EAGLE CREST**  
**DRIVEWAY CONNECTION PLAN**

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**Nature and History of Application**

The Eagle Crest Subdivision has heretofore received final subdivision approval and the subdivision plat has been filed in the Office of the Orange County Clerk.

This approval is limited to a change that the applicant now proposes to make to a 50-foot strip of land that was originally proposed to be part of a town road to connect the property owned by the applicant in the Town of Warwick and was to serve single family residential homes at such time as the creation of lots to support those homes were approved by the Town of Warwick Planning Board.

The applicant now seeks to modify the prior issued approval to the extent of removing the town road from the 50-foot strip of land and converting that land into a single common driveway that will service 2 homes in the Town of Warwick. The creation of the lots that would utilize the shared driveway remain subject to the review and approval of the Town of Warwick Planning Board.

**Property Involved**

The property affected by this resolution is shown on the Tax Maps of the Town of Chester as parcel(s) 17-1-5

**Zoning District**

The property affected by this resolution is located in the AR-3 zoning district of the Town of Chester.

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**Plans**

The Subdivision Plat materials being considered consist of the following:

1. Completed application form dated May 2, 2006 and Full Environmental Assessment Form dated April 28, 2006.
2. Plans prepared by Kirk Rother, P.E., Consulting Engineer, PLLC, entitled "*Eagle Crest Sections 2 & 3*" dated March 15, 2015, last revised April 24, 2015 consisting of 3 sheets.

**History**

***Date of Application***

A request was filed with the Planning Board on April 1, 2015.

***Public Hearing***

A public hearing on this application was waived by the Planning Board on April 1, 2015.

***SEQRA***

**Type of Action:**

This matter constitutes an unlisted action under the State Environmental Quality Review Act.

**Lead Agency:**

The Town of Chester Planning Board is the lead agency in regard to this action. The Planning Board's status as lead agency was established on July 2, 2008.

**Declaration of Significance:**

A negative declaration was issued on July 2, 2008 and was reconfirmed on May 6, 2015.

**Preliminary Approval**

Preliminary Subdivision approval was issued on November 5, 2008.

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**GML 239 Referral**

This application is not required to be referred to the Orange County Planning Department for review and report.

**Findings**

The Planning Board has determined that approval of this subdivision will substantially serve the public convenience, safety and welfare in that the land to be subdivided is of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace. Further, the arrangement, location and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the possible future development of adjoining land as yet un-subdivided are all appropriate and consistent with the requirements of the master plan, the official map, the Town of Chester Subdivision Regulations and applicable zoning regulations, subject to compliance in full with conditions hereinafter imposed.

**Resolution of Approval**

THIS APPLICATION NOW, THEREFORE, THE PLANNING BOARD RESOLVES to approve final subdivision application of Eagle Crest as said proposal is depicted on the plans identified above and upon the conditions outlined below, and the Chairperson (or his designee) is authorized to sign the plat upon satisfaction of those conditions below noted to be conditions precedent to such signing.

**Specific Conditions**

1. This application – which consists simply of the conversion of a proposed town road to private property to consist of one private driveway supporting 2 single family residential homes – is approved in strict compliance with the conformity of the plans described hereinabove.
2. To the extent applicable, all prior requirements imposed in the Resolutions of Approval from this board for Sections 1, 2 and 3 are herein incorporated by reference.
3. This application is approved subject to compliance with the requirements imposed in correspondence from the Town Engineer, Fusco Engineering and Land Surveying, P.C., dated May 6, 2015.

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**General Conditions**

This approval is conditioned upon the applicant submitting all necessary copies of the plans to be signed, including mylars when required, to the Town of Chester Planning Board within one hundred eighty days of the date of this approval.

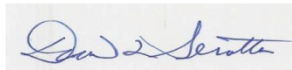
This approval is further conditioned upon the applicant delivering (prior to signing of the plat) proof, in writing, that all fees—engineering, planning, legal and otherwise—in regard to this project have been fully paid. The plans shall not be signed until proof, satisfactory to the Chair, has been presented showing that all fees have been paid.

Before signing of the Final Plat, the applicant shall deliver appropriate offer(s) of dedication, in duplicate, executed and acknowledged by the owner of the property affected, in form suitable for filing in the Orange County Clerk's Office and the Town Clerk's Office for all such lands as are shown on the plat to be so offered. The offer shall include a *metes and bounds* description of said parcel(s).

A FAILURE to comply with any such condition in a timely manner shall result, without further action, in a lapsing of this approval.

In Favor   7        Against   0        Abstain   0        Absent   0  

Dated: May 6, 2015



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DONALD L. SEROTTA, CHAIRMAN  
TOWN OF CHESTER PLANNING BOARD

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Dave Donovan read from the draft resolution. All that is required is a motion to adopt the resolution.

A motion to adopt the resolution made by Bob Conklin, seconded by Frank Gilbert. All in favor. The motion passed unanimously.

**WARWICK RIDGE MAJOR SUBDIVISION**

Appearing before the Planning Board was Kirk Rother, Consulting Engineer. Mr. Rother previously appeared before the Board on April 1, 2015 seeking to phase the Warwick Ridge Subdivision map to file in two sections. Much of the discussion last month revolved around Road A and whether that should be built for a second emergency access and what would happen if Phase II never came to fruition.

Mr. Rother stated he went back to the applicant and strongly encouraged them to include Road A in Section I and the applicant agreed to do so. If the Board approves this plan set the applicant would also have to secure an Amended Board of Health Approval and then could file the map.

Mr. Rother stated that they are creating the stub road now and will be part of the road network now, but were not proposing any improvements, so at the moment it is just land. That land will be dedicated to the Town for use as a street in the future if the Town so desires if the adjoining land ever gets developed. Currently there is no infrastructure on that 50' foot strip so nothing to plow and no dead end for the DPW to deal with.

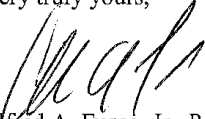
Al Fusco submitted the following letter:



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Please advise if you have any questions.

Very truly yours,



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

Cc: Planning Board Attorney  
Town Attorney  
Supervisor  
Highway Superintendent  
Town Clerk  
Building Inspector

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Scott Buchholz, Engineer, read the comments from the above-submitted letter.

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Dave Donovan submitted the following Amended Resolution of Approval Final Subdivision:

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**AMENDED RESOLUTION OF APPROVAL**  
**FINAL SUBDIVISION**  
**FOR**  
**WARWICK HEIGHTS, LLC**  
**[WARWICK RIDGE]**  
**SECTION 1**

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**Nature of Application**

Warwick Heights, LLC<sup>1</sup> [Warwick Ridge] has applied for approval of a 15-lot subdivision on a 30.1 +/- acre parcel to create residential building lots situated on the south side of Ridge Road. Each of the proposed lots and dwellings will be serviced by individual well and sewage disposal system.

This application received conditional final subdivision approval from the Town of Chester Planning Board on November 3, 2010. Pursuant to correspondence dated March 25, 2015 submitted by Kirk Rother, P.E., Consulting Engineer, P.L.L.C. on behalf of Warwick Ridge, the applicant now seeks to amend its prior approval to permit the subdivision plat to be filed in two sections. The first section is comprised of 8 lots which are depicted upon that certain map prepared by Kirk Rother, P.E, Consulting Engineer, P.L.L.C., entitled "Warwick Ridge Section 1" dated February 10, 2005, last revised April 21, 2015 consisting of 12 sheets.

**Property Involved**

The property affected by this resolution is shown on the Tax Maps of the Town of Chester as parcel(s) 17-1-107.2.

**Zoning District**

The property affected by this resolution is located in the SR-1 zoning district of the Town of Chester.

**Plans**

The subdivision materials being considered are on file with both the Town Building Inspector and in the files maintained by the Planning Board consist of the following:

1. Completed application form and Full Environmental Assessment Form.

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<sup>1</sup> This project received preliminary subdivision approval while owned by Cornelius and Ruth VanDeWeert. By assignment dated November 2, 2010, this preliminary approval has been assigned to Warwick Heights, LLC. This assignment is on file with the planning board.

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2. Plans prepared by Kirk Rother, P.E, Consulting Engineer, P.L.L.C., entitled "Warwick Ridge Section 1" dated February 10, 2005, last revised April 21, 2015 consisting of 12 sheets.
3. Stormwater Pollution Prevention Plan prepared by Kirk Rother, P.E., dated March, 2008, revised October 2010.

***Public Hearing***

A public hearing on this application was convened and has been closed. The public hearing for final subdivision was waived by the Planning Board in accordance with Section 83-11(G) of the town Subdivision Regulations.

***SEQRA***

*Type of Action:*

This matter constitutes an unlisted action under the State Environmental Quality Review Act.

*Lead Agency:*

The Town of Chester Planning Board is the lead agency in regard to this action. The Planning Board's status as lead agency was established on July 2, 2008.

*Declaration of Significance:*

A negative declaration was issued on July 2, 2008. This negative declaration was reconfirmed by the planning board on May 6, 2015 in connection with the approval of the phasing plan proposed by the applicant.

**GML 239 Referral**

This application has been referred to the Orange County Planning Department for review and report. The Planning Department has reported that this matter is one for local determination, there being no significant inter-municipal or countywide considerations found to exist.

**Findings**

The Planning Board has determined that approval of this subdivision will substantially serve the public convenience, safety and welfare in that the land to be improved is of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace. Further, the subdivision is appropriate and consistent with the requirements of the master plan, the official map of the Town, Chapter 83 of the Town of Chester Municipal Code and applicable zoning regulations, subject to compliance in full with conditions hereinafter imposed.

**Resolution of Approval**

NOW, THEREFORE, THE PLANNING BOARD RESOLVES to approve Section 1 of the Subdivision Application of Warwick Ridge, as said proposal is depicted on the plans provided by the applicant and upon the

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conditions outlined below, and the Chairperson (or his designee) is authorized to sign the amended site plan upon satisfaction of those conditions below noted to be conditions precedent to such signing.

**Specific Conditions**

1. This approval is limited to Section 1 of the Warwick Ridge Subdivision and is subject to the terms and provisions contained in Town Code Section 83-13(D).
2. This approval is subject to completion of the entire Town Road depicted on the plans described herein to the satisfaction of the Town Highway Superintendent and the Town Engineer.
3. The Planning Board has determined, based upon the present and anticipated future need for park and recreational facilities in the Town as calculated from projected population growth to which this subdivision will contribute, that parklands should be created as a condition of approval of this subdivision. However, because parks of size adequate to meet the Town's requirements cannot be properly located on the subdivision plat, the Planning Board, pursuant to Section 83-24 the Subdivision Regulations of the Town of Chester and Section 277 of the Town Law of the State of New York, requires that the applicant deliver payment, by cashier's check or certified check drawn to the order of the Town of Chester the sum of \$2000.0 for each new lot created by the subdivision in lieu of dedication of such required parklands to the Town before the Chairman shall affix his signature to the final subdivision plat.
4. This approval is subject to proof of filing (prior to construction) of a Notice of Intent for Stormwater Discharges Associated with Construction Activity Under a SPDES General Permit and delivery of copy of same to the Town Engineer.
5. All stormwater storage and conveyance facilities shall be installed, to the satisfaction of the town engineer. Compliance with the requirements of section 98-13 of the Town Code, including delivery of the required *Stormwater Control Facility Maintenance Agreement* prior to map signing is required. Moreover, a map note to this effect shall be placed on the plans before they are signed.
6. The applicant shall is further required to deliver to the Town, prior to map signing, an offer of dedication wherein and whereby the stormwater facilities are irrevocably offered for dedication to the Town of Chester. Said offer of dedication shall be in

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such form as may be acceptable to the Planning Board Attorney. In the event the Town of Chester Town Board should require, prior to the map being filed in the office of the Orange County Clerk, the formation of a Drainage Improvement District, the applicant must prepare and submit all required information and documentation necessary to facilitate the formation of said improvement district. If no improvement district is required, then, in that event, the deed conveying title to each lot shall contain a recitation that each lot owner shall be responsible for their pro-rata share of the operation and maintenance costs associated with the stormwater facilities.

7. This approval is subject to the plans and requirements set forth in correspondence from the previous Planning Board Engineer as well as compliance with the requirements set forth in correspondence from the current Planning Board Engineer Fusco Engineering and Land Surveying, P.C., dated May 6, 2015.
8. This approval is subject to compliance with the requirements set forth in correspondence from the Planning Board Engineer, McGoey, Hauser and Edsall, P.C. dated November 1, 2010 and November 3, 2010.
9. This approval is subject to compliance with those certain requirements set forth in correspondence from the planning board's landscape architect, KALA, dated November 3 2010 identified and designated as paragraph numbers 6,7,8,9 and 10. The applicant is *not* required to comply with the requirements set forth in paragraphs 1,2,3,4 and 5 in KALA's letter.

**General Conditions**

This approval is conditioned upon the applicant submitting all necessary copies of the plans to be signed, including mylars when required, to the Town of Chester Planning Board within one hundred eighty days of the date of this approval.

This approval is further conditioned upon the applicant delivering (prior to signing of the plat) proof, in writing, that all fees—engineering, planning, legal and otherwise—in regard to this project have been fully paid. The plans shall not be signed until proof, satisfactory to the Chair, has been presented showing that all fees have been paid.

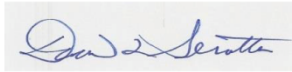
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Before signing of the Final Plat, the applicant shall post, in said amounts as may be established by the Town Board and in such form as shall be acceptable to the Town Board and Town Attorney, all amounts required for assurance that the required improvements shall be properly installed in accordance with the approved plans as well as post all required engineering inspection fees and deliver all required offer(s) of dedication, in duplicate, executed and acknowledged by the owner of the property affected, in form suitable for filing in the Orange County Clerk's Office and the Town Clerk's Office for all such lands as are shown on the plat to be so offered. The offer shall include a *metes and bounds* description of said parcel(s).

A FAILURE to comply with any such condition in a timely manner shall result, without further action, in a lapsing of this approval.

In Favor   7        Against   0        Abstain   0        Absent   0  

Dated: May 6, 2015



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DONALD L SEROTTA, CHAIRMAN  
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Dave Donovan pointed out in Condition Number 1 according to the Town Code the remaining lots drop back to a preliminary status that is good for three years. He advised the applicant to calendar that. Mr. Donovan read over the remaining conditions.

Motion to adopt resolution made by Bob Conklin, seconded by Steve Denes. All in favor. The motion passed unanimously.

The meeting was adjourned at 7:42 p.m.

Respectfully submitted,

Tanya McPhee  
Planning Board Secretary