

## MINUTES

### VILLAGE of CHESTER PLANNING BOARD

AUGUST 25, 2009

#### REGULAR MEETING

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

NOT PRESENT: Robert JANKELUNAS, Member  
Tony FIGUEROA, Alternate

#### REGULAR MEETING:

1. MINUTES:

Chairman Ramsdell stated that copies of a draft of the June 2009 Planning Board Minutes have been distributed to members. He asked if there were any comments on the draft - there were none. Chairman Ramsdell then requested a **Motion** to approve the Minutes for the June 2009 meeting as drafted. A **Motion** was made by Member Reilly, seconded by Member LaSpina. All in favor, none opposed. Motion carries.

2. CORRESPONDENCE:

**Letter from:** Mr. Noel Spear of C&S Wholesale Grocers  
**Dated:** August 11, 2009

**Letter from:** Mr. Rick DeWolfe, Consulting Engineer for C&S Wholesale Grocers  
**Dated:** August 10, 2009

Chairman Ramsdell stated that both of these letters will be discussed as part of the meeting agenda.

**Notice from:** Pattern for Progress regarding SEQRA course on September 17, 2009.

**Notice from:** Orange County Municipal Planning Federation regarding Support Staff Workshop on September 18, 2009.

**Certificate from:** Orange County Municipal Planning Federation certificate presented to Planning Board Member John Reilly for attendance at the Spring 2009 Planning and Land Use Course.

**Announcement:** Chairman Ramsdell announced that there will be a ZBA meeting on August 27, 2009. There will be 2 Public Hearings on 2 properties owned by the Contorinos.

3. C.E.O. REPORT: AUGUST 25, 2009

Current projects that were inspected during the last month:

Lowe's:

- 1- Temporary Certificate of Occupancy has been extended.

49-51 Main Street:

- 1- Work continues on the interior renovation.

Nexans:

- 1- General site work continues.

Zangrillo 4 Nicotra Lane:

- 1- No work has started.

Atkin 4 Howland Ave:

- 1- General site work continues.

Palumbo 2 School Street:

- 1- No work started.

Buttegieg 26 High Street:

- 1- Certificate of Occupancy Issued.

Green Meadows Apartments:

- 1- General site work continues.
- 2- 24 Units ready to be occupied.

Flynn 8 Kerner Dr:

- 1- General site work continues.

DePaulis:

- 1- Fill operation started last week.

Started Fire-Safety Inspections in the industrial park.

Respectively Submitted,  
John S. Orr  
Code Enforcement Officer

Chairman Ramsdell said that the DePaulis project made it necessary as our first proposal for an official Fill Permit Application per our existing Zoning Law (section 98-13.1). He and Code Enforcement Officer John Orr developed the application.

Chairman Ramsdell asked if there were any questions for Mr. Orr. Chairman Ramsdell then asked Mr. Orr to describe what is involved in a fire safety inspection. Mr. Orr replied that the inspections consist of a general visual walk through, reviewing general safety issues and fire hazards, reviewing exit passages, and checking alarms.

Chairman Ramsdell thanked Mr. Orr for his report.

**4. Tomkevich**

**Project #08-09**

**Owner/Applicant: Natalya Tomkevich**  
**Amended Site Plan Approval & Special Use Permit**  
**Location: 34 Meadow Ave. Zone: RA**  
**Re: Conversion of warehouse to film studio**

Chairman Ramsdell asked Petr Tomkevich to describe the proposal to the Planning Board. Mr. Tomkevich stated that he would like to make the warehouse on his property into a small film production facility. He said that it is for him, that it is really private, and that it won't bother or disturb the community.

Chairman Ramsdell asked if this is in the existing metal building onsite. Mr. Tomkevich answered yes.

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

Chairman Ramsdell said that the parking calculations on the plan are well defined. The total number of spaces required is 8. Chairman Ramsdell said that the hours of operation were discussed at the Work Session. Mr. Tomkevich said that the hours of operation would be 9:00 A.M. until 9:00 P.M., usually no later than that.

Chairman Ramsdell asked about outside lighting. Mr. Tomkevich indicated on the plan that there are 2 lights next to the front door.

Chairman Ramsdell asked whether the insulation was good for energy and sound. Mr. Tomkevich said that the studio would be soundproof, and that no lighting would be coming in or out.

Chairman Ramsdell asked for any other questions or comments. Member La Spina asked what kind of movies would be made in the studio. Mr. Tomkevich replied just shorts, 3D, mostly green screen, maybe commercials - nothing too crazy.

Member Reilly asked how many people would be working at the studio. Mr. Tomkevich replied 8-15 maximum at a time, and not every day. He said that it would be mostly him alone.

Member La Spina asked if this would be 5 days or 7 days per week. Mr. Tomkevich said that it may be only 2 weeks per month, not every week or every day. When something is written, he will need people to shoot something, and it will be scheduled to shoot as quickly as possible.

Chairman Ramsdell asked if these would be people from New York City coming up, probably in a van. Mr. Tomkevich replied yes.

Member Winters referred to the lighting issue. He said that this area is residential. Is there any lighting that will disturb the residents and will it affect anybody's home across the street? Mr. Tomkevich replied no, and he said that there is enough light for the parking lot.

Chairman Ramsdell suggested that this be added to the plan, along with a note about the hours of operation. Then when we get the revised plan, either Mark Edsall or John Orr, or both could go over and verify that that is what's there.

Mr. Orr said that the design engineer needs to show the location of the front entrance and a 3-ft. walkway access between cars on the plan.

Member Winters asked if there would be any kitchen or food service area during the 12 hours of operation. Mr. Tomkevich said that people will probably just go to town to eat. There will be a lounge area with folding tables.

Chairman Ramsdell asked if there were any other questions or comments. He said that the Board could grant Conditional Approval of this project with the conditions being: 1) Hours of operation must be shown on the plan. 2) The existing lights must be shown on the plan. 3) The entrance must be shown on the plan. 4) The 3-ft. walkway in the row of parking spaces and a note regarding the size of the parking spaces must be shown on the plan. 5) This is an existing metal 1-story building and should be noted as such on the plan.

Attorney Harold Pressberg asked about the size of the building. Mr. Tomkevich replied that it is 2,400 square feet.

Mr. Edsall said that it would be worthwhile to make note that the Planning Board has reviewed this under SEQRA. There's no cause to reopen SEQRA as this is the same application. Adjustments will be made before it is stamped for approval.

Member Reilly asked if more than 8 parking spaces are needed.

Member La Spina expressed concerns about effects on the people living next door.

Mr. Tomkevich said that there will not be more than 8 cars. The actors during the day will come up in a van. There won't be the same number of people everyday, 5 - 15 maximum.

Chairman Ramsdell asked if there would be any performances or presentations. Mr. Tomkevich said that there will not be any performances. Chairman Ramsdell said that there should be a note added to that effect, that there won't be performances. The Board should also make that a condition.

Member La Spina asked if there were any chemicals in the building. Mr. Tomkevich replied no.

Chairman Ramsdell said that the maximum number of people being 15 should be a condition, as well as payment of all fees. He told Mr. Tomkevich that the Board will give him a list of conditions.

Conditions are as follows:

Tomkevich

Project #08-09

Owner/Applicant: Natalya Tomkevich

Amended Site Plan & Special Use Permit

Location: 34 Meadow Ave. Zone: RA

Re: Conversion of warehouse to film studio

Conditional Approval of Site Plan Amendment and Special Use Permit Amendment for the Conversion of warehouse to film production facility use by the owner inside the Existing One Story Metal Building.

Conditions are as follows and include notes and information to be added to the Plan as listed:

1. Exterior lighting to be observed by the Village CEO and Engineer for acceptance.
2. Payment of all fees.
3. A re-opening of SEQRA was decided by the Planning Board to not be required by this proposed Use.
4. Responses determined to be acceptable to the Village Engineer's comments.

Notes and information to be added to the Plan:

- Maximum Number of People: 15.
- The entrance to the building be depicted and a 3' wide (min.) paint striped access path be added to the parking layout.
- A note identifying and describing the "existing one story metal building for conversion of warehouse to film studio use" as presented to the Planning Board.
- Parking Spaces to be 10' wide x 20' deep.
- The number of vehicles on the site will not exceed the quantity for which parking spaces are provided and shown hereon.
- Hours of Operation: 9AM to 9PM.
- Existing exterior lighting be depicted

- Add note stating "No performances or general public as part of use of metal building"

Request official name of project, "Conversion of warehouse to film production facility use," be used in the Title Block.

Chairman Ramsdell requested a **Motion** for Amended Site Plan Approval and Special Use Permit with conditions. A **Motion** was made by Member Reilly, seconded by Member La Spina. All in favor, none opposed. **Motion** carries.

Mr. Tomkevich thanked the Planning Board for their time.

#### 5. C & S Wholesale Grocer

Project #04-13

**Location:** Leone Lane & Elizabeth Drive  
SBL 119-1-1.14

**Re:** Project Facility Expansion

Chris Fisher - Cuddy & Feder, Project Attorney

Noel Spear - Vice President of Real Estate

Wes Humphrey - Senior Facilities Manager

Greg DeMinico - Project Manager

Rick DeWolfe - Engineer

Chairman Ramsdell asked for an overview of the project. Attorney Chris Fisher stated that the Applicant proposes to expand the 170,000 sq. ft. building from the back. Most of the development of the site will be in the Town, but has some work and changes requiring Site Plan Approval in the Village. There will be changes in the parking layout. This project was approved in 2006 by the Village and Town Planning Boards. V. Paulius owned the property during the site plan applications. At this time, C&S has made some minor changes in the building footprint in the Town and in the Village. The Town Planning Board, which was SEQRA Lead Agency, regarded these as minor site changes. The changes have been reviewed by the Town Building Department.

Mr. Fisher referred to the letter dated August 11, 2009, written by Noel Spear, Vice President of Real Estate to John Orr, Code Enforcement Officer for the Village of Chester. Chairman Ramsdell read the letter, and asked that it be entered into the record of this meeting. The letter is attached at the end of the Minutes. Chairman Ramsdell then read the letter dated August 10, 2009, from DeWolfe Engineering Associates. This letter is also attached at the end of the Minutes.

In the Spear letter, a completion date of 12/31/2010 is proposed. Chairman Ramsdell noted that a summary list of changes, requested at the Work Session, was attached to the Spear letter.

Chairman Ramsdell said that this same group of people attended the Work Session.

Chairman Ramsdell asked if there was anything they would like to add to the list of changes. Mr. Fisher said that in reviewing the Approved Site Plan, one of the changes is in the Truckers Lounge. In the discussion that followed, the original approved Site Plan information was presented as being unclear, and described as hard to tell. An indicated little "L" piece was said to be no longer existing, and the Truckers Lounge will shift. The sizes of things were not clearly indicated, and understood. Mr. Fisher showed this to Chairman Ramsdell on the drawing. Chairman Ramsdell noted that C.E.O. John Orr had a copy of the approved Site Plan here at this meeting.

It was agreed that the Trucker's Lounge was now a bigger building.

Chairman Ramsdell asked for the Engineer's comments from Mark Edsall. Mr. Edsall presented each of his comments, and they are attached at the end of the Minutes.

Engineer Edsall summarized the specific concerns, current activity by the applicants, including the consideration of project changes as field changes by the Town of Chester officials. He suggested if the Village were to make a similar determination, all changes should be specifically enumerated, and cost information be included and processed.

With respect to fees, Chairman Ramsdell said that normally the Planning Board has an Escrow account with the Applicants to pay for our review costs. The Applicant of record is now no longer Paulius. Would we send this to you?

Mr. Spear replied absolutely yes.

Chairman Ramsdell confirmed with Mr. Spear that they have a copy of Engineer Edsall's comments. Mr. Spear said they did. Chairman Ramsdell noted that Engineer Edsall's comments called for the applicant to verify the accuracy and completeness of the submitted list of changes, indicating the presented list included five (5) things.

Mr. Spear said in regard to car parking, there were 301 spaces on the previous approved plan and that there are 348 spaces on the revised plan. Discussion followed. Chairman Ramsdell said that there are 2 parking lots - one for cars and the other for trucks, and suggested that spaces could be counted and presented. Mr. Spear said they would review and get back to Mr. Orr.

Mr. Edsall inquired about the area on the Village side adjacent to what was formerly the trailer parking area. Chairman Ramsdell said that the point that Mr. Edsall is making is that the information is different than what the presentation was.

Mr. Edsall said that there is a slight increase in the number of parking spaces on the Village side. There are a lower number of trailer spaces and a greater number of tractor spaces. Discussion followed, including whether truck idling was considered in SEQRA.

Mr. Orr asked if the height of the building in the Village has changed.

Mr. Spear replied that the height of the building within the Village has not changed. We followed the existing elevations.

Chairman Ramsdell stated that there is currently a 40 ft. high building.

Mr. Spear said yes, that this carries across until it gets to the Town.

Chairman Ramsdell asked about the height of the fence and the material that it consists of.

Wes Humphrey, Senior Facility Manager, said that the intent of the fence is for a security standpoint.

Rick DeWolfe, Engineer, said that the fence is 8 ft. with 3 strands of barbed wire on top, which exceeds the allowable fence requirements on the front.

Mr. Orr said that if you want an 8 ft. fence, the Applicant should seek a ZBA variance for the fence. Engineer Edsall asked if the location or general orientation of the fence had changed. Mr. DeWolfe replied the fence will stay where the fence was shown; the fence is very similar to the prior approval. We will not be going outside the property limits for C&S. We added an internal fence to separate auto parking from the truck areas.

Applicant responded that some fence considerations are not concluded.

Attorney Pressberg said that the Applicant can go to the ZBA for an area variance and for the barbed wire.

Mr. Orr said that allowing emergency access is necessary.

Mr. Fisher said that it is preferable that this is conditional on getting the variance and then applying to the ZBA.

Mr. Orr asked if Leone Lane will be closed off with the fence. Mr. DeWolfe said that gates will be put there. The gates are normally opened.

Mr. Humphrey said that the intent is to keep people from coming on the property without going through the guard house.

Mr. Orr said that's new for 2009, Leone Lane. Am I correct with that?

Mr. Spear said you may be correct, Mr. Orr.

Mr. Orr asked if this should be highlighted as a field change.

Chairman Ramsdell stated that we would like a revised drawing. He asked if the drawing of the fence is part of Drawing C1. He asked if the revised Site Plan indicates changes to the fence installation.

Chairman Ramsdell said that there should be a site plan drawing that we can all accept and point to as we go forward. This is the sum and substance of the changes. We've talked about fence issues, the gate, emergency access, and the increase in the size of the Truckers Lounge. These matters have to be specifically clear on the revised Site Plan.

Chairman Ramsdell asked if the completion date of the project came from Mr. Spears' letter. Mr. Spears replied yes.

Mr. Fisher said that they didn't see a prior completion date so they gave one that they thought would work.

Chairman Ramsdell said that this is the first time that the Village Planning Board is doing a joint application and plans with another municipality.

Mr. Edsall said that these changes should be noted as requested Field Changes. There should be a box that specifically lists these changes. Regarding approval, the Village and Town should give consideration to not having 8 ft. tall fences on property lines. A couple of feet would make a big difference. If the Chairman, John Orr, and I find inconsistencies with this discussion, we'll see you again next month.

Chairman Ramsdell said that the Board is still in the process of deciding on the Field Change process of determination. In looking at these items, if everything is straightened out, these might be handled as Field Changes.

Mr. Orr said that if the Applicant wants to proceed with the 8 ft. fence, he should submit it to Mr. Orr and then to the ZBA.

Chairman Ramsdell proposed a conditional acceptance of a recommendation of this course of action based on getting a new revised Site Plan and addressing the fence, gates, and emergency access issues.

Chairman Ramsdell asked the Applicant if they think that this is a comprehensive overview. Did you get what you are hoping for?

Mr. Fisher replied yes.

Chairman Ramsdell thanked the Applicant. The Applicant thanked the Planning Board for their time.

## 6. General Discussion

Chairman Ramsdell said that the project "Maggie's Deck" was a last-minute removal from the agenda. Since Mark Edsall had already prepared his comments, we will send them to the Applicant. John Orr said that the Applicant apologized and that this project may appear on the agenda in the Fall or Winter.

There was general discussion regarding a Fill Permit for the DePaulis 94 project. Mr. Orr said that a fee for the Fill Permit has not been decided yet.

Mr. Edsall said that the Applicant will have to seek a new approval. The Department of Environmental Conservation allows 5 acres of disturbance at a time. This involves a SWWWP, and may or may not need a new application. All of my people are telling me that they are doing a very good job - very clean, compaction of materials, not making a mess, complying with the SWPPP.

Mr. Orr stated that Mr. DePaulis said that a Sheraton Site and Convention Center may be interested in the site.

Mr. Edsall asked if there is a way to process this as an amendment to expand the fill. Chairman Ramsdell said that the Board will have to handle it when it comes forward.

Chairman Ramsdell said that we need to ask C&S, in a letter, for their final building costs. We can do it in the letter regarding the escrow for C&S.

Chairman Ramsdell requested a **Motion** to adjourn the meeting. A **Motion** was made at 9:58 P.M. by Member Winters, seconded by Member La Spina. All in favor, none opposed. **Motion** carries. Meeting is adjourned.

Respectfully Submitted,



Susan Marino  
Planning Board Secretary  
September 30, 2009



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

RICHARD D. MCGOEY, P.E. (NY & PA)  
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VILLAGE OF CHESTER  
PLANNING BOARD  
REVIEW COMMENTS

**PROJECT NAME:** TOMKEVICH SITE PLAN AMENDMENT  
(PROPOSED SINGLE-FAMILY DWELLING)  
**PROJECT LOCATION:** 34 MEADOW AVENUE  
SECTION 103 – BLOCK 1 – LOT 27.2  
**PROJECT NUMBER:** 08-09  
**DATE:** 25 AUGUST 2009  
**DESCRIPTION:** THE APPLICATION PROPOSES CONVERSION OF THE EXISTING  
BUILDING ON THE WESTERLY CORNER OF THE SITE INTO A SINGLE-  
FAMILY RESIDENCE. THE PLAN WAS PREVIOUSLY REVIEWED AT THE  
28 OCTOBER 2008 & 16 DECEMBER 2008 PLANNING BOARD MEETINGS.

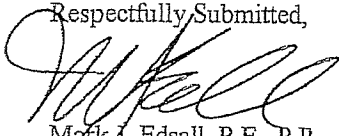
1. The property is located in the RA zoning district of the Village. This site is the subject of two prior applications (02-01 & 07-01). The 2002 application created the use in the Metal Barn as Special Use #5, and used the buildings on the west side as office and storage. The 2007 application (which was never approved) proposed removal of all buildings and construction of a new residential building.

This new application proposes a single-family residential use (Special Permit Use # 3) in the westerly building and (originally) maintained Special Permit Use #5 in the metal barn. The application received conditional site plan/special permit approval on 12-16-08.

The applicant, prior to having the plans stamped, has now determined that they wish to revise the Special Permit #5 use in the barn to "Video Assembly & Production", and is now back to the Board seeking that modification to the plans prior to stamping of the plans.

2. The Board should discuss the use, parking, hours of operation, etc. with regard to this latest change.

Respectfully Submitted,



Mark J. Edsall, P.E., P.F.  
Village Engineer

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VILLAGE OF CHESTER  
PLANNING BOARD  
REVIEW COMMENTS

**PROJECT NAME:** C & S WHOLESALE DISTRIBUTORS SITE PLAN AMENDMENT  
**PROJECT LOCATION:** LEONE LANE & ELIZABETH DRIVE  
CHESTER INDUSTRIAL PARK  
SECTION 119 – BLOCK 1 – LOT 1.14  
**PROJECT NUMBER:** PENDING (Formerly 04-13)  
**DATE:** 25 AUGUST 2009  
**DESCRIPTION:** THE APPLICANT IS REQUESTING REVIEW OF REVISIONS TO THE APPROVED SITE PLAN (APPLICATION 04-13\*) WHICH WAS APPROVED IN EARLY 2006.

\*Application 04-13 was reviewed on 16 Nov04, 6 Apr05, 26 Apr05, 24 May05, 28 June05, 6 July05, 26 July 05, 23 Aug 05, 27 Sept05, 25 Oct05, 20 Dec05 and 24 Jan06 Planning Board Meetings.

1. It is my understanding that the applicant proposes changes to the site plan, limited to the following on the portion in the Village:
  - *Modification to entrance drive off Leone Lane* – revise width to provide two inbound lanes).
  - *Revision to parking area striping* – this is actually a change from 106 car parking + 25 Trailer spaces to 125 car parking + 86 tractor spaces. Effectively, this is not just a “striping” change, but also a change to the type of parking in the area.
  - *Revision to site fencing* – location of fencing around aforementioned parking areas and on Village side of site being revised. Details should be discussed with applicant’s representative. We should be clear as to the setbacks, height, material type, etc. for all fences.
  - *Increase in Size of Truckers Lounge*
  - *Revision of completion date* to 12-31-10.

The Board should have the applicant verify the accuracy of the above, noting if any other changes are proposed.

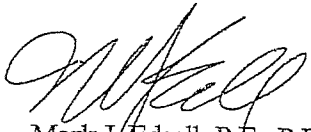
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The applicant's consultant has verified (in written letter form) that these changes have no impact on the stormwater management provisions of the site plan (and prior approval).

2. The applicant has also met with the Town of Chester, with regard to other changes on the "Town side" of the site. We are advised that the Town is addressing such changes as a "field change" with no site plan amendment needed. It is my understanding that the applicant is requesting similar treatment in the Village.
3. SEQRA is closed for this application, having had a negative declaration adopted by the Town of Chester Planning Board, as Lead Agency. Since the Town has accepted this as a field change, I conclude they have not "reopened SEQRA". The Board should discuss the appropriate action with the Attorney for the Planning Board.
4. If the Board considers either acceptance or approval of an amendment, I recommend the following conditions:
  - The applicant shall comply with all requirements of the prior Town of Chester Planning Board and Village of Chester Planning Board approval, other than as specifically enumerated and accepted as part of this discussion.
  - Payment of all fees due to the Village, or reimbursement of any costs reviewing the proposed field change, prior to acceptance.

Respectfully Submitted,



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

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