

MINUTES

VILLAGE OF CHESTER PLANNING BOARD

MAY 23, 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
Shawn ARNOTT, Planning Board Engineer
Harold PRESSBERG, Planning Board Attorney

REGULAR MEETING

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

1. Minutes

Review Draft April 2017 Planning Board Meeting Minutes. ***MOTION** was made by Member Winters, second by Member Jankelunas, to **ACCEPT THE MINUTES AS DRAFTED**. Motion passed 4 ayes – 0 nays - 1 abstained (Member Rappa abstained as he was not at the March 2017 meeting).

2. Correspondence

Letter from Gordon Shehab & Nikki Mayer re: Meadow Hill Apts read into the record (copy attached).

- CEO John Orr advised an evaluation of the site was done and both the Village and the owner are aware of the items to be finalized before completion.

Letter from Clif Patrick re: The Castle read into the record (copy attached).

- Discussion was held regarding SEQRA determinations.

Response from NYS Parks, Recreation and Historic Preservation read into the record (copy attached).

Updated response from NYS DOT dated 04-27-2017 read into the record (copy attached).

Letter from Orange County Dept of Public Works re: Reviews and Approvals

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 James Dillin, PLS

Jim Dillin, PLS, provided an overview of the project updates:

- He clarified that the same site plan is used for both the Village of Chester and Town of Chester;
- Changes noted on the plan were:
 - Parking changed after the Town of Chester Planning Board Meeting as they did not want parking directly beneath the proposed billboard;
 - The circled flex area shown on previous drafts of the site plan near Black Meadow Creek has been removed;
 - Hours of operation on the site plan under note # 8. The applicant is requesting hours of operation from 9:00 AM to 1:00 AM;

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

- Jim Dillin advised the Town of Chester approved the proposed workshop at their last meeting;
- Discussion held on the bullets under comment # 2;
 - It was noted that note # 10 on the site plan was added at the request of the Board indicating any change in parking for this site plan or any future site plan will require review by both the Village and the Town of Chester Planning Boards.
 - Planning Board Engineer Shawn Arnott requested the note be changed from "change in parking" to "change in demand for parking";
 - Hours of operation were approved from 9:00 AM to 1:00 AM for outside activities with outside music turned off at 10:00 PM and 24 hours a day for inside activities with the condition that the hours of operation be valid for one year under the Special Use Permit.

***MOTION** was made by Member Winters, second by Member Rappa, to reaffirm and **DECLARE THIS AN UNLISTED ACTION UNDER SEQRA**. Motion passed 5-0.

***MOTION** was made by Member Winters, second by Member LaSpina, to **DECLARE A NEGATIVE DECLARATION UNDER SEQRA AND AUTHORIZE THE CHAIRMAN AND PLANNING BOARD ATTORNEY TO PREPARE THE FINDINGS STATEMENT**. Motion passed 5-0.

***MOTION** was made by Member Winters, second by Member Jankelunas, to **GRANT CONDITIONAL APPROVAL TO THE AMENDED THE SITE PLAN AND TO ISSUE A SPECIAL USE PERMIT WITH THE FOLLOWING CONDITIONS:**

1. **THE PARKING NOTE #10 ON THE AMENDED SITE PLAN WILL BE REVISED, AS APPROVED BY THE VILLAGE ENGINEER, TO PROVIDE THAT ANY REDUCTION IN PARKING (OR INCREASE IN PARKING DEMAND) ON THE TOWN SIDE WOULD VOID THIS SITE PLAN APPROVAL UNLESS FURTHER REVIEW AND APPROVAL IS OBTAINED FROM THE VILLAGE PLANNING BOARD;**
2. **THE SPECIAL USE PERMIT WITH RESPECT TO OUTSIDE HOURS OF OPERATION IS VALID FOR ONE YEAR; and**
3. **PAYMENT OF ALL FEES.** Motion passed 5-0.

Project # 17-03 Project Name: Advanced Auto Site Plan

Applicant/Owner: John Joseph, Southern Realty / JJB, LLC; 95 Brookside, LLC; 93 Brookside, LLC
 Location: Brookside Avenue (107-2-8.21, 107-2-9.1 & 107-2-9.2 / B2 Zone)
 Re: Construct a 6,890 sq ft auto parts retail store
 Presented by Mark Siemers, PE, Pietrzak & Pfau

Mark Siemers, PE, provided an overview of the project:

- This project was not reviewed at a Work Session before coming before the Planning Board;
- They are proposing construction of a 6,890 square foot auto store;
- 3 Lots on Brookside Avenue (93-95-97 Brookside Avenue) previously part of the Greenwald Law Office will be combined to accommodate the proposed business;
- The main Greenwald Law Office building is not part of the proposed project;
- The proposed project is in the B2 Zone

Discussion was held regarding;

- The bulk tables for the B2 Zone;
- Proposed front yard setbacks;
- Proposed "banking" of parking spaces;
- Archaeological concerns;
- Height and décor of the proposed business;
- Proposed loading zone;
 - No raised dock proposed;
 - One overhead door for delivery is proposed.

Mark Edsall's comments were provided to Mark Siemers and he was referred to the next work session on June 1, 2017 at 1:50 PM.

5. General Discussion

Illegal U-Turns on Main Street:

- Per Planning Board Attorney Harold Pressberg, this is a Village Board and Police matter, but the Planning Board could send a letter to them both to make them aware of the issue. ***MOTION** made by Member Winters, second by Member Rappa to **AUTHORIZE THE PLANNING BOARD CHAIR TO SEND A LETTER TO THE VILLAGE BOARD AND VILLAGE OF CHESTER POLICE CHIEF**. Motion passed 5-0.

Meadow Hill is dumping grass clippings beyond the berm.

- Per CEO John Orr, this is the first time he's heard this complaint and he will look into it.
- Per Planning Board Attorney Harold Pressberg, this is an issue for CEO John Orr and not the Planning Board. These Code Enforcement issues can be addressed at any time with the CEO, and need not be brought up only at a Planning Board meeting.

Chairman Ramsdell asked if anyone had anything else to discuss and, as there were no other comments, ***MOTION** was made by Member Winters, second by Member Jankelunas, to **ADJOURN THE MEETING**. Motion passed 5-0. Meeting adjourned at 8:45 PM.

Respectfully Submitted,



Sandra VanRiper
Planning Board Secretary

68 High Street,
Chester, NY 10918
May 1, 2017

Mr. Richard Ramsdell, Chairman, Planning Board
47 Main St.,
Chester, NY 10918

Re: Meadow Hill Apartment Complex

Dear Mr. Ramsdell,

I was not able to attend the Planning Board Meeting on April 25 because I was required to attend a Zoning Board class that same night; however, I was informed that the Meadow Hill Apartment Complex is nearing completion. I know that the site plan as well as 98.17 of the Chester Village Zoning Code requires the builder to plant a double row of 5 foot evergreen trees at the edge of the property line adjoining our property. Since the Planning Board had to vote on a connecting sidewalk that was already on the site plan, I am assuming they would also have to vote on the evergreens.

1. The evergreens will help block the glare of the multiple LED lights on the buildings and lamp posts that illuminate our entire backyard every night. We had asked in the past if the LED lights could be blocked in our direction or dimmed; however, as of this date, this has not been done.
2. The evergreens will also block the garbage dumpsters and parking lot from our sight. If we look out our window or are on our backyard deck, the garbage dumpsters and parking lot are what we see. Cars are constantly coming and going, and the noise on garbage collection days is very loud. The evergreens will be a much more attractive sight to look at, will help muffle the noise from garbage collection, and will absorb some of the emissions from the cars.

In concluding, my wife and I strongly urge the Planning Board to require the developer to plant the evergreens preferably on top of the existing berm before the project is completed.

Sincerely,



Gordon Shehab & Nikki Mayer

cc: Tom Bell, Mayor
John Orr, Code Enforcement Officer



Clifton Patrick
Property & Casualty Insurance

Clifton Patrick
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119 Brookside Ave.

Chester, NY 10918

voice/fax: 845-469-7645 email: clifpatrick@optimum.net

Wednesday, April 26, 2017

Richard A. Ramsdell, Chairman
Village of Chester Planning Board
47 Main Street
Chester, NY 10918

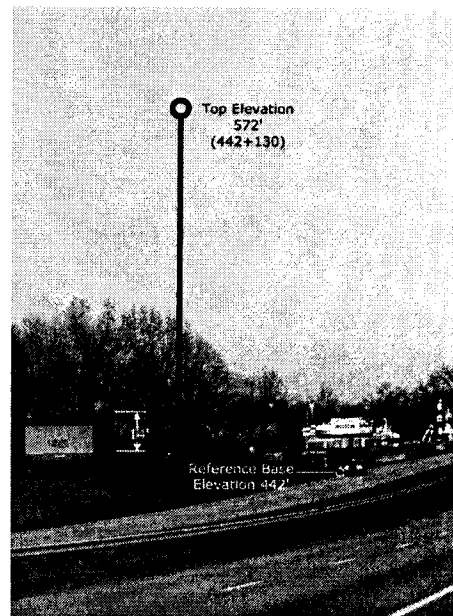
Subject: SEQR Comments Project # 16-08, The Castle SPA (Zip Line)

Dear Chairman Ramsdell and Planning Board Members,

This video <<https://youtu.be/RBgjncmDnls>> showing three views of the Castle Fun Center illustrates the vastly different nature of the amusement park use on the Village parcel(s) versus the outdoor recreation use on the Town parcel. The significant adverse environmental impact to the site and its neighbors of the of the proposed expansion of the amusement park use (mechanical rides, etc.) into the town, a use that is prohibited in all Town districts, as Leslie Smith pointed out when she read §98-17,B of the town's code at the public hearing 4/27/2017, and therefore must not be allowed.

I may note that the video was recorded Sunday April 24, 2017 during which time the rides where not very active. At the Town Planning Board meeting on April 5th, when asked about decorative lighting for the zip line, Mr. Leentjes stated that the pole would have lights up its sides which would be controlled in various patterns. I got the impression that he was describing lighting similar to the existing ride shown in the video, which was quite different from the description he gave 'to illuminate the pole' at the Village Planning Board hearing.

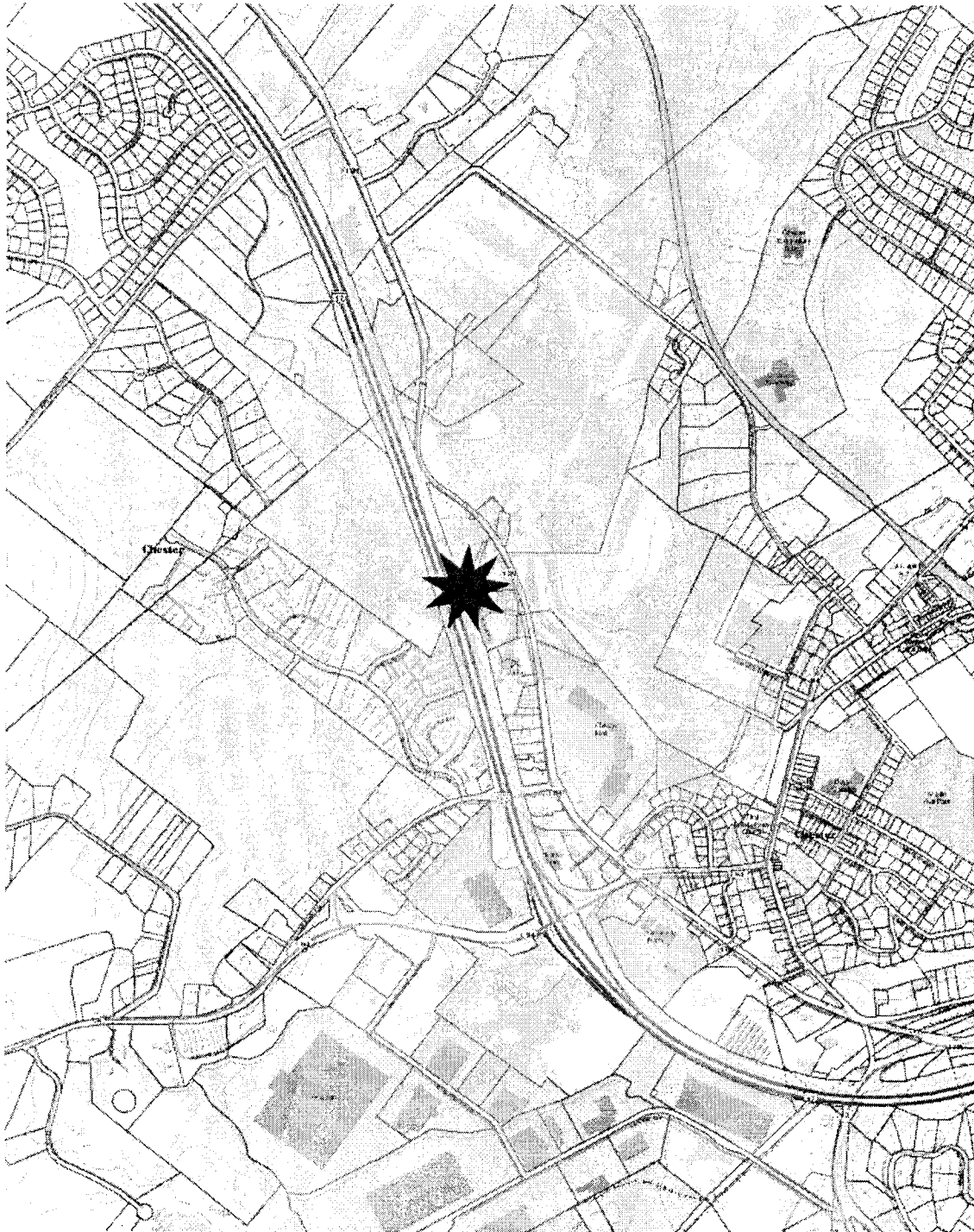
The attached illustration shows the height of the zip line pole compared to the surrounding as seen from Route 17, east bound lanes. It was scaled from the billboard (typical 14' face height assumed) and 442' base elevation approximated from the site plan topographic line projecting to the highway (This approximation is probably on the low side). This will obviously be distractingly visible to anyone passing the site. At the January 19, 2017 Zip Line Public Hearing Town of Chester Zoning Board of Appeals both Ted Talamadge, neighbor and Julie Bell, board member expressed serious concerns about the zip line pole height. ZBA



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Chairman, Vincent Finizia, commented that it is hard to argue for aesthetics when digital billboards are all over.

Using an OCGIS topographic map I've guessed what areas (in yellow) might see the pole. Julie Bell wanted a balloon test to better gage the pole's visual impact, but the ZBA



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did not act on that request. I endorse Julie Bell's request and respectfully suggest that it would give this board and the general public an opportunity to better perceive how a 130' pole reaching an elevation of 572' will affect them. Given the large number of residents and parcels possibly affected, I also recommend that Planning Board have this test widely advertised and encourage public feedback.

The Town code clearly intended to protect its citizens from the surroundings and conditions generated by amusement park activity. If the Town now wishes to allow amusement parks, it must first revise its code before allowing this proposed expansion of the Castle Fun Center amusement park environment with additional hours of operation along with the proposed mechanical ride to proceed.

How are the conditions of site plans enforced? Event Grounds hours of operation of 9 am to 10 pm were approved in earlier site plans, but we, the neighbors have often suffered from much later activities and, on numerous occasions into the wee hours! Are there procedures for special events such as the series of all night graduation parties held in recent years and already scheduled for 2017? In the "*All Night Party: Then And Now*" article by Thomas Lawless, published in The Washingtonville Wizard Weekly, April 20,



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Clubs and Groups

- All Night Party
- WHS Home
- Class of 2016
- Community Service Club
- eSports Club
- Foreign Language Club
- Foreign Language Honor Society
- Future Business Leaders of America
- Gay-Straight Alliance Club
- I Decide
- Literary Magazine
- Magic Club
- Masque & Mime
- National Art Honor Society
- National Honor Society
- Ski & Snowboard Club
- Special Olympics
- Wellness Committee

All Night Party Class of 2015

Calling all WHS Seniors!

Reserve your spot now!

Washingtonville Class of 2016

All Night Party

The Class of 2016 Parents'
All Night Party Committee Under the PTSO
will be hosting
The Annual All Night Party
on Saturday, June 25th
at The Castle Fun Center Chester, NY
\$25 Deposit Due by February 11th

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119 Brookside Ave.

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2017: "The All Night Party of 2017 is scheduled for June 24th. Different from the 2012 event, this party will be held at the Castle Fun Center in Chester. The doors will open at 10pm, and everyone is required to be in the building by 11pm."

Selectively enforcing or not enforcing codes undermine their effectiveness and makes our municipalities unnecessarily vulnerable to litigation.

At the public hearing Tuesday night, the subject of the Castle's parking governance being shared between the Village and Town came up. While both planning board chairmen are currently making sure that this is properly administered, would requiring identical language on both Village and Town site plans reduce the chance of misunderstandings or misinterpretations by future operators, boards or building inspectors?

Respectfully submitted,



Clifton Patrick

cc: Don Serotta, Chairman, Town of Chester Planning Board
John Orr, Code Enforcement Officer, Village of Chester
Sandra VanRiper, Secretary to Building Department, Village of Chester
Joseph Mlcoch, Building Inspector, Town of Chester



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

May 10, 2017

Mr. Richard Ramsdell
Chairman, Planning Board
Village of Chester
47 Main St.
Chester, NY 10918

Re: SEQRA
The Castle Fun Center
109 Brookside Ave, Chester, NY 10918
17PR03005

Dear Mr. Ramsdell:

Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP) as part of your SEQRA process. These comments are those of OPRHP and relate only to Historic/Cultural resources.

Based on the information provided, this office has no concerns regarding this project under SEQRA. This recommendation pertains only to the Area of Potential Effects (APE) described in the submitted materials. It is not applicable to any other portion of the project property. Should the project design be changed OPRHP recommends further consultation with this office.

If this project will involve state or federal permitting, funding or licensing, it may require additional review for potential impacts to architectural and archaeological resources, in accordance with Section 106 of the National Historic Preservation Act or Section 14.09 of NYS Parks Recreation and Historic Preservation Law.

If you have any questions please don't hesitate to contact me.

Sincerely,

Philip A. Perazio, Historic Preservation Program Analyst - Archaeology Unit
Phone: 518-268-2175
e-mail: philip.perazio@parks.ny.gov

via email only

cc: James Dillin, Land Surveyor

Division for Historic Preservation

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • www.nysparks.com



**Department of
Transportation**

ANDREW M. CUOMO
Governor

MATTHEW J. DRISCOLL
Commissioner

TODD WESTHUIS, P.E.
Regional Director

April 27, 2017

Mark J. Edsall, P.E., P.P.
Engineer for the Planning Board
Village of Chester
47 Main Street
Chester, NY 10918

**Re: NYSDOT SEQR #16-102
The Castle Fun Center
NYS Route 17M, Village of Chester
Orange County**

Dear Mr. Edsall:

In addition to our March 31, 2017 letter, I have discussed NYSDOT's concerns with the applicant, Mr. Brian Leentjes, on April 26, 2017. Based on this discussion, we feel that the visual impact concern appears satisfied.

Thank you for your interest in highway safety.

Very truly yours,

Mary McCullough
SEQRA – HWP Unit

cc: Permit Field Engineer, Residency 8-4
Orange County Planning





Steven M. Neuhaus
County Executive

ORANGE COUNTY DEPARTMENT OF PUBLIC WORKS

Christopher R. Viebrock, P.E.
Commissioner

P.O. Box 509, 2455-2459 Route 17M
Goshen, New York 10924-0509
www.orangecountygov.com
TEL (845) 291-2750 FAX (845) 291-2778

DATE: May 9, 2017

TO: All Municipal Planning Board Chairpersons

RE: Reviews and Approvals for Subdivisions, Site Plans and Services Involving Orange County Roads and Lands

This office requests that all Subdivisions, Site Plans, or Services involving access to, or impacting the County Road System or County Lands shall have detailed plans submitted to this Office under the Planning Board Chairman's Signature. Please forward the initial submission and all subsequent revisions to this office using the enclosed submission form. **Any submission by an Applicant, Developer, Landowner, Engineer, Surveyor or Architect will not be considered valid.** Attached please find our current list of County roads.

Although some projects may not require permits to enter on County roads, their impact on the system must be evaluated. These projects need special attention by your board during the approval process.

When a Final Approval of any project having an impact on the County Road System occurs, one (1) copy of the final plans and any other approval documents containing the Chairperson's original stamp and approved date shall be forwarded to this office for our records. These final documents will be used in issuing all future permits. The above procedures have been implemented in order to avert problems and delays in our review and provide for continuity between your Planning Board and this Office.

Thank you in advance for your continued cooperation.

Very truly yours,

Travis Ewald, P.E.
Deputy Commissioner

TE/aw

cc: Michael Villarosa, P.E., Principal Engineer
Michael Carroll, Senior Engineer

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

May 23, 2017

Current projects that were inspected during the last month:

Meadow Hill Apartments.

- 1- Building #1 final inspection conducted and passed.
- 2- Building #3 interior work continues.
- 3- Site work is back in swing.
- 4- Engineer and I have been reviewing the site plan do insure all items on site plan are implemented prior to final CO.

Steris – 2 Nucifora Blvd.

- 1- Final interior and site work continues.
- 2- Did a preliminary final inspection.
- 3- Engineer and I have been reviewing the site plan do insure all items on site plan are implemented prior to final CO.

McDonald's – 73 Brookside Ave

- 1- Project almost complete.

15 Grand View

- 1- Work well underway.

Buckley – 157 Main Street (Tuthill)

- 1- Work well underway.

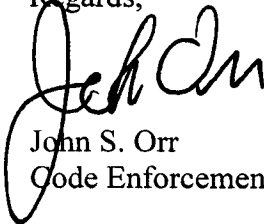
T-Mobile – 69 Brookside Ave

- 1- Issued permit for store prep and sign for retail store.

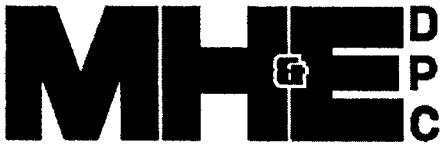
Garzone – 42 Maple Ave.

- 1- Issued permit for renovation of house.

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)
MATTHEW J. SICKLER, P.E. (NY & PA)
PATRICK J. HINES

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WILLIAM J. HAUSER, P.E. (NY, NJ & PA)

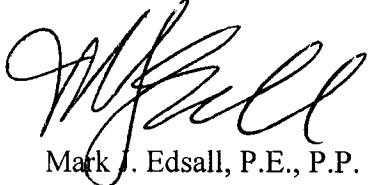
VILLAGE OF CHESTER
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: CASTLE SITE PLAN AMENDMENT (v.17) AND SPECIAL PERMIT
(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: 23 MAY 2017
CONSULTANT: JAMES A. DILLIN, PLS
PLAN DATE: Plan Revised 05-10-17
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 DEC 2017, 28 FEBRUARY 2017,
28 MARCH 2017 AND 25 APRIL 2017 PLANNING BOARD MEETINGS.

1. The applicant has submitted an updated site plan, as well as a package with parking explanation, noise information, lighting information, safety information, weather/operational information and hours of operation.
2. The plan now includes a delineation (in box titled AMENDED SITE PLAN CHANGES) of the proposed amendments of this application. The Board should review the six proposals which include the following (general description with comment):
 - **Flex Area** – they are only proposing one flex area now. The second flex area near the bridge has been removed. Note seating proposed is 150 max with 70 ft maximum height.
 - **Parking Update** – Revised calculation. Village site remains dependent on the Town parking. As previously suggested, since this site plan is dependent on the parking provisions in the town, it may be advisable to impose a condition that any reduction in parking (or increase in parking demand) on the town side would void this site plan approval unless further review and approval is obtained from the Village Planning Board.
 - **Building Addition** – This application adds another 10,000 sf onto the 16,700 sf approved with application no. 16-01

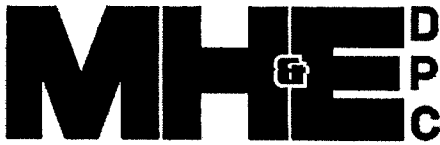
- **Zipline** – depicted on plan and supplemental information provided as noted above.
 - **Hours of Operation** – The applicant has proposed a change in hours of operation to 9am – 1am, with all “amplified” music to stop by 10pm. The Board should discuss this request and take note of the term “amplified music”.
 - **Completion Date** – Proposed 12/31/2018
3. The Board should discuss the status (and any responses) of all referrals including that to the NYS Department of Transportation.
 4. The Board should discuss the SEQRA status and any appropriate actions with the Attorney for the Planning Board.
 5. As previously discussed, the applicant also has concurrent applications 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. In discussions with the Town Planning Board Attorney, only the zip line application is being treated as a “coordinated SEQRA review”.

Respectfully Submitted,



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

MJE/st
Ches16-08-23May2017.doc



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

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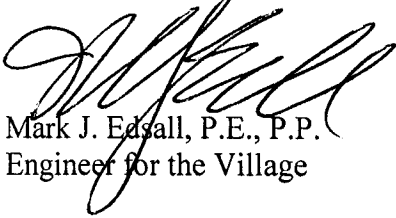
VILLAGE OF CHESTER
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: ADVANCED AUTO SITE PLAN
PROJECT LOCATION: 95 BROOKSIDE AVENUE
SECTION 107 – BLOCK 2 – LOTS 8.21, 9.1 & 9.2
PROJECT NUMBER: 17-03
DATE: 23 MAY 2017
CONSULTANT: PIETRZAK & PFAU ENGINEERING
PLAN DATE: Revised 5-3-17
DESCRIPTION: THE APPLICATION PROPOSES A 6890 SF RETAIL (AUTO PARTS) STORE ON THE OVERALL 1.6+ ACRE SITE. THE PLAN WAS REVIEWED ON A CONCEPT BASIS ONLY.

1. The property is located in the B-2 zoning district of the Village. The “required” bulk information shown on the plan appears correct for the zone and use. Based on a review of the “provided” bulk values, the site as proposed appears to comply with one acceptance needed from the Code Enforcement Officer. The proposed front yard setback of 16 ft equates to the existing building’s setback, not the required bulk value. A determination from the CEO is appropriate regarding this matter.
2. The applicant has provided a parking calculation which appears correct and indicates a required 46 off-street parking spaces. Only 32 spaces are provided, with 14 being noted as “banked”. I am not familiar with any provision in the Village Code that permits “banked” or “shadow” parking.
3. We have performed a concept review of the site and provide the following comments:
 - The plans are very conceptual and need additional information including dimensions. Building setbacks, inter-site spacial layout dimensions, parking space and aisle dimensions, driveway curb cut width, etc. should be added.
 - Due to the vehicle overhang along the front sidewalk, we recommend a minimum of 6 ft sidewalk width in that area.
 - The layout of the loading zone should be discussed with the Board.

- Stormwater management and protection of the adjacent Black Meadow Creek will be of concern. A full SWPPP for the site will be anticipated.
 - The EAF mapper identifies several potential concerns which should be further addressed by the applicant's engineer.
 - Subsequent plan submittals should include a Utility Plan, Grading Plan, Landscaping Plan, Lighting Plan, Detail sheets, etc.
 - Applicant should be advised that merger of the lots would be required as a condition of approval.
4. The application will require referral to the NYS Department of Transportation and Orange County Department of Planning.
5. Further reviews will be made as more detailed plans are submitted.

Respectfully Submitted,



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

MJE/st
Ches17-03-23May2017.doc