

MINUTES

VILLAGE of CHESTER PLANNING BOARD

AUGUST 24, 2010

REGULAR MEETING

PRESENT: Richard RAMSDELL, Chairman
Anthony LA SPINA, Member
Robert JANKELUNAS, Member
Gene WINTERS, Member
John ORR, Code Enforcement Officer
Mark EDSALL, Engineer
Ian SCHLANGER, Attorney

NOT PRESENT: John REILLY, Member

REGULAR MEETING

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

1. MINUTES

Chairman Ramsdell asked for a Motion to accept the draft of the July 2010 Planning Board Meeting Minutes as amended. A Motion was made by Member Winters, seconded by Member La Spina. All in favor and none opposed. Motion carries.

2. CORRESPONDENCE

From: Maria McDonald, Orange and Rockland
Date: August 10, 2010
Re: #10-05 DePaulis 94 Phase IV

From: Adam Peterson, NY State Dept. of Environmental Conservation
Date: August 11, 2010
Re: #10-05 DePaulis 94 Phase IV

From: David Zigler
Date: August 16, 2010
Re: #10-05 DePaulis 94 Phase IV - Reply to DEC Letter

Chairman Ramsdell said that the first three pieces of correspondence are in regard to the DePaulis project and these items will be discussed during the Regular Meeting of the Planning Board.

From: Jim Dillin, PLS
Date: August 16, 2010
Re: #10-02 - Site Plan and Special Use Permit for Contorino

Chairman Ramsdell said that this letter states that the applicant, Mario Contorino, is having financial difficulties and has not been able to replenish his Escrow account. Mr. Dillin states that he looks forward to attending the September 2010 Planning Board Meeting with the applicant.

From: David S. Bell, Town of Chester Highway Superintendent
Date: August 20, 2010
Re: C&S Wholesale Grocers Signs and Locations

From: John T. Bell, Village of Chester Highway Superintendent
Date: August 23, 2010
Re: C&S Wholesale Grocers Signs and Locations

Chairman Ramsdell said that both the Town and Village of Chester Highway Superintendents have inspected the proposed signs and locations for C&S. Both Superintendents state that the signs and locations are acceptable.

3. C.E.O. REPORT - Submitted by John Orr - August 24, 2010

Current projects that were inspected during the last month:

Lowe's:

1. Received letter from Lowe's requesting CO.
2. Will not be issuing CO until the conditions of the Planning Board resolution of April 24, 2007 have been met.

Nexans:

1. No change from last month.

Palumbo 2 School Street:

1. No Change from last month.

DePaulis:

1. Trees have been removed from the "hill".

Sutherland:

1. House is now in place.
2. Interior & utility work under way.

C&S:

1. Banana ripening room being installed.

Christopher's Bistro 69 Brookside Ave. Q-Plaza:

1. Work under way.

Since the July's meeting I have issued 6 building permits for decks, fences, pools, re-roofs and signs.

Respectfully Submitted,
John S. Orr
Code Enforcement Officer

Chairman Ramsdell inquired about the status of Nexans.

Mr. Orr replied that all of the work is basically done except for planting of the tree line. The original tree line was to be down by the swale and was relocated to the top of the hill. This will probably provide more shielding to the property.

Chairman Ramsdell inquired if Mr. Orr had heard from anyone regarding Nexans.

Mr. Orr replied that a couple of weeks ago there was a complaint of the noise from the cooling tank. During peak demand there is residual noise coming from the cooling tanks and hopefully the tree line will help this. There have been no complaints about the truck loading or unloading at all.

4. Academy Hill Apartments Amended Site Plan Project #10-08

Owner/Applicant: Irene Equities LLC/Richard Weisman

Re: Addition of 270± sq. ft. to an existing studio apartment and will remain a studio when finished.

Location: 11 Academy Avenue SBL 111-10-11 RM Zone

Dave Zigler representing

Richard Weisman present

Mr. David Zigler represented the applicant, Mr. Richard Weisman. The Academy Hill Apartments are located on Route 94 between the traffic light and Carpenter Road. There is an older home located toward the front of the property and a 10 year old U-shaped apartment building located in the back. The application is for a one story 270 square foot addition to an existing studio apartment making it easier to rent. There would be no significant change to prior approvals, including parking requirements, no reduction in yards, or a noticeable grade from anyone driving past. The addition would basically be 16' x 17' and located on the back side of the building and not encroaching into any yards. Mr. Zigler requested the board to review and deem the addition to be an application of insignificant size and not warranting of a total review. This site plan was deemed the most feasible for the applicant, the most reasonable to complete and is not encroaching into any yards.

Chairman Ramsdell inquired if the existing building located at the front of the property is a multi family structure.

Mr. Zigler affirmed that is a multi family structure. One unit in this structure is the studio apartment where the proposed addition would be.

Chairman Ramsdell inquired if the addition would be a one story addition.

Mr. Zigler affirmed it would be a one story addition.

Chairman Ramsdell inquired if there would be any effect on adjacent yards and if the addition is within the existing and required set back laws.

Mr. Zigler affirmed that there would not be any encroachment of the addition in any other yards.

Mr. Zigler continued, stating that the parking area is behind the building. There are usually empty parking spaces and the parking count meets the code requirements with a few extra spaces. It was constructed and approved by the Board originally and the applicant would just like to make the studio a rentable size. The code had been modified a little but has no impact on the plan.

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

Chairman Ramsdell asked if there were any questions for Mr. Edsall. There were none. Chairman Ramsdell requested that a Motion for the Village of Chester Planning Board to take the position of lead agency under SEQRA. A **Motion** was made by Member Jankelunas, seconded by Member La Spina. All in favor and none opposed. Motion carries.

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

Chairman Ramsdell stated that there was a short Environmental Assessment Form submitted and asked Mr. Edsall if he had any comments pertaining to the short form. Mr. Edsall remarked that #8 should be a yes because it will be in compliance with the guidelines. Mr. Zigler agreed that #8 should be a yes.

Chairman Ramsdell inquired if Board Members had any questions or concerns for the need of a public hearing and requested a Motion from the Board to decline having a public hearing. A **Motion** was made by Member LaSpina, seconded by Member Jankelunas. All in favor and none opposed. Motion carries.

Chairman Ramsdell stated that he agreed with Mr. Edsall that the proposed action will not have an adverse environmental effect on the village and requested a Motion to that effect. A **Motion** was made by Member LaSpina, seconded by Member Jankelunas. All in favor and none opposed. Motion carries.

After additional discussion regarding approval, Chairman Ramsdell summarized that conditions of approval for the amended site plan would include: (1) payment of fees; (2) an approval box be added; and (3) a note indicating a completion date of September 1, 2011, and requested a Motion to that effect. A **Motion** to approve the amended site plan was made by Member La Spina and seconded by Member Jankelunas. All in favor and none opposed. Motion carries.

Mr. Zigler thanked the Board.

5. DePaulis 94 Phase IV

Project # 10-05

Applicant/Owner: DePaulis Enterprises VI/Giuseppe DePaulis

Re: Blasting Requirements; Permits

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

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

Dave Zigler representing

Mr. Zigler reported receiving two letters. One was from Orange and Rockland stating that the engineers had reviewed the maps submitted, by Mr. Zigler and the response letter contained several pages of the criteria and comments for blasting within the easement but the applicant is not proposing to blast in the easement. The site plan clearly indicates that there will not be blasting in the easement and the applicant should therefore not be required to follow all of these guidelines. Mr. Zigler knows that Orange and Rockland does not have any jurisdiction over their project and requested support from the Planning Board to recognize the letter but not stop the project.

Chairman Ramsdell said he had not seen the letter.

Mr. Zigler said that he thought the letter was faxed and he would resend it to the Planning Board. He understands the concerns of Orange and Rockland and they would agree with incorporating seismographs on a couple of the poles and it would be in their best interest to do so.

Member Winters inquired that at last month's meeting Mr. Zigler had stated they would be replacing some of their poles and did they receive any information about that action.

Mr. Zigler replied that would be part of Phase II and not included in this discussion. At that time, all of the regulations would then have to be followed.

Mr. Zigler continued that Orange and Rockland believes that Mr. DePaulis is on their property when in reality they are on Mr. DePaulis' property. They do not need a permit from Orange and Rockland but only from the appropriate governing agencies.

Member Winters inquired if Orange and Rockland's concern is with the health and safety if the power lines are moved.

Mr. Zigler responded that they do not have a problem with putting a seismograph on the poles, and they will be notified in advance before blasting just as the Village will be notified.

Chairman Ramsdell remarked that what Member Winters was stating is that the underlying rock formation may transmit a blast force into the easement area and perhaps involve one of Orange and Rockland's structures.

Mr. Zigler stated that they will follow the procedure that was agreed to, and they will place a seismograph on the poles. They will know immediately once the first blast is made if there is going to be an issue.

Chairman Ramsdell decided that the conversation would have to be continued probably into the next Work Session.

Mr. Zigler suggested that Orange and Rockland be invited to the next Work Session. Chairman Ramsdell agreed that would be a good idea.

Mr. Edsall stated that the Village of Chester does not necessarily want to get involved in the process of blasting; it is the blaster and applicant's responsibility. The point is that the permit and approval that the Board acknowledges pertains only to the due diligence of the applicant, and that the Board is not defining the methods and techniques of blasting.

Chairman Ramsdell agreed with Mr. Edsall and stated that the Board was interested in knowing Orange and Rockland's standards for blasting.

Chairman Ramsdell read the letter from the DEC dated August 11, 2010.

Chairman Ramsdell requested comments from Engineer Mark Edsall. Mr. Edsall's comments are attached at the end of the Minutes. In addition to his comments, Mr. Edsall stated that Chester is not an MS4 community under SEQRA and all Storm Water Pollution Prevention Plans fall under the total jurisdiction of the State. The applicant has completed the SWPPP and made some revisions as necessary; and it is acceptable.

Chairman Ramsdell inquired what should the Board be aware of regarding the SEQRA paperwork.

Mr. Edsall stated that the Board will need to keep a full EAF on file for projects consisting of 10 acres or over and a short EAF for projects under 10 acres.

Chairman Ramsdell inquired if we need to consider an Environmental Impact Statement or alternatively an expanded full form with part 3 addressing matters of significance.

Mr. Edsall replied that this would be the more likely course and one of the attachments can be the SWPPP already prepared.

Mr. Zigler stated that he would prepare the full EAF and submit it as a Type I, as the Engineer recommends. If you look at the project since the beginning, it is now more than 10 acres.

Chairman Ramsdell inquired if the changes are made will the Board deem this action as reopening SEQRA. It was determined, by Mr. Edsall, that it would be re-circulated. It was determined that the best procedure would be to reopen SEQRA and submit a full EAF with the action classified as a Type I.

A Motion was then made by the Board to reopen SEQRA, to reclassify the action as a Type I action with a full EAF, and authorize the recirculation to the involved agencies with a lead agency letter. A **Motion** was made by Member Jankelunas, seconded by Member Winters. All in favor and none opposed. Motion carries.

Mr. Zigler stated that they would be attending the Work Session on September 2nd, 2010 at 1:50 pm and would be inviting Orange and Rockland.

6. Cops and Rodders

Project # 10-09

Club Director: Bob Manasier

Re: Temporary Site Plan at Chester Mall for Car Shows

Chairman Ramsdell addressed Mr. Bob Manasier and Mr. Richard Buono and explained that the village has a temporary site plan process.

Chairman Ramsdell requested that Mr. Orr make his comments.

Mr. Orr stated that the group has been in Chester since the beginning of the season utilizing a portion of the parking lot at Chester Mall. The group was not aware initially that they would need approval from the village. They had an event scheduled for this past Sunday. The first of two they had planned. Bob Manasier came to the office and supplied an insurance certificate and the layout of the parking lot. They are utilizing four distant lanes of the parking area and vehicles will have access in and out. They were in effect creating an island within the parking lot using ropes and would not affect traffic. Mr. Orr and the Village Police have not had any complaints regarding the group's activities. The concern was when they had an organized event requiring registration and the collecting of money. The registration process could create a line of traffic within the parking lot. The lighting is all existing and there is a DJ.

Chairman Ramsdell inquired what the hours of the events would be.

Mr. Manasier replied for Sunday it would be 11:00 am to 4:00 pm, and on Thursday nights from 5:15 pm to 9:30 pm. There were no concessions for food because of the local stores available; and they want these stores to benefit. Attendees are mature and abide by the rules.

Chairman Ramsdell inquired how many cars attend the show.

Mr. Buono replied that from 40 to 70 cars attend on Thursday nights and from 70 to 100 cars are expected on Sunday. The area is roped off and safe for the families and children that attend. The bathroom facilities are used at Wendy's and Colonial Lanes.

Chairman Ramsdell noted that the Thursday night activities are not during a critical parking time.

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

After discussion, Chairman Ramsdell asked for a Motion to approve this as a Temporary Site Plan for a minor temporary use of land and will result in no further SEQRA action being required. A **Motion** was made by Member LaSpina, seconded by Member Jankelunas. All in favor and none opposed. Motion carries.

After discussion, Chairman Ramsdell asked for a Motion to decline holding a public hearing on the application. A **Motion** was made by Member Winters, seconded by Member Jankelunas. All in favor and none opposed. Motion carries.

Chairman Ramsdell requested that the activities planned be outlined and attached to the application and will include Thursday night as well as the two show dates.

Chairman Ramsdell cited the conditions for approval of a temporary site plan that the group needs to work with Mr. Orr to expand the information on the Site Plan and by listing all dates and times of events and requested a Motion

from the Board. A **Motion** was made by Member Jankelunas, seconded by Member LaSpina. All in favor and none opposed. Motion carries.

Mr. Orr stated for future reference that a new application should be submitted to the Board in March for the next season's events by the club.

7. General Discussion

Green Bull North Zone Change

Project # 10-06

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

Re: Status - Change current M2 zoning to B2 zoning

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

Chairman Ramsdell began by stating that the Planning Board Report on the Green Bull North Zone Change was decided at the last Board meeting, and a final draft was completed. Susan Marino has put it into file format and delivered it to the Village Board. The Village Board accepted the report and decided to hold a public hearing at their next meeting scheduled for September 13th, at 6:45 pm.

Draft of Planning Board 2011 Schedule

The Planning Board 2011 Schedule was reviewed. Chairman Ramsdell stated that a line was added to Footnote B on the schedule to include that the public is welcome to attend and observe work sessions and requested a **Motion** to approve the 2011 Schedule. A **Motion** was made by Member LaSpina, seconded by Member Winters. All in favor and none opposed. Motion carries.

Member Winters spoke and thanked Susan Marino for all of the work that she has done since day one in her position as Planning Board Secretary and that it has been a privilege to work with her. Susan has made their job easier, for at least him, with everything she has done. The other Board Members added their agreement and joined in thanking her.

Chairman Ramsdell requested a **Motion** to adjourn the meeting. A **Motion** was made by Member La Spina, seconded by Member Winters. All in favor and none opposed. Motion carries. Meeting adjourned at 9:35 PM.

Respectfully Submitted,



Joanne Rittendale
Planning Board Secretary



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

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VILLAGE OF CHESTER
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: ACADEMY HILL APARTMENTS SITE PLAN AMENDMENT
(ADDITION TO FRONT APARTMENT STRUCTURE)
PROJECT LOCATION: ACADEMY AVE. (NYS ROUTE 94)
SECTION 111 – BLOCK 10 – LOT 11
PROJECT NUMBER: 10-08
DATE: 24 AUGUST 2010
DESCRIPTION: THE APPLICANT PROPOSES A 270 S.F. ADDITION TO THE FRONT BUILDING TO EXPAND AN EXISTING STUDIO APARTMENT. THE PLAN WAS REVIEWED ON A CONCEPT BASIS ONLY.

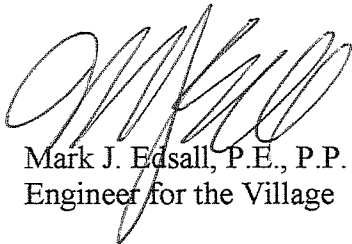
1. The addition is minor in nature. From a zoning standpoint:
 - No increase in units or bedroom count. Only one unit is being modified for increased square footage in the unit.
 - No additional parking demand.
 - Building expansion is in rear and is interior to the site, thereby not decreasing any setback values for the project.
 - Plan notes that site lot coverage remains in compliance, with the addition considered.
2. I am aware of no technical concerns with regard to this proposed site plan amendment.
3. To my knowledge, there are no other Involved Agencies for this application. As such, the Planning Board may wish to assume the position of Lead Agency under the SEQRA review process.
4. 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.

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5. The application was already referred to the Orange County Department of Planning per GML 239. The County returned the matter "Local Determination" by memo dated 8-16-10.
6. 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.
7. Some minor corrections are needed on the final plan, as follows:
 - The plan should include an approval box, with the Village Project Number (noted above) included in the box. The box should be in the bottom right hand fold of the plans, on each sheet.
 - As per Section 98-30.2 of the Village Zoning Code, the Applicant should indicate a reasonable anticipated completion date for the project on the plan.

Respectfully Submitted,



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

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**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

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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: 24 AUGUST 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 AND 27 JULY 2010 PLANNING
BOARD MEETINGS.

1. As noted in our review comment sheet for July 2010, our office reviewed the revised Stormwater Pollution Prevention Plan (SWPPP) dated 6/29/10 for the subject project and took no exception to the SWPPP as submitted. The applicant / developer was cautioned that the on-site SWPPP Log Book must be maintained current, with all inspection reports included and kept available in the project mailbox.

2. Since the prior meeting, we have received a copy of a letter from the NYSDEC dated 8-11-10. The letter includes several comments on permitting and potential environmental considerations; I point out the following for further discussion:
 - Action should be listed as “Type I”, not Unlisted since over 10 acres is being altered.

 - Village Planning Board should consider if the project’s environmental review is being “segmented”.

 - If 750 CY or more of materials are removed from site within 12 successive months, a mining permit may be required.

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Regarding the DEC's comments, our comments are as follows:

- We understand the Applicant has provided written response to the overall content of the letter.
 - Regarding the classification as Type I, we agree with the DEC's indication, as it appears the overall disturbance for this application could be up to approximately 13.8 Acres.
 - Regarding the "segmentation issue, we suggest the Board further discuss this with the Attorney for the Planning Board.
3. Regarding SEQRA, a lead agency coordination letter was issued on 6-28-10. Status of Lead Agency and SEQRA, especially in light of our prior numbered comment, should be further discussed.
 4. It is my understanding the Village is working on the preparation and issuance of the appropriate local permits for the operation.
 5. As previously noted, with regard to GML 239; 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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VILLAGE OF CHESTER
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: COPS & RODDERS OF NY TEMPORARY SITE PLAN
(CAR SHOW EVENTS)
PROJECT LOCATION: CHESTER MALL
SECTION 107 – BLOCK 3 – LOT 3
PROJECT NUMBER: 10-09
DATE: 24 AUGUST 2010
DESCRIPTION: THE APPLICATION PROPOSES CAR SHOW EVENTS ON MULTIPLE
DATES. THE APPLICATION WAS REVIEWED ON A CONCEPT BASIS.

1. The applicant has submitted a sketch plan which gives the general location of the temporary use (car show) at the Chester Mall. The sketch is somewhat vague, but it is possible that upon further discussion with the Board at the meeting, a better understanding of the location and size of the use can be established.
2. Attached hereto is a copy of the Board’s standard minimum requirements for Temporary site plan approvals. The Board should discuss, with the applicant, the information required and how to appropriately add the information to the temporary site plan submitted on record for approval.
3. 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.
4. Ultimately, I believe the Board will 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.
5. This project site is adjoining and/or within several State Highways, and is therefore subject to a referral to the Orange County Department of Planning per GML 239.

Respectfully Submitted,

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

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Village of Chester Planning Board
Minimum Requirements for Temporary Site Plan Approvals

- **Complete application to Planning Board**
- **Payment of all fees**
- **Submit sketch of Site Plan for Board's review* to include the following, at minimum:**
 1. Name of applicant
 2. Name of property owner**
 3. Dates of activity
 4. Hours of operation
 5. Depict location and number of off-street parking spaces
 6. Depict size and location of curb cut (access)
 7. Depict size and location of trailer or office
 8. Depict setbacks of all items from property lines
 9. Depict location and size of any signs
 10. Depict location and description of trash containers
 11. Depict location and type of any lighting
 12. Depict location and type of any barriers (i.e. Separation of vehicle vs. pedestrian traffic)
 13. Depict location and method for temporary water and sanitary services
- **Provide copy (8 ½ in. x 11 in.) of tax map showing parcel and surrounding area**
- **Plan should include statement that the applicant will restore premises to pre-use conditions after activity**
- **Obtain Vendor's Permit from Police Chief**
- **Obtain approval from Water Superintendent for any temporary water services**
- **Obtain approval for temporary sanitary connection, if applicable**

*Plan need not be prepared by professional unless otherwise required by the Board

**If applicant is not the property owner, an Affidavit of Ownership/Owner's Consent form authorizing the activity must be submitted.