

# **Regular Planning Board Meeting**

## **January 7, 2011 7:00 p.m.**

### **Present:**

Don Nichols, Chairman  
Steve Green  
John Webber  
Dan Ratner, Sr.  
Carlton Fritz  
Langdon C. Chapman, Village Attorney  
Pam Winters, Code Enforcement Officer

### **Also Present:**

Joan Stoddard, Trustee  
Heinrich Strauss, CDC  
Allan Scott, Chairman, Sull. Co. IDA & CEO Sullivan County Partnership  
Barbara Garigliano, esq., applicant  
Russell Ahrens, retired Village Sewer Supt.  
Joel Gandula, Owner of Immaculate Concepts  
Dan Ratner, Jr., Phoenix Corp.  
Leonard Sparks, reporter, TH-Record

.....  
Chairman Nichols calls the meeting to order at 7:00 p.m. and leads everyone in the pledge of allegiance.

**ON A MOTION BY CARLTON FRITZ, SECONDED BY STEVE GREEN AND UNANIMOUSLY CARRIED, THE MINUTES OF THE OCTOBER 14, 2010 MEETING ARE ACCEPTED AS SUBMITTED. NOTE: NO MEETINGS WERE HELD IN NOVEMBER OR DECEMBER 2010,**

### **NEW BUSINESS: INFORMATION ONLY**

#### **JOEL GANDULA – IMMACULATE CONCEPTS**

Note: Dan Ratner, Sr. recuses himself during this portion of tonight's meeting.

Joel: I'm interested in purchasing a vacant parcel of commercial land located on North Main Street. My plans are to relocate a portion of my existing used car sales business from the current South Main Street to this site. Phase 1 of my plan is to establish a used car sales lot on the front portion of the property; Phase 2 will be the eventual construction of a building to be used for service and repair of the vehicles.

The property was recently offered for sale at the County auction and purchased by Peter Belgard. Before I actually go forward and buy the property from him, I wanted to present my ideas to the board so I can get your feeling of how to proceed.

John: Where is the property again?

Dan, Sr. It's right before the old iron foundry, it's between Brian Rourke's rental unit and Phil Beliaowsky's building and the old iron foundry on the same side of the road.

Pam It's actually between 459 and 467 North Main Street.

Chairman Nichols: Is there any side set back here?

Pam: No. In the C-Commercial District, the sideline setbacks are zero (0). The front setback is 20' and the rear setback is 30'.

Joel: Is that setback meant for everything?

Pam: No, it applies to permanent structures only.

Joel: The reason I ask is because my brother-in-law (Dan Ratner, Jr.) will be hired as the contractor doing the grading and landscaping on this project.

Chairman Nichols: So what you're looking for tonight is to see if we would look favorably upon Phase 1 because obviously Phase 2 would require much more information.

Dan Jr.: Joel is familiar with the usual site plan requirements since he's already gone through it with his existing business. He just wants to be sure that he'll be able to do what he wants to do before spending money to purchase the property.

Chairman Nichols: How many cars do you plan on having here?

Joel. He's estimating somewhere between 30 and 40 cars. We'd like to figure on the high side, actually.

Chairman Nichols: These will be used cars, not any junk cars, right?

Joel: Yes. I'm currently approved for 13 cars at my other location and I'm running out of room. I lease the property on the corner with an option to buy from Mary Morana but her asking price is ridiculous.

Chairman Nichols: Do you have any problems or questions, Pam?

Pam: No, I just need to know which way he's going tonight. Is this simply fact-gathering information-only session or is Joel asking for something more because I have no completed application, survey or fees.

Joel: I brought everything with me tonight just in case.

Chairman Nichols: Does anyone have anything else to add, any thoughts?

Steve: I'm not happy about it. It's adding another car lot in the Village.

Carlton: It's better than the lot sitting there vacant doing nothing. It'll increase in assessed value and we're supporting the growth of an existing business in the Village.

Chairman Nichols: Will you have used cars on both lots?

Joel: Yes.

Chairman Nichols: At this point, there is a basic consensus that you have our support in the development of this property. I don't foresee any problems with it.

**CONTINUED REVIEWS:**

**LIBERTY RED MEAT PROCESSING PLANT  
SITE PLAN REVIEW  
WILLOW LANE**

Chairman Nichols: I went down to the sewer plant and spent some time with John (Picard) and went over the plans, walked the property again and actually thought he would be here to go over the plans....

Dan: Here, use mine.

Chairman Nichols: The portion of the road that you're going to rebuild is where it is right now. It's in the same location.

Barbara: We're coming in off Willow Lane; we're not doing anything here. We're developing here which follows, to an extent, the existing Village Road.

Chairman Nichols: You're also going to pick up the water coming down from here.

Barbara: That was a concern that the Board had expressed to us and we said that, as a part of this process, we would address that so our development helps your problem.

Chairman Nichols: As far as the use of the tank, there are still a couple of problems. Your husband says that the DEC will not allow chlorination. He said that came from Mike Weeks. Mike Weeks tells me that he never said that. Whatever the case... But

Russell brought up a point. Where you want to go down to this tank, there's two tanks in there and there's a lot of jack hammering that's going to be needed to get to that tank.

Barbara: Have our engineers ever seen these plans? Because I have to believe that they haven't seen this. Can we get a copy of this?

Chairman Nichols: Of course. Russell, could you come up here please.

Dan: This is the tank that you're looking at. It's in line with the system now. This is the one that they would use to de-chlorinate from if they had to in an emergency, right Russell?

Russell: Yes. There's no chlorine presently down there. It's ultraviolet disinfected. The tank you're looking at is a back-up chlorine contact tank in case something happens to the UV system.

Dan: But that is what they'd have to use if the UV unit went down.

Russell: Right.

Dan: So if this were taken out, we would not have a secondary option to the UV unit.

Russell: No.

Dan: And what would happen then? We'd be shut down?

Russell: You'd have big problems.

Dan: When I spoke with John, he said that this review or discussion didn't go far enough because although this tank hasn't been used, it's there in the event it's needed.

Barbara: I understand that. Is this idea even a feasible option today given that the plans are dated 1983?

Dan: Yes. This is all still in line.

Barbara: Is it still useable?

Dan: Yes

Barbara: But you've never used it. How do you know? Is it still OK with the DEC to use?

Chairman Nichols: No we've never used it. And we don't know because we can't get anything from the DEC one way or the other. If your husband is correct, the DEC should tell us that we cannot use this tank as a back up because they won't accept chlorine as a

back up treatment, but we can't get anything out of the DEC saying that. Mike Weeks says that's not what he understands the facts to be. So here's another option. See these two tanks here. One of these is 250,000 gallons.

Barbara: Is this on my plan?

Chairman Nichols: Yes. It's right here. They're right on your parcel. They're about 21' deep?

Russell: The large one is 20' sidewall depth and 26' depth to the center and has a 50' diameter, about 250,000-gallon capacity. The other one is a little bit smaller.

Barbara: And these tanks are on our property?

Chairman Nichols: Yes. They took the tops and broke them up and let them down in and filled it with concrete pieces and dirt.

Barbara: That's good to know. We had no idea.

Chairman Nichols: The problem I see with these tanks is elevation.

Barbara: We're not going to get the slope we need.

Chairman Nichols: The water you're going to pick up is coming from up here. If you brought the road up a hair, the only water you'd have going below this point is just a little bit of rainwater from here.

Barbara: Depending on where the tanks are, I'm not so sure. They might be right in the middle of my building. I'm certainly not an engineer but it's something we'll look at.

Allan: What if this isn't possible? What's next? Where do we go from here?

Chairman Nichols: I have a question for the Village Board. Do you want this project to go forward?

Joan: Yes. We want this project to go.

Chairman Nichols: The only thing that I can see is that we have to get something from the DEC that says they will not allow this chlorination and since the UV system is a six-month system (May-Oct) that if the system goes down on the 2<sup>nd</sup> of May that the Village won't be fined until we get it fixed.

Russell: You'll never get something like that from them. The next problem you're going to have with this using that tank is that the pipe coming out of there is only 18" going out of there. If you're pushing water down to that tank, water's going down through, a heavy rainstorm comes along, the brook rises and backs up, what's going to be?

Chairman Nichols: What you're saying is that it's not high enough.

Russell: It's not. If you could use the larger tanks up here, there's a gully down through here.

Chairman Nichols: You could dump into this gully and it might, in fact, be cheaper for you.

Steve: A worse case scenario, if the elevations aren't right, you could pump it.

Barbara: No we cannot. We can't afford that. Are you kidding me?

Inaudible conversations-I have two different conversations going on at the same time, one between Chairman Nichols and Barbara Garigliano and the flow of the two streams and another between Dan Ratner and Allan Scott regarding what is and isn't part of the current sewer plant permit and piping.

Barbara: There's a pipe here that runs beneath the railroad tracks. It has not easement and we don't know what it's for.

Chairman Nichols: It's probably just a culvert pipe for drainage.

Russell: It's there but I don't know how big it is.

Carlton: I know it's very wet through there.

Dan: So it seems you have to shoot some elevations.

Barbara: No, we have all our elevations done. The problem we're having is that we have elevation for our site; we just don't have elevations for your site, which is why we need a copy of those plans.

Dan: There are plans down at the sewer plant. In fact, there are hundreds of plans at the sewer plant.

Barbara: That's what we've been asking for. Somebody shot these elevations; somebody has those plans on a CAD machine. If we could get a copy of them, it would really be beneficial

Dan: These plans aren't on any CAD machine. There were drafted in '83. They didn't have CAD equipment back then.

Russell: This tank is higher than this one. This property is higher than this one (the poultry plant in the Town)

Chairman Nichols: The only thing I saw when I was there is that there's a pipe running between these two. I don't know exactly how big it is.

Barbara: They're one-foot contours?

Dan: Topography was cheaper back then.

Barbara: I guess it was.

Dan: This is 1505 here. We don't have anything to compare it to on theirs. We need the other sheet that shows this copy here.

Chairman Nichols: I looked at some of this and I think your road is back up here. You can get to at least one of the tanks from here. But here you're going down. If I'm not mistaken, it was about 1104. It was only about 7-foot difference at the bottom end of your road.

Barbara: I know that from here to here there's a 50-foot change.

Chairman Nichols: Yes.

Barbara: That's the problem we've gotten into with a lot of things with respect to railings and everything else that we're trying to grade around. This jumps up steeply which is why we did away with this whole thing because that was completely crazy.

John: If I read this right, the tank bottom is still higher than this tank.

Chairman Nichols: Oh, it could very well be.

John: It's a 50-foot tank?

Dan: No, 50 feet in diameter.

John: How deep is it? It slopes in the center.

Barbara: 26'

Dan: If we can get you the other topography to coincide with this, then at least you can compare apples to apples.

Barbara: That would be great.

Chairman Nichols: If you've already got everything here...

Barbara: I just need to tie this into here.

Chairman Nichols: You need to tie one to the other. My point is that I don't think that you can ditch everything off this side of the road at the low level. You have to come in higher but that isn't a big deal. If you come across here, a small ditch here will handle water that's here that's not going into here.

Allan: You say this is no big deal but Barbara's laughing...

Barbara: We're really tight with our budget. There is no money left in our budget.

Allan: The other thing is Mike Weeks. In a conversation I had with him some time ago he talked about a very simple storm water detention pond possibly on Village-owned property with an easement from the Village.

Chairman Nichols: This is the area here than he was referring to.

Allan: If we go with the budgetary concept of Mike Weeks, a very simply designed storm water detention pond on Village property with a Village easement, how does that stack up expense-wise? I think you're more knowledgeable than I on this.

Chairman Nichols: I really don't know. What is this area like down in here? Is it wet?

Russell: It's fairly wet. That's a good option to consider.

Barbara: The expense should be determined by the amount of flow; the larger the pond, the higher the expense.

Allan: I think that Mike described is as one week of bulldozing.

Again, two different conversations going on at once... Note: No one mentions the fact that the construction of a detention pond and easement on Village property needs approval from the Village Board first. It should not be assumed that this is OK to do.

Barbara: Tell me where the concrete is again.

Chairman Nichols: The salt shed is here.

Barbara: So I have two big concrete something's right about here.

Chairman Nichols: Yes.

Barbara: This plan is going to show everything? There are no more surprises?

Russell: This area has a lot of concrete tanks buried in it.

Dan: You're looking at years of old, abandoned sewer tanks that were just buried.



Barbara: That's why you've been having a sheeting problem. There's no absorption; it's all concrete through here.

Chairman Nichols: I would say that you should make an appointment to go down to see John at the sewer plant and see the plans he has.

Barbara: You're telling us to go down there? Will he talk with us?

Chairman Nichols: Sure he will.

Barbara: We've been asking for this all along, since June or July at least.

Dan: I don't think you asked anyone here.

Barbara: Oh yes we did. We all sat here at the table in July.

Dan: I started in a year ago in March. I've never missed a meeting and there was never any request.

Chairman Nichols: I never knew we had this.

Barbara: That's what I'm saying. It's not that I haven't asked. You just didn't know you had this.

Allan: Mike was asking for the plans and nobody had the plans then.

Chairman Nichols: That's what I'm saying. I think you should go the plant and look at the plans yourself and see what's where.

Barbara: It'll be meaningless to me. I have to have our engineer's look at it.

Russell: There may be some more plans in this building down in the records room.

Pam: I couldn't get into the records room. The door was blocked by police vehicles.

Dan: I spent a long time looking for these plans. There are a lot of plans there. There are original plans, change orders, as-built plans.

Chairman Nichols: I'm sure that if you give Russell a call, he'll go down there with you.

Allan: I'll do that.

**Other Business:**

Chairman Nichols suggests that the board go into executive session. No formal motion is made, though, since no one from the public is present. The only people present are the board members themselves.

Chairman Nichols distributes a memo to all board members. Said memo is attached as an addendum to this month's minutes. Each board member reads the memo. There is no comment and no discussion regarding this subject matter.

**ON A MOTION BY JOHN WEBBER, SECONDED BY STEVE GREEN AND UNANIMOUSLY CARRIED, THE MEETING IS ADJOURNED AT 7:50 P.M.**

Respectfully submitted,

Pam Winters, Clerk

Date: Jan. 12, 2011

Date Approved: Feb. , 2011