

MINUTES
VILLAGE OF CHESTER PLANNING BOARD
FEBRUARY 26, 2019
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 January 2019 Planning Board Meeting Minutes. ***MOTION** made by Member LaSpina, second by Member Rappa, to **ACCEPT THE MINUTES AS DRAFTED**. Motion passed 4-0 (Member Winters abstained as he was not present at the January meeting)

CORRESPONDENCE

Letter from Mary Altobelli, 4 Garden Street, regarding 3 Garden Street and an applicant's appearance at the February 7, 2019 Work Session (copy attached). Chairman Ramsdell read the letter into the record.

CODE ENFORCEMENT OFFICER REPORT

Presented by John Orr (copy attached)

WORK SESSION REVIEW

Chairman Ramsdell reviewed the applicants that appeared at the February 7, 2019 Work Session:

- BYK Site Plan Amendment – Project # 1st Mtg
- 3 Contorino Way Site Plan Amendment – Project # 1st Mtg

CEO John Orr commented on Mary Altobelli's letter. He indicated the Planning Board referred the potential applicant to the Zoning Board of Appeals for a variance on the property, but no zone change was discussed.

PROJECTS FOR REVIEW

1. Project # 19-03 Project Name: St. Columba Church Carnival

Applicant/Owner: St Columba Church / John Bonnici

Location: 29 High Street (102-1-49.-1, 102-1-49.-2, 102-1-62.1, 102-1-63 / RS Zone)

Re: Proposed Carnival

Fr. John S. Bonnici, Pastor and Susan Munks, Representative, provided an overview of the project:

- Carnival will have food, rides and vendors;
- No alcohol served at the carnival;
- Carnival will run from May 30, 2019 to June 2, 2019;
- Will use cones and vendor trailers as barriers;
- An updated layout was submitted prior to the meeting, which included the updated layout with parking in the rear and lighting at the rear for the parking area;
- There will be people there directing traffic;
- Hours of Operation are: Thursday, 05/30/19, 6PM – 10PM; Friday, 05/31/19, 6PM – 10PM; Saturday, 06/01/19, 3PM – 10PM and Sunday, 06/02/19, 12PM – 6PM.
- They obtained a Peddler's Permit from the Village and the Planning Board was provided with a copy;

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

- CEO John Orr advised he will be at St Columba's when they set up to make sure the barriers are set up correctly, in the right place and acceptable;
- Chairman Ramsdell asked if the entrance would be off Hambletonian Avenue and will there be signs directing people there for the carnival parking;
 - Applicant confirmed there would be signs for parking and they will include entrance information in their advertisements;
- Member Winters asked if they would have porta potties on site;
 - Applicant confirmed they are looking into port potties, but will most likely use them as a back-up to the existing parish facilities;

***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 Jankelunas, to **GRANT TEMPORARY SITE PLAN APPROVAL.** Motion passed 5-0.

2. Project # 13-08 Project Name: Elmwood Park Apartments

Applicant/Owner: John Sorrentino

Location: Elm Street (SBL 111-2-7.1 & 2 / RA-B1 Zones)

Re: Proposed construction of a Senior apartment complex

Joseph J. Pfau, P.E., Engineer, provided an overview of the project:

- Project was originally a 20-unit apartment complex, but has been modified to 100% senior apartments;
- There will be two 2-story buildings with 8 units in one building and 12 units in the other building;
- There will be 10 1-bedroom and 10 2-bedroom units;
- Parking calculations have been adjusted to reflect the modifications made to the project. They will provide 45 parking spaces;
- Utilities have not changed;
- The applicant will request to be on the Village Board agenda for the Special Use Permit for Senior Housing. They requested a letter from the Planning Board to provide to the Village Board.

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

- Per Harold Pressberg, Planning Board Attorney, the Planning Board has to wait for the Village Board to determine if they'll refer the application to the Planning Board;
 - The Special Use Permit process was discussed with the applicant.
- The applicant advised the drainage is not changing. They are still proposing drainage into a stormwater pond, which will assist the Village's drainage on Walnut Street.
- Will there be parking on the graves?
 - There are already notes addressing the grave sites on the site plan
- It was clarified that the zoning of the property wasn't changed, but a line in the Zoning Code was updated to change the acreage needed for Senior Housing from 3 acres to 2.5 acres;
- Access is still proposed off Elm Street;
- Senior Housing is allowed in both the B1 and RS zones.

NEXT STEPS:

- Applicant to request to be on the Village Board agenda;
- Village Board will determine if they want to refer the application to the Planning Board for comments;
- The applicant will return to the Planning Board after the Special Use Permit is approved or denied.

3. 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

Michael Morgante, P.E., Engineer, provided an overview of the project:

- The proposed project was referred to New York State Department of Transportation and Orange County Planning Department;
- The building on the property is currently used as a taxi business on the first floor and an apartment on the second floor as per the approved site plan;
- Variances obtained from the Zoning Board of Appeals are noted on the site plan;
- Parking spaces are added as they are taking away spaces for the proposed garage;
- They are requesting an amended site plan for the proposed garage and parking;
- Original site plan approvals will be put on the amended site plan;
 - Chairman Ramsdell requested the Title Block on this amended plan stating: Site Plan for the Taxi Business & Apartment;
- Lighting and other plans will be separated so the plans are easier to read.

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

- The existing septic will be utilized;
- Orange County Planning Department suggested a green area for retention. The applicant advised it's not practical with the easements, etc. that exist on the property;
- The dumpster will remain screened with Norway Spruce;
- No outdoor signage currently on the premises and none proposed with the site plan amendment;
- The applicant withdrew repairs and/or maintenance in the garage as previously discussed;
- CEO John Orr advised there have been no complaints regarding the business or inoperable vehicles. He also noted that he has not witnessed inoperable vehicles for extended lengths of time;
- Discussion was held regarding the length of time inoperable vehicles should be allowed to remain.

***MOTION** was made by Member Winters, second by Member Jankelunas, to **GRANT SITE PLAN APPROVAL WITH THE FOLLOWING CONDITIONS:**

- 1. REVISIONS TO THE SITE PLAN ACCORDING TO MARK EDSALL'S COMMENTS;**
- 2. APPROVAL BY MARK EDSALL OF THE FINAL SITE PLAN;**
- 3. UPDATED DRAWING TO INDICATE PARKING FOR TAXI;**
- 4. PAYMENT OF ALL FEES.** Motion passed 3 – 2 (Chairman Richard Ramsdell – Aye; Member Gene Winters – Aye; Member Robert Jankelunas – Aye; Member Vincent Rappa – Nay; Member Anthony LaSpina – Nay)

4. 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

Matthew Acocella, Associate at Zarin & Steinmentz provided an overview of the project:

- The proposed storage will be screened by cedar shingle fencing with gates opening to the parking lot;
- The square footage of the sales floor was updated to 8,827 square feet;
- The parking calculations were not change as they still meet the parking requirements;
- The applicant provided an image of the proposed fencing;
- The tax lot / SBL was confirmed and updated on the site plan;
- The project was referred to the Orange County Planning Department;
 - Orange County had no advisory comments and recommended a Local Determination;
- The applicant requested the requirement of a Public Hearing be waived;
- CEO John Orr asked the applicant to clarify setbacks from the property line to the fence and structure;
- Chairman Ramsdell asked the applicant for the distance from the parking space to the painted area on the site plan;
 - Applicant advised it is 20 feet from the parking space to the painted area;
- Member Winters asked if other stores taken over by Walgreens is having the same storage issue;
 - Matthew Acocella advised he cannot speak for other stores, but this store has limited storage;
- CEO John Orr requested the applicant add the original approval date for the overall site plan and a note advising this amendment is for their requested necessary storage only;

***MOTION** was made by Member Winters, second by Member Rappa, to **GRANT CONDITIONAL FINAL SITE PLAN APPROVAL WITH THE FOLLOWING CONDITIONS:**

1. **REVISIONS TO THE SITE PLAN ACCORDING TO CEO JOHN ORR'S COMMENTS;**
2. **APPROVAL BY ENGINEER MARK EDSALL AND CHAIRMAN RAMSDELL OF THE FINAL SITE PLAN;**
3. **PAYMENT OF ALL FEES.** Motion passed 5-0

5. Project # 19-02 Project Name: BYK USA, Inc Site Plan Amendment

Applicant/Owner: BYK USA, Inc

Location: 48 Leone Lane (113-1-8 / M1 Zone)

Re: Proposed amendment to previous approval for phasing of additions/modifications

Lawrence Torro, P.E., Engineer, provided an overview of the project:

- Amendments to include Phases 1-5 with completion dates from the end of 2019 to the end of 2024;
- Of the 5 Phases, #4 and #5 are from previous site plan amendment approvals;
- 1st Phase: Addition of new maintenance area (front of building); sewer manhole monitoring system per Orange County; new container storage (rear left side of building). Proposed completion 12/31/2019;
- 2nd Phase: Loading dock; canopy area (rear, left side of building). Proposed completion 12/31/2020;
- 3rd Phase: New cooling tower (rear right of building). Proposed completion date 12/31/2021;
- 4th Phase (Previously Approved): New loading dock and canopy area (left side of building); 5100 square foot building addition (left side of building). Proposed completion date 12/31/2024;
- 5th Phase (Previously Approved): 465 square foot addition (rear right of building). Proposed completion 12/31/2025.;
- CEO John Orr provided brief history of the business and commended the applicant for investing in the building and Village instead of abandoning the building and opening the business in another location;
- Village Engineer Shawn Arnott asked about the wetland permit:
 - Lawrence Torro advised the permit is valid until 2019. They are working on a permit extension;
- Village Attorney Harold Pressberg asked if the application needs to be referred to the Orange County Department of Planning and/or the Town of Chester. He also asked the Board if they wanted to schedule or waive the Public Hearing and advised the Board SEQRA needs to be addressed.
 - It was determined that the project needs to be referred to the Orange County Planning Department.

***MOTION** was made by Member Rappa, second by Member LaSpina, to **WAIVE THE REQUIREMENT FOR A PUBLIC HEARING.** 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.

6. Project # 19-01 Project Name: LGW, LLC Site Plan Amendment

Applicant/Owner: LGW Properties, LLC (Leslie Wenger)

Location: 35 Kings Highway (114-1-14 / M2 Zone)

Re: Proposed change of use to collection/warehouse of deposit containers

Benjamin Ostrer, Esq., Applicant's Attorney provided an overview of the project:

- Applicant is proposing a change of use to a collection/warehouse of deposit containers;
- Applicant will update the site plans as per Mark Edsall's comments;
- The proposed use is a conforming use in the zone;
- Cans and/or bottles would be removed on a regular basis – daily or bi-weekly, but there would be no outside storage of the cans and/or bottles;
- The apartment indicated on the 2nd floor has an existing tenant.

General discussion was held regarding:

- Applicant will provide an EAF;

- Project needs to be referred to the Orange County Department of Planning and the Town of Chester;
- Parking;
 - The presented plan shows their requested parking spaces on adjacent properties of others, please clarify.
 - Applicant advised there is no need for additional parking as they will have one or two employees and customers would come and go, but not stay for any extended amount of time, so they should only need four or five parking spaces;
 - The applicant had an agreement with the Village of Chester for access/parking on Village property;
- As a result of the Railroad and Orange County taking parts of the parcel – both before and after the building was constructed – the parcel now has a non-conforming building on a non-conforming parcel;
- CEO John Orr asked if the existing property lines were in effect while the tile shop was open;
 - Applicant confirmed the existing property lines were in effect while the tile shop was open;
 - Applicant advised there have been no additional properties taken since the tile store closed;
 - Applicant also advised part of the original parcel taken by the Railroad included part of the building.

NEXT STEPS:

- Applicant will appear at the next Planning Board Work Session on March 7, 2019 at 1:30 PM;
- Applicant will check with the Village on the status of the lease agreement.

7. Village Board Referral of Proposed Local Law # 6 of 2018

Village Board referral of proposed Local Law #6 of 2018, which proposes amending Zoning §84, Subdivision of Lands, as it relates to notice to interested parties of applications for subdivision of lands.

Discussion held regarding:

- The Village Board is suggesting mailings to all property owners within 500 feet of each property line;
 - The Zoning Board of Appeals mailings requirement is 300 feet of each property line;
 - The Planning Board agreed Proposed Local Law 6 should be consistent with the Zoning Board of Appeals requirements and that 300 feet was sufficient for mailings;

NEXT STEPS:

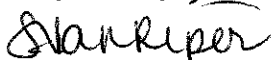
- Planning Board attorney Harold Pressberg will revise the letter with a paragraph to reflect the Planning Board's determination that the Planning Board and Zoning Board of appeals should be consistent with regard to their mailing requirement of 300 feet of each property line;
- The revised letter will be presented to the Planning Board at the March 26, 2019 meeting.

General Discussion

- Gordon Shehab, 68 High Street, Chester, NY about the lighting issue at Meadow Hill Apartments;
 - CEO John Orr advised he walked the property with owner Albert Fini to review the work that still needs to be done, including the grading;
 - CEO Orr also walked the property with Planning Board Member Ramsdell. The tree plantings, particularly at the front of the buildings where they have been omitted, were discussed;
- Leslie Smith 117-119 Brookside Avenue, Chester, NY commented that the new sidewalks are nice. They are wide and smooth;
- Gordon Shehab, 68 High Street, Chester, NY noted the garbage is still an issue and CEO John Orr advised he would look into that.

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 Winters, to **ADJOURN THE MEETING**. Motion passed 5-0. Meeting adjourned at 8:48 PM.

Respectfully Submitted,



**Sandra VanRiper
Planning Board Secretary**

Village of Chester
Planning Board
Zoning Board
Mayor
Code Enforcer

I have been alerted of the appeal from Specialty Trades at 3 Garden St as a buyer to change zoning here on Garden St.

I would like the board to consider before taking any action that you involve and talk directly to the surrounding neighbors. Any zoning change affects us greatly. It is and has been predominately residential/agricultural environment.

Changing in zone equates into expansion of the business, which is light industry at this point and has no place in the current zone.

As you know over the years we have had hardships in our neighborhood because of lack of regulations and enforcement.

Most recently I had made a formal complaint about the illegal lighting directed at my property.

Last spring several of us petitioned to have restrictions on trucks going up Garden St. This after dozens of trucks got stuck, had accidents and peel outs; we live in fear of one-day truck running into our homes.

Before that an entire family with three children had to be evacuated from their home due to the noxious fumes penetrating their home.

In other words there should be NO zone changes. Zone changing would damage the neighboring properties and quality of life. Especially because there have been previous abuses by that property and there has been poor if any code enforcement. Additionally, a main objective of the Comprehensive Plan is to protect and preserve the Black Dirt, which this borders. The light industrial use was meant for farming related vehicles but now you're running the risk of petroleum runoff and other environmental issues that would directly impact the farms downstream. Any zone change would need to come with written assurances by the village protecting our properties and quality of life. Change the zone here and then you set the precedent for change the zone ANY residential section of the village. This property has always been delinquent in paying taxes, where the rest of us have not.

Thank you,
Mary Altobelli
4 Garden St
Chester, NY
mtaltobelli@gmail.com

Mary Altobelli
2-11-19



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

February 26, 2019

Current projects that were inspected during the last month:

BYK – 48 Leone Lane

1- Work almost complete.

32 Leone Ln-

1- interior freezer is now complete.

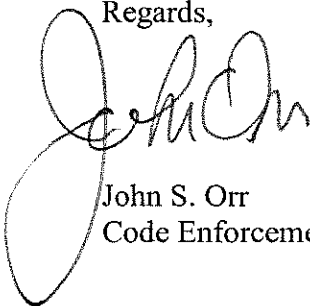
Whispering Hills

1- No deck work has been done.

Whispering Hills

1- Issued permits for roofing replacement on 15 buildings.

Regards,



John S. Orr
Code Enforcement Officer



Main Office
33 Airport Center Drive
Suite 202
New Windsor, New York 12553

(845) 567-3100
fax: (845) 567-3232

Writer's Email:
mje@mhepc.com

Principal Emeritus:
RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY, NJ & PA)

**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS D.P.C.**

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PATRICK J. HINES
LYLE R. SHUTE, P.E. (NY, NJ, PA)

**VILLAGE OF CHESTER
PLANNING BOARD
REVIEW COMMENTS**

PROJECT NAME: ST. COLUMBA CHURCH TEMPORARY SITE PLAN
(PROPOSED CARNIVAL)
PROJECT LOCATION: 29 HIGH STREET (NYS ROUTE 94)
SECTION 102 – BLOCK 1 – LOTS 49.1 & 49.2
SECTION 102 – BLOCK 1 – LOTS 62.1 & 63
PROJECT NUMBER: 19-03
DATE: 26 FEBRUARY 2019
CONSULTANT: N/A
PLAN DATE: Layout Sketch
DESCRIPTION: THE APPLICANT PROPOSES A TEMPORARY SITE PLAN FOR A PARISH
CARNIVAL BETWEEN 5/30 AND 6/2/19.

1. The application proposes a temporary site plan for a fundraiser/carnival. Based on adopted procedure and past practice, the Board developed a list of criteria for temporary uses. The information submitted addresses the list in a reasonable manner. We have the following comments on the sketch:
 - We recommend another barrier between the “games” and the “parking” on the sketch.
 - The information does not define the types of barriers to separate vehicle and pedestrian traffic. The same should be adequate for such purpose.
2. The Board should verify with the Attorney for the Board if GML referrals are required for such temporary uses.

Respectfully Submitted,

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

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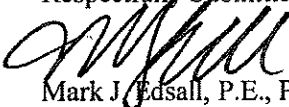
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VILLAGE OF CHESTER
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: ELMWOOD APARTMENTS SITE PLAN & SPECIAL PERMIT
(SENIOR HOUSING PROPOSAL)
PROJECT LOCATION: OFF MAIN STREET and ELM STREET
SECTION 111 – BLOCK 2 – LOTS 7.1 & 3
PROJECT NUMBER: 13-08
MEETING DATE: 26 FEBRUARY 2019
CONSULTANT: PIETRZAK & PFAU
PLAN DATE: Drawing 1 of 12 Revised 1-31-17
DESCRIPTION: THE APPLICATION PROPOSES A MULTI-FAMILY SENIOR HOUSING
RESIDENTIAL SITE PLAN WITH 18 UNITS ON THE 2.6 +/- ACRE SITE. THE
PLAN WAS PREVIOUSLY REVIEWED AT THE 23 JULY 2013,
22 JULY 2014, 24 FEBRUARY 2015, 28 JULY 2015, 25 AUG 2015,
29 SEPT 2015, 27 OCTOBER 2015, 15 DEC 2015, 26 APRIL 2016,
27 SEPT 2016 AND 13 DECEMBER 2016 PLANNING BOARD MEETINGS.

1. The project plans previously consisted of a 12-drawing set. The applicant has not been before the Board for over two years, and has submitted only sheet 1 of 12 for this meeting, presumably to provide the Board with an update on the project status.
2. There are open comments from prior reviews. Once a complete/updated submittal is received, we will perform an updated review.
3. From a procedural standpoint, we note the following (per prior meeting):
 - Lead Agency taken by Planning Board on 7/23/2014
 - GML 239 referral – OC Planning “Local Determination” 8/13/15
 - Public Hearing Held 9/29/15; 10/27/15; 12/15/15.
 - SWPPP – last submittal dated Nov. 2015
 - SEQRA determination – pending
 - Off-site estimate submitted – Developer’s Agreement – pending

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: USHANGI MIKABERIDZE SITE PLAN
PROJECT LOCATION: 22 LEHIGH AVENUE
SECTION 115 – BLOCK 1 – LOT 3.1
PROJECT NUMBER: 18-03
DATE: 26 FEBRUARY 2019
CONSULTANT: ARDEN CONSULTING ENGINEERS (MICHAEL MORGANTE, P.E.)
PLAN DATE: Rev. 1 dated 12/4/18 (two sheets)
DESCRIPTION: THE APPLICATION PROPOSES A TAXI OPERATION AT THE SITE WITH AN APARTMENT ON THE SECOND FLOOR. THE APPLICATION WAS PREVIOUSLY REVIEWED AT THE 27 NOVEMBER 2018 PLANNING BOARD MEETING.

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 plan are correct for the zone.

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 2 vehicles (storage only).

3. The applicant's engineer has provided a letter dated 1/10/19 in response to prior comments. I suggest the Board ask the engineer to review the responses with the Board at this meeting. We have reviewed the letter, as well as the updated plans, and note the following::
 - It is indicated that the rear garage is for storage only (see general note #9). I recommend that the Board require the note to be revised to state a maximum of two vehicles, and should further state "no repairs or maintenance in the garage".

- As previously noted, no business parking spaces are depicted forward of the fence, nor are any handicapped spaces. General Note #10 should be revised to acknowledge that no parking is provided for visitors, and states a restriction that “no business customers on site”.
- The plan depicts a NYSDOT drainage easement and piping. It appears that either the pipe is partially outside the easement or the easement is depicted incorrectly. This should be re-checked.
- A copy of the drainage easement should be provided to the Attorney for the Planning Board to insure that there are no restrictions in the easement which would prohibit the development of the improvements within the easement.
- The Planning Board should discuss the restriction that prohibits inoperable vehicles from being on site. Does the Planning Board agree with the ZBA’s 6 month window, or do they believe a more restrictive limit is appropriate as part of the site plan approval.

4. Status of SEQRA should be verified. To my knowledge, there are no other Involved Agencies for this application.
5. Status of the GML 239 referral and response should be discussed.
6. Our notes indicate that the Public Hearing was waived by the Board.
7. It is unclear if the Board required a referral to the NYSDOT. Status should be verified.

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: 26 FEBRUARY 2019
CONSULTANT: BERGMANN ASSOCIATES
PLAN DATE: 2/01/2019
DESCRIPTION: THE APPLICATION PROPOSES ADDITION OF TWO STORAGE PODS TO THE SIDE OF THE DUMPSTER AREA AT THE REAR OF THE BUILDING. THE PLAN WAS PREVIOUSLY REVIEWED AT THE 27 NOVEMBER 2018 PLANNING BOARD MEETING.

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 original site plan was application 97-12. The bulk information shown on the plan appears correct for the zone and use. The parking calculation on the amendment plan is generally consistent with the original approval (8827 sf vs, 8774 sf) with a required parking of 59 spaces. The amended plan utilizes the “extra” two spaces for the storage.
2. It is my understanding the Planning Board has considered the proposed pod storage and has deemed the use acceptable in the location proposed. At the November 2018 meeting the Board discussed screening and aesthetic issues with the applicant. A follow-up review of this aspect should be made at this meeting, with the revised plans submitted.
3. We have reviewed the updated plans submitted, with regard to the issues in our prior technical review comments. Please note the following:
 - As previously recommended, I suggest a plan note restrict materials stored as subject to the review and approval of the Code Enforcement Officer.

- The application previously noted two tax lots on the property, and the existing conditions plan notes three tax lots (1.1, 1.2 and 2). A review of the County tax maps appears to indicate a single tax lot numbered 1.11. The applicant should confirm. (It is noted that the original 1997 application included a merger of two lots and a lot line change with the “Lobster Pier” parcel. This may be the source of some of the confusion).
4. At the November meeting the Board deemed the application a Type II action under SEQRA.
 5. Status of the mandatory referral to the Orange County Planning Department per New York State General Municipal Law (GML 239) should be confirmed.

Respectfully Submitted,



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

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**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS D.P.C.**

MARK J. EDSALL, P.E., P.P. (NY, NJ & PA)
MICHAEL W. WEEKS, P.E. (NY, NJ & PA)
MICHAEL J. LAMOREAUX, P.E. (NY, NJ, PA, VT & VA)
PATRICK J. HINES
LYLE R. SHUTE, P.E. (NY, NJ, PA)

Main Office
33 Airport Center Drive
Suite 202
New Windsor, New York 12553

(845) 567-3100
fax: (845) 567-3232

Writer's Email:
mje@mhepc.com

Principal Emeritus:
RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY, NJ & PA)

VILLAGE OF CHESTER
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: BYK USA SITE PLAN AMENDMENT
(OTHER)
PROJECT LOCATION: 48 LEONE LANE
SECTION 113 – BLOCK 1 – LOT 8
PROJECT NUMBER: 19-02
DATE: 26 FEBRUARY 2019
CONSULTANT: CIVIL-TEC / LARRY TORRO, P.E.
PLAN DATE: 02/12/2019
DESCRIPTION: THE APPLICATION PROPOSES A MULTI-PHASE IMPROVEMENT TO
THE FACILITY AS NOTED BELOW.

1. The property is located in the M-1 Zoning District of the Village. The property was the subject of recent site plan amendments (Apps. 15-02 & 17-04). The application proposes no change in use, rather modifications to the existing facility, as follows:

- Phase 1 (completion date 12/31/2019):
 - New Maintenance Area (addition) front right of building
 - Sewer manhole monitoring system (per OCSD #1)
 - New container storage (rear left of site)
- Phase 2 (completion date 12/31/2020):
 - Loading Dock & Canopy Area (left side of building)
- Phase 3 (completion date 12/31/2021):
 - New Cooling Tower (rear right of building)
- Phase 4 (completion date 12/31/2014):
 - New Loading Dock and Canopy (left side of building). Previously Approved.
 - 5100 SF Building Addition (left side of building). Previously Approved.
- Phase 5 (completion date 12/31/2015):
 - 465 SF Building Addition (rear right of building). Previously Approved.

2. As noted above, some of the proposed site changes were previously approved, and have been sequenced into the overall facility improvements as noted above.
3. Based on the project's location, referral are needed to the Orange County Department of Planning and Town of Chester per GML 239. Status of these referrals should be discussed.
4. The Board should discuss appropriate procedural steps under SEQRA with the Attorney for the Planning Board.
5. The plan should include an approval box, with the Village Project Number (19-02) included in the box. The box should be in the bottom right hand fold of the plans, on each sheet.

Respectfully Submitted,



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

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**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS D.P.C.**

MARK J. EDSALL, P.E., P.P. (NY, NJ & PA)
MICHAEL W. WEEKS, P.E. (NY, NJ & PA)
MICHAEL J. LAMOREAUX, P.E. (NY, NJ, PA, VT & VA)
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VILLAGE OF CHESTER
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: LGW PROPERTIES SITE PLAN AMENDMENT
PROJECT LOCATION: 35 KINGS HIGHWAY
SECTION 114 – BLOCK 1 – LOT 14
PROJECT NUMBER: 19-01
DATE: 26 FEBRUARY 2019
CONSULTANT: DANIEL J. O'BRIEN, PLS
PLAN DATE: Survey Map Re-Certified January 25, 2018
DESCRIPTION: THE APPLICATION PROPOSES USE OF THE SITE AS A BOTTLE AND CAN RECYCLING FACILITY.

1. The property is located in the M-2 Zoning District of the Village. The use classification which appears to be most applicable is "processing operations", which would be Principal Permitted Use #4.
2. The submitted plan is a survey, not a site plan. As a site plan, it should include the following, as well as any other information pertinent to the application, and as required by the Code:
 - Identification as "Site Plan Amendment".
 - Description of Proposed Change
 - Bulk Table with required and proposed values per Code
 - Parking calculation and depiction of parking on plan.
 - Depiction of customer access points and pedestrian paths from parking.
 - Depiction of delivery docks and locations
 - If any improvements are proposed, the same should be depicted and detailed.
3. The Board should consider the necessary SEQRA actions and GML referrals.

Respectfully Submitted,

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

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VILLAGE OF CHESTER PLANNING BOARD'S REPORT
REGARDING INTRODUCTORY LOCAL LAW # 6 OF 2018
"A LOCAL LAW AMENDING CHAPTER 84 OF THE VILLAGE OF CHESTER CODE WITH RESPECT
TO NOTICE OF APPLICATIONS FOR SUBDIVISION OF LAND"

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

Pursuant to the Board of Trustees referral, the Village of Chester Planning Board submits the following report regarding Introductory Local Law No. 6 of 2018, the proposed amendment to §84-8.C.(1) and §84-9.B.(2) pertaining to notice of applications for subdivision of land. (In Section 3(A), Introductory Local Law No. 6 references §84-8.C.(2), while the subsection of the existing Code section pertaining to hearings is §84-8.C.(1) .)

With some modifications, the Planning Board is in favor of the proposed amendment. The Planning Board also recommends that notice, in the form, suggested below, be also required in §84-9.C.(2), another Code provision requiring a public hearing in connection with final plats where no preliminary plat was required.

While the Village Board is considering revisions to the notice requirements for Planning Board hearings in connection with subdivisions, we recommend that Zoning Code §98-28.C., pertaining to Planning Board hearings in connection with site plan and special permit approvals, which would also pertain to applications for site plans where the Planning Board decides a hearing is required (see §98-2.B), be similarly amended. Since the considerations involved in §98-40.A are not pertinent to these procedural amendments, this report should be deemed the Planning Board's report in connection with a Zoning Code amendment and another referral to the Planning Board should not be required.

With respect to the specific language of the proposed amendments providing notice to owners of nearby properties, we believe provisions identical to the notice provision pertaining to hearings before the Zoning Board of Appeals, as provided in §98-38.C, should be adopted. Under §98-38.C, the Zoning Board Secretary provides the applicants with a list of property owners within 300 feet of the applicant's property, which list is derived from the Village's assessment roll. The applicant is required to make the certified mails and provide proof of the mailing at the hearing.

The Code's notice provision pertaining to ZBA hearings is:

"In addition to such published notice, the Board of Appeals shall cause notice to be given of the substance of every appeal, special permit or variance, together with notice of the hearing thereon, by causing notices thereof to be mailed at least five days prior to the date of said hearing to the owners of all property abutting that held by the applicant in the immediate area (whether or not involved in such appeal or application) and all other owners within 300 feet or such additional distance as the Board of Appeals may deem advisable, as measured from the exterior boundaries of the land involved in such appeal or application, as the names of said owners appear on the last completed assessment roll of the Village. Such notice shall be by certified mail, return receipt requested, and the applicant shall furnish the Board of Appeals proof of compliance with the notification procedure. Any or all of the notices required by this section shall be issued by the Secretary of the Board of Appeals on order of the Board of Appeals or upon order of the Chairman of said Board if the appeal or application is received when the Board is not in session and the Chairman deems it necessary or desirable to expedite the public hearing of such appeal or application. Provided that due notice shall have been published as provided herein and that there shall have been substantial compliance with the remaining provisions of this subsection, the failure to give notice in exact conformance herewith shall not be deemed to invalidate action taken by the Board of Appeals in connection with the granting of any appeal, permit or variance."

Requiring the Planning Board Secretary to make the mailings is an unnecessary burden and expense on that office. Other than the owners listed in the Village's assessment role, there is no way for the Village to determine who resides within a specific distance from the applicant's property. We believe notifying owners of property within 300 feet of the affected property is adequate. This is the distance used in the present ZBA hearings Code provisions, and in certain areas of the Village, requiring mailings to owners within 500 feet may be burdensome. If the Village Board is concerned regarding additional notice, the Planning Board recommends that the Village Board consider requiring a small placard giving notice of a hearing be placed in the front of the property.

The Planning Board also recommends that §84-6 "Minor subdivisions" be amended to require a hearing except in the case of lot line changes, which are treated by the Planning Board as minor subdivisions.

Accordingly, the Village Planning Board reports that the Village Code be amend by a local law in the form attached.

Dated: March 19, 2019

Respectfully submitted:

Richard Ramsdell, Chairman
Village of Chester Planning Board

VILLAGE OF CHESTER'S PLANNING BOARD'S SUGGESTED REVISIONS TO INTRODUCTORY LOCAL LAW NO. 6 OF 2018

A LOCAL LAW AMENDING CHAPTERS 84 AND 98 OF THE VILLAGE OF CHESTER CODE WITH RESPECT TO NOTICE OF APPLICATIONS FOR SUBDIVISION OF LAND AND SITE PLAN REVIEW

Be it enacted by the Board of Trustees of the Village of Chester in the County of Orange, as follows:

SECTION 1. Title

This Local Law shall be referred to as "A Local Law Amending Chapter 84, entitled 'Subdivision of Lands' and Chapter 98, entitled "Zoning" of the Village Code of the Village of Chester with respect to notice of public hearings.

SECTION 2: Purpose and Intent

It is the purpose of this Local Law to amend and amend Chapter 84, entitled "Subdivision of Lands", and Chapter 98, entitled "Zoning", of the Village Code of Chester, as it relates to giving notice to interested parties of applications for subdivision of lands and site plan review.

SECTION 3: Amendments to notice provisions.

A. Section 84-8.C.(1 2) is amended by inserting the language underlined below:

(1) The Planning Board shall hold a public hearing within 62 days after the receipt of a complete preliminary plat by the Planning Board. Such hearing shall be advertised at least once in a newspaper of general circulation in the Village at least five days before such hearing. ~~A copy of such notice shall be mailed by the Planning Board Clerk, at the expense of the applicant, to the owner of real property within five hundred (500) feet of lands proposed to be subdivided, and to each person known to reside within five hundred (500) feet of lands proposed to be subdivided.~~ In addition to such published notice, the Planning Board shall cause notice to be given of the subdivision application, together with notice of the hearing thereon, by causing notices thereof to be mailed at least five days prior to the date of said hearing to the owners of all property abutting that held by the applicant in the immediate area and all other owners within 500 feet or such additional distance as the Planning Board may deem advisable, as measured from the exterior boundaries of the land involved in such appeal or application, as the names of said owners appear on the last completed assessment roll of the Village. Such notice shall be by certified mail, return receipt requested, and the applicant shall furnish the Planning Board proof of compliance with the notification procedure. Any or all of the notices required by this section shall be issued by the Secretary of the Planning Board on order of the Planning Board. Provided that due notice shall have been published as provided herein and that there shall have been substantial compliance with the remaining provisions of this subsection, the failure to give notice in exact conformance herewith shall not be deemed to invalidate action taken by the Planning Board in connection with the approval of any subdivision. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat.

B. Section 84-9.B.(2) is amended by inserting the language underlined below:

(1) The Planning Board shall hold a public hearing within 62 days after the receipt of a complete final plat by the Planning Board. Such hearing shall be advertised at least once in a newspaper of general circulation in the Village at least five days before such hearing. ~~A copy of such notice shall be mailed by the Planning Board Clerk, at the expense of the applicant, to the owner of real property within five hundred (500) feet of lands proposed to be subdivided, and to each person known to reside within five hundred (500) feet of lands proposed to be subdivided.~~ In addition to such published notice, the

Planning Board shall cause notice to be given of the subdivision application, together with notice of the hearing thereon, by causing notices thereof to be mailed at least five days prior to the date of said hearing to the owners of all property abutting that held by the applicant in the immediate area and all other owners within 500 feet or such additional distance as the Planning Board may deem advisable, as measured from the exterior boundaries of the land involved in such appeal or application, as the names of said owners appear on the last completed assessment roll of the Village. Such notice shall be by certified mail, return receipt requested, and the applicant shall furnish the Planning Board proof of compliance with the notification procedure. Any or all of the notices required by this section shall be issued by the Secretary of the Planning Board on order of the Planning Board. Provided that due notice shall have been published as provided herein and that there shall have been substantial compliance with the remaining provisions of this subsection, the failure to give notice in exact conformance herewith shall not be deemed to invalidate action taken by the Planning Board in connection with the approval of any subdivision. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat.

C. Section 84-9.C.(2) is amended by inserting the language underlined below:

(1) The Planning Board shall hold a public hearing within 62 days after the receipt of a complete final plat by the Planning Board. Such hearing shall be advertised at least once in a newspaper of general circulation in the Village at least five days before such hearing. ~~A copy of such notice shall be mailed by the Planning Board Clerk, at the expense of the applicant, to the owner of real property within five hundred (500) feet of lands proposed to be subdivided, and to each person known to reside within five hundred (500) feet of lands proposed to be subdivided.~~ In addition to such published notice, the Planning Board shall cause notice to be given of the subdivision application, together with notice of the hearing thereon, by causing notices thereof to be mailed at least five days prior to the date of said hearing to the owners of all property abutting that held by the applicant in the immediate area and all other owners within 500 feet or such additional distance as the Planning Board may deem advisable, as measured from the exterior boundaries of the land involved in such appeal or application, as the names of said owners appear on the last completed assessment roll of the Village. Such notice shall be by certified mail, return receipt requested, and the applicant shall furnish the Planning Board proof of compliance with the notification procedure. Any or all of the notices required by this section shall be issued by the Secretary of the Planning Board on order of the Planning Board. Provided that due notice shall have been published as provided herein and that there shall have been substantial compliance with the remaining provisions of this subsection, the failure to give notice in exact conformance herewith shall not be deemed to invalidate action taken by the Planning Board in connection with the approval of any subdivision. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat.

C. Section 84-9.C.(2) is amended by inserting the language underlined below:

Where a tract of land is to be subdivided into not more than four lots in any one year, the Board may, at its own discretion, after holding a public hearing in accordance with § 84-9.C.(2), grant final approval according to § 84-9 of these regulations, provided that the preapplication procedure has been completed and, further, that the application for final approval shall conform to the requirements of Article IV of these regulations for minor subdivisions. A public hearing shall not be required in connection with a lot line change application.

D. Section 98-28.C is amended by inserting the language underlined below:

Site plans for special permitted uses shall be submitted to the Planning Board concurrently with applications for special permitted use permits and shall be considered to be a part of the application for a special permitted use. A public hearing on the application for a special permitted use and concurrent

site plan approval shall be held by the Planning Board within 62 days from the day an application is made. Public notice of such hearing shall be published in the official newspaper of the Village at least five days prior to the date thereof. In addition to such published notice, the Planning Board shall cause notice to be given of the application, together with notice of the hearing thereon, by causing notices thereof to be mailed at least five days prior to the date of said hearing, to the owners of all property abutting that held by the applicant in the immediate area and all other owners within 500 feet or such additional distance as the Planning Board may deem advisable, as measured from the exterior boundaries of the land involved in such appeal or application, as the names of said owners appear on the last completed assessment roll of the Village. Such notice shall be by certified mail, return receipt requested, and the applicant shall furnish the Planning Board proof of compliance with the notification procedure. Any or all of the notices required by this section shall be issued by the Secretary of the Planning Board on order of the Planning Board. Provided that due notice shall have been published as provided herein and that there shall have been substantial compliance with the remaining provisions of this subsection, the failure to give notice in exact conformance herewith shall not be deemed to invalidate action taken by the Planning Board in connection with the approval of a site plan or special permit. The Planning Board shall act upon said application within 62 days after such public hearing.

SECTION 4: Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 5: Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.