

December 23, 2015

Village of Chester Planning Board
Village of Chester
47 Main Street
Chester, NY 10918

To the Members of the Village Planning Board,

COMMENTS REGARDING ELMWOOD PARK APARTMENTS

I would first like to thank the Planning Board for their diligence in reviewing the various aspects of this application. The project is a troubled one, as evidenced by the strong and voluminous feedback received from the public over three public hearings. Additionally I'd like to express my gratitude to the Chair and the Board for holding the public comment period open for several months to allow feedback from the community.

Over the course of the three hearings many issues have been raised, sometimes in a blizzard of emotion, but I'd like to summarize my comments and the concerns I have with the project as currently proposed.

Setting concerns of traffic, etc., aside, the zoning of the two lots is the more abstract issue that strikes at the core of this application. In a nutshell, Elmwood has two lots, one that is RS and another zoned as B1 but which they want to use for an RM project, which they are entitled to do by right. The concern is the use of the RS lot which will have a house removed and replaced with a 30-foot wide two-way road (they dismissively like to call it "just a driveway"). The RS lot at 8 Elm Street will no longer contain a house but will ONLY have a road whose sole purpose is to attach to and serve the apartment complex in the B1 zone. Since that is its only function, it MUST be considered as part of the same project. Elmwood would not even be able to exist without the access road, and that road will be used quite heavily, ONLY by residents/guests of Elmwood. So it needs to be evaluated as an integral part or extension of the entire project.

From there, we need to see if this type of usage is allowed in an RS zone. Although it is not explicit about it, the assumption in the Code is that simple driveways are allowed when they are part of a single home residence. But what Elmwood is proposing is an entirely different animal, and that type of heavy usage is not authorized in the Code for an RS zone. In fact, it's not even allowed as a special permitted use in the code, and this is important because the law for special permitted uses states that the use must be SPECIFICALLY AUTHORIZED by the Code. It is not, and it shouldn't be construed as being allowed "by omission;" that is, with the reasoning that, "Well it doesn't say we CAN'T do it"

Mr. Sorrentino claims that the access road, which by the way would be as wide as the 30-foot wide Elm Street itself, is not really a "use." How can a road that will carry at least 40 cars twice a day NOT be a use? Apparently their stance is that because there is no proper building on the lot, there is technically no use. But as I said at the hearing, the definition of "use" in the Village Code is "the purpose for which LAND or a building is arranged, designed or intended, or for which either LAND or a building may be occupied or maintained. Clearly this access road is being planned, designed, arranged and will certainly be maintained (with plans for drainage and snow removal) in order to function properly. The fact that this RS lot will be "used" cannot be denied.

To me, a somewhat equivalent project is the Academy Apartments complex at 19 Academy Avenue but even that project adheres to the zones better than Elmwood. Academy Avenue is largely an RS street but where the Academy Apartments is, the lot was rezoned as RM (how this occurred is beyond me as it sits like an island right in the middle of single homes). But the point is that their access road which comes off Academy, and climbs a hill at a steep grade to several multi-unit dwellings on the hill, lies COMPLETELY in an RM zone. It does not use an RS lot to gain access to the RM zone. It is all contiguous, as is the use. And, by the way, if you looked at that entrance and the car traffic it handles, it would be hard to claim that the access road wasn't a "use." Additionally, that access road has plenty of space around it as a buffer to the neighbors, something that Elmwood most definitely does NOT have. Elmwood, comparatively, is being shoe-horned into a very tight residential location.

Much has been made of the projected traffic, lights, etc., but all of these fall under the blanket concern that this project would be not just an extreme inconvenience for the surrounding neighbors but a drastic intrusion into a part of Chester known for being one of the older, more stable, and pleasant areas of the village. Elm, Highland, Maple, Kerner, Miller, Walnut, Oak...all these streets are comprised of nothing but single family residences, in keeping with the RS designation. To allow a two lane road to cut through one of these blocks to access higher density housing would be an aesthetic violation of the highest order and would, I fear, represent an erosion of the characteristics of Cherry Heights. The section of the Village Code designated as 98.24.D states that the proposed use shall be "in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties. It is hard to see how the Elmwood project would conform to this requirement and be a benefit of any kind to the established neighborhood.

There are many specific details of the project that raise concern, among them:

- The effect of headlights on Mr Szulwach's property
- The close proximity to Ms. Writer's house
- The disposal of snow in such tight quarters
- The complications of two possible cemeteries on the land
- The water drainage of the entire lot

These points have been raised at previous public hearings so I will forego repeating them here. My main intention is to highlight some of the broader stroke issues confronting this project.

Thank you.

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: sent via postal mail and email