

MINUTES

VILLAGE of CHESTER PLANNING BOARD

OCTOBER 26, 2010

REGULAR MEETING

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

NOT PRESENT: Robert JANKELUNAS, 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 August 2010 Planning Board Meeting Minutes as amended. A Motion was made by Member La Spina, seconded by Member Winters. All in favor and none opposed. Motion carries.

2. CORRESPONDENCE

From: Orange County Department of Planning
Date: September 24, 2010
Re: Orange County Energy Audit Grant Program

From: Orange County Department of Planning
Date: September 24, 2010
Re: Rebates from Energy Providers

Chairman Ramsdell said that the correspondence regarding the Energy Audit Grant Program and Rebates from Energy Providers should be given to the Village Board, if they have not already received them.

From: Orange County Department of Planning
Date: September 28, 2010
Re: #10-05 DePaulis 94 Phase IV - County Reply

Chairman Ramsdell read the correspondence from the Orange County Department of Planning and stated the County recommendation was classified as Local Determination.

From: Alan Dromeshauser
Date: October 10, 2010, September 9, 2010, and August 24, 2010
Re: #07-10 Nexans - Noise from Nexans

Chairman Ramsdell read all correspondence from Alan Dromeshauser. There was general discussion including Mr. Dromeshauser and Chairman Ramsdell regarding the noise from Nexans' operations.

3. CODE ENFORCEMENT OFFICER REPORT

Presented by John Orr and dated October 26, 2010

Current projects that were inspected during the last month:

Lowe's:

1. No change from last month.

Nexans:

1. Nexans had requested a slight change allowing the planting of the tree line at the top of the hill instead of on the property line. Because this would plant the trees at a higher level, I thought this would help with screening. The trees have been planted.

Palumbo 2 School Street:

1. No change from last month.

DePaulis:

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

Sutherland:

1. No change from last month.

C&S:

1. Certificate of Compliance issued for Banana ripening.
2. Issued building permit for renovation of old section of building.

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

1. Work under way.

Since the August meeting, I have issued 13 building permits for decks, fences, re-roofs and signs.

**Respectfully Submitted,
John S. Orr
Code Enforcement Officer**

Mr. Orr had received a letter, dated October 13th, from Nexans regarding noise. A representative from Nexans said that their cooling tower had to work harder this summer due to the record breaking heat. They also have put in place systems which will cut-off the high speed on the cooling tower at certain times during the day and on the weekends. Mr. Orr said that the cooling tower has been there since the late 1980's or early 1990's and is not a new piece of equipment. In the past, there had been a bad motor, but that is not the case now. Mr. Orr also noticed that there is an Orange and Rockland sub-station in this area which has two cooling fans running. Mr. Orr reported hearing the sub-station more than the cooling tower during his last site visit.

Mr. Dromeshauser, in attendance with some neighbors, said that he does not believe it is the Orange and Rockland sub-station.

Chairman Ramsdell asked when the noise had started. About a year ago there was a Public Hearing and at that time there were no complaints regarding the noise.

Mr. Dromeshauser said that there was no noise at that time. Mr. Dromeshauser played a recording of the noise from his yard during the night for the Planning Board to hear. He reported that the neighbors, including him, could hear the noise all day and at night even with doors and windows closed.

Member Winters said that he was asked to stop and listen to the noise from the cooling tower. It had been a warm day, though not very hot. He said the noise was very loud and even louder in the backyard of Mr. Dromeshauser's home. He could not imagine anyone sitting in their yard or in their house with the noise level. He spoke with Mr. Orr regarding the noise and discussed possible causes. Member Winters strongly suggested that the noise level be addressed in some way.

Chairman Ramsdell asked if Nexans would need the cooling in the winter time.

Member Winters said that he did not know what the procedure is for cooling of the wiring. Although, Member Winters has been in the area when the weather was cooler and the noise was still there.

Mr. Dromeshauser said that in the last couple of weeks, since the weather has been cooler, the noise had stopped.

Mr. Orr said that the systems put in place by Nexans may have happened at the same time that the noise stopped. Mr. Orr said that part of the noise comes from the cooling of the equipment which is now running from well water instead of lake water. He thought perhaps the well water could be adding to the noise level. Also, there has been removal of trees but he does not believe that this is affecting the noise. Nexans removed windows and replaced them with cement. However, the noise is still present and feels it must be an equipment issue inside of the building.

Chairman Ramsdell asked Mr. Orr if the Planning Board should write a letter to the Village Board regarding the complaints.

Mr. Orr said that he would schedule a site visit with Nexans and observe the equipment while running in high gear.

Mr. Edsall said that he agreed with Mr. Orr regarding the noise and that it is not the result of an operational change. He also agreed that Mr. Orr should observe the equipment for malfunction.

Chairman Ramsdell said that the noise could be an equipment malfunction or defect.

Mr. Orr replied that they had an issue in the past with a motor, and Nexans had fixed it. He said that he would speak with Nexans regarding the noise and schedule a meeting.

Mr. Schlanger said that the Village Board may be the next step for Mr. Dromeshauser and the residents. If there is a violation of the Village Code, then the Village Board will take action. If there is no violation of the code, then it may be necessary for private action.

Chairman Ramsdell thanked Mr. Dromeshauser and his neighbors for their attendance to the meeting.

**4. DePaulis 94 Phase IV Project # 10-05
Applicant/Owner: DePaulis Enterprises VI/Giuseppe DePaulis
Re: Blasting and re-grading of lot; SEQRA
Location: Rt. 94 and Elizabeth Drive SBL 116-1-1.2 M1 Zone
Dave Zigler representing**

Mr. Zigler presented for DePaulis Enterprises. He said that at the last meeting in August there was some discussion regarding the letter from the DEC questioning the SEQRA process. Mr. Zigler agreed to reopen SEQRA and prepared a Full EAF. There was a four page narrative addressing the eight SEQRA items in question which was attached to the form in addition to maps. This packet was re-circulated. Since submitting the form, he has not heard anything else from the DEC so he believes that the DEC questions have been answered. The Planning Board has received the response from the Orange County Department of Planning with the County recommendation. During the drilling and blasting phase, there will be construction inspections and filings with the DEC and the Village.

Mr. Zigler said Orange and Rockland representatives attended the Planning Board Work Session. Orange and Rockland representatives did have significant issues with the blasting. They suggested that additional notes be added to the maps and those notes have been added. After the Work Session, there was another meeting with Orange and Rockland representatives where Mr. John Joseph, of John Joseph Inc. Rock Drilling & Blasting, represented Mr. DePaulis. Mr. Joseph will likely be the blaster for the DePaulis project and has worked for Orange and Rockland in the past. For protection, a fence will be run along the easement line so that no one will be able to enter the area. Mr. DePaulis will be installing this fence. Mr. Joseph will hammer the first 15 or 20 feet instead of blasting near the poles. If the applicant receives approval from the Planning Board, there will be a pre-construction meeting on site, and there will be a schedule for drilling and blasting. The schedule will be sent to the Village and neighbors of the project location.

Mr. Zigler said that Mr. Joseph believes that the blasting will take at least six to seven months. After each blast, the pile of loosened rocks will be removed. The weather will affect the blasting and could cause them to stop for several months in the winter. In the spring the blasting would resume.

Chairman Ramsdell said that the Planning Board needs to make a new SEQRA determination based on the change to Type 1 designation and receipt of the Full EAF.

Mr. Schlanger recommended that the Full EAF include a Part 2.

Chairman Ramsdell asked if the applicant would also require a Part 3.

Mr. Zigler said that the Part 3 usually pertains to drainage and erosion control. He said that they would prepare a Part 2 and put together a Part 3 as well and attend the Work Session to discuss them.

Mr. Orr asked how many poles would be affected by the drilling and blasting.

Mr. Zigler said that they would be monitoring five locations for every blast.

Mr. Edsall recommended that Mr. Zigler file a pre-blast survey prior to drilling and blasting. The survey would document the area with photographs

and a narrative, and be submitted at the Village Hall. It would also provide protection for the applicant.

Mr. Zigler agreed with Mr. Edsall's suggestion. Mr. Zigler also stated that he would be submitting a time extension consent letter for the review process.

Chairman Ramsdell asked if there were any other questions. There were none.

Chairman Ramsdell requested a Motion to adjourn the meeting. A **Motion** was made by Member Winters, seconded by Member Reilly. All in favor and none opposed. Motion carries. Meeting adjourned at 8:22 PM.

Respectfully Submitted,

Joanne Rittendale

Joanne Rittendale
Planning Board Secretary