

MINUTES

VILLAGE OF CHESTER PLANNING BOARD

JUNE 23, 2015

REGULAR MEETING

PRESENT: Richard RAMSDELL, Chairman
Gene WINTERS, Member
Anthony LASPINA, Member
Robert JANKELUNAS, Member
Vincent RAPPA, Member
Harold PRESSBERG, Attorney
Mark EDSALL, Engineer
John ORR, Code Enforcement Officer
Missy SOSLER, Planning Board Secretary

PUBLIC HEARING 7:00PM

Project # 15-04 **Project Name: New York Dance Center**
Applicant/Owner: **Gina Solimando/Green Bull North**
Location: **33 Brookside Ave.**
Re: **Conversion of retail to Dance Studios**
Presented By: **Jim Dillin**

Chairman Ramsdell opened the Public Hearing at 7:00PM. Chairman Ramsdell asked the Planning Board Secretary, Missy Sosler, to read the notice of Public Hearing as it was published in the June 10, 2015, edition of the Times Herald Record read as follows:

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, June 23, 2015 at 7:00P.M., or as soon thereafter as the matter can be heard, concerning the application of New York Dance Center for amended site plan approval for a project known as New York Dance Center. The applicant proposes converting one-half of an existing building to dance studios.

The property is located in the Village of Chester, New York, at 33 Brookside Ave. and is listed on the Village Tax Map as Section 114, Block 1, Lot 10.1 in a B-2 Zone.

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

Jim Dillin advised that the application of the New York Dance Center is a plan for site approval to occupy approximately 5400 sq. of the existing building space. Behind the Dance Studios is PDJ Components; 3 Mamas & Mike (food cart) is also on the property.

He advised that the infrastructure is existing, and the parking lot is paved. In order for the traffic to flow smoothly, he has designed a circular pattern so that people can drive in and drop off their children. There will also be two entrances. There is some employee parking on the side of the building. They will be putting up a dumpster enclosure. Basically, we will do interior renovations and painting of the parking lot and that is all that will be needed.

Member Robert Jankelunas asked if the employee parking will be labeled. Jim advised that it will be.

Since there were no more comments and or questions from the Board, The Chairman opened up the meeting to the public.

Frank Solimando, Milford, Pa., advised that he feels that the New York Dance Center will be an asset to the Village of Chester. He feels that it is a wonderful school and has excellent instruction, and it will bring great people to the Village. He advised that he has lived in this area for 30 years, and he is hoping that this project will be approved.

Since there were no further comments from the public, ***MOTION to** close the Public Hearing at 7:09PM was made by Member Anthony LaSpina, seconded by Gene Winters. ***MOTION** unanimously passed.

Project # 15-03 **Project Name: Chester Burger King**
Applicant/Owner: **Sanjay Patel/Middletown Hospitality LLC**
Location: **3 Bryle Place**
Re: **Renovation of 3400 sq., formerly Provident Bank Bldg. into Burger King Restaurant with Drive-Thru.**
Presented By: **Dave Higgins**

Chairman Ramsdell opened the Public Hearing at 7:10PM. He asked the Planning Board Secretary, Missy Sosler, to read the notice of Public Hearing as it was published in the June 10, 2015, edition of the Times Herald Record read as follows:

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, June 23, 2015 at 7:15 P.M., or as soon thereafter as the matter can be heard, concerning the application of Sanjay Patel for amended site plan approval for a project known as Chester Burger King. The applicant proposes to amend the site plan for a 3,400 sq. ft. portion of an existing building, formerly occupied by the Provident Bank, for the purpose of establishing a 52 seat Burger King restaurant with drive thru.

The property is located in the Village of Chester, New York, at 3 Bryle Place and is listed on the Village Tax Map as Section 110, Block 2, Lot 4 a B-2 Zone.

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

Dave Higgins advised that this project is the conversion of 3400 sq.ft. of an existing building space formerly occupied by Provident Bank, then Sterling Bank. The space will be converted to a 52 seat Burger King restaurant. The major work will encompass the interior of the building.

The external site modifications shown on the plan are as follows:

- 1) Additional doorway at the front of the building.
- 2) Short segment of the sidewalk to get from the parking lot into building.
- 3) Elimination of one of the drive-thru lanes for the bank.
- 4) Various signage throughout the site; order board, pre-menu board, clearance bar for higher vehicles and direction signs to help move the vehicles to the drive-thru as well as through the parking area.
- 5) Additional landscaping at the rear of the lot.
- 6) All existing parking is shown; striping will be done to help vehicles navigate.
- 7) All other improvements will be on the side of the building and the interior.

The Chairman asked the Board members if they had any questions. Member Jankelunas asked where the snow removal is put now. Dave advised that it is put on the perimeter of the parking area. He didn't know if there is a designated area for snow removal. He advised if there is excess, it will be taken off of the site.

The Chairman then opened up the meeting to the Public:

Leslie Smith, 117 Brookside Ave., Chester, NY: She advised that she reviewed the traffic study and found it very hard to believe that the bank numbers are very accurate. She stated that the traffic in the intersection is so horrible between Taco Bell, the Holiday Inn, and Car Wash etc. She also advised that the traffic towards the intersection from the South is horrible and a lot of people totally avoid that intersection. She has no objection to a Burger King restaurant just that the traffic is a problem.

Sid Ketchum, Sugar Loaf, New York asked what the address is for the proposed Burger King. He was told that it is Bryle Place. He wanted to know where Burger King is in regards to Rt 17. Dave Higgins pointed out where it is on the site plan.

Cliff Patrick, 119 Brookside Ave., Chester, NY: He advised that the applicant indicated that the bank had 1233 cars per day on the average. He stated that if the bank was open 8 hours per day that would mean that there would be 54 cars per hour, therefore 2 ½ cars per minute. He advised that he spent a lot of time in that bank and he never recalls them processing 3 transactions per minute. He also advised that he has the same traffic concerns as Leslie Smith stated.

MOTION to close the Public Hearing at 7:22PM was made by Member Vincent Rappa seconded by Member Robert Jankelunas. ***MOTION** was passed 5-0.

REGULAR MEETING – 7:23PM

Chairman Ramsdell opened the Regular Meeting at 7:23PM.

1. MINUTES

Review Draft of April 28, 2015 Planning Board Meeting Minutes

***MOTION** to ACCEPT THE APRIL 28, 2015 MEETING MINUTES AS DRAFTED was made by Member Anthony LaSpina, seconded by Member Robert Jankelunas. ***MOTION** unanimously passed.

2. Correspondence

Reply from OCDP - #15-04 New York Dance Center

Reply from OCDP - #15-03 Chester Burger King

A referral was also sent to the Town Of Chester for New York Dance Center, #15-04, but they never sent a reply. John Orr telephoned Linda Zappala, Chester, NY Town Clerk, and she advised that the referral was received and forwarded to the engineer. She advised that their engineer had no concerns with the project.

3. Code Enforcement Officer Report

Presented by John Orr

Current projects that were inspected during the last month:

Sienko – 20 Oakland Ave

1- Project almost complete.

N2O – 2 Vadala Rd.

1- Work almost complete.

2- Dumpster?

F&A – 41 Greycourt Ave

1- Foundation is complete.

2- No other work has started.

Norris – 26 Elm Street

1 – Interior work underway.

Castle – 109 Brookside Ave

1- No work on Solar System yet.

Meadow Hill Apartments.

1- Site work has continues.

FDF Enterprises – 3 Sanford Ave

1- Issued permit for new single family home.

ShopRite – 78 Brookside Ave

1- Issued permit for minor interior renovations.

Member Winters asked about the solar project for the Castle. John advised that it is roof mounted. Member Winters advised that allowing residential installation of solar is one thing, but now are we automatically going to allow commercial applications to go forward without coming in front of the Planning Board. He feels that the Planning Board should be made aware of all commercial requests for solar installation.

John Orr advised that he brings a lot in front of the Planning Board for information and to get their insight, but he doesn't feel the Planning Board has to regulate solar projects because it is nothing more than an air conditioning system within a current structure. If someone wanted to start up a solar farm that would be a different story. Harold Pressberg advised that if it affects the site plan, it needs to come in front of the Planning Board. Member Winters feels that if it is solar commercial and the solar panels are, on the roof as well as, visible from the highway, it should come before the Planning Board. Harold Pressberg advised that right now, without a local law, we don't have any jurisdiction regarding solar installation. Member Winters advised that since this is something new for municipalities, he doesn't want it to get out of hand. He advised that he is not comfortable with anyone being able to install solar on commercial property without coming before the Planning Board. He further advised that if we need to put something in the Zoning Law we should. Harold Pressberg advised that, as he previously stated, if it doesn't affect the site plan we don't have a right to become involved.

Member Winters advised that he would like to go on the record stating that he doesn't think it should be a done deal application; the Planning Board should be involved. Harold Pressberg advised that if the Planning Board wants to make a recommendation on that, they can. Member Winters advised that he is aware that the state has been trying to put a handle on solar with consideration of the mountings, size of building, style and the age of building. He cited an example of a downtown, Chester, NY, building which would be a perfect opportunity to install solar, but the building won't handle the load. John Orr advised that, with all due respect, this is not a Planning Board issue; it is a Building Code issue. Member Winters advised that at one of the meetings he attended, it was discussed whether or not it should be a law or a zoning change in regards to people installing solar systems without some type of prior approval.

The Chairman advised that we will have continued conversation about this topic. He advised that his feeling is that he wants to applaud everyone who is putting in solar systems. He realizes that there has to be a certain amount of control regarding changes to the building height and if it exceeds allowable height. He is confident that if this should occur, our Building Inspector would pick up on it. He reaffirmed that we will be having more conversation about this subject in the future.

Harold Pressberg advised that at the last meeting there was a discussion as to whether the notices of Public Hearings have to be published in Spanish. After checking into this, he found out that this only pertains to a particular grant application, not a Notice of Public Hearing.

4. Projects for Review

Project #15-04	Project Name: New York Dance Center
Applicant/Owner:	Gina Solimando/Green Bull North
Location:	33 Brookside Ave.
Re:	Conversion of retail to Dance Studios
Presented By:	Jim Dillin

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

- The traffic circulation issues have now been explained and prior concerns addressed.
- Parking for the rear use of the existing building does not overlap with proposed parking use elsewhere, and there is no conflict.
- This is Local Determination – TYPE II.
- Dumpster enclosure must be of adequate size so that all of the dumpsters can fit into it.
- A chain link fence with privacy slats must be provided. He is suggesting the addition of a protective bollard.
- Jim Dillin has addressed all of the other comments.

The Chairman advised that there would not be any issues in typing this as is a TYPE II for SEQRA. Chairman advised that at the last meeting a discussion was held regarding the signs; has there been any additional thought about an identity sign for the building. Sid Ketchum advised that they have been discussing putting a sign on the building. Jim Dillin suggested putting a sign near New York Dance Center indicating PDJ to the right. This sign would direct truck traffic to PDJ. Sid advised that the PDJ employee's park in the back of the building and the employees for NYDC will park in the front. His people begin at 5:30am and are done by 1:30pm. Gina's classes start around 3:00pm, so there would not be any conflict with the PDJ employees and Gina's parents.

Chairman advised that he can imagine some excitement with the reopening of a long, closed lumber yard as a dance studio. It will certainly be a gateway point.

Sid advised that they certainly can put a sign on the building if they want to. He felt that a sign anywhere near the road could cause problems with the traffic flow. Chairman agreed with that statement. John Orr advised that he will take that as a separate sign application for a sign permit.

John Orr advised that he spoke with the Town Clerk regarding why we don't receive any replies to the referrals we send to them. She advised that their process is to give the referral to their engineer and, if he doesn't have an issue with it, he doesn't respond in any way. John advised that we would like to know if there aren't any issues. He advised that at tomorrow night's Town of Chester Board meeting, they will prepare a resolution stating that there are no issues with the New York Dance Center.

John Orr advised that Note 10 needs to be expanded a bit more. In addition to Amended Site Plan, Amended #13-09, 3 Mamas & Mike, you may want to continue on to provide: issuance of this project approval does not alter use approval of #13-09. You should memorialize that #13-09 is still a valid use. Chairman asked Mark Edsall what he thought about adding this and Mr. Edsall advised that the more information there is, the better.

Chairman asked Sid if it will be an 8ft. square dumpster enclosure, and Sid advised that it will be whatever you want it to be. Jim Dillin advised that he will make sure that the size is right. Chairman suggested having an enclosure with 3 masonry walls and chain link gates. Sid asked if he could use what he has there now, Jersey barriers. He would make the enclosure out of the barriers and have a gate in front. He advised that it is already there with those barriers. Member Winters advised that he likes Chairman's idea regarding a dumpster enclosure; it will be clean and tidy and set an example

for others. Chairman asked if he would use split face block that would be 6 ft. high. Jim Dillin advised that he would.

Resolution granting to grant Conditional Site Plan Approval based on the following:

- (1) Payment of all fees;
- (2) revision of Note 10 on the Amended Site Plan to indicate three approved uses on the site, as approved by Village Engineer;
- (3) Revision of dumpster enclosure on the Amended Site Plan to provide for three-side masonry enclosure with chain link fence gate, all as approved by the Village Engineer.

***MOTION** to grant Conditional Site Plan Approval was made by Member Gene Winters, seconded by Member Robert Jankelunas. ***MOTION** unanimously passed.

Sid asked when can they get started on what they hope to do because Gina wants to advertise and open in September of 2015. Gina advised that she is actually losing business on a daily basis because of early registration for other schools. She continued to state that she will lose tremendously and will not be able to open in September if she can't start advertising immediately. Member Winters advised Gina that she should speak with John Orr about what happens next. John Orr advised that he can issue her a permit early next week for interim work. He also advised her that with the resolution having passed she can advertise. Harold Pressberg confirmed that she can begin to advertise.

Project #15-03 Project Name: Chester Burger King
Applicant/Owner: Sanjay Patel/Middletown Hospitality LLC.
Location: 3 Bryle Place
Re: Renovation of 3400 sq.ft. former Provident Bank Bldg., into Burger King Restaurant with Drive-Thru.
Presented By: Dave Higgins

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

- Prior review of this project in B2 zone; the code permits all 3 uses referenced.
- They have provided adequate number of parking spaces. Parking has been adequately calculated.
- A 17% storage for retail is realistic.
- Dave did a good job of addressing all of my comments.
- After my discussion with John, he will deal with the signs as the Building Inspector.
- All site plan comments have been addressed.
- Traffic Issue; the Planning Board has asked that you have a Traffic Review done. I reached out to Phil Greeley, and he sent me a draft memo late today. The speakers at the Public Hearing were very astute in picking up that banks don't generate the amount of traffic that they may have since the introduction of internet and electronic banking.
- The following are the key points from Phil's memo:

1) There are 2 newer versions of the trip generation values that were used by Lanc and Tully. (ITE Manual) The newer versions have picked up on the changing and evolving roles of banks; trips are now less for banks.

2) The trip projector submitted for a similar bank in Highland, NY uses customer numbers. ITE uses customer's trips; arrivals and departures to the event. Customer numbers submitted were based on the ITE method. Compared to the bank, the numbers would actually double. Phil Greeley advised that going from a bank to a restaurant will result in an increase in traffic; not significant, but there will be an increase.

3) Approximately 50% of the trips to and from the site will be "drive by" visits, but it will still mean arrival and departure through the road access. The intersection will feel the impact. Some corrections will need to be made sensing that the focus is more on the function of Brylee Place to Route 17M.

4) We will need a level of service analysis to evaluate with the change of a bank to a restaurant.

5) Even if it goes from "B" to "C" or "C" to "D"; there will be more delay to get out. Delays are normally more with left hand turn movement.

6) Even if it was degradation of level of service, it doesn't mean it is time for a "C" or "D" therefore let's get a traffic signal.

7) This is a state highway and does not warrant a traffic light. If you need to make a left turn, you may have to wait 40 more seconds to make that left turn then if it was a bank.

Mark advised that Phil Greeley needs to get direction as to whether the Planning Board wants an assessment of the actual impact of movement in and out of that road. He advised that he is 99.9% sure that the DOT will have no interest, whatsoever, to put up another traffic signal. The reality is that you will have to wait a bit longer to make a left in or out, but I don't feel it will be a dramatic result.

Member Rappa asked about the striping that is there and if we could ask the State to change the striping. Mark Edsall advised that we can look at the conditions and, based on the volume, we could modify the striping. Member Rappa advised that they could use the striping area as a 3rd lane. Mark advised that if you have a left turn lane with a long cue and the driver starts early it is ok, but when you have opposing turns, it creates a situation where bad driving creates accidents. He also advised that, many times, the State will go along with the striping changes, if it is a safety issue.

John Orr advised that he didn't recall any signage on Brookside and that he thinks all of the striping for the dual turn lane in the center may be an issue. Member Winters advised that there are arrows and striping.

Member Winters advised that he thought we notified DOT regarding this situation. Mark Edsall advised that he didn't recall that being mentioned and Harold Pressberg advised that it was not in the minutes.

Member Winters asked about another site pad being located behind the Holiday Inn for another restaurant. John Orr advised that he doesn't believe that to be true.

Member Winters advised that he wants to go on record stating that we need to do some additional study on this entire traffic situation and that the DOT should be notified about it. Mark Edsall's suggestion to the Planning Board, before they contact DOT, is to wait till you receive Phil Greeley's feedback. It is unfair to the applicant to wait to hear until we hear from DOT. The Planning Board needs to make a decision as to when to send a request to the DOT and, more importantly, can anything be accomplished by it.

Member Jankelunas advised that it would be good if we knew the numbers of percent increase because his biggest concern is, if the traffic into Burger King begins to back up, there will be a blockage in and out. Mark Edsall advised that there may need to be a left and right turning lane coming out and that is why I sent this out to Phil Greeley; we need his report.

The Chairman advised that he wants to convey all of this with some level of clarity and understanding. He advised that to some extent we are doing a comparison of the existing traffic and how it may be different with a change in use of that 40% of the building. As he thought about it, making a comparison up to this point has been a close call. In reality, the situation we have is traffic from a bank which is less than what we need to plan for and understand for a restaurant.

Member Jankelunas remarked to Mark Edsall, in regards to projections, at one time we had four banks in town at one time. The people that needed bank services split up between the four different locations versus a single location which is what the restaurant will be. He wondered if the ITE report takes any of that into account. Mark Edsall advised that it does not. He advised that the more places that have banks, the more people there are and therefore bank traffic is fairly uniform.

John Orr advised that the numbers do average out; the numbers encompassed a town that only had one bank and the trips that were generated there were verse the town that had four banks as will be on the restaurant side.

Mark Edsall advised that the real life observation that banks seem to have less trips is reflected by the revised ITE standards. The ITE standards are updated to include the effect of internet banking to comply with the 2015 conditions for banking versus the 2015 conditions for a restaurant. Phil Greeley will be the one to review, interpret and report to us.

Mark Edsall advised that he is sensing that the Board wants to look at the intersection a bit more. The Chairman advised that we need to be aware and make sure that it is getting enough attention. There are two concerns; the traffic on site of this particular building and Bryle Place traffic.

Mark Edsall advised that we may be able to come up with the best solution if two or three improvements can be made to help the traffic move and to help the businesses flourish.

The Chairman asked how we proceed from here. Mark Edsall advised that, if he understands the concerns from the Public Hearing and the Planning Board correctly, we would look for the updated report and analysis of the level of service at the intersection as well as geometric/physical review of what improvements might be able to be made out on the highway: striping, signage etc.

Dave Higgins advised that those are all good points. He stated that he doesn't do traffic studies as frequently as Phil Greeley does. He advised that they used the latest ITE edition. Mark Edsall commented that there have been 2 editions since the edition that was used. Dave advised that, of course, banking has changed a bit in the last 10 years.

Mark Edsall advised that there are 2 ways we can progress with this; the applicant obtains the report, we review it, Phil Greeley reviews it and then we review it again which will take a lot of time or we ask Phil Greeley to work with us to generate an updated report that we can all live with which might be a quicker way. Between Dave Higgins office, Phil's office and my office, we can make sure that there is an updated report, hopefully by the next meeting. Dave Higgins advised that they want to go that route. Mark Edsall advised that Phil Greeley will, technically, be working for the Village of Chester, but he will be reimbursed through the Project's escrow.

John Orr advised that he just realized that the reason there was no referral to the Town of Chester for Burger King was because the project is not within 500 ft. of the Town border.

The Chairman advised that we already have additional traffic from the Taco Bell restaurant. John Orr advised that he doesn't see a lot of cars at Taco Bell at any one time; it just seems to be a steady stream.

The Chairman advised that he wanted to verify that we have correctly typed the project for SEQRA, and Mark Edsall advised that we have. Harold Pressberg advised that there is no construction involved so it is typed correctly.

The Chairman asked Dave Higgins if he will be at the next work session, and Dave advised that it would depend on the timing of the traffic analysis. The Chairman advised Dave that a question came up earlier, in the meeting, about where the plowed snow would go. Dave asked if he wanted him to designate a specific area on the plan where the snow would go. The Chairman asked Dave if he would like to do that, and he also asked if we should have some level of control on this issue. Is it necessary? Dave advised that he hasn't given it much thought because everything is already there, and he hasn't seen any issues with snow in the previous years. The Chairman agreed that he hasn't either.

Member Jankelunas advised that there haven't been any issues up to now but there hasn't been as much traffic in this location as a restaurant will generate. If we start using the parking spaces for snow removal, there will be problems. Dave advised that he will take a look at it, and, if there is a point that there is too much snow, we will have to cart it off of the property.

The Chairman asked Dave if there are any rules about plowing snow into the drainage basin. Dave advised that he doesn't believe that there are.

The Chairman asked if there was anything else to be discussed regarding this Project. Leslie Smith advised that since the bank closed there was an article in the newspaper about putting up a sign at the intersection. John Orr advised that they recently did a left turn lane, Brookside onto Academy. There was a green arrow 6 months to 1 year ago and now they are about to make it a green signal, not just an arrow. They finally put a sign: "Yield on green left turn." It has been there for approximately 3 weeks. Leslie Smith advised that it hasn't been noticeable to her so it must have been done recently.

The Chairman asked if there was anything else to be discussed. Member Winters advised that he wanted to discuss the solar panels. Member Rappa asked Member Winters how he would feel if Shoprite wanted to do solar panels. Member Winters advised that he took a Planning Board refresher class through NYSERDA regarding solar panels. He advised that they discussed how solar panels would be approved in each village. His concern is whether or not they want it to go to the Building Inspector or would it automatically be ok for anyone to just go ahead and do it. Member Rappa advised that he felt that Member Winters wanted the Planning Board to be involved in the approval process of the installation of solar panels.

John Orr advised the Board that regarding solar residential or commercial, roof mounted, he always requests that an architect or engineer sign off on the additional load the solar will add onto the roof. If it is a ground mounted, residential system, he treats it as an accessory building for setbacks. He advised that if any Planning Board members are concerned about the structural loading on a building, you don't have to be because that is his responsibility.

Member Winters advised that he didn't know the procedure, and he wanted to make sure that we have something in place.

Mark Edsall advised that non-building mounted ground systems on a site plan would have to come in front of the Board because it would be an amended site plan.

John Orr advised that on 6/29/15 he is going to a class with a Village of Chester Trustee regarding municipal solar and what we can do.

Cliff Patrick asked if the proposal comes up that makes a visual impact change to the neighborhood, would the Planning Board become involved. Harold Pressberg advised that we don't have any regulatory authority over that.

5. General Discussion

None

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

Respectfully Submitted,

Missy Sosler
Planning Board Secretary