

## MINUTES

### VILLAGE OF CHESTER PLANNING BOARD

FEBRUARY 27, 2018

### REGULAR MEETING

**PRESENT:** Richard RAMSDELL, Chairman  
Anthony LASPINA, Member  
Vincent RAPPA, Co-Chairman  
Robert JANKELUNAS, Member

**NOT PRESENT:** Gene WINTERS, Member

**ALSO PRESENT:** John ORR, Code Enforcement Officer  
Mark EDSALL, Planning Board Engineer  
Harold PRESSBERG, Planning Board Attorney

### **\*\*\*\* REGULAR MEETING \*\*\*\***

Chairman Ramsdell opened the Regular Meeting at 7:05 PM.

### **MINUTES**

Review Draft November 2017 Planning Board Meeting Minutes. \***MOTION** made by Member LaSpina, second by Member Jankelunas, to **ACCEPT THE MINUTES AS DRAFTED**. Motion passed 4-0

### **CORRESPONDENCE**

OCDP Response re: Hudson Valley Federal Credit Union (PB-17-08). The OCDP response was read into the record by Chairman Ramsdell (copy attached). The County Recommendation is Local Determination with advisory comments regarding additional Board review, potential air quality impacts, parking lot, stormwater management and emergency access.

### **CODE ENFORCEMENT OFFICER REPORT**

Presented by John Orr (copy attached). It was noted that there is no light on top of the monopole for the zip line at The Castle.

### **WORK SESSION REVIEW**

CEO John Orr reviewed the applicants that appeared the February 8, 2018 Work Session:

- An applicant presented a hotel plan for the properties at 93-95-97-99 Brookside Avenue. However, we have been contacted by an attorney's office from Goshen who advised they are in the process of buying 99 Brookside Avenue, and a municipal search inspection has been performed at 99 Brookside Avenue. We have not received an application for this proposed project.
- Beer World at 39 Brookside Avenue (114-1-7.1/ B2 Zone) is proposing demolition of the existing structure and construction of a new commercial building with apartments on the second floor. The applicant was advised that apartments are not allowed in the B2 zone. Plans were received from the engineer, but no application, application fee or escrow deposit were received, so they are not on tonight's agenda

### **PROJECTS FOR REVIEW**

#### **1. Project # 18-01 Project Name: 161 Main Street Site Plan**

Applicant/Owner: Susan Lofstedt / PBV, LLC  
Location: 161 Main Street (111-2-26 / B1 Zone)  
Re: Construction of a Single Family Dwelling  
Presented By: Jim Dillin, Jr., PLS

Jim Dillin, Jr., PLS, provided an overview of the project:

- They are proposing removing the existing barn and constructing a new single family dwelling;
- The existing single family dwelling on the property would remain and be renovated in the future;
- They would re-arrange the site to optimize parking and add pavement for parking;
- The applicant is aware variances would be needed from the Zoning Board of Appeals;

Mark Edsall's comments were reviewed (copy attached)

Discussion was held regarding:

- Planning Board Attorney Harold Pressberg advised the proposed project under SEQRA would be an Unlisted Action with the Planning Board and a Type II Action with the Zoning Board of Appeals, and he would recommend an uncoordinated review;
- Planning Board Chairman Ramsdell requested the applicant re-submit the application and provide more detail of the proposed project on page 3 and list the variances being requested on page 4. Chairman Ramsdell also asked for clarification of item 12B on page 2 of the Short EAF;

The project was referred to the Zoning Board of Appeals with an uncoordinated review.

## 2. Village Board Referral of Proposed Local Law # 2 of 2018

Village Board referral of the proposed Local Law #2 of 2018, which proposes amending Zoning Chapter § 98-23.1 entitled Senior Housing (copy attached).

General discussion held regarding:

- Clarification: this is for Senior Housing only;
- The existing senior housing code is more than 12 years old, and there have been few large-scale senior housing projects presented to the Board, and there are few parcels in the Village that are large enough to accommodate a large-scale senior housing project;
- The Code needs guidelines for small-scale senior housing projects;
- Storage should be included in the guidelines. Planning Board Engineer Mark Edsall and Code Enforcement Officer John Orr will work on including storage in the plans;
- The less than 30 units was based on the number of units per acre measurement;
- Planning Board Engineer Mark Edsall noted that, in his experience, where affordable senior housing and standard senior housing is offered, more affordable senior housing projects are being built;
- An alternate for 98-23.1(2)[5] to include storage will be worked on for the March meeting;

### General Discussion

Discussion was held regarding a moratorium and zoning code changes.

**Leslie Smith, 117-119 Brookside Avenue:** Noted there are lots of projects proposed along Brookside Avenue / Route 17M in the B-2 Zone. She suggested discussion be held regarding the businesses locating closer to the road with parking in the rear. It would provide an opportunity for walkability behind the businesses between parking lots. She also noted that the newly proposed projects would be built to the current code and not the vision of the Comprehensive Plan being created. Chairman Ramsdell advised he is also thinking about parking in the rear of businesses. Planning Board Attorney Harold Pressberg advised that the Planning Board could propose a moratorium or Code change to the Village Board, but no changes can be made to the Code by the Planning Board.

**David Stevenson, 16 Elm Street:** Is also in favor of a moratorium. He suggested the Planning Board recommend a moratorium to the Village Board.

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 LaSpina, to **ADJOURN THE MEETING**. Motion passed 4-0. Meeting adjourned.

Respectfully Submitted,



**Sandra VanRiper**  
Planning Board Secretary



Steven M. Neuhaus  
County Executive

## Orange County Department of Planning

124 Main Street  
Goshen, NY 10924-2124  
Tel: (845) 615-3840  
Fax: (845) 291-2533

David E. O'Brien, AICP  
Commissioner

[www.orange-county.gov/planning](http://www.orange-county.gov/planning)  
[planning@orange-county.gov](mailto:planning@orange-county.gov)

### County Reply – Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-1, m, &n

**Local Referring Board:** Village of Chester Planning Board  
**Applicant:** Hudson Valley Federal Credit Union  
**Project Name:** HVFCU Site Plan  
**Proposed Action:** Site Plan for demolition of existing building and new construction of 3800 s.f. credit union building and associated development  
**Reason for County Review:** Within 500 feet of NYS Routes 94, 17 and 17M  
**Date of Full Statement:** November 9, 2017

**Referral ID #:** CHV 10-17M

**Tax Map #:** 110-2-2.2

**Local File #:** PB-17-08

#### Comments:

The Department has received the above referenced site plan 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:

**Additional Board Review:** Although the proposed building development is located within the permitted building envelope, a short length of the retaining wall required for the proposed parking lot will be within the setback area. The Planning Board should consult with the Zoning Board of Appeals to determine whether an area variance is necessary for this project, and proceed according to that determination.

**Potential Air Quality Impacts:** The proposed building plan shows three drive-up ATM lanes. As standing vehicles have a known adverse impact to air quality through their exhaust, the Village should consider whether three drive-up lanes are truly necessary, and should work with the applicant to amend the site plan as necessary.

**Parking Lot:** Due to the proposed use of the lot as a credit union, replacing its current restaurant use, the impervious surfacing will be significantly reduced onsite, which the County supports. The impervious surfacing could be further reduced by the installation of pervious pavement in the area to be striped for parking spots; if the Village wished to require that, the County would be happy to provide resources. Further, the applicant has shown arrows on the site plan indicating the direction of travel throughout the site, as well as several “no entry” signs for the one-way driveways. If possible, the applicant should have those arrows painted onto the drive aisles as well as installing the signage, for an extra safety measure.

**Stormwater Management:** We commend the applicant for the reduction in pavement area, and for the addition of multiple trees to the project site. In an effort to retain stormwater onsite to the greatest extent possible, however, the Village could require that the applicant include additional plantings suitable for bioretention areas, including shrubs and small trees as well as ground covers.

**Emergency Access:** The site plan shows a connection between the site and the Holiday Inn site to the south of the project site, labeled as a “possible emergency cross access with gate.” The County would actually support a full connection between the two sites, if the applicants would be amenable. However, if the purpose of this connection is truly limited to emergency access only, then the gate provided between the two sites should be a crash gate or otherwise fully accessible by emergency personnel.

See reverse side

**County Recommendation: Local Determination**

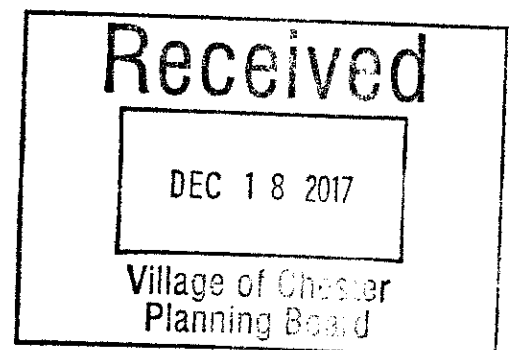
**Date:** December 12, 2017

**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 on-line at [www.orangecountygov.com/planning](http://www.orangecountygov.com/planning).



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

February 27, 2018

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

Petermna – 11 Elm Street

- 1- Framing now complete.
- 2- Interior work started.

7 Springs Dup Llc.- 143 Main St

- 1- Work almost complete.

Meadow Hill – 44 High St.

- 1- Pavilion now complete.

Castle – 109 Brookside Ave

- 1- Zipline now complete.

PepBoys – 29 Elizabeth Dr.

- 1- Racking now complete.

BYK – 48 Leone Lane

- 1- Interior work underway.

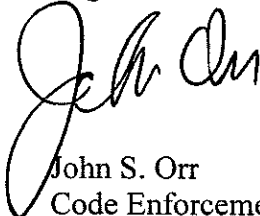
Amscan – 47 Elizabeth Dr.

- 1- Automated raking system now complete.

FDF – 67 Greycourt Ave

- 1- Issued permit for new single family home.
- 2- Foundation in.

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)  
PATRICK J. HINES  
LYLE R. SHUTE, P.E. (NY, NJ, PA)

Main Office  
33 Airport Center Drive  
Suite 202  
New Windsor, New York 12553

(845) 567-3100  
fax: (845) 567-3232

Writer's Email:  
[mje@mhepc.com](mailto:mje@mhepc.com)

Principal Emeritus:  
RICHARD D. McGOEY, P.E. (NY & PA)  
WILLIAM J. HAUSER, P.E. (NY, NJ & PA)


**VILLAGE OF CHESTER**  
**PLANNING BOARD**  
**REVIEW COMMENTS**

**PROJECT NAME:** PBV, LLC SITE PLAN  
**PROJECT LOCATION:** 161 MAIN STREET  
SECTION 111 – BLOCK 2 – LOT 26  
**PROJECT NUMBER:** 18-01  
**DATE:** 27 FEBRUARY 2018  
**CONSULTANT:** JAMES A. DILLIN, PLS  
**PLAN DATE:** FEBRUARY 9, 2018  
**DESCRIPTION:** THE APPLICATION PROPOSES THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE ON THE SITE OF AN EXISTING RESIDENCE. THE PLAN WAS REVIEWED ON A CONCEPT BASIS ONLY.

1. The project is located in the B-1 Zone of the Village, with a use cross-reference to the RS Zone. The current property is improved with an existing single-family residence as well as a barn. The applicant proposes the removal of the barn and the construction of a second single-family residence (SFR). It is my understanding the matter of two SRFs on a single lot may have already been determined as permitted. The second SFR due to its placement requires bulk type variances from the Zoning Board of Appeals. If there is any question regarding the two SFRs on a single lot that could also be sent to the ZBA for an interpretation/determination.
2. The plan depicts five (5) parking spaces, including the two in the garage of the second SFR, whereas it is our understanding only four spaces are needed by code. Movement in the rear of the site appears somewhat tight, although the project surveyor appears to have left minimum backout aisles as required. The dimensions of the parking spaces and aisles should be dimensioned on the plan.
3. The plan does not include any topographic information so I am not aware of the need (or lack thereof) for grading or site modifications to accomplish the proposed development, nor the slopes of drives and parking areas.

4. If the applicant is successful in obtaining the needed variances, they should return to the Planning Board with the above information and any other data as deemed appropriate by the Board such that the application can move forward.
5. The application requires a referral to the OCPD as per New York State General Municipal Law (GML 239). A joint referral with the ZBA could possibly be prepared.
6. The Attorney for the Planning Board should be advised as to the SEQRA process for the application, and if a coordinated review with the ZBA is appropriate.

Respectfully Submitted,



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

MJE/st  
Ches18-01-27Feb2018.doc

# Village of Chester

47 Main Street

Chester, New York

845-469-2388

845-469-5999

Website: [www.villageofchesterny.com](http://www.villageofchesterny.com)

*Mayor: John T. Bell*

*Village Clerk: Rebecca Rivera*

*Trustees: Christopher Battiato*

*Alan Battiato*

*Elizabeth A. Reilly*

*Brian J Boone*

## RESOLUTION

Rebecca Rivera, Clerk of the Village of Chester in Orange County, New York, hereby certifies that the following is a true copy of a Resolution duly adopted by the Mayor and Board of Trustees at a meeting duly held on February 13, 2018:

### 18-5 Resolution Referring Introductory Local Law#2 of 2018 to the Village Planning Board

**WHEREAS**, on this 13<sup>th</sup> day of February, 2018, a proposed Local Law was introduced, entitled Introductory Local Law #2 of 2018 "Amendment to Chapter 98 Zoning Senior Housing"; and

**WHEREAS**, pursuant to the Village's Code, any proposed amendment to the zoning code must be referred to the Village of Chester Planning Board for a report,

**NOW, THEREFORE**, be it hereby

**RESOLVED**, that Introductory Local Law #2 of 2018 is hereby referred to the Village of Chester Planning Board; and be it further

**RESOLVED** that the Village Clerk is hereby authorized to take such necessary and further steps to effectuate the above.

In Witness, Whereof, I have signed this certificate and have affixed hereto the seal of the Village of Chester.

  
Rebecca Rivera

Village Clerk

{SEAL}



Introductory Local Law No. 2 of 2018

Be it enacted by the Mayor and Trustees of the Village of Chester, New York, that Section 98-23.1 of the Village Code, entitled Senior Housing be amended as follows:

Proposed new language appears in bold type and language proposed to be deleted shows as being stricken out.

F. Lot and bulk requirements.

**(1)** The following lot and bulk requirements shall apply to projects for a SCH special use permit:

**(a)** Minimum *available* lot area. The minimum permitted lot area shall be ~~three~~ **two and one half (2½)** acres. In calculating the maximum number of dwelling units ~~per acre~~, any lands which are subject to flooding or which are occupied by public utility easements *or* in such manner as to prevent their use and development shall not be considered in calculation of ~~the total number of~~ available acres.

G. Site regulations.

**(5)** Building location. No building will have more than 24 dwelling units. The side of a principal building, if opposite the side of another principal building, shall be separated therefrom by a distance of not less than 1 1/2 the height of the opposite bounding wall. If the rear of any principal building shall face the front of another principal building, it shall be distant therefrom not less than twice the height of the opposite bounding walls. Each principal building will be not less than ~~25~~ **20** feet from any parking area or curb to provide for sidewalks, landscaping or both.

H. Building and unit requirements.

**(b)** Indoor community space. ~~Indoor community space and related equipment shall be required~~ **Projects with 30 units or more shall** provide indoor community space and related equipment to provide social and recreational opportunities for project occupants. Included may be such facilities as game rooms, indoor pool, meeting rooms, dining rooms, exercise rooms or other space for active or passive recreation. Such space, exclusive of a common lobby, hallways and basements, in a type and quantity as required by the Planning Board.

**(c)** Barrier-free access. All multifamily dwellings shall provide barrier-free access, and, at minimum, doors shall be three feet wide, thresholds shall be flush with the

floor. *When buildings are arranged with interior hallways to access housing units and when buildings are three stories or taller* ~~ramps or~~ elevators shall be provided so that all areas of the structure are accessible to the physically handicapped.

(d) Appropriate twenty-four-hour private security and maintenance *will be provided for projects with 30 units or more.*

(2) Unit requirements.

~~[5] Storage. A minimum of 20 square feet of storage area shall be provided for each unit. Such storage area shall be in addition to normal closet space.~~