

MINUTES

VILLAGE OF CHESTER PLANNING BOARD

NOVEMBER 27, 2018

REGULAR MEETING

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

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

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

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

MINUTES

Review Draft October 2018 Planning Board Meeting Minutes. ***MOTION** made by Member Rappa, second by Member Jankelunas, to **ACCEPT THE MINUTES AS DRAFTED**. Motion passed 5-0

CORRESPONDENCE

No correspondence to discuss.

CODE ENFORCEMENT OFFICER REPORT

Presented by John Orr:

Village of Chester

Building and Codes Department

Monthly Report to the Planning Board

November 27, 2018

Current projects that were inspected during the last month:

BYK - 48 Leone Lane

1- Work almost complete.

32 Leone Lane

1- Roof work has started.

123 Main Street

1- Issued permit for general work to reopen Mexican Restaurant.

Whispering Hills

1- Issued permit for reconstruction of 6 decks.

2 Valley Court

1- Issued permit for the conversion of basement to living space.

87 Brookside Avenue

1- Issued demo permit for former Lobster Pier restaurant.

Regards,

John S. Orr

Code Enforcement Officer

WORK SESSION REVIEW

Planning Board Secretary reviewed the applicants that appeared at the March 8, 2018 Work Session:

- Jones Site Plan
- LGW, LLC Site Plan Amendment
- Rite Aid Site Plan Amendment

PROJECTS FOR REVIEW

1. Project # 18-03 Project Name: Mikaberidze Site Plan Amendment

Applicant/Owner: Ushangi Mikaberidze

Location: 22 Lehigh Avenue (115-1-3.1 / M2 Zone)

Re: Proposed construction of a detached 2 car garage

Presented By: Michael Morgante, PE, Arden Consulting Engineers, PLLC

Michael Morgante, PE, provided an overview of the project:

- The property has received previous site plan approval for mixed use – taxi business and apartment, however, all updates from that site plan approval have not been completed;
 - The building is being used for the taxi business;
 - The apartment isn't complete;
 - The dumpster is on site;
 - Not sure if the trees have been planted.
 - Per CEO John Orr, items completed are the fence and lighting. The inside renovations have not been completed.
- The applicant does basic vehicle repairs – oil change, tire rotation/change, etc., so they would like are proposing construction of a garage to put vehicles in for those minor repairs;
- Additional paving is proposed for additional parking spaces to account for the spaces being lost to the proposed garage construction;
- No other proposed changes to the site.

Mark Edsall's comments were read into the record by Shawn Arnott (copy attached) and general discussion held regarding:

- Michael Morgante, PE, clarified there would be 3 spaces in the garage and it would be for minor vehicle repairs – oil changes, tires, light bulbs, etc.;
- Volume of proposed work does not require water/oil separator;
- Proposed garage not in proximity of existing well/utilities;
- Existing septic appropriate for existing and proposed uses;
- How will the work being done in the garage be controlled;
 - CEO John Orr advised that since the last application there have been no buses and no issues.;
 - A note could be put on the site plan indicating “garage for accessory use only”.
- The proposed garage will most likely be a pole barn; approximately 30 feet X 36 feet with no proposed uses above the garage; it will be 15-20 feet high to the ridge of the roof; one large garage door instead of three separate to avoid losing space;
- No lighting is proposed outside the garage as the applicant believes the existing lighting is adequate;
- Chemical storage in the proposed garage will be limited to car related chemicals – oil, anti-freeze, washer fluid, etc.;
- There is no proposed water use inside the garage;
- Hours of operation will be 24 hours;

***MOTION** was made by Member Jankelunas, second by Member Winters, to **DECLARE THIS A TYPE II ACTION UNDER SEQRA AS PROVIDED IN 6 NYCRR 617.5(c)(7), AND, THEREFORE, REQUIRES NO FURTHER ACTION UNDER SEQRA.** Motion passed 5-0.

***MOTION** was made by Member Rappa, second by Member LaSpina, to **WAIVE THE REQUIREMENT OF A PUBLIC HEARING.** Motion passed 5-0.

2. Project # 18-04 Project Name: Rite Aid Site Plan Amendment

Applicant/Owner: Walgreen Eastern Co., Inc. / Columbia Chester Group, LLC

Location: 89 Brookside Avenue (110-2-1.11 / B2 Zone)

Re: Proposed amending site plan to include 2 outdoor storage containers at rear of site

Presented by David Cooper, Esq., Zarin & Steinmentz

David Cooper, Esq., provided an overview of the project:

- Applicant is proposing 2 storage pods at the rear of the site for the storage of wares, products and seasonal products as there is not enough storage inside the building;
- The proposed storage pods would take up 2 parking spaces, but will not compromise their compliance with the Village parking requirements;
- The proposed storage pods will be screened by existing topography and the existing building;

Mark Edsall's comments were read into the record by Shawn Arnott (copy attached) and general discussion held regarding:

- Are the storage pods acceptable per Village Code;
 - Per David Cooper, Esq., he read the definition of a building and it is his determination that the storage pods are buildings and, therefore, acceptable;
- The applicant was asked what the total area of the storage pods is, and they will look into that and submit it with the updates;
- The storage pods will be placed directly on the existing pavement;
- The storage pods are pre-fabricated and will be leased;
 - CEO John Orr noted the Village should be careful setting a precedent with storage pods. If they are allowed, they should be shielded with a fence or plantings;
 - David Cooper, Esq. advised he will discuss the visual impacts with Walgreens and see if they are acceptable to the screening or installing a shed;
- Proposed location of storage pods is across from the loading docks;
- The proposed site plan shows 3 parcels and County records show one parcel. Applicant will look into this and submit changes with future updates.

***MOTION** by Member Jankelunas, second by Member Winters to **DECLARE THE VILLAGE OF CHESTER PLANNING BOARD'S INTENT TO BE LEAD AGENCY FOR SEQRA.** Motion passed 5-0.

***MOTION** was made by Member Jankelunas, second by Member Winters, to **DECLARE THIS A TYPE II ACTION UNDER SEQRA AS PROVIDED IN 6 NYCRR 617.5(c)(7), AND, THEREFORE, REQUIRES NO FURTHER ACTION UNDER SEQRA.** Motion passed 5-0.

3. Project # 18-05 Project Name: Chester Collision Site Plan Amendment

Applicant/Owner: Chester Collision, Inc / William Malkan / Malkan Enterprises LLC

Location: 63 Brookside Avenue (111-8-2 / B2 Zone)

Re: Proposed addition to rear of building

Presented by William Malkan, Owner

William Malkan, Owner, provided an overview of the project:

- The applicant is proposing a 24-foot X 65-foot addition to the existing building;
- The applicant will be removing 24-foot X 24-foot of the existing building;

Mark Edsall's comments were read into the record by Shawn Arnott (copy attached).

***MOTION** by Member Jankelunas, second by Member Winters to **DECLARE THE VILLAGE OF CHESTER PLANNING BOARD'S INTENT TO BE LEAD AGENCY FOR SEQRA.** Motion passed 5-0.

***MOTION** was made by Member Jankelunas, second by Member Winters, to **DECLARE THIS A TYPE II ACTION UNDER SEQRA AS PROVIDED IN 6 NYCRR 617.5(c)(7), AND, THEREFORE, REQUIRES NO FURTHER ACTION UNDER SEQRA.** Motion passed 5-0.

GENERAL DISCUSSION

None

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 5-0. Meeting adjourned at 8:20 PM.

Respectfully Submitted,



**Sandra VanRiper
Planning Board Secretary**



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VILLAGE OF CHESTER
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: USHANGI MIKABERIDZE SITE PLAN
PROJECT LOCATION: 22 LEHIGH AVENUE
SECTION 115 – BLOCK 1 – LOT 3.1
PROJECT NUMBER: 18-03
DATE: 27 NOVEMBER 2018
CONSULTANT: ARDEN CONSULTING ENGINEERS (MICHAEL MORGANTE, P.E.)
PLAN DATE: 10-8-18
DESCRIPTION: THE APPLICATION PROPOSES A TAXI OPERATION AT THE SITE WITH AN APARTMENT ON THE SECOND FLOOR.

1. The property is located in the M-2 zoning district of the Village. It is our understanding the applicant appeared before the Zoning Board of Appeals regarding the uses on the property. The required bulk values shown on the are correct for the zone. The Board should verify that the Decision of the ZBA is accurately reflected on the notes provided under the bulk table. Parking for the zone is based on the number of employees. A table has been provided.
2. As we understand this latest version of the plan, the following is proposed:
 - First Floor - Taxi operation with office for maximum of 6 taxis with maximum 6 employees (notes 3 & 4). Vehicle storage behind the site fence and forward of the curbing in front of the proposed garage.
 - Second Floor – Apartment
 - Rear Garage with maximum 3 vehicles.
3. We have reviewed the plan submitted and note the following concerns:
 - Representations at the technical worksessions noted either a 2-car or 3-car garage for vehicle storage. The agenda notes 2 proposed. The plan notes 3 “spaces” in the garage. Note 13 of the “Survey References” states the garage will be uses for “repair & maintenance of vehicles associated with the subject taxi business only”. This contradicts the ZBA Variance note #5 which appears to only indicate vehicle storage. The Board should be aware of the repair use being introduced on this plan.

- We question where fluid washdown and the like will be directed if the garage is used as a maintenance garage. Is a proper disposal connection with an oil/water separator proposed ?
- No utilities are indicated for sewer and water on the site (previously discussed with applicant's engineer).
- The 10.5 ft wide gate is, in my opinion, restrictive should there be a need for emergency vehicles to enter the rear fenced area. A 15-foot gate would appear more appropriate.
- No details are provided for the Privacy Fence and gate.
- No lighting details or information are provided on the plan.
- Is a dumpster enclosure with gate proposed for the site or just a dumpster sitting in front of the fence ?
- The notes should be reorganized such that site plan notes are not mixed with the survey references.
- No business parking spaces are depicted forward of the fence. Does the applicant propose that no customers or other services will ever visit the site ? If this is the case such a restriction should be part of the plan since no such customer or handicapped spaces are provided if this site is conveyed to another owner or other use.
- Survey Reference notes 10 & 11 indicate NYSDOT takings and permanent easements; however, we see no indication of an easement, especially relative to the large diameter stormwater piping thru the site (we question if the proposed garage encroaches any easements). Notwithstanding notes 5 & 6 of the survey references, any existing easements or encumbrances to the property (some which may have an impact on site development) should be depicted.
- There is a random notation to the south of the garage on the plan that notes "FEE TAKING". What does this mean ?
- The variance notes appear to indicate that inoperable vehicles may remain on the property for up to 6 months. Is this acceptable ?
- Hours of operation were discussed previously. The Board should be aware that note 2 indicates 24-hour operation. They may want to verify what uses on the site are 24-hour. If the vehicle repair is permitted, will that be 24-hour ?
- The project number (18-03) should replace 18- XX in the approval box.

4. To my knowledge, there are no other Involved Agencies for this application. As such, the Planning Board may wish to assume the position of Lead Agency under the SEQRA review process.
5. This project is within a 500-foot distance from the State Highway and, as such, must be referred to the Orange County Planning Department as per New York State General Municipal Law (GML 239).
6. Given the existence of what appears to be State DOT improvements (and likely easements) thru or immediately adjacent to the site, we recommend a referral to the NYSDOT.
7. Given the variable nature of the representations for this application and the conflicting information (that must be resolved), I suggest that, if approval is considered, a formal resolution of approval be prepared which delineates the specific approval being granted.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
Engineer for the Village

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VILLAGE OF CHESTER
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: WALGREEN EASTERN CO., INC. SITE PLAN AMENDMENT
(RITE-AID SITE – ADDITION OF STORAGE PODS)
PROJECT LOCATION: 89 BROOKSIDE AVENUE
SECTION 110 – BLOCK 2 – LOTS 1.11 & 2
PROJECT NUMBER: 18-04
DATE: 27 NOVEMBER 2018
CONSULTANT: BERGMANN ASSOCIATES
PLAN DATE: 10/11/2018
DESCRIPTION: THE APPLICATION PROPOSES ADDITION OF TWO STORAGE PODS TO
THE SIDE OF THE DUMPSTER AREA AT THE REAR OF THE BUILDING.

1. The property is located in the B-2 zoning district of the Village. The existing retail drug store is a Principal Permitted use per cross-reference to the B-1 zone. The bulk information shown on the plan appears correct for the zone and use. The parking calculation should include a value for selling space (code is 1 space per 150 sf selling space).
2. The proposed modification is very minor in nature. Given that approval of this application could serve as a precedent for other applications in the future, we suggest the following be considered by the Board:
 - From a zoning standpoint, the plan must verify that the two parking spaces being removed are “excess” spaces.
 - Is the use of pods and acceptable long-term or permanent means of product storage on site plans? The code references storage of “wares within a building”.
 - If permitted, the Board may wish to determine if the location of the storage is intended to be limited to areas at the rear of sites, where aesthetic impact is limited (where they are generally not visible to the general public).

- If permitted, the Board may wish to determine if an enclosure or screening will be required, unless the Board determines that the same is not necessary based on the specific conditions of the application.
 - If permitted, the materials stored should be subject to the review and approval of the Code Enforcement Officer.
 - The application indicates two tax lots on the property. The existing conditions plan notes three tax lots (1.1, 1.2 and 2). We suggest consideration be given to a requirement that the tax lots be combined by the property owner. It is unusual that a single site plan would be split into tax lots. It is unclear what this condition exists.
 - The Planning Board Project Number (18-04) should be added to the approval box.
3. To my knowledge, there are no other Involved Agencies for this application. As such, the Planning Board may wish to assume the position of Lead Agency under the SEQRA review process. It appears this application would likely be a Type II action, which would conclude SEQRA.
 4. This project is within a 500-foot distance from the State Highway and, as such, must be referred to the Orange County Planning Department as per New York State General Municipal Law (GML 239).
 5. As per Section 98-30.2 of the Village Zoning Code, the Applicant should indicate a reasonable anticipated completion date for the project on the plan.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
Engineer for the Village

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VILLAGE OF CHESTER
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: CHESTER COLLISION INC. SITE PLAN AMENDMENT
(MALKAN ENTERPRISES, LLC)
PROJECT LOCATION: 63 BROOKSIDE AVENUE
SECTION 111 – BLOCK 8 – LOT 2
PROJECT NUMBER: 18-05
DATE: 27 NOVEMBER 2018
CONSULTANT: JOHN McGLOIN, P.L.S.
PLAN DATE: October 11, 2018
DESCRIPTION: THE APPLICATION PROPOSES A NOMINAL 24' x 65' ADDITION AT THE REAR OF THE EXISTING FACILITY.

1. The property is located in the B-2 zoning district of the Village. The existing repair garage is use is a Special Permitted Use in the zone. The plan proposes the removal of an existing structure at the rear of the garage, and the construction of an addition along the back of the main building. The bulk information shown on the plan appears correct for the zone and use; however, the table in incomplete. Lot width and building height should be added. Also, a parking calculation should be added to the plan.
2. We have reviewed the plan submitted and provide the following comments:
 - We note that a security fence separates the front customer parking area (three spaces) from the vehicle storage areas in the rear. Three employee parking spaces are also provided on the east side of the building. We need to make sure the required number of spaces (per code) are forward of the fence. A metal carport is also depicted on the west side of the site.
 - An appropriately sized gate for the business access to the rear (as well as emergency access) should be verified on the plan.
 - The number of vehicle storage spaces and location at the rear of the fence should be subject to emergency access requirements and the review of the Code Enforcement Officer.
 - The Planning Board Project Number (18-05) should be added to the approval box.

- The handicapped parking space should be properly striped and signed as follows (correct detail):
 - All striping for the handicapped space must be blue. When a standard space adjoins a handicapped space, a double line should be installed, one blue, one white.
 - The handicapped parking space cross-hatched access lane and the parking spaces should be eight (8) foot in width.
 - A sign is required in front of the cross-hatched access lane of the handicapped parking space. The sign must read “No Parking – Any Time”.
 - For the cross-hatched access lane near the “bottom” add painted text “NO PARKING” (also in blue).
 - The typical sign details should note a mounting height to the bottom of the sign of 5 ft. – 7 ft.
 - The handicapped symbol painted on the ground and the sign symbol should be updated to the new standard.

- 3. To my knowledge, there are no other Involved Agencies for this application. As such, the Planning Board may wish to assume the position of Lead Agency under the SEQRA review process. It appears this application would likely be a Type II action, which would conclude SEQRA.

- 4. This project is within a 500-foot distance from the State Highway and, as such, must be referred to the Orange County Planning Department as per New York State General Municipal Law (GML 239).

- 5. As per Section 98-30.2 of the Village Zoning Code, the Applicant should indicate a reasonable anticipated completion date for the project on the plan.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
Engineer for the Village

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