

MINUTESVILLAGE OF CHESTER PLANNING BOARDAUGUST 25, 2015REGULAR MEETING

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

Robert JANKELUNAS, Member - Absent

REGULAR MEETING – 7:00 PM

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

1. MINUTES

Review Draft of June 23, 2015 Planning Board Meeting Minutes

***MOTION** to ACCEPT THE JUNE 23, 2015 MEETING MINUTES AS DRAFTED made by Member Anthony LaSpina, seconded by Member Gene Winters. ***MOTION** passed 4-0.

2. Correspondence

Reply from OCDP - #13-08 Elmwood Park Apartments

3. Code Enforcement Officer Report

Presented by John Orr

Current projects that were inspected during the last month:

Sienko – 20 Oakland Ave

- Project almost complete.

F&A – 41 Greycourt Ave

- Framing under way.

Norris – 26 Elm Street

- Interior work continues.

Castle – 109 Brookside Ave

- No work on Solar System yet.

Meadow Hill Apartments.

- Site work continues.

FDF Enterprises – 3 Sanford Ave

- Work well underway
- Slab is in.
- Framing started.

Steris – 2 Nucifora Blvd.

- Site work has started.

4. Projects for Review

Project #15-03 **Project Name: Chester Burger King**
Applicant/Owner: **Sanjay Patel/Middletown Hospitality LLC.**
Location: **3 Bryle Place**
Re: **Renovation of 3400 sq. ft., formerly Provident Bank, into Burger King Restaurant w/Drive-thru**
Presented By: **John O'Rourke**

John O'Rourke attended the meeting since Dave Higgins was on vacation. He advised that this project is on a 1.43 acre parcel located between the Lobster Pier and Taco Bell. It is in the building that was the former Provident Bank. It is proposed to be a 3,400 sq. ft. Burger King restaurant with a drive-thru window. There will be seating for approximately 52 people.

We are here asking for amended site plan approval based on the following; a Public Hearing was held, SEQRA has been typed as TYPE II, reply was received from OCDP recommending Local Determination and a meeting was held with the Planning Board Engineer and Traffic Consultant.

Mark Edsall advised that he held a field meeting on 7/20/15 with Dave Higgins and Phil Grealy. The purpose of the field meeting was to look at both the site traffic flow issue and the traffic issue as it pertains to the Bryle Place and the State Highway. Phil was brought in as a consultant to the Village of Chester to look at the traffic on site and from the State Highway. He advised that the site is in very good shape and just needed some tune up to make it more functional for a fast food facility. All of the site improvements are reflected on the site plan. Mr. Edsall advised the Board to consider the bulleted items when they are considering site plan approval. The second bullet is for the scope of improvements that Phil Grealy and Mr. Edsall agreed to that are appropriate on site. Mr. Edsall stated that he will defer to the Board for consideration of conditional approval of this project. The Chairman asked Mark Edsall if he just reviewed all of his comments, and he said "yes."

Phil Grealy advised that he received information from the applicant relative to traffic estimate. He advised that he provided preliminary comments in a 7/28/15 memo including a traffic comparison for this use compared to the previous use. On 7/20/15, he met with the applicant's engineer. He recommended approximately 10 more changes to the plan. The Board should include these points as part of the Conditional Approval. (Points are spelled out in his memo.)

The Chairman asked John O'Rourke if he had any comment on what was said by Mark Edsall and or Phil Grealy. John O'Rourke advised that he had no issue with the comments in their memos.

Member LaSpina asked if they had checked regarding making the entrance width a bit wider. Phil Grealy advised that we recommended the restriping of the existing road bed and also the immediate access as you come off of the state highway. He also advised that they recommended that the area on the right side be adequately signed. He advised that, in terms of additional width on the roadway, he did measure and that is what they left off in terms of striping, stop bar etc.

Member Winters asked Phil Grealy if, in his personal expertise and study, does he believe that coming in and out of Bryle Place could be a hazardous area. Phil advised that the presence of a left turn lane on a State Highway accommodates turn movement. During peak time, there may be a backup, but it would be brief. Stacking on the site is adequate. The traffic from the hotel and car wash will have to wait. There are traffic signals east and west which will provide some gaps. You will see traffic back up, but it does clear out. He advised that based on the volume, he doesn't see it as enough to require another traffic signal. Taking into account all of the changes, the area will function fine, and we feel that striping is the best way to handle the volume. He advised that they were on the site for a good amount of time and observed the flows; it operated well. Positioning people in proper lanes will accomplish what we need to accomplish.

Member Winters asked about the exiting from the Post Office and how difficult will it be to get out. Phil Grealy advised that, in general, looking at the entire stretch, there are a lot of turn movements in that area. (He brought up an aerial picture which predates the Taco Bell for reference.) He advised that they looked at the exiting traffic only and how it functions. The left turns entering and exiting the Post Office, he indicated on the picture, seem to function well. He advised that he feels that the configuration here now is the best to serve all of the sites.

Member Winters asked Phil if he feels that there should be changes in the traffic signal controls. Phil advised that he does not. The timing of the signal, over time, will need to be updated but it is a DOT call. Over time the DOT will implement this as traffic growth occurs. He also advised that, regarding widening, we looked at it from side by side and from the stand point of vehicles exiting. When we observed vehicles attempting to exit at the same time without striping, the vehicles didn't have good site distance. There was more control with a single lane approach. We feel that it is better to keep it at the current width and re-strip it.

The Chairman asked Phil to indicate the areas of restriping on the site plans. (Phil indicated the areas to The Chairman.) Phil indicated the following: the center line, stop bar, striping and also

where the signs are missing. He advised that they must make sure that the signs are put back and the area is signed properly. He advised that there is plenty of stacking area.

Mark Edsall advised that one of the advantages of Bryle Place, in the original setup, is that there is a slip lane just off of the State Highway. The onsite road can handle quite a lot of stacking during the peak times.

The Chairman asked Mark Edsall if he feels that the Board can grant Conditional Approval for this project. Mark advised that the only open item is the site improvement cost estimate. He advised that we need to include the second bullet into the approval resolution along with the fees and they will have done what we asked them to do.

***MOTION** by Member Anthony LaSpina, seconded by Member Vincent Rappa to grant Conditional Amended Site Plan Approval for the Amended Site Plan, last revised August 5, 2015, based on the following conditions:

- (1) The applicant obtains the Planning Board Engineer's approval of a site improvement cost estimate;
- (2) Site improvements shall comply with the scope notes on the plans as further defined/required in the memos by Mark Edsall, dated 7/21/15 and Phil Grealy, dated 7/23/15, and
- (3) Payment of fees.

***MOTION** passed 4-0.

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

Mark Siemers advised that at last month's meeting he presented a revised bedroom count for this project. He wanted to schedule a Public Hearing at that time, but the Board indicated that they would like to see a solution to the offsite drainage as well as further review by Mark Edsall of the traffic study.

In regards to the offsite drainage, Mark Edsall met with John Sorrentino, John Orr and Charlie Bono on 8/3/15. During that meeting it was agreed that John Sorrentino would make a contribution to the Village of Chester for the materials required to construct and increase the capacity of the drainage system. The drainage system runs down Walnut Street to connect to the existing catch basin which was already upgraded. Charlie Bono will provide a cost estimate on the material. We don't have it yet, but when we do the Developers Agreement, we will be completing it with the Village of Chester to finalize the contribution. The contribution will help the Village of Chester with the small pipes carrying drainage from that area.

Mark Siemers advised that, in regards to the traffic study, Phil Grealy is here tonight, and he will review it with the Board. The traffic study was provided to Mark Edsall and Missy Sosler at the work session which was held on 8/6/15. A narrative was provided to the Board as well as a submission for review.

Section 8 on pages 5-7 indicates that the project will not affect the functionality of any of the Intersections studied as a result of this project. There will be minor improvements to Elm St. near the intersection of Route 94. (This is highlighted on page 6 of the plans) One of the improvements added to the plan recommends that parking be restricted as indicated in the diagram of the traffic study. There was discussion at the work session and was indicated that this restriction of parking would require action by the Village Board as well as a recommendation from the Planning Board to the Village Board to restrict that parking. (The Chairman asked Mark Siemers to indicate where the area is on the drawing, and he did. Phil Grealy also indicated the areas where the striping and stop bars will be.)

Member Winters asked about the possible widening of the area. Phil Grealy advised that they would not be widening the area, but they are recommending that a 50 to 75 ft. section of the pavement needs to be redone. Member Winters also asked Phil his thoughts on the two parking areas on the plans and what he would recommend be done. Phil indicates on the plans where vehicles should not be parked. If there is adequate parking, it would be beneficial to remove the one space, but if forcing someone to park farther away from a residence or business is a consideration, then the simple answer would be that it would be beneficial to remove one more space and improve the site distance for everyone at the intersection.

Member Winters asked Phil his opinion in regards to reducing the speed of the traffic making

a left from Academy Ave. onto Main Street. Phil advised that it would, if it could be an all way stop. He feels that it would help the situation more than anything else at this time. He also advised that at some point down the road, you may need a traffic signal. The Chairman asked if a stop sign would work in a particular area which he indicated on the plans to Phil. Phil advised that an all way stop would provide order and it is pedestrian friendly. Phil advised that in regards to eliminating the one parking space, we would have to notify DOT that you are removing it for site distance improvement. This would be a request from Village of Chester to the DOT.

Mark Siemers asked what his client would be responsible for. Phil advised that if the Village of Chester is agreeable and discusses it with the Highway Dept. and State, he could just be required to extend the existing striping.

Mark Siemers advised that all of the comments on Mark Edsall's letter have been responded to in the submission for the meeting. He advised that he would like to request a Public Hearing to be held at the 9/29/15 Planning Board Meeting.

The Chairman asked Mark Edsall to review his comments.

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

- Recap on the zoning reflects a change to the bedroom count to avoid a trip to the ZBA.
- Mark Siemer's office did revise the SWIPP and we are fine with it.
- A reply has been received from OCDP.
- Catalogue of the remaining open items:
 - 1 – In regards to the conservation easement, which is shown, be sure the purpose and restricting are definitive. I suggest a note on the final plans and some type of declaration.
 - 2 - Street names and 911 numbering.
 - 3 – Offsite grading contribution agreement.
 - 4 - Fire District final review of hydrant lay out.
 - 5 – There is an inconsistency between the plan and details of the retaining wall drainage.
 - 6 – SEQRA is still open. The issue was a stormwater prevention plan and an offsite drainage development plan.

Mark advised that with the traffic issue nailed down, SWIPP revisions and corrections and the offsite drainage developer agreement in the works, the Board could consider moving forward on SEQRA and the project would be ready for consideration at next month's Planning Board meeting.

Member Winters asked if we have heard anything back from the Fire Department. Mark Siemers advised that he spoke to the Fire Chief, and he deferred to John Orr. John Orr advised that he will meet with the Fire Chief and review the plans.

The Chairman read the reply from OCDP for local determination. Mark Siemers advised that he reviewed the reply from OCDP earlier today. In regards to a sidewalk, if you are standing on Elm St., we could put a sidewalk on the east side of the drive going in. The grade is a bit steep there so it would probably need a retaining wall. We would prefer not to put a pedestrian access in that area. In our opinion, the sidewalk that is there to Rt. 94, is sufficient.

Member Rappa asked where the school busses would pick up the children. Mark Siemers advised that there would be a new stop on Elm St., but the school can change stops every year if they choose to.

Mark Siemers advised that the conservation easements are utilized on the site to meet the NY State DEC green infrastructure practices. The conservation easement area will encompass the area which possibly contains the gravesites. The other easement will encompass the existing trees. The Chairman asked if there is a note on the drawing indicating this. Mark Siemers advised that he will put a stronger note on the plans. We can build the conservation easements into the Developer's Agreement. Harold Pressberg advised that they may want a Developer's easement.

Member Rappa wanted to know where the areas are in regards to the gravesites. Mark Siemers Indicated where they are on the plans. Member Rappa advised that he feels that they should dig and make sure that they are there are no bodies buried there. Mark Siemers asked the Board how they would like his client to proceed with accomplishing that and who would they want there to be a witness(es). Member Winters advised that he would like John Orr and Cliff Patrick to be the witnesses. The Chairman asked how deep the graves were dug many years ago. Cliff Patrick advised that he was advised that in the early 19th century, the graves were approximately 3 to 5 feet.

John Orr asked Mark Siemers, in regards to the area in question, how does it work with the proposed grading plan. He asked if the area will be graded substantially. Mark Siemers advised that it will be on grade with the parking area. The Chairman asked Mark if that is what they were anticipating, and Mark advised that it was.

The Chairman asked Mark Siemers if it is possible to have some results to report regarding what's underground. Mark Siemers advised that they already did a radar and shovel test. He asked if the Board would like them to do more shovel testing. The Chairman asked Mark Edsall to weigh-in on this question. Mark Edsall advised that short of an archeological type of evaluation, it will be very hard to eliminate all of the potential locations. He advised that there are different ways to handle it. They could do more careful digging before they would allow excavation to begin. The digging would allow them to start to eliminate areas that were staked out as possible locations of graves. If they were to encounter something along the way, they would stop and notify the municipality. Member Rappa asked if they are saying that there is probably something there. Mark Siemers advised that the radar detection company advised that they didn't completely rule it out. There were anomalies within the soil, but they could not tell if anything was there. Mark advised that since the area will be within the conservation easement, they weren't concerned with that section.

Member Rappa asked Mark Siemers why that area is not indicated on the site plan. Mark Edsall advised that he could identify and create a restriction on how they should work in that area. Mark Siemers advised that they will not be working in that area. John Orr advised that in regards to the two conservation areas; they could make a note of what could, potentially, be there. Mark Siemers advised that he will locate the two areas on the plan and make a note that shovel testing has to be done prior to excavating in that area. Mark Edsall advised that the specific areas must be clear on calling out any and all restrictions. The plans and understanding must be clear.

John Orr advised that they would like to propose, in the entrance way (vehicle entrance way from Elm St.) a 6ft. high, stockade, vinyl fencing to be installed on the property line beginning at the front corner of the two houses it adjoins to on one side and to the retaining wall on the other side. The fencing will help shield the two properties from vehicles going up and down the drive. Mark Siemers advised that they spoke about this at the last work session. We discussed adding Vegetation, but we could change the vegetation to fencing. (The Chairman asked Mr. Szulwach, 9 Elm St., to come up to the Board table and look at the site plan so he could see the area they were discussing.)

Mark Siemers explained that they would plant vegetation to create a hedge way to create a visual buffer. He advised that he will add a line indicating that we will offer a stockade fence area. Mr. Szulwach advised that, at this time, he is not interested in the offer of vegetation and or fencing. He advised that he is more concerned about the roadway coming down and how close it is to the residences on either side.

Janet Writer, 6 Elm St., advised that she is concerned about the location of the sewer. She also asked if the house between her and the proposed apartments will be taken down. Mark Siemers advised that it will be. Mrs. Writer asked when that would happen, and Mark Siemers advised that it would happen when the project is approved and construction begins. Mrs. Writer advised that she has more questions regarding the project. Harold Pressberg advised that we plan to hold a Public Hearing, and it will be more appropriate to ask your questions at that time.

Mrs. Writer asked about what will happen to her house when trucks etc. constantly drive up and down the road in front of her house. She feels that the constant traffic will put her house in jeopardy. The Chairman advised that there has been conversation about the development of this property for 30 or more years.

John Orr advised that when we had a neighbor concerned about the foundations on Meadow Ave., the developer did pre-construction surveys. Mark Siemers advised that he will look into that.

Mr. Szulwach asked if there is a rule about setbacks for a public street. Mark Siemers advised that the front yard setback is 40 feet. Mark Edsall advised that relative to the position of the road between the two houses, he doesn't see that any vehicles that go up and down the road, at traffic speeds, would cause any problems. If something does happen, there would be a record that you had no problems before the project began. Mr. Szulwach asked, if the setback is 40 feet, are you saying that the wall would be only 15 feet from my neighbor's house. Mark Edsall advised that the 40 feet pertains to the buildings, not the roadways. This is an access driveway to the project which is two totally different things. It is not a village road; it is a common driveway.

Mr. Szulwach asked if someone would explain the parking restrictions. John Orr explained that on Mr. Szulwach's side to his neighbor's driveway (indicated area on the site plan), it will not be anything different than any other intersection.

***MOTION** was made by Gene Winters, seconded by Anthony LaSpina to hold a Public Hearing at the 9/29/15 Planning Board Meeting at 7pm. ***MOTION** passed 4-0.

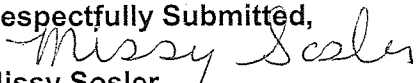
5. General Discussion

Nikki Mayer of 68 High St. advised that she is close to Meadow Hill project which is currently under construction. She advised that her house has been vibrating from the current construction. John Orr advised that they are doing the infrastructure and site work at this time. Nikki advised that they are pushing the dirt against the trees on her property line. As a result, there could be cracks occurring within her house and foundation, and she would not be aware of it. She advised that she spoke to Albert Fini about this, and he advised her that there will not be any problem with that happening to her house.

The Chairman suggested that she may want to take pictures because he doesn't know what could possibly be happening to her house as a result of the ongoing site work.

Chairman Ramsdell asked if anyone had anything else to discuss and, as there were no other comments, ***MOTION** was made by Member Gene Winters, second by Member Anthony LaSpina to ADJOURN THE MEETING. Motion passed 4-0. Meeting adjourned at 8:40 PM.

Respectfully Submitted,


Missy Sosler

Planning Board Secretary