

MINUTES

VILLAGE OF CHESTER PLANNING BOARD

APRIL 29, 2014

REGULAR MEETING

PRESENT: Richard RAMSDELL, Chairman
 Gene WINTERS, Member
 John REILLY, Member
 Anthony LASPINA, Member
 Robert JANKELUNAS, Member
 Harold Pressberg, Attorney
 John SZAROWSKI, Engineer
 John ORR, Code Enforcement Officer

REGULAR MEETING – 7:00 PM

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

1. MINUTES

Review Draft of November 2013 Planning Board Minutes

***MOTION** was made by Member Winters, second by Member Jankelunas, TO ACCEPT THE NOVEMBER 2013 MEETING MINUTES AS DRAFTED. Motion passed 5-0.

2. Correspondence

Letter from David A. Getz (Lehman & Getz Consulting Eng.) regarding ZBA #14-01 2 Vadala Rd.

3. Code Enforcement Officer Report

Presented by John Orr (copy attached)

4. Projects for Review

Project #14-01	Project Name: 2 Apts. Vadala Rd.
Applicant/Owner:	Matt Houston – N2O Enterprises
Location:	2 Vadala Rd.
Re:	Construction of 2 Multi-family duplexes

John McGloin, Surveyor, for the project began by advising that he wanted to get in front of the Planning Board to find out if they may need to go in front of the Zoning Board. Chairman Ramsdell advised that they may possibly need a dimensional (setback) variance from the Zoning Board of Appeals.

John Szarowski read Mark Edsall's comments (copy attached) and general discussion was held.

Chairman Ramsdell recognized the neighbor, Anthony Quinn, whose right of way was just discussed by John Szarowski. Mr. Quinn addressed the board with his concern that there would be a lot of challenges involved with sharing a driveway with 4 families. The incentive to park in the road and in the right of way road and in my parking lot is very high. He asked if the 10 parking spaces are in the Village Code as far as square footage for the property. He advised that 2 cars per family is not a crazy number which would leave room for 1 extra car per family. Where will the extra cars go; in the right of way road and or my parking lot? There have been a lot of challenges during the recent construction or should I say destruction of the barn. He advised that he should not have to go up the hill and I have the legal right to use the lower road. In regards to snow removal; where will it go except on my property? A ½ acre allows for 4 families but a 20ft. by 180ft. road equals a ½ acre in my opinion and it doesn't provide enough room for parking, garbage, snow removal etc. If you take the road out of it, it is a tight fit.

Chairman Ramsdell asked Mr. Quinn if he has had previous conversations with Mr. Houston. Mr. Quinn said yes. Chairman Ramsdell asked Mr. Quinn if he felt that there will be further conversations with Mr. Houston. Mr. Quinn advised that his lawyer sent Mr. Houston a letter advising that he does not consent to moving the right of way. Mr. Houston called him and asked him to sign a paper to extinguish the right of way and he advised that he said no. He further advised that Mr. Houston called him 3 days later and said that he was moving the right of way over and that he is to stay off of his property. Mr. Quinn remarked; "think about your house and having to share a driveway with 4 families".

Chairman Ramsdell asked if there is a legal description of right of way in terms of leaps and bounds. Mr. McGloin advised that they don't know. Chairman Ramsdell remarked that you would normally find that information on the deed. Mr. Quinn advised that, in the meantime, there should not be any machines pushing his road out. He further advised that he has been fixing up the road from the top of my parking lot, working my way out. Mr. Houston needs to get the debris away and put gravel down. Matt Houston advised that he did have a conversation, with Mr. Quinn, before he purchased the property. He wanted him to sign off on the lower easement; simply to alleviate these problems. He advised that the shrubs will be gone, the road will change and he will have his width. We are working to keep his right of way so that he can have everything he has now. He continued on and advised that he never told Mr. Quinn to keep off of his property. Mr. Quinn drives on my property every day. I don't want to take anything away from him. The right of way goes through the center of the parking, the parking lot which is a 25ft. distance between 2 parking spaces. Mr. Houston advised that he hears his concerns and they are right. His driveway is very poor; that is my property. He has an easement on my property. I am trying to keep him happy.

Mr. Quinn pointed to parking space #6 and asked where is the 20ft. width. Mr. Houston advised that he should not go by that because there is brush there now. I will work so that you have your access. Mr. Quinn advised that the quantity of parking spaces is what concerns him the most. He remarked that he does not believe that 10 parking spaces are enough for 4 families and where will you put the snow. The placement of the snow will constitute a huge incentive to park in the right of way road and that will mean that I cannot get in and out. John Orr advised that these plans are very preliminary at this time. The Planning Board doesn't even have a bedroom count to do parking lot calculation. We have a requirement in the Code for the number of parking spaces required for the number of bedrooms planned. We are not even there yet. Harold Pressberg advised that there will be a Public Hearing to make your concerns known. Mr. Quinn advised that he is not trying to be unreasonable.

John McGloin advised that they want to proceed to the Zoning Board to get the setbacks. Chairman Ramsdell advised that he wants to be clear about the building envelope; are we talking about the footprint line of the building, or set back lines. At the work session, Chairman Ramsdell asked that the line weight of the footprint of the buildings be thicker and bolder. Mr. McGloin advised that he can make it bolder and if I shut the topographic off, you can see the building envelope. We want to move towards getting to the ZBA. Chairman Ramsdell concurred that he does too.

Mr. McGloin then advised that Mark Edsall suggested a ripped drainage swale. John Orr advised that they spoke about a few things at the site meeting. There could possibly be a catch basin on Main St. but that may not work. Mark Edsall is leaving what we have on top alone or putting a catch basin that would discharge into a swale. Chairman Ramsdell advised that whatever we ultimately decide will be on the site plan.

Chairman Ramsdell then began discussion with respect to the wall. The wall will now be a retaining wall and due to its mass, the project's engineer decided that it will function. Matt Houston advised that John McGloin and David Getz decided that the wall wasn't doing anything for the barn at all. There was no structural support coming from the wall for the barn. Chairman Ramsdell advised that the retaining walls are well served by draining water from the uphill side. Normally, you should do something more effective than weep holes. You should have actual pipe throughout there. It is not an absolute must but may be considered. Mr. McGloin advised that as soon as the other debris is gone, we will get a better handle on how sound it is. Chairman Ramsdell advised that he may be able to shortcut the discussion by putting grading to slope away from the wall on the Main St. side so the drainage water would be encouraged to go away from the wall. Mr. McGloin advised that this may be possible and that he will look into it. Chairman Ramsdell stated that although the wall has endured for 150 years, it is now in a different environment. It didn't appear that a lot of large rocks were used in the construction of the wall. He wondered if the top surface of the wall is made up of enough smaller rocks so that if it rained, the water would travel down through the rocks and, in the winter, possibly freeze. Maybe a poured concrete cap on the wall would help its integrity.

Mr. McGloin advised that the biggest concern, when they were on site, was that structurally what was there was not a supporting wall. Chairman Ramsdell then advised Mr. McGloin that he wants him to have something to keep an eye on as they go along and consider an end result.

Member Jankelunas asked about putting up a fence as a safety measure in the interim. Mr. Houston said that he should do that. Chairman Ramsdell advised that it will need to be more than safety tape.

Mr. McGloin asked how they proceed with the application to the ZBA. Harold Pressberg advised that there is no reason to hold off giving the application to the ZBA. Chairman Ramsdell advised that Mr. Pressberg is the attorney for the ZBA. Hopefully this won't turn out to be premature in terms of where the building will need to go. We did speak about this at the work session and we advised that you need to designate a front, 2 sides and a rear. Mr. McGloin advised that we did that. Chairman then finished up by advising that the ultimate, finished drawing will illustrate the stone wall. Mr. McGloin advised that it will.

5. General Discussion

Chairman Ramsdell advised that the next item on the agenda is the scheduling of a joint meeting between the Village Board and the Planning Board. Member Reilly asked what the purpose of the meeting is. He wondered if the purpose is to get us to change our minds about something. Harold Pressberg advised that what your minds are doesn't matter; it is up to the Village Board. Member Reilly advised that in his opinion, the recommendations we made, will not change so what is the Village Board looking for. Mr. Pressberg then asked if the Planning Board wants to meet with the Village Board. Chairman Ramsdell asked if the Village Board wants to meet with the Planning Board. He stated that it was the Mayor's idea to have the joint meeting. Member Reilly advised that there wasn't a stated purpose and in his mind, he doesn't have anything more to discuss. Member Winters advised that he agrees. Member Reilly continued that we spent a lot of time and wrote an original code not too long ago. We had other, numerous, municipal codes to look at and made visits to other sites. Again, I don't know what the purpose is for the meeting. John Orr then advised that it would be an opportunity to say what you just said. It is important for this board to sit face to face with the Village Board and say what you just said.

Member Winters then advised that John Orr is trying to say that they want an opportunity to push us into a corner and then, for them, to make our changes and try to make decisions for us other than what we have already decided on. We, as a group, worked on this and are still in agreement and back what we said 100%. I personally don't want to be badgered in front of the public to explain our findings. I don't want to be publically asked these questions. Chairman Ramsdell then asked if the purpose of the joint meeting is to discuss the Local Law. Harold Pressberg advised that as he understands, it is the draft law. Chairman Ramsdell advised that we need to look at what is a date 15 days from tomorrow and Harold Pressberg asked why. Chairman Ramsdell advised that the Zoning Law states that if you hold a Public Hearing, there should be a 15 day notice. Harold Pressberg stated that this is not a Public Hearing, it is a Public Meeting and that a Public Meeting only requires a public notice to the paper. There is nothing required by statute, by Local Law or by anything. It is, simply, an opportunity for the Village Board to hear us out. The Village Board has to vote on this, not us. There is nothing in the Village Law requiring that the Planning Board alpine (?) on anything.

Member Jankelunas advised that if the meeting is on the 8th, that is one day he cannot make. Chairman Ramsdell advised that we can ask the Mayor if he can do the 7th instead. Harold Pressberg advised Missy Sosler to email the Mayor and advise him there is one board member who cannot make the 8th. Chairman Ramsdell advised Missy Sosler to also ask the Mayor if the meeting can begin at 6pm on the 7th.

Chairman Ramsdell asked if anyone had anything else to discuss and as there were no other comments, ***MOTION** was made by Member LaSpina, second by Member Reilly to ADJOURN THE MEETING. Motion passed 5-0. Meeting adjourned at 8:07PM.

Respectfully Submitted,


Missy Sosler
Planning Board Secretary