

MINUTES

VILLAGE OF CHESTER PLANNING BOARD

NOVEMBER 19, 2013

REGULAR MEETING

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

REGULAR MEETING – 7:00 PM

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

1. Minutes

Review of Draft of August 2013 Planning Board Meeting Minutes.

***MOTION** was made by Member LaSpina, second by Member Reilly, to ACCEPT THE AUGUST 2013 MEETING MINUTES AS DRAFTED. Motion passed 4-0. Member Winters abstained from the vote since he did not attend the August 2013 Planning Board Meeting.

2. Correspondence

Chairman Ramsdell read the reply we received from the OCDP regarding the Proposed Lot Line Change between the Chester Fire District and the Chester School District. County recommendation is Local Determination. Chairman Ramsdell advised that SEQRA was done before the deadline. A copy of the reply from OCDP will be sent to the Village of Chester Board.

3. Code Enforcement Officer Report

There was no Code Enforcement Officer Report. John Orr was not at the meeting.

4. Review of Zoning Law Amendments Relative to Local Law 4

Chairman Ramsdell advised that the Planning Board had received a letter, dated 11/12/13, from Kristen O'Donnell, Village Planning Consultant, from Stu Turners Office.

She pointed out 2 issues:

- 1 – Senior Citizen Housing Building Height.
- 2 – Possibility of having HVAC Equipment on the roof.

Board Attorney Ian Schlanger advised that we have 2 other documents from the applicant's developer:

- 1 - Review of the Local Law 4 preparation by Kristen O'Donnell's office.
- 2 - Further comments from the applicant making certain suggestions, changes and revisions to LL4.

Chairman Ramsdell advised that we wish to be as complete as we can on changes to the zoning law. The HVAC equipment was not mentioned in the proposed revision to the height regulation. (Paragraph D – 98-10) (There was conversation between Frank Nussbaum and Ann Cutignola regarding a gable roof.) Chairman Ramsdell took this opportunity to jump ahead by stating that we really don't know, as of yet, what the height will be but ideally we don't want to see any part of a nice, shiny

black painted roof unit; so we may want it to be completely hidden from view. Frank Nussbaum, the principal of BT Holdings, stated that, "although we don't know the exact angle and height of the gable;

we do know the height, from the front, when you first walk into the building". Chairman Ramsdell asked Frank Nussbaum if he would consider the possibility of adding screenings on the roof and could it be included in the list of height regulations? He also asked about the 9ft ceiling height and if that is a "must". Frank advised that he will refer that question to the architects. Chairman Ramsdell's final remark regarding the ceiling height was that although the Planning Board cannot tell you what the ceiling height has to be; you will end up with a height restriction on the buildings.

Next, Chairman Ramsdell pointed out the 3 options, outlined in Kristen O'Donnell's letter, regarding the height issue. The options are:

- 1) Make no changes to the zoning code with respect to building height.
- 2) Permit a maximum of a 40 ft. increase from a previous maximum of 35 ft.
- 3) The height regulations, just mentioned, that would exempt certain roof structures containing non-liveable space.

The next topic of discussion was the number of units in the senior building. Chairman Ramsdell advised that the number of dwelling units has increased from 24 to 50 in the building. There was a situational agreement put in place between the village, town and developer that there would be 100 senior citizen, housing units. We thought we had 34 unit buildings as a maximum which is a 42% increase before as opposed to a 100% increase. In this particular case the applicant is considering a 3-story building; 24 units will end up with 8 units on each floor and 36 units will end up with 12 units on each floor. Efficiencies of 50 unit buildings as opposed to 24 unit buildings are enormously desirable to senior communities. Of course, we have no control or part in the construction of these buildings.

The discussion then continued regarding the amenities in each building. Chairman Ramsdell stated that elevators will be another issue since our zoning law doesn't actually deal with the number of elevators allowed. Ann Cutignola advised that Senior Citizen buildings, clearly, have to have elevator service.

Chairman Ramsdell stated that he would like Code Enforcement Officer, John Orr, to have an active role in the process of changes and or additions of the definitions.

The next item Chairman Ramsdell wanted to discuss was parking. He advised that when we last spoke about the project, we spent a lot of time talking about the issue of parking. The layout that was presented was based on 40 ft. being 20ft. (Frank Nussbaum interjected that it was a minimum of 20ft.) Rick advised that there is a garage inside the townhouse which a car could park in and if it had a 20ft. driveway, a car could be parked outside. There was discussion between Chairman Ramsdell and Ann Cutignola about whether or not Rick had received the correct version of the draft sent out by Kristen O'Donnell regarding townhouse parking; it appears that Rick didn't have the correct version.

Chairman Ramsdell then reviewed the current code for townhouse, parking requirements as follows:

- 1 - A one-bedroom unit would have (2) two parking spaces.
- 2) - A two-bedroom unit would have 2.5 parking spaces.
- 3) - A three-bedroom unit would have (3) three parking spaces.
- 4) - $\frac{3}{4}$ spaces would be required for visitor parking.

Ann Cutignola stated that this is your current code without any changes. Although there was a lot of conversation about parking, in the end, the only change requested to your zoning code was permission to land bank up to 25% of parking spaces. Any parking spaces that are land banked would have to be graded and drainage put in place, just as if they were going to happen.

Ian Schlanger, Village Attorney, reviewed what is in the current proposal regarding banked parking. It is proposed in the new law that the applicant would have to submit a site plan showing all parking spaces that would be required to be built under the current plan. 25% of those parking spaces will not be built

right now and pursuant to certain conditions the Planning Board might set, they will either have to build them later or not have to build them later. It will all depend on whether or not a parking problem develops.

Chairman Ramsdell then asked if there will be 240 units and Frank Nussbaum said yes. Ann Cutignola advised there would be 192 – (3) three-bedroom units which would require 720 parking spaces and 48 – (2) two-bedroom units which would require 156 parking spaces. This would be a total of 876 parking spaces. Rick then stated that if you are proposing to bank 25% parking spaces that would be 219 parking spaces. Frank Nussbaum advised that some of the units will have double parking in the driveway and have (3) three but the internal units all have (2) two.

Another subject that was talked about at the last meeting was the need to obtain a certain amount of on street parking in areas where parallel parking is allowed. Member Gene Winters expressed his concern about proposed, land banked parking in a large area of existing wetlands. He wondered where you will put the parking spaces. Frank Nussbaum's response was that it would be incumbent on us to come up with a plan that would fit. Ann Cutignola mentioned that as part of our formal, submitted site plan, we would have to identify where the parking spaces would be. Chairman Ramsdell asked if Frank and Ann thought that this would be a workable solution and they agreed that it would be. Rick ended by stating that it would help if the banked parking spaces could be strategically located so that it would have a positive affect on fire fighting.

Chairman Ramsdell constructed a list of items that still need attention:

- 1) A review and finalization of the definitions.
- 2) Decision on the senior housing building height.
- 3) The number of units per building.
- 4) Elevators.
- 5) Whether the AC units will be on the roof. Will there be a stairway to the roof and will screen fences be added.
- 6) The color of buildings.
- 7) The set back of the unit from the curb line beyond the issue of parking.
- 8) Parking Spaces.

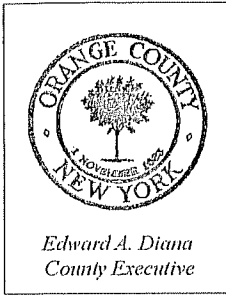
Village of Chester resident, Gordon Shehab, addressed the meeting. He advised that he and his wife recently visited Meadow Glen. They observed that every driveway had cars parked in it which led them to believe that most people had more than one car or were using the garage for storage. Parking appeared to be a big problem there. He also mentioned that he had concerns about 9 ft. ceilings as opposed to 8 ft. ceilings. He wondered if seniors would want to be in a room with a 9ft. ceiling when it came time to change a light bulb or a task similar to that. He also wondered if there has to be 100 senior units; can they get down on the number of town houses. He stated that the senior units are moderate units; not high end units but were "sold as" townhouses that were high end. He wondered how you can have non-high end and high end units in the same complex.

After much conversation, Chairman Ramsdell advised everyone that this is not a Public Hearing but that there will be a Public Hearing. He stated that we are trying to make a good decision on changes to our Zoning Law and that he appreciates all of the input. Chairman Ramsdell advised that he will send out a summary and at the next meeting, we will come up with a plan.

Chairman Ramsdell asked if anyone had anything else to discuss and as there were no other comments, ***MOTION** was made by Member Winters, second by Member LaSpina, to **ADJOURN THE MEETING**. Motion passed 5-0. Meeting adjourned at 8:40 PM.

Respectfully Submitted,

Missy Sosler
Planning Board Secretary



Edward A. Diana
County Executive

ORANGE COUNTY DEPARTMENT OF PLANNING

DAVID CHURCH, AICP
COMMISSIONER

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

Local Referring Board: Village of Chester Planning Board
Applicant: Chester Fire District
Project Name: Proposed Lot Line Change
Proposed Action: Minor Subdivision to adjust property boundaries between two existing adjacent parcels, with no net area gain or loss to either parcel.
Reason for County Review: Within 500 feet of NYS Route 94
Date of Full Statement: October 15, 2013

Referral ID #: CHV 12-13N

Tax Map #: 108-2-3 and 4

Local File #: none provided

Comments:

The Department has received the above referenced minor subdivision 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:

SEQR: New York State recently updated the Short and Full Environmental Assessment Forms to be used in evaluating the environmental impacts of development; these new forms are to be used for all projects submitted on or after October 7 of this year. The date on this application is October 2nd, and so the use of the old form is appropriate. We will be happy to provide the Village with the new forms upon request.

DPW Building: The Village DPW building is located approximately 2 inches over its west property line (existing east boundary of the Fire District property, part of the property to be transferred to the Chester Union Free School District). We advise the Village that although the DPW building will no longer be encroaching on the Fire District property, it will now be encroaching on the School District property, and the Village may at some point wish to consider a property line adjustment with the school district to acquire that portion of the property on which the building encroaches.

County Recommendation: Local Determination

Date: October 23, 2013

Prepared by: Megan Tennermann, Planner


David Church, AICP
Commissioner of Planning

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



Turner Miller Group
planning consensus community

November 12, 2013

Dear Planning Board members;

Attached herewith is a revised proposed Local Law 4 of 2013 for your preliminary review and comment. Based on comments received (primarily from the Planning Board), the Village is exploring amending the existing RM zoning district rather than creating a new RM-N zoning district as previously proposed.

We look forward to any and all comments you may have as to this proposed law, but, specifically, there are two areas of this new local law which, in particular, we would like your input:

Senior Building Height: Bt Holdings, presently, has proposed placing, as a mitigation measure (for noise etc), the HVAC equipment on the roof of their senior buildings; which present height limitations would not allow. We believe there are three options with respect to the height issue on which the Village would like your opinion.

Option 1: Make no changes to the zoning code with respect to height. This would likely result in flat roofs for the senior buildings and possible placement of HVAC equipment on the ground.

Option 2: Revise Section 98-23.1, Senior Citizen Housing, to permit a maximum of 40 feet (increased from a maximum of 35 feet) tall buildings for age-restricted residential structures only.

Option 3: Revise Section 98-10, Height Regulations, to exempt roof structures containing non-livable space which cover, or otherwise mask rooftop equipment, such as HVAC units, with no restriction on total percentage of the roof such structure which may be covered (currently the zoning exempts specific architectural structures as long as they do not exceed 10% of the roof, see Section 2 of the Local Law).

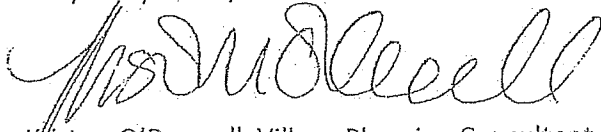
Number of units in a Senior building: There has been much discussion regarding the proposal to amend the restriction on the number of units in a senior building from 24 to 50 units but no consensus has been reached. The language provided in this revised Local Law remains as originally provided in the proposed Local Law. The applicant stated at the last workshop that they would provide sample architectural drawings to depict buildings which are articulated to reduce building massing and other aesthetic concerns related to this restriction. Such drawings

have not yet been provided, but, we imagine, can be presented to the PB if you wish for them to do so. The Village would like the Planning Board's opinion on what, if any additional, conditions should be attached to this requirement (See 23.1.G(5)(a)) or if the Planning Board continues to be in favor of the limit to 24 units per senior building.

The applicant has argued, among other things, that allowing for more units per building allows for a more cost effective venture (and incentivizes cost effective senior housing) and further allows for amenities to be placed closer together and under "fewer" roofs. Something that might be advantageous given Orange County's winters.

The Village and its consultants appreciate your continued review and cooperation with this planning effort.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Kristen O'Donnell". The signature is fluid and cursive, with the first name being the most prominent.

Kristen O'Donnell, Village Planning Consultant
TURNER MILLER GROUP