

MINUTES

VILLAGE OF CHESTER PLANNING BOARD

MAY 12, 2020

SPECIAL MEETING VIA ZOOM

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

NOT PRESENT: Gene WINTERS, Member

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

PUBLIC HEARING

1. **Project # 17-02** **Project Name: Jones Site Plan Amendment**
Applicant/Owner: Linda / James Jones
Location: 153 Main Street (111-2-30.2 / B1 Zone)
Re: Change of Use (Existing Residential to Commercial Office/Retail)

John Orr, Code Enforcement Officer, provided an overview of the project as Jim Dillin, PLS had some difficulty joining the meeting:

- Applicant is proposing a Change of Use from residential to commercial.
- Proposed Change of Use requires four parking spaces.
- Applicant is requesting a waiver from the Planning Board to use two on-street parking spaces to satisfy the District Regulations for Parking.
- The hours of operation are noted as Friday 12:00 PM to 4:30 PM, Saturday 10:00 AM to 4:30 PM, Sunday 12:00 PM to 3:00 PM and other hours by appointment only.
- Applicant noted there would be limited outside display only during hours of operation.
- No outside storage is allowed.

Planning Board questioned / commented on the following:

- The garage will be used for storage only.
- Any items being stored outside of the main structure, will be stored in a trailer.
- The trailer will not be located in the on-site parking spaces.
- Mark Edsall will work with Jim Dillin to clarify / update note #5 Required Parking.
- Discussion was held regarding the location of the trailer.
- Discussion was held regarding the outside display area.

Public questioned / commented on the following:

- David Stevenson, 16 Elm Street: Asked if traffic would turn-around behind the building and come back down the driveway to access Main Street? Is the paved area wide enough for one or two cars? It was previously discussed that parking would be two spaces in the driveway.
 - It was clarified that there would be two on-site parking spaces as noted on the plans behind the house, dated March 12, 2020, and two street parking spaces in front of the property would be utilized for the additional two required spaces.
- David Stevenson, 16 Elm Street: Requested clarification of the other businesses on the sign.
 - Linda Jones advised the sign was just to advertise the other businesses. They only have a phone line at 153 Main Street and would not be storing items there.

- David Stevenson, 16 Elm Street: Asked Village of Chester Planning Board Attorney Harold Pressberg to explain the difference between a Planning Board waiver and a Zoning Board of Appeals variance.
 - Planning Board Attorney Pressberg advised that a waiver is relaxation of a requirement, when conditions warrant, as provided in the Village Code, while a variance from a Village Code provision is provided by the Village Law (which has analogous Village Code provisions) that permits mandatory area or use requirements to be modified in the appropriate case to prevent unnecessary hardship.
- Leslie Smith, 117 Brookside Avenue: Commented that the trailer on the property is unsightly and should not be visible from the street.
- Clif Patrick, 117 Brookside Avenue: Noted the site plan is what Ms. Jones has in mind for the use. He asked why the improvements are being done to the property closest to the road? He suggested the topography, or a note be added to the site plan to clarify why the rear yard isn't being utilized.
 - Chairman Ramsdell advised the applicant could add a note to the site plan to clarify.
 - Mark Edsall advised he would discuss a note or depiction on the site plan with Jim Dillin to show the toe of the steep slope to the rear of the property.
- Clif Patrick, 117 Brookside Avenue: Commented that the applicant is proposing a 6-foot-high sign and the code limits signs to 5 feet high in a residential area.
 - The Board will review the sign requirements, and the applicant will comply with the Code.
- Applicant Linda Jones asked about changing the hours of operation.
 - The Board advised her to discuss this with Jim Dillin and update the site plan.
- Joe DiBona, 155 Main Street: Commented that he has no issue with the Friday, Saturday and Sunday hours, but does not think expanding the hours to seven days a week is a good option due to limited on-street parking. He would prefer the applicant do Monday through Thursday by appointment only.
- David Stevenson, 16 Elm Street: Asked if the paved area hugged the property line or if the driveway to loop around to exit onto Main Street from the left side of the property.
 - CEO Orr advised if an exit onto Main Street was added, the Village would lose parking.

***MOTION** made by Member Rappa, second by Member Jankelunas, to **CLOSE THE PUBLIC HEARING**. Motion passed 4-0.

2. Project # 19-07 Project Name: 717, LLC / VanDerMeulen Lot Line Change
 Applicant/Owner: Brian Leentjes & Louis VanDerMeulen
 Location: 107 & 105 Brookside Avenue (107-2-15; 107-2-5.2 / B-2 Zone)
 Re: Proposed Lot Line Change

Planning Board Engineer Mark Edsall and Jim Dillin, PLS provided an overview of the project:

- The application proposes a lot line change 0.340 acres from lot 107-2-5.2 to lot 107-2-15.

Planning Board questioned / commented on the following:

- Chairman Ramsdell requested confirmation that the applicant is only looking to revise the VanDerMeulen property for additional parking at The Castle.
 - Mark Edsall noted anything other than the lot line change would be reviewed by the Planning Board and would need its own environmental review. The Planning Board is not giving the applicant permission for anything other than the lot line change.

Public questioned / commented on the following:

- Leslie Smith, 117 Brookside Avenue: Asked if there was a requirement that the Army Corps of Engineers be involved in this application.
 - Mark Edsall advised the Army Corps of Engineers would get involved when work on the creek bed is proposed, but this is for the lot line change only.

***MOTION** made by Member Rappa, second by Member LaSpina, to **CLOSE THE PUBLIC HEARING**. Motion passed 4-0.

**** GENERAL MEETING ****

Chairman Ramsdell opened the General Meeting at 8:15 PM.

MINUTES

Review Draft April 28, 2020 Planning Board Meeting Minutes. Minutes tabled until the May 26, 2020 meeting to allow the Board time to review the minutes.

CORRESPONDENCE

None

CODE ENFORCEMENT OFFICER REPORT

No Code Enforcement report as there is no work being done in the Village at this time

WORK SESSION REVIEW

Presented by Planning Board Secretary

05/07/2020 Work Session Applicants: Shoprite, Beer World

PROJECTS FOR REVIEW

1. **Project # 17-02** **Project Name: Jones Site Plan Amendment**
 Applicant/Owner: Linda / James Jones
 Location: 153 Main Street (111-2-30.2 / B1 Zone)
 Re: Change of Use (Existing Residential to Commercial Office/Retail)

An overview was provided before the Public Hearing.

Discussion was held regarding:

- Orange County Planning's review response of Local Determination.
- Jim Dillin had the outside display in front of the building at a Work Session, and it was agreed that it would be moved to the side of the building.
 - CEO John Orr advised the Code allows the applicant 500 square feet of outdoor display.
- Mark Edsall confirmed the issues discussed tonight that need clarification are the location of the trailer on the property, outside display area and hours of operation.
- The Applicant suggested various changes to the planned operation. Jim Dillin and the applicant were requested to attend the next Work Session on June 4, 2020, to resolve these issues.

2. **Project # 19-07** **Project Name: 717, LLC / VanDerMeulen Lot Line Change**
 Applicant/Owner: Brian Leentjes & Louis VanDerMeulen
 Location: 107 & 105 Brookside Avenue (107-2-15; 107-2-5.2 / B-2 Zone)
 Re: Proposed Lot Line Change

An overview was provided before the Public Hearing.

Discussion was held regarding:

- The Board reviewed Orange County Planning's review response of Local Determination (copy attached). Orange County Planning also noted that although no development is proposed for the reduced VanDerMeulen parcel at this time, any future development involving that parcel will need to take into account that the parcel no longer has direct access from any public road.
- Jim Dillin, PLS, advised the Town parcel 2-1-37 will be purchased by 717, LLC (see site plan note #6).
- CEO Orr confirmed the Town parcel is not being altered by this lot line change.
- Chairman Ramsdell reviewed Planning Board Engineer Mark Edsall's comments (copy attached).

***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 4-0.

***MOTION** was made by Member Jankelunas, second by Member Rappa, to **GRANT CONDITIONAL SUBDIVISION (LOT LINE CHANGE) APPROVAL WITH THE FOLLOWING CONDITIONS:**

1. **REVISIONS TO THE SUBDIVISION (LOT LINE) PLAN ACCORDING TO MARK EDSALL'S COMMENTS;**
2. **APPROVAL BY MARK EDSALL OF THE FINAL SUBDIVISION (LOT LINE) PLAN;**
3. **PAYMENT OF ALL FEES.** Motion passed 4-0

GENERAL DISCUSSION

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

ADJOURNMENT

***MOTION** was made by Member Rappa, second by Member LaSpina, to **ADJOURN THE MEETING.** Motion passed 4-0.

Respectfully Submitted,



**Sandra VanRiper
Planning Board Secretary**

Zoom Webinar Chat



From Main to All panelists: 07:04 PM
JIM DILLIN IS ON PHONE

From Clifton Patrick to All panelists: 07:05 PM
Why is the notice Zoom videoconference meeting link not clickable?
https://us02web.zoom.us/j/84057507578?pwd=d01_hQVIFZEtmUGI4WE9lQVZkZWmVPdz09

From Main to All panelists: 07:07 PM
Jim can hear you but you can not hear me?

From Clifton Patrick to All panelists: 07:08 PM
It is not reasonable to expect people to type in that long text string! More people might take part if they could click a link rather than have to type in that long text string without error! I think the pdf notice is posted as an image.

From Main to All panelists: 07:13 PM
Can Jim Dillin call in to speak?

From John Orr to All panelists: 07:14 PM
Yes

From Me to All panelists: 07:15 PM
Attendees come into the meeting muted. Jim will be un-muted to present when it's time.

From davidstevenson to All panelists: 07:15 PM
Where was the public notice with the Zoom link posted on the website? I dug deep and didn't find it anywhere. I had to get it from Clif. Too bad it couldn't have been part of the public notices on the main home page, where it usually is.

From Main to All panelists: 07:19 PM
can we call on phone
845 346 5071

From John Orr to All panelists: 07:21 PM
Yes
16465588656

From Clifton Patrick to All panelists: 08:23 PM
Applicant wants display not storage space.

To: All panelists ▾



Type message here...

**Village of Chester Planning Board
47 Main Street
Chester, New York 10918
845-469-2388**

Planning Board Special Meeting

PLEASE TAKE NOTICE, that the Planning Board of the Village of Chester will hold a special meeting on May 12, 2020, starting at 7:00 PM to consider any matters on the published agenda. Due to public health and safety concerns related to COVID-19, the Planning Board will **NOT** be meeting in person.

In accordance with the New York State Public Officers Law and Executive Order 202.1 issued on March 12, 2020, by New York Governor Andrew Cuomo, this meeting is being held via video/teleconferencing. Accordingly, **NO IN-PERSON ATTENDANCE IS PERMITTED FOR THE MEETING**. Public comment will be permitted. The Board Members as well as members of the public may participate in the meeting utilizing the access information listed below:

The Zoom app must first be downloaded and installed on smartphones, tablets or computers from www.zoom.us.

Zoom videoconference meeting link:

<https://us02web.zoom.us/j/84057507578?pwd=d01hQVlFZEtmUGl4WE9lQVZkZWmVPdz09>

Webinar ID: 840 5750 7578

Password: 302359

Telephone dial in only:

+1-646-558-8656

Toll-free 877-853-5247

Toll-free 888-788-0099

Webinar ID: 840 5750 7578

Password: 302359

Online meeting materials:

Any meeting materials, including the Agenda, can be viewed at the Planning Board section of the Village of Chester website: <https://villageofchesterny.org/2020/05/may-12-2020-planning-board-meeting-public-hearing/>

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

Sandra VanRiper, Planning Board Clerk
April 29, 2020



Steven M. Neuhaus
County Executive

Orange County Department of Planning

124 Main Street
Goshen, NY 10924-2124
Tel: (845) 615-3840
Fax: (845) 291-2533

Alan J. Sorensen, AICP
Commissioner

www.orangecountygov.com/planning
planning@orangecountygov.com

County Reply – Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-l, m, & n

Local Referring Board: Village of Chester Planning Board

Applicant: 717, LLC/ VanDerMeulen

Project Name: 717, LLC/VanDerMeulen Lot Line Change

Proposed Action: Minor Subdivision to adjust boundary between two existing parcels

Reason for County Review: Within 500 feet of NYS Routes 17/I-86 and 17M; within 500 feet of the Town of Chester/Town of Goshen boundary

Date of Full Statement: February 19, 2020

Referral ID #: CHV 01-20N

Tax Map #: 107-2-5.2 and 15

Local File #: PB-19-07

Comments:


The Department has received the above referenced minor subdivision and has found no evidence that significant intermunicipal or countywide impacts would result from its approval. We would like to offer the following advisory comments:

Future Development: Although no development is proposed for the reduced VanDerMeulen parcel at this time, any future development involving that parcel will need to take into account that the parcel no longer has direct access from any public road. As a reminder, any future development of the expanded parcel belonging to the Castle Fun Center will need to be referred to this office.

County Recommendation: Local Determination

Date: March 25, 2020

Prepared by: Megan Tennermann, AICP, Planner



Alan J. Sorensen, AICP
Commissioner of Planning

As per NYS General Municipal Law 239-m & n, within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available online at www.orangecountygov.com/planning.

VILLAGE OF CHESTER
RECEIVED
APR 24 2020
BUILDING DEPT.
CHESTER, NEW YORK



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

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VILLAGE OF CHESTER
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: 717 LLC – VANDERMEULEN LOT LINE CHANGE
PROJECT LOCATION: NYS ROUTE 17M
SECTION 107 – BLOCK 2 – LOTS 15 & 5.2
PROJECT NUMBER: 19-07
DATE: 24 MARCH 2020 NON-MEETING REVIEW
CONSULTANT: JAMES A. DILLIN, PLS
PLAN DATE: Plan Revised March 12, 2020 (single drawing)
DESCRIPTION: THE APPLICATION PROPOSES CONVEYANCE OF 0.340 ACRES FROM
TAX LOT 5.2 (VANDERMEULEN) TO TAX LOT 15 (717 LLC – CASTLE).
THE APPLICATION WAS PREVIOUSLY REVIEWED AT THE
17 DECEMBER 2019** ANND 28 JANUARY 2020 PLANNING BOARD
MEETINGS. ** meeting cancelled

1. The properties are located in the B-2 zoning district of the Village. This application proposes a lot line revision with the lands of Vandermeulen (to the southeast), being between a Special Permit Non-Residential use, and a Pre-existing Non-Conforming Residential use.
2. We have reviewed the revised Lot Line Change plan submitted and have the following comments:
 - The plan drafting and text has been improved to clearly indicate the lot lines being revised, as well as the land being conveyed to Lot 15 and the merger proposed.
 - The bulk table has been revised as requested. The reference to “Lot #1” should be corrected to read “Tax Lot #5.2”.
 - If an approval is considered, a condition should be that documentation must be provided to the Village demonstrating the merger was completed.
3. As previously discussed, there is a unique situation with regard to the disposition of tax parcel 2-1-37 (which is a parcel in the Town of Chester). It is our understanding this lot is to be purchased by “717 LLC” but remain a Town parcel. This will be a further issue of review as part of the site plan amendment application.
4. SEQRA status and OC Planning referral status to be further discussed.

MJE