

MINUTES

VILLAGE OF CHESTER PLANNING BOARD

SEPTEMBER 28, 2021

REGULAR MEETING

PRESENT: Richard RAMSDELL, Chair
Vincent RAPPA, Co-Chair
Anthony LASPINA, Member
Gene WINTERS, Member
Simon ZIEGLER, Member

ALSO PRESENT: John ORR, Code Enforcement Officer
Shawn ARNOTT, Planning Board Engineer
Stephen HONAN, Esq., Planning Board Attorney

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

Chairman Ramsdell opened the Regular Meeting at 7:05 PM.

MINUTES

Review Draft June 22, 2021 Planning Board Meeting Minutes. ***MOTION** made by Member Rappa, second by Member LaSpina, to **ACCEPT THE MINUTES AS DRAFTED**. Motion passed 5-0

Review Draft July 27, 2021 Planning Board Meeting Minutes. ***MOTION** made by Member Rappa, second by Member LaSpina, to **TABLE THE MINUTES TO THE NEXT MEETING**. Motion passed 5-0

CORRESPONDENCE

All correspondence is for the NY Onnuli Evangelical Church, which will be held for when the applicant is on the Planning Board agenda again.

CODE ENFORCEMENT OFFICER REPORT

Presented by John Orr (copy attached)

Chair Ramsdell asked if the construction at Beer World is moving in the right direction. CEO John Orr advised they are on the right track.

WORK SESSION REVIEW

Presented by Planning Board Secretary

09/02/2021 Applicants: Sobo & Sobo Holdings, LLC discussed a Change of Use at 92 Main Street. Discussion was held regarding the Church's use of the driveway and an issue raised about a drainpipe that currently runs under the property.

PROJECTS FOR REVIEW

- 1. Project # PB-21-02** **Project Name: Advanced Auto Site Plan**
Applicant/Owner: Brookside Avenue Development, LLC / Catskill Hudson Bank
Location: 93-95-97 Brookside Avenue (107-2-8.21, 9.2, 9.1 / B-2 Zone)
Re: Proposed construction of an Advanced Auto Parts store

Richard Golden, Esq., Burke, Miele, Golden & Naughton, LLP, provided a project overview:

- Rick Golden, Esq., who was recently retained, will represent the applicant going forward and is still getting up to speed on the project.
- It was confirmed Rick Golden, Esq. has copies of the Planning Board engineer's comments dated September 28, 2021 and the Planning Board engineer's memo dated August 26, 2021.
- Rick Golden, Esq. advised will go over that briefly and then make a few requests of the Board to try to move this forward:
 - The applicant will update the plans according to Planning Board Engineer Shawn Arnott's comments. He also confirmed he spoke to Planning Board Engineer Shawn Arnott to ask if he has any objection, provided the Board has no objection, to working with one of the applicant's representatives directly to work out updates to the site plan.
 - It was confirmed final site plans need to be stamped and signed by a licensed professional.
 - It was confirmed the applicant would submit the proposed plan to SHPO.
 - The applicant will do the standard mitigation proposed by the DEC which is restriction on the date that you do any clear cutting.
 - It was confirmed that Planning Board Engineer Shawn Arnott sent a letter to DOT but has not received comments back. The letter and comments, once received, will be forwarded to Rick Golden, Esq.
 - It was confirmed the Planning Board will complete the SEAF Part II with respect to SEQRA.
 - Rick Golden, Esq. requested that if the Planning Board identifies any potentially significant adverse environmental impacts, the applicant is given the opportunity to provide mitigations to potentially avoid a full EIS before making a determination of significance and the applicant could have potentially an expanded EAF Part III.
 - Chair Ramsdell and the Planning Board agreed.
- The sub-division of the parcel with the historic home:
 - Based on the way the applicant interprets the Code and the concept plan that was submitted to the Planning Board, they applicant feels this should be characterized as a minor re-subdivision because there is no new buildable lot that's being created. It's just one lot that's already built upon that's being separated from the remainder.
 - The applicant is proposing donating the parcel with the historic residential house to the Village. As Mayor John T Bell was in attendance, it was confirmed the Mayor and Village Board are aware of this proposal.
 - At this time, the applicant is requesting the Board characterize this as a minor re-subdivision so the applicant can then file a subdivision application with all the fees. Once the application and detailed sub-division plat consistent with the Village's requirements for both a preliminary and final sub-division plat, the applicant is requesting the Planning Board to re-refer it to the Orange County Planning Department under GML 239-N as a sub-division.
 - Planning Board Attorney Stephen Honan commented he will look at the request more closely after the meeting, but he wanted to clarify all three parcels are under the same ownership (they are all owned by Catskill Hudson Bank) and how many parcels would be created by the sub-division (the 3 existing lots would be made into 2 new lots), but he will provide an answer to the applicant so they sub-division application can be submitted for the October Planning Board meeting.

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

- Rick Golden, Esq. asked for clarification of the least dimension and the least measurement of the side yard setbacks as noted in MHE comment # 2.
- Why and when the lot line for the historic house went from going straight back to wrapping around the property and going behind the proposed Advanced Auto building.
 - Rick Golden, Esq. advised he will look into that and advise the Board.
 - CEO John Orr noted if the applicant brought the lot line straight back, they might be able to submit an application for a lot line change. They would be eliminating a lot line between 2 of

the properties and doing a lot line change. With the lot line wrapping around the proposed Advanced Auto building, it would more of a minor sub-division.

- CEO John Orr requested update on the letter to Eric Denega with Orange County regarding the Board's determination on the water / sewer issue. Planning Board Engineer Shawn Arnott advised he has not yet sent the letter but will send it after the meeting.
- The applicant asked for the meeting submittal dates and a copy of the schedule was provided.
- Chair Ramsdell requested a cross section of the site showing foundation walls, footings, etc. on drawing L2.
- Member Rappa asked if the Planning Board is limited on time regarding the Public Hearing.
 - Planning Board Attorney Stephen Honan advised that although the Public Hearing opened and closed fairly quickly, the Board has not yet made a SEQRA determination and the time limit doesn't start until SEQRA is determined. It is his opinion that by the time the Planning Board makes a SEQRA determination, they're going to be ready to vote on the resolution of the site plan approval and sub-division.
- Chair Ramsdell: David (Stevenson), did you want to say anything about the minutes from the Public Hearing?
 - David Stevenson: I didn't have anything prepared and nobody saw the applicant's responses to the Public Hearing comments.
 - Rick Golden, Esq. advised the applicant was under the impression that the Planning Board would decide how they wanted the Public Hearing comments answered. Rick Golden, Esq. worked with the applicant to submit answers to the Public Hearing comments.
 - Chair Ramsdell commented the answers seem barely minimal.
 - Rick Golden, Esq. advised he believes they were relevant answers to the questions that were posed, many of which are outside of the Planning Board purview with respect to an approval for a sub-division and site plan. The applicant is not in a position to answer to the Village Board as to what they should or shouldn't do with the Comprehensive Plan and how it gets applied to certain projects. If the Planning Board has a specific concern with respect to any one of the answers, please let the applicant know and they'll work to see if they can provide something different.

2. Project # PB-21-03 Project Name: Chester Plaza Motel Site Plan
 Applicant/Owner: Chester Shopping Plaza, LTD / Quickway Plaza, LLC
 Location: 69 Brookside Avenue (110-6-1.112 / B2 Zone)
 Re: Proposed addition of a motel on the existing plaza site

Larry Torro, PE, provided an overview of the project:

- The last time the project was before the Board, some issues were raised by Planning Board Engineer Shawn Arnott about the wetland delineation line as well as stormwater regulations from when it was approved to the present-day regulations.
- Prior to the Planning Board's approval, there were some improvements done under a DEC wetland permit. There was a wall created, there was some wetland mitigation, etc.
- One of the issues that Planning Board Engineer Shawn Arnott brought up was what's still valid and does the applicant have to meet the current regulations or not?
 - Larry Torro, PE has had situations in the past where ongoing open permits fall under the old regulations.
- The applicant has been trying to work with DEC to find out what permits were issued, which are still open and which have been completed since the Board's initial approval in 2002/2003. DEC doesn't provide background information on what work was completed, what work was done, etc.
- DEC delineated the wetland line and the applicant relocated it, but it's different from what was originally approved and conflicts with the plan.

- The applicant is requesting an extension of possibly 6 months to a year to allow time to get answers from DEC to move the project forward.
- CEO John Orr read into the record Village Code § 98-30.2 Expiration of site plan approval:
 - A reasonable anticipated completion date of the project shall be declared by the applicant at the time application for site plan approval is made. Such completion date shall be a condition of approval of the site plan. Final approval will be null and void and job progress shall cease if construction is not completed by this date. Prior to the completion date, the applicant may petition the Planning Board for an extension of time to complete the project. No extension will be granted unless the applicant proves to the satisfaction of the Planning Board that such extension is justified
 - CEO John Orr also commented that he believes the Board voted on this last year and it is his opinion that the Board has been rubber stamping this project for over 15 years. As the Village has changed somewhat in the years since the project was first approved and, in his opinion, he's not sure it fits with what we're looking to do today and to rubber stamp the project would not be prudent for the Village.
 - Planning Board Attorney Stephen Honan: Mr. Chair, I was also looking at the letter that came in, the Code and previous minutes. Looks like on September 22, 2020 this was before the Board. The Board discussed SEQRA being approximately 20 years old. A motion was made by Member Rappa, second by Member LaSpina to deny the request for extension at this time and request the applicant submit a new application to the Planning Board. That motion passed 5-0.
 - Larry Torro, PE confirmed the Board decided in September 2020 that the applicant would need to submit a new application, site plan, etc. to move the project forward.
 - CEO John Orr commented, in his opinion, it might be time the applicant really looks at that site and comes up with an overall game plan as the applicant might benefit from re-arranging things.

GENERAL DISCUSSION

Chair 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 5-0. Meeting adjourned at 7:53 PM.

Respectfully Submitted,



**Sandra VanRiper
Planning Board Secretary**

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

September 28, 2021

Steris – Nucifora Blvd

1– Site work continues.

Clark- 5 Carpenter

1- Deck construction almost complete.

Noble – 4 Chester Acres Blvd

1- Renovation continues.

Beer World 35 Brookside Ave

1- Under slab plumbing in.

137 Main Street

1- No inspections have been requested as of today.

1 Vista Drive

1- Deck construction almost complete.

2 Main Street

1- Footings have been poured and construction started.

Regards,

John S. Orr

Code Enforcement Officer



VILLAGE OF CHESTER
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: ADVANCE AUTO SITE PLAN
PROJECT LOCATION: 93, 95 & 97 BROOKSIDE AVENUE
SECTION 107 – BLOCK 02 – LOTS 08.21, 09.01 & 09.02
PROJECT NUMBER: 21-02
DATE: 28 SEPTEMBER 2021
CONSULTANT: KEPLINGER, FREEMAN ASSOCIATES, LANDSCAPE ARCHITECTURE
AND LAND PLANNING
PLAN DATE: 23 AUGUST 2021
DESCRIPTION: THE APPLICATION PROPOSES THE CONSTRUCTION OF A 6,689 SQUARE
FOOT ADVANCE AUTO PARTS STORE WITH ASSOCIATED PARKING AND
STORMWATER FACILITIES AND LOT LINE CHANGE. THE APPLICATION WAS
PREVIOUSLY REVIEWED BY THE BOARD AT THE 27 APRIL 2021, 1 JUNE 2021,
22 JUNE 2021, AND 27 JULY 2021 PLANNING BOARD MEETINGS.

1. Our office is in receipt of a letter dated 13 August 2021 in response to our office's previous review memo dated 27 July 2021. The applicant should provide an update on the letter addressed to Mark Shattuck of Westlake Development, LLC dated 26 August 2021.
2. The zoning bulk table has been updated to include the required zoning data as well as the proposed lots with the existing historic structure and proposed Advance Auto store. Regarding the Bulk Table our office provides the following:
 - The side yard setback for the proposed building should be indicated as only the least dimension.
 - The side yard setback proposed for the historic structure should be noted as the least measurement.
3. Regarding the subdivision plan (L8.00) the existing boundary line should be included.
4. As previously noted, the lot line change will need to be stamped by a licensed Land Surveyor for filing at the Orange County Clerk's office.
5. The location plan indicates the proposed lot lines for the project. Our office suggests that the location plan indicate the existing lot lines.
6. Regarding the proposed drainage end section shown on Sheet L2.00, the applicant should advise how this point discharge will not create erosion of the stream bank.

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7. As previously noted, the applicant has proposed a water service from the existing curb box near the property line to the proposed building. This size and type of pipe has not been identified.
8. The applicant should revise all references of "Town" to "Village".
9. Note #15 on Sheet L2.00 has been included referencing the "attached geo-tech report" for the project. This note should be updated to include the name of the report, report preparer, and date of the report.
10. Sheet L2.00 indicates the proposed installation of an "ADS MC-4500 Storm Tech Chamber System". The applicant should include an installation detail of said Storm Tech Chamber.
11. Regarding the Erosion and Sediment Control Plan, our office provides the following:
 - The applicant should include a location of a staging area.
 - The applicant should include the location of a topsoil stock pile area.
 - The applicant should include the location of a concrete washout.
 - The applicant should consider utilizing silt fence closer to the proposed fill area.
 - The applicant should consider proposing silt fence parallel to contours, as recommended by NYSDEC.
 - The applicant has indicated that an under drain is proposed surrounding the proposed subbase material. An installation detail of said pipe should be included with the plan set.
 - The steep slope (1'v:2'h) near the Black Meadow Creek has been indicated with a drafting hatch which is labeled "outlet protection". The applicant should include a detail as to how this will be protected.
 - The applicant should provide silt fence near the stream/ steep slopes pursuant to the NYSDEC Blue Book.
12. Regarding the handicapped parking stall detail, our office notes the following:
 - For the cross-hatched access lane near the "bottom" add painted text "NO PARKING" (also in blue).
 - All striping for the handicapped space must be blue. When a standard space adjoins a handicapped space, a double line should be installed, one blue, one white.

13. Regarding the lighting plan, the applicant has included an updated lighting plan which includes foot candle levels in the site. Further, regarding the lighting plan, the height above finish grade for the light pole bases should be included (as well as the burial depth).
14. The Planning Board should consider authorizing MHE to submit the current plans to NYS SHPO for review of the archeological structures that exist on the property.
15. The applicant should provide mitigation for any tree clearing on site which may effect Threatened of Endangered Species.
16. The Board should discuss the current status of the NYSDOT review of the proposed entrance to NYS 17M (Brookside Avenue).
17. The Board should discuss procedural steps regarding SEQRA with the Board's attorney.

Respectfully submitted,

MHE Engineering, D.P.C.



Shawn E. Arnott, P.E.

SEA/dns/kbw