

MINUTESVILLAGE of CHESTER PLANNING BOARDJUNE 22, 2010REGULAR MEETING

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

NOT PRESENT: Anthony LA SPINA, Member

REGULAR MEETING

Chairman Ramsdell opened the Regular Meeting at 7:30 P.M.

1. MINUTES

Chairman Ramsdell requested a **Motion** to accept the draft of the May 2010 Planning Board Meeting Minutes as amended. 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 - Submitted by John OrrCurrent projects that were inspected during the last month:Lowe's

1- No truck parking signs have reduced the truck parking.

Nexans

1- No Change from last month.

Palumbo 2 School Street

1-Framing has been complete.

DePaulis

1- Fill work underway during the month.

Sutherland

1- No work has started.

C&S

1- Building almost complete.

Christopher's Bistro 69 Brookside Ave. Q-Plaza

1- Minor work has been started.

Since May's meeting I have issued 11 minor Building Permits for decks, fences, pools, re-roofs and signs.

Also since May's meeting I have sent 5 Violation Notices out dealing with unregistered vehicles and lawn maintenance issues. Almost all have been corrected to date.

In conjunction with the Police Department I have been dealing with parking and garbage problems on Jackson Street.

Respectfully Submitted,
 John S. Orr
 Code Enforcement Officer

Member Winters inquired about the lighting situation at Lowe's.

Mr. Orr replied that Lowe's has put a fence up which provides about 50-60% shielding of the lights, similar to the lights at the Garden Center. I

received a request for a Final Inspection and a Certificate of Occupancy today.

Chairman Ramsdell asked if there are any other agencies involved.

Mr. Orr said that the Department of Transportation (DOT) work deals with regrading, painting, and striping.

Chairman Ramsdell asked is there are any Department of Environmental Conservation (DEC) issues.

Mr. Orr said that the only outstanding issues that he is aware of are the liner and the retention pond.

Chairman Ramsdell asked about the status of the silt fence.

Mr. Orr said that it will be removed later this week.

4. DePaulis 94 Phase IV

Project # 10-05

Applicant/Owner: DePaulis Enterprises VI/Guiseppa DePaulis

Location: Route 94 and Elizabeth Drive SBL 116-1-1.2 M1 Zone

Re: Regrade lot by removing hill (possible rock) and raising flat area

David Zigler of Atzl, Scatassa & Zigler representing

Robert Torgussen, Engineer, present

Mr. David Zigler is representing the applicant this evening. Mr. Zigler said that as of today, the flat area of the site below Route 94 has been filled. That process is over. The applicant has come back to the Board because we would like to remove and redistribute the "hill" material, near where there are power lines going toward Monroe. We would leave the façade of the hill and remove the portion along the East-bound entrance onto Route 17. We would like to go right up to the power line easement and take the hill down. The hill is probably all rock and this will probably require some blasting. This material will be repositioned on the site and will make the pad bigger.

Mr. Zigler said that the fill is proposed to be closer to the property line against the Industrial Park. We would move the silt pond to a better spot for us. The pond ends up on the bottom. If the Board approves this, we would need a modification of the DEC permit. We would be adding about 3 acres of site to the pad.

Mr. Zigler said that on the Profile Page of the plan, you will see the same thing, only with fewer trees. There will still be the hill with grass and shrubs. The change is in the area behind the easement.

Attorney Harold Pressberg asked if anything is being brought onto or off of the site.

Mr. Zigler replied that everything is being done on the site, nothing is going off. We are adhering to the 5 acre regulation.

Member Jankelunas asked during what hours would you be blasting.

Mr. Zigler said he thought that it would be from 8:00 A.M. until 4:30 P.M. We would blast one week, then remove the materials, then blast again the next week. It's quite a slow process.

Chairman Ramsdell asked if there will be grinding on the site.

Mr. Zigler said that there will be a crusher on the site.

Chairman Ramsdell asked if it is located on the plan.

Mr. Zigler said that we can put it on the plan.

Chairman Ramsdell said that we want to avoid dust clouds going onto the ramp.

Mr. Zigler said we'll look into it.

Chairman Ramsdell asked if the plateau at the 506 elevation is unchanged.

Mr. Zigler said for now. We're taking it one step at a time. It's a whole different process with Orange and Rockland (O&R). Then we'll come back to the Planning Board. We've approached the DOT about purchasing the pond area and also about access for the site. There will be about 11 acres of usable flat area.

Member Jankelunas asked how long it will take for this phase to be completed.

Mr. Zigler said that we will give that answer at the next meeting, at the Public Hearing.

Code Enforcement Officer John Orr asked if, regarding the blasting and easement, has the applicant given consideration to what this will do to the poles?

Mr. Zigler said no, but we will discuss that at the Work Session. We'll be in touch with O&R.

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

Mr. Edsall said that regarding Mr. Orr's question on the impact on the poles, the applicant needs to fully apprise O&R about blasting. You need to get something in writing from O&R.

Chairman Ramsdell asked if there is an outlet for the proposed basin.

Mr. Edsall said that the applicant can work through the comments with Mr. Orr.

Chairman Ramsdell asked if there are any involved agencies.

Mr. Edsall said that he will write a letter to the involved agencies and he will send it to Susan Marino, the Planning Board secretary, for mailing.

Chairman Ramsdell requested a **Motion** for the Village of Chester Planning Board's intention to be the Lead Agency for this application. A **Motion** was made by Member Jankelunas, seconded by Member Winters. All in favor, none opposed. **Motion** carries.

Mr. Edsall said that the SWWWP revisions should be accomplished.

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

The applicant requested an appointment for the next Work Session. The applicant was scheduled for the July 1, 2010 Work Session at 1:30 P.M.

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

Mr. Jim Dillin, Land Surveyor, is representing the applicant this evening. We attended the June Work Session. We have added Note #10 to the plan. The airflow from the spray booth is now a vertical exhaust through the roof. The applicant has a permit. We have agreed to spray only water-based coatings. We have made the corrections to the Handicapped Parking detail. Two of the posts from the chain link fence that extends to the roadway will be eliminated. We will provide glare shields on the lights on the front of the building.

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

Mr. Edsall said that he is seeking clarification from the Board regarding the note that states that the doors will remain closed. Does this refer to all doors? Does the Board want to make it all-encompassing? Mr. Edsall said that there is the potential for that one window to cause a problem.

Mr. Edsall said that we've addressed the vertical discharge and the water-based coatings. I would be more comfortable if our Mechanical Engineer reviewed the MSDS sheets. Then we would have both the product information and all other information so that the Board can make an informed decision.

Mr. Edsall said that in reference to the comments from the neighbors regarding the smell, the DEC has replied that this is a local issue under local jurisdiction, and has tossed this back to the Planning Board. The DEC will not take control of this.

Chairman Ramsdell said that the result of your conversation with the DEC is a surprise.

Mr. Edsall said that he was surprised at the manner in which the DEC's response was given. They have no interest or intent, and they said it is not their concern.

Chairman Ramsdell said that there needs to be a methodology for restricting the use of other products.

Mr. Edsall said that you need to identify the problem, and then identify the solution. Then determine how it will be monitored. Code Enforcement Officer John Orr would like the MSDS sheets and a list of products. Then the sheets will be reviewed by our Mechanical Engineer.

Attorney Harold Pressberg said that the Special Use Permit can provide which products they can use. There should be no objectionable odors.

Chairman Ramsdell said that over time, there will be new products.

Mr. Dillin said that the Board can see our order sheets.

Mr. Orr said that we really need the MSDS sheets. I will lift the Cease and Desist Order on the paint booth, allowing them to operate using only water-based products. We'll see if there are any complaints and we'll see how it goes.

Chairman Ramsdell asked if the exhaust through the roof was done by an engineer.

Mr. Dillin said that it was done by the person who built the building. There is a rain cap on it. It is 8 ft. above the peak of the roof.

Mr. Orr said that it was done by a professional company that does duct work. The information provided to me was detailed and in line with the installation and spray equipment.

Chairman Ramsdell asked if it is pretty much over the spray booth.

Mario Contorino, applicant, said pretty much. There's a little bend in it.

Chairman Ramsdell asked if an allowance should be given.

Mr. Orr said that there is no allowance given for spraying. I'm comfortable with this.

Chairman Ramsdell requested a **Motion** by the Planning Board to permit use of the spray booth operating with the new vent chimney and using water-based products only. This is subject to reports and experiences by the Building Inspector.

Mr. Edsall suggested that the Board might want to call it a Pilot Test Run.

Chairman Ramsdell asked if we need the MSDS sheets before this happens.

Mr. Dillin said that Mr. Caric can give you the MSDS sheets as early as tomorrow.

Chairman Ramsdell said that this **Motion** is subject to receipt and review of MSDS information. The Board will authorize a Pilot Test Run for the spray booth using water-based products. A **Motion** was made by Member Winters, seconded by Member Reilly. All in favor, none opposed. **Motion** carries.

Member Reilly asked if the Board can be notified when the applicant is spraying.

Mr. Dillin said that it's sporadic.

Mr. Dillin said that there are 2 more issues: the window and the man-door.

Mr. Edsall said that the man-door cannot remain opened.

Mr. Dillin said that we will remove or close off the window. Is Note #10 acceptable?

Chairman Ramsdell said that it may be expanded.

Mr. Pressberg said that we can put any of those requirements in the Special Use Permit.

Mr. Edsall said that for the Board's clarification on Note #9, Jim agreed to put a standard note on regarding the lights. We'll check it out - if it works, it works. If not, then find a solution.

Chairman Ramsdell requested a **Motion** for the Planning Board to declare itself as Lead Agency for this application. A **Motion** was made by Member Jankelunas, seconded by Member Winters. All in favor, none opposed. **Motion** carries.

6. Green Bull North Zone Change Project # 10-06
Applicant/Owner: George W. Ketchum/Green Bull North
Location: 31, 33, and 35 Brookside Avenue SBL 114-1-10.2, 10.1, 17
Zone: M2
Re: Change current zoning of M2 to B2

Chairman Ramsdell said that this applicant appeared before the Village Board at their June 14th meeting. The Village Board acted on this zone change request at the meeting and referred this matter to the Planning Board for a report.

The Planning Board made their recommendations and sent a report to the Village Board on a similar matter regarding the property at 5 Brookside Avenue in November of last year. We included a recommendation for the Village Board to consider rezoning the entire area from M2 to B2.

Chairman Ramsdell said that we now have a site drawing for this application. There are 5 items for the Planning Board to consider for its recommendation. Chairman Ramsdell read the 5 items.

Chairman Ramsdell suggested that Board members email their thoughts on this matter to Planning Board Secretary Susan Marino. He recommended referring to the Board's previous report regarding 5 Brookside Avenue.

Chairman Ramsdell asked if there were any other matters to be discussed. There were none.

Chairman Ramsdell requested a **Motion** to adjourn the meeting. A **Motion** was made by Member Jankelunas, seconded by Member Winters. All in favor, none opposed. **Motion** carries. Meeting adjourned at 8:40 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: DEPAULIS SITE GRADING PLAN – PHASE IV
(CONTROLLED FILL FOR FUTURE DEVELOPMENT)
PROJECT LOCATION: SOUTH SIDE – ROUTE 94 (EAST OF ELIZABETH DRIVE)
SECTION 116 – BLOCK 1 – LOT 1
PROJECT NUMBER: 10-05
DATE: 22 JUNE 2010
DESCRIPTION: THE APPLICATION PROPOSES ADDITIONAL CONTROLLED FILL
AT THE SITE OF THE PRIOR APPLICATION (VCPB Files 07-07 &
09-05).

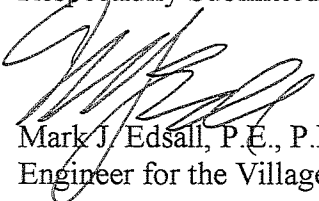
1. Our office has reviewed the Erosion and Sediment Control Plan, dated 8 June 2010, with regard to the subject project. Upon our review of the aforementioned revised SWPPP, we offer the following comments:
 - The proposed plan includes removing the previously constructed sediment control basin and swales by filling the site to the property and wetland boundary limit. Rock material from the hill on the northern portion of the site will be crushed on site and used as fill on the southern portion of the site. It is unclear from the material provided if either additional material will be needed or excess materials from the proposed grading. Please provide a cut/fill calculation.
 - The proposed sediment control basin does not appear to include an outlet.
 - Provide sizing calculations for the proposed sediment basin.
 - The southern half of the site includes filling an up to an additional 20-foot of fill extending to the property line and wetland boundary with only silt fence as an erosion control measure. This approach is inadequate.

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- Silt fence must be installed parallel to the existing contours.
 - The proposal includes crushing materials on site and using them as fill. The applicant must verify that this action will not require a mining permit from the NYSDEC as there is not a site plan associated with the proposed action.
 - The 482 contour on the southern property line is either missing or obscured by the line work on the drawing.
 - Additional DEC approval should be obtained and the applicant should show documentation that the NYSDOT highway work permit remains in effect.
2. The Village Highway Superintendent should be consulted regarding need for new bonds and related protection for the Village roadways, as was agreed for the prior applications.
 3. The Board should cause the referral to the Orange County Department of Planning and initiate the SEQRA review.

Respectfully Submitted,



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

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**McGOEY, HAUSER and EDSALL
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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: 22 JUNE 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 2010, 27 APRIL 2010 AND 25 MAY 2010 PLANNING BOARD MEETINGS.

1. Based on the field review and ongoing evaluation, the following comments remain open:
 - As previously indicated, the plan notes that “dock doors and overhead doors” will be closed during equipment operation. We continue to suggest that the board require 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.
 - It is unclear from the plan if the applicant has agreed to closing off the window on the west face of the building, as was previously discussed.
 - The plans now indicate that the spray booth discharge will be “vertical” and only water based coatings will be used. Although this may be heading toward an appropriate solution to the ongoing problems at the site, we recommend that the Village request the MSDS sheets for the various products to make an evaluation of the content of the same.
2. At the request of the Planning Board Chairman, I 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. Based on my discussion with the DEC representative, they have indicated that handling the concerns of hours of operation, impact on

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adjoining residences, odors, etc. are local issues for the Village to deal with. As such, it is my understanding the Board has full jurisdiction under the Special Permit provisions.

3. Prior to considering any action, the Board will need to make the necessary evaluations and determinations regarding the use / operation with regard to the Special Permit, and consider a determination of significance under SEQRA. It is my recommendation that no such determinations be made until such time that the product information requested has been received and evaluated and the methodology to restrict use of other products is defined.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'M. Edsall', written in a cursive style.

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

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