

Mr. Cleverley said that a Sediment Control Plan would be in place during construction. The direct runoff during construction will go to a series of swales to the sediment trap. This will fill up during rain events during construction. At the end of construction, this would be removed and filled in.

Chairman Ramsdell sought confirmation by stating that the sediment control basins would not remain there until the future time of construction on those sites. There would be the movement of soil and the installation of new grassy surfaces.

Mr. Cleverley confirmed that's correct.

Chairman Ramsdell asked if the drainage patterns would be similar to what they are now?

Mr. Cleverley said yes and indicated this on the drawing of Black Meadow Creek. It will be a stabilized vegetative surface.

Chairman Ramsdell thanked Mr. Cleverley and asked if there were any questions or comments from the Board.

A question was asked that if sediment control is used, will there be standing water?

Mr. Cleverley answered yes, for a period of time. After a rain event, water will infiltrate into the ground. There was general discussion regarding rain events, drainage, and storm water.

Attorney Harold Pressberg asked about a time schedule for doing this work.

Mr. Cleverley said that there's a sequence but not a time schedule. We have 5 stages of construction. Mr. Cleverley indicated the 5 stages on the drawings.

Mr. Pressberg asked how long a period do you want for the permit?

Mr. Cleverley replied a year; 2 years would certainly be enough.

Member Reilly said that in reading the correspondence, it says that the proposed fill for the 3 sites will be completed by December 15, 2009.

Chairman Ramsdell then opened the Public Hearing for public comments and questions.

Joseph DeAngelis asked what is the reason that the West Avenue lot is being filled?

Mr. Cleverley replied that the Site Plan is just to fill and raise up the grade. There will be no parking lots, just a meadow.

Mr. DeAngelis asked if there will be cleanup of the road?

Mr. Cleverley said that there will be a sweeper truck for the site. It will be available for the entire time for cleanup.

Pat Kramer said that it will be done right.

John Leahy of 25 West Avenue asked where is the fill coming from?

Mr. Cleverley said that the soil will be coming from this site (indicated Black Meadow Road). The hours of operation will be Monday through Friday, from 7AM - 5PM, according to Village regulations. There will be no holidays, and Saturdays may vary.

Mr. Leahy asked how many yards of dirt will be used?

Chairman Ramsdell replied that he had heard 80,000 yards.

Mr. Leahy voiced his concern about a professional building or a gas station being built. He said that there have been rumors about this for many years.

Chairman Ramsdell said that this lot is in the overlay district that the Village created when there was the realignment of Route 94. Some of these properties ended up with frontage on Route 94 and it falls under some modified regulations which allows some retail uses (i.e. - Lowe's). It gives the Planning Board additional latitude in how projects are reviewed. I can't tell you that there won't be applications for any food places there.

Mr. Leahy thanked Chairman Ramsdell.

Chairman Ramsdell said it's good to see you here. Chairman Ramsdell asked if there were any other questions or comments. There was no response.

Chairman Ramsdell asked for a **Motion** to close the Public Hearing. A **Motion** was made by Member Reilly, seconded by Member LaSpina. All in favor, none opposed. **Motion** carries. Public Hearing is closed.

REGULAR MEETING:

1. MINUTES:

A draft of the Minutes from the January 2009 Planning Board Meeting was presented. Chairman Ramsdell asked Board Members for any comments on the Minutes. There were none. Chairman Ramsdell asked for a **Motion** to accept the January 2009 Minutes as drafted. A **Motion** was made by Member Jankelunas, seconded by Member Reilly. All in favor, none opposed. **Motion carries.**

2. CORRESPONDENCE:

Chairman Ramsdell reported that there are 2 pieces of correspondence, One from Orange County Soil & Water Conservation District and one from Orange County Department of Planning. Both of these relate to the Chester Industrial Park project. They will be introduced when the project comes up in the Regular Meeting.

3. C.E.O. REPORT: APRIL 28, 2009

Code Enforcement Officer John Orr presented the report.

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 complete.

2 - Certificate of Occupancy issued.

Nexans

1 - General site work 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 - Framing work has started.

Palumbo 2 School Street

1 - Issued building permit for garage.

Buttegieg 26 High Street

1 - Issued building permit for renovation of 3 Family house.

Green Meadows Apartments

1 - Issued building permit for addition and renovation per approved site plan.

2 - General site work has started.

Chairman Ramsdell spoke about Lowe's: John Orr and I met with the Lowe's people earlier this year to see what they needed to do to finish the project. They were given a Temporary Certificate of Occupancy. Neighbors on Hom Street have said that there are adverse conditions relating to noise and visual aspects. The big issue was lighting. The Lowe's people described the measures they would take. The Planning Board was told that we would be given a weekly report on the status. That went on for awhile but fell off. John Orr has asked twice about reports. We had a meeting today and will hopefully get back on track. Lowe's will do some test procedures - draping tarps over some fencework that the Planning Board identified as receiving privacy slats. This should happen over the next day or so. Chairman Ramsdell suggested that Board members drive over to the area after dark to view the situation. He asked if there were any questions. There were none.

Mr. Orr said that a sequence of things happened during construction, mainly relating to the construction of the retaining wall facing Hom Street. Due to engineering problems, they had to move that wall. Moving that wall and the barrier on top of it changed the projection from Hom Street looking up at the site - now you're looking right up underneath the canopy of the Garden Center. Rick and I went down there one night in late December or early January and we could see a substantial glow. We had a meeting with them and they suggested some corrections they were going to make. They were giving us weekly updates but as of a month ago, that stopped. I sent an email yesterday. A representative from Lowe's flew up to meet with us today. He's taking over from the engineering company - where they left off. After the meeting today, we went down there, walked the site, and discussed some concerns. Hopefully, there will be a solution. They discussed that in the next few days, tarps will be put up on the outside of the Garden Center

fence. That won't be permanent; it will just work as a shield to see if they do this simple fix, how much of the lighting can be stopped.

Chairman Ramsdell repeated that these are going to be tests.

Mr. Orr said that they're still looking at some engineering on fences. They have 2 or 3 solutions that they're trying to work through. I think we have their attention here.

Mr. John Leahy asked about overnight truck parking and signs. There was general discussion regarding this topic.

Chairman Ramsdell said that it's not going to come down to somebody saying that there's only one person complaining. I know of at least 2 others. He thanked Mr. Leahy for his comments.

4. 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

Chairman Ramsdell said that the Board doesn't need a presentation of this project since it was the subject of the Public Hearing. He said that there are 2 pieces of correspondence relating to the Chester Industrial Park project. The first is a review requested by the Planning Board from Orange County Soil & Water Conservation District, prepared by Kevin Sumner, the Conservation District Manager. Chairman Ramsdell verified that the Applicant had received this correspondence. He read Mr. Sumner's general comments, citing 12 points made by Mr. Sumner. This review is on file.

The second piece of correspondence relating to the Chester Industrial Park project is from Orange County Department of Planning, prepared by Megan Tennermann, Planner. The Orange County Department of Planning has recommended that this decision should be a local determination. This report is on file.

Chairman Ramsdell asked for Engineer Mark Edsall's comments, which are listed below:

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)
DATE: 28 APRIL 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. We have reviewed the revised plans and find them substantially responsive to prior comments.
2. We have received and reviewed the review memo dated 4-22-09 from Kevin Sumner of the Orange County Soil & Water Conservation District. Although we agree with some of his suggestions for clarifications on the plans, many of his requests involve provisions in excess of State and Federal standards, which the Planning Board has no ability to mandate; such enhancements would be voluntary. I remind the Board that the Village of Chester is not an MS4 community; as such, our review of SWPPPs is limited to site plan compliance, not DEC regulatory compliance.

Notwithstanding the above, I believe Kevin's suggestion of a meeting with MHE and the applicant is appropriate. With the Board's permission, we will schedule such meeting. Any enhancements agreed to should be shown on the final site plan submittal for stamping of approval.
3. The applicant has responded to my comments regarding the transport methodology and maintenance (see MJS letter dated 3-27-09). Has the Highway Superintendant approved the proposal? Has a maintenance bond amount been agreed to?
4. We questioned the method of placement and appropriate documentation for support of future use to support structures. The applicant's engineer has responded in their 3-27-09 letter, but appropriate notes should be added to the plan.
5. There are several legal issues which should be discussed, as follows:

- Attorney should review note #10 on sheets 1,3 & 5 for adequacy to address the provisions of Section 98-13.1 of the Code. That section addresses specific code provisions in connection with Construction Debris and Hazardous Waste.
 - Attorney was investigating the classification of this action under SEQRA. Appropriate action should be taken pursuant to this determination.
 - Attorney was to verify if this application is a Special Permit. Board should take appropriate steps based on this determination.
6. This project was to be referred to Orange County Planning Department as per New York State General Municipal Law (GML 239). Status of the response should be determined.

At Attorney Pressberg's suggestion, Chairman Ramsdell asked for a **Motion** to type this application as an Unlisted Action under SEQRA. A **Motion** was made by Member Jankelunas, seconded by Member Reilly. All in favor, none opposed. **Motion** carries.

There are no other involved agencies. Chairman Ramsdell asked for a **Motion** for the Village of Chester Planning Board to assume Lead Agency status under SEQRA. A **Motion** was made by Member Reilly, seconded by Member LaSpina. All in favor, none opposed. **Motion** carries.

Mr. Cleverley said that the Applicant will meet with Kevin Sumner of Orange County Soil & Water Conservation District and with Mark Edsall.

Chairman Ramsdell confirmed that the meeting will be organized by Mr. Edsall. Chairman Ramsdell requested that the meeting include a response to the points made by Orange County Department of Planning report.

Mr. Cleverley thanked the Board for their time.

5. Chester PBA Carnival Project #09-03
 Location: 78 Brookside Avenue (Chester Mall)
 Owner: Joshua Goldstein
 Project: PBA Carnival
 Re: Temporary Site Plan 107-3-3

Chairman Ramsdell said that this is an application for a Temporary Site Plan for a carnival in the parking lot of Chester Mall. The carnival is scheduled for June 16, 2009 through June 22, 2009. The hours of operation will be Tuesday through Friday from 6 - 11PM, and on weekends from 12 Noon through 11PM. This project will utilize the parking lot and have carnival lighting. The submitted documents include affidavits from the owner.

Chairman Ramsdell asked for a **Motion** to type this application as Type II, not requiring any further action under SEQRA. A **Motion** was made by Member Jankelunas, seconded by Member Reilly. All in favor, none opposed. **Motion** carries.

Chairman Ramsdell stated that these are the same plans from last year's PBA Carnival. This application meets the list of minimum requirements for Temporary Site Plan Approval.

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

Chairman Ramsdell asked for a **Motion** for Temporary Site Plan Approval. A **Motion** was made by Member Reilly, seconded by Member Jankelunas. All in favor, none opposed. **Motion** carries.

Chairman Ramsdell asked the Board and consultants if there is anything else to discuss. As there were no issues, he asked for a **Motion** to adjourn the meeting. A **Motion** was made by Member Jankelunas, and seconded by Member LaSpina. All in favor, none opposed. **Motion** carries.

Meeting is adjourned at 8:48PM.

Respectfully Submitted,

Susan Marino

Susan Marino
 Planning Board Secretary
 July 9, 2009