

TOWN OF PATTERSON
PLANNING BOARD MEETING
November 22, 2011
Work Session



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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

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PLANNING BOARD

Shawn Rogan, Chairman
Charles Cook, Vice Chairman
Michael Montesano
Thomas E. McNulty
Ron Taylor

**Planning Board
November 22, 2011 Work Session Meeting Minutes**

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

APPROVED

Present were: Chairman Rogan, Board Member Cook, Board Member Montesano, Board Member McNulty, Board Member Taylor, Rich Williams, Town Planner, and Ted Kozlowski, Town of Patterson Environmental Conservation Inspector.

The meeting began at 7:00 p.m.

Michelle Lailer was the Secretary and transcribed the following minutes.

Chairman Rogan stated good evening everyone.

Board Member McNulty stated good evening.

1) ADAM LEVINE – Fill Permit Public Hearing

Chairman Rogan stated okay, first up, Adam Levine, the public hearing, Rich I see in here you sent the letter to Health Department, Anne Bittner, thank you, I think they were going to try to start grabbing samples out there to establish a baseline.

Rich Williams stated I have not heard from her, I was going to wait until after Thanksgiving and give her a call, I've got to call her on a couple of other issues as well...

Chairman Rogan stated okay.

Rich Williams stated and I did also hear from Teresa Shelly who is representing...

Chairman Rogan stated oh...

Rich Williams stated the property to the south, who is very unhappy about the whole situation, she, I'll let you, she's supposed to be at the public hearing but the short of it is, she doesn't want the fill on her property.

Board Member McNulty stated I don't blame her.

Chairman Rogan stated okay.

Rich Williams stated I don't either.

Board Member Cook stated Rich could you just go over under that general issues part of your memo about this erosion and sediment control permit application and...

Rich Williams stated consistent with...

Board Member Cook stated with either the, fill permit.

Rich Williams stated yup, consistent with the stormwater permitting requirements anybody who has more than 5,000 square feet of disturbance has to file an application with the Town for a stormwater pollution prevention plan, a SWPPP, if it is under an acre of disturbance then you do not have to have post construction stormwater controls. Mr. Levine has filed a basic SWPPP with the Town because he is obviously over 5,000 square feet.

Ted Kozlowski stated good afternoon.

Board Member Taylor stated how are you doing.

Rich Williams stated that application is pending the determination of the Board on what you're going to do with this application, I mean if it's going to be stabilizing the site then we need to take the SWPPP is one direction, if it's removing everything, then we're going to look at perhaps different erosion control features for the site.

Board Member McNulty stated that's filed in this office or with the Building Inspector.

Rich Williams stated with me, I issue the permits.

Board Member Cook stated so basically what's left for us is, decision-wise, to say either remove everything, cap it...

Rich Williams stated you're going to, you're going to either issue a permit with conditions or you're going to deny a permit, if you deny the permit then it's going to be up to the Building Department to address the issue with the fill being removed from the site.

Chairman Rogan stated that's right because it's a fill permit, so if you don't want the fill to be there, it's a denial, makes sense. Okay and Miss Shelly is the daughter of the owner or any relation...

Rich Williams stated I think she's a daughter, yeah.

Chairman Rogan stated okay.

Board Member McNulty stated can a condition of an approved permit be removing or we would deny it...

Chairman Rogan stated then it wouldn't be a permit, you wouldn't need a fill permit, right...

Board Member McNulty stated well you're removing fill, does fill mean adding or removing, it just says fill.

Rich Williams stated the requirements within the Code are for the placement of fill on your property.

Chairman Rogan stated removing would be mining wouldn't it.

Board Member Taylor stated would it exempt it from Town Codes then, if they're mining.

Chairman Rogan stated okay.

Board Member Cook stated I'm just troubled by, I guess long range issues that could result from this being on the property and I have to tell you this...

Chairman Rogan stated I agree. I wouldn't want it on my property.

Board Member Montesano stated there are a whole bunch of people that have no idea what's in there and all those property owners around you, if the water runs the wrong way or it drains off onto their property into their water and they start having problems...

Chairman Rogan stated okay.

Board Member McNulty stated so real quick, so if it was denied, then it goes to the Building Department, what guides them on the process from there.

Chairman Rogan stated you know the proper removal.

Board Member McNulty stated is it removal, is that what would happen.

Chairman Rogan stated oh absolutely.

Rich Williams stated yeah.

Board Member McNulty stated and they would just oversee the removal.

Rich Williams stated yeah and they may want to bring the Town Engineer in or whatever other authority they feel is appropriate to guide them, if any but you know the bottom line is get a machine on the site, load the trucks, get it off.

Chairman Rogan stated get it to a, then who confirms that the material is brought to a proper facility, I guess it's on the trucking company right; they have to do the manifest...

Rich Williams stated well it's certainly on the trucking company and the property owner and it needs to be confirmed by the Building Department.

Board Member McNulty stated does it ever go to court at any point or it just goes, if everything functions, it goes through the Building Department and that's it, the Code Enforcement...

Rich Williams stated it goes to court when we have failure for compliance.

Chairman Rogan stated so we deny it and the Building Department says okay you have three months to start the ball rolling and they don't and they just say well we don't want to remove it because it's going to a million dollars, then they start and action, right.

Board Member McNulty stated okay.

2) NYSEG HAVILAND HOLLOW SUBSTATION – Site Plan Waiver

Chairman Rogan stated okay, so what do we have NYSEG and another substation...

Rich Williams stated correct, we don't have any plans or drawings on this...

Chairman Rogan stated waiver.

Rich Williams stated its simply a letter from NYSEG requesting a site plan waiver in order to put, if I recall correctly, an equipment shelter in the northeast corner of the fenced in area down at the Haviland Hollow Substation which is just north of Patterson Auto Body...

Chairman Rogan stated oh. Yeah.

Rich Williams stated and the restaurant...

Chairman Rogan stated the restaurant, okay.

Rich Williams stated yup.

Board Member McNulty stated is there an approved site plan for the current location on file.

Rich Williams stated there is not one on file in my office.

Board Member Cook stated should we not ask them to prepare one.

Board Member McNulty stated well they're asking for a waiver not to do it.

Rich Williams stated right.

Board Member McNulty stated but there's not even one on file.

Chairman Rogan stated I wonder if the Building Department has one.

Board Member McNulty stated they may.

Rich Williams stated there is not one on file in this building.

Chairman Rogan stated oh in the building, you said in this office, you were very clear to say that...

Rich Williams stated yes I was...

Chairman Rogan stated I thought I would extrapolate out to the...

Board Member Montesano stated in the same way, what are they putting up.

Rich Williams stated it was, the substation was developed God only knows how many years ago, if there is a site plan that was approved by the Town, it's in records storage and I have no idea where it, where it is.

The Secretary stated I was just in the file for the Building Department yesterday or today and the substation was built in like the early 70's.

Chairman Rogan stated oh, well we may ask them whether they have a, even though we're not asking for a site plan they may have a survey showing stuff survey located so...

Board Member McNulty stated if there's not one there now, it's a good time to get a record of it.

Chairman Rogan stated sure.

Board Member Montesano stated well you'd like to see what they're going to put up, what if they, they're putting up a building, a storage shed, something.

Board Member Taylor stated yes.

The Secretary stated they are supposed to bring us plans.

Board Member Montesano stated you'd like to see, you'd like to see at least something, we asked the library what they were doing, why can't we ask this poor company...

Chairman Rogan stated we are going to ask them, no one is suggesting that we don't.

The Secretary stated we already did ask for that, it just hasn't come to us yet.

Board Member McNulty stated my other question is they gave the footprint of the building but no height.

Rich Williams stated so you're looking, all right you're looking for architectural on the building.

Board Member McNulty stated or at least dimensions, full dimensions...

Rich Williams stated right and you're looking for a survey of what's out there.

Chairman Rogan stated I think that and you know they probably have that, they probably have that on all their, I think that would suffice you know, we're not making somebody go through a full site plan review here to show what's on the property, that's different.

Rich Williams stated I was, actually, we had had that conversation I was surprised it didn't come in with the letter.

Chairman Rogan stated okay, well maybe it will.

Rich Williams stated we can follow up...

Board Member McNulty stated maybe we can ask for the survey showing what they want to place and you know even if it's sketched in somehow, it just...

Rich Williams stated we'll follow up tomorrow.

Chairman Rogan stated okay...

3) WATCHTOWER BIBLE AND TRACT SOCIETY – FEIS Review

Chairman Rogan stated and Watchtower.

Rich Williams stated sure, we have their environmental impact statement. The review is ongoing.

Ted Kozlowski stated I have, give you a comment about that.

Chairman Rogan stated sure, just speak up.

Ted Kozlowski stated I'll be very brief Michelle. I'm very pleased to see that they have gone to an option of depositing the fill materials and stuff in the, what they refer to as the north pasture that was something that I suggested to them, this way they are saving destroying a forest and filling it in and perhaps making a significant eyesore so I am really appreciative that they chose to go that direction, I think it is environmentally a much better option.

Chairman Rogan stated good.

Ted Kozlowski stated so I was pleased to see if they went that route or they prefer to go that route.

Board Member Cook stated okay.

Board Member Taylor stated I thought it was very nicely done, well organized, comment, comment, comment, next so on, easy to read, lucid...

Chairman Rogan stated good.

Board Member Taylor stated it's not overly, there are a few places where they put b.s. in place of answers but mostly it's very clear, concise...

Board Member Montesano stated just like everyone else.

Board Member Taylor stated obviously.

Ted Kozlowski stated it would be really great if everybody addressed issues they like do.

Board Member Taylor stated yes, it would be very nice and there are only about 20 pages you actually have to read unless you want to read the details and the appendix so it's not an onerous thing to look at it.

Board Member Montesano stated the object, the item that even if you question something there is usually something in there that will answer that question, like they anticipate almost everything you're going to ask.

Board Member McNulty stated yeah.

Board Member Montesano stated and it drives you crazy and then you get the other stuff and you wonder do these people ever eat popcorn, what the hell are they doing.

4) OTHER BUSINESS

a. SEQRA Issues

Chairman Rogan stated okay and what are SEQRA issues.

Rich Williams stated yeah this is an issue that came up and it was suggested that maybe you want to have a generic discussion about the procedures for issuing a negative determination of significance and then denying an application in the most general of fashions and I've talked to Charlie and I would prefer to have this conversation with Mike Liguori in the room.

Chairman Rogan stated okay, let's do that, all right and open discussion, anybody have anything they want to talk about, Ted you're up.

Ted Kozlowski stated I don't know am I jumping on somebody...

Chairman Rogan stated no, you're, our first priority is you, go ahead.

The Secretary stated please speak up.

Ted Kozlowski stated that's what my wife says all the time.

Board Member Montesano stated you have the biggest case, go on.

Ted Kozlowski stated no, I brought this to Rich's attention last weekend or last Friday, you guys remember Mrs. Chiappa, Chappia, Chiappa...

Board Member McNulty stated I remember the name.

Ted Kozlowski stated Baldwin Road, the intersection of Baldwin Road and Cushman [Road], it was the garage...

Board Member Montesano stated right.

Board Member McNulty stated yeah they want to bump it out.

Ted Kozlowski stated right and...

Board Member McNulty stated it was in the buffer.

Ted Kozlowski stated I had written a recommendation to you guys and I also met with her and she came to a public hearing and the thing that I said was that I didn't object to the garage and the need for it and I understood they were very close to the wetland and they had to agree that they weren't going to touch the wetland for the garage and at the time I expressed my concerns that they wouldn't have the turning radius and so on and so forth. Well, the other day I drove down Cushman Road and I cut through Baldwin Road, I was checking on things and low and behold wetland was cleared in some area not a big grossly horrible violation but definitely went beyond what they were supposed to do. I wanted to check with Rich on it because its been a long time, I don't know how long ago it was, I wanted to just check what we had in the file and then I went back there, I met the boyfriend of the owner's daughter who apparently is a contractor and is associated with the contractor who is doing the job, he was nice enough, I told him that this was a violation, that it needed to, we're not putting a driveway in the wetland, you need to restore this right away or I'm going to have to take an enforcement action. He promised he would do that, now since the daylight savings change I have not had time, I have not had the daylight to go over there, I will go over there in the next few days since I'm off, I have a suspicion that nothing has been done so I am just giving you guys a heads up, this is another one of those trying to be a nice guy and do the you know the neighbor a favor and it's not working out to well.

Board Member McNulty stated did they, I guess they have a building permit and went through the proper channels.

Ted Kozlowski stated I would assume so, I don't check into the building permit, I would assume Nick is, I am assuming they got the appropriate building permit, I don't know but definitely you can go by there, you'll see what they did.

Board Member Taylor stated so do you think they're clearing to...

Ted Kozlowski stated oh they cleared.

Board Member Taylor stated no but the reason for them clearing, are they clearing to expand the driveway.

Ted Kozlowski stated to me it was cleared and filled, there was fill brought in and you know there is stuff piled there from the construction but if you brought in, if you cut the vegetation and then you filled it, there is a reason for that, you know they're not just bringing in fill because they feel like it...

Board Member Taylor stated right.

Ted Kozlowski stated so I got to believe that you know, if I didn't see it there would be a driveway there come spring.

Board Member Taylor stated what are you proposing.

Ted Kozlowski stated well I'm going back there and if it's not, then I'm going to issue a violation and go to court eventually. I mean Richie pulled out the minutes, it's in the minutes, Mrs. Chiappa herself is saying she's not going to do this and all that.

Board Member Taylor stated but what is the end result you're proposing.

Ted Kozlowski stated I want it restored to a wetland.

Board Member Taylor stated so they're going to dig the fill out.

Ted Kozlowski stated yes that's what I told the young man, he agreed to that, I doubt the vegetation was pulled out, I think they, and it was done sloppily...

Board Member Taylor stated so it will re-grow...

Ted Kozlowski stated I would imagine that it will re-spread, it's silky dogwood and it's all the other things associated with wetlands, don't worry about the planting, I just don't want to see impervious surface in there. And you know its kind of dumb because it is isn't stabilized so that, if they pour a driveway there its going to crack and settle, it's not going to be what they think it's going to be.

Chairman Rogan stated yeah.

Board Member Cook stated would it make sense like if it comes to issuing them a violation to attach copies of the minutes.

Ted Kozlowski stated oh I have the minutes; Richie gave me the minutes...

Board Member Cook stated oh okay.

Ted Kozlowski stated the minutes are going in the letter to her.

Chairman Rogan stated good, excellent.

Ted Kozlowski stated to remind her of...

Board Member Montesano stated I remember at the public hearing, she was a little bit perturbed that we were questioning all of this.

Board Member Cook stated I remember her too.

Chairman Rogan stated I can't remember I don't have any clue about this one.

Board Member McNulty stated I remember this is one of the first...

Ted Kozlowski stated you were just...

Board Member McNulty stated I was just on the Board I think, I remember this came up.

Chairman Rogan stated did we ever do a site walk on that...

Board Member McNulty stated no.

Rich Williams stated you granted a waiver.

Ted Kozlowski stated yeah, we gave her a waiver and it was you know, I think it was...

Board Member Montesano stated and it's been waived.

Ted Kozlowski stated I don't even know if there was a \$25 minimal fee assessed but now it's, now, you know.

Board Member McNulty stated yeah because she was just bumping out the garage or something, three or four feet or something.

Ted Kozlowski stated well I think the garage is bigger than what the garage was supposed to be.

Chairman Rogan stated it always is.

Board Member Montesano stated have a nice...

Chairman Rogan stated until you fill it with junk then it's not nearly big enough.

Ted Kozlowski stated I mean I think it changes the look of the house.

Board Member Taylor stated is this another case where when it's passed on to the Building Department, it should come back to us to see that it matches what we had approved.

Ted Kozlowski stated well Ron, it's just...

Board Member McNulty stated we waived it.

Ted Kozlowski stated it's another case when we go through all of the motions, we try to do the right thing and you know...

Chairman Rogan stated do it anyway.

Ted Kozlowski stated you expect people to honor their word and they...

Board Member Taylor stated but what I'm saying is though, if it's gone to the Building Department and then before they gave, issued a permit, if they came back to us with plans saying do these plans meet what you agreed to let them do, at that point we could have said no, it doesn't.

Ted Kozlowski stated well I don't know, you know, I don't know but I'm saying the garage to me, the garage looks bigger than what we called for, I don't know I could be wrong, that's up to Nick to decide, as far as the fill and intrusion to the wetlands, you know I don't know if Nick is really looking for that, this is really...

Board Member Taylor stated yeah sure...

Ted Kozlowski stated you know that's my call but and it's not a major, you know this isn't like screaming out at you, I clearly saw what she did or they did, so I just bring it up to you because this is, every once in awhile we have an application in front of us and then I seem to be a little more aggressive in my approach to things and this is the reason, I get bit, I get bit all the time with stuff like this.

Board Member Cook stated you're doing the right thing.

Chairman Rogan stated well you've got to bite back on those people and still...

Ted Kozlowski stated right.

Chairman Rogan stated give consolation and expect people to do the right thing, you can't let that alter your idea.

Ted Kozlowski stated to be honest with you I was expecting a phone call from her after I met with the young man, you know like I'm sorry, nothing...

Chairman Rogan stated yeah.

Ted Kozlowski stated so I'm afraid to see, maybe they rushed and got it paved, I don't know...

Board Member Taylor stated make them dig it out.

Chairman Rogan stated pavement comes up.

Board Member Montesano stated they'll un-pave it.

Ted Kozlowski stated the other thing is and finally the Fehr property.

Chairman Rogan stated yeah.

The Secretary stated Fehr.

Ted Kozlowski stated Fehr, that was paved, that was done that same day I was coming from that site heading to Town Hall down Cushman, so that's all done.

Board Member Cook stated Rich, could you mention to Nick to go out and take a look at the garage and, not the issues that Ted's going to address but you know the garage issue if you will.

Rich Williams stated oh absolutely, no I will absolutely make sure that Nick's aware of the issues and that he needs to review the decision of the Planning Board to make sure that the garage is in compliance with that, I just hadn't heard back from Ted, I gave him what information I had and sent him on his merry way to go look at the property again and hadn't heard back that there was an actual problem.

Ted Kozlowski stated yeah and I could be wrong about the garage, the garage could be what she said it was going to be.

Board Member Cook stated let's check it.

Ted Kozlowski stated it looks big.

Chairman Rogan stated Commerce Drive.

Board Member Cook stated I just wanted to ask on Commerce Drive, have we heard from Mr. Monteleone on anything, have we heard anything on M&S...

Rich Williams stated I have not heard anything on M&S, I did have a brief conversation with Mr. Monteleone, he was looking to develop on of the properties and asked me about a local engineering firm that he was thinking about using and we talked a little bit about Dan. I do have one thing for you...

Chairman Rogan stated sure.

Rich Williams stated something I forgot to put on the agenda, which Michelle reminded of today and that's the 2012 meeting schedule.

Chairman Rogan stated yeah.

Board Member Montesano stated do we put that between four and ten or after that...

Chairman Rogan stated after ten, we'll make it as eleven. 2012 meeting schedule, yeah everybody take a look at that and just know because we adopt the meeting schedule, if something comes up where we one of us can't make a meeting and we have the opportunity early enough we can always change, Zoning Board does it quite often, we rarely do it but we can if it's...

Board Member Montesano stated hunting season or something sensible.

Chairman Rogan stated Michelle do you have anything for this evening.

The Secretary stated no, I don't.

Chairman Rogan stated okay, motion to adjourn.

Board Member Montesano seconded the motion.

Chairman Rogan asked for all in favor:

Board Member Taylor	-	aye
Board Member McNulty	-	aye
Board Member Montesano	-	aye
Board Member Cook	-	aye
Chairman Rogan	-	aye

The motion carried by a vote of 5 to 0.

The meeting adjourned at 7:22 p.m.