

APPROVED
3/13/03 MRS

TOWN OF PATTERSON
PLANNING BOARD MEETING
February 6, 2003
AGENDA & MINUTES

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February 6, 2003 Meeting Minutes

Held at the Patterson Town Hall
1142 Route 311
Patterson, NY 12563

Present were: Chairman Herb Schech, Board Member Mike Montesano, Board Member Russ Shay, Board Member Dave Pierro Board Member Shawn Rogan, Rich Williams, Town Planner, Ron Gainer, Town Engineer, Craig Bumgarner, Town Attorney and Ted Kozlowski E.C.I.

Meeting called to order at 7:30 p.m.

Chairman Schech led the salute to the flag.

Approximately 16 members in the audience

1) **SCHOEN SITE PLAN – Public Hearing**

The Secretary read the legal notice.

Mr. Randy Neubauer, Insite Engineering was present.

Mr. Neubauer introduced himself to the Board and audience. Mr. Neubauer stated I am here tonight representing Dr. Allen Schoen for his property located on the corner of Route 22 and 164 and Old Route 22. It is in the R-O Zone, the Research and Office Zone. The proposal is for a seventy-four hundred square foot office building with associated parking, stormwater facilities, landscaping and some retaining wall systems. The application has received a variance from zoning the proposed zoning changes because the parcel is consistent with the existing zoning and the proposed zoning. Just to familiarize you a little bit with the property; this is Old Route 22 (referring to the plan), Route 164, and New York State Route 22. Access to the site is going to be provided off of Old Route 22. The access will come down to the parking spaces located on this side of the building which will then continue to slope down around the south side of the building and around to the east side of the building to the second level. We comply with all the setbacks with regards to front, side and rear being sixty-six out of thirty, ninety-seven out of sixty-five. The closest is eighty-six out of thirty and for along Route 22 we are ninety-four feet back. We do request that we are allowed to have parking spaces which are going to be nine feet by eighteen feet. This is not atypical and has been reviewed by the Town Engineer.

We have taken considerable efforts on this sloping property which does have some ground water conditions to design a septic system that is acceptable not only for engineering design standards but also that is currently under review for approval with the Putnam County Health Department and New York City DEP. In doing this we have also tried to preserve some of the larger trees along Route 164 in this area here where we do not need to do disturbance. Those trees which are fairly large in size and in healthy condition will try to be kept as well as in this area here along Old Route 22 just south of the proposed entrance way. Screening has been proposed along the entire Old Route 22 side with having some sensitivity to the adjacent residential zone as well as there is proposed landscaping around many areas of the site where there won't be any existing vegetation. At this point I think I have covered the majority of the design considerations for the site.

Chairman Schech asked is there any comments from the audience. There were none.

Chairman Schech asked for a motion to close the public hearing.

Board Member Pierro made a motion in the matter of the Schoen Site Plan that the Planning Board close the public hearing. Board Member Rogan seconded the motion. All in favor and motion carried by a vote of 5 to 0.

Chairman Schech asked Mr. Neubauer if he had the comments from the Town Engineer.

Mr. Neubauer replied yes I do. I received those just this afternoon if I could I would like to go over them. I also submitted to the Board a letter to the DEP that I will address after the memo that I received from the Town Engineer. Number one, site plan requirements, landscape design should be reviewed by the Town Planner, ECI and Planning Board. I think we covered that pretty much. We take no further exception with the stormwater management report. In the last memo they were requesting it and they did have it. The applicant has committed to providing an intensity plan for the site lighting design. We did since we submitted we did receive a lighting design by the lighting company, if I could just take a couple of minutes to go through that if you like.

Chairman Schech replied sure.

Mr. Neubauer stated as we had discussed in one of the previous meetings, we have provided two bollard lights which are actually if not the same manufacturer very similar to the ones which you have in the front of the building here at both sides of the driveway entrance to demarcate the driveway but to not provide too much light. The way these lines are shown on this plan they start with a quarter of a foot candle up to the highest one which is around the building is five foot candles. These bollards here do not get any higher than two foot candles. They are four feet tall and they are going to illuminate a small area no more than twenty feet overall in diameter around it very much like what you get from the lights on part of the building here. The lighting for the parking around the building is provided with shielded shoe box style lights which provide good continuous lighting all the way around and then we have lighting around the building façade which as I was saying the darkest zigzag lines here are five foot candle line providing plenty of lighting for the transition from parking to the sidewalk to inside the building. This is new this does need to be submitted to the Town Engineer for their review. We would request actually that that be a condition if we are able to get final approval tonight. I would like to just continue on with the rest of the comments. No details of the intended signage are yet provided. I think it does then say the site plan incorporates a note to acknowledge this aspect of the project that it will require a separate Planning Board action. The Buyer of the property does not yet know exactly what his tenants are going to be and therefore does not feel now is

the time to propose any signage. If that could also be a condition as it is stated on the plans for when he does want to do a sign he will come before you for that. Number five, the Site Plan notes that a waiver is being requested to allow 9 x 18 parking spaces which our office supports. The Planning Board should formally act on this request. What this has allowed us to do is have a very compact area of impervious and allowed us to work with the steep slopes on the site. This is not an unusual parking space size we are working on projects right now in other communities, Tarrytown and other communities where they allow this parking space size. We still do have twenty-four foot wide aisles all the way around so there is plenty of room for maneuvering and traveling just slightly smaller parking spaces. Item number six, as previously noted, a substantial portion of the lower proposed retaining wall will in effect become the westerly bank of the Stormwater Basin. The Buyer, Mr. Andy Suozzi, has retained an Engineer with a precast segment unit block system I believe it is, excuse me in the audience is Paul Suozzi the son of the Buyer whose also involved in the project as well as Dr. Allen Schoen.

Mr. Neubauer asked Mr. Suozzi who is the manufacturer of the block.

Mr. Suozzi replied Mesa.

Mr. Neubauer stated Mesa Block which is distributed by some local vendor, Palumbo Block just up in Dover. As it states here what we would request is that you allow that design again to be a condition of the approval but we should have a design I believe in two or three weeks, Mr. Suozzi stated within a week. Mr. Neubauer replied a week or so. We could provide those to the Town Engineer for his review.

Chairman Schech stated we are not giving any final approvals tonight so just continue.

Mr. Neubauer stated number seven, the town's standard site plan notes which are attached we will certainly attach and incorporate these notes as they are appropriate to this project. The statutory requirements; proof of outside agency approvals; we have our application initially have gone to New York State Department of Transportation, they have reviewed it and have suggested with no comments that we submit it to Poughkeepsie now to review formally. We feel that is good that they did not have any comments considering the nature of the work that we need to do in their right of way. We actually also attempted to contact and send a fax to try and set up a meeting with the Town Highway Supervisor I have yet to hear back from him. I understand he is very busy with the weather to address our access on Old Route 22. I believe we cc your office also he stated to the Secretary.

The Secretary replied I do not remember. Our fax has been down for over a week.

Mr. Neubauer replied this was two weeks ago I think.

Mr. Neubauer stated we will resend that then.

Ron Gainer stated to Mr. Neubauer the end result is you have to get that resolved with the Highway Superintendent.

Mr. Neubauer stated New York City DEP their comments which I will address right after this also needs to review this as I stated we have submitted our septic design to the Health Department and New York City DEP and that is under their review currently. I believe the next comment when we get to that step has to do with a performance bond and then any outstanding fees.

Chairman Schech stated I think if you get all your outside agency approvals then you come before us for Final Approval.

Mr. Neubauer replied okay you are not interested in entertaining any, Chairman Schech replied no not at all.

Mr. Neubauer stated okay if I could then the letter that you have before you address a letter we received from New York City DEP right after the last submission date. If I may I will just touch base on a couple of the items that we had addressed. The Applicant should also be aware that the New York State Departmental of Environmental Conservation General Permit is currently being revised. We understand this our office is aware of these revisions and we are applying under the current General Permit.

Rich Williams asked Randy which General Permit, the old Permit 9306.

Mr. Neubauer replied yes.

Rich Williams replied 9306 my understanding is that as of January 9306 no longer exists. You have to apply under 0201.

Mr. Neubauer replied we are going to apply for a Stormwater Permit under the new.

Rich Williams stated okay you should be aware that the design criteria under the new Permit is entirely different (unable to hear the rest of his statement, not using microphone).

Mr. Neubauer stated one of their other comments has to do with that the footing drain was draining previously into the Stormwater Basin on these drawings when we submitted since we did not have these comments we did not address that but they now will have footing drains along with travel along with the curtain drain from the septic system bypassing the Stormwater Basin. The erosion and sediment control plan will include the devices such that if they were to encounter ground water during construction we will provide notes on the erosion control plan to address that if that is encountered Profile 5 of 5 will have a horizontal vertical scale it was not shown previously but (unable to hear the rest of his statement) The curtain drain for the septic system is going to be routed as I just said before it was discharging at this point right back here which there were concerns about (unable to hear the rest of his statement). What we are proposing to do is tie it directly into the catch basin where we are tying in the rest of our drainage.

Chairman Schech stated that is up to the Town Engineer. I don't know how that is going to work.

Mr. Neubauer stated and the last comment I believe was about temporary soil stockpiles which were previously shown up hill from the SSTS and in this area right here which is now because of the size of our SSTS we had to move that out and that will be also done on the next submission.

Board Member Rogan asked on the architecturals on the down hill on the rear elevation they only show siding on the upper portion of the building, does the portion that would be exposed below that is that going to be just finished concrete.

Mr. Suozzi stated it is going to be brick.

Board Member Pierro stated it should be noted on the plan. How much of that is going to be backfilled to the finish floor.

Mr. Suozzi stated well there is a sidewalk right in front, you walk in on grade.

Board Member Pierro replied in the front but we are talking about the 22 side in the rear.

Mr. Neubauer stated there is a sidewalk along that side also.

Chairman Schech stated make it clearer on the plans.

Mr. Neubauer replied sure not a problem.

Board Member Pierro asked what about the side of the building that is all backfilled right.

Mr. Neubauer replied yes.

Board Member Rogan stated so on the sides they are showing siding down to within a few inches of probably ground elevation.

Mr. Neubauer replied okay.

Board Member Rogan replied I am asking.

Mr. Neubauer asked so it does not specify what is occurring below that is what you are saying.

Board Member Rogan replied no I am not asking that. I am saying that on the side elevations it appears that the plans show that you will side the building to within a few inches of ground surface.

Mr. Neubauer replied I believe that is what the Designer's intent is yes.

Board Member Pierro asked what is the use going to be for that lower level in the rear.

Chairman Schech replied we don't know yet.

Mr. Neubauer replied everything is office. The whole building is being proposed as office.

(Too many people speaking at once unable to transcribe)

Rich Williams told the Chairman that none of this will be picked up on the tape.

Board Member Shay stated that you have stated that it is going to be strictly for office use I would like it to be put on the plat that in the future it will not be used for warehouse and light industrial.

Board Member Rogan stated we have a letter to that affect don't we.

Rich Williams replied right we have the letter.

Board Member Shay asked right we have the letter is that sufficient.

Craig Bumgarner replied yes.

Chairman Schech stated we would like it stated on the plat.

Mr. Neubauer stated lastly there was some question previously about the size of the entrance. There were some concerns about us trying to keep it as small as possible and if I may I also have this small hand out here. This is a thirty foot straight body truck turning radius turning in, your typical garbage truck. He hand the Board copies of a drawing. Before we had a ten foot wide pull off area, we have reduced it now to six feet and our concern is as you can see here we really are not going to be able to reduce that much more if at all because it will not then allow this truck to efficiently egress off of Old Route 22 down into the site.

Board Member Montesano stated this particular drawing the truck is coming in, Mr. Neubauer replied heading north bound, Board Member Montesano stated he is coming in forward and he is immediately going to turn around, is that where you anticipate putting a dumpster.

Mr. Neubauer replied you see where the dumpster is to the left.

Board Member Montesano replied yes. He stated now he is going to turn there he could not go up to the end and then just back into the dumpster area.

Mr. Neubauer replied I am sorry go up to what end.

Board Member Montesano showed Mr. Neubauer on the drawing.

Mr. Neubauer replied and then he can't make the right hand turn he has to some how turn around.

Mr. Suozzi stated they load the dumpsters through the front.

Chairman Schech stated the only problem is we were assuming that most of the traffic was going to come in the other way.

Mr. Neubauer replied understood the garbage truck is most likely going to be coming from the other way but I wanted to show you the worst case scenario if he does come heading south bound on Old Route 22 there is plenty of room to come across the turning lane, I am sorry the north bound travel lane.

Chairman Schech stated yes but why encourage it to come from the other way when we are trying to encourage him to come the other way.

Mr. Neubauer replied I can't control the garbage truck.

Board Member Montesano stated you can't unless you are driving it. I can't unless I am driving it and if he does not know how to drive it he is going to get your building and I am sure he won't be there the second time.

Board Member Pierro stated I don't think we are encouraging the garbage truck to come in that way we are calling it worse case scenario.

Mr. Neubauer asked the waiver for the smaller parking spaces.

Chairman Schech stated we won't have a problem with that we will take care of it next time.

Rich Williams stated Herb if I just might I mean we are pretty far along in the design process and it would be helpful to know what size the parking spaces are so they can finish up with the design issues.

Chairman Schech stated we have no problem with the size that you are proposing.

Rich Williams stated you probably should do that by a motion.

Chairman Schech asked now.

Rich Williams replied yes.

Board Member Rogan made a motion in the matter of Schoen Site Plan that the Planning Board approves nine by eighteen parking spaces. Board Member Pierro seconded the motion.

Upon roll call vote:

Board Member Montesano	-	yes
Board Member Shay	-	yes
Board Member Pierro	-	yes
Board Member Rogan	-	yes
Chairman Schech	-	yes

All in favor and motion carried by a vote of 5 to 0.

Mr. Neubauer thanked the Board.

2) FUCA SUBDIVISION

Ms. Theresa Ryan, Insite Engineering was present representing the Applicant.

Chairman Schech asked Ms. Ryan if she had the Town Engineer's comments.

Ms. Ryan replied yes and I don't see anything major here. I am okay with every comment except I just wanted to touch on a couple of things. It looks like the first page and part of the second page for the Surveyor we are not the Surveyor of record and also the last two pages so we already faxed these to the Surveyor so they are aware of the comments and then of the remaining comments we are okay with everything and with regard to Drawing SP-2 it mentions that adequate site distance should be provided. We already prepared a plan for the County to submit to them, we already submitted that to them so if the Board wants we can just submit a copy of the plan that we sent to them but really it is something that is going to be reviewed by the County Highway Department so that is why we only provided the information

to them but we can certainly give the Board a copy of that. We will also provide a bond estimate too. We have not done that yet but we will prepare one and submit that to the Board as well and I don't think that any of the remaining comments are very significant so what we are asking the Board tonight is if we could get a Conditional Final conditioned on the outside agency approvals and resolving the wetland plantings.

Rich Williams stated there are one or two steps that we missed.

Ms. Ryan asked what is that.

Rich Williams replied the Board has not decided whether there needs to be a final public hearing or not.

Board Member Rogan asked when did we have the last public hearing on this.

Rich Williams replied not too long ago middle of the summer.

Board Member Rogan stated that is right a couple of months ago and I don't think that much has changed significantly on this.

Chairman Schech asked do we need another public hearing on this.

Rich Williams replied that is a discretionary decision by the Board based on the complexity of the application and the amount of public scrutiny and involvement that has occurred in the past.

Craig Bumgarner stated there was a lot of people.

Board Member Pierro stated I think air on the side of caution and have another public hearing.

Board Member Montesano made a motion in the matter of the Fuca Subdivision that the Planning Board schedules a final public hearing for March 6, 2003. Board Member Pierro seconded the motion.

Upon roll call vote:

Board Member Montesano	-	yes
Board Member Shay	-	yes
Board Member Pierro	-	yes
Board Member Rogan	-	yes
Chairman Schech	-	yes

All in favor and motion carried by a vote of 5 to 0.

Craig Bumgarner stated I have an issue to discuss real quickly. We are going to need to see whatever the cross easements are, whatever documents you have.

Ms. Ryan replied okay.

Craig Bumgarner stated I don't know if you have an Attorney on the project if you want to have him call me.

Ms. Ryan replied I will find out.

Ted Kozlowski stated I just mentioned to Theresa that the plans need to be tweaked a little bit there are some problems that I have with the layout selection not insurmountable and I will work with Insite before the next meeting.

Board Member Pierro asked what kind of problems Ted.

Ted Kozlowski replied just the layout of the trees some selections for instance in the upper lot where the first stream corridor comes through I don't believe the person that did the landscape architecture plans actually looked at the site. It is not really a wet site up there it is really a stormwater corridor and Red Maples are really not species suitable for a site like that so I would like them to switch that around a little bit and make some modifications to the plans.

Ms. Ryan replied we will contact Ted and work that out with him.

Ms. Ryan thanked the Board.

3) BURDICK SITE PLAN

Mr. Harry Nichols, P.E. and Mr. Burdick was present.

Board Member Rogan stated you have quite a few spaces on this plan. Harry, the first thing that I noticed when I was looking at this plan was that if all these spots, all these truck parking spots were filled if Mr. Burdick had the good fortune to lease them all I can't imagine how they would ever even get the trucks in and out of the spots because there is only ten feet between rows. It does not seem navigable.

Mr. Nichols stated it is what you call stacked parking. It is not intended to be a driving aisle between. That would be a waste of space.

Board Member Rogan stated so it is more of a storage center not a daily drive in drive out type thing.

Mr. Nichols replied not all of these vehicles will be used every day.

Mr. Nichols stated one of the comments in the memo makes reference to the disturbance and the regulations that are coming into affect, I have been discussing this with Ralph and we are going to take a real hard look at this and consider reducing it down to get below that limit.

Chairman Schech stated ten feet is a little tight for a commercial vehicle. A commercial vehicle is eight foot that gives you a foot on each side that is a little tight. If I open the door I could not get out of the truck because I am three feet.

Board Member Rogan asked there are no buildings proposed.

Mr. Nichols replied no buildings.

Board Member Pierro asked no tents.

Mr. Burdick replied no.

Board Member Rogan asked no place to go to the bathroom.

Mr. Burdick replied a port-a-potty.

Ted Kozlowski asked Harry is there a dumpster location.

Mr. Burdick asked do we need a dumpster.

Mr. Nichols replied we will put a dumpster.

Chairman Schech stated I don't particularly care for port-a-potties try to put in regular facilities somewhere along the way. We have gone through this before on other sites and we found out that the tree in the backyard did not hack it. We would like to have some real facilities there.

Board Member Rogan stated what happens with the port-a-potty when you stop paying the bill.

Chairman Schech stated if at all possible at least a one seater.

Board Member Rogan asked and no lighting proposed for this site.

Mr. Nichols replied no.

Board Member Rogan asked there is no utilities to that site currently is there.

Mr. Nichols replied no there is no water, there is no electricity. That is one of the reasons why we are avoiding any type of facilities. We just want to make it a very simple place.

Board Member Montesano asked no signs no indications or anything like that.

Mr. Burdick stated we will probably put up a small sign.

Mr. Nichols stated again it is not something that you want to draw attention to where people out for a drive say here is a place where we can park our truck. This is something that Ralph will control very tightly.

Board Member Montesano asked where is the barbed wire and the gate.

Mr. Nichols stated there will be security features added to the site.

Chairman Schech stated I would like to see some sanitary facilities in there that means you are going to have to have some water also.

Mr. Burdick asked what about chemical toilets.

Chairman Schech stated I have seen all kinds of chemical toilets they don't seem to work out. What is the Board's feeling on this.

Board Member Rogan asked on chemical toilets, Chairman Schech stated toilets never mind chemical toilets, regular toilets.

Board Member Rogan stated I would like to see a permanent facility out there that can't be picked up and moved.

Mr. Burdick stated then I have to drill a well.

Board Member Rogan replied I understand and I am sympathetic to that and I am trying to weigh the balances, Mr. Burdick asked a well for guys that are there for fifteen minutes in the morning and fifteen minutes at night.

Board Member Pierro asked is one required by Code.

Board Member Rogan stated well if we don't have a building there and that is what we are thinking of in terms of what bit us last time was having a building without septic.

Ron Gainer stated I think the simple matter is just to make a referral to the Health Department get their endorsement as to whether a facility is required.

Board Member Rogan stated I don't think they have any approvals. What are they going to approve a parking lot.

Ron Gainer replied no just ask if they require sanitary facilities for this type of use. Let them make a decision so you have a basis to act.

Mr. Nichols stated I will contact them and get a letter a from them.

Chairman Schech replied yes please.

Board Member Rogan stated I can't find it in the review, Rich but there was an issue about the frontage on 22 and I thought we were going to ask Craig about that.

Rich Williams replied yes we had brought it up once before and I don't think that it was ever really verified. The property is a pre-existing parcel, they only have sixty feet of frontage coming out on to Route 22 and being as it is pre-existing is everything okay with that or do they need to go to the ZBA for a variance.

Board Member Rogan asked because it is not a pre-existing site by approval isn't that the whole reason.

Craig Bumgarner stated an existing lot.

Board Member Montesano asked it was subdivided at some time does that make that driveway smaller or was that driveway,

Rich Williams stated the lot line adjustment did not affect the frontage.

Chairman Schech asked was this subdivided within recent times or.

Unable to hear Rich's response no microphone.

Chairman Schech asked Mr. Burdick if he knew when it was subdivided.

Mr. Burdick replied no.

Chairman Schech asked him if he bought it the way it is like now.

Mr. Burdick replied yes.

Craig Bumgarner asked Mr. Burdick how long have you had the property.

Mr. Burdick replied eighteen or twenty years.

Rich Williams stated I went back a ways and I could not find it.

Craig Bumgarner stated let me take a look at it and I will get back to you.

Board Member Rogan asked Ted if he has had the chance to look at the wetlands as shown on the plan.

Ted Kozlowski replied we went back and forth on it (unable to hear the rest of his response – no microphone). They revised it.

Chairman Schech asked we can consider it a pre-existing, non-conforming use Craig.

Rich Williams stated careful with what you are saying not the, Board Member Rogan stated not the use the access.

Craig Bumgarner stated I am going to try and get some history on the parcel. I think it will probably be considered pre-existing but I want to check it out.

Board Member Rogan stated the use is a separate issue but it conforms with the zoning in that area.
(TAPE ENDED)

Rich Williams stated under the current zoning Contractor's Yards are a permitted use within the I-Zoning District.

Board Member Rogan stated Mr. Burdick this does not even sound like much of a Contractor's Yard. It sounds like just a storage it does not sound like a whole lot of action going on at this Contractor's Yard. You have a couple of bins and parking spaces.

Mr. Burdick replied that is all in and out. Out in the morning and in at night.

Chairman Schech stated all right let's get this all cleared up and straightened out and we will take it from there.

Board Member Pierro stated I just want to be satisfied, Mr. Chairman that there is not going to be any tents appearing or plastic buildings.

Mr. Burdick replied none.

Board Member Rogan stated you had them out there previously.

Craig Bumgarner asked is the whole site cleaned up at this point.

Mr. Burdick replied yes.

Chairman Schech stated I believe so.

Mr. Burdick stated yes it is.

Craig Bumgarner asked did we start the SEQRA process on this.

Rich Williams replied no.

Chairman Schech stated okay Craig is going to check the frontage and you are going to check with Health Department and we will see you next time.

Mr. Nichols asked can we start anything with SEQRA.

Rich Williams stated assuming Health Department does not require anything.

Board Member Montesano asked do we know if we are required to go through all of this.

Rich Williams asked required to go through all of what.

Board Member Montesano replied SEQRA.

Rich Williams replied yes.

Craig Bumgarner stated we have to do it but it depends on if we have to do a coordinated or un-coordinated review or not. What about D.O.T. you already have a curb cut there so you don't need anything from them right.

Mr. Burdick replied I got that years ago.

Craig Bumgarner replied okay so we are all right there and the Health Department really is not going to be an approval we are just looking for guidance correct.

Ron Gainer stated they become an approval if they say it is required.

Rich Williams stated once we clarify that then we can determine whether we want to do a coordinated or un-coordinated.

Chairman Schech stated so let's get the Health Department first.

Mr. Nichols and Mr. Burdick thanked the Board.

4) SHKRELI SUBDIVISION

Mr. Shkreli was present.

Chairman Schech stated we had a problem with the turn around which was never straightened out.

The Board reviewed the plans for a few minutes.

Board Member Rogan asked the Chairman if note #2 (d) is what you are talking about the turn around at the end of the driveway should be reviewed and found acceptable by the Fire Department.

Chairman Schech replied yes because I don't even see it here. Do you see it on the plan.

Board Member Rogan replied I don't see it.

Ron Gainer stated it is not clearly shown on the plat at all but there is some indications on the engineer's plans but it is not laid out very clearly.

Chairman Schech stated to Mr. Shkreli I say take this back and finish it.

Board Member Rogan stated that it sounds like if Jack can get the comments from the memo on to these plus the turnaround clearly shown.

Mr. Shkreli replied okay I spoke to him today and Jack is (unable to hear the rest of his comment).

Chairman Schech stated okay go and yell at him.

Board Member Rogan thanked Mr. Shkreli.

5) KATHLEEN PETTEY – Site Plan Waiver

Ms. Pettey was present.

Board Member Rogan asked Rich, refresh my memory I was thinking about this site today was the problem with the Italian restaurant that they never came in for a site plan waiver or approval or whatever.

Rich Williams replied we never saw anything from them.

Board Member Rogan stated so then what we are dealing with is what was previous we are not even thinking about the Italian Restaurant because that was not an approved use so in comparing the proposed use, the Chinese Restaurant we basically have to look at what the previously approved use was.

Rich Williams replied yes.

Board Member Rogan stated which was a deli with a few seats or pretty much no seats or.

Rich Williams stated there were seats in there.

Ron Gainer stated there were a couple of tables in there.

Board Member Rogan stated because I think the Italian Restaurant had twenty seats.

Rich Williams stated but I took a different take on it all together and basically I said we have to look at the proposed use and the site and make sure that they fit.

Board Member Rogan stated parking definitely does not fit.

Rich Williams stated it is not going to fit out there,

Board Member Rogan stated it is not going to fit even for what the existing use is without the proposed use so if it was from scratch we could not even look at it from that standpoint from parking.

Craig Bumgarner stated to add into that though on the parking the license agreement that we have worked out with Metro North gives us the spots right directly across from this location so that when they move into their new facility down there we will have some parking.

Rich Williams stated and I did identify that.

Board Member Rogan replied yes that was in the memo.

Chairman Schech stated I think the type of use that they are proposing is going to be sort of an in and out. We are not going to be a long term parking operation.

Board Member Rogan asked how many seats.

The Chinese woman representing the Chinese Restaurant application stated two tables.

Board Member Rogan asked so that is eight chairs.

The Chinese woman replied eight seats.

Board Member Rogan asked and how many people working at the facility at any one time when you are the busiest.

The Chinese woman replied I guess about three to four people in the kitchen and then another one in the front.

Board Member Rogan replied okay so even to say six people most on a Friday night would probably be about it.

The Chinese woman replied yes.

Chairman Schech stated I know the Chinese Restaurant in Pawling is basically minimum parking in front of it and there is no problem at all.

The Chinese woman stated mainly this is for take out Chinese Restaurant.

Board Member Rogan stated they only need one bathroom. They don't need one for the public.

Board Member Pierro asked but is it going to be accessible to the public.

Board Member Rogan replied it does not have to be, will it be that is up to them.

Chairman Schech asked Rich this matches up to the usage for the sewage and all that nonsense.

Rich Williams replied are you asking me if there is adequate flows.

Chairman Schech replied yes.

Rich Williams replied yes.

Board Member Rogan stated let's see we have 35 gallons per seat right.

Rich Williams replied that is right and then if you figure 15 gallons per person or employee plus the seats then how much the Health Department might estimate for clean up which you have to figure around, Board Member Rogan stated in a Chinese Restaurant can be quite a bit I think with the water used on the woks.

Rich Williams replied right.

Board Member Rogan stated without clean up you are already over a thousand gallons just with the eight seats and six employees.

Board Member Pierro stated and you are not providing public restrooms so you still have to configure.

Rich Williams stated that seems high.

Board Member Rogan stated it does seem high wait a minute we are getting the Shawn Rogan calculator. He asked it is 35 gallons per seat right so eight seats.

Board Member Rogan recalculated his numbers for a moment.

Board Member Rogan stated they are in better shape than I had first thought.

Board Member Rogan asked what do you have Rich.

Rich Williams stated I did the whole building initially based on the engineering calculations it was 2,000 gallons without water saving fixtures with a number of residential apartments it basically left them with some where in the neighborhood as a recall five hundred and ten gallons that was with a comfort level.

Ron Gainer asked that is for the entire first floor.

Rich Williams replied no that is just for this area.

Ron Gainer asked this half of the building.

Rich Williams replied yes assuming that the other side and we really don't know that much about the other side as far as their water usage because we have not seen anything.

Board Member Rogan stated we are not procuring anything.

Rich Williams stated so I just assumed that it was just straight commercial space and what I came up with here with eight seats is 570 gallons.

Board Member Rogan stated I get 370 just now with what we just figured and you say they have 510 available.

Board Member Rogan asked Board Member Pierro what was your question.

Board Member Pierro asked why do you have to consider the seats for the public when, Board Member Rogan replied because there is the possibility that serving people increases the water usage even though it is a take out restaurant I am sure with the seats if someone decided to eat in they would eat in so there is a certain figure that is normally allocated.

Board Member Pierro asked is there a different standard for restaurants without any public facilities.

Board Member Rogan replied no it is geared on the number of seats that are available to patrons. I think that they had to come up with a system,

Rich Williams stated it is based on DEC standards for waste water consideration and it is 35 gallons per seat.

Board Member Rogan stated in this case it is a little bit skewed because they would probably be using disposable dish ware so you are not going to have the wash up there so we are being conservative which I think is a good thing for our sewer system.

Rich Williams stated 35 gallons is probably high (unable to hear the rest of his statement).

Board Member Rogan stated it seems like they have enough room for what they are proposing.

Rich Williams stated Shawn let's go through your figures because I think what you are using is a little bit different.

Board Member Pierro stated yes you came up with 508 Rich.

Rich Williams stated there is 280 gallons for seats.

Board Member Rogan stated 8 seats times 15 gallons.

Rich Williams replied no 8 seats times 35 gallons.

Board Member Rogan replied okay yes.

Rich Williams stated 6 employees, 15 gallons.

Board Member Rogan stated 90 and 280 is 370.

Rich Williams replied right and then I just picked an arbitrary figure for the clean up based on the type of operation 200 gallons a day.

Board Member Rogan stated it seems to be pretty close maybe we should get the water saving fixtures on. It would be something good for the building anyway so that we are not taxing the system. We can't force that though.

Rich Williams replied yes I don't know if we can force something like that with the building.

Board Member Rogan stated right but admittedly the clean up figure is arbitrary so we could double that if we wanted water saving you know what I am saying.

Rich Williams replied yes. Again, I talked to Ron about this, I talked to the Health Department on this got some conceptual ideas, I don't know if Ron wants to weigh in on this.

Ron Gainer stated what I was wondering is if there is a possibility just something to keep it simple because sewer flows are so critical if there is a flow allowance for that building is there presently a water meter.

Rich Williams replied there is.

Board Member Rogan stated that was going to be my next question.

Ron Gainer stated maybe any action the Board can be condition it on the total of all never exceeding the allowance without further review. That may be the simplest way to go.

Board Member Rogan asked how do we enforce it.

Ron Gainer stated so that it is clear for any action that comes before you, any application that comes before you.

Board Member Rogan stated the problem would be if we did all that and then six months from now when the place is operating the tenants it could be happening now the tenants could be using much more than what we are predicting they use and that could negatively impact the owners of this business because now

they are already in operation and they are putting out twenty-eight hundred gallons a day. How do we, what do we do at that point.

Ron Gainer replied it should not be a concern of the Board. The Board should be concerned about what, Board Member Rogan replied so then you are saying that we can only be concerned with what this particular application is putting out in sewage and if we are limiting them particularly.

Rich Williams stated I think what he is saying if I can say it slightly different is condition the approval on the eight seats and six people on the building not exceeding their allocated flows. We monitor that and if over a specified time and I assume that we are not going to do it, if they exceed it for one day then we are not going to come back in and make changes but if they consistently exceed it over a period of time then we would have to go back in and say well you have to go down to four tables or you have to make some other adjustments in the building.

Board Member Rogan stated but I would want to further clarify that when we are looking at the flows that we are not looking at the entire building that we are looking at what they are producing because they can't control what the tenants are using in this building, the other tenants. If you are saying 2,000 gallons that is a number that is setup for the building not anything that this Chinese Restaurant can control. So, if you are saying there is 510 gallons left over then that is the limiting factor for them because they have no control over the other ones.

Chairman Schech stated I think it should be up to the Town and the owner of the Building.

Rich Williams stated but that 510 gallons is based on allocating it through out the building. If the building on a whole exceeds it everybody suffers.

Board Member Rogan replied okay but what I am trying to get at though is what recourse would the Town have if you implement a process like this and then we have for six months in a row 2,500 gallons being used on a daily basis.

Ron Gainer replied they are going to go back to the property owner and this application or this request for a waiver was done properly.

Board Member Rogan asked and they would be in violation of their site plan, he asked the site plan is only for this particular part of the building though.

Ron Gainer stated you can place any reasonable condition on your action and all I am saying is there is an established flow that is published and known for that entire building occupancy and I am just indicating that I don't think that the Board would want to take an action to ignore that maximum flow that is permitted on the overall premises.

Craig Bumgarner asked if it is metered now does anybody have an idea what it is using.

Rich Williams replied we actually have not started monitoring the meters yet.

Board Member Montesano stated the object is right now we are allowed 2,000 gallons a day for arguments sake so if you use 2,000 gallons a day that is fine but if during the course of let's say a ninety day period we use 4,000 gallons, 6,000 gallons or it exceeds that 2,000 gallons, Rich Williams stated you would average

it. Board Member Montesano replied yes but what I am saying is you would exceed that 2,000 gallons and what I want to know is on what percentage would you allow. Do we allow them a ten percent rate or,

Ron Gainer stated you as the Planning Board is not getting into that at all. All I am suggesting is you recognize the maximum permitted flow rate. That is going to be enforced by some other entity.

Ms. Pettey asked how do you know if you are saying that the entire building is allowed 2,000 gallons okay so that is the rule so now suppose without them being there you go over and look at my meter and see that the building uses 3,000 gallons.

Board Member Rogan stated you are not getting a Chinese Restaurant in there.

Ms. Pettey replied I know but what about the other extra 1,000 gallons.

Board Member Rogan stated you are going to have to put on some water savings devices. I would imagine you are exceeding,

Rich Williams stated there has to be a reason that she would be using 3,000 gallons it would be related to something not functioning properly like a running toilet.

Board Member Rogan stated yes that is a lot of water.

Ms. Pettey stated I am just saying if because nobody really knows how much the building actually is using it might be using a lot less because actually there is nobody there during the day.

Board Member Rogan stated you are right and the figures that we are using are intended to be conservative that an average bedroom in an apartment is going to use so many gallons of water. It is conservative and it should be so that we allow for these occurrences.

Ms. Pettey stated I think it probably uses a lot less than you are even speculating to tell you the truth.

Board Member Rogan replied we hope so which is why you are in good shape right now.

Chairman Schech stated on the request for the site plan waiver on condition that it does not exceed the maximum flow for the building whatever it is we have those figures right Rich, Rich Williams interjected as identified in the Map Planner Report developed by the Town Engineer.

Ron Gainer stated one other that I offer and that is possible condition to identify the appropriate grease removal facilities.

Board Member Rogan stated that will be required by Health Department.

Chairman Schech asked can I have a second on the motion...

Board Member Rogan seconded the motion.

Upon roll call vote:

Board Member Montesano	-	yes
Board Member Shay	-	yes
Board Member Pierro	-	yes
Board Member Rogan	-	yes
Chairman Schech	-	yes

All in favor and motion carried by a vote of 5 to 0.

The Secretary asked the Chairman if he made that motion.

Chairman Schech replied yes.

6) FOOD STAR – Chinese Restaurant sign application

Board Member Rogan stated the sign looks fine.

Board Member Rogan asked we don't have the colors.

The Secretary stated they are going to conform to the Hamlet colors.

Chairman Schech stated it looks good to me.

The Secretary explained to the Applicant the colors that they had to use.

Board Member Montesano asked the other sign that sits over the two doorways we never got approval.

Rich Williams replied no.

Board Member Montesano stated Kathy, there is a sign over the doorways that exists right now that has to be taken down and since you are here I recommend that you do it because we don't want to interfere with their sign going up but they have to take that sign down and come in here with a sign application and put a sign up that conforms to it.

Ms. Pettey replied I don't understand what you are talking about.

Board Member Montesano replied you have a sign over there, Ms. Pettey asked that belongs to the other business over there. Board Member Montesano replied yes.

Ms. Pettey asked why are you telling me that. Why didn't you tell her to take it down.

Chairman Schech replied because you are the Landlord.

Board Member Montesano stated you are the Landlord and we don't want to stop this process right here.

Board Member Pierro stated we can wait until next month.

Ms. Pettey stated they are not going to put their sign there though.

Board Member Montesano stated they came in with an application like you are supposed to and we can approve the sign. What we are telling you as the Landlord is the other lady's sign does not belong there because (a) it is illegal, (b) we can look at this next month rather than tonight because there is an illegal violation going on there.

Ms. Pettey stated with her.

Board Member Montesano replied with her so what I am saying or suggesting is that you speak to her and tell her to take the sign down and come in here like these people are doing with the proper application so that we can approve a proper sign.

Ms. Pettey stated the sign is coming down because she is out at the end of the month.

Chairman Schech made a motion that the Planning Board approves Food Star's Sign application on condition that the other sign is taken down. Board Member Montesano seconded the motion.

Upon roll call vote:

Board Member Montesano	-	yes
Board Member Shay	-	yes
Board Member Pierro	-	yes
Board Member Rogan	-	yes
Chairman Schech	-	yes

All in favor and motion carried by a vote of 5 to 0.

Ms. Pettey asked how come that sign is illegal.

Board Member Montesano stated when you open a business; Chairman Schech stated you are supposed to come to us.

Ms. Pettey stated that was the sign that was already there.

Chairman Schech replied it does not matter.

Board Member Montesano stated it does not mean it was legal either.

Board Member Montesano stated every time a business changes in a building and you put up a different kind of a sign you are suppose to come because that is an illegal sign. It is not supposed to be there. You are only allowed to have a sign of a certain size according to the square footage of the business. So, if you want to have a whole sign the size of the building it can lead to difficulties. That sign that she has up there should not be there.

Ms. Pettey replied I just figured it was the same sign that we always had up there and it was the same sign that was there when we bought the building.

Board Member Montesano replied you had it pre-existing there was no problem. The minute the business changes we go into a different set of rules.

Board Member Shay stated and then that sign that is there now is really detrimental to their business because it is over their doorway.

Board Member Pierro asked don't we have to amend that sign motion to have the colors match the Hamlet colors.

Chairman Schech replied the colors are stated in here, antique red with gold letters.

Rich Williams stated that is what they said they are going to do. Do you want them to submit the actual colors before the sign goes up.

Board Member Pierro stated I would like it to be somewhat similar.

The gentleman with Ms. Pettey asked is there a sample that you can give her now.

The Secretary stated I can go in the office and get what I have.

Rich Williams asked but do we have samples we can give out.

The Secretary stated she can come into tomorrow and I can scan them.

Chairman Schech stated why don't you send it down to the sign people.

The Chinese woman stated write it down for me.

The Secretary wrote down the sample information for the Applicant.

Chairman Schech stated we are all set here right.

Board Member Pierro stated I have no problem as long as the shade is similar to.

Rich Williams stated I think you need to vote you didn't vote on the sign did you.

Board Member Montesano replied yes we did.

Chairman Schech stated we voted on it except Dave has been mumbling and grumbling about the color.

Board Member Rogan stated we did vote.

7) PUTNAM COUNTY SAVINGS BANK – Extension request

Mr. James Nixon, Architect was present representing the Applicant.

Chairman Schech stated next is Putnam County Savings Bank I have to leave.

The Chairman recused himself from this application.

Board Member Pierro made a motion in the matter of Putnam County Savings Bank that the Planning Board grants a ninety day is that what they are looking for,

Board Member Rogan replied they want a hundred and sixty days. Do you want to have some discussion on this because you guys seemed pretty adamant.

Board Member Shay asked how many extensions is this Dave I don't have the paperwork.

Board Member Pierro replied probably the third.

Board Member Montesano stated well we want to find out why.

Mr. Nixon stated you granted the extensions a few months ago because the Health Department had requested addition well testing because of public water supply. (unable to hear the rest of his statement, too noisy). This did not come to light until months after we got our first conditional approval from this Board. In the interim it took longer than anticipated to do what needed to be done. What has been done is Beal Well Drillers did a twenty-four hour testing, they sent the water test to the lab, it took more than a month to get that back and now the proper paperwork will be sent over to the Health Department so I would anticipate getting results from the Health Department within a month or month and a half.

Board Member Pierro stated I have no problem with ninety days but if you gentleman should care to go to sixty.

Board Member Shay made a comment but it was inaudible.

Board Member Montesano stated it is really not his fault.

Board Member Rogan stated I have to say in this case I do not feel like it is the fault of the Applicant.

Board Member Pierro stated I am satisfied with their reason.

Board Member Shay stated I will go with the ninety days.

Board Member Pierro made a motion in the matter of Putnam County Savings Bank that the Planning Board grants a ninety day extension. Board Member Rogan seconded the motion.

Upon roll call vote:

Board Member Montesano	-	yes
Board Member Shay	-	yes
Board Member Pierro	-	yes
Board Member Rogan	-	yes

All in favor and motion carried by a vote of 4 to 0.

8) MINUTES

Board Member Pierro stated January minutes I did not read yet so I can't vote on it.

Board Member Montesano made a motion to accept the minutes of January 9, 2003.

Board Member Rogan stated I am not sure if I read them.

The Secretary stated then hold them over.

The Board agreed to hold them over.

9) OTHER BUSINESS

Coleman Wetlands/Watercourse Application

Ted Kozlowski stated just set a public hearing.

Board Member Montesano made a motion in the matter of Coleman Wetlands/Watercourse Application that the Planning Board schedules the public hearing for March 6, 2003. Board Member Pierro seconded the motion.

Upon roll call vote:

Board Member Montesano	-	yes
Board Member Shay	-	yes
Board Member Pierro	-	yes
Board Member Rogan	-	yes
Chairman Schech	-	yes

All in favor and motion carried by a vote of 5 to 0.

Proposed Zoning Code

Chairman Schech stated we request that we all attend the next Town Board Meeting.

Rich Williams stated I don't know what is happening at the next Town Board Meeting what I think Mike said was he was going to ask them to set the public hearing.

Board Member Rogan and Board Member Pierro asked Ms. Pettey to take their conversation out to the hallway please.

Chairman Schech stated okay so we don't have to attend the next meeting then.

Rich Williams replied no. It is important that the Board attends the public hearings. I believe Mike is going to try and have a public hearing the first meeting in March.

Chairman Schech stated we will notify you all.

Verizon - Fields Lane

Board Member Montesano stated there is a letter in here about Verizon. We have requested not once, not twice about putting utilities underground.

Craig Bumgarner stated I talked to Ted briefly about it he and I are going to shoot out there. Apparently it will require a wetlands application so that they can install the utilities underground both by us and well maybe not by us but it needs the DEC and the question that I asked Ted was would you rather see it trenched in the buffer or over head and he did not seem to think it would be a problem with the trenching. Then the next question is do you want to send the Applicant to the DEC for the permit because basically that is what you will be doing if you say,

Ted Kozlowski stated the one question though that Craig and I are not sure of the answer to and that is why we need to go out there is, is this line of trenching or line of poles along side the road in or out of the buffer zone of the wetland where it is marginal impact or is this something that they are going to put through the forest through the middle of the wetlands. Those two scenarios are very different in impacts.

Board Member Pierro stated with that regard I would rather see it on poles if it is going to cut a wide section through a sensitive wetlands.

Ted Kozlowski stated that changes the whole thing too. My impression was that it was along side the road underground.

Chairman Schech stated you can take a look now because they are widening the road so you can more or less see where they are going to put them.

Rich Williams stated if I might interject it is being placed in the right of way along side the road when they get to the stream they are talking about trenching, boring underground (unable to hear the rest of his statement).

Chairman Schech stated I would even go along with putting a pole on each side of the stream.

Board Member Rogan stated I wouldn't. Bore it.

Board Member Montesano stated if you are going to go put poles up you might as well put them up. The object is we requested not once but twice they come back with a letter saying they are going to head to do this and the hell with you.

Board Member Rogan stated and it wasn't wetland related it was because they just didn't want to do it.

Board Member Montesano stated they were saying it was too expensive. My argument was it may be expensive but this is what we requested not once but twice.

Craig Bumgarner stated part of the problem that we have here though and it is not here nor there for you guys well it is, it is something that you have to keep in mind while this battle rages on somebody has a million dollars worth of two houses put up there and they can't do anything until it gets resolved one way or the other.

Board Member Montesano stated the object is if there is a sensible reason it is one thing but to tell me that you are going to say go to hell we are doing it our way. It is not the proper way to speak and if they are that wonderful then I want to go over their heads and let somebody come into me and explain to me why. That is all I want is an explanation. I don't like being told go take a hike.

Craig Bumgarner stated it does not seem to make sense considering that NYSEG is now saying they are going to trench why wouldn't the telephone company drop it in the same.

Board Member Rogan stated if I remember correctly the original argument was they were not able to configure what the future demand was so they could not appropriately size their pipe.

Rich Williams stated that was NYSEG's argument. It is NYSEG who is willing to proceed underground but not Verizon.

Craig Bumgarner stated that Verizon is also stating which I have not seen this in writing they are stating they can under the Public Commission rules(TAPE ENDED).

Board Member Montesano stated then I want to see it in writing or we go to court.

Pfister Property

Board Member Montesano advised the Board that he was asked by the Building Inspector to bring this up tonight and that is what size does the room for the golf simulator have to be. They are suggesting a five by five room.

Chairman Schech stated we told them several times to come in with a plan and let's see what they are proposing to put in.

Rich Williams asked do you consider a five by five room suitable.

Chairman Schech replied show us.

The Board agreed that Pfister should show the Board what they are proposing but five by five does not seem like it would be adequate but they need to see the details.

Board Member Shay made a motion to adjourn. Board Member Montesano seconded the motion. All in favor and meeting adjourned at 9:05 p.m.