

MINUTES

VILLAGE OF CHESTER PLANNING BOARD

FEBRUARY 28, 2017

REGULAR MEETING

PRESENT: Richard RAMSDELL, Chairman
Robert JANKELUNAS, Member
Anthony LASPINA, Member
Vincent RAPPA, Co-Chairman
Gene WINTERS, Member
John ORR, Code Enforcement Officer
Mark EDSALL, Engineer
Harold PRESSBERG, Attorney

REGULAR MEETING

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

1. Minutes

***MOTION** was made by Member Winters, second by Member LaSpina, to **ACCEPT THE NOVEMBER AND DECEMBER 2016 MINUTES AS DRAFTED**. Motion passed 5-0.

2. Correspondence

Stevenson's letter re: Elmwood Apts was read into the record by Chairman Ramsdell (copy attached). Referrals from the Town of Chester for The Castle Zip Line, Workshop and Billboard

3. Code Enforcement Officer Report

Presented by John Orr (copy attached).

4. Projects for Review

Project # 16-08 Project Name: The Castle SPA (Zip Line & Addition)

Applicant/Owner: Brian & Alison Leentjes / XLLC & 717, LLC

Location: 107-109 Brookside Avenue (107-2-14.2 & 15 / B2 Zone)

Re: Construct 12' X 40' Platform for a Zip Line and 10,000 square foot addition

Presented Brian and Allison Leentjes, Owners

Mark Edsall's comments were reviewed (copy attached) and general discussion held regarding:

- The request for a list of proposed site changes and narrative was clarified;
- Inside and outside attraction/rides flexibility;
- Draft Lead Agency and referral letters;
- Coordinated review of Zip Line and uncoordinated review of other projects in the Town.

***MOTION** by Member Winters, second by Member Jankelunas, to **DECLARE THIS AN UNLISTED ACTION UNDER SEQR**. Motion passed 5-0.

***MOTION** by Member Jankelunas, second by Member Winters to **DECLARE THE VILLAGE OF CHESTER PLANNING BOARD'S INTENT TO BE LEAD AGENCY FOR SEQR**. Motion passed 5-0.

***MOTION** by Member Winters, second by Member Jankelunas, to **AUTHORIZE MARK EDSALL TO DRAFT REFERRAL LETTERS AND LEAD AGENCY INTENT LETTER**. Motion passed 5-0.

As there were no other comments, ***MOTION** was made by Member Jankelunas, second by Member Winters, to **ADJOURN THE MEETING**. Motion passed 5-0. Meeting adjourned at 7:40 PM.

Respectfully Submitted,



**Sandra VanRiper
Planning Board Secretary**

Village of Chester Planning Board
47 Main Street
Chester, NY 10918

COPY

January 8, 2017

To the Village of Chester Planning Board and Code Enforcement Officer,

I am writing to express my dismay with the Response to Public Comments document submitted by the applicant in the Elmwood Apartments project, specifically the issue of the proposed "use" of the lot at 8 Elm Street which would provide access to the complex. This issue of usage is actually the central issue in this case, strikes at the very core of this project, and deserves closer scrutiny rather than being brushed aside by the applicant.

As we all know, the 8 Elm Street lot is zoned RS (and sits in the middle of an entirely RS street of single family houses) but is being proposed for use for a project that lies primarily in a B1 zone. The applicant is further proposing to combine the 8 Elm Street lot with the adjacent B1 lot into a single lot which would continue to straddle the two usage zones. Finally, the applicant seeks to justify this usage by claiming that the 30-foot-wide two lane access road would not be considered a "use" and is not prohibited by the Zoning Code.

This type of circular reasoning is specious at best, and flat out wrong at worst. The definition of "Use" in the Village Code is: "The purpose for which LAND or a building is arranged, designed or intended or for which either LAND or a building is or may be occupied or MAINTAINED." It is clear from this definition that the land does not necessarily need to have a building on it to still be considered a "use." Further, the proposed road will certainly be arranged, designed and maintained, qualifying it as "usage."

Now let us look at the word "purpose" in the above definition. The purpose of this access road is intimately tied to the housing project it supports. They are not mutually exclusive. The road would not exist without the apartments, and the apartments could not exist (in this application) without the access road. To suggest that the access road is not a part of the project would be akin to saying the entrance drive to the Chester Mall is not really a part of the entire Mall project. This is plainly absurd. A project must be evaluated in its entirety. Access roads receive just as much scrutiny by the Planning Board and are rightly conscribed by specific regulations in our Code because they are an important component to any project. In fact, in Elmwood's situation, it could be argued that this access road would actually be the MOST used portion of the entire project, enduring moving traffic at all hours of the day.

The applicant's contention that an access road situated on an RS lot is not prohibited by the Zoning Code and therefore allowed is also fraught with misinformation. Our Code does indeed have sections where certain activities are prohibited. But it is also true that the Code has sections where it is very specific as to what activities are ALLOWED (The Schedule of District Regulations bulk tables). Something that is not on the list of allowed activities would, by exclusion, be prohibited. After reviewing our Code thoroughly, I have found no areas where an access road on an RS lot for usage by a B1 project is allowed. Most likely this omission is due to the fact that if it WERE allowed, it would undermine the very reason for having a Zoning Code at all, namely the orderly sequestering of specific types of activity to certain areas of the Village meant to ensure harmonious development of the municipality. The current Elmwood proposal would most certainly NOT pass this litmus test.

I don't know if the final decision resides with the Planning Board or the Code Enforcement Officer but I implore both parties to evaluate the impact this project would have on the neighborhood, the realistic and common sense assessment of this "usage," and rightly deny this application.

Thank you in advance for your time and consideration.

Sincerely,



David Stevenson
16 Elm Street
Chester, NY 10918



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

February 28, 2017

Current projects that were inspected during the last month:

Meadow Hill Apartments.

- 1- Building #2 now occupied.
- 2- Building #1 interior work continues.
- 3- Building #3 interior work started.

Steris – 2 Nucifora Blvd.

- 1- Interior work continues.
- 2- Site work continues.
- 3- March 1st start of installation of equipment.

Curtain – 1 Railroad Ave

- 1- Work continues.

Mott – 45 Meadow Ave

- 1- Work continues.

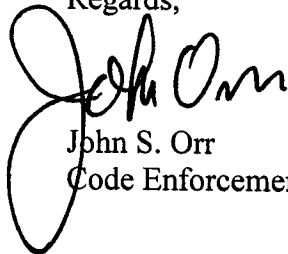
McDonald's – 73 Brookside Ave

- 1- Exterior renovations continue.

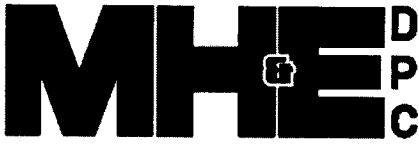
Demack/Belmay – 45 Leone Lane

- 1- Issued permit for the floor alteration.

Regards,



John S. Orr
Code Enforcement Officer



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VILLAGE OF CHESTER
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: CASTLE FUN CENTER SITE PLAN AMENDMENT (v.17)
(Proposed Building Addition & Zip Line Platform and Tower)
PROJECT LOCATION: NYS ROUTE 17M
SECTION 107 – BLOCK 2 – LOTS 14.2 & 15
PROJECT NUMBER: 16-08
DATE: 28 FEBRUARY 2017
CONSULTANT: JAMES A. DILLIN, PLS
PLAN DATE: Plan Revised 02-17-17
DESCRIPTION: THE APPLICATION PROPOSES AN ADDITION TO THE RECREATION CENTER BUILDING ADDITION AND A ZIP LINE USE. THE PLAN WAS PREVIOUSLY REVIEWED AT THE 13 DECEMBER 2017 PLANNING BOARD MEETING.

1. As I understand the application and plan, the general scope of the proposed changes are:
 - Addition to Recreation Center Building (additional 5000 s.f. added to application no. 16-01 addition)
 - Removal of Picnic Area and Batting Cages
 - Alter Pavilion Area / Go-kart Pit Area
 - Zip Line Platform and Tower

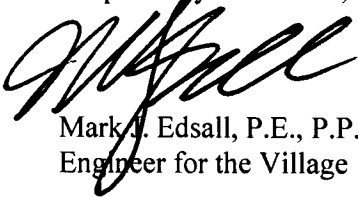
The applicant also has a concurrent application to the Town Planning Board for the “other end” of the zip line, as well as a proposed 4800 sf workshop and additional parking to serve to overall project.

2. In addition to the changes noted above, I have “discovered” references to a “proposed space ride” and “alterations to existing pavilion pit area”. I am not absolutely sure if these are the only other additional proposed changes. I recommend that the Board ask the applicant for a definitive list of proposed site changes, as well as a narrative to describe the scope, detail and operational aspects of such changes.
3. The Board should discuss the status of SEQRA for the project. I understand the Town ZBA has granted variances in connection with the project. It is unclear what SEQRA review and action the Town ZBA took. I further understand that the Town Planning Board has indicated a belief that the Village Planning Board should appropriately be Lead Agency for the overall site plan.

Given the lack of a coordinated review by the Town ZBA, it may be appropriate for the Village Planning Board to perform a coordinated review with the scope specifically being limited to the activities in the Village, plus the overall zip line proposal (since it is unrealistic to split the zip line review since it crosses the municipal boundary). The Village review would include this application as well as the cumulative impacts all the additions to the recreation center. As far as the "Town only" aspects of the application (including the maintenance workshop), such SEQRA review would be the full responsibility of the Town. The Board should discuss this approach with the Attorney for the Planning Board to verify that it does not constitute segmentation.

4. At this time we have no new substantial information and believe the SEQRA review procedure is the largest issue currently before this Board.

Respectfully Submitted,



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

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