

PLANNING BOARD
TOWN OF CHESTER
1786 Kings Hwy
Chester, New York 10918
September 7, 2022

Meeting called to order: 7:08pm

Members Present: Chairman Serotta, Justin Brigandi, Larry Dysinger, Dot Wierzbicki, John Gifford, Jackie Elfers

Members Absent: Mark Roberson

Also Present: Melissa Foote/Planning Board Secretary, Al Fusco/Town Engineer

Next meeting of the Planning Board is scheduled for October 5, 2022

NY Solar 1001, LLC

Chairman Serotta: Addressing concerns that Karen Arent (Town Landscape Architect) implemented, double staggered row to buffer view for 186 Greycourt

Jackie Elfers: Western side was addressed, added plants, didn't remove any plants

Chairman Serotta: Submitted to 239 no response – Board is free to vote

Board Comments

Larry Dysinger: Still has concerns but we can move forward

Chairman Serotta: Declared a Neg Dec

Motion by: John Gifford

Second by: Justin Brigandi

Naye: Larry Dysinger

Chairman Serotta mentioned, that no project from any other Planning Board on House Assessments ever done.

Conditions:

Map notes on plans, landscape architect, decommissioning bond

Chairman Serotta: Resolution for conditional site plan approval

Motion by: Justin Brigandi

Second by: John Gifford

Naye: Larry Dysinger

ARX Wireless/Continuation of Public Hearing

Paul Ryan – Attorney for ARX Wireless

Discussing project

Referring to Site Plan so that people who haven't seen it previously can follow.

Part of Verizon Wireless

154ft monopole because of lightening rod.

There will be other vendors potentially in the future, minimal disturbance

Cell coverage is deficient in quality of reach for data and cellular

Several reports have been submitted

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Chairman Serotta: Synopsis – How was the site picked and how was the planning board involved. There was a lease agreement with the Town. The SQRA part has to come in front of the Planning Board. Referring to the law that was passed in 1996. Planning Board has restrictions on what they can do. Two major areas to be provided – Needs analysis, FCC regulation radiation with setting standards/decibels. They can't exceed a certain number they have to be in compliance.

First on the pole is Verizon, maybe AT&T

Explaining how the consultant verifies and signs off that the RFF and need analysis have been met.

Clint Smith/Town Cellular Consultant: Used 2 different levels in regards to 700 & 2100 to show different models. Mentioned Neptune Cell Tower, Microwave Tower – getting stretched to capacity. There's a need for extending the coverage.

Chairman Serotta: Studies need to be done due to SEQRA – Wild Endangered Species, tree cutting certain times, Indiana and Long nose bats. Hit on bald eagle migration. Submit to other Agencies to SHPPO – make sure that they aren't any artifacts. Didn't find anything of historical significance. No Findings.

239 – to look at certain conditions, within 500 ft of a state park. They can make mandatory comments, or advisory, or no comments and make it local determination. The board can reject their comments. Discussing the Public Hearing Notice guidelines, state law and the town of Chester law, which is 500 ft. Bear Mountain State Park reached out, but nothing has been received. They'll have 10 days after the Public Hearing to communicate via writing. No regulatory authority.

Chairman took pics of cell towers – some towers in highland trail are over 250 feet.

Al Fusco/Town Engineer's reviewing Comment Letter. Make sure #2 is noted on the plan, supply a mapper (?), \$\$ should go to Town via decommissioning act.

Chairman Serotta: Explaining that the use of a generator doesn't run constant.

Paul Ryan: Generator Power / will try to negotiate during the day time

Chairman Serotta: Concerns over the colors of the pole.

Board Comments:

Larry Dysinger: Referring to maximum of 150 ft. needs to justify the height. Generator concerns with D level 8/3, 8/27 then noise level goes to 64, this is conflicting. The decommissioning cost seemed low, should be more detailed.

Clint Smith: Wasn't showed different height analysis vs. needs analysis. – agrees with LD

Paul Ryan: 150 ft height is standard height, Town and ARX maybe didn't cover the height analysis. We will supply necessary docs. Decommissioning cost is negotiated – recycled.

Motion to Open Public Hearing by: Justin Brigandi

Second: John Gifford

Proper notices were sent at the 1st hearing, and were posted in the Newspaper.

Comment #1 / Juniper Lane – Jeanne Grill

Concerned with the location, view, RF, health risks to community.

Looked at distance from cell tower to home ¼ mile.

Height of Tower concerns - Why is it over 100ft? Mentioned are they leaving space for other cellular companies. Concerns over noise & construction. Goose Pond Lake – will access be limited, will there be gates? Concerns about health because of children.

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Comment #2 / Tracy Schuh

Submitted a letter from Preservation Collective, Inc.

Location concerns, vote against comparing court cases because of visual impacts, wondering about alternatives.

Balloon test needs to be done leaf off, and questioned why public wasn't given any information about when the balloon tests were done.

Sheds were not included in the visual analysis, Laroe Rd., Gibson Hill Rd, Bonnie Hill Rd. missing certain view on the analysis.

Feels the photo analysis is not a true representation.

Procedure and consistency need to be done.

Maybe add a berm or ask the Town Landscaper to participate.

Mentioned that the Town Board facilitated this so Planning Board had their hands tied.

Referring to Town Code of Public Hearing 500ft should be more referring to reaching out to other residents.

Comment #3/ Corner of Oak & Tulip

What is the elevation to where tower will be in comparison to the Corner of Oak & Tulip?

Comment #4 / Lydia Cuadros

Concerns with Town Code & Height – Ridge overlayed district, scenic views ruined, Generator will require 210lb gas.

Comment #5/ Chris Mauer

Concern with backup generator and what the noise level will be with 2/3/4 Generators

Comment # 6 / Marcia Stern – Juniper Lane

Who decided where the tower was going to be located?

Chairman Serotta: The Town Board picked that site, not the Planning Board. It was handed to the Planning Board after the lease was signed w/ ARX.

Motion to close Public Hearing: Larry Dysinger

Second by: Dot Weirzbicki

Don Serotta: Planning Board will accept Written comments for 10 days. September 17, 2022

Primo Sports – Storage Shed

Chairman Serotta: Paul Golden applicant needs storage – 2 sheds, 10 x 14 back-to-back sheds to store equipment.

Motion to approve 2 sheds by: Jackie Elfers

Second by: Larry Dysinger

AT&T – Co-Locate on Water Tank on Kings Highway

Marty McGee Representative of Airosmith/Reviewing project

Section 64-109

Will not increase the height by 10%

Proposed modifications to the water tank include the installation of 12 antenna ancillary equipment on top of the water tank and at ground level we're seeking to install a 20-Watt Diesel generator to support proposed wireless facility. This will be inside the existing gated compound.

Coverage along Evan Rd in Chester and Warwick, NY

1st Responder – needed

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Joe Johnson – Engineer with ARX Wireless/in attendance

Dan Pernesso – RF Expert, exhibits have been provided to the Planning Boards Cellular consultant, Clint Smith.

Clint Smith: No needs analysis because its existing, report was done included the other 2 carriers. FAA report – height – needs to be presented before commensuration of construction

Marty McGee: FAA Report has been filed. It takes a while.

Chairman Serotta: Referring to Town Code Section §89-c – existing co-location.

Dave Donovan: Eligible facility – Federal regulation – already existed/out changing physical dimensions, height below 10%. Planning Board may not deny. Another community eligibility determination was done through the building inspector. My opinion is to defer to the building dept.

Clint Smith: Confers

Motion to send to the Building Inspector by: John Gifford

Second by: Justin Brigandi

Dave Donovan: Make sure that everything is in order.

Chairman Serotta: Your next step is to apply for a building permit.

T-Mobile - Co-locate

Locating on same level as Verizon. It's less impactful because it's lower.

Clint Smith: Needs to show EMF compliance, let them know if FAA needs to be done.

Motion to send to Building Inspector: John Gifford

Second by: Jackie Elfers

Sumerville Way

Chairman Serotta: Concern due to Access to the road & Shared driveway. Applicant needs to go to the Town Board.

193 BMD

****Needs to come in October for SEQRA determination****

Larry Torro: We've received the Variances that we needed from the ZBA. We need an article 24 from the DEC. Waiting from DEC because of disturbance with adjacent area
DEC requiring for determination for SEQRA from Planning Board, they won't review the permit until SEQRA needs to be done.

Dave Donovan: We can do a conditional approval based on board and Engineer.

Larry Torro: Describing project – Looking to combine the two buildings. It will be the same color to blend the two building together. Lighting plan was provided, along with parking, and drainage that are on the plans.

Board Comments:

Larry Dysinger: Concerns with lighting, new & existing. The existing building don't conform to the current outdoor lighting ordinance.

Larry Toro: Lights will be replaced. Stormwater report was submitted in July.

Al Fusco: Reviewing Comment Letter

Chairman Serotta: Are there sprinklers in the building? What is being stored in the building?

Larry Torro: I will have the Architect address that issue. There are no chemical goods stored in the building.

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Dave Donovan: A list needs to be provided of items stored.

Chairman Serotta: Safety, concerns with the well.

Larry Torro: The Village of Chester Water Superintendent chimed in, because we had a public hearing with the ZBA. There was nothing that raised a red flag to the ZBA that they felt they needed to. Do we need a Public Hearing?

Dave Donovan: That's up to applicant. It's an amended Site Plan Approval to the discretion of the board. You have the ability to wave the Public Hearing or move forward with the Public Hearing.

Motion to waive the Public Hearing by: Dot Weirzbicki

Second by: Justin Brigandi

Black Meadow Crossing

Larry Torro: There was an issue regarding the play area and a narrative was provided.

Chairman Serotta: Referring to the code with relation to his narrative. Feels he should go to the ZBA, unless the board accepts the chart that was given by Applicants Engineer with relation to number of kids on the property at a time. Please put something into the site plan and limiting the number of kids.

Board Comments

Board accepted the chart, and they are ok with it.

Dave Donovan: Do we know approximately how many kids will be there. What is the enrollment? This needs to be figured out. We can make a condition of your approval.

Larry Dysinger: Add to site plan, regarding number of children outside at a time.

Hamling/Silver Tail Road

Dave Getz/Applicant's engineer describing the project

Wants to build house on a different location than originally submitted. Not changing the septic location. Proposing a new well near the house as opposed to the one that was shown near the old house location.

Showing approved septic from original subdivision application.

Narrative says keeping new well location, but they are changing the location.

Al Fusco discussing his review letter: Not a need for extensive tree clearing, well change, driveway move, add to bulk table need previous plans to compare to new location. May be w/in 500ft of TOW
**239 Needed- Planning Board Secretary to send 239 Referral. **

Alexa Burchianti: Where he is moving the house was triggering a fill permit because it was going to be in excess of 100 yards, and where he was locating the house and moving the driveway, on the opposite side of originally approved subdivision.

Referring to Code §83-22/Lots - Section N/relocation of dwellings.

Chairman Serotta: We'll need an amended Site plan no Public Hearing is needed.

Meeting adjourned at 9:30pm

Respectfully submitted,

Melissa Foote
Planning Board Secretary