

MINUTES

VILLAGE OF CHESTER PLANNING BOARD

DECEMBER 17, 2013

REGULAR MEETING

PRESENT: Richard RAMSDELL, Chairman
Robert JANKELUNAS, Member
John REILLY, Member
Gene WINTERS, Member
Mark EDSALL, Engineer
John ORR, Code Enforcement Officer

REGULAR MEETING – 7:15PM

Chairman Ramsdell opened the Regular Meeting at 7:15PM.

1. Minutes

No minutes for review.

2. Correspondence

Chairman Ramsdell read a copy of the letter, from Mark Siemers, to Walton Engine and Hose Co. Fire Chief, Robert Favara.

He also reviewed the Planning Board Calendar Schedule for 2014.

3. Code Enforcement Officer Report

Presented by John Orr (copy attached).

4. LL4

Chairman Ramsdell began by advising that the primary reason for this meeting is a continuation of discussion on the LL4 of 2013; proposed amendment to the zoning law. The BT Project is a driving force behind these amendments. We have had 3 previous occasions for the Planning Board to be in the same room just to quantify things. There has not yet been an application made for site plan approval. Hopefully, we are getting close to a final draft for the report because that is what we need to be doing; submitting a second report to the Village Board.

Frank Nussbaum and Ann Cutignola representing BT Holdings were present.

Ann Cutignola sent me an email on 12/9/13 which I made copies of and then bolded items for discussion. The items are as follows:

- 1) Definitions.
- 2) Parking regulations for apartment buildings and townhouses including land banking.
- 3) Apartment buildings and townhouses – Section 98-18 distance to front of buildings.
- 4) Senior Citizen Housing – Section 98-23.1 – Parking requirements, including land banking.
- 5) Apartment buildings and townhouses – Section 98-18, height regulations.
- 6) Senior Citizen Housing – Section 98-23.1 – Maximum Height.
- 7) Senior Citizen Housing – Section 98-23.1 – Maximum units within a building.

Parking for townhouses and Senior Citizens including land banking; 25% of the spaces will be shown but not developed. We should have, in definitions, what land banking is for parking spaces.

Engineer Mark Edsall shared his remarks. If you have 100% of parking required by code shown and you indicate that 25% will be land banked, the decision on which would be land banked would ultimately be yours. Those areas would be identified as land banked parking spaces. The mechanism that I have suggested to other boards is that they create a bond to cover their full construction. After the grading is completed it would be prepared and then the bond would cover the completion of those spaces with a term for a number of years after the certificate of occupancy's are issued. I usually suggest that the term of the bond extend past the last certificate of completion, after all the units are occupied, because that's when you will know if a parking problem exists. The Code Enforcement Officer or a Planning Board member can monitor the parking situation. If you (Planning Board), Code Enforcement Officer and or BT Holdings begin to get complaints or if you see cars parked on the road that shouldn't be; it will be clear that more spaces are needed. They may not need to build all of the spaces; maybe 1/3 of the 25% and then reset, watch and evaluate again.

Chairman Ramsdell asked if this should be done incrementally and Mark advised that it should be. He feels that doing the parking evaluation in this manner is generally the fairest way. It allows you to adapt to what is needed and the Village code is very clear on what is required. As far as the term of the bond; the Planning Board can set the term or, in some cases, it is for no less than 2 years and no more than 5 or 6 years. It appears to be something that can work but the storm water infrastructure has to be designed as if the parking were there so that it doesn't have to be dealt with later on.

Chairman Ramsdell advised that Kristen O'Donnell sent him a sample section of a code based on land banking or possibly a definition. CEO John Orr asked if we have an understanding as to whether this road will be dedicated or not. Frank Nussbaum advised that the road through the property will be a public road and the side roads (interior roads) will be private. John asked if there will be a gate to get into the community. Frank advised that since the roads stem off of the main road, we would have to have several gates and that really wouldn't work. We will not push for it.

Member Bob Jankelunas asked if the land banked parking will be 25% for each type of housing or is it all one calculation for the entire project. Chairman Ramsdell advised that he thinks that it should be two separate ones and that there should be discussion about the 25%. He also asked if 25% is the most common number. Engineer Mark Edsall advised that he has seen it all over and that he doesn't think that 25% is an unreasonable number. Member Jankelunas asked if we should say up to 25%? Chairman Ramsdell advised that there should be something fully noted on the site plan. Mark advised that it is usually worded to be at the sole discretion of the Planning Board.

Frank Nussbaum advised that different zones had different standards and that the existing parking requirements were rather high compared to utilization studies based other comparable senior communities. When we moved from RMN to RM I have been trying to bridge those two standards. The RM standards are significantly higher and that is the reason we thought that land banking was an appropriate solution because it addressed the Planning Board concerns about not providing enough parking. It also addressed our concerns about putting in too much parking. We have pushed for a "firm up to 25% number".

Chairman Ramsdell advised that, in regards to the senior housing, he would like to discuss some issues beginning with a base number and then discuss what the land banking percent may look like. Our existing code for senior housing is 1.5 parking spaces for a one bedroom unit and 2.0 spaces for a two bedroom unit. (Frank Nussbaum said that the existing code is 1.5 spaces for all units and .75 for guest spaces.) Chairman Ramsdell advised that in section G1-A, the parking spaces should be provided at a ratio of 1.5 spaces for one bedroom and 2 spaces for two bedroom senior units. A 0.25 space reduction shall be granted for affordable units. There would be an additional 0.75 spaces per unit regardless of the number of bedrooms for guest and staff parking. There was discussion that would reduce those numbers. Chairman Ramsdell asked Frank how many one bedroom units there were out of 100 units.

Frank advised that 80% to 85% of the units would be one bedroom and explained as follows:

1 Bedroom Units - 80×1.5 parking spaces = 120 parking spaces

2 Bedroom Units - 20×2.0 parking spaces = 40 parking spaces

Affordable Units - 20×0.25 parking spaces = 5 parking spaces reduction

Guest and Staff - 100×0.75 = 75 parking spaces

Total - $120 + 40$ = 160 parking spaces

Total - $160 - 5$ affordable units = 155 parking spaces

Final Total - $155 + 75$ = 230 parking spaces.

Frank advised that during SEQRA examination, he read that there should be 1.5 spaces per unit with no distinction which would be 225 parking spaces. Chairman Ramsdell advised that his calculation was 230 parking spaces. He said that he remembered that there was a 0.75 number for guest and staff. Frank advised that in the existing code there is but in the proposed LL4 there is not

Chairman Ramsdell asked Engineer Edsall about his experience with this. Mark advised that senior housing is not the same as it was when the age for a senior citizen was 65 and above. At that time, retired people truly did have one car. There are a lot of exceptions now that the age has changed to 55. A lot more people are still working and still have two cars and that could be a problem. The Village Board doesn't have to do what is proposed through your recommendation. They can legislatively do what they think is appropriate.

Mark advised Chairman Ramsdell that the Planning Board's recommendation back to the Village Board is not bound to follow SEQRA that was done on something different. You need to make an independent review and make your recommendation as a Planning Board. The Village Board has to weigh your recommendation, the input they received from the applicant and, candidly, it is not one project. This will change the code that will affect all projects. They need to look at this globally and they need to make a legislative decision.

Next, Chairman Ramsdell spoke about amenities. Frank Nussbaum has said that their thinking has been to include amenities in each building as opposed to having separate, stand, alone buildings that would contain amenities because those buildings would have parking needs. There would be two buildings which would contain amenities. What was discussed during SEQRA was an opportunity to allow seniors to buy into a clubhouse package if they wanted to. Chairman Ramsdell asked Frank for a list of the amenities he will have so we can determine what kind of additional parking spaces would be needed on a daily basis. Frank advised that he doesn't feel that any additional parking spaces will be needed for people working within the amenities.

Engineer Edsall advised that since there is no site plan yet, the Planning Board should be generic and may want to say, "If there are amenities in a building that will have a demand beyond that buildings parking spaces, the Planning Board can require additional parking."

Chairman Ramsdell moved on to a new issue; placement of the townhouses relative to the roadways. This is not a setback issue it is a distance separation issue. The existing RM code calls for a 40ft. minimum but it could be reduced by the Planning Board down to 20ft. All townhouses will have a one or a two car garage. The length of the driveway will play some role in the review of having enough parking spaces. Frank Nussbaum advised that the existing requirement is 2.5 spaces for two bedrooms, 3 spaces for three bedrooms and an additional .75 for each. The existing is 3.25 spaces for two bedrooms and 3.75 for three bedrooms. The proposal to allow for 25% land banking which would allow for building less parking, but if utilization is shown to be needed we could go there for spaces. This would have to factor into the site plan you approve.

Member Jankelunas asked if townhouses have individual driveways. Frank said that each townhouse has an individual driveway and garage. It may be a single width driveway. They can vary as to whether they are single or double width driveways and or garages. It is most important to the Planning Board

that there is enough parking included because we have to meet the Village Board parking requirements.

Member Jankelunas asked how you would land bank on a single driveway. Frank advised that there would be separate visitor lots that would range from four spaces to sixteen spaces and we would take from there. He will have discussed this with his engineers to make sure that there are banked spots all over the project. Engineer Edsall asked if they will be taking 25% of guest spaces or 25% overall. Realistically, you could take all of the guest spaces. Mark asked if the architects are laying out the driveways and garages proportional to the type of unit. Frank advised that for the smaller, two bedroom units, they would, typically, come with one driveway space and one garage space but they are required to have 3.25 or to be accounted for so we would account for those extra spaces.

Chairman Ramsdell advised that he wanted to continue with the 40ft. minimum that can be reduced by the Planning Board during the process of review of a number of factors. Ann Cutignola advised that she thought that we had already discussed this and came up with a compromise of the average of 30ft. Chairman Ramsdell then asked Ann, "what will we do, park half of a car?" Frank advised that the setback issue is really all about the parking. If we meet the parking requirement, 20 ft. minimum, that is the key. Chairman Ramsdell advised that the parking requirement is a number that we have decided is going to be the target. He is in favor of keeping the 40ft. number which would be measured from the building to the nearest edge of a sidewalk where there is one.

Engineer Edsall advised that the setback is actually a layout of separation distance. 20ft. may be a very good number for structure to back of a curb and or sidewalk but when it is garage door face to back of curb and or sidewalk; 20ft. has given problems. Chairman Ramsdell concluded that this is a matter where there can be several factors that can impact what that distance separation can comfortably be.

Frank Nussbaum advised that the proposed separation would always be 24ft. from garage door to the back of the sidewalk or curb. He went on to say that he believes that this has been under consideration. Chairman Ramsdell advised that it has been discussed but he has not come close to being comfortable with that; lacking what the ultimate parking and layouts are going to be. Frank asked Chairman Ramsdell what other information does he need? Chairman Ramsdell advised that parking has to be of sufficient quantity so people are not parking in the woods. We already know what this number is.

Ann Cutignola advised that this is part of the reason we agreed to meet your parking requirements. Chairman Ramsdell advised that he wants to have the necessary quantity of parking but he also wants the parking to be convenient. Ultimately, we both want to have the best project. The Planning Board responsibility is to put this report together for the Village Board. Frank Nussbaum advised that he also wants to provide the necessary quantity but he feels that the existing standard for seniors and townhouse parking are high so that is why, as part of this process, he agreed to meet the Village's standard for townhouses. Chairman Ramsdell stated that he thinks that we are forgetting that any change we decide on is affecting everything now and in the future. He also stated that 24ft. is very reasonable but it is not reasonable when all of your units need to have, at least, three parking spaces. Chairman asked "how do we get to the point where we can stamp "ok" on a plan that provides only two.

Frank Nussbaum advised that he will not be able to construct a plan where every unit is 20ft. and still imagine a situation that will be doable because the numbers are so high. Ann Cutignola advised that when they come with a plan that does meet the parking requirements, it won't be totally discretionary. Chairman Ramsdell advised that they are giving you a program, and telling you what we would like to see regarding providing quantity and convenience. Frank Nussbaum advised that his goal is to build the project that we had spent four years putting together for the Village Board. We provided as much detail as was required at the time, to build that specific project. Ann Cutignola advised that we tried to build consensus by having technical workshops with Mark Edsall and yourself. Chairman Ramsdell advised that he was not part of the workshop. He didn't want to say too much because he didn't want to

be disqualified for the ultimate review of this project. He thinks that we are giving some useful ideas and directions.

Frank Nussbaum remarked that he is not aware of any additional criteria. Chairman Ramsdell advised that he doesn't know what your criteria were. We are sort of deconstructing the program for a project like this and coming up with factors that impact the progress that will generate a successful design. Engineer Edsall advised that the key to having a properly prepared site plan that can move through the process as quickly as possible is for it to be well thought out. Frank Nussbaum advised that this is why we are talking about adjustments to the zoning code. If we had to use the existing zoning code, this project could not be built.

Engineer Edsall stated that he feels that we are making great progress. We discussed parking and the distribution and provided appropriate numbers at the facilities themselves. The Planning Board looks for certain setbacks, curbs and sidewalks functionally and provides mechanism in code to allow what now says 40ft. down to another number and how we would look at it.

Frank Nussbaum asked if it would be satisfactory if he put in a very elaborate definition of land banking. Engineer Edsall advised that the Planning Board and the applicant need to work together to come up with the best plan. Ann Cutignola advised that the initial recommendation was that the better choice would be to create a zone to accommodate this project. Now the Village Board's current decision is that they would rather make adjustments to the current zone rather than create a new zone.

Engineer Edsall stated that he feels that we are getting too far into a site plan application that we don't have. Chairman Ramsdell advised that you are asking us to accommodate what you have already put on paper. Frank and Ann said that they were. Chairman Ramsdell advised that the Planning Board will define what we are going to do with this LL4. We discussed setbacks but it really should be separation distances.

The townhouse height of 35ft. is a usable number. Chairman Ramsdell then read the height definition revision that he had put on paper which is another way of saying the midpoint of a sloped roof. He asked Frank and Ann if they are ok with the 35ft. for townhouses and they said yes. If need be, we can go to the ZBA, if you want to get dispensation. Ann advised that the truth is that the current architectural standard is 9ft. ceilings. If the Village allows three story buildings and 9ft. ceilings then they become the norm. Is there such a problem with simply going to 40ft. but limiting to a three story buildings? Chairman Ramsdell advised that he is unaware of a looming 9ft. ceiling height standard.

Frank Nussbaum advised that we certainly can't build three story buildings with a 9ft. ceiling within 35ft. Chairman Ramsdell advised that we are talking about senior buildings. Frank advised that these are all with regards to senior buildings. Chairman Ramsdell stated that "you want us to increase the height because you want to build 9ft. ceiling height?" Frank advised that we want to be able to build three story buildings that we've long considered and discussed. In order to get one hundred senior units we need to have three story buildings. They don't need to be 9ft., they could be 8ft.. Even at 8ft., with this new height definition, we couldn't build 8ft. ceilings and we would not be able to have three story buildings at all. This new definition would essentially prohibit something that we have been asked to provide, conceived and designed. Chairman Ramsdell then advised that he would take that into account.

Member Jankelunas advised that once again, we are being specific to this project. We are trying to make this for a specific project versus for every project out there. Frank advised that this is one of the reasons we are here. We said ok to helping to adjust the RM and not pursue the RMN.

Chairman Ramsdell advised that there is a third element; we are talking about senior housing in an RM district with regards to height. Your 50 unit building is 260 ft. long. It comes down to the scale of the buildings. Frank Nussbaum advised that it seems that you would rather have smaller buildings that would result in great massing at one of the sites. This is not a new building that we've just conceived of that has never been built before. This is essentially a standard, three story senior building.

Chairman Ramsdell stated that we are not in agreement on this. We discussed parking and we will be doing more research on other municipal standard. I will be getting in touch with Kristen O'Donnell to get all of the information you guys put together. Ultimately during our site plan review, we will get down to making a decision on the amount of banking that might be done there. I believe we will end up with a definition for banking and then it will just say land banking for parking.

Chairman Ramsdell stated that we are done for now and that the next step will be the board talking about spending some additional time talking about how we are going to close in on a final draft of our report to the Village Board.

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

Respectfully Submitted,

Missy Sosler
Planning Board Secretary



PIETRZAK & PFAU

ENGINEERING & SURVEYING, PLLC

November 26, 2013

Robert Favara, Fire Chief
Walton Engine and Hose Company
P.O. Box 455
Chester, NY 10918

Re: Elmwood Park Apartments
Village of Chester
P&P No. 13103.01

Dear Chief Favara:

At the request of the Village of Chester Planning Board, enclosed please find a copy of the sketch site plan. The Planning Board would like your review and input as to the access and layout of the project at this early stage in the process.

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.

JJP/MWS/tmp
enc.

cc: Village of Chester Planning Board
J. Sorrentino

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

December 17, 2013

Current projects that were inspected during the last month:

Boodles – 37 Main Street

- 1- Renovation continues.

Smith – 65 Greycourt Ave

- 1- Work continues.

Paul Davis Restoration – 143 Main Street

- 1- Almost complete.

Bruedan – Fini

- 1- First house almost complete.
- 2- Second house framed and interior work has started.

Morris – 11 Maple Ave

- 1- Work continues.

Platinum Theme Parties – 69 Brookside Ave

- 1 – Work is underway.

Prestige Auto Body – 30 Lehigh Ave

- 1- Rear addition for spray booth has been installed.

Bukowski – 16 Chester Acres Blvd.

- 1 – Work continues

Middletown Urgent Care

- 1- Work is well underway on the interior renovations.

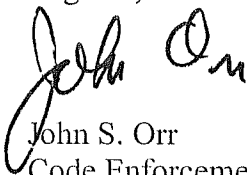
Castle

- 1- Work well under way on “Slick Track” and pit building.

VanDerMeulen – 32 Maple Ave

- 1- Second floor will arrive in the next week.

Regards,



John S. Orr
Code Enforcement Officer

ZONING

98 Attachment 1

Village of Chester

Schedule of District Regulations

(RA, RS, RMH and RM Districts)

[Amended 12-14-1987 by L.L. No. 2-1987; 12-11-2000 by L.L. No. 3-2000; 5-14-2001 by L.L. No. 3-2001;

2-11-2002 by L.L. No. 3-2002; 11-8-2004 by L.L. No. 5-2004; 8-8-2005 by L.L. No. 2-2005]

1	2	3	4	5	6				7	8	9			
District	Principal Permitted Uses	Accessory Uses	Special Permitted Uses Subject to Authorization and Site Plan Approval by the Planning Board	Minimum Lot Size		Minimum Yard Setback Dimensions (feet)				Maximum Building Height		Minimum Habitable Dwelling Area (square feet)	Off-Street Parking	
				Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Front Yard	Side Yard		Maximum Lot Coverage (percent)	(feet)	(stories)		Use	Required Off-Street Parking Spaces
							One	Both						
	1. Commercial agricultural operations provided that there shall be no stable, similar animal housing, the storage of manure, or the storage of any other substance or use (except spraying and dusting to protect vegetation) or parking of vehicles within 150 feet of any lot line. 2. Raising of field and garden crops, vineyard and orchard farming and the maintenance of nurseries. 3. Food processing and packaging plants including drying and food freezing establishments. 4. Warehousing and wholesaling of farm products and other agricultural products, provided that the use is not a food processing business.	1. Uses customarily accessory to commercial agricultural operations. 2. Barns, silos and related buildings. 3. Off-street parking. 4. Signs according to § 98-10C. 5. Stables and other animal housing, provided that not more than 30 of such animals are located on 1 lot and pigs and swine are prohibited.		30,000	200	100	50	100	50	45	—	Commercial agricultural operations	Off-street parking shall be required by the Planning Board in accordance with the needs of the use	
						20	10	20	40	15	State and federal laws shall apply			Mobile home or house trailer
RA	6. Off-street parking. 7. Signs according to § 98-10B. 8. Customary home occupations incidental to residences, conducted in the principal building by a member of the family actually in residence therein provided that there is no external evidence of such occupation except a small announcement sign. 9. (Reserved) 10. Customary accessory buildings and uses.		1. House trailers or mobile homes. 2. Dismantible accommodations for housing migratory agricultural workers, provided that such premises are constructed and operated in conformance with applicable codes and standards. 3. Single-family dwellings, not to exceed 1 dwelling unit per lot. 4. Public utility structures and other uses such as radio towers, public utilities, radio and television transmission antenna, rights-of-way and other necessary utility structures. 5. Barns, storage buildings, silos or open structures which have been used for agricultural purposes and which are 2 years or older and application may be converted for wholesale storage and warehouse facilities, processing, assembly, fabrication, or packaging, and accessory uses for office space, wholesale storage, and retail uses. The total floor area of the building or structure. To protect agricultural and residential uses, such special permitted uses will not create dangerous, unsightly, or noxious conditions, or objectionable noise, vibration, smoke, dust, odor or other forms of air or water pollution. Such special permitted uses will not include motor vehicle repair, auto body repair, or the storage of oil, fuel, or	5,000	50	20	30	20	20	15	15	500	Mobile home or house trailer	1
						40,000	30,000 per dwelling	40	25	State and federal laws shall apply	Dismantible dwelling	1		
RA				150	40	30	60	50	15	35	3	900	Wholesale storage, warehouse facilities, etc.	Off-street parking for wholesale storage, warehouse facilities, etc. shall be required by the Planning Board in accordance with the needs of the use
						40	30	60	50	15	35	3	900	Wholesale storage, warehouse facilities, etc.

CHESTER CODE

1	2	3	4	5	6				7	8	9				
District	Principal Permitted Uses	Accessory Uses	Special Permitted Uses Subject to Authorization and Site Plan Approval by the Planning Board	Minimum Lot Size		Minimum Yard Setback Dimensions (feet)				Maximum Building Height		Off-Street Parking			
				Minimum Lot Area (square feet) ¹	Minimum Lot Width (feet)	Side Yard			Rear Yard	Maximum Lot Coverage (percent)	(feet)	(stories)	Minimum Habitable Dwelling Area (square feet)	Use	Required Off-Street Parking Spaces
						Front Yard	One	Both							
1.	Single-family dwellings, not to exceed 1 dwelling unit per lot.	1. Same as items 6, 7, 8, and 10 above.	1. Firehouse. 2. Municipal office buildings or similar structures used for public purposes by a municipality. 3. Public utility buildings which are used to provide a service to residents of the Village of Chester, provided that public businesses, offices, warehouses, construction or repair shops or garage facilities are not included. 4. Boarding or rooming houses with an average of no more than five persons or less. 5. Tourist homes. 6. Public libraries and museums. 7. Churches and places of worship, religious, patriotic or social organizations not operated for profit. 8. Studios for instruction in art, music and dancing, limited to 2 students at one time. 9. A professional office, limited to the conversion of an existing single-family or non-family dwelling with frontage and access on that portion of Route 54 from the intersection of the intersection with Street through the end of Academy Avenue. 10. Mobile dwellings. 11. Public and parochial schools. 12. Hospital or sanatorium not treating contagious diseases except incidentally and not for the care of epileptic, drug or alcoholic patients, and religious, charitable or philanthropic institutions not of a correctional nature and not for the care of the insane or delinquents. 13. Church or other place of worship, including parish houses and Sunday school buildings.	12,500	100	30	15	35	Except that on streets where depth have been established by the creation of a width of less than 100 feet which was under 1 ownership at the time of adoption of this chapter, where the owner thereof owns no other land, the width of each side yard may be reduced to 10' of the width of such parcel, but no side yard shall have a width of less than 6 feet and the height of the building shall not be less than 1/3 of the width of the lot.	30	30%*	35	3	900	Single- or two-family dwelling Hospital Nursing home Public facility or club Professional office 1 for every 300 square feet of floor area or, if a dwelling unit is included, 2 spaces for the dwelling unit and 1 space for every 300 square feet of floor area of the professional office.
				5 acres		100	100	200	100	*50%*					
				1 acre		40	20	40	40	35%*					

RS

See § 98-23.1

ZONING

1	2	3	4	5	6 Coverage (feet)				7	8	9	
District	Principal Permitted Uses	Accessory Uses	Special Permitted Uses Subject to Authorization and Site Plan Approval by the Planning Board	Minimum Lot Size Minimum Lot Area (square feet)	Minimum Yard Setback Dimensions (feet)				Maximum Building Height	Minimum Habitable Dwelling Area (square feet)	Off-Street Parking	
					Front Yard	One	Both	Rear Yard			Maximum Lot Coverage (percent)	Use
RMD1	1. RS permitted uses		1. Same as items 1 through 8 and 13 above	12,500	30	15	35		35	500		
	2. Mobile dwellings. ¹			50	20	10	20	20%	15	500		
	3. Mobile dwelling parks.							30				
	1. RS permitted uses and two-family dwellings, not to exceed 2 dwellings per lot.		1. Same as items 1 through 8 and 13 above. 2. Multiple dwellings, apartments and townhouses, provided that: a. The entire lot occupied by such structure is maintained in single or group ownership throughout the life of the use. Single ownership shall be construed to include cooperatives, condominiums and homes for sale on installment basis. b. Townhouses shall be at least 20 feet wide and may be situated on individual lots at least 2,000 square feet in area.	12,500	30	15	35		35	900		
	1. RS accessory uses 2. Signs according to § 98-19B 3. Off-street parking. 4. Customary accessory uses and buildings.			80,000 For 1 or 2- bedroom units, up to 8 units per acre, subject to site conditions and potential impacts. For 3 or more bedrooms, one 600-sq ft lot per acre, subject to site conditions and potential impacts. A "bedroom" includes a den or other bonus room but not a bathroom, kitchen, living room, dining room, closet or storage	This figure 40 is reduced to 20 feet for townhouses on minor streets by the Planning Board	No side yards are required for townhouses on interior lots	25	50	20%	35		
RM												

¹ Unless otherwise indicated, area is expressed in square feet.

Chapter 98, Attachment 1:3 shall be amended as follows:

District	Principal Permitted Use	Accessory Uses	Special Permitted Uses Subject to Authorization and Site Plan Approval by the Planning Board	Minimum Lot Size		Minimum Yard Setback Dimensions (feet)				Maximum Lot Coverage	Maximum Building Height	
				Minimum Lot Area ¹	Minimum Lot Width	Front Yard	Side Yard		Rear Yard		Feet	Stories
RMH	1. Permitted RS Uses		1. Same As items 1 through 8 and 13 above	12,500	100	30	15	35		30%	35	3
	2. Mobile Dwellings			5,000 for single-width mobile dwelling and 8,000 for double-width mobile dwelling.	50	20	10	20	35	20%	15	
	3. Mobile Dwelling Parks			5,000 for single-width mobile dwelling and 8,000 for double-width mobile dwelling.								
RM	1. RS permitted uses and two-family dwellings, not to exceed 2 dwellings per lot.	1. RS accessory uses. 2. Signs according to § 98-19B. 3. Off-street parking. 4. Customary accessory uses and buildings.	1. Same as items 1 through 8 and 13 above. 2. Multiple dwellings, apartments and townhouses, provided that: a. The entire lot occupied by such structure is maintained in single or group ownership throughout the life of the use. Single ownership shall be construed to include fee simple, cooperatives, condominiums and homeowners associations. b. Townhouses shall be at least 20 feet wide and may be situated on individual lots at least 2,000-square feet in area.	80,000	150	40						
						Per §98-19C, 20 for interior apartment/townhouse buildings on a single lot; this distance may be reduced to no less than 24 feet as long as the average distance within the development remains at a minimum of 30 feet.	25	50	35	20%	35 40 for senior buildings that qualify under 98-	3
											Comment [FN5]: This limits the 40' standard to only those larger buildings that qualify for the 50 units/building criteria. No other buildings within RM would be able to achieve the 40' limit.	
											Comment [FN6]: Rather than repeating the language, this was simplified to directly refer to the relevant 'Apartment and Townhouse' section that discusses setbacks in detail.	

Comment [FN5]: This limits the 40' standard to only those larger buildings that qualify for the 50 units/building criteria. No other buildings within RM would be able to achieve the 40' limit.

Comment [FN6]: Rather than repeating the language, this was simplified to directly refer to the relevant 'Apartment and Townhouse' section that discusses setbacks in detail.

¹Unless otherwise indicated, area is expressed in square feet.

D R A F T

Last Revised November 22, 2013

Proposed Text Amendments to the Code of the Village of Chester
Chapter 98 Zoning (the "Zoning Law")

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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: The following definitions shall be revised or added in their entirety into Subsection 'B' 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.

BOUNDING WALL - A wall directly opposite a principal building. The height of such wall shall be measured from the average grade along said wall to the roof. Where a building has a gabled or gambrel roof, the distance shall be measured to the eave line of the roof.

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

HEIGHT - The vertical distance ~~from grade plane to the~~ mean height of the roof, measured from the average elevation of the finished grade along the side of the structure fronting on the nearest street to the highest point of the such structure or to the midpoint of a gable roof.

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.

STORY – A space above the surface of any floor and the surface of the next higher floor, or if there is no floor above it, the space between the surface of any floor and the ceiling immediately above it. For the purposes of this zoning law, 'STORY' shall mean STORY ABOVE GRADE.

STORY ABOVE GRADE – Any interior space having its finished floor surface entirely above grade, except that a basement shall be considered as a Story Above Grade when the finished surface of the floor above the basement is: (1) more than 6 feet above grade plane, (2) more than 6 feet above the finished ground level for more than 50 percent of the total building perimeter, or (3) more than 12 feet above the finished ground level at any point.

Comment [FN1]: The HEIGHT definition was changed back to the original wording because the new definition is much more restrictive and difficult to achieve for not just our buildings but for ALL buildings Village-wide. Indeed many existing buildings would become 'Non-Conforming' since the 'bottom' of the height would no longer start at the grade level from the front of the building but rather from the average grade of the entire building (the 'grade plane'), which is problematic for buildings on a slope, such as the Village Hall. e.g. if the front of Village Hall is at 10' elevation and the rear is at 0' elevation, then the height measurement begins at 5' (the 'grade plane') rather than 10'.

ARTICLE III, Section 98-10. 'Exceptions to District Regulations', Subsection 'B', shall be amended to read as follows:

B. Height regulations. The height limitation of these regulations shall exclude the following features, containing non-livable space, provided that such areas do not exceed 10% of the total roof area to which they are a part: flagpole, spire, belfry, parapet, cupola, chimney, transmission tower, aerial, skylight, water or cooling tower or elevator or stair bulkhead.

Comment [FN2]: No change is needed to this Height Regulation as the Senior buildings are allowed to be 40' per the Bulk Table.

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.
- 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.
- C. For multi-family dwellings in the interior of a development contained on a single lot, the distance between the edge of pavement and the front of any individual building shall be a minimum of 20 feet from the curb or sidewalk, whichever is closer, as long as i) the average distance of all buildings within the development to the curb is at least 30 feet and ii) the parking requirements are met. ~~The Planning Board may reduce this distance to no less than 24 feet as long as the average distance within a multi-family development remains at a minimum of 30 feet.~~
- D. 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.
- E. There shall be provided on the townhouse or apartment building site usable open space at the rate of 700 square feet per dwelling unit. For every dwelling unit containing three or more rooms, there shall be provided usable open space for outdoor play area for children at the rate of 100 square feet per dwelling unit. Such outdoor play area for children shall not be less than 25 feet in its least dimension and shall be reserved and maintained by the owner or home association and may be suitably fenced or screen planted. Such outdoor play area for children may be counted as part of the required usable open space per dwelling unit.
- F. 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. *[Amended 8-8-2005 by L.L. No. 2-2005]*
- G. ~~Fire retardant walls constructed of either 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. Density for all multi-family units shall be as follows:~~
 - (1) Multi-family units containing one or two bedrooms shall be permitted at a maximum density of 8 units per acre;
 - (2) Multi-family units containing 3 or more bedrooms shall be permitted at a maximum density of 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.

Comment [FN3]: The setback issue is mostly about meeting the parking requirement. It is understood that at least 20' of driveway is needed prior to hitting either the sidewalk or curb, whichever is closer. Further, to ensure some variability in the layout of any development, a minimum of 30' to the CURB is also stipulated, meaning that not all buildings can be 20', just some of them. As for (ii), even though this should go without saying, it was added to reiterate that the main issue here is indeed parking and that adequate parking must be provided.

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

G. Site regulations.

(1) Parking and circulation.

- (a) ~~Parking spaces shall be provided at the ratio of 1.25 spaces per one-bedroom senior units and 1.75 spaces per two-bedroom senior units with 0.25 spaces per unit for guest parking and staff. A 0.25 space reduction shall be granted for affordable units. 1.5 spaces per unit and 0.75 spaces per unit for guest parking and staff. The fractional spaces will be rounded to the next highest number. A maximum of 25% of these spaces may be land-banked, but plans for the potential future construction of any land-banked spaces, including adequate drainage provisions, must be submitted and approved with the site plan. The parking spaces will be conveniently located, evenly distributed, arranged, striped and identified by signage.~~
- (b) Parking for guest parking and staff may be clustered.
- (c) The Planning Board may require additional parking for ~~guests and~~ accessory recreational amenities. These spaces may be located in off-site parking lots within 500 feet of senior housing as long as signage, sidewalks and crosswalks are provided and access and maintenance agreements are in place which are acceptable to the Village attorney.

- (d) There will be a maximum of two motor vehicles per unit and each motor vehicle will be registered with the superintendent. No commercial vehicles will be permitted. Entrances and exits for ingress, egress, and interior circulation will be of a width and location suitable for the site and senior housing.

- (2) Outdoor recreation. Usable outdoor recreation space will be provided in a type and quantity as required by the Planning Board. Such space shall consist of both active and passive recreation amenities such as game areas, outdoor pool, patio areas, shaded sitting areas, walking or jogging trails.

- (3) Sidewalks. Each project will provide suitable sidewalks, which may include hand rails when appropriate.

- (4) Landscaping. Each project will provide suitable landscaping.

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

- (a) A building may contain up to 50 units per building if the applicant can adequately demonstrate to the Planning Board that ~~at both of the~~ following criteria are met:

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

[2] The building layout allows for less overall disturbance and grading on the site than would be required for multiple buildings containing the same number of total units.

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

- (6) Miscellaneous.

- (a) Utility service to the site shall be buried.

- (b) Outdoor public address systems or other outdoor amplified noise shall be prohibited.

Comment [FN4]: This revision results in the same exact numbers originally contemplated—1.5 spaces per 1BR and 2.0 spaces per 2BR—however it explicitly states that a specific figure to account for guest and staff parking is being included, as it logically should be.

Also, as with the townhouses, a 25% landbanking provision was added to account for the fact that all studies show that even the standards proposed far exceed the likely utilization. Per any landbanking agreement, if utilization studies show the need for construction of the landbanked spaces, they will be built. But if they are shown to be unnecessary, they will not be.

Village of Chester Planning Board

From: Richard Ramsdell <rarch@optonline.net>
Sent: Thursday, December 19, 2013 9:54 AM
To: Mark Edsall (Mark Edsall); John S. Orr; Harold M. Pressberg; ilsnc@frontiernet.net; kmodonnell@turnermillergroup.com; John Reilly; Anthony LaSpina; Bob Jankelunas; Gene Work Winters
Cc: p.valastro@yahoo.com; vchesterplbrd@frontier.com
Subject: LL 4 discussion at PB Meeting 12_17_2013

Below is a list of the items relative to LL4 of 2013 discussed at the Planning Board meeting on 12/17/2013.

Attending were PB Members Ramsdell, Jankelunas, Reilly and Winters; Engineer Edsall; Code Enforcement Officer Orr; Applicant Nussbaum; and Applicant's Consultant Cutignola, after travel weather delay of approximately one hour.

The meeting opened at 7:15PM and adjourned at 9:45PM, approximately.

1. DEFINITIONS.
2. Parking Regulations for Apartment buildings and Townhouses, including land banking.
3. Apartment buildings and townhouses - Section 98-18 Distance to front of buildings.
4. Senior Citizen Housing - Section 98-23.1 Parking Requirements, including land banking.
5. Apartment buildings and townhouses - Section 98-18, height regulations.
6. Senior Citizen Housing - Section 98-23.1 Maximum Height
7. Senior Citizen Housing - Section 98-23.1 Maximum units within a building.

At the close of discussion, the PB agreed to direct the Chairman, the Board's consultants and the Code Enforcement Officer to assemble a report draft for the PB's review.

As always, any Q's or comments, please reply.
Rick

PB MEETING

12/17/2013

ATTENDING

RR, RJ, JR, GW

JOHN ORR

MARK EDSELL

OPENED 7:15 P

1. CORRESPONDENCE

2. CED REPORT

3. CALENDAR SCHEDULE

4. LL4

PARKING
LAND BANKING - DEF.- WHO MAKES CALL ~~FOR~~ BY PB, CED

- BOND TO COVER COST

- TIME RELATIVE TO LAST C.O.

- BUILD % OF SPACE

(KRISTEN DOC) - UP TO 25% AT DISCRETION OF PB.

- TOWN HOUSE - 25%

SENIOR CIT. HOUSE1 BR $80' \times 1.5 = 120$ P. SIZES2 BR $20' \times 2.0 = 40$ P. "
 160AFFORD $20' \times 0.25 = 5$
 155? GUEST + STAFF $100' \times 0.75 = 75$

TOTAL 230

Missy Sasler,
Planning Board Secretary,
was not at
meeting due to
snow storm.