

MINUTES

VILLAGE OF CHESTER PLANNING BOARD

SEPTEMBER 27, 2011

REGULAR MEETING

PRESENT: Richard RAMSDELL, Chairman
Gene WINTERS, Member
Anthony LASPINA, Member
Mark EDSALL, Engineer
Harold PRESSBERG, Attorney

NOT PRESENT: John REILLY, Member
Robert JANKELUNAS, Member
John ORR, Code Enforcement Officer

PUBLIC HEARING 7:15 PM

Chairman Ramsdell opened the Public Hearing at 7:15 PM

Project # 11-06 **Project Name: Racheal's Daily Discounts Site Plan**
Applicant/Owner: **Racheal Freemyer / FLYX Realty, LLC – Kent Leung**
Location: **106 Main Street (SBL 111-7-4 / B1 Zone)**
Re: **Proposed Retail Use**
Presented By: **Jim Dillin**

Chairman Ramsdell read the Public Hearing Notice as it was published in the September 12, 2011 edition of the Times Herald Record (copy attached).

Project overview provided by Jim Dillin:

- Property located at 106 Main Street;
- Located in the B1 Zone;
- Building covers 95% of the property;
- Building is 3600 square feet – 3200 square feet to be used for retail sales;
- Parking calculation – 8 spaces required;
- Parking easement to be set up between 106 Main Street and 28 Academy Avenue;
- 28 Academy parking lot used for truck parking, loading, unloading, dumpster enclosure;
- No exterior improvements proposed.

After Mr. Dillin made his presentation, the hearing was opened to the public, but there were no comments.

***MOTION** was made to CLOSE THE PUBLIC HEARING by Member LaSpina, second by Member Winters. Motion passed 3-0.

REGULAR MEETING – 7:40 PM

Chairman Ramsdell opened the Regular Meeting at 7:40 PM.

1. Minutes

Review Draft of July 2011 and August 2011 Planning Board Meeting Minutes.

***MOTION** was made to ACCEPT THE JULY 2011 AND AUGUST 2011 MEETING MINUTES as drafted by Member LaSpina, second by Member Winters. Motion passed 3-0.

2. Correspondence

Miscellaneous mail items received.

3. Code Enforcement Officer Report

Per John Orr, no major changes from August 23, 2011 report.

4. Projects for Review

- a. **Project #08-04** **Project Name: FLYX Realty, LLC**
- Applicant/Owner:** **FLYX Realty, LLC – Kent Leung**
- Location:** **28 Academy Avenue (SBL 111-7-3 / RS Zone)**
- Re:** **Parking**
- Presented By:** **Jim Dillin**

Overview presented by Jim Dillin:

- Dumpster enclosure – details included on Sheet 2 of the site plan;
- 2 separate site plans for 106 Main Street and 28 Academy Avenue;
- Only note showing easements regarding 28 Academy Avenue – no graphics;
- Truck parking added;
 - Chairman Ramsdell questioned whether there was any concern that the truck parking would become a space for trucks to park in all day;
 - Village Engineer Mark Edsall advised it shouldn't be an issue as long as the space is property marked and does not obstruct the building and taking into consideration that the truck will not exceed the allotted space.
- Used parking calculations from 106 Main Street;
- Chairman Ramsdell asked if the dumpster had to be right at the pavement line
 - Jim Dillin advised he would move the dumpster away from the pavement

Mark Edsall's comments were reviewed and general discussion held. A copy of the comments is attached.

Chairman Ramsdell requested Kent Leung to replenish the escrow account and provided him with a copy of the letter sent September 15, 2011. Mr. Leung indicated he would be in on 09-28-2011 to replenish the escrow.

It was noted that this application was not re-submitted to the Orange County Department of Planning as it was considered not necessary.

Discussion was held regarding the existing and proposed lighting. The applicant was asked to update the lighting to eco-friendly materials. Applicant noted that the existing lights currently have compact fluorescent light bulbs in them and that all proposed lighting will also have compact fluorescent light bulbs. It was noted that the plans indicate metal halide lamps. The applicant confirmed they will be compact fluorescent lights, and Jim Dillin agreed to update the text on the plan.

Discussion was also held regarding the drainage and whether the trench can handle the storm water. Mark Edsall indicated the trench can handle the drainage for a normal storm, but probably not for extreme storms.

The Board requested the following changes:
Typo on sheet 1 – "Perk Text" to be changed to "Perk Test";

Approval box to be added to sheet 2 to match the one on sheet 1;
Change of building description from "Existing One Story Building" to "106 Main Street".

The Board discussed whether to include signage for turn restrictions with or without time limitations. Village Engineer Mark Edsall advised that the DOT usually requests those restrictions, however, not normally in slow moving areas such as this one.

Chairman Ramsdell asked if anyone had any other questions and there were no other comments.

***MOTION** was made in favor of **CONDITIONAL SITE PLAN APPROVAL** by Member Winters, second by Member LaSpina. Conditions: payment of all fees; re-location of dumpster enclosure for clearance; labeling the 106 Main Street building on the plan; change on Sheet 2 for post lantern fixture lamping; Sheet 1 – Note 4 updated to indicate 5 parking spaces and add parking reserved for 28 Academy Avenue; correct typo on Sheet 1; correction of the white parking space line adjacent to the blue line where the handicapped parking space adjoins the standard space; approval box added to Sheet 2. Motion passed 3-0.

- b. Project #11-06 Project Name: Racheal's Daily Discounts Site Plan**
Applicant/Owner: Racheal Freemyer / FLYX Realty, LLC – Kent Leung
Location: 106 Main Street (SBL 111-7-4 / B1 Zone)
Re: Proposed Retail Use
Presented By: Jim Dillin

Overview provided by Jim Dillin:

- All information shown on the 28 Academy Avenue site plan is shown on the 106 Main Street site plan;
- No outside improvements proposed for the outside of the building;
- Lighting plan was discussed.

The Board indicated this site is dependent upon the improvements at 28 Academy and confirmed this was declared a Type II action at the August 23, 2011 meeting.

Mark Edsall's comments were reviewed and general discussion held. A copy of the comments is attached.

Village Attorney Harold Pressberg requested note 5 of Mark Edsall's review comments be changed from "The applicant will not request a certificate of occupancy until such time that the construction of the parking spaces associated with the easement have been completed and **accepted** by the Village of Chester" to "The applicant will not request a certificate of occupancy until such time that the construction of the parking spaces associated with the easement have been completed and **approved** by the Village of Chester".

The Board requested the applicant highlight on the plan the site in question by adding an address note. Jim Dillin will add the "project site" information.

Chairman Ramsdell asked if anyone had any other questions and there were no other comments.

***MOTION** was made in favor of **CONDITIONAL SITE PLAN APPROVAL** by Member Winters, second by Member LaSpina. Conditions: payment of all fees; amendment of note 5 from Mark Edsall's comments; change parking calculations for this lot only; all plan revisions on adjoining site for final approvals; easement reviewed and approved by Village Attorney Harold Pressberg; response from Orange County Department of Planning. Motion passed 3-0.

- c. **Project #11-07** **Project Name: Bruedan Residential Subdivision**
Applicant/Owner: **Bruedan Corporation**
Location: **One Sanford Avenue (SBL 106-1-11,12,13,14,57 / RMH Zone)**
Re: **Residential Subdivision**
Represented By: **John Queenan, Lanc & Tully Engineering and Surveying PC**

Brief discussion held as the applicant / representative was not present for the meeting.

Chairman Ramsdell advised the Board that he was provided with a draft of the SEQR Findings for BT Holdings. He said he discussed the findings with Ian Schlanger and it sounds like they're going to try and get the final draft to the Village Board meeting on Monday. Village Attorney Harold Pressberg advised this is just the completion of the FEIS/SEQR process. Village Engineer Mark Edsall advised the applicant does not request approval of the Findings, they are issued.

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

***MOTION** was made to ADJOURN THE MEETING by Member Winters and second by Member LaSpina. Motion passed 3-0. Meeting adjourned at 8:27 PM.

Respectfully Submitted,



Sandra VanRiper
Planning Board Secretary

PLANNING BOARD OF THE VILLAGE OF CHESTER, NEW YORK, NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Planning Board of the Village of Chester, New York, will hold a Public Hearing at the Village Hall, 47 Main Street, Chester, New York on Tuesday, September 27, 2011, at 7:15 P.M., or as soon thereafter as the matter can be heard, concerning the application of Racheal Freemyer for site plan approval for the project known as Racheal's Daily Discounts, Inc. The applicant proposes, among other things, retail use of an existing building.

The property is located in the Village of Chester, New York, at 106 Main Street and is listed on the Village Tax Map as Section 111, Block 7, Lot 4 in a B-1 Zone.

All persons interested will be heard by the Planning Board of the Village of Chester, New York at the aforementioned time and place.

BY ORDER OF THE VILLAGE OF CHESTER PLANNING BOARD

BY: RICHARD RAMSDELL, CHAIRMAN

Dated: September 8, 2011



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
MARK J. EDSALL, P.E. (NY, NJ & PA)
JAMES M. FARR, P.E. (NY & PA)

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VILLAGE OF CHESTER
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: FLYX REALTY (LEUNG) SITE PLAN
(PROPOSED 2-STORY PROFESSIONAL OFFICE)
PROJECT LOCATION: 28 ACADEMY AVENUE (NYS RT. 94)
SECTION 111- BLOCK 7 - LOT 3
PROJECT NUMBER: 08-04
DATE: 27 SEPTEMBER 2011
DESCRIPTION: THE APPLICATION PROPOSES A TWO-STORY OFFICE BUILDING. THE APPLICATION WAS PREVIOUSLY REVIEWED AT THE 27 MAY 2008, 22 JULY 2008, 26 AUGUST 2008, AND 26 JULY 2011 PLANNING BOARD MEETINGS.

1. This application originally received conditional site plan approval on 8/26/08, but failed to proceed with compliance on conditions and obtain stamped plans. The applicant inappropriately occupied the building without having closed out the approval process, and the CEO required the applicant return to the Board prior to an enforcement action being undertaken.

The applicant appeared before the Planning Board on 7/26/11 to discuss a phased development of the site, and then subsequently appeared to discuss a shared use of the parking with the adjoining property at 106 Main Street (which he also owns). Initially, a joint site plan was submitted. At the direction of the Planning Board, individual applications have been submitted and this revised plan has been submitted for this site and application.

The first discussion the Board should have with the applicant should be a request that the Applicant's consultant point out any changes to this plan since the last meeting appearance.

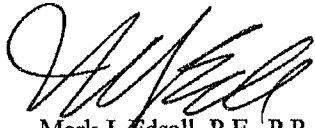
2. I have reviewed the resubmitted plan and have the following comments:
 - I previously requested that the plan be corrected to depict a white parking space line adjacent to the blue line, where a handicapped parking space adjoins a standard space. The line has been added to the plan, but in the wrong place. Please correct.
 - The parking calculation on this drawing should provide a calculation for this site, referenced the number of spaces reserved for 106 Main Street, and indicate the combined total demand and total provided.

REGIONAL OFFICES

• 111 WHEATFIELD DRIVE • SUITE 1 • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •
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- On the plan view, the address of 106 Main Street should be called out. Also, the 28 Academy address and PB application number for that lot should be called out on the plan view.
3. If the necessary corrections are made, I see no reason why the Board could not consider a new conditional site plan approval.

Respectfully Submitted,



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

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**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

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VILLAGE OF CHESTER
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: RACHEAL DAILY DISCOUNTS SITE PLAN
(FLYX REALTY PROPERTY)
PROJECT LOCATION: 106 MAIN STREET
SECTION 111 – BLOCK 7 – LOT 4
PROJECT NUMBER: 11-06
DATE: 27 SEPTEMBER 2011
DESCRIPTION: THE APPLICATION PROPOSES A RETAIL USE AT THE
APPLICATION PROPERTY. THE PLAN WAS PREVIOUSLY
REVIEWED AT THE 23 AUGUST 2011 PLANNING BOARD MEETING.
THE APPLICATION IS BEFORE THE BOARD FOR A PUBLIC
HEARING AT THIS MEETING.

1. The application property is located in the B-1 zoning district of the Village. The retail use is permitted in the zone. The lot as it currently exists has several pre-existing non-conforming setbacks relative to the zoning.
2. As discussed in August, parking is the most significant issue for this site plan, especially since the use is retail. The entirety of the property is utilized for the structure and absolutely no off-street parking exists or is possible on the lot. To address this shortcoming, the lot will be served via a parking easement with the adjoining lot also owned by Flyx Realty (tax lot 111-7-3), located at 28 Academy Avenue (immediately to the west in the RS zone). This easement also provides pedestrian access, loading/unloading, access to the overhead door, a dumpster/recycling location, and truck parking. The form of the easement should be submitted to the Attorney for the Planning Board for review and approval.
3. We have reviewed the plan / application and have the following additional comments.
 - There is no need for the parking calculation on this drawing / application to define require spaces for the uses on the 28 Academy site plan, it should only define the number of spaces required in total for THIS site plan (as submitted), the number of pre-existing non-conforming spaces the site is deficient

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from prior uses, and the net number of spaces required via the easement agreement.

- Note 5 (anticipated completion date) should also indicate that:

“The applicant will not request a certificate of occupancy until such time that the construction of the parking spaces associated with the easement have been completed and accepted by the Village of Chester”.

4. The Board has already determined that this is Type II under SEQRA. No further action is needed.
5. This project adjoins NYS Route 94 and, as such, was referred to the Orange County Planning Department as per New York State General Municipal Law (GML 239). A response is pending.

Respectfully Submitted,



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

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