

MINUTES**VILLAGE OF CHESTER PLANNING BOARD****MAY 24, 2011****REGULAR MEETING**

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

REGULAR MEETING

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

1. MINUTES

Chairman Ramsdell stated that since the secretary position had been vacant, he wasn't sure how much distribution there had been of the minutes for the April, 2011 Planning Board meeting so the board will review them by the next meeting.

2. CORRESPONDENCE

From: Code Enforcement Officer

Date: May 20, 2011

Re: Cease & Desist letter to Flyx Realty, Kent Leungo, for 28 Academy Avenue, Section 11, Block 7, Lot 3.

The applicant stopped coming to the Planning Board, and the project is in limbo. Applicant was given conditional approval in August 2008 for a special use permit. The building is currently occupied by a lawyer. The Owner has until June 30 to turn it back to single family residence or come back to the Planning Board to finish the project.

From: Code Enforcement Officer

Date: May 20, 2011

Re: Cease & Desist letter to Mario & Lisa Contorino, for 3 Garden Street, Section 101, Block 1, Lot 9.

The applicant stopped coming to the Planning Board, and the project is in limbo. The Owner has until June 30 to turn it back to an agriculture building or come back to the Planning Board to finish the project.

Jim Dillon, representing the Contorinos, stated that there was a financial problem; however, they will be bringing the Code Enforcement Officer a check in the next few days for what they owe the Village in the amount of \$2200.

3. CODE ENFORCEMENT OFFICER REPORT

Presented by John Orr and dated May 24, 2011.

Current projects that were inspected during the last month:

Lowe's:

1. No change from last month.

Palumbo - 2 School Street:

1. No change from last month.

Sutherland:

1. No change from last month.

Holly Hill Church - 62 Main Street:

1. Work underway.

C&M Mechanical - 49 Lehigh Avenue:

1. Work underway.

Satin Fine Foods:

1. No work has started.

Briggs - 24 Walnut Street:

1. Issued building permit for addition.

Trout - 6 Carpenter Road:

1. Issued permit for a garage.

Academy Avenue Apartments:

1. Work well underway on addition.

Respectfully Submitted,**John S. Orr****Code Enforcement Officer****4. 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**

Jim Dillon initially spoke for the owner, Brian Leentjes. He said they had a public hearing last Wednesday with the Town of Chester Planning Board and some Village Planning Board members were also in attendance. There has not been a public hearing with the Village for this project. The Castle has a new detailed sound study for adding a second go-cart track above where they currently are, and the sound study will detail the effects on adjoining properties. He is submitting a Full Form EAF to the Village Planning Board. The lead agency will be the Town of Chester Planning Board. He was wondering if the Village would need a Public Hearing on the amended site plan.

Brian Leentjes stated that, at the Town Public Hearing, all concerned parties spoke up, and they didn't have issues with the project. He hoped the Village Planning Board would waive the Public Hearing since it was an amendment and they were way behind on breaking ground.

Chairman Ramsdell said there was a List of Concerns distributed at the Town Public Hearing.

Jim Dillon gave copies of the SEQRA Form to the Village Planning Board (copy attached).

Mark Edsall said he created the List of Concerns with the Town Planning Board Engineer, Erik Denega, so they would have one list for both the Town and Village that could be addressed by both Boards.

Chairman Ramsdell asked if there would be any changes to the list.

Jim Dillon stated that there would be a sentence revision to the drainage report to clarify the disturbance area of less than an acre. Their engineer studied an area larger than an acre; however, the disturbance would be .9 acre.

Chairman Ramsdell asked if there would be any storm water issues for the village.

Mr. Dillon said there wouldn't be.

Chairman Ramsdell stated that the Christine Drive Bridge culvert would be a Town issue.

Mr. Dillon said he discussed the culvert with the town to insure that the flood plain info from FEMA wasn't altered. A study was conducted in 2009, and no changes were made to bridge since that time. Flooding shown is the way the FEMA map states.

Chairman Ramsdell said any structural issues with the bridge would be a Town matter.

Mr. Dillon stated that with regard to emergency traffic, the Village provided their largest Fire Truck (ladder truck), and it turned in a smaller radius than buses. The Castle also rounded the edges of the property into the town where the walkway was so that the bus could get around the corner more easily. They recently received State DOT approval for exiting-only through Christine Drive. Regarding noise, a new report was submitted at the town meeting addressing village concerns which shows that the existing decibels are high. After the site plan is approved, the building enclosed, and the track moved, the decibel level will be 61 decibels. They also moved the speakers and raised them from the floor which reduced the sound level.

Ms. Leslie Smith (an attendee) stated that the changes made significant improvement in the sound problem.

Mr. Dillon stated in regard to parking that he had an attorney prepare a draft agreement. There will now be 8 designated parking spots for buses (5 in front of the building, and 3 in the back). Every bus that parks removes the need for 15 parking spaces. There are a total of 188 parking spaces for single cars, and 62 spaces that they will be able to use with the town addition 50% of the time because the seasonal canopy will be closed 5 months of the year or in inclement weather.

Mr. Leentjes stated the Castle is busier in the interior of the building in the winter, and busier on the exterior in the summer.

Chairman Ramsdell asked what the canopy was made of?

Mr. Leentjes stated he did not know yet, but they are going to have tents this year and possibly have a pavilion style canopy in the future.

Mr. Orr stated there are building code issues on temporary tent structures that will have to be addressed.

Mr. Dillon stated with regard to sewer and water that the Castle town property has a sewer agreement with the town, village, and Moodna Basin. He also stated that they would not change the usage amount. If you change the use of the 1800 gallons/day, you have to get a re-approval from both the Village and Town Boards.

At the Town Planning Board meeting last month, they couldn't decide whether they needed a re-approval or not. As a result, Mr. Dillon sent the agreement to both the Village and Town attorneys for review to see if they need a re-approval or not.

Mr. Dillon stated that with regard to lighting, they have a proposed lighting plan for the town property, and at the last meeting they were told to show the .3 isobar foot-candle pattern to see if it went over the property line. One did show too much light so they put a shield on it.

Member Winters asked if, on the new building to be enclosed, would there be additional lighting to illuminate the sidewalk?

Mr. Leentjes said there would be a light on the wall of the building to brighten up the bottom of the wall. They will put soffit lights. There will be no sidewalks added in the area.

Chairman Ramsdell asked what kind of exterior lighting would be in the tunnel of the building.

Mr. Leentjes said they moved the lights so they are underneath the tunnel and not facing you as you go through the tunnel. They moved the fluorescent lighting indoors since it wasn't efficient outdoors.

Member La Spina stated the parking spaces should be 10' x 20'.

Mr. Leentjes said he measured and was surprised they were 9'.

Chairman Ramsdell asked if the parking area was re-striped.

Mr. Leentjes stated they were.

Chairman Ramsdell stated there would be comments at the next meeting on noise studies.

Mr. Edsall stated he would contact the applicant directly to resolve any problems.

Chairman Ramsdell stated that at the Town Planning Board Public Hearing, the Town expressed that they would be the lead agency. While the Village is an involved agency, they have not yet received any notice from the Town to this effect.

Mr. Edsall recommended that a letter be sent to the Town Planning Board acknowledging the Town as the lead agency.

Chairman Ramsdell asked for a motion to send a letter to the town acknowledging their role as lead agency in the Castle Amendment. Motion was made by Member La Spina. Seconded by Member Jankelunas. All in favor and none opposed. Motion Carries.

Mr. Edsall said he'd write the letter and send it.

Attorney Pressberg stated the Town can deny or approve a Site Plan only after SEQRA is completed.

Chairman Ramsdell stated no approving agency can make a decision until SEQRA has been decided. He also asked the Board if they agreed there should be a Village Planning Board public hearing for the site plan. Chairman Ramsdell asked for a motion to schedule the Village Public Hearing for June 28. Motion was made by Member Reilly and seconded by Member Winter. All in favor and none opposed. Motion Carries.

Mr. Orr asked if there was a requirement for an Agriculture Statement.

Mr. Dillon stated they completed one and distributed it to the town.

Mr. Leentjes asked Mr. Dillon to submit one to the Village, and Mr. Dillon said he would.

Mr. Edsall asked if there would be lighting on the track?

Mr. Leentjes said the lighting would not be elevated. It would be on the track and he would try to get LED's.

Mr. Leentjes asked if there was anything to be done to keep the process moving or if anyone envisioned anything holding it up since they had to go back and forth between the town and the village.

Chairman Ramsdell said he didn't see any significant issues.

Mr. Dillon was concerned that there would be a delay waiting for the SEQRA process to be completed.

Mr. Edsall stated if the Town Planning Board doesn't receive input from the Village, they won't move ahead, and that if the Town Planning Board didn't act in June, the Town Planning Board would have to wait until their July 6 meeting.

Chairman Ramsdell felt a lot of the issues would be resolved by the next Village Planning Board meeting in June.

Mr. Leentjes stated he was concerned that the Village couldn't act until the Town acts. He said originally the Town and Village issues were separate, but now they are combined, and it is causing delays.

Chairman Ramsdell stated that the reason for the joint process was because access to the town project was through the village.

Mr. Leentjes stated that now it became a combined issue and would take until August.

Chairman Ramsdell reiterated that the access to the town property was through the village, and that is what made the process a joint matter between the Village and the Town.

Attorney Pressberg stated that issues arose that made it a joint issue. The Town notified the village of their findings and that they would be the lead agency.

Mr. Leentjes stated that he started the variance process for cottages in 2009, and then found that FEMA raised the flood plain and so he dropped the process. He then found they had a sound problem and resolved that. He said it is frustrating, time consuming and costly, and he is trying to do the right thing. He asked the Village to make a statement to the Town that there were no environmental issues.

Mr. Edsall said that the issues open to environmental review are limited to vehicle movement which is both a site plan issue as well as a SEQRA issue, and noise. Lighting is not an issue, sewer is a Town and Village Board issue. All other issues are site-plan related. From the Town standpoint, the only issue they'd want input from the Village is if the noise has been resolved. It might help if each board member could review the noise study pertaining to the village application, and if they find a problem, they should talk to the applicant. The noise issue is the only open SEQRA issue that hasn't had a conclusion reached by the Village Planning Board.

Chairman Ramsdell stated that with respect to parking, the Castle should fix their plan regarding re-striping and size of parking spaces.

Mr. Leentjes asked if they could make a motion regarding sound.

Mr. Edsall stated he would prefer that the Village Planning Board members review the sound report first.

Chairman Ramsdell stated that Erik Denega could share the findings that have been reached on the Village side with the Town.

Ms. Leslie Smith stated that the problem the town had regarding noise was that the Town Board had no guidelines and no noise ordinance. The discussion deteriorated to how they could enforce noise control.

Chairman Ramsdell said he thought the Board had gone as far as they could go. He asked that if anyone knows someone at DOT, could they ask if DOT is aware of the issues and already passed on them yet. If so, could someone at DOT get a letter to the Town Planning Board by June 1, to say they don't have a problem?

Member Winters stated that he knew Ms. Smith had done on-line research into noise ordinances in other towns. He asked if she had given any of the research to the Town.

Ms. Smith said she gave it to the Town, but not to the Town Planning Board.

Chairman Ramsdell said he hadn't received any of the research from her. He asked her to send him an email saying it was sent.

Chairman Ramsdell asked if anyone had anything else to say, and there were no other comments.

Chairman Ramsdell requested a Motion to adjourn the meeting. A **Motion** was made by Member Jankelunas and seconded by Member Reilly. All in favor and none opposed. Motion carries. Meeting adjourned at 8:35 PM.

Respectfully Submitted,

**Gordon Shehab
Planning Board Secretary (acting)**

BAZ - The Castle Site Plan
Town / Village of Chester
Unofficial Listing Prepared by MJE / EAD

SEQR List of concerns:

- General Stormwater(SPDES):
Applicant appears to indicate that they will stay just under 1 acre of disturbance. This will need to be verified and some notation is needed in the report and plan. Supporting calculations have been provided to substantiate the use of Rain Gardens.
- The Christine Dr. Bridge culvert:
Public concern noted that the culvert may restrict flow. Applicant's surveyor (James Dillin) has indicated that the culvert was modified 15-20 years ago by the previous owner of the property, with no change having been made or proposed by this Applicant. Evaluation must be made to confirm that the flood plain maps take the restriction into consideration.
- Christine Dr. Bridge:
Condition and capacity of the bridge. The evaluation of the bridge should include loading capacity and geometric adequacy (including width), as well as needed safety provisions (guide rail, etc.)
- Traffic:
A significant concern of both the Town and Village. Access to the Town site is proposed thru the Village site. The route of access (on the previously approved site plan) did not anticipate the type and volume of traffic now proposed. The current plan submitted proposes a one-way route from the Village site into the Town, with exiting traffic directly from the Town site to NYS Route 17M. A full evaluation of adequacy of the internal traffic route, for both the patron traffic, as well as bus and emergency vehicle traffic is needed. Analysis must include turning radii for all type vehicles, as well as verticle clearance thru the sites, including under the proposed elevated kart track proposed as part of the Village site plan amendment. Residents to the cottages will need to enter thru Castle parking lot to access their homes. NYS DOT review and approval will be required for the change in use and traffic flow direction of the Christine Dr. exit.
- Noise:
Residents have raised concerns regarding existing noises from the existing Recreation Center building, including the indoor skating rink (music) and the existing slick track go-cart track underneath the building. Potential additional noise concerns include the proposed use on the Town site plan (outdoor music planned at the new pavilion) and the potential additional noise from the new outdoor (raised) go kart track (Village site plan amendment application).
- Parking:
The applicant proposes a shared use of parking from Town to Village sites, via cross-easements. Adequacy of parking for each site on a "stand alone" basis will be evaluated and shared use for overflow parking will be evaluated. Parking spaces and geometry must meet the specific requirements of each municipality (code).
- Sewer:
Availability, source and adequacy of sewer disposal must be considered.
- Water:
Availability, source and adequacy of sewer disposal must be considered.
- Lighting:
Proposed site lighting is included on the Town site plan. At this time no modifications to site lighting for Village site plan is anticipated. Impact of proposed lighting on adjoining properties (to Town site) must be evaluated. The Town of Chester code is specific to prohibit "lighting spill-over."