

MINUTES

VILLAGE OF CHESTER PLANNING BOARD

NOVEMBER 16, 2021

REGULAR MEETING

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

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

NOT PRESENT: Gene WINTERS, Member

Chair Ramsdell provided the audience with guidelines for the public hearing.

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

Chairman Ramsdell opened the Public Hearing at 7:10 PM.

1. **Project # PB-21-05** **Project Name: Sobo & Sobo Site Plan Amend/ Special Use Permit**
Applicant/Owner: Sobo & Sobo Holdings, LLC / Village of Chester
Location: 92 Main Street (111-1-28.1 / RS Zone)
Re: Use of existing building as law office

***MOTION** was made by Member Ziegler, second by Member LaSpina, to **OPEN THE PUBLIC HEARING**. Motion passed 4-0.

Gary Sobo, Esq., Sobo & Sobo provided a project overview:

- Applicant is looking to purchase 92 Main Street, Chester, NY 10918.
- Existing building was previously a funeral home and they would like to turn it into a law office.
- Approximately 10 employees, 9 AM – 5 PM operations, 5 days a week (Monday to Friday).

Board questions:

- Chair Ramsdell confirmed the driveway is on the adjacent church property and there is an existing easement.
- Gary Sobo, Esq.: Yes, we have a recorded easement to use and we must maintain it.
- Chair Ramsdell: The number of parking spaces satisfy what your square footage?
- Gary Sobo, Esq.: We have 12 spaces which conforms and we didn't use the ones in front.
- Chair Ramsdell: And you will have an identity sign in the front yard?
- Gary Sobo, Esq.: Yes, that's another hurdle we'll go through after we get done with being able to purchase it. We're going to put a sign in front approximately where the old sign was.
- Chair Ramsdell: Does anyone have any questions or comments about this application?

Public questioned / commented on the following:

- William Murray, 109 Main Street, I live right across the street. My question is about the sign.
 - Gary Sobo, Esq. showed a picture of the sign drawn up by their sign contractor. He advised the sign is not part of this application, but they are proposing to keep it lit all night.

- Erin Moore, 98 Main Street, Reverend of the First Presbyterian Church whose property the easement shares the driveway with. We have concerns about if the driveway is going to be a two way or a one way as we host a food pantry on Thursdays during the week and are concerned about two-way traffic going out that direction as our entrance is a one way. We use it as a one-way entrance and a one-way exit.
 - Gary Sobo, Esq.: We only have the one driveway, so we had proposed at this point or thought at this point that we were going to use it for ingress and egress both, but if we could go through the church lot to get out, that would solve that problem.
 - Erin Moore: It would just have to be the other way around, one way in and one way out.
 - Chair Ramsdell: If I might, would you be using that building on Sunday?
 - Gary Sobo, Esq.: We might have someone come in on a Sunday to do an hours work, but I think it would be a rare occasion. I don't think there would anybody there on a Sunday.
 - Member Ziegler: I believe she said Thursday.
 - Gary Sobo, Esq.: Thursday would be a regular workday, so we'd be there roughly 9 to 5.
 - Erin Moore: We get about 40 at least cars that come through food pantry distribution that would be coming in and out of that parking lot.
 - Gary Sobo, Esq.: And they'd be using this driveway for egress?
 - Erin Moore: For an exit because that's how we use it as the church.
 - Gary Sobo, Esq.: Ok, not a problem for us.
 - Chair Ramsdell: Thank you
- David Stevenson, 16 Elm Street: So, I just want to confirm that tonight's Public Hearing is strictly on the Special Use Permit. Will there be a public hearing later on regarding the specifics of the site plan?
 - Gary Sobo, Esq.: This is on the site plan.
 - David Stevenson: Ok, so can we comment on the sign?
 - Chair Ramsdell: Yes, but there's been no proposed sign yet.
 - Gary Sobo, Esq.: I gave them a proposal I have in my papers from our sign person.
 - David Stevenson: Will there be a chance later on to comment on the sign?
 - CEO John Orr: Actually, the sign will only get public comment if the application comes to me, gets denied and has to go to the Zoning Board of Appeals. If they propose a sign that I feel fits in the Code, then there won't be any public hearing.
 - David Stevenson: So then now is my only chance to comment on the sign?
 - CEO John Orr: But it's hard to comment on something that's not here.
 - David Stevenson: Let me comment on a hypothetical, then. Your property is in an Uptown Historic District and it is in the gap between an Uptown and a Downtown Historic District, so an illuminated sign may be the only illuminated sign on the entire street except for a temporary sign that is in front of the firehouse that just has current events, so it would literally be the only illuminated sign on that street. I would ask if you would perhaps consider something that would be more in keeping with the character of the Village. Something that's beautifully wood carved. Maybe it's lit up by some spotlights on it as opposed to illuminated from within? We have wood carvers here – Jarvis Boone in Sugarloaf does beautiful historic looking signs. That's my suggestion.
 - Gary Sobo, Esq.: Actually, I had to go before a Board in New City just a few weeks ago about the same question and their determination was it was less light having an internal lit sign – dark blue with grey lettering – than to have a light on it at night.
 - David Stevenson: If your office closes at 5, what's the need to have it illuminated at all?
 - Gary Sobo, Esq.: It's dark now at 5.
 - David Stevenson: No-one is going to run into the sign because it's back off the road. Does it need to be lit if the office is not open, I guess is my question?

- Gary Sobo, Esq.: I would think we would want the identity, people knowing we're there, so we would want to light it.
- David Stevenson: Even though they're not looking for your office because it's closed?
- Gary Sobo, Esq.: Correct.
- Chair Ramsdell: Thank you.
- Leslie Smith, 119 Brookside Avenue: I just want to say that I think it's wonderful that a law office is going to be occupying the 1893 building that was built on the (illegible) of the Korean Church. The only suggestion I would have, since I see that they're doing a paving, going to probably be paving the driveway and the parking.
 - Gary Sobo, Esq.: I'm sure we are. Both the driveway and the parking need paving.
 - Leslie Smith: Would you consider using permeable pavement possibly?
 - Gary Sobo, Esq.: I don't know what that is.
 - Leslie Smith: It's pavement that lets moisture pass through it instead of running off.
 - Gary Sobo, Esq.: Certainly, it's a good idea, yes, we would. I'll ask our paver about that.
 - Chair Ramsdell: It's frequently done with precast concrete, waffle type panels.
 - Gary Sobo, Esq.: I've seen that, but would that be macadam to do that too or no? I will inquire, thank you.
- Clif Patrick, 119 Brookside Avenue: As I understand, you're not planning any exterior modifications to the building.
 - Gary Sobo, Esq.: Not in the front. We're going to have to tear the back porch off, which is in bad shape, and the handicap ramp and re-build both of those.
 - Clif Patrick: You're basically replacing those?
 - Gary Sobo, Esq.: Yes.
 - Clif Patrick: But no big changes to the building?
 - Gary Sobo, Esq.: No.
 - Clif Patrick: I think this is a perfect adaptive re-use for the structure and fits the neighborhood. Thank you.

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

2. **Project # PB-21-06** **Project Name: Advanced Auto Sub-Division (Minor)**
 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: Sub-Divide 3 lots into 2 lots

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

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

- Tonight is the Public Hearing on just the sub-division.
- The Board in the past opened and closed the Public Hearing on the site plan.
- The applicant is proposing sub-divide off the parcel that has the historic home on it and dedicate it to the Village or the person they designate.
- The other lots will be combined, making the 3 lots into 2.
- There's one thing I'd like to correct for the record - the actual name is Advance not Advanced.
- There's really nothing more to do than the Public Hearing for the sub-division.
- Cannot make out all the comments as papers are being shuffled next to the recorder.
- Chair Ramsdell: So, you're going to be discarding the other property lines and then adding a new one so that there's ultimately a 2-lot sub-division.

Public questioned / commented on the following:

- David Stevenson, 16 Elm Street: When the new lot line is set aside (illegible) is established, there's going to be a new parcel, which the tentative plan is to convey to the Village or possibly the Historical Society. Is that procedure in place? I guess this may be a question for the Village Board Attorney. I've heard, it's possible that sometimes government municipalities are not allowed to convey properties to (illegible). Is that true? Are they able to do that? I wouldn't like to see the Village stuck all of a sudden with a parcel they can't convey.
 - Planning Board Attorney Stephen Honan: My understanding as of right now is that the Village has no interest in acquiring the soon to be (illegible) parcel with the residential home on it, however, the Historical Society has indicated a willingness to accept that piece of property, so that's something. And they have no association, from what I understand, with the Village, so I believe that is (illegible) at this time.
 - David Stevenson: It would be a direct conveyance to the Historical Society.
 - Planning Board Attorney Stephen Honan: That is my understanding, yes.
 - Richard Golden, Esq.: The way that we would prefer to have the condition of resolution (inaudible) if the offer to any entity designated by the Village. So, for instance, if the Village decides to create a new entity to accept this, they could do that. I just want to make it broad enough even though the intention right now is simply to give it to the Historical Society. I don't want things to have to come back to this Planning Board if in fact that can't occur. Whatever language the Village wants is fine.
- Member Ziegler: I believe there are Historical Society members that the last time, I think, we asked the question if you could circle back to your Chairman or President.
 - Leslie Smith: I think the question was when I said that we are a 50C3 and it was suggested that we were an LLC, which we are not, that the Village get in touch with the President, which I don't know, I'm assuming the Village got in touch with the President. I'm not privy to what went on, so I can't really speak to it.
 - Richard Golden, Esq.: What we don't want is for the approval to languish because there's nobody willing to step up in a timely fashion. We're willing to go ahead and offer it unconditionally to whatever entity the Village designates. They can designate the Historical Society and we'll go ahead and deed it over to them and they can tell us to do something else if for some reason the Historical Society doesn't want it. I don't think it's a problem for it to be designated to whoever the Village designates. I understand the Village doesn't want to accept it, so the condition would be that it would be to whomever or to whatever the Village designates that property should be deeded to and we will do that without cost.
- Chair Ramsdell: Making this second lot, makes the remaining lot for your project that, if it's small enough now, avoids some of the requirements for additional application material.
 - Richard Golden, Esq.: I don't recall right now whether that additional property would have required a SWPPP.
 - Planning Board Engineer Shawn Arnott: It doesn't have to do with property size, it has to do with disturbance, so regardless of whether or not it was one property or two, the disturbance falls below the point.
- David Stevenson: Just regarding the conveyance, Mr. Golden. I think it's a wonderful idea and it's very generous of the applicant to do so, but for full transparency, I think for the Historical Society to be able to make a decision on if they can take it on or not, some other questions need to be answered in terms of are they going to have to owe property taxes on it. Counting Village and Town property taxes or if somehow those could be waived because it's a non-profit. If there's any way for it to not be a financial burden on the receiving entity.
 - Richard Golden, Esq.: That's going to be up to whomever or whatever gets it. I'm not a tax attorney, but my understanding is that it would not be taxed, certainly not the real estate because it is a not for profit. We're not going to take on any additional financial obligation

with respect to this property such as maintaining it or doing anything else. This is just – there was concern over the impact of the store if they were going to be using a portion of that lot and so to mitigate that and out of its generosity, quite frankly, they said we'll go ahead and do it. Eventually, we originally had less property that we were going to give it and the Village suggested as I understand it as I was not involved in those discussions that they would prefer to have the property line go straight back giving more property and then there was an "L" that was going to be given to it and then they decided it would be better if it went straight back. The applicant has tried to do what is right for giving this property to some other entity to maintain afterwards and that would also include if there were any taxes due and I doubt there'd be taxes due on a not-for-profit 50C3 Corporation.

- David Stevenson: And I appreciate your concern that this, whatever happens to that parcel to impact the approval of your project. I'm just raising the issue that the Chester Historical Society needs to make some decisions based on their financials and whether they accept it or not is probably going to have to be decided by, I guess, the tax assessor or
- Richard Golden, Esq.: Whether or not it's going to be subject to taxes is going to up to the laws of the State of New York and that's separate from the assessor setting the assessed value. I just don't want this process to be held up by indecision because we haven't decided yet what to do with it, but that indecision to hold up the process. A condition of the resolution can simply say that the property that has been sub-divided off, has to be deeded over to a designee of the Village, whomever or whatever that is. Doesn't have to be the Village, obviously, just means the Village tells us who it is. I don't want to just keep it open ended because then what if no-one does anything? The Village is the one to designate, then they'll eventually designate someone and we'll go ahead and deed it over.

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

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

MINUTES

Review Draft October 26, 2021 Planning Board Meeting Minutes. ***MOTION** made by Member Rappa, second by Member LaSpina, to **ACCEPT THE MINUTES AS DRAFTED**. Motion passed 4-0

CORRESPONDENCE

Response from Historic Preservation Division of the Office of Parks, Recreation and Historic Preservation (OPRHP) for Project PB-21-02 Advance Auto read into the record by Chair Ramsdell.

Richard Golden, Esq. commented on OPRHP's response: What we're doing is demolishing this one structure, which they say doesn't impact anything. They then give some recommendations and this Board has been over many of these before, but with respect to maintaining the existing setbacks, reducing the parking in front of the building and utilizing side or rear parking where feasible. We have now adjusted things during this process and we have reduced the size of the building and parking and put it in a location that allows this building to be there. If in fact we were to put parking in the rear, which now would be closer to Black Meadow Creek and I think it poses much more significant environmental issues than having it where it is right now. If the property was moved forward, it would alter the whole symbiotic relationship between the parking sides of the store and what's needed for traffic circulation.

- Chair Ramsdell: We can look at this more when the project comes up on the agenda.
- Richard Golden, Esq.: I thought you wanted me to respond to it.

- Chair Ramsdell: I thought you might just have a general thing.
- Richard Golden, Esq.: I don't think the recommendations are well placed. I think that they're misplaced and I can explain why either now or when you want me to.
- Chair Ramsdell: We will later.
- Richard Golden, Esq.: Thank you.

CODE ENFORCEMENT OFFICER REPORT

Presented by John Orr (copy attached)

The CEO's sewer determination letter for PB-21-05 Sobo & Sobo was reviewed and discussed.

WORK SESSION REVIEW

Planning Board Secretary reviewed the applicants at the November 4, 2021 Work Session:

- Proposed change of use at Clayton Delaney's 42-50 Main Street (104-5-5 / B1)
- Proposed addition to Brakewell Steel 55 Leone Lane (118-1-8 / M1)

PROJECTS FOR REVIEW

1. **Project # PB-21-05** **Project Name: Sobo & Sobo Site Plan Amend/ Special Use Permit**
 Applicant/Owner: Sobo & Sobo Holdings, LLC / Village of Chester
 Location: 92 Main Street (111-1-28.1 / RS Zone)
 Re: Use of existing building as law office

Gary Sobo, Esq., provided a project overview during the public hearing.

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

- CEO John Orr's sewer determination letter was reviewed and discussed.
- Orange County Planning had no advisory comments regarding this project.
- Chair Ramsdell reminded the Board and the applicant that the sign was not up for discussion.
- Planning Board Attorney Stephen Honan reviewed the sign permit and approval process.
- CEO John Orr requested the applicant add the distance from the dumpster to the rear and side yards to the site plan. He also requested the side yard variance be put on the site plan.
- Shared ingress / egress with the First Presbyterian Church.

***MOTION** was made by Member Ziegler, second by Member Rappa, to **GRANT CONDITIONAL SITE PLAN APPROVAL AND GRANT A SPECIAL USE PERMIT WITH THE FOLLOWING CONDITIONS:**

1. **REVISIONS TO THE SITE PLAN ACCORDING TO MHE'S COMMENTS.**
2. **ENGINEER'S APPROVAL OF THE FINAL SITE PLAN.**
3. **PREVIOUSLY GRANTED VARIANCES ADDED TO SITE PLAN.**
4. **DUMPSTER SETBACKS ADDED TO THE SITE PLAN.**
5. **PAYMENT OF ALL FEES.** Motion passed 4-0

2. **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:

- We have a submitted revised plans for both sub-division and site plan.
- The applicant submitted amended answers to the Public Hearing comments and amended answers to the Engineer's prior comments.

- The applicant is requesting the Board start the EAF Part II review.
 - Planning Board Engineer Shawn Arnott commented there were two open items on the EAF Part II. One was traffic since DOT is still outstanding as well as the archeological and historic which we received today – the letter from SHPO. The Board could make a determination on that aspect.
 - Richard Golden: With respect to the DOT, I don't think there's a chance that DOT is going to issue a determination in less than 4-6 weeks as they are so backed up. The applicant is requesting this be made a condition of approval.
 - Shawn: I think that sounds appropriate, however, since the Lead Agency is still outstanding, my suggestion would be to wait to see if there's any substantial comments from DOT at the December meeting, or the next meeting the applicant appears at, and make a determination at that point.
- The Board is waiting on Lead Agency responses or the 30-day deadline to expire.

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

- Richard Golden advised that based on the soil borings, the geotechnical engineer estimated that the fill below the foundation was not suitable for purposes of putting a foundation on at this point in time because it was put in at very uneven levels, a lot of it is gravel and, based upon his expertise, it wouldn't be suitable for putting a foundation on there. They plan to excavate out as shown on the plan based upon the soil borings, however, he has said that he doesn't expect that the unsuitable material is not able to be used again on this site. The applicant plans to use as much of the fill on site as possible.
- If there is truly unsuitable material – debris, clay material or other materials truly unsuitable for purposes below a foundation, that will be exported off the site, but the geotechnical engineer does not believe that there's any significant amount that fits into that category.
- Chair Ramsdell showed Richard Golden a plan he was provided showing the earlier existing buildings on that site. Leslie Smith and Clif Patrick provided some historical information regarding the buildings on that site.
- SHPO letter reviewed.
- More discussion about the Historical Society's interest in the sub-divided parcel.

- 3. Project # PB-21-06 Project Name: Advanced Auto Sub-Division (Minor)**
 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: Sub-Divide 3 lots into 2 lots

Richard Golden, Esq., Burke, Miele, Golden & Naughton, LLP, provided a project overview during the public hearing.

The Board is waiting on Lead Agency responses or the 30-day deadline to expire.

McGoey, Hauser, Edsall's comments reviewed (copy attached).

- 4. Project # PB-21-07 Project Name: Nicotra Lot Line Change**
 Applicant/Owner: Joseph Nicotra
 Location: 1 Cardillo Lane (106-1-3, 106-1-4 / RA Zone)
 Re: Lot line change

Jim Dillin, PLS, provided a project overview:

- As the parcels are under separate ownership, "Parcel A" will have to be deeded to Joe Nicotra and his wife.

- Created sewer easement.
- Right of ways identified on the plans.
- The applicant will address all MHE comments.
- Jim Dillin will add "formerly" to the SBL on the parcels as once the lot line change is submitted to Orange County, the SBL will change.

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

- County Planning letter notes that variances are necessary for front yard and side yard setbacks for lot 2. As the CEO has not determined which is the front yard and which is the side yard since there is no road frontage.
- CEO John Orr advised he doesn't see that a variance is needed since the applicant is taking a situation that is currently non-conforming and making it less non-conforming. Currently, the lot line goes through the dwelling, so they're removing that and actually creating a side yard where they didn't have anything before. I would not see a need for this to go to ZBA.
- Planning Board Engineer Shawn Arnott commented that he believes it's been the Planning Board's custom that any decrease in non-conformity does not require a variance.
- Planning Board Attorney Stephen Honan: Generally, if you create a new lot, the new lot has to comply with zoning. The custom and practice of the Board can be discussed among the members. The Building Inspector can make a determination on whether it needs to go to the ZBA. I think we need that to cover ourselves.

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

1. REVISIONS TO THE SITE PLAN ACCORDING TO MHE'S COMMENTS.
2. ENGINEER'S APPROVAL OF THE FINAL SITE PLAN.
3. LETTER OF DETERMINATION FROM THE CODE ENFORCEMENT OFFICER THAT NO VARIANCES ARE NEEDED AS DISCUSSED AT THE MEETING.
4. PAYMENT OF ALL FEES. Motion passed 4-0

GENERAL DISCUSSION

Chair Ramsdell announced his retirement from the Planning Board. Mayor Bell presented Chair Ramsdell with a plaque in appreciation of his years of service. CEO John Orr read a letter from Mark Edsall wishing Chair Ramsdell the best in his retirement from the Planning Board.

Draft 2022 Planning Board Schedule. ***MOTION** made by Member LaSpina, second by Member Ziegler, to **ACCEPT THE SCHEDULE AS DRAFTED**. Motion passed 4-0

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 4-0. Meeting adjourned at 8:30 PM.

Respectfully Submitted,



Sandra VanRiper
Planning Board Secretary

PLANNING BOARD
VILLAGE OF CHESTER, NEW YORK
PUBLIC HEARING
NOVEMBER 16, 2021

NOTICE IS HEREBY GIVEN, that the Planning Board of the Village of Chester, New York, will hold a Public Hearing in the Town of Chester at the **Chester Senior Center, 81 Laroe Road, Chester, NY 10918**, on November 16, 2021 at 7:00 P.M., or as soon thereafter as the matter can be heard, concerning the application of Sobo & Sobo Holdings, LLC for Site Plan and Special Use Permit approval for a project known as Sobo & Sobo Site Plan Amendment.

The applicant is requesting Site Plan Approval and a Special Use Permit in accordance with the Village of Chester Zoning Code, Schedule of District Regulations, Column #4, Item #9, to permit the conversion of an existing two-story dwelling, previously used as a funeral home business, into a professional office with associated parking.

The property is located in the Village of Chester, New York, at 92 Main Street and is listed on the Village Tax Map as Section 111, Block 1, Lot 28.1 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

PLANNING BOARD
VILLAGE OF CHESTER, NEW YORK
PUBLIC HEARING
NOVEMBER 16, 2021

NOTICE IS HEREBY GIVEN, that the Planning Board of the Village of Chester, New York, will hold a Public Hearing in the Town of Chester at the **Chester Senior Center, 81 Laroe Road, Chester, NY 10918**, on November 16, 2021 at 7:00 P.M., or as soon thereafter as the matter can be heard, concerning the application of Brookside Avenue Development, LLC for minor Sub-Division approval for a project known as Advanced Auto Sub-Division (Minor).

The applicant is requesting Sub-Division approval in accordance with Article III Approval Procedure, § 84-6 Minor subdivisions to permit the combining of 3 existing lots and creating two (2) lots consisting of 1.129 acres and the second parcel consisting of .457 acres and upon which there is an existing home.

The properties are located in the Village of Chester, New York, at 93 Brookside Avenue, 95 Brookside Avenue and 97 Brookside Avenue and are listed on the Village Tax Map as Section 107, Block 2, Lot 8.21, Section 107, Block 2, Lot 9.2 and Section 107, Block 2, Lot 9.1 in a B2 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



KATHY HOCHUL
Governor

ERIK KULLESEID
Commissioner

Date: November 12, 2021

Richard Ramsdell
Village of Chester Planning Board: Chairman
47 Main Street
Chester, NY 10918

Re: SEQRA
Advance Auto Parts
93-97 Brookside Ave, Chester
21PR06634

Dear Richard Ramsdell:

Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP) as part of your SEQRA process. These comments are those of OPRHP and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

The proposed project area is located within the potentially eligible W.A. Lawrence Historic District that is in the process of being evaluated for listing on both the State and National Registers of Historic Places. Therefore, under SEQRA, our office as subject matter experts have reviewed the project and offer the following comments regarding potential impacts to architectural or archaeological resources:

1. The proposed demolition of the property located at 95 Brookside Avenue would not be considered adverse to the potential historic district as it is a non-contributing property within the district.
2. While this neighborhood has been mostly changed from residential to commercial uses, aspects of the original residential use have been retained, including front yards; old and new growth vegetation, such as trees, shrubs, and other types of landscaping; and placement of parking either behind or to the side of each property. Recognizing the historic value of the residential setting, we recommend:
 - a. The proposed Advance Auto Parts maintain the existing setback and reduce parking at the front of the building and utilize side or rear parking, where feasible.
 - b. Explore alternative pavement materials, including a porous material that more closely resembles a yard when not in use.
 - c. Maintain the existing vegetation located within the front yard and provide new plantings where needed.

Division for Historic Preservation

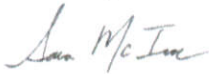
P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • www.nysparks.com

If the lead agency concludes that additional studies would be beneficial to identify and/or assess potential impacts to archeological and historic resources eligible for the registers, the OPRHP would be pleased to provide additional guidance.

If this project will involve state or federal permitting, funding or licensing, it may require a more rigorous review for potential impacts to architectural and archaeological resources, in accordance with Section 106 of the National Historic Preservation Act or Section 14.09 of NYS Parks Recreation and Historic Preservation Law.

If you have any questions, I can be reached at (518) 268-2127 or by email.

Sincerely,



Sara McIvor
Historic Preservation Technical Specialist
E-mail: sara.mcivor@parks.ny.gov

cc: K. Naughton – BMG&N, LLP

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

November 16, 2021

Steris – Nucifora Blvd.

1– Site work continues.

Clark- 5 Carpenter

1- Project now complete.

Noble – 4 Chester Acres Blvd

1- Renovation continues.

Beer World 35 Brookside Ave

1- Framing well underway.

137 Main Street

1- No inspections have been requested as of today.

1 Vista Drive

1- Deck construction now complete.

34 Main St

1- Issued permit for minor renovation and creation of beauty parlor.

Regards,

John S. Orr
Code Enforcement Officer

**Village of Chester
Building Department**

Memo

To: Village of Chester Planning Board
From: John Orr
Date: November 16, 2021
Re: Sewer usage for proposed Sobo & Sobo Law office at 92 Main Street, Chester, NY (PB-21-05).

I have reviewed the proposed use at 92 Main Street for the proposed Sobo & Sobo Law offices (PB-21-05) and I have determined that adequate sewer capacity exists for this use per the following:

- 1- The new location has an existing connection to the sewer system.
- 2- The most recent assessment is 17 units broken down as:
 - a. 7 units for second floor apartment.
 - b. 10 units for the funeral home.
- 3- I anticipate the new use to be assessed 10 units.
- 4- The above could potentially generate a surplus of capacity.

In considering the above stated reasons, I feel that the Sobo & Sobo Law office will not generate any additional capacity to the sewer system.

John Orr
Code Enforcement Officer
Village of Chester



VILLAGE OF CHESTER
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: SOBO & SOBO SITE PLAN & SPECIAL USE PERMIT
PROJECT LOCATION: 92 MAIN STREET
SECTION 111 – BLOCK 01 – LOTS 28.1
PROJECT NUMBER: 21-05
DATE: 16 NOVEMBER 2021
CONSULTANT: JIM DILLIN, PLS
PLAN DATE: 5 NOVEMBER 2021
DESCRIPTION: THE APPLICATION PROPOSES THE RE-USE OF THE FORMER FUNERAL HOME (CURRENTLY OWNED BY THE VILLAGE) FOR USE AS AN ATTORNEY'S OFFICE. THE PLAN WAS PREVIOUSLY REVIEWED ON THE 26 OCTOBER 2021 PLANNING BOARD MEETING. THE PROJECT IS BEFORE THE BOARD FOR A PUBLIC HEARING THIS EVENING.

1. The application proposes change of use of the former Funeral Home use as an Attorney's Office. This use is a Special Permitted Use #9. The project is before the Board for the required Public Hearing this evening.
2. The applicant has addressed all previous technical comments with regard to the Site Plan.
3. As a reminder, the Planning Board should ensure that the Code Enforcement Officer's Determination Memo regarding the use should be included in the Planning Board file.
4. With regards to sewer, the Board should determine if the sewer allocation/capacity is available for the project.
5. Orange County Planning Department comments, should be received prior to the Board's approval.
6. The Board previously typed the action as a Type II Action under SEQRA.

Respectfully submitted,

MHE Engineering, D.P.C.

A handwritten signature in black ink, appearing to read 'Shawn E. Arnott'.

Shawn E. Arnott, P.E.

SEA/kbw

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Commissioner

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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: Sobo & Sobo Holdings LLC

Project Name: Sobo & Sobo Site Plan Amendment

Proposed Action: Site Plan Amendment for change of use for existing building from funeral home to professional offices

Reason for County Review: Within 500 feet of NYS Route 94

Date of Full Statement: October 27, 2021

Referral ID #: CHV 08-21M

Tax Map #: 111-1-28.1

Local File #: PB-21-05

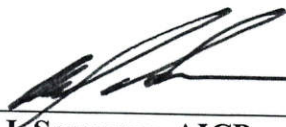
Comments:

The Department has received the above referenced site plan amendment and has found no evidence that significant intermunicipal or countywide impacts would result from its approval. We have no advisory comments regarding this application.

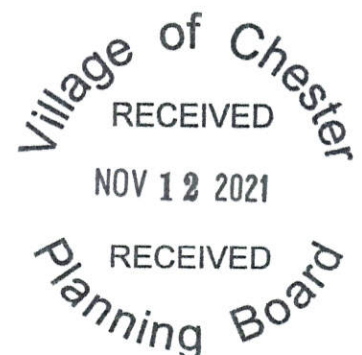
County Recommendation: Local Determination

Date: November 8, 2021

Prepared by: Megan Tennermann, AICP
Senior 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
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: 16 NOVEMBER 2021
CONSULTANT: KEPLINGER, FREEMAN ASSOCIATES, LANDSCAPE ARCHITECTURE
AND LAND PLANNING
PLAN DATE: 4 NOVEMBER 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, 27 JULY 2021, 28 SEPTEMBER 2021 AND 26 OCTOBER 2021
PLANNING BOARD MEETINGS.

1. Our office is in receipt of the response to our comments dated 26 October 2021 and the updated Public Hearing comment responses. Based on the responses, our office offers nothing further.
2. Our office is also in receipt of the letter dated 3 November 2021 from John P. Stopen Engineering, LLP. Our office notes two items from the letter:
 - The writer notes “ we do not expect the existing old fill that will be excavated out of the proposed building will require removal from the site”. Where does the applicant anticipate this soil to be stored?
 - The writer estimates that the proposed fill will require 229 dump truck loads at 14 cubic yards each.
3. Our office notes that the proposed site section identifies that the entire proposed footings will be in an area of fill material. Our office is concerned with the proposed building being placed on the proposed fill area, however the applicant has provided a Geotechnical study with notes provided on Sheet L-2.00 identifying said recommendations for the foundation design.
4. The applicant has provided the response from SHPO dated 12 November 2021. The response should be discussed.
5. The undersigned has updated the Part 2 SEAF for the Board’s review this evening.

Respectfully submitted,

MHE Engineering, D.P.C.

A handwritten signature in black ink, appearing to read 'Shawn E. Arnott', written over a horizontal line.

Shawn E. Arnott, P.E.

SEA/kbw

i:\village of chester - planning board\000 - comments 2020 & 2021\21-02 - advance auto site plan\21-02 advanced auto sp 11-16-2021-draft.docx

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Project: Advance Auto Site Plan/ Subdivision

Date: 16 November 2021

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
 ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)



VILLAGE OF CHESTER
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: ADVANCE AUTO SUBDIVISION
PROJECT LOCATION: 93, 95 & 97 BROOKSIDE AVENUE
SECTION 107 – BLOCK 02 – LOTS 08.21, 09.01 & 09.02
PROJECT NUMBER: 21-06
DATE: 16 NOVEMBER 2021
CONSULTANT: CT MALE ASSOCIATES
PLAN DATE: 29 SEPTEMBER 2021
DESCRIPTION: THE APPLICATION PROPOSES THE CONSOLIDATION OF THE EXISTING THREE LOTS AND SUBDIVISION OF THE PROPOSED COMBINED LOT INTO TWO LOTS FOR THE SITE OF THE PROPOSED ADVANCED AUTO AS WELL AS THE EXISTING HISTORIC STRUCTURE SITE. THE APPLICATION WAS PREVIOUSLY REVIEWED AT THE 26 OCTOBER 2021 PLANNING BOARD MEETING. THE APPLICATION IS BEFORE THE BOARD FOR PUBLIC HEARING THIS EVENING.

1. The application proposes the consolidation of three lots and subdivides the proposed Advance Auto as a separate lot from the existing historic house which is noted to be offered for dedication to the Village of Chester or its authorized designee.
2. The project was referred to Orange County Planning following the last Planning Board meeting; however the 30 day time period has not expired.
3. The Planning Board authorized the re-circulation for Lead Agency to include the Site Plan and Subdivision. The circulation was done after receipt of the plans and revised EAF on 8 November 2021.

Respectfully submitted,

MHE Engineering, D.P.C.



Shawn E. Arnott, P.E.

SEA/kbw

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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: Brookside Avenue Development LLC

Project Name: Advanced Auto Subdivision

Proposed Action: Minor Subdivision to merge three existing developed lots and redraw parcel boundaries to create two new parcels

Reason for County Review: Within 500 feet of NYS Routes 17M and 17/I-86

Date of Full Statement: October 27, 2021

Referral ID #: CHV 09-21N

Tax Map #: 107-2-8.21, 9.1, 9.2

Local File #: PB-21-06


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 have no advisory comments regarding this application.

County Recommendation: Local Determination

Date: November 8, 2021

Prepared by: Megan Tennermann, AICP
Senior 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
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: NICOTRA LOT LINE CHANGE
PROJECT LOCATION: 1 CARDILLO LANE (PRIVATE ROAD)
SECTION 106 – BLOCK 01 – LOTS 3 & 4
PROJECT NUMBER: 21-07
DATE: 16 NOVEMBER 2021
CONSULTANT: JAMES A. DILLON, PLS
PLAN DATE: 28 OCTOBER 2021
DESCRIPTION: THE PROPOSED PROJECT CONVEYS 0.153 ACRES FROM LOT 3 TO LOT 4.
THE PROJECT WAS PREVIOUSLY REVIEWED AT THE 26 OCTOBER 2021
PLANNING BOARD MEETING.

1. The applicant has provided an updated Zoning Bulk Table for the proposed use. The existing SBL should be referenced on each lot for ease of reference.
2. Regarding the Bulk Table, the building envelope should be shown on each of the proposed lots. Further, the minimum dimensions should be included on existing SBL 106-1-3 and Lot 1.
3. The Board previously requested that a note be added to the plans that Lot 1 should only be used for agricultural purposes. The note should state “not for residential purposes.”
4. The application was previously referred to Orange County Department of Planning. Any response to this referral should be discussed.
5. The Board previously typed the action a Type II Action under SEQRA.

Respectfully submitted,

MHE Engineering, D.P.C.

A handwritten signature in black ink, appearing to read 'Shawn E. Arnott'.

Shawn E. Arnott, P.E.

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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: Joseph Nicotra

Project Name: Nicotra Lot Line Change

Proposed Action: Minor Subdivision to adjust property lines between two existing developed parcels

Reason for County Review: Within 500 feet of parkland owned and operated by Orange County (the Orange County Heritage Trail); within 500 feet of the Town of Chester/Village of Chester boundary

Date of Full Statement: October 27, 2021

Referral ID #: CHV 10-21N

Tax Map #: 106-1-3 and 4

Local File #: PB-21-07

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:

Variances Needed: The proposed lot configuration will require approval from the Town of Chester Zoning Board of Appeals for variances to the minimum front yard setback and minimum side yard setback for the existing structure on proposed Lot 2.

County Recommendation: Local Determination

Date: November 8, 2021

Prepared by: Megan Tennermann, AICP
Senior 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.

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VILLAGE OF CHESTER PLANNING BOARD 2022 SCHEDULE

<u>WORK SESSION REQUEST DEADLINE</u> <i>WEDNESDAY AT NOON</i>	<u>WORK SESSION DATE</u> ^a <i>1ST THURSDAY OF EACH MONTH STARTS AT 1:30 PM</i>	<u>MEETING SUBMITTAL DEADLINE</u> ^b <i>THURSDAY AT NOON</i>	<u>MEETING DATE</u> ^b <i>4TH TUESDAY OF EACH MONTH STARTS AT 7:00 PM</i>
JANUARY 5, 2022	JANUARY 6, 2022	JANUARY 13, 2022	JANUARY 25, 2022
FEBRUARY 2, 2022	FEBRUARY 3, 2022	FEBRUARY 10, 2022	FEBRUARY 22, 2022
MARCH 2, 2022	MARCH 3, 2022	MARCH 10, 2022	MARCH 22, 2022
APRIL 6, 2022	APRIL 7, 2022	APRIL 14, 2022	APRIL 26, 2022
MAY 4, 2022	MAY 5, 2022	MAY 12, 2022	MAY 24, 2022
JUNE 1, 2022	JUNE 2, 2022	JUNE 16, 2022	JUNE 28, 2022
JULY 6, 2022	JULY 7, 2022	JULY 14, 2022	JULY 26, 2022
AUGUST 3, 2022	AUGUST 4, 2022	AUGUST 11, 2022	AUGUST 23, 2022
AUGUST 31, 2022	SEPTEMBER 1, 2022	SEPTEMBER 8, 2022*	SEPTEMBER 20, 2022*
OCTOBER 5, 2022	OCTOBER 6, 2022	OCTOBER 13, 2022	OCTOBER 25, 2022
NOVEMBER 2, 2022	NOVEMBER 3, 2022	NOVEMBER 9, 2022*	NOVEMBER 15, 2022*
NOVEMBER 30, 2022	DECEMBER 1, 2022	DECEMBER 6, 2022*	DECEMBER 13, 2022*

*Earlier Submittal Date due to Holiday.

PLEASE NOTE:

^a Work Session appearances are scheduled by request in accordance with the dates listed above. Please call the Village Office at 845-469-2388 to schedule an appearance. The Work Session is a technical discussion between the applicant and Planning Board members and consultants. The public is welcome to attend and observe Work Session proceedings.

^b THE DEADLINE TO BE PLACED ON THE AGENDA FOR THE REGULAR PLANNING BOARD MEETING IS THE MEETING SUBMITTAL DATE.

This schedule will remain in effect unless otherwise noted or revised by the Village of Chester Planning Board.