

**MINUTES**  
**VILLAGE OF CHESTER PLANNING BOARD**  
**JULY 28, 2015**  
**REGULAR MEETING**

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

**REGULAR MEETING – 7:00 PM**

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

**1. MINUTES**

Review Draft of May 26, 2015 Planning Board Meeting Minutes

**\*MOTION** to ACCEPT THE MAY 26, 2015 MEETING MINUTES AS DRAFTED made by Member Anthony LaSpina, seconded by Member Vincent Rappa. **MOTION** passed 3-0. (Member Jankelunas was late to the meeting so he did not vote. Member Winters abstained because he advised that he was unable to review the minutes.)

**2. Correspondence**

None

**3. Code Enforcement Officer Report**

Presented by John Orr

The Code Enforcement Office reported regarding 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?

In regards to the apartments at Vadala Rd., originally the plans asked for a dumpster enclosure thinking that they were not entitled to municipal garbage because they were a multi-family dwelling. I found out that they are entitled to municipal garbage, and they don't need the dumpster with a built enclosure. The cans are alongside the building and I want to find out how the Planning Board feels about this. I also want to make the point that not having a dumpster will give them more room to back up snow where the dumpster would have been located. Member LaSpina asked if the garbage cans are in plain sight and John advised that they are. He advised that each unit will not have a can by their house so they can reduce down to 1 or 2 of each type of cans. He advised that he can tell the owner that we can give this a try and see how it works. He further advised that the operation is now under a temporary C.O.

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 continues.

FDF Enterprises – 3 Sanford Ave

- 1- Issued permit for new single family home.

ShopRite – 78 Brookside Av

- 1 - Issued permit for minor interior renovations.

#### 4. Projects for Review

**Project #13-08**                      **Project Name: Elmwood Park Apartments**  
**Applicant/Owner:**            **John Sorrentino**  
**Location:**                        **Elm Street**  
**Re:**                                 **Construction of apartment complex**  
**Presented By:**                 **Mark Siemers**

Mark Siemers advised that since the last meeting and work sessions he attended, they have re-evaluated the unit bedroom count. According to Section 98-18E; 50% of the apartments offered must be 1 bedroom. We previously were proposing to provide 20 units with 14 - 2 bedrooms and 6 – 1 bedroom which forced us to go to the Zoning Board and request an area variance. To avoid requesting an area variance, we revised the plans to include; 10 – 1 bedroom units, 8 – 2 bedroom units and 2 -3 bedroom units which will maintain the 20 units.

In regards to the density calculations for these apartments, this unit mix meets the zoning as well as the parking calculations shown. The appropriate number of parking spaces are being provided.

The second issue is in regards to the on-site meeting which was held on 4/27/15. There were several people in attendance at this meeting including Cliff Patrick, who is present here tonight. (Unfortunately, I was away and unable to attend.) The purpose of the meeting was to review areas of possible burial grounds on the project site. The possibility that there was a second location for burial plots lead to the hiring of New York Leak Detection to perform a ground penetration radar study on those spots. Mark Siemers indicated the locations on the site plan where the radar was performed. The 2 locations indicated ground anomalies or possible grave areas. He indicated an additional area which may also be a grave area, but this area is encompassed in the conservation easement and will not be touched by the project. Mark Siemers also indicated a second area on the plans which was very close to a previously demolished house. The radar was run over the area, and it detected anomalies. It was previously reported that 5 bodies were buried there. They found anomalies with 5 ground impressions. It was determined that the remains were removed from the site; therefore, there are no more burial plots to conserve.

Mark Siemers asked Cliff Patrick to speak about the exploration of the property since he was on vacation when the radar was done. Cliff advised that there were 5 depressions which matched the recollections of the locations of the grave stones. They physically explored the anomalies and found that “no bodies” were home.

Mark Siemers advised that the third issue is the drainage location along Elm and Walnut Streets. Mark met with Mark Edsall on another project and had a quick discussion with him about this project. He advised that wants to arrange a meeting between his client and the Street Superintendent to discuss an appropriate contribution that can be made to help upgrade the drainage situation which exists on Walnut and Elm Streets. The drainage design does provide a zero net rate increase which is required by the DEC. Mark advised that his client is not required to upgrade the storm drain in Elm St. However, he is willing to make a contribution to help the Village upgrade the existing drainage system.

Mark advised that, ultimately, we want to move the project forward and work on planning a Public Hearing in the very near future. The Chairman asked if a meeting with the Street Superintendent was scheduled, and Mark advised that it has not. The Chairman advised that the information from that meeting would be of great interest to the Planning Board. Member LaSpina advised that he definitely would like to see the drainage improved there. The Chairman then advised that if John Sorrentino is involved financially then the costs could be estimated with the Village Board regarding drainage. Mark Siemers advised that it could be referred to the Village Board for consideration. Mark Edsall advised that we will know how to handle this best once the Street Superintendent and the developer meet.

Mark Siemers advised that he will be at the 8/6/15 work session. Mark Edsall advised that we need to refer this project to OCDP again.

Member Winter expressed traffic concerns regarding Elm St. out onto Rt. 94 and the amount of traffic this project will bring. The visibility is a problem with parked vehicles. Mark Siemers advised that he understands his concerns and that Phil Greeley did conduct a traffic study, and it was

submitted. Phil advised that there will be some minor mitigation: re-striping of the crosswalks, striping white and yellow lines and pavement back in the areas indicated by Mark Siemers as well as a suggestion to talk to the Village Board to remove any parked cars on Rt. 94 from Elm St. to Davis Way.

Mark Siemers advised that Phil Greeley stated that everything that could be done on Rt.94 up to this point has been done. Member Winters advised that the visibility out onto Rt.94 is very bad. Mark Edsall advised that he will review everything from the field, traffic report and review it with the Board at next month's meeting.

The Chairman asked how much of the parking spaces is a DOT issue. Mark Edsall advised that he will review the report and advise the Board of what Phil Greeley recommended.

Member Rappa advised that he would like to circle back to the discussion regarding the grave sites. He asked if the company doing the radar detection gave any indication when the 5 bodies were exhumed. Mark Siemers advised that they did not. Member Rappa asked if the report is stating that something really happened there. Mark Siemers advised that his client removed some of the vegetation so that the ground penetration radar would work more effectively and it is a piecemeal of bits and pieces as to what really happened. Bill Keller, one of the people who witnessed the radar detecting procedure, advised that he remembers playing on the site and states that the headstones were there. Member Rappa advised that it appears that the parking lot for the apartment complex will cover this area, and the excavation for the lot will not go as deep as a grave would go. Mark Siemers advised that he does not know the answer to that without looking at the site plans.

The Chairman asked about the location of the old house that was previously there. Mark Siemers indicated on the plan, approximately, where the house was. He advised that the house was built in the 18<sup>th</sup> century.

Mark Siemers advised that he would like to be cleared to move the project forward and schedule a Public Hearing subject to a report on the offsite drainage, review of the traffic report and addressing the remaining comments from Mark Edsall.

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

- Acknowledgement of the plan changes.
- All parking has been delineated and is in compliance.
- The Board will need to review the burial ground issue.
- The Board will need to be refreshed on the traffic issue report and he will do that.
- The Board should consider authorizing a Public Hearing at the next meeting.

Mark Siemers reaffirmed that he will be at the next work session as well as on the agenda for the 8/25/15 Planning Board meeting.

## 5. General Discussion

1) Project #15-03 Chester Burger King - Mark Edsall advised that he circulated a memo for the Board to review in preparation for the 8/25/15 Planning Board meeting. (We will not be reviewing the memo at tonight's meeting.) Mark advised that he prepared the memo on 7/21/15 as a result of the field meeting which was held on 7/20/15. The meeting was attended by me, Phil Greeley, Dave Higgins and Dennis Gillespie, the realtor.

We looked at the existing bank site and it is, amazingly, in good shape. It came down to what we need to do to make the conversion from the bank to a restaurant. Mark advised that he listed several items that were clean up items on site. He advised that the second half of his memo speaks to some revisions that should be made to the site striping and or drive thru lanes for Burger King. He advised that they discussed the following:

- Where and when the deliveries will take place.
- The memo from the traffic consultant.
- The 11x17 site plans.

Mark advised relative to the operation of Bryle Place: he was at the site for approximately 40 minutes and he observed that the car wash was busy but the cars came and went with no problem. He also advised that the center lane is already there, and Phil Greeley will review the striping. He also advised that the site seems to operate well although there may be trouble during peak times. The traffic signal may push the traffic back to Bryle Place, but we will not be able to fix that. He advised that the Board can review all of this at the next meeting.

Member Winters asked if there are any type of delays on the traffic lights that could help the intersection. Mark Edsall advised that the DOT could do a traffic study if there are a lot of problems there. He advised that he doesn't believe what happens there will affect the Bryle site, and that the site functions well.

2) Project #12-08 Meadow Hill Apts. – John Orr advised that Meadow Hill began site work and that he and Mark Edsall met with Mr. Fini and his engineering staff. John advised that there were some concerns about the initial layout of the project which required moving a lot of fill off of the site. They developed a minor change to the site plans, and they are here to talk about that tonight.

Larry Marshall, Engineer for the project, advised that he appreciated the Board accommodating them on such short notice. He advised that his firm was retained by Albert Fini and Meadow Hill Apts. to review the overall site development. They discovered that 30,000 yards of material had to be removed based on the grading which would be approximately 2100 loads being hauled offsite by triaxle dump trucks; 4200 trips. He advised that Mr. Fini asked us to make minor adjustments to the site to eliminate that amount of material being exported. We made minor adjustments to the site to completely eliminate that export of materials from the site.

He advised that he has provided the Board with sixteen bullet points regarding the elimination of exporting materials from the site.

The following are the major changes:

- No building location has been modified.
- The building plans are slightly smaller.
- We are being cognizant of the concerns from the neighboring property owners.
- Building 2 was lowered by 3".
- Building 3 was lowered by 3/4 of a foot which equals 9".
- Building 1 is a stepped building with 3 sections; the westerly most section was raised by 1.3', and the center and lower section lowered by 0.7 feet.
- Building 5 and 6 raised by 2.6 feet.
- Some modifications were made for sewer and manhole catch basins to accomplish some shallower depths.

The Chairman asked if the buildings are in the same locations and are they smaller. Larry advised that the building was a generic building. The actual building that will be built on Meadow Hill was placed on the plans. The Chairman asked if the internal spaces got smaller, and Larry advised that the number of units is identical.

Larry advised that the other major modification is to be able to reduce the amount of cleanup and grading along the easterly portion of the property, primarily behind building 6. We have also repositioned some of the sewer manholes towards Meadow Ave. to accomplish a better cover over the pipe.

The Chairman asked if building 6 will have a walk out basement. Larry advised that they extended the rear wall of building 6 to accomplish the walk out basement. The Chairman asked if there will be storage spaces for all of the buildings. Larry advised that there could be storage for some smaller items. The Chairman asked how people will get to the back of building 6. Larry advised that there will be pedestrian access with an ADA accessible ramp.

Larry advised that one of the major points was ADA accessibility spaces for building 1 and the recommended area did not meet the slope requirement of 2%. He advised that they incorporated a flat spot (through modification) through the park areas so the spaces would not be 2% slope.

John Orr asked if there were 3 buildings that had split foundations that are now flat. Larry advised that he can't remember exactly which ones were split. Currently we have 3 split buildings; buildings 1, 5 and 6. John asked how accessibility will be for the buildings with the difference. Larry advised that building 5 has 1 step in it. Building 6 has accessibility for the easterly most portions, and they are able to maintain a 2% slope. John Orr advised that with these changes they are increasing the accessibility of the units.

John Orr advised that the agreement they have with the Village of Chester regarding marketing the bottom floors to seniors, although it may not meet accessibility requirements, we don't want to see us have 4 steps into 4 out of 6 units. He wondered if we created or improved that situation. Larry advised they improved that situation and they can accomplish it without incorporation of steps.

The Chairman advised that a lot of information has been put out to all of us tonight. He asked Mark Edsall how far along is this project in terms of the Planning Board being able to make a decision. Mark advised that, relative to the approval the Board granted, this information doesn't alter the approval in any way.

Mark advised the following:

- They are effectively routing the sewer and stormwater.
- They are crowning paved areas versus having valleys.
- Even with distributing the excess materials on the easterly part of the site; there are green boxes on the plans, which are showing differential of the former plan to this plan.

- They are not altered plans.
- Grading field changes to limit the impact on to the site.
- I felt that the Board should know that they have a final designed project which is, really, a refinement of prior plans, and I have no problem with it.
- I want to make sure that the reconfiguration of the stormwater pond still nets the same volume, and I feel that this is an improvement.

Member Winters advised that it seems that the apartments will fit better, but will be smaller. Mr. Fini advised that the units are 972 sq. ft. versus 1074 sq. ft., and the buildings are 18,640 sq. ft. He advised that it is a minor change compared to the original foot print. Mark Edsall advised that the unit size is still well over the Code requirements. He suggested that rather than consider this a site plan amendment, the Board should be aware that these field changes are being made to eliminate the need to remove excess material which would be, approximately, 4,000 trips.

Member Jankelunas wondered if with all of the regrading, are the buildings still within the height restrictions. John Orr advised that they are ok.

The Chairman asked Mark Edsall if he would comment on the impact all of this will have on the Meadow Ave. home owners. Mark advised that they will see fewer disturbances, less slopes to view and less disturbance to the stormwater pond. John Orr advised that he has already fielded some complaints, so if 4,000 truckers don't have to come off the site, that will be less complaints.

Mark Edsall advised that he would like Larry to add additional landscaping behind building 6 to break it up a bit. Mr. Fini advised that they will look into it in the field.

The Chairman asked if we need to do anything regarding SEQRA, and Harold Pressberg advised that we do not.

Mark Edsall suggested that the Board say thank you for letting us know what the filed changes are let them move on with the building of the project. The Chairman asked how all of the Board members felt and if they needed more time to review. All of the members advised that they are ok with it. Harold Pressberg advised that these are all technical improvements.

The Chairman asked if they will have paperwork changes. Mark Edsall advised the Planning Board Secretary to attach tonight's minutes to the plans and put them in the file. Mark advised that for the Record, after full review of what Meadow Hill submitted, he doesn't believe that an amendment application is required. It is a field change only.

3) The Chairman advised that he received a call from the Mayor. The Mayor advised him that there has been discussion regarding what he has been dealing with health wise. Member Winters asked if we could continue this discussion in an Executive Session. Harold Pressberg advised that as a Board it is often sensible to have a Vice-Chairman in place. The Board should have a Vice-Chairman for times when the Chairman is on vacation or otherwise occupied and a site plan may have to be signed. It is nothing more than making sure that the Board's business is taken care of. It is good planning to do this, and the Village law provides that the Board can appoint a Vice-Chairman.

Chairman Ramsdell asked what the procedure is to get this accomplished. Harold advised that A Board Member makes a motion to appoint one of the Board members as a Vice-Chairman. Chairman Ramsdell asked if anyone would be interested. Member Winters stated that he felt that the current Chairman should have someone he's comfortable with. Harold asked if one of the Board members want to step up as Vice-Chairman. Member LaSpina advised that he can't because he is already committed to too much. The Chairman advised that after he first heard about this he thought of Member Rappa since Vinnie was the Chairman of the Zoning Board. Member Rappa advised that he would be ok accepting the position.

Member Winters made a **\*MOTION** to appoint Member Rappa to be the Vice-Chairman of the Planning Board and Member LaSpina seconded it. **\*MOTION** passed 5-0.

Chairman Ramsdell asked if anyone had anything else to discuss and, as there were no other comments, **\*MOTION** was made by Member Gene Winters, second by Member Anthony LaSpina to ADJOURN THE MEETING. Motion passed 5-0. Meeting adjourned at 8:41PM.

Respectfully Submitted,

*Missy Sosler*  
Missy Sosler

Planning Board Secretary