

**MINUTES****VILLAGE OF CHESTER PLANNING BOARD****AUGUST 26, 2014****REGULAR MEETING**

**PRESENT:** Richard RAMSDELL, Chairman  
 Gene WINTERS, Member  
 Anthony LASPINA, Member  
 Robert JANKELUNAS, Member  
 Harold PRESSBERG, Attorney  
 Mark EDSALL, Engineer  
 John ORR, Code Enforcement Officer

**PUBLIC HEARING 7:00PM**

**Project #14-03**      **Project Name: BYK USA, Inc.**  
**Applicant/Owner:**    **BYK USA, Inc.**  
**Location:**            **48 Leone Lane**  
**Re:**                    **Proposed 5100 sq. ft. addition to the existing building**  
**Presented By:**        **Larry Torro**

Chairman Ramsdell opened the Public Hearing at 7:00PM.

Chairman Ramsdell read the notice of Public Hearing as it was published in the August 10, 2014 edition of the Times Herald Record. (Copy attached)

Larry Torro, the engineer for the BYK USA, Inc. project, advised that they are proposing a 5100 sq. ft. addition to the existing building. He advised that portions of the addition will occupy wetlands in the adjacent area and the application has been made to the DEC for necessary permits.

Chairman Ramsdell asked if the Board members had any questions and since they did not he opened the hearing up to the public. There were no questions from the public so Chairman Ramsdell asked for a motion to close the Public Hearing.

**\*MOTION** was made by Member Anthony LaSpina, seconded by Member Gene Winters, to close the Public Hearing at 7:12PM. **\*MOTION** passed unanimously.

**REGULAR MEETING – 7:12PM**

Chairman Ramsdell opened the Regular Meeting at 7:13PM.

**1. MINUTES**

Review draft of March 25 and April 30, 2014 Planning Board Meeting Minutes.

**\*MOTION** was made by Member Gene Winters, seconded by Member Robert Jankelunas to ACCEPT THE MARCH AND APRIL 2014 MEETING MINUTES AS DRAFTED. **\*MOTION** passed 4-0.

**2. Correspondence**

1 - Reply from OCDP was received (copy attached) regarding BYK USA, Inc. and was for Local Determination. The OCDP cited one issue: Wetland and Water body Impacts. Chairman Ramsdell advised that he would read the reply from the OCDP when we begin discussing the project later in the meeting.

2 - Reply from OCDP was received (copy attached) regarding Elmwood Park Apts. and was for Local Determination. The OCDP cited four issues: Lead Agency, Conservation Easement, Pedestrian Access and Landscaping. Chairman Ramsdell commented that, in regards to aforementioned Conservation Easement, this property has been a constant application to the Planning Board for about the last 30 years. During that period of time, there have been numerous statements made about the presence of a burial site and or personal cemetery being located there. He continued to say that the Planning Board will be taking up this matter with the applicant.

3 – Letter from Jacob Deutsch requesting a completion date extension for the Chester Motel site plan project. (#02-07) Chairman Ramsdell read the letter from Mr. Deutsch requesting the new completion date of 8/26/17. He advised that there has been a recent visit to the work session by the applicant's representatives and it was tentatively agreed that the approved documents would be further copied, signed and stamped with a later approval date. Chairman Ramsdell stated that he wished that the letter from Mr. Deutsch indicated that information.

### 3. Code Enforcement Officer Report

Presented by John Orr. (Copy attached)

### 4. Projects for Review

<b>Project #14-03</b>	<b>Project Name: BYK USA, Inc.</b>
<b>Applicant/Owner:</b>	<b>BYK USA, Inc.</b>
<b>Location:</b>	<b>48 Leone Lane (SBL 113-1-8 / M1 Zone)</b>
<b>Re:</b>	<b>Applicant Proposing 5,100 SF addition to the existing facility</b>
<b>Presented By:</b>	<b>Larry Torro – Engineer</b>

Chairman Ramsdell read the County reply from the OCDP.

Larry Torro advised that he was not quite sure of what swale they were referencing in the letter. He advised that the DEC has issued a notice of complete application for this project and that they will post this information in the Times Herald Record this week; the 15 day comment period will incur after that post.

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

- He is leaving it to the DEC to advise Larry what is exactly required.
- With receipt of the reply from OCDP, SEQRA can be wrapped up.
- Other than the above comments, all of my other comments have been addressed.

Chairman Ramsdell asked Mark Edsall if we were to make a SEQRA determination would we have to make notes of the DEC approval. Mark Edsall advised that it is the DEC understands that this Board will act as Lead Agency. Therefore the DEC can't issue the permits until SEQRA is completed. He advised, that for the record, the DEC has to issue the permits.

Chairman Ramsdell asked if anyone on the Board as anything regarding making the SEQRA determination.

**\*MOTION** was made by Member Anthony LaSpina, seconded by Member Gene Winters, to resolve that the Planning Board finds that there will not be any potentially significant environmental impacts from this project. **\*MOTION** passed unanimously.

Larry Torro advised that the completion date of this project will be 9/15/14.

**\*MOTION** by Member Robert Jankelunas, seconded by Member Anthony LaSpina, to grant Conditional Approval of this project based on the following conditions:

- 1) Payment of all fees.
- 2) Signature and stamp on the plans.
- 3) Compliance with Mark Edsall's comments.
- 4) Receipt of final DEC permits.
- 5) 10 copies of the final plans.

**MOTION** passed 4-0.

### 4. General Discussion

Chairman Ramsdell advised Harold Pressberg that we should have a brief discussion about the Zoning Board of Appeals in conjunction with the Meadow Hill Project. Harold advised that the applicant for the Meadow Hill project had to go to the ZBA to ask for a variance. He continued on to state that the ZBA has referred to the Planning Board the issue regarding the larger entrance sign.

Member Winters stated that the sign was what the owner wanted. Harold Pressberg advised that Mark Siemers indicated that he (Member Winters) was the one who requested a larger sign. (Conversation incurred with Member Winters regarding the sign.)

Chairman Ramsdell advised that he felt that the applicant responded very well to the sign request and that the size of the sign shouldn't include the entire mass; it should be part of the sign that contains the information.

Chairman Ramsdell advised that he will try to attend the ZBA meeting on 9/17/14.

Harold Pressberg continued to update the Planning Board regarding the last ZBA meeting and advised that the setback area variance for "2 Vadala Road" was denied.

John Orr asked Chairman Ramsdell if he wanted to take any action on the letter from Mr. Deutsch regarding the Chester Motel and Chairman Ramsdell advised that he would.

Chairman Ramsdell asked Harold Pressberg what would be the text of our remarks regarding approval or extension of approval. Mark Edsall advised that since there are no changes in the circumstances that would cause SEQRA to be reopened; it could be re-approval with a new

completion date of 8/26/17. Member Winters asked when the Board members would get a set of the plans to review since he is not comfortable doing a re-approval without reviewing the plans. Chairman Ramsdell advised that there is "a lot" to review. Harold Pressberg advised that we need to get a set of plans for the Board members to review at their next meeting.

**\*MOTION** was made by Member Gene Winters, seconded by Member Anthony LaSpina, to table this issue until the next Planning Board Meeting. **\*MOTION** passed unanimously.

Chairman Ramsdell advised that they will attempt to identify the copy that is in the best condition and John Orr advised that he will get copies to the Planning Board members for their review.

#### **Discussion on LL4 Version**

Chairman Ramsdell advised that the Planning Board that he wants to send their comments on the proposed changes to the Village Board in time for the Public Hearing on 9/8/14.

Chairman Ramsdell began by advising that the basic documents, referred to as the LL4 Amendments to Chapter 98 Zoning, RM Zone, were provided along with two other comparative type documents to the Planning Board members via email. (A hard copy has also been provided to each member.)

Chairman Ramsdell then began the review, comment and clarification of the terms, definitions and word usage:

- 1) Accessory Apartment - definition complies with previous comments.
- 2) Bounding Wall – a wall opposite a principal building that is part of another principal building.
- 3) Dwelling Multiple Families – definition complies with previous comments.
- 4) Story Above Grade – definition complies with previous comments.
- 5) Basement – definition complies with previous comments.
- 6) Grade Plane – definition complies with previous comments.
- 7) Height – a Planning Board recommendation for a change; seeking to move "as determined by Planning Board or CEO" to the point, in the definition, which talks about the front of the structure.
- 8) Story – definition complies with previous comments.
- 9) Townhouse – definition complies with previous comments.

#### **Section 2 Regarding Section 98-10:**

Exception of District Regulations proposed will be amended to replace sub-section B as follows: may apply to several districts not just RM. Change "aerial to aeriels".

#### **Section 3 Regarding 98-18:**

Apartment Buildings and townhouses; Planning Board requires confirmation that existing paragraphs "A-E" remain unchanged and paragraph "F" to be replaced as previously recorded in the Planning Board Report #2. Change paragraph "G" to paragraph "F".

Chairman Ramsdell proposed that the Planning Board attached photographs of Kings Estates. While the pictures display the serious consequences first hand observation has greater impact.

#### **Section 98-20:**

##### **Off street parking and loading section for land banking parking facilities:**

Chairman Ramsdell advised that he is recommending that we reinsert the first sentence from the initial draft.

Chairman Ramsdell advised that he is proposing that we get back to the standards in the existing, Senior Housing Law.

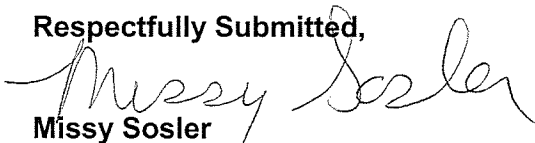
#### **Building Size and Location:**

Chairman Ramsdell advised that we have to revisit whether we want to go up to 33 or keep at 24 units. This will need to be decided by the end of the week.

Harold Pressberg advised that the Planning Board should authorize Chairman Ramsdell to finalize the report. **\*MOTION** by Member Anthony LaSpina, seconded by Member Robert Jankelunas, to authorize Chairman Ramsdell to finalize draft which will be sent to the Village Board. **\*MOTION** passed unanimously.

Chairman Ramsdell asked if anyone had anything else to discuss and, as there were no other comments, **\*MOTION** was made by Member Robert Jankelunas, seconded by Member Gene Winters, to adjourn the meeting. Motion passed 4-0. Meeting adjourned at 9:45PM.

Respectfully Submitted,

  
Missy Sosler  
Planning Board Secretary