

MINUTES

VILLAGE OF CHESTER PLANNING BOARD

OCTOBER 22, 2013

PUBLIC HEARING and REGULAR MEETING

PRESENT: Richard RAMSDELL, Chairman
Gene WINTERS, Member
John REILLY, Member
Anthony LASPINA, Member
John SZAROWSKI, Engineer
Harold PRESSBERG, Attorney

PUBLIC HEARING 7:06 PM

Project # 12-08 **Project Name: Meadow Hill Apartments**
Applicant/Owner: **John Sorrentino**
Location: **RT 94 and Meadow Ave. (SBL 102-1-1.2)**
Re: **Apartment Complex**
Presented By: **Mark Siemers**

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

Chairman Ramsdell read the Public Hearing Notice as it was published in the October 6, 2013 edition of the Times Herald Record (copy attached).

Mark Siemers advised that the property is located between Rt. 94 and Meadow Ave. It is approximately 15.8 acres. He stated that the project was previously before the Planning Board as senior housing and received conditional approval back in June 2007. Due to the economic recession; the project became unfeasible.

The proposed new project is a total of 108 apartment units in 6 buildings. There will be 36, one bedroom units and 72, two bedroom units. With the new project, we have removed the senior citizen designation which will allow us to offer these units to a larger market. In addition, John Sorrentino has an agreement with the VOC, that all ground floor units will be offered to senior citizens first, Village of Chester residents second, Town of Chester residents third and finally Orange County residents. After a prescribed period of time, any units that are not rented will be offered to a larger market.

Mr. Siemers advised that there will be one dumpster enclosure per building with evergreen trees to shield them from view. We have also reduced the storm water pond size which has reduced impact by 15%. We have been able to remove the tiered retaining walls that were in the previous plan, which will allow us to maintain more of the existing trees.

Chairman Ramsdell then opened up the hearing, for questions and or comments, from the public.

Resident Gordon Shehab asked if the retaining wall will be removed from the nearby area. Mr. Siemers advised that it will not; it will be graded back to the existing slope and shaped to direct drainage water to the retainage basin entrance. In addition, the parking lot is an inverted crown so all of the water will run into the drainage, structure system. Mr. Shehab was also concerned about how the retaining wall may impact Meadow Ave. residents.

Code Enforcement Officer John Orr asked if the 6 apartments on each floor will be front to back and Mr. Siemers replied that they will be side to side. Mr. Orr further stated that if the windows are in the rear only; there would be no access for emergency vehicles. His concern is that the Fire Dept. will not be able to access all parts of the buildings with the ladder truck. He also asked about the set back from the building front to the curb line. Mr. Siemers advised that it is approximately 22 to 23 feet to the curb line. Mr. Orr will obtain the dimensions of the fire trucks to use for comparison.

As there were no other comments or questions, a ***MOTION** was made by member LaSpina, second by Member Reilly, to CLOSE THE PUBLIC HEARING. Motion passed 4-0. Public Hearing closed at 7:21PM.

REGULAR MEETING – 7:22 PM

Chairman Ramsdell opened the Regular Meeting at 7:22 PM.

1. Minutes

No minutes for review.

2. Correspondence

Chairman Ramsdell read a letter we received from Greg DeMinico, C&S Wholesale. Mr. DeMinico advised that they will not be pursuing the site plan amendment at this time. He requested that we leave the application open for future discussions and more favorable weather conditions.

The next piece of correspondence is a document describing a Resolution by the Village Board to relinquish right of way on Sommers Enterprises LLC'S property. This matter was addressed at the 9/9/13 Village Board Meeting.

3. Code Enforcement Officer Report

Presented by John Orr (copy attached).

4. Projects for Review

Project # 13-10:	Project Name: Proposed Lot Line Change
Applicant/Owner:	Chester Fire District and Chester Union Free School
Location:	81 Main Street (SBL 108-2-4 & 108-2-3)
Re:	Exchange of 0.25 acre parcel
Presented By:	William J. Murray

Mr. Murray presented the proposed project to the board. It involves 0.25 of an acre at the rear of the Chester Fire District property which joins the Chester Union Free School. The Chester Fire District wants to do a swap with the Chester Union Free School in regards to that 0.25 acre. Mr. Murray advised that the fire district will use that property in the future to expand the firehouse by adding two more bays.

As Mark Edsall was not at the meeting, John Szarowski attended and reviewed Mark's comments (copy attached) and general discussion was held. Mr. Szarowski advised that this proposed project is a land swap. Board Attorney Harold Pressberg advised that it is a minor subdivision as a lot line change. Chairman Ramsdell advised that we can opt out of a Public Hearing. He also confirmed that the referral has already been sent to OCDP but we don't have a response yet.

Mr. Pressberg advised that the Chester Fire District conducted a coordinated SEQRA review for the land swap, typed the action as UNLISTED and made a negative determination. This action is binding upon the Planning Board so no further SEQRA is appropriate. .

Chairman Ramsdell advised that there is one issue, yet to be resolved; the matter of the 24inch drainage pipe from Main Street. Member Winters asked who would be responsible for the

maintenance of the pipe; the Village, the Chester Fire District or the Chester School District. John Orr advised that the issue of who is responsible for the drainage pipe must be dealt with before the construction begins. Member LaSpina asked who has maintained the pipe in the past. Mr. Murray advised that the Village of Chester has maintained and currently maintains it. Chairman Ramsdell concluded the discussion concerning the drainage pipe by indicating that we need to have whose responsibility it is declared on the drawing before construction can begin. John Orr asked Mr. Murray if there is any urgency in getting the construction started and Mr. Murray advised that there is not.

Chairman Ramsdell asked Mr. Pressberg if they should do an easement and he advised that there should be a 15 ft. easement. Chairman Ramsdell requested that the Chester Fire District attorney contact our attorney. Chairman Ramsdell stated that we can be conditional on the easement and the reply from OCDP. We need a resolution that the Planning Board has decided against holding a Public Hearing on this matter. ***MOTION** was made to waive a Public Hearing by Member LaSpina, second by Member Winters. Motion passed 4-0.

Chairman Ramsdell advised that the resolution of conditional approval of the Lot Line Change may need a bit more definition since it is a trade-off of properties. The conditions will be: OCDP allowing decision to be local determination and the easement description must be satisfactory to the Village of Chester. ***MOTION** was made by Member Winters, second by Member LaSpina that conditional subdivision approval of the Lot Line Change be granted with the conditions being: OCDP allowing decision to be local determination and the easement description must be satisfactory to the Village of Chester.

5. **Project # 13-09 Project Name: 3 Mamas and Mike**
Applicant/Owner: Rita Heaney
Location: 35 Brookside Ave.
Re: Mobile Food Truck
Presented By: Danielle & Mike Heaney

Danielle Heaney gave a brief presentation about their food truck. She advised this is a mobile, gourmet food, truck which will be located in the former Rowley Lumber parking lot across the street from Cumberland Farms adjacent to the vegetable stand. It is 16x8½ ft. and will be pulled by a pick-up truck. The OCDH will require the truck to be moved every 72 hours for water change etc. The hours of operation will be Monday – Saturday, 6:00am to 6:00pm. In the beginning, they will not be open on Sundays.

Mark Edsall's comments (copy attached) were presented by John Szarowski. He advised that it has to be determined if the truck will move from site to site or will it stay in one location. Based on the answer to that question, the Village of Chester may need to issue a vender permit per Code Section 71. In addition, if the truck is to be at a specific location, the Board may want to process this as a temporary site plan. John Orr advised that they are in the process of obtaining a peddler's permit. Mike Heaney asked why he has to put up a bond with the Village of Chester and why a background check has to be done on his wife. Mr. Orr explained that both of these items need to be done so that you will be protected from the "next 10 people" pulling up next to your truck and attempting to sell from their truck. Chairman Ramsdell asked if we are talking about site plan approval. John Orr advised that we can use a temporary site plan with a timeline. Chairman Ramsdell verified with Mr. Pressberg that it would be ok to have a temporary site plan.

***MOTION** to type as TYPE II for SEQRA made by Member Reilly, second by Member LaSpina. Motion passed 4-0.

***MOTION** for a resolution to waive the Public Hearing requirement, made by Member Winters, second by Member LaSpina. Motion passed 4-0.

***MOTION** for a resolution for temporary site plan conditional approval of the project, was made by Member LaSpina, second by Member Reilly. Motion passed 4-0.

6. **Project # 12-08** **Project Name: Meadow Hill Apts.**
 Applicant/Owner: **John Sorrentino**
 Location: **NYS Route 94 (SBL 102-1-1.2 / RS Zone)**
 Re: **108 Unit Apt. Complex**
 Presented By: **Mark Siemers**

Chairman Ramsdell advised that we held the Public Hearing earlier tonight for this project so we will move on to our engineer's comments which will be presented by John Szarowski in the absence of Mark Edsall.

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

Chairman Ramsdell read and reviewed the comments that were received from the OCDP. (A copy was given to Mark Siemers.) He also asked Mark about the possibility of conducting a traffic study. Mark advised that he had previously sent a letter to the DOT requesting that they consider lowering the speed limit, in the area of Meadow Hill Apts., to 30 mph. He advised that he received an answer and it was no. John Orr suggested that he may want to revisit the request to lower the speed limit to 30 mph. Mark Siemers advised that he will ask Mark Edsall to re-send the request to the DOT. Chairman Ramsdell advised that the OCDP did advise that this project will be Local Determination.

Mr. Siemers asked if there had been any discussion about the landscaping. Chairman Ramsdell mentioned that they may want to consider having more trees in front of the buildings. Mark also asked about the status of SEQRA. Attorney Harold Pressberg asked if anything has changed since the last SEQRA approval. We will have to check into this. Mr. Siemers advised that he will be at the next work session which will be 10/31/13 at 1:30pm.

7. **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**

Zach Peters began by addressing the Planning Board's main concern which was lighting on the site. The bulb wattage has been reduced to 450 watts and the pole height to 20 ft. The average light level over the parking area previously was 9.9 ft. candles and it is now 5.7 ft. candles. John Swarowski asked if the lights will be turned off at night when Taco Bell is not open. Zach advised that he believes that they will be but he will clarify that with Taco Bell. Chairman Ramsdell advised Zach that we will ultimately be checking on that with you in the near future.

Mr. Peters advised that he responded to the OCDP comments. They will be removing the invasive species of landscaping plants and replacing them with another type of plant. He also advised that they are defending their parking area plan as well as their pedestrian access plan.

John Szarowski advised that Mr. Peters still needs to add drawings of the wall and main signs on the plans. John Orr advised that he is involved in the process of changing the sign code so he will make

sure that Taco Bell complies with the new code. John also pointed out that the temporary easement is shown in gray on the plans but needs to be colored darker so it is clearer.

Chairman Ramsdell asked if the water and sewer issues have been addressed with the VOC. Zach advised that he sent Moodna two sets of plans; on 8/13/13 and 9/13/13 and has not received any response. He will email copies of the letters to the Planning Board secretary so we can follow up on them.

Steve Brown, the realtor for Taco Bell, asked for Conditional Approval.

Chairman Ramsdell stated the Conditions of Site Plan Approval:

- 1 – Building Code Officer's approval of the signs
- 2 – Easement for the sewer line
- 3 – Grading Easement
- 4 – Status of Moodna and Water Supervisors review
- 5 – Payment of fees
- 6 – Easement of Subdivision
- 7 – Clarification with respect to overnight lighting

***MOTION was** made by Member Winters for a resolution to type the action as TYPE II action under SEQRA, second by Member LaSpina. Motion passed 4-0.

***MOTION** was made by Member LaSpina, second by Member Winters, to grant Conditional Site Plan Approval with the conditions being those stated by Chairman Ramsdell. Motion passed 4-0.

Chairman Ramsdell asked if anyone had anything else to discuss and as there were no other comments, ***MOTION** was made by Member LaSpina, second by Member Reilly, to ADJOURN THE MEETING. Motion passed 4-0. Meeting adjourned at 9:45pm.

Respectfully Submitted,

Missy Sosler
Planning Board Secretary

PLANNING BOARD OF THE VILLAGE OF CHESTER, NEW YORK, NOTICE OF PUBLIC HEARING

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, October 22, 2013, at 7:00 P.M., or as soon thereafter as the matter can be heard, concerning the application of John Sorrentino for site plan approval and a special permit to construct a 108 unit apartment complex in six (6) buildings, including parking and ancillary facilities. The project is known as Meadow Hill Apartments.

The property is located in the Village of Chester, New York, on NYS Route 94, Chester, NY across from Vista Drive in an RM Zone and is listed on the Village Tax Map as Section 102 – Block 1 - Lots 1.2.

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 9, 2013



Facilities Maintenance Department
C&S Wholesale Grocers, Inc.
Phone: 603-354-4924
Fax: 603-354-5383

October 5, 2013

John Orr, Code Enforcement Officer
Village of Chester
Planning Board
47 Main Street
Chester, NY 10918

Re: C&S Site Plan Amendments 13-03

Dear Mr. Orr:

Please find enclosed, C&S Wholesale Grocers, Inc. Check # 0007225280 dated 9/5/2013 in the amount of \$500.00, made out to the Village of Chester, to replenish our escrow balance.

We will not, at this time, be pursuing the site plan amendments. C&S would like to request that the Planning Board leave the application open for future discussions and more favorable weather conditions.

Thank you for your consideration and please do not hesitate to call if you have any questions.

Sincerely

Greg DeMinico
Director Facilities Construction

Cc: Richard Ramsdell, Planning Board Chairman
Angela O'Neill, Treasurer

Att: C&S check 0007225280

RECEIVED

OCT - 7 2013

VILLAGE OF CHESTER

MAYOR: PHILIP VALASTRO
CLERK: REBECCA RIVERA

47 Main Street
Chester, New York 10918
Tel: 845-469-2388
Fax: 845-469-5999

Website: villageofchesterny.com

TRUSTEES: PHILIP ROGGIA
JOHN J. COLLINS
BETTY-JO BONO
JOHN T BELL

Rebecca Rivera, Clerk of the Village of Chester in Orange County, New York, hereby certifies that the following is a true copy of a Resolution duly adopted by the Mayor and Trustees at a meeting duly held on September 9, 2013:

RESOLUTION RELINQUISHING RIGHT OF WAY ON SOMMERS ENTERPRISES LLC'S PROPERTY:

RESOLVED that the Board of Trustees of the Village of Chester hereby finds that the right of way/easement over property owned by Sommers Enterprises, LLC ("Sommers Enterprises"), in favor of the Village of Chester, extending from the Mobile Station onto the adjacent lot (the "Right of Way"), is no longer necessary, and hereby agrees to remove/cancel and/or relinquish the Right of Way, subject to Sommers Enterprises covering the fees and costs associated with this action, and that the Mayor is hereby authorized to execute documents and take such other and further steps necessary to effectuate the same

RESOLVED, that the Mayor is hereby authorized to enter into a contract with Gannon for the purchase of the equipment.

In Witness Whereof I have signed this certificate and have affixed hereto the seal of the Village of Chester.

Rebecca Rivera

Rebecca Rivera
Village Clerk

[SEAL]

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

October 22, 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- Work continues.

Seigel – 49 Brookside Ave (former Suds & Duds)

- 1- Project is complete.

Paul Davis Restoration – 143 Main Street

- 1- Work continues.

Bruedan – Fini

- 1- Work has started on 2 houses.

Middletown Urgent Care

- 1- Issued permit for renovation of store in Chester Plaza for new Urgent Care.

Castle

- 1- Issued permit for the “Slick Track” and pit building.

VanDerMeulen – 32 Maple Ave

- 1- Issued permit for second floor addition.

Regards,

John S. Orr
Code Enforcement Officer

KORNFELD, REW, NEWMAN & SIMEONE

ATTORNEYS AND COUNSELLORS AT LAW
46 WASHINGTON AVENUE
POST OFFICE BOX 177
SUFFERN, NEW YORK 10901

FRANK T. SIMEONE
THOMAS J. NEWMAN, JR.
WILLIAM S. BADURA
SCOTT A. DOW
JEROME S. JEFFERSON

046-357-2660
FAX 046-357-6977

ROBERT E. REW JR. (1912-1960)
THOMAS J. NEWMAN (1928-2012)
JEROME M. KORNFELD (1923-2012)

OUR FILE # _____

March 17, 2014

Via E-mail: HMPNC@frontiernet.net

Harold Pressberg, Esq.
Norton & Christensen
60 Erie Street
P.O. Box 308
Goshen, New York 10924

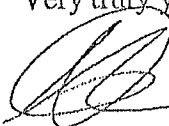
RE: Chester Fire District - Coordinated Review for "Land Swap" involving Firehouse
Property located at Walton Firehouse on Route 94 in Chester, New York

Harold:

I am enclosing the Negative Declaration (two pages) under SEQRA for the land swap between the Chester Fire District and the Chester Union Free School District No. 1. I note that a copy of this Negative Declaration was sent to the Village of Chester Planning Board with my cover letter of April 2, 2013.

I hope this assists you.

Very truly yours,



Frank T. Simeone

FTS:sr
Enc.

cc: Chester Fire District
P.O. Box 612
Chester, New York 10918
Attention: Board of Fire Commissioners
(w/o enc.)

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number 4443

Date: April 1, 2013

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Chester Fire District as lead agency, has determined that the proposed action described below will not have a significant adverse environmental impact and a Draft Impact Statement will not be prepared.

Name of Action:

Proposed land swap of 0.25 acres between the Chester Fire District and the adjoiner, Chester Union Free School District No. 1.

SEQR Status:

Type 1

☐

Unlisted

☒

Conditioned Negative Declaration:

☐

Yes

☒

No

Description of Action:

The two property owners referenced above agree to a lot line change, involving 0.25 acres conveyed from Chester Fire District to the Chester Union Free School District No. 1, and 0.25 acres conveyed from Chester Union Free School District No. 1 to the Chester Fire District (no net change of area for either parcel). No violations of zoning setbacks created by the proposed action.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

Route 94, Chester, New York, adjacent to Walton Firehouse.

Reasons Supporting This Determination:

(See 617.7(a)-(c) for requirements of this determination ; see 617.7(d) for Conditioned Negative Declaration)

The Chester Fire District sought Lead Agency Designation and commenced a coordinated review by letter of its counsel dated February 6, 2013, distributed to nine (9) interested or involved agencies. A copy of the letter is attached.

Two agencies responded; the State of New York Department of Transportation, by letter dated March 27, 2013, and the New York State Department of Environmental Conservation, by letter dated March 11, 2013. A copy of these letters are also attached.

Both responding agencies consented to the Chester Fire District acting as Lead Agency and neither agency asserted jurisdiction or contested the Lead Agency's stated intention to issue a Negative Declaration.

No zoning issues created as a result of the proposed action.

Proposed action conforms with Village subdivision standards.

No physical change, or disturbance to the land, as a result of the proposed action.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of publication in the ENB)

For Further Information:

Contact Person: Board of Fire Commissioners, Chester Fire District

Address: P.O. Box 612, Chester, New York 10918

Telephone Number: (Frank T. Simeone, Esq.) 845-357-2660 Ext. 13

For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice is sent to:

Chief Executive Officer, Town / City / Village of

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin, 625 Broadway, Albany NY, 12233-1750 (Type One Actions only)



**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: CHESTER FIRE DISTRICT with CHESTER UNION FREE SCHOOL
DISTRICT LOT LINE CHANGE
PROJECT LOCATION: NYS ROUTE 94 & MAIN STREET
SECTION 108 – BLOCK 2 – LOTS 3 and 4
PROJECT NUMBER: 13 - 10
DATE: 22 OCTOBER 2013
CONSULTANT: CLARK PATTERSON LEE
PLAN DATE: Plan Dated 11 / 09 / 12
DESCRIPTION: THE APPLICATION PROPOSES A LOT LINE CHANGE BETWEEN
THE PROJECT NAMED PARTIES, WITH A LAND SWAP OF
APPROXIMATELY 10,926 SF.

1. The application results in a land swap with equal areas, thus making each lot have the identical resultant area before and after the action. Setbacks are substantial and the closest building setback (firehouse southerly setback) is being increased as part of the application.
2. It is my understanding and belief that this application, since it involves two political units within another political unit (Fire District and School District in Village), would be subject to review under the “balancing of public interest approach” rather than strict zoning compliance. Case law in this situation has evolved. Under the old test, “a municipality was immune from zoning regulations if the uses qualify as governmental.” Under the new test, using a balancing of public interest, in using the new test, factors to be considered and weighed are:
 1. The nature and scope of the instrumentality seeking the immunity.
 2. The kind of function of land use involved.
 3. The extent of the public interest to be served thereby.
 4. The effect local land use regulation would have upon the enterprise concerned.
 5. The impact upon legitimate local interests.

REGIONAL OFFICES

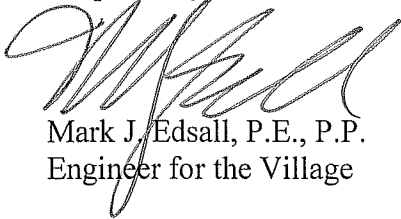
- 111 WHEATFIELD DRIVE • SUITE ONE • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •
• 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •

6. The applicant's legislative branch of authority.
7. Alternative locations for the facility in less restrictive zoning areas.
8. The alternative methods of providing the needed improvement.

Please note that, according to the court, although one factor may be more influential than another no element shall be thought of as controlling.

3. From a procedural standpoint, the referral to the Orange County Department of Planning is likely still required. As well, the Board may need to go thru the SEQRA process as usual. The Board should discuss my conjecture above with the Attorney for the Planning Board, as well as the procedural steps needed.
4. Some further discussion and consideration should be give to the 24" drainage pipe on the south side of the firehouse, to determine existence of an easement, as well as the ownership of the piping.

Respectfully Submitted,



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

MJE/st
Ches13-10-22Oct2013.doc



**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: 3 MOMMAS & MIKE SITE PLAN
(FOOD TRUCK)
PROJECT LOCATION: ROUTE 17M (adjacent to Vegetable Stand)
PROJECT NUMBER: 13-09
DATE: 22 OCTOBER 2013
CONSULTANT: SUE CONKLIN, PE
PLAN DATE: Plan Dated 10/8/13


1. The application information appears to indicate a "Mobile Food Truck" shown on the submitted plan as located adjacent to the seasonal vegetable stand.

First, it should be determined if the truck will move from site to site, or if this is the only location.

Based on the response to this basic question, it is possible that the Village may need to issue a vendor (transient merchant) permit for the food truck operation per Code Section 71. If the truck is to be at a specific location, the Board may want to process the application as a temporary site plan, based on the standard criteria for such applications.

2. We will await verification to the above.

Respectfully Submitted,

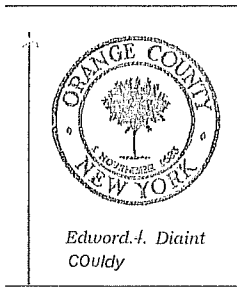


Mark J. Edsall, P.E., P.P.
Engineer for the Village

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



ORANGE COUNTY DEPARTMENT OF PLANNING

DAVID CHURCH, mcp
Commissioner

www.orange-county.gov/cdp/planning
piano in g@orange-county.gov.com

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

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

Local Referring Board: Village of Chester Planning Board

Applicant: John Sorrentino

Project Name: Meadow Hill Apartments

Proposed Action: Site Plan for construction of 108 apartments in six buildings and appurtenant facilities

Reason for County Review: Within 500 feet of NYS Route 94

Date of Full Statement: September 6, 2013

Referral ID #: CHV 06 - 13M

Tax Map #: 102-1-1.2

Local File #: 12-08

Comments:

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

Water and Sewer Capacity: The Full EAF prepared for this project states that sufficient capacity exists for connection for this project. We advise the Village to confirm that this is the case; capacity has been an issue for other projects recently in both the Town and the Village of Chester.

Recreation and Open Space: Section 98.18 of the Village code requires 700 square feet of usable open space per dwelling unit; in this case, 75,600 square feet or 1.73 acres of usable open space is required. Additionally, all units with three or more rooms (generally assumed to be two-bedroom units) require 100 square feet per unit of recreation area suitable for children; in this case 7,200 square feet. There is a proposed playground and swing set onsite, comprising about 3,000 square feet. This play area is located within ten feet of four permanent barbecue grills and within 70 feet of the proposed stormwater management pond, which is likely to attract children. The other usable open space on the project site is either located on a slope with grades between 10-15% or between Route 94 and the rear of Buildings 1, 2, and 5. We advise the Village to require that the applicant:

- Move the proposed buildings as close as possible to Route 94, creating more safe and usable open space on the project site;
- Move the proposed playground to the other side of the onsite road, to safe and usable open space, to reduce the risk of injury resulting from barbecue grills and the stormwater pond.
- Create an onsite trail to Meadow Avenue, with potential connection to the County Heritage Trail located approximately 500 feet south of the project site frontage on Meadow Avenue. This will satisfy the bulk of the recreational open space need as well as create a desirable amenity for the residents of the proposed apartments.
- Develop a landscaping plan that enhances the open space on the project site while providing appropriate visual screening and sound barriers.

Traffic and Transportation: The proposed 108 apartment units can be assumed to create approximately 67 vehicle trips during the evening peak hour, adding these trips to the existing vehicle traffic on High Street and Route 94. The proposed development is located across Route 94 from the Green Meadow Condominiums. Further, the proposed development can be assumed to generate 26 school-aged children, which will require a bus stop at the entrance to the proposed development as school buses are prohibited from entering private property. Given these existing conditions, we advise the Village to consult the New York State Department of Transportation regarding the feasibility of aligning the proposed onsite entrance road with Vista Drive and requiring a traffic signal or four-way stop for that intersection.

See reverse side

Further, we advise the Village to require that the applicant:

- Widen the proposed exit lane onto Route 94 to create a stacking/parking lane or parking area for several cars; parents often drive children to bus stops and provision of a stacking or parking lane or parking area will reduce impediments to the flow of traffic.'..'
- * Redesign the onsite road and parking areas to allow for easier turnaround by service vehicles such as garbage trucks, small fire engines, snowplows and other maintenance vehicles.

Stormwater Management: The proposed stormwater management plan for the project site consists entirely of one retention pond with a depth of approximately six feet, located on a section of the property with moderate (10-15%) slopes. We advise the Village to require that the applicant include better site design techniques, which are designed to help stormwater infiltrate onsite, minimizing the runoff and erosion that are likely to occur with conventional stormwater facilities. These techniques could include permeable pavement in the parking areas, rain gardens and other bioretention facilities located throughout the project site as part of the landscaping plan, and other measures that mimic the site's predevelopment hydrology.

Energy Alternatives: The applicant has placed the buildings so that the front face of Building 1, the rear of Building 4 and approximately 110 of the proposed parking spaces have a full southern exposure, increasing their heat index. While landscaping can be installed to reduce the "heat island" effect, the applicant could also take advantage of the southern exposure to install photovoltaic panels and other measures to provide supplemental electrical power to the project.

Ownership: The Full EAF prepared for this project shows the full development of the project to be 108 condominiums. The site plan and all other documents for the project state that the proposed development will be 108 apartments. We advise the Village to clarify the ownership model of the proposed development .

Inclusionary Housing: Municipalities benefit when housing options are provided for people of all levels of income. We advise the Village that a portion of the units should be priced so that they are available to people making 80% or less of the County's median income. The County will be happy to work with the Village to determine appropriate pricing structures and provide any other information regarding inclusionary housing that the Village may want.

County Recommendation: Local Determination

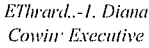
Date: September 10, 2013

Prepared by: Megan Temiermalm, Planner



David Church, AICP
Commissioner of Planning

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



DAVID CHURCH, AICP
COMMISSIONER

www. orangccoun tygov. com/1)1E111n ng
piano ing@orangccoun tygov. com

FAX: (845) 291-2533

As stated in Section 239 of the General Municipal Law of the State of New York State, within thirty days of taking final action in regard to a required referral to the Orange County Planning Department, the local referring agency shall file a report as to the final action taken.

County Referral ID #: CHV 06-13M

Project Name:

Date of Local Action: _____ #Ayes: _____ # Nays: _____

In regard to the proposed action described above, the following final action was taken (*check one*):

_____ Our local board approved this action.

Our local board approved this action with modifications. *Briefly describe the modifications below.*

_____ Our local board disapproved this action.

Reasons for acting contrary to County Planning Department's recommendation(s), if applicable:

[illegible]

Project withdrawn by sponsor

Please return to: Orange County Dept. of Planning 124 Main St. Goshen, NY 10924
Questions or comments? Call: 845-615-3840



**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: 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: 22 OCTOBER 2013
CONSULTANT: PIETRZAK & PFAU ENGINEERING & SURVEYING
PLAN DATE: Plans Revised 10-9-13
DESCRIPTION: THE PROJECT PROPOSES A 108-UNIT APARTMENT COMPLEX ON
THE 15.8 +/- ACRE PARCEL. THE APPLICATION WAS
PREVIOUSLY REVIEWED AT THE 18 DECEMBER 2012 AND 27
AUGUST 2013 PLANNING BOARD MEETINGS.

1. As previously noted, this application previously proposed a 142-unit senior citizen multi-family project. The applicant has requested the application be amended to propose non-age-restricted occupancy with a reduction in the unit count from 142 to 108.
2. I reviewed the recent plans submitted, and have the following preliminary comments:

Cover Sheet (Drawing 1)

- This drawing is noted as a cover sheet, not a site plan, but it is masquerading as a Site Plan. I suggest the sheet have appropriate dimensions and information added to make this the complete site plan. A separate cover sheet with project name, zoning information and general notes can be added.
- The cross-hatched no-parking area in front of the most westerly dumpster area is off-set, out of place.
- The cross-hatched no parking areas in front of dumpster areas should be identified / detailed on Drawing 12.

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- Call out sidewalk widths on site plan for clarity (in addition to dimension on details).
- The location of the handicapped parking to the east of the recreation building is inappropriate. It is inadvisable to have it at the turn of the main entrance road. Further, it makes more sense at the recreation area.
- Signs or striping in front of the three dumpsters on north side of site (indicating no parking) should be provided.
- A blow-up or more detailed plan for the amenities area may be appropriate. The plan should itemize / detail the amenities of the project.
- Given the steep slope nearby, some type of protection / safety measures should be considered (fence, railings, etc.).

Utility Plan (Drawing 2)

- Please identify the unknown oval over the area of Vista Drive.
- Stormwater notes / maintenance notes should be on the stormwater plan, and should be coordinated with the SWPPP.
- I recommend an additional pair of catch basins on the main access boulevard at Sta. 0+50.
- A response from the Village Water Superintendent should be obtained, to confirm:
 - Adequacy / availability of service.
 - Watermain configuration is acceptable, no additional connections or loops required.
 - Metering layout. Site currently is designed on basis of individual meters for buildings, not master meters to site.
 - Acceptability of details of construction.
- Status of Approval from Orange County Department of Health should be verified.
- A response from Moodna Basin (system operators) should be obtained, to confirm:
 - Adequacy / availability of service.
 - Adequate capacity at downstream collection system on Meadow Avenue.
 - Acceptability of details of construction.
- Service laterals for water and sewer to structures is not shown. Provide appropriate information.
- Drainage provisions (branch connection) should be provided to recreation area.

Grading Plan (Drawing 3)

- The site layout has been revised to somewhat simplify grading. The approach appears acceptable in concept. The plans should be made more usable via the further identification of existing contour elevation values. (elevation values on existing contours is extremely limited and is inadequate).

NYS DOT Entrance / Watermain (Drawing 4)

- No comments at this time

NYS DOT Sidewalk (Drawing 5)

- NYSDOT Right-of-Way limits not shown on plan. Plan should verify that all sidewalk improvements are within State property.
- Connection of proposed sidewalk to existing sidewalk to west should be clear on plans, and detailed as needed.

Erosion Control Plan & Details (Drawings 6 & 7)

- No comments at this time.

Tree Survey and Disturbance (Drawing 8)

- The applicant's engineer should note if any of the existing tree groves within the developed site area are being protected.

Lighting Plan (Drawing 9)

- Based on my initial review it appears the distribution of lighting is reasonable, other than at main entrance at Route 94, which should be upgraded.
- The plan should be revised such that only the 0.5 footcandle curve (here shown as 0.49) is shown on the plan, to reduce "clutter".
- The plan should provide for exterior mounted motion-detector post lamps at all dumpster enclosure areas, in addition to lighting currently shown.
- Plan should provide separate detail for pole mounted lights (currently wall mount shown).

Landscape Plan (Drawing 10)

- Board should discuss / review general density of landscaping. A more detailed review by our office will be made at later time.
- Applicant's engineer should insure that project entrance sign does not obstruct sight distance / sight lines.

Profile Sheet (Drawing 11)

- No comments at this time.

Detail Sheet (Drawing 12)

- In all cases on details where sidewalks are noted "if required", change to read "where shown on site plan".
- In all cases on details where "R.O.B." is called for, please change to "NYSDOT Subbase Item #4"
- Striped areas and signage at dumpsters should be added to dumpster plan.
- Provide protective bollards in front of dumpsters.
- Provide full handicapped parking space detail.
- Revise sidewalk detail to 4000 psi concrete (which will match curb)

Water & Sewer Details (Drawing 13)

- Detail Sheet should be reviewed by Village Water Superintendent and Moodna Basin as noted above.

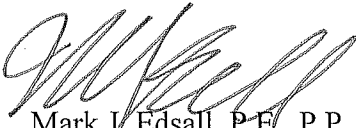
Drainage Details (Drawing 14)

- No comments at this time.

3. The applicant has submitted an updated SWPPP for the project. A review has been performed and the current status should be noted as being "in substantial compliance with NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activities, Permit GP-0-10-001.

4. Status of referrals to the O.C. Department of Planning and NYS Department of Transportation should be discussed.
5. Status of SEQRA for this project should be discussed with the Attorney for the Planning Board.
6. Status of a Public Hearing for this project should be discussed.

Respectfully Submitted,



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

MJE/st
Ches12-08-22Oct2013.doc



**McGOEY, HAUSER and EDSALL
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RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
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MAIN OFFICE
33 AIRPORT CENTER DRIVE
SUITE 202
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12553
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FAX: (845) 567-3232
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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: 22 OCTOBER 2013
CONSULTANT: MERCURIO NORTON TAROLLI MARSHALL
PLAN DATE: Rev. 3 Dated 10-1-13
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, 27 AUGUST 2013 AND 24 SEPTEMBER 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 has been expanded to include “provided” values based on the lot and proposed site layout.
2. We have reviewed the latest plan submittal and have noted the following remaining comments:
 - A detail for the Taco Bell project sign (at northerly corner of site) has still not been provided.
 - The plans include the limit of the temporary grading easement with the adjoining lands to the south (N/F GTY NY Leasing). A copy of an easement or other authorization has not yet been received.
 - Although a separate sewer service has been provided for the Taco Bell site, is it correct that the existing sewer lateral for the car wash (to west) will remain as shown and cross the new lateral ? If so, it would seem an easement would be needed. (We would have expected the old service would have been relocated to a new connection, not crossing utilities for Taco Bell site).

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3. Status of reviews from Moodna Basin Sewer and Village Water Superintendent should be discussed.
4. The Board should make special note of the revisions to the site lighting, which include reduction in pole height from 25 ft. to 20 ft, and reduction in fixture wattage from 1000 watt to 450 watt. It is not clear from the plan if a separate security circuit will exist for off hours (when business is closed) so that entire site lighting is not operational all night.
5. In the response letter from the applicant's engineer, comments from the Orange County Department of Planning have been addressed. The Board should discuss these responses.
6. The Planning Board assumed the role of Lead Agency on 8/27/2013. At this time the Planning Board may wish to classify this action as an "unlisted action" under SEQRA, and consider a "negative declaration" of environmental significance, based on the information presented and reviewed.

Respectfully Submitted,



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