

MINUTESVILLAGE OF CHESTER PLANNING BOARDOCTOBER 27, 2015REGULAR MEETING

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

PUBLIC HEARING 7:00PM

Project # 13-08 **Project Name: Elmwood Park Apts.**
Applicant/Owner: **John Sorrentino**
Location: **Elm St.**
Re: **Construction of 20 Unit Apartment Complexes**
Presented By: **Mark Siemers**

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 October 11, 2015, edition of the Times Herald Record which Notice was read as follows:

Chairman Ramsdell explained the Planning Board process in conducting Public Hearings.

Mark Siemers, representing the applicant, began by advising that this project is a residential, apartment use as allowed in the RM Zone by Special Use Permit which is allowed in the B1 Zone in which the project is located. This project is requesting site plan approval and a Special Use Permit. The initial application omitted the Special Use Permit (the box was not checked). However as all apartments in the RM Zone, this project requires a Special Use Permit.

The proposed project is for 20 apartment units located in 2 separate buildings on 2 parcels located between Main and Elm St. The large apartment building contains 18 units and the smaller building contains 2 units. The project will be accessed by a proposed access drive coming off of Elm St. through an existing lot with an existing house which will be demolished to allow for a 35' wide access to come into the property. The access drive will allow vehicle access to the proposed parking areas which will service the apartment buildings. The buildings will be serviced by central water and sewer lines.

Two weeks ago hydrant testing was done on Elm St. The water flow and pressure is sufficient to serve the project. The water design is being completed and will be submitted to the OCDH for review and approval. The sewer main was submitted to the Modena Sewer Basin for review and approval.

Many questions and comments were raised at the last meeting. The revised plans and response document, responding to written comments handed in at the last meeting were submitted to the Planning Board 2 weeks ago and are on file at the Village Hall. Mr. Seimers stated he will try to address many of the comments tonight and his goal is to answer the large number of comments that affect the project and the project layout.

In regards to the zoning boundaries, which lot is in which zone, the lot fronting on Elm St. along with the house is located in an RS Zone and the larger lot which contains the entire use is located in a B1 Zone? The existing zone line runs up the existing property line of the larger lot and out to Main St. (Mr. Siemers indicated on the plan which parcel is in the B1 zone and which is in the RS zone.) The larger lot contains the entire use in the B1 Zone. The B1 Zone allows for the RM permitted uses and special permit uses which is the case for this project. The notes on the plans have been revised and submitted to the Planning Board to identify clearly which lot is in which zone.

The existing lot line, which separates 2 lots, is proposed to be removed creating 1 large lot which will be located in 2 separate zones which is a common occurrence throughout the Village of Chester at this time. In regards to the access to the property via the RS Zone, we did thorough research of the Zoning Code and affirmed that access of one zone to another zone is not prohibited in the Village of Chester code. An access drive does not constitute a use. The property use for the project is residential apartments which is located entirely in the B1 Zone. To further demonstrate this, the same situation currently occurs within the Village of Chester with the Chester Height's Apartments which is located in the RM Zone and the access drive comes out and down to Rt. 94 which runs through the existing RS Zone.

In regards to Leslie Smith's comment about visitor parking, Mr. Siemers stated that he reanalyzed the parking regulation requirements for apartments in an RM zone; at the bottom of the District parking regulations, there is a line that requires an additional $\frac{3}{4}$ space per unit. These parking spaces for visitor parking were omitted from the previous plan in error. The plan requires 15 additional parking spaces for visitors.

Mr. Siemers stated that he analyzed the Institute of Traffic Engineers parking generator rate, and based on that information, it shows that a 20 unit, low rise apartment building in a suburban area would require 39 parking spaces during peak parking times. However, your zoning code does not appear to allow the Planning Board any leeway on banking or reducing the parking requirements. We revised the plan to include an additional 15 spaces for visitor parking. We also reduced the previous proposed 2 – 3 bedroom units to 2 – 2 bedroom units so the project is now 10 – 1 bedroom units and 10 – 2 bedroom units. The parking lot now contains the 60 required parking spaces which accounts for 15 additional visitors' parking spaces.

Mr. Siemers stated that they revised the entire project grading to make sure the revised proposal is feasible. They are currently underway with the revised storm water calculations to ensure that the stormwater designs continue to do their job as well as meet the requirements. The calculations were sent to Mark Edsall for review and verification.

In regards to the historical value of the site and the comments regarding the Townsend family, Mr. Siemers stated that he spoke to his client, and he is very much in agreement with putting plaques around the site. He is more than willing to put plaques in any area that is requested to denote historical value and the remains on the site. We will continue to work with the Planning Board and Cliff Patrick to come up with an acceptable proposal regarding the plaque notation on the site.

In regards to the project signage, a project identification sign will be located on the eastern side of the proposed project entrance drive. The sign will meet the Village of Chester sign requirements and will be submitted to the Planning Board and CEO for review and approval. These were the most discussed comments at the last meeting:

Chairman Ramsdell advised that he forgot to mention that this is a continuation of the Public Hearing from last month's meeting. A lot of comments were made, and we would like to the greatest extent possible not have these comments repeated unless there is a new twist on it. Chairman Ramsdell asked the Planning Board members if they had any questions or comments. Member LaSpina had a concern about the road grading. Mark Siemers advised that the grade is 10% and then levels to 5%. Member Rappa asked how they came to the conclusion regarding the use (RS) for the access drive. Mr. Siemers advised that if you read through the zoning regulations you cannot find anything that prohibits access from one zone to another. The actual use is proposed within the B1 Zone, which is allowable. The access roadway does not constitute a use. Member Rappa advised that he does consider it a use. Mr. Siemers advised that he reviewed this with the project attorney, and, in his opinion, a driveway does not constitute a use. Member Rappa commented that you only have one other location in the Village. Mr. Siemers advised that this project is not prohibited by the Zoning Code. Member Rappa advised that it may have been a mistake, and he doesn't like to repeat a mistake. Chairman Ramsdell advised that he will review this after all of the comments from tonight's meeting and last month's meeting have been reviewed and responded to.

John Orr advised that in regards to the Fire Department access, Mr. Siemers has the specifications for the Chester ladder truck, and he has checked access through the entrance. In regards to the location of the hydrant, John met with Assistant Fire Chief Mark Thomas and reviewed it with him, and he had no comment about it.

Chairman Ramsdell opened the meeting to the Public.

- Ben Ostrer, 111 Main St: Advised that there will be more impervious surfaces now that you have added more parking spaces. Are you proposing

to have 1 bedroom apts. with a den like you are advertising on the Meadow Hill Apt. sign, and, if so, aren't they will really be 2 bedroom apts. shy a closet? Parking is a concern so with what you are calling 1BR units are you only supplying 20 spaces, but really designing as 2BR units? The Board and Developer need to reconsider the parking calculations. Drainage is also an issue and a great concern. The solution may be to reduce the entire number of units.

- David Stevenson, 16 Elm St: Advised that he agrees with Member Rappa regarding qualification of the word "use". It seems rather disingenuous to say that it is not being used because a 30' wide road with nothing else on the lot is not considered a use. Without it, the rest of the apartment complex can't function, and it will be the most heavily used part of the complex. If there is a lot line change, will they need to go before the Village Board for approval? If it gets wiped out does it stay as a split lot? I feel that this project is an interruption of the character of the neighborhood, and I am hoping that the Board will consider this.
- Betty Ann Reilly, 13 Hudson St: Read her letter.
- Karen McGovern, 19 Elm St: Chairman Ramsdell read her email.
- Cliff Patrick read Leslie Smith's letter.
- Ray Presky, 17 Elm St: Asked if there are any photos of the entrance of the Elmwood Apts through driveway through RS zone? (Mr. Siemers indicates on plan.) 5' in from this side and 5' from the other side may be ok if there are no houses around, but this is totally different. There are houses one after another; even if someone allows a RS Zone to be used as a driveway, in this case, it is a totally different setup.
- David Stevenson: Advised that regarding Mr. Siemers' response to the comment regarding the type of use is not a use and is not prohibited by the VOC Zoning Code Bulk Table, actually the tables under RS talk about what is permitted and not about what is prohibited. The Bulk Tables talk about Uses not prohibited uses. Mark advised that his research was not just from the Bulk Tables; it was the entire Zoning Code. He advised that many zoning codes have a line in them that prohibits accessing one zone through another but the VOC Zoning Code does not have that line.
- David Stevenson: Advised that if it doesn't say prohibited, it doesn't mean that it is allowed.
- Ben Ostrer: Advised that the definition for use is a purpose for which land or building design or intended or for which either land or building is or maybe occupied or maintained. The use you are applying for is an access road.
- John Gifford, 99 Main St: Advised that as a former fire commissioner in the TOC and, with all due respect to John Orr and Mark Thomas, he feels that it would behoove the Board to go to Mr. Thomas with what was brought up by Mr. Stoddard at the last meeting. It is a health and safety issue. One person can make a mistake and miss something.
- Cliff Patrick, 119 Brookside Ave: Read his letter.
- Jim Brown, 3 Elm St: Advised that he lives across the street and feels that it will be miserable for him and his neighbors with all of the lights at night. Chairman Ramsdell advised that there is a landscape plan which will be included with the drawings for the project. It will get adequate consideration. He also asked about the retention pond. Mr. Siemers advised that it is a dry retention pond and will outlet to drain the infrastructure down across the access drive. Mr. Siemers advised that they are aware that the drain on Elm St. is undersized. His client is making a monetary donation to the Village of Chester to run an up size drain line.
- Betty Ann Reilly: Advised that she didn't hear the answer regarding the fire truck access. John Orr advised that they shared specs on the ladder truck with the Engineer, and he ensured that it would work. Betty asked about Main St. access, and John advised that they haven't looked into Main St. access.
- Chairman Ramsdell advised that they have looked at several applications for this property over the past three decades, and none were very good using Main St.
- Janet Writer, 6 Elm St: Advised that her house will be very involved in this project. She questioned the 15' for driveway or her house? Mr. Siemers advised that he wasn't sure what 15' she was referring to. He advised that last month we took the distance between Janet's house and the garage on the Predmore lot and split the difference between the two. The edge of the driveway is approximately 15' to 30' back.

- Janet Writer: Advised that she is not sure about what Mr. Siemers said and if it was true. Chairman advised that there may be confusion about the buffer space utilizing neighbor's property. Mr. Siemers was clear in that a buffer is not required there. Janet was given some incorrect information. Mr. Siemers advised that there is not 15' buffer space between the property line and road requirement. The road is located 15' off of your house. Along the edge of the road we are proposing a fence and trees for screening purposes. Janet advised that she is losing a lot of property. Chairman advised that she is not and that this will not take place on her property. It will take place on their property.
- EJ Szulwach, 9 Elm St: Asked if they are considering taking the house down that is 50' wide and will go 15' for Predmore and 15' for Writer that will be 30' so now you only have 20' drive? Mr. Siemers advised that is not correct. The lot is 50' wide, and the driveway is 30' wide. The distance between the house and the driveway is further than 50' wide. Chairman advised that in the final responses we will make that issue clear.
- Noreen Stevenson, 16 Elm St: Advised that she has heard the word roadways and driveways which are 2 different things. Roadways require signs. Mr. Siemers advised that roadway is the wrong term. It is an access drive. She advised that in the VOC people have long driveways, not as long as what you are proposing, and they have a sign put up and thinks that this is in violation and is a conflict.
- David Stevenson: Advised that the driveway will be 30' wide which is about as wide as Elm St; it will not be a driveway.
- Bill Murray, 109 Main St: Asked if there will be a stop sign or traffic device at the end of the driveway? Mr. Siemers advised that there is not one proposed. If it will be required, we will discuss with the Planning Board and John Orr. Bill asked how many units. Mark advised there will be 20 units. Bill doesn't understand how the traffic study advised that only 11 cars will exit and at night, 9 will come back in? Mark advised that the Institute of the Traffic Engineers develop a traffic generation. It tracks a.m. commuting people leaving and p.m. people returning and then provides how many cars a "use" would generate in a peak hour. Bill advised that it seems like a small amount for this huge driveway, high amount of parking spaces and large amount of apts. If they are talking about a small amount of traffic, I don't understand why Rt 94 would be such an issue to have a driveway onto it. Mr. Siemers advised that access to Rt 94 is only 25' wide and would not get required access. Bill advised that a lot of projects do have separate access for emergency issues when chained off and not a permanent road. They could use Rt 94 for regular access and emergency access through Elm St. Chairman Ramsdell advised that they have spent a lot of time looking at different applications for this property. The access from Main St. has always come up as less than what was necessary. We will take your comments under advisement.
- Ben Ostrer: Advised that under apartment buildings and town houses, under special regular conditions, each principal building shall have uninterrupted frontage upon a street or courtyard of not less than 75'. They are proposing 50' of frontage on Elm St. It would seem that they would require a variance since they are not building a courtyard in order to configure in this fashion. It also requires 700 sq. ft. of usable open space per dwelling; therefore for 20 units, that would equal 14,000 sq. ft. of usable recreational area on the property. With the amount of parking spaces needed for 60 cars, how can the site satisfy the Zoning Ordinance which requires 700' for every dwelling unit containing 3 or more rooms? They will need 100 sq. ft. per dwelling unit for an outdoor play area for children which would be another 2000 sq. ft. for a kid's playground which is required. Mr. Ostrer feels that they need to reconfigure more than just the parking area. He would urge the Board not to close the Public Hearing because he feels that there will be significant changes to the plan for what we've already commented on. He suggests that the Developer be directed to comply with section 98-18. After reconfiguration of the parking area, he can't see how there would be 700' per dwelling unit of usable open space as well as an outdoor play area. The parking lot is not useable open space.
- David Stevenson: Asked what the mailing address will be for someone who lives there? Mr. Siemers advised that will be determined by the US Postal Service. They contacted them, and they advised that there will be a central mailbox on the site and the Post Office will assign addresses. John Orr

advised that it will be an Elm St. address talking the number of the building that is being removed, if it goes forward, and then apt. followed by that number.

- Jim Brown: Asked what is the eastern border of the parcel? Mr. Siemers advised that it is Highland Ave. and 3 lots.
- Cliff Patrick: Advised that it is his understanding that you can't use the same piece of property for 2 different purposes. Janet Writer has required side yard setback. If the drive is to be deemed a multifamily use, isn't there a requirement for a certain amount of setback between zones? Would there have to be an addition to Mrs. Writer's lot with side yard setback?
- Anthony Quinn: Advised that there is a Guiding Principle and Standard which seems that gives the Board a bit more leeway with some things. (He read from it.) This gives the Planning Board strength to represent your constituents to give us the kind of community we want. As a business owner, single family homes are my bread and butter. Single family homes can be put on this location and turn a profit.
- John Walker, 26 Miller Drive: Advised that there are 3 vacant houses in that neighborhood. The traffic alone between 7am – 9am and 3pm to 7pm (peak times) is very heavy. How is Elm St. support 20 to 60 more cars especially when we currently have to step on the gas and do 70mph off of Elm St. so we don't get plowed into when you go onto Main St. because there are no traffic control devices between Academy and the firehouse. Are any stop lights, etc., being proposed for Academy or the side streets? Chairman advised that that is a NYS DOT matter.
- EJ Szulwach: Refers to Mr. Siemer's comment #1 on the traffic study for the proposed project which was completed in Nov. of 2013. He asked how comfortable Mr. Siemers is with an old traffic study. Mr. Siemers advised that he is very comfortable with the study. He advised that they, typically, predict out 5 to 6 years which is well within the time frame.
- Susan Predmore, 10 Elm St: Asked if the traffic study studied traffic in and out of Elm St. or does it study traffic on Main St? There is a good chance that there are no more than 20 cars coming in and out of Elm St. but there are exponentially more cars up and down now. Mr. Siemers advised that they studied both.
- Bill Murray: Asked if this study studied Main St. or was it a generic study of a typical area like this one in Chester? Mr. Siemers advised that they studied Main St.
- Linda Gifford, 99 Main St: Advised that in regards to the traffic study from 2013-2015, was the old Chester High School which has the Goshen Special Education group there taken into account? As someone who lives on Main St., she can tell you that from 2013-2015, the amount of cars that are now parked on Main due to the school has tripled. The traffic study from 2013 has nothing to do with the traffic in 2015.
- Noreen Stevenson: Advised that in regards to the traffic study; the apartments going up on Rt. 94 will yield 100's more cars and I am not sure that was taken into account. Mr. Siemers advised that it was taken into account.
- EJ Szulwach: Asked how that could have been studied in 2013; they knew that the development was going to occur? Mr. Siemers advised that they did.
- Chairman asked Mr. Siemers to give some background on the traffic study. Mr. Siemers advise that since he is not a Traffic Engineer, he is a bit uncomfortable in describing how a traffic study is done. A traffic generator for the proposed project is established on industry standards from the Institute of Traffic Engineers. A certain number of intersections are studied and actual counts of traffic going through the Village and in and around the intersections are done. They do study current conditions and under no-build and then they analyze under build conditions. They project current traffic to a future date based on certain accelerators in traffic. They look at the impact that the proposed project has on each intersection studied.
- Dave Stoddard, 20 Kerner Drive: Advised that we need to emphasize Betty Ann Reilly's comments. The traffic out of Elm St. today is horrendous. Trying to get off of Elm is a mess. If the Fire Dept. can make a turn onto a 30' wide street, I can't believe that they can't make a turn into a 25' wide street. I am suggesting that you consider different accesses because the problem is getting worse.
- David Stevenson: Advised that in regards to the classification of driveway vs. street, this gives you the right to oversee certain aspects of it. He read the

definition of a street from the zoning code. Each type of street has its own code specifications. It is important to say what this structure (pavement) will be.

Chairman Ramsdell suggested that we continue to hold the Public Hearing open until responses are completed and there will be revisions to the plans. Harold Pressberg advised that it is up to the Planning Board to vote on it.

***MOTION** by Member Gene Winters, seconded by Member Vincent Rappa to continue the Public Hearing until all responses are assembled and reviewed. ***MOTION** unanimously passed.

REGULAR MEETING –

Chairman Ramsdell opened the Regular Meeting at 8:20 PM.

1. MINUTES

Review Draft of September 29, 2015 Planning Board Meeting Minutes. Minutes not approved because Member Vincent Rappa advised that he did not have time to review them as of the meeting time.

2. Correspondence

None

3. Code Enforcement Officer Report

Presented by John Orr

Current projects that were inspected during the last month:

F&A – 41 Greycourt Ave

- 1- House closed in.
- 2- Interior work underway.

Norris – 26 Elm Street

- 1 – Project complete.

Castle – 109 Brookside Ave

- 1- Solar complete.

Meadow Hill Apartments.

- 1- First building foundation in.
- 2- First floor framing started.

FDF Enterprises – 3 Sanford Ave

- 1- Interior work underway.

Steris – 2 Nucifora Blvd.

- 1 – Site work has started.
- Issued permit for building.

Burger King – Bryle Place

- 1- Issued permit for the renovation of bank to restaurant.
- 2- Demo work complete.
- 3- Interior work started.

Regards,

John S. Orr

Code Enforcement Officer

Member Winters asked John Orr about the loading dock located by the railroad tracks. John advised that the railroad property has always been a loading zone for them; they just created a dock. There is nothing we can do about it, as a municipality, because it is the railroad. Member Winters asked if there were any complaints from the residents, and John advised that there were no new complaints. He advised that the docks may reduce some of the noise. Member Winters asked if the storage building housed a loader, and John advised that it does not. The people unloading bring a loader with the truck they are using. Member Winters asked if the railroad notified the Village of Chester that they would be doing this. John advised that they did not and that they don't have too. There were complaints years ago, but he advised that you can't do anything in regards to the railroad; they have phenomenal power.

4. Projects for Review

Project #13-08 **Project Name: Elmwood Park Apts.**
Applicant/Owner: **John Sorrentino**
Location: **Elm St.**
Re: **Construction of 20 Unit Apartment Complexes**
Presented By: **Mark Siemers**

Chairman Ramsdell advised that the representative for this project, Mark Siemers, has left. At last month's meeting, we concluded that there really wasn't anything to discuss until the Public Hearing is closed and that would continue to be true for tonight. Mark Siemers did request to be on the agenda for the 11/5/15 Work Session.

Conversation ensued between John Orr and Mark Edsall in regards to moving the November meeting date. Chairman Ramsdell asked if there was a request that we move the meeting date. John Orr advised that there wasn't but he would like consideration because the meeting is scheduled the week of Thanksgiving. Mark Edsall commented that he has been with the Village of Chester for the past 25 years, and he never remembers the November meeting being held during Thanksgiving week. Chairman Ramsdell advised that he will speak to Mark Edsall in regards to changing the meeting date. (Lots of conversation ensued in regards to a change of the meeting date(s).

***MOTION** made by Member Gene Winters, seconded by Member Anthony LaSpina to hold the November meeting on 11/17/15, instead of 11/24/15. ***MOTION** passed 4-0 with Member Vincent Rappa voting "No".

Member Rappa asked why we can't push the November meeting back to 12/1/15 and hold the December meeting on 12/29/15.

***MOTION** by Member Anthony LaSpina, seconded by Member Gene Winters to hold the December meeting on 12/15/15. ***MOTION** passed 5-0. The meeting submittal deadline will be changed to 12/8/15.

***MOTION** by Member Gene Winters, seconded by Member Anthony LaSpina to reconvene the Elmwood Park Apts. Public Hearing to 12/15/15. ***MOTION** passed 5-0.

5. General Discussion

Chairman Ramsdell advised that he, Anthony LaSpina and Gordon Shehab attended the Continuing Education class at the Historic Track in Goshen, NY. He advised that one of the presenters spoke about Affordable Housing. The speaker advised that she does presentations for other groups upon request. He asked her if she would be willing to do a presentation in Chester, NY, and she said that she would. The question is whether we would make it a part of a Public Hearing or a Special Event. I feel that the Zoning Board and Village Board should be invited. He advised that one thing that has never been clear to him is, when there is a project that allows affordable housing, how that is integrated by application, handled and analyzed etc. Another issue is whether we need to have a comprehensive plan. For many years, our response has been that our Zoning Law and the zoning map have been our comprehensive plan. He advised that one argument is that there is not a lot of naked land in the Village. We would be seeking to explore possibilities with a comprehensive plan. Member Winters asked where the directive would come from. Harold Pressberg advised that the directive would come from the Village Board. Chairman Ramsdell advised that he mentioned this so we could pass our views on to the Village Board.

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 Anthony LaSpina, second by Member Robert Jankelunas ***MOTION** unanimously passed. Meeting adjourned at 8:50PM.

Respectfully Submitted,


Missy Sosler
Planning Board Secretary

APPENDIX A

October 27, 2015

Attn: Richard Ramsdell, Chairman
Village of Chester Planning Board
47 Main Street
Chester, NY 10918

RE: Proposed development along Main Street

Dear Members of the Planning Board:

Listed below are my written comments regarding the proposed development as noted above.

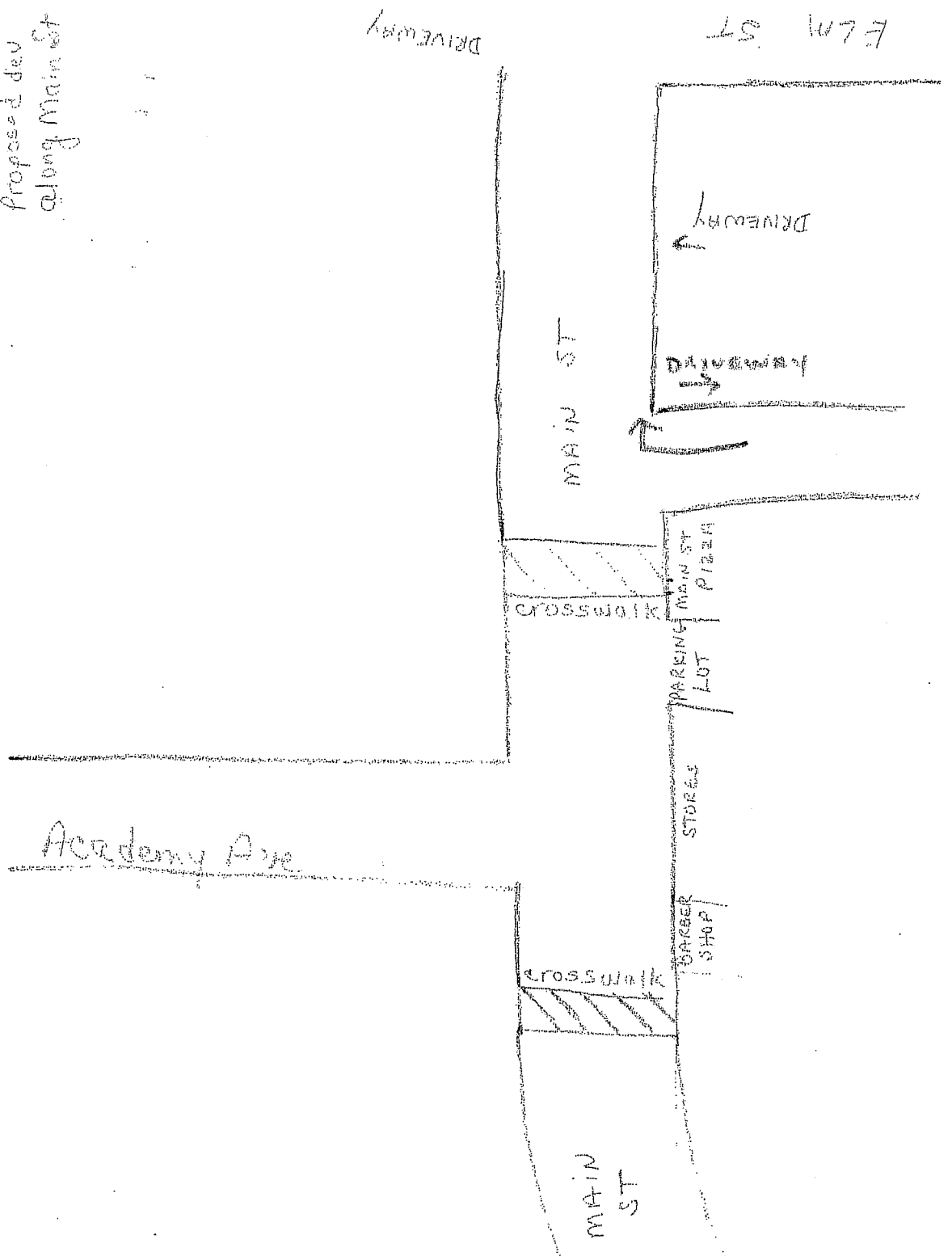
It appears there is already a curb cut for the property accessing from Main Street. Can the DOT Deny access to the property from Main Street as there isn't really any access from Elm Street. In order to obtain access from Elm Street I think a zone change would be required as the Elm Street access is currently a single family residence in a 'residential single family zone'.

I would ask the Board to consider access to and from the proposed site from Main Street. I would suggest the exit be a right turn only from the property (as it is from Carpenter Road on to Route 17M by Key bank). Vehicles coming out of the proposed development could exit right, turn right on Elm, continue to Walnut and turn left and then turn left again on Maple and exit on Main Street. They could also turn right on Maple and continue to Hudson Street and exit on Route 17M/94 intersection.

I would also suggest cross walks be placed just before the entrance to the property (this would assist the patrons of the local businesses in crossing the road also). In addition to the cross walk I would also suggest a stanchion bring more attention to the crosswalk. This is done in many areas. I would also suggest a crosswalk be placed somewhere between the former Chester Inn and barber shop for the same purpose. This too, would assist patrons in crossing the street. I would have both cross walks wider than the usual ones if possible. (Attached is a rough illustration which is not to scale).

The current speed in the area is 30 mph. A vehicle travelling from the Vero Agency area should be able to slow down without incident for a vehicle exiting the property. Vehicles coming from the Main Street Fire House area should not have a problem.

The Village of Warwick has a similar situation along their Main Street (Route 94). They have right turn only from South Street on to Main Street, Wheeler Ave to Main Street to name two. They also have a traffic light at the 3 way intersection of Main Street and West Street, where they also have a railroad crossing to deal with (on Main Street).

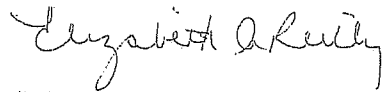


The Village of Goshen also has many right turns only in their newly reconfigured downtown area.

This seems a viable solution without placing the burden and changing the character of one of the older village neighborhood by accessing from Elm Street (which isn't zoned for this anyway).

Thank you for allowing me to voice my ideas.

Very truly yours,

A handwritten signature in cursive script that reads "Elizabeth A. Reilly".

Elizabeth A. Reilly
13 Hudson Street
Chester, NY 10918
845 742 4077

Clifton Patrick
 Town of Chester Historian
 119 Brookside Ave
 Chester, NY 10918

Phone/fax 845-469-7645 e-mail: historian@thetownofchester.org

October 27, 2015

Richard A. Ramsdell, Chairman
 Village of Chester Planning Board
 47 Main Street
 Chester, New York 10918


Re: SLB 111-2-7.1 Elmwood Park Apts. (Formerly the Peter Townsend Property)

Dear Mr. Ramsdell, Chairman and members of the Village of Chester Planning Board:

- Given the long and intensive use of the site, dating from colonial times, the commerce that occurred and the importance of the history that took place here, at the very least this site needs to be memorialized with appropriate signage to inform future citizens of these facts. On the other hand, I have not found any reports of archaeological studies of this site. Perhaps it would be appropriate to perform a thorough archaeological examination before surviving evidence is destroyed by the proposed construction activities.
- The known Townsend family burials appear to have been removed some time ago, based on the New York Leak Detection, Inc. report dated: 7-6-15 by Steve Carney. However, the possibility of nearby unreported burials demand careful observation of the soil disturbance to prevent desecration of any remaining burials.
- The known Townsend family burials are shown ascending in elevation (Drawing #3 of 12 includes contour lines), when, in fact that they are laid out at roughly the same elevation, perpendicular to the representation.
- Given the significance of the events that occurred on this site and resultant consequences, perhaps the developer would like to take advantage of that history in the name of this project, its components and its promotion.
- Although the paupers burial ground is labeled on the site plan and the conservation easement No. 1 intends to protect them, signage should be erected on the site for the benefit of future occupants and owners plus explain to them why this area is set aside and protected.
- Further, since exact limits of these burial grounds have not been precisely defined, I urge that the grading proposed bordering the conservation easement No. 1 be strictly monitored by one or more persons skilled in the art of detecting ancient burials in the event that burials extend beyond the conservation easement No. 1 current boundaries. Those boundaries would then need to be altered to protect any discovered burials.

Attached, please find earlier transmittals with more details expanding on these issues.

Respectfully submitted,



www.thetownofchester.org

Clifton Patrick

July 10, 2015 at 9:51 AM

To: Gene Winters Cc: David Stevenson

Sent - Clifton Patrick

Re: Townsend site - Elmwood Apt., Chester, NY 111-2-7.1



Hi Gene,

Sorry you couldn't attend. In attendance: Steve, the device operator; John Sorrentino, property owner; Bill Keller TOC Water Dept.; David Stevenson, VOC ZBA; Doc Bayne; and myself.

Upon clearing the ground up hill of the location of the Townsend house, the pattern of depressions in the surface matched Bill Keller's recollections of the Townsend grave-sites. These depressions seemed too deep for ordinary soil subsistence of eighteenth century graves. Steve ran the ground penetrating radar device (photo attached) over the areas in question, but did not detect definitive grave indications. He detected no skeletal remains, nor signals typical of burial containers (coffins). We excavated three anomalies detected: two were roots and the third, a dome of dense clay. Speculation was that the Townsend burials may have been exhumed for relocation. I am not aware of any records to that affect. If done legally, that should have required a court order. If court records of these relocated interments exist, assuming that a court was involved, including that documentation in the Planning Board records would clearly document that this project did not disturb those graves.

We found no one home in the Townsend family burial plot.

Mr. Sorrentino expressed some apprehension about digging up remains. The consensus was that there could be graves outside the areas searched, and if his workman turned up any remains, they would cease and contact the Village authorities, John Orr and or the police, immediately.

I doubt they will find other remains - but it is possible.

Although Steve tried a few limited tests in the area a paupers grave yard, he could not do a large enough area to scan for patterns, since it is too overgrown. Mr. Sorrentino plans no disturbance in that that section therefore didn't wish to clear that part of the site.

Steve confirmed that he would issue a written report to Mr. Sorrentino. I requested a copy for the historical record: Mr. Sorrentino ok'ed.

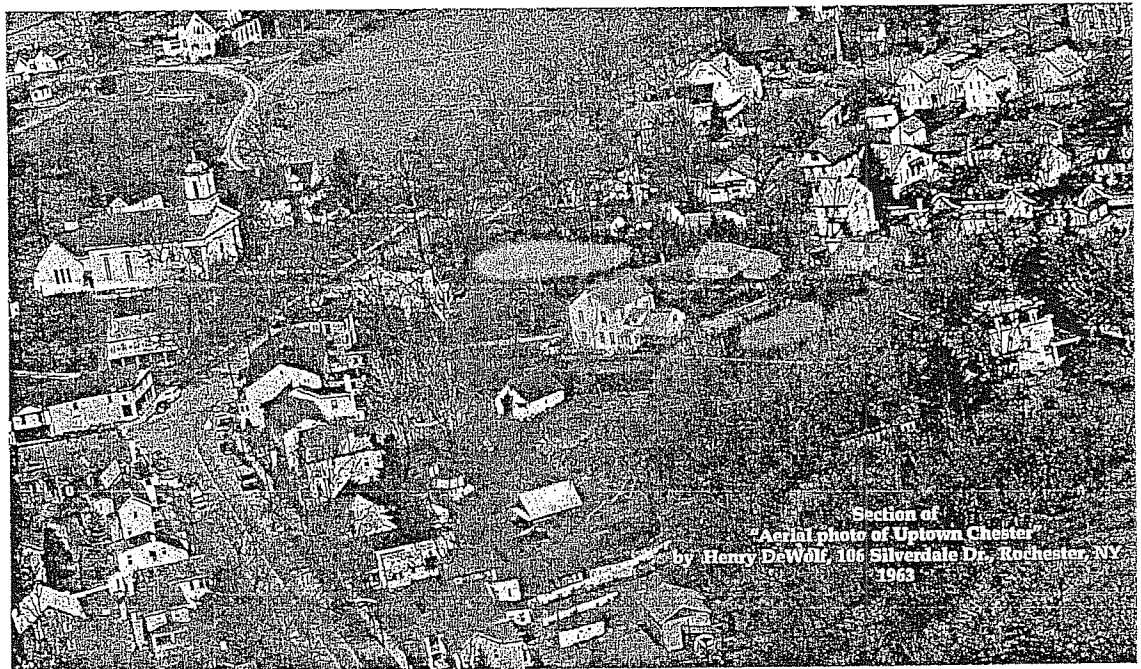
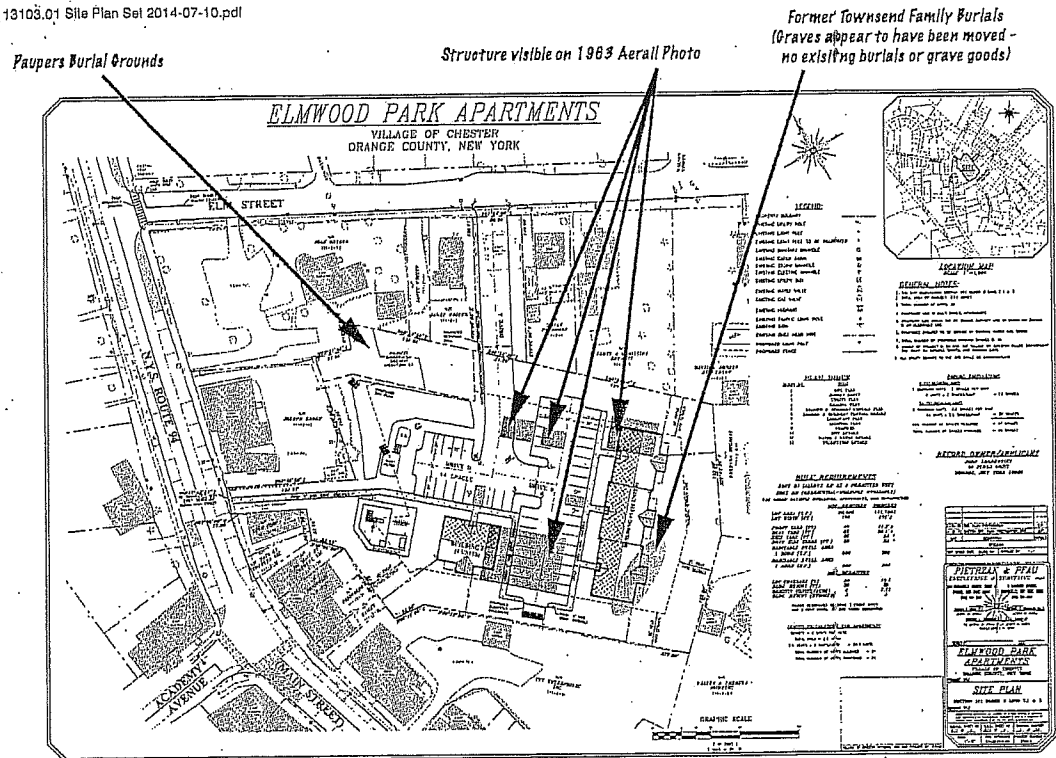
Never a dull moment!

Sincerely yours,
Cliff

On Jul 10, 2015, at 7:58 AM, wintersgene <wintersgene@gmail.com> wrote:

Good Morning Cliff,
Thank you for the info.
How did things go on Monday, on the town end property ?
I hope Bill Keller, shared with you why I could not attend. Bill, was going to let know how things go, but did not hear from him.
If you get a chance can you give me an up date .
Thanks;
Gene





Clifton Patrick
Town of Chester Historian

119 Brookside Ave
 Chester, NY 10918

Phone/fax 845-469-7645 e-mail: historian@thetownofchester.org

October 28, 2014

Richard A. Ramsdell, Chairman
 Village of Chester Planning Board
 47 Main Street
 Chester, New York 10918

Re: SLB 111-2-7.1 Elmwood Park. Apts. (Formerly the Peter Townsend Property)

Dear Mr. Ramsdell, Chairman:

Given the historical importance of the former Townsend family property to both our local and national histories, as Historian for the Town of Chester, I recommend that, in addition to protecting the burial plot(s) on the site, that the site's history be memorialized with a roadside historic marker.

As you may be aware, Peter Townsend in partnership with William Noble operated the Sterling Iron Works. Very high grade iron ore was extracted from the Sterling Mine beginning in 1723. Although most of the Sterling Iron Works operation was conducted in what is now the Town of Warwick, Peter Townsend maintained his residence, company stores, and marshaling yard on the this site.

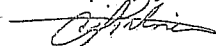
Until Iron Mountain, St. Francois County, Missouri was discovered in the mid-nineteenth century, Townsend controlled the largest known high quality iron deposit in the world. It was from this property that iron was first sent to England from America, and English Iron masters in the days of Queen Anne complained so bitterly of American competition that Parliament passed a law protecting English iron. During this colonial period, the prosperity and commerce of these iron works provided a foundation for the industrial revolution that was to follow in the nineteenth century.

Teamsters would move Sterling Iron here, before being dispatched to foundries in the New Windsor area and from the docks along the Hudson River destined for works in England and, surreptitiously, smuggled to points around the world.

Townsend's firm cast the first anchors in this country and used by the United States Government on the Constitution, the Constellation, and the Congress, and later on all the ships of war. Their iron was made into other articles critical to the war effort. The third, and the only successful, chain across the Hudson not only kept the British from splitting and perhaps defeating the Colonies, but the importance of the contract negotiated by Thomas Pickering, Adjutant General of the Continental Army and Peter Townsend, then subsequently made by Hugh Hughes, Deputy Quarter Master General, with Mr. Peter Townsend at his home in Chester of the firm Noble Townsend & Co. on February 2, 1778 has reaped inestimable benefits to these United States. It was the first modern military procurement contract, supplanting the highly corruptible Quarter Master method, with quality controls and offsetting penalties - the model still used to this day for military procurement.

The site and residence, which was demolished in the 1990s, is listed with the Office for Historic Preservation, New York State Parks And Recreation Albany, New York (Unique Site Numbers. 07151.000005 and 07151.000015 (21-02-001)).

Respectfully submitted,



www.thetownofchester.org

Clifton Patrick
Town of Chester Historian
119 Brookside Ave
Chester, NY 10918
Phone/fax 845-469-7645 e-mail: historian@thetownofchester.org

Wednesday, April 9, 2008

Henry Townsend items from Chester Historical Society database

"Orange County Post: Sugar Loaf and its Vicinity, As It Was Seventy Years Ago" Publication, Newspaper, Orange County Post, by Mrs. Predmore and Mr. John Brundage:

The next house then was standing on the south side of the road and nearly opposite the dwelling of Joseph Curry, owned by his father, Joseph, deceased., Next was where Jacobus Demerest now lives, owned by his father, Nicholas, deceased. The writer now leaves the Florida Road and takes the one to Sugar Loaf. First house on this road was an old building then owned by Henry Townsend, afterward by Jonas Seely, deceased -who built the brick house where Isaac Vanhouten now lives. Next was an old frame house near where Jonas Seely now lives and owned by James Miller. Next was an old log schoolhouse near where Jonas Seely's burying ground now is. The writer went to school there when Alexander Brown was teacher in 1791. We now commence at the old house which is still standing where William Raynor now lives. Then his father, William, now deceased lived there. The next house was where George W. Wood now lives. Then his father, Vincent Wood, lived in an old house, since remodelled and repaired.

"Burial Plot on Townsend property" Cemeteries of Chester, New York, Library Research Associates, Monroe, New York, 1977:

The family of Henry Townsend from Oyster Bay, Long Island, removed to Chester, N.Y. about 1735. A burial Plot on Townsend property is remembered, but it has been obliterated. The Bible of Hannah Townsend, now at Taynam Hall, Oyster Bay, N.Y., states names of some members of the family who were buried in Chester, N.Y. It is probable that other burials were made there, of which no record has remained.

Name	Born	Died	Age	Notes
Townsend, Peter	6-1-1736	4-22-1787		
Hannah Hawxhurst	1-1736	7-7-1804		Wife of Peter.
Mary	3-21-1778	8-11-1788		Child of Peter & Hannah.
Budd, Sarah Ann		8-11-1787		
Her Mother				

www.thetownofchester.org

October 26, 2015

31-08 Elmwood Park Apartments

Dear Chairman Ramsdell and Planning Board Members,

Please look at the (attached) copy of the original Joseph Durland, George M. Roe subdivision map filed August 28th 1890. You can easily see this map is a layout of small lots for single family homes. It is unconscionable to allow a developer to plop a new and intense use into the midst of a well established quiet neighborhood, some of whose closest residents have lived in their homes for many decades. If built as designed, this project will certainly **not promote** the health, safety, comfort, general welfare and conservation of property values which is the stated purpose of our zoning, for residents of Elm St.

Citing my letter of September 28th, Drive "A" of the RM project is proposed for a lot zoned RS. Nowhere in our village code can I find an RM use allowed in an RS zone.¹

This Drive "A" does not even meet the description of a driveway, a word only mentioned in Chapter 98 of the village code. However, in Chapter 84,

¹ § 98-6

Schedule of District Regulations.

The Schedule of District Regulations which accompanies this chapter is hereby made a part of this chapter. Any uses not specifically permitted in columns 2, 3 or 4 of said Schedule of District Regulations are hereby prohibited.

§ 98-7

Interpretation of district boundaries.

In determining the boundaries of districts shown on the Zoning Map, the following rules shall apply:

(D.)Where a district boundary divides a lot in single ownership, the regulations for either portion of the lot may, at the owner's discretion, extend **not more than 30 feet beyond the boundary line of the district.**

(G.)In cases of doubt, the district boundary line shall be determined by the Zoning Board of Appeals of the Village of Chester

October 26, 2015

31-08 Elmwood Park Apartments

Article V: Design Standards

§84-20 Driveways

C. The maximum width of the driveway pavement at the curb line and the maximum width of the curb cut shall not exceed 20 feet for residential single- and two-family uses or 25 feet for multifamily, commercial and industrial uses, except where larger cuts are permitted by the Planning Board for shopping centers or other uses which tend to generate abnormally large volumes of traffic.

The Elmwood Park site plan depicts a 30 foot wide drive through a 50 foot wide **residential lot** with residences in close proximity on both sides² and a residence which will face all entering and exiting traffic directly across from it. Proposed Drive "A" is as wide as Elm Street itself, and comes closer to the description of a minor street found in Chapter 84 at §84-18 Streets³.

According to Maser Consulting's November 2013 traffic study⁴, capacity analysis conducted utilizing the year 2018 Build traffic volumes, indicates that the intersection of Drive "A" with Elm Street is

² § 98-8

Application of district regulations.

(B) **No yard or open space required in connection with any building or use** shall be considered as providing a required yard or open space for any other building on the same or any other lot.

³ §84-18

(3) Minor streets: fifty-foot right-of-way, thirty-foot pavement from curblines to curblines, two four-foot sidewalks each one foot from the property line, and two five-foot planting strips between the sidewalk and curblines.

(9) Intersections of streets shall be as nearly at right angles as circumstances will allow and in no case shall be less than 60°. The block corners at intersections shall be rounded at the curblines with a curve having a radius of not less than 20 feet nor more than 35 feet.

⁴ 15 visitor parking spaces are omitted from the site plan. Were these vehicles considered?

October 26, 2015

31-08 Elmwood Park Apartments

projected to operate at Level of Service "A"⁵ during the AM and PM peak hours. The heaviest uses shown are 11 cars per hour leaving, 3 cars entering during AM peak time and 9 cars entering, 5 cars leaving during PM peak time. This hardly seems to require the larger curb cut referenced for abnormally large volumes of traffic. In fact, the 30 foot wide drive, where it intersects Elm St. with its curbs having 10 foot radii⁶, is shown as 50 feet in width, actually curving around Janet Writer's property.

Should the residential lot at 8 Elm Street be rezoned as B-1 which would allow the RM use, there would need to be 15 foot pavement free buffers between the B-1 and RS zones as described in Chapter 98, §98-17 Buffer Strips⁷. Where the land necessary to comply with this requirement will come from I do not know, since § 98-8 states:

Application of district regulations.

(B) No yard or open space required in connection with any building or use shall be considered as providing a required yard or open space for any other building on the same or any other lot.

⁵ LOS A describes operations with a control delay of 10 s/veh or less and a volume-to-capacity ratio no greater than 1.0. This level is typically assigned when the volume-to-capacity ratio is low and either progression is exceptionally favorable or the cycle length is very short. If it is due to favorable progression, most vehicles arrive during the green indication and travel through the intersection without stopping.

⁶ §84-18 (footnote no. 3)

⁷ § 98-17
Buffer strips.

A. A side or rear yard in a B-1 or B-2 District adjacent to a residential district, or an apartment in an RM District adjacent to an RS District, shall have a minimum width or depth of 15 feet, which shall be landscaped and free of pavement, and that part nearest the residential district shall be planted with a screen of evergreens having a uniform height of not less than five feet above ground level at the time of planting and set in a double staggered row spaced eight feet apart in each row, which screen shall be properly maintained to afford an effective screen between the two districts.

NY General Code Village of Chester
Chapter 84 Subdivision of Land
Article V Design Standards

§84-20 Driveways.

A.

The developer shall construct those portions of all driveways located within the limits of the street right-of-way with sufficient sight distance and with a grade no more than one inch per foot from the curbline to the right-of-way line.

B.

The minimum width of the driveway pavement at the curbline shall be 15 feet, tapering to a minimum of 10 feet at the street right-of-way line.

C.

The maximum width of the driveway pavement at the curbline and the maximum width of the curb cut shall not exceed 20 feet for residential single- and two-family uses or 25 feet for multifamily, commercial and industrial uses, except where larger cuts are permitted by the Planning Board for shopping centers or other uses which tend to generate abnormally large volumes of traffic. Driveways of lots which abut state and county roads shall meet the requirements of the New York State Department of Transportation or the Orange County Highway Department, whichever agency has the jurisdiction. Driveways.

October 26, 2015

31-08 Elmwood Park Apartments

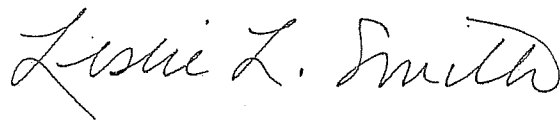
(As presented, unbelievably, this plan uses Janet Writer's own required side yard as part of the necessary 15 foot buffer. The buffer is required as part of the **Elmwood** project and should be entirely the responsibility of **that project** to provide it.)

If this site plan is approved, it will result in Janet Writer's residence being all but surrounded by B-1 property.

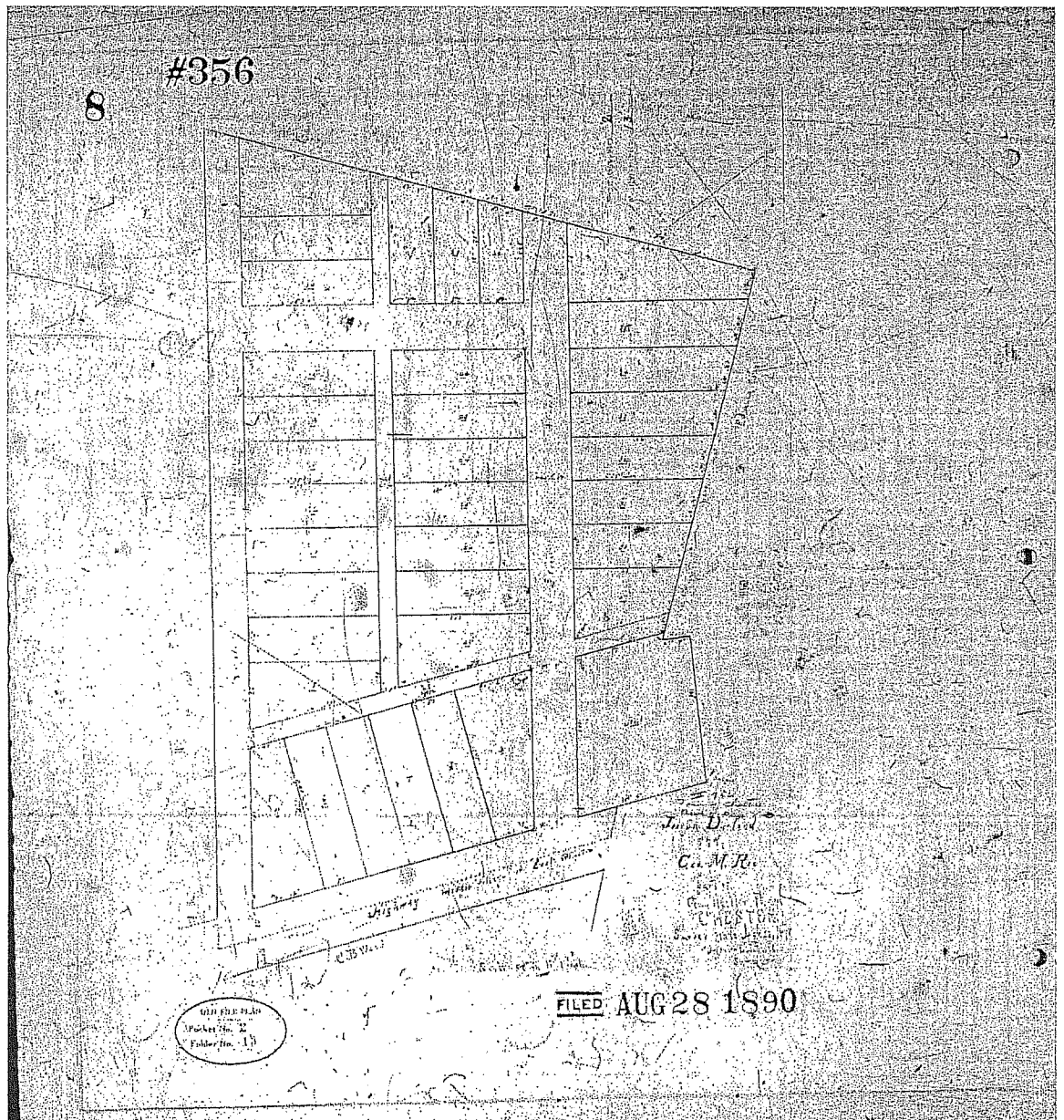
Why the developer did not acquire some land from an adjoining landowner (Vero) and bring the traffic in and out through Main St. south of its intersection with Academy Av., a commercial zone, again, I do not know, but an established residential neighborhood will be devastated by the oversized drive/road with the noise, lights and traffic that go along with it if this plan is approved.

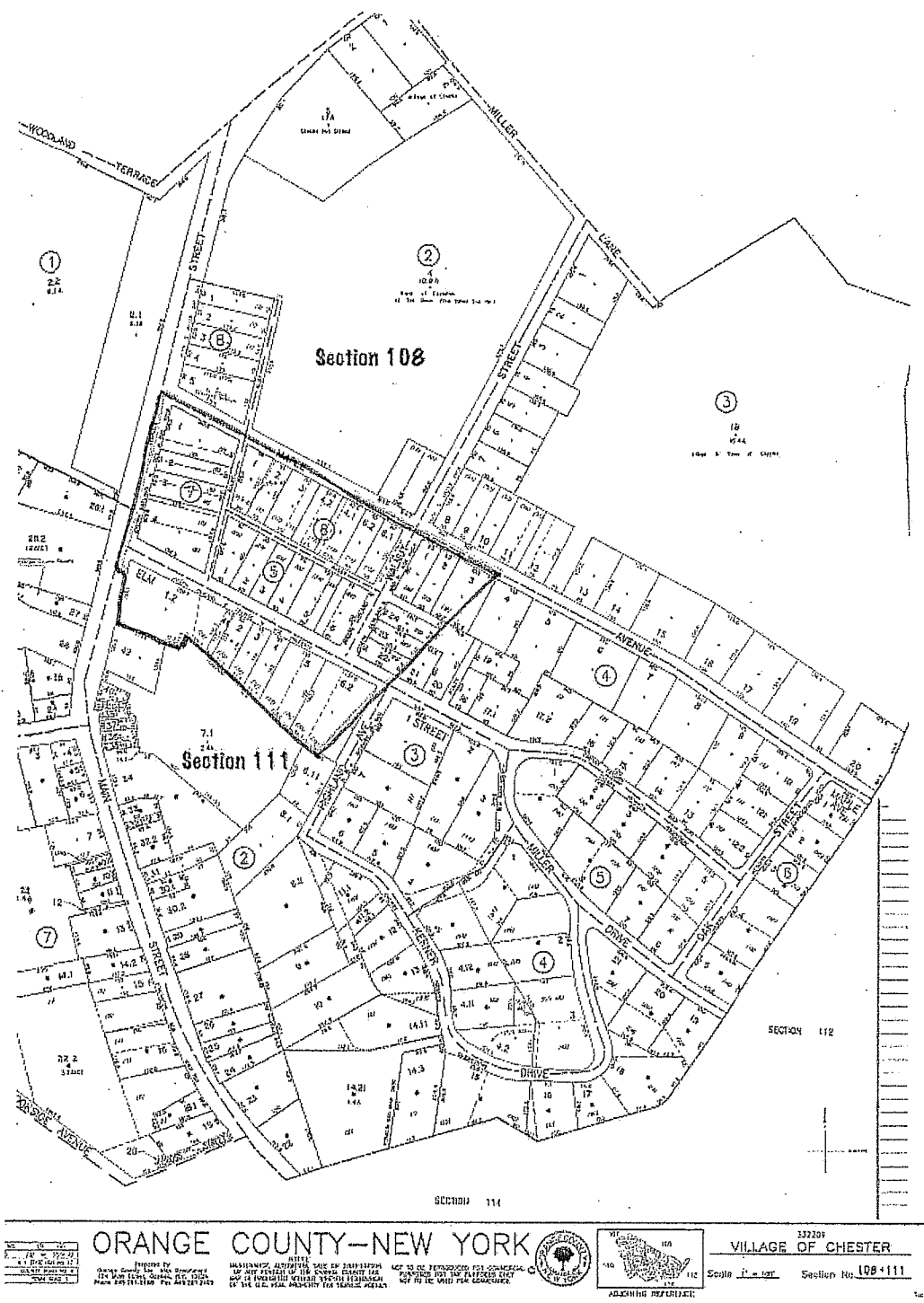
I noticed on page 2 of the EAF for this project, that as part of the impact assessment, consideration must be given to adverse changes it will create in neighborhood character. This project, proposes an inappropriate use of the Elm St. lot (111-2-3). Built; it will ride roughshod over the quality of life residents in the Elm Street neighborhood enjoy today and it will lead to more intense development of adjacent properties in the future.

Sincerely,



Leslie Smith
117 Brookside Ave.
Chester, NY 10918





Submitted via email as follows:

To the Village of Chester Board:

Due to medical reasons, I am unable to attend the forthcoming meeting on October 27. As a resident of Elm Street (19 Elm), I respectfully request that this email be read into the official record of public hearing (#2) on the evening of 10-27-15. I am Karen McGovern, owner of 19 Elm Street and I thank you for considering my email in the evening's discussion.

My concerns are threefold:

1. ZONING, PROPERTY VALUES AND TAXES

Any apartment complex (whether it contains 5 or 30 units) must change or challenge the existing zoning rules of Chester Village. Although the Village Board has yet to conclude about the exact nature of the proposed apartment complex, I contend that "Elmwood Apartments" belongs in a commercial/business zone since it neither meets the zoning nor the construction regulations of Elm Street (specifically) or for the Village of Chester (generally). It is my hope that Chester Village's Zoning Board will find that the Elmwood Apartments proposal is, in fact, **a commercial endeavor that will not benefit the** home owners of the Village. As such, it does not belong on Elm Street. A commercial property (w/multiple units) will only generate revenue for the OWNER of the complex while it degrades quality of life for all of Chester's Villager tax payers rather than contributing to our common good and wellbeing.

A large new population of people will also place a new burden on local schools. As such, **Village of Chester taxes will surely increase while our property values will decrease**. That is a lose-lose situation.

2. TRAFFIC, SAFETY AND PUBLIC UTILITIES

Should the Elmwood Apartment complex be approved, there will be an increase in street Traffic. Elm Street and Main is a blind corner; when there is late afternoon traffic, including school buses, a new apartment complex may endanger the safety and or lives of both motorists and pedestrians. Residents on Elm can also anticipate the added financial burden on all shared public utilities since water, sewage and local schools will be adversely affected. As such, the cost of living for current Village residents will increase while our quality of life will be denigrated. Trash, waste and recycled materials that such a large housing complex will produce could push Chester to capacity and beyond. There are also some unanswered questions about safety, the proposed parking lot for the apartment complex, and the exact impact and nature of the parking lots lighting since it is still unclear exactly how many new residents would dwell in the proposed apartments and how many vehicles they will own/use.

3. ENVIRONMENTAL DEGRADATION and QUALITY OF LIFE

Additional housing units will have an ineluctably negative impact on the environment. The inevitable loss of natural habitats, trees and common green spaces will make Elm St. less attractive; more, the loss of green space can have ill health effects on the people of Elm while forcing the relocation of scores of local birds and other fauna when their habitat is bulldozed to make room for a large parking lot. Run off will likely become another serious and hazardous problem, especially during winter, when ice and melting snow seep onto Elm. With such a large complex, the safety of all current homeowners on Elm will be put in jeopardy. We will most likely lose the privacy we value, as the quality of life for all Elm Street residents will be degraded and a community of friendly but respectful and private homeowners will be fractured by the impact of a new, large group of individuals whom are more accustomed to apartment living. There is a life style difference, including an economic one between single family homes and apartment complexes. If more than one or two apartment dwellers is careless about trash, if they fail to follow recycling or parking regulations or if they lack respect for other Village codes and regulations, conflict is bound to ensure.

A closing thought:

Parks and green spaces improve quality of life and serve as an element to build and Sustain community. The TRUST for PUBLIC LAND has assessed that "70% of the US population live on 5% of its land mass"; that is not good for the health of people or for our precious natural resources and environment. Perhaps the best new Real Estate Investments for the Village of Chester should INCLUDE larger PUBLIC PARK SPACES and ENVIRONMENTAL IMPROVEMENTS rather than degradation of the beautiful green spaces we enjoy now. Green businesses will be attracted to Chester if we do

more to preserve and protect the green spaces we have rather than destroying and neglecting them.

W/sincere thanks,
Karen McGovern
19 Elm Street
Home tel #: 845-610-4350

more to preserve and protect the green spaces we have rather than destroying and neglecting them.

W/sincere thanks,
Karen McGovern
19 Elm Street
Home tel #: 845-610-4350

