

MINUTES

VILLAGE of CHESTER PLANNING BOARD

MARCH 23, 2010

REGULAR MEETING

PRESENT: Richard RAMSDELL, Chairman
Anthony LA SPINA, Member
Gene WINTERS, Member
John REILLY, Member
John ORR, Code Enforcement Officer
Mark EDSALL, Engineer
Harold PRESSBERG, Attorney

NOT PRESENT: Robert JANKELUNAS, Member

REGULAR MEETING:

1. MINUTES:

Chairman Ramsdell stated that several drafts of Planning Board Meeting Minutes had been sent to the Planning Board members for review. He asked if there were any comments on the Minutes. There were none. Chairman Ramsdell requested a **Motion** to approve the Minutes for September 2009, October 2009, and November 2009 as drafted. A **Motion** was made by Member Winters, seconded by Member La Spina, to accept the Minutes as drafted. All in favor, none opposed. **Motion** carries.

2. CORRESPONDENCE:

Letter from: Orange County Department of Public Works
Dated: January 11, 2010
Re: Reviews and approvals for Site Plans, subdivisions, and services involving Orange County roads and lands. Letter will be kept on file.

3. C.E.O. REPORT: MARCH 23, 2010

Current projects that were inspected during the last month:

Lowe's:

1- Temporary Certificate of Occupancy has been extended.

Nexans:

1- General site work continues.

Zangrillo 4 Nicotra Lane

1- No work has started.

Atkin 4 Howland Ave

1- General site work continues.

Palumbo 2 School Street

1- General site work has started.

Green Meadows Apartments

1- Work is complete.
2- Certificate of Occupancy issued.

Flynn 8 Kerner Dr

1- General site work continues.

DePaulis

1- Phase II fill operation underway.

Respectively Submitted,

John S. Orr
Code Enforcement Officer

Code Enforcement Officer John Orr said that he had recently spoken with Lowe's representatives. The temporary Certificate of Occupancy issued to Lowe's may be in jeopardy.

Mr. Orr said that he has not received any calls regarding the trucks loading at Nexans. All construction and changes are finished. A lot of effort was put into the garage to mitigate noise from the neighbors. Plantings will be done in the Spring in order to finalize the Site Plan.

Member Winters asked if the Nexans water situation regarding the neighbors had been stabilized.

Mr. Orr said that both swales have been taken care of and that there is no major flow. Both swales are operating as they should be. He has received no phone calls from neighbors regarding water damage.

Chairman Ramsdell asked if the DePaulis site had been stabilized.

Mr. Orr said that the site is pretty well resolved, with seeding and a silt fence.

Member La Spina asked if hauling was still taking place.

Mr. Orr said that the hauling material was being taken from C&S, and that there is very little material there now. The C&S expansion project is being overseen by the Town Building Inspector. Today, Mr. Orr issued a Building Permit for the Trucker's Lounge and a small addition on the electrical room. The applicant should be building in the Village shortly.

Member La Spina asked how high the building in the back is.

Mr. Orr replied 75 ft., for high racking. If you look at the building from the Black Meadow Road side, half of the building on the left is 75 ft., the other (lower) half is 45 ft. The penthouse runs across the top of the 75 ft. section. The majority of the warehouse will be opened on June 1, 2010. The applicant wants to get into the lower section as soon as possible.

4. 144 Main Street Site Plan

Project #10-03

Owner: Andrew L. Palmer Estate

Applicant: Richard Palmer

Location: 144 Main Street SBL 111-7-22.2 (portion), 111-7-16 Zone: B1
Re: Site Plan - Former dwelling converted to Permitted Use Office/Retail

Jim Dillin, representing. Richard Palmer attending.

Mr. Jim Dillin stated that the applicant is seeking approval from the Board for the first story of this building to be used as an office building, with some retail in the office. A parking formula has been proposed. For 1,100 sq. ft. of office and 400 sq. ft. of retail, a total of 4 parking spaces is required. The handicapped space is on an adjacent piece of property owned by the Palmers (same Owner). Parking spaces 2, 3, and 4 are in the back. Everything is existing - only striping is needed in the parking lot.

Chairman Ramsdell said that up until now, there's been parking in the driveway.

Mr. Dillin said that the driveway will be for going in and out only. There is now the ability to pull into the property, turn around, and drive out.

Mr. Dillin said that the applicant has also included a Phase 2, which refers to the second story, if it is ever converted to an office. There are 1,500 sq. ft. on the second floor, the same as on the lower floor. If the second story is converted to an office, 3 more parking spaces would be required. They are shown on the plan as parking spaces 5, 6, and 7. Except for a few pieces of pavement, some handicapped signage, and striping, there's very little that we will change on the property. The new sign will be next to the driveway. This is shown on the Site Plan positioned in front of the existing building. Parking will be in the rear, with no parking on the driveway. There are also 3 spaces of off-site, on the street parking in front of the building. Phase 2 is shown on the plan so that if we want to, we can convert the second story without coming back to the Board.

Member Winters inquired about lighting. He was concerned about a lighting spillover to the neighboring properties.

Mr. Dillin said that there is residential exterior lighting. He said that there are no big spotlights or they would have been shown on the Site Plan.

Chairman Ramsdell asked if there are wall-mounted lights in the back of the building for parking spaces 5, 6, and 7.

Mr. Richard Palmer said that he is sure that the LP Building has lights. The LP Building has 4 or 5 lights. There is a porch light on the house.

Chairman Ramsdell asked if an Hours of Operation note is needed.

Engineer Mark Edsall said that these proposed uses would not be inconsistent with the zoning. There may be later hours for a couple of weeks during the year. It is a quiet office. The Board should look at it functionally so that it doesn't cause enforcement problems for the Code Enforcement Officer.

Chairman Ramsdell said that parking in the back mitigates the level of local activity.

Mr. Edsall said that at night, parking spaces 5, 6, and 7 might cause a headlight nuisance. He suggested putting up a fence or plantings to screen that.

Mr. Dillin asked if the screening should be back about 10 ft.

Mr. Edsall replied yes. Snow plow stockpiling was also discussed as not being negatively affected.

Mr. Dillin said that he will show this as an improvement on Phase 2.

Chairman Ramsdell asked for Mr. Edsall's comments. Mr. Edsall's comments are attached at the end of the Minutes.

Attorney Harold Pressberg said that a completion date is needed on the plan.

Mr. Dillin said that September 1st will be the completion date for Phase 1. He will put it on the plan.

Mr. Orr asked if the Planning Board could be notified of Phase 2 by letter, and then set the completion date for 6 months from the date of the letter.

Chairman Ramsdell replied yes.

Mr. Dillin said that he will put a note on the front of the plan to send a letter at the start of Phase 2, and that the completion date will be 6 months later.

Chairman Ramsdell said that the project is now known as 144 Main Street, and he would like the applicant to change the title on the plan to 144 Main Street.

Mr. Dillin said that this will be done.

Mr. Edsall asked Mr. Dillin if the handicapped space is flush with the adjoining sidewalk.

Mr. Dillin said that it is close to being flush.

Mr. Edsall said that there is a retaining wall in front of the handicapped space. The applicant needs to make sure that the grades work.

Mr. Dillin said that it does work. It is almost perfectly flat.

Mr. Pressberg said that the Board needs to make a SEQRA determination. There is no real construction other than paving being done. This project can be typed as a Type II with no SEQRA review.

Chairman Ramsdell requested a **Motion** to type this project as Type II under SEQRA. A **Motion** was made by Member Reilly; seconded by Member Winters. All in favor, none opposed. **Motion** carries. Chairman Ramsdell noted that SEQRA review and determination for a Type II project is not required.

Chairman Ramsdell asked if a separate permit was needed for the sign.

Mr. Orr said that it isn't necessary as it is covered in the building permit. There was general discussion on the acceptable size and location of the sign. The final plans will address the sign issues.

Mr. Pressberg said that a Public Hearing is needed and could be scheduled for next month.

Chairman Ramsdell requested a **Motion** to hold a Public Hearing on this application at the next Planning Board meeting on April 27, 2010 at 7:15 P.M. A **Motion** was made by Member Reilly; seconded by Member La Spina. All in favor, none opposed. **Motion** carries.

Chairman Ramsdell inquired about the issue of easement for parking. Mr. Pressberg said that no easement is needed - as it is the same ownership - unless the owner sells one of the parcels.

Chairman Ramsdell asked if there should be a note on the plan regarding this issue if the applicant sells one of the parcels.

Mr. Pressberg had no objection to that.

Mr. Edsall said that it is a good idea. This way it is on the record saying that is how the applicant is supposed to do it.

Mr. Dillin said that the applicant can't sell the house without selling the trucking company. In the event that Lot 16 is sold, there will be an easement issue for parking.

Chairman Ramsdell asked if there was anything else that needed to be covered regarding this application. There will be a meeting next month. Secretary Susan Marino will notify the applicant regarding the details. No mailings are needed.

Mr. Dillin said that everything is fine. He thanked the Chairman and the Planning Board.

5. Site Plan & Special Use Permit - Contorino Project # 10-02

Owner/Applicant: Mario & Lisa Contorino

Location: Garden Street SBL 101-1-9 Zone: RA

Re: Special Permitted Use, Item #5

Woodworking and fabrication shop - including workshop, warehouse, and office

Jim Dillin, representing Mario and Lisa Contorino

Mr. Dillin stated that the applicant is seeking Site Plan Approval on an existing farm building. The applicant received variances in 1984.

Code Enforcement Officer John Orr said that the applicant built an agricultural building at a time when no Site Plan Approval was required. The applicant applied for a Building Permit which was denied in 1984. The applicant was then referred to the Zoning Board to apply for variances.

Mr. Dillin said that within the RA Zone, there is Special Permitted Use for converting farm related buildings to other uses. An old farm use building is being converted into a workshop, warehouse, and office. Over the last 10 or 15 years, I believe that it has never been applied for - so we are here to legalize this building. The woodworking shop currently puts together stage sets for use in New York City.

Member La Spina asked if there is a fabrication shop.

Mr. Dillin replied yes, and said that there is spraying done.

Chairman Ramsdell asked for comments from Engineer Mark Edsall. Mr. Edsall's comments are attached at the end of the Minutes.

Mr. Edsall said that in June 2009, the Department of Environmental Conservation (DEC) presumed that this project is in a Light Industrial Commercial Zone, which I do not believe is accurate. Somewhere along the line, the DEC was misinformed. This will need to be resolved.

There was general discussion regarding the arrangement of parking spaces. Chairman Ramsdell said that there may be a functional problem with the parking space near the man-door; it should be 3 or 4 ft. out from the building.

Mr. Dillin said that he can dimension that. Chairman Ramsdell said that the applicant should get that under control.

Chairman Ramsdell said that the Board needs to make a SEQRA determination.

Attorney Harold Pressberg said that this project can be Unlisted or Type II under SEQRA. There is an issue with the fumes from the workshop.

Chairman Ramsdell said that with regard to the DEC's position that this application is in a Light Industrial Commercial Zone: Do we want a letter from someone addressing what's going on in that district and what the resulting impact is in a Residential Zone?

Mr. Edsall said that he would hesitate, from a SEQRA standpoint, to call this Type II. If it had Site Plan Approval and minor modifications were being made, he might recommend a Type II typing, but this doesn't have Site Plan Approval for this use. There should be a thorough review under SEQRA, and this should be treated as a property that has no Site Plan Approval for this use. The applicant has occupied it and has been using it without the benefit of proper legal approval. We may want a Coordinated Review regarding Lead Agency coordination. The DEC should be notified that the Site Plan is in a Residential Zone.

Chairman Ramsdell said that a letter and a copy of the report should be sent to the DEC.

Mr. Edsall said that the Coordinated Review is for our benefit. We should send the DEC a notice that we are aware that they have already been out to the property, but that the Light Industrial Zone is incorrect. It is in a Residential Zone.

Chairman Ramsdell asked if there were any other agencies involved.

Mr. Edsall replied that he is not aware of any other agencies. He asked if Form 239N, the referral to Orange County Department of Planning, had been sent out.

Secretary Susan Marino said that the referral was sent to OC Planning on March 16th.

Chairman Ramsdell requested a **Motion** to type this application as an Unlisted Action under SEQRA. A **Motion** was made by Member Reilly; seconded by Member Winters. All in favor, none opposed. **Motion** carries.

Chairman Ramsdell said that this is a Special Permitted Use application. A Public Hearing is required, not discretionary. After hearing Mark Edsall's comments, and after discussions at our Work Sessions, I'd like to encourage the Planning Board members to visually look at the property. Look at the screening, lighting, and similar issues. This can be done either before or after the Public Hearing.

Mr. Pressberg said that the Public Hearing would then have to be kept open until the next month.

Chairman Ramsdell asked if there were any other comments.

Member Winters said that he would still like to see a better parking layout.

Mr. Edsall said that one of his comments was that fire access is limited due to space #9. Just move the handicapped space down.

Mr. Dillin said to take parking spaces 7, 8, and 9 off, and put them over by space 10. That's fine.

Member La Spina asked if the dumpster will be enclosed.

Mr. Dillin said that the applicant wasn't planning on it. They leave wood for people to pick up to start their fires. Maybe we could screen it. We need to leave one end open and still leave access for getting the wood.

Member La Spina asked about the hours of operation.

Mr. Dillin replied 8:00 A.M. until 5:00 P.M. I think that there are regular operating hours.

Chairman Ramsdell said that the Board will want the hours of operation on the plan.

Member La Spina asked if there was a lot of noise coming from the workshop.

Mr. Dillin said that one neighbor complained about the vacuum system. She said that it is very loud. When the machinery is on, it sucks the sawdust away. It doesn't run after 5:00 P.M. One complaint was that when the door is open, then you can hear the vacuum.

Mr. Pressberg said that there have also been complaints about the odors.

Mr. Dillin replied that he didn't know as he wasn't there when spraying was being done.

Mr. Orr recommended that the Board members do what Chairman Ramsdell suggested, a coordinated visit.

Chairman Ramsdell asked Mr. Dillin if he would like the Planning Board to hold a Public Hearing at their next meeting.

Mr. Dillin replied that he did.

Chairman Ramsdell requested a **Motion** to hold a Public Hearing for this application at 7:00 P.M. on April 27, 2010. A **Motion** was made by Member Winters; seconded by Member Reilly. All in favor, none opposed. **Motion** carries.

Mr. Orr said that he will check to see if mailings are required.

Chairman Ramsdell asked Mr. Dillin if he will have a revised plan for the next Planning Board meeting.

Mr. Dillin replied yes.

Chairman Ramsdell asked if there would be any value in the applicant attending the next Planning Board Work Session.

Mr. Dillin replied that he thinks there always is.

The applicant is scheduled to appear at the Work Session on April 1, 2010 at 1:30 P.M.

Chairman Ramsdell asked if there is anything else that the Board can make progress on tonight.

Mr. Edsall said that with the Lead Agency letter and special letter to the DEC being issued, it is well under control.

Chairman Ramsdell said that the Planning Board also needs a **Motion** for the Village of Chester Planning Board to declare intent to assume Lead Agency status under SEQRA. A **Motion** is made by Member Winters; seconded by Member La Spina. All in favor, none opposed. **Motion** carries.

Mr. Pressberg said that there cannot be a quorum to go to the site.

Chairman Ramsdell asked if there is anything else to be discussed.

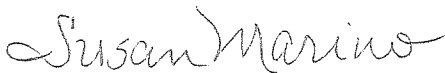
Secretary Susan Marino requests that Board members reply to her by the end of the week regarding registrations for the Land Use and Planning Course.

A representative for Steris Isomedix attended the Planning Board meeting. Steris Isomedix was not on the meeting agenda.

Member Winters said that the seminar at Mount St. Mary College was excellent. There were speakers and developers from the area who discussed problems between towns and villages. The message was not to let go of little villages, and to keep things alive. Chester is still doing that with lots of volunteers. He thanked the Village Board for the opportunity to attend the seminar.

Chairman Ramsdell requested a **Motion** to adjourn the meeting. A **Motion** was made by Member Winters; seconded by Member Reilly. All in favor, none opposed. **Motion** carries. Meeting adjourned at 8:56 P.M.

Respectfully Submitted,



Susan Marino
Planning Board Secretary



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
MARK J. EDSALL, P.E. (NY, NJ & PA)
JAMES M. FARR, P.E. (NY & PA)

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VILLAGE OF CHESTER
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: 144 MAIN STREET (PALMER) SITE PLAN
PROJECT LOCATION: 144 MAIN STREET
SECTION 111 – BLOCK 7 – LOT 22.2 & 16
PROJECT NUMBER: 10-03
DATE: 23 MARCH 2010
SUBMITTAL INFO: JAMES DILLIN, PLS PLANS LAST REVISED 4 MARCH 2010
DESCRIPTION: THE APPLICATION PROPOSES THE USE OF THE 2 ½ STORY
BUILDING AS OFFICE AND RETAIL. THE PLAN WAS REVIEWED
ON A CONCEPT BASIS ONLY.

1. The plan proposes to use a portion of lot 22.2 (the portion that fronts on Main Street) and the existing building as an office and retail occupancy. The retail use is Principal Permitted Use #2, and the office is PPU #4. The bulk information shown on the plan is correct for the B-1 zone and referenced uses.

The parking calculation appears correct based on the areas indicated for the existing building. The Board should note that the proposed development is phased, with the construction of parking spaces 5 – 7 being part of the occupancy of the second floor of the building.


2. We have reviewed the plan and provide the following comments:
 - Four (4) of the total required spaces (all 4 for the first phase) are located on the adjoining Lot #16 (also owned by Palmer). The Attorney for the Planning Board should advise if that is permissible and if an easement is required to maintain the parking spaces.
 - We recommend that the chain gate include reflectors, for safety reasons.
 - The handicapped parking detail should have the symbol reversed and all lines (and the symbol) indicated as painted in blue.

REGIONAL OFFICES

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- If lighting is proposed for the site sign, the same should be shielded so as not to cause a nuisance to vehicular traffic. If lighting is proposed, the standard lighting note should be added.
3. To my knowledge, there are no other Involved Agencies for this application. As such, the Planning Board may wish to assume the position of Lead Agency under the SEQRA review process.
 4. This project adjoins NYS Route 94 (Main Street) and the opposite portion of the lot adjoins NYS Route 17M and, as such, must be referred to the Orange County Planning Department as per New York State General Municipal Law (GML 239).

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
Engineer for the Village

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**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

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VILLAGE OF CHESTER
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: CONTORINO SITE PLAN
PROJECT LOCATION: GARDEN STREET
SECTION 101 – BLOCK 1 – LOT 9
PROJECT NUMBER: 10-02
DATE: 23 MARCH 2010
SUBMITTAL INFO: JAMES DILLIN, PLS PLANS LAST REVISED 10 MARCH 2010
DESCRIPTION: THE APPLICATION PROPOSES A WOODWORKING & FABRICATION SHOP ON THE EXISTING 0.86+ ACRE PARCEL. THE PLAN WAS REVIEWED ON A CONCEPT BASIS ONLY.

1. The property is located in the RA Zoning District of the Village. The use is stated as Special Permit Use #5. This use requires a prior history of agricultural use, which should be verified on the Village records in support of the classification. The “required” bulk information shown is correct for the zone and use proposed. The “supplied” (provided) data indicates that at least five (5) non-conformities exist as part of the application. Note #4 appears to indicate that a prior action of the Village Zoning Board of Appeals has granted relief as may be needed. The Attorney for the Planning Board (who also covers the ZBA) can perhaps shed light on this disposition.

The plan provides a parking table. I suggest the requirements be confirmed as part of the Board’s review. I believe office use is 1 space per 500 sf.

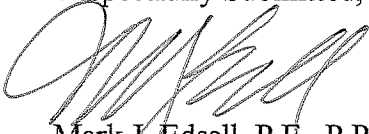
2. I have performed my initial review of the plan and application and have the following comments:
 - The plan has no elevation / contour information. As such, I have no ability to review or comment for related items / considerations.
 - I reviewed a copy of the NYSDEC “Notice of Inspection Results” dated 6-4-09 for Caric Custom Millwork, the presumed business operating at the site. It should be noted that the report would appear to mistakenly list the site as being in a “light industrial / commercial” zone.
 - As discussed at the worksession, based on photos of the site, we recommend the applicant consider rotating parking space #5 90-degrees.

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- We recommend that a dumpster enclosure be required in the area noted as a “dumpster area”. A masonry type dumpster enclosure, with exterior finish (or coating) to match the proposed building, is recommended.
 - The Board should consider the adequacy of the screening (single row) on the south side of the site. As well, the need for screening on the north side should be discussed.
 - The Board should discuss the adequacy of gravel parking areas. If permitted, clearly the spaces can not be striped, and wheel stops could be used to identify parking spaces.
 - Fire and other emergency access to the rear of the building appears limited.
 - The handicapped parking spaces appears to conflict with the overhead door.
 - The plan does not include any utility or drainage information.
 - The plan does not include any lighting information.
 - The handicapped parking detail requires the following corrections:
 - All striping for the handicapped space must be blue. When a standard space adjoins a handicapped space, a double line should be installed, one blue, one white.
 - A sign is required in front of the cross-hatched access lane of the handicapped parking space. The sign must read “No Parking – Any Time”.
 - Handicapped pavement symbol should be reversed.
 - I believe the height for the signs is intended to reference 5’ – 7’.
 - As per Section 98-30.2 of the Village Zoning Code, the Applicant should indicate a reasonable anticipated completion date for the project on the plan.
3. The Planning Board should discuss, with the Attorney for the Planning Board, the appropriate steps to initiate SEQRA review of the application.
4. This project is within a 500-foot distance from NYS Route 94 and, as such, must be referred to the Orange County Planning Department as per New York State General Municipal Law (GML 239).

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
Engineer for the Village