

MINUTES

VILLAGE OF CHESTER PLANNING BOARD

OCTOBER 27, 2020

REGULAR MEETING

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

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

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

1. Project # PB-20-08 Project Name: Chester Agricultural Center Site Plan
Applicant/Owner: Chester Agricultural Center - Meadow Blue Coffee / Chester Ag Center
Location: 8 Greycourt Avenue (SBL 105-1-8 / B1 Zone)
Re: Proposed change of use

Public Hearing notice read into the record by Chairman Ramsdell and it was confirmed that the mailings were done and return receipts were turned into the Planning Board Secretary.

Eric Rogge, P.E., provided an overview of the project:

- There is a total of 4 lots with one use over the 4 existing lots.
- Meadow Blues leases part of a larger commercial building / parcel.
- They utilize part of the rear outdoor area for entertainment.
- They are proposing to extend their operating hours and add live outdoor entertainment.
- Existing hours of operation are 7 AM to 5 PM Monday thru Thursday, 7 AM to 4 PM Friday and Saturday and 8AM to 2PM Sunday. Proposed new hours of operation are 7AM to 9PM Monday thru Saturday and 8AM to 5PM Sunday.

Public questioned / commented on the following:

- Code Enforcement Officer John Orr asked if the applicant is still seeking their liquor license.
 - Applicant advised they have received their liquor license and currently plan on serving beer and wine.

Public questioned / commented on the following:

- David Stevenson, 16 Elm Street: Commented he supports this project as he feels it's a good adaptive use for the agricultural use and great for downtown. He also commented that he feels it would complement future farmers markets. The use is consistent with the area and the neighboring businesses like Rushing Duck. He also suggested the Village might want to take this opportunity to create a noise ordinance.
- Leslie Smith, 117 Brookside Avenue: Commented she supports this adaptive re-use of the property. She also asked if the music would be inside or out.
 - Gina Stafford, Meadow Blues Coffee House: The music will be both inside and out.
 - Leslie Smith: Advised she has a concern about the noise carrying over the black dirt.

- Brandon Collins, 14 Greycourt Avenue: Commented he wanted to make sure the proposed new business wouldn't disturb his residence and asked if he could look at the site plan. Eric Rogge, PE showed him the plans and they had a private conversation regarding the site plan.

As there were no other questions from the members of the Planning Board or the public in attendance, ***MOTION** made by Member LaSpina, second by Member Rappa, to **CLOSE THE PUBLIC HEARING**. Motion passed 5-0.

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

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

MINUTES

Review September 22, 2020 Draft Planning Board Meeting Minutes. ***MOTION** was made by Member Winters, second by Member LaSpina, to **TABLE ANY FURTHER DISCUSSION UNTIL THE NEXT PLANNING BOARD MEETING**. Motion passed 5-0.

CORRESPONDENCE

- Leslie Smith provided the Board with a copy of a letter she emailed in September regarding the Elmwood Park Apartments project. The letter was read into the record by the Planning Board Secretary, Sandra VanRiper.
 - Planning Board Attorney Harold Pressberg was provided with a copy of the letter.
 - Planning Board Chair Ramsdell: I would appreciate your thoughts on these issues.
 - Planning Board Attorney Harold Pressberg: I don't think it's appropriate at this time because the applicant is not here and it's not on our agenda.
 - Planning Board Chair Ramsdell: I wasn't saying that I really wanted it right now.
 - Planning Board Attorney Harold Pressberg: At the right time, we'll discuss it at a Board meeting.
 - Planning Board Chair Ramsdell: Anyone on the Board have anything to add? No. Leslie, this will be brought to the floor when we have the applicant here.
 - Leslie Smith: Sure
 - Planning Board Chair Ramsdell: And, it'll be....
 - Leslie Smith: This is a Board meeting.
 - Planning Board Attorney Harold Pressberg: It's not on our agenda and the applicant is not here.
 - Leslie Smith: I understand. I was just saying.
 - Planning Board Attorney Harold Pressberg: It wouldn't be fair to discuss it
 - Leslie Smith: That's why I sent it in on the 28th of September.
 - CEO John Orr: They still wouldn't be on the agenda.
 - Leslie Smith: Ok

CODE ENFORCEMENT OFFICER REPORT

Presented by John Orr (**copy attached**)

I just do want to make a comment on this letter we received tonight, and I want to say that in many times I am asked to meet with an applicant regarding different things going on in a program. What they will ask me is my interpretation on the Code. Ant that's usually the way it goes. I will make an interpretation on the Code, they will follow through with it and, if need be, go to ZBA. To put in writing that you think your Code Enforcement Officer is making any type of backroom deals is downright disgusting if you ask me. I've never.... I came to this job with one thing I told the Board and I'll leave with the same thing – my name and my integrity. To have you question it is ridiculous. I'm done Mr. Chairman.

Planning Board Chair Ramsdell: Leslie, do you want to have any response?

Leslie Smith: I just said that it would lead to the appearance. I didn't accuse anyone. I said transparency is important. This is a very contentious issue with a lot of residents that are – have a very invested interest in this issue and that I think that anything that might give the appearance of possibly being a backroom deal is not a good idea. That's all. I'm not accusing anyone.

CEO John Orr: It sure sounded like it to me.

Leslie Smith: I understand that the Code Enforcement Officer....

CEO John Orr: This isn't the first time you used that language either. Seems like everything I have to say or do, you and Clif have issue with and I'm really tired of it. Ok

Planning Board Chair Ramsdell: Well....

Leslie Smith: Ok, so maybe we won't come anymore.

CEO John Orr: Boy, our meetings would be much better.

Planning Board Member Winters: I think we'll talk about that at another time. It's not the time or the place.

CEO John Orr: I apologize for my outburst to the Board, but when my integrity is questioned, I get upset.

Leslie Smith: I was not personally attacking you. I was.... If anyone was in that position, I would say the same thing. That it could give the appearance. That's all.

Planning Board Chair Ramsdell: Ok

WORK SESSION REVIEW

The October 1, 2020 Work Session was cancelled as there were no applicants on the agenda.

PROJECTS FOR REVIEW

- 2. Project # PB-20-08 Project Name: Chester Agricultural Center Site Plan**
 Applicant/Owner: Chester Agricultural Center - Meadow Blue Coffee / Chester Ag Center
 Location: 8 Greycourt Avenue (SBL 105-1-8 / B1 Zone)
 Re: Proposed change of use

Eric Rogge, PE provided an overview of the project during the Public Hearing.

McGoey, Hauser, Edsall's comments reviewed (copy attached) and general discussion held:

- Suggestion was made to use railroad ties instead of cones for parking.
 - Planning Board Chair Ramsdell commented the wheel stop bumpers would alleviate the need for striping.

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

- 1. COMPLIANCE WITH COMMENTS FROM MCGOEY, HAUSER & EDSALL.**
- 2. RESPONSE FROM ORANGE COUNTY DEPARTMENT OF PLANNING.**
- 3. CONSERVATION EASEMENT ACCEPTABLE TO THE PLANNING BOARD ATTORNEY.**
- 4. TEN COPIES OF THE FINAL SITE PLAN.**
- 5. FINAL SITE PLAN APPROVAL BY MCGOEY, HAUSER AND EDSALL.**
- 6. PAYMENT OF ALL FEES.** Motion passed 5-0

- 2. Project # PB-20-06 Project Name: Rustic Wheelhouse Site Plan Amendment**
 Re: Site Plan Amendment
 App/Owner: Christian & Andrea Cotter / C & M Repair Group
 Location: 37 Main Street (102-1-26 / B-1 Zone)

Jim Dillin, PLS, reviewed McGoey, Hauser, & Edsall's comments (copy attached):

- The applicant will be merging the lots
- The restaurant will be the primary use and the patio will be the accessory use.
- The applicant will possibly install a canvas cover over the patio
 - The Board urged the applicant to add the canvas cover to the application in case he wants to install it, so they don't have to come back to the Planning Board for approval.
 - CEO John Orr advised the canvas would be considered a temporary structure and, therefore, not subject the setback requirements.
- CEO John Orr advised there was a meeting between himself, the applicant, Mayor Bell and Street Superintendent Bono to discuss the parking on site, including existing Village parking.
- The applicant is proposing low growth shrubs and stone to be maintained by the applicant.
- The applicant will add the following to the site plan:
 - Fence details (a picture of the fence was shown to the Board by Jim Dillin, PLS).
 - Standard note for the retaining wall.
 - Three cross-section views of the retaining wall.
 - Guide rail detail.
 - Contour elevations for existing swale.
 - Lighting plan including lighting in the cross walk between the restaurant and the patio.
 - Hours of operation.
 - Seasonal definition of open 7 days per week from April to the end of November.
 - Grade change details.
 - Street Superintendent Bono requested the catch basin and pipes be installed where the rip rap is currently noted on the site plan. CEO John Orr will discuss this with Street Superintendent Bono.
- Stormwater from parking spaces 1 through 4 will drain to the existing swale, stormwater from parking spaces 5 through 9 will drain naturally.
- Discussion was held regarding the slop of parking spaces 5 through 9:
 - Jim Dillin, PLS advised they already reduced the slope from 10% to 7% and he's not sure the slope can be reduced further due to the adjacent Village parking.
- The applicant will work with the Village to schedule music around the Village's music series.
- There will be only acoustic type music – no loud bands or DJ's outside.
- Planning Board Member Winters asked where the dumpster would be located.
 - The applicant advised the dumpsters would be in the storage area noted on the site plan and shielded by blockade fences on the east side of the patio.
 - The dumpsters would be brought out of the storage area on garbage day and moved back.
 - Applicant will mitigate the odor and cat issues brought on by the dumpsters.
 - CEO John Orr suggested the applicant look into a corrugated metal frame around the dumpsters to alleviate fire issues as well as drains under the dumpsters for leaks.
- Planning Board Member Jankelunas asked who will be using the crosswalk and about the safety of those using the crosswalk:
 - The applicant advised the servers will use the crosswalk and patrons will use the cross walk to access the rest rooms.
 - The restaurant has rest rooms in the lower level for patio patrons.
 - There will be lighting on the Bank Street and Center Street sides of the restaurant to illuminate the area and highlight pedestrians.
- Other than the tables and chairs, what else will be in the patio area?
 - The applicant advised they will have a counter-top for the wait staff and possibly portable propane heaters with safety features built in during colder weather. All the "extras" will be added to the site plan.
- Deliveries to the restaurant are made in the back.

***MOTION** was made by Member Jankelunas, second by Member Winters, to **SCHEDULE A PUBLIC HEARING FOR NOVEMBER 17, 2020 AT 7:00 PM.** Motion passed 5-0.

***MOTION** was made by Member LaSpina, second by Member Jankelunas, to **REFER THIS APPLICATION TO ORANGE COUNTY PLANNING UNDER GENERAL MUNICIPAL LAW §239 M AND N WHEN UPDATED PLANS ARE RECEIVED.** Motion passed 5-0.

GENERAL DISCUSSION

CEO John Orr asked the Board about returning to in-person Work Sessions. The Board agreed to return to in-person Work Sessions in the meeting above the Police Station at 45 Main Street, Chester, NY.

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

ADJOURNMENT

***MOTION** was made by Member LaSpina, second by Member Rappa, to **ADJOURN THE MEETING.** Motion passed 5-0. Meeting adjourned at 8:45 PM.

Respectfully Submitted,



Sandra VanRiper
Planning Board Secretary

September 27, 2020

Dear Planning Board Chairman and Members,

After the public hearing was adjourned, I had some follow up thoughts.

What concerns me is something I had written in my notes of the regular September 22nd Planning Board meeting: "Harold told Mark Siemers to get guidance from John Orr on the percentage of impervious surface"

Earlier in the meeting, discussion was that the Planning Board would take up this issue at their next meeting. I strongly suggest that this be the case. With such a contentious and large community interest in the Elmwood project, I feel transparency should be a priority. This discussion should take place in public. A private conversation between the Code Officer and developer or his consultant, could only give the impression of a "backroom deal" especially if the result benefits the developer.

The code itself, at 98-23.1 F (c) is very clear as to the fact that not more than 50% of the lot area in the RS zone may be covered with impervious surface. The code does not say 50% of the lot (which might be open to allowing a combined 2.6 acre total lot area) code states: 50% of the lot area in the RS zone. However much of the lot there is in the RS zone can only be covered no more than 50% with impervious surfaces.

The Senior Housing Schedule of District Regulations is found only in the text, section 23.1. F. I assume that the general statement found at 98-6: Any uses not specifically permitted in columns 2, 3 or 4 of said Schedule of District Regulations are hereby prohibited, also applies here.

This reference was also brought up by David Stevenson in his letter of January 8, 2017 which states, "the Code has sections where it is very specific as to what activities are ALLOWED (The Schedule of District Regulations bulk tables). Something that is not on the list of allowed activities would, by exclusion, be prohibited."

In reference to *Elmwood Senior Housing apartments* it would seem that this issue has been brought up since at least June 2018 and previous to that when the project was simply apartments; yet it seems the planning board members, attorney and code enforcement officer and consultant to the applicant are or were under the impression that the lot can be paved for the access road.

No one on the Planning Board or others in authority have voiced opposition to this view.

In preparation for the September 22nd public hearing last week, I decided to re-read section 23.1 just to try to get the spirit of the intent of the senior housing special permit in general, and I rediscovered 98-23.1, F (c) which prompted my comments in relation to Mark Siemers' astounding response to Mr. Patrick's concern.

In my opinion, the law, as written will not permit paving of the RS zoned lot and the code can only be enforced as written.

The fact that the senior housing ("SCH") special use permit is permitted in so many zones is to keep our Chester senior citizens here. The code also states that references to senior citizens *includes the physically challenged*.

Site design and housing design are also mentioned as important for safety and convenience of that older population. The project should be designed for Senior Citizens (references to senior citizens *includes the physically challenged*) After all, it is a deed restricted senior housing project.

Relationship to adjoining uses, preservation of trees and minimizing detrimental effects on the site and surrounding neighborhood along with other objectives listed in 98-23.1 B and are specific objectives; therefore a required major factor in your determination.

Leslie Smith
117 Brookside Avenue
Chester, NY 10918



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

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VILLAGE OF CHESTER
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: CHESTER AGRICULTURAL CENTER SITE PLAN
(MEADOW BLUES COFFEE HOUSE)
PROJECT LOCATION: 8 GREYCOURT AVENUE
SECTION 105 – BLOCK 1 – LOTS 8, 9.1, 28 & 29
PROJECT NUMBER: 20-08
DATE: 27 OCTOBER 2020
CONSULTANT: HUDSON LAND DESIGN
PLAN DATE: 15 OCTOBER 2020
DESCRIPTION: THE APPLICATION PROPOSES USE OF A PORTION OF THE
AGRICULTURAL BUILDING FOR A CAFÉ ESTABLISHMENT. THE
APPLICATION IS APPEARING BEFORE THE BOARD FOR A PUBLIC
HEARING THIS EVENING.

1. The property is located in the B-1 Zoning District of the Village. The project proposes the change of use of the existing area of the building for use as a café. In addition to the interior space, outdoor gathering (seating and tables) are provided.
 2. We note the following regarding the application:
 - Our office notes some discrepancies in the Zoning Bulk Table as follows:
 - The proposed zoning use group in the Bulk Table should be identified.
 - The “One Side Yard” should be revised to identify “0 Ft.” since a portion of the building extends beyond the property line. The “Existing Non-conforming” footnote should be moved to the “One Side Yard” said dimension when added, if acceptable to the Attorney for the Board.
 - The height of the building, in feet, should be identified.
 - The Parking Calculation utilizes the calculation for the B-2 zone (1 space for every 150sq. ft. of selling space) versus the calculation for the B-1 (1 space for every 400sq. ft. of selling space). Additionally, the parking calculation should be updated to the required calculation (2 spaces for every 5 seats).
 - The parking immediately in front of the proposed café has been revised pursuant to the Board’s
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and our office's previous comments.

- Our office recommends against the use of the cones to delineate the boundaries of the overflow parking area. The applicant should consider a more permanent delineator such as wheel stops, bollards, etc.
 - The applicant is proposing change hours of operation. The "Site Specific Notes" reference "periodic outdoor live entertainment". The applicant should advise if the hours of operation for the live entertainment will differ from the proposed hours of operation. If so, this should be added to the plans.
 - The handicap parking detail requires a three feet between the front of the parking space and the proposed "Reserved Parking" Signs. If the 3' was provided, the sign would be in the parking space across from it.
 - The proposed striping islands should be removed from the Village Right of Way.
 - A detail of the "Overflow Parking Entrance Sign" should added to the plan. The sign should reference the Meadow Blues Coffee House.
 - The Board previously requested a note be added to the plan stating that the Chester Agricultural Center portion of the site is not be effected by this application.
 - As previously requested, as per Section 98-30.2 of the Village Zoning Code, the Applicant should indicate a reasonable anticipated completion date for the project on the plan.
 - The Planning Board Approval Box should be placed in the horizontal layout.
3. The Applicant has submitted correspondence regarding a Conservation Easement over the lots for which any approval of this Site Plan would be tied, in lieu of a lot consolidation plan as previously discuss at the last Planning Board Meeting. The Attorney for the Planning Board should review said Conservation Easement for acceptance. If acceptable, a note should be added to the plan noting said Conservation easement and the premise under which the subject Site Plan was reviewed.
 4. The Board previously typed the action a Type II action under SEQRA.
 5. As per New York State General Municipal Law (GML 239), this plan was referred to the OCPD for review. A response is pending.

Respectfully Submitted,



Shawn E. Arnott, P.E.
Engineer for the Planning Board



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VILLAGE OF CHESTER
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: RUSTIC WHEELHOUSE SITE PLAN AMENDMENT
(PROPOSED REAR ELEVATED PATIO)
PROJECT LOCATION: 37 MAIN STREET
CENTER ST. & BANK ST.
SECTION 102 – BLOCK 1 – LOTS 24, 25 & 26
PROJECT NUMBER: 20-06
DATE: 27 OCTOBER 2020
CONSULTANT: JAMES DILLIN, PLS
PLAN DATE: Revised OCTOBER 15, 2020
DESCRIPTION: THE APPLICATION PROPOSES A 1820 S.F. ELEVATED PATIO AT THE
REAR (SOUTH SIDE) OF THE EXISTING EATING & DRINKING
ESTABLISHMENT.

1. The property is located in the B-1 Zoning District of the Village. It is my understanding that the patio is intended for seasonal outdoor seating as an accessory to the existing restaurant. The applicant has advised that eth separate tax lots will be merged; therefore this Site Plan Amendment will include the overall restaurant building/ use and the proposed accessory outdoor seating use.
2. We provide the following comments for discussion with the applicant:

General

- The existing zoning dimensional information should be provided on the plans.
 - As previously requested, the standard retaining wall notes should be included, in this case with an additional note that the plexiglass fence panel structure and mounts should be included in the design by the professional engineer.
 - The Board previously requested elevations of the retaining wall from all three sides.
 - The Board previously requested landscaping in the vicinity of the Utility Pole near parking spaces 4 and 5.
 - A general seating layout has been provided for the Board's review on Sheet 2.
 - Privacy fence as well as Plexiglas fence has been proposed on the plan. Details of each should be provided for the Board's review. Additionally a detail should be provided for the proposed Guide Rail.
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- The applicant identifies 11 offsite parking spaces. The location/ arrangement for the offsite parking should be discussed.

Access and Safety

- A note should be added to the plan that the maintenance of the crosswalk, signage for crosswalk, etc. shall be maintained by the owner/ applicant.

Parking and Grading

- As previously noted, drainage from parking spaces 1 thru 4 should be directed away from the sidewalk and patio. Perhaps toward the existing stormwater inlet to the west.
- The cross-slope of parking spaces 5 thru 9 appears to be excessive. The applicant should consider revising the grading in this area.
- As previously noted, some additional clarification may be needed for grading on the east wall as well as the west corner near parking space #4. Additionally, the top and bottom of wall spot elevations should be identified.
- Our office understands that there is a Letter/ easement from the property of N/F Roach allowing the construction of the retaining wall. This should be provided for the Attorney for the Board's review.
- Our office understands that there is grading/ drainage work contemplated by the Village in the vicinity of the proposed drainage work related to this application. The work should be coordinated with the Village Street Superintendent.

Lighting

- A cut sheet for the proposed wall mounted light is included, however, there did not appear to be information regarding the four pole mounted lights at the corners of the patio. Additional information is needed. As well, the standard lighting note should be added.

Hours of Operation and Noise Equipment

- The Board may wish to review the proposed hours of operation provided on the plan.
- The Board may wish to discuss the applicant's intent regarding music (live or electronic) on the outside patio.

3. The Board previously typed the Action a Type II under SEQRA.

4. The Board should discuss a GML 239 referral to the Orange County Department of Planning.

Respectfully Submitted,



Shawn E. Arnott, P.E.
Engineer for the Planning Board

SEA/st
Ches20-06-27Oct2020 – Rustic Wheelhouse