

Chester Town Planning Board
1786 Kings Hwy
Chester, NY 10918

April 7, 2018

Re: The DeHaan Subdivision Proposal
@ 1389 Kings Hwy. Sugar Loaf, NY 10981

Mr. Serotta et al of the Chester Town Planning Board,

1 Dorian DeHann has proposed to subdivide the property located at 1389 Kings Highway in Sugar Loaf, NY, into 3 separate commercial lots. Surrounding residents in the Hamlet of Sugar Loaf have many concerns regarding this proposed subdivision. While residents understand that the proposal set forth contains only conceptual plans, we feel that approval of such a proposal would simply be opening the door for a series of consequent development that would serve as a detriment to our residents, our community and our environment. It is important to assert that we fully support the business district of Sugar Loaf and their efforts to draw successful businesses and artisans to the community. We know that the business district is struggling, and we want to stress the fact that we do not want to impede any efforts for growth, change or prosperity. Our primary concern is to simply protect our residential community and our quality of life so that residents and businesses can coexist amicably.

2 One major concern is that the subdivision proposal would create a parking lot and its subsequent driveway directly off of Creamery Pond Rd., a residential street. This driveway would be located just feet from the corner of Creamery Pond Rd. and Pine Hill Rd., which is already a very dangerous intersection containing limited sight distance, an incline, and a blind curve. There have already been numerous accidents at this intersection. If a 1400 square foot, two-story building was constructed at the intended location on site 2, it would completely obscure the view of drivers attempting to make the turn onto Pine Hill Rd., greatly increasing the likelihood for accidents.

3 To further emphasize the hazardous conditions of the Creamery Pond Rd. and Pine Hill Rd. intersection, it is appropriate to note that during times of increased traffic in our hamlet due to local festivals, the Chester Police Department routinely lines the entire side of the road, where the Dehaan driveway is proposed, with cones to prevent driving and parking. This is done as a safety measure, as the police are aware of the dangerousness of the intersection. To further support the residents' concern regarding safety at this particular location, it should be noted that when applying for mail delivery with the United States Postal Service, a cluster box was denied at this same location due to its poor position and the safety hazard presented to both delivery persons and residents stopping there to acquire or distribute mail.

3 For these reasons, residents would like to request a traffic/safety study to be conducted at the Creamery Pond Road and Pine Hill Road intersection.

4 In addition to the precarious traffic situation, the location of the proposed driveway is directly in the middle of a Warwick Valley Central School District bus stop. Between Creamery Pond Rd. and its secondary street, Fox Hill Rd., there are approximately 85 households which are home to over 40 children attending public schools. Due to the length of the block, and therefore the distance between many of the homes and the bus stop, nearly all children are driven to this corner each morning and afternoon. On any given day, there can be 10+ vehicles parked on both sides of the road waiting for the school bus. With vehicles flanking both sides of the street four times a day (High School/Middle School, and Elementary School – both for pick-up and drop-off), the street is already quite narrow and difficult to navigate for vehicles turning onto the block. This condition is exacerbated during inclement weather, especially when snow is plowed. To place a commercial driveway directly through this bus stop would be absolutely perilous to the safety and well-being of the children and residents whom have no choice but to park or stand at this location daily.

5 In addition to safety concerns, Sugar Loaf residents also have economic concerns regarding this subdivision. As previously noted, local residents are hopeful that the business district will begin its return to a thriving, lively village and look forward to supporting both current and incoming businesses. However, there are apprehensions about adding additional commercial spaces to the village when there is already an excess of commercial and mixed-use properties that are unoccupied and unmaintained. Currently, the village of Sugar Loaf has storefronts and commercial buildings that are crumbling from lack of use, and we have yet to see a demand for such properties. Many residents have expressed a desire to invest in our community by first ensuring that the properties that already exist are being occupied and maintained before creating additional lots. Giving the green light to create an even greater surplus of storefronts without the demand may serve to have a negative impact on our small community.

6 A further concern expressed by local homeowners is the possibility of this subdivision to create an issue with storm water runoff. An increased amount of blacktop from the driveway and 2 parking lots, coupled with the loss of trees, grass, and natural terrain that would absorb water creates a situation in which the increased gutter drainage from the 2 additional buildings has the ability to run down from the current property, as it is elevated well above street level. There is fear this may affect the directly adjacent properties, especially those on Creamery Pond Rd., as it is of lower elevation and the water will naturally channel down towards those homes. In fact, worried homeowners already experience quite a bit of runoff from the large, paved driveway of the church next store.

7 In regard to local law, Chester Town Code 83-19 Street Layout, Section B- Arrangement, Article 8 states, "Commercial or industrial subdivisions shall not interconnect to an existing residential subdivision except for emergency access and at the Planning Board's discretion." Under this proposed subdivision, multiple commercial properties would be made to interconnect to the

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existing residential subdivision of Creamery Pond Road. Additionally, **Chester Town Code 83-19 Section C** states "Minor streets shall be so laid out that their use by through traffic will be discouraged, but interconnections will be encouraged to provide for multiple access points to collector streets and for emergency services." While the subdivision proposal labels its included road as a "driveway", it would, in fact and function, serve to connect the residential street of Creamery Pond Rd. with Kings Highway, and in doing so, encourage unwanted through-traffic.

8

Sugar Loaf residents are proud of our community and committed to its vitality and success. While we look to support all measures that would improve the economic health of our hamlet, we feel that creating this subdivision would serve as more of a detriment than an asset to our village. This subdivision looks to house 3 buildings, a garage, 2 parking lots, a driveway, a roadway, and a pedestrian walkway all on to less than 1 acre of property. While the plans may be well-constructed and to code, we feel it has the potential to disturb our quality of life and create a danger to the environment and safety of our residents.

Below, you will find a list of Sugar Loaf residents who oppose this subdivision for the reasons above.

We hope that the board will hear our concerns when making the decision for the approval of this plan.

ADDENDUM

Chester Town Planning Board
1786 Kings Hwy
Chester, NY 10918

April 7, 2018

Re: The DeHaan Subdivision Proposal
@ 1389 Kings Hwy. Sugar Loaf, NY 10981

Mr. Serotta et al of the Chester Town Planning Board,

The following is a requested addition to the community response regarding the subdivision of the DeHaan property located at 1389 Kings Hwy. Sugar Loaf NY, 10981:

9 [Residents, when spoken to, have expressed concern regarding light and noise pollution associated with the creation of this subdivision. The placement of multiple buildings, parking lots, a roadway, a pedestrian walkway, and a public seating area with benches and a fountain, will likely increase the noise generated from the property exponentially. In addition, creating a through-way to Kings Hwy. and the additional parking lots will create a large increase in the lights from vehicles during late night and early morning hours. With the driveway directly facing homes on Creamery Pond Rd., this has the potential to greatly disrupt the quality of life of local residents.

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6 Creamery Pond Rd



7/3/18

DORIAN DEHAAN

[Signature]

JOHN CONDATORE

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RE: DeHaan/Condatore Subdivision

Below is our rebuttal statement to petitions made by the Creamery Pond development petition dated April 7, 2018 to include an Addendum statement also dated April 7, 2018. Please note that all comments are specifically related to those marked by paragraph numbers on a copy of the original document as submitted with this rebuttal.

Paragraph #1:

"We feel that approval of such a proposal would simply be opening the door for a series of consequent development that would serve as a detriment to our residents, our community, and our environment."

We are also residents and members of this community and feel that we are entitled to develop our property in accordance with the zoning laws that have been in place for the district, long before the Creamery Pond development was ever built. Residents of the Creamery Pond development (and one resident from Sugar Loaf Hills who resides on the other side of the County Route 13 bypass) bought into a development that backs up to the LBSL district. These residents were well aware of the proximity of the business district to their properties, as well as all of the amenities that it offers to these residents and to the general public. We purchased our property back in 2005 as an investment to a business that allowed exposure on the main road; we invested knowing that the parcel was sub-dividable and had every intention of doing so in the future. The lot was sold to us as a sub-dividable corner lot and we paid a premium for that.

We do not believe that our project would serve as a detriment to the Creamery Pond development, or the community as a whole. Rather, we see our project as adding amenity to the existing community which is important for business district growth. If you study urban growth, the most popular locations to live are those directly adjacent to urban centers (or business districts), and they have the effect of increasing property values. They are far from anything detrimental. Furthermore, there are no environmental concerns with our project. We are not disturbing any natural habitat and water drainage would be through pervious materials as indicated on the plans. The idea that our project would be detrimental to the environment is completely unfounded.

Paragraph #1

"we fully support the business district of Sugar Loaf and their efforts to draw successful businesses and artisans to the community" "we do not want to impede any efforts of growth, change, or prosperity."

How can the petitioners say that they "fully" support the business district if they don't support the growth of business? Our project represents positive growth to the business community and without growth, communities perish. This action by the petitioners is doing exactly what they say they don't want to do; they are impeding efforts of growth and change. As aforementioned, we purchased this property as an investment, first in order to run a business, and subsequently to subdivide with the intention of helping to grow the business district. A denial of our project would be hindering the responsible growth of the community, as well as affecting our prosperity.

We started this process eleven (11) years ago when the plans at the time showed a design studio at the top of a newly constructed garage. [After 15 visits to the Planning (x9) and Zoning (x6) Boards over the course of two years, no votes were ever taken to allow me to grow my business outside of my dining room table. A simple variance would have given me the opportunity to grow my business exposure, and it was all that the Planning Board needed to give me approvals. The project was left in limbo by the Zoning Board to the extreme detriment to my business, and thus personal, prosperity. I am asking that the Planning Board consider the hardship that it has caused me and my business over this period of time]

****A Master Plan for the hamlet of Sugar Loaf was designed by a professional planner and subsidized by the County of Orange. The plan indicates the importance of growth in the business district to include walkways, wayfinding, and infrastructure needs.****

Paragraph #2

"This driveway would be located just feet from the corner of Creamery Pond Rd and Pine Hill Rd, which is already a very dangerous intersection containing limited site distance, an incline, and a blind curve"..."would completely obscure the view of drivers attempting to make the turn onto Pine Hill Rd"

The proposed driveway starts at approximately fifty (50) feet or more from Pine Hill Road with the other side being seventy (70) feet away. It is considerably more the "just feet away" and the petitioner photos do not accurately depict the actual site measurements or conditions. The view of drivers attempting to make a turn onto Pine Hill Rd would not at all be obscured; it seems clear from the petitioners' statement that they do not have a clear understanding of scale. You would have to drive past the building to approach the existing stop sign; at the stop sign the building would no longer be in view. Again, the actual site measurements and conditions are not accurately depicted in the photographs supplied. In addition, the proposed building would be no larger than any of the typical one-family homes on Creamery Pond Rd.

As far as limited site distance is concerned, once you pull up to the stop sign at the intersection of Creamery Pond Road and Pine Hill Rd, you have a clear view up the hill to the left. You also have a clear view toward Kings Highway while stopped at the sign. So the site distance is not limited in this direction. There is not limited site distance as you make a left onto Creamery Pond Road, nor would there be with the proposed building. Furthermore, the blind curve is on the opposite side of Pine Hill and our project would not cause any harmful effect on the existing condition. The limited site distance is from Kings Highway toward the Pine Hill Rd hill, a condition that would not be made worse because we are not asking for access onto Pine Hill Rd at that corner.

Paragraph #3

"due to local festivals, the Chester Police Department routinely line the entire side of the road, where the DeHaan driveway is proposed, with cones to prevent driving and parking. This is done as a safety measure, as the police are aware of the dangerousness of the intersection"

The police close off the road from Creamery Pond Rd to Kings Highway during the festivals but it is not because of a "dangerous intersection". They close it off because

they do not want cars heading toward the yield sign where they can access a high volume of pedestrian traffic on Kings Highway. The police divert the traffic from Wood Rd, down Pine Hill Rd, then around Creamery Pond Rd as a bypass to Kings Highway. If it were not safe, they would not re-route the traffic to Creamery Pond Rd.

Paragraph #3

“a cluster box was denied at this same location due to its poor position and the safety hazard presented to both delivery persons and residents stopping there to acquire and distribute mail”

Cluster boxes are better suited to their own kiosk with a pull-off drive through so that stopped cars do not block traffic. The denial of a cluster box is relative to proper planning of cluster box locations and building codes that regulate them. Denial would have been a safety issue based on life/safety traffic codes....not specifically because of the Creamery Pond Rd/Pine Hill Rd intersection, but more because the location would not be suitable to follow code.

Paragraph #4

“the location of the proposed driveway is directly in the middle of a Warwick Valley Central School District bus stop”....“the street is already quite narrow and difficult to navigate for vehicles turning onto the block”

It is our view that the school bus stop should not be located at the Pine Hill Rd/Creamery Pond Rd intersection regardless of our subdivision project. People do speed down from the top of the hill toward Sugar Loaf. It has never been a safe place for children. The Town Supervisor discussed this with the bus garage and they are contemplating a new location for the stop. A safer place would be in the middle of the subdivision, at Fox Hill, or at the theater parking lot where cars can park off the road to drop off and pick up their kids. The parking lot would be an ideal place for this to happen.

Most of the petitioners who spoke at the public hearing voiced concerns about the current safety of their children due to its location at the Pine Hill intersection. It seems to us that they should be petitioning the school system to change the location of the bus stop that already frightens them. We would like to petition the Town of Chester to place a 3-way stop at this intersection. The Highway Superintendent even called attention to the un-safe condition of a bus stop at this location. If there were a 3-way

stop, it would make the road much safer, regardless of our subdivision project. It would cause drivers to stop at the blind curve on the opposite side of Pine Hill Rd, it would force drivers that speed down Pine Hill Rd to slow down, and it would force all drivers to be more observant.

Creamery Pond Rd is not considered a "narrow" road. It is, in fact, wider than most rural roads in the town and is wider than Pine Hill Rd that connects it to Kings Highway. There is enough room to park cars on either side of the street and still have two-way traffic in between. Professional planners actually prefer that small parking lots empty onto local roads rather than collector streets such as Pine Hill Rd. This means that the driveway from that lot is placed in a preferable spot. Of the approximately '85' (its actually 66 from the satellite map) households that the petitioners list between Fox Hill Rd (mid-subdivision) and Pine Hill Rd, only ONE house is located on the stretch of road from Pine Hill Rd to where Creamery Pond Rd makes a 90-degree turn. Cars travelling in either direction on Creamery Pond Rd must drive particularly slower than the 30mph speed limit because the driver must navigate a 90-degree turn in either direction. This makes the location of the proposed driveway even safer.

Paragraph #5

"residents also have economic concerns regarding this subdivision. As previously noted, local residents are hopeful that the business district will begin its return to a thriving, lively village and look forward to supporting both current and incoming businesses".....Giving the green light to create an even greater surplus of storefronts without the demand may serve to have a negative impact on our small community"

This project will serve to attract more artisans in residence since we are proposing housing units above the retail space below. This mimics the existing unique nature of Sugar Loaf. Business district investments like this help to kick-start future growth in the communities (it's OUR community too...and we are business owners with the most at stake here), not send them into stagnation. Our design model would be contextual to the streetscape fabric in keeping with the rustic and rural nature of the hamlet.

Paragraph #6

“A further concern expressed by local homeowners is the possibility of this subdivision to create an issue with storm water run-off.”

Our plan shows pervious paver walkways and terraces. This means that water will drain right into the ground. In addition, we are proposing a fountain that could be fed through rain-water collection, an environmentally friendly way of capturing and re-using rain water. Furthermore, pervious paving materials are becoming more and more prevalent to help keep sites environmentally friendly while allowing for drainage of excess water. In addition, it is our engineer's job to make sure that all of our surface treatments address drainage so as not to affect nearby properties, via a sustainable approach. We do not see drainage as an issue.

Paragraph #7

Reference to “Chester Town Code 83-19, Street Layout”...“While the subdivision proposal labels its included road and a ‘driveway’, it would, in fact and function, serve to connect the residential street of Creamery Pond Rd and Kings Highway”

This plan does not, in any way, show a “through street”. Parking lots are not “through streets” and should not be treated as such. It would very clearly look like parking areas. The code states “but, interconnections will be encouraged to provide for multiple access points”. The driveway onto Creamery Pond Rd is an interconnection to provide multiple access points to the collector street of Pine Hill Rd. Professional planners opt for connections from small parking lots to “local” roads which then connect to “collector” streets. This plan not only offers emergency service access, it also offers very basic recommended civil land use planning.

Paragraph #8

“While we look to support all measures that would improve the economic health of our hamlet, we feel that creating this subdivision would serve as more of a detriment than an asset to our village.”...“While the plans may be well-constructed and to code, we feel it has the potential to disturb our quality of life and create a danger to the environment and safety of our residents”

Also of importance here is that this is OUR ‘hamlet’ and ‘village’ too. The difference is that we are actually part of the business district while the Creamery Pond neighborhood is part of the surrounding community. This is OUR livelihood that our Creamery Pond neighbors threaten to disrupt, even though they say they “support all measures” or “fully support the business district of Sugar Loaf”. It is clear to us that they do not “fully support” ALL business owners in the hamlet.

It is our opinion that the petitioners do NOT look to support ALL measures that would improve the economic health of the hamlet. As aforementioned, investment in communities attracts others to make investments....a sort of domino effect....“build it and they will come” so to speak. Adding more amenities to a business district only helps to enhance their character and vibrance. The more to see....the more reason to go. It will increase the tax base for the town while adding to its attraction.

There is no premise whatsoever that our project will create a danger to the environment. This statement is completely untrue and has no merit. Furthermore, the project will increase safety for the Creamery Pond residents by offering safe access into the hamlet via a beautifully landscaped, pervious walkway.

Paragraph #9 (Addendum)

“Residents, when spoken to, have expressed concern regarding light and noise pollution associated with the creation of this subdivision. The placement of multiple buildings, parking lots, a roadway, a pedestrian walkway, and a public seating area with benches and a fountain, will likely increase the noise generated from the property exponentially. In addition, creating a through-way to Kings Hwy and the additional parking lots will create a large increase in the lights from vehicles during late night and early morning hours. With the driveway directly facing homes on Creamery Pond Rd, this has the potential to greatly disrupt the quality of life of local residents”

There is a lot to comment on in this addendum to the original statement. The hamlet, in general, particularly at night, is not very noisy at all. Most of the noise in the community comes from lawn mowers and weed wackers, generated by the Creamery Pond subdivision residents, during the early spring to late fall months (April-September). The summer months are loud with all kinds of private parties. In addition, during the winter months the sound of snow blowers fills the air. Light pollution would not be an issue because there would be low landscape lighting along the walkway, with code regulated down lighting for the parking areas.

To set the record straight, there are only two buildings proposed....not multiple. There is only one shared parking lot with 11 parking spaces and 2 handicap spaces. We are not required by code to have this many spaces but thought the Planning Board would prefer more than less. We would be happy to decrease the number if preferred. There is no “roadway” on the plan. There is only one house, out of 66, that faces our subdivision project.

The public walkway is not only an aesthetic feature, it is also a safety feature to be used by our Creamery Pond neighbors. It will allow them a safe pedestrian access from Creamery Pond into the hamlet rather than walking along Pine Hill Rd....particularly during the day when families walk with small children and baby strollers down the street.

Are the petitioners willing to cut out all use of their motorized or electric lawn mowers, weed wackers, snow blowers to cut down on noise pollution? Are they willing to petition the church to stop ringing their bells at 12 noon and 6pm every day? Other than 2 yearly festivals, and the summer concert series, most of the noise pollution in the community comes from the Creamery Pond development and the church.