

MINUTES

VILLAGE of CHESTER PLANNING BOARD

FEBRUARY 24, 2009

REGULAR MEETING

PRESENT: Richard RAMSDELL, Chairman
Robert SALERNO, Member
Robert JANKELUNAS, Member
Gene WINTERS, Member
Mark EDSALL, Engineer
Harold PRESSBERG, Attorney
John ORR, Code Enforcement Officer

NOT PRESENT: John REILLY, Member

REGULAR MEETING:

1. MINUTES:

Chairman Ramsdell stated that the Board is catching up on Minutes. He presented a draft of the Minutes for the September 23, 2008 Planning Board meeting to the Board. He said that Attorney Harold Pressberg has already submitted his comments. Chairman Ramsdell requested a **Motion** to approve the Minutes for the September 2008 meeting as drafted. A **Motion** was made by Member Jankelunas, seconded by Member Winters. All in favor, none opposed. **Motion passes.**

Member Winters commented that he liked receiving a copy of the Minutes by email and that he thought it was excellent.

2. CORRESPONDENCE:

Letter from: Orange County Soil & Water Conservation District
Dated: February 13, 2009
Re: Lowe's Home Center

Chairman Ramsdell stated that this letter was prepared by Kevin Sumner, Conservation District Manager. The letter will be included in the Minutes of this meeting. Chairman Ramsdell asked Engineer Mark Edsall to comment on the letter.

Engineer Edsall said that McGoey, Hauser, and Edsall received the report from Mr. Sumner. Mr. Edsall said that the consultant who raised some of the questions on the site is no longer a consultant for the developer. Mr. Edsall has discussed this matter with Building Inspector John Orr. The engineers are looking into the individual concerns raised by Mr. Sumner and they will report back to the Planning Board. Chairman Ramsdell said that this has to do with the installation of stormwater systems, like the rain gardens.

3. C.E.O. REPORT: FEBRUARY 24, 2009

Current projects that were inspected during the last month:

Lowe's:

1. Temporary Certificate of Occupancy issued.

49-51 Main Street

1. Work continues on the interior renovation.

Orange County Trust:

1. Site work continues.

Nexans:

1. General site work continues.

Leung 5 North Hudson:

1. Work continues on garage addition.

Zangrillo 4 Nicotra Lane:

1. Issued building permit for renovation for farm labor living area.

Atkin 4 Howland Ave:

1. Building permit issued.
2. No work going on right now.

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Chairman Ramsdell said that Item #5 on our agenda, Wearhouse Outlet Social Club, has asked to be removed from the agenda because they were unable to obtain a document they needed to discuss with the Board.

4. Meadow Hill Senior Citizen Housing Complex Project #05-01
Location: Meadow Avenue & Route 94 RM Zoning
Re: Site Plan Proposal for 142 units on a 15.8 +/- acre parcel.
Revised Grading Plan; Roof Height

Mr. Barry Terach, Architect, and Mr. William Pendergast, Architect, of Pendergast and Terach, and Mr. Mark Siemers representing.

Chairman Ramsdell said that Mr. Pendergast and another individual attended our Work Session. There was discussion regarding some grading changes which may go hand-in-hand with some future variance request for building height.

Mr. Pendergast said that Mark Siemers has prepared the site design and he can speak to that. We've done a calculation on all the buildings based on the grading plan you have right now. We've put together from Building 1 through Building 6 height variances. Our interpretation of the Code is that the Code says a gable is facing the street. So we have a gable that faces the street. We're 38ft. 10in.; the worst one is 39ft. 10in. for the average height of that gable.

The Route 94 elevation drawing was looked at - the main elevation that faces the parking lots and courtyards. This elevation faces Route 94 or the opposite side of the building. We've measured to the gable facing the main highway, which is what the code tells us to do. This is a hip roof, which slopes back like this, and the gable is applied to it. It's close to about 40 ft. in average height.

Chairman Ramsdell said that what you need to appreciate is that they're citing a small gable structure as the gable facing the street.

Mr. Terach said they lowered the roof to a 4 and 12 pitch. Mr. Pendergast continued: What drives a lot of this is that each floor structure is 2 feet in height because of spans. Floor plans are very open. There are not a lot of walls in each apartment; it's more of an open concept. Previously, it was more closed in. By doing that, the floor structure gained a few inches. The client would like to have 9 foot ceilings instead of 8 foot as it's easier to decorate and add trim. We need enough clearance in the garages to get cars in. By the time we were done, we added 2 - 3 feet to the buildings than what you originally saw. We're not sure how they made them under the height restrictions either. When you start adding all of that up, it doesn't seem to work. So even if we decrease the floors a little bit and change the heights, all 6 buildings will still be over the height limitations if we're going to measure to the hip. The most variance on the gable is 4 ft. 10" if measured to the hip. There's probably about 6 feet variance, I'd guess.

Chairman Ramsdell asked that in looking for height savings for 6 ceiling heights, what can you do with the floor structure?

Mr. Pendergast said that it gets pretty tough. You get into trusses that have more flex to them. There are more issues with top floors. We've gone with a stronger, deeper truss which adds a total of a foot or 1 ft. 6" to the floor - to the total height. Adding 1 foot to each floor - there's another 3 ft. That's most of it but not all of it. The first floor was partially underground.

Mr. Pendergast said that with regard to architecture, there is more emphasis on decoration, which takes away from height. There are not just big blank walls anymore. The original elevations were a little flatter in scale. We've put a projection on each one of these. False bumpouts and stone panels have made them smaller looking even though they're a little taller.

Mr. Pendergast said that there are 3 color schemes proposed for the buildings so that they're not all the same. The schemes are all earth tones - greens, browns, and a mixture. We'd pick and choose which buildings get that makeup instead of having the buildings all the same. There will be more variety to the buildings by adding color. In looking at the site drawings, Mr. Pendergast pointed out horizontal siding, stone, and shakes.

Mr. Terach said that the colors will become very specific. These are magic marker representations and the accuracy is close. The buildings will be painted and nicely detailed on the woodlike material.

Mr. Pendergast indicates on the drawings that in these pictures, the buildings are 35 feet high to the soffit. The roof is above eye level in most places. The roof is above eye level of Route 94, in some cases as much as 20 feet.

There was additional discussion about the changes in the design shown on the elevation drawings. There have not been changes affecting the building footprints that don't alter what is shown on the site plan. Mostly roof changes.

In the packet of submitted materials were drawings of the Clubhouse. Mr. Siemers said that the roof line was changed a little; the green or brown tone color scheme is the same; based upon going to the average of the roof, it's below variance, under 35 feet; the lower level is a more rectangular room, creating a bigger meeting room; the upper level did not have a shower and did not meet handicapped requirements - that has now been added; some minor alterations were made.

Chairman Ramsdell said that our consulting engineer, Mark Edsall, was given a plan dated February 10th. We now have a February 20th plan on the table. It's a bit awkward.

Mr. Pendergast said that we can clarify that. Mr. Siemers said that in his office, he is the most familiar with the site plan and he has brought it all the way through to approval. He was on vacation so the plan that Mark ended up with was done slightly differently than what he had in mind. Some of the finished floors ended up odd. After talking with Pendergast and Terach, some revisions to the finished floors needed to be made. That's the plan that ended up in front of you with the February 20th date.

Mr. Edsall said that the scope of the grading change is very minor.

Mark Edsall's comments will be posted at the end of the Minutes.

Mr. Siemers said that the grading changes are basically negligible to the Site Plan. This really doesn't affect the Site Plan or utilities in any way.

Chairman Ramsdell confirmed that this is essentially just grading. Mr. Edsall talked about changes to the minor retaining walls.

Mr. Pendergast said that there had been some issues with some of the entrances. The entrances were a foot below the first floor. We can't get an elevator to go a 1 ft. stop and there were ramp issues. We made adjustments and got rid of that half foot - 1 ft. We have 2 buildings where you come in half a level down. You come in the lobby and go up a half floor or go down a half floor. This didn't change the height of the buildings.

Chairman Ramsdell said that there needs to be Zoning Board of Appeals involvement regarding the issue of building height. He asked if that was the only issue.

Mr. Pendergast said that to his knowledge, the only variance is the height restriction.

Chairman Ramsdell asked if there's anything in the works for that.

Mr. Pendergast replied no. They were looking to get comments and direction from the Planning Board. We want to make sure that there's nothing here that would trigger a problem with the Planning Board before we go to the Zoning board. Obviously a recommendation or at least an understanding of what we're proposing to them sure would help.

Chairman Ramsdell said that in looking for a place to start, we need to establish what the rules are. You have an interesting presentation with the gable facing the street. Mr. Edsall discussed the multiple option definition of roof designation and roof height and said the ZBA could make an interpretation if requested. I don't know if you are ready to comment on that regarding the definition of height. Mr. Orr described the common procedure to determine a pitched roof height.

Mr. Pendergast said as we discussed at the Work Session, the original building had a gable facing Route 94, so we kept the gable facing Route 94.

Chairman Ramsdell said that a hip roof is comprised of gables.

Mr. Pendergast said we're not sure where to measure it. Obviously, we'd like to get to the Zoning Board sooner than later so we can get building permits. That's where we're heading. We're ready to proceed.

John Orr, Code Enforcement Officer, said that if you're ready to go to the Zoning Board of Appeals, stop in the office to get an application and apply to the Zoning Board.

Mr. Pendergast asked if we need a specific referral from the Planning Board to go to the Zoning Board.

Chairman Ramsdell said that's not necessary. He said that some of the things that we discussed at the Work Session regarding elevation and height may or may not assist you. He suggested that the Applicant attend the next Work Session for a continuation of this discussion.

Mr. Pendergast replied that it's not a problem for us.

A comment was made by Mr. Terach that looking at this in a practical manner, is it hard to imagine that the gable facing Route 94, with its triangular

face, would get assessed the same way that a 4 and 12 sloping away roof would? Certainly the imagery in the field is a lot different.

Mr. Edsall said that it may be worthwhile for the Board to discuss if they want to have this adjusted plan incorporated into the set that has not yet been stamped, so the plans that have been stamped are in fact actually the last ones that were looked at. I'd suggest that you incorporate this in and file on record so that everything is consistent with your prior SEQRA determination.

Chairman Ramsdell agreed.

Mr. Terach said that he couldn't find anywhere in the documents that a completion date had been set forth.

Chairman Ramsdell said that he is not aware of any other conditions. The latest correspondence indicated that the plan changes had been taken care of with regard to the conditions.

Mr. Edsall said that you can probably just insert the new grading plan into this other set, put the completion date on whatever sheet that's on, and that would be your final set. You may want to wait until you get back from the Zoning Board.

Chairman Ramsdell said that the Planning Board will need a statement about the appearance of the buildings because it's going to be presented and noted in the approval.

Mr. Edsall said that normally elevations and color schemes are not included in the set. The final plans should show a record of the variances, and a note attending to the revisions to the appearance of the buildings. Also include a separate package of the colored drawings linked to the approval showing the appearance to be followed in construction.

Chairman Ramsdell said that there are some housekeeping items to tend to. The Work Session is on March 5, 2009. There are 3 applicants on the agenda already. We'll get in touch with you regarding time.

Mr. Orr told Mr. Siemers to call the office tomorrow to find out when you can get on the Work Session agenda.

Mr. Pendergast and Mr. Terach thanked the Planning Board.

5. GENERAL DISCUSSION:

Chairman Ramsdell said that the Board has 2 items to discuss. The first item is whether an applicant can be on the meeting agenda if they haven't provided submittals and are going to be at the center of a discussion. We need to decide whether we can make that an in-house requirement or whether we have to memorialize it in the Zoning Code.

Mr. Edsall said that you've got a schedule. The schedule has a submittal deadline. You would presume that if you don't have it in by the deadline, you're not on the agenda.

Chairman Ramsdell asked if something can be drafted to add to the Planning Board's main sheet.

Mr. Orr that the whole application has been reproduced and is now a computer document.

Mr. Edsall stated that some Boards have Public Hearings, Regular Items, and then General Discussion at the end of their agendas. This is for individuals who may want to procedurally go over an issue but not necessarily plans. If an applicant wants to discuss or clarify an issue, you can tell them to come to the meeting. That's at the discretion of the Chairman and the Planning Board.

Chairman Ramsdell asked whether it would be up to an applicant to say that he has an item to discuss.

Mr. Edsall said yes, maybe at the Work Session. You could then say that you would put the applicant and their issue on the meeting agenda as a "discussion item" to review with the Planning Board.

Chairman Ramsdell said let's add that to our package. He said that the other thing that's come up during the last time period was time limits for Site Plan Approval. The Code states that if it's not done by the completion date, the approval expires.

Mr. Orr said that some of the grey area is going from conditional approval to final approval.

Chairman Ramsdell said that he doesn't believe that there's anything in our Zoning Code regarding conditional.

Mr. Edsall said and there's nothing in state law. Mr. Edsall gave examples of procedures taken with other clients regarding extensions, which worked rather well. At McGoey, Hauser and Edsall's suggestion, every approval

resolution grants extensions as part of the approval. The extension is 360 days. Once the approval expires, the applicant has to get a new approval. Before the Planning Board can grant a new approval, the project has to go through SEQRA again.

Chairman Ramsdell said that there are 359 days for approval. SEQRA conditions haven't changed.

Mr. Edsall said you need a resolution that holds water. The plan has to be stamped for validity.

Attorney Harold Pressberg said that a Site Plan may have validity for a certain time period, like Subdivisions. But for a Site Plan, it doesn't satisfy the Code.

Mr. Pressberg asked what will happen if at the start of a project someone puts a shovel in the ground and says they'll be completed in 6 months. Then they have to come back for an extension. I hate to have to go through the whole process again. Mr. Pressberg said that the Board gives them a standard time date. It comes back to provide the Board with an opportunity to see if anything has changed.

Mr. Edsall said that's the nice part about having a rigid expiration date. The Planning Board tells the applicant that the Board will honor Conditional Approval but that the approval is only valid until this certain date.

Mr. Orr addressed the C&S project. He said that all they've done is move dirt around to keep it alive. They have a building permit from the Town without building plans. They now have a scaled down version of what they started with. They aren't in a hurry anymore.

Chairman Ramsdell asked for a **Motion** to adjourn the meeting. **Motion** was made by Member Winters, seconded by Member Salerno. All in favor, none opposed. **Motion** passes.

Respectfully Submitted,



Susan Marino
Planning Board Secretary
May 28, 2009