

## MINUTES

### VILLAGE OF CHESTER PLANNING BOARD

JUNE 28, 2016

#### REGULAR MEETING

**PRESENT:** Richard RAMSDELL, Chairman  
Robert JANKELUNAS, Member  
Anthony LASPINA, Member  
Vincent RAPPÀ, Vice-Chairman  
Gene WINTERS, Member  
John ORR, Code Enforcement Officer  
Mark EDSALL, Planning Board Engineer  
Harold PRESSBERG, Planning Board Attorney

#### **REGULAR MEETING**

Chairman Ramsdell opened the Regular Meeting at 7:00 PM.

##### **1. Minutes**

**\*MOTION** was made by Member Jankelunas, second by Member Winters, to **ACCEPT THE MAY 2016 MINUTES AS DRAFTED**. Motion passed 5-0.

##### **2. Correspondence**

The Chairman reviewed the following correspondence:

- Letter from NYSDOT re: 3 Brookside Day Spa: the letter dated June 9, 2016 was read into the record.

##### **3. Code Enforcement Officer Report**

Presented by John Orr (copy attached). It was noted by Member Rappa that the building sign for the old bagel store is still displayed on the McDonald's side of Chester Plaza. CEO Orr advised he would make the owners of the new bagel store aware of the sign.

##### **4. Projects for Review**

<b>Project # 16-04</b>	<b>Project Name: Chester Plaza Billboard</b>
Applicant/Owner:	Regency Management Corp.
Location:	69 Brookside Avenue
Re:	Construction of Billboard
Presented By:	Larry Torro

Larry Torro, PE provided an update on the project:

- NYS DOT will not accept an application until he received site plan approval from the Village;
- NYS DEC permit is being reviewed, and he was advised he would have it soon;
- OCDP responded with Local Determination and advisory comments about lighting and landscaping.

CEO John Orr commented:

- Prior conditional site plan approval was granted on February 25, 2003 under Project #03-02 Lamar Advertising;
- Portion of the February 25, 2003 minutes was read "Conditions of approval were: Eliminate proposed improvements not related to the project; sign will be height of 25 ft above ground level; and three others not related to the height of the sign";
- The approved plans show the sign's support pole is 25 ft HAGL with a 3 ft catwalk and a 14 ft sign although approval was for a 25 ft sign, not a 42' sign as depicted on the plans.

Larry Torro advised they proposed a 42 ft sign as shown on the approved plans.

Discussion was held regarding the approvals and sign heights.

Planning Board Attorney Harold Pressberg advised the Planning Board could approve the sign location and the applicant would then submit a building permit application to the CEO who would make a determination regarding the sign height and potentially refer the applicant to the Zoning Board of Appeals. Discussion was held regarding the applicants next steps if conditional final approval is granted tonight.

Clifton Patrick of 119 Brookside Avenue, Chester, NY advised he believes there is another issue in that the Code there's a prohibition against billboards being clearly visible from Village streets and this billboard would be visible from Leone Lane and Route 94.

Chairman Ramsdell asked if this was new information and was advised, yes, it was just discovered a few days ago. Discussion was held regarding the part of the Code being referenced §98-19H Signs prohibited in any District.

**§ 98-19Signs.**

[Amended 2-10-1992 by L.L. No. 2-1992; 2-11-2002 by L.L. No. 2-2002; 11-4-2013 by L.L. No. 4-2013]

H. Signs prohibited in any district. The following signs and types of signs shall be prohibited in any district:

- 5) Billboards and other advertising signs which are clearly visible from a street in the Village, and signs mounted on rooftops and signs which project out from buildings more than one foot.

CEO John Orr advised, in his opinion, §98-19H(5) was intended for limiting billboards along Brookside Avenue and not that you couldn't see the back of the sign or a piece of the sign, but that's a discussion for the ZBA. If you want to go by the letter of this Code, #5 again, billboards and other advertising signs. There are a lot of other advertising signs that can be seen from Village streets. If you think about the intent of this again, billboards and other advertising signs which are clearly visible from the street in the Village. They're talking about billboards being displayed to Village streets, in his opinion.

Discussion was held regarding needing more time to review the application and see if the billboard is visible. Larry Torro asked what he could provide to assist the Board's review.

**\*MOTION** was made by Member Winters, second by Member Rappa to **GRANT CONDITIONAL FINAL SITE PLAN APPROVAL OF THE BILLBOARD LOCATION ONLY**. Conditions of approval are:

1. Payment of all fees;
2. Applicant must obtain the requisite NYS DOT Permit;
3. Applicant must obtain the requisite NYS DEC Wetlands Permit;
4. No construction to commence until the Application obtains a sign permit from the Village of Chester Code Enforcement Officer;
5. The Planning Board is specifically not determining the appropriate height of the sign.
6. Motion passed 3-2 (In favor: Member LaSpina, Member Rappa, Member Winters; Opposed: Chairman Ramsdell, Member Jankelunas)

<b>Project # 16-06</b>	<b>Project Name: Day Spa</b>
Applicant/Owner:	Chang Sil Unrine
Location:	3 Brookside Avenue
Re:	Day Spa
Presented by	Tom Depuy

Tom Depuy provided an overview of the site plan changes.

- Usage changed slightly to Day Spa and Residence;
- Recalculated and updated parking to reflect the changes;
- Updated paved area;
- A floor plan and a copy of the massage therapists license were provided;
- Septic/water use is the same or less than the previous tenants.

Planning Board Engineer, Mark Edsall's comments were read into the record (copy attached).

Planning Board Attorney Harold Pressberg advised this is a Type II Action under SEQRA and that massage therapy is not considered an adult entertainment use as the therapist is licensed by New York State.

Member Jankelunas requested clarification of the parking calculation. Tom DePuy advised the parking was reduced with the usage change from 14 proposed spaces to 7 proposed spaces and there is a paved area for turn arounds that is paved, but not striped and could accommodate additional parking if needed.

Member Winters requested clarification of the floor plan – would there be therapy rooms and an apartment. CEO John Orr advised it would be 5 therapy rooms, one office and the residence connected. The massage therapist would be living in the residential part of the building. He has requested the applicant install a door where the pantry is located on the floor plan to define separation between the business and residence. It was also noted that the basement is for storage only.

David Stevenson of 16 Elm Street, Chester, NY, asked if there are 5 proposed rooms for massages, wouldn't the required parking be 10 spaces to accommodate staff and clients? He was advised the parking is determined by the calculations set forth in the Code, and it was possible that not all rooms would be used at the same time.

Gordon Shehab of 68 High Street, Chester, NY, asked how many therapists would be employed. As per the applicant, there will be 2 therapists on staff.

Member Winters asked the applicant if all the massage therapists would be living and working on site, and the applicant advised only she would be living there.

**\*MOTION** was made by Member Jankelunas, second by Member Rappa to **GRANT CONDITIONAL FINAL SITE PLAN APPROVAL**. Conditions of approval are:

- Payment of fees;
- Pavement removal completion date;
- 10 copies of the final site plan.

Motion passed 5-0

## 5. General Discussion

Discussion was held regarding the proposed new Local Law ITR District:

- Chairman Ramsdell advised the property is located North and West of Shop Rite, and he is hoping to have a response to the Village Board for their meeting scheduled for Thursday, June 30, 2016;
- Planning Board Attorney Harold Pressberg advised that it's not clear this is Local Law #2 and that reference should be removed from the draft response;
- The proposed new Local Law was referred to OCDP and a response was issued on 05-19-2016. A copy of the response was read into the record by Chairman Ramsdell (copy attached);
- Member Jankelunas asked that on page 2, the portion of paragraph 3 that reads "on condition of the establishment of" be changed to read "recommends the Village Board consider additional";
- Leslie Smith of 119 Brookside Avenue, Chester, NY, suggested Chairman Ramsdell include the sentence from the Planning Board's report of 2013 which reads "it is also recommended that appropriate protection for a village ridgeline area be enacted".

As there were no additional comments regarding the proposed Local Law report, **\*MOTION** was made by Member Rappa, second by Member LaSpina to **ALLOW CHAIRMAN RAMSDELL TO MAKE THE SUGGESTED CHANGES AND SUBMIT THE LETTER REPORT TO THE VILLAGE BOARD**. Motion passed 5-0.

CEO John Orr thanked the Board for working diligently and providing the Village Board with a timely response.

Gordon Shehab of 68 High Street, Chester, NY, asked if the Planning Board has the ability to approve/deny billboards. He noted that neighboring municipalities (Monroe, Harriman and Blooming Grove) do not have billboards as their respective Codes do not allow billboards.

David Stevenson of 16 Elm Street, Chester, NY, asked if it could be a condition of site plan approval to remove an old sign in disrepair before a new one is installed. Per Planning Board Attorney Harold Pressberg, there are 1<sup>st</sup> Amendment rights that are involved in this process and a lot of courts are ruling in favor of the signs. It was also noted that if a billboard falls into disrepair, the Code Enforcement Officer would have jurisdiction.

Leslie Smith of 119 Brookside Avenue, Chester, NY, asked how long a site plan approval was valid. Planning Board Attorney Harold Pressberg advised that if no work is started, the site plan expires in 6 months or by the completion date on the approved site plan.

Chairman Ramsdell asked if anyone had anything else to discuss and, as there were no other comments, **\*MOTION** was made by Member Jankelunas, second by Member Rappa, to **ADJOURN THE MEETING**. Motion passed 5-0. Meeting adjourned at 8:29PM.

Respectfully Submitted,



**Sandra VanRiper**  
Planning Board Secretary

Village of Chester  
Building and Codes Department  
Monthly Report to the Planning Board

June 28, 2016

**Current projects that were inspected during the last month:**

F&A – 41 Greycourt Ave

- 1- Project almost complete.

Meadow Hill Apartments.

- 1- Building #5 interior work continues.
- 2- Building #6 framing complete and interior work started.
- 3- Building #2 framing started.
- 4- Building #3 footings are in and underground plumbing.

Steris – 2 Nucifora Blvd.

- 1- Work continues.

BYK – 48 Leone Lane

- 1- Work is complete.

Gorman – 14 Miller

- 1- Work is complete.

Bagel Girls Café – 69 Brookside Ave

- 1- Work is complete, store open.

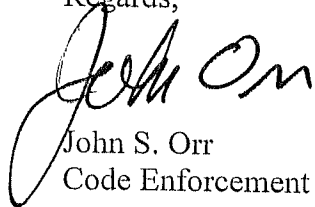
Christopher's Bistro – 69 Brookside Ave

- 1- Work almost complete.

FDF Enterprises – 5 Sanford Ave.

- 1- House construction well underway.

Regards,



John S. Orr  
Code Enforcement Officer



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS D.P.C.

MARK J. EDSALL, P.E., P.P. (NY, NJ & PA)  
MICHAEL W. WEEKS, P.E. (NY, NJ & PA)  
MICHAEL J. LAMOREAUX, P.E. (NY, NJ, PA, VT & VA)  
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**VILLAGE OF CHESTER**  
**PLANNING BOARD**  
**REVIEW COMMENTS**

**PROJECT NAME:** 3 BROOKSIDE LLC SITE PLAN  
(CHANG SIL JNRINE, APPLICANT)  
**PROJECT LOCATION:** NYS ROUTE 17M  
SECTION 115 – BLOCK 2 – LOT 1  
**PROJECT NUMBER:** 16-06  
**DATE:** 28 JUNE 2016  
**CONSULTANT:** T.M. DEPUY ENGINEERING & SURVEYING  
**PLAN DATE:** Rev. 7 dated 6/15/16 (single sheet)  
**DESCRIPTION:** THE APPLICATION PROPOSES A DAY SPA AT THE EXISTING  
BUILDING AT THE SITE. THE PLAN WAS PREVIOUSLY REVIEWED AT  
THE 22 MARCH 2016 AND 26 APRIL 2016 PLANNING BOARD  
MEETINGS.

1. The applicant's engineer has advised that the NYS DOT objected to the parking within the right-of-way unless a formal agreement was reached with the Real Estate / Right-of-Way group. Pursuant to the same, the plan has been revised to eliminate the parking in the ROW. Also, the applicant has revised the scope of the project such that only a portion of the interior is to be used for the Day Spa, with the balance being a residence. This has been reviewed with the Village Code Enforcement Officer and a floor plan submitted to clarify the scope of the interior uses.
2. With the application revised, I note the following comments:
  - The sanitary demand for the facility will now be a combination of a 3-bedroom residence plus a 877 sf day spa. The design engineer should confirm that the conclusions referenced in his 6/1/16 letter remain valid, and a revised letter should be submitted.
  - The parking calculation has been revised based on the modified scope of the application. The parking requirements are met on the site based on the new proposed scope of use.

3. The applicant should specifically define, to the Planning Board, the scope of services available at the “Day Spa”. I provide this comment relative to the Village’s definition for a “Massage Establishment” in the code (listed as a Adult Entertainment Use unless the office is for a healthcare practitioner), since the license provided to the Village CEO by the applicant is for a “Massage Therapist”. Some guidance from the Attorney for the Planning Board is appropriate.
4. The application was referred to the Orange County Department of Planning. A response was received dated 5/19/2016 “Local Determination”, with a comment regarding water usage. The applicant’s engineer should confirm prior comments regarding adequate water supply to the facility.
5. The application was referred to the Town of Chester on 3/28/2016. It is my understanding no response has been received.
6. The Planning Board should confirm the status of SEQRA with the Attorney for the Planning Board.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.  
Engineer for the Village

MJE/st  
Ches16-06-28June2016.doc



Steven M. Neuhaus  
County Executive

## Orange County Department of Planning

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David E. Church, AICP  
Commissioner

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### County Reply – Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-l, m, & n

**Local Referring Board:** Village of Chester Board  
**Applicant:** Village of Chester Board of Trustees

**Referral ID #:** CHV 07-16M  
**Tax Map #:** 120-1-2, 107-3-4, and  
108-1-1

**Project Name:** Zoning Amendments-RS Technology Overlay

**Local File #:** none provided

**Proposed Action:** Local Law to amend zoning code to create new technology and research park overlay zone and to amend zoning map to apply single family residential zoning to currently unzoned parcel 120-1-2 and new overlay district to all three parcels owned by BT Holdings

**Reason for County Review:** Local law affecting zoning and land use; affected property within 500 feet of NYS Route 17M and within 500 feet of the Town of Chester/Village of Chester boundary

**Date of Full Statement:** May 12, 2016

#### Comments:

The Department has received the above referenced local law and has found no evidence that significant intermunicipal or countywide impacts would result from its approval. We would like to offer the following advisory comments:

Water Usage: Most of the uses allowed by special permit in the proposed overlay zone are likely to require a substantial amount of water. We advise the Village to ensure that sufficient capacity exists within their water system to allow a number of these uses.

**County Recommendation:** Local Determination

**Date:** May 19, 2016

**Prepared by:** Megan Tennermann, AICP, Planner

David Church, AICP  
Commissioner of Planning

As per NYS General Municipal Law 239-m & n, within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available online at [www.orangecountygov.com/planning](http://www.orangecountygov.com/planning).

# Received

MAY 31 2016

Village of Chester  
Planning Board