

APPROVED
3/13/03 MB

TOWN OF PATTERSON
PLANNING BOARD MEETING
January 30, 2003 WORK SESSION
AGENDA & MINUTES

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Board Member Shay asked are they aware of this.

Rich Williams replied yes they are. Everybody is aware of it and nobody has answers.

Chairman Schech stated so Fuca will be here for another five years. Who was the original engineering on that before Insite.

Rich Williams replied Fuca has always been Insite. There was a project that was done back in the early nineties on the same site that never went further, Board Member Montesano laughed and Rich asked him who was the Engineer. Board Member Montesano replied I don't remember who the Engineer was. Rich Williams replied Irma, Baldwin and Cornelius. Board Member Montesano stated I remember who the Attorney was that represented them.

3) RALPH BURDICK SITE PLAN

Chairman Schech stated since Mr. Burdick has the okay from the Town Board he is before us now.

Board Member Montesano stated I don't like it already because I don't see anything for the runoff for all these nice heavy construction vehicles.

Rich Williams replied no actually he has an oil separator and he has a detention pond on the site shown. He does have significant drainage problems in that he can't get positive drainage based on the topography and the length of pipe and everything else. He is barely making a half of inch of slope, I am sorry a half of percent of slope if he is lucky plus he has got some design issues with the stormwater pond.

Board Member Montesano stated I figured after that little toe to toe with those charming State people by now they should be, you are close to the swamp you are going to have other problems by now.

Rich Williams replied except for a small portion of his site which is right at the entrance way as you come in that is gravel that he has maintained as gravel all of the proposed construction is outside of the wetlands and buffer area. He actually has no disturbance in a wetland area just that small portion. It is within a hundred feet of a stream but the Town only regulates fifty feet so it is actually outside,

Board Member Montesano stated but he has a water table problem as it is there doesn't he with that property the same way the man next door did.

Rich Williams replied possibly. We don't have anything substantiating the ground water level one way or the other but it is anticipated that the ground water is going to be high and that is going to present some design concerns with the stormwater basin. There is a couple of other issues. One is generally you know this is generally classified as an industrial type activity which the latest DEC design criteria classifies it as a hot spot whereas you want to try to restrict stormwater management through infiltration. So, he has to come up with that. He has to figure out a way to get around that. On top of that the new DEC Stormwater criteria is going to apply so he has to come up with something more than a detention pond and it is going to be significant.

Board Member Montesano asked did anybody tell our favorite tree planter about these problems that may develop with the property he has next door.

Rich Williams replied I don't know.

Rich Williams stated there are some other issues though with this site that you need to be aware of and you need to decide what you want to do about it. Right now on the plan he shows no site lighting, no security fencing, there is no water, there is no provisions for septic, and there is no building. If he was just using it for himself that would have less of an impact but based on the number of parking spaces that he has for large trucks and tractor trailers it becomes apparent that his intent is to lease space out there.

Chairman Schech stated he mentioned that at one time.

The Secretary stated he did it is in the minutes.

Rich Williams stated and I think the Board tried to discourage him from doing that but I think that is his intent out there.

Board Member Montesano stated you are talking about at least thirty-five to forty items that he is talking about putting there. You have twenty large trucks, ten tractor trailers, and five rollers, three spaces designated for backhoes that does not include the trailers that he is going to have to carry rollers or anything else.

Chairman Schech stated no structures.

Board Member Montesano stated he is going to put up those tents again.

Rich Williams replied I don't know but then you also have the question about what are they going to do for maintenance, what are they going to do for cleaning the vehicles.

Board Member Montesano asked did he ever get an okay to get less than sixty feet, less than the two hundred feet of frontage.

Rich Williams stated that was an issue that was raised the last time they were in. I don't know that I ever got clarification on it whether that was a pre-existing condition and okay or because he is now coming in he needs to get a variance.

Board Member Montesano stated I am trying to remember when he gave up that chunk of property, when he sold off that property to Louie.

Rich Williams stated it did not touch the frontage.

Chairman Schech asked were they two separate parcels.

Rich Williams replied there was two separate parcels, Board Member Montesano stated Louie had thirteen acres and he needed fifteen acres to make it in to a shopping area so he went and got acreage off of Burdick.

Chairman Schech asked but that was in the rear right.

Board Member Montesano replied yes I think that is what it was because he wanted that one spot there so I don't know how long that has been there. I would assume that it is pre-existing but I am not sure. When did Burdick obtain the property.

Rich Williams replied I went back a ways and that property was there a ways back. I have no idea when it was subdivided but it has been there a long time. I would imagine that the answer is that he does not need a variance because it is pre-existing but that is something I would like the Attorney to confirm.

Chairman Schech stated I remember when he put the road in it does not seem well nothing seems that long ago to me.

Board Member Montesano stated it was not that long ago that the ditch appeared miraculously because I remember Louie was fighting with him over it, was it Louie, somebody was. I am trying to remember who was fighting him. They ended up in a discussion rather heated at a times.

Chairman Schech stated well he has a long way to go.

4) SHKRELI SUBDIVISION

Chairman Schech asked what do we have on Shkreli.

Rich Williams stated Shkreli, Camp Brady; they are back in seeking final approval.

Chairman Schech asked are they set for final.

Board Member Montesano asked what is this wetlands permit thing.

Rich Williams stated he needs a wetlands permit because he is creating a disturbance for Lot 4 going back around the lake and up the hill.

Board Member Shay asked so how can we give him a final if, Board Member Rogan stated because the permit is, The Secretary stated usually Rich does it in the final resolution.

Rich Williams stated yes you do them together. You generally have the public hearing at the preliminary because it is all part of the initial impacts but you don't give them an approval because then that would start the clock going on the wetlands permit and often they won't complete final before that one year runs out on the wetlands permit so you wait until you get down to final and you do them concurrently.

Board Member Montesano stated so they are not going to make any new improvements.

Rich Williams stated I have the Engineer looking at the construction drawings on this. I think the preliminary is close to being done except that they have to deal with the turn around which he keeps forgetting to do.

Board Member Montesano replied well tell him we can't accept anything until he does it.

Rich Williams stated I have been trying to push Jack to come up with some scenario on how the drainage is going to work out there and he keeps saying but I am not changing anything but I know the Engineers are going to say yes but you are.

The Secretary asked so we are waiting for a review from Dufresne-Henry.

Rich Williams replied yes they are going to have one for the Board for the meeting.

Board Member Montesano asked well if they are going to have one for the Board for the meeting then how do we give final approval.

Rich Williams stated you have not even decided whether you are having the public hearing or not. You are not going to do it at this meeting.

Chairman Schech stated so we can set a public hearing for the next meeting if he has all the stuff before us.

Rich Williams replied well let's see what the Engineer comes back with.

Board Member Montesano stated the object would be if he gives it to us on Thursday how the hell do you set a public hearing you don't have a chance to review it so why the hell should we set the public hearing.

Board Member Rogan stated wait a minute the review is due from DH right.

Rich Williams replied that is right.

Board Member Rogan stated so it is not Jack holding us up it is our people holding us up. That is not their fault. We are always here a few minutes before the meeting so we can review it.

Board Member Montesano stated yes but that is not the object even with our people we have a schedule that people come in here and abide by they are supposed to have. Sometimes it works and sometimes it does not.

5) KATHLEEN PETTEY – Site Plan Waiver & Food Star Sign Application

Board Member Rogan asked what was the problem with (too many speaking at the same time unable to transcribe).

Rich Williams stated it is a change use and it is important to bring these people in like this and review it and establish some standards and thresholds. For example: if you look at the memo I did with the waste water they are right on the line. Depending on the number of employees and the number of seats.

(Too many people speaking at the same time unable to transcribe).

Rich Williams stated I talked to Mike at the Health Department and Mike said he did not think they were going to be pushing more than about three hundred and fifty gallons.

Board Member Rogan stated they use a lot of water traditionally, Chinese restaurants.

(Too many people speaking at the same time unable to transcribe)

Rich Williams stated you need to talk to them about the seats and employees. The other thing is you want to see what kind of sanitary facilities they are going to have. Are they going to have bathrooms. I know the Health Department requirement if it is just take out or if there is only a very limited number of seats they do not need to have bathrooms but as a Town you know, (too many people speaking at the same time – inaudible).

Board Member Rogan asked the number of seats that they could have would be dictated by Mike wouldn't it.

Rich Williams asked Mike who.

Board Member Rogan replied Budzinski. They are going to be limited.

Rich Williams stated there is a limited number of flows assigned to the building as a whole. Based on what is currently there, the apartments, and the other commercial space you have to assign x amount of flows to those uses whatever is left can be used by the restaurant.

The Secretary asked Rich what is the other business there.

Rich Williams replied a holistic health store.

Chairman Schech stated she stays there. That is her house. I saw her one morning in a house coat peering out the front window.

Board Member Shay stated I saw her one morning opening the front door in a house coat.

The Secretary stated maybe that is what she wears.

Chairman Schech stated it is eight o'clock in the morning. She is certainly not opened for business at eight o'clock in the morning. I think she lives in the back. She can't possibly afford that because nobody goes into it. They are certainly not lined up.

Rich Williams stated Shawn just to finish up with you, x amount of flows but that could be increased if she has put in water saving devices through out the building which she probably has not done.

Chairman Schech stated there will be grease traps that will have to be cleaned.

Rich Williams asked Shawn do you agree with my scenario that is how the tables, normally I would agree with you if they were not in the district that Health Department would determine,

Board Member Rogan asked does the Town have a specific, how would you determine that x number of seats would create x number of gallons of usage, does the Town have a formula for that because the Health Department does.

Rich Williams replied no what I used for the number of seats was the DEC's standards, the waste water standards that they have I think it was DEC standards from 1988 and that is generally what everybody uses and I talked to Mike, Mike gave me the fifteen gallons per employee.

Board Member Rogan stated as long as they don't exceed their allowance for water usage that part of it does not concern me at all.

Board Member Shay stated they only use grease I mean oil.

Board Member Rogan stated well that is another thing is they have to put in a nice size grease trap in that place.

Chairman Schech stated that is Health Department though, right.

Board Member Rogan replied yes.

The Secretary stated haven't they been working with the Health Department.

Rich Williams replied not on the grease trap but on the sewer system.

Chairman Schech stated we are finished with Food Star. Basically we have the sign and questions on the tables.

Ted Kozlowski told Rich Williams to put Brian Coleman on the agenda it is just a complete wetland application to set a public hearing

Rich Williams asked who is Brian Coleman.

Ted Kozlowski replied your neighbor, Apple Hill.

Rich Williams stated I have not even seen an application and you are telling me it is complete.

Ted Kozlowski replied I have been working with him it has been completed today.

Rich Williams asked has he filed it with the Town.

Ted Kozlowski replied he will tomorrow.

Rich Williams replied then tomorrow I will think about putting it on, Ted Kozlowski replied just put it on all that it is going to be is set a public hearing for the next meeting.

6) PUTNAM COUNTY SAVINGS BANK – Extension Request

Chairman Schech asked why are they in for another extension.

Rich Williams replied asked Theresa don't ask me.

Board Member Shay stated we gave them two hundred and seventy days so far.

Chairman Schech stated let's find out what they want it for. It could be beyond their control.

Board Member Shay stated give them sixty days.

7) OTHER BUSINESS

Board Member Montesano asked what is GDC's problem.

Rich Williams stated the GDC Subdivision you guys approved it, a note on the plat utilities go underground. NYSEG came in said listen it is going to cost us a lot of money, we don't know how to plan for future expansion out there, please let us put it overhead. The Planning Board said no. They came back a second time the Planning Board said no a second time. Verizon has now decided we don't care those lines are going over ground. The NYSEG lines are being buried. NYSEG is scheduled to install two poles to run telephone lines over head down Fields Lane.

Board Member Montesano stated no, no. The Town should do something about it.

Chairman Schech stated I said no.

Board Member Montesano stated we said no twice if they defy it then they should be arrested for doing something illegal in the Town period.

Rich Williams stated you guys have been notified decide what you want to do, how you want to handle it.

Chairman Schech stated communicate, write a letter to the guys that they said we should write a letter to and say this is the agreement and forget we don't want them there.

Board Member Montesano stated and if your men proceed to go along with it they are in violation of the law of the Town and we are going to have them arrested.

Rich Williams stated Public Service Commission, do you want the Attorneys to pursue it.

Board Member Montesano replied if that is the only way it is going to be done.

Rich Williams replied okay that is why I gave you the letter so you guys could decide what you want to do.

Board Member Montesano stated we keep saying something they keep coming in now they are going to tell you no. Who the hell is he.

Chairman Schech stated these are the same guys that screwed us on Front Street with the wires.

Board Member Montesano stated tell them this time they will go to jail. I will demand that they be taken in.

Rich Williams stated no, Board Member Montesano stated put them in jail if not sue Verizon.

Rich Williams stated we will put them on notice.

Proposed Zoning Code

Board Member Montesano stated did anybody read their Zoning Code. I have no problem with the Code.

Chairman Schech stated I would like to have a motion on the Zoning Code that we adopt it as is this way we get it moving.

Rich Williams stated you don't adopt it you make a recommendation to the Town Board.

Chairman Schech asked for a motion and a second please.

Board Member Rogan stated let's way until the next meeting.

Chairman Schech asked why.

Board Member Rogan stated because I have to look back through it because I have a lot of stuff, Chairman Schech stated the only reason I want to get this moving so we sit down with the other Board and go over it.

The Secretary stated but then you are not making a recommendation to anyone if you are going to sit with another Board you are still working on it.

Chairman Schech stated we want to sit with the other Board right.

Rich Williams replied you do whatever you want to do. You have to get together with Ed and set it up.

Board Member Montesano asked why do we need to sit with them.

Board Member Rogan replied you don't have to.

Board Member Montesano stated we can go ahead and say we are satisfied with it let them have the ball in their court until they get moving on it.

Board Member Rogan stated let's wait.

Rich Williams stated let's do it this way Herb between now and the next meeting why don't you to reach out to Ed and see if you schedule a meeting with as many of the Board Members as the two of you can get together and if you can't.

Board Member Rogan stated let me ask you a stupid question, if three quarters of us right now sitting here don't have a problem with it as is and I am not saying that I don't I just want to look because I know that I made a lot of notes. Why do we need to meet with Zoning at all if you are comfortable with it. If they have some issues that they want to discuss with Planning they will come to us.

Chairman Schech stated I thought that was what the Town Board wanted.

The Secretary stated why can't you just put your comments in writing and submit them.

Board Member Montesano stated if we are satisfied with it then the Planning Board is recommending acceptance of it as is.

Rich Williams stated right if you are just going to meet and you don't have anything to say then fine the only reason you would meet is if there were specific areas of the Code that you want to discuss how they should be changed.

Chairman Schech stated personally I am fine with it.

Board Member Montesano stated my notes are in there. I did not have many problems with anything in fact there was a lot of things that I had problems before that are covered now so I don't have to worry about.

Board Member Rogan stated my impression would be the only reason you would need to meet with Zoning if there were issues that impacted both Boards or that one Board saw.

(Too many people speaking at once inaudible).

Board Member Rogan stated I think you should have somebody bring out some examples on how the new Code is going to impact things because looking at a document is different than examples. I would be willing to bet that if you sat down in a room (unable to hear the rest of his statement too many talking at once).

Rich Williams stated I had a meeting with them and the Zoning Board really did not have anything. That flow happened with the ZBA because Ed had a lot of questions and Ed and I went back and forth and we got things going but that did not occur with the Planning Board.

Chairman Schech stated forget the meeting.

The Secretary stated I still think if you have concerns put them all down on paper and submit them.

Board Member Rogan stated there are things that we have spoken about that are not in this Code that maybe now is not the time but maybe the future is the time to talk about them like ridge line development and stuff.

Rich Williams stated well that is a question do you want to put that off and just go with what we got and change it later or do you want to try and get that in there now.

Chairman Schech stated it is sort of an on going thing Zoning. You can't have a perfect Code.

Chairman Schech made a motion to adjourn the meeting. Board Member Montesano seconded the motion. All in favor and meeting adjourned at 8:15 p.m.