

MINUTES

VILLAGE OF CHESTER PLANNING BOARD

APRIL 24, 2018

REGULAR MEETING

PRESENT: Richard RAMSDELL, Chairman
Anthony LASPINA, Member
Vincent RAPPA, Co-Chairman
Gene WINTERS, Member

NOT PRESENT: Robert JANKELUNAS, Member
Mark EDSALL, Planning Board Engineer

ALSO PRESENT: John ORR, Code Enforcement Officer
Harold PRESSBERG, Planning Board Attorney

****** REGULAR MEETING ******

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

MINUTES

Review Draft March 2018 Planning Board Meeting Minutes. ***MOTION** made by Member Rappa, second by Member Winters, to **ACCEPT THE MINUTES AS DRAFTED**. Motion passed 4-0

CORRESPONDENCE

None

CODE ENFORCEMENT OFFICER REPORT

Presented by John Orr (copy attached)

WORK SESSION REVIEW

Planning Board Secretary reviewed the applicants appearing April 4, 2018 (agenda attached):

- 14 Carpenter Road Sub-Division: The owner is proposing a 3-lot subdivision of the property, which would include access to the BT Holdings property.

PROJECTS FOR REVIEW

1. Village Board Referral of Proposed Local Law # 3 of 2018

Village Board referral of proposed Local Law #3 of 2018, which proposes amending Zoning Chapter §98, Schedule of District Regulations, Principal Permitted Uses in a RM District.

Planning Board Attorney Harold Pressberg advised that the proposed local law clarifies the intent of the existing Code regarding only one dwelling structure – a single family or two-family dwelling structure on a lot. The Board reviewed the questions the Planning Board is required to answer for the Village Board. Planning Board Attorney Harold Pressberg drafted the report to the Village Board for Planning Board review (copy attached).

As the Board had no additional comments, ***MOTION** was made by Member Winters, second by Member LaSpina, to **DECLARE THE REVIEW OF PROPOSED LOCAL LAW #3 OF 2018 IS APPROVED AND TO SEND THE LETTER AS DRAFTED TO THE VILLAGE BOARD**. Motion passed 4-0.

2. Project # 17-07 Project Name: Lutjens Lot Line Change

Applicant/Owner: Betty J. Lutjens

Location: 5 Lutjens Alley / 5 Elm Street (SBL: 108-5-3, 108-5-2 / RS Zone)

Re: Lot Line Change

This project was not on the agenda, but the applicant was present and as a single matter had already been heard and decided on, the Board allowed them to make a presentation.

Okey Barrett, Son-in-Law to Betty Lutjens, applicant, provided an overview of the project:

- The Zoning Board of Appeals granted the requested area variances to allow 2 parcels for zoning purposes. (Copy of the Zoning Board of Appeals resolution is attached);
- It was noted that the side and rear yard variances granted for Parcel B are for existing accessory uses only and if a new building ("principal permitted use") were proposed, the owner would have to comply with the setback requirements as set forth in the District Regulations or obtain variances from the Zoning Board of Appeals.

The project was put on for the next Planning Board meeting. The applicant will check their schedule and advise which future meeting they will be attending.

***MOTION** was made by Member Winters, second by Member LaSpina, to **WAIVE THE PUBLIC HEARING FOR THIS PROJECT**. Motion passed 4-0.

GENERAL DISCUSSION

ADJOURNMENT

Chairman Ramsdell asked if anyone had anything else to discuss and as there were no other comments,

***MOTION** was made by Member Rappa, second by Member LaSpina, to **ADJOURN THE MEETING**. Motion passed 4-0. Meeting adjourned at 9:20 PM.

Respectfully Submitted,



**Sandra VanRiper
Planning Board Secretary**

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

April 24, 2018

Current projects that were inspected during the last month:

Petermna – 11 Elm Street

- 1- Interior work continues.

BYK – 48 Leone Lane

- 1- Work continues.

FDF – 67 Greycourt Ave

- 1- Interior work underway.

Holiday Inn – 2 Bryle Place

- 1- Work continues.

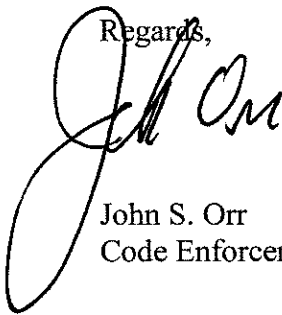
45 Leone Lane

- 1- Work has started.

78 Brookside Ave – Shoprite

- 1- Issued permit for the renovation and relocation of bathrooms.
- 2- Work is underway.

Regards,



John S. Orr
Code Enforcement Officer

Village of Chester Planning Board

TECHNICAL WORK SESSION TIME SLOT RESERVATION SHEET

WORK SESSION DATE: 04-05-2018

TIME SLOT	REPRESENTATIVES and PROPOSALS	PROJECT #, if any
1:30 – 1:50	Name: 14 Carpenter Road Sub-Division Re: 14 Carpenter Road Sub-Division App/Owner: Larry Torro / Beach House Associates, LLC Location: 14 Carpenter Road (111-1-5 / RS Zone) Rep: Larry Torro, Civil Tec Engineering 845-610-3621	Project # 1st Mtg
1:50 – 2:10	Name: Re: App/Owner: Location: Rep:	Project #
2:10 – 2:30	Name: Re: App/Owner: Location: Rep:	Project #
2:30 – 2:50	Name: Re: App/Owner: Location: Rep:	Project #
2:50 – 3:10	Name: Re: App/Owner: Location: Rep:	Project #

**** AGENDA SUBJECT TO CHANGE ****

VILLAGE OF CHESTER PLANNING BOARD'S REPORT
REGARDING INTRODUCTORY LOCAL LAW # 3 OF 2018
AMENDING PRINCIPAL PERMITTED USES IN A RM DISTRICT

To the Mayor and Board of Trustees of the Village of Chester:

Pursuant to Village Code §98-40(A) and the Village Board's Resolution 18-5, dated March 12, 2018, the Village of Chester Planning Board submits the following report regarding the proposed amendment to Village Code §98-6 Schedule of District Regulations, RM District, Principal Permitted Uses:

Background:

The present provision for the RM District Principal Permitted Uses provides:

"1. RS permitted uses and two-family dwellings, not to exceed 2 dwellings per lot."

This regulation is also incorporated in the B-1 District regulations as a Principal Permitted Use. In both Districts, the minimum lot size area is only 12,500 square feet. The Village Building Inspector and the Planning Board have interpreted the present regulation to permit, as of right, up to 2 two-family dwellings on a lot, which in the case of lots with the minimum required area, is too congested. The intent of the regulation appears to be that only one principle permitted use structure is to be allowed on a single lot, but the intent was imperfectly expressed since Code §98-3 defines a "Dwelling" as "[a] building used by one or more families living independently of each other on the premises."

The Planning Board believes that the intent of the proposed amendment is to prevent more than one dwelling - either a single family or a two-family house - as of right in an RM District. Accordingly, the Planning Board recommends that the proposed regulation be revised to read:

"1. Any RS permitted uses ~~and~~ or a two-family dwellings, not to exceed ~~2~~ 1 dwellings (structure) per lot."

With respect to the specific issues raised by Village Code §98-40(A), the Planning Board reports:

(1) Whether such change is consistent with the aims and principles embodied in the chapter as to the particular districts concerned.

The Planning Board determines that the proposed change would be consistent with the aims and principles embodied in the chapter as to the particular districts concerned. The proposed amendment to the RM District regulation for Principal Permitted Uses, which also applies to the B-1 District, would clarify the intent of the regulation, which was to permit only one dwelling - either a single family or a single two-family house, per lot. This is consistent with substantially all uses in those districts, and will prevent over development.

(2) Which areas, land uses, building and establishments in the Village will be directly affected by such change and in what way they will be affected.

The change will affect lots in the RM and B-1 Districts and restrict over development on lots with a minimum lot area of 12,500 sq. feet.

(3) The indirect implications of such change in its effect on other regulations.

The Planning Board is not aware of any indirect implications on other regulations.

(4) Whether such proposed amendment is consistent with the aims of the Comprehensive Plan of the Village.

The Village's Comprehensive Plan with respect to principal permitted uses is the RM and B-1 Districts, as expressed in the Village Zoning Code, appears to promote the construction or maintenance of one dwelling structure, either single family or two-family per lot. The present District regulation poorly expresses this intent and therefore should be revised as suggested above. The proposed amendment is accordingly consistent with the Village's Comprehensive Plan.

Accordingly, the Village Planning Board determines that revision to the RM principal permitted use regulation as recommended above would be appropriate.

Dated: April , 2018

Respectfully Submitted:

Richard Ramsdell, Chairman
Village of Chester Planning Board

CLERK'S CERTIFICATION OF EXTRACT FROM MINUTES


STATE OF NEW YORK)
) ss.:
 COUNTY OF ORANGE)

I, Sandy VanRiper, Clerk of the Village of Chester Zoning Board of Appeals, in the County of Orange, New York, DO HEREBY CERTIFY that the following is a true and correct copy of an extract from the Minutes of the Village of Chester Zoning Board of Appeals meeting held on February 28, 2018 with respect to the application of Betty J. Lutjens in connection with two lots at 5 Lutjens Alley / 5 Elm Street (SBL: 108-5-3, 108-5-2 / RS Zone) for area variances from Village Code § 98-6 Schedule of District Regulations – “Minimum Lot Width”, “Minimum Yard Setback Dimensions – Side Yard” and “Minimum Lot Area”, ZBA # 17-03:

“MOTION was made by Member Gorman, second by Member Shehab, to **GRANT THE AREA VARIANCES AS SHOWN IN THE FOLLOWING TABLE TO ACCOMMODATE THE LOT LINE CHANGE FOR LOTS WITH EXISTING STRUCTURES WHICH WILL PERMIT THE APPLICANT TO TREAT THE TWO LOTS AS PRE-EXISTING 50’ WIDE LOTS FOR ZONING PURPOSES.** Motion passed 4-0.

	REQUIRED	CURRENT	VARIANCE GRANTED
Parcel A – Minimum Lot Width	100 feet	50 feet	50 feet
Parcel A – Minimum Lot Area	12,500 square feet	7,500 square feet	5,000 square feet
Parcel A – Side Yard	20 feet	9.4 feet	10.6 feet
Parcel A – Side Yard	15 feet	2.7 feet	14.3 feet
Parcel B – Minimum Lot Width	100 feet	50 feet	50 feet
Parcel B – Minimum Lot Area	12,500 square feet	7,500 square feet	5,000 square feet
Parcel B – Side Yard – Accessory Use	15 feet	3.3 feet	11.7 feet
Parcel B – Side Yard – Accessory Use	15 feet	3.2 feet	11.8 feet
Parcel B – Rear Yard – Accessory Use	15 feet	10 feet	5 feet

IN WITNESS WHEREOF, I have hereunto set my hand this 11 day of April, 2018.



 Sandy VanRiper,
 Clerk, Village of Chester Zoning
 Board of Appeals