

## MINUTES

### VILLAGE of CHESTER PLANNING BOARD

NOVEMBER 17, 2009

#### REGULAR MEETING

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

NOT PRESENT: Robert JANKELUNAS, Member  
Mark EDSALL, Engineer

#### REGULAR MEETING:

1. MINUTES:  
There are no drafts of Minutes to be reviewed.
2. CORRESPONDENCE:  
There is no correspondence.
3. C.E.O. REPORT: NOVEMBER 17, 2009  
Presented by Code Enforcement Officer John Orr

#### Current projects that were inspected during the last month:

Lowe's:

- 1- Temporary Certificate of Occupancy has been extended.

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- General site work has started.

Green Meadows Apartments

- 1- Work is complete.
- 2- Certificate of Occupancy issued.

Flynn 8 Kerner Dr

- 1- General site work continues.

DePaulis

- 1- Phase II fill operation underway.

Member La Spina asked if there has been any progress with Lowe's.

Mr. Orr said that he has spoken with the contractor and has sent an email regarding the lighting issue. The night lighting at Lowe's starts at around 9:30 P.M. The domes in the Garden Center under the awning are the hot spots we keep seeing. Mr. Orr has not heard back from Steve Sexton yet.

A question was asked as to whether or not the lighting conforms to the Site Plan.

Mr. Orr replied that he believes so, but he has not confirmed that yet. Certain lights drop off about a half hour after closing. Rick Ramsdell and I saw the lighting.

He said that one light was either positioned incorrectly or 1 of 3 lights in a pod was facing Hom Street. It should have faced the other direction. Another issue is that there are some spotlights on the building that I believe should be turned off with the night lights and that hasn't happened yet.

Chairman Ramsdell said that with regard to the site lighting and Site Plan, it is necessary to know if the lights that were installed conform to the locations and types shown on the Site Plan, and whether the controls are right.

Chairman Ramsdell said that he received an email from the Miners, who are getting to the end of their rope. The email addressed not only the lighting, but also the height of the visual barrier fence at the retaining wall facing Hom Street, and the erosion control fence along the stream.

Mr. Orr said that Meadow Hill is still operating under Conditional Approval.

Chairman Ramsdell said that their completion date is very much in danger. That would be a violation of Site Plan Approval.

There was general discussion regarding Conditional Approval for projects.

Mr. Orr said that the Planning Board discussed giving an applicant a certain amount of time to meet conditions - around 6 months.

Chairman Ramsdell said that we're looking for a way to get that informally on the books, without involving the Village Board.

Mr. Orr said that if you look at our Code now, there's no provision for Conditional Approval.

Member Winters said that every applicant could be different.

Chairman Ramsdell suggested having the applicant tell the Board a time frame for meeting the conditions.

Member Winters said that we should then hold them to that time.

Chairman Ramsdell said that using Meadow Hill as an example, there's a lot of money involved. I think that's why it's sitting on the Conditional Approval shelf - there's so much money involved.

Mr. Orr said that the applicants always seem rushed to get that approval.

Chairman Ramsdell said yes, because it lets them do certain things. Smart people are going to recognize what they can do by being on both sides of the fence.

#### **4. 5 Brookside Avenue**

**Re: Discussion of Zone Change Request from M2 Property to B2  
Property  
Planning Board Recommendation to Village Board**

Chairman Ramsdell said that this item is in regard to the Planning Board report on a zoning change for the property at 5 Brookside Avenue. This matter was referred to the Planning Board by the Village Board. We have spoken about this at our last 2 Planning Board meetings.

Chairman Ramsdell said that he attended the last Village Board meeting. At that meeting, the Village Board had a resolution to have a Public Hearing on this matter on December 14, 2009. The Planning Board report should be submitted to the Village Board before that date.

Chairman Ramsdell asked if any Board members have any further comments on this draft of the report. There were none.

Chairman Ramsdell suggested including that there are 2 other existing M2 districts nearby - Nexans and the property behind Sanford Avenue. Another suggestion to present to the Village Board is to create a second Overlay District. This gives the Village Board a second or third consideration.

Chairman Ramsdell said that Attorney Harold Pressberg was very instrumental in getting this report focused.

Mr. Pressberg said that the Planning Board has recommended responses to the criteria that they are supposed to review.

Chairman Ramsdell said that diverting from that issue, the potentially single most important thing is what's going to happen to the Chester Lumber property.

Mr. Pressberg said that if the 5 Brookside application comes back to us, we'll have to do a Site Plan.

Chairman Ramsdell said that access to the property right now is in the best location so far as planning is concerned - at the point furthest away from the intersection, and it has decent sight lines.

Chairman Ramsdell said that if there is nothing further, I'd recommend that we decide, after our attorney has made some final revisions based on our

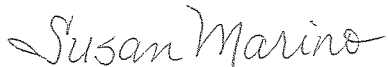
discussion, that I be authorized to sign this and send it on to the Village Board.

Chairman Ramsdell requested a **Motion** to send the Planning Board report regarding 5 Brookside Avenue to the Village Board. A **Motion** was made by Member Reilly, seconded by Member La Spina. All in favor, none opposed. **Motion** carries.

Member Winters commended Chairman Ramsdell for his work on the report. Chairman Ramsdell thanked Member Winters, and then he thanked Mr. Orr for his work on this application.

Chairman Ramsdell asked if there was anything else to discuss. There was no response. Chairman Ramsdell then asked for a **Motion** to adjourn the meeting. A **Motion** was made by Member Winters, seconded by Member La Spina. All in favor, none opposed. **Motion** carries. Meeting was adjourned at 8:03 P.M.

Respectfully Submitted,



Susan Marino  
Planning Board Secretary