

MINUTES

VILLAGE OF CHESTER PLANNING BOARD

SEPTEMBER 24, 2013

REGULAR MEETING and PUBLIC HEARING

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

PUBLIC HEARING 7:00 PM

Project # 13-05 Project Name: Somers Subdivision
Applicant/Owner: Somers Enterprises, LLC
Location: 1 Bryle Place (SBL 110-2-3.21)
Re: Somers Subdivision
Presented By: Zachary Peters

Project # 13-06 Project Name: Taco Bell Restaurant
Applicant/Owner: Somers Enterprises, LLC
Location: 1 Bryle Place (SBL 110-2-3.21)
Re: Taco Bell Restaurant
Presented By: Zachary Peters

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

Chairman Ramsdell read the Public Hearing Notice as it was published in the September 13, 2013 edition of the Times Herald Record (copy attached).

Zachary Peters advised that the plans have been revised to address Mark Edsall's comments:

- A large truck, approximately 24 ft. long, can drive into the site, turn around and drive out;
- Revised curbing to 14 ft.;
- To help with drainage on site and not cause any adverse impacts, will have catch basins to aid water collection;
- Additional parking shown;
- Removal of retaining wall on east side of site. Permission was obtained from the owners of Mobil stating that they are fine with the grading and will work it out with the owner of the property.

After Mr. Peters finished his remarks, Chairman Ramsdell asked the Board Members if they had any questions or comments. Member Jankelunas asked if the water storage for drainage will be sealed somewhat or will it be a breeding ground for mosquitos? Chairman Ramsdell asked if there will be any holding of water on the surface. Mr. Peters advised that there will not be any holding of water on the surface.

As there were no other comments, ***MOTION** was made by Member LaSpina, second by Member Jankelunas, to CLOSE THE PUBLIC HEARING. Motion passed 5-0. Public Hearing closed at 7:16PM.

REGULAR MEETING – 7:20 PM

Chairman Ramsdell opened the Regular Meeting at 7:20 PM.

1. Minutes

Review Draft of July 2013 Planning Board Minutes

***MOTION** was made by Member Jankelunas, second by Member LaSpina, to ACCEPT THE JULY 2013 MEETING MINUTES AS DRAFTED. Motion passed 5-0.

2. Correspondence

Chairman Ramsdell read a letter we received from Mark Siemers representing Meadow Hill Apts. In the letter, Mark is asking the Planning Board to schedule a Public Hearing for, Meadow Hill Apts., to be held at the 10/22/13 Planning Board Meeting. Mark Edsall advised that we do have adequate information to hold the Public Hearing. ***MOTION** was made by Member Winters, second by Member LaSpina to hold the Public Hearing at the 10/22/13 Planning Board Meeting. Motion passed 5-0.

Letters from the Orange County Dept. of Planning were received and will be reviewed later in the meeting during the project discussion.

3. Code Enforcement Officer Report

Presented by Chairman Ramsdell (copy attached). John Orr was off.

4. Projects for Review

Project # 13-05 and 13-06: Project Name: Somers Subdivision and Taco Bell
Applicant/Owner: Somers Enterprises, LLC
Location: 1 Bryle Place (SBL 110-2-3.21)
Re: Subdivision and Taco Bell Restaurant
Presented By: Zachary Peters

Chairman Ramsdell advised that we already had an up to date presentation, by Mr. Peters, during the Public Hearing.

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

Chairman Ramsdell advised the following:

- The actual dimensions need to be referenced on all plan sheets;
- Details of the Taco Bell sign are required;
- The grading plan needs to be fine-tuned on the plans.

Zachary Peters addressed all of the comments from the OCDP as follows:

Lighting: Accuserve is the light provider for Taco Bell. Mr. Edsall advised that we need the name of the lights that are typically provided which would include the fixture shape which is very important because we cannot have a convex shape glass. In addition, the two fixtures along 17M need side and rear shielding from 17M. Chairman Ramsdell mentioned that the plan shows 7 pole mounted light fixtures around the perimeter of the property and 9 wall mounted fixtures on the building which will make this property very brightly lit. He asked Mr. Peters to comment on whether the result would be that the Taco Bell site would be the brightest spot in the area? Mr. Peters said that he didn't know

the answer to Chairman Ramsdell's question. Chairman Ramsdell then deferred to Mark Edsall regarding the intensity of the lighting.

Pole Height: Mr. Peters advised that the plan now calls for 27- foot-tall light poles. He advised that he will talk to the owners about reducing the size of the poles from 27-feet to 22-feet. Member Winters asked how many light poles will there be and how many lights will there be on the building. Mr. Peters advised that the accent lights, on the building, will only be 36 watts and that the main lighting will come from 7 perimeter lights. Mr. Edsall made a suggestion to knock 5 feet off of the height of the light poles, lower the wattage to 750 and to put certain fixtures on timers. Mr. Peters will discuss all of this with Taco Bell.

Invasive Species: Mr. Peters advised that he will replace the original plant species with another plant.

Parking: Overall parking was discussed. 7 employee spaces are proposed.

Pedestrian Access: Discussion was held regarding a crosswalk but the consensus was that a crosswalk in this area is not feasible.

Attorney Harold Pressberg advised Mr. Peters that we will need a point by point response for each comment from OCDP.

Discussion continued regarding road traffic and the difficulty for people attempting to make a left hand turn onto 17M. Mr. Edsall advised that the DOT will not authorize the installation of a traffic light in this area. Member Winters reiterated his safety concerns for this area.

Chairman Ramsdell stated that we have gone as far as we can with the remaining issues and that there are 2 approvals to consider; Somers Subdivision and Taco Bell Restaurant. Steve Brown advised that he would prefer an approval now but Chairman Ramsdell advised that we cannot do the approval at this time. Mr. Peters advised that he will be at the 10/22/13 PB Meeting and possibly the 10/3/13 Work Session.

5. General Discussion

Local Law 4 Report: Chairman Ramsdell advised that he and Attorney Pressberg have been having casual conversation regarding Local Law 4. He provided the Planning Board Members, Mark Edsall and Harold Pressberg with a copy of the Draft of his report.

The report addresses the following:

- Issues of proposed new, parallel, residential and multi-family dwellings;
- Changes in definitions
- Tweaking some definitions such as apartment housing and town houses;
- Adding definitions for apartment
- Senior Citizen Housing.

Chairman Ramsdell advised that he would like to arrive at a decision, on this, at the close of the meeting. He would like to delete paragraph F, add additional information to the report regarding matters we just discussed and authorize the Chairman to wrap up the report. Chairman Ramsdell asked if the referral was made, on the annexation, to OCDP. Member Winters commented that he spoke to David Church and that he was aware of it.

Member Jankelunas mentioned declining school enrollment and felt that this project will yield approximately 99 more students. Chairman Ramsdell advised that the project is expected to increase village population by one third. He also advised that SEQRA will be done after the matter has been discussed.

Chairman Ramsdell advised that Harold Pressberg was a big help with all of this.

Chairman Ramsdell stated that it is an important step to put together the "best zoning law standards" that we can.

***MOTION** by Member Jankelunas to have the Board authorize the Chairman and Board Consultants to put a final language in place in accordance with the Board and send it to Harold Pressberg for discussion and then to the Village Board, second by Member LaSpina.

Our Engineer Mark Edsall shared information with the Board, from a meeting he attended, regarding the new EAF forms which are part of the Planning Board Application. Effective 10/7/13, all applications that are submitted to the Board, must use the new edition EAF form. The new, short EAF form will go from 2 pages to 4 pages and the new, long EAF form will go from 10 pages to 24 pages. The new EAF forms are available for download on the DEC website. The Planning Board secretary made a note of this. She will download the new forms and replace the older edition forms with the new edition forms in the applications.

Norm Cottrill, our Alternate Planning Board member, asked a question regarding where political signage can be placed around the Village. Chairman Ramsdell advised Norm that he didn't know and that, possibly, John Orr may know.

Chairman Ramsdell asked if anyone had anything else to discuss and as there were no other comments, ***MOTION** was made by Member Jankelunas, second by Member Winters, to ADJOURN THE MEETING. Motion passed 5-0. Meeting adjourned at 8:50PM.

Respectfully Submitted,

Missy Sosler
Planning Board Secretary

Publication Confirmation

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|------------------------|-------------------------|-------------------------|------------------|
| <u>Ad Order Number</u> | <u>Customer</u> | <u>Customer Address</u> | |
| 0000037937 | CHESTER, VILLAGE | 47 MAIN STREET | |
| | | CHESTER NY 10918 USA | |
| <u>Sales Rep.</u> | <u>Customer Account</u> | <u>Customer Phone</u> | <u>PO Number</u> |
| Foddrillp | 500094394 | 845-469-2388 | |

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|---------------------|-----------------------|-----------------------|-------------------|
| <u>Total Amount</u> | <u>Payment Method</u> | <u>Payment Amount</u> | <u>Amount Due</u> |
| \$50.24 | | \$0.00 | \$50.24 |

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| <u>Ad Number</u> | <u>Run Dates</u> |
| 0000037937-01 | 9/12/2013 |

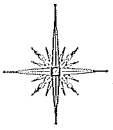
WYSIWYG Content

VILLAGE OF CHESTER

NOTICE IS HEREBY GIVEN that the Planning Board of the Village of Chester, New York, will hold a Public Hearing at the Village Hall, 47 Main Street, Chester, New York, on Tuesday, September 24, 2013 at 7:00 P.M., or as soon thereafter as the matter can be heard, concerning the applications of Somers Enterprises, LLC, for subdivision approval and site plan approval. The applicant proposes to subdivide its parcel to create a .4734 acre parcel and construct a 1900 square foot drive thru Taco Bell restaurant on the newly created parcel. The property is located in the Village of Chester, New York, at 1 Bryle Place, and is listed on the Village Tax Map as Section 110 - Block 2 - Lots 3.21.

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

BY ORDER OF
THE VILLAGE OF CHESTER PLANNING BOARD
BY: RICHARD Ramsdell, chairman
Dated: September 10, 2013



PIETRZAK & PFAU

ENGINEERING & SURVEYING, PLLC

September 9, 2013

Richard Ramsdell, Chairman
Village of Chester Planning Board
47 Main Street
Chester, NY 10918

Re: Meadow Hill Apartments
Village Project No. 12-08
P&P No. 22173.01

Dear Mr. Ramsdell:

In accordance with the discussion held at the Planning Board Workshop meeting of September 4, 2013, please let this letter serve as a request to schedule a public hearing for the Meadow Hill Apartments project at the Village of Chester October Planning Board meeting.

I appreciate your attention to this matter. Should you have any questions or require anything further, please do not hesitate to contact this office.

Very truly yours,

PIETRZAK & PFAU, PLLC

Mark W. Siemers, P.E.

MWS/tmp

encs.

cc: J. Sorrentino

22173.01 Planning Board Letter 2013-09-09

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

September 24, 2013

Current projects that were inspected during the last month:

Boodles – 37 Main Street

- 1- Renovation of basement and first floor continues.

Smith – 65 Greycourt Ave

- 1- Some work has started clearing the property.

Seigel – 49 Brookside Ave (former Suds & Duds)

- 1- Project almost complete.

Paul Davis Restoration – 143 Main Street

- 1- Work continues.

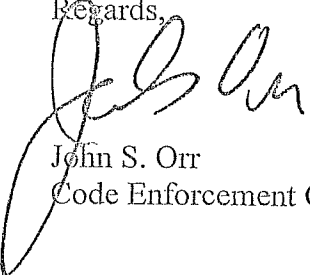
Chester Mall – 78 Brookside Ave Dunkin Donuts.

- 1- Project complete store open.

Bruedan – Fini

- 1- Work has started on 2 houses.

Regards,



John S. Orr

Code Enforcement Officer



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

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

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VILLAGE OF CHESTER
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: 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: 24 SEPTEMBER 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 AND 27 AUGUST 2013 PLANNING BOARD MEETINGS.

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)

- We are still unable to match the setback values shown in the bulk table to dimensions on the site plan.
- A detail for the Taco Bell project sign (at northerly corner of site) has still not been provided.

Demo Plan & Grading Plan (Sheet 2)

- The grading plan now appears to have eliminated the retaining wall along the south property line (with GTY NY Leasing). Since very limited proposed contours are shown in this area, and no temporary easement is shown, it is difficult to assess the scope and area of disturbance.

REGIONAL OFFICES

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

Detail Sheet (Sheet 3)

- No comments. All prior comments addressed.

Detail Sheet (Sheet 4)

- Sewer lateral from the main CAN NOT be shared between the two properties as this is not permitted by NYSDEC. Separate laterals to the public main are required.
- Status of review from Moodna Basin operators should be confirmed.
- Status of review of detail for water tap to main with Village Water Superintendent should be confirmed.
- As previously requested, a shutoff at property line should be provided.

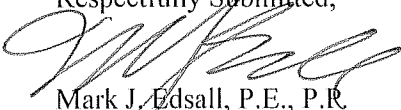
Lighting Plan (Sheet 5)

- The lighting details and submittals seem to have significant inconsistency. The detail indicates the manufacturer is LSI Industries. The schedule indicates Accuserv Lighting. The manufacturer cuts submitted are for USA Architectural and Progress Lighting. None included isolux curves.
- The applicant's engineer (in the response letter) has indicated that the business signs will be internally lit. All business signs should be addressed on the site plan.

Landscaping Plan (Sheet 6)

- No comments. All prior comments have been addressed.
3. All drawing approval boxes should include the village project number (13-06) just above the box (not within project box border).
 4. 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. The applicant has submitted a Vehicle Turning Diagram using a Ford Superduty Crewcab. Based on the information submitted, it appears the site, although tight, will function with good driving skills.
 5. The Orange County Department of Planning has responded to the GML 239 referral and have raised issues regarding lighting, plantings, parking, and pedestrian access. These comments should be reviewed. The Status is Local Determination.

Respectfully Submitted,



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

DRAFT

Last Revised June 29, 2011

Proposed Text Amendments to the Code of the Village of Chester

Chapter 98 Zoning (the "Zoning Law")

In association with the proposal of BT Holdings Development

- NOTES:** Existing zoning text is shown without underlining.
Proposed existing zoning text deletions are shown as stricken (~~text~~).
Proposed text to be added to the existing zoning language is underlined (text).

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.

ARTICLE IV, Section 98-18. Apartment buildings and townhouses, shall be amended as follows:

- A. ~~Each principal building shall have uninterrupted frontage upon a street or court. If said frontage is upon a court, the least dimension of said court shall be not less than 75 feet.~~
Any commonly held land on which multi-family dwellings are located, and associated improvements thereon, shall be governed by a homeowners' association or rental management agency. The site plans for multi-family developments shall clearly show whether individual parcels of land are associated with attached dwelling units.
- B. ~~If the rear of any principal building shall be opposite any other principal building, it shall be distant therefrom not less than twice the average height of the opposite bounding walls.~~
The layout of multi-family dwellings shall comply with the following requirements:
- (1) Each principal building shall have uninterrupted frontage upon a street or court. If said frontage is upon a court, the least dimension of said court shall be not less than 75 feet.
 - (2) Townhouses shall be at least 20 feet wide.
 - (3) 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 twenty-five feet (25').
 - (4) For multi-family dwellings in the interior of a development contained on a single lot, the distance between the edge of pavement and/ or the edge of the sidewalk closest to the building and the front of the building shall be a minimum of 20 feet (20').
- C. ~~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 the average height of the opposite bounding walls. Permitted density for multiple dwellings where permitted shall be as follows:~~

- (1) For one-bedroom or two-bedroom dwelling units, up to 8 units per acre
- (2) For three-bedroom dwellings or dwelling units with more bedrooms, up to 6 units per acre.
- (3) A “bedroom” includes a den or other additional room, which is separated from other common areas by a door, that is not a kitchen, living room, dining room, closet or storage area.
- E. Apartment dwelling units containing two or more bedrooms shall not exceed 50% of the total number of units in an apartment complex located on a single lot. Townhouse dwelling units containing three or more bedrooms shall not exceed 62% of the total number of units in a single development
- F. ~~Fire-retardant protective walls and floors as required and defined by the New York State Building Code constructed of cinder block or similar material approved by the Planning Board shall be used to fully separate all dwelling units in townhouses and apartment buildings. Such walls shall extend to the full height of said structure.~~

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

The proposed amendments are to be evaluated in accordance with the actions taken on the issues specifically addressed elsewhere in this report.

D R A F T

VILLAGE OF CHESTER PLANNING BOARD'S REPORT REGARDING PROPOSED LOCAL LAW #4 OF 2013 "AMENDMENTS TO CHAPTER 98 ZONING RM-N ZONE"

To the Mayor and Board of Trustees of the Village of Chester:

Pursuant to Village Code §98-40 and the Village Board's Resolution, dated July 8, 2013, the Village of Chester Planning Board submits the following report regarding the proposed Local Law #4 2013 "Amendments to Chapter 98 Zoning RM-N Zone":

With respect to the specific issues raised by Village Code §98-40(A), and extenuating issues, "Concerning a proposed amendment to or change in the text of the chapter", the Planning Board reports:

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

The proposed changes include: 1.) The creation of a NEW zoning district entitled Residential Multiple Dwelling – Neighborhood (RM-N) Zoning, and 2.) assigning that new District to the property recently annexed into the Village.

It must be noted that as to #1 above, adding a Zoning District is not a site specific action unless specifically designated; accordingly the new district regulations may come to apply Village-wide subject to spot zoning and other considerations in an application process.

Background: Several zoning law amendments were generated as part of a test case project site plan by the property owner/developer that, by law, required a SEQRA review by the Village Board as the approving agency for the annexation. An Appendix C in the developer's DEIS contains the proposed amendments to the Zoning Law and a Bulk table (District Regulations) for the proposed NEW RM-N District hereby in review. In addition, and as discussed further below, the amendments add definitions for "Apartment," "Dwelling, and "Multi-Family," and revise the definition of "Townhouse." Other amendments propose revisions to Sections 98-18, pertaining to apartments and townhouses, and 98-23.1, pertaining to Senior Citizen Housing.

The Appendix C mentioned above was the Planning Board's primary source for amendment information and direction, and was augmented by information in the BT Holdings Annexation SEQRA Lead Agency Findings Statement.

In the process of lengthy review of the material pertaining to the Proposed RM-N District, the Planning Board found the resulting product of having two (2) Multiple Residence Districts in the Village Zoning Law a persistent matter of concern.

With respect to this issue, the following findings were made in the Planning Board's review:

1. The Existing RM and the Proposed RM-N Districts have the same selection of Residential Uses. A categorical difference exists in that Senior Citizen Housing and Multiple dwellings, apartments and townhouses are Special Permitted Uses in the existing zoning law, and Principal Permitted Uses in the proposed RM-N District Regulations.
2. Reductions of existing measures: As shown in the comparison study below, the Proposed RM-N District would enact Reductions in Minimum Required Standards

and Increases of Maximum Allowed Standards for nearly every dimensional and quantified regulation. For example, the new regulations would permit buildings closer to streets and each other because of reduced setbacks, resulting in a feeling and visual impact of crowdedness, less opportunities for landscaping, and other affects.

3. The proposed District Regulations Schedule (chart) for RM-N has far too many empty 'cells' and an excess of horizontal lines without clear purpose that should defy acceptance.
4. In the SEQRA Findings Statement language, which seems to attempt to set itself apart from the Existing RM District, sets forth the following: Under a heading, "Reasoning and Support for RM-N Zoning", the following statements are included: "The objective is to create a neighborhood allowing for a variety of multiple housing types and sizes...", and "The RM-N zone allows for multiple buildings to be constructed on a single lot...". It must be noted that the Existing RM allows the potential for these same constructions. Further, another statement is made, "Furthermore, the clustering of townhouses allows for the preservation of open space and sensitive environmental resources...". It must be noted that the amendments do not include definition or discussion of "clustering", or any associated requirements, the Proposed RM-N District Regulations does not include clustering, and a descriptive narrative is not proposed.
5. Regarding Senior Citizen Housing related amendments: 1.) Parking – The proposal in the RM-N District Regulations (see comparison below) is to require 1.25 spaces per unit. This is in conflict with other proposed text included in the amendments of 1.5 to 2.0 spaces, and the elimination of the existing 0.75 spaces for guest and staff parking. Further, existing language not proposed to be eliminated states, "There will be a maximum of two motor vehicles per unit." Finally, an amendment allows for guest parking spaces or parking for accessory facilities or amenities which may require employees, "spaces may be located in off-site parking lots within 500 feet of senior housing... ." As an alternate to required off-street parking, this should be considered inappropriate for a residential project for seniors and persons with disabilities; and 2.) Proposal to increase the maximum allowed units per building from 24 to 50 in the RM-N District via a list of 3 criteria that would leap the Village's existing goals and standards, and short-cut the Planning Board's review and authority; and 3.) Proposal to increase the Building Height to 4 stories, when 3 is the existing maximum for any building in the Village, and a 4 story high rise would result in far less grade level accessible (and patio) units and increased reliance on elevators and stairs.

In consideration of the above, the Planning Board does not recommend having the Zoning Law changed by the inclusion of the Proposed RM-N District and the proposed amendments discussed above.

Comparison off Existing RM and proposed RM-N District requirements for residential uses:

As to USES, in the Existing RM district, Single and 2 Family residences are Principal Permitted Uses, and Multiple dwellings, apartments and townhouses are Special Permitted Uses Subject to Authorization and Site Plan Approval by the Planning Board (with provisions). While Senior Citizen Housing is not listed in the RM District Regulations, inclusion in an RM District is stated in its descriptive chapter (98-23.1) always as a Special Permitted Use.

In the Proposed RM-N District, all the Existing RM residential uses and Senior Citizen Housing would be Principal Permitted Uses.

The following tracks the differences in the dimensional and quantification regulations of the Proposed RM-N District compared to the Existing RM District. (As an aid to comprehension, graphic flags highlight proposed reductions in Minimum requirements indicated by "RMR", and proposed increases in Maximum allowed standards indicated by "IMA".)

Minimum Lot Area requirement for RS uses is reduced by 13%, and the Maximum Lot Coverage is the same. **RMR**

Minimum Lot Area requirement for Senior Citizen Housing uses is reduced by 33%, and the Maximum Lot Coverage is increased by 75%. **RMR - IMA**

Minimum Lot Area requirement for multiple dwellings, apartments and townhouse uses is increased by 60%, and the Maximum Lot Coverage is increased by 75%. **IMA**

Front Yard Setback requirement for RS uses is reduced by 33%. **RMR**

Front Yard Setback requirement for multiple dwellings, apartments and townhouse uses is reduced by 50%. **RMR**

Front Yard Setback requirement for Senior Citizen Housing uses is reduced by 75%. **RMR**

Side Yard Setback (for One side) requirement for RS uses is unchanged. **RMR**

Side Yard Setback (for One side) requirement for Multiple dwellings, apartments and townhouse uses is reduced by 40%. **RMR**

Side Yard Setback (for One side) requirement for Senior Citizen Housing uses is reduced by between 33% and 60%, depending on lot size. **RMR**

Side Yard Setback (for Both sides) requirement for RS uses is reduced by 17%. **RMR**

Side Yard Setback (for Both sides) requirement for Multiple dwellings, apartments and townhouse uses is reduced by 40%. **RMR**

Side Yard Setback (for Both sides) requirement for Senior Citizen Housing uses is not specified in the Existing, but computation suggests a reduction between 33% and 60%, depending on lot size. **RMR**

Rear Yard Setback requirements are not substantially changed.

Maximum Building Height in feet and stories for RS, Multiple dwellings, apartments and townhouse uses is increased by 14% in height, and unchanged at 3 stories. **IMA**

Maximum Building Height in feet and stories for Senior Citizen Housing uses is increased by 14% in height, and increased to 4 stories. **IMA**

Off Street Parking requirements for Senior Citizen Housing uses is decreased to 1.25 spaces (from 2.25 spaces) per unit. See further discussion. **RMR**

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

All areas, land uses, buildings and establishments in the Village will have the potential to be affected by the changes in the event the Village Board re-zones any parcel into a RM-N District. As the changes are not a single issue or limited number of issues, the

ways in which they will be affected can only be understood through an appropriate study of the changes and a determination of application. Existing buildings and establishments will not be affected.

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

The Planning Board finds that the indirect implications of the proposed amendments will provide a parallel Residential – Multiple Dwelling District (RM-N) that grants lesser standards than the existing RM district. Such a change in district regulations may induce future developers to seek similar relaxations of District regulations in connection with projects in any RS or RM district in the Village, leading to inadvisable effect.

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

The Planning Board finds that the amendment adding the Proposed RM-N District is not consistent with the aims of the Comprehensive Plan of the Village as represented in the Village Zoning Law.

The Planning Board sees no need to change the existing requirements of an RM District for the only parcel to which the new RM-N District is intended to apply. The Planning Board believes that the reductions in various required setbacks, parking spaces and permitting increased visual density and building heights as set forth in Paragraph 1, above, are inconsistent with the Village's comprehensive plan as set forth in the present RM District.

Prior to adopting the Village's Senior Citizen Housing Special Use Permit provisions, substantial study and review was undertaken. Changes to the Senior Citizen Housing requirements, especially allowing four stories and 50 units per building would, in the Planning Board's opinion, create a less desirable facility not in keeping with Village's comprehensive plan.

With respect to the specific issues raised by Village Code §98-40(B), and extenuating issues, "Concerning a proposed amendment involving a change in the Zoning Map", the Planning Board reports:

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

The change in the Zoning Map involves the designation of district regulations to the approximately 60 acre recently annexed property and the several smaller same owner associated properties already in the Village, and the assignment of a Residential – Multiple Dwelling Zoning District for uses on the properties. The Planning Board finds the RM District uses could be appropriate; and as set forth above, the Planning Board finds that the changes to the RM District regulations involved in the proposed RM-N District regulations to be inappropriate. The Planning Board further recommends consideration of adopting Ridge Line Protection" provisions for portions of the property.

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.

According to studies reviewed in the SEQRA process:

In the most recent US Census for the year 2000, the population of the Village of Chester was 3,445 persons. Based on later estimates included in the SEQRA study, the population of the Village of Chester is shown to be 3,575. The proposed estimated 1,137 additional residents would represent a 32% increase in Village population. In accordance with the Stipulation entered into with the Town of Chester, the maximum build-out was reduced to 340 units, 100 of which were age or disability restricted. The reduction, if any, of additional residents resulting from the Stipulation has not been analyzed.

Public School Facilities - The change in the Zoning Map and the assignment of a Residential – Multiple Dwelling Zoning District for uses on the same owner contiguous properties has predicted approximately 99 additional students at final build-out.

According to a provided summary of the studies the proposed phased construction is expected to provide time to allow the Chester School District to implement measures for the introduction of new students from this and other area projects.

Additionally, according to the information provided to the Planning Board, 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 a completed development on the property.

It should be noted how a reported increase in annual revenue from School Taxes to the Chester UFSD of approximately \$1,464,492 annually compares to the cost per student of \$13,220 multiplied by 99 students, yielding a total estimated cost of \$1,308,766 equaling a net benefit of \$58,725. The Planning Board has not made an attempt to independently verify these projections.

Police Protection - According to the information provided, development is estimated to add approximately 1,137 residents to the Village's population, increasing the need for police services in the Village by up to three additional officers, an administrative person and a patrol vehicle. Additionally, current police station facilities are crowded.

Fire Protection - According to the information provided, development is estimated to add approximately 1,137 persons to the district served by the Chester Fire Department, which includes approximately 15,000 persons.

The Village of Chester public water supply system, according to the information provided, has adequate water capacity to meet the water needs of a project with the appropriate water distribution network, including fire protection. This matter would be reviewed by the Planning Board when a site plan is submitted.

Ambulance Protection - According to the information provided including reference standards, development is estimated to result in a gradual increase in population that would not create significant demands on health care resources.

Emergency Access - According to the SEQRA study, this matter was discussed with proposed measures. The Planning Board will review and require working solutions.

Roads, sidewalks, Parks and Recreation Facilities, Senior Citizen Housing amenities, and open space - These matters were touched upon in the SEQRA study and will be folded into the Planning Board review leading to required working solutions.

Solid Waste Facilities - According to the SEQRA study, this matter was discussed and concluded. The Planning Board will review.

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, does not appear to have any relation to existing or proposed plans in the vicinity of the project.

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

As mentioned above:

In the most recent US Census for the year 2000, the population of the Village of Chester was 3,445 persons. Based on later estimates included in the SEQRA study, the population of the Village of Chester is shown to be 3,575. The proposed estimated 1137 additional residents would represent a 32% increase in Village population.

While the Village of Chester does not have a document specifically designated as a "comprehensive plan," it has been long been understood that our Zoning Law and Map serve as an ad hoc Comprehensive Plan for our goals and standards. It is under this aegis and our experience that amendments are evaluated. The Planning Board will make diligent efforts on all aspects of applications for development on the property.

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.

The proposed amendment will increase the total zoned residential capacity of the Village as set forth above.

II. Comments on Ridge Line Protection

As the annexed property will bring a new high (topographically) elevation level into the Village, the following is presented for consideration:

Much of the property under consideration is a part of what is widely held to be really one of the visual corner pieces of our area. As this is now in the Village, it is the Village's responsibility to appropriately protect it. The Planning Board recommends this should be the object of further study.

The owner of the annexed property has indicated in the SEQRA documents to not interfere with the beautiful panorama of the open farm fields nor negatively affect the overall vista, and comply with generally accepted industry design standards shown to have been discussed in the documents.

Report Dated: September 24, 2013

Respectfully submitted:

Richard Ramsdell, Chairman
Village of Chester Planning Board