

MINUTES

VILLAGE of CHESTER PLANNING BOARD

MARCH 24, 2009

REGULAR MEETING

PRESENT: Richard RAMSDELL, Chairman
Gene WINTERS, Member
John REILLY, Member
John ORR, Code Enforcement Officer
Erik DENEGA, Engineer
Ian SCHLANGER, Attorney

NOT PRESENT: Robert JANKELUNAS, Member
Robert SALERNO, Member

REGULAR MEETING:

1. MINUTES:

Chairman Ramsdell requested a Motion to approve the Minutes for the November 2008 meeting as amended. A Motion was made by Member Reilly, seconded by Member Winters. All in favor, none opposed. Motion carries.

2. CORRESPONDENCE:

Letter from: Orange County Department of Planning

Dated: March 9, 2009

Re: Chester Shopping Plaza - Area variance for building setbacks

Chairman Ramsdell stated that this letter was prepared by Megan Tennermann, who is in attendance at the meeting this evening.

Ultimately, the County recommendation is for local determination. This project has already been through Site Plan Approval. A copy of this letter will be attached to the Minutes and will be filed for future activities.

3. C.E.O. REPORT: MARCH 24, 2009

Current projects that were inspected during the last month:

Lowe's:

1. Temporary Certificate of Occupancy issued.

49-51 Main Street

1. Work continues on the interior renovation.

Orange County Trust:

1. Site work continues.
2. Working towards an April opening.

Nexans:

1. General site work continues.
2. New truck bay almost done.
3. Work on silos continues.

Leung 5 North Hudson:

1. Work continues on garage addition.

Zangrillo 4 Nicotra Lane:

1. No work has started.

Atkin 4 Howland Ave:

1. Foundation work complete.

Palumbo 2 School Street:

1. Issued building permit for garage.

Chairman Ramsdell introduced the new Planning and Zoning Board Secretary, Susan Marino. He said that this is Susan's first meeting and that she has new things to get used to here. Chairman Ramsdell asked people to identify themselves when they are addressing the Board.

4. Warehouse Outlet - Social Club

Project #08-03

Location: 6 Howland Avenue Zone: B-1

Owner: Barry Adelman

Site Plan Review - Parking Plan

Attending were Owner Barry Adelman and Attorney Alan Lipman

Mr. Lipman presented an unsigned Lease Agreement for parking between Capricorn Lighting, LLC (Landlord of the property across the street) and Big Slick, Inc. (Tenant in the application) to the Planning Board. The intention is to provide off street parking for the application. Mr. Lipman said that he expects the lease to be signed in the next couple of days. Attorney Kathy Dimos drafted the Lease Agreement for the Capricorn Lighting property. Attorney Ian Schlanger stated that Village of Chester Attorney Harold Pressberg has received a copy of the Lease Agreement. Mr. Lipman said that if there are no objections, we hope that we'll be approved.

Chairman Ramsdell said that he expected more in the Lease Agreement packet, particularly regarding the parking plan. He said that the applicant's Site Drawing is more definitive and perhaps that will supercede this.

Mr. Lipman stated that we sort of "overlawyered" this because of the Planning Board's requirements. We don't want the landlord to hire an architect or surveyor for a \$75.00/month lease. We want you (Planning Board) to be happy. If you guys are happy, we're happy.

Engineer's comments for this meeting are as follows:

PROJECT NAME: "BIG SLICK" (WEARHOUSE OUTLET BUILDING) SITE PLAN (PROPOSED PRIVATE MEMBERSHIP CLUB - 2ND FLOOR)
PROJECT LOCATION: 6 HOWLAND STREET
 SECTION 104 - BLOCK 6 - LOT 12
PROJECT NUMBER: 08-03
DATE: 24 MARCH 2009
DESCRIPTION: THE APPLICANT HAS REQUESTED THE USE OF THE SECOND FLOOR FOR A PRIVATE MEMBERSHIP CLUB. THE APPLICATION WAS PREVIOUSLY DISCUSSED AT THE 27 MAY 2008, 24 JUNE 2008, 26 AUGUST 2008, 23 SEPTEMBER 2008 AND 28 OCTOBER 2008 PLANNING BOARD MEETINGS.

1. We have not received a new plan for this application. As such, the comments in our prior comment sheet should be resolved prior to plan resubmittal.
2. I have received an unsigned copy of a lease agreement regarding parking. It is my understanding the same is under review by the Attorney for the Planning Board.
3. I am also aware of an ownership issue with regard to the lands directly in front of the application building. The applicant should be required to provide appropriate survey and/or title information to clarify this matter.

Respectfully Submitted,
 Mark J. Edsall, P.E., P.P.
 Village Engineer

Engineer Erik Denega stated that as of now, there is no current revised plan. Engineer Mark Edsall didn't receive a revised plan regarding his last comments.

Mr. Lipman said he thought that they submitted that.

Chairman Ramsdell said that according to Mark Edsall's comments for this meeting, his previous comments aren't resolved on the plan.

Mr. Lipman said that he has no idea what comments are on there. He then asked if it is the engineer's position that they haven't received a revised plan after the most recent set of comments.

Engineer Denega replied yes, that's correct.

Mr. Adelman said that he thought that we had addressed everything except this problem.

There was general discussion about the following: response to comments; whether the applicant had copies of comments; the October 2008 Engineer's comments which the Applicant may not have gotten because they cancelled their appearance at that meeting; an agreement to have the October comments sent by the Engineer's office to the Applicant; and the requirement for the plan to be reviewed following revisions per comments.

Mr. Lipman agreed to call the Engineer's office to obtain Mark Edsall's comments for the October 2008 meeting. He then thanked the Board for their time.

5. Meadow Hill Senior Citizen Housing Complex Project #05-01
 Location: Meadow Avenue & Route 94 RM Zoning
 Re: Site Plan Proposal for 142 units on a 15.8 +/- acre parcel.
 Revised Grading Plan; Roof Height

Mr. Barry Terach, Architect, of Pendergast & Terach, representing. He summarized the following:

Mr. Terach confirmed previous discussions and updated the Board on the progress of the project; at the last Work Session, composite drawings depicting the building elevations to the roadside were discussed; recalculations for heights of 6 residential buildings have been done; a presentation regarding the midpoint of the main hip roof which is reflected in the drawings; the Applicant is requesting 6 - 7 ft. variances; application has been made to the Zoning Board of Appeals with the drawing and Site Plan that the Board has seen in previous meetings; the Applicant is awaiting the date of the Zoning Board meeting.

Building Inspector John Orr informed Mr. Terach that the date of the Zoning Board meeting is set for April 23, 2009.

Engineer Erik Denega, per Engineer Mark Edsall's comments, stated that there are no significant changes regarding grading.

Engineer's comments for this meeting are as follows:

PROJECT NAME: MEADOW HILL SENIOR CITIZEN COMPLEX SITE PLAN
(REVISION TO SITE GRADING)
PROJECT LOCATION: NYS ROUTE 94
SECTION 102 - BLOCK 1 - LOT 1.2
PROJECT NUMBER: 05-01
DATE: 24 MARCH 2009
DESCRIPTION: THE PROJECT PREVIOUSLY RECEIVED CONDITIONAL SITE PLAN APPROVAL FROM THE BOARD. THE APPLICANT HAS BEEN DISCUSSING WITH THE BOARD A MODIFICATION TO SITE GRADING BASED ON FINAL BUILDING DESIGNS.

1. We have reviewed the latest plan provided by the applicant's engineer. Consistent with my previous discussions with the Board, the plan indicates minimal changes in grading and the addition of a short retaining wall ("knee wall") on the north side of Building #4. I see no problem with the requested grading "fine tuning" as proposed.
2. If there are any other areas of concern regarding the project as proposed for final approval, we will review the same as determined by the Board.

Respectfully Submitted,
Mark J. Edsall, P.E., P.P.
Village Engineer

Mr. Orr suggested that perhaps the final sets of plans should wait until after the Zoning Board meeting.

Chairman Ramsdell agreed with Mr. Orr, stating that the Zoning Board meeting may impact that.

Mr. Terach confirmed with the Board that the Applicant is in a holding pattern in terms of progress until their meeting with the Zoning Board. He thanked the Board for their time.

6. Chester Industrial Park Associates, L. P. Project #08-08
Location: Industrial Park (5 lots)
Owner: Chester Industrial Park Associates, L.P.
Project: Depositing of Excavated Material
Re: Permit required by 98-13.1

Mr. Kip Kramer representing. Mr. Kramer thanked the Board for the opportunity to appear before them this evening. He stated that there are 3 goals of their appearance tonight, and they are as follows:

1. Chester Industrial Park Associates applied for an addition to the existing C & S grocery facility about a year ago. This application is for moving the excavated materials to our sites in the Village Industrial Park.
2. This presents the opportunity to raise grades on sites to elevations for future developmental purposes, and will avoid using fill material from other sites. This will also avoid traffic and congestion in the process.
3. The lots will be stabilized and protected from erosion.

Mr. Kramer introduced Brad Cleverley of MJS Engineering and Land Surveying PC. Mr. Cleverley is a professional engineer registered in New York State. Mr. Cleverley presented the drawings which included plans for the 5 lots

contained in 3 sites, separate plans for erosion and sedimentation control, and details. Some of the sites have up to 10 foot fills.

Mr. Kramer then introduced John O'Connor, Project Manager for Chester Industrial Park Associates. Mr. O'Connor summarized the process to move fill from the site behind the C&S building to these 3 locations as follows:

Strip and stockpile existing soil.

12" compacted lifts - regulated fill. Compaction results will be obtained and checked by an independent lab. The quantity of fill will equal 1,000 - 2,000 yards per day, depending on weather and compaction.

The fill will be taken through the C&S driveway, then down Leone Lane, Elizabeth Drive, and Nucifora Blvd. Silt fencing will be installed before anything is touched on the site.

Mr. Kramer asked what the sites will look like, and Mr. O'Connor replied that now there is sparse vegetation, we will have 3 - 4" of topsoil, then seed. There will be better control of vegetation, especially at the site near GE. There will be a shale ridge eliminated to make it viable. The major blast zone is Elizabeth Drive.

Mr. Cleverley stated that permits include Stormwater Pollution Prevention Plan (SWPPP) in accordance with NYSDEC requirements. The Applicant has permit numbers for sites at this point.

Chairman Ramsdell stated that Section 98-13 is extensive and definitive in what the Board is looking for. This was touched on by Engineer Mark Edsall in his comments. Please respond on an item by item basis. Engineer Denega read Mr. Edsall's comments:

Engineer's comments for this meeting are as follows:

PROJECT NAME: CHESTER INDUSTRIAL PARK
(EXCAVATED SOIL FILL OPERATION)

PROJECT LOCATION: CHESTER INDUSTRIAL PARK
SECTION 117 - BLOCK 1 - LOTS 2 & 3 (SITE #1)
SECTION 117 - BLOCK 2 - LOT 2 (SITE #2)
SECTION 117 - BLOCK 2 - LOTS 4 & 5 (SITE #3)

PROJECT NUMBER: 08-08

DATE: 24 MARCH 2009

DESCRIPTION: THE APPLICATION INVOLVES PLACEMENT OF SOIL FILL AT THREE SITES WITHIN THE CHESTER INDUSTRIAL PARK. THE PLANS WERE PREVIOUSLY REVIEWED FOR THE 23 SEPTEMBER 2008 PLANNING BOARD MEETING.

1. The application is before the Board as a fill operation review per the provisions of Section 98-13 of the Village Code. That section of the code permits the fill, subject to specified conditions including the following (paraphrased by this writer). I recommend the applicant provide responses describing their compliance with the requirements:
 - *Must be authorized per Article V (Special Use Permit Procedure)*
 - *Proposed Operation must have particular time limit for completion*
 - *Proposed Operation must not adversely affect soil fertility, drainage and lateral support of abutting land or properties, nor contribute to soil erosion.*
 - *Application shall include rehabilitation plan for the site. Plans shall show both existing and proposed contours.*
 - *Application shall indicate protection to adjacent properties and public, both relative to on-site activity and traffic generated from activity.*
 - *Application should document that completed site will be made usable for use permitted in zoning district, and that adequate topsoil will be respread over the site, with fill material as approved by the Planning Board.*
2. Particular concerns regarding this application are, to our understanding:
 - Route for transporting materials.
 - Type of vehicles proposed for operation, weight limit, and potential for damage to Village roads.
 - Maintenance of route (from dirt, dust, debris, etc.).

- Stormwater management provisions to stabilize the material and avoid environmental impacts.
- Method of placement and appropriate documentation for support of future use to support structures (this is applicant's responsibility, but saves a lot of "grief" if properly documented during this phase of the work).

Each of these items should be discussed and appropriate input received from the Village Highway Superintendent and Code Enforcement Officer.

3. Our office has reviewed the application with regard to the stormwater management provisions, and has the following comments:
 - Fill soils include Mardin and Madalin. Both are Silty Loams. Madalin include soils that is considered very fine (k=49); Mardin is at the limit of fine (k=28). Silty loams which have little cohesion. As such more aggressive soil stabilization measures may be warranted for the 3:1 slopes to protect against slope failure.
 - Silt fence should be shown parallel to the existing contours. Incorrectly installed silt fence can exacerbate erosion along the silt fence.
 - Applicant should consider temporary diversion swales and/or pipe slope drains to control run-off in all the newly filled areas.
 - The diversion swales proposed along the entry ramp from Nucifora Boulevard should include check dams.
 - The swale down the 3 horizontal slope to 1 vertical slope should be redesigned as a pipe slope drain.
 - Please identify the square box located in the apparent sediment trap along Nucifora Boulevard and the proposed entrance.
 - Applicant should confirm the sediment traps have been adequately sized per the New York State Standards and Specification for Erosion and Sediment Control, August 2005.
 - Only one fill location proposed includes a sediment trap. Additional traps should be considered
4. The applicant's attention is also specifically directed to Section 98-13.1 of the Code. That section addresses specific code provisions in connection with Construction Debris and Hazardous Waste. The applicant may wish to specifically define the type materials to be placed under this application, such that adequate limitations are on record (on the plan by note), such that the provisions of Section 98-13.1 would not apply for this project.
5. Disposition of SEQRA for this type application should be discussed with the Attorney for the Planning Board.
6. The Board should determine if a referral to the Orange County Soil & Water Conservation District is appropriate for advisory comments.
7. It is our understanding that this operation is a Special Permit. If verified by the Attorney for the Planning Board, the Planning Board should consider authorizing the mandatory Public Hearing.
8. This project appears to be with a 500-foot distance from the State Highway and, as such, must be referred to the Orange County Planning Department as per New York State General Municipal Law (GML 239).
9. Once the application progresses and we have input from the Board, Mr. Bell and Mr. Orr, we will continue our review.

Respectfully Submitted,
Mark J. Edsall, P.E., P.P.
Village Engineer

Chairman Ramsdell stated that there is a longer fill material list in 98-13.1 regarding medical wastes and tree stumps. He asked that the Applicant give us a note saying that these things will not be in the fill.

Chairman Ramsdell, regarding Orange County Soil & Water Conservation District said that Mark Edsall uses the term "advisory comments" instead of getting deeply into specifics. Chairman Ramsdell stated that he would like to include Kevin's pair of eyes and will send a copy of the reply to Kevin for his comments.

Chairman Ramsdell asked Mr. Kramer if he had any idea for a Public Hearing date.

Mr. Kramer replied that, in an attempt to catch the weather, he would like a Public Hearing as soon as possible.

Chairman Ramsdell stated that the Board will need the comments from Orange County Soil & Water Conservation District for the Public Hearing.

Building Inspector John Orr said that the next meeting is scheduled in 5 weeks.

Chairman Ramsdell said that he suspects that there will not be many changes to these plans.

Mr. Kramer said, with your permission, we will make the changes, send them to the Board to be reviewed, and then the Planning Board can send them to Orange County Soil & Water Conservation District.

Regarding SEQRA, Chairman Ramsdell said DEC is a permitting agency on this. There is no DOT or other involvement.

Mr. Denega said that we still need to notify as Lead agency. We haven't yet Typed the application for SEQRA.

Mr. Cleverley stated that a SEQRA FULL form was requested at an earlier meeting.

Chairman Ramsdell said that there should be no problem with a Public Hearing at our next meeting.

Mr. Denega said that there are no huge issues.

Mr. Orr said as long as the revised plan is provided early enough.

Member Winters asked about the cleanup of ruins along Route 94.

Chairman Ramsdell replied that it is not on their property; it's another lot.

Chairman Ramsdell asked for a **Motion** to hold a Public Hearing for Chester Industrial Park Associates at 7:00 P.M. on April 28, 2009. A **Motion** was made by Member Reilly; seconded by Member Winters. All in favor, none opposed. **Motion** passes.

Mr. Kramer thanked Chairman Ramsdell and the Board for their time.

Chairman Ramsdell stated to Megan Tennermann, Planner for the Orange County Department of Planning, that after the Board holds a Public Hearing to see if it affects the plan, then we'd probably send a copy of the plans to you.

Mr. Orr suggested that the Board refer the current set of plans to Ms. Tennermann, then send her the second set of plans with minor changes as they come.

Ms. Tennermann stated that she would like to see the SWPPP.

7. Clayton Delaneys Restaurant Project #09-01
 Location: 44 Main Street, Chester, NY 10918
 Owner: Daniel Gorman
 Re: Existing business on Main Street, downtown.
 Relocate dumpster. Set up outdoor tables for dining.

Owner/Applicant Daniel Gorman is present this evening.

Chairman Ramsdell said that Mr. Gorman attended our last Work Session. Mr. Gorman would like seasonal outdoor seating at his restaurant, including a seating area that ended up where the dumpster is currently located.

Engineer's comments for this meeting are as follows:

PROJECT NAME: CLAYTON DELANEYS (GORMAN) SITE PLAN AMENDMENT
 (PROPOSED OUTDOOR DINING)
PROJECT LOCATION: 44-50 MAIN STREET
 SECTION 104 - BLOCK 5 - LOT 5
PROJECT NUMBER: 09-01
DATE: 24 MARCH 2009
DESCRIPTION: THE APPLICATION PROPOSES DEVELOPMENT OF AN OUTDOOR DINING AREA WITH 32 SEATS. AS PART OF THE PROJECT, THE DUMPSTER ENCLOSURE IS BEING RELOCATED TO THE LEFT (WEST) SIDE OF THE PROPERTY. THE PLAN WAS REVIEWED ON A CONCEPT BASIS ONLY.

1. The project is located in the B-1 zoning district of the Village. I am not aware of any guidance in the Code with regard to temporary seasonal outdoor dining (relative to specific requirements or parking criteria). My experience with many boards in the region is that the temporary seasonal dining is required to obtain site plan approval, normally with the following issues/limitations being considered/imposed:
 - Hours of operation
 - Restriction on outdoor music or such noise generating devices
 - Full review of handicapped access
 - Full review of lighting provisions
 - Limitation on amount of outdoor seats (does not exceed a percentage of approved indoor seating).
 - Occasionally made renewable approvals.
2. We have reviewed the site plan submitted and have the following initial comments:
 - The paver detail indicates a 10" elevation increase. Handicapped access must be addressed onto the patio.
 - The patio detail depicts a "backfill" adjoining the area. It would appear that this is not applicable to this site. A soldier course of block or other edge retaining element would appear necessary. We suggest the detail be made more specific to coordinate (depict) property line, railing or fence, and patio.
 - The plan calls for a wrought iron style fence, but a picket style fence detail is provided on the plan. We question the appearance and aesthetics of the use of a picket fence. To create a café style appearance we believe the iron fence would be more appropriate.
 - The board may wish to require integral bollards to protect the outdoor dining area since the curb in this area has no reveal (ie curb drop exists along entire front). (unless curb and sidewalk are modified).
 - There is insufficient information to review the proposed dumpster enclosure relocation. No grade information is provided. It must be determined if the enclosure will act as a retaining wall.
 - A detail will be necessary for the modifications to the curb and sidewalk for the dumpster area. Use of an asphalt drive to the roadway, crossing the sidewalk, is not acceptable. A concrete driveway ramp is required. Add appropriate detail for review by Planning Board, engineer and highway superintendent.
 - The plan should include an approval box, with the Village Project Number (noted above) included in the box. The box should be in the bottom right hand fold of the plans, on each sheet.
 - 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. 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 appears to be 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.
Village Engineer

Mr. Gorman stated that he doesn't understand the process.

Chairman Ramsdell said that we'll go through it.

Engineer Erik Denega presented Engineer Mark Edsall's comments.

There was general discussion about the finish surface and handicapped requirements and features; the perimeter fence which the Applicant would like to be removable; safety bollards; truck deliveries; an engineered retaining wall for the proposed dumpster enclosure, and other matters.

Chairman Ramsdell asked for a **Motion** to type this application as Type 2 under SEQRA. **Motion** was made by Member Winters; seconded by Member Reilly. All in favor, none opposed. **Motion** passes.

Chairman Ramsdell told Mr. Gorman to call the Engineer's office if he has any questions.

Mr. Orr suggested that Mr. Gorman should come to the next Work Session, and that Mr. Gorman should call the Planning Board office to get on the agenda.

Mr. Gorman thanked the Board for their time and advice.

8. G. W.'s Tavern

Project #09-02

Location: 78 Brookside Avenue, Chester Mall Parking Lot

Owner: Chester Mall LLC

Re: Temporary Site Plan - Tent for one day outside dining

Mr. Orr called the Applicant during the Planning Board meeting as they were not in attendance. Mr. Orr was informed that the application is being removed because the landlord will not let the Applicant proceed.

9. GENERAL DISCUSSION:

Chairman Ramsdell said that Member Rob Salerno has to resign from the Planning Board. Rob was not feeling well enough to be here tonight. We are sorry to see him go and we wish him the best.

Chairman Ramsdell said that Anthony LaSpina was suggested as a new Board Member and a conversation has taken place. Though not yet officially named, he is likely to be the new Planning Board member, and is attending this evening.

Member Winters said that he is disappointed in seeing Rob Salerno leave the Board. He thanked Chairman Ramsdell for all of the time spent on Planning Board matters. Member Winters said that he appreciates it and so does the rest of the Board. He said, "I thank you very much, Rick."

Chairman Ramsdell requested a **Motion** to adjourn. **Motion** was made by Member Reilly, seconded by Member Winters. All in favor, none opposed. **Motion** passes. Meeting adjourned at 9:03 P.M.

Respectfully Submitted,



Susan Marino
Planning Board Secretary
May 19, 2009