

MINUTES

VILLAGE OF CHESTER PLANNING BOARD

JUNE 25, 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
Mark EDSALL, Planning Board Engineer
Harold PRESSBERG, Planning Board Attorney

****** PUBLIC HEARING ******

Chairman Ramsdell opened the Elmwood Park Senior Apartment Complex Site Plan Public Hearing at 7:00 PM.

P. Project # 13-08 Project Name: ELMWOOD PARK APARTMENTS

Applicant/Owner: John Sorrentino
Location: Elm Street / Main Street (SBL 111-2-7.1 & 3 / RS-B1 Zones)
Re: Proposed construction of a Senior apartment complex

Mark Siemers, Engineer, Pietrzak & Pfau, provided an overview of the project:

- The proposed project encompasses 2 parcels – one in the B-1 Zone and one in the RS Zone;
- The proposed project consists of 2-2 story buildings – Building 1 contains 6-1-bedroom units and 6-2-bedroom units; Building 2 contains 4-1-bedroom units and 4-2-bedroom units;
- There will be a 650 square foot community space next to building 2;
- The proposed buildings were lowered from 3 stories to 2 stories to alleviate sight impacts;
- The proposed project is a Senior Housing Development, which is a Special Permitted Use subject to Authorization and Site Plan Approval by the Planning Board in both Zones;
- The proposed project would be accessed off Elm Street;
- The proposed project would use Village water / sewer, connecting to existing services on Elm Street;
- Stormwater remains the same as previously noted on the site plan – water will flow to a dry pond and into the drainage down Elm Street and connect to the existing drains along Elm and Walnut Streets;
- The proposed sidewalks will connect to the existing Village sidewalks along Route 94 and Main Street;
- The project was reviewed at the April 8, 2019, Village Board meeting, and the Village Board adopted a resolution that the location and general layout of the proposed Elmwood Park Senior Housing Apartments Site Plan complies with the intent of §98-23.1 of the Village Code pertaining to Senior Citizen Housing special use permits;
- The Village Board referred the site plan approval and special permit application for the proposed Elmwood Park Senior Housing Apartments to the Planning Board for environmental review under SEQRA, and site plan and special permit review pursuant to §98-23.1 of the Village Code;
- One of the conditions of the Village Board's approval was the project be deed restricted to ensure it remains Senior Housing, which is being drafted by the Applicant's attorney.

Email from David Stevenson, dated April 23, 2019, read into the record (copy attached).

Letter from The Preservation Collective, Inc., dated June 25, 2019, read into the record (copy attached).

As there were no questions or comments from the Planning Board members, Chairman Ramsdell opened the Public Hearing for public comments/questions:

- Gordon Shehab, 68 High Street, Chester, NY: How wide is the driveway going to be in that smaller section – the first section?
Mark Siemers: The driveway would be 30 feet wide

Gordon Shehab: How wide is the property – that lot?

Mark Siemers: advised he believes 50 feet wide.

Gordon Shehab, 68 High Street, Chester, NY: As Dave mentioned 98-23-1(C), Maximum, shall not cover more than 50 percent of the lot area with impervious surface.

Chairman Ramsdell: Ok

- Karen McGovern, 19 Elm Street, Chester, NY: I have been here for about 12 years, and the neighborhood has been changing pretty quickly and dramatically, so I'm concerned about 3 things – water pressure has significantly decreased in the last 2 years. I figured it was those new condos that went up – a bunch of new housing. Will the water supply be affected negatively again? I don't know if anybody else has had that experience, but my water pressure is terrible right now, so water is a concern. Sewer is a concern. Driving, parking, transport – it's a tiny little block Elm and Main. It's also exceedingly dangerous and without appropriate build up in terms of infrastructure and better roads. We're talking about how many people? More than twenty? They all have cars. It's difficult for me to envision how that would work. I think it would pose a terrible safety hazard especially at the intersection of Main and Elm.

Chairman Ramsdell: Thank you.

Chairman Ramsdell: Mark, I was going to ask if you knew how many houses there were up Elm Street.

Mark Siemers: I don't know.

Karen McGovern: It's about 12, 13, 14.

Chairman Ramsdell: No, it's more than that.

Karen McGovern: Just on one side, I mean.

Chairman Ramsdell: Because we went through that on a previous application. This property has been part of an application for about 40 years.

- Marion Sangrillo, Chester Resident: Do I understand that the outlet on 94 is just for – not for vehicles.

Mark Siemers: That is correct.

Marion Sangrillo: So, all the vehicles from those apartments – whatever – are going to enter and exit off of Elm Street. And, like she said, getting from Elm Street onto Main Street is very hazardous. You can't see quite often. They park so close to the white lines and even with that, if it's a truck, you still can't see. So, I think it's really dangerous with the amount of traffic that's going to be there.

Chairman Ramsdell: Thank you

- Anthony Quinn, 77 Main Street, Chester, NY: I want to follow up with Gordon's comments and David's concerning the impervious surface because I'm going to anticipate their next thing is going to say it's a B1 zone and B1 standards are less – it's only 25% - maybe 30, but I just want to bring up § 98-7(D) says where a district boundary divides a lot in single ownership, the regulations for either portion of the lot may, at the owner's discretion, extend not more than 30 feet beyond the boundary line of the district. So, how long is the road? More than 30 feet I think – I'm asking.

Chairman Ramsdell: The driveway?

Anthony Quinn: Yeah. How long is the road into the place? It's gotta be at least 100 feet. Going across the lot.

Chairman Ramsdell: 135.61

Anthony Quinn: So, that would violate this never mind the character of the neighborhood. I agree with all that. I tried that for something else I got involved with and that doesn't seem to matter. I mean character, we'll touch on that a little bit. You have a row of old 1800's - 1900's houses and you're going to slam a driveway through a building lot with a bunch of tall lamp posts. The building itself might be in character, but the driveway that's on a lot next to houses is not. I think that sums it up. That's going to be a big thing for them to get around unless you guys change the law again on it.

Chairman Ramsdell: Thank you

- Ben Ostrer, 111 Main Street, Chester, NY: My office is next door to the project site. My wife owns the building. She's here too. Is this a Public Hearing on the site plan itself?

Planning Board Attorney Harold Pressberg: Site plan and special permit.

Ben Ostrer: So, one comment which we raised when Jay and I were here at the Village Board meeting. The size of the units doesn't appear to comport with senior housing. If you scale the buildings out as you scale the 650 SF, these look like units that are approximately the size of three-bedroom units at Whispering Hills, not one and two-bedroom senior citizen units that would typically be 1000 feet or less. The size of the building, the units in the building, would appear to be proposing 1200 SF single and perhaps 17 or 1800 square foot two-bedrooms, which means they're probably two bedrooms and three

bedrooms, not one bedroom and two-bedroom. So, without this Board seeing floor plans and what the designs of these units are, I think this is – they're incubating a plan that they're going to say won't serve seniors because of the second-floor units. They haven't said how many will be handicap accessible units. I've heard, from conversations with people, that all of the ground floor units are going to be handicap accessible, but the regulations only require 20% of the units, which would be 4 units out of the 20. And another concern is many of the houses that are below grade, including ours, have stone foundations and they're proposing a dry pond. We know a dry pond isn't dry all the time. They're going to be surcharging the ground by collecting water right behind what was Janet Writer's house and some of the other houses and you don't know where the water flows underground, but if they can contain the drainage appropriately, I'm not aware of any application in a residential district or adjacent to residential properties where they use the dry pond as a means of taking care of storm water. If it's a sand filter – whether there's going to be a defined barrier or not. But the biggest concern is saying it's senior housing and building units that are really not designed for seniors seems like an accident waiting to happen. That we can't rent them because of the price we have to get, and we can't get seniors to move into second floor apartments that are walk up. People look for ranch houses, they look for ground floor apartments. It's truly not designed for seniors if it's going to be second floor walk-up and the size that they're proposing. So, before this Board were to take any action, I'd encourage you to take a look at what the floor plans are and if the apartments shrink, then, as Ms. Schuh recognized in her letter, the amount of area that has to be disturbed for the footprint of the building and the amount of impervious roof surface and the like will also shrink, which would reduce potential impacts. And, again, I'm troubled by – we have a lot of people – the approval for our unit – we enter one driveway and exit the other driveway and that left turn off Elm, if there's any size of a vehicle. I mean, a big SUV up next to that striped area. We're going to have to lose some on street parking if we're going to increase the amount of utility of that intersection, so there should be something that the developer does to replace the street parking that we're inevitably going to have to lose because we're going to have to lose a space or two on Main Street and certainly have no parking on Elm Street near that intersection. And I don't think they have any way of replacing those parking spaces – either off site or on site. I just encourage you to take a much harder look on this. I don't think they're really sincere about the senior citizens and, in my experience, a deed restriction is not adequate to enforce it. Who has the right to enforce the deed restriction anyway? Who's it in favor of? And if the person who it's in favor of decides they don't want to have an empty apartment building, then the deed restriction gets waived – gets extinguished. I don't draw any comfort from the fact that they're willing to put a deed restriction in. A conservation easement that's enforced by some third party – where they couldn't add a story or they couldn't replace – might be something that would be more workable, but 20 units of the size that they're proposing is just not a senior citizen housing development to me.

Planning Board Attorney Harold Pressberg: To give you some solace, the Certificate of Occupancy is going to limit this to Senior Housing. And there are requirements that they provide annual updates to the Building Inspector. There are enforcement mechanisms built into the Senior Housing Code. It's not just a deed restriction, it's a....

Ben Ostrer: I know Harold, but then it becomes the Village participating in an eviction proceeding and somebody is living in the apartment and can't be taken out. The New York State Legislature just expanded tenant's rights with legislation passed last week, so what you can do to a 50-year-old who's living in that apartment as opposed to a 55-year-old and I don't know that we have a full schedule of what's the definition of Senior Citizen unit in our Village.

Planning Board Attorney Harold Pressberg: We can look. I'm just trying to let you know that it's not just a deed restriction, it's part of the Certificate of Occupancy.

Ben Ostrer: And bedrooms that are supposed to be dens become bedrooms

Planning Board Attorney Harold Pressberg: Well, that's another issue....

Ben Ostrer: You issue Certificates of Occupancy for 2-bedroom unit and there's 3 bedrooms, but there's no closet.

Planning Board Attorney Harold Pressberg: That's another issue, right? I think the Board will take you up on that issue. I just wanted to advise regarding some of the enforcement mechanisms.

▪ Chairman Ramsdell: Sir?

▪ Steven Keahon, Chester Resident: My question was the project that happened before this one – obviously we're not talking about that tonight – was intended for Senior Housing and then it turned out it wasn't Senior Housing because there wasn't a market from everything I've heard. So, my question is

what all of a sudden changed that we all of a sudden have a market for Senior Housing now if it didn't work over at the other street.

Chairman Ramsdell: I think our Attorney just pretty much commented on that.

Planning Board Attorney Harold Pressberg: I didn't comment on whether there was a market. I commented on....

CEO John Orr: I'll just clarify the difference. Meadow Hill when they were in front of us was for Senior Condominiums – not Senior Apartments and that was prior to the market tanking on everything. So, that's why that went from condominiums to apartments.

Chairman Ramsdell: Thank you John. Thank you

- Ben Ostrer, 111 Main Street, Chester, NY: But they haven't done any needs study or any research as to what the need or utility would be? What market study?

Chairman Ramsdell: For Seniors?

Ben Ostrer: In Monroe there was a proposal for Senior Housing and the Planning Board there required a market study to make sure that there was going to be a sufficient demand at the price level that they were intending to... You know, affordable is one thing. If it's market rent, they need a study to demonstrate whether they're going to be able to fill it or not.

Chairman Ramsdell: Thank you

- Elizabeth Reilly, Village of Chester Resident: I have a question or concern with the signage that would be placed for the project. And I know this has been brought up before regarding entrance or exit from Main Street. I just feel as Ben had said that there should be some sort of an entrance from Main Street. I believe there's a curb cut there from DOT many years ago.

Chairman Ramsdell: Which one are you talking about now? On Main Street?

Elizabeth Reilly: Yes, on 94. So, if there's the curb cut there and it was usable when it was a private home and a beauty parlor, nursery. Why can't that be utilized, and the project would have to do whatever is needed to make that usable? If it's because DOT won't permit that, is there a letter on file stating that? And also, with the sewer concern, would a pump be needed to take that from – would it come down the driveway of Elm Street and then have, I don't think it's gravity, up to Walnut? I don't know if anything would be needed there. From Walnut, it's all downhill, but that's a concern I have.

Chairman Ramsdell: Thank you. We did go for some years now we've gone around and round with DOT about vehicular access from Main Street, and their position was that can't happen.

Elizabeth Reilly: Is there something in writing to that effect?

Chairman Ramsdell: I'm sure there is, yeah.

Elizabeth Reilly: If I could FOIL a copy, I will.

Karen McGovern, 19 Elm Street, Chester, NY: For clarification, I'm sorry, what can't happen?

Chairman Ramsdell: Vehicular access from that narrow strip of land that comes out on Main Street. John I think you know more about that.

CEO John Orr: I remember seeing something. I'll have to go back into the original files.

David Stevenson, 16 Elm Street, Chester, NY: I think their concern was that the sight lines for people who are heading north coming around what's....

Chairman Ramsdell: That curve

David Stevenson: Most people coming out might be broadsided.

Elizabeth Reilly: But if something is needed, it would be up to the developer to improve that infrastructure whether it's a traffic light or a blinking light. Isn't it generally up to the...?

Chairman Ramsdell: So close to the intersection of Academy that that wouldn't be approved. Not by us, but by DOT.

Elizabeth Reilly: Well, there might have to be a couple traffic lights. I mean there are other intersections in other municipalities I'm sure that....

Planning Board Attorney Harold Pressberg: 94 is a State road, so the State DOT would have to approve a traffic light.

Elizabeth Reilly: Right

Planning Board Attorney Harold Pressberg: They had to adhere to a design standard to approve that traffic light at Academy and Main Street.

Elizabeth Reilly: As it is now, correct? With development going into that area....

Audience Member: Maybe it's just an entrance only

Elizabeth Reilly: Exactly. And the signage. I'd also like to know about. When I raised the question a couple years ago, I was told whatever the Village allows, which could be something the size of Academy Hill Apartments, which would really have a negative effect on that historic neighborhood.

- Chairman Ramsdell: Yes, you had your hand up.

Alex Batane, Chester Resident: So, this project or maybe not this project – another project, but this has been going on for so many years now that it's beginning to be repetitious. I'm not familiar with all the legal technicalities here that are required to put it in, whether it's an apartment complex or senior housing – whatever it is and I certainly don't want to begrudge the owner of his investment, but I have to tell you – like I said, I'm not looking at the legal technicalities here, but the real life technicalities are that if you look at Academy Avenue between 3 and 5 o'clock the line is all the way down to the traffic light. It's the worst intersection we have in Chester. The speed is too heavy at 30 miles an hour coming around that bend by the stores there – by the florist shop. You cannot get out of Elm Street for a long time. I wanted those 3 spots removed from there a long time ago, but they belong to the State, so we can't really do much about it. Okay. That's just not one accident waiting to happen. That's many accidents waiting to happen. If you have senior citizens up there – with all due respect, one of these days I'll be one too – there's going to be more of a problem because there's no way people can get out of there. I don't know who's looking at this, but we need to seriously look at it. And you want to talk about water. Sometimes my water doesn't come out as fast as I'd like it. So, if you add 20 more units, it's going to come out even slower, but I don't care about that. So, for 40 years I've been looking at that intersection and I have to tell you we can't do anything with it. There's no room there. There's no room. You have people coming out. You have the 2 sides that are coming out. There's no room for cars coming in. You know, why even waste our time thinking about this. Okay. Why don't you build a couple of houses up there and be done with it? This is a waste of my time and everybody else's time that's in this room. There's no place for anything like that in that area. Period.

Chairman Ramsdell: Thank you

Applause.

Chairman Ramsdell: Over the years we saw several plans for building activity on this site, and I think there was one with 7 houses – 7 individual houses.

Mark Siemers: I believe so, but that was before me.

Chairman Ramsdell: Yeah. Youngster. Next. Clif?

- Clif Patrick, Town of Chester Historian, 117-119 Brookside Avenue, Chester, NY: Ok. My name is Clif Patrick. My office is at 119 Brookside Avenue, which is in the Village. And. Quite a few comments. And there's just about the....

Chairman Ramsdell: Clif – you are the historian for the Town of Chester, aren't you?

Clif Patrick: I am. Letter provided to the Planning Board and consultants. This letter was read into the record by Clif Patrick and reviewed at the meeting (copy attached).

Chairman Ramsdell: Thank you Clif

Clif Patrick: Yes, sir.

Chairman Ramsdell: Thank you

Clif Patrick: Oh, you're welcome

Planning Board Secretary: Do you have another copy of that Clif?

Clif Patrick: Excuse me.

Planning Board Secretary: Do you have another copy of that? I didn't get that last page. Do you have this PDF? Can you email me a copy?

Clif Patrick: Sure

Planning Board Secretary: Thank you

- Chairman Ramsdell: Yes
- Chris Battiato, Village of Chester Resident: Chris Battiato, Village of Chester. You guys stated earlier that the State wouldn't allow access off 94 and that was in writing some time back. Any idea how long ago that was?

Chairman Ramsdell: I think more than 10 years and perhaps less than 15.

Chris Battiato: Ok. Cause my question is if they don't have access from their own – from the only deeded access to the property cause the State won't give it to them, uh, Mr. Sorrentino bought a land locked piece of property. Because the State won't allow them to come in the only true access he really has. That's all.

Chairman Ramsdell: And just to expand on that a little bit. This property had another lot that extended up to the street in the back.

Chris Battiato: The previous owner sold it

Chairman Ramsdell: Yes

Chris Battiato: Yeah, so the only access to that lot it was allowed.... They built a house on Highland Avenue and if the State doesn't allow them to come in on their only deeded access to the property, he bought a land locked piece of property.

Chairman Ramsdell: Ok.

Chris Battiato: That's all I'm saying because that was.... If it went back 10 years ago, he's only owned the property for, I think he said 5 years. That was.... He should have known that when he bought the property.

Chairman Ramsdell: Thank you

- Patti Salerno, Village of Chester Resident: I have something. Patti Salerno, Village of Chester resident. I'm also part of the Comprehensive Plan Committee and part of our Comprehensive Plan is to keep the values in the Village of Chester and we've kind of established a vision statement and I'm going to read it because I think that kind of sums up why we're all sitting here in this room today. It's not published yet. We're still working (inaudible).... in progress, but, um. So, the vision statement that we've created for the Comprehensive Plan is:

"With this Comprehensive Plan, the Village of Chester establishes a vision, both short-term and long-range, for the future of our municipality, one that roots in the recognition and reinforcement of shared values, interests, benefits of all residents. Primary among these values is the belief that the Village enjoys many distinctive features, both geographically and socially, that makes this an outstanding place to live. These features must be nurtured and protected to ensure an ongoing quality of life consistent with smart growth, a safe and healthy environment, and a balanced socio-economic fabric. Among these features are:

- A valuable inventory of historic buildings that contribute to the character and the overall identity of the Village;
- An extraordinary and vibrant agricultural district that reflects both our history and our future;
- A diverse population comprised of a variety of cross-section of social, economic and ethnic backgrounds;
- A robust commercial/economic platform that supports the environmentally sound ways, both tourism and the needs of the local population;
- A healthy network of municipal parks, offering a wide range of recreational activities;
- A harmonious blend of housing options, with an emphasis on residential homes to encourage financial and emotional investment in the community.

"Our Vision for the Village of Chester for our future, our agricultural farmland is productive and protected, the integrity of our historic building stock is preserved, business districts revitalized, housing opportunities expanded, and overall quality of life is enhanced. So, in the coming years, we:

- Establish and revise the necessary Village Code, including the Zoning Code, and reinforce the Comprehensive Plan's goals;
- Protect the integrity of the Village, the black dirt farmland, public parks, and our natural resources by carefully managing changes in land use;
- Preserve historic buildings, culture and civic institutions, open space, and the integrity of our residential neighborhoods;
- Enhance our business districts to create vibrant centers for civic engagement;
- Promote a healthy lifestyle through the adoption of complete street policies;
- Ensure the sustainable land use patterns that is more resilient to natural disasters;
- Provide sustainable public infrastructure and services to meet growing community needs in a cost-effective manner;
- Increase housing opportunities for all age groups and income levels;
- Set quality design standards to ensure that new land use enrich the community aesthetics and are in harmony with the existing fabric of the Village of Chester."

So, I'd like that to be part of the consideration that the Board decides to make this plan go forward. We've worked pretty hard over the past year or so to put in a Comprehensive Plan that encompasses every resident of this Village and everybody who visits here or works here or does business here and this is just another component of if this goes through and gets approved that the builder holds up to that standard of what we're trying to build here in the Village. So, that's all I wanted to mention.

Chairman Ramsdell: Thank you

- Leslie Smith, 117 Brookside Avenue, Chester, NY: On page 2 of the EAF, the SEQRA EAF, it has a question that's under C.2(a) Do any municipally-adopted (city, town, village or county) comprehensive plans include the site where the proposed action would be located? And no is checked off. However, as a few people have mentioned, we have been working on a Comprehensive Plan that a Comprehensive Plan Committee was established June 12th in 2017, so it's 2 years coming up. I am the Chairperson of a subgroup – the Historic Preservation, Community Character, Design Guidelines, Aesthetics group. And there's 10 people in our group. And, at the very first meeting, I brought a map. We have proposed 3 Historic Overlay Districts for the Village and, um, this is a map that shows them. The project that we are talking about tonight – the Senior Citizen Housing is right in this section, which is the Uptown Historic Overlay District. The pink is the Downtown and the aqua color one is West Chester, but we are just talking about this neighborhood here, which is the – in the uptown proposed as part of our Comprehensive Plan. Now, all the Comprehensive Plan meetings have been open to the public. They've been going on for 2 years. This is the original map of the neighborhood that we're talking about. It was sub-divided in 1890. It's a sub-division by Joseph Durland and George M. Roe and almost all the houses in this neighborhood are over 100 years old, the exception being EJ's, which was built in 1947, and Peterson's, which was rebuilt because it was burned in a fire and that's 2018. All the other houses are over 100 years old. So, it's just, you know, very rare that you get a neighborhood which has not been – you know, that still has its historic fabric and the whole point of the Historic Overlays is to preserve the entire neighborhoods, not so much as spotlighting a particular property, although the Uptown Historic Overlay does contain the Yelverton Inn, the 1854 Presbyterian Church and the Durland store and those are listed on the National Register. It does contain those, but it also has all the supporting structures. It's the oldest area of the Village. And removing the house at 8 Elm Street and just putting pavement on that lot would be a very negative impact, not only to the adjoining properties, but also to the entire neighborhood, I feel. And demolition is forever, so once it's gone we lose another piece of our character of our Village.

Chairman Ramsdell: Thank you. Yes?

- Alex Batane, Village of Chester Resident: Just a quick question. The entrance to this property, in and out, is called a driveway. What constitutes a driveway? Is it a road or is it a driveway? Because what we're doing – that property is landlocked. The only exit for that property is in the back on Highland Avenue and the other side in the front on 94 is now prohibited by the State, so does that mean that we can just take and remove a house and build a driveway for 20 units? Or is that a road? Is it allowed to build a road? Are we allowed to build a road? Are we re-inventing the wheel here? Why are we doing that? So, what is it? A driveway or a road? His question. Engineer.

Chairman Ramsdell: Yes, we'll....

Alex Batane: Is it a driveway or a road?

Mark Siemers: It's an access drive

Alex Batane: Pardon me

Mark Siemers: It's an access drive

Alex Batane: Drive. How many pieces of dwelling is allowed for a driveway? Is the road going into Whispering Hills a driveway?

Mark Siemers: I don't know the answer to that. I don't know what answer you're looking for from me.

Alex Batane: What I'm asking

Mark Siemers: But I would ask that you ask the Board the question, and I will address the answers back to the Board.

Alex Batane: Well, you know, the reason I'm asking you is because they may not know it, but obviously, if you're the engineer, you should. So, what constitutes a driveway? Is it 1 dwelling or 20 dwellings? Because now we're feeding an area with more than 1 building on it. With more than 1 home on it. So, if a driveway is for 1 home, or 2 or maybe 3, then we have to build a road to access this property. And now we're going against what the laws are because it's land locked. So, if we start moving houses all

around, then we can do whatever we want. Then why even have a Board? Why even have plans? So....

Chairman Ramsdell: I thank you for your comment. This is going to be one of the elements of the response.

Alex Batane: Ok

Chairman Ramsdell: Thank you

- Patti Salerno, Village of Chester Resident: Can I ask a question about the driveway? Is the driveway considered two ways? So, you would have in and out? So, will it have an in and an out and a drive. Is that just one way or one car at a time? Is kind of the question I'm asking.

Mark Siemers: No, it would be in and out.

- EJ Szulwach, Village of Chester Resident: Might that driveway have a name? Like a street name?

Mark Siemers: I don't believe so. That would be a question that we would have to review with the highway department, but I don't believe it would.

Chairman Ramsdell: Ok

- Elizabeth Reilly, Village of Chester Resident: When E911 lettering was put in place or numbering, wasn't anything more than 2 dwellings considered either a private road or not necessarily a drive?

Chairman Ramsdell: I don't know the answer to that and I'm.... You are referring to the access drive?

Elizabeth Reilly, Village of Chester Resident: Proposed, yes.

Chairman Ramsdell: I don't know. We will look into that.

- Gordon Shehab, 68 High Street, Chester, NY: In the Zoning Code, it defines a street as a publicly dedicated right-of-way or a private right-of-way improved to meet Village street specifications for vehicular and pedestrian traffic, which affords the principal means of access to abutting properties. I don't know if that applies here or not, but I mention it just maybe to enlighten a bit.

Chairman Ramsdell: Ok. Thank you

- Elizabeth Reilly, Village of Chester Resident: The other question I have about affordable. I don't know what the definition is, but would these proposed units be affordable to this area? Where our people – the people of Chester and surrounding areas could afford to live. Seniors? That's a concern I have. Or would it be for people moving up from Northern Jersey or? This is the Village of Chester. I think we need to think about our senior residents.

?? I think it's market rate affordable

Chairman Ramsdell: Thank you

- Barbara McDonald, Village of Chester Resident: Maybe I'm jumping ahead here a little bit. This doesn't have anything to do with what we're discussing here, but the building on the corner of Academy and 94 is empty and the yellow house next to it. I understand they were recently sold. Is that correct? Maybe I'm wrong, but is there a possibility if they weren't, that those could be torn down and multiple dwelling apartment building be put there, which would impact that intersection and this area even more?

Chairman Ramsdell: I think I know what you're talking about, and you're almost reading my mind, but I wasn't going to build an apartment building there, I was going to make a parking lot there.

Barbara McDonald: Thank you

Chairman Ramsdell: But, that's on the south side of that intersection. What I've heard is that it may have been purchased by a Hasidic buyer, but that's just what I heard.

Barbara McDonald: Would they legally be allowed to tear those structures down and build multiple – an apartment building even larger than this one? There's quite a bit of property there.

Chairman Ramsdell: Well, I couldn't comment on exactly how big of a building could be built there, but they would have to consider parking.

Barbara McDonald: There already is a parking lot there of sorts next to the yellow house.

Chairman Ramsdell: Is that part of their property? I don't think it is.

Barbara McDonald: I'm not sure – that's what I'm asking. I'm just putting it out there. It would impact this intersection even more if that was possible.

Chairman Ramsdell: Right. That's a whole other chapter

Barbara McDonald: Yes

Chairman Ramsdell: Thank you. Yes. I was waiting for you.

- David Stevenson, 16 Elm Street, Chester, NY: Regarding the road. I'm calling it a road because it's really just a matter of semantics. Whatever you want to call it. But the fact is what's going to be there is 30 feet wide. It's going to be one lane in, one lane out and chances are, for safety reasons, they're going to put a yellow stripe down the middle. So, for all practical purposes, it's going to look like a road.

Chances are the addresses for those people are going to have to be tied to a street name or something, so that access drive is going to have to be named, so it's really going to.... If it looks like a duck and acts like a duck and sounds like a duck.... This is going to be a road. It's not a driveway. I have a driveway and it's just one lane in and my car goes in and then, you know, I make sure no-one's coming out and I come back out. That's a driveway. Two lanes going each way is not a driveway.

Chairman Ramsdell: We could call it Quack Lane

- Alex Batane, Village of Chester Resident: And the problem we're having right now is that everyone that comes to Main Street from Academy Avenue is confused because many times they don't stop. They just drive through because they're confused, ok, so we have a lot of confusion at that intersection and we need to look at it very carefully.

Chairman Ramsdell: Which intersection are you?

Alex Batane: Pardon me?

Chairman Ramsdell: Which intersection are you?

Alex Batane: When you come from Academy Avenue to Main Street / 94 there – at that intersection

Chairman Ramsdell: Yeah.

Alex Batane: The traffic on Academy Avenue sometimes doesn't stop for Main Street. Not because they're confused – because they just don't want to, but I've seen it happen many times, so we have a problem there to begin with. We have a big problem there. They don't want to stop. They're driving too fast. It's 30 miles an hour. I commented one time because one of the officers put a sign there for the speed limit. Check the speed limit there and see what they come around that bend. It's never 30.

Chairman Ramsdell: I live there. I know

Alex Batane: I was going to say why don't you look out the window

Chairman Ramsdell: We've had some discussion about having a stop sign on Main Street as it's coming from the cemetery so that we wouldn't have that big hold up, but.... I don't know. Mark, you and I have talked about this, and there's some difficulties.

Planning Board Engineer Mark Edsall: There were several different evaluations made of what could be done to that intersection, and none of the proposals fell in favor with the State DOT (Department of Transportation).

- Patti Salerno, Village of Chester Resident: And then if we're considering senior housing, that same intersection, you're talking about an older demographic population that may be walking around a lot more because you can walk to Shop Rite, you can walk to get your hair cut, you can walk to CVS, so that's going to be a major – should be a major consideration.

Chairman Ramsdell: Right. Clif.

- Clif Patrick, Town of Chester Historian, 117-119 Brookside Avenue, Chester, NY: I just realized in looking at the access drive that there's no provision for a sidewalk and, as Pat mentioned, there might be a lot of walking, so if there's access, there should be walking access also. They should be able to walk in and out to Elm especially if they're going to walk downtown for dinner or something. They might prefer to go out Elm rather than out onto Main Street directly. That would mean even more impervious

Chairman Ramsdell: With a sidewalk next it, you mean.

Clif Patrick: Yeah

Chairman Ramsdell: Ok. David.

- David Stevenson, 16 Elm Street, Chester, NY: So, I do just want to read some comments that just sort of summarize some of the other things that have been said today. So, here we are again. This project has been around in one form or another for about 4 decades and there is a reason why. If this project was such a good idea, it would have been approved a long time ago, but it wasn't because the same nagging issues cling to it. We all know what they are – drainage, parking, lighting, intrusion into a residential neighborhood. These problems still remain, and new ones are even still being discovered. And, really, the only fundamental difference between the last version of the project and this new version is the developer has re-arranged some of the units. And, in the interim, the developer managed to convince the Village Board that it would be a good idea to reduce the minimum size lot for a senior housing apartment complex from 3 acres to 2.5 and to remove the requirement for elevators and ramps in a senior housing project. Imagine no elevators or ramps in a senior housing project. It seems inconceivable, which is why the resolution vote was a very tough and contentious 3 to 2 split. It was hardly a resounding stamp of approval. And even with a weakened senior housing law, this project still can't adhere to the rules, so there's a requirement, as some people have mentioned before, that says that the RS portion – that part there, the thin part – shall not be covered by more than 50% with

impervious material. If you do the math, Elmwood is covering 60% of the Elm Street lot with black top and that's not allowed. So, although we are now stuck with a weaker senior housing law, the solution is not to lower our standards even further to allow a deficient project to proceed, but to hold the line and require the basic things necessary to have a nice community that we want. Look around this room. When was the last time you saw this board meeting room filled this way? It was to discuss Elmwood. And the time before that it was to discuss Elmwood. There's a reason why we're all here. And, while we're all getting our individual comments, I hope you'll notice that we're all speaking with a unified voice, saying simply one thing. That this is the wrong location for this project. And you, the Planning Board, have the authority and the tools at your disposal to enforce this decision. The Zoning Code is filled with numbers, but there are many areas where things aren't so concrete, where you're asked to interpret and give an opinion. Here's another passage from the Zoning Code specifically for senior housing permits. (§ 98-24 Guiding principles and standards) In authorizing any use, the Planning Board shall take into consideration the public health, safety and general welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular. The proposed use shall be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent properties. That's not a one-time passage. Those words and similar ones are repeated 11 times in the Village Code. So, it's pretty darn important. Each time the Code repeats it, it's another reminder to keep those guiding principles front and center and there is no way anyone can look at this project and claim that it won't have a detrimental effect on Elm Street. A quiet neighborhood that was established 155 years ago. This gentleman right here, EJ Szulwach, lives across the street and has legitimate concerns about lights, car lights, flooding into his home. The applicant's solution is to hem Mr. Szulwach in behind a tall hedge that they would build on his property. His home faces south, so now you're going to isolate him in shadows, behind trees, like a hermit. And the neighbors on either side. Imagine trying to relax in your own back yard while cars go back and forth right next to you on a 2-lane road. Literally 15 feet away. In your own back yard. So, speaking to the Board, most of you live in the vicinity of Cherry Heights, so you know what kind of nice neighborhood this is. There is little doubt that this project would adversely affect not just the lives of the neighbors, but the value of those adjacent properties. That's taking money straight out of their pockets and that's pretty much the definition of detrimental. So, this project has been around a long time, but rather than it being long overdue for approval, it's actually long overdue to tell them once and for all that cutting through Elm Street is just not a viable option. Let's not settle. Let's not accept a poor plan. Let's find a better solution to developing this parcel. So, I ask you to please weigh the evidence and rightfully deny the application. Thank you.

Chairman Ramsdell: Thank you. Yes.

- Brian Roth, 6 Elm Street, Chester, NY: I live right next door. I would like to confirm that, yeah, I am very concerned about that road coming right next to my property. Because not only am I going to have the main road in front, but I have this second road coming down right next to my property. And I'm a little worried about the construction while I sleep because I work overnights, so that construction is going to be going on prime time while I'm trying to get some sleep.
- Chester Resident (didn't get her name): And not only that – we live in the same house. My son is disabled, and his bedroom is right where the road will be. In his room. His bedroom. It's safety. We're worried about safety.

Chairman Ramsdell: Thank you

Brian Roth: I don't know if the lot was taken a look at at all, but there's a pretty sharp incline going from my property to the next, so are you going to have to build a retaining wall up against my property and how's that going to affect the construction on his side?

Chester Resident (didn't get her name): And all the animals – the wild animals at the back. And my son is very sensitive to any noise as you can see.

Chairman Ramsdell: Yeah

Chester Resident (didn't get her name): There will be a road busy where his room is.

Brian Roth: I own the property and it's my understanding that is the only entrance and exit to this proposed site.

Chairman Ramsdell: Vehicular, yes.

Brian Roth: So, every vehicle that is going to be visiting here is going to be coming up past my house. That is correct, yes?

Chairman Ramsdell: Yes. Every comment that is made here will be in the record and, hopefully at our next meeting or certainly the one after, we'll have responses. So, I want everyone to know that and maybe we can have more chairs for the next time.

- Bill Murray, 109 Main Street, Chester, NY: I've lived on the corner of Main and Elm for over 20 years. The traffic has grown exponentially there. I know they've done a traffic study, but I don't think they did it during all hours, especially at 4:30 in the afternoon or after that when all the restaurants are open and people are going to and from sports and whatnot because I can barely get into my driveway because people are using it to turn around to try and find a spot on Main Street. I'm sure Mr. Ostrer has the same problem. It's very congested in that area and the other thing is drainage. There is uh.... I already have water coming down my driveway and into my backyard and down into the private road behind me and it's washing away that road. Whether it's coming down from 94 or coming down from Elm Street as well, you can't tell me that a paved portion of that driveway, 30 feet wide isn't going to have water coming off it and down to right across the street into EJ's property or down into everybody else's.

Chairman Ramsdell: Thank you. Yes.

- Bill Peterman, 11 Elm Street, Chester, NY: I just want to piggyback on the safety issues too. As it is now, my wife and me, we have to park our car towards the end of our driveway or put our garbage cans out because on a weekend, it's just people coming in, pulling in to turn around and get back out to Main Street for the restaurants, I'm assuming, or when we have things going on on Main Street. So, for them to sit out, play outside on the weekend

Jennifer Peterman: Our children

Bill Peterman: Yeah, not us. The only way we feel safe is we have to block it off just so they can play in there because we've tried to do other things and people just pull right in and that's without a 2-lane road directly across the street from our house. We have our neighbors – there's like 10-12 kids within, what, 500 feet. Everyone's riding their bike up and down that street. It's just going to be a hazard. They're not going to be able to go outside anymore. They're going to have to play in the back yard. I don't see any way around that. It's just totally going to take out the whole bike path. They play with their bikes on that street. They all do. And now they're not going to be able to do that anymore.

Chairman Ramsdell: Thank you

??: Bill, I have to correct you. They ride the bicycle on the sidewalk and the sidewalk will be 50-feet narrower or less long if that thing goes through on – what is it – 8 Elm Street.

- Patti Salerno, Village of Chester Resident: I'd like to come back to if a car is parked on the street in that area, you can pass with 1 car, you can't pass with 2. So, that's another concern that if we're going to have additional volume on that street where 1 car can really only pass through at a time if there's a car parked in the street. And with the school buses that go through that street. And we do have a huge community park that a lot of baseball games are being played on and I know that the High School field behind Maple Avenue has contracted out to Frozen Ropes, so there's, on the weekends, lots of tournaments being played over there and that's just going to add to the traffic and the volume that comes in to our community already and then into this neighborhood for people to park in. That's, again, another concern, but not this one, but it shows the volume that is already on that street.

Chairman Ramsdell: Thank you. Ben.

- Ben Ostrer, 111 Main Street, Chester, NY: Further on what Ms. Smith said about the context of the historic neighborhood: given that all those houses, except for the 2 that were identified, date back 150 years, some of them. Removing that house at 8 does change the context for all the houses that surround it and context in a historic area is very, very important. What the house next door to you looks like – you know, that it's not painted in yellow polka dots is very, very important. And removing the house is, as they said, forever, and I think giving permission to remove a piece of the historic neighborhood would be a real shame to permit them to do that. There may be some other engineering way that they can figure it out, but to make the neighbors that surround that house suffer by losing the context for their houses is irreplaceable, and I think that's something that the Board, based upon what's listed in the Zoning Ordinance that Mr. Stevenson quoted, I think that's really a lynch pin to what they're asking this Board to approve and that is to denigrate one of the oldest neighborhoods in the Village, and I think it calls for you to say no.

Chairman Ramsdell: Thank you. Yes.

- Ron Decicco, 12 Walnut Street, Chester, NY: Good evening. I am soon to be a 25-year resident of the Village of Chester. I am staunchly opposed to the 20-unit apartment complex known as Elmwood, as the Notice of Public Hearing rather simply states. The proposal is riddled with problems, among them

traffic, pedestrian safety, drainage, lighting, zoning and the effect on the neighborhood. Traffic and the neighborhood are my chief concerns. Adding traffic to Elm Street would destroy this serene area, change its character forever. In addition, the project would add traffic to Main Street, which, at times, is extremely heavy. The Academy, Main Street intersection is a horror show at times. It boggles the mind to think of what it could become. The apartments proposal moreover is simply a poor fit. It would change the pastoral nature of the neighborhood and the Village. In its place would be traffic, congestion and noise. Proceeding with this project would be akin to bringing an elephant to kindergarten class. Downsizing the project isn't the answer either. That would be akin to bringing a baby elephant to kindergarten class. While I can and do empathize with the owner of this land locked property, the proposed Elmwood Park Apartment complex clearly is not the solution to his problem. What it is, is a dud. Thank you.

Chairman Ramsdell: Thank you. Anybody else? Sometimes you have to ask.

- David Stevenson, 16 Elm Street, Chester, NY: What I'm a little concerned about is – what – some of the concerns that we've been raising are that this needs to be judged in the context of the historical nature of the Village and when these concerns are turned over to the applicant and then they deliver their response. I'm concerned that their response is going to be no, there won't be any impact and I want to understand how the Village Board – the Planning Board can counter-balance that by saying well no yes there is. If you allow the applicant to sort of self-report what the impact or the what the impact is going to be, you kind of know what they're going to say that it's not going to be detrimental, so I just hope you'll keep that in mind. I know you all think for yourselves, but having the applicant send something in – a response is a self-policing document, which may not be effective.

Chairman Ramsdell: I believe we need to think on behalf of all of us.

David Stevenson: Thank you

Chairman Ramsdell: Well, thank you very much for....

- Thomas Keahon, 8 Oak Street, Chester, NY: I just wanted to say one thing. I was sitting, listening to all this and I looked around the room. Being born and raised in Cherry Heights. I know you raised a family in Cherry Heights too, so I know this means a lot to you back there. But I also want to talk to the room about the pillars of our community and in this room helped support me growing up as a kid and they've invested a lot of time in the community. Mr. Stoddard, Betty Ann, EJ. I used to run down the street and get sodas out of his garage as a kid. Run up and down Elm Street to Oak Street to Elm Street. All day long. He was always there to help us, but we're bordering on destroying everything they've worked for, so I just want you guys to consider that because they've invested in our community to make it great and I'd like to keep it that way.

Chairman Ramsdell: Thank you

- Planning Board Attorney Harold Pressberg: Can I suggest that we continue the Public Hearing to permit the applicant to make a response.

Chairman Ramsdell: Sounds like a good idea to me. The rest of the Board?

Planning Board Member Vinny Rappa: I'll make a motion

Planning Board Member Anthony LaSpina: I'll second

Chairman Ramsdell: It's been moved and seconded that we continue the Public Hearing. All those in favor. The members voted.

At the suggestion of Planning Board Attorney Harold Pressberg, ***MOTION** was made by Member LaSpina, second by Member Rappa, to **CONTINUE THE PUBLIC HEARING**. Motion passed 5-0.

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

Chairman Ramsdell opened the Regular Meeting at 8:42 PM.

MINUTES

Review Draft May 2019 Planning Board Meeting Minutes. ***MOTION** made by Member LaSpina, second by Member Jankelunas, to **ACCEPT THE MAY 2019 MINUTES AS DRAFTED**. Motion passed 5-0.

CORRESPONDENCE

None

CODE ENFORCEMENT OFFICER REPORT

Presented by John Orr (copy attached)

- Member Jankelunas asked when the Hudson Valley Federal Credit Union would be completed. CEO John Orr advised he believes they are planning on being open by December 2019.

WORK SESSION REVIEW

As there was no Work Session held in June, there were no projects to review.

PROJECTS FOR REVIEW**1. Project # 13-08**

Project Name: Elmwood Park Apartments

Applicant/Owner:

John Sorrentino

Location:

Elm Street (SBL 111-2-7.1 & 3 / RA-B1 Zones)

Re:

Proposed construction of a Senior apartment complex

Planning Board Engineer Mark Edsall advised he has 3 pages of notes which, he hopes, will match the minutes, so there was no review of his comments for this meeting. The applicant was provided with those comments for review (copy attached).

General discussion held regarding:

- Moving forward with the Public Hearing review and responses;
- CEO John Orr advised the applicant is proposing crab apple trees for the front of the buildings by the sidewalks and that's been problematic as crab apple trees tend to drop their fruit. It's problematic for sidewalk maintenance and, especially in a senior complex, with slippage possibilities. He requested the applicant look into an alternate;
 - Mark Siemers advised the reason they use crab apple trees was to try to keep them shorter, so there was access, but now that they're 2 story buildings, they will look into replacing them.
- Mark Siemers asked if the Public Hearing would continue in July or be held over to August, depending on availability of the minutes and if they have enough time to prepare their response;
 - Chairman Ramsdell advised the Public Hearing would continue when the applicant submitted their response by the appropriate submittal date, with enough time to publish the Public Hearing notice.

2. Project # 19-04

Project Name: 3 Brookside Avenue Site Plan Amendment

Applicant/Owner:

MYLU Properties LLC

Location:

3 Brookside Avenue (115-2-1 / B2 Zone)

Re:

Site Plan Amendment – Change of Use from Spa to Office

John Queenan, P.E. with Lanc & Tully, provided an overview of the project:

- Proposed project converts existing spa into office space;
- 1st floor of building will be 2,400 square feet of office space and unfinished basement will be an accessory use to the office space – no outside tenants/renters will utilize the unfinished basement;
- The site has been redesigned to accommodate the required parking;
- Additional handicap parking striping has been added to the site plan;
- The dumpster has been relocated.

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

- As it was confirmed the unfinished basement is for the existing tenant only, the applicant was requested to put a note on the plan restricting the basement from any other use;
- A floor plan of the unfinished basement is not required as long as the above note is on the site plan;
- The proposed sign will be reviewed by the Code Enforcement Officer as part of the permit process;
- The handicap parking issues noted in Planning Board Engineer Mark Edsall's comments were resolved.

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

***MOTION** was made by Member Rappa, second by Member Jankelunas, 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 Winters, second by Member LaSpina, to **GRANT CONDITIONAL 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. **SITE INSPECTION BY CODE ENFORCEMENT OFFICER;**
4. **PAYMENT OF ALL FEES.** Motion passed 5-0

GENERAL DISCUSSION

***MOTION** was made by Member Rappa, second by Member LaSpina, to **ENTER EXECUTIVE SESSION FOR LEGAL ADVICE.** Motion passed 5-0.

***MOTION** was made by Member Winters, second by Member LaSpina, to **END EXECUTIVE SESSION.** Motion passed 5-0.

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 9:20 PM.

Respectfully Submitted,



Sandra VanRiper
Planning Board Secretary

PLANNING BOARD
VILLAGE OF CHESTER, NEW YORK
PUBLIC HEARING
JUNE 25, 2019

NOTICE IS HEREBY GIVEN, that the Planning Board of the Village of Chester, New York, will hold a Public Hearing at the Village Hall, 47 Main Street, Chester, New York, on June 25, 2019 at 7:00 P.M., or as soon thereafter as the matter can be heard, concerning the application of John Sorrentino for site plan approval and a special use permit for a project known as Elmwood Park Apartments involving the construction of a 20-unit Senior apartment complex.

The property is located in the Village of Chester, New York, on Elm Street and is listed on the Village Tax Map as Section 111, Block 2, Lot 7.1 in a B1 Zone and Section 111, Block 2, Lot 3 in a RS Zone.

The Planning Board of the Village of Chester, New York, will hear all persons interested at the aforementioned time and place.

BY: ORDER OF THE PLANNING BOARD
VILLAGE OF CHESTER, NEW YORK

RICHARD RAMSDELL, CHAIRMAN

Village Planning Board Secretary Sandy VanRiper

From: David Stevenson <dgstevenson@optonline.net>
Sent: Tuesday, April 23, 2019 12:58 PM
To: Rick Ramsdell; Village Planning Board Secretary Sandy VanRiper
Subject: A few thoughts

To Rick Ramsdell and the Planning Board,

As you and the Planning Board begin to review the revised Elmwood application, I want to make a few quick comments:

The Village Board's resolution, which was a contentious 3-2 split vote, was merely a procedural decision to allow Elmwood to advance to the next stage of review with the invocation of the Senior Housing Permit. The actual review of the project, decisions about appropriateness, and final approval/disapproval are still left to the Planning Board. You are under no directive from the Village Board to rubber stamp the project.

Even under the Senior Housing Permit, the Planning Board must still consider the adverse impact that a project will have on the existing community and established neighborhood. My feeling is that what amounts to a B1 usage on an RS lot (the 8 Elm Street access road cutting right through a residential block of long-established homes) should be disallowed because it is so out of character with the surroundings and will negatively impact the neighbors.

As I mentioned earlier, the Senior Housing permit still has some stipulations, such as impervious surface coverage percentage for lots. I gave you the Zoning Code passage that applies to this. Elmwood's plan to pave the vast majority of the 8 Elm Street lot is clearly higher than the allowed surface area by a substantial margin.

Please keep in mind that as part of the Comprehensive Plan process we are reviewing the ratio of single family houses to multi-family dwellings. At the last Comp Plan meeting, it was revealed that the current ratio in the Village is 70% multi-family to only 30% single homes, to which Alan Sorensen was incredulous that it had become so out of whack. He, and several of the Board members agreed that it needed to be corrected. Approving the Elmwood apartments will only exacerbate the problem.

Last, this project should not be reviewed through the lens of having to allow *something/anything* to proceed after all these years. It should still be considered on its own merits and if it fails the acceptability test, the proper decision should be rendered. It is not the function of the Planning Board to act as a planner to come up with something that can go in there, especially if excessive changes to the existing Zoning Code are needed (the unfortunate Local Law #2). We should not lower our standards simply because some time has passed on a difficult-to-develop lot. That sets a very poor precedent for the Village's future.

Thank you very much for your time and consideration.

Sincerely,

David Stevenson



PO Box 721
Chester NY 10918
www.thepreservationcollective.com

June 25, 2019

Village of Chester Planning Board
Village of Chester
47 Main St
Chester NY 10918

sent via email: planning@villageofchesterny.com

Re: Elmwood Apartments

Dear Chairman Ramsdell and Board members:

This letter is being submitted for the public hearing of the Elmwood Apartment project. Our non-profit organization is concerned about the negative environmental impacts of new development and encourages the preservation of irreplaceable resources important to the community. We hope the information contained in this letter will assist in your evaluation and decision making of the project proposed.

- SEQR Determination

We understand the SEQR process is to document current site conditions and how they will be impacted with the proposed action. As the lead agency determines the significance of any Type I or Unlisted action, an EIS is required for a proposed action if it may include the potential for at least one significant adverse environmental impact [emphasis added]. The SEQR regulations require you to take a hard look at 617.7(b)(1)(v) "the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character". Therefore, any impacts to the character of the neighborhood could be grounds for the Planning Board to require that an EIS be prepared.

If an EIS has been prepared, the lead agency would discuss the appropriate range of alternatives that would avoid or lessen those impacts, including reducing the scale of the project and the no action alternative.

It is our understanding that residents, and possibly as a few officials, are concerned about the impact to the neighborhood character with this dense development proposal. In addition, there is a potential for other environmental impacts such as water and sewer usage and the need for more preservation of the existing tree buffers and promotion of historical significance. Since the project is proposed to be tailored for senior housing, there have also been concerns raised at the Village Trustee meetings about the viability of project given the current design layout, large unit sizes, and lack of senior amenities to fit the special use permit criteria as "quality affordable housing is made available to senior citizens".

- Historical Impacts

OPRHP determined that the site is in an archeological sensitive area. The Elmwood excavation site plan notes shoveling tests will be performed in certain areas. According to our research, the last correspondence with OPRHP on file is in 2014 when a phase I cultural survey was initially recommended. The letter from OPRHP states they can provide standards for conducting cultural resource investigations and those survey reports that meet the standards will be accepted and approved by OPRHP.

Were the cultural studies and proposed mitigation forwarded to OPRHP for their expert advice and review (e.g. the applicant's "Ground Penetrating Radar" field report) so they can recommend acceptable mitigation measures to the impacts of this archeological resource and any impacts to those properties in the vicinity listed and/or eligible for National Historic Registry?

In the responses from Sept 29, 2015 public hearing, comment #14 discussed the recommendation of a monument to commemorate a "pivotal" event in history taking place on the Townsend property in regards to the Great Chain as well as preserving areas of burial grounds.

How is the applicant mitigating impacts on the historical significance of area on the site plan in regards to setting aside space and providing an information kiosk or monument, as discussed in 2015?

Will the Planning Board recommend the applicant consult with the OPRHP, Friends of Sterling Forest (commenter in 2015) and the Chester Historical Society to collaborate on the content of appropriate historical signage?

- Water Impacts

The EAF submitted by the applicant states that the existing public water supply has capacity to serve the project – is there a letter from the Water Commissioner on file to verify water supply is available? Is there a recent Village water study which would indicate estimated water demands and reserves needed during drought periods to service existing users and needs for the village at buildout?

- Sewer Impacts

The EAF states that the existing waste water treatment has capacity to serve the project – is there a letter from Moonda Sewer Commission on file to verify? It has been reported that the Village of Chester has been using the Town of Chester's sewer allotment for the district, therefore, the Village does not have sewer capacity for new projects at this time – can this be explained?

- Visual Impacts

The applicant narrative, dated May 2019, relates to the special use permit and criteria for the Planning Board's consideration including free of steep slopes, should be preserving trees, and open space as well as the architectural style of the proposed project needs to be reviewed for exterior materials, finish and color requiring it to be consistent with existing community and neighborhood character.

Has the applicant submitted in detail the color renderings for the Planning Board to verify in compliance with code? In addition, has the applicant submitted a visual impact study to verify the 2 story buildings will be "in harmony" with the existing neighborhood? What grade are the buildings at compared to the houses nearby; in other words, will they be the same height and how much will be visible from Elm Street? How is the project avoiding steep slopes if 15% or greater slopes are on 17% of the site (according to the EAF)?

Has a conscious effort been made to preserve worthwhile trees on site? Saving large trees already thriving will provide more health benefits, shade and stormwater reduction, as well as improved property values than removing and replacing with smaller trees, which could take 40 years to achieve full benefits.

Regarding the Elmwood landscaping site plan notes, does the Village Planning Board have a landscape expert consultant to review these plans? Can there be clarity that trees shown on plans will not be replaced with shrubs at the discretion of the developer's 'landscaper' (see notes on left side of plans under types of vegetation)? Perhaps the Board could require similar language they use to address unforeseen lighting impacts if the vegetation planted does not meet the intent for screening. Also, if there are tree plantings being used as a screening buffer, shouldn't these be guaranteed in perpetuity of the project rather than only 1 year from planting?

- Miscellaneous

Earlier in the year, the Village was researching an issue that the appropriate parkland fees were not being applied to development projects, therefore, we ask you to please confirm the applicant will be accountable for the current fee structure with this new updated application. While the project is now proposed for seniors, they will still have passive and active recreational needs within the community for the Village to service.

The May 15 2019 letter from the applicant to the Planning Board mentions working on the details on deed restrictions for conservation easements for review. A deed restriction is not the same as a conservation easement. It is important to note deed restrictions do not protect the natural resources and land from development forever. A deed restriction usually does not specify a specific entity to enforce it, and could be undone or reversed in court. Therefore, if not already discussed, we strongly recommend the Board consider a conservation easement with the Village as the holder, so there would be an enforceable action and added layer of protection— in perpetuity.

Another criterion for the special use permit is "The extent to which quality affordable housing is made available to senior citizens, and whether the scope and design of the project will establish a worthwhile asset for this segment of the community and the community as a whole." If there is only a deed restriction insuring the senior housing requirement, what guarantee does the Village have the project will not claim a hardship due to marketability of the units at a later date and have restriction removed? Perhaps one way to cover the likelihood of the building(s) to be for guaranteed for senior citizens is to design and tailor the project for senior citizens. A 2 story structure with no elevators is a concern if suddenly a spouse is unable to return home due to an injury or condition. Also the size of the units needs to be proportionate to the need of seniors downsizing into 'affordable' housing. Therefore, the Planning Board should review the layout design, finished grade and size of units to see if it is meeting the intent of the special use permit. Note, if the size of the units are reduced, then the negative environmental impacts should also be reduced in regards to tree preservation, visual, traffic, water and sewer impacts to name a few.

We hope our comments prove useful. Thank you for your consideration.

Sincerely,




Tracy Schuh
President
TPC, Inc.

References: http://www.dec.ny.gov/docs/permits_ej_operations_pdf/dseqrhandbook.pdf

cc: Village Mayor and Trustees
OPRHP

The Preservation Collective, Inc. is a non-profit 501c(3) tax-exempt corporation whose mission is to educate the community by bringing attention to and defending against the environmental impacts of new development and advocating for improved controls for sustainable growth to protect the scenic, historic and cultural landscapes in Orange County.

 [Find Us on Facebook](#)

Clifton Patrick

117 Brookside Ave

Chester, NY 10918

Phone/fax 845-469-7645 e-mail: clifpatrick@optimum.net

June 24, 2019

Planning Board
Village of Chester
47 Main St.
Chester, New York 10918

Public Hearing for Project # 13-08 Elmwood Park Apartments

Dear Chairman Ramsdell and Board Members:

I believe there are material errors and omissions in the Full Environmental Assessment Form as presented for this project that need correction.

D.1. Proposed and Potential Development

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?

No is checked. But is not the Storm water retention pond- aka Proposed Dry Pond, just such a structure meant to impound water for temporary storage and gradual release to avoid downslope damage?

D.2. Project Operations

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during *Yes is checked.* ...

ii. Describe types of new point sources. *Outlet pipes from stormwater retention/ detention ponds.*

Where does on-site stormwater management system ultimately discharge to? Chester's black dirt meadows perhaps, which is currently a FEMA designated Special Flood Hazard Area (SFHA) with one outlet under the former Erie RR Mainline behind 51 Greycourt Ave?

- If to surface waters, identify receiving water bodies or wetlands: *N/A*

If the stormwater runoff ultimately discharges to Chester's black dirt meadows, how can this answer be "N/A?" The plans on sheet 5/12 states: "Stormwater pond to be used as a

sediment trap." I've heard that once wetlands indicator vegetation grows EPA restrictions prevent excavation of the sediment. If this is true here, how will the pond be maintained as it is filled by trapped sediment? Should the sediment flow in the Village's drainage system, it would create a future liability for the Village.

1. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: 6 a.m. to 6 p.m.
- Saturday: 7 a.m. to 6 p.m.

A 6 a.m. construction start time will be too disruptive to the very close by residential neighbors!

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? *No is checked.*

Really? This construction activity will not raise the ambient noise level to the neighboring residences. especially at 6 in the morning?

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? *Not answered!*

Will the regrading, such as for Building #1 result in a net removal of waste soil from the site?

E.1. Land uses on and surrounding the project site

b. Land uses and covertypes on the project site.

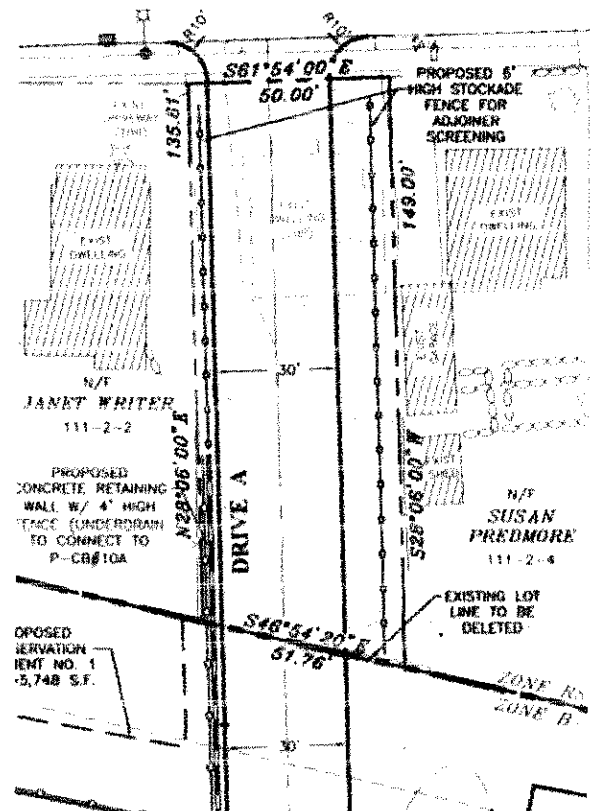
- Roads, buildings, and other paved or impervious surfaces ...1.1 acres after.

This is 42% of total (1.1÷2.6), but roughly 60% of the lot in single family residential zone (RS).

§ 98-23.1 Senior citizen housing special use permit.

F. Lot and bulk requirements.

(c) Maximum impervious surface area. Impervious surface area shall not cover more than 75% of the lot area in the RM, B-1, and B-2 Districts and shall not cover more than 50% of the lot area in the RS, RMH Districts. Impervious surface area will include all buildings, structures, and parking areas.



E.3. Designated Public Resources On or Near Project Site

c. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? *Yes is checked.*

If Yes:

i. Nature of historic/archaeological resource: *Neither Archaeological Site nor Historic Building or District is checked.*

ii: Name: Eligible property: *TOWNSHEND HOMESTEAD.*
Eligible property: House, Yelverton Inn and Store, First Presbyterian Church of...

iii. Brief description of attributes on which listing is based: *Blank!*

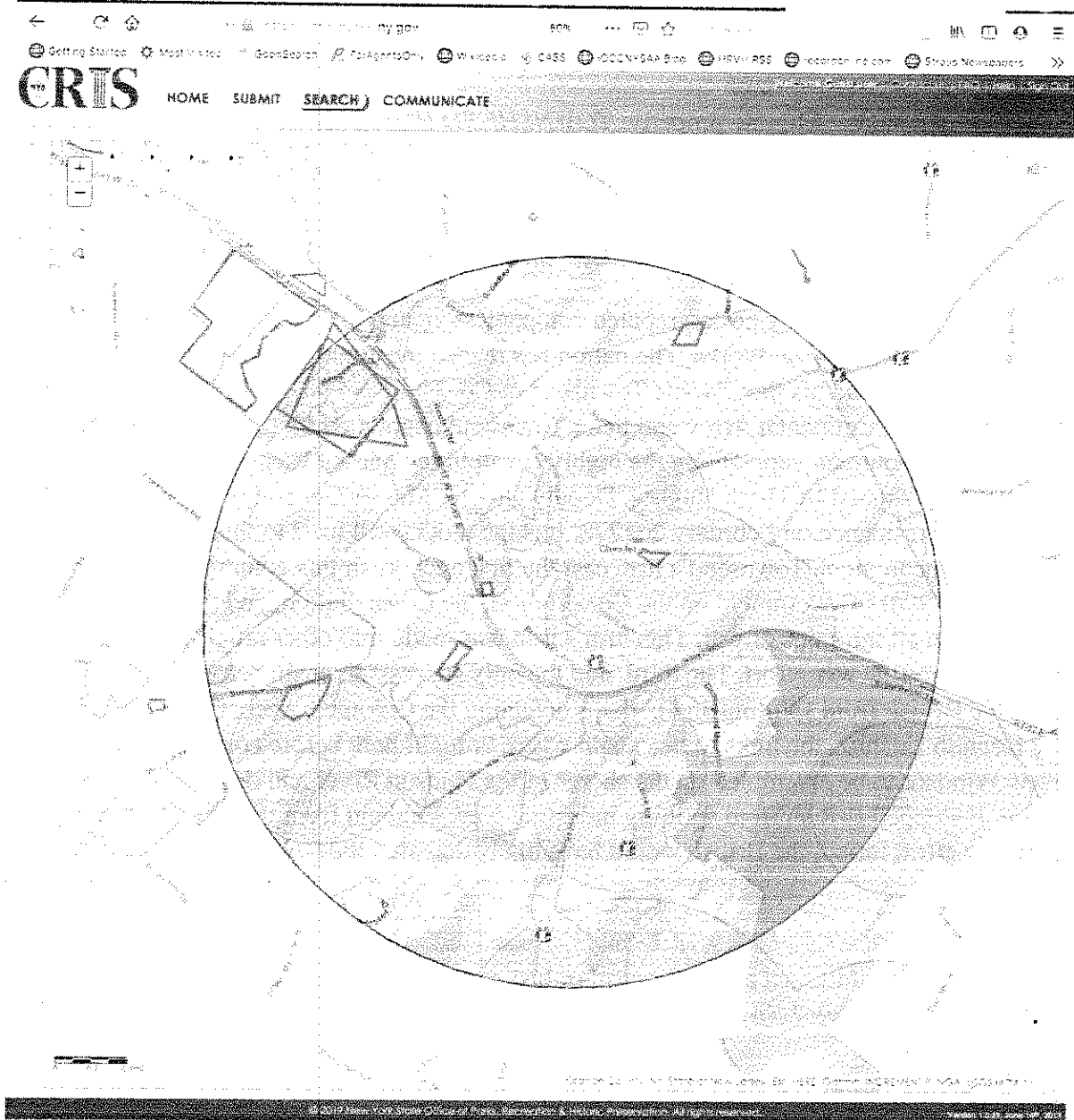
At the colonial center of Chester, reputed company store and marshaling yard for Townsend's Sterling Iron Works. The nation has reaped inestimable benefits from Mr. Peter Townsend and his firm, Noble Townsend & Co. Thomas Pickering, Adjutant General of the Continental Army and Peter Townsend negotiated first modern military procurement contract, supplanting the highly corruptible Quarter Master method. It was subsequently signed by Hugh Hughes, Deputy Quarter Master General with Townsend at his Chester residence on February 2, 1778. It is the model still used to this day for military procurement. Townsend's firm cast the first anchors in this country and used by the United States Government on the Constitution, the Constellation, and the Congress, and later on all the ships of war. This firm's iron was made into other articles critical to the revolutionary war effort. The third, and the only successful, chain across the Hudson kept the British from splitting and perhaps defeating the Colonies. According to research by Kenneth Lifshitz, the links to this chain were brought here before continuing on to New Windsor to be assembled on the shores of the Hudson River and deployed at West Point. It stopped British from splitting industrial New England from the other Colonies. Had this effort failed, the British would have likely defeated the Colonies.

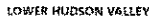
g. Have additional archaeological or historic site(s) or resources been identified on the project site? *No is checked.*

If they chose not to list the Chain and other contributions to the Revolution in the preceding paragraph they could have disclosed it here.

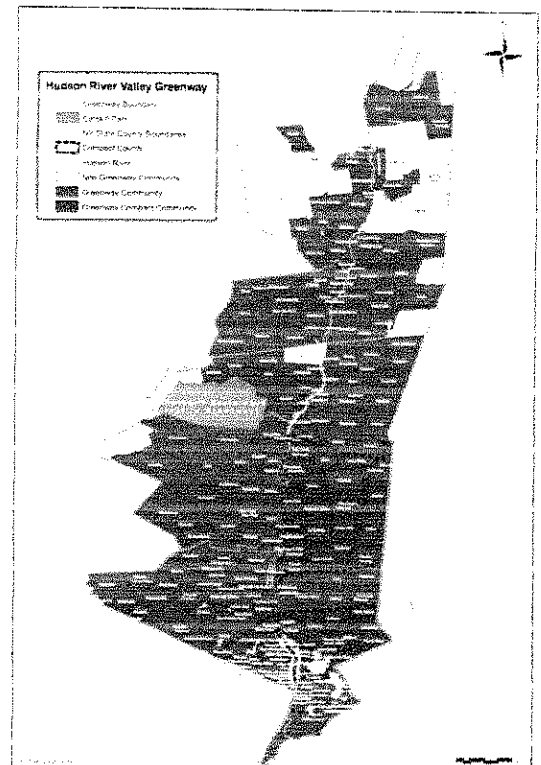
h. Is the project site within fives miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? *No is checked.*

They should have checked yes and identified: the Orange County Heritage Trail, Goosepond Mtn State Park, Sugar Loaf Mountain, etc. See New York Historic Preservation Office Cultural Resource Information System screenshot showing many additional officially designated features in the five mile radius:



UPPER HUDSON VALLEY 

Additionally, the Village of Chester is a member of the Greenway Compact for Orange County.



<https://www.dec.ny.gov/permits/357.html>

“SEQR requires the sponsoring or approving governmental body to identify and mitigate the significant environmental impacts of the activity it is proposing or permitting.

...

This board must make sure the errors and omissions are corrected and that this **Full Environmental Assessment Form** is as accurate and as complete as possible before accepting it and making it the official position of the Village of Chester Planning Board.



www.thetownofchesler.org

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

June 25, 2019

Current projects that were inspected during the last month:

78 Brookside Ave

- 1- Interior work underway.

78 Brookside Ave

- 1- Work now complete.

7 Chester Acres Blvd

- 1- Work is underway.

22- Maple Ave

- 1- Foundation is now in.

87 Brookside Ave.

- 1- Issued permit for new Bank.
- 2- Footing and Foundation now in.

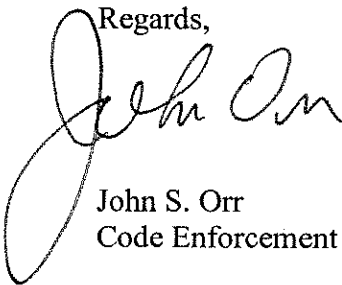
Carpenter Road.

- 1- Issued 3 permits for new Single-Family Homes.
- 2- Footings and Foundation work underway.

40 Greycourt Ave.

- 1- Issued permit for new Single-Family Home.
- 2- Footing and Foundation now complete.

Regards,



John S. Orr
Code Enforcement Officer



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.
WILLIAM J. HAUSER, P.E.

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: 25 JUNE 2019
CONSULTANT: PIETRZAK & PFAU
PLAN DATE: Revised 6-12-19 (12-drawing set)
DESCRIPTION: THE APPLICATION PROPOSES A MULTI-FAMILY SENIOR HOUSING
RESIDENTIAL SITE PLAN WITH 20 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, 13 DECEMBER 2016, 26 FEBRUARY 2019, 23 APRIL 2019 AND
28 MAY 2019 PLANNING BOARD MEETINGS. THE APPLICATION IS BEFORE
THE BOARD FOR A PUBLIC HEARING AT THIS MEETING.

1. The applicant has submitted an updated submittal set for the proposed senior housing project. It is our understanding that the Village Board has determined that the project complies with the intent of the code and has referred the application back to the Planning Board for review of the site plan and issuance of the Special Permit.
2. We have reviewed the revised plan based on the responses provided to our May comments. Please note that the concerns have been addressed on the latest plans submitted.
3. Open items to be addressed following the Public Hearing:
 - Proposed Conservation Easement #1, surrounding possible burial location (aka "Pauper's Graveyard") to be submitted for review of Attorney for the Planning Board.
 - Proposed Conservation Easement #2 to be submitted for review of Attorney for the Planning Board.
 - Developers Agreement for off-site drainage improvements and clarification of scope in such document.
 - Revisions as needed per Water Commissioner review.
 - Timing of lot merger
 - Final revision to detail regarding fencing at retaining wall.

4. We should verify status of SEQRA (if not previously completed).
5. Status of the narrative and referral to the Orange County Department of Planning should be verified.
6. If any additional concerns are identified as part of the Public Hearing, we will review same as deemed appropriate by the Board.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'M. Edsall', written in a cursive style.

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

MJE/st
Ches13-08-25June2019.doc



**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

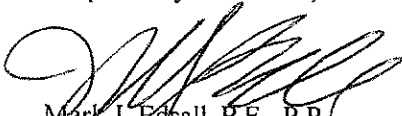
Principal Emeritus:
RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY, NJ & PA)

**VILLAGE OF CHESTER
PLANNING BOARD
REVIEW COMMENTS**

PROJECT NAME: 3 BROOKSIDE LLC SITE PLAN AMENDMENT
(MYLU Properties LLC)
PROJECT LOCATION: NYS ROUTE 17M
SECTION 115 – BLOCK 2 – LOT 1
PROJECT NUMBER: 19-04
DATE: 25 JUNE 2019
CONSULTANT: LANC & TULLY ENGINEERING & SURVEYING
PLAN DATE: Revised June 13, 2019 (two sheets)
DESCRIPTION: THE APPLICATION PROPOSES AN OFFICE BUILDING ON THE FIRST FLOOR
OF THE SITE. THE PLAN WAS PREVIOUSLY REVIEWED AT THE 23 APRIL 2019
AND 28 MAY 2019 PLANNING BOARD MEETINGS.

1. The original site plan application for this site received stamp of approval on 7/21/2016 as a day spa. This site plan amendment proposes a change of use to an office occupancy, with additional parking proposed. The property is located in the B-2 zoning district, with the office use permitted as a Principal Permitted Use #1 (cross reference from B-1 #4).
2. Based on our review of the plan, we have the following comments:
 - The total area of the building (per tax records) is 2894 sf, which includes a 630 sf basement. The plan addresses 2400 sf. The use of any other areas should be clarified, and the parking calculation adjusted if needed.
 - The Code Enforcement Officer will need to indicate compliance of the proposed project sign.
 - A double line is needed at the transition from handicapped to standard parking space (one blue, one white).

Respectfully Submitted,



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

MJE/st Ches19-04-25June2019.doc

• Regional Office • 111 Wheatfield Drive • Suite 1 • Milford, Pennsylvania 18337 • 570-296-2765 •

ACEC Member