

MINUTES

VILLAGE OF CHESTER PLANNING BOARD

January 28, 2014

REGULAR MEETING

PRESENT: Richard RAMSDELL, Chairman
Gene WINTERS, Member
John REILLY, Member
Anthony LASPINA, Member
Mark EDSALL, Engineer
Harold PRESSBERG, Attorney
John Orr, Code Enforcement Officer

REGULAR MEETING – 7:00 PM

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

1. Minutes

Review of Draft of September 2013 Planning Board Minutes.

***MOTION** was made by Member Reilly, to ACCEPT THE SEPTEMBER 2013 MEETING MINUTES AS DRAFTED. Motion passed 4-0.

2. Correspondence

No Correspondence

3. Code Enforcement Officer Report

Presented by John Orr (copy attached)

4. Projects for Review

Project # 14-01	Project Name: 2 Apts. Vadala Road
Applicant/Owner:	Matt Houston
Location:	2 Vadala Rd. (SBL 108-2-6)
Re:	Build Multifamily Dwellings
Presented By:	Matt Houston

Chairman Ramsdell advised that the next project on the agenda is a multifamily dwelling located on Vadala Road at the corner of Main St. The applicant, Matthew Houston, is here tonight. Matt also attended the last work session. There is a barn on the property that has to be removed.

Matt Houston advised that he wants to build 2 duplexes on the property; a modular building with a total of 4 apartments. The total square footage is 2400 square feet; 1200 square feet per unit. Each duplex is a 2 story building with 4 bedrooms for a total of 8 bedrooms. They will not have a garage and the parking lot will be in the middle.

Mark Edsall's comments on the project were reviewed (copy attached) and general discussion was held. He advised that the plan was reviewed at the 1/9/14 work session and it was determined that what was submitted is more a survey than a complete site plan.

Mark Edsall made the following comments:

- I have made a list of what is needed on a site plan.
- The existing access shown off of Main St. must be clarified and properly depicted and referenced. We don't know if it serves just the "L-shaped" area in the northwest corner or the entire driveway subject to that easement. This must be clarified. At the work session we also discussed the potential for dual access for the site. This needs to be considered in the development.
- The existing barn serves, in our understanding, as a retaining wall that stabilizes the south side of Main St. If you remove the barn, you remove the wall; the stability of the road becomes a concern.
- The survey depicts the property boundary as the middle of Main St. It would be beneficial to discuss a dedication, of certain strips, to the Village of Chester.
- We have a short form EAF but the Planning Board may wish to discuss whether they will assume Lead Agency under SEQRA.
- Since we don't have a scaled location plan, we haven't had an opportunity to check to see if this is subject to the GML 239, referral to OCDP but I feel pretty sure that it is.

Chairman Ramsdell advised Matt Houston that this is a laundry list that should be somewhat familiar to him because a lot of this was discussed at the work session. Mr. Yanosh was not there and it appears that he didn't get the message.

Mark Edsall advised Matt Houston that every, single point must be addressed on the plan.

Chairman Ramsdell asked Matt Houston to step up to the Planning Board table. He pointed out some areas on the survey to Matt and then had discussion with him about them. Chairman Ramsdell asked John Orr if Matt will need handicapped parking. John Orr advised that he will look into it and get back to the board. Chairman Ramsdell advised that we are ready to go with this project but we need more information before we can even schedule a Public Hearing.

Member LaSpina asked if there will be any lighting in the parking area. Matt Houston said that there would not be. Chairman Ramsdell advised that it is not a good idea to not have any lighting in the parking area. Chairman further advised that it doesn't have to be lit up like the Shoprite parking lots but some type of lighting is necessary to provide security, at night, to the people living there. Mark Edsall commented that it is normal protocol to provide at least ½ foot candle. Mark advised Matt that Dan Yanosh had call him with any questions, he may have regarding the project. Harold Pressberg asked Matt Houston if he can attend the next work session. Mark Edsall advised that Dan Yanosh should be on the conference call with him and Matt.

5. LL4 of 2013 Report Continuation "DRAFT"

Chairman Ramsdell advised that, hopefully, this will be our last discussion on LL4. (A copy of Chairman Ramsdell's report attached).

Chairman Ramsdell advised that the report everyone has in front of them, is the basic draft of the "Report Continuation on LL4". It is organized around the LL4 document which was referred to the Planning Board. He advised that what you see, in blue, is the Planning Board language and recommendations. It is organized with respect to the sections of the zoning law and some of the definitions are new to the zoning law and some have been taken directly from the zoning law.

1. - Apartment: Chairman Ramsdell indicated that what is stricken is that "apartments are contained within a building of 3 or more such units". I mention this because we just looked at an application that indicated 2 apartments in each of 2 buildings. Therefore, since 2 is less than 3, does that mean that those buildings can't be considered apartment buildings because they only have 2 apartments in them? Does the schedule of district regulations include the word "apartments"? I believe that this building is in a B1 district and a B1 allows RM and RS uses. Is this a project for

apartment buildings and, if so, should we amend the definition from 3 or more units to say 2 or more units? Mark Edsall advised that we have to distinguish between an apartment building and a multifamily site plan. Chairman Ramsdell asked if we should strike what is already stricken. Mark Edsall advised that there are Planning Board issues and Building Code issues. New York State advises that the Planning Boards are not supposed to look at what type of ownership it is; the Planning Board's job is to treat it as a multifamily. Harold Pressberg advised that we already have a definition of an apartment building. Chairman Ramsdell advised that he thought we may have had a conflict here but maybe not.

2. - Bounding Wall: Chairman Ramsdell advised that there is language in some of the new work in the zoning law that refers to "bounding wall". We came up with a definition for bounding wall and are recommending some changes in the proposed, new definition.

3. - Dwelling, Multiple- Family: This definition is another new definition for the zoning law. We are recommending that it remains unchanged for the draft. Harold Pressberg stated that he thinks that your position is that we don't have to identify this different use since the code already defines dwelling unit. Mark Edsall advised that a lot of this has to do with the type of structure and site plan review. It should be worded so that, from a plan stand point, it triggers the need for a site plan even if it is 3 units in 2 buildings. Harold Pressberg advised that this is what it is. Chairman Ramsdell advised that all of this information serves as a resource for people wanting to do a project in the Village of Chester.

4. - Story Above Grade: Chairman Ramsdell advised that this is a new definition. In his discussion with John Orr, he looked at what is in the New York State Building Code which is in 2 sections; general building and a residential section. "Story Above Grade" in the NY State residential code is similar to one that we have been given/referred but, in general, this provides a checklist for a basement not being considered a basement anymore. It has been moved out of the status where it is not considered a story into making it an actual story. For example: "If you had a building which has 2 stories over a basement it would be considered 3 floors but within this definition it would be considered 2 stories over a basement". As we have seen in the BT Holdings project, they have 3 stories, senior buildings over a basement. They initially asked for a 4 story building and these buildings could be 3 stories over a basement. We don't allow 4 story buildings in our zoning law. Harold Pressberg asked where they used that definition in the code. Chairman Ramsdell stated that if someone is proposing a building that could be a 2 or 3 story building over a basement then, perhaps, there is a good reason why we are not looking at them as, ultimately, being a 4 story building. Harold Pressberg advised that we should not be defining "Story Above Grade". Chairman Ramsdell said, "Ok, we will take it out". Harold Pressberg advised that we may need a definition of story. Chairman Ramsdell advised that for the purposes of this zoning law, "story" should mean story above grade. He further advised that we will insert as defined by state code.

5. - Townhouse: Chairman Ramsdell advised that we want to keep "townhouse" definition.

6. - Height: Chairman Ramsdell advised that we have a definition in the existing zoning law but we would like to revise it. Would we now say "story grade plane"? I would like to insert that "along the front of the structure as determined by the Planning Board or Code Enforcement Officer". This would allow us to have some determination on what the front of the building is.

7. Section 98-10: This section is about exceptions to the district regulations. This shall be amended to replace, in section B, as follows; the Planning Board recommends that the referred LL4 paragraph should be revised to indicate that certain elements may not be included as falling under a height restriction. The height limitation of these regulations may be waived by the Planning Board for the following reason; construction containing non livable space providing that such area does not exceed 10% of the total roof area to which they are a part. Chairman Ramsdell asked if the members think that 10% is the right number. (Certain zoning laws have sections similar to this and a

lot also say 10% and that is not a lot). Mark Edsall remarked that the way it is worded now, does raise some suspicion. Chairman Ramsdell advised a change "to 2 of which they are a part".

8. Section 98-18: This section refers to apartment buildings and townhouses. Chairman Ramsdell advised that we are recommending that existing, paragraphs A-E, remain and the existing Paragraph F be replaced with the referred LL4 paragraph C which will be revised as follows; the Planning Board may reduce the distance to no less than 24ft. Chairman Ramsdell advised that we want to keep what the existing law says; subject to site conditions and potential impacts.

9. Section 98-20: This section refers to Off-street parking and loading. This text was referred to us as Paragraph H; parking and land banking. Chairman Ramsdell advised that the comments of the consultants are as follows; one consultant advises 25% and the other consultant advises 30%. Chairman Ramsdell advised that he is not sure what the number should be. We don't want it to be more that 25%; they can only install 75%. Chairman Ramsdell continued by advising that if you look at the end of the text, identified as #5 (the old number), you will see that I am recommending a reference to sections of the zoning law in the front, yard, setback for apartment buildings and townhouses as well as off street parking regulations that are putting a specific requirement that it includes Section 98-20 (H) which is the paragraph we are considering. If we want to restrict to multiple dwellings and senior housing, we should change text to reflect that this is to be used only as referred to in the Schedule of District Regulations.

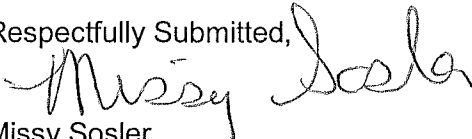
Chairman Ramsdell advised that we will change paragraph G to H, change 30% to 25%, change A, B, C to 1, 2 and 3 in pram's.

10. Section 98-23.1: Senior citizen housing special use permit. Chairman Ramsdell pointed out that what has been communicated to us several times is that our parking requirements exceed reason. The potential applicant has left parking requirements for townhouses in place in exchange for allowing land banking of parking spaces. They are looking to reduce the number of parking spaces in senior housing. We will mix the land banking back in and keep the parking the way we had it in the existing zoning law. Getting back to 98-23.1, the following referred LL4 text for paragraph G.1 appears to reorganize information into 4 sub paragraphs; they will provide parking spaces at the ratio of 1.5 spaces per unit as opposed to 2 spaces for 2 bedroom, senior units. They left out 0.75 spaces per unit for guest and staff parking.

There is a difference in the maximum number of dwellings between the Planning Board and the proposed applicant. We had 24 and they would like to have 50. The text that was referred to us had these 3 items to check off so they could give up to 50 units per building.

A discussion ensued regarding elevators in the buildings

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 LaSpina to ADJOURN THE MEETING. Motion passed 4-0. Meeting adjourned at 9:07PM.

Respectfully Submitted,

Missy Sosler
Planning Board Secretary