

MINUTES

VILLAGE of CHESTER PLANNING BOARD

MAY 25, 2010

CONTINUATION OF PUBLIC HEARING AND REGULAR MEETING

PRESENT: Richard RAMSDELL, Chairman
Anthony LA SPINA, Member
John REILLY, Member
Robert JANKELUNAS, Member
John ORR, Code Enforcement Officer
Matt BLAKE, Engineer
Ian SCHLANGER, Attorney

NOT PRESENT: Gene WINTERS, Member

CONTINUATION OF PUBLIC HEARING

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

Mario Contorino attending

Chairman Ramsdell read the Public Hearing Notice as it was published in the Times Herald Record:

NOTICE IS HEREBY GIVEN that the Planning Board of the Village of Chester, New York will hold a Continuation of the Public Hearing at the Village Hall, 47 Main Street, Chester, New York on Tuesday, the twenty-fifth day of May 2010 at 7:00 P.M., or as soon thereafter as the matter can be heard, concerning the application of Mario and Lisa Contorino for the project known as Site Plan and Special Use Permit for Contorino. The applicant is requesting to secure Site Plan Approval and a Special Use Permit Item #5 from the Schedule of District Regulations pursuant to the Village of Chester Code, to allow the applicant to use the structure as a woodworking and fabrication shop, consisting of a workshop, warehouse, and office.

The property is located in the Village of Chester, New York on Garden Street and Contorino Way, and is listed on the Village Tax Map as Section 101, Block 1, Lot 9 in an RA Zone.

All persons interested will be heard by the Village of Chester Planning Board at the aforementioned time and place.

Chairman Ramsdell gave a brief description of the Public Hearing proceedings. Chairman Ramsdell asked the public to identify themselves, and to address the Board and not the applicant.

Chairman Ramsdell introduced Mr. Jim Dillin, a surveyor who is representing the applicant. Mr. Dillin stated that he represents Mario and Lisa Contorino. A Public Hearing was held for this application last month, and a Site Visit by the Planning Board was conducted earlier this month. This application is for a Special Permitted Use in the RA Zone - a woodwork shop and office. We have checked all of the variances and the property totally complies with the regulations.

Mr. Dillin said that the applicant is proposing several added features to what we have now. Some of these items include paving the handicapped parking area and painting lines that delineate handicapped parking; putting signs on the front of the building regarding "No Parking" and "Reserved for Handicapped Parking;" aligning our bumpers around the building - there are 8 parking spaces required; providing a stationary double dumpster system.

Mr. Dillin said that the applicant will put a fence along the existing screen line. There was a double row of trees required regarding the 1984 variance. There is only a single row, 25-30 ft. high. We will discuss this with the Planning Board. We will make the slope on the property safer, possibly by putting in a row of trees. We will add a lighting note, and put shields on the lighting if the glare is a problem for the neighbors. The hours of

operation will be 7AM-6PM, Monday through Saturday in the workshop. The dust collection system and vacuum system will be discussed at the Regular Meeting.

Chairman Ramsdell asked for comments from Board members. There were none. He then opened the Public Hearing for comments and questions, asking if there was anything new from last month's meeting.

Dan Jonas of 7 Garden Street said that the vapors and fumes - the smell issue is an ongoing problem. This happens at different times of the day. You need to try to determine the air quality levels, if it's safe to breathe. It's giving us headaches and we're just fed up with it.

Mary Altobelli of 4 Garden Street said that she knows that Mr. Contorino has to earn income from his property. There have been other businesses there and we didn't have these issues. So it is possible to rent to other businesses. What that business is and respect to our quality of life should be taken into consideration. This business is unregulated and is operating 7 days per week. This is a hardship for us. We can't predict the noise or smells. We can't have people over because they get dizzy or nauseous. If a business is allowed, we're willing to meet you halfway. Get a business in there so it doesn't disrupt the quality of life of our neighborhood. We understand the need to make a living. By the same token, respect our quality of life. There is a halfway ground here.

Mr. Jonas said that today I took my 3 and 5-year-olds outside. We were restricted. I had to take them inside due to the smells. The smells and fumes should be the number 1 issue. This wasn't mentioned in the list of things wanted by the Planning Board. This isn't part of that package deal.

Ms. Altobelli said that there are 3 lights on all night long. There were never 3 lights there - only since this business has been there. There is no reason for lights to glare on my property.

Member John Reilly said that during the Site Visit, I gave the Jonases my phone number and asked them to give me a call when they smelled fumes. I received calls on 5 different occasions, but regrettably I wasn't at home. I just want to state for the record that there were 5 calls. The first call was on Saturday afternoon, the same day as our Site Visit.

Member La Spina said that he went to the property and walked around in the evening. It was quiet and I didn't smell anything.

Chairman Ramsdell said that there will be more discussion about this during our Regular Meeting.

Rosalie Jonas of 7 Garden Street said that for the past few months they are not working as late in the evening as they were last year. But you Board members work during the day. When I'm outside with my girls, I can smell it. The smell doesn't linger.

Edna Schultz of 6 Garden Street said that when she went from her car to her house, they were spraying. The fumes got right in my neck and the fumes left a bad taste in my mouth.

Ms. Altobelli said that the day after your Site Visit, it was actually quiet all day for the first time. It was quieter this week after your visit.

Joe Battiato asked what is being sprayed there?

Mr. Caric of Caric Custom Millwork stated that solvent-based lacquers and stains are sprayed. Enamels are not sprayed.

Mr. Jonas said that Officer Gordon from DEC spoke with him today.

Mr. Caric said that Mr. Gordon came into the office today. Mr. Gordon found that there were no issues at the time and that there were no smells in the air. He will be filing this in his report.

Mrs. Jonas said that I just can't reiterate enough that if DEC or Board members are not there when spraying is going on, you're just not going to smell it. I'm the one who's directly affected by the smells. I live right there. Even if DEC comes and doesn't smell it, it doesn't mean it wasn't there. I'm not making it up. I don't want to have to shut my windows to keep the smells out when they're spraying.

Mr. Jonas said that 2 Village officers smelled fumes last year and they said it's very strong.

Mr. Battiato said that when there were golf carts being painted there, they ended up building a spray room - some way to pick up fumes so they don't travel.

Chairman Ramsdell said that they have a spray room.

Ms. Altobelli asked where do we go from here? What criteria have to be met?

Chairman Ramsdell said that there will be considerable discussion about this during our Regular Meeting. The Village Zoning Law is fairly clear about things. Does anybody have anything else?

Mr. Caric said that the DEC is fully aware of all products that come from my shop. I had to give them all my receipts, invoices, amount of materials I go through per day, and amount of materials disposed. We dispose safely, through a company called Safety Clean. Nothing is left out in the trash. By New York State regulations, we are under one-tenth of the regulated amount of output through the air. This is not even one-tenth of the amount that we could be spraying. We're trying to keep it to a minimum. During the past several months, business has been very slow. There's no way that the smells could have been that pungent. We've used 15 gallons or less.

Ms. Altobelli said that the DEC regards this as Light Industrial Zoning, not for Residential Zoning.

Mario Contorino, applicant, said whatever we have to do, we'll change it. You (Board members) were there on Saturday. Did you hear or see anything?

Chairman Ramsdell said that we will be discussing this during our Regular Meeting.

Mr. Contorino asked what this meeting is for.

Chairman Ramsdell said that this is a Public Hearing, the same as last time. The Public Hearing is to take people's questions and to hear comments.

Mr. Contorino asked what's the difference between this time and last time?

Chairman Ramsdell said that this is a continuation of the Public Hearing so that the Board could go out to the site, make observations, look things over, then hear people's comments. This is in addition to our Regular Meeting where we talk about what needs to be done.

A comment was made stating that what this gentleman says horrifies me. This is the slowest time for his business and it's offended all of these people and has made their lives miserable. What happens when the economy turns around and all this stuff is pumped into the air? It's terrifying and it's only going to get worse.

Chairman Ramsdell asked if anyone has any other comments or questions. He requested a **Motion** to close the Public Hearing. A **Motion** was made by Member La Spina, seconded by Member Reilly. All in favor, none opposed. **Motion** carries. The Public Hearing is closed.

REGULAR MEETING

1. MINUTES

Chairman Ramsdell requested a **Motion** to accept the April 2010 Planning Board Meeting Minutes as drafted. A **Motion** was made by Member Reilly, seconded by Member Jankelunas. All in favor, none opposed. **Motion** carries.

2. CORRESPONDENCE

There was no correspondence.

3. C.E.O. REPORT

Current projects that were inspected during the last month:

Lowe's:

- 1- "No Truck Parking" signs have been installed.
- 2- Screen fence & Light shields have been installed.

Nexans:

- 1- No Change from last month.

Palumbo 2 School Street

- 1- Framing has been complete.

DePaulis

- 1- Phase II fill operation underway again.

Sutherland

- 1- Issued Building permit for new single-family house.

C&S

- 1- Building up interior work underway.

Essence Nails

- 1- Certificate of Occupancy issued.

Christopher's Bistro 69 Brookside Ave. Q-Plaza

- 1- Issued Building permit for the renovation of the old "Henry J's" restaurant.

Respectfully Submitted,
John S. Orr
Code Enforcement Office

4. Battiato Lot Line Change**Project # 09-07**

Owner/Applicant: Orazio Russ Battiato/Joseph Battiato

Location: Howland Street and Greycourt Avenue SBL 104-6-15

Zone: RA

Re: Agricultural Lot Line Change

Chairman Ramsdell said that the Board has received a reply from Orange County Planning Department. The recommendation is for Local Determination with no advisory comments regarding this application.

Mr. Joseph Battiato said that there is no change other than ownership.

Chairman Ramsdell asked Matt Blake, an Engineer from Mark Edsall's office, to read through Mr. Edsall's comments on this application. Mr. Blake read through the comments, stating that there is nothing major, for the most part. Mr. Edsall's comments are attached at the end of the Minutes.

Chairman Ramsdell requested a **Motion** for the Planning Board to be the Lead Agency for SEQRA. A **Motion** was made by Member Reilly, seconded by Member La Spina. All in favor, none opposed. **Motion** carries.

Chairman Ramsdell requested a **Motion** to declare this application as an Unlisted Action under SEQRA. A **Motion** was made by Member Jankelunas, seconded by Member La Spina. All in favor, none opposed. **Motion** carries.

Chairman Ramsdell said that it seems to the Engineer and to me that there are no environmental issues regarding this application under SEQRA. Chairman Ramsdell requested a **Motion** to declare this application a Negative Declaration under SEQRA. A **Motion** was made by Member Reilly, seconded by Member Jankelunas. All in favor, none opposed. **Motion** carries.

Attorney Ian Schlanger stated that under Regulation 84-36C, if the Board wishes to proceed by waiving a Public Hearing for this application, there should be a finding that the proposed action will not have an effect on surrounding land.

Chairman Ramsdell requested a **Motion** to find that this action (application) will not have an effect on adjoining land. A **Motion** was made by Member La Spina, seconded by Member Reilly. All in favor, none opposed. **Motion** carries.

Chairman Ramsdell requested a **Motion** to waive a Public Hearing for this application. A **Motion** was made by Member Jankelunas, seconded by Member Reilly. All in favor, none opposed. **Motion** carries.

Chairman Ramsdell said that it seems that we can conditionally approve this application. The conditions are as follows: 1) Confirmation from the surveyor that there is a 200 ft. width on Lot B and 2) All fees will be paid.

Chairman Ramsdell asked Mr. Schlanger for further comments. There were none.

Chairman Ramsdell requested a **Motion** for Conditional Approval of this application with the 2 previously mentioned conditions. A **Motion** was made by Member La Spina, seconded by Member Jankelunas. All in favor, none opposed. Motion carries.

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

Mario Contorino attending

Chairman Ramsdell said that we've had an explanation of this project and Public Hearings for this project on 2 occasions. There was also a Site Visit by Planning Board members.

Chairman Ramsdell said that the Village Law with regard to the Zoning Code is pretty clear on what needs to happen for an application like this. I'll just read from the District Regulations for the RA District, from the column for Special Permitted Uses, Item #5. This has been a topic of conversation since we began this application. The building was in use for agricultural uses for at least 3 years - is that correct?

Mr. Dillin verified that this is correct.

Special Permitted Uses Subject to Authorization & Site Plan Approval by the Planning Board.

Item #5: Barns, storage buildings, silos or open structures which have been used for agricultural purposes for at least 3 years preceding an application may be converted for wholesale storage and warehouse facilities, processing, assembly, fabrication, or packaging, and accessory uses for office space, wholesale or retail sales, provided such accessory uses do not exceed 25% of the floor area of the building or structure. To protect agricultural and residential uses, such special permitted uses will not create dangerous, injurious, or noxious conditions and will not produce objectionable noise, vibration, smoke, dust, odor or other forms of air or water pollution. Such special permitted uses will not include motor vehicle repair, auto body repair, or the storage of oil, fuel, other petroleum products, or chemicals.

Chairman Ramsdell said that the Planning Board was at the site on May 15th. Your office space is not very big. It doesn't seem to me that these other uses exceed more than 25% of the floor area of the building.

Chairman Ramsdell said that the cabinets of compounds that are being used over there constitute storage. His business is not storage of materials. But that other section has a few things that we need to have continued discussion about: the noxious conditions that have been reported, the odors and the noise. We were there on Saturday and we experienced the amount of noise coming from the building and how it could be considerably abated by the closing of doors and windows. There's something that you can do about the noise problem. There was another noise - rotating ventilator caps - like a squeaky wheel. Everyone's laughing because WD-40 makes the problem go away.

Chairman Ramsdell said that we also talked about visual screens. All of the Planning Board members were at the site. John Orr, our Building Inspector, and Mark Edsall, our Engineer, was there. Chairman Ramsdell asked Mr. Blake for Mr. Edsall's comments as a result of the walk-through of the site. Mr. Edsall's comments are attached at the end of the Minutes.

Chairman Ramsdell asked the applicant if his note includes all of this.

Mr. Dillin replied yes, verbatim.

Chairman Ramsdell inquired about the nature of the soil for visual screen plantings.

Mr. Dillin said that the soil may have been filled in with shale. We may have to put in a planting bed or a low fence, possibly a chain link. The

applicant's snow area is along the tree line. We'd like to have an opening so that he can push snow through - possibly a fence elevated slightly above the ground for drainage.

Chairman Ramsdell said that an alternative is to add a second row of trees.

Matt Blake, Engineer, said that at the request of the Planning Board Chairman, Engineer Mark Edsall has contacted the DEC. We are still waiting for a reply. The DEC is not aware that this is a Residential Zone. The permit is based upon a Light-Industrial Zone.

Mr. Blake said that the common complaint is regarding the Volatile Organic Compounds (VOCs), and the symptoms that they cause. These symptoms include problems with breathing, headaches, and nausea. There is a very small device called a Rotary Absorption Unit that releases purified air and removes up to 99% of VOCs. This is one of the most effective devices for filtering VOCs and it is approved by the DEC. You might want to look into getting the services of an engineer.

Mr. Caric, owner of Caric Custom Millwork, said that the system we have now filters over 99%.

Mr. Blake asked the VOCs? I thought it was just a cross draft.

Mr. Caric said that we have filters on either end.

Mr. Blake said that you have filters on the incoming side.

Mr. Caric said and the outgoing.

Chairman Ramsdell said that this was described to him as a "Paint Pocket" filter.

Mr. Caric said that's the brand name. It removes 99.8% of the VOCs.

Mr. Blake said that the dust collection system has nothing to do with it. That's separate. I didn't see any paperwork on the filtration system. If you get the paperwork to my office, I can look at it. My concern is that if VOCs are being removed, you shouldn't have the odors and symptoms that the neighbors are complaining about and experiencing.

Mr. Caric said neither would my employees.

Mr. Blake said that's not necessarily true because you're exhausting air out of the building.

Mr. Caric said my employees aren't complaining or experiencing symptoms.

Mr. Blake said but that's because the air is being filtered through the booth. That air is not being released back into the work environment.

John Orr, Code Enforcement Officer, said that the applicant has been asked for more information on the filtration system. We can sit here all night and go back and forth.

Mr. Blake said get the information to the Planning Board regarding that filtration system.

Chairman Ramsdell said that was my first visit to the building. It appeared to me that the operator, Mr. Caric, likely has been around this business for quite awhile because it was very organized and clean inside. You need to work through the requirements that I read through at the beginning of this discussion. There's some room for improvement.

Mr. Dillin said that we really haven't addressed anything yet because this is the first time that we've been asked to do anything. I think we've got this narrowed down.

Chairman Ramsdell said the hours of operation that you presented were 7AM-6PM, Monday through Saturday. As of now, there are 4 issues on the table. Mr. Caric told me 6AM-5PM. I think that 7AM-6PM is an improvement. Most of the time, it's 5 days per week. Sometimes they are under production pressure and need another day, excluding Sundays and evenings.

Attorney Ian Schlanger said that according to Section 98-25B of the Code, there is a time period in which the Board has to make a decision after

closing the Public Hearing. I would recommend that an extension be agreed upon by the Board and the applicant, and that the Board obtains an extension today.

Mr. Dillin said that we have no trouble giving the Board an extension. I hope that we're going to be back here next month and I hope that I'm going to be able to address all of your problems and finalize the Site Plan. If I can't, and if there are outstanding items, I have no problem with extending it.

Chairman Ramsdell said I suspect that the Board will not allow that time period to expire and that the Board, if it needs to, will just make a decision, but it may be in your interests to extend this discussion.

Mr. Dillin said I just don't want this to be extended month after month after month.

Chairman Ramsdell said believe me, I don't think anyone here wants that.

Mr. Dan Jonas of 7 Garden Street said in the meantime, we have children living in very close proximity to the noxious air. I don't know whether we do or don't have a health risk. I certainly don't want this to go on.

Mr. Schlanger said that I am just making the Board aware. If the Board doesn't make a decision within 62 days, it will be deemed approved.

Chairman Ramsdell said that it's specifically stated in the Zoning Law. He asked the applicant if he wants to come back to address these issues.

Mr. Dillin said next month. I'd like to address anything that we have that is outstanding.

Chairman Ramsdell asked the applicant if he would like a Work Session visit.

Mr. Dillin said that a Work Session is probably a good idea. We can get specific ideas for fixes on some of these problems.

Mr. Orr said that it's great that we put it in the plans that the door won't be opened but I'd recommend an interlock system where if the door goes up, the air system shuts down. This is an option to the applicant. I have a question for the applicant. That stack that was making so much noise, like a squeaky wheel, has that been repaired? No. So one of the major complaints that your neighbors have hasn't been addressed in 10 days. That's a statement, not a question. Let's put shields on the lights now. We know there's a problem. The neighbors don't like the lights. Let's not approve this thing and deal with it later. When we were inside the building, the walls were only sheathed. The walls should be finished to cut down on the noise.

Chairman Ramsdell said that there didn't appear to be many obstacles to do that. I'd recommend soundproofing the source of the noise instead of the entire building. So what is your solution to the noise problem?

Mr. Dillin said soundproof or reinsulated the system.

Chairman Ramsdell asked if there were any other comments.

Mr. Caric said that we'll definitely look into the Rotary Absorption System. I actually never heard of that.

Chairman Ramsdell said that the applicant can be in touch with the Board's consultants.

Mr. Dillin said that the applicant has a proposal to discuss tonight. The vent stack could come up right from the paint booth, start up through the roof, and then be extended up 6 or 8 ft. above the roof. Right now it's on the end of the building. As you know, chimneys that are elevated up above roofs are much better. I think that this would be a great improvement to start.

Chairman Ramsdell said I don't know where these alternate filtration systems are installed - a certain distance from the source or a certain distance from the outlet. You should know this before you start making changes.

Member Jankelunas said that during the field visit, though it wasn't in operation, he saw cut sheets of plywood with an air system attached. This could be another potential source of noise.

Mr. Caric said that makes no overpowering noise. The doors are closed 99% of the time. My guys open it to take garbage out. The doors aren't left opened over an extended period.

Chairman Ramsdell asked the public for any other comments.

Mary Altobelli of 4 Garden Street said that it baffles me that this has been allowed to go on for so long without permits, plans, or approval. We have to suffer with this. Now we're supposed to trust these people to do the right thing? Where do we stand?

Chairman Ramsdell said that either conditions that defy approval are going to be implemented or will become conditions of approval before this thing gets approved. The DEC will monitor and follow-up on things. Our Building Inspector is aware of the situation. He is present at all of our meetings. This is an important step. There will be follow-up with this.

Edna Schultz said this is hypothetical. What if this is shut down until all of this takes effect?

Chairman Ramsdell said that's an alternative. Why should we not take that position?

Ms. Schultz said I feel bad saying it because I don't want anyone to lose their business. But this is affecting the health and welfare of all the neighbors.

Mario Contorino, applicant, said that he's heard these same complaints about trucks, tractors, airplanes spraying lethal chemicals. Joe Nicotra received complaints from these same neighbors.

Chairman Ramsdell said there's a law in the books that's really clear. If you want to change the law, go see the Village Board. I don't have the authority.

Mr. Contorino said that he doesn't understand.

Chairman Ramsdell said that this refers to what I read from at the beginning of this discussion.

Mr. Contorino said everything I do, there's a problem. I keep a neat place. No matter what I do, someone has something to say. And I don't care what anybody else does. I'll put 2 lines of trees - whatever we have to do to get it approved. If you're threatening to close us down, close us down. What can I tell you? It's amazing. I can't stay in business or pay my mortgage.

Chairman Ramsdell said that's going to be a legal matter.

Ms. Schultz said that when Mr. Contorino, Sr. was alive, I came to the Village Board to stand up for him for his farm. I never said anything against the farmers or the noise. The only thing I said was about the chemical smell polluting the air and our lungs.

Mr. Jonas said that the bottom line is the spraying of chemicals. I have limited lung capacity. I have several kids. This is ridiculous and everyone knows it's wrong and it can't continue. It's a complete joke. I've had conversations with Mario Contorino and with Spas. This comes down to chemicals and breathing.

Chairman Ramsdell said that we don't have all of the information on this. He suggested that the applicant submit solutions and he suggested a Work Session.

Mr. Dillin agreed.

Joe Nicotra said that the biggest issue is the smell. I feel if the Board takes care of the business with the smell, the problem would be solved. The lights are for security. I've got them on my property.

Chairman Ramsdell said that what I read from at the beginning of this discussion is the law here and it's for someone who wants to do something with their property. It just lays it out right in front of you. You have to

pay attention to this. Normally, that would happen before something is installed. So we're doing it a little backwards here. We're here because of this one issue. I know that this discussion is bringing up old history and that's not unusual. But what we're talking about here is the use of Mario's building and how you can mitigate some of the things that you want to be doing here so that it can get approved. If it can't be mitigated, let's find out as soon as possible and go in another direction.

Mr. Contorino said that you've painted a picture that I'm not going to fix the squeaking noise or put up trees.

Chairman Ramsdell said that's not my opinion.

Mr. Contorino said that we'll do whatever we have to do to get approved.

Chairman Ramsdell said I know you will. Thank you all, really. We are all looking forward to a resolution of this.

Chairman Ramsdell requested a **Motion** to adjourn the meeting. A **Motion** was made by Member Jankelunas, seconded by Member Reilly. All in favor, none opposed. **Motion** carries. Meeting adjourned at 8:50 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)

MAIN OFFICE
33 Airport Center Drive
Suite 202
New Windsor, New York 12553
(845) 567-3100
fax: (845) 567-3232
e-mail: mheny@mhepc.com
Writers Email: mje@mhepc.com

**VILLAGE OF CHESTER
PLANNING BOARD
REVIEW COMMENTS**

PROJECT NAME: BATTIATO LOT LINE CHANGE
PROJECT LOCATION: HOWLAND STREET
SECTION 104 – BLOCK 6 – LOTS 14 & 15
PROJECT NUMBER: 09-07
DATE: 25 MAY 2010
DESCRIPTION: THE APPLICATION PROPOSES TO RE-ALIGN THE LOT LINES BETWEEN THE INDICATED LOTS. THE PLAN WAS REVIEWED ON A CONCEPT BASIS.

1. Lot 14 (shown as Lot A) is located in the B-1 zone and Lot 15 (shown as Lot B) is located in the RA zoning district. The Planning Board should note that the current zoning line (between the indicated zones) runs along the current property line separating the application lots. Should the lot line be revised as proposed, the entirety of Lot 15 (new configuration) will be in the RA zone, and Lot 14 will be split.
2. From a zoning standpoint, Lot 14 is increasing in size and the existing building setbacks are being maintained (obviously in the same zone before and after the lot line change). Lot 15 is decreasing in size, and the “smaller” lot complies with the minimum requirements of the RA zone, other than one concern.

Lot Width required is 200 ft. Lot Width by definition is measured along the front yard setback line, between side lines. For a corner lot (see 98-11), the front yard is defined as the “narrowest yard”. A scaled dimension at this location indicates approximately 200 ft. width. The surveyor should affirm compliance.

3. The Board should note that Section 84-36 C permits the Board to waive subdivision procedural requirements for simple lot line changes. In line with this provision, the Board could consider waiving any needed public hearings.

REGIONAL OFFICES

- 111 Wheatfield Drive • Suite 1 • Milford, Pennsylvania 18337 • 570-296-2765 •
- 540 Broadway • Monticello, New York 12701 • 845-794-3399 •

4. 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.
5. The Planning Board may wish to classify this action as an "unlisted action" under SEQRA, and consider a "negative declaration" of environmental significance, based on the information presented and reviewed.
6. It is my understanding this was forwarded to the Orange County Department of Planning and a "Local Determination" response has been received.
7. I am aware of no outstanding issues for this application and have no objection to the Board proceeding with approvals, given the minor nature of the application.

Respectfully Submitted,



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



**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)

MAIN OFFICE
33 Airport Center Drive
Suite 202
New Windsor, New York 12553
(845) 567-3100
fax: (845) 567-3232
e-mail: mheny@mhepc.com
Writers Email: mje@mhepc.com

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: 25 MAY 2010
DESCRIPTION: THE APPLICATION PROPOSES A WOODWORKING & FABRICATION SHOP ON THE EXISTING 0.86+ ACRE PARCEL. THE PLAN WAS PREVIOUSLY REVIEWED AT THE 23 MARCH AND 27 APRIL 2010 PLANNING BOARD MEETINGS. THE APPLICATION IS BEFORE THE BOARD FOR A CONTINUATION OF THE PUBLIC HEARING OPENED AT THE APRIL MEETING.

1. Revisions and corrections were previously made to the plans as per March review. The outstanding issues regarding the application were with regard to the following “open” items.
2. Based on my field review on Saturday, May 15th with the Planning Board members, I add the following comments with regard to the site plan previously reviewed:
 - A plan note indicates that “dock doors” will be closed during equipment operation. We suggest that all doors on the west side of the building remain closed during operation. Open doors on the west side were field confirmed to significantly increase noise levels to the neighborhood.
 - In addition, the Board may wish to discuss (with the applicant) to possibility of closing off the window on the west face of the building.
 - Field observations indicate that the only particulate removal is via a bag system on the spray booth ventilation discharge line. Given the significant comments / concerns regarding this issue, further systems for particulate, solvents, VOCs, capture may be appropriate. This matter is being further investigated by Matt Blake of our office.

REGIONAL OFFICES

- 111 Wheatfield Drive • Suite 1 • Milford, Pennsylvania 18337 • 570-296-2765 •
- 540 Broadway • Monticello, New York 12701 • 845-794-3399 •

- Existing lighting appears not to have any shields to “cut-off” light spillover to adjoining residential properties. This warrants further discussion with the applicant. The revised plan, with lighting adjustment should include the following standard Village lighting note:

“Planning Board’s acceptance of the lighting design shown hereon is premised on the representation of the applicant that the lighting will not cause a glare or other deleterious effect on adjoining properties and/or roadway traffic. Should any such conditions result from the installation, in the sole opinion of the authorized representatives of the Village, the applicant agrees to modify and/or replace fixtures to cause the correction of the condition, to the satisfaction of the Village representatives.”

- Field review indicates that landscaping on the north side near property n/f Mathurin is not practical. Possibility of a screen row along the top of the “slope” on the north side of the front parking lot was identified.
 - Field review indicates possible benefit of a fence screen to supplement the pine tree row on the south side of the front parking lot to address a low level void in visual screening.
 - Adequate access seems to exist at the rear of the building, with the understanding that the gravel drive right of way benefits this application lot. Applicant’s surveyor should confirm.
3. At the request of the Planning Board Chairman, I have contacted the NYS Department of Environmental Conservation regarding this application, its use in the RA zone and the complaints and input received from the Board regarding the air discharge issues. I am awaiting a response regarding these matters.
 4. If there are any additional areas of concern which the Board requests our input / investigation, we will be pleased to assist the Board, as requested.

Respectfully Submitted,



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