

MINUTES
VILLAGE OF CHESTER PLANNING BOARD
JULY 26, 2022
REGULAR MEETING

PRESENT: Vincent RAPP, Chair
Jeffrey KNIGHT, Member
William MURRAY, Member
Gene WINTERS, Co-Chair
Simon ZIEGLER, Member
Gene WINTERS, Member

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

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

Chair Rappa opened the Regular Meeting at 7:10 PM.

MINUTES

Review Draft June 21, 2022 Planning Board Meeting Minutes. ***MOTION** made by Member Ziegler, second by Member Murray, to **ACCEPT THE MINUTES AS DRAFTED**. Motion passed 5-0.

CORRESPONDENCE

None

CODE ENFORCEMENT OFFICER REPORT

Presented by John Orr (copy attached)

WORK SESSION REVIEW

PROJECTS FOR REVIEW

1. Project # PB-20-01 Project Name: Donnelly Site Plan
Applicant/Owner: Lewis Donnelly
Location: 7-9 Greycourt Avenue (105-1-4 & 105-1-5 / B-1 Zone)
Re: Approval Extension for Proposed Commercial / Residential Building

Lewis Donnelly, Applicant, provided a project overview:

- Granted approval for the development of a 3-story building with first floor retail and apartments on the second and third floors at the July 14, 2020 Planning Board meeting.
- The proposed building would consist of 6 1-bedroom units and 3 store fronts.
- The original Site Plan was signed on January 28, 2021.
- The lots have been merged with a new SBL of 105-1-4.2.
- Applicant showed the Board the document from the County regarding the merged lots. Applicant will forward a copy of that document to the Planning Board.
- Applicant demolished the existing structures and cleaned the lot up to prepare for the approved building.
- Applicant then had medical issues and was not able to continue the project.
- Applicant is requesting an extension of the approval to complete the project.

General discussion was held regarding:

- Chair Rappa asked Planning Board Attorney Stephen Honan for his comments on the extension request.
- Planning Board Attorney Stephen Honan noted he was not with the Board when the project was approved but has been provided with a copy of the resolution approving the site plan. He also noted:
 - As part of the approval, the project completion date was June 2021.
 - There has been no request for an extension until today.
 - Under the Village's Code for site plan approvals (Chapter 98 Zoning, Article VI Site Plan Approval), § 98-30.1 Commencement of construction, which provision basically states that final site plan approval will be null and void if the applicant has not started construction within six months from the date of final site plan approval, unless the applicant has filed for an extension of time to start construction within six months of receiving final site plan approval. From what I can tell, that was not done. I believe from what our Code, the approval would be null and void.
 - There's also § 98-30.2 Expiration of site plan approval, which basically states that as part of the approval the completion date was June 2021 and the applicant was required to make the application for extension. Unfortunately, that was not done.
- A building permit for demolition of the existing structures was issued on September 30, 2020.
- With a new application, the Board would review SEQRA and possibly expedite the approval process.
- Could the Board make a motion to approve the extension if there's no new plans to review?
- Could the Board restamp the original site plan with a new approval date?
- The applicant would like to start construction in the next few months.
- The applicant will submit a new application with short EAF for review at the next Planning Board meeting.

2. Project # PB-22-01 Project Name: Aversa Sub-Division

Applicant/Owner: Arthur & Allison Aversa
 Location: 20 High Street (104-5-7.1 / RS Zone)
 Re: Proposed 2 lot sub-division

Jim Dillin, PLS, provided a project overview:

- At the Board's request, he located all the utilities that feed both houses. They are individually serviced by separate water and sewer lines. The sewer line goes all the way to Main Street.
- Planning Board Attorney Stephen Honan clarified where the water and sewer later connected.
- The walking easement was added to lot 2.
- Applicant is requesting to be referred to the Zoning Board of Appeals.

MHE's comments reviewed (copy attached) and general discussion held:

- The applicant should widen and extend the paved driveway 20 to 30 feet past the house for emergency vehicle access.
- The applicant noted there are wires for utilities over the driveway that could interfere with emergency vehicle access.
- Next step is to refer the applicant to the Zoning Board of Appeals for variances.

***MOTION** by Member Winters, second by Member Ziegler to **DECLARE THE VILLAGE OF CHESTER PLANNING BOARD'S INTENT TO BE LEAD AGENCY FOR SEQRA.** Motion passed 5-0.

***MOTION** by Member Winters, second by Member Ziegler to **REFER THE APPLICANT TO THE ZONING BOARD OF APPEALS.** Motion passed 5-0.

***MOTION** was made by Member Murray, second by Member Knight, to **REFER THIS APPLICATION TO ORANGE COUNTY PLANNING UNDER GENERAL MUNICIPAL LAW §239 M AND N.** Motion passed 5-0.

3. **Project # PB-22-02** **Project Name: 1 Howland Street Change of Use**
Applicant/Owner: T & K Estates, LLC - Yoel Kohn, Owner
Location: 1 Howland Street (102-1-15.21 / B1 Zone)
Re: Change of Use

Richard Croughan, Esq., provided a project overview:

- Property is completely surrounded by streets.
- The applicant is proposing warehouse and offices.
- Parking has been added – the code requires 9 parking spaces and they've shown 9 spaces on the site plan, including handicap.

MHE's comments reviewed (copy attached) and general discussion held:

- CEO John Orr reviewed an alternate parking option with the Planning Board, Planning Board Engineer Jamison Zajac, the applicant's engineer Mike Puzio and the applicant, Yoel Kohn.
- CEO John Orr requested the applicant move the dumpster away from the building to avoid the potential for a dumpster fire to spread to the structure.
- CEO John Orr noted a "bump" on the property that isn't included in the plans. He requested the applicant include that on the plans.
- Member Winters thanked the applicant for including a floor plan with the submission.

***MOTION** was made by Member Winters, second by Member Murray, 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 5-0.

***MOTION** was made by Member Knight, second by Member Murray, to **REFER THIS APPLICATION TO ORANGE COUNTY PLANNING UNDER GENERAL MUNICIPAL LAW §239 M AND N.** Motion passed 5-0.

***MOTION** was made by Member Knight, second by Member Ziegler, to **SCHEDULE THE PUBLIC HEARING FOR AUGUST 16, 2022.** Motion passed 5-0.

4. **Lorgan Re-Zone @ 9 Moffatt Lane**

Village Board referral of the proposed re-zone of 9 Moffatt Lane from RS to B-2

Village of Chester Code Enforcement Officer John Orr provided a project overview:

- The Planning Board was referred a zone change for a property owned by Clarence Lorgan.
- Clarence Lorgan owns the liquor store on Brookside Avenue, which is zoned B-2. He purchased the house behind the liquor store on Moffatt Lane. What he'd like to do in that house is a mixed use. He'd like to keep the house a single-family home and use the basement for storage for his liquor store. As Mr. Lorgan advised the Village Board, he's

having a problem keeping up because the distributors want him to buy larger quantities. In order to stay competitive, he needs more storage space.

- He appeared at a few Planning Board Work Sessions to discuss the options and decided the best option was to re-zone the single-family home to a business use.
- If the Village Board approves the zone change, it would become a B-2 use, the residential use becomes pre-existing, non-conforming. The pre-existing, non-conforming use can stay there forever and can be replaced within one year and in the exact same footprint if it was destroyed by a natural event.
- The zone change is a Village Board project. They decide on re-zoning a property. They referred the project to the Planning Board and the Planning Board is charged by Code to answer 5 specific questions per § 98-40(B).
- While the Village Board was reviewing this application, they noted that during the Comprehensive Plan process, other properties that should be re-zoned were identified. They could not refer all properties to the Planning Board at this time as the list of properties was not prepared for that meeting, so they could not refer all the properties to the Planning Board at that time. The Planning Board could include the list of properties to be re-zoned in their response to the Village Board.
- The Board was shown the additional properties on a map.
- Principal Permitted Uses in the M2, B2 and B1 Zoning Districts were reviewed.
- After discussing the properties, the Planning Board decided to review Clarence Lorgan's zone change request and table the additional properties presented tonight so they can further review that request.

§ 98-40(B) Report of Planning Board.

In making such report on a proposed amendment, the Planning Board shall make inquiry and determination concerning the items specified below:

B. Concerning a proposed amendment involving a change in the Zoning Map:

- (1) Whether the uses permitted by the proposed change could be appropriate in the area concerned.

The Board discussed the question and voted:

Roll Call:	Chair Vincent Rappa	Yes
	Member Jeffrey Knight	Yes
	Member William Murray	Yes
	Member Gene Winters	Yes
	Member Simon Ziegler	No

- (2) Whether adequate public-school facilities and other public services exist or can be created to serve the needs of any additional residences likely to be constructed as a result of such change.

The Board discussed the question and voted:

Roll Call:	Chair Vincent Rappa	Yes
	Member Jeffrey Knight	Yes
	Member William Murray	Yes
	Member Gene Winters	Yes
	Member Simon Ziegler	Yes

- (3) Whether the proposed change is in accordance with any existing or proposed plans in the vicinity.

The Board discussed the question and voted:

Roll Call:	Chair Vincent Rappa	Yes
	Member Jeffrey Knight	Yes
	Member William Murray	Yes
	Member Gene Winters	Yes
	Member Simon Ziegler	Yes

- (4) The effect of the proposed amendment upon the growth of the Village as envisaged by the Comprehensive Plan.

The Board discussed the question and voted:

Roll Call:	Chair Vincent Rappa	Yes
	Member Jeffrey Knight	Yes
	Member William Murray	Yes
	Member Gene Winters	Yes
	Member Simon Ziegler	Yes

- (5) Whether the proposed amendment is likely to result in an increase or decrease in the total zoned residential capacity of the Village and the probable effect thereof.

The Board discussed the question and voted:

Roll Call:	Chair Vincent Rappa	Yes
	Member Jeffrey Knight	Yes
	Member William Murray	Yes
	Member Gene Winters	Yes
	Member Simon Ziegler	Yes

***MOTION** was made by Member Knight, second by Member Murray, **AUTHORIZING PLANNING BOARD ATTORNEY STEPHEN HONAN TO DRAFT A RESPONSE TO VILLAGE BOARD CONSISTENT WITH THE PLANNING BOARD'S DISCUSSIONS TONIGHT AND AUTHORIZING THE CHAIR TO SIGN THE RESPONSE.** Motion passed 5-0. Meeting adjourned at 9:27 PM.

GENERAL DISCUSSION

Chair Rappa asked if anyone had anything else to discuss and there were no other comments.

ADJOURNMENT

***MOTION** was made by Member Winters, second by Member Ziegler, to **ADJOURN THE MEETING.** Motion passed 5-0. Meeting adjourned at 9:27 PM.

Respectfully Submitted,



Sandra VanRiper
Planning Board Secretary

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

July 26, 2022

Steris – Nucifora Blvd.
1– Steel going up.

Noble – 4 Chester Acres Blvd
1- Renovation continues.

Beer World 35 Brookside Ave
1- Now open.

92 Main Street
1- Work continues.

25 Oakland Ave.
1- Roof now complete.

12- Meadow Ave
1- Interior work underway.

Chester Elite
1- Now open.

3 Winkler Place
1- Soap Store now open.

44- Main Street
1- Work almost complete.

95-97 Brookside Ave
1- Issued permit for demo and site work.

78 Brookside Ave.
1- Issued permit for store preparation for physical therapy office.

Regards,

John S. Orr
Code Enforcement Officer



VILLAGE OF CHESTER
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: AVERSA SUB-DIVISION
PROJECT LOCATION: 20 HIGH STREET
SECTION 104 – BLOCK 05 – LOT 7.1
PROJECT NUMBER: 22-01
DATE: 26 JULY 2022
CONSULTANT: JAMES A. DILLON, PLS
PLAN DATE: 11 JULY 2022
DESCRIPTION: THE PROJECT PROPOSES THE 2 LOT SUB-DIVISION FOR TWO EXISTING DWELLINGS. THIS PROJECT WAS PREVIOUSLY REVIEWED AT THE 21 JUNE 2022 PLANNING BOARD MEETING

1. The application is proposing the two lot sub-division of an existing 0.5531 acre property with two existing dwellings. Proposed Lot #1 would be 0.3144 acres and include a single family house. Proposed Lot #2 would be 0.2387 acres and include the existing carriage house apartment and garage. The applicant has included a Zoning Bulk Table which appears correct for the proposed zone and use, however the applicant has noted that proposed Lot #2 does not meet the minimum requirements for Lot Area and Lot Width. Therefore, both will require a variance from the Town's Zoning Board of Appeals. As such, it is my recommendation that the Planning Board deem this application incomplete and forward the application to the Zoning Board of Appeals for the necessary action.
2. The Village Project Number listed on the Site Plan should be changed to 22-01.
3. The Site Plan now shows the locations of the existing municipal water supply and wastewater utilities, which separately service both existing dwellings. Please also list or provide the following if available: type/size of each connecting service, any existing easements for Lot 2 sewer line extending into adjacent property.
4. Please note on the plans that the proposed 10' wide easements across Proposed Lot #2 is in favor of Lot 1.
5. There was concern during Work Session discussions regarding fire access for the carriage house (Lot #2). The applicant should consider driveway improvements as part of this project, specifically paving a portion of the existing gravel drive so that the limits of driveway pavement extend to the front corner of the house. Similarly, the steepness of the existing driveway should also be further investigated for potential concerns. The Fire Inspector should provide comment.
6. Our office will continue review after the receipt of the necessary variances.

NEW YORK OFFICE

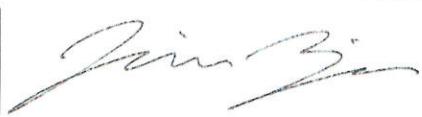
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PENNSYLVANIA OFFICE

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Respectfully submitted,

MHE Engineering, D.P.C.

A handwritten signature in black ink, appearing to read "Jamison Zajac", is written over a horizontal line.

Jamison Zajac, P.E.
Senior Engineer

JZ/st



VILLAGE OF CHESTER
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: 1 HOWLAND STREET- CHANGE OF USE
PROJECT LOCATION: 1 HOWLAND STREET
SECTION 102 – BLOCK 01 – LOT 15.21
PROJECT NUMBER: 22-02
DATE: 26 JULY 2022
CONSULTANT: ENGINEERING & SURVEYING PROPERTIES, PC
PLAN DATE: 12 JULY 2022
DESCRIPTION: THE PROJECT PROPOSES THE USE CHANGE OF AN EXISTING 2 STORY COMMERCIAL BUILDING. PROJECT IS BEFORE THE BOARD FOR ITS INITIAL APPEARANCE THIS EVENING.

1. The application is proposing the change of use for an existing 6,356 S.F. commercial building on an existing 0.329 acre property within Zoning District B-1. The proposed use will be for a wholesale establishment for an HVAC company, with a mix of office space and storage. The applicant has included a Zoning Bulk Table for the proposed zone and use, including requirements considered existing/non-conforming.
2. This project is within a 500-foot distance from the Orange County Heritage Trail and, as such, must be referred to the Orange County Planning Department as per New York State General Municipal Law (GML 239).
3. The Planning Board should determine, for the record, if a Public Hearing will be required for this Site Plan, per its discretionary judgment under Section 98-28 (B) of the Village Code.
4. Our office recommends that the Board determine this a minor temporary use of land having negligible or no permanent impact on the environment, a Type II action, which would conclude SEQRA. The Planning Board should discuss with the Attorney for the Planning Board.
5. The Site Plan Sheet C-1 proposes two parking spaces which require drivers to back out into the Village roadway (Howland Street), which our office does not recommend.
6. The number of required off-street parking spaces for the building's non-warehouse area was calculated using the District B-1, "Office" use requirement of 1 spot for every 500 S.F. of floor area. The building inspector should review and determine if this is acceptable.
7. There was concern during Work Session discussions regarding the sequence of employee parking on-site. The applicant stated that company-owned vehicles (trucks, vans, etc.) would be parked overnight on-site and would be replaced by employee vehicles each morning. This would involve having to temporarily park and leave one's vehicle each time this occurs, which may not be ideal. The applicant should comment if this is still the planned employee parking sequencing, and if so, the Board should review if this is acceptable.

NEW YORK OFFICE

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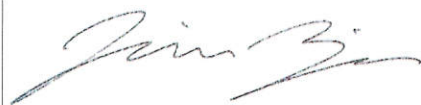
PENNSYLVANIA OFFICE

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8. The building inspector should confirm the sewage use and output will not result in a significant increase from the previous building user.
9. Since this property is completely encompassed by public roadways, each side should be considered a "Front Yard". Therefore, 2.8' should be the restricting Front Yard setback distance listed on the Bulk Table and would be considered an existing/non-coforming condition.
10. The Handicap Access Aisle space is shown with an 8' width on Sheet C-1, but the detail on Sheet C-2 shows a 9' minimum width. Please clarify which is the desired width.
11. The Bollard Sign Post detail on Sheet C-2 should also show a maximum sign install height of 7' above grade.
12. NO PARKING pavement marking should be provided for Handicap Access Aisle.

Respectfully submitted,

MHE Engineering, D.P.C.



Jamison Zajac, P.E.
Senior Engineer

JZ/st