

MINUTES

VILLAGE OF CHESTER PLANNING BOARD

AUGUST 27, 2013

REGULAR MEETING

PRESENT: Richard RAMSDELL, Chairman
Robert JANKELUNAS, Member
John REILLY, Member
Anthony LASPINA, Member
Mark EDSALL, Engineer
Ian SCHLANGER, Attorney

PUBLIC HEARING 7:06 PM

Project # 13-07 Project Name: Prestige Auto Body
Applicant/Owner: Paul DiLorenzo
Location: 30 Lehigh Avenue - (SBL 115-1-4.1 and 4.41)
Re: Convert existing building into Auto Body Shop
Presented By: Jim Dillin

Chairman Ramsdell opened the Public Hearing at 7:06 PM.

Chairman Ramsdell read the Public Hearing Notice as it was published in the August 9, 2013 edition of the Times Herald Record (copy attached).

Jim Dillin gave the Planning Board secretary the certified, mailing receipts.

Project overview provided by Jim Dillin:

- Remodeling of existing building to become an auto body shop.
- Add a spray booth

After Mr. Dillin made his presentation, Chairman Ramsdell asked the Board Members if they had any questions or comments. Member Jankelunas asked what the business hours would be. They are Monday – Friday, 7am to 6pm and Saturday, 7am to 2pm. Member Jankelunas also asked about loud noises coming from the building during work hours and if there would be any odor emerging from the spray booth. Mr. Dillin advised that the noise level and odor level should not be a problem. The noise level will be that of a normal body shop, nothing out of the ordinary. As far as the odors from the spray booth, Mr. Dillin advised that the spray booth will be up to regulation and odor should not become a problem to the neighborhood. At this point, the hearing was opened to the public. Chairman Ramsdell kept the hearing open until 7:15pm. There were no public comments.

As there were no other comments, *MOTION was made by Member LaSpina, second by Member Jankelunas to CLOSE THE PUBLIC HEARING. Motion passed 4-0. Public Hearing closed at 7:16PM.

REGULAR MEETING -- 7:16 PM

Chairman Ramsdell opened the Regular Meeting at 7:16PM.

1. Minutes

Draft of 7/23/13 Minutes to be taken up at the next meeting.

2. Correspondence

Project related correspondence will be taken up when application is discussed.

3. Code Enforcement Officer Report

Presented by John Orr (copy attached).

4. Projects for Review

Project # 13-07 Project Name: Prestige Auto Body
Applicant/Owner: Paul DiLorenzo
Location: 30 Lehigh (SBL 115-1-4.1 and 4.41)
Re: Convert existing building into Auto Body Shop
Presented By: Jim Dillin

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

Chairman Ramsdell advised that the application has been typed as "UNLISTED" for SEGRA and the Village of Chester Planning Board has taken "LEAD AGENCY".

Chairman Ramsdell stated the conditions for the conditional site plan approval will include:

- The facility will be registered with the DEC prior to when operations begin;
- An note has been added to the plans for handicap parking painting of lines as noted by Mark Edsall;
- The plan is revised to show a 5ft space from the dumpster to the walls of the building;
- Payment of fees.

5. Project # 13-03 Project Name: C&S Site Plan Amendment
Applicant/Owner: Chester Logistics, LLC
Location: 1 Elizabeth Drive (SBL 118-1-7.1)
Re: Enlarging Truck Entrance to 4 Lanes
Presented By: Rick DeWolfe, Engineer

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

Mr. DeWolfe brought the revised drawings with him, to the meeting, and gave them out to all of the Planning board members. (Since they were brought to the meeting and had not gone through the normal channels, they were not stamped.) He further advised that the new drawings addressed all of Mark Edsall's previous comments.

Mr. DeWolfe's answers to Mark Edsall's previous comments were:

- The fire lane will have striping indicating that it is a fire lane and it will flow in the direction of traffic;
- C&S is waiting to hear from the VOC as to what they want on the signs. Mr. Edsall advised Mr. DeWolfe to confer with John Orr and the Police Chief before the signs are made.

Chairman Ramsdell suggested that Mr. DeWolfe consider using several pen widths and possible different font size so the plans are a bit easier to read and decipher.

Mr. DeWolfe then spoke about an existing "sag" in Leone Lane. He went on to say that in order to correct it, he would need to put a catch basin in at either end and would then have to change the profile of Leone Lane by putting a "hump" in it. He stated that there is a catch basin across the street which is connected to it. C&S does have plans to repair the catch basin, replace the concrete pavement around it and replacing 3 inches of bituminous asphalt on top of the concrete repair which

will match in with the existing 3 inch overlay that is on the concrete now. John Orr stated that this is the first time he is hearing about this and Mark Edsall has no knowledge of it as well. John Orr suggested a field visit to the site, to identify the location of the sag, which would be attended by himself, Mark Edsall, Anthony LaSpina, Rick DeWolfe and Greg DeMinico. The field meeting was set for Thursday, 9/5, at 12:30pm; rain or shine.

Chairman Ramsdell asked if we have resolution about the ownership, dedication or what the status is of the extension of Leone Lane to the west between C&S and PEP Boys? C&S has been maintaining the road even though the extension is owned by Paulius. Mr. DeMinico advised that C&S has been trying to reach out to Paulius but they do not return calls.

John Orr then asked Chairman Ramsdell if we can do a conditional approval. Mr. DeMinico remarked that the asphalt plants will be closing by early November so time is an issue. Mr. DeMinico went on to say that he would put the application on hold so they can make a more complete plan revision for drainage and other issues.

While there is apparently no tax map # for that portion of Leone Lane; there was discussion, by Mr. DeMinico, about phasing of the application to allow for resolution of ownership.

6. **Project # 12-08** **Project Name: Meadow Hill Apts.**
Applicant/Owner: **John Sorrentino**
Location: **NYS Route 94 SBL 102-1-1.2)**
Re: **Apartment Complex**
Presented By: **Mark Siemers**

Mark Siemers began his discussion by addressing the following points:

- The dumpster size and location; there is one dumpster enclosure for each building and each enclosure can hold a 3 to 4 yard dumpster. Each building can easily access dumpsters;
 - There has been realignment of the parking lot;
 - The drainage and sanitary sewer infrastructure has been redone;
 - I sloped the parking areas so that all stormwater flows to the center line of each parking area and is collected by catch basins in the center line of the parking area. The stormwater is then piped down into the pond; doing that we remove the crossings with the water and sewer pipe along the edge of the pavement. We can run sanitary on one side of the drainage and water on the other side and simplify design.
- He then advised that the design is on-going and he will continue to move forward. He will have full, design plans at the next meeting, 9/24/13 and will look to have a Public Hearing scheduled for the 10/22/13 meeting.

Mark Edsall's comments (copy attached) were reviewed and general discussion held. Mark did advise that his comments were short because the project has a lot of history. It was a larger project and was actually taking what was a more dense development and shrinking it which requires a redesign but clearly, in full development, will sit in a reduced development. Once the stormwater and utilities are resolved and finalized and after all the changes are made and implemented Mark Edsall will go through and update everything. He stated that he feels it will all work out.

Chairman Ramsdell asked about the impact this revised, housing project will have on traffic in the area. Originally, this project was proposed as senior housing which meant that the majority of people didn't leave during the higher traffic part of the day; now the make-up of the people living there will be

different. Mark Siemers advised that he is authorizing an outside source to consult for a traffic study for Meadow Hill and Elmwood Park.

- | | |
|--------------------|--|
| 7. Project # 13-06 | Project Name: Somers/Taco Bell Site Plan |
| Applicant/Owner: | Somers Enterprises LLC |
| Location: | 1 Bryle Place (SBL 110-2-3.21) |
| Re: | Somers/Taco Bell Site Plan |
| Presented By: | Zachery Peters |

Mr. Peters began by saying that Taco Bell is 100% happy with the plan as it now is. He advised that although code requires 17 parking spaces, they are proposing 20 spaces. He stated that the code says there should be 2 spaces for every 5 seats in the restaurant.

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

Chairman Ramsdell reviewed #3 through #7 of Mark Edsall's comments. (on the last page) He asked Mr. Peters if he had a chance to look through the comments and he said that he had looked them over briefly. Mr. Peters asked if any SEQRA decision had been made yet or is it too early. Chairman Ramsdell advised that, in the past, the Board, usually completed SEQRA determination just before the resolution for site plan. Member LaSpina asked about the restaurants hours and if they have a completion date yet. The hours of operation will be Sunday – Thursday, 10:00am to 2:00am and Friday and Saturday, 10:00am to 4:00am. Mr. Peters responded that they were not sure of their completion date yet because they wanted to know where they "sat" with the board. Mr. Peters then asked if there is enough to request a Public Hearing. Mark Edsall said that there is sufficient information about the project for the public to make comments. A referral must be done, for both Taco Bell and Somers Subdivision, to OCDP.

Chairman Ramsdell advised that we need a resolution stating that the **VOCBP** is assuming "**LEAD AGENCY**" for SEQRA. (For Somers Subdivision and Taco Bell. Member Jankelunas made the **MOTION** to assume "**LEAD AGENCY**" second by Member LaSpina. Member LaSpina made a resolution to hold a Public Hearing on the site plan, second by Member Reilly. The Public Hearing will be held on 9/24/13 at 7:00pm.

The last item on the agenda was a report to the Village Board on Amendments to the Zoning Law and Map. General discussion was held regarding the report to the Village Board on the proposed amendments.

Other Business:

Alain Blezy from Nexans was at the meeting. He expressed some concern about BT Holdings: the through road proposed for placement on Nexan's property; the design for the road and its impact on their working environment. John Orr asked where we are with the BT process. Chairman Ramsdell advised that the Village Board has approved annexation of the property and is looking at the property being rezoned. His questions should be directed to the Village Board.

Chairman Ramsdell asked if anyone had anything else to discuss and as there were no other comments, ***MOTION** was made by Member LaSpina, second by Member Jankelunas, to **ADJOURN THE MEETING**. Motion passed 4-0. Meeting adjourned at 10:10PM.

Respectfully Submitted,

Missy Sosler
Planning Board Secretary



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

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

MAIN OFFICE
33 AIRPORT CENTER DRIVE
SUITE 202
NEW WINDSOR, NEW YORK 12553

(845) 567-3100
FAX: (845) 567-3232
E-MAIL: MHENY@MHEPC.COM

WRITER'S EMAIL : MJE@MHEPC.COM

ACEC MEMBER

VILLAGE OF CHESTER
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: PRESTIGE AUTO SITE PLAN
(DILORENZO)
PROJECT LOCATION: 30 LEHIGH AVENUE
SECTION 115 – BLOCK 1 – LOT 4.1
PROJECT NUMBER: 13-7
DATE: 27 AUGUST 2013
CONSULTANT: JAMES DILLIN, LS
PLAN DATE: Plan Rev. August 13, 2013
DESCRIPTION: THE APPLICATION PROPOSES USE OF THE EXISTING BUILDING
ON THE PROPERTY AS AN AUTO BODY SHOP. THE PLAN WAS
PREVIOUSLY REVIEWED AT THE 23 JULY 2013 PLANNING
BOARD MEETING. THE APPLICATION IS BEFORE THE BOARD
FOR A PUBLIC HEARING AT THIS MEETING.

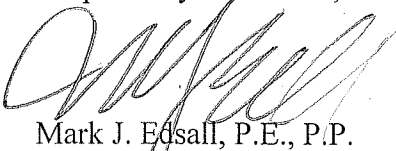
1. The property is located in the M-2 zoning district of the Village. Although the bulk tables do not confirm this use as permitted in the zone, the plans indicate that the Village ZBA has determined the use is a permitted.
2. The plan has been revised per the review and comments at the July meeting. We have reviewed the plan in concept and have the following initial comments:
 - Based on the provisions of Code Section 98-14 (D) the fence height has been reduced to 6 ft. height on the plan.
 - The applicant should be required, as a condition of site plan approval, to obtain and maintain all necessary air discharge and related registrations for the spray booth and operations.

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- The plan notes state that the sanitary system is west of the building, exact location unknown. For future reference, there should be concern that the system may be located on the adjoining parcel.
 - The Handicapped parking detail shows the white line adjoining the blue line. The detail should add a note that states “when a standard space adjoins a handicapped space, a double line should be installed, one blue, one white.”
 - The plan now provides a dumpster area, which is immediately against the building. The Code Enforcement Officer will need to comment on this location, if a problem.
 - A note has been added regarding the containment of interior drains.
 - Hours of Operation are now included as note #10 on the plan. The hours match my notes from the July meeting discussion.
3. Status of the referral to the Orange County Planning Department as per New York State General Municipal Law (GML 239) should be discussed.

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.**

RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ & PA)
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MAIN OFFICE
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SUITE 202
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WRITER'S EMAIL : MJE@MHEPC.COM

ACEC MEMBER

VILLAGE OF CHESTER
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: C&S WHOLESALE SITE PLAN AMENDMENT
(TRACTOR TRAFFIC REVISIONS)
PROJECT LOCATION: ELIZABETH DRIVE & LEONE LANE
SECTION 118 – BLOCK 1 – LOT 7.1
PROJECT NUMBER: 13-03
DATE: 27 AUGUST 2013
CONSULTANT: DEWOLFE ENGINEERING ASSOCIATES
PLAN DATE: (no new plans for this meeting)
DESCRIPTION: THE APPLICATION PROPOSES REVISIONS TO THE TRUCK
ENTRANCE, TRUCK EXIT, PROPOSES ADDITIONAL TRAFFIC
CONTROL SIGNAGE AND ADDS AN EMPLOYEE BREAK AREA.
THE PLAN WAS PREVIOUSLY REVIEWED AT THE 28 MAY 2013,
25 JUNE 2013 AND 23 JULY 2013 PLANNING BOARD MEETINGS.

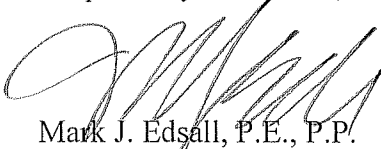
1. Following the July meeting, we received and reviewed an interim set of revised plans. We provided comments as follows on 8/20 via email:
 - We previously recommended that the signs provided along Leone Lane extension be consistent with the pavement markings as Fire Lane. The signs provided (“No Stopping on Pavement”) are inconsistent with the fire lane designation. As well, the enforcement of the restriction should be consistent with Village Code. This should be coordinated with the Code Enforcement Officer and Chief of Police such that the restriction can be properly enforced.
 - The plan title blocks still do not have the entire application identification (ie C&S Wholesale – Site Plan Amendment) properly located in the right hand fold of the ALL plans.
 - The pavement markings for the fire lane should be further defined on the detail sheets. Striping pattern / dimension, letter size and spacing, etc.

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- On sheet 5 it appears that the intended design is to provide curb breaks (gaps) for drainage to pass thru and run over driving lanes to a reconstructed inlet. It would seem to be a more conventional method to run drainage lines to new catch basins for the parking lot.
 - It was my understanding that the drainage at the main truck entrance (as depicted on sheet 5) was to have new catch basins installed at the left and right curblines, with pavement crowned to promote proper drainage. The reconstruction of the centrally located basin is inconsistent with the customary method as discussed.
 - The fence detail on sheet 7 depicts 8 ft chain link fence with triple row barbed wire. It should be insured that the fence installed matched prior approval and complies with Village code requirements.
 - Sign detail on sheet 7 should provide proper spacing to bottom of sign per code (5' – 7' to bottom).
 - Insufficient detail is provided with regard to lane traffic control lighting elements. Provide further detail and control interlock safety measures discussed at meeting.
 - Sheet numbering for sheet 8 should be corrected on original.
2. The Board is reminded of the open issue of use / ownership of Leone extension, as this has not been dedicated to the Village and remains in private ownership.
 3. At the time of preparation of these comments, we have not received any revised plans. We will review plans once received.

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.**

RICHARD D. McGOEY, P.E. (NY & PA)
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WRITER'S EMAIL : MJE@MHEPC.COM

ACEC MEMBER

VILLAGE OF CHESTER
PLANNING BOARD
REVIEW COMMENTS


PROJECT NAME: MEADOW HILL APARTMENTS SITE PLAN
PROJECT LOCATION: NYS ROUTE 94 (OPPOSITE VISTA DRIVE)
SECTION 102 – BLOCK 1 – LOT 1.2
PROJECT NUMBER: 12-08
(previously file no. 05-01)
DATE: 27 AUGUST 2013
CONSULTANT: PIETRZAK & PFAU ENGINEERING & SURVEYING
PLAN DATE: Plans Revised 8-14-13
DESCRIPTION: THE PROJECT PROPOSES A 108-UNIT APARTMENT COMPLEX ON THE
15.8 +/- ACRE PARCEL. THE APPLICATION WAS REVIEWED AT THE
18 DECEMBER 2012 PLANNING BOARD MEETING.

1. This application previously proposed a 142-unit senior citizen multi-family project. The applicant has requested his application be amended to propose non-age-restricted occupancy with a reduction in the unit count from 142 to 108.

The plan indicates the zone for the property is within the RM zoning district of the Village. Status of the re-zoning by the Village Board should be discussed.

2. The project has been discussed at various worksession technical meetings over the years. At a recent worksession in June 2013 several possible improvements to the layout / plan were discussed. These adjustments have been accomplished on the plans submitted for discussion at this meeting. It is our understanding that the plans have been submitted for a preliminary presentation to the Board.
3. The transmittal letter to the Board notes that the full design of the project is "on-going", including the SWPPP/Pond Sizing/Erosion Control, water main design, Landscaping and DOT plan. Once a coordinated complete plan set is submitted, we will continue our detailed review of the application.

Respectfully Submitted,



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

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MAIN OFFICE
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SUITE 202
NEW WINDSOR, NEW YORK
12553
(845) 567-3100
FAX: (845) 567-3232
E-MAIL: MHENY@MHEPC.COM
WRITERS EMAIL: MJE@MHEPC.COM

VILLAGE OF CHESTER
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: TACO BELL SITE PLAN
(SOMERS SUBDIVISION LOT #2)
PROJECT LOCATION: NYS ROUTE 17M & BRYLE PLACE
SECTION 110 – BLOCK 2 – LOT 3.21 (PART OF)
PROJECT NUMBER: 13-06
DATE: 27 AUGUST 2013
CONSULTANT: MERCURIO NORTON TAROLLI MARSHALL
PLAN DATE: Plan Dated August 8, 2013
DESCRIPTION: THE APPLICATION PROPOSES THE DEVELOPMENT OF LOT #2 OF
THE SOMERS SUBDIVISION AS A FAST FOOD RETAIL SITE. THE
APPLICATION WAS PREVIOUSLY DISCUSSED AT THE 23 JULY
2013 PLANNING BOARD MEETING.

1. The property is located in the B-2 zoning district of the Village. The “required” bulk information shown on the plan appears correct for the zone and use. The bulk table should be expanded to include “provided” values based on the lot and proposed site layout.
2. This latest submittal is a significant improvement in content from prior submittals. We have reviewed this latest submittal set, and provide the following comments:

Site Plan Drawing (Sheet1)

- The plan generally provides dimensions for layout of the site. Additional dimensions are needed. By way of examples, note the following dimensions needed:
 - Parking row offset dimension from proposed retaining wall.
 - Curb offset dimension on southeast side of building.
 - Sidewalk dimension on northwest side of building. (should be at least 6 ft. due to vehicle overhang).
 - Building offset dimensions from property line (to be coordinated with bulk table values)

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- If Planning Board permits cross-connection between car wash site and this site (one way connection at southerly corner of site) a sign post should be provided with a stop sign (for traffic coming from car wash) and a one-way sign (DOT xxx Type).
- It appears that the dumpster enclosure and bollard obstruct the right rear corner of the first parking space. Provide additional spacing.
- The plan and/or legend should clearly call out concrete curbing (not just curbing).
- The plan shows curbing running behind the dumpster enclosure and immediately in front of the retaining wall. Please verify.
- The retaining wall appears to be installed at the property line with lands n/f GTY NY Leasing. A construction easement will be needed.
- Confirm angle of parking along south side of site. Upon clarification "back out" dimension can be verified.
- Recommend the handicapped and associated "No Parking" signs be mounted behind sidewalk.
- Detail must be provided for Taco Bell sign at northerly corner of site.
- Recommend Do Not Enter sign along easterly property line be angled toward site.
- Note #2 indicates survey information is from Dillin subdivision plan. Please confirm such data includes boundary, planimetrics and topography. (ie recent survey of existing conditions). It is noted that no metes and bounds are called out on the plan (they should be).

Demo Plan & Grading Plan (Sheet 2)

- We are concerned regarding the attempt to relocate street trees. See additional comments on landscaping plan.
- The plan notes the relocation of a light pole/fixture. It is not clear from this plan (or the lighting plan) where it is being relocated to.
- The grading plan appears to provide spot elevations which are assumed to be proposed. Some appear to possibly be existing. No proposed contours appear indicated. Clarify and make plan more complete.
- Identify source of site topography site information.
- The grading plan includes a proposed retaining wall along the south property line with GTY NY Leasing. No information is provided on the grades at the retaining wall, top of wall, bottom of wall, etc.
- Site grading should be such to direct stormwater flow to indicated catch basins, and shall also prevent stormwater discharge from site to Bryle Place.

Detail Sheet (Sheet 3)

- See comment above regarding relocation of handicapped signs behind sidewalk. Detail layout has No Parking sign obstructing front of access aisle.
- Recommend notes under “Island Striping Detail” be eliminated. The note conflicts with the requirements for the handicapped parking access aisle (only cross hatched markings on site). Striping requirements appear properly delineated under handicapped parking detail.
- Standard Curb Detail should note 4000 psi
- Regarding silt fence detail and construction entrance detail, see additional numbered comment below.

Detail Sheet (Sheet 4)

- Recommend sewer and water elements be darkened on this detail plan since this is purpose of this detail/plan.
- It is questionable that 4” piping is suitable for this commercial facility. Recommend 6” piping be considered.
- Piping from grease trap to road includes un-necessary bends. Recommend straight run.
- Recommend additional cleanouts at building exterior.
- Detail for tap to existing main should be confirmed with Moodna Basin operators.
- Detail for water tap to main should be coordinated with Village Water Superintendent. Shutoff at property line should be provided.
- For Typical Trench Detail recommend elimination of Run of Bank reference. Replace with NYSDOT Item #4.


Lighting Plan (Sheet 5)

- Lighting distribution appears adequate, with exception of lighting levels at the curb cut off Bryle Place (especially for car wash drive. verify adequate lighting exists for these adjoining curb cuts).
- Provide detail and information on the building mounted fixtures (TB units). Are these cutoff fixtures ?
- The two light poles on the south of the site appear mounted into the retaining wall. Confirm and provide installation detail.
- Plan should note if business sign is illuminated and method of illumination.

Landscaping Plan (Sheet 6)

- Correct plan title (replace “Lighting” with “Landscaping”).
 - It is questioned if the relocated street trees will survive the movement. Provision for replacement should be included if the relocation is not a success.
 - Are the relocated trees consistent with the landscaping of the site ?
3. All drawing should include an approval box with the project number referenced above. Such approval box should be located in the lower right hand fold of all sheets.
 4. It is noted that the original car wash site plan included a curb island and lane thru the current proposed Taco Bell site. This traffic flow is being altered as part of this site. It may be advisable to revisit the traffic flow on the car wash site plan to insure the elimination of this easterly paved lane does not cause a negative impact on car wash traffic.
 5. Board should note that Queue Detail on Sheet 1 confirms that after 5 cars are staged in drive thru lane, access to site loop (and southerly parking) is obstructed. It would be preferable that the seven parking spaces on the south side of site be utilized by employees.
 6. As has been discussed throughout the application review, vehicle movements within the site will be somewhat difficult, given the minimal spacing and 90-degree turning movements. Of particular concern are the two 90-degree movements at the east side of the site.
 7. There is no plan provided for stormwater management during construction. A soil erosion prevention plan with appropriate details should be added to the drawing set.

Respectfully Submitted,



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

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

August 27, 2013

Current projects that were inspected during the last month:

Boodles – 37 Main Street

- 1- Cosmetic work continues.

Wittekind – 11 Greycourt Ave

- 1- Addition almost complete.

Smith – 65 Greycourt Ave

- 1- Some work has started clearing the property.

Seigel – 49 Brookside Ave (former Suds & Duds)

- 1- Work continues.

Paul Davis Restoration – 143 Main Street

- 1- Work continues.

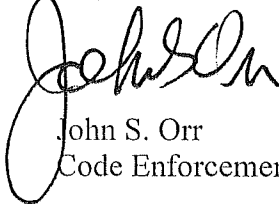
Chester Mall – 78 Brookside Ave Dunkin Donuts.

- 1- Framing complete.
- 2- Interior work underway.

Bruedan – Fini

- 1- Issued 2 building permits for 2 of 5 houses approved.
- 2- Suggested a minor change to the driveway location for lots 2&3 (see attached).

Regards,



John S. Orr
Code Enforcement Officer

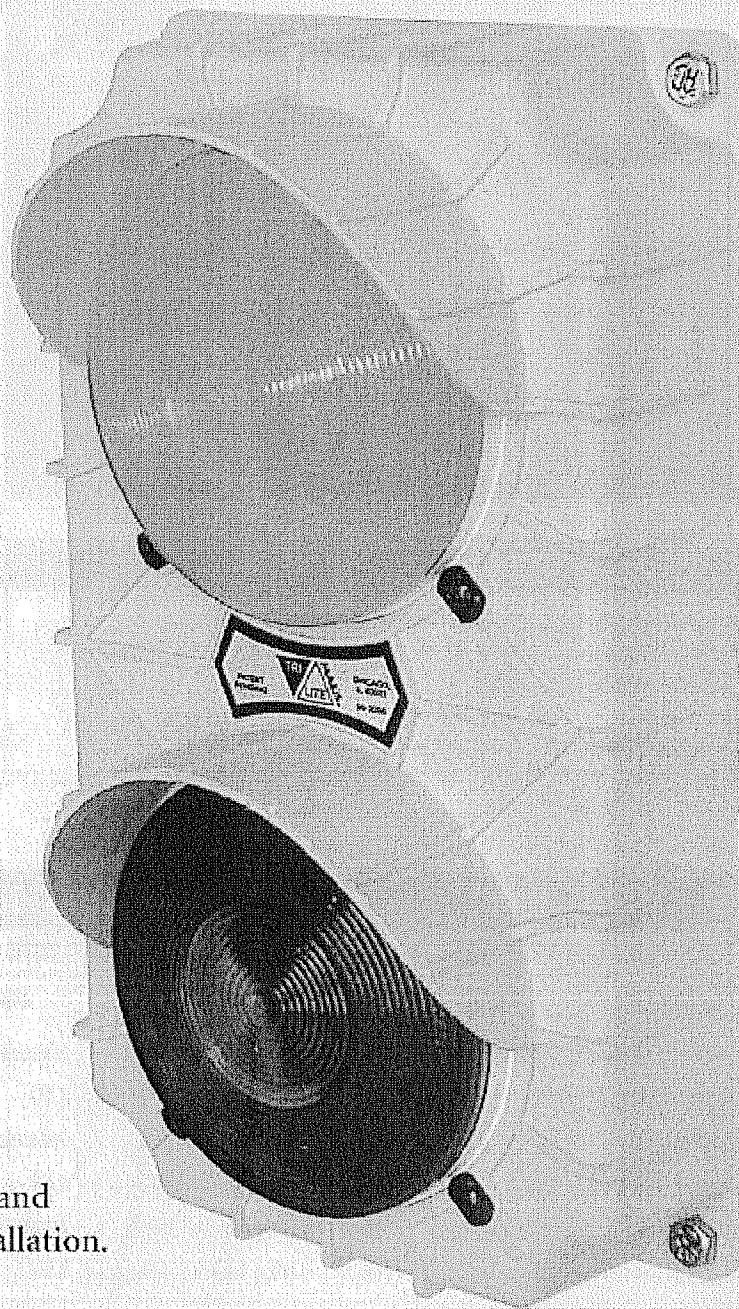
CAS
Wholesale
Green

Tri Lite Stop & Go Signaling Systems

Tri Lite Stop & Go lights increase safety by providing visual communication anywhere a positive go / no-go signal is required.

Common Applications:

- Loading Docks
 - Car Washes
 - Parking Lots and Garages
 - Drive Thru Windows
 - Controlled Access Entrances
- Models with long life, energy efficient LEDs or economical incandescent signal lamps.
 - Available in two unit sets (for mounting on opposite sides of door) or single units that can stand alone or be connected to auxiliary safety systems.
 - Durable plastic housing (in safety yellow or black) will not rust, pit, or corrode.
 - Integral eyebrow-type sun visors provide extended visibility while shielding the lights from rain and snow.
 - Shallow depth of unit reduces risk of damage and convenient mounting holes provide simple installation.
 - UL & cUL Listed - Available in 12VDC, 24VDC and 115VAC.



SINCE 1922

Tri Lite, INCORPORATED

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Tri Lite's Stop & Go Signaling System Alerts Truck Drivers and Loading Dock Personnel to the Safety Status of Docked or Docking Trucks...

The SG30 System utilizes two units - one outside of the loading dock and one located on the inside. The system is controlled by a toggle switch mounted on the inside light. (Remote switching is possible.) When the outside light is flashing red the inside light is green. This tells drivers not to move the truck and indicates that loading and unloading may proceed. When the toggle is flipped, the red light inside warns dock workers to stay out of the trailer, and green tells the driver he is free to move the vehicle.

The SG10 is available for applications where opposing signals are not required. Ideal for installations utilizing external controllers such as drive thru indicators and for OEM applications.

TECHNICAL SPECIFICATIONS

Housing Safety Yellow or Black Polypropylene
Power Source 12 or 24 volt DC operation or 115 volt AC operation
Lens diameter 4 1/2"
Dimensions 11 1/4" H x 6 1/4" W x 3 7/8" D
Shipping weight 2 lbs. per unit

Super Bright LED Signals

- Reduce energy costs by 90% compared to conventional incandescent lights
- No filament means long life
- Require no maintenance
- Three year limited warranty on LED
- Loading dock warning signs available

CONFIGURATIONS AVAILABLE

STOP & GO LIGHT SET (includes 1-SG10, 1-SG20)				STOP & GO LIGHT, WITH FLASHER AND SWITCH				STOP & GO LIGHT, NO FLASHER OR SWITCH*			
Item #	Style	Voltage	Amps	Item #	Style	Voltage	Amps	Item #	Style	Voltage	Amps
SG30-12RG	Incandescent	12v	4.34	SG20-12RG	Incandescent	12v	2.17	SG10-12RG	Incandescent	12v	2.17
SG30-12RG-LED	LED	12v	0.60	SG20-12RG-LED	LED	12v	0.30	SG10-12RG-LED	LED	12v	0.13
SG30-24RG	Incandescent	24v	2.20	SG20-24RG	Incandescent	24v	1.10	SG10-24RG	Incandescent	24v	1.10
SG30-24RG-LED	LED	24v	0.60	SG20-24RG-LED	LED	24v	0.30	SG10-24RG-LED	LED	24v	0.13
SG30-115RG	Incandescent	115v	0.42	SG20-115RG	Incandescent	115v	0.21	SG10-115RG	Incandescent	115v	0.21
SG30-115RG-LED	LED	115v	0.06	SG20-115RG-LED	LED	115v	0.03	SG10-115RG-LED	LED	115v	0.10

*Models and specifications subject to change.

*Designed for use with SG20 or control panel with flasher. Incandescent models require flasher for proper operation.



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District Regulations Comparison			
<u>ITEMS</u>	<u>RM</u>	<u>RM-N</u>	<u>SCH</u>
Principal Permitted Uses	1. RS permitted uses and two-family dwellings, not to exceed 2 dwellings per lot	Single-family dwellings, not to exceed 1 dwelling per lot. Two-family dwellings, not to exceed 2 dwellings per lot. Senior citizen housing.* Multiple dwellings, apartments, condominiums and townhouses	NOT
Accessory Uses	1. RS accessory uses. 2. Signs according to § 98-19B. 3. Off-street parking. 4. Customary accessory uses and buildings.	Off-street parking. Signs according to 98-19B. Customary home occupations incidental to single-family dwellings, conducted in the principal building by a member of the family actually in residence therein provided that there is no external evidence of such occupation except a small announcement sign. Customary accessory uses and buildings.	NOT

Special Permitted Uses Subject to Authorization and Site Plan Approval by the Planning Board

- | | |
|--|---|
| <p>1. Firehouse. 2. Municipal office buildings or similar structures used for public purposes by a municipality. 3. Public utility buildings which are used to provide a service to residents of the Village of Chester, provided that public businesses, offices, warehouses, construction or repair shops or garage facilities are not included. 4. Boarding or rooming house with accommodations for 5 persons or less. 5. Tourist homes. 6. Public libraries and museums. 7. Clubhouses and rooms for fraternal, religious, patriotic or social organizations not operated for profit. 8. Studios for instruction in art, music and dancing, limited to 2 students at one time 13. Church or other place of worship, including parish houses and Sunday school buildings. 2. Multiple dwellings, apartments and townhouses, provided that. a. The entire lot occupied by such structure is maintained in single or group ownership throughout the life of the use. Single ownership shall be construed to include cooperatives, condominiums and homes association. b. Townhouses shall be at least 20 feet wide and may</p> | <p>Firehouse. Municipal or government buildings or similar structures used for public purposes by a municipality or other government agency. Public utility buildings which are used to provide a service to residents of the Village of Chester, provided that public businesses, offices, warehouses, construction or repair shops or garage facilities are not included. Public libraries and museums. Clubhouses and rooms for fraternal, religious, patriotic or social organizations not operated for profit.</p> |
|--|---|

Minimum Lot Area (sf); and Density where shown.

12,500 for RS Uses; 80,000 For 1- or 2-bedroom units, up to 8 units per acre, subject to site conditions and potential impacts. For 3 or more bedrooms, up to 6 units per acre, subject to site conditions and potential impacts.

10,890 for Single Family. 2 acres for Senior Citizen Housing. 5 acres for Multiple dwellings, apartments, condominiums and townhouses

3 acres; i) in the RM, B-1, and B-2 Districts, nine dwelling units per acre; and ii) in the RS, RMH Districts seven dwelling units per acre. If more than 20% of the total number of dwelling units qualify as affordable housing, as defined herein, then the maximum permitted density requirements shall be i) in the RM, B-1, and B-2 Districts, 10 dwelling units per acre; and ii) in the RS, RMH Districts eight dwelling units per acre

Minimum Lot Width (feet)	100 for RS Uses; 150 for other uses	100 for Single Family and Senior Citizen Housing; 200 for Multiple	100; and 150 Lot Depth
Setbacks:			
Front Yard	30 for RS Uses; 40 for other uses: This figure may be reduced to 20 feet for townhouses on minor streets by the Planning Board	20 for Single Family and Multiple dwellings, apartments, condominiums and townhouses; 30 for Senior Citizen Housing.	50; 75 for sites of 5 or more acres
Side Yard, One	15 for RS Uses; 25 for other uses: No side yards are required for townhouses on interior lots	15 for Single Family and Multiple dwellings, apartments, condominiums and townhouses, or No side yards are required for multiple unit structures in the interior of the site or on interior lots; 20 for Senior Citizen Housing	30; 50 for sites of 5 or more acres
Side Yard, Both	35 for RS Uses; 50 for other uses: No side yards are required for townhouses on interior lots	30 for Single Family and Multiple dwellings, apartments, condominiums and townhouses, or No side yards are required for multiple unit structures in the interior of the site or on interior lots; 40 for Senior Citizen Housing	not specified

Rear Yard	? for RS Uses; 35 for other uses	30 for Single Family and Senior Citizen Housing; 35 for Multiple dwellings, apartments, condominiums and townhouses	30; 50 for sites of 5 or more acres
Maximum Lot Coverage (%)	30 for RS Uses; 20 for other uses:	30 for Single Family; 35 for Senior Citizen Housing and Multiple dwellings, apartments, condominiums and townhouses	
Maximum Building Height (Feet / Stories)	NV for RS Uses; 35 / 3 for other uses	40 / 3 for Single Family and Multiple dwellings, apartments, condominiums and townhouses; 40 / 4 for Senior Citizen Housing.	Conform to location District.
Minimum Habitable Dwelling Area (square feet)	900 for RS Uses; For other uses: Efficiency 400; 1-Bedrm 600; 2 Bedrm 800; 3 or more Bedrm 1,000	900 for Single Family; For Senior Citizen Housing: Studio (?) 400; 1-Bedrm 500; 2 Bedrm 650; For Multiple dwellings, apartments, condominiums and townhouses: Efficiency 400; 1-Bedrm 600; 2 Bedrm 800; 3 or more Bedrm 1,000	400 square feet for efficiency units, 500 square feet for one-bedroom units and 650 square feet for two-bedroom units
Off-Street Parking	For a 1-bedroom unit, 2 spaces per unit; For a 2-bedroom unit, 2.5 spaces per unit; For a 3- or more bedroom unit, 3 spaces per unit. In addition, 0.75 spaces per unit for visitor parking.	For Senior Citizen Housing: 1.0 spaces per unit. In addition, 0.25 spaces per unit for visitor parking; For Multiple dwellings, apartments, condominiums and townhouses: For Studio or 1 Bedrm units: 1.5 spaces per unit + 0.5 spaces per unit for visitor parking; For 2 or more Bedrm units: 2.0 spaces per unit + 0.5 spaces per unit for visitor parking	1.5 spaces per unit and 0.75 spaces per unit for guest parking and staff.

The PB report is to be based on a study of proposed amendments. Unless inextricable to the process, BT related issues are not the focus.

The result of the amendment process is a cohesive, relevant, unambiguous document working for the Village with the fewest contradictions, undefined terms, holes, etc.

The PB will not have limitations in the Site Plan review and decision making authority.

Settlement Stipulation: The agreement made by the Town and Village of Chester and the Applicant. The agreement includes the reduction of housing units from XXX to 340. The Stip identifies the properties and by extension, the Zoning districts for the need to consider the Zoning amendments.

1. **Residential Development Project:**

No more than 340 residential units may be constructed on the residential development site with no less than 100 of those units age-restricted per the EIS.

For purposes of this provision the residential development site Consists of the following parcels:

Town of Chester Tax Parcel Section 2, Block 1, Lot 39 consisting of ± 60.568 acres (the Annexation Lands);

Village of Chester Tax Parcel Section 107, Block 3, Lot 4 consisting of ± 3.407 acres;

Village of Chester Tax Parcel Section 108, Block 1, Lot I consisting of ± 0.582 acres;

and a portion of Village of Chester Tax Parcel Section 120, Block 1, Lot 1 consisting of ± 3.87 acres.

Questions:

Are the Zoning Districts of the three (3) existing Village parcels proposed to be changed?

What is the point or value in review of the Town Zoning of the property?

Comments:

I find it interesting that the following was not stricken or amended:

H. Building and unit requirements.

(1) Buildings shall require the following facilities and services:

(c) If there are 40 dwelling units or more, the Planning Board may require any or all of the permitted accessory uses set forth in Subsection D(2)(b) above.

G. Site regulations.

(1) **Parking** and circulation. ... **There will be a maximum of two motor vehicles per unit** and each motor vehicle will be registered with the superintendent. No commercial vehicles will be permitted.

Definitions - - - - -

ARTICLE I, Section 98-3. Definitions and word usage, item B shall be amended as follows:

APARTMENT – A dwelling unit containing both kitchen and bathroom facilities available for rent contained within a building with three or more such units.

DWELLING, MULTIPLE-FAMILY — A detached building containing three or more residential dwelling units, which may include apartments, cooperatives, condominiums and townhouses.

TOWNHOUSE — A dwelling residential structure unit containing a series of ~~two or two-and-one-half-story~~ noncommunicating one-family dwelling units in which each unit has its own individual access to the exterior and where there is having a common wall between each two adjacent dwelling units sections. The units shall be located either side by side and/or partially one over the other. Each dwelling unit ~~is~~ should be held in separate ownership and may be located on commonly held land with other townhouses, or on a separate tax lot.

ACCESSORY APARTMENT

APARTMENT BUILDING

A structure housing three or more dwelling units exclusive of any principal permitted uses other than residential uses.

DWELLING, ONE- OR SINGLE-FAMILY

A detached building containing one dwelling unit only.

DWELLING, TWO-FAMILY

A detached building containing two dwelling units only.

DWELLING UNIT

A building or entirely self-contained portion thereof containing complete housekeeping facilities, including cooking and plumbing facilities, for only one family and having no enclosed space (other than vestibules, entrances or other hallways or porches) or cooking or sanitary facilities in common with any other family. A boardinghouse, dormitory, motel or other similar structure shall not be deemed to constitute a "dwelling unit."

Changes to:

ARTICLE V, Section 98-23.1. Senior citizen housing special use permit, shall be amended as follows:

(Parking) - - - - -

G. Site regulations.

(1) Parking and circulation.

(a) Parking spaces shall be provided at the ratio of 1.5 spaces per one bedroom senior units and 2 spaces per two bedroom senior units. A 0.25 space reduction shall be granted for affordable units. ~~1.5 spaces per unit and 0.75 spaces per unit for guest parking and staff.~~

(c) The Planning Board may require additional parking for guests or accessory or recreational facilities or amenities which may require employees. These spaces may be located in off-site parking lots within 500 feet of senior housing as long as signage, sidewalks and crosswalks are provided and access and maintenance agreements are in place which are acceptable to the Village attorney.

NOTE: d) **There will be a maximum of two motor vehicles per unit**

(3) Sidewalks. Each project will provide suitable sidewalks, which may include hand rails when appropriate. In developments where units are not held in Fee Simple ownership, a Homeowners Association or rental management agency shall be responsible for clearing and maintaining sidewalks.

(Density) - - - - -

(5) Building location. **No building will have more than 24 dwelling units** except as discussed below. The side of a principal building, if opposite the side of another principal building, shall be separated therefrom by a distance of not less than 1 1/2 the height of the opposite bounding wall. If the rear of any principal building shall face the front of another principal building, it shall be distant therefrom not less than twice the height of the opposite bounding walls. Each principal building will be not less than 25 feet from any parking area or curb to provide for sidewalks, landscaping or both.

(a) In the RM-N district a building may contain up to 50 units per building if the applicant can adequately demonstrate to the Planning Board that all of the following criteria are met:

[1] The density is not greater than permitted by Section F.1.(b) herein.

(b) Maximum residential density. The maximum permitted density requirements shall be i) in the RM, RM-N, B-1, and B-2 Districts, **nine dwelling units per acre**; and ii) in the RS, RMH Districts seven dwelling units per acre. If more than 20% of the total number of dwelling units **qualify as affordable housing**, as defined herein, then the maximum permitted density requirements shall be i) in the RM, RM-N, B-1, and B-2 Districts, **10 dwelling units per acre**; and ii) in the RS, RMH Districts eight dwelling units per acre. Any fractional number 0.5 or above will be rounded up to the nearest whole number, and less than 0.5 will be rounded down to the nearest whole number.

[2] The building layout allows for less overall disturbance and grading on the site than would be required for multiple buildings.

[3] The building layout is preferable from an overall aesthetic perspective as demonstrated by a visual analysis

District Regs / Bulk Tables:

See attachment.

Memo to Rick Ramsdell and the Village of Chester Planning Board

Re: Review of Proposed Local Law #4 of 2013.

Dated: August 26, 2013

At the July meeting, the Planning Board engaged in a preliminary discussion of the Proposed Local Law # 4, in connection with the Report to be provided to the Village Board pursuant to Village Law 98-40.

As we have discussed, the proposed Zoning Law Amendments were part of the SEQRA review in connection with the BT Holdings annexation. There is an Appendix C to the DEIS which contains the proposed amended Zoning Law and the Bulk table for the new proposed Zone RM-N. Essentially, the amendment adds definitions for "Apartment," "Dwelling," and "Multi-Family," and revises the definition of "Townhouse." It revises Sections 98-18, pertaining to apartments and townhouses, and 98-23.1, pertaining to the Senior Citizen housing special use. The amendment makes certain "special permitted uses" in a RS district "permitted uses" in the new RM-N district.

With respect to the issue of whether definitions of "condominium" or "cooperative apartment" were advisable, I suggested that these terms are well defined by other generally applicable state law, and therefore the Village Code does not require definitions.

For the edification of Planning Board members, condominiums are governed by the Condominium Act, Real Property Law §§ 339-d, *et. seq.* A condominium is established by the filing of a Declaration. The real property is divided into "Units" which are individually owned and "Common Elements" which are the parts of the property which are used in common such as a) the land on which the building is located; (b) the foundations, columns, girders, beams, supports, main walls, roofs, halls, corridors, lobbies, stairs, stairways, fire escapes, and entrances and exits of the building; (c) the basements, cellars, yards, gardens, recreational or community facilities, parking areas and storage spaces; (d) The premises for the lodging or use of janitors and other persons employed for the operation of the property; (e) Central and appurtenant installations for services such as power, light, gas, hot and cold water, heating, refrigeration, air conditioning and incinerating ; (f) The elevators, escalators, tanks, pumps, motors, fans, compressors, ducts and in general all apparatus and installations existing for common use; (g) Such facilities as may be designated as common elements in the declaration; and (h) All other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use. Real Prop. Law § 339-e. In other words, within the four walls of an apartment, the condominium has sole ownership; the owner has also joint ownership of the common elements. A condominium is generally managed by a condominium association.

A "co-operative apartment" building is owned by a corporation established pursuant to the Co-operative Corporation Law. (This form of ownership is generally only used in New York City.) In this scheme, a co-op corporation owns the entire building, the shareholders in the co-op, along with their shares of stock, have a right to a lease for an apartment in the co-op. Their relationship with the co-op corporation is landlord-tenant besides having certain rights and obligations as a shareholder. A co-op has officers and a board of directors. Generally a management company is engaged to operate the co-op.

Since zoning is generally not concerned with the form of ownership, and these terms are well understood, there is no reason for the Village Code to include definitions.

The new Local Law proposes the creation of a zoning district, "RM-N", which takes the RM district uses and converts "Senior Citizen Housing" and "multiple dwellings, apartments, condominiums and townhouses" from "special permitted uses" to "permitted uses", thereby removing the need to issue a special use permit. Since the purpose of a special use permit is to specify any conditions required to minimize the impact of the special permitted use on the neighborhood, by making the senior citizen housing and multi-family housing permitted uses in the new RM-N, the Village Board is, in effect, determining that these uses are in harmony with the neighborhood without the need for additional conditions. (Generally, the classification of a use as a special permit use is tantamount to a legislative finding that the use is in harmony with a Village's general zoning plan and will not adversely affect the neighborhood. Accordingly, classifying a use as a special permit use produces a strong presumption in favor of the use and constitutes a per se finding that it is in harmony with the neighborhood subject only to "conditions" attached to its use to minimize its impact on the surrounding area.. An applicant seeking a special permit is only required to show compliance with any legislatively imposed conditions on an otherwise permitted use. Of utmost significance, a special permit application must be evaluated by reference to delegated or permissible planning standards and may not be rejected solely because of general community objections, speculation, or anecdotal complaints.)

The Local Law also revises Section 98-18 "Apartment buildings and townhouses" basically rearranging requirements found in other provisions. I have attached a copy of Table 3.6-12 from the DEIS which compares the existing Village RM bulk requirements with the proposed RM-N requirements.

One apparent change is that Townhouses containing three or more bedrooms shall not exceed 62% of the total number of units in a development, up from the 50% presently allowed for apartments.

The minimum front yard setback is reduced from 40 to 20 feet - the RM bulk table presently permits the Planning Board to reduce the minimum front yard setback for townhouses to 20 feet.

Minimum side yard setback (where required) is reduced from 25 feet to 15 feet for multiple dwellings.

Maximum building lot coverage is increased to 35% from 20%.

Parking space requirements are reduced - the DEIS notes that for the BT Holdings project, each townhouse or condo has a one or two-car garage and a single or double width driveway.

The changes to Section 98-23.1, relating to Senior Housing, other than permitting

such housing in the new RM-N zone, is only to Subsection G(5)(a) which increases the number of units per building to 50 from 24 providing that there is less ground disturbance and grading and the layout is preferable from an overall aesthetic analysis.

While parking requirements are reduced, the DEIS also mentions that reduced parking requirements was intended to reduce impervious surface and is consistent to engineering surveys regarding actual parking needs for similar projects.

There is a conflict between Sec. 98-23.1(G)(1)(a) Parking and the District Reg table for the new RM-N zone - G(1)(a) requires 1.5 spaces per one bedroom and 2 spaces per two bed rooms. The District Reg only provides for 1.0 spaces per unit.

Also the horizontal lines on the right side of the table should be removed.

Harold M. Pressberg

Memo to Rick Ramsdell and the Village of Chester Planning Board
Re: Review of Proposed Local Law #4 of 2013.
Dated: August 22, 2013

At the July meeting, the Planning Board engaged in a preliminary discussion of the Proposed Local Law # 4, in connection with the Report to be provided to the Village Board pursuant to Village Law 98-40.

As we have discussed, the proposed Zoning Law Amendments were part of the SEQRA review in connection with the BT Holdings annexation. There is an Appendix C to the DEIS which contains the proposed amended Zoning Law and the Bulk table for the new proposed Zone RM-N. Essentially, the amendment adds definitions for "Apartment," "Dwelling, and "Multi-Family," and revises the definition of "Townhouse." It revises Sections 98-18, pertaining to apartments and townhouses, and 98-23.1, pertaining to the Senior Citizen housing special use.

With respect to the issue of whether definitions of "condominium" or "cooperative apartment" were advisable, I suggested that these terms are well defined by other generally applicable state law, and therefore the Village Code does not require definitions.

For the edification of Planning Board members, condominiums are governed by the Condominium Act, Real Property Law §§ 339-d, *et. seq.* A condominium is established by the filing of a Declaration. The real property is divided into "Units" which are individually owned and "Common Elements" which are the parts of the property which are used in common such as a) the land on which the building is located; (b) the foundations, columns, girders, beams, supports, main walls, roofs, halls, corridors, lobbies, stairs, stairways, fire escapes, and entrances and exits of the building; (c) the basements,

cellars, yards, gardens, recreational or community facilities, parking areas and storage spaces; (d) The premises for the lodging or use of janitors and other persons employed for the operation of the property; (e) Central and appurtenant installations for services such as power, light, gas, hot and cold water, heating, refrigeration, air conditioning and incinerating ; (f) The elevators, escalators, tanks, pumps, motors, fans, compressors, ducts and in general all apparatus and installations existing for common use; (g) Such facilities as may be designated as common elements in the declaration; and (h) All other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use. Real Prop. Law § 339-e. In other word, the within the four walls of an apartment, the condominium has sole ownership; the owner has also has joint ownership of the common elements. A condominium is generally managed by a condominium association.

A "co-operative apartment" building is owned by a corporation established pursuant to the Co-operative Corporation Law. (This form of ownership is generally only used in New York City.) In this scheme, a co-op corporation owns the entire building, the shareholders in the co-op, along with their shares of stock, have a right to a lease for an apartment in the co-op. Their relationship with the co-op corporation is landlord-tenant besides having certain rights and obligations as a shareholder. A co-op has officers and a board of directors. Generally a management company is engaged to operate the co-op.

Since zoning is generally not concerned with the form of owner, and these terms are well understood, there is no reason for the Village Code to include definitions.

The Local Law revises Section 98-18 "Apartment buildings and townhouses" basically rearranging requirements found in other provisions. I have attached a copy of

Table 3.6-12 from the DEIS which compares the existing Village RM bulk requirements with the proposed RM-N requirements. One apparent change is that Townhouses containing three or more bedrooms shall not exceed 62% of the total number of units in a development, up from the 50% presently allowed for apartments. The minimum front yard setback is reduced from 40 to 20 feet - the RM bulk table presently permits the Planning Board to reduce the minimum front yard setback for townhouses to 20 feet. Minimum side yard setback (where required) is reduced from 25 feet to 15 feet for multiple dwellings. Maximum building lot coverage is increased to 35% from 20%. Parking space requirements are reduced - the DEIS notes that for the BT Holdings project, each townhouse or condo has a one or two-car garage and a single or double with driveway.

The changes to Section 98-23.1, relating to Senior Housing, other than permitting such housing in the new RM-N zone, is only to Subsection G(5)(a) which increases the number of units per building to 50 from 24 providing that there is less ground disturbance and grading and the layout is preferable from an overall aesthetic analysis. While parking requirements are reduced, the DEIS also mentions that reduced parking requirements was intended to reduce impervious surface and is consistent to engineering surveys regarding actual parking needs for similar projects.

Harold M. Pressberg

Table 3.6-3 Townhouses				
Lot and Bulk Comparison of SR-6, RM and proposed RM-N Requirements for Townhouses				
Zoning District <i>Zoning Bulk Standard</i>	Town SR-6*** <i>Required per 98-29U</i>	Village RM <i>Required</i>	Proposed RM-N <i>Required</i>	BT Holding Proposal <i>Proposed</i>
Minimum total lot area*	10 acres	80,000 square feet	5 acres	58.4 acres
Minimum total lot width*	300 feet	150 feet	200 feet	610 feet (consistent with frontage)
Minimum Townhouse lot size**	2,000 square feet	2,000 square feet	Not specified	Lots not proposed (2,000 sq. ft. on-site available per unit)
Minimum Townhouse lot width**	20 feet	Not specified	200 feet	610 feet (lots not proposed)
Minimum front setback**	15 feet	40 feet (may be reduced to 20 on minor streets for townhouses by PB)	20 feet	Townhouse lots not proposed (>20 feet)
Minimum side setback, if provided**	15 feet	25 feet (no side yards required for interior lots)	15 feet (no side yards required for interior lots)	Townhouse lots not proposed (>25 feet)
Minimum rear setback**	30 feet	35 feet	35 feet	Townhouse lots not proposed (>35 feet)
Combined yard setback	As required in 98-20	50 feet	30 feet (no side yards required for interior lots)	Townhouse lots not proposed (>30 feet)
Usable open space	700 square foot per dwelling unit	700 square foot per dwelling unit	700 square foot per dwelling unit	700+ square foot per dwelling unit
Outdoor play area (as part of usable open space)	100 square foot per 3+ room dwelling unit	100 square foot per 3+ room dwelling unit	100 square foot per 3+ room dwelling unit	100+ square foot per dwelling unit
Maximum Density	6 units per acre	For 1BR & 2BR units, 8 units per acre. For 3+BR, 6 units per acre	For 1BR & 2BR units, 8 units per acre. For 3+BR, 6 units per acre	For 1BR & 2BR units, 8 units per acre. For 3+BR, 6 units per acre
Maximum units per building	8 units per building	Not specified	Not Specified	12 units per building
Bedroom Mix	Maximum 20% 3BR units	Not specified	Not Specified	21% 2BR 79% 3BR
Minimum habitable dwelling area	Not specified	Efficiency - 400 sf 1BR - 600 sf 2BR - 800 sf 3+BR - 1,000sf	Efficiency - 400 sf 1BR - 600 sf 2BR - 800 sf 3+BR - 1,000sf	2BR > 800 sf 3BR > 1,000 sf
Minimum Building Separation	Not less than the average height of the opposite bounding wall	Not less than the average height of the opposite bounding wall	Not less than 25 feet	> 25 feet
Maximum building lot coverage	As required in 98-20	20%	35%	15.70%
Maximum building height	As required in 98-20	35 feet & 3 stories	40 feet & 3 stories	35 feet & 3 stories
Parking	Refer to Table 3.6-4 below			

Source: Town of Chester Zoning Law; Village of Chester Zoning Law

* Requirement that applies to overall development site

** Requirement that applies to individual townhouse lot

*** Condominium ownership is prohibited in the SR-6 District, ownership of single-family attached and detached dwelling units must be in fee simple.

Open Non-Gated Community

The original proposal in the DEIS was for the community to be gated with access directly to NYS Route 17M. The proposed Alternative has six access drives to the site—four to townhouses, one to senior housing and one to the community building—onto the public main entrance boulevard leading to NYS Route 17M. Based on this design, the access roads would not be gated.

Adequacy of Townhouse Parking

Table 3.5-7 below indicates the number of parking spaces, parking spaces per unit, and code requirements. Based upon project modifications of the Public Road Scenic Alternative, including construction of a public road including a roundabout, reduction of 22 3BR units, and expansion of the circulation roads to 26 feet wide, the project now includes a total of 1,129 parking spaces. To estimate actual demand, Parking Generation¹ was reviewed. Surveys indicate the proposed parking would meet the on-site demand for parking. The Town of Chester recently adopted revised parking requirements that in some ways are more stringent than previous standards. The proposed parking spaces meet projected parking demand and town requirements for multiple dwellings but not senior units. Based on all unit types, the project's overall 2.51 parking spaces per unit exceeds the overall Town parking requirement of 2.02 spaces per unit.

Table 3.5-7 Parking Summary						
Land Uses	Proposed Parking Spaces	Parking Rate (Spaces per Dwelling Unit)	Zoning Requirement (Spaces per Dwelling Unit)		Parking Utilization' (includes guests)	
			TOWN	VILLAGE		
SENIORS						
75 1-Bedroom Affordable/Market-rate units	158	1.58	1.25/1.50	2.25*	0.66 per dwelling unit ²	
25 2-Bedroom Affordable/Market-rate units			1.50/1.75			
TOWNHOUSE						
128 2-Bedroom Townhouse units	784	2.77***	2.00**	3.25*	1.52 per dwelling unit (85th percentile rate)	
208 3-Bedroom Townhouse units			2.25**	3.75*		
Guest Parking	146		included above	included above	included above	
CLUBHOUSE						
Clubhouse	41	0.094****	none	none	included above	
TOTAL						
Total ³	1,129	2.51**	2.02	3.26	1.32	
* Includes 0.75 spaces per unit for guests.						
** Includes 0.25 spaces per unit for guests.						
*** Total spaces for all dwelling units including guest parking (930 spaces / 336 townhouses).						
**** 41 spaces over 436 units.						
¹ Parking Generation, Institute of Transportation Engineers, 4th edition, 2010.						
² Peak rate based on two samples; includes guests.						
³ Based on proposed units.						
Calculations of Senior Parking ratio for the Town total is based on the higher Market Rate requirement.						

¹ Parking Generation, Institute of Transportation Engineers, 4th edition, 2010.

Table 3.6-4 Parking Summary					
Land Uses	Proposed Parking Spaces	Parking Rate (Spaces per Dwelling Unit)	Zoning Requirement (Spaces per Dwelling Unit)		Parking Generation ¹ (includes guests)
			TOWN	VILLAGE	
SENIORS					
75 1-Bedroom Affordable/ Market-rate units	125	1.25	1.25/1.50	2.25*	0.50 per dwelling unit ² (1.20 spaces per unit average peak demand for low/mid rise suburban apartments)
25 2-Bedroom Affordable/ Market-rate units			1.50/1.75		
TOWNHOUSE					
76 2-Bedroom Townhouse units	812	2.77***	2.00**	3.25*	1.68 per dwelling unit (95th percentile rate)
282 3-Bedroom Townhouse units			2.25**	3.75*	
Guest Parking	179		included above	included above	included above
CLUBHOUSE					
Clubhouse	41	0.09****	none	none	included above
TOTAL					
Total ³	1157	2.53**	2.059	3.338	1.576
* Includes 0.75 spaces per unit for guests.					
** Includes 0.25 spaces per unit for guests.					
*** Total spaces for all dwelling units including guest parking (991 spaces / 358 townhouses).					
**** 41 spaces over 458 units.					
¹ Parking Generation, Institute of Transportation Engineers, 3rd edition, 2004.					
² Peak rate based on only two samples includes guests.					
³ Based on proposed units.					

According to the table, the proposed parking per unit exceeds the Town's parking requirements for townhouse units, however, it does not meet the requirements for senior housing. The proposed parking does not meet the Village's RM Zoning regulations with regard to parking requirements for townhouse units or senior units. It should be noted that the parking as proposed meets the ITE threshold for parking for this type of land use, which is based upon surveys of actual parking utilization for similar projects.

Two parking areas providing 125 parking spaces are located adjacent to the senior apartment buildings. Each of the townhouse and condominium units has a one- or two-car garage and a single- or double-width driveway depending on the type of dwelling. Therefore, each unit has potentially 2 or 4 parking spaces. Guest parking lots are distributed along the internal roads within proximity to each multi-unit building. Overall, 812 spaces are provided in garages and driveways and 179 spaces are provided in guest parking lots. A separate 41-space parking area is located at the clubhouse. A total of 1,032 parking spaces are provided for the townhouse/condominium development and a total of 1,157 provided on the entire site.

Vacant Land in the Village of Chester

An examination of aerial photographs, real property tax parcel maps, Orange County GIS data base and related information for the Village of Chester was conducted to address the issue of potentially vacant parcels as per the scoping outline.

It is assumed that the purpose of this item was to consider whether developable land exists within the Village. While a number of apparently vacant parcels may be identified, the following are limitations to development comparable to the proposed action in the available parcels:

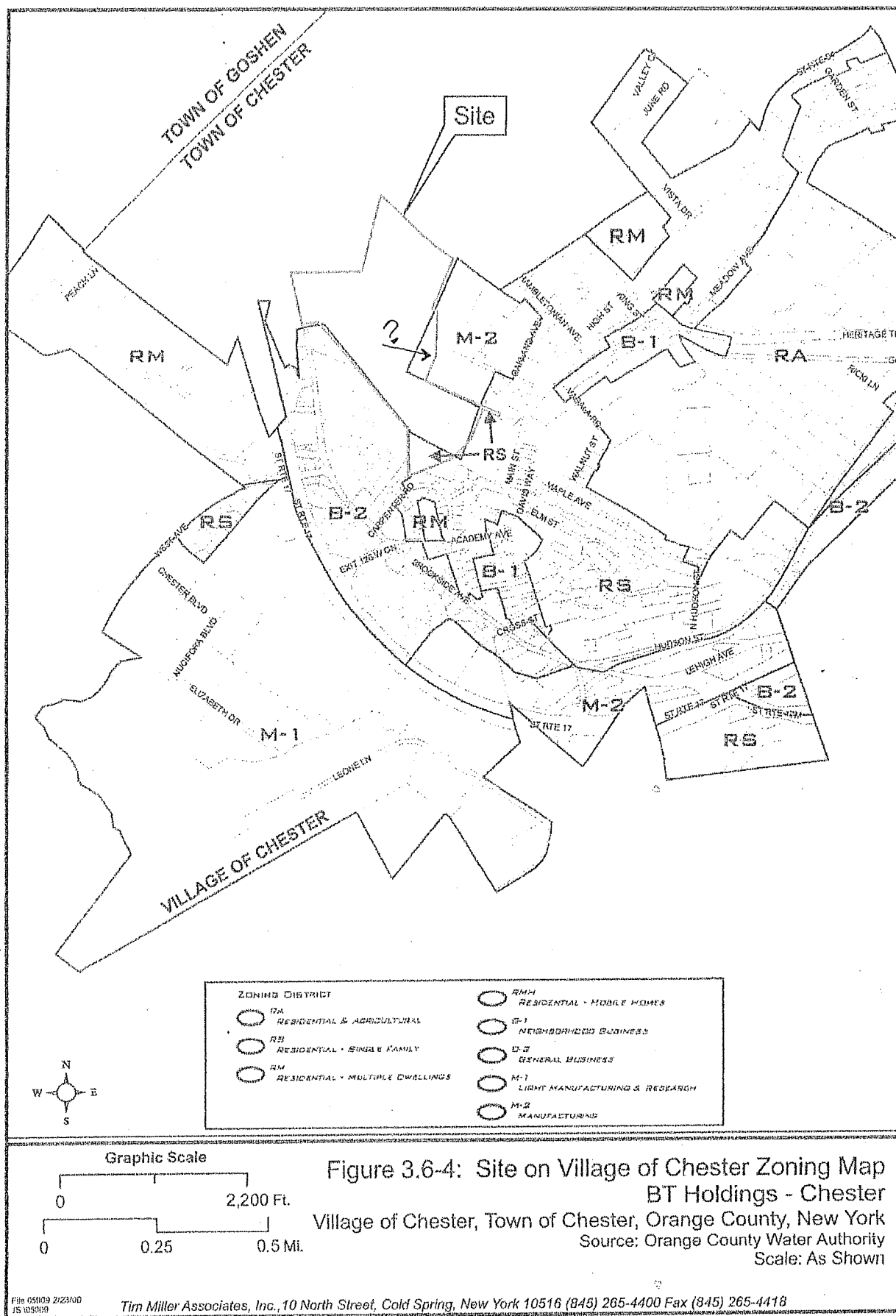
- There are no parcels that are similar in size to the BT Holdings site and would therefore not accommodate the number of housing units proposed;
- A large number of parcels that appeared to be vacant were categorized as "muckland", which would be the low flat wet areas near the outskirts of the Village, and others include ponds, streams and significant wet areas;
- The Village of Chester owns numerous parcels that are occupied by water and sewer service facilities; highway garage buildings and related yard and storage areas; government parking lots related to Village offices; and some vacant commercial and industrial lands;
- The Town of Chester owns land in the Village;
- A couple of vacant industrial lots were centrally encumbered by a wide utility right-of-way;
- Some of the vacant industrial land is in the Chester Industrial Park and is slated for industrial development; and
- Vacant industrial lands pose the problem of contamination and may not be suitable for residential development.

There were no vacant parcels identified in the Village of Chester that were large enough (20+ acres) or available for development (unconstrained by wetlands, rights-of-way, etc.), which would be suitable for a mixed multi-family development consistent with the project sponsors objectives. Moreover, the client does not own other land in the Village of Chester other than the parcels identified in DEIS section 2.0.

DRAFT Amendments to the Code of the Village of Chester, Chapter 98, Zoning (the Zoning Law) for BT Holdings – Revised February 6, 2009
Proposed RM-N (Residential-Multiple Dwellings/Neighborhood) Zoning District Table

1	2	3	4	5	6 Coverage Minimum Yard Setback Dimensions (feet)			7	8	9					
				Minimum Lot Size	Front Yard	One Side Yard	Both Rear Yard	Maximum Lot Coverage (percent)	Maximum Building Height (feet) (stories)						
District	Principal Permitted Uses	Accessory Uses	Special Permitted Uses Subject to Authorization and Site Plan Approval by the Planning Board	Minimum Lot Area (square feet or acres)	Minimum Lot Width (feet)					Minimum Habitable Dwelling Area (square feet)	Use	Required Off-Street Parking Spaces			
RM-N	# Single-family dwellings, not to exceed 1 dwelling per lot. # Two-family dwellings, not to exceed 2 dwellings per lot.	# Off-street parking # Signs according to 98-19B	# Firehouse. # Municipal or government buildings or similar structures used for public purposes by a municipality or other government agency. # Public utility buildings which are used to provide a service to residents of the Village of Chester, provided that public businesses, offices, warehouses, construction or repair shops or garage facilities are not included.	10,890 SF	100	20	15	30	30	40	3	900			
		# Customary, home occupations incidental to single-family dwellings, conducted in the principal building by a member of the family, actually in residence therein provided that there is no external evidence of such occupation except a small announcement sign.	# Public libraries and museums. # Clubhouses and rooms for fraternal, religious, patriotic or social organizations not operated for profit.												
		# Customary accessory uses and buildings													
	# Senior citizen housing.*			2 acres	100	30	20	40	30	35	40	4	Studio—(110) 1-bedroom—500 2-bedroom—650	Senior dwelling	1.0 spaces per unit In addition, 0.25 spaces per unit for visitor parking
	# Multiple dwellings, apartments, condominiums and townhouses			5 acres	200	20	15**	30**	35	35	40	3	Studio—(110) 1-bedroom—600 2-bedroom—800 3 or more bedrooms—1,000	Studio or 1-bedroom 2 or more bedroom unit	1.5 spaces per unit In addition, 0.5 spaces per unit for visitor parking

* Subject to all requirements of section 98-23.1 except the specified in and bulk requirements. **No side yards are required for multiple unit structures in the interior of the site or on interior lots



MEMORANDUM

TO: HMP
FROM: ILS
DATE: August 13, 2013
RE: BT HOLDINGS

The following information was culled from the BT Holdings DEIS and FEIS documents. For your convenience, and because sometimes it is easier to sift through these documents on line, the documents can be found at www.timmillerasociates.com/publicreview/btholdings.

The following are direct quotes from the DEIS and FEIS SEQRA review documents which I felt best answered the questions that the Planning Board must answer in its report to the Village Board pursuant to Village Code § 98-40 (a & b).

It is important to note that, the DEIS and FEIS studied, among other things, a maximum build-out potential of 436 units (336 townhomes and 100 senior units), but, pursuant to a stipulation entered into among the Village of Chester, Town of Chester and BT Holdings, that total was reduced to 340 units (240 townhomes and 100 age restricted).

Therefore, the potential impacts described are slightly greater than the maximum impacts the reduced project would generate.

I. Village Code § 98-40 Questions/Responses:

A. Concerning a proposed amendment to or change in the text of the chapter:

- 1. Whether such change is consistent with the aims and principles embodied in the chapter as to the particular district concerned.**

Proposed RM-N Zoning

The project sponsor proposes an amendment to the Code of the Village of Chester, Chapter 98, Zoning (hereinafter the "Zoning Law") that will involve:

1. Creation of a new zoning designation, the RM-N (Residential-Multiple Dwellings-Neighborhood) focused on mixed residential uses, and which is consistent with existing Village residential zoning uses and densities, and in compliance with the existing Town SR-6 zoning on the site; and
2. Amendment of existing related supplemental requirements to enhance flexibility of design for uses in existing zoning requirements. The proposed RM-N zoning district is detailed in the proposed zoning district table (see Appendix C). Principal permitted uses would include:

§ Single-family dwellings on lots with a minimum area of one-quarter of an acre (10,890 square feet), or 4 dwelling units per acre;

§ Two-family dwellings at a density of 4 dwelling units per acre;

\$ Senior citizen housing at a density consistent with existing Village zoning (9 dwelling units per acre with a density bonus to 10 dwelling units per acre with 20 percent or more affordable dwellings); and

\$ Multiple dwellings, apartments, condominiums and townhouses in compliance with the density defined in the existing Village zoning (for one-bedroom or two-bedroom dwellings, up to 8 units per acre; and for dwellings with three bedrooms or more, up to 6 units per acre).

Special permitted uses in the proposed RM-N zoning district are more limited than in comparable zoning such as the Village's RM district, and would include:

\$ Firehouses and municipal or government buildings;
\$ Public utility buildings;
\$ Public libraries and museums; and
\$ Clubhouses.

Relative to the existing RM district, a number of bulk requirements, as listed below, in the proposed RM-N district have been adjusted to improve flexibility of design on multi-family and senior citizen housing sites, and to make the development, as proposed, possible..The proposed amendments to the related text in the existing Zoning Law (Appendix C) accomplish the following objectives:

\$ Add clarification to, or reorganize existing supplemental requirements;

\$ Define what constitutes types of multiple-family dwellings (apartment and townhouse) and a den" versus a "bedroom"; and

\$ Adjustment to the parking requirements to reduce impervious coverage and address actual parking needs.

Table 3.6-3 shows the comparison of how the proposed project, including the zone change amendment, relates to the existing Village RM and Town of Chester SR-6 Zoning regulations.

Consistency with Town of Chester SR-6, and Village of Chester RM Zoning Regulations

Although a Village of Chester zoning amendment is proposed, the site development is consistent with the density, uses, and bulk regulations defined in the in the existing Village RM and Town SR-6 zoning for the project site.

Table 3.6-3 illustrates the conceptual site plan's consistency with existing Town SR-6 uses, lot area and bulk requirements, and compares this to the similar Village RM zoning district. A combination of these zones, in addition to certain related supplemental requirements from zoning subsection 98-29, U., were used as guideposts in developing the proposed conceptual design.

The overall density of the proposed site is 6.0 dwelling units per acre for the Townhouse portion of the site and 10 dwelling units to the acre for the senior parcel. The pertinent SR-6 lot area and bulk requirements and related supplemental requirements are met or exceeded by the BT Holdings development. However, the proposed development does not include individual lots for the townhouse development. There is sufficient land area to provide lots that would be likely to conform with the lot requirements in the related supplemental requirements of the SR-6 zone. However, the creation of lots would not enhance the design of the proposed development as the provision of lots reduces the flexibility necessary to follow site contours and the related layout of roads, parking, recreation and open areas and other amenities. If developed under existing SR-6 zoning, the applicant would have to apply for a variance from the requirement for lots associated with townhouse dwellings.

The zoning table provided on the Conceptual Site Plan (Figure 2-4) illustrates proposed on-site parking. The proposed RM-N zone specifies reduced parking requirements in an effort to reduce impervious surface. This reduced parking requirement continues to meet parking requirements in the SR-6 zone, and is consistent with the ITE surveys of parking utilization for this type of land use. Table 3.6-4 below shows Town and Village parking requirements for the various types of units proposed on the site:

According to the table, the proposed parking per unit exceeds the Town's parking requirements for townhouse units, however, it does not meet the requirements for senior housing. The proposed parking does not meet the Village's RM Zoning regulations with regard to parking requirements for townhouse units or senior units. It should be noted that the parking as proposed meets the ITE threshold for parking for this type of land use, which is based upon surveys of actual parking utilization for similar projects.

Two parking areas providing 125 parking spaces are located adjacent to the senior apartment buildings. Each of the townhouse and condominium units has a one- or two-car garage and a single- or double-width driveway depending on the type of dwelling. Therefore, each unit has potentially 2 or 4 parking spaces. Guest parking lots are distributed along the internal roads within proximity to each multi-unit building. Overall, 812 spaces are provided in garages and driveways and 179 spaces are provided in guest parking lots.

A separate 41-space parking area is located at the clubhouse. A total of 1,032 parking spaces are provided for the townhouse/condominium development and a total of 1,157 provided on the entire site.

3.6.2.3 Zoning

Conformity with the SR-6 Suburban Residential Zoning District (Town of Chester)

The BT Holdings development, including the proposed zoning amendment, is consistent with the density, use and bulk regulations of the Town SR-6 existing zoning on the site and the Village RM zoning regulations, which are most comparable to the underlying Town SR-6 zoning district. The Town's SR-6 and the Village's RM zoning district requirements were used as guideposts in the proposed conceptual design.

In accordance with table 3.6-3 in subsection 3.6.1.3 above, the pertinent SR-6 lot area and bulk requirements are met or exceeded by the proposed BT Holdings development. Although the proposed development does not include proposed individual lots for the townhouses, land area exists to provide lots that would be likely to conform with the lot requirements in the related supplemental requirements. However, the creation of lots would not enhance the design of the proposed development as the provision of lots reduces the flexibility necessary to follow site contours and the related layout of roads, additional parking, recreation and open areas and other amenities. If developed under existing SR-6 zoning, the applicant would have to apply for a variance from the requirement for lots associated with townhouse dwellings.

The zoning table provided on the Conceptual Site Plan (Figure 2-4) illustrates parking requirements using a "worst case" approach to possible per unit requirements by partially addressing the higher parking standards of the Village. Table 3.6-4 in DEIS subsection 3.6.1.3 above shows that the proposed parking per unit exceeds the Town's parking requirements, yet does not meet the Village's comparable parking requirements for three-bedroom and senior units.

An overview of the Conceptual Site Plan shows adequate parking near the various residential uses. Two parking areas providing 125 parking spaces are located adjacent to the senior apartment buildings. Each of the townhouse and condominium units has a one- or two-car garage and a single- or double-width driveway and therefore, each unit has potentially 2 or 4 parking spaces. Guest parking lots are distributed along the internal roads within proximity to each multi-unit building. The Applicant feels that a total of 1,032 parking spaces provided for the townhouse/condominium development and a total of

1,157 provided on the entire site will be adequate to serve the future residents of the site and their guests.

The proposed RM-N zoning amendments include adjustments to the parking requirements in the proposed zoning table and related text amendments consistent with the number of spaces provided on the plans. As shown in Table 3.6-4, this will result in a reduced number of parking spaces on the site resulting in a reduction of impervious surface area on the site. As detailed in DEIS Section 3.5, Table 3.5-12, the number of proposed parking spaces meets the projected parking demand and is consistent with the Institute of Transportation Engineers data relative to parking utilization for this type of land use.

Since the proposed RM-N zoning is in compliance with the permitted densities of the SR-6 (Town) and RM (Village) zoning districts and the Village's related supplemental requirements, there is no anticipated impact related to conformity with existing zoning. The reduction in bulk and parking requirements will allow for greater sustainability of the completed project and will allow design to create a project with increased open space compared to existing zoning regulations.

2. **Which areas, land used, buildings and establishment in the Village will be directly affected by such change and in what way they will be affected.**

Compatibility with Existing Land Use

The proposed BT Holdings development has been designed to be compatible with the adjacent and nearby areas west and southwest of the site (commercial, office and industrial uses with some high-density residential), since it places high-density residential development near shopping, services, transportation routes and potential places of employment. It is the applicant's intent that the project be similarly compatible with uses in the areas south, southeast and east of the site (commercial highway, mixed used hamlets and mixed-density neighborhoods). The project provides a transition between the commercial uses on the west side and the hamlet and neighborhood areas on the east side of the site. Therefore, the project is not expected to have an impact on uses in three directions from the site (west, south and east).

Although the project is a higher density development than the areas to the north and northeast of the site (lower-density residential and agricultural uses), it is the applicant's opinion that the proposed residential use is more compatible with agricultural uses than the nearby commercial uses. The project serves as a transition between the intensive commercial area to the west-southwest of the site and the more rural areas to the north of the site.

The retention of existing trees and the proposed buffer plantings along the developments northern perimeter will soften the limited view of the development from the adjacent farm to the north as described in DEIS section 3.11. Therefore, significant adverse impacts to the uses to the north of the site are not anticipated.

3.6.2.2 Agricultural Resources

The present condition of the BT Holdings property is undeveloped farm fields with its use being described as rural and vacant according to Orange County Real Property tax information for the 60.6-acre parcel.

The proposed development will not result in any disturbance on any adjacent agricultural property or farm use. Land clearing will occur near the perimeter of the project site, however, trees will be preserved along the northern property boundary (near Brookview/Talmadge Farm) within the project site. The closest residential structures to the Brookview (Farm property boundary would be the northernmost townhouse units at approximately thirty-five feet (35'). Between the site boundary and the adjacent farm fields is a buffer of existing trees to be preserved, which should provide an adequate noise, dust and visual separation between the adjacent agricultural and residential uses. Therefore, no direct impact on agricultural uses will occur as a result of the proposed action.

Views of the existing BT Holdings site from locations on the Brookview Farm are limited in many locations by the steep topography of the Brookview Farm fields. After construction portions of the proposed development close to the north property line would be visible from some locations on the lower elevations of Brookview Farm. From locations at the higher elevations on Brookview Farm, closer to the proposed development, views of much of the development would be possible soon after the end of construction. However, evergreen and deciduous tree buffers are proposed for the property boundary and between the senior mid rise buildings and the group of townhouses to the east of them. These buffers would be expected to obscure views of the development substantially over time, as the trees grow larger.

Existing trees to be preserved along the easterly portion of the north property line would be expected to provide screening of views of the project on the highest elevations on the site, adjacent to the property boundary. DEIS Section 3.11 regarding visual resources describes the view from the Brookview Farm property, near the subject property boundary, and characteristics of the layout of development and design of structures that will minimize visual impacts.

3. **The indirect implications of such change in its effect on other regulations.**

See Table 3.6.-3.

4. **Whether such proposed amendment is consistent with the aims of the Comprehensive Plan of the Village.**

Village of Chester Planning

The Village of Chester does not have a comprehensive plan as per telephone communication with the Village Clerk.

Town of Chester Comprehensive Plan

The Comprehensive Plan, Town of Chester was adopted by the Town of Chester Town Board on May 1, 2003. The overall goal of the Town's plan balances the need to preserve and enhance open spaces and natural features as part of its scenic character with accommodating its "fair share" of residential, commercial and industrial growth. More specific objectives include the following pertinent objectives and proposed land use strategies:

1. Channel future residential growth towards areas where central water and sewer services can expand to accommodate growth;
2. Coordinate planning with nearby communities and Orange County, especially with the Village of Chester and the Town of Monroe;
3. Provide a mix of housing types to promote a diverse population;
4. Retain and reinforce existing higher-density population areas with central services, while recognizing personal preferences for a rural lifestyle; and
5. Provide higher density senior citizen housing in suburban residential land use categories.

Part of the Town's Comprehensive Plan describes proposed residential land uses including the Suburban Residential High Density". The BT Holdings site was specifically designated for this land use category in the 2003 plan, which is the highest planned density focused on areas close to shopping and services. In considering various possible areas for this land use category, the plan described the property to the rear of the Chester Mall as a site that could be developed for senior or adult housing or a combination of high density residential uses in proximity to transportation and shopping. The BT Holdings site, which is directly behind the Chester Mall, was later zoned to the SR-6

(Suburban Residential) district, one of only two such designated parcels in the entire Town.

The Chester plan identifies the site as a potential water service area in relation to planned potential development densities. The plan also identifies the site as a sewer benefit area noting that sewer service is provided by the Moodna Basin Joint Operation and Maintenance Commission .

The proposed development, including the proposed zoning amendment, is consistent with the general and specific objectives of the Comprehensive Plan, Town of Chester since it includes a mix of high-density housing - senior and non-age-restricted - in a variety of types: rental apartments; back-to-back condominiums; and side-to-side townhouses. A variety of dwelling formats is offered with opportunities for rental and ownership.

The proposed annexation of the 60.6-acre portion of the BT Holdings site to the Village of Chester will address inclusion in a water service area while sewer services would be available through the Moodna Basin Joint Operation and Maintenance Commission . As discussed in DEIS Sections 2.0 and 3.10, the construction and costs for related sewer improvements would be borne by the developer of the site.

The site's location on Rte 17M, near the intersection with Rte 94 and the Rte 17 interchange, adjacent to an intensive highway commercial area places the proposed development with maximum access to major transportation routes and shopping. In addition to the stores and services on 17M, the site is close to downtown Chester shops, community, cultural and recreational amenities as well as potential places of employment in the Chester Industrial Park.

Orange County Comprehensive Plan: Strategies for Quality Communities

The Orange County Comprehensive Plan, Strategies for Quality Communities, adopted by the Orange County Executive and Legislature in April 2003, recognizes Chester as a "Community Center" within its designation of "Priority Growth Areas". It is also identified as an "Interchange" a location with immediate interstate connections and major commercial facilities. Chester is located within an area that includes Sugar Loaf as a "Neighborhood Center" to the south and Goshen as a "County Wide Center" to the north.

As an area that includes an incorporated Village, a Community Center serves as a smaller scale County-wide Center and has a central business district with a mix of commercial facilities along with civic and community amenities and a variety of types and densities of housing. This type of center also serves as a

transportation connection to other destinations such as County-wide Centers for work, shopping and civic facilities.

Because of Interstate highway interchanges and connections, Chester is noted as a "Interchange" within the County's Priority Growth Areas. The major retail, service, restaurant, hospitality and entertainment operations along Rte 17M; and the Chester Industrial Park off of Rte 94 adjacent to the Rte 17 interchange makes this area a "high-volume destination" as described in the Orange County Comprehensive Plan. The need for a mix of uses including housing is encouraged in these areas.

In addition to encouraging housing near Interchanges, the Orange County Plan in Section IV., The Vision for Quality Communities, includes the following pertinent strategies and priorities:

6. Zoning alternatives to single family conventional subdivisions to promote different types of housing;
7. Recognize the county's position within the metropolitan area and related housing pressures near the main access points;
8. Enhance village centers as compact economic areas that provide a sense of place and build on the centers' strengths;
9. Promote a range of housing options to meet the needs of the various segments of the County's population, including options for rural, suburban and urban dwelling within the County at a range of densities and styles for ownership and rental; and
10. Encourage rental and senior citizen housing.

The BT Holdings development presents a zoning alternative and locates a mix of housing styles, including rental apartments for senior citizens and ownership opportunities in two distinct styles (side-to-side and back-to-back dwellings). Rather than creating a conventional subdivision development with detached dwellings on private lots, the proposed action involves various styles of housing in a setting with common open areas, walking trails, central recreational facilities as well as smaller outdoor play and gazebo areas. The provision of such a compact, blended residential project located near major travel routes (Interstate Rte 17 and State Routes 17M/6 and 94) is consistent with the County's strategies in relation to main access points and the Chester area's position within the metropolitan region. Additionally, the setting of the Chester and East Chester hamlet centers - provides a local and accessible

population that would frequent businesses, services, civic and community amenities in each center.

B. Concerning a proposed amendment involving a change in the Zoning Map:

1. **Whether the uses permitted by the proposed change could be appropriate in the area concerned.**

3.6.2.3 Zoning

Conformity with the SR-6 Suburban Residential Zoning District (Town of Chester)

The BT Holdings development, including the proposed zoning amendment, is consistent with the density, use and bulk regulations of the Town SR-6 existing zoning on the site and the Village RM zoning regulations, which are most comparable to the underlying Town SR-6 zoning district. The Town's SR-6 and the Village's RM zoning district requirements were used as guideposts in the proposed conceptual design.

In accordance with table 3.6-3 in subsection 3.6.1.3 above, the pertinent SR-6 lot area and bulk requirements are met or exceeded by the proposed BT Holdings development. Although the proposed development does not include proposed individual lots for the townhouses, land area exists to provide lots that would be likely to conform with the lot requirements in the related supplemental requirements. However, the creation of lots would not enhance the design of the proposed development as the provision of lots reduces the flexibility necessary to follow site contours and the related layout of roads, additional parking, recreation and open areas and other amenities. If developed under existing SR-6 zoning, the applicant would have to apply for a variance from the requirement for lots associated with townhouse dwellings.

The zoning table provided on the Conceptual Site Plan (Figure 2-4) illustrates parking requirements using a "worst case" approach to possible per unit requirements by partially addressing the higher parking standards of the Village. Table 3.6-4 in DEIS subsection 3.6.1.3 above shows that the proposed parking per unit exceeds the Town's parking requirements, yet does not meet the Village's comparable parking requirements for three-bedroom and senior units.

An overview of the Conceptual Site Plan shows adequate parking near the various residential uses. Two parking areas providing 125 parking spaces are located adjacent to the senior apartment buildings. Each of the townhouse and condominium units has a one- or two-car garage and a single- or double-

width driveway and therefore, each unit has potentially 2 or 4 parking spaces. Guest parking lots are distributed along the internal roads within proximity to each multi-unit building. The Applicant feels that a total of 1,032 parking spaces provided for the townhouse/condominium development and a total of 1,157 provided on the entire site will be adequate to serve the future residents of the site and their guests.

The proposed RM-N zoning amendments include adjustments to the parking requirements in the proposed zoning table and related text amendments consistent with the number of spaces provided on the plans. As shown in Table 3.6-4, this will result in a reduced number of parking spaces on the site resulting in a reduction of impervious surface area on the site. As detailed in DEIS Section 3.5, Table 3.5-12, the number of proposed parking spaces meets the projected parking demand and is consistent with the Institute of Transportation Engineers data relative to parking utilization for this type of land use.

Since the proposed RM-N zoning is in compliance with the permitted densities of the SR-6 (Town) and RM (Village) zoning districts and the Village's related supplemental requirements, there is no anticipated impact related to conformity with existing zoning. The reduction in bulk and parking requirements will allow for greater sustainability of the completed project and will allow design to create a project with increased open space compared to existing zoning regulations.

2. **Whether adequate public school facilities and other public services exist or can be created to serve the needs of any additional residences likely to be constructed as a result of such change.**

Education Facilities

The proposed 458 unit development is projected to introduce 121 new school-age children to the Chester Union-Free School District (Chester UFSD) when fully occupied. This translates to an expected rate of 0.26 per unit for all units (including the seniors) and 0.34 per unit for the townhouse units only (both 2 bedroom and 3 bedroom combined). A portion of those children would be expected to attend private schools, however to provide a conservative estimate, this analysis assumes that all 121 school age children that could attend the Chester UFSD.

Residential demographic multipliers are used by community planners to project school-age child generation. The expected number of school children generated in any residential development is primarily affected by two principal variables: 1) housing type; and 2) housing price range. Detached single-family

homes are geared towards families and accordingly generate an expected higher number of school-age children (see Section 5.0 - Alternatives for further detail and discussion). Smaller attached multi-family housing units are primarily targeted towards empty nesters and young professionals and, as such, attract fewer school-age children. Additionally, the lower the housing price range for any unit, the greater the expected number of school children generated while the higher housing price range, the fewer school children generated.

Knowing this, the project sponsor specifically conceived of a residential development intended to have a relatively low impact on the school district. Rather than propose detached single family homes, the applicant proposed attached townhome and multi-family units to be built at a higher price range thereby limiting school child generation. For instance, 'Master Down' townhouses—units with the master bedroom on the first floor—were specifically conceived of and included in the proposal in order to appeal more directly to senior and empty nesters. Additionally, the senior rental aspect of the project is expected to generate no children at all.

Using the residential demographic multipliers set forth in the Residential Demographic Multipliers - Estimate of the Occupants of New Housing,¹ the breakdown of projected school age children by grade from the proposed development is shown in Table 3.9-2, below. The approval and phased construction period of this project provides time to allow the Chester School District to implement measures for the introduction of new students from this and other area projects.

Local comparable residential developments have also been surveyed to examine local trends for school-age children generation. The Meadow Glen townhouse development in Monroe located several miles down Rte 17 at the junction of Rte. 87 is a residential development built in 2004 and consists of 198 three-bedroom townhouses. The townhouse component of the proposed BT Holdings project was largely modeled on this development. The units are priced at the same approximate housing price range, are at comparable densities and offer similar amenities. Indeed, the Meadow Glen townhouse units are assigned the same demographic multiplier as the proposed BT Holdings townhouse units. Using the demographic multipliers above, Meadow Glen would be expected to generate 77 school-age children. Instead, a total of 68 school-age children were generated which translates to a rate of 0.34 school-age children generated per unit. This rate is less than the 0.39 rate used above to project schoolchildren for the BT Holdings project.

¹ Burchell, Robert W., David Listokin and William Dolphin, et al. Residential Demographic Multipliers - Estimates of the Occupants of New Housing. 2006.

Whispering Hills is a condominium community located in the Village of Chester consisting of 690 units, split evenly between two-bedroom and three-bedroom units (345 each). The 25+ year-old community was built at a density of approximately 12 units per acre, about double that of the proposed BT Holdings project. Importantly, the condominiums are priced at a substantially lower price range relative to the proposed BT Holdings townhouses. As such, the Whispering Hills units are assigned a different and higher demographic multiplier than the BT Holdings proposed townhouse units. This results in an expected increase in school-age generation relative to the BT Holdings proposed townhouse units. Using the appropriate demographic multipliers, a rate of 0.45 school-age children per unit would be expected.

Discussions with officials at the Chester UFSD have indicated that approximately 360 schoolchildren are produced by Whispering Hills, or 0.52 per unit.

The analysis of school-age child generation above is a deliberately conservative estimate given that it measures all school-age children to be generated, not just public school-age children. If the latter standard were used, only 87 public school-age children would be expected to be generated, nearly 30% fewer than the 121 total.

The introduction of these students into various grade levels over a multi-year period due to project phasing would ameliorate the effect of the increase in school district enrollment associated with this project. The approval and phased construction period of this project provides time to allow the Chester School District to implement measures for the introduction of new students from this and other area projects.

Chester UFSD Enrollments

Table 3.9-3 shows the historic enrollments in the Chester UFSD over the past 9 years. As can be seen in the Table enrollments have remained fairly constant varying by less than 3% up or down during this time. The school budget for the Chester Union Free School District is broken out into Administrative, Program and Capital functions. Specific costs for anticipated capital improvements are clearly defined in the budget.

As a result of the proposed action, the Village of Chester is expected to grow by 1,137 persons over the expected five year build period (i.e. the proposed project's build year is 2014). This increase in population from the proposed development would include 121 school age children and 180 seniors.

A representative of the transportation office of the Chester UFSD indicated that students could be accommodated on existing bus routes, however, one or two additional buses may be necessary to accommodate the students who reside at BT Holdings.² Cost of this service would be included as an operational expense since school bus transportation service is a contractual operating expense for the Chester UFSD.

The Chester UFSD would benefit from an increase in revenues of approximately \$1,606,933 annually, funds which could be used to cover additional expenses as necessary.

Police Protection

It is anticipated that the proposed project would add approximately 1,137 residents to the Village's population. Per Chief Graziano's letter, the proposed project is likely to increase the need for police services in the Village. There may be a need for up to three additional officers, an administrative person and a patrol vehicle. Current station facilities are crowded, with 20 persons utilizing 1,560 square feet of office space. As discussed in Section 3.8, it is anticipated that, after covering costs, a net benefit of \$334,298 will be available in the Village General Fund to help meet this need.

The Village and the Town are involved in a study to determine where shared municipal services may be beneficial, which may have an impact on future service needs.

Based on standards contained in the Development Impact Assessment Handbook (Urban Land Institute, 1994), two police officers and 0.6 police vehicles are required per 1,000 population.

The increase in population of 1,137 persons would generate a need for 2.274 additional police personnel and 0.682 police vehicles.

It is important to note that the Village of Chester maintains its own police department. The Town of Chester Police Department operates separately and generally only responds into the Village at their request. With the BT Holdings 60.6-acre parcel proposed to be annexed from the Town to the Village, the impact of this project on the Town of Chester Police Department should be very minimal.

Fire Protection

² Phone conversation with Cathy Brown, August 17, 2009.

The BT Holdings development would introduce 1,137 persons to the district served by the Chester Fire Department, which includes approximately 15,000 persons. The primary access to the site would be from Route 17M with an emergency access on Oakland Avenue.

The Village of Chester public water supply system, operated by the Village's Water Department, provides potable water for Village residents. The Village has adequate water capacity to meet the water needs of the proposed project including fire protection. A new on-site water distribution network would be provided on the site consisting of pipes, valves, hydrants, tees, elbows and other components for fire protection for the proposed development. A private water storage tank is not anticipated to be required for the proposed development. However, a booster station, which would be housed in a small structure, may be needed to maintain adequate pressure in the system at higher elevations in the system during events when there is demand for fire flow.

The booster station structure would be about the size of a small garage. Further details regarding the proposed water supply system are provided in Chapter 3.10 Utilities.

Buildings on the site would be required to meet applicable standards of the New York State Uniform Fire Prevention and Building Code, and would also adhere to applicable regulations of Chapter, 108, Building Construction and Fire Prevention, of the Code of the Village of Chester. A new public water main is proposed as part of the BT Holdings development with hydrants every 400 feet as is described in DEIS section 3.10.

The proposed internal roads A, B and C will be 24 feet wide and have been sized to accommodate fire engines and truck traffic. Emergency access is provided around all residential buildings on the project site. Specifically, fire lanes will be provided in front of the buildings, and access would be possible around the sides of buildings. The finalized plans will be reviewed by a representative of the Chester Fire Department during the site plan approval process.

As previously discussed, the BT Holdings project will increase population by 1,137 persons. The site is located wholly within the service area of the Chester Fire Department, whose population is currently approximately 15,000 persons and has a service ratio of 1 fire fighter for each 125 persons in the district. Based on planning standards contained in the Urban Land Institute's 1994 Development Impact Handbook, it is estimated that 1.65 fire personnel per 1,000 population is required to serve a new population. The anticipated increase in population of 1,137 persons within the fire district would be

expected to generate a demand for 1.88 additional fire personnel. However, the Department's current personnel level of 120 fire personnel exceeds the ULI standard even after the proposed development's population increase. This is a conservative value, as the ULI multipliers assume no existing services, thus the actual demand for personnel is expected to be somewhat lower.

As discussed in Section 3.8, the BT Holding's development would generate property tax revenues to the Chester Fire District of approximately \$67,396 annually. This additional revenue can be used to augment the Department's capabilities as necessary.

If mutual aid is needed, the Fire District would be assisted by fire fighters from adjoining districts.

Ambulance Protection

The standard for Emergency Medical Services, according to the Urban Land Institute's 1994 Development Impact Handbook, is 4.1 full-time personnel and 1 vehicle per population of 30,000. The introduction of 1,137 persons in the Village of Chester results in potential added demand for 0.16 full-time health care personnel and less than three-hundredths (0.03) of a vehicle.

The ULI Development Impact Handbook indicates that 36.5 Emergency Medical Service (EMS) calls are generated per year per 1,000 population, which would result in the generation of approximately five calls by the proposed project annually. Based on the ULI multipliers, the proposed project would result in an additional 41.5 EMS calls per year.

Additionally, the ULI indicates that four (4.0) hospital beds should be provided per 1,000 persons. Based on this standard, the projected population increase associated with the BT Holdings Development (1,137 persons) has a potential to increase the need for beds in hospitals serving the Village of Chester by 4.5 beds.

As the project will be developed and occupied over a period of years, there is expected to be a gradual increase in population that would not create significant demands on health care resources.

Emergency Access

All primary access to the BT Holdings development would be provided from the proposed road entry boulevard, a private road which would gain access directly from NYS Route 17M. Secondary emergency access would be available from the corner of Oakland Avenue and Woodland Terrace located

east of the site, which is a Village road. This road will provide emergency access only and is not proposed for use by the future residents of the BT Holdings development. The specific mechanism to permit access to emergency service vehicles will be determined during actual site plan review in consultation with local fire, ambulance and police agencies. A gated access which would prohibit vehicles other than emergency service responders could be considered at the discretion of the Village.

The proposed private roads have been designed to provide a safe and efficient on-site road system. The entry boulevard provides 24'-wide lanes in both directions and sidewalks on both sides with a planted median. The rest of the on-site roads and the driveway to the senior apartments consist primarily of 24'-wide two-lane (12'-wide lanes) roads. It is the Applicant's intent to provide roads which are sufficiently wide to accommodate emergency service vehicles Parks and Recreation Facilities The proposed project will add a projected 1,137 persons to the Village's population and increase local demand for recreation facilities and open space. Land area requirements for neighborhood recreational facilities for single-family developments, based on open space standards derived from the Urban Land Institute's (ULI) Development Impact Assessment Handbook, are summarized in Table 3.9-4 below along with the required amount of recreational

In the most recent US Census, for the year 2000, the populations of Orange County, the Town of Chester (includes the Village of Chester) and the Village of Chester were 341,367 persons, 12,140 persons and 3,445 persons, respectively. Based on the population estimations found in Chapter 3.8 Economics and Demographics, the populations of the Village of Chester, Town of Chester, and Orange County are estimated to have increased to 3,575; 13,402; and 377,169, respectively.

Orange County is projected to receive approximately \$287,971 in property tax revenues from the BT Holdings Development annually.

The project's proposed on-site central clubhouse and pool; outdoor play area, picnic and gazebo areas; trails and sidewalks will provide recreational amenities for future residents. Impacts to the Town, County, and Village recreational facilities will be reduced due to these on-site recreational facilities.

According to the Village Building Inspector³, recreational fees are paid to the Village for new construction.. These fees will be paid to the appropriate municipal government as required. Village recreation fees are currently estimated at \$500 per unit.

³ Phone conversation with Village of Chester Building Inspector John Orr, August 24, 2009.

Solid Waste Facilities - Potential Impacts

Based on data published by the Urban Land Institute, residents generate approximately four (4) pounds of solid waste per person per day. The projected 1,137 persons would generate approximately 68.22 tons per month of solid waste. Assuming that solid waste generated by future residents at the project site has a typical three to one ratio of non-recyclable to recyclable materials, the project will generate 51.17 tons per month of non-recyclable solid wastes and 17.05 tons per month of recyclable materials.

Residents of the Town and Village are billed on a per unit basis as part of their property taxes to cover the services provided by the Town of Chester Garbage District. Future residents of the BT Holdings townhouses would be billed on their individual property taxes. Since the senior units are rental apartments, it is assumed that the owner of the apartment buildings would pay a property tax bill that would include a per unit refuse fee for the Town of Chester Garbage District. The per unit refuse fee would be incorporated to rent or other fees collected by the property owner from tenants.

3. Whether the proposed change is in accordance with any existing or proposed plans in the vicinity.

Construction of a 340 unit multi-family community, of which 100 units will be age restricted.

4. The effect of the proposed amendment upon the growth of the Village as envisaged by the Comprehensive Plan.

3.6.2.4 Conformance with Local and Area Plans

Compatibility with Village of Chester Comprehensive Plan

The Village of Chester does not have a comprehensive plan.

Compatibility with Town of Chester Comprehensive Plan

The BT Holdings development, including the proposed zoning amendment, was specifically conceived and designed to fulfill the objectives of the Town of Chester Comprehensive Plan of 2003. The plan accomplishes this by including a mix of high-density housing - senior and non-age-restricted - with

both rental and ownership opportunities for future residents. A variety of dwelling styles are offered from lower priced one-bedroom rental units to larger three-bedroom ownership units.

The proposed annexation to the Village of Chester will address inclusion in a water service area and sewer services available through the Moodna Basin District with the construction and costs for related sewer improvements covered by the developer of the site. The project promotes the plan's objective of utilizing environmentally-friendly municipal water and sewer systems to service development as opposed to costly and inefficient individual options such as water wells and septic systems.

The site's location adjacent to an intensive highway commercial area places the proposed development with maximum access to major transportation routes and shopping, another objective of the plan. In addition, the site is close to downtown Chester shops, community, cultural and recreational amenities as well as potential places of employment in the Chester Industrial Park.

Therefore, no impacts are anticipated in relation to the Town Comprehensive Plan.

Compatibility with Orange County Comprehensive Plan

The BT Holdings development presents a zoning alternative for mixed residential development and locates a mix of housing styles, including rental apartments for senior citizens and ownership opportunities in two distinct styles (side-to-side and back-to-back dwellings). Rather than creating a conventional subdivision with detached dwellings on lots, the proposed action involves various styles of housing in a setting with common open areas, trails and recreational amenities. The provision of a compact, blended residential neighborhood near major travel routes (Routes 17, 17M and 94) is consistent with Orange County's strategies in relation to main access points and the Chester area's position within the metropolitan region. Additionally, the setting of the project between two types of economic centers - the 17M highway commercial areas and the Chester and East Chester hamlet centers - provides a population that would frequent businesses, services, civic and community amenities in each center.

Therefore, no impacts are anticipated in relation to the Orange County Comprehensive Plan.

5. Whether the proposed amendment is likely to result in an increase or decrease in the total zoned residential capacity of the Village and the probable effect thereof.

II. Comments on Ridge line

3.11 Visual Resources Comments and Responses

Comment 3.11-1 (Public Hearing, January 7, 2010, Steven Neuhaus, Town of Chester Town Supervisor): I believe that the layout for the top left corner of the layout is offensively close to the farm there. I think there needs to be some kind of -- and I know if this did get annexed or not, it would be handled by the planning board, on the layout, and what people see, that dairy farm there is really one of the corner pieces of this Town, and I think it being within 20, 30, 40 feet of the borders there, it is just going to be a recipe for problems in the future. And we want to try to accommodate both. So I think that needs to be looked at.

Response 3.11-1: As shown on the Public Road Scenic Alternative site plan, in order to be responsive to the sensitivities regarding the 'scenic area' along the ridge—the area in the top left corner referenced above—the units located closest to the Talmadge Farm along the ridgeline have been removed from the proposed project, thus creating a buffer of 200 feet from the Talmadge property line. This buffer area significantly exceeds the applicable zoning requirements of a minimum of 35 feet. The removal of these units was made even though there are neither restrictions in the Village code to building housing along a ridge nor is the property in the Town's Ridge Protection Overlay District (RPOD). Additionally, as illustrated in Figure 3.11-4 and the proposed Landscape Plan, extensive landscaping has been added to this area to provide significant screening.

The proposed project does not detract from the Talmadge Farm operation in any way. The active portion of the farm is in closest proximity to the Senior portion of the BT Holdings project. The zoning requirement calls for a 50 foot side yard setback for the proposed Senior Housing. The BT Holdings project as currently envisioned, includes a side yard which is twice the required setback, creating a buffer of approximately 100 feet between the Senior Housing and the active portion of the Talmadge Farm. As mentioned above, as a result of removal of the units in the 'scenic area', the proposed buffer area is now 200 feet along the more northern property line where farming activities are less intense.

Additionally, if required by the Village, the Applicant will install a suitable fence to serve as a physical barrier along the property boundary shared with Mr. Talmadge's farm. Details as to the specifics of fencing shall be determined prior to final site plan approval.

Refer to Responses 3.6-1, 3.6-3, 3.6-4, and 3.11-2 for further discussion.

Comment 3.11-2 (Public Hearing, January 7, 2010, Don Serotta, Town of Chester Planning Board Chair): If you were to annex it, the big thing in the Town of Chester on our ridge, I also agree that this may -- should have been put into a ridge. It's kind of funny where we stop the ridge at the stone wall, and we say anything above that is not ridge. Well that's higher. But I would ask the Village if they do go through the annexation process, that if they read the Town of Chester ridge line -- I'm not saying we have the best law in the world, but we require things like earth tone colors, non-reflective glass, a whole bunch of things to try to mitigate.

Response 3.11-2: As described in Response 3.11-1, the units closest to the property line in the 'scenic area' have been removed from the project.

The ridgeline is only viewed unimpeded and unaffected by other visual impacts, such as the Chester Mall, from a short stretch of road on Rte 17M north of the site. A Visual Assessment of the Public Road Scenic Alternative has been conducted which illustrates the potential visual impact of the development on the ridgeline from that angle, shown as Figure 3.11-4. As can be seen on the Public Road Scenic Alternative conceptual site plan and on Figure 3.11-4, there is a significant distance between the farm buildings and the BT Holdings units. The Townhouse structures, located such a far distance from the public viewing vantage point and hidden behind extensive shielding, in combination with other mitigation measures now incorporated, do not interfere with the beautiful panorama of the open farm fields nor negatively affect the overall vista.

Implementation of earth tone colors on the building facades, use of non-reflective glass, substantial landscaping added along the property line buffer and landscaped groves added at the north end, between the two center buildings and at the south end, are mitigation measures that have been incorporated that would further reduce the visibility of the buildings. It is noted that the larger senior buildings would be hidden from this view due to the existing tree line that will remain between them and the Talmadge Farm property. Additionally, construction of the units does not involve clear cutting of any forested areas along the ridgeline, as stipulated in the Town's RPOD zoning code, since there are no forested areas along the ridge.

Comment 3.11-3 (Letter #1, January 6, 2010, Tracy Schuh, The Preservation Collective): The DEIS gives short shrift to visual impacts from development on the ridge line. Merely because it is not in the ridge line overlay zone does not mean that it is not a ridge. The EIS should analyze alternatives that move development further down and avoid the higher altitudes; or that reduces the number of units so as to preserve the ridgeline view.

Response 3.11-3: Refer to Response 3.11-1 and 3.11-2. As a result of the Public Road Scenic Alternative, 4 buildings consisting of 22 units have been removed from the 'scenic area' along the ridgeline.

Comment 3.11-4 (Letter #1, January 6, 2010, Tracy Schuh, The Preservation Collective): Additional viewpoints should be included -- Scenic view from 17M across the street from the Talmadge homestead as you enter Town of the Chester as well as Ward Road, Chester exit ramp, the entrance of Chester Mall. The project site is currently the scenic backdrop to those areas.

Response 3.11-4: The DEIS visual assessment describes the nature of views from the site vicinity and graphically shows how the site is a backdrop in some views. The DEIS notes that most views of the project site include portions of the Chester Mall which reduces the visual sensitivity of the site. Such vantage points include the Chester exit ramp from Route 17 and the entrance of Chester Mall. The DEIS identifies the potential sensitivity of the project on the knoll from Route 17M and Talmadge Farm. Field reconnaissance was undertaken by the Applicant in Spring 2010 from other vantage points along Route 17M, as suggested. The survey determined that the site was either too far away, minimally visible or otherwise obstructed by a number of other visual elements, most prominently the Chester Mall which is directly in front of the site from all vantage points south of the Talmadge Farm. It was noted that intervening trees buffer views of the site from Ward Road.

As stated, the project has removed 4 buildings and 22 units from the 'scenic area', shown in the Public Road Scenic Alternative. An additional visual simulation has been prepared and is shown in Figure 3.11-4 which illustrates how the ridge line and the Talmadge Farm will look upon completion of the Public Road Scenic Alternative when viewed from Route 17M near the Town line, as the commenter suggests. To assist in analyzing visual impacts, this photo simulation shows what the proposed buildings would look like located on the ridge when viewed from the northwestern vantage point, after the landscape plantings mature. As can be seen in Figure 3.11-4, there is a significant distance between the farm buildings and the BT Holdings units. The Townhouse structures, located such a far distance from the public viewing vantage point and hidden behind extensive shielding, in combination with

other mitigation measures now incorporated, do not interfere with the beautiful panorama of the open farm fields nor negatively affect the overall vista.

As identified in Response 3.11-2, implementation of earth tone colors on the building facades, use of non-reflective glass, substantial landscaping added along the property line buffer and landscaped groves added at the north end, between the two center buildings and at the south end, are mitigation measures that would soften the visibility of the buildings. It is anticipated that trees 6' to 8' high will be planted and will mature to a height of more than 20 feet over a period of five to seven years. It is noted that the larger Senior buildings would be hidden from this view due to the existing tree line that will remain between them and the Talmadge Farm property.

WHEREAS, the parties have now reached a settlement that reduces BT Holdings' residential development from the 458 residential units originally proposed to a maximum of 340 residential units with no less than 100 of those units age-restricted per the EJS; and

WHEREAS, the Town agrees that the downsizing of the residential development as more fully described herein removes its environmental impact concerns and allows it to find that the proposed annexation is now in the public interest; and

NOW THEREFORE, it is hereby stipulated and agreed by the undersigned that this proceeding is hereby discontinued and settled subject to the parties' compliance with the following terms and conditions:

1. Residential Development Project:

No more than 340 residential units may be constructed on the residential development site with no less than 100 of those units age-restricted per the EIS.

For purposes of this provision the residential development site Consists of the following parcels:

Town of Chester Tax Parcel Section 2, Block 1, Lot 39 consisting of ± 60.568 acres (the Annexation Lands);

Village of Chester Tax Parcel Section 107, Block 3, Lot 4 consisting of ± 3.407 acres;

Village of Chester Tax Parcel Section 108, Block 1, Lot I consisting of ± 0.582 acres;

and a portion of Village of Chester Tax Parcel Section 120, Block 1, Lot 1 consisting of ± 3.87 acres.

Construction shall be undertaken in the manner described and set forth in the Final Environmental Impact Statement ("FEIS") and the Village's SEQRA Findings (the "Village's SEQRA Findings") for the BT Holdings annexation and residential development project subject to review and approval by the Village of Chester Planning Board during the planning process. To enforce the development restrictions required above, upon BT Holdings receipt of final, unconditional and unappealable approvals for its proposed project, it shall file a Declaration against the properties restricting total development of the project site as follows:

1. No more than 340 residential units may ever be constructed on the development site.
2. Of the 340 residential units that are permitted to be constructed 100 of those must be age restricted for seniors (i.e. aged 55 years and older)

The above restrictions shall run with the land and bind BT Holdings, its successors and assigns. The

Declaration shall be for the benefit of the Village of Chester, Town of Chester and BT Holdings.

Modification of the development restrictions requires the approval of all benefitted parties.

2. SEORA:

The Town agrees that, as result of the substantial downsizing of the BT Holdings residential development, the Town's environmental impact concerns have been adequately addressed to the maximum extent possible and that all impacts have been eliminated or mitigated to the maximum extent practicable including, but not limited to, those impact concerns relating to the provision of water and sewer to the development. The Town shall replace and supersede its SEQRA Findings issued May 9, 2012 with the Village's SEQRA Findings in accordance with the Stipulation of Settlement entered into among the parties for the Supreme Court Action bearing Index No.48145-2012. The parties agree that the annexation and residential development shall continue to be subject to compliance with the FEIS and Village's SEQRA Findings. The parties further agree that the downsizing of the residential development further reduces potential impacts and will not result in any significant adverse environmental impact nor constitute a change in circumstances that requires preparation of a Supplemental Environmental Impact Statement or otherwise require additional environmental review.

3. Annexation:

Within twenty one (21) days of this Stipulation being "So Ordered" by the Court, the Town shall file an Order in the office of the Orange County Clerk approving the annexation petition and finding that such annexation petition is in the overall public interest. The Town's Order shall replace and supersede the prior Order issued by the Town on May 9, 2012 which was filed in the Orange County Clerk's office on May 17, 2012. The Order to be filed by the Town shall be in the same or substantially same form as attached hereto as Exhibit "A." The parties agree that following the filing of said Order they shall work cooperatively and expeditiously to complete the transfer of the annexed lands in accordance with applicable GML requirements.

4. Miscellaneous:

- a) This Stipulation constitutes the entire agreement among the parties. The parties may amend this Stipulation only by a written agreement, signed by the parties, that identifies itself as an amendment to this Stipulation.
- b) In the event that any provision of this Stipulation is held by any court of competent jurisdiction to be illegal or invalid, the validity of the remaining provisions shall not be affected; and, the illegal or invalid provision shall be reformed to the extent possible to be consistent with the other terms of this Stipulation.
- c) The signing of this Stipulation is not an admission by any party of fault or liability concerning the conduct and/or events described in the Petition.
- d) This Stipulation shall be binding upon and inure to the benefit of each of the parties hereto and their heirs, successors and assigns, and shall run with the land.
- e) The parties agree that the Court shall have continuing jurisdiction to address any dispute that may arise under this Stipulation.
- f) Approval of this Stipulation and authorization of its execution by the Town Supervisor has been authorized by resolution of the Town of Chester Town Board at a meeting held on June 12, 2013.
- g) Approval of this Stipulation and authorization of its execution by the Village Mayor has been authorized by the Village of Chester Village Board at a meeting held on June 10, 2013.

Village of Chester Planning Board

From: Mark Siemers <siemersm@pietrzakupfau.com>
Sent: Wednesday, November 13, 2013 1:57 PM
To: 'Village of Chester Planning Board'
Cc: pietrzakupfau@pietrzakupfau.com
Subject: RE: Meadow Hill Apts. Planning Board Meeting of 8/27/13

Missy,

This is a better representation of what I was trying to say at the meeting:

I sloped the parking areas so that all stormwater flows to center line of each parking area and is collected by catch basins in center line of parking area. The stormwater is then piped down into the pond; doing that we remove the crossings with the water and sewer pipe along edge of the pavement. We can run sanitary on one side of the drainage and water on other side and simplify design.

MARK W. SIEMERS, P.E.
SENIOR ENGINEER
PIETRZAK & PFAU
ENGINEERING & SURVEYING, PLLC
GOSHEN – 845.294.0606
MONTICELLO – 845.796.4646
WWW.PIETRZAKPFAU.COM

From: Village of Chester Planning Board [mailto:vchesterplbrd@frontier.com]
Sent: Tuesday, November 12, 2013 10:01 AM
To: siemersm@pietrzakupfau.com
Subject: Meadow Hill Apts. Planning Board Meeting of 8/27/13

Good Morning Mark,

In review of the minutes from the 8/27/13 Planning Board Mtg., Rick needs some clarification on some of the information you had given at the mtg. regarding "crowning the road". After listening to the meeting on the recorder, this is what I heard regarding "crowning the road". Please review and let me know if what I have is correct or if it needs to be revised.

"Crowned the road so that all stormwater flows to center line of road and placed catch basins in center line of road and run it down into pond; doing that we don't need all of these crossings with pipe along edge. Can run sanitary on one side and water on other side and simplify design".

Please give me a call to discuss as soon as you can. 845-469-2388. I am in from 9am to 1pm today, 1:30pm to 5pm tomorrow and 9am to 1pm, Th & F. ☺

Thank you.

Missy Sosler
Planning Board/Zoning Board Secretary
Village of Chester
47 Main Street, Chester, NY 10918
845-469-2388; Fax: 845-469-5999
vchesterplbrd@frontier.com