

RESOLUTION OF APPROVAL

SITE PLAN

FOR

JOEL SCHREIBER

Nature of Application

Joel Schreiber, hereinafter referred to as "Schreiber," and/or the "Applicant," has applied for site plan approval seeking permission to operate the premises hereinafter identified for contractor storage, office use and buildings with outdoor storage of equipment, materials and manufactured products with an associated caretaker's residence to be located within the second floor of the existing building. Only one employee will be permitted to reside within the caretaker's residence.

The premises are located on a 1.0 acre +/- tract of land and have an address at 191 Lehigh Avenue.

The premises are located in the Industrial (I) Zoning District. The minimum lot size in the I District for the use proposed is 5 acres. The lot in question, however, is a preexisting, nonconforming lot. Site plan approval for the use described is sought pursuant to Section 98-9 of the Town Code entitled "***Nonconforming Buildings, Structures and Uses***", specifically Subdivision (J) which provides as follows:

Existing undersized lots of record in nonresidential zoning districts. The use of existing undersized nonresidential lots of record, when such lot is owned individually and separate from any adjoining tract at the time of the enactment of the subdivision, may be used for a permitted or special permit use in the zoning district in which it is situated subject to site plan review by the planning board.

Property Involved

The property affected by this resolution is shown on the Tax Maps of the Town of Chester as parcel(s) Section 3, Block 1, Lot 14.1.

Zoning District

The property affected by this resolution is located in the I Zoning District of the Town of Chester.

Plans

The Site Plan materials being considered consist of the following:

1. Completed application dated April 23, 2018.
2. Short Environmental Assessment Form dated May 31, 2018.
3. Plans prepared by Fellenzer Engineering, LLP Consultants, P.C. last revised October 3, 2018, consisting of 4 sheets.
4. Correspondence from project engineer, Fellenzer Engineering, LLP dated March 20, 2018.
5. Correspondence from project engineer, Fellenzer Engineering, LLP dated May, 2018.
6. Correspondence from project engineer, Fellenzer Engineering, LLP dated June 14, 2018.
7. Correspondence from project engineer, Fellenzer Engineering, LLP dated September 18, 2018.
8. Correspondence from project engineer, Fellenzer Engineering, LLP dated October 10, 2018.

History

Date of Application

The application which is the subject of the Resolution was filed with the Planning Board in April of 2018.

Public Hearing

A public hearing was convened on July 18, 2018 and was closed that same evening.

SEQRA

Type of Action:

This matter constitutes an unlisted action under the State Environmental Quality Review Act.

Lead Agency:

The Town of Chester Planning Board is the lead agency in regard to this action.

Declaration of Significance:

A negative declaration was issued on October 17, 2018.

GML 239 Referral

This application has been referred to the Orange County Planning Department for review and report. The Planning Department has reported that this matter is one for local determination, there being no significant inter-municipal or countywide considerations found to exist.

However, the Orange County Planning Department did identify certain concerns that it wished to bring to the Planning Board's attention. Specifically, while noting that this site is already improved by a structure and accessory buildings and that no additional buildings are proposed on the site, the planning department nevertheless noted that the site is located in an archeologically sensitive area and suggested that a Phase IA Archeological Assessment and a Habitat Assessment Survey be conducted on the project site. Thereafter, at the specific direction of the Planning Board, the project engineer contacted the New York State Department of Parks, Recreation and Historic Preservation. Pursuant to correspondence dated August 30 2018, this department stated:

It is the New York State Office of Parks, Recreation and Historic Preservation's opinion that the project will have no impact on archeological and/or historic resources listed in or eligible for New York State National Register of Historic Places.

Findings

The Planning Board has determined that approval of this site plan will substantially serve the public convenience, safety and welfare in that the land to be improved is of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace. Further, the site plan is appropriate and consistent with the requirements of the master plan, the official map of the Town, Article V of the Town of Chester Site Plan Regulations and applicable zoning regulations, subject to compliance in full with conditions hereinafter imposed.

Resolution of Approval

NOW, THEREFORE, THE PLANNING BOARD RESOLVES to approve the final site plan application of Joel Schreiber as said proposal is depicted on the plans identified above and upon the conditions outlined below, and the Chairperson (or his designee) is authorized to sign the site plan map(s) upon satisfaction of those conditions below noted to be conditions precedent to such signing.

Specific Conditions

1. This approval is subject to compliance with the terms, conditions, notes and all provisions contained within and upon the "Plans" referenced hereinabove.
2. This approval is subject to compliance with those requirements that may be imposed by the Planning Board Engineer, Fusco Engineering and Land Surveying, P.C.
3. This approval is subject to compliance with those requirements that may be imposed by the Planning Board Landscape Architect, Karen Arent.
4. This approval is subject to compliance with those requirements set forth in the correspondence of Town of Chester Highway Superintendent Anthony LaSpina dated June 18, 2018.
5. This approval is subject to compliance with all applicable zoning regulations of the Town of Chester including, but not limited to, the location of accessory structures. In this regard, this Board does note that the 900 square foot accessory storage building shown in the front yard of the premises is permitted pursuant to a previously issued variance from the Town of Chester Zoning Board of Appeals. All other accessory structures must comply with applicable zoning regulations of the Town of Chester,

6. This approval is subject to compliance with all applicable provisions of the New York State Fire Prevention and Building Code including, but not limited to, compliance with all applicable regulations pertaining to the use of the second floor of the premises of a caretaker's residence.
7. As approved herein, the caretaker's residence is limited to one occupant. No additional occupants are permitted as the principal use of this structure is as stated hereinabove and not as a residence.

General Conditions

This approval is conditioned upon the applicant submitting all necessary copies of the plans to be signed, including mylars when required, to the Town of Chester Planning Board in accordance with the requirements of the Town Code.

This approval is further conditioned upon the applicant delivering (prior to signing of the plat) proof, in writing, that all fees—engineering, planning, legal and otherwise—in regard to this project have been fully paid. The plans shall not be signed until proof, satisfactory to the Chair, has been presented showing that all fees have been paid.

A FAILURE to comply with any such condition in a timely manner shall result, without further action, in a lapsing of this approval.

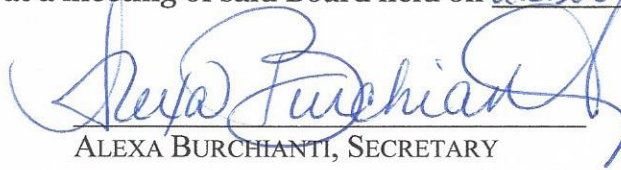
In Favor 6 Against 0 Abstain 0 Absent 1

Dated: 10/18/18



DONALD SEROTTA, CHAIRMAN
TOWN OF CHESTER PLANNING BOARD

STATE OF NEW YORK)
)ss:
COUNTY OF ORANGE)

I, ALEXA BURCHianti, Secretary to the Planning Board of the Town of Chester, do hereby certify that the foregoing is a true and exact copy of the Resolution maintained in the office of the Town of Chester Planning Board, said resulting from a vote having been taken by the Planning Board at a meeting of said Board held on October 17, 2018


ALEXA BURCHianti, SECRETARY
TOWN OF CHESTER PLANNING BOARD

I, LINDA ZAPPALA, Clerk of the Town of Chester, do hereby certify that the foregoing Resolution was filed in the Office of the Town Clerk on October 18, 2018


LINDA ZAPPALA, CLERK
TOWN OF CHESTER