

MINUTES

VILLAGE OF CHESTER PLANNING BOARD

DECEMBER 15, 2015

REGULAR MEETING

PRESENT: Richard RAMSDELL, Chairman
Gene WINTERS, Member
Anthony LASPINA, Member
Vincent RAPPA, 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 November 29, 2015, edition of the Times Herald Record which Notice was 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 December 15, 2015, at 7:00 P.M.**, or as soon thereafter as the matter can be heard, concerning the application of John Sorrentino for site plan approval and a special permit for a project known as Elmwood Park Apartments involving the construction of a 20 unit apartment complex. This hearing will be the continuance of a public hearing commenced on September 29, 2015, and continued on October 27, 2015.

The property is located in the Village of Chester, New York, on Elm Street and is listed on the Village Tax Map as Section 111, Block 2, Lot 7.1, in a B1 Zone and Lot 3 in an RS Zone.

The Planning Board of the Village of Chester, New York, will hear all person's interested at the aforementioned time and place.

BY: ORDER OF THE PLANNING BOARD
VILLAGE OF CHESTER, NEW YORK

RICHARD RAMSDELL, CHAIRMAN

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

Mark Siemers advised that after he presents the changes and information from the last Public Hearing, Phil Greely, Traffic Consultant, will discuss the traffic situation.

Mark Siemers advised that as he presented at the previous Public Hearing on 10/27/15, the project layout has been slightly revised to meet the Code requirements for the additional parking spaces. Since this revision to the layout and the previous Public Hearing, the revised layout has been completely designed and submitted to the Planning Board and Board's Engineering Consultant for review. The property grading plan has been revised to allow for 10% grade access drive into the property. The drive levels out to a maximum 5% slope across all of the property parking areas, which is an industry standard for parking.

The East corner of the site is now proposed to be in a cut grade which will effectively create a berm along the shared property line at this location. This is important because the location of the stormwater that used to run from the site to adjacent property (indicates on site plan) will now be cut off by the cut and will be directed to the property infrastructure located in the parking areas and directed into the property dry pond for retention. This will also work for snow. In addition, the SWIPP that was prepared for the project has been upgraded to ensure that the design continues to provide the required water quality treatment and mitigation for the run off.

There will be 2 drain basins. One flows towards Main St. and Elm St. Stormwater peak flow running towards Elm St. has been reduced to between 59 and 62% in a 1 year to 100 year storm event due to the drainage infrastructure directed into the dry pond. The design also provides a 5 ½ to 6 ½ decrease in peak flow runoff towards Elm St. However in proper conditions, the majority of this flow will be contained in the underground drainage pipe which will run out and connect to new drainage infrastructure which will be put along Elm and Walnut St. as a result of a contribution the project owner is making to the Village of Chester.

The dry pond has been designed with an outlet constricting structure which allows the pond to control the flows from a 1 year to 100 year storm event. Based on the drainage design calculations, the pipe that outlets this outlet structure can be designed as small as 10" and continue to handle a 100 year storm event. As a safety factor, I have upsized that pipe to 24" which will allow for any storm over a 100 year storm event as well as any water that comes over the top of the outlet structure. The structure on the top has horizontal grade on it. Stormwater comes up and will pour into horizontal grade and will allow 24" pipe to be used which now connects and goes down Walnut St. This will ensure that the stormwater pond will never run over the top and run onto the adjoining downhill property.

The berm along the adjacent property line will provide a row of evergreen screen trees. With the evergreen screening and 2 property conservation easements, we will be able to screen the property from adjacent neighbors along Elm St.

The water connection layout has been revised. We will provide 2 separate hydrants which will allow hoses to be attached to the hydrants without cutting off the access drive when they will pull the firehoses.

The project was analyzed to ensure that it conforms to the recreation area requirement set forth in Section 98-18 of the Code. Provision of playground, walking areas, sitting benches and open accessible areas, usable open space area requirements and a table high area have been provided.

In addition to this information I just presented, a response document to public comment was produced and provided with written answers and responses to the verbal and written comments raised at the previous 2 Public Hearings. It was submitted to the Planning Board for their review and consideration.

Phil Greely advised that he prepared a traffic impact study dated November 2013. The background on the traffic study is as follows: (1) we identify existing conditions of traffic or roadway and turn movement counts. When this study was prepared, we did turn movements from 6:30am to 9:30am and 3:30pm to 6:30pm; based on 1 hour peak time periods, (2) we compare these counts to any data that is available from any other studies in the corridor along Main and other streets within the Village. We also look at DOT data. In this case we went from 2013 out to 2018 to account for buildout etc. In this case traffic volumes have been relatively flat based on the DOT data over the last 8 years or so. However when we did our study, we used 1 ½% background growth factor per year. Going out to 5 years, existing counts are increased by 7 ½% going into the future. On a road like Main St., in peak am, we are somewhere between 800 to 900 vehicles in a 1 hour period. In this case when we prepared this study we were also made aware of the Meadow Hill Apt. project and had to add in the traffic from that project. There are standards to develop what kind of traffic you have; that source is called the Institute of Transportation Engineers. It is required to be used by NYS DOT and the County.

When we look at traffic generation for apartments, the peak hour generation is somewhere between .6 to .7 trips per dwelling unit; 20 units will yield 14-15 trips in a 1 hour period. For this project we have existing, no build and what traffic impact will be with the addition of this project. We have to do a level of service analysis rating scale. The study looked at Elm, Walnut, and Academy etc. at access point to Elm St. In terms of level of service, we didn't have any level of service issues at these intersections. We identified some additional recommendations at the intersections - some parking removal to improve site distance for vehicles and also restriping of crosswalks, stop bars etc. The idea is to control traffic better at the intersection, keep site distance clear and make traffic flow more easily in the area up from Davis Way to Main St.

At last meeting there were questions about a traffic light. The intersection of Elm and Main doesn't have enough volume to warrant a traffic light. The State has certain criteria, and a lot goes into the decision to install a traffic signal. Another thing we looked into is what would happen if this intersection became an all way stop control. At this time, there are pros and cons to this, and our recommendation is to continue to monitor that intersection. Additional traffic from this project will not drastically change or delay more traffic. We feel that these recommendations will help to handle the existing traffic as well as future traffic.

We were able to do additional traffic counts on 12/8/15 and 12/9/15 at the intersection of Elm and Main. The traffic hasn't changed on Main. There was actually one time period that it was down a few vehicles. Member Rappa asked if Phil was saying that 30-40 cars will not have significant impact. Phil advised that it will not change the level of service; there may be a delay increase of 4 to 5 seconds per vehicles coming out of Elm onto Main. Member Rappa asked what would be the impact if the vehicles come in off of Main and out onto Elm. Phil advised that in the A.M. it would still be the same exiting traffic. In the P.M., there would be easier movement. At Academy and Main, creating more turning movements, exit and enter only, would actually cause more problems on Main St. If there were another point of access, it would lessen the load on Elm. Member Rappa advised that it would be good to reduce the amount of traffic for the neighbors who live closer. (There were a lot of indications on the map of different areas which were being addressed.)

John Orr advised that the incoming volume is free flowing. The exit volume is what is difficult. Harold Pressberg asked how you would prevent cars from making left turns? Phil advised that you would use signage and enforcement. The DOT, typically, wants access off of an established roadway and does not want to create a new intersection.

Member Jankelunas asked about the general safety of the area. Phil advised that in terms of site line, where access is located, it was fine. Our recommendation for this area was a bit more width and some parking restrictions, crosswalks etc. Member Jankelunas asked if they will add the information from the 12/8/15 and 12/9/15 observations into their report. Phil advised that he could.

Member Winters asked about the traffic at 2:30 P.M. when school lets out. Phil advised that the data he has from DOT shows variations throughout the day. At school time, there is a different level of traffic. The volumes at school time are still less than the A.M. and P.M. peak times. Member Winters advised that there is a lot more individual school bus drop-offs in the A.M from last year to this year; 30 buses are not unusual. Phil advised that he has the breakdown of passenger cars and buses in the A.M, but doesn't have the data from the 2:30 P.M. time period. He has the 6:30 A.M to 9:30 A.M and most recently the 6:45 A.M to 9:15 A.M time periods. Member Winters asked if he was talking specifically about this area, and Phil said that he was.

Chairman Ramsdell asked Mark Siemers if he anything to add at this point, and he said that he did not.

Member Rappa asked about the oversized drainage for the pond; how will we know if it is being kept cleaned and maintained? Mark Siemers advised that the project owner will be required to maintain the outlet structure. Member Rappa asked how that will happen. John Orr advised that all storm water structures have a maintenance schedule. If the maintenance schedule is not adhered to and there is an issue, it will end up being a civil issue.

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

- The project is 2 tax parcels.
- The applicant submitted his corrections and additions to the plans. He also submitted an updated SWIPP and response document.
- The standard note we require on the lighting plan specific with the regulation ability for the Village of Chester to enforce correction of lighting fixtures that are causing direct glare or other problems to the adjacent residencies or roadways should be added.
- This comment deals with the Village of Chester Code and how you determine what a front yard is. In the Village of Chester, if you have a project that fronts on 2 roads, it is that one that has the least amount of frontage, which by definition would make Main St. to be considered the front yard, the right side, the rear yard and the other 2 yards which have become side yards. Having Mark Siemers reorient set back lines causes no problem because he shows them as a front yard where you have 40' setbacks, when a side yard only requires 25' and a rear yard only requires 35' which would afford the ability to ensure the provided screening would be revised relative to the facts of property on Elm St. Side yard setbacks could be considered for screening.
- Some specific concerns in regards to the site plans; yard designation, stormwater pond, and snow storage area laced between 5 parking spaces near drive. Since the stormwater basin area is so tight, I suspect a person with an overly aggressive plow will likely pick up a part of the fence. They need to reorient that. The open space areas are designated and identified. The Planning Board should be aware that he addresses this. The sidewalks should all be upgraded to 6' wide. The steep slope on Drive A coming off of Elm St. is steep to the extent that it is about the maximum you would want to have on a site plan. 10% is within acceptable limits. However during heavy rains, if a

crown isn't substantial enough on a road, water will run downhill and not be pushed off to curbs where catch basins are. I am suggesting the road have a maximized crown to push water to the curb lines to be collected in catch basins.

- Some additional open items: consideration of a pre-construction survey, historical informational plaque, traffic improvements as per Phil Greely's office's recommendations need to be referred to the Village Board. Our Street Superintendent had a lot of concern about capacity of any discharge onto Elm St. because it is so over taxed at this time. Material contributions being made by the developer have to be memorialized in some form deemed appropriate by the Planning Board Attorney.
- Catch all; there were a lot of comments so after we are past the Public Hearing phase, I will want to review the plans with Mark Siemers again.

Chairman Ramsdell opened the meeting to the Public.

- **Alex Patane, 11 Kerner Drive:** Advised that he missed the last 2 meetings so he may not be up to date on what has already been discussed. He asked if we are in compliance with the zoning on this project, and Mark Siemers advised that they are. He advised that he is not here to question the integrity of which way the water will flow and where the rain will land, but he's here to question the integrity of people walking and driving in this particular area. To assist in their survey, I will give you a survey of 36 years at that intersection. Everyday Academy Ave. is packed from the gas station to the intersection from 3 P.M. and on. Has anyone tried to cross Main St. at that point? You can't cross the street, and I am talking about people walking, not cars. They said that there are 900 cars per hour going by Main St. at that particular time which equals 4 cars per second. If you sit on Elm St. and wait 4 seconds, you could be there for hours. Everyone that is parking at BOCES is now at going on Maple St. to make a quick getaway, so they go up Walnut and out onto Elm. The speed limit in front of the intersection is 30 mph. Has anyone ever checked the speed limit there to see how fast the cars are going from the other end towards the fire house? Even if you had 20 seconds to get out, you would not get out. There are a lot of implications that we do have a problem here. Your department and the Building Inspector will take care of which way the water flows, but someone really has to look into the actual impact of traffic. Mr. Patane then asked Phil Greely who he represents; who hired you? Phil advised that John Sorrentino hired him, but that he does work throughout the area. In regards to Academy and Main Street, Phil advised that the study does show that movement is operating at a level of service E to F. In regards to the left turn off of Academy onto Main, the solution is either signalization or an all way stop. Mr. Patane asked if they will have an all way stop to the fire house and beyond. Phil advised that in terms of volume, these are the volumes that are out there. The DOT speed data showed that the 85 percentile of speeds are either in high 30's or low 40's, which is clearly exceeding the posted speed limit. Mr. Patane advised that the majority of the turns at Academy and Main are to the left and now you will be creating more of a problem going in and out. The 3 parking spaces, in front of the attorney's office have to go no matter what, and the 2 parking spaces on the other side also have to go because when you come out you can't see who is coming down from the other end. If this project goes through, the change off is that we get all of these parking spaces out of there.
- **David Stevenson, 16 Elm St:** Asked what the actual Special Permit Uses is that they are seeking; is it for building or the access drive? Harold Pressberg advised that the permit is for a multi-family. Alex Patane advised that the applicant feels that there aren't any issues, but he feels that they are after a closer review of the Zoning Code. A lot has to do with their claims that there is no use being made on the 8 Elm St. property where, in fact, a house will be taken down and a 30' wide, 2-lane road will be put there. In regards to Mark Siemers response to our comments from 9/15/15 Public Hearing; page 2 & 6 (he read the response) it appears from this wording that the use extends to the land, additionally, the idea that something is maintained is also crucial as it pertains to an access road so it can function properly. In this case, the access road is being arranged, designed and intended for use so I believe that there is a use assigned to this lot.
- **Daniel Gorman, 14 Miller Drive:** Advised that he lives off of Elm St. and that road is not wide. How will the fire trucks make turns into this place? Chairman Ramsdell advised that it is his understanding that the Fire Dept. has been contacted about this. He asked Mark Siemers about a performance analysis. Mark Siemers advised that they were provided with the turning radius of Chester's largest fire truck, and they performed an analysis of the turning radius. The interior drive has been designed so that a fire truck can make the turn. Member Rappa asked Mark Siemers if that was based on the premise that there would be no cars parked perpendicular to this drive. Mark advised that he is right. Member Rappa advised that the radius into this was based on a road with no cars parked on it. Mark advised that is not necessarily so. It is a 30' wide access drive. The majority of roads in the entire village are 30' or less so if fire trucks are making turns on the Village drives, they will be able to make the turn out of this drive. Member Jankelunas advised that this is a revised plan. He asked if they have gone back and reviewed the revised plans with the fire company. Mark advised that the entrance wasn't revised. Member Jankelunas asked about the interior of the site. Mark advised that the interior wasn't revised other than lengthening Drive D; turning radius remains the same. Member Jankelunas advised that they added parking along the entrance and wondered if there will be an issue with that. Mark advised that there will not because it is still outside 30' wide. Member Jankelunas still feels that the Fire Dept. should review the revised plans. Mark advised that he will defer to John Orr on that. John Orr advised that he showed the plans to Assistant Fire Chief Mark Thomas. Member Jankelunas asked if they were the original or revised plans, and John advised that they were the not these plans, but the one before. He further advised that if they want him to, he can sit with the fire person again and review the plans.

- **John Gifford, 99 Main St:** Advised that he agrees that this development may not add much traffic onto the existing Elm onto Main St. left hand turn. As somebody who has tried to turn left, it is scary. It is already a burning house so even if we pour a cup of gas on a burning house, it will make it scarier. It is not just the addition of a few cars. Chairman Ramsdell advised that is why attention is being given to the intersection in making it better for everyone by elimination of parking, striping and limitations. Mr. Gifford advised that eliminating parking from Elm St. is not really a decision. Chairman Ramsdell asked Mr. Gifford if he is referring to no parking spaces at the side of Main St. by Ostrer's office. Mr. Gifford advised no and that he was referring to Elm St. In regards to parking there; people are smart enough not to because they know how dangerous it would be.
- **Daniel Gorman:** In regards to the improved site line etc.; you are taking parking spaces away from the businesses that are there now and have been there. People can't visit the businesses because there is no place to park. This entire project affects everyone. We need to open our eyes to what is going on in this town.
- **AJ Szulwach, 9 Elm St.:** He wonders how David Stevenson will be answered in regards to the zoning. It is very serious and important and it strikes a chord why this project should not be approved. Chairman Ramsdell advised that all questions and comments will be addressed.
- **Alex Patane:** I want to reiterate the speed limit for 17M in this direction. The vision of anything going in and out after the deli; no one coming from that side can actually see what is going on. Coming from Rt 17M by cemetery onto Main St, the site from before the barber shop and deli, you can't see who is making the left hand turn. Now more cars will be coming in and out of Academy Ave which is probably the busiest intersection, we have, in the Village of Chester, and now we will be adding to it. We have no traffic light there, and we need some kind of control there. This is an impact on what we already have. Chairman Ramsdell advised that he intends to start a conversation about having more stop requirements at that intersection. The traffic coming from the cemetery towards the intersection; if there were a stop there, the horrendous back up on Academy would be tremendously improved. All of this has to be approved by the DOT. We will do the best that is possible as far as the Planning Board is concerned.
- **Chris Battiato, 17 Kerner Drive:** asked what part of the project are they asking for Special Use? Chairman Ramsdell advised that there is a section in the Village Zoning Law dedicated to Special Use Permit and procedures with list of zones. It is the responsibility of the Planning Board to address these questions. If you look at the Zoning Law you can see what they are. Mr. Battiato asked what use is it zoned for now. Harold Pressberg advised that the zone has 2 different uses allowed to do as of right. (He read Principal Permitted Uses from the code manual.) The B1 zone can also use RM permitted uses; those you can do without a special use permit. With a special use permit, you can do the RM special uses which are multi-family dwellings which is what the application is for. Mr. Battiato advised that if they don't get that, they would be able to put the other list of things that were mentioned. Harold Pressberg advised that, in general, Special Use Permits are required for uses that are usually conducive to the district. Mr. Battiato asked if that permit has been given to the builder yet. Harold Pressberg advised that it has not, and we are here for a hearing for a site plan approval and a special permit use. At the end of the day, the Planning Board will have in front of them the question of whether or not the applicant has satisfied the criteria for site plan approval and a Special Use Permit. Mr. Battiato advised that he thought the Board had already given their "OK" for the Special Use Permit. Harold Pressberg advised that the Board has not given their "OK", and it is part of the same application. Mark Edsall advised that it is almost like a dual application; seeking site plan approval and special use approval and this is a joint Public Hearing. Harold Pressberg advised that you can't get a Special Use Permit without site plan approval.
- **Alex Patane:** Asked if they don't get that permit is the project dead? It seems like, from what you are saying, you can get a special use permit and do whatever you want. Harold Pressberg advised that the Village Board has defined uses in the zone that just need more review to make sure they will not unduly affect the surrounding area. When you have a Special Use Permit, the use itself is generally appropriate for the zone, but you want the Planning Board to review it carefully so that it satisfies certain additional criteria. Mr. Patane asked if the Planning Board issues that permit, and Harold Pressberg advised that it does. Chairman Ramsdell advised that one of the other things that can be done with a Special Use Permit is to specify a time limit for which it will need to be renewed. This came up when we discussed maintenance of the drainage piping; increasing the pipe from 10" to 24" is like a 500% increase. If there will be a problem with that, it would not occur all of a sudden. It would be something that builds so we can gain some control of these possibilities. Mr. Patane advised that his first question was are they approving in the zoning department? Why would the Village and Town of Chester go through all of this and find out, in the end, that they can't do it. Everyone's time would be wasted; either they can or they can't. Chairman Ramsdell advised that the Town of Chester doesn't have any involvement with this project. Harold Pressberg advised that the Planning Board does not determine whether something is an allowable use for zoning. If the neighbors or someone wants to contest the use for the access drive, they have to bring an application or court action. Mr. Patane verified that court action can be brought against them if they want to get a special permit. Harold Pressberg advised that if the Planning Board issues a special permit and there is a neighbor who is offended by it, they have the right to bring an application in front of the Zoning Board of Appeals or bring Article 78 to court proceed. He further advised that you have to be a neighbor. Someone 500 or 1000 feet away does not have a right to do that.
- **Daniel Gorman:** Asked if the road that is being put in will be Village of Chester or private property. Harold Pressberg advised that it is not public property.
- **Phil Murray, 109 Main St.:** Asked why they don't need a special permit for the house since they are changing it from an RS to RM? Harold Pressberg advised that they are not changing it; that is not for the Planning Board, it is for the ZBA or court. Mr. Murray advised that he doesn't understand. He thought that was what this meeting was about.

Harold advised that the meeting is not about zoning, the meeting is about site plan approval and a special permit. Mr. Murray asked if there will be a Zoning Board meeting. Harold Pressberg advised that if someone objects to what the Planning Board does, they have 30 days to contest and file a lawsuit. Mr. Murray asked if they have to wait till the project is approved before they can go to the ZBA. Harold Pressberg advised the answer is "yes", and then they would have 30 days to begin a law suit. The applicant can also do something if the Planning Board rejects their application.

- **Tracy Schuh, 94 Pickerel Road**: Advised that she wanted to ask about SEQRA. Her understanding is that if a project has the potential for at least 1 significant negative impact, the Planning Board would declare a positive declaration and an Environmental Impact Statement would be created. My understanding is that impact should be avoided and then mitigated if it can't be avoided. Case law that makes it clear that an agency may impose conditions on a project outside traditional areas of jurisdiction or may deny a project if the agency finds _____; most do so to avoid or mitigate significant adverse, environmental impacts with SEQRA process and must look at alternatives. Consideration for alternative scales or magnitude of project must be reasonable. One reason you would reduce the scale of the project is if the potential impact of the action can be avoided or reduced. I know that there is an historical significance so has the Board had any contact with SHIPO and have they obtained their input. Chairman Ramsdell advised that SHIPO was involved with the project over the past 20 years. Tracey asked if they know of the current site plan. Chairman Ramsdell advised that they do not. Tracey advised that she thinks that they may want to see the site plan. She advised that in the Town of Chester, this is one of the requirements; every application goes to SHIPO, and she assumed that it was that way in the Village of Chester. Chairman Ramsdell advised that at the first Public Hearing in September/2015, we had the benefit of hearing from Doc Bayne. He brought us historical information and suggested a plague at the site. She also advised that tearing down the house is a big issue. The Village of Chester will have one less affordable house. She doesn't know if the VOC has any such code that would discourage that. In regards to the road; I know that the neighbors obviously didn't plan on a road when they invested in their homes. The person across the street will have headlights in their house. To me, neither access to site is conducive for what is being proposed on the site. Snow removal; how possible will it be when you are dealing with a 15" space and a fence? What will be the recourse? What about the noise and dirt in the air during the construction phase? Visual impacts; how tall will the building be, color, lighting and how will it fit in? Access road; she is trying to understand the sidewalk situation. The way it is designed, people living in the project will not be able to get safely to other sidewalks in that neighborhood. All the sidewalks should link up. Proposal for a large fence; will it affect site distance? Traffic study; she thought that the VOC had done a big traffic study? Intersection; everyone is talking about already having 2 big projects. There is one already approved with 400 unit's right down the road. I mean no offense to the traffic expert, but he is hired by the applicant. The Board could hire their own traffic expert to weigh in. Chairman Ramsdell advised that Mr. Greely has been a fairly regular consultant for the Village of Chester Planning Board. Ms. Schuh advised that she was intrigued by the earlier mention; "In and Out". If it was created it may give the neighbors more buffer. Chairman Ramsdell asked Mark Siemers if he thought that a one way access at Main St. would accommodate a fire truck. Mark advised that he was unable to answer that question and would defer it to Phil Greely. Member Rappa advised that as long as the exit is still the same, if an emergency came up, they could go up the one-way. Phil Greely advised that in terms of that access to Main St.; as an alternate is concerned, you would still have Elm St. access as a 2 way access.
- **Alex Patane**: Could you imagine traffic in and out to the complex? Whoever is coming out of Elm St. and making a left turn will run into the same problem. It is a mess. Why anyone even thinks about this is beyond me. This is not the right place for this.
- **Linda Gifford, 99 Main St**: Advised that an apartment complex is being built and some of the Village of Chester businesses may shut down due to the removal of parking spaces; this makes no sense to even think about it. Chairman Ramsdell advised that our current level of conversation is that there will be restrictions on Main and Elm St. regardless of what happens with this project. Ms. Gifford advised that she realizes what they are saying because she walks the neighborhood 3 or 4 times per day. Where will this leave the Village of Chester if the businesses shut down?
- **Anthony Quinn, 77 Main St**: Advised that the idea that a 30' wide driveway is not a use as proposed by Mark Siemers and collaborated by the attorney who represents us is appalling. It clearly is a use. Harold Pressberg advised that it is not the Board's issue. Mr. Quinn advised that they need a second attorney's opinion on that. Section 98-24 gives you all of control needed to prevent this kind of building in the Village of Chester. You need to get another attorney's opinion. It appears that, in the Village of Chester, we can now buy a B1 zone and if it adjoins to an RS zone, you can hammer through the driveway. What else can you do? Chairman Ramsdell advised that we reviewed the list of possibilities. Mr. Quinn asked if a driveway into a B1 zone from an RM zone is a permitted use. Our concern is knocking down a residential house to make a driveway and then pushing the burden on the citizens to hire an attorney within 30 days; it is not our job, it is yours. You should be here to help us not hurt us.
- **Tracy Shuh**: Advised; "Buyer Beware". The applicant bought the project knowing that there was a problem with it. All those uses wouldn't be practical and would be denied. It is their fault that they bought something and are trying to make it work. The power of SEQRA gives the Board the authority to say "No" and reduce or make one of the other uses. The Town of Chester dealt with this by changing their code.
- **David Stevenson**: Advised that he understands that the Town of Chester has different jurisdiction but is wondering if any other jurisdiction, near us, has had similar issues about using RS property to access an RM zone. He spoke with

the Planning Board Chairman from the Town of Chester in regards to 2 projects, which he brought to my attention, that lead to the Local Law change they enacted. #1 – Camp Monroe Bellvale – they wanted to put a multi-unit dwelling on a lot via 51 Wilson Rd. which was in the middle of a row of single family houses. They wanted to buy the houses and take them down. The Town of Chester Planning Board dissuaded them strongly from doing that. They suggested that they put a road down towards the end of the property. Applicant tried to do something with it but to date they have not been able to do anything with it. #2 – Ashford Estates – Originally in 2005 an applicant was planning on taking down a house on Surrey Road to access their property. They were dissuaded and gained access using a stub road on Vivian Lane. The Town of Chester Planning Board was nervous about that so they hired a deed company to do a search to find out if applicant, who was John Sorrentino, was allowed to do that. The search said that he could. Mr. Sorrentino is used to doing things legally and by the book but, in this case, it seems like it doesn't fit with the plans for zoning. While going on, the Town Board realized that there were 2 projects before them attempting to do same thing. They came up with a Local Law which stated that new residential subdivisions shall not connect to existing subdivisions by means of an approved residential lot notwithstanding the fact that such a lot has not yet been approved. The law was unanimously passed in September of 2007. We may not have that laid out specifically, but I find encouragement in that the Town Board and Town Board Planning Board saw a deficiency in the Code and wanted to address it. The Town Planning Board used their powers of interpretation and judgement to dissuade the applicant from running an access drive through an RS zone. The Village Planning Board should find the same fortitude.

- **Matt Vandermulen, 32 Maple Ave:** With all the reviewed traffic problems tonight, there are a lot more cars other than the time when the buses are clogging things up. Cars are coming down Maple Ave. and using that as access. With the addition of school traffic, the traffic patterns today have more and more cars going through Cherry Hts. neighborhood which is residential, and the majority of it has no sidewalks in it. Most of the people living in the project will learn not to go to the left onto Main St. and will end up filing down Main St. Most of the speeders down Main St. don't live there; they use it as an access road. You have to consider the entire 2 to 3 block radius around the development. Chairman Ramsdell asked Phil Greely if the peak hour traffic leaving the site was 14 cars in a 1 hour period, 1 every 4 minutes which is not a particularly severe onslaught of traffic.
- **Alex Patane:** Advised that he is concerned about the 900 cars per hour and the traffic on Rt. 94 to Washingtonville. They come barreling through and hit anyone in their way. Harold Pressberg asked Phil Greely how many cars exit Elm St. during the peak time. Phil advised that it varies. In the A.M. during a 1 hour period, 30 – 35 vehicles. In the afternoon, the numbers are higher. Member Jankelunas asked Phil to clarify "hour". Phil advised that they use the highest 60 minute period. Harold Pressberg asked what would be the average, additional wait time if the project went through? Phil advised approximately 4 seconds, but he also stated that the traffic in the A.M. is increasing regardless of this project. Harold Pressberg advised that during the high peak times, it will impact approximately 4 seconds/car.
- **Tracy Shuh:** Asked if something is raised to the Planning Board about the Code and there are questions about the interpretation, doesn't the Planning Board have the authority to send it to the ZBA? Harold Pressberg advised that they do not. The Building Inspector makes the first interpretation, and the applicant can go to the Zoning Board.
- **Alex Patane:** Advised that he doesn't care about 14 cars coming out of Elm. He is concerned with 900 cars that go on Main St. and come one after another. You could be there for 3 hours and there could be a safety factor also with Academy with Main. Chairman Ramsdell advised that there is currently a painted crosswalk parallel to Main St. at the intersection and one across Main towards Derosa's formerly known as Jimmy's Uptown Market. There is not one on my side. Mr. Patane advised that a painted crosswalk gives anyone the right to cross the street. People will walk out because they are in the crosswalk no matter how many cars are coming. Chairman Ramsdell mentioned the possibility of adding a stop at the crosswalk that goes across Main St.
- **Tracy Shuh:** With the zoning code changes; does the Planning Board have the right, if they see something, to suggest changes to the Village Board? Harold Pressberg advised that every citizen has that right. Before the Village Board will pass a zoning change, they will send it to us for a review by the Planning Board.
- **Anthony Quinn:** Read Article 6 – Site Plan Approval – 98-29 – General Request. He advised that the word "use" in not there.
- **David Stevenson:** Regarding the mitigation techniques that were offered by the applicant in response to the 9/29/15 Public Hearing comments; (1) to lessen the impact of the headlights into his house sounded like they were offering to pay for either a stockade fence or hedge on his property. His house faces south with large trees. A stockade fence or large hedge will basically hem him in and make his house darker. So he will either have too much light or too much dark. (2) In terms of people on Elm St.; it sounded like in anticipation of possible litigation, you may want to hire a survey person to catalogue what the drainage is like in your yard right now. In both cases, it seems like the applicant is saying that I'm putting the burden on the neighbors to protect themselves and saying to change their life styles and incur cost to protect themselves. In response to the comment that surrounding property values would not be affected; he went on some websites and reviewed some articles and forms. The jury is still out on it. Generally, property value goes down in the immediate vicinity due to visual impact. People in adjacent properties often will recoup their losses by going to the Village Board and request an up zone so they can sell their property for commercial use.
- Chairman Ramsdell advised that there are requests for lot size from each zoning district. Harold Pressberg advised that the minimum lot size for RM use is 80,000 sf. Chairman Ramsdell advised that the Planning Board will be reviewing all comments and responses that have been made by the applicant's consultant and will be considered in a summary citing things that would be a resolution. Member Rappa advised that the project definitely impacts and will not increase the value of the houses.

- **Chris Battiato:** Advised that you don't have to grant the Special Use Permit right? Harold Pressberg advised that is what the Planning Board's responsibility is: to make a decision. Chris advised that it appears that we are going out of our way to make this project work and that they don't have to get a permit. Chairman Ramsdell advised that we are not going out of our way. This is a well-established process and is what we do. We are still actively involved in reviewing and rethinking the plan, and the applicant's engineer has been making changes as we go along. Chris advised that there are some minor changes and that everyone's conclusion is that the project doesn't necessarily fit where he is trying to put it.
- **David Stevenson:** Asked if the drain pipe is underneath the site and what will happen if it needs work? Mark Siemers advised that just like any other drain pipe in the Village of Chester, the roads connect by catch basin and drain via the manholes. David advised that if they had to be dug up there would be no way out of the apartments. Mark agreed but said that rarely happens.
- **Janet Writer, 6 Elm St:** Asked if something happens to the basin and it overflows in my yard or house, who is responsible to fix it? Chairman Ramsdell advised that it would be the property owner.
- **David Stevenson:** Can we submit comments before the Public Hearing is closed. Chairman Ramsdell advised that we will discuss what will happen including a write-in period if we close the Public Hearing at this point. He asked the Board for opinions on closing the Public Hearing since it has been open for approximately 6 hours so far.

***MOTION** to ADJOURN THE PUBLIC HEARING AND ALLOW WRITTEN COMMENTS AND EMAILS TO BE SUBMITTED TO THE PLANNING BOARD UNTIL 12/31/15 was made by Member Vincent Rappa, second by Member Anthony LaSpina. ***MOTION** unanimously passed. Chairman Ramsdell thanked everyone for their attention, comments and concerns. He advised that it will all be a part of the Board's deliberations.

REGULAR MEETING:

Chairman Ramsdell opened the Regular Meeting at 9:15PM.

1. MINUTES

Review Drafts of September 29, 2015 and October 27, 2015 Planning Board Meeting Minutes.

***MOTION** to ACCEPT THE SEPTEMBER 29, 2015 AND OCTOBER 27, 2015 MEETING MINUTES AS DRAFTED was made by Member Gene Winters, seconded by Member Vincent Rappa. ***MOTION** unanimously passed.

Correspondence

Email from Ronald DeCicco in regards to Elmwood Park Apts. #13-08.

2. Code Enforcement Officer Report

Presented by John Orr

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

December 15, 2015

Current projects that were inspected during the last month:

F&A – 41 Greycourt Ave

1. Interior work continues.

Meadow Hill Apartments

1. Building #4 framed in.
2. Exterior finishes being installed.
3. Interior work underway.
4. Permit issued for building #5.
5. Footing are in and floor will be poured this week.

FDF Enterprises – 3 Sanford Ave

1. House is complete.
2. CO issued.

Steris – 2 Nucifora Blvd

1. Most of the building footings are in.
2. Site work continues.

Burger King – Bryle Place

1. Interior work continues.

Q-Plaza – 69 Brookside Ave

1. Issued permit for renovation of second floor for Real Estate office.

Regards,

John S. Orr

Code Enforcement Officer

John advised that during this month he had 2 issues at Meadow Hill involving Mark Edsall's office and 2 New York State offices. (1) – a complaint from one of the local farmers that he was getting a discharge into his field off of Meadow Ave. He was concerned about that because the system, although built up at Meadow Hill, should not be discharging anything as of yet. The pond is not full, and we have not had the 100 year storm to totally discharge yet. Upon my investigation, I did find that the low level valve in the pond was open along with other DEC discrepancies at the site. Mark Edsall's office assisted me with a site visit. We turned it over to the DEC for their enforcement of SWIPP. The DEC has gone in and issued a Letter of Violations. Mark Edsall advised that the Village of Chester is not a MS4 community, a community where the population density is such that the DEC has defined those as municipalities that have responsibility and jurisdiction to enforce stormwater regulations. Even though we received the complaint, we have no jurisdiction to have a violation issued. We contacted a man at the DEC and advised him that this is your jurisdiction, and we can't act on it. We will assist you with information, but you have to deal with it. They did so and have been in communication with me and John Orr. (2) – John advised that the second issue at Meadow Hill is that the entrance has been built out. As I was looking at it and measured the width of the entrance etc., we realized that 2 catch basins were eliminated. Our plan called for 2, approximately 30' to 40' in to the site, and 2 lower towards the entrance. There were only 2 lower towards the entrance. I brought this up to the developer, and he advised that I didn't have the up to date plan. John advised the developer that he doesn't have an up to date plan, if John doesn't have an up to date plan. The developer advised that the state DOT approved them to eliminate 2 catch basins.

At this point, Mark Edsall's office took over. Mark Edsall advised that the approved plan design was a correct design. We, as a matter of secondary measure to protect the state highway and protect safety of those people exiting the project that we approved, had another set of catch basins up the road a bit. They kept the two we asked for and eliminated the two on the State Highway and advised that the State said it was ok. We asked to see a letter, but apparently it was a local permit to the engineer who made the field change. We have no jurisdiction. I asked Mr. Sashi (sp) from the Poughkeepsie, NY DEC to notify this Board that the DEC agrees with the catch basins being eliminated. Of course, when we receive their letter, we will respond and say that it is fine, but we view it as a safety hazard. At the low point, there is no collection for drainage which could cause freezing and a potential accident out onto the state highway. I don't know if we will ever see the letter. They may have to go back in and dig up the entrance and put in catch basins. John Orr and I took a bit of offense to a safety related field change with no communication with the Village of Chester at all.

John advised that he had the opportunity to have the ladder truck come into the entrance at Meadow Hill. The truck was able to enter better than I thought it would. I only wish that other people were here to hear this so they would know that I work closely with the Fire Dept. on these issues.

Chairman Ramsdell advised that John Orr is a County Fire Investigator, and we are very fortunate to have the luxury of having 1 of 14 Fire Investigators on our staff at the Village of Chester.

4. Projects for Review

Project #13-08

Applicant/Owner:

Location:

Re:

Presented By:

Project Name: Elmwood Park Apts.

John Sorrentino

Elm St.

Construction of 20 Unit Apartment Complexes

Mark Siemers

Chairman Ramsdell asked Mark Siemers in regards to Mark Edsall's comments: is there anything that is difficult or that you won't be able to complete and or comply with? Mark Siemers advised that there was not. Mark Edsall advised that from a plan stand point, the plans are complete.

Harold Pressberg advised that he feels the big issue will be the Special Use Permit. Every Board member must familiarize themselves with the criteria for the permit. This can be found in Section 98-24.

Chairman Ramsdell asked Mark Siemers if there is anything else we can do to move on with the application at this point in time. Mark Siemers advised no, not at this time. He advised that once we have all of the documents compiled, we will come back in and review with the Planning Board.

Member Jankelunas asked, in regards to the pond: how will it be maintained for mosquitos etc.? Mark Siemers advise that it is a dry pond, and it does not retain water. Member Jankelunas asked how long the water will be there before it drains. Mark advised that it will release over a 24 hour period. He will review the hydrograph and get back to us with additional information.

Member Winters asked about the snow storage areas. He advised that there doesn't seem to be a lot of space for snow piling. What will happen if a car is parked in the area they are trying to plow? Mark Siemers advised that they will have to bank the snow. In the worst case scenario, they will have to pile it up and truck it out. Member Jankelunas asked how much snow they can hold in the designated areas. Mark advised that he doesn't have an answer to that, but he will discuss it with the project owner and ask him what they will do.

5. General Discussion

The draft of the 2016 Planning Board Work Session and Meeting Schedule was presented for review.

***MOTION to** accept the draft of the 2016 Planning Board Schedule made by Member Gene Winters, seconded by Member Anthony LaSpina. ***MOTION** unanimously passed.

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 Gene Winters, second by Member Robert Jankelunas ***MOTION** unanimously passed. Meeting adjourned at 9:45PM.

Respectfully Submitted,

**Missy Sosler
Planning Board Secretary**

APPENDIX A

Village of Chester Planning Board

From: ronald decicco <rmdecicco@optonline.net>
Sent: Tuesday, December 15, 2015 3:09 PM
To: vchesterplbrd@frontier.com
Subject: Proposed Elmwood Park apartment complex

I have serious reservations about this project and would reject it.
Basically, it would change the nature of the village and create a traffic headache.
At various times of the day, this particular area already has traffic problems.
This section of the village has enough housing. Why create a problem by putting more there? Because there's some vacant space?
That's not a good enough reason.
Ron DeCicco
12 Walnut St.

DATE: December 23, 2015
TO: Rick Ramsdell, Chairman, Planning Board, Village of Chester, NY
FROM: Gordon Shehab, Resident and ZBA Member, Village of Chester, NY
SUBJECT: Elmwood Park Apartments

I am submitting these comments regarding the proposed Elmwood Park Apartments. Having attended the Public Hearings on the proposed development, it is clear that the immediate residents of the area do not want the development as proposed. In fact, other than the developer, it does not appear that any residents of the Village of Chester want this development.

The proposed Elmwood Park Apartments have raised concerns over increasing traffic congestion as well as living conditions for the surrounding residents, snow removal, etc. One of the long-time residents living near the project told me at the Public Hearing that she is selling her house because of this project. Developers should not be driving residents out of the Village of Chester.

Article 98-24 of Chapter 98 of the Village Zoning Code states,

“The Planning Board shall take into consideration the public health, safety, and general welfare, the comfort and convenience...of the residents of the immediate neighborhood in particular.”

Section E(1) of Article 98-24 states,

“The location and size of such use, the nature and intensity of operations involved,...its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use ...will not be hazardous or inconvenient to or incongruous with the said residential district or conflict with the normal traffic of the neighborhood.”

Section E(2) of Article 98-24 states,

“...the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.”

Having a 30 foot wide road slicing through residential homes to a 20-apartment development will create vehicular hazards, will be incongruous with the homes in the immediate area, and will impair the value of surrounding homes. This is clearly contrary to the language and intent of Article 98-24.

The developer for Elmwood Park Apartments is Mr. Sorrentino who was also the original developer of the Meadow Hill development. Once Mr. Sorrentino obtained the approval to build Meadow Hill, he “flipped” it to another developer who has already committed violations while it’s being built. In addition, my home is right next to the Meadow Hill development, and even though my house is several hundred feet from the buildings, my house was subject to vibrations and shaking from the construction equipment for hours a day for weeks. The residents adjacent to the proposed Elmwood Park development are much closer to where the construction will be, and I can only imagine the potential damage their homes may incur when the construction begins.

At the Public Hearing, a Planning Board member expressed concerns over snow removal. Since the majority of the property will be impervious surface, there will be little, if any, area for snow to be piled. The engineer for the project said it will have to be removed by truck. If we get another winter like last winter in which we had snowstorms almost every other day, a logistical problem will be raised regarding timely snow removal.

While I sympathize with the fact that the developer purchased this land, he did so knowing the potential risks and problems he would encounter. It is not up to the Village of Chester to ensure that a developer makes a profit on their land especially at the expense of the existing residents. Residences in the Village of Chester are predominately single family homes, but this balance is rapidly changing with the potential BT Holdings development, potential Mountco development, as well as the Meadow Hill development, and Whispering Hills. The residents of the Village of Chester are trying to maintain their way of life without the encroachment of high-density developers whose only goal is to maximize profits at the expense of the living conditions of the residents. While Elmwood Park Apartments represent one

development, its impact must be considered in conjunction with other existing and proposed high-density developments. The Village of Chester has to say enough is enough and stop over-development otherwise the Village of Chester will become a congested area with the attendant increases in public services, crime, traffic, etc.

I therefore urge the Planning Board to reject the site plan for 20 apartments, and instead consider only allowing single-family homes with a normal-sized driveway access to the street. This will keep the development in conformity with the surrounding neighborhood, will require less impervious surface, and not be a detriment to surrounding home values.

December 23, 2015

Village of Chester Planning Board
Village of Chester
47 Main Street
Chester, NY 10918

To the Members of the Village Planning Board,

COMMENTS REGARDING ELMWOOD PARK APARTMENTS

I would first like to thank the Planning Board for their diligence in reviewing the various aspects of this application. The project is a troubled one, as evidenced by the strong and voluminous feedback received from the public over three public hearings. Additionally I'd like to express my gratitude to the Chair and the Board for holding the public comment period open for several months to allow feedback from the community.

Over the course of the three hearings many issues have been raised, sometimes in a blizzard of emotion, but I'd like to summarize my comments and the concerns I have with the project as currently proposed.

Setting concerns of traffic, etc., aside, the zoning of the two lots is the more abstract issue that strikes at the core of this application. In a nutshell, Elmwood has two lots, one that is RS and another zoned as B1 but which they want to use for an RM project, which they are entitled to do by right. The concern is the use of the RS lot which will have a house removed and replaced with a 30-foot wide two-way road (they dismissively like to call it "just a driveway"). The RS lot at 8 Elm Street will no longer contain a house but will ONLY have a road whose sole purpose is to attach to and serve the apartment complex in the B1 zone. Since that is its only function, it MUST be considered as part of the same project. Elmwood would not even be able to exist without the access road, and that road will be used quite heavily, ONLY by residents/guests of Elmwood. So it needs to be evaluated as an integral part or extension of the entire project.

From there, we need to see if this type of usage is allowed in an RS zone. Although it is not explicit about it, the assumption in the Code is that simple driveways are allowed when they are part of a single home residence. But what Elmwood is proposing is an entirely different animal, and that type of heavy usage is not authorized in the Code for an RS zone. In fact, it's not even allowed as a special permitted use in the code, and this is important because the law for special permitted uses states that the use must be SPECIFICALLY AUTHORIZED by the Code. It is not, and it shouldn't be construed as being allowed "by omission;" that is, with the reasoning that, "Well it doesn't say we CAN'T do it"

Mr. Sorrentino claims that the access road, which by the way would be as wide as the 30-foot wide Elm Street itself, is not really a "use." How can a road that will carry at least 40 cars twice a day NOT be a use? Apparently their stance is that because there is no proper building on the lot, there is technically no use. But as I said at the hearing, the definition of "use" in the Village Code is "the purpose for which LAND or a building is arranged, designed or intended, or for which either LAND or a building may be occupied or maintained. Clearly this access road is being planned, designed, arranged and will certainly be maintained (with plans for drainage and snow removal) in order to function properly. The fact that this RS lot will be "used" cannot be denied.

Page2

To me, a somewhat equivalent project is the Academy Apartments complex at 19 Academy Avenue but even that project adheres to the zones better than Elmwood. Academy Avenue is largely an RS street but where the Academy Apartments is, the lot was rezoned as RM (how this occurred is beyond me as it sits like an island right in the middle of single homes). But the point is that their access road which comes off Academy, and climbs a hill at a steep grade to several multi-unit dwellings on the hill, lies COMPLETELY in an RM zone. It does not use an RS lot to gain access to the RM zone. It is all contiguous, as is the use. And, by the way, if you looked at that entrance and the car traffic it handles, it would be hard to claim that the access road wasn't a "use." Additionally, that access road has plenty of space around it as a buffer to the neighbors, something that Elmwood most definitely does NOT have. Elmwood, comparatively, is being shoe-horned into a very tight residential location.

Much has been made of the projected traffic, lights, etc., but all of these fall under the blanket concern that this project would be not just an extreme inconvenience for the surrounding neighbors but a drastic intrusion into a part of Chester known for being one of the older, more stable, and pleasant areas of the village. Elm, Highland, Maple, Kerner, Miller, Walnut, Oak...all these streets are comprised of nothing but single family residences, in keeping with the RS designation. To allow a two lane road to cut through one of these blocks to access higher density housing would be an aesthetic violation of the highest order and would, I fear, represent an erosion of the characteristics of Cherry Heights. The section of the Village Code designated as 98.24.D states that the proposed use shall be "in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties. It is hard to see how the Elmwood project would conform to this requirement and be a benefit of any kind to the established neighborhood.

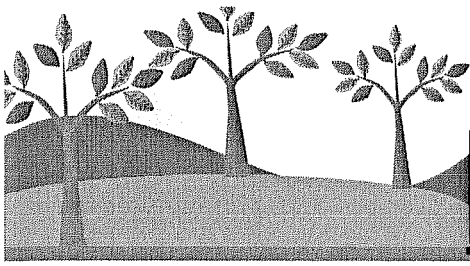
There are many specific details of the project that raise concern, among them:

- "ille effect of headlights on Mr Szulwach's property
- The close proximity to Ms. Writer's house
- The disposal of snow in such tight quarters
- The complications of two possible cemeteries on the land
- The water drainage of the entire lot

These points have been raised at previous public hearings so I will forego repeating them here. My main intention is to highlight some of the broader stroke issues confronting this project.

Thank you,

David Stevenson
 16 Elm Street
 Chester, NY 10918
 Sent via postal mail and email



The Preservation Collective, Inc.

PO Box 721 Chester NY 10918

www.thepreservationcolledive.com

December 28, 2015

Village of Chester Planning Board
Village of Chester
47 Main St
Chester NY 10918

sent via email: vchesterpobrd@frontier.com

Re: Elmwood Apartment Public Hearing

Dear Chairman and Board members:

I attended the recent public hearing on the proposed Elmwood Apartments and wish to forward additional thoughts on the project from our organization.

As stated at the hearing, I thought the project "may include the potential for at least one significant adverse environmental impact" [617.7 SEQR] given public comments e.g. the impairment to the neighborhood character and archeological resources. As you know if so determined, then a positive declaration could be prepared identifying the significant adverse impact(s) and requiring an Environmental Impact Statement. The EIS is required to include alternatives for review such as reducing the scale of the project to be more compatible with the neighborhood. As a result, "all potential impacts of the action can be avoided or reduced by a change in project size".

After further review of the public comments, we have come to the conclusion that the project as proposed is not permitted based on the different zones and uses involved in the application. We decided to consult with our attorney on the matter and will submit his findings under separate cover. We appreciate your consideration and hope that our information proves useful in your review.

Please let us know if you have any questions. Thank you.

Respectfully,
Tracy Schuh
President, TPC

References: <http://www.dec.ny.gov/pennits/357.html>
http://www.dec.ny.gov/docs/permits_ej_operations_pdf/segrhandbook.pdf

The Preservation Collective, Inc. is a non-profit 501c(3) tax-exempt corporation whose mission is to educate the community by bringing attention to and defending against the environmental impacts of new development and advocating for improved