

MINUTES

VILLAGE OF CHESTER PLANNING BOARD

AUGUST 28, 2012

REGULAR MEETING

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

NOT PRESENT: Anthony LASPINA, Member

REGULAR MEETING – 7:00 PM

Chairman Ramsdell opened the Regular Meeting at 7:00 PM.

1. Minutes

Review Draft of June 2011 and June 2012 Planning Board Meeting Minutes

***MOTION** was made by Member LaSpina, second by Member Winters, to ACCEPT THE JUNE 2011 MEETING MINUTES AS AMENDED AND TO ACCEPT THE JUNE 2012 MEETING MINUTES AS DRAFTED. Motion passed 4-0.

2. Correspondence

- Project # 11-04: Request for 18 month extension letter from The Castle dated 08-21-2012.
 - Letter read into the record by Chairman Ramsdell.
 - Discussion was held as to whether or not an extension could be granted for more than 6 months.
 - Attorney Harold Pressberg noted that § 98-30.2 (Expiration of Site Plan Approval) of the Code of the Village of Chester states “A reasonable anticipated completion date of the project shall be declared by the applicant at the time application for site plan approval is made. Such completion date shall be a condition of approval of the site plan. Final approval will be null and void and job progress shall cease if construction is not completed by this date. Prior to the completion date, the applicant may petition the Planning Board for an extension of time to complete the project. No extension will be granted unless the applicant proves to the satisfaction of the Planning Board that such extension is justified.”
 - The Planning Board took up the matter. It is the Planning Board’s assumption that this is a request for an 18 month extension for completion of the work associated with the approved site plan.
 - It was also noted that the original approval was granted for enclosure of the first floor and relocation of the slick track. The relocation of the slick track has not been started because he’s been doing work on the Town side and some other things were beyond his control (weather, etc.). He’s now requesting an 18 month extension because it’s coming up on the winter season, and if he’s granted only 6 months, the construction still won’t be started because of the winter.
 - It was confirmed the completion date noted on the approved site plan is 07-2012.

***MOTION** was made by Member Reilly, second by Member Winters, to GRANT AN 18 MONTH EXTENSION FOR COMPLETION OF CONSTRUCTION ASSOCIATED WITH ENCLOSING THE FIRST FLOOR AND RELOCATION OF THE SLICK TRACK. NEW EXPIRATION DATE IS 01/2014. Motion passed 4-0.

- Project # 11-07: Request for extension letter from Jake Kriney / Bruedan dated 08-25-2012.
 - It was noted that a meeting took place on 08-24-2012 between John Orr, CEO; Rick Ramsdell, Planning Board Chairperson; Phil Valastro, Mayor and Jake Kriney; Norman Kriney, Jr and Mr. Kriney to discuss the site conditions as well as their request for an extension.
 - There is the presence of crushed concrete spread over the site in contradiction to the approved site plan notes.
 - It was noted that there are 2 areas on the approved site plan designated for material stockpiles.
 - An agreement was reached allowing the applicant to stockpile the concrete in the designated locations.
 - Applicant was asked to submit a letter to the Planning Board requesting an extension.
 - The letter submitted requesting an extension was read into the record by Chairman Ramsdell.
 - It was noted that parkland fees were also discussed at the 08-24-2012 meeting, and it was suggested that the parkland fees be paid at the time the building permits are issued.

***MOTION** was made by Member Jankelunas, second by Member Reilly, to GRANT A 2 WEEK EXTENSION FOR COMPLETION OF SITE PLAN IMPROVEMENTS. NEW EXPIRATION DATE IS 09-14/2014. Motion passed 4-0.

3. Code Enforcement Officer Report

Presented by John Orr (copy attached).

4. Projects for Review

Project # 12-06 Project Name: Chester Collision Site Plan Amendment

Applicant/Owner: William Malkan

Location: 63 Brookside Avenue (SBL 111-8-2 / B-2 Zone)

Re: Addition of approximately 1000 square feet to existing building

Presented By: William Malkan

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

- Discussion was held as to where the cars are to be stored overnight – it was determined that the overnight / long term cars would be stored in the fenced-in area while waiting to be serviced;
- The record will reflect the motor vehicles currently being stored on-site while waiting to be serviced are behind a locked, fence-in enclosure with visual limitations;
- All storage during non-business hours are to be behind a locked fence;
- No work is performed outside.

***MOTION** was made by Member Jankelunas, second by Member Winters, to DECLARE THIS A TYPE II ACTION UNDER SEQR and, therefore requires no further action. Motion passed 4-0.

The Orange County Department of Planning review response was read into the record by Chairman Ramsdell (copy attached).

- Discussion was held regarding stormwater;
 - It was determined that gutters are currently installed;
 - The stormwater being discharged runs with the natural grade of the property to the existing swamp;
 - Neither the Village of Chester nor the DEC have requirements regarding stormwater management;
 - After reviewing and discussing the stormwater on-site, the Planning Board determined that they will not require any additional stormwater management.

Discussion was held to determine if a Public Hearing was necessary;

- It was determined that this project would not have an impact on the neighbors or the surrounding neighborhood as the lighting, curb cuts and other site improvements are existing;

***MOTION** was made by Member Jankelunas and second by Member Reilly to WAIVE THE PUBLIC HEARING FOR THIS PROJECT. Motion passed 4-0.

***MOTION** was made by Member Reilly, second by Member Jankelunas, to GRANT CONDITIONAL FINAL SITE PLAN APPROVAL AND ISSUANCE OF A SPECIAL USE PERMIT. Conditions of approval are: payment of all fees; compliance with the Village Engineer's comments; submission of final revised site plan to be reviewed and approved by the Village Engineer and Planning Board Chairperson. Motion passed 4-0.

Discussion was held regarding the approval duration of the Special Permitted Use and the Planning Board determined that as there have been no issues in the past with this site, there would be no time limit on the Special Permitted Use.

John Orr, CEO will provide the applicant and engineer with additional notes for the site plan.

5. General Discussion

Reschedule of September 2012 meeting (Yom Kippur)

***MOTION** was made by Member Reilly and second by Member Winters to CHANGE THE REGULARLY SCHEDULED PLANNING BOARD MEETING FROM SEPTEMBER 25, 2012 TO SEPTEMBER 18, 2012 due to the conflict with the observance of Yom Kippur. Motion passed 4-0.

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 Chairman Ramsdell, to ADJOURN THE MEETING. Motion passed 4-0.

Respectfully Submitted,



**Sandra VanRiper
Planning Board Secretary**

P.O. Box 132, Route 17M
CHESTER, New York 10918



PHONE: 845-469-2116
FAX: 845-469-3592

August 21, 2012

Village of Chester
Planning Board
124 Main St.
Chester, NY 10918

Due to the weather and circumstances beyond our control, we did not begin the construction of the go-kart track. We would like to request an extension on the approval for an additional 18 months.

Thank you,

A handwritten signature in cursive script, appearing to read "Brian and Alison Leentjes".

Brian and Alison Leentjes

August 25, 2012

Bruedan Corporation

PO Box 5191

Aiken SC 29804

Ref 1-5 Sanford Avenue, Village of Chester

Dear Mr. Orr , Mr. Ramsdell and members of the planning board,

We are in receipt of your letter dated August 20, 2012 and respectively request an extension from September 1 2012 to September 14 2012 as per our meeting this past Friday August 24 2012. Please be advised we will be stockpiling the crushed concrete per the approved plans.

Your consideration on the above is most appreciated.

Sincerely,

Jake Kriney

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

August 28, 2012

Current projects that were inspected during the last month:

C&S - Renovation

1- Renovation is now complete on break room and offices.

Tartaglione – 69 Brookside Ave.

1- Work continues at a slow pace.

Rushing Duck – 1 Battiato Ln.

1 - Work almost complete.

Marco – 118 Main Street

1 – Work has stopped.

Paul Davis Restoration – 4111 Whispering Hills Dr.

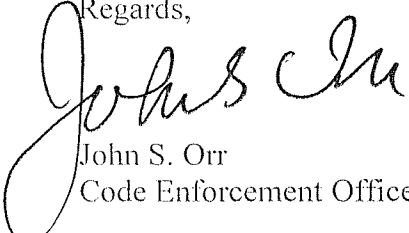
1 – Issued building permit for the repairs from car impact.

Bruedan- Sanford Ave

1- Building has been removed.

I have attached two letters I sent out during the month on issues that relate to the planning board.

Regards,



John S. Orr
Code Enforcement Officer

VILLAGE OF CHESTER

47 MAIN STREET
CHESTER, NEW YORK 10918

845-469-2388
FAX 845-469-5999

August 20, 2012

Bruedan Corporation
Mr. Jake Kriney
PO Box 5191
Aiken, SC 29804

Ref; 1-5 Sanford Ave, Village of Chester.

Dear Mr. Kriney,

Recently you were given approval from the Village of Chester Planning Board for a minor lot line change and approval for the construction of 5 homes. A condition of that approval and as indicated in the approved plans was the requirement that:

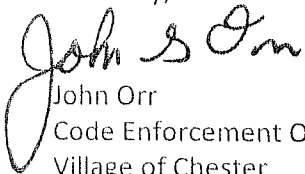
"Demolish and remove existing metal building and all associated utilities, parking and accessways. Remove all paved areas and restore lots with clean fill and topsoil."

It was further agreed that this would be complete by September 1, 2012. I visited the site on August 14, 2012 and the Village Engineer visited on August 17, 2012 and have witnessed that you have not conformed to this agreement. It appears that concrete from the building has been crushed and spread onsite. This was not the agreed condition for the lots to be restored to and is not acceptable to the Village.

As not to be in Violation and force the Village to take further legal action, these conditions must be corrected by September 1, 2012. As it was agreed on all concrete is to be removed topsoil applied and lots seeded.

If you have any question in regards to this matter I can be contacted at Village Hall 845-469-2388.

Sincerely,


John Orr
Code Enforcement Officer
Village of Chester

CC: Jake Kriney
John Queenan Lanc & Tully
Village of Chester Board
Village of Chester Planning Board

VILLAGE OF CHESTER

47 MAIN STREET
CHESTER, NEW YORK 10918

845-469-2388
FAX 845-469-5999

August 20, 2012

L G W Properties LLC.
Mr. Les Wenger
2 Vista Lane
Monroe, NY 10950

Dear Mr. Wenger,

After reviewing your application for building permit dated August 9 & August 10, 2012, I must deny your application. Your application has been denied for the following reason.

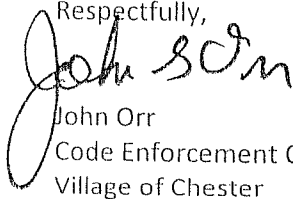
- 1- Per the Code of the Village of Chester section §98-27. Uses requiring approval; Issuance of Building Permits; Penalties.
 - A. *Site plan approval from the Planning Board is required for all special permitted uses, for all principal permitted and accessory uses, except single- and two-family dwellings and accessory uses thereto, and for all changes of use. No building permit shall be issued by the Building Inspector for any use which requires site plan approval except upon authorization of and in conformity with plans approved by the Planning Board. Notwithstanding the foregoing, any change of use from one principal permitted or accessory use to another principal permitted or accessory use, including changes of use within a permitted multiple use, e.g., a shopping center, and where no exterior alterations or additions are proposed, shall not require a formal application to the Planning Board if the Planning Board determines that the proposed change of use will not have any significant impact on, including, but not limited to, traffic volume, access, parking, circulation, noise, the need for landscaping or screening, environmental issues, or character of the neighborhood.*

During the conversation I had with yourself and Jeff Johnson on August 9, 2012 it was indicated to me that Mr. Johnson was renting your building and in the process of moving his fitness business in. The planning board of the Village of Chester has not authorized the use of your building at 35 Kings Highway as a fitness center/gym.

As indicated by the "Stop Work Order" I posted on your building on August 8, 2012 no work is to be performed in the building such as; replacement of drywall, insulation, closing off of garage doors, relocating ceiling lights and outlets or heating.

If you have any question in regards to this issue, I can be contacted at Village Hall 845-469-2388.

Respectfully,


John Orr
Code Enforcement Officer
Village of Chester



**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: CHESTER COLLISION SITE PLAN AMENDMENT
PROJECT LOCATION: NYS ROUTE 17M (63 BROOKSIDE AVE)
SECTION 111 – BLOCK 8 – LOT 2
PROJECT NUMBER: 12-06
DATE: 28 AUGUST 2012
CONSULTANT: KATHLEEN RIFKIN, ARCHITECT
DESCRIPTION: THE APPLICATION PROPOSES “ABOUT 1000 SF” ADDITION TO THE WEST SIDE OF THE EXISTING FACILITY. THE PLAN WAS REVIEWED ON A CONCEPT BASIS ONLY.

1. It is my understanding that the property is located in the B-2 zoning district of the Village. The use would appear to be Principal Permitted Use #5 of the zone. The information shown on the bulk table appears correct for the zone and use.

The “proposed” information on the table requires some corrections, as follows:

- Lot width is defined as the distance between the side lines, measured at the required minimum front yard setback and parallel to the end points of the front lot line. The value in the table should be corrected.
- The “Both Side Yards” value is the total of the two side yards as proposed. Please correct.
- Please mark the front yard setback values as “pre-existing, non-conforming”.

As noted above, the lot does include a pre-existing non-conforming condition for front yard setback. The application does not increase the non-conformity and, as such, I believe the application can move forward without the need for ZBA relief.

REGIONAL OFFICES

- 111 WHEATFIELD DRIVE • SUITE 1 • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •
- 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •

2. I have performed a concept review of the plan as submitted and have the following comments:

- The plan should have a location plan.
- Dimensions should be provided for the addition, as well as the actual square footage.
- Parking spaces as depicted are problematic in several locations, as follows:
 - Getting in and out of spaces 1-4 may be difficult. Are these reserved for employees?
 - Limits of sliding gate should be confirmed to verify non-conflict with handicapped parking space and westerly spaces.
 - Backout from spaces 7 & 8 would conflict with vehicle parked in handicapped space (clearance is 20 ft. vs 25 ft minimum required).
 - Backout from handicapped space is only 16 ft from curb island. Can this second (interior) curb island be removed ?
- Parking space dimensions per code are 20 ft x 10 ft (plan currently shows 18 x 9).
- Is there a dumpster on site ?

3. It is noted that the restrictions for Use #5 include that no repair work be out of doors, and all motor vehicles be stored within a building. The plan provides for car storage within the rear fenced area. It is presumed that this might be another pre-existing non-conforming condition. This should be discussed and documented appropriately.

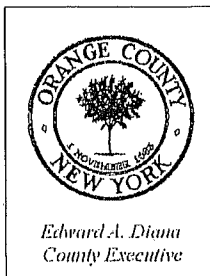
4. The Planning Board should discuss, with the Attorney for the Planning Board, the appropriate steps to initiate SEQRA review of the application.

5. This project adjoins NYS Route 17M and, as such, must be referred to the Orange County Planning Department as per New York State General Municipal Law (GML 239).

Respectfully Submitted,



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



ORANGE COUNTY DEPARTMENT OF PLANNING

DAVID CHURCH, AICP
COMMISSIONER

www.orangecountygov.com/planning
planning@orangecountygov.com

124 MAIN STREET
GOSHEN, NEW YORK 10924-2124
TEL: (845) 615-3840
FAX: (845) 291-2533

County Reply – Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-l, m, & n

Local Referring Board: Village of Chester Planning Board

Applicant: Chester Collision

Project Name: Chester Collision-Addition

Proposed Action: Site Plan for construction of 1,000 s.f. addition to existing building

Reason for County Review: Within 500 feet of NYS Route 17M

Date of Full Statement: August 15, 2012

Referral ID #: CHV 05-12M

Tax Map #: 111-8-2

Local File #: 12-06

Comments:

The Department has received the above referenced site plan and has found no evidence that significant intermunicipal or countywide impacts would result from its approval. We would like to offer the following advisory comments:

Additional Review: The proposed application does not meet the required front yard setback of 30 feet and extends the existing area of nonconformance of the existing building. This will require the applicant to apply for an area variance.

Stormwater Management: At this time, the project site is entirely covered with impervious surfacing. The replacement of 1000 square feet of impervious pavement with 1000 square feet of impervious rooftop does not seem like a change that will have any measureable impact, and yet by elevating the surface and sloping the roof, stormwater will move faster off the project site, causing increased offsite impacts from stormwater runoff. We advise the Village to require installation of stormwater management measures on the project site.

County Recommendation: Local Determination

Date: August 17, 2012

Prepared by: Megan Tennermann, Planner

David Church, AICP
Commissioner of Planning

As per NYS General Municipal Law 239-m & n, within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available online at www.orangecountygov.com/planning.

