

MINUTES

VILLAGE OF CHESTER PLANNING BOARD

APRIL 26, 2011

REGULAR MEETING

PRESENT: Richard RAMSDELL, Chairman
Anthony LA SPINA, Member
John REILLY, Member
Robert JANKELEUNAS, Member
John ORR, Code Enforcement Officer
Mark EDSALL, Engineer
Harold PRESSBERG, Attorney

ABSENT: Gene WINTERS, Member

REGULAR MEETING

Chairman Ramsdell opened the Regular Meeting at 7:30 P.M.

1. MINUTES

Chairman Ramsdell asked for a Motion to accept the draft Minutes of the March 2011 Planning Board Meeting Minutes as amended. A Motion was made by Member La Spina and seconded by Member Reilly. All in favor and none opposed. Motion Carries.

2. CORRESPONDENCE

From: Orange County Department of Planning
Date: April 13, 2011
Re: County Reply for Project #11-04 The Castle SPA - Local Determination

From: Elisabeth Mansfield
Date: April 14, 2011
Re: Request for zone change to M-1 at One Sanford Avenue

3. CODE ENFORCEMENT OFFICER REPORT

Presented by John Orr and dated April 26, 2011.

Current projects that were inspected during the last month:

Lowe's:

1. No change from last month.

Nexans:

1. No change from last month.

Palumbo - 2 School Street:

1. No change from last month.

Sutherland:

1. No change from last month.

C&S:

1. Final walk through conducted today.

Holly Hill Church - 62 Main Street:

1. Work underway.

C&M Mechanical - 49 Lehigh Avenue:

1. Work underway.

Briggs - 24 Walnut Street:

1. Issued building permit for addition.

Trout - 6 Carpenter Road:

1. Issued permit for a garage.

Respectfully Submitted,

John S. Orr
Code Enforcement Officer

Mr. Orr reported that C & S Wholesale will be applying for another permit for more interior work. Briggs of 24 Walnut Street should state "Work Underway". Mr. Orr said that there is a property in the Village of Chester that is inquiring about a 125 foot tower for a wind turbine.

Mr. Edsall said that the Village Board will need discuss and to adopt regulations for the wind turbines. In the meantime, there should be a moratorium.

4. One Sanford Avenue Zone Change

Project #10-10

Applicant/Owner: Bruedan Corp.

Location: One Sanford Avenue (Chester Mall)

SBL 106-2-11, 12, 13, 14, and 57 RMH Zone

Re: Report to Village Board Regarding Zone Change M1

Ms. Elisabeth Mansfield, Mrs. Cindy Becker and Mr. Thomas Becker were in attendance at the meeting.

Chairman Ramsdell said that the Village Board has scheduled a Public Hearing on May 9th at 6:45 pm on the request for a zone change for One Sanford Avenue from RMH to M1. The Planning Board will need to finalize its report regarding this request to the Village Board this evening. Chairman Ramsdell read the letter from Elisabeth Mansfield dated April 14th, 2011. The letter stated the history of the property and the current owner's reason for a zone change.

Chairman Ramsdell read the draft report from Attorney Harold Pressberg.

Chairman Ramsdell asked Mr. Pressberg if there is a minimum lot size for M1 according to the District Regulations.

As per Mr. Pressberg's notes in the draft report, according to the Village Bulk Table for M1 districts, the property must have a minimum lot size of three acres and a sixty foot front yard set back. The property sought to be rezoned does not satisfy either requirement. However, as a pre-existing lot, it should not require area variances.

Chairman Ramsdell said that it is not too difficult to respond to the two basic preferences of the zoning code to eliminate nonconforming uses and traffic congestion. The elimination of nonconforming uses is a common goal of most zoning laws. This particular building was being used for manufacturing at the time when zoning was formalized and continued to be used in that manner for a number of years. It eventually became the odd man out in a mostly residential neighborhood. The report mentions the traffic associated with the zone change, but the Chairman does not feel that the traffic associated with most manufacturing would present a problem for the neighborhood.

The Board and attendees discussed possible area or use variances which may have been denied in the past for the property.

Chairman Ramsdell said that, while he has had to in the past, but has difficulty taking away someone's use of their property. That is why he would like to provide the Village Board with as much information as possible because it will ultimately be their decision to make. While it seems possible and reasonably appropriate that an M1 use could be achieved in this circumstance, the primary goals of the zoning ordinance indicate that it is not a good mix.

Member Jankelunas said that in answer to Question #1, he could imagine that some manufacturing would work in the building, such as embroidery, but there are some

businesses which would be a nuisance. The Board will need to provide the Village Board with information as to what type of business would be appropriate and the Village Board will need to determine whatever restrictions to apply to it.

Member Reilly said that the Village Board would only be able to enforce the zoning code and the Zoning Board of Appeals would be able to determine the appropriate uses of the building.

Mr. Edsall suggested some wording for the report and the Board agreed with the wording. His comment was: "There are some M1 uses for the building which would be appropriate with proper controls; however, the mechanisms for such controls are not contained within toolbox of the Planning Board." The Planning Board will not have discretion of appropriate uses once the zone change is made.

Chairman Ramsdell suggested that the final draft of the report completed with the help of the Village Attorney, Engineer and Chairman using the wording from Mr. Edsall. The Board agreed with the response.

Chairman Ramsdell asked for a motion to allow the Attorney, Engineer and Chairman to complete the report to the Village Board and to use Mr. Edsall's comments in response to Question #1. It is the Planning Board's response to the Village Board that a zone change to M1 for this building would be appropriate for some M1 uses with appropriate controls and it would be inappropriate for some M1 uses without controls. A Motion was made by Member Reilly and seconded by Member Jankelunas. All in favor and none opposed. Motion Carries.

5. The Castle Site Plan Amendment

Project #11-04

Applicant/Owner: Brian & Alison Leentjes

Location: 107-109 Brookside Avenue

SBL 107-2-14.2,15

B2 Zone

Re: New Go-Kart Track

Presented By: Brian & Alison Leentjes

Mr. Brian Leentjes, Mrs. Alison Leentjes and Mrs. Leslie Smith were in attendance at the meeting.

Chairman Ramsdell said there was useful discussion at the last Planning Board Technical Work Session which was attended by Mr. Leentjes, the owner and applicant of The Castle, Mr. Jim Dillon, the Surveyor and Site Plan Preparer, and Mr. Don Serota, the Town of Chester Planning Board Chairman. Together, they were able to make a general plan to make this a joint review between the Town and Village of Chester Planning Boards with respect to the issues of the traffic flow and shared parking.

Chairman Ramsdell asked for comments from Engineer Mark Edsall. Mr. Edsall's comments are attached at the end of the Minutes.

Chairman Ramsdell read the Parking Narrative submitted by the applicant. The Parking Narrative is also attached at the end of the Minutes.

Mr. Edsall said the revised Site Plan does include a lot more of the information the Planning Board recommended.

Chairman Ramsdell asked Mr. Leentjes how far along the engineering design for the elevated track was and with what degree of accuracy was the location of the columns supporting the track?

Mr. Leentjes said that he still reviewing the plan and the track plan may be altered slightly.

Mr. Edsall said that changing the location of the track will affect the turning radius for traffic. The Planning Board will need the final layout of the new go-cart track.

Mr. Leentjes said that he will be working on finalizing the plans for the go-cart track.

Chairman Ramsdell asked for a Motion to approve a joint Public Hearing to be held by the Town of Chester on May 18th, 2011 at 7:00 pm. A mailing for the Village will not be required for the Public Hearing. A Motion was made by Member Jankelunas and seconded by Member La Spina. All in favor and none opposed. Motion Carries.

Mr. Edsall said the Planning Board should post a notice that there will be a special meeting.

The Board continued to discuss the Site Plan with Mr. Leentjes.

Mr. Orr asked Mr. Leentjes how he will be enclosing the lower level of building and what precautions he is taking to limit the noise resonating from the building. There has been concern with the noise resonating from the current building.

Mrs. Smith mentioned her observations of the music playing loudly. Mrs. Smith said sometimes the noise level is acceptable and other times it is not.

Mr. Leentjes said that he thinks enclosing the lower area of the building will help with the noise. The hard surface of the go-cart track now and the ceiling on top may be causing the sound to resonate.

Mrs. Smith suggested that Mr. Leentjes hire someone who is an expert in sound engineering.

Mr. Leentjes said that he has spoken with his sound guy and discussed the possibility of buying smaller bass speakers and spreading them around the area instead of all in one area of the building.

Chairman Ramsdell said that someone who knows what they are doing will have the sound issues solved easily.

Chairman Ramsdell asked if anyone had any questions and there were none.

Chairman Ramsdell thanked the Planning Board Secretary, Joanne Rittendale, for her help with the Board and wished her luck in the future.

Chairman Ramsdell requested a Motion to adjourn the meeting. A Motion was made by Member La Spina and seconded by Member Jankelunas. All in favor and none opposed. Motion carries. Meeting adjourned at 9:37 PM.

Respectfully Submitted,

Joanne Rittendale
Planning Board Secretary