

Special Planning Board Meeting

Wednesday, October 26, 2011 7:00 p.m.

Present:

Chairman Don Nichols
Carlton Fritz
Dan Ratner
Steve Green

Absent:

John Webber

Also Present:

Langdon C. Chapman, Village Attorney
Pam Winters, Code Enforcement Officer
Joan Stoddard, Trustee
Corinne McGuire, Trustee
Glenn Smith, P. E.
Jim Bates,
Bipin Gandhi, P. E.
Zeke Alenick, President, Ideal Snacks
Michael Ehrenberg
Jessie Shultis, Director of Operations
Joe Irace, Architect
Dale Vandenberg, President, Hillside Greenhouses, Inc.
Jeremy Gorelick

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Chairman Nichols opens the meeting at 7:05 p.m. and leads everyone in the pledge of allegiance.

PUBLIC HEARING 7:05 P.M. IDEAL SNACKS LLC SITE PLAN APPROVAL 95 MILL STREET

Chairman Nichols: I'm opening the public hearing now for Ideal Snacks LLC.

Chairman Nichols reads the legal notice into the minutes.

Glenn Smith: I brought a larger site plan tonight for you to see. Joe Irace is also coming with new renderings of the proposed building. A few very minor modifications were done in accordance with comments made by Rettew Engineering. The building is 150' x 150' one-story warehouse building on Mill Street to be connected to the existing warehouse with a bridge spanning across the Mongaup Creek.

The building wall on the Lincoln Motel side has been pushed back to allow a space of twelve feet from the property line to allow access to a series of propane tanks that'll be relocated in this vicinity. It'll also open up an area that could allow for an additional

fourteen (14) parking spaces. I'm also showing some designated parking in this area here that'll allow for another twelve (12) parking spaces. At the last meeting there was talk that the expansion would create the need to hire an additional ten (10) employees so we felt the additional parking was warranted. There are about twenty-six (26) parking spaces being provided for here. That's essentially the only changes we made since our last meeting.

Chairman Nichols: Do you have anything to add, Joe?

Joe: We've decided to go with a flat roof rather than peaked.

Dan: Joe, you've seen those pre-cast lights out in front along Mill Street?

Joe: Yes.

Dan: The Chamber of Commerce actually has seven (7) of those and one (1) pole and they'd be able to provide them to you, not all of them but perhaps 2 or 3 of them to make the front of the building look attractive.

Joe: Thanks for the offer. We'll consider it.

Chairman Nichols: Well, since this is a public hearing, are there any members of the public here who have questions about the project?

No response.

Chairman Nichols: I do have one letter here from Angela Page. Since she's not here tonight, I'll read it to everyone. It's dated October 21, 2011. It reads,

"My name is Angela Page and I live at 45 Dwyer Avenue in Liberty and have lived there for roughly 20 years. I am writing about the Ideal Snacks plant and the fumes that emanate throughout the village from the plant. Over the years this is becoming increasingly unpleasant and more intrusive. My walks around my neighborhood for good air are not providing good air. The air is thick with sweat and greasy smells that coat my tongue and mouth. The area around the graveyard where I have been doing walking loops almost daily for roughly seven years is proving difficult and beyond unpleasant at random hours of the day. Besides having my walks outside my home affected, I woke recently at 5:30 a.m. with the sweet and greasy smell coming into my windows of my home. I had to close up the windows and wait for the smells to subside. I miss the fresh air that used to be omnipresent. This is an area known for its good air from the days of the TB centers. Please help maintain this. Perhaps others have noticed this increased horrible smell, but have not the time to write. Is there no way that these releases can be capped? For local residents it is a distasteful smell, ruining our air and lessening the property values for anyone in the immediate area of that facility. Please let me know what can be done. As I said, it seems to be stronger and more omnipresent. Thank you. Angela Page 292-8715."

Zeke: This is the first complaint I've ever hear about it.

Chairman Nichols: There is a considerable smell that comes from there periodically but I don't know that there's anything that can be done about it. It's incumbent upon me to bring this to your attention so that you can possibly address the problem.

Attorney Chapman: Inaudible comment/question.

Chairman Nichols: If I understand correctly, by relocating your warehouse to the new building it creates the potential to expand your lines within your existing building.

Zeke: It does.

Chairman Nichols: I would be remiss if I didn't ask you to look into it.

Zeke: Noted.

Chairman Nichols: You received a copy of the water reports generated by John at the sewer plant?

Glenn: Yes.

Chairman Nichols: I don't know that I have the expertise to understand it all but the products that you have individually are OK but they do combine somehow chemically?

Jim: I'm not so sure that they do cross-link. They may react in the sewage treatment plant and we have no doubt that some of the stuff is coming downstream. The question is obviously the volume. The BOD that they're seeing is absolutely correct. In the minor flow of what's coming out of the plant, which is, on average, just less than 10 gallons per minute, a five-pound bag of flour and a five-pound bag of sugar would create that BOD. But it's not a tremendous amount. I would highly doubt that Zeke loses a 55-gallon drum of oil throughout the day during the cleaning processes. Not only is it tremendously expensive but if you walk through the plant to get that kind of flow on a daily basis down there, you wouldn't be able to walk through there; you'd be slipping all over. There'd be oil dripping from the drums, from the equipment and so on. This is not what we're seeing. When we were down there, the operator was saying that he was taking it away with a bucket loader by the bucket. That's a tremendous amount of oil. When they're doing their washes, they would be seeing more volume in their oil separator, which they have. We've discussed it and come up with the consensus that we'll take some samplings to verify that.

Chairman Nichols: Please do. If there's a way that we can solve this to everyone's satisfaction, that's exactly what we want.

Zeke: I just want to address the board by saying that we continue to spend capital on this. I'm sure you know that based upon Bipin's suggestion, we've installed an additional tank to help alleviate the problem.

Chairman Nichols: And that's great. If I understood what was discussed before, this all has to do with temperature. That's the reason for putting the tank in?

Zeke: That's correct.

Bipin: We're just trying to cool it down. They wash in a very high temperature. The additional tank will allow the temperature to cool down, allowing the oil to rise to the top so it can be pumped out and leaving the water to be discharged into the sewer. As Jim, mentioned, we'll be doing the sampling at Ideal and at various locations in the Village. We'll look into the composites and discuss it further.

Attorney Chapman: Bipin, can I ask that you coordinate your sampling with the Village Engineer because, what I don't want to have happen is when this process is complete, you come back and say X, the Village Engineer with his own independent results comes back and says Y, completely opposite results and we're no closer to a solution. It does relate to the production of your product, it sounds like it's a legitimate part of the site plan review. I think it very useful for you to coordinate your efforts with the Village Engineer. Delaware Engineering is in the Village quite often.

Glenn Smith: Whom do I contact?

Attorney Chapman: Dave Ohman.

Chairman Nichols: We need to solve this and again, you should try to look into the smell also. Anyone else have any comment?

Dale: I like the fact that it's a viable business.

ON A MOTION BY STEVEN GREEN, SECONDED BY CARLTON FISK AND UNANIMOUSLY CARRIED, THE PUBLIC HEARING IS CLOSED AT 7:29 P.M.

There's further discussion about water temperature (140 degrees), the purpose of the new tank, etc. and the fact that the village has requested new samples be taken.

Glenn: Has that been done yet?

Trustee Stoddard: No, I don't believe so.

The discussion goes on and on.

Glenn: Chairman, how do you want to handle the SEQR? Do you want to go through it now?

Chairman Nichols: Let's wait until you get the test results first.

Zeke: How long?

Chairman Nichols: We have 60 days to render a decision. I don't want to wait that long but I do want to see the test results first.

Pam: On average, how long does it take to get test results back? Could we have the answers we're looking for before the next meeting?

Bipin: The BOD could take 7-10 days. It depends upon the lab you use. It depends on the test. It's really hard to say.

Glenn: When is the next meeting?

Pam: November 10th.

Glenn: Is it possible to have a special meeting sooner if the results come in sooner?

Pam: It depends. I need five (5) days to advertise the meeting.

Glenn: Did you get a copy of the County 239 review?

Chairman Nichols: Yes, I did. It came back with a favorable review.

Zeke: I guess I misunderstood. I thought that after this public hearing, we'd get approvals to go forward. I have heavy equipment coming in tomorrow morning to continue working in the stream and on the bridge. Time is of the essence. We'll address these issues but I may have to withdraw my application if I don't get approvals within a week or so- this is becoming problematic.

Jim: I have a question. Can you condition the approval by restricting any new production lines until the violation is resolved? That would cover the Village from an environmental standpoint.

Attorney Chapman: How long is it going to take to get the tests done?

Jim: That's the problem. It could take over a month to get the lab to process the results, depending upon the lab. That alone could tie this up for another six (6) weeks. I don't have the ability to fast track it.

Bipin: BOD will take at least a week, and scheduling the testing with Delaware will take a few days, ammonia will take a week also. What Jim says is correct. If the approval could be conditioned upon the results we could continue to move forward.

Attorney Chapman requests an executive session with the board at 7:45 p.m. to discuss legal matters pertaining to Ideal Snacks LLC.

The Board comes back out of executive session at 8:28 p.m.

Chairman Nichols: We think we may have a solution now.

Attorney Chapman: I think what the Planning Board has to do now is consult with their engineer on this and try enter into a written stipulation that allows the Planning Board to give site plan approval. I think the board should schedule another special meeting next week.

Chairman Nichols: The other thing is that, if you so desire, you can see Pam about getting your demolition permit for the garage and proceed without delay. None of us have a problem with the site plan itself.

Trustee McGuire: I have a question. I know I came in late but what is the building being used for, strictly warehouse?

Joe: Yes

Attorney Chapman: I think the reality of it is that the warehouse is not connected system to the existing warehouse. The reality is that this problem has existed for some time now. The purpose of the stipulation is so that you know where you stand, the Village knows where it stands and that enables this board to act in good faith to say, "Yes, we understand that there are environmental issues, we've addressed them, you're dealing with them, " and we have a written agreement to that effect. I think that's a reasonable course of action.

Glenn discusses the EAF again.

Chairman Nichols: We want to come away with a neg dec on this.

Jim: I have a question. With Delaware Engineering, are they sampling in various parts of the Village or just at Ideal? One of my concerns is that the guys at the sewer plant are 100% convinced that the entire problem lies with Ideal Snacks. When we were at the last meeting, you guys brought up about some other places and I just want to make sure that when we're sampling that all lines are sampled.

Chairman Nichols: We should sample at Ideal, various lines and at the plant. We're looking to set some kind of parameter.

Bipin: We should do some other locations. My concern is what the attorney pointed out regarding he says X we say Y. The way I look at it is if even though Ideal might be in violation, the flow at the plant is so minimal, that we should also be looking at others. If the grease is an issue, it's been going on for years. Conditioning the approval is one way to deal with it without causing a delay in the project.

Bipin continues to explain the workings of the sewage treatment plant.

Zeke: I want to thank the board and everyone here in trying to resolve this issue and understand that we're on a strict time line here. If this is going to be about engineering we need to have time to get this done. Another thing you should know is that we haven't

closed on the property yet and will not close until we have approvals so we can't file for a demolition permit now. We're not comfortable with proceeding without knowing that we're approved. I think I'd be willing to put up a bond with conditional approval when issuing the C/O. Come up with a dollar amount.

Chairman Nichols: We're not qualified to come up with a dollar amount. The engineers should get together in coming up with a bond amount that's reasonable.

Zeke: What we're suggesting is that we're acting in good faith. We've hired the experts; we've already installed one tank.

Attorney Chapman: It helps immeasurably if they're going to approve this project next week if there's a bond on the table.

Zeke: OK.

Trustee McGuire: What about a letter of credit instead of a bond?

Zeke: No. I'm not doing a letter of credit. I'll do a bond.

Joe: Then next week you'll do the SEQR

Chairman Nichols: Absolutely.

Steve: The old Grossman Tire building, you're putting parking behind the building and now you're accessing the property from the right side of the building. This has already gone to the County for review. Does it have to go back to the County again?

Pam: Not unless the sites plan has substantially changed.

Steve: They're using this as a driveway.

Chairman Nichols: They'll have to install a curb cut.

Glenn: This is being used more as an access way to get to the propane tanks than it is a driveway. We can always eliminate that parking area, thus eliminating the "driveway"..

Joe: We don't want this to be an issue.

Chairman Nichols: It's not an issue. Let's schedule another meeting Wednesday, Thursday or Friday. What's your pleasure?

Zeke: Wednesday

ON A MOTION BY STEVE GREEN, SECONDED BY CARLTON FRITZ AND UNANIMOUSLY CARRIED, THE BOARD MOVES TO SCHEDULE A SPECIAL

MEETING ON WEDNESDAY, NOVEMBER 2, 2011 AT 7:00 P.M. PAM IS DIRECTED TO POST A NOTICE ON THE FRONT DOOR ACCORDINGLY.

Zeke: Who's going to figure out the cost of the bond?

Dan: Delaware Engineering with Glenn.

Zeke: I'd be willing to post at least a \$10,000 bond.

Chairman Nichols: They'll figure that out.

**# 14-11 Hillside Greenhouses, Inc.
1 Kaempfer Lane
Minor 3-lot Subdivision**

Dale VanDenberg and Jeremy Gorelick are present in this matter.

Jeremy: Good evening. I'm Jeremy Gorelick and I'm here tonight with Dale to present a three-lot subdivision for approval. Effectively, the reason why Dale is looking to change the way that his existing parcel is delineated is because right now he has a weird line running through the property. He's looking for your approval of a three-lot subdivision that separates the commercial business from the two residences.

This is being for long-term estate planning for Dale and his wife and family. Pam has already looked at the plan and has determined that it meets all of the zoning requirements. Does anyone have any questions?

Steve: At this point I have to recuse myself from this application. I'm the surveyor who did the field work for Joe Woods.

Chairman Nichols: Duly noted. The 6.77 acres is this whole piece?

Jeremy: Yes.

Chairman Nichols: Is this road in? Is there actually a road there?

Dale: No. It's really just a path. Winthrop Avenue dead ends right here. This is a saw pile here. There are two ruts that go around the property here.

Chairman Nichols: It encroaches right here.

Dale: It's been like this since I purchased the property in 1963. This is the old railroad bed from years ago.

Dan: Who owns this up in here?

Dale: Jaffe as far as I know. I'm not sure. He might have sold it. Dennis Anastasis owns this parcel here. I don't know who actually owns the O & W Railroad here.

Dan: Is that part of the Rails-to-Trails?

Dale: No, the trestle is gone. Last I knew Baum had something here.

Chairman Nichols: Is this garage yours?

Dale: Yes, it's a 30' by something building.

Chairman Nichols: This is a weird set-up.

Dale: The garage holds four (4) trucks so it's better suited for commercial purposes. What would a residence use a garage that size for?

Dan: If you want to sell this to someone, maybe they don't want the trucks around. I'm just looking at it from your standpoint.

Jeremy: The intention of the subdivision is to be able to stay in the residences if the greenhouse is sold. The garage enhances the value of the commercial piece.

Chairman Nichols: This house here has no particular driveway within the boundaries?

Jeremy: Kaempfer Lane is a paper road that runs through all of it.

Chairman Nichols: This parking here is all for the greenhouse.

Dale: It's used by the greenhouse but used by the houses too.

Chairman Nichols: I understand but you're trying to separate something that's used by everyone. How do we work this without a dedicated road?

Attorney Chapman: There's no access?

Chairman Nichols: There's access is there but it's a private road. If we're going to separate this, this needs to be determined.

Jeremy: They're essentially landlocked.

Dale: You'll need an easement.

Attorney Chapman: The residences are there already?

Dale: Yes.

Chairman Nichols: The easements will have to be part of the separation. It'll have to start at the beginning of the street.

Jeremy: So you'd like to see easements for all three of the properties from point where this intersects with the Village road?

Chairman Nichols: Yes.

Jeremy: Are there any other items you need to allow the subdivision to go through?

Carlton: Dale, how do you get water to the houses? Does it go through the main house and then through to the greenhouse?

Dale: It's off of one line. There are three meters on the line and there's another one here for emergency purposes.

Chairman Nichols: The easement should be as wide as a village street and include water and sewer.

Dale: No problem.

Jeremy: We'll get language that's typically used in the Village to specify the width and I'll just replicate that for the three parcels describing the easements in detail for each parcel.

Attorney Chapman: My gut reaction is that you should contact a professional surveyor or engineer to lay it out. You're making a very nice presentation but if you're going to subdivide land, you're going to need a deed description, lot lines and all of that standard stuff.

Jeremy: OK. We want it to be done quickly and correctly. When would be the next time we could come back in?

Chairman Nichols: November 10th.

Jeremy: Are there any other things you think may be problematic?

Chairman Nichols: I don't see anything.

Dale: Can we come to next weeks meeting?

Chairman Nichols: No, you need a public hearing and there's not enough time to advertise is legally.

Jeremy: We'll see you on the 10th.

ON A MOTION BY DAN RATNER, SECONDED BY CARLTON FRITZ AND UNANIMOUSLY CARRIED, THE BOARD MOVES TO SCHEDULE A PUBLIC HEARING FOR HILLSIDE GREENHOUSES INC ON NOVEMBER 10, 2011 AT 7:05 P.M.

ON A MOTION BY DAN RATNER, SECONDED BY CARLTON FRITZ AND UNANIMOUSLY CARRIED, THE MEETING IS ADJOURNED AT 9:06 P.M.

Respectfully submitted,

Pam Winters, Clerk

Approved: November , 2011