

## MINUTES

### VILLAGE OF CHESTER PLANNING BOARD

APRIL 24, 2012

### REGULAR MEETING

**PRESENT:** Richard RAMSDELL, Chairman  
Gene WINTERS, Member  
Anthony LASPINA, Member  
John REILLY, Member  
Robert JANKELUNAS, Member  
John ORR, Code Enforcement Officer  
John SZAROWSKI, Engineer  
Harold PRESSBERG, Attorney

#### **REGULAR MEETING – 7:30 PM**

Chairman Ramsdell opened the Regular Meeting at 7:33 PM.

##### **1. Minutes**

Review Draft of March 2012 Planning Board Meeting Minutes

**\*MOTION** was made to ACCEPT THE MARCH 2012 MEETING MINUTES as drafted by Member Winters, second by Member Reilly. Motion passed 5-0.

##### **2. Correspondence**

##### **3. Code Enforcement Officer Report**

Presented by John Orr (copy attached).

Board comments/questions:

- CEO John Orr advised that he and Mark Edsall met with the new Lowe's team and tested the night lighting. The Lowe's team made notes as to which lights didn't match the approved lighting plan and will advise when they are fixed. They also advised they will forward the latest information on the DOT and DEC Stormwater permits.

Jim Dillin requested the status of the Rushing Duck application. He asked if there were any comments from Mark Edsall as they are waiting for a signature. Chairman Ramsdell said the Board would look into it.

- Discussion was held as to the status of the application, and it was noted that Mark Edsall would be consulted on the status of the application.

##### **4. Projects for Review**

a. **Project # 12-01**      **Project Name: Chester Mall Revised Site Plan**  
**Applicant/Owner:**    **Chester Mall Partners, LLC (Joshua Goldstein)**  
**Location:**            **78 Brookside Avenue (SBL 107-3-3 / B1 Zone)**  
**Re:**                      **Approval for 3900 sq ft fast-food restaurant.**  
**Presented By:**        **John Loch, PLS & PE, AFR Engineering and Land Surveying, P.C.**  
**(07:39 PM – 08:17 PM)**

Update provided by John Loch:

- Narrative was previously provided and read into the record by John Loch of AFR;
- Parking calculations were moved to the first page;
- Discussion was held regarding the not-permitted left turn into the parking lot from Route 17M near Monro Muffler;

- Per John Loch (AFR) and John Jovan (Applicant), they could not recollect conversation on the matter, and there is no record of contact with DOT about the turn. Chairman Ramsdell said the Board would look into it.
- Member Winters inquired about the landscaping and advised he would like to see the landscaping on the plans;
  - The applicant is aware they need to bring a Landscape Architect on board for more definitive plans, but was hoping to get approvals for parking, site, etc and wait to confirm the landscape and building plans until a tenant is secured;

Mark Edsall's comments were reviewed and general discussion held (copy attached).

Discussions were held regarding:

- Parking;
  - It was noted that possible parking relief could be provided by the ZBA and that additional discussion regarding ZBA involvement was necessary.
  - Village Attorney Harold Pressberg noted that per §98-20(E)(5) of the Code of the Village of Chester, when more than one permitted use is located on a premises, the number of required off-street parking spaces becomes the sum of the component requirements. Where it can be conclusively demonstrated that one or more such uses will be generating a demand for parking spaces primarily during periods when the other use or uses is not or are not in operation, the Planning Board may reduce the total parking spaces required for that use with the least requirement. This is a total site matter.
  - Handicap parking – the handicap parking spaces would back out into the entrance drive and would make it difficult to get out safely. It was requested that the parking spaces be moved in further or possibly moved to the other side of the lot.
  - It was noted that in the engineer's comments, he states that he did not review the parking calculations in detail.
- Orange County Department of Planning determination was again read into the record.
- SEQR determination was clarified - Type 2;
- General plan note # 7 references the 1986 Flood Map and an updated map is currently in place. The application was requested to update the note;
- Grading;
  - It was clarified that the dashed lines on the plan indicate the existing grading and noted that the building was purposely placed as that location has adequate drainage.
- The applicant will review the finished floor elevation detail;
- The applicant was questioned on whether the traffic pattern by the bank would safely accommodate the in/out traffic of the restaurant.
  - The applicant advised the entrance is wide enough for the in/out traffic, but they could eliminate the entrance if preferable. If the entrance is eliminated, it would be beneficial in reinforcing the one way traffic flow and would not compromise the emergency vehicle access.

The applicant was asked to come to the next Work Session scheduled for May 3, 2012. E-Mail confirmation of the date and time will be sent to John Loch, AFR.

CEO John Orr requested the construction sequencing be provided.

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

- b. Project # 10-02      Project Name: Contorino – Site Plan Amendment**  
**Applicant/Owner:    Mario & Lisa Contorino**  
**Location:              Garden Street (SBL 101-1-9 / RA Zone)**  
**Re:                        Site Plan Amendment – Warehouse / Office Space**  
**Presented By:        Jim Dillin, Jr, PE**  
**(08:18 PM – 08:37 PM)**

- Overview provided by Jim Dillin, Jr, PE

- Requesting Amended Site Plan approval;
- Previous tenant had conditional site plan approval
- New tenant requires office and warehouse for warehousing of fire resistant materials business.

Mark Edsall's comments were reviewed and general discussion held (copy attached).

Harold Pressberg noted that no additional SEQR review was required and a public hearing was not required.

Chairman Ramsdell requested a plan for satisfying the conditions of approval.

CEO John Orr:

- Clarified that the Special Permitted Use requires periodic renewal;
- Requested clarification of note # 4 in that the variance granted in 1984 was for the side and rear yards and not for the construction of the building;
- Requested clarification of note # 5 in that the driveway easement is noted for parcel 101-1-6 and not noted for parcels 101-1-4 and 101-1-8 – should parcels 101-1-4 and 101-1-8 be included?
  - Chairman Ramsdell advised the Planning Board cannot require easements.

Discussions were held regarding:

- The fire resistant materials to be stored in the warehouse need to be identified;
- Traffic / trucking needs clarification;
  - Noise / traffic issues for neighboring properties.
- Delivery hours would be 7:00 AM – 6 PM;
- There would be a total of 6 employees in the facility;
- It was noted that note # 6 was updated to indicate no manufacturing or processing;
- Public Hearing;
  - Per Harold Pressberg, a Public Hearing is not required, but the Planning Board can choose to hold one.
  - Chairman Ramsdell indicated that a Public Hearing might be advisable considering the history of the property and the interest and comments of neighbors.
  - The Planning Board has the authority to request a Public Hearing.
  - If the conditions of approval had been met and final approval had been granted, the applicant would not need to return to the Planning Board for this change of tenant.
  - Need to clarify what is being stored at the facility and what traffic issues there are.

**\*MOTION** was made by Member Reilly to SET THE PUBLIC HEARING FOR MAY 22, 2012 AT 7:15 PM. Second by Member Winters. Motion passed 5-0.

Discussion was held regarding:

- Changing the Planning Board meeting start time to 7:00 PM
- Can a Special Use Permit require an applicant come before the Planning Board with a change of use or change of tenant?
- The Open House at Steris.

Chairman Ramsdell asked if anyone had anything else to discuss and as there were no other comments, **\*MOTION** was made by Member Jankelunas to ADJOURN THE MEETING. Second by Member Winters. Motion passed 5-0. Meeting adjourned at 8:48 PM.

**Respectfully Submitted,**



**Sandra VanRiper  
Planning Board Secretary**

Village of Chester  
Building and Codes Department  
Monthly Report to the Planning Board

April 24, 2012

**Current projects that were inspected during the last month:**

Satin Fine Foods

1- Work almost complete.

Steris- 23 Elizabeth Dr.

1- Work continues.

All Pets Veterinary - Renovation

1 –Work almost complete.

C&S - Renovation

1- Work underway.

Farrow -55 Main Street

1- No Work has started yet.

Tartaglione – 69 Brookside Ave.

1- Work underway.

Rushing Duck – 1 Battiato Ln.

1 - Work underway.

Regards,

John S. Orr  
Code Enforcement Officer



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

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**VILLAGE OF CHESTER**  
**PLANNING BOARD**  
**REVIEW COMMENTS**

**PROJECT NAME:** CHESTER MALL PARTNERS SITE PLAN AMENDMENT  
(FAST-FOOD RESTAURANT PAD)  
**PROJECT LOCATION:** NYS ROUTE 17M  
SECTION 107 – BLOCK 3 – LOT 3  
**PROJECT NUMBER:** 12-01  
**DATE:** 24 APRIL 2012  
**CONSULTANT:** AFR ENGINEERING (JOHN LOCH, P.E.)  
REV. 1 DATED 4-11-12 (SHEETS 1, 2 AND 3 OF 3)  
**DESCRIPTION:** THE PLANS PROPOSE A 3900 SF RESTAURANT ON THE EXISTING  
SITE. THE PLANS WERE PREVIOUSLY REVIEWED AT THE 27  
MARCH 2012 PLANNING BOARD MEETING.

1. We have reviewed the two revised sheets received, and have the following comments:

Sheet 1 – Overall Site Plan

- The drawing has been revised to depict the proposed fast food pad and associated parking, in relation to the adjoining parking and improvements, as was requested.
- As requested, the Overall Site Plan now delineates all the existing uses on the site by location on the plan, with corresponding identification on the Use Table. This will assist the Board in a review of the parking situation at the site.
- The plan indicates that the parking demand on the site is increasing by 21 spaces and the overall site is losing a net 67 spaces. It is my understanding the site currently has a parking variance and this application would increase the non-conformity. The Attorney for the Planning Board should discuss the need for additional ZBA relief. The Board should note that our office did not perform a detailed review of the parking calculation at this time.

REGIONAL OFFICES

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### Sheet 2 – Revised Site Plan


- Handicapped space dimensions depicted on the plan has been corrected.
- The plan includes a dark line on three sides of the building which is not identified. Explain.
- The Board previously discussed the issue of deliveries to the site. No additional information is provided. Does the Board need any further clarification ?
- The proposed dumpster area should be reviewed by the Code Enforcement Officer. It is presumed the walls are block; this should be clearly defined on the detail. Also, the detail should include bollards at the end of each side wall for protection.
- Note #2 indicates no additional lighting. It is presumed some exterior lights will be on the building. The Board should discuss this with the applicant and the note may need to be revised. If additional exterior lighting is proposed, the standard lighting note should be added, as follows:

*Planning Board's acceptance of the lighting design shown hereon is premised on the representation of the applicant that the lighting will not cause a glare or other deleterious effect on adjoining properties and/or roadway traffic. Should any such conditions result from the installation, in the sole opinion of the authorized representatives of the Village, the applicant agrees to modify and/or replace fixtures to cause the correction of the condition, to the satisfaction of the Village representatives.*

### Sheet 3 – Detail Sheet

- We still wonder if the trench drain detail is needed.
  - Parking Delineation detail dimensions do not match code requirement and conflict with plan. Please depict access aisle (cross-hatched area) as 8 ft.
  - Minimum parking dimension in the Village is 10 ft x 20 ft. The 9 ft. width shown is not permitted. It is noted that the plan (sheet 2) indicates 10 ft. width.
2. The approval box on each sheet should be an empty box. Please correct.
  3. The Planning Board should discuss, with the Attorney for the Planning Board, any appropriate steps to be taken regarding SEQRA, public hearing and ZBA referral.
  4. The project is adjacent to NYS Route 17M and, as such, was referred to the Orange County Planning Department. Status of their review should be discussed.

Respectfully Submitted,



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



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

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**VILLAGE OF CHESTER**  
**PLANNING BOARD**  
**REVIEW COMMENTS**

**PROJECT NAME:** CONTORINO SITE PLAN  
**PROJECT LOCATION:** GARDEN STREET  
SECTION 101 – BLOCK 1 – LOT 9  
**PROJECT NUMBER:** 10-02  
**DATE:** 24 APRIL 2011  
**DESCRIPTION:** THIS IS A REVISED APPLICATION FOR A NEW TENANT AT THE SITE. THE USE NOW PROPOSED IS A WAREHOUSE & OFFICE SPACE. THE PRIOR MANUFACTURING USE (TO MY UNDERSTANDING) HAS BEEN WITHDRAWN. THIS NEW PROPOSAL WAS REVIEWED ON A CONCEPT BASIS ONLY.

1. Based on my review of the plan and discussions at the worksession meeting, the exterior improvements associated with the previous reviews and prior proposal remain proposed as part of this updated application. In addition, some of the operational restrictions (closure of doors during any cleaning machine operations) remain part of the proposal. My records indicate the application previously received conditional approval and special permit on 6-28-2011.
2. We have reviewed this latest plan and make the following comments:
  - The word “saws” should be removed from note #6 as the manufacturing use is no longer proposed.
  - Board should review SEQRA status with Attorney for the Planning Board.
  - Board should discuss with the Attorney for the Planning Board the need for a new Public Hearing based on the change.

Respectfully Submitted,

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

MJE/st  
Ches10-02-24April11.doc

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