

MINUTESVILLAGE OF CHESTER PLANNING BOARDSEPTEMBER 29, 2015REGULAR MEETING

**PRESENT:** Richard Ramsdell, Chairman  
 Gene Winters, Member  
 Anthony LaSpina, Member  
 Vincent Rapp, Member  
 Harold Pressberg, Attorney  
 Missy Sosler, Planning Board Secretary

**ABSENT:** Robert Jankelunas, Member  
 John Orr, Code Enforcement Officer  
 Mark Edsall, Engineer

**PUBLIC HEARING 7:00PM**

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

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 September 13, 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 September 29, 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 for a project known as Elmwood Park Apartments involving the construction of a 20 unit apartment complex.

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, Lots 7 & 2, in a B1 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 Boards process in conducting Public Hearings. As the first step is requesting the Applicant, or a representative to present the project:

Mark Siemers, representing the applicant, began by advising that the project is located on 2 existing, tax lots in between Elm St. and Main St. and indicates location on the plans. The 2 lots total 2.6 acres in size. The lots are identified as 111-2-3 & 7.1. The smaller lot, Lot 3, on Elm St. contains an existing house and driveway which will be removed for the construction of the project. The larger, Lot 7.1 is located in a mostly wooded, back lot with a narrow 25' strip of land which goes out onto Main St. The parcels are located in a B1 zone.

The project entails construction of a 30' wide access drive off of Elm St. through the area of the removed house for site access. At the direction of the CEO, at the 8/25/15 Planning Board Meeting, we have provided a 6' stockade fence along both sides of the access drive to help mitigate the visual impact of the access drive from adjoining neighbors. This drive will provide access to the main project on the larger lot.

The main project consists of 2 parking areas which will serve 2 proposed buildings. The 2 proposed buildings will contain a total of 20 apartment units in accordance with zoning. The larger building will contain 10 – 1 bedroom units and 8 – 2 bedroom units and the smaller building will contain 2 – 3 bedroom units. The parking lots will have 48 parking spaces, which is 2 more than the required 46 spaces.

The proposed building will be sewerred by connection to an existing sewer main on Elm St. The plan has been forwarded to Moodna Sewer Basin Commission for review and approval.

The water supply will connect to the existing Village water main. The connection will supply domestic water and a sprinkler system. Plans have been forwarded to Tom Becker for review; he did a preliminary review and acceptance of our layout of the water main. The hydrant testing is scheduled for next Tuesday, 10/6/15, to verify flow and design. After that testing is completed and design verified, the plans will be forwarded to the Orange County Dept. of Health for their review and approval of the water connection.

The project contains internal sidewalks for pedestrian walkways in front of each building. The Traffic Analysis Report for the project was completed, and it indicates that a project of this size will not negatively affect the operation of any of the intersections in the area. The project does have minor traffic mitigation improvement suggestions: additional double yellow line up Elm St. with a stop bar and a suggestion that the Planning Board make a request to the Village Board that parking be restricted along Elm St. back to Davis Way. Phil Greeley, Traffic Engineer, was at last month's Planning Board Meeting; his report was to the Planning Board's satisfaction.

We analyzed the stormwater runoff for the project. The designed mitigation measure on site is in accordance with the NY DEC regulations. The stormwater will be treated on site with a sand filter. Peak runoff will be attenuated in a proposed dry pond which will be fenced. The pond will remain dry in dry weather and will only fill during storm events. The stormwater will be detained in the dry pond and slowly released through a pipe that runs down the access drive and connects to a drainage location in Elm St.

During the planning process, we worked with the Planning Board and the Street Supervisor, and we became aware that the infrastructure located along Elm St. is undersized. To help the Village of Chester mitigate this issue, my client will be making a monetary contribution to the Village for materials needed to construct and upsize the drainage pipe.

We have prepared full design plans which include:

- 1) Utility and grading plans.
- 2) Full erosion and sediment plans.
- 3) Landscape plans.
- 4) Lighting plans.
- 5) Details for the construction.

Mark Siemers asked Chairman Ramsdell for comment regarding other things that may need to be done at the intersection of Elm St. regarding the site distance. Mark indicated on plan what parking spaces may be eliminated. He also indicated which spaces he would like the Village of Chester to stripe out.

Chairman Ramsdell asked the Board members if they had any questions or comments and as they did not, he opened the Public Hearing for public questions and comment.

- Betty Ann Reilly, 13 Hudson St: She advised that she heard that the project was on Elm St. in a B1 zone. She asked if the house that is being removed is in a B1 zone. Chairman Ramsdell advised that he doesn't think that it is. She advised that they didn't mention that the project was on Main St. Chairman Ramsdell advised that it runs on both Main & Elm St. She advised that Main St. is more of a commercial area while Elm St. is more of a residential area. She feels that it is unfair to the residents of the Elm St. area to have to take on the burden of traffic egress and ingress. She doesn't feel that a stockade fence would make the area more attractive. She asked about signage in the residential area and advised that this project should not be a hardship for this residential area.
- Ray Presky, 17 Elm St: Asked how many 20 unit apartment complexes are near this site. He also asked why there are so many 1 bedroom apartments. He feels that it is not conducive to attracting families and could appeal more to transients. Harold Pressberg advised that the Village Zoning Law requires a 50-50 split. Chairman Ramsdell advised that Academy Ave. is a 24 unit complex. Chairman Ramsdell also advised that this property has been the subject of applications for more than 30 years.
- Ed Stoddard, 20 Kerner Drive: Asked what happened to the plans to develop this property into single family homes. Chairman Ramsdell advised that the applicant choose not to go in that direction. Mr. Stoddard advised that the Board members should be aware that the prior owner, basically, land locked the property. The only safety valve is in and out onto Elm St. Picking up on Mrs. Reilly's comment that this may not be a legal way in and out; you need to address the question as to whether or not you can remove a house to give you access to property to do something that is not permitted in a residential area.
- David Stevenson, 16 Elm St: Read the following:

PUBLIC HEARING  
ELMWOOD APARTMENT

“My name is David Stevenson, residing at 16 Elm Street in the Village of Chester. I would like to voice my opposition to the proposed Elmwood Apartments project based on an issue I believe is in violation of the existing zoning code.

“The Elmwood lot sits in a B-1 zone which allows for this type of high density development. However what needs to be kept in mind is the zoning of the property at 8 Elm Street that the developer wants to use as his access point. While my understanding is that the applicant also owns the lot at 8 Elm Street, that lot is zoned as RS, which allows single family homes but NOT high density housing such as apartment complexes. The applicant seems to feel that by simply removing the house and running his road through the lot, he can have his access. But after removal of the house, his proposal will leave an RS lot with nothing on it except a two- way road whose express and only purpose is to serve the project on the B1 lot. That is its only use. Since the road serves no other purpose than to give access to the apartments, it MUST be considered as part of this main project. It will, in essence, be acting as a de facto extension of the B1 lot while not carrying the proper zoning to do so. This is a clear violation of the zoning code.

“Look at it this way: Let's say that, while the Taco Bell on Rt 17M was being proposed, a single family house in an RS zone happened to sit next to it. Taco Bell would not be allowed to simply buy the lot, knock down the house, and extend their parking lot into the RS lot. They may own both but they are still required to adhere to the zoning of the separate lots. Since zoning resides with the lot, not the project, I'd like to think that the Planning Board would not approve of this clear violation of zoning boundaries.

“Earlier this year, I spoke with David Church, who is the head of the Orange County Department of Planning. I outlined the details of this project to him and asked for his opinion. He stated that, while he did not have the actual plans in front of him, he could not recall any other project that attempted this tactic and that the zoning boundary most likely prohibited this type of use. He further said that it sounded like this proposed usage was "not in the spirit" of what zoning laws are intended to accomplish which is to set clear boundaries for usage within a municipality. He offered to review the case in greater detail, and I strongly urge the Planning Board to pursue this heightened level of scrutiny.

“Now **(NOT AUDIABLE)** one way the applicant might want to circumvent this is to request a zone change for the 8 Elm Street lot to a B1 zone. But Elm Street is currently a completely RS zone on both sides of the street for its entire length. The intrusion of a B1 lot cutting through this at the midpoint of the block would be an undesirable division of the contiguous RS zone and would have major negative repercussions for the surrounding lots, including but not limited to loss of value of neighboring properties and the destruction of the character of the neighborhood. One can easily see neighboring properties, unable to sell their homes, being forced to request zone changes as well, thus extending the B1 district into a residential area, and before you know it, welcome to Middletown. It would represent not just a symbolic but an actual turning the corner of commercial development into Cherry Heights, a residential area that is one of the oldest and most established parts of the Village. Development in this area should not be accommodated in a haphazard way, and definitely shouldn't be done in violation of established zoning regulations.

“And finally, I just want to raise the point again that this Elmwood lot was effectively landlocked by its owner over 20 years ago. It was his decision, not ours, and the new owner knew this going in. So it is grossly unfair to ask the neighbors to bail out the new owner on the backs of their own decreasing property values.

- Janet Writer, 6 Elm Street, Apt. 1, read the following:

“[My] house was purchased in 1895; I have lived in this house since 1953. The house has a legal apartment and a full size house beside. The house has never had water in it! If the retention pond or water on the blacktop leaks in my house, who will be responsible to pay for the damages? How high will the lights be above my house? Outdoor lights? How much will it change the value of my property? A 6 foot wall has been proposed will that be built? If a blizzard should arrive where will the water run as it melts and freezes. Storm drains fill at the bottom of Elm Street all the time.”

- Susan Predmore, 10 Elm St: Asked when the house at 8 Elm St. will be taken down? She advised that there is less than 6' between her house and garage and is concerned about the storage of snow because it is directly behind her property; the water is a concern.
- Ben Ostrer, 111 Main St: Advised that the mere fact that it is cheaper to purchase access out to Elm St. should not be binding on the neighbors with the traffic. They could have attempted to acquire access to Main St. Will water find its way into the homes that are nearby? Because they felt it cheaper to go to Elm St. than to Main St., it should not be where the leverage it. The lot will merge with the parent parcel and will be in 2 zones; residential and business but they will be using residential zoning for their entrance. Chairman Ramsdell advised that after looking at the plans for development of this property for almost 30 years, I have come to appreciate that the site distance at the intersection of the property on Main St. was much worse than on Elm St. Mr. Ostrer advised that you will be putting, in addition to houses there, 20 additional apartments. There will likely be 40 additional cars and 100 more trips on Elm St. than what it carries today. There will be no place for overflow parking from the apartments. They need to reduce the number of units and increase the amount of parking on Main St.
- James Devaney, 12 Elm St: There are 4 restaurants located on Main St. and with different deliveries throughout the day there are always trucks parked in front. When we pull out onto the road, we literally white knuckle and fear for our safety. He lives at 12 Elm St., between David Stevenson and Susan Predmore, and I do get the entire run off. Water gets into my basement and garage. He has spent many thousands of dollars putting drains around my patio and garage.
- Janet Writer, 6 Elm St: Asked; suppose the retention pond breaks down, who's responsible for the damage to my house? Chairman Ramsdell advised that the property owner would be. She asked if a traffic light was considered at Main St. Chairman Ramsdell advised that it was studied as a part of the traffic study.
- Betty Ann Reilly, 13 Hudson St: Advised that with all the additional traffic coming out on Elm St., we eventually may need a light at Elm St. She would like to see the residential area left residential. Harold Pressberg advised that Main St. is NY State Rt. 94 and DOT determines where the traffic lights will be. The traffic consultant didn't feel that there was enough of an issue, with the traffic, to warrant a light.

- Susan Predmore, 10 Elm St: Advised that this is not the only project in the Village. There is one on Rt. 94 as well as behind Vista Drive. Now there are teachers parking on Main St. and there could be the possibility of 100+ cars dumping into the Village. She feels that this will be a problem and it won't be very safe.
- Leslie Smith, 117 Brookside: Read the following:

September 28, 2015

Dear Chairman Ramsdell and Planning Board Members,

The Elmwood Park plan is definitely not in harmony with its RS zoned neighbors, even as one (111-2-3) of its 2 lots is itself zoned RS. At least 3 of these neighbors will enter a lifetime of annoyance or possible chronic distress if this plan is approved as presented. Its effects are sure to be felt by all of its surrounding RS neighbors but Janet Writer, EJ Szulwach and Susan Predmore will feel its effects most deeply.

First, the traffic going in and out of "Drive A" will be even greater than indicated on the plan, if the developer complies with the parking requirements. The required 0.75 spaces per unit for visitors are omitted from the parking schedule.

Parking calculations:

10 one bedroom units = 20 spaces (2 ea. unit)  
 8 two bedroom units = 20 spaces (2.5 ea. unit)  
 2 three bedroom units = 6 spaces (3 ea. unit)

20 units x 0.75 visitor spaces = 15 spaces

61 spaces required

This is a great number of cars entering and leaving the property with all the nuisance of the noise, exhaust and light that traffic produces.

Next, on the first page of the plan, in the General Notes section at #6, it is indicated that the property lies in the B-1 zoning district. The property consists of 2 lots; Lot 111-2-3 is in the RS zone unless there has been a zone change. The second lot, 111-2-7.1, zoned B-1, allows the RM permitted uses, but both lots are being developed within this RM project. You can see on the plan, the house at 8 Elm is to be demolished and at the street, the property is 50 feet wide. Coming off Elm Street to access the larger lot, 111-2-7.1, "Drive A" is 30 feet wide and on Susan Predmore's side there is to be a 15 foot buffer. However on Janet Writer's side there is to be only a 5 foot buffer. Both buffers are shown with fencing.

Meanwhile the village's zoning chapter at 98-17, Buffer Strips states at A:

A side or rear yard in a B-1 or B2 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.

Although the entrance/exit, "Drive A" will be in an RS zone parcel, the project is stated to be an RM project in a B-1 zone. If an RM project is going on in an RS zone, by what authority is this happening? AND why is Janet Writer not getting her 15 pavement free landscaped feet of buffer?

Then there is the unfortunate Mr. Szulwach directly across from "Drive A" who will have the headlights of a potential 61 cars shining into his house each night. Will 4 arborvitaes protect him?

Elmwood Park may be a good project but it is proposed for the wrong location. (A pig in the parlor) If approved, the project will present serious quality of life issues for RS adjacent residents.

Consider:

- Use "Drive A" to enter Elmwood Park
- Eliminate all parking on the east side of Main St. From Elm St. to the cemetery
- ◁>Institute diagonal parking on the west side of Main St.
- Install traffic light at intersection of Academy Ave and Main St.
- Exit Elmwood Park at Main St. Sincerely,

Leslie Smith, 117 Brookside Ave. Chester, NY 10918

PS: On page 1, BULK REQUIREMENTS 3 bedroom apartments, habitable dwelling area 1000 (S.F.)

- David Stevenson, 16 Elm St: Asked about the overall drainage and grading of the lot. (He indicates the area on the plan>) Will water be hitting the backside of the apartment building and cause a foggy area? Will the water be redirected toward Mr. Devaney and my property and exacerbate his drainage problems and create some new ones for me? All of the rain water that is supposed to be collected from the roof of the main building goes off into one line, that is not part of the main parking lot, and feeds into all of the water collected from the macadam itself. A lot of the water is being funneled into the pipe.

Mark Siemers advised that the swale runs along the back of the building and they have catch basins. The sizing of the pipe was calculated in the Stormwater Pollution Prevention Plan. The water is brought into the closed stormwater system and runs into the pond and is piped down to a new bypass pipe on Walnut St. David Stevenson asked if the diameter of the pipes is consistent all the way down the street to include the upgrade. Mark Siemers advised that the diameter goes from 15" to 18" to 24". Chairman Ramsdell advised that since the drainage is directed, it should not contribute more run-offs onto some ones property.

- Ed Stoddard, 20 Kerner Drive: Asked how many dry ponds will they have and what is the depth? Mark Siemers advised that there will be one dry pond with a depth of 10' to 12'. Mr. Stoddard advised that, if we have a heavy rain, it will create a potential overflow. Retention ponds do overflow and create problems. Chairman Ramsdell advised that the project owner had to do a Stormwater Pollution Prevention Plan.
- Mr. Stoddard asked about the possibility that the property may contain a burial site. Mark Siemers advised that in the process of design and review, it was brought to our attention, through deed research, that there may be burial plots located on this property. The deed research discovered where the burial plots were located. They meet with Cliff Patrick and members of the Planning Board, and it then came to our attention that there may be a second burial plot. We contracted a ground penetration radar company and went on site with the equipment. We studied 2 different areas of possible burial locations. Mark indicates on the plan where the area of possible grave locations may be.

He advised that they have encompassed that area into a conservation easement so that it will forever remain untouched and encompassed in the deed. In the second area, they found 5 possible depressions where the equipment was used. The soil strata indicated that remains were no longer in this area. Whatever was there has been removed, but we don't know when that was. We have shown the locations of the possible depressions. As per the suggestions of the Planning Board engineer and the Planning Board, we have indicated and placed notations on the map that this area is to be shovel tested by a professional Archeologist before any excavation is done in this area. Mr. Stoddard advised that the building and the parking lot, which may contain the remains of 5 people, is another reason that this project should be seriously considered.

- Doc Bain, President of the friends of Sterling Forest, PO Box 701, Greenwood Lake, NY read a letter. (Letter is attached.)

- Betty Ann Reilly, 13 Hudson St: Asked if this project went to the OCDP and did we receive a response. Chairman Ramsdell advised that we did send the referral to OCDP, and we have their reply which is for Local Determination. Betty Ann advised that is in conflict with what David Stevenson said regarding his conversation with David Church. Chairman Ramsdell read the reply from OCDP. Betty Ann advised that Mr. Church didn't see the referral and reply, but Chairman Ramsdell advised that he signed off on it.
- David Stevenson, 16 Elm St: Asked if it is possible that OCDP is not aware that this project includes 2 different zones? Chairman Ramsdell advised that the Board will look into it.
- Bill Murray, 109 Main St: Advised that this project has nothing to do with Orange County. It affects the people of the Village of Chester. When we get heavy rains, the water goes down Rt. 94 onto Elm St. and takes a bit of the soil from my yard each time. It continues down my driveway and between my shed and garage and then washes out Davis Way. When we get heavy rains, the water will shoot down on either side into someone's residences. He asked what time of day the traffic analysis was done.
- Karen McGovern, 19 Elm St: Asked if the Village residents have access to the Environmental Impact Statement. Chairman Ramsdell advised that is the first thing we have to do. Harold Pressberg advised that she can FOIL it and ask for the environmental assessment report. Karen advised that she is very worried about what will happen to her property value.

Chairman Ramsdell advised that the Planning Board has been looking at proposals for this property for more than 30 years. One of the reasons why none were constructed was because we couldn't reach a conclusion on the environmental study (SEQRA). For one reason or another we weren't being given the information we were asking for. Harold Pressberg advised that an Environmental Impact Statement is not required for this project. If you want to see the Environmental Assessment Form you must submit your FOIL request to the Village Clerk's office.

- EJ Szulwach, 9 Elm St: Asked if the developer demolishes the house, will the developer protect the neighbors from lead based paint and asbestos. He thinks that it is an environmental issue. Chairman Ramsdell advised that it is part of the building permit application and will include this removal. The Building Inspector will have to certify that there are no dangers or will have to deal with it.
- David Stevenson, 16 Elm St: Advised that he wants to call attention to the fact that there will be one lane going each way; 30' wide which is the approximate width of Elm St. It will probably need to be signed. The road will be approximately 300' long with 10% grade. If the snow maintenance is done by a private company, they may not get to it right away. The people going up and down the length of a football field, and it may become very slippery in the winter.
- Maritza Parache, 58 Maple St: Asked if the traffic is considered commercial, and Chairman Ramsdell said no. There will be more traffic where the children are playing. Chairman Ramsdell advised that we can't tell them that they can't go there.
- EJ Szulwach, 9 Elm St: Advised that at an earlier hearing we had with this gentleman, he said that more of the runoff would go onto Elm St. I am now hearing about snow going down onto Elm St. How will they capture that water? Mark Siemers advised that he didn't know where that comment came from that no water would be going to Elm St. This is our first Public Hearing on this project. In regards to the water runoff coming down to the access drive, we have drainage catch basins located down the access drive. It is designed and separated at certain intervals to ensure that the storm water running down the roadway is captured and piped to connect down Walnut St. and into the black dirt.
- Karen McGovern, 19 Elm St: Asked if her school taxes will go up because of more children in the apartments.
- Betty Ann Reilly, 13 Hudson St: Asked about the curbing and where is it. Harold Pressberg advised that the curbing is along the access road. Chairman Ramsdell advised that they will be putting curbs on the access roads with catch basins on their property.

- Anthony Quinn, 77 Main St: Advised that a lot of the conversations that are being heard tonight are interesting and important. The idea that the side road is in an RS zone into a B1 district on a 30 year old parcel is the question that hasn't been answered. It is very important and needs to be answered.
- Cliff Patrick, 119 Brookside Ave: Advised that in 2014, he wrote a letter to the Planning Board detailing the history of the site. Doc Bayne just gave me copies of a contract he eluded to which indicates the contribution Mr. Townsend made towards the chain access across the Hudson River. This chain was the third and only successful chain that kept the British from controlling the Hudson River. Before the contract was signed, all of the military procurement was by the Quarter Master which was flanked with corruption and abuse. The plan shows extensive grading up to the edge of the paupers' gravesite. The physical extent of ~~before~~ the pauper's gravesite is not clearly defined. We need to make sure that, when the grading takes place, if there is any evidence of graves, it must be addressed right away. When the ground penetrating radar took place, this site wasn't cleared so they weren't able to get a good study. A conservation easement should be defined on site for people living there to see and know why it is as such. They need to indicate that it is a burial ground. There are 2 things that people need to know; the role Mr. Townsend played in the American Revolutionary War and that the pauper's graves are located there.
- Ed Stoddard, 26 Kerner Drive: Advised that if you can access one piece of property to gain access to some place you didn't have originally; we, the Village of Chester residents, are in jeopardy because our plans don't really mean much.
- David Stevenson, 16 Elm St: Advised that another way look at this would be if you look at where Taco Bell is and if there happened to be a house (in a RS lot) next to it and Taco Bell needed some more space, it couldn't just buy that lot and knock down the house and extend their parking lot. Zoning needs to reside with the property not the project. The road dedicated to the complex must be considered part of the complex.
- Brian Boone, 3 Hom St: Advised that the person who bought that parcel never bought that parcel. This is a moot point. How much more developing do we need in Chester? We are over developed right now. How many more people can we take? Why can't we bring back houses to Chester?
- Gerard Staples, 53 Maple Ave: Advised that the driveway coming onto Elm St. will create a tremendous burden for everyone who lives here and the quality of life will decrease. I moved here because there were all single family homes on Elm and Maple.
- Linda Gifford, 99 Main St: Advised that she has lived here for 8 years and has seen a large influx of traffic up and down Main St. There will be no place to park, and they will be lining up and down Elm St. which will create an unsafe situation.
- Noreen Stevenson, 16 Elm St: Asked who the apartments will be marketed to and what the price range is. Also wanted to know where the dumpsters will be located. Chairman Ramsdell advised that he doesn't know the pricing information. He advised that the project is nor specifically designated as senior housing. There is handicapped parking. The other project mentioned further out on Rt.94 has grade level apartments and has been designated to be marketed to seniors in the Village of Chester first, then in stages after that. Mark Siemers indicated on the plans where the 3 dumpsters are.
- Ed Stoddard, 20 Kerner Drive: Asked Mark Siemers to indicate where the hydrants are. Mark indicated where the "1" hydrant is as well as the sprinkler fire support within the buildings. Ed commented that the fire trucks will have to go through all of the parking lots to get to a building. He can't believe the location of the "1" hydrant. How will a fire truck access a building? Chairman Ramsdell asked if we had a review by the Fire Chief. Mark Siemers advised that the plans have been sent to the Fire Chief, and the Chief telephoned Mark and advised that he would be deferring the fire review to the CEO. Member Winters advised that we should have a report from John Orr. Mr. Stoddard advised that he is a volunteer fireman and resident taxpayer and am not here in any official capacity. Being a fireman for 50 years; I know that this is a problem. With a 5" hose on a hydrant, to go anywhere with it, you have blocked out main access. He doesn't see a roadway to get to the buildings other than the parking lots. Chairman Ramsdell asked Mark Siemers if the parking areas were redesigned based on the information he received about the fire trucks. Mark Siemers advised that the



original parking lot layout was slightly different. He widened a particular area and increased the turning radius for the trucks. Mr. Stoddard advised, practically speaking, this will not work. He can't believe that this is the fire plan. Mark Siemers advised that he will discuss his comments with John Orr.

- Michelle Deshler, 1416 Whispering Hills: Advised that she is very concerned about the emergency access situation. Harold Pressberg advised that he is sorry that John Orr is not here to speak to this since the Chairman defers to him on these issues.
- Gordon Shehab, 68 High St: Asked if Mr. Sorrentino gets approval for this project will he flip it to another developer? He lives next to the Meadow Hill project and for years Mr. Sorrentino was trying to get approval and, the minute he did, he flipped it to another developer. Now the new developer is revising the construction. There were supposed to build at the other end of the property, and now they are building next to my property. Chairman Ramsdell advised that the location of the buildings for the Meadow Hill project have not changed. Harold Pressberg advised that the Planning Board regulates uses and site plan approval but has no control over the construction.
- Brian Boone, 3 Hom St: Advised that the Planning Board does have control over the road on Elm St. near the house. Chairman Ramsdell acknowledged that there are a lot of comments on this subject and assured everyone that it will get some attention.
- Susan Predmore, 10 Elm St: Asked if the developer sells the property to someone else, can they make changes? Chairman Ramsdell advised that if they want to make changes they have to come back to the Planning Board.
- David Stevenson, 16 Elm St: Asked if a garbage truck will have to come into the area and back up to the dumpster? Mark Siemers advised "yes."
- Gordon Shehab, 68 High St: Advised that people abutting this development will be very close to it. He is at least 200' away from the Meadow Hill development and when they are leveling our house is shaking a lot. The people who are close and have older houses could have a problem.
- David Stevenson, 16 Elm St: Asked if there are any lamp posts planned for the parking lot and how high will the poles be? Mark Siemers advised that there will be 2 separate lights; 1 light will be a wall light mounted on the building and wherever that can't reach, they will fill in with post lights. They are approximately 10' tall.
- Bill Murray, 109 Main St: Asked if all of the apartment's dwellers will walk their garbage to the dumpsters, and Mark said "yes." Is the playground lite and can it be seen from the street? Mark advised that it will be lite.

Chairman Ramsdell advised that when the questions and comments get down to nothing, the Planning Board will make a decision as to whether to close the Public Hearing or not.

- Leila Goldthwaite, 107 Main St: Advised that she has a quality of life issue. She sees this project as being disruptive to the neighborhood, and we need to protect what we do here.
- Betty Ann Reilly, 13 Hudson St: Advised that we didn't hear the answer to the traffic pattern and study. Chairman advised that they will have an answer. He advised that there are 2 ways of holding a Public Hearing; just listening but with so many people here, I thought that maybe we could provide some information that would make people more knowledgeable and yield good communication.

Harold Pressberg advised that in previous Townsend projects, the access was originally to Highland Ave., and that was not good. We didn't want accessibility to Main and that was worse. We want you to know that we have been studying this. It appears that access to this parcel, Elm St., was probably the best that was available. Whether that is proper use of the property is not a Planning Board issue. The CEO has the initial decision regarding the property use. The people can go to the Zoning Board with their concerns. We take your opinions seriously and appreciate your input.

- John Gifford, 99 Main St: Advised that it appears that the guidelines that need to be met have been met. It has taken so much time to jump through hoops to get to this point. You are stretching the boundaries of what this property should be used for. I am asking the Planning Board if this is an appropriate use of the property or too much use of the property. Chairman Ramsdell advised that the Zoning law is the primary player in this process.
- E.J. Szulwach, 9 Elm St: Asked if it might be smarter for the developer to build 3 houses and use the Main St. access?
- Ed Stoddard, 20 Kerner Drive: Advised that when the discussion was going on with Highland, the proposal was for 5 or 6 lots of individual homes. The concern was coming onto Highland for 6 to 12 cars per day. Now we are proposing 40 cars going onto Elm St.
- Joe Battiato, 18 Elm St: Advised that the original plan was for 5 single family homes. Before the developer got a chance to build, the County put a moratorium on the sewer and he got tired of waiting so he sold it. The next developer wanted to build 5 single homes into 2 family homes. We are still here, in discussion, and have not solved anything. The major issue is the traffic on Elm St. which will come onto Rt. 94; what is the issue? Chairman Ramsdell advised that the DOT objected to coming onto Rt. 94. Joe asked if the DOT can stop it or they just don't want it. Chairman Ramsdell advised that the DOT would probably not grant a permit. Joe advised that we need to find out whether he can or cannot come out onto Rt. 94. Chairman Ramsdell advised that we are not prepared to "ok" that because it is dangerous.

Member Winters advised that at the last meeting, the traffic study onto Elm St. was discussed. The intersection of Academy Ave. and Main St. were all in discussion. We asked Mr. Greeley to incorporate a study on the effect of that intersection as well as the intersection on Elm St. Mr. Greeley didn't feel that the location warranted a traffic light.

- Betty Ann Reilly, 13 Hudson St: Advised that she believes the old driveway going up to the property still exists. She is not opposed to utilizing the property. She feels that another neighbor should not have the burden.

Member Winters made a recommendation that we continue the Public Hearing to next month's meeting. We will have an engineer and CEO at that meeting. Harold Pressberg advised that the public can submit any additional comments in writing.

- David Stevenson, 16 Elm St: Advised that we need clarification as to whether the driveway should be allowed access in a RS zone. Is the final arbitrator of that the Board or CEO? Harold Pressberg advised that the CEO is the initial arbitrator and you have the right to appeal to the ZBA.

Chairman Ramsdell advised that we need to have a discussion as to whether we should continue the Public Hearing. **\*MOTION** made by Member Gene Winters, seconded by Member Anthony LaSpina to continue the Public Hearing at 7PM at the 10/27/15 Planning Board Meeting. **\*MOTION** passed 4-0.

Mark Siemers asked for clarification of the following; typically the way we handle a Public Hearing is to receive all of the Public's questions and comments and once the Public Hearing is closed we create a document with answers and comments to the Planning Board for their review. Are you expecting us to answer all of the questions and comments brought up tonight? Harold Pressberg advised that yes they should. You can respond to most of the issues raised tonight. It will be helpful to the Planning Board and the people to have your responses to their numerous comments.

## **REGULAR MEETING –**

Chairman Ramsdell opened the Regular Meeting at **9:20 PM**.

### **1. MINUTES**

Review Draft of July 28 and August 25, 2015 Planning Board Meeting Minutes

**\*MOTION** to ACCEPT THE JULY 28 and AUGUST 25, 2015 MEETING MINUTES AS DRAFTED was made by Member Anthony LaSpina, seconded by Member Vincent Rappa, **\*MOTION** passed 4-0.

2. **Correspondence**

3. **Code Enforcement Officer Report**

No report – John Orr away at a conference.

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 Complex**  
**Presented By: Mark Siemers**

Chairman Ramsdell advised that we do have our Engineer's comments but we will hold off until next month's meeting when the Engineer will be here.

5. **General Discussion**

None

Chairman Ramsdell asked if anyone had anything else to discuss and, as there were no other comments, \***MOTION** to ADJOURN THE MEETING was made by Member Gene Winters, second by Member Vincent Rappa. \***MOTION** unanimously passed. Meeting adjourned at 9:15PM.

**Respectfully Submitted,**

**Missy Sosler**  
**Planning Board Secretary**