

## MINUTES

### VILLAGE OF CHESTER PLANNING BOARD

FEBRUARY 26, 2013

#### REGULAR MEETING

PRESENT: Richard RAMSDELL, Chairman  
Anthony LASPINA, Member  
John REILLY, Member  
Gene WINTERS, Member  
Robert JANKELUNAS, Member (Arrived at meeting at 7:24 PM)  
John ORR, Code Enforcement Officer  
Mark EDSALL, Engineer  
Ian SCHLANGER, Attorney

#### REGULAR MEETING 7:00 PM

##### 1. Minutes

Review Draft of January 2013 Planning Board Meeting Minutes

\***MOTION** was made by Member LaSpina, second by Member Reilly, to ACCEPT THE JANUARY 2013 MEETING MINUTES AS DRAFTED. Motion passed 3-0 (Member Winters abstained as he did not review the minutes; Member Jankelunas arrived after the vote).

##### 2. Correspondence

Letter from Rushing Duck Brewing dated 02-11-2013 (copy attached).

- Letter read into the record by Chairman Ramsdell and advised that the applicant did not need to be present for the Board to make a determination on their request for additional Tasting Room Hours.

##### 3. Code Enforcement Officer Report

Presented by John Orr (copy attached).

##### 4. Projects for Review

<b>Project # 12-01</b>	<b>Project Name: Chester Mall Revised Site Plan / Dunkin Donuts</b>
Applicant/Owner:	Chester Mall Partners, LLC (Joshua Goldstein)
Location:	78 Brookside Avenue (SBL 107-3-3 / B1 Zone)
Re:	Approval for proposed Dunkin Donuts
Presented By:	John Loch, AFR / Chester Mall Partners, LLC (Joshua Goldstein)

John Loch, AFR represented the applicant and advised:

- The issues raised by Mark Edsall would be addressed;
- The signage was reviewed and the striping redone.
  - CEO John Orr advised that he also reviewed the signage / striping and all entrances and exits are well signed;

Mark Edsall's comments were reviewed (copy attached) and general discussion was held regarding:

- It was suggested that pages 1 thru 4 be the final site plan and the architectural plans be submitted with the building permit;
- John Loch advised the applicant will work with Mark Edsall on the verbiage / notation for parking;
- The parking table should show the existing Dunkin Donuts as a restaurant with the existing number of seats available as well as the proposed Dunkin Donuts with the number of proposed seats;
- Mark Edsall suggested the dumpster enclosure be incorporated into the architecture of the proposed structure.

Chairman Ramsdell requested confirmation that the only detail not yet agreed upon is the parking calculation.

- John Loch advised that the parking study was previously done and the numbers are in compliance with the Code. He also indicated that the study showed the parking would be more than adequate for the mall.

**\*MOTION** was made by Member Winters, second by Member Reilly, to GRANT CONDITIONAL FINAL SITE PLAN APPROVAL. Conditions of approval: final resolution of parking; resolution of Mark Edsall's comments; payment of all fees; project time frame / estimated completion date of June 2014. Motion passed 5-0.

**Project # 11-08**                      **Project Name: Rushing Duck Brewing**  
**Applicant/Owner:**                Leslie Hitchcock, Rushing Duck Brewing / Barry Adelman  
**Location:**                            6 Howland Street, Chester (SBL 104-6-12 / B1 Zone)  
**Re:**                                        Revision of the Tasting Room hours of operation.  
**Presented By:**                        No representative present

Discussion was held regarding:

- The applicant is requesting a change in the tasting room hours from only Saturday 12 – 5 PM to Friday 4 – 7 PM, Saturday 12 – 6 PM, Sunday 12 – 6 PM and Monday 12 – 6 PM;
- Mark Edsall advised that the Board could make a determination regarding the hours and let the applicant work with the Building Inspector so no formal site plan amendment application needs to be submitted. The Board could include a condition that if any issues arise from the change, the applicant will be required to apply to the Planning Board for a site plan amendment;
- CEO John Orr advised that he has not received any complaints from the neighbors;

**\*MOTION** was made by Member Reilly, second by Member Winters, to GRANT CONDITIONAL FINAL APPROVAL. Condition of approval: Should any issues arise from the change in the tasting room hours, the applicant is required to submit a site plan amendment applicant and appear before the Board. Motion passed 5-0.

## 5. General Discussion

### **Meadow Hill Zone Change:**

Review draft of the Planning Board report to the Village Board regarding the Meadow Hill request for Zone Change.

- It was noted that the applicant, John Sorrentino was present;
- Chairman Ramsdell read the draft report into the record;
- It was noted that the report should include a note that the property is currently in the RS District and the applicant is requesting it be changed to the RM District;
- It was suggested that the tax and school impacts should be included in the report;
- Member Jankelunas asked if the densities approved at the time of the original application would be less with this application;
- Member Jankelunas noted that some of the single family residences in the area would be isolated with this project;
- Member Jankelunas expressed his concern the although Senior Citizens are given first preference in renting the units, there is no guarantee. He questioned whether this statement is beneficial and suggested it could be misleading;
  - Chairman Ramsdell noted that although Senior Citizens are not guaranteed units, he believes it should be mentioned in the report.
  - Chairman Ramsdell also noted that the Village Board previously granted conditional approval based on the application which included Senior housing;
- Member Jankelunas also noted the report does not comment on the increased traffic at rush hour and it should be included in the report;
  - Mark Edsall advised that the traffic impacts would be reviewed by the Planning Board when the application is back before the Planning Board;

- Mark Edsall also noted:
  - The traffic ingress/egress would be onto a state highway and it could manage the increased traffic;
  - Drivers may wait a little longer to get in or out of the property during peak hours, but the road can handle the increase in traffic;
  - Traffic issues would be looked at during SEQRA when the application comes back before the Planning Board;
  - It's ultimately up to the NYS DOT to decide about the traffic as they would either issue or deny the permit application.
- It was suggested that the applicant draft a developer's agreement with the Village to allow Senior Citizens a set amount of time to submit applications for the units in each building before the applicant entertains other applicants. This would ensure the Senior Citizens get first preference.

**\*MOTION** was made by Member Winters, second by Member Reilly, to ACCEPT THE FINAL DRAFT WITH AMENDMENTS. The amendments are: adding the traffic statement to the draft report; a note advising the Planning Board acknowledges the change from Senior to non-age specific could result in increased traffic and the issue should be looked at; and inclusion of the developer's agreement allowing Senior Citizens a set amount of time for each building before accepting other applications. Motion passed 5-0.

#### **Proposed Updated Sign Code:**

The proposed updated Sign Code was presented by CEO John Orr (copy attached). Discussion was held on the following:

Billboards:

Allow them in the Code?

"Grandfather" in existing Billboards without allowing them to be rebuilt if/when they are destroyed and not allow any new billboards to be erected.

Nuisance Signs:

Mark Edsall suggested that the Code read there will be penalties imposed on those who gain economically from the signs. He's aware of other municipalities who adopted that into their Code and it's been effective. Mark Edsall will send the verbiage to CEO John Orr.

Illumination:

Allow it in the Code? Mark Edsall will send suggested Code to CEO John Orr.

A definition of an electronic/digital sign should be included in the Code.

It should be discussed whether flags, stop signs, flagpoles, utility poles and temporary signs should be covered in the Code.

The Board asked if the new Code would affect existing non-compliant signs and CEO John Orr advised that all signs should be compliant.

A performance specification / checklist for signs was suggested.

Chairman Ramsdell asked if anyone had anything else to discuss and as there were no other comments, **\*MOTION** was made by Member Reilly, second by Member Winters, to ADJOURN THE MEETING. Motion passed 5-0.

**Respectfully Submitted,**

**Sandra VanRiper  
Planning Board Secretary**

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

February 11, 2013

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

Tartaglione – 69 Brookside Ave.

- 1- No change from last month.

Marco – 118 Main Street

- 1 – No work has started.

Chester Collision – 63 Brookside Ave

- 1 – Project almost complete.

Houston – 51 Meadow Ave

- 1- House has been delivered and now in place.
- 2- Final work underway. Connections of utilities.

C&S – 1 Elizabeth Dr.

- 1 –Work almost complete.

Boodles – 37 Main Street

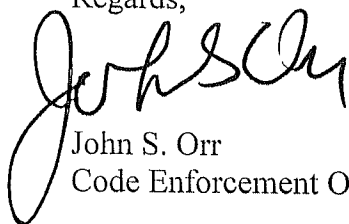
- 1- Issued two building permits. For roof replacement and 2<sup>nd</sup> floor renovations.
- 2- Roof is complete.
- 3- 2<sup>nd</sup> floor renovations underway.

OnForce Solar – 13 June Road.

- 1- Issued building permit for the instulation of Solar panels.
- 2- Work is underway.

Yearly report to the State has been submitted.

Regards,



John S. Orr  
Code Enforcement Officer



February 11, 2013

John Orr  
Planning and Zoning Department  
Village of Chester  
47 Main Street  
Chester, New York 10918

Mr. Orr,

Rushing Duck Brewing, located at 1 Battiato Lane, is asking the Planning Board of the Village of Chester to revise the original site plan regarding the hours of operation, which are currently Saturday from 12pm-5pm. We have seen the amount of people coming into our tasting room increase since our original site plan was approved in 2012. If the brewery were open additional hours it would spread the volume of people by allowing them to come at different times as opposed to crowding into the brewery during the five hours per week we are currently open. The expanded hours could allow for less crowding of parking spaces and less congestion in the village on Saturdays as more people become aware of the tasting room. Please take our expansion into consideration as we think it will be beneficial to both Rushing Duck Brewing Co. as well as the Village.

We are requesting that the tasting room hours include:

Friday 4pm-7pm

Saturday 12pm-6pm

Sunday 12pm-6pm

Monday 12pm-6pm

Sincerely,

Dan Hitchcock  
Founder/ Owner  
Rushing Duck Brewing



**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 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:** 26 FEBRUARY 2013  
**CONSULTANT:** AFR ENGINEERING (JOHN LOCH, P.E.)  
REV. 3 DATED 1-10-13 (SHEETS 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, 24 APRIL 2012, 26 JUNE 2012, AND 22 JANUARY  
2013 PLANNING BOARD MEETINGS.

1. This project previously received Conditional Site Plan approval at the June 2012 Planning Board Meeting. Following the same, the applicant submitted specific plans based on occupancy by a specific tenant, Dunkin Donuts. Based on these tenant specific plans, the Board has continued its review of the application.
2. At the January 2013 meeting, we presented comments on the submittal. We have received a new submittal, and provide the following comments:
  - The plans submitted are fragmented and are not a single coordinated plan set. There are drawings marked 1, 2, 3 of 8, a single drawing marked PL-1, and another set of drawings marked A1, A2, A3, A4. There is no consistency in title blocks, nor do all the plans have the requested approval box with project number in the lower right hand fold of the plan (with project title block in that location also).

Drawing 1 provides a sheet index which advises that the four architectural drawings A1 thru A4 are not a part of the final submittal set and are submitted for information only. As such, the final set should be number 1 thru 4 and the all references to A1 thru A4 removed from sheet 1.
  - The final plan should include sign details for the handicapped parking space. Two signs are required (handicapped sign and “No Parking Any Time” sign). Please revise, correct, upgrade handicapped parking detail on sheet 3.

**REGIONAL OFFICES**

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

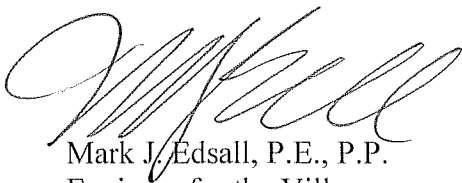
- Dimensions of Directional Signs should be verified on Sheet 3.
- There is an inconsistency on sheet 1. On the plan, it notes the new Dunkin Donuts restaurant as 2070 sf with 21 seats. On the same plan, in the parking table, it notes the proposed restaurant use has 55 seats and requires 22 parking spaces. Drawing A1 appears to depict 21 seats.
- The final disposition of the parking compliance should be clear on the record. Any corrections needed to the table should be made. As with all the other uses identified on Sheet 1, I recommend the new Dunkin Donuts be numbered as a use both on the plan and table (this would be use 31 on the site).
- For consistency, the handicapped space at the new Dunkin Donuts should be depicted correctly on Sheet 1.
- On sheet 2 the finish of the dumpster area should note that it will be finished to match color finish of building.
- In reviewing sheet PL-1, I suggest the Board consider asking for a couple additional trees within the perimeter landscaped curb island. Two along the southwest and one at the area of the handicapped space may be an improvement.

3. Please note the following procedural steps already accomplished:

- The Board previously determined this application is Type II under SEQRA.
- The Planning Board previously referred this application to the Orange County Planning Department, with it being returned “Local Determination”. It is my opinion that this plan is substantially similar to the prior referral, and a new referral would not be required.

4. All the above comments are final in nature and many involve final coordination and “cleanup” of the plans. It may be appropriate for the Board to consider Conditional Site Plan approval.

Respectfully Submitted,



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