

# Town of Vestal Planning Board Meeting September 11, 2012

7:30 P.M.

Present: Chairwoman, Joyce Majewski  
Board Members: Bob Bennett, Bob Warner, Ed Zimmer and  
Madeleine Cotts

Also present: Gary Campo, Town Engineer; Carl Truman, Fire Marshall; and  
Emil Bielecki, Town Clerk

Chairwoman Majewski appointed Madeleine Cotts as a voting member.

## 1). **Approval of past minutes**

Motion by Bob Bennett to approve the August 14, 2012 minutes,  
second by Madeline Cotts, motion passed with all members voting  
in favor.

## 2). **Buffet Star,** BCTMP#159.09-1-12 4089 Vestal Road 1,380 SF addition and add more parking

Annie Tung

James Kilcy, Architect LLP

Requesting to add on a 20 x 70 foot addition on the side of the building,  
adding some handicapped spaces and redoing the whole parking lot as  
far as finishing the top coat of the paving, stripes and landscaping. To  
make up for the addition they did purchase the property west of the  
restaurant.

Gary stated in 2010 the SWPPP paperwork was not completed for various  
reasons, and he needed approval from Rick Woite, the designer. He thinks  
everything was done on the SWPPP but was held up because of the new  
rules about establishing the SWPPP into the deed, so he was not able to  
give the notice of termination that had to get to Albany. Now a SWPPP  
amendment is needed as it is being modified.

*Site work cannot be started until the SWPPP modification is completed.*

Bob Bennett stated Broome County has an issue with the storm water  
leaving the site.

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### **Engineers Review list:**

Zoning is OK, setbacks are OK; parking is OK, added 8 more spaces, more than required by code; drainage was stated, modify the SWPPP and the Broome County issues; landscaping, nothing new except relocating existing landscape to somewhere on the site but it needs to be better maintained; elevation view is not a concern; no lighting issues; dumpster presently is not screened and it needs to be; grades are ok; building does have a sprinkler system, and the new addition will be also; there is a hydrant on site; it is not in the flood plan.

There is a restaurant grease separator, however, the Town of Vestal is not getting the pump records. They need to be completed and sent on a regular basis. *The contractor needs to send that to us. We need to get more involved in that. Ed Zimmer asked how often does that have to be done?* Gary states there is no written requirement because each restaurant is different. Town of Vestal is in the process of developing better grease rules. 2.39 I&m was sent on 8-30-12 and BC Highway has an issue with the storm drain. DOT wrote back they have no concerns.

No Town Board or ZBA issues; SEQR attached; Fire department Knox box, street numbers, water device backflow are all ok; Engineered stamped plans received; they are within water and sewer district; the Planning Board fees have to be paid, \$125.00.

Gary Campo did mention the two punch lists, one dated 8-6-10, and 9-6-12. The first punch list was given to them in August of 2010, after phone calls, they did complete some requirements but not all of the requirements were met and they need to be addressed. Some areas where the grass has not grown, needs to be reseeded; the slopes need to be mowed at least once or twice a year, the SWPPP needs to be modified; dumpster needs to be screened; wood paneling at the rear of the building was not in the original plan, debris scattered around, *what do they do behind it?* Gary said he saw mops, cans, pails, hoses. The image is not good from the outside. Ok to change it to a block wall so people cannot see the stuff. If cleaning is being done, it has to stop.

Top coat of blacktop was not done but they will do it this time. The sewer lateral clean-outs need to be cut to within 6" of grade.  
New signage in front of the building, "DO NOT ENTER" sign;  
Electric pole in new parking area may need to be relocated.

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They built a shed in the back but did not get a permit for and they need to apply to Code for them to issue it. A cooler maybe going in there; electrical inspection will need to be done.

There is still construction debris on site from the original construction that needs to be cleaned up as well.

Bob Bennett states when the site plan is to be approved, recommendation to the building official that a certificate of occupancy is not issued until the engineering department's check list has been satisfied. Joyce states she wants to see the completion list from 2010. They stated it was going to be completed with the original application. We are all for the expansion but we can not continue to wait for years for a completion of these items.

Joyce recommendation is that we tabled this because of these pending items, particular because of the SWPPP plan and ask hem to return next month. And our hope is that the outstanding items from the punch list are completed before you come back for the approval of the addition.

Agreement to **table Buffet Star addition**, motion made by Ed Zimmer, second by Bob Warner with all members voting in favor.

### **3). Discuss Vendor Permit**

Emil Bielecki, Town Clerk gave these numbers for vender permits explained to the board how the vender permits work

***Peddler's, Solicitor & Hawkers good for one month.***

\$100 for 2 persons

\$150 for 3-5 persons

\$200.00 for more than 5 persons, (code approval though is needed)

\$35 per day

\$100 deposit for clean up is collected which is given back, however there is no inspection and no enforcement.

*And no one does a check on the number of people, although they generally know from past experience how many people are on site.*

*Any duly organized or incorporated local, civic or not for profit corporation may obtain a license for no charge upon presentation to the*

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*Town Clerk of proof of same, and license to be effective for no more than 7 days from date of issuance.*

Bob Warner thinks these most of the Vendors need to pick up on a daily basis.

Dominic's in front of Lowe's is not paying a monthly fee. Code Enforcement has sent them a letter. They were a vendor in the first year and then it got lost in the shuffle. No one knows why they stopped paying. If they are on Lowe's property and not considered a vendor they are in violation of having two principle businesses on one site.

Joyce feels when Doug's Fish Fry comes into the Town on a frequent basis they are taking away from business of our local restaurants that pay taxes. They do not pay a fee. *However, they do give 10 percent to the organization they are selling for.*

The Farmer's Market fee is \$25.00 a year per vendor, which was set up to via Lisa Bloodnick. Emil states they can re-visit that. It was a private agreement that we let go. It runs smoothly except for parking on the Parkway.

Recommendation is to change the local law by the Town Board and change the fee.

Madeleine states do we really want some kind of clear division between temporary businesses and real seasonal business like the farmers market, who sell fruits and vegetables.

Bob Warner states the attendance at the Farmers market shows that it is wanted and needed and we need to look at that. Emil states Lisa Bloodnick controls the vendors and the number of people who are there, provide a nice variety of products.

Dave Berger states it is tough to definite it, what is desirable on a day to day and month to month basis, and what is undesirable, and states make a recommendation to the Board on the fees and for the local law to be changed.

Joyce states we need more protection for our permanent businesses that pay there fair share of taxes. We are letting people come in to compete when they set up these trailers, taking share away from our permanent

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businesses that pay their share of taxes and have to comply with all our regulations.

Ed Zimmer asks Emil if he gets any complaints in the Clerks office about these vendors and he stated no. Dave Berger states no complaints to the Town Board either.

Bob Warner suggests moving from \$35 a day vendor fee to \$75 a day and the \$100 monthly fee be moved to \$500.00.

Dave Berger suggests that a copy of these minutes be placed on the Town Board file and ask them for consideration.

Emil will work up a schedule and the Planning Board will let The Town Board know how they feel. They need to decide if they want the temporary food vendors here in the Town of Vestal or not. Planning Board does not want them to be able to stay on site over night.

### **Engineers report**

(Prepared outside of this meeting)

- 1). Change of tenant/owner, 1901 Vestal Parkway East, BCTMP# 158.13-1-32**  
Kevin Fantom, Mariner Finance will now be running Springleaf Financial Serves at location, has been reviewed and approved.
- 2). New block wall, 3101 Vestal Parkway East, BCTMP# 158.10-2-25**  
**Lou Fiore**  
Keystone Associates plans dated 8-24-12 showing a 10-foot high block retaining wall between the Nissan building and used car building has been reviewed and approved.
- 3). Change of tenant, 3201 Vestal Parkway East, BCTMP# 158.11-1-21**  
**Doug Duong**  
Intent to occupy 012 SF of space previously used by Portabello Row with a Vietnamese restaurant has been reviewed and approved.
- 4). Change of tenant, 3101 Stewart Road, BCTMP# 158.10-2-24**

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- Dennis Harding**, Parkway Nissan Volvo, intent to occupy the existing vacant building to expand his car dealership has been reviewed and approved.
- 5). Addition, Hampton Inn & Suites, 3710 Vestal Parkway East BCTMP# 158.16-1-9.2** intent to have 437 SF addition in the rear portion of the Hampton Inn & Suites to expand the exercise room has been reviewed and approved.
- 6). Change of tenant, 4700 Vestal Parkway East, University Plaza BCTMP#159.15-2-34.111**
1. Sami Abdelazin intent to occupy 600 SF space within University Plaza, previously used by Arto's Barber shop for a new yet unnamed barber shop has been reviewed and approved.
- 7). Change of tenant, 305 Vestal Parkway East, BCTMP# 157.18-1-18.2** James Cook intent to expand Sound Go Round business on to adjacent vacant space previously used by Mat's Beads, has been reviewed and approved.
- 8). Change of tenant, 2231 Vestal Parkway West, BCTMP# 172.14-1-5** Julie Monaco, Refabulous Furnishings intent to occupy space with a new furniture store previously used by the Bargain furniture has been reviewed and approved.
- 9). Change of tenant, 1708 Vestal Parkway East, BCTMP# 157.16-1-16** Jason James, intent to occupy space within Parkway Row with a new Italian-Thai Restaurant has been reviewed and approved.