

MINUTES

VILLAGE of CHESTER PLANNING BOARD

JULY 27, 2010

PUBLIC HEARING AND REGULAR MEETING

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

NOT PRESENT: Robert JANKELUNAS, Member

PUBLIC HEARING

Chairman Ramsdell opened the Public Hearing at 7:20 P.M.

1. DePaulis 94 Phase IV

Project # 10-05

Applicant/Owner: DePaulis Enterprises VI/Giuseppe DePaulis
Re: Regrade lot by removing hill (possible rock) and raising flat area
Location: Route 94 and Elizabeth Drive SBL 116-1-1.2 M1 Zone
David Zigler of Atzl, Scatassa & Zigler representing
Robert Torgussen, Engineer, present

Chairman Ramsdell said that this Public Hearing is regarding a grading operation on the property across from Lowe's. He read the Public Hearing Notice as it appeared in the Times Herald Record:

NOTICE IS HEREBY GIVEN that the Planning Board of the Village of Chester, New York will hold a Public Hearing at the Village Hall, 47 Main Street, Chester, New York on Tuesday, the twenty-seventh day of July 2010 at 7:15 P.M., or as soon thereafter as the matter can be heard, concerning the application of Joseph DePaulis for the project known as DePaulis 94 Phase IV. The applicant is requesting to secure a Permit from the Village of Chester Planning Board pursuant to the Village of Chester Code, Article III, General Regulations, 98-13 - Removal and excavation of soil, to allow the applicant to regrade the lot by removing the "hill" (approximately 3 acres) and using removed material on site for grading.

The property is located in the Village of Chester, New York on Route 94 and Nucifora Boulevard and is listed on the Village Tax Map as Section 116, Block 1, Lot 1.2 in an M1 Zone.

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

BY: Order of the Village of Chester Planning Board
BY: Richard Ramsdell, Chairman

Chairman Ramsdell gave a brief description of the Public Hearing proceedings. He asked the public to identify themselves and to state their address.

Chairman Ramsdell invited the applicant's representative to give a presentation on the project. Mr. David Zigler of Atzl, Scatassa & Zigler, Land Surveyors, P.C. and Mr. Robert Torgussen represented the applicant.

Mr. Zigler stated that the site is across from Lowe's, on Route 94. The applicant and owner, the DePaulis family, is requesting to take down the hill on the site. There are Orange and Rockland (O&R) poles on the North side of the hill. The hill is solid rock. We want to either use or crush the rock on the site itself. We are not mining the rock. We'd like to raise and expand the site 1½ feet in height for future commercial development.

Mr. Zigler said that there are several things that we are doing. We have been in touch with O&R about the telephone poles. We have forwarded maps to O&R for their comments. We have not received any reply as of yet. We are currently in front of the Department of Transportation (DOT) regarding a portion of the pond sitting across from the cannery. This is not of any

value to the right of way. The applicant is discussing with the state the possibility of purchasing the pond. This is still about 2 years off. We are basically here tonight to discuss a fill operation - moving the silt from one spot on the site and just dispersing it on the site itself.

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

Member La Spina asked if there would be blasting of the rock.

Mr. Zigler replied yes. There will be a temporary crusher on the site to crush the rock. We have incorporated into our plan how it will be dispersed on the site.

Member Winters inquired about the necessary water on the site and about the hours of operation.

Mr. Zigler said that we looked into Pine Bush. There is water on the site. There is a spray system. On the map, we've proposed in Note #1 to drill for blasting from 6 A.M. until 4 P.M. We will work on the site from 7 A.M. until 3 P.M. Saturday is included as a work day. No Sundays.

Chairman Ramsdell opened the hearing to public comment.

Mr. Brian Leentjes asked if he could look at the plan.

Chairman Ramsdell showed and explained the map to Mr. Leentjes.

Member La Spina asked if people will be notified about the blasting.

Mr. Zigler said that we will do whatever we have to do regarding the regulations. We can drill in the morning and blast in the afternoon. The blasting will be regularly scheduled once the operation starts.

Chairman Ramsdell asked if there were any other questions. There were none. He requested a **Motion** to close the Public Hearing. A **Motion** was made by Member La Spina; seconded by Member Winters. All in favor, none opposed. **Motion** carries.

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 June 2010 Planning Board Meeting Minutes as amended. A **Motion** was made by Member Reilly, seconded by Member La Spina. All in favor, none opposed. **Motion** carries.

2. CORRESPONDENCE

Letter from: Jim Dillin

Date: July 27, 2010

Re: #10-02 - Site Plan and Special Use Permit for Contorino

Chairman Ramsdell said that this is a reply to our request for replenishment of the applicant's Escrow account. In the letter, it is stated that the applicant will be ready to return before the Planning Board at our August meeting.

Chairman Ramsdell said that there are a few people here this evening regarding this application. He said that there has been some activity on this application. We've spent a lot of time on it. The residents in the area have spent more time on it than anyone else. I'm looking forward to resolving this, hopefully at our next meeting. Chairman Ramsdell asked Code Enforcement Officer John Orr if he will comment on this application in his report. Mr. Orr replied that he would.

Mary Altobelli asked does this mean he still will continue to operate there as he has been?

Chairman Ramsdell said that's a very broad statement.

Ms. Altobelli said that she thought at the last meeting that he wasn't supposed to be spraying until this got resolved.

Chairman Ramsdell said that with regard to the spraying, it was much more specific than that. I'd like to wait and hear what John Orr has to say.

3. C.E.O. REPORT - Submitted by John Orr - July 27, 2010Current projects that were inspected during the last month:

Lowe's

- 1- Meet with Steve Sexton on July 14th, spoke about fence and lighting.

Nexans: Spoke with regarding:

- 1- They are requesting to plant the tree line at the top on the edge of the paved area.
- 2- They are requesting permission to install 2 fences with gates on either side of building.
- 3- Other minor items not finished yet.

Palumbo 2 School Street

- 1- No Change from last month.

DePaulis

- 1- No work was performed during the month.

Sutherland

- 1- Footings & Foundation are in.
- 2- House should be placed on foundation next few days.

C&S

- 1- Certificate of Occupancy issued.
- 2- Applicant has now opened a new building permit for addition of interior Banana Ripening room

Christopher's Bistro 69 Brookside Ave. Q-Plaza

- 1- Minor work has been started.

On July 20th a neighbor of the Contorino property on Garden St. came to complain about an odor coming from Caric Custom Millwork shop. Within 30 minutes I visited the location. I did not smell any odors outside but did enter the shop. I asked for Mr. Caric and was informed that he was not in. I did meet Yaber Soto who was operating the spray booth that morning. While talking with Mr. Soto he stated he was using a solvent-based lacquer that day. Mr. Soto tried to reach Mr. Caric on the phone, but was unable to make a connection. I suggested that he discontinue using the solvent-based product until Mr. Caric and I talk. The next day Mr. Caric and I met. Mr. Caric assured me it was a mistake and that they have a spray booth in Pine Island they use for any solvent-based spraying.

Respectfully Submitted,

John S. Orr
Code Enforcement Officer

Mr. Orr said that solvent-based products are not supposed to be sprayed on the Contorino property. He asked Mr. Caric why there were solvent-based products at that workshop if they are not supposed to be sprayed there. Mr. Caric said it was a situation where he hadn't been able to clean it out yet. Mr. Orr said that he explained to Mr. Caric that Mr. Caric had made a lot of promises to the Planning Board, and we're inside of 30 days, and those promises have been broken. Mr. Caric assured Mr. Orr that it wouldn't happen again. Mr. Orr said that just a stack is not enough. Mr. Caric has to do something to the spray booth.

Member Winters asked if the Board has received information regarding the products that are being used.

Mr. Orr replied yes. Engineer Mark Edsall's office has reviewed the information. Any exposure to these products in concentrated form over a long period is a problem. Water-based is definitely better than solvent-based, but it's still not great.

Chairman Ramsdell said that the water-based products even had their drawbacks.

Mr. Orr said that's correct.

Chairman Ramsdell said I'm looking forward to our next conversation with Mr. Contorino and Mr. Dillin. Let's hope we have their complete attention.

Chairman Ramsdell asked are they okay to be using water-based products over there at this point?

Mr. Orr replied to my understanding, yes. They've been using water-based products during the last 25-30 days, and I haven't received any complaints until this incident. I'd seen the Jonases outside, and they said that there were no problems until now.

Chairman Ramsdell thanked Mr. Orr.

4. DePaulis 94 Phase IV

Project # 10-05

Applicant/Owner: DePaulis Enterprises VI/Giuseppe DePaulis

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

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

David Zigler of Atzl, Scatassa & Zigler representing

Robert Torgussen, Engineer, present

Mr. David Zigler represented the applicant this evening.

Chairman Ramsdell said that Mark Edsall received a letter from the DOT regarding this project. The DOT agreed to the Village of Chester Planning Board being designated as the Lead Agency for this application. The letter is on file.

Chairman Ramsdell said that the Board received a reply from Orange County Department of Planning. The County recommendation is that this application is for Local Determination. The letter is on file.

Chairman Ramsdell asked for comments regarding the DOT permit for site access.

Mr. Torgussen said that we've received an extension of that permit. I will provide you with the extension of the permit.

Chairman Ramsdell asked if there was anything new on the plan that wasn't described in the Public Hearing.

Mr. Zigler said that the changes were very minor. These changes were in regard to the swale and outlet structure. These changes were incorporated into the maps that the Planning Board received.

Chairman Ramsdell asked if there had been any conversations with O&R or any other utility regarding blasting.

Mr. Zigler said no, nothing more than maps that were forwarded. This refers to where the wooden power poles are, closest to the site, not to the high tension poles. Two poles would be dropped; then it would be equal to the grade. We'll propose that to O&R to see if they want to do it. If they say stay out of the easement, we'll stay out of the easement. That's our next phase.

Chairman Ramsdell asked there's another phase?

Mr. Zigler said oh, there are plenty of phases.

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

Chairman Ramsdell asked if we have any specific regulations in our Zoning Law for blasting.

Mr. Orr asked that once approval is given, how long will it take - 30 days?

Mr. Zigler replied that 30 days should be okay.

Chairman Ramsdell said that Member La Spina made a good comment in the Public Hearing portion regarding notifying people about blasting.

Mr. Orr said that there are regulations and standards that govern blasting. We'll have to do a little research on this. Dave (Zigler), I'll give you a phone number that the blaster will have to call every day. The County Emergency Communication Center should be notified. This way, the center can identify the property is they receive phone calls about the blasting.

Mr. Zigler asked if it would be alright if they prepared something regarding the requirements and timing of the blasting, to forward to the Planning Board and to Mr. Orr.

Mr. Orr said that would be fine.

Chairman Ramsdell asked what would be the Planning Board authority concerns?

Mr. Edsall replied to make sure that the applicant be required to obtain the grading permit. The regulations for blasting go through Code Enforcement. This application is basically identical to the prior phase with the exception of blasting.

Attorney Harold Pressberg said that other than what Mark's talking about, there are 6 items to look at. Your criteria are in your code.

Mr. Edsall said that if the Board has any recommendation regarding blasting, that can be resolved.

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

Chairman Ramsdell requested a **Motion** for this application to be typed as an Unlisted Action under 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** for stating that this application will have no significant environmental impacts. A **Motion** was made by Member Reilly; seconded by Member La Spina. All in favor, none opposed. **Motion** carries.

Chairman Ramsdell requested a **Motion** for Conditional Approval for a Special Use Permit and Permit for this application, with the conditions being as follows:

- Permits must be obtained
- All fees must be paid
- Agreement on the regulations - to be developed - including the hours of blasting operation

A **Motion** was made by Member La Spina; seconded by Member Reilly. All in favor, none opposed. **Motion** carries.

Chairman Ramsdell asked when the applicant would be able to send a blasting schedule to the Board.

Mr. Zigler replied on Monday. Thank you for your help.

5. Haunted Castle Temporary Site Plan Project #10-07

Owner/Applicant: 717 LLC/Brian Leentjes

Re: Temporary Site Plan for seasonal decorations and entertainment for Halloween

Location: 107 Brookside Avenue SBL 107-2-15 Zone: B2

Mr. Brian Leentjes, owner and applicant, made a presentation on this application. Mr. Leentjes said that he had a Haunted Castle for 2 years. Last year, we were building the Castle Fun Center. Since then, I've been running the entire facility.

Mr. Leentjes said that previously, only the golf course and the pavilion areas were used for the Haunted Castle. This year, we want to use the entire outside area. We will cover the batting cages and use them for other entertainment. We want to have 4 attractions this year - last time we only had 2-3 attractions. Our business dries up once school opens - there's no activity.

Mr. Leentjes said that there is additional parking on the rest of the Castle. It should be okay. If there is an overflow, we have 3 cottage areas with 3 times the parking space as the original Castle. Noise is not an issue. Our closest neighbor is receptive to this and wants us to succeed.

Chairman Ramsdell asked how many days will this last?

Mr. Leentjes said that this will run from September 24th through October 31st. It will be during the weekend of September 24 - 25, then from Thursday through Sunday in October.

Chairman Ramsdell asked if you end up needing additional parking, can people utilize space in Chester Mall? How will that be safely effective?

Mr. Robert Nordquist, a designer for the application said that from his prior experience, in Buffalo, the applicant hired a traffic officer. There's no way that the Castle will need that.

Mr. Leentjes said that, from our experience going back 2 years ago, there was no issue.

Chairman Ramsdell said to just tell the Board if people are going to be parking at Chester Mall and crossing 17M. Will it be organized at all? Will you have cones set up?

Mr. Leentjes said yes, we will have a traffic control person, whether it's a police officer from the Village or someone else. Last time we prepared for it and we had talked with the police. I'll do the same again this year.

Mr. John Orr, Code Enforcement Officer asked the age range of the people who would come to the Haunted Castle.

Mr. Leentjes replied 13-17.

Mr. Orr asked what the average duration of their stay at the Haunted Castle would be.

Mr. Leentjes replies about 1 ½ hours.

Mr. Orr said that regarding the checklist for Temporary Site Plans, I believe that Brian has answered all of the questions.

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

Mr. Edsall asked this includes only seasonal entertainment and decorations - no bands, no fireworks?

Mr. Leentjes said no bands or fireworks.

Mr. Edsall said that "seasonal" is very general. Just put this on the record.

Chairman Ramsdell thanked Mr. Edsall.

Chairman Ramsdell said that the applicant has expressed some level of communication with his neighbors. There are not many neighbors in that area.

Mr. Orr asked other than decorations, are there any lighting changes?

Mr. Leentjes replied no. We may have a tent, and a graveyard and a hearse outside the pavilion. We'll use the existing structures on the golf course. John (Orr) will do a walk-through. We use radios at the Castle. We have 15 or more radios. Mr. Leentjes thanked the Board.

Chairman Ramsdell said that on July 21st, the Board received a reply from Orange County Planning regarding this application. Orange County Planning has deemed this application as Local Determination.

Chairman Ramsdell requested a **Motion** to type this application as a Type II Action, thus concluding the SEQRA process. A **Motion** was made by Member Reilly, seconded by Member Winters. All in favor, none opposed. **Motion** carries.

Chairman Ramsdell requested a **Motion** to not hold a Public Hearing for this application. 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 grant Conditional Approval for a Temporary Site Plan for this application, with the condition that all fees are paid. A **Motion** was made by Member Reilly, seconded by Member La Spina. All in favor, none opposed. **Motion** carries.

Mr. Leentjes thanked the Board.

6. Green Bull North Zone Change

Project #10-06

Owner/Applicant: Green Bull North LLC/George W. Ketchum

Re: Change current M2 zoning to B2 zoning

Location: 31, 33, 35 Brookside Avenue SBL 114-1-10.2, 114-1-10.1,
114-1-17

Chairman Ramsdell said that he encouraged Planning Board members to share their thoughts regarding this application. Everyone said that we just went through this recently with a property down the road (5 Brookside Avenue). At that time, the Planning Board made a very general recommendation to the Village Board to consider changing the M2 district properties in that corridor to B2. The previous report is a very similar situation. I'll sit down with Susan, then with Harold Pressberg, and then I'll send our recommendation to the Village Board.

Chairman Ramsdell requested a **Motion** to prepare a report similar to the previous report, as approved by the Planning Board attorney, and to send the report to the Village Board before their August meeting. A **Motion** was made by Member Winters, seconded by Member Reilly. All in favor, none opposed. **Motion** carries.

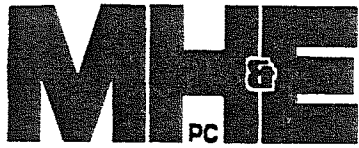
Chairman Ramsdell asked if there was anything else to be discussed. There were no other matters to be discussed.

Chairman Ramsdell requested a **Motion** to adjourn the meeting. A **Motion** was made by Member Reilly, seconded by Member Winters. All in favor, none opposed. **Motion** carries. Meeting adjourned at 8:55 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)
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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: 27 JULY 2010
DESCRIPTION: THE APPLICATION PROPOSES ADDITIONAL CONTROLLED FILL AT THE SITE OF THE PRIOR APPLICATIONS (VCPB Files 07-07 & 09-05). THIS AMENDMENT APPLICATION WAS PREVIOUSLY REVIEWED AT THE 22 JUNE 2010 PLANNING BOARD MEETING. *THE APPLICATION IS BEFORE THE BOARD FOR A PUBLIC HEARING AT THIS MEETING.*

1. Our office has reviewed the revised Stormwater Pollution Prevention Plan (SWPPP) dated 6/29/10 for the subject project. We take no exception to the SWPPP as submitted.

The applicant and his stormwater representative are reminded that the SWPPP Log Book on site must be maintained current. All inspection reports and the log book must be maintained current at the site, and be available in the project mailbox per NYS SPDES Permit requirements.

2. A lead agency coordination letter was issued on 6-28-10. The Board should discuss the responses and consider the appropriate steps under SEQRA.
3. The Village should consider issuance of the appropriate local permit for the operation, once authorized by the Planning Board’s Site Plan Amendment approval (if granted).
4. The Orange County Department of Planning has returned the application “Local Determination”.

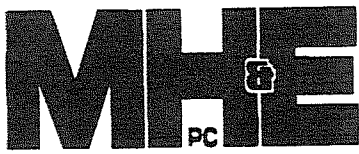
Respectfully Submitted,

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

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REGIONAL OFFICES

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VILLAGE OF CHESTER
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: THE CASTLE – LEENTJES TEMPORARY SITE PLAN
(HAUNTED CASTLE)
PROJECT LOCATION: NYS ROUTE 17M
SECTION 107 – BLOCK 2 – LOT 15
PROJECT NUMBER: 10-7
DATE: 27 JULY 2010
DESCRIPTION: THE APPLICATION PROPOSES THE TEMPORARY MODIFICATION
OF SITE FACILITIES FOR “HALLOWEEN ENTERTAINMENT” AND
RELATED “ENTERTAINMENT”. THE APPLICATION WAS
REVIEWED ON A CONCEPT BASIS.

1. The application notes the following requests for the Temporary Approval:
 - Seasonal Decorations
 - Seasonal “Entertainment”
 - Mazes
 - Temporary transformation of mini-golf courses

In addition to the above, the plan indicates the following:

- Modification of the Batting Cages for Haunted Halloween Walk
- Modification of Picnic Area for Haunted Halloween Walk

All modifications appear to be limited to the southwesterly side of the site (south of site adjacent to Route 17), per the site plan submitted.

2. Inasmuch as this is an existing approved “non-temporary” Site Plan, much of the checklist items for Temporary Site Plan Approvals is not applicable. For those items which remain applicable, each appears to be addressed on the submitted plan.

REGIONAL OFFICES

• 111 WHEATFIELD DRIVE • SUITE 1 • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •
• 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •

3. We have reviewed the application and provide the following comments:

- The Board should verify that this entire section of the site is benefitted by an adequate fence along the State Highway.
 - The Board should verify any other meaning of the term "Seasonal Entertainment" other than the modifications of the site for the Halloween haunted walks.
4. This project is within a 500-foot distance from NYS Routes 17 and 17M and, as such, must be referred to the Orange County Planning Department as per New York State General Municipal Law (GML 239).
5. I would recommend that the Board determine this a minor temporary use of land having negligible or no permanent impact on the environment, a Type II action, which would conclude SEQRA.
6. The Planning Board should determine, for the record, if a Public Hearing will be required for this Site Plan, per its discretionary judgment under Section 98-28 (B) of the Village Code.

Respectfully Submitted,



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