

APPROVED
7/3/03 MAB

TOWN OF PATTERSON
PLANNING BOARD MEETING
May 29, 2003 WORK SESSION
AGENDA & MINUTES

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APPROVED
11/31/03 MAB

May 29, 2003 Work Session 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 Shawn Rogan and Rich Williams, Town Planner, and Ted Kozlowski E.C.I arrived late.

Meeting called to order at 7:35 p.m.

3 Members in the audience

1) Hudson Valley Datanet Site Plan

Mr. Chris Caralyus, Engineer with Beyer & Associates and Mr. Nick Pascaretti, representative with Hudson Valley Datanet was present.

Rich Williams stated since the last meeting the Board took a site walk out on to the site. You have site walk comments in front of you outlining the relevant areas of concern which the Board expressed while they were out on the site if you want to take a look at them.

The Board reviewed the comments for a few minutes.

Chairman Schech asked did we really want to put the building on the other side of the driveway.

Rich Williams replied that was a recommendation by some of the Board Members.

Board Member Montesano stated yes because you had that row of trees there and there was a pole right at the entrance that would have been directly in line with that.

Chairman Schech stated but I am afraid if they go through all those trees they are just going to create an eight foot, (too many speaking at once unable to transcribe).

Board Member Montesano stated that first row of trees were just along the road and you set the building back.

Chairman Schech stated to get to the pole you have to chop a big path through.

Board Member Rogan stated one main question I thought we had was why do they need to go from one pole to the next, why are they jumping. That would be the main question.

Chairman Schech asked why are you taking the power from one pole here and then going and putting it back in the other pole.

Mr. Pascaretti replied for diversity in case one line gets cut. The building will be served by another line coming from the other side.

Chairman Schech stated both ways.

Mr. Pascaretti replied yes.

Board Member Montesano asked so you are going to have two lines coming in and then that is watts that are going to be cut.

Board Member Rogan stated what they are saying is though then the return line would go out through the probably the left side as you are going into the facility but not through the pines.

Mr. Pascaretti stated the hut is going to be serviced within a loop configuration so there is going to be a line coming on one side, coming back out the other side with electronics and connecting.

Chairman Schech asked these are underground lines going to the hut right.

Mr. Pascaretti replied into the hut yes.

Chairman Schech stated so you still have to cut through the trees and the forested area to get to the poles.

Rich Williams stated they are going right in and then they are coming right back out the other side of the drive but there is if you put the shed on the other side behind the trees there was an old driveway entrance farther down that you might be able to use that is already got a hole through it.

Board Member Rogan stated I think my question would be if they have got to come in cross over the driveway at some point and leave, the Board seems pretty intent on having it behind the natural screening that already exists, the Pines. Is it possible to come in on the left side as you are facing from 22 out, go behind the Pines and then cross over and go out you would still have your loop circuit. You would not lose that.

Chairman Schech stated just taking the building from here and putting it over.

Board Member Rogan stated because the building right now is on the right side as you look from 22 we would prefer it on the left side.

Board Member Shay stated we will make that the south side.

Board Member Rogan replied the south side thank you.

Board Member Shay stated let's do the south side because right now it is situated on the north side is that your plan.

Rich Williams replied the latest plan though just so you know, Chris do you have it right there to which he replied yes and showed the Board the plan.

Rich Williams stated one of the other recommendations of the Board was to move it farther back, get rid of the blacktop driveway, gravel and Chris has not seen the comments nor have we extensively discussed them but they took another look at the plan and did it on their own and this is the revised plan that they came up with.

Mr. Caralyus stated what we did was the original building location was up here, we moved it back a hundred feet as far back as we can because there is a hundred foot stream offset in this location. We moved it back as far as we could. The drive we reduced well I made it twelve feet wide because that is the standard driveway width. It is a gravel drive and in this location here, Penwest is over here there is a natural screening from the neighbor's property. It is wooded and coming,

Board Member Rogan stated that is not the side that we were concerned with I don't think as much.

Board Member Montesano stated right let him finish.

Mr. Caralyus replied in this location yes there isn't anything and we are proposing Norway Spruce trees to screen the building in this location.

Rich Williams stated excuse me, Joe (Joe Ziminsky, DEP) if you want to see feel free, Mr. Ziminsky replied no we have looked at it I don't think there is any issues here for DEP.

Rich Williams replied no there really isn't but it is sometimes nicer just to see.

Mr. Caralyus stated the whole purpose of the Spruce trees is to screen the building from the front portion of the road and then this natural screening pretty much screens it from this direction and unless you pulled in the driveway you might see the top of the building. Once we have our proposed screening in place with the existing screening over in this area, you are familiar with the site you did a site walk correct.

The Board replied yes.

Mr. Caralyus stated it should be pretty well hidden now that it is a hundred feet further back.

Chairman Schech stated that was one of the options we discussed. I would go with it.

Rich Williams stated just so you are aware Chris, one of the things that they also expressed a concern about was there were some Box Elders on the site some existing trees although they were small considering the other landscaping around there and vegetated cover the Board felt that they were relatively important and should be protected as much as possible.

Mr. Caralyus replied we are not proposing to remove any trees at this point. This is a wide-open area.

Rich Williams replied well it is not it has those Box Elders. There were only four.

Mr. Caralyus replied yes they are in this area. I am sorry they are not on this plan but they did not even come on the as-built survey. They are in this location and they are proposed to remain.

Board Member Rogan stated I agree with Herb, if you can put it that hundred feet back, keep the Box Elders, and provide screening I think that I would consider it.

Chairman Schech stated put the screening and also please give us colors on the building.

Mr. Caralyus replied in your packet from Old Castle the first hand out is an actual rendering of the building.

Mr. Pascaretti stated the color we used before is like an off white almost like a cream color. It is very neutral. We have a whole pallet of colors. This here is much darker.

Mr. Caralyus stated it is proposed to have like a siding type look it will not be the concrete.

Mr. Pascaretti stated and we went to a pitch roof also.

Board Member Rogan thanked him.

Board Member Shay asked what is the height of the building.

Mr. Caralyus replied I believe the height itself is thirteen foot.

Board Member Rogan asked to the peak.

Mr. Caralyus replied five and five eighths to the peak.

Chairman Schech stated if you can denote the colors on the plans because we are having problems right now with another project and if they denoted the colors we would not have those problems right now.

Board Member Shay asked do you want to discuss colors now.

Chairman Schech replied I am happy with that.

Board Member Rogan stated it is fine.

Board Member Shay asked what do you think Rich.

Rich Williams replied yes I am fine it is a relatively neutral dark color. It is not going to show up.

Chairman Schech asked there are no candy stripes on it.

Board Member Montesano stated no polka dots, no candy stripes.

Mr. Pascaretti replied no neon signs or anything like that.

Mr. Pascaretti stated I had a small box of crayons growing up and to me it is brown but I think the official name is Cocoa.

Chairman Schech stated I am fine with this.

The Board agreed it was fine.

Rich Williams asked so you are okay with the present location and we are not going to worry about moving it.

Chairman Schech replied back where we discussed it back in that little area.

Rich Williams asked no I mean moving it to the south side.

Chairman Schech replied no this is fine.

Mr. Caralyus and Mr. Pascaretti thanked the Board.

Mr. Caralyus asked so next week do you want us to do a presentation.

Chairman Schech replied yes.

Rich Williams stated just so we understand the process, at that point being this is an existing site plan you have the option of waiving the site plan or scheduling a public hearing. I don't think that we could get the public hearing in in-between so those are your two options.

Board Member Montesano stated so the consideration is either a public hearing or no public hearing.

Chairman Schech replied let's chew that over for a while.

2) GUIDING EYES FOR THE BLIND – Fill Permit

Rich Williams stated Guiding Eyes for the Blind you have a copy of what they are submitting.

The Secretary asked it was just the application right.

Rich Williams replied there should have been a sketch.

The Secretary asked you attached it to the Fill Permit.

Rich Williams asked didn't they have a sketch.

The Secretary replied no wait the sketch may have been attached to your letter.

Board Member Montesano stated yes here is the sketch.

Rich Williams explained that Guiding Eyes for the Blind and everyone knows that they are on Route 164, directly across the street from their kennel facility they have a residential house.

Board Member Rogan replied that is theirs I wondered with all the vehicles.

Rich Williams stated they approached me and asked to take some of the fill from the construction project on the west side of the street and use it to fill in a rough area of their lawn that is almost a swale. They are actually not going to need that much fill to do it. They want to just level it out to improve the lawn area hence the Fill Permit.

Chairman Schech stated the problem with this is they are expanding into a residential area with a commercial use.

Rich Williams stated that was the other issue on this is that at the same time he asked me if he could expand the parking lot. I explained to him that there was no limitation about expanding the parking lot at this time in the Patterson Town Code however if he was expanding it to park the vans for the facility that would be a commercial operation which would not be allowed.

Board Member Montesano stated we still have a residence to the left, to the right, and across the street.

Rich Williams stated it is a residential area. I did knock on the door I talked to the people, there are people living there, they are using it as a residential area not an office. Basically, he is here just to get the Fill Permit. We just need to put a couple of conditions on it that he does not create any drainage problems, he is not depositing any drainage directly on to Route 164, and he is not changing any natural flows.

Board Member Montesano stated I appreciate their position but it is getting to the point where they have to move. You are still in a residential area, Chairman Schech stated they are starting to push into the residential area. Board Member Montesano stated, they are pushing, and every time you turn around they push harder. So, I think it is about time, Chairman Schech stated we say no. They are going to get everyone up in arms over there and they would be right.

Board Member Montesano stated of course they would be right. I mean they knew that coming in when they first acquired the property.

Rich Williams introduced Ted Kozlowski to Joe Ziminsky.

Chairman Schech asked are we okay with Guiding Eyes for the Blind.

Rich Williams stated we are just talking about the Fill Permit at this point. They are not talking about expanding their commercial operation and they have been in two or three times to, Board Member Montesano stated with the understanding that if they are going to put that fill in and that is fine it is not for a parking lot.

Rich Williams replied no it is not near where they are proposing to put a parking area but at the same time again, one of the reasons I wanted to bring him in is to make it clear that that site is not to be used for

parking, Board Member Montesano stated, or anything else. Rich Williams stated well, as a parking lot for commercial vehicles. It is not a parking lot.

Ted Kozlowski asked what are they filling Rich.

Rich Williams replied they are moving some of the fill from the construction project on the west side of the road over to the east side of the road.

3) BELL SITE PLAN – Public hearing

Rich Williams stated they have a wetlands application in and we have a public hearing on the wetlands application scheduled for the next meeting. They needed some additional material.

Ted Kozlowski asked did they send it in to you.

The Secretary replied it is that envelope I believe.

Ted Kozlowski asked have the people been notified.

The Secretary replied yes you have to check the list.

Rich Williams stated we also have one other application that was submitted that I talked to Ted about just so everybody is aware that was incomplete. Riley Construction submitted a wetlands application for that site on Cornwall Hill Road.

The Secretary asked it is not on this agenda right.

Rich Williams replied no it is not on this agenda.

Ted Kozlowski stated he has to get his DEC Permits lined up.

4) RYDER PROPERTY – Wetlands/Watercourse Permit

Rich Williams stated Ryder is having a drainage problem which he attributes to the water quality basins on the A&P site and I have been working with Tom McGinn trying to understand what the problem is and how it can be fixed. He has retained Insite Engineering to take a look at this. This is the building right down here on 311 near the intersection of 22. Even though we have had a very wet spring water stayed ponded in the parking lot behind the whole spring and that really shouldn't happen. So, what they are saying is that it is backing up because it really can't flow down through the wetlands where it is supposed to be flowing because it is all filled in and they want to go in and just clean out the drainage channel a little bit. Plans I believe are forthcoming. Insite Engineering met with Ted and myself out on the site and talked about doing this and it was Ted's opinion, Ted jump in anytime you want because this is really your show.

Ted Kozlowski replied no you are doing fine.

Rich Williams stated Ted basically said that they at least need to have Planning Board approval before they cleaned anything out and they need to show how they are going to restore the site and protect it and make sure they are not going to damage any runoff.

Ted Kozlowski stated well we have been burned before where we have said okay this is a remedial action we want you to fix it and then my understanding of what they need to remediate and Rich's is not what the contractor's is and the next thing you know we have something else.

Chairman Schech stated that is because we use to be nice people. We are no longer going to be nice people.

Ted Kozlowski stated I simply asked him to qualify, quantify, and document what he wants to do there so he does not go beyond.

Rich Williams stated no more nice guys.

Board Member Montesano stated hey, I said that a long time ago but unfortunately.

Ted Kozlowski stated and Jeff certainly gave me the impression that Ryder wants to do what Ryder wants to do so we need to have him document it.

The Secretary asked so are we getting an actual Wetland Permit.

Ted Kozlowski replied I told him to file a Wetlands Permit and the Planning Board can decide whether it is waived or,

The Secretary asked Rich because we have not seen that yet right.

Rich Williams replied they submitted the letter, I have not seen an actual permit application.

Mr. Ziminsky asked so they have to send an application in.

Rich Williams replied yes. At least it was not clear in my mind that they had to go through a whole permitting process but, Ted Kozlowski stated well we are calling this a remedial action which we have the right to stream line or expedite his request. I just don't like the idea of a machine being in the middle of a wetland by the A&P without some sort of documentation specifying what he is going to do.

Rich Williams stated we should be clear the intent was a machine was going to reach out but not go into the wetlands.

The Board laughed.

Rich Williams stated the other thing is while we are out driving around Saturday in the pouring rain it is always a good time to look at the wetlands. Really it is. We can go take a look if you want to.

5) LEO VATKIN – Sign application

Chairman Schech asked are these the colors.

The Secretary replied no look at the Town Hall sign those are the true colors. He is trying to get the guy who did the Town Hall sign to do his sign.

Board Member Shay stated that is very good with us we will go for that.

Rich Williams stated okay here is the problem, Chairman Schech interjected square footage, Rich replied no square footage is fine actually but they have to take down the other crappy sign. If you want things to look architecturally attractive you need symmetry, you need balance. You can't approve a red sign and then approve a green sign next to it.

Chairman Schech stated all right we approved the red sign for the Chinese people so let's make this maroon and gold.

Board Member Shay stated Rich is right now the Chinese people what kind of red, fire engine red.

The Secretary replied no it is maroon it was the three colors that you chose.

Board Member Shay stated which I didn't like.

Chairman Schech stated and they were here before him. Let's approve this if he changes the color that is all.

6) SYPKO PROPERTY – Wetlands/Watercourse permit

The Secretary advised the Board that they do not have anything on Sypko except for a letter from Harry Nichols.

Rich Williams stated I have to get more plans from Harry.

Rich Williams stated let me give you a run down on it. There is really nothing that we can do with this at this point. This is a single-family residential lot along Birch Hill Road that he wants to develop but he has to cross Stephen's Brook to do so. There is an existing forty-inch metal culvert in the stream but his initial application for a driveway waiver and an erosion control permit from the Town. It is an incredibly steep site which leads to a number of different issues that we need to address. He has resubmitted plans and he actually had a meeting today with Pat Feracaine to go through the plans. A lot of things that I directed Harry to put on the plans Pat liked, Pat came up with a couple of other suggestions which I also agree with that I talked to Harry about. He needs to give us some more design details.

Chairman Schech stated we suggested a boxed culvert the last time right has he gone with that.

Rich Williams replied he is going with that at this point. He is going to take the c.m.p out of the stream and I have to talk to you, Ted I want to give him specific recommendations about what he is going to put into the stream and how we are going to maintain the stream integrity and I told him he has to come up with a very detail plan on how he is going to do it and not impact the stream.

Ted Kozlowski asked doesn't DEC have those recommendations.

Rich Williams replied I don't know if they do.

Ted Kozlowski stated as a standard format.

Joe Ziminsky asked is it a State stream.

Ted Kozlowski replied yes.

Joe Ziminsky replied he would have to get a State permit not just from Pat but from Jack Isaccs.

Rich Williams replied yes and he is going to do that but he had met with Pat, Pat said a boxed culvert is fine.

Joe Ziminsky stated Pat knows what to do.

Rich Williams replied yes absolutely.

Joe Ziminsky asked do you think it needs a permit from DEP.

Rich Williams replied maybe.

Joe Ziminsky asked is it two acres of disturbance.

Rich Williams replied he has to calculate that out. He thinks it might be under an acre of disturbance. The other issue is the impervious surface going across the stream. It is a very steep driveway and Harry and I agreed right up front that it probably would be better served to have a blacktop driveway than grass pavers which is something that DEP has typically gone with and Harry said no problem I will go get a variance with DEP. The Planning Board has already waived the requirement that he pave the driveway and allowed him to use grass pavers and some sort of, Chairman Schech stated concrete grass pavers not the plastic ones.

Rich Williams stated yes he may need a permit from the DEP the jury is still totally out on that one.

Ted Kozlowski asked is the house in the same location.

Rich Williams replied the house is in the same location. The one thing that he did come in with is the swale along the driveway that he was putting in rather than using big rip rap and check dams they decided to go with the grouted riprap, very small six inches in depth and that did not work. I think we have that worked out and he understands that. At present though, he has not shown us any sort of details about what he is doing in the stream or the box culvert so there is nothing really we can advance on this until he comes up with those details and some of the others. I am going to issue a review memo.

Ted Kozlowski stated and all the erosion controls that he is going to have to have in place as he is constructing everything.

Rich Williams replied yes. He has to address that through the permitting process, the erosion control. Again, I thought that we should have water breaks on the road, Pat told him to water breaks on the road, I told him down on the bottom where he is going to have the gravel trench to disburse the water and do something after everything is constructed. I put a note on the plans that he has to do a sedimentation basin, Pat told him to construct it to a dry swale which will act as a sedimentation basin.

Chairman Schech asked is he going with a sedimentation basin or is he going to use that grass area.

Rich Williams replied he is going to have to have sedimentation basins while they are construction and because of the steepness of the slope and the proximity of the stream he is going to have a have a very detailed construction sequencing where he is going to build the road as he goes up. He is not going to go in and rough the road in and then a month later or two months later after the house is up then put the base up.

Joe Ziminsky stated he has to stabilize as he goes. It is so steep.

7) HERITAGE ALLWOOD – Waiver of Site Plan

Rich Williams stated Heritage Allwood, I haven't done a review on this I don't know that you want me to do a review on this.

Rich Williams asked did you give the Board the pictures to which she replied no I did not see them.

Rich Williams showed the pictures to the Board.

Chairman Schech stated this is the one that has the storage thing right next to the store.

Board Member Montesano stated and next to no what else do we want to understand, my opinion.

Board Member Rogan stated I don't like it.

Chairman Schech stated no there is no way.

Board Member Rogan stated we have them that we are trying to get rid of it.

Board Member Shay stated hide it put it in the back of the building.

Board Member Montesano, Chairman Schech, and Board Member Rogan stated no.

Chairman Schech stated site walk and no.

Board Member Montesano asked that is the only thing he wanted a waiver of site plan for so he can just put that up.

Chairman Schech replied it is up. It is there.

Board Member Rogan stated that is even worse.

Board Member Montesano stated no now we can charge him every day just have the man go down and give him a summons

8) WAYLONIS SITE PLAN – Waiver of Site Plan

Chairman Schech asked did they stake this one.

Rich Williams replied they don't have to stake it. This is the first building in on Commerce Drive, Patterson Interstate Business Park.

Ted Kozlowski stated they got a wetlands permit. They actually did a nice job in there.

Board Member Rogan stated other than the bricks too high.

Rich Williams stated they want to add two more parking spaces.

Board Member Montesano asked where.

Rich Williams showed the Board on the plan they submitted. See where it says remove existing curb. They want to add two there and they want to do this small retaining wall and landscape area.

Chairman Schech stated let's take a look at this but remember we gave him an approval to put all these blocks in the back of the building along the road right well they put all the blocks in the back of the building and then they put more in the parking lot.

Ted Kozlowski stated we always thought that this building was too small for their needs when we were doing the wetlands permit. We said guys you are in a tiny building.

Chairman Schech stated he needs a large yard if he is going to store all that stuff.

Rich Williams stated and actually remember Ray Liotta up the road, he met with him last week I don't know what the outcome was to lease that site to store his operation up the road.

Board Member Montesano asked is he going to cover that area up with blocks because they are not permanent is he going to be able to get away with that in those wet areas.

Rich Williams replied no don't you remember how that site plan worked out. There is nothing in the middle of the wet area. We had him restore that wetland.

Ted Kozlowski stated his problem is this site is way too small for his needs.

Rich Williams stated the other thing is that we suggested that he go across the street to the A-1 building and he said he had never been over there.

Chairman Schech asked across the street where the buses are to which Rich replied yes.

Board Member Rogan stated when we were out on site here we had talked about not letting him stack more than so many bundles high in the back area so it would not be over the fence and it is clearly over the fence when you drive by.

Board Member Montesano stated well he could not stack anymore in the front of the building where he originally had them so he had to put them back there again.

Board Member Rogan stated I don't know if we did it as a confirmed, I don't know if we said it in the motion but we did say it when we were out there and I know the comments probably reflect that.

Board Member Rogan stated he did not commit to it that I remember.

Rich Williams stated if he did not commit to it and that is something important this may give you another bite at the apple.

Board Member Montesano asked do we know if he owns the building or does he lease it.

Rich Williams replied I believe he owns it.

9) FRANTELL DEVELOPMENT CORP. – Initial application

Rich Williams stated Frantell, this is a commercial site up on Route 22 north of 311. It is a 15.09 acre site that has been before the Board time and time again.

Ted Kozlowski asked is this the one with the big sign forty-thousand square foot approval.

Board Member Montesano replied yes you know the one that has had the bowling alley that sunk.

Rich Williams stated they came in with a proposal for a 37,700 square foot retail building.

Ted Kozlowski asked Rich what was the size of Extreme Bowling.

Rich Williams stated it was big.

Chairman Schech asked are they staked, Frantell.

Rich Williams replied they are not staked yet.

Ted Kozlowski asked who is the engineer.

Rich Williams replied Insite.

Board Member Rogan asked is the site next to King Kone.

Chairman Schech replied yes.

Rich Williams stated there are a couple of issues here that you have to consider that certainly pushes the envelope on this one. He has two stormwater ponds within the buffer zone of the wetland. If you recall to the south end of the site there was that wet meadow area that was a border line within the buffer of that he has everything. He has a parking lot, he has the building.

Ted Kozlowski stated you know what Rich it has been a long time since that was flagged he has to flag that all over again the wetlands.

Rich Williams replied I agree. My memo says you have to confirm the wetland flagging.

Chairman Schech stated and you (Ted) have to make sure you confirm.

Joe Ziminsky asked is this Main Street designated area.

Rich Williams replied no.

Ted Kozlowski stated he really should re-flag those. Those flags were last done what eight years ago.

Rich Williams replied a long time ago. That is a pretty well define wetland boundary though.

(TAPE ENDED)

Chairman Schech asked who sold Burdick the property did Louie sell it or did Burdick sell Louie the property.

Board Member Montesano stated Burdick sold Louie the property.

Rich Williams stated the funny part is he had to buy a small piece of land to get fifteen acres so that he could that he could get a Special Use Permit to do a retail area and he got the Special Use Permit and never went forward now we are changing the Code and he does not need the fifteen acres.

Board Member Montesano stated well he does not have anything to work with anyway.

Rich Williams replied no it is all wet. It is a tight site out by the road is fine. I have suggested that you do a site walk, flag the corners of the building, the south corner of the parking lot, the center of the wetlands, the water quality basins.

Board Member Rogan stated to flag anything; anything outside the wetland is being proposed. It takes up everything.

Rich Williams stated that I think it is a good idea to get some sort of concept

Board Member Rogan stated maybe the corners of the building.

Rich Williams replied that is what I am saying the corners of the building, these two corners down here so that we know where the edge is and then we will be able to see real easy where the wetland mitigation area is.

Chairman Schech asked where are they proposing the septic system.

Rich Williams pointed it out on the plan for the Chairman.

Ted Kozlowski stated they have always had a problem with the septic system.

Rich Williams stated they could get good perc's in here but they need this for parking.

Board Member Montesano asked how about we ask them to show us in a different color where the apron is going to be for the back of the buildings, where the trucks are going to come in to unload, etc.

Board Member Rogan stated I think that is shown.

Board Member Montesano replied I want it staked out.

Rich Williams asked are you talking about the edge of the paved area.

Board Member Montesano replied yes I want to see how far into the water he gets.

Chairman Schech asked anything else on this guys.

Rich Williams replied not until we go out and take a look at it.

Chairman Schech replied well I want to tell him something when he comes in.

Rich Williams replied there is not a lot of details on this. You just need to react as to whether you are comfortable with the concept, with the size of the building, the intrusions based on what you know about the wetlands. They had two projects in here now in the past, we have gone out and we have looked at that wet meadow to the south and everybody said hey that is really nothing it is no impact. I don't know if you are still going to feel the same way.

Ted Kozlowski asked do we want to have the building look like the A&P building.

Rich Williams replied or the way it is supposed to look.

Chairman Schech stated well we are a long ways off that. I want it to look like Dunkin Donuts with the stripes and stuff.

Ted Kozlowski replied no but just because of that you might want to state it early on.

10) OTHER BUSINESS

a. Dunkin Donuts

Rich Williams retrieve the site plan for the project. Rich stated the reason that this got thrown on the agenda is after everybody was out there and took a look at everything and said this is what we

want to fix the problems which by the way the pavement has been done, the new curbing is in, the landscaping is in and the striping has been done just so you know. Subsequent to all that the awning went up and I talked to a couple of the Board Members, I think I talked to just about everybody to take a look at the awning just to make sure before we go too far down the road that everybody is okay with the awning and it reflects what the Board wants out there.

Board Member Shay stated you didn't tell me about the awning.

Board Member Rogan stated I have not seen it yet. You told me but I didn't get there.

Chairman Schech stated my suggestion was while he is out there with his gray paint getting rid of the garage doors he goes over the awning with it.

Board Member Montesano stated what I want to know is, first off when we were out there no one ever mentioned the awning now it is up there, no one mentioned the cooler, and it is up there. Now could I see those plans for a second please, Rich.

Board Member Shay asked when was this awning put up.

Chairman Schech replied within the last week.

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

Board Member Montesano stated let's put it this way you tell me I should not get wound up. I get wound up because we sit here night after night telling people to do something and we are totally disregarded and I think wasting time has gone far enough. This is what the hell was approved referring to the plan and it looks absolutely like that right. Now, I signed it the Chairman signed it where the hell is it. It sure as hell is not here.

Board Member Rogan stated this is October of 96.

The Secretary asked that is Dunkin Donuts or the A&P.

Board Member Rogan asked yes what is this.

Rich Williams replied it is both.

Board Member Montesano stated that is the A&P there and that is Dunkin Donuts. This is supposed to be the building isn't it.

Rich Williams stated wait Mike you signed that.

The Secretary replied no Rich Williams and I don't know who else.

Chairman Schech stated the guy with the goats what is his name.

Rich Williams replied Mark Benko.

Board Member Montesano stated at any rate this is what was signed by the Chairman and the Vice Chairman for the development of the entire site. This is what the outbuilding was supposed to look like.

Board Member Rogan asked subsequent to this signing was a plan, architecturally for Dunkin Donuts submitted and signed by the Planning Board.

Board Member Montesano replied that is it now what occurs is this; the Building Inspector does not get this, at least he does not look at it. He gets a completely separate set of building plans, so what I am suggesting is, The Secretary stated wait Rich doesn't he (Building Inspector) get that signed plan. Rich Williams replied yes he does.

Board Member Rogan stated it was at his finger tips only he didn't pull it when he got the application for Dunkin Donuts.

Board Member Montesano stated I asked Rich if he can come up with something where the Building Inspector signs it as to see what we approved this way he sees it.

Rich Williams replied okay.

Board Member Montesano stated and now if he comes in and accepts a different plan and signs for it he has to explain why.

Board Member Rogan replied you can do that.

Chairman Schech asked can we do that.

Board Member Montesano stated basically we keep doing this, this is what was approved back in 96, and no one ever paid any attention to it.

Rich Williams replied to the Chairman technically no.

Board Member Rogan stated what you can do is as part of his review process on an application have a question does this have an approval by the Planning Board which obviously a retail center would make it part of his check off sheet of things that he does on a plan review to confirm that.

Rich Williams replied I am not exactly sure how this is going to work out. Herb, to answer your question we can push for it.

Ted Kozlowski asked is the A&P built to that spec.

Chairman Schech replied it is pretty damn close.

Board Member Montesano stated it is about ninety percent but this building that is out there now is about seven hundred degrees going the other direction.

Ted Kozlowski stated this building is an On the Run. On the Run was not supposed to look like that.

Rich Williams stated we can push for it but unless the Town Board adopts it as either policy or law it is not a requirement of Paul to do it but we can push to have it done but even if he signs off I had another interesting situation come today where he and I butted heads severely that I would like you guys to take a look at and that is the Ducheon Site. The Ducheon Site as part of the Special Use Permit as a requirement that all the existing vegetation fifty feet off of Route 22 cannot get touched except for invasive species or vines or things like that with the Ducheon Site Plan again, the note was put on there that the existing vegetation has to stay and remain healthy except for cutting of the vines but they also have extensive plantings shown on the plan which have to be complete to augment that area. So, they went in with a backhoe and cleared out what was there so they could put the new plantings in and Paul said that was perfectly acceptable because how else are they going to get these new plantings in. Paul and I got into a yelling match this afternoon.

Board Member Montesano stated I think it is about time that he either understands what the situation is here and that is going to have to include the Board in the sense that what the hell are we doing approving something or disapproving something when he has the right to walk all over it.

Board Member Rogan stated then why not just send the plans to him at the beginning.

Board Member Montesano replied don't even bother just let him be the Board.

Ted Kozlowski asked are we stuck with that Dunkin Donuts as it is.

Rich Williams replied pretty much.

Chairman Schech stated we have a few things that they are going to straighten out but basically what you see is what you got.

Board Member Rogan stated that is going to be the lesson to remember.

Rich Williams stated but this is a chronic problem in Patterson whereas you have a Building Inspector enforces the conditions and requirements of the site plans and subdivisions who was not really part of the process. He gets in on the tail end and does not know what is going on and this is also a chronic problem that I hear of in other Towns.

Board Member Montesano stated why though.

Rich Williams stated the Planning Board approves projects they go through great lengths, turning over every rock making sure everything is done and on the plans and then the Building Inspector who isn't part of the process does what he wants or does what he thinks the Planning Board wants without having a clear understanding. This may be an issue with the process itself.

Ted Kozlowski asked let me ask you something, when Dunkin Donuts went to build that building they had to file a building permit correct.

Rich Williams replied yes.

Ted Kozlowski asked so isn't it incumbent upon them to determine what has to go there. They are buying that property from Bendersen right.

Chairman Schech replied they are not buying it they are leasing it.

Ted Kozlowski asked isn't a responsibility of Bendersen to give him the information of what is supposed to go there.

Rich Williams stated he did.

Board Member Montesano stated if your Building Inspector signs the documents that he submits to the Town.

Chairman Schech stated I think our biggest problem was the fact that they gave him engineering drawings which we never saw. I think perhaps that if we got a copy of the engineering drawings and reviewed them ourselves when they go for their building permit.

Rich Williams replied again, this was a comedy of errors. It came up that it started with Peder Scott came back to me and said we got the approved plan but we can't build it because DOT took frontage, we can't meet the setback requirements anymore. He submitted two revisions I think, a plan showing the building in a new location which met our setback requirements which I commented on and said you can't do this, you can't do that and at the same time said document the taking then it turned out well there was a proposed taking that never occurred so there really was no taking. Then he was supposed to put the building back and then it did not go back in the same location because now he realized that the drainage did not actually work so he had to move it around a little bit to get the drainage in and it was just a torturous process because we kept saying go out, shoot the elevations on the inverts, put them on a plan, make sure that we know it is going to work, show us how you are going to take out the pipe that you have already put in. Couldn't get him to do it, couldn't get him to do it and meanwhile this other guy who wanted to build the Dunkin Donuts and was in here crying the blues and this went on for eight, nine months and yes they won by attrition on that, Mike and it was just as much my fault as anybody else.

Board Member Montesano replied my point is that leaves too much in your hands, too much in his hands and why are we wasting five people's time plus a Secretary to sit here night after night doing this and then coming in and looking up and being told by people we have to deal with everyday you put that piece of crap in here and I have to sit there and say well my name is there isn't.

Chairman Schech stated well we are going to change. It is not going to happen again.

Board Member Montesano replied we said that before this.

Board Member Rogan stated one thing Herb that I would not mind asking is can we ask the Town Board to approve that Paul be at the meetings like they do in Carmel.

The Secretary stated that is a budget thing.

Board Member Montesano stated they won't pay them.

Board Member Rogan replied it is a budget thing but I think it is worthwhile. The Building Inspector is at all the Carmel Planning Board meetings, they defer to him for a lot of information, it seems to be very useful, and the guy knows what is going on.

The Secretary stated Paul does get all the reviews like you guys do there.

Board Member Rogan stated but you have to read all that at least if you are sitting there you get first hand information.

Chairman Schech stated he will be better informed if he does go to the meetings. Let's get him to the Planning Board meetings.

Board Member Montesano stated he has the paperwork because when that building came in and the roof was asked and it should have matched what the A&P had and that what was said.

Chairman Schech stated let's throw it at the big bosses.

Rich Williams stated just so you know my opinion on this, Paul does not have the experience or the expertise with site plan issues or architectural design.

Chairman Schech replied yes but eventually he is going to have to get there.

Rich Williams stated the Town Engineer is supposed to be going out on these sites and signing off on this stuff and for the most part he does. For me, site plan is the site plan Paul should not ever be making changes to the site plan period end of story. When he gets a building permit in with architecture it should be kicked back to me and I should sign off on the architecture because I am part of the process here.

Board Member Montesano stated the thing that amazes me is that they put the roof up fine, they put the funny looking thing up, and the color it is black. Everything else is a light color brown or gray and white how the hell do you end up with a black roof.

Ted Kozlowski stated Dunkin Donuts like On the Run it is a text book form and this guy never had any intentions of going with the architectural we presented to them. This is what Dunkin Donuts franchises them to do.

Rich Williams stated again, we went through a torturous process trying to get to where we are and then they came in with architectural and they pushed to start building. They were straight block walls, I took one look at this and said that is not what was approved I am not signing off on this, I am not accepting this and at that point Paul took other channels.

Chairman Schech stated the kid who owns the place is a real nice kid nobody wants to break his chops. Paul says well they don't this, I said bull---- you go into Connecticut you see things up there. We have to get a little harder.

Ted Kozlowski asked why are things still going up that are not approved. Why is he still putting stuff up.

Chairman Schech replied I have no idea.

Board Member Montesano stated because he got away with it. Why the hell shouldn't he.

Rich Williams stated it was the awning and again, there was a space over the thing when we were out there, I grabbed Paul and I said he is putting another sign up he can't do that and Paul said no that is just the awning. Foolish me I just let it go at that point I assumed that the awning was going to match the rest of the building. It was already approved by the Building Department shown on the plans so I had never questioned it. I was a little surprised when I saw an orange especially after the meeting we had where he was informed that, Ted Kozlowski interjected that is the Dunkin Donuts color.

Board Member Montesano stated but when we told Dunkin Donuts representative purple and salmon color do not go on the building. He agreed to it and now I guess it does not mean crap but you are in Patterson I guess we can do whatever the hell we want.

Rich Williams asked okay what are we going to do about this awning.

Board Member Montesano replied my part shut them down until he submits an application to put the dam awning up and if he does not understand it, Board Member Rogan stated he got an approved building permit on it. Board Member Montesano stated he does not have an approval for the awning you don't have to give him a C.O.

Chairman Schech asked that is not on the plan is it.

Rich Williams replied it is on the building department plans. He has a building permit for it.

Board Member Rogan stated that is what I am saying he has a building permit for it.

Board Member Montesano stated well then let's hang Paul.

Chairman Schech stated it is on the structurals it is not on ours.

Board Member Montesano stated it is not on ours that is not the building that is supposed to be up there, we had all these discussions.

Rich Williams stated Mike, I will push it anywhere you want to push it if you want me to tell them to take the awning down, I will go out there, and I will push it. If you want me to tell them, Board Member Montesano replied I am only one person right now it does not mean crap anymore. Rich Williams stated technically he needs an awning there.

Chairman Schech stated paint it when he is painting the other thing paint it gray with the garage doors so it blends in a little bit.

Rich Williams asked all right you want him to paint it to match the building.

Chairman Schech replied yes.

Rich Williams asked he can leave it up for the moment he has to paint it when he paints the rest of the building.

Rich Williams stated again, we just have to tighten procedures up, listen I have to tighten things up on my end as far as, The Secretary stated but it is not your hands now, it goes to the Building Department.

Ted Kozlowski asked why can't he be asked just to check the files. What is the big deal.

Board Member Montesano stated he gets the file.

Rich Williams stated he doesn't understand site plan issues for example: we approve a box on a plan and an architectural design is supposed to fit in that box. Paul's opinion and he still maintains this is the right one is we approve a box and an architectural design and if that architectural design extends over that box that is okay; well Dunkin Donuts case in point that meant the roof line all of a sudden so constricted the drive aisles the cars could not go through the drive aisle. That is why we need somebody that understands site design issues looking at the architectural when they are submitted.

Board Member Rogan stated hopefully we learn from that.

Board Member Montesano replied he has to learn from it not us. The first accident that happens in that corner if a van goes through there by mistake or whatever and we get sued guess who should be sued.

Ted Kozlowski stated you know a van is going to go through there.

Chairman Schech stated I have one more thing. It is spring time and with the daffodils come the used car lots. No matter where I drive we have a used car lot. One of the worst ones is this Towners store, Paul Reed. First of all, the store should be condemned before it falls down and catches fire and kills the two people who still live in there. He has at least five cars there right and who ever gets these complaints please write a letter up and I will sign it. He asked does this go to Dapuzzo or Paul. The car is Dapuzzo. Chairman Schech stated he has a tree in the roof for how many years now. He has a chimney that is falling down. (Too many talking at the same time unable to transcribe.

Chairman Schech the other biggest one is Field Farm he always has a used car for sale.

The Secretary asked where is Field Farm.

Chairman Schech replied the guy across the street from Fields Lane. The guy who came to us for a subdivision.

The Secretary asked Tanzi.

Board Member Shay stated Tanzi is over on Fair Street. He has one car out there. He asked before the Middle School.

Chairman Schech replied there is always a car there.

Board Member Shay stated yes there is always a car there.

Chairman Schech stated he is in the used car business, this is not zoned for used car business. You have the two cars on 311, you have two trucks sitting out on front right on 311 across the street from Dog Street.

The Secretary asked is there anything in there for cars for sale on lawns.

Board Member Rogan stated you are allowed to have a certain amount.

Rich Williams stated one unregistered vehicle.

The Secretary replied yes but if it is registered and it has a for sale sign on it in your front yard I don't think there is anything in there.

Board Member Rogan stated you know the one who is running a used car business and it may not be Patterson it is right across from Bullet Hole and Fields Lane way up on top.

Chairman Schech stated that is the one I am talking about it. That is his business.

Board Member Rogan stated if he is following the letter of the Zoning Code and you are allowed to have let's say one at a time and he is only doing that then it might be a loop hole but also somebody could check into whether or not the guy has a license to do that because you are only allowed to do so many within a year before you need a, Board Member Montesano stated you are allowed one unregistered vehicle on your property.

The Secretary stated that is if it is unregistered but if it is registered with a for sale sign in your front yard can you do anything.

(Too many talking at once unable to transcribe).

Chairman Schech stated okay so we are meeting Saturday morning at the diner.

Rich Williams stated I have an issue for you gentlemen, new Zoning Code, hopefully the last public hearing is June 11th. There are some changes in there relative to churches.

Board Member Montesano asked they are allowed to do anything they want right.

Board Member Rogan stated like an ag district.

Rich Williams replied they can do pretty much what they want.

Board Member Montesano stated so we have an agricultural district so we are going to have a church district. If you can prove you have a church then you can do anything you want.

Board Member Rogan made a motion to adjourn and Board Member Shay seconded the motion. All in favor and meeting adjourned at 8:40 p.m.