

TOWN OF PATTERSON
PLANNING BOARD MEETING
January 26, 2006 WORK SESSION
AGENDA & MINUTES

- | | |
|-------------------------------------------|--------------|
| 1) Duke Subdivision – Relocation of house | Page 1 - 3 |
| 2) Patterson Village Condominiums | Page 3 |
| 3) The Paddock Sign Application | Page 3 – 5 |
| 4) Rocco’s Family Pizza & Restaurant Sign | Page 5 – 8 |
| 5) AVP Business Products Fill Permit | Page 8 |
| 6) Mezger Wetlands Watercourse Permit | Page 9 – 11 |
| 7) Wyndham Homes Lot 26 Wetland Permit | Page 11 – 12 |
| 8) Burdick Farms Subdivision | Page 12 – 20 |
| 9) Frantell Site Plan | Page 20 – 21 |
| 10) White Birch Realty Site Plan | Page 21 – 22 |
| 11) Field & Forest Site Plan | Page 22 – 23 |
| 12) Eastern Jungle Gym Site Plan | Page 23 – 26 |
| 13) Bear Hill Subdivision | Page 26 – 27 |
| 14) Patterson Little League Site Plan | Page 27 – 29 |
| 15) Plunkett Subivision | Page 29 |
| 16) Boniello Subdivision | Page 29 – 35 |
| 17) Other Business
Site Walks | Page 35 |

PLANNING DEPARTMENT

P.O. Box 470
1142 Route 311
Patterson, NY 12563

Melissa Brichta
Secretary

Richard Williams
Town Planner

Telephone (845) 878-6500
FAX (845) 878-2019



ZONING BOARD OF APPEALS

Howard Buzzutto, Chairman
Mary Bodor
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Martin Posner

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David Pierro
Shawn Rogan
Maria Di Salvo

**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

**Planning Board
January 26, 2006 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 Dave Pierro, Board Member Maria DiSalvo, Rich Williams, Town Planner, Gene Richards, Representative from Town Engineer's Office, Dufresne-Henry, and Ted Kozlowski.

Meeting called to order at 7:31 p.m.

5 Members in the audience

1) DUKE SUBDIVISION –Relocation of House

Rich Williams stated Duke Subdivision is a new application back in the early nineties the Planning Board approved a two lot subdivision off of McManus Road North. There was an existing very large garage on the site which was actually subdivided off on to its own parcel because that was left on its own parcel the Planning Board in the design in the overall concept made a number of requirements that would ensure the parcel was developed in a manner consistent with the zoning of course some of the zoning requirements have changed. The new property owner is looking to come in and build a house in the location other than what was shown on the approved subdivision plat construction drawings. There was a note on the plat, which says the house was not to be relocated without prior Planning Board approval, which is really, why they are back in here. There are a number of issues with what he is proposing to do. I have done a memo outlining what I saw as the relevant issues with the relocation of the house. Essentially, what he is proposing to do there are four different zoning variances that would be required.

The Secretary asked Rich did you speak to him at all I tried and did not get him so I don't know if knows to come next week.

Rich Williams stated he was the one that submitted the letter. Paul told him to submit a letter,

The Secretary stated Paul also told him to go to zoning and when he got to me I said no he needs planning and remember I told you I was not sure if you could approve it or it had to go to the Planning Board.

Board Member Pierro stated Rich could you review your memo when you get an opportunity there is a slight problem with nine and ten.

Rich Williams asked nine and ten.

Board Member Pierro replied yes when you get a chance maybe you could let us know or correct it if there is a ten correct it by the time the next meeting comes or that may even be correct. The Board should review whether, number ten.

Rich Williams asked on Shaw.

Board Member Pierro replied yes.

Board Member DiSalvo stated it does not need the ten foot separation.

Board Member Pierro stated yes there is a separation there I don't understand it.

Rich Williams stated oh.

Board Member Pierro asked is that item ten that you want us.

Rich Williams stated this is a whole different thing. I didn't finish that line.

Board Member Pierro stated yes okay when you get a chance nothing urgent nothing we need to know tonight.

Board Member DiSalvo asked did these people recently purchase this lot or they have owned it for awhile.

Rich Williams replied I don't know. I can find out if you are interested.

Board Member DiSalvo stated well because then they would have known the requirements on the lot right.

Rich Williams stated they would have purchased it with the requirements whether it was ten years ago, five years ago, or last week.

Board Member Pierro stated my other concern is there was a couple of lots up there that were combined when we changed the zoning, Palmeiro's lot.

Rich Williams stated that is on McManus Road south.

Board Member Pierro asked no conflict with this.

Rich Williams stated no. This is a lot that is single and separate ownership not contiguous to any other lot.

Board Member Pierro stated I think this ought to go on the list for site walks that we have to complete.

Board Member DiSalvo stated there is also a memo from the Code Officer about mechanical work being done there.

Rich Williams stated yes I guess he had received a couple of calls that he thought the property owner was doing mechanical work within the garage really that is an issue with a use permitted under the Zoning Code. If he is in violation, he is in violation.

Board Member DiSalvo asked you don't know if it was his equipment or somebody else's.

Chairman Schech stated since there was that much time since the last approval I guess we should do a site walk on it.

Board Member DiSalvo stated yes.

Board Member Pierro stated absolutely.

2) PATTERSON VILLAGE CONDOMINIUMS

Rich Williams stated this is a hold over from the last Planning Board meeting because the Applicant had not appeared. I have to call them to make sure they are here next week.

Board Member Pierro asked do we have any paperwork on that Rich.

Rich Williams replied we do not. It is a hold over.

Board Member DiSalvo asked so we haven't got anything back on the information we requested as far as what is in the shed.

Chairman Schech stated what is it going to be used for right.

Chairman Schech stated okay next Rocco's.

Rich Williams stated no The Paddock, new agenda we talked about this.

Board Member Pierro asked we have a new agenda.

The Secretary replied yes, there is one on the table out there.

Rich Williams stated everything else stays the same.

3) THE PADDOCK SIGN APPLICATION

Rich Williams stated The Paddock is a hold over from the last meeting also at the last meeting the Applicant appeared because he had already erected the sign at that point the Board requested that a violation be issued. I don't know what the status of that is. They had also requested that I go out and meet with him and talk about the lighting issue which,

Chairman Schech stated or he come in and talk to you about it.

Rich Williams stated right well I did go out there on the site I thought that it was easier to go out on the site, meet with him and show him exactly what the problem was. He agreed to remove the lights. He is probably going to remove the lights and request that the sign permit be issued and then if he needs the lights at a later time we can condition it on them being put in down at the bottom if you so chose.

Board Member Pierro stated up to Code.

Rich Williams stated yes but he said he was going to immediately contact an electrician to see what was involved in getting them put down on the ground and some landscaping.

Board Member Pierro asked at this juncture, didn't we approve that at the last meeting.

Board Member Montesano stated no.

Rich Williams stated no.

Chairman Schech stated one of the reasons we didn't approve it because we never approved the previous sign.

Board Member Pierro stated right but I thought we were going to approve it this time out once he fulfilled the requirements of getting the lights installed correctly.

Board Member Montesano stated no I thought we were going to talk about having the Building Inspector go out and issue the violation, have that straightened out first and then.

Board Member Pierro stated I think Tony brought up, Tony Molé brought up the fact that if he removes the lights and reinstalls the lights there is no need for a violation.

Rich Williams stated no there were separate issues; one is being that the sign being that it was already erected was in violation and Mike essentially and the Board seemed to go along with it felt that Paul should go out and issue a second violation because the sign had already been erected. The second issue was the lights being up and they were not going to be in compliance with the Code so essentially there was no way for the Board to approve a new sign so they requested me to make sure the new sign even though it has already been erected was in compliance with the requirements of the Code so then the Board would be in a position to approve it.

Board Member Pierro asked so is the sign correct now.

Rich Williams replied I met with him, I have explained what he needs to do about taking the lights off. He still needs to come before the Board and acknowledge that he is taking the lights off or has taken the lights off and then the Board can act.

Chairman Schech stated or install them properly either one.

Board Member Pierro stated as Rich said he is going to get an electrician. Does he know that he has to come in for the next meeting.

Rich Williams replied yes he does.

Board Member Pierro stated okay fine we will react then. I thought that we could get it off our plate.

Board Member DiSalvo stated well he is not moving too fast either.

Rich Williams stated well because of the weather and my work load honestly I did not meet with him until the end of last week.

The Secretary stated and he was in here looking for Rich and Rich was not available.

Board Member DiSalvo stated okay so he has been making an attempt.

Rich Williams stated he called me a couple of times, actually tried to get me and then found out why he could not get me on the phone. I generally have a line in here on some days.

4) ROCCO'S FAMILY PIZZA & RESTAURANT SIGN APPLICATION

Rich Williams stated Rocco's is a new application for a sign to,

Board Member Pierro asked do we have that application Rich or was that part of last month's work.

Rich Williams replied yes, no it is a new.

Mr. Ligouri stated my name is Michael Liguori I am an Attorney at Hogan & Rossi. I am here on behalf of John Lacage and his two sons who are the owner's of Rocco's Family Pizza & Restaurant. We closed recently on the purchase of the property from Joseph & Antoinette Ravetto. This used to be the Hot Tamale Restaurant. There is two signs on the property. There is a sign on the top by the entrance, which is shown here, and here referring to the photograph and a second sign that is off by the road. You can see the proximity to the road I took these pictures there this morning to give the Board some ideas of what the property looks like. Here is a picture of the sign, both signs are going to be identical as far as the design, the shape obviously is a little different between the two. It is the white background, the red around the Rocco's and black letters for Rocco's.

Chairman Schech asked where is it going to be located.

Mr. Ligouri replied the one sign is going to be here referring to the photograph and the second sign is going to be here.

Chairman Schech asked could you hold that up a little more so we can see it.

Board Member DiSalvo asked and they will be both sided.

Mr. Ligouri stated they are both, both sided.

Board Member DiSalvo asked I think there was a note in Richie's memo we don't know if they are illuminated or not.

Rich Williams stated there was nothing within the application, which indicated that they were illuminated so that is something that you need to get into the record clearly both sign structures are lit.

Mr. Liguori stated yes there is interior illumination, the lines going across are incandescent or the fluorescent lighting tubes.

Rich Williams stated I did take a look at this. I did do a memo you do have a memo from me on it. It is pretty straight forward. It was a well done application and it does meet all our code requirements. The only concern that I have and I bring it up reluctantly because I know the Board wants to be fair and I know it wants to be consistent he already does have a sign up and you can see it hanging in the window. You know based on what you did last month with The Paddock are you looking for another violation issued.

Board Member Montesano stated well that is not a permanent sign.

Chairman Schech stated that is like a construction sign.

Board Member Pierro stated as long as it is taken down,

Rich Williams stated okay I just know that everybody wants to be fair and consistent.

Board Member Montesano stated I realize that but you are talking about a piece of paper sitting in a window versus a man that put up a totally different type of sign. This can be removed not to mention the fact that the other signs will be up.

Chairman Schech asked the sign that is off in the woods that they had up there is that still there or is that gone.

Rich Williams asked are you talking about this one.

Chairman Schech replied no there was one,

Rich Williams asked are you talking about the Putnam Lake Blacktop sign.

Chairman Schech replied no it was one of those portable jobs, the flashing ones.

Board Member Pierro stated the flashing lights, it was a Costco sign.

The Secretary stated the Diner had it.

Rich Williams stated no we had made that disappear a long time ago.

Board Member Pierro stated maybe you can indicate to the Applicant that that has to go in the dumpster.

Mr. Ligouri stated okay I don't think they know about that.

Board Member Pierro stated I don't want them to find it and have it appear.

Mr. Ligouri stated not a problem.

Board Member Pierro stated it is on the record that they are not permitted by Code in Town and they can't use that.

Chairman Schech stated the sign that is out front I am sure that will be noticeable.

Mr. Ligouri stated yes by all means.

Chairman Schech stated because one of the problems I think with the site that as people go by they don't know it is there.

Mr. Ligouri stated right without it if you are coming into Patterson from Brewster without the sign here the line of the site before you get to the sign on top of the building is minimal because of the topography.

Board Member Montesano stated if I remember right when it was the diner one of the guys had it, he was supposed to contact Jehovah Witnesses to let them chop that at his expense he was going to take down the hill and have them put something so you can view it as you are coming north.

Chairman Schech stated until he found out how much it was.

Chairman Schech stated okay I don't see any problem with this.

Board Member Pierro asked do you want a motion Mr. Chairman.

Chairman Schech replied yes.

Board Member Montesano asked a motion at the work session.

Board Member Pierro replied yes.

Board Member DiSalvo asked don't we have to do SEQRA.

Chairman Schech stated it was supposed to be done last week so let's get it out of here.

Board Member Montesano stated okay get it out of here and you have to do SEQRA.

Board Member Pierro made a motion in the matter of Rocco's Family Restaurant & Pizza that the Planning Board declares a negative determination of SEQRA and approve the sign application for one building mounted sign and one freestanding sign as described in the application. Board Member DiSalvo seconded the resolution.

Chairman Schech asked for all in favor:

Board Member Pierro	-	aye
Board Member Montesano	-	aye
Board Member DiSalvo	-	aye
Chairman Schech	-	aye

Motion carried by a vote of 4 to 0.

Mr. Liguori thanked the Board.

5) AVP BUSINESS PRODUCTS FILL PERMIT

Rich Williams stated AVP, Audio Visual Products down on Route 22 near the Berkshire Nursery they have recently acquired an adjacent piece of property. They are looking to expand their parking lot and in order to do so they are looking for a fill permit to place fill on the newly acquired parcel.

Board Member DiSalvo asked has that parcel been demolished yet, the house that they bought.

Rich Williams replied no.

Board Member Pierro asked can they utilize the same footprint, the same foundation in their extension there.

Rich Williams replied I don't know what they are going to do at this point. All I know is for certain the application that they have submitted is just for fill to extend their parking lot but the reality is it raises the question of whether they need a site plan really and not a fill permit because what they are doing is extending their parking area.

Board Member Montesano stated they are expanding that is not a fill permit that is going to be a new site. You are incorporating two pieces of property now.

Rich Williams stated it would be a site plan or a waiver of site plan.

Board Member Montesano stated one or the other.

Board Member Pierro stated I would like to look at it.

Board Member DiSalvo stated it is so tight getting out of there.

Rich Williams stated yes very.

Chairman Schech stated we will take a peek.

Rich Williams asked when you said look at it you want a site walk.

Board Member Pierro stated I want to site walk it. I would like to site walk it before the meeting if possible.

Board Member DiSalvo stated so we can point them in some direction.

6) MEZGER WETLANDS WATERCOURSE PERMIT APPLICATION

Mr. Ralph Tarsheen and Mr. Mezger were present.

Rich Williams stated this is a continuation of an existing Wetlands Watercourse Permit. They were last before the Board in August, we did issue a memo, Gene, and I both issued memos on the design issues. I have had an opportunity to review the application, they have addressed some of the issues, and there are still a number of the engineering issues, which have not been addressed. I was hoping to meet with Barry Naderman and Gene today and I guess that meeting was cancelled.

Gene Richards stated right he had contacted me I never did get in touch with you (hard to hear no mic). If I may say one thing, what Barry had told me in conversation basically was he is looking to get the go ahead from the Board that the concept is okay and once he gets that then he will get all the engineering addressed. He wanted to be sure that the Board is agreeable to the concept.

Board Member Pierro asked Rich didn't you have correspondence or a conversation with the DEC about the wetlands issue there.

Rich Williams replied yes. There was an issue that came up, I attended a meeting with the DEC on two very large wetland violations that are pending before the Board that we are trying to coordinate the activities with the DEC. One of them is the Labriola site the other is Shkreli site,

Board Member Pierro stated unrelated to Mezger.

Rich Williams stated unrelated to this, at that time an Officer of the DEC, Doug Gaugler brought up the fact that there may have been some discrepancies in his opinion that they did not need DEC Permits and that he was sticking by his guns that he felt that it was not appropriate for them to obtain an Article 24 Wetlands Permit but at that time he reversed his position and said that he thought they needed an Article 15 Permit for the stream crossing. Clearly, you know the Board has received correspondence from Scott Shealey of the DEC predicated upon Doug Gaugler's opinion that they don't need either an Article 15 or an Article 24 Wetland Permit. So you know the reality is the Board is here to wrestle with a Town Wetlands Watercourse Permit and it is on the Applicant and it is on the DEC to straighten out any issues that those two agencies or individuals might have.

Chairman Schech asked so what is their opinion now. Are they just going back and for

Rich Williams replied I could not tell you what their opinion is.

Board Member Montesano stated I have no idea what their opinion is and it appears that someone possibly has made a typo somewhere.

Rich Williams stated well I don't know I felt that it was appropriate that the Applicant be notified or the Applicant's Engineer, I did, I have talked to the Applicant about it and my job in this is done.

Board Member Pierro asked what concerns me is that any action that we take at this juncture is that going to influence.

Ted Kozlowski stated no I was at that meeting too and I think they are going to have to acknowledge that there is a DEC Permit required because it is a stream crossing. It is within DEC regulated area. They are going to have to get a stream crossing permit from us too so.

Chairman Schech asked now which one comes first.

Board Member Pierro stated we have a party. State your name for the record Sir.

Ralph Tarsheen stated his name. I am a Project Manager for Mr. Mezger. We have a letter as of January 10th which I believe was forwarded to you Richie from the Deputy Regional Administrator of DEC stating you do not need a permit.

Rich Williams stated right and we have that I just referenced that letter.

Mr. Tarsheen asked so what permit do we need.

Ted Kozlowski stated we were at a January 16th meeting.

Mr. Tarsheen stated please have the DEC contact Mr. Mezger in writing what we need. There is two letters from the DEC stating we do not need a permit.

Rich Williams stated we understand that.

Ted Kozlowski stated we don't speak for the DEC Sir so we are talking, this is a work session we are talking about a meeting that we attended. You are really not involved in this.

Mr. Tarsheen stated I am just trying to get the correct information to the Board.

Rich Williams stated they have the correct information. Nobody has made any statements here that are not correct.

Mr. Tarsheen stated I just want to make sure you have the information.

Rich Williams stated we absolutely do.

Mr. Tarsheen stated thank you.

Chairman Schech stated before we make up our mind let's get squared away with the DEC.

Ted Kozlowski stated right, their Regional Supervisor was at the meeting, and they will have to iron that out amongst themselves. It is not our,

Board Member Montesano stated it is not our thing.

Rich Williams stated right as far as I am concerned we are processing a Town Wetlands Watercourse application and we should proceed accordingly if the DEC has any further issues on it they will just follow our lead.

Ted Kozlowski stated it actually was a very good meeting.

Chairman Schech stated all right so you guys keep working on that. I mean this has been going on for how long.

Ted Kozlowski stated a long time.

Chairman Schech stated my agenda keeps getting longer.

7) WYNDHAM HOMES LOT 26 WETLANDS WATERCOURSE PERMIT

Ted Kozlowski stated let me fill you in.

Chairman Schech stated who was never coming back before us again for another permit.

Ted Kozlowski stated yes Joe was very apologetic, I met with him today on the site and what he is proposing Richie is absolutely correct he has to amend the permit for what he is proposing. What I saw in the field is not a major impact but we have to revise the permit, he has got to do the right thing. There is no functional analysis required or anything like that. Quite frankly, I was more concerned about the runoff going on the site.

Rich Williams stated I issued a Notice of Violation. I have to go out tomorrow.

Ted Kozlowski stated you have got to go to that cul-de-sac. Joe promised me first thing tomorrow morning but there is a tremendous amount of stuff coming off there right now even with below freezing temperatures it is just flowing.

Rich Williams stated well they have discharged all their curtain drains.

Ted Kozlowski stated right there is brown water heading right to the wetland and then if you look at Lot 26 the wetland is on one side, the stream corridor is on the other and this house is sandwiched in between and again you are going to have another one of those what is the property owner going to do when they move in.

Chairman Schech stated we know after we close our eyes we know what they are going to do.

Ted Kozlowski stated and in addition, there is another house being built, I don't know what number it is down the driveway, Rich what lot is that, 28.

Rich Williams stated 28 is almost completed, 22 is a new driveway.

Ted Kozlowski stated right the new driveway parallels 28 that stream corridor is getting encroached on by the construction. It is kind of a mess. His request is a non-issue. What is going on around it is an issue.

Chairman Schech asked but we still have to put this down for a public hearing right.

Ted Kozlowski replied right but what he is asking is not a terrible thing. He basically has flipped flop the driveway.

Chairman Schech asked so we are supposed to yell at him for what is going on around this.

Ted Kozlowski replied well I think Richie is doing the yelling.

Rich Williams stated Richie yelled.

Ted Kozlowski stated that really has nothing to do with the permit. It is hard to avoid all the runoff. You have to walk through it.

8) BURDICK FARMS SUBDIVSIION

Mr. Vinny Condito was present.

Rich Williams stated Burdick Farms is back in. There is two submissions that have been made which the Board has to address at this juncture. One is an off site road improvement plan and the other one is the potential deed restriction for the lots that we have received language on, Mr. Condito is here tonight to talk to the Board about the off site road improvements maybe where we are with the issue with the Ice Pond Road intersection.

Mr. Condito stated right I wanted to be able to say that we solved that issue by now but right now we haven't. It does not look very positive. (Hard to hear unable to transcribe someone shuffling microphones around). I would ask the Board for some help in these issues as well.

Chairman Schech stated we didn't create these conditions I don't see why we should get caught in the middle of this.

Mr. Condito stated well I am asking to help fix the existing conditions.

Chairman Schech asked which one are you talking about.

Board Member Pierro asked is that microphone on Sir.

Mr. Condito replied the Ice Pond intersection.

Mr. Condito stated the existing Ice Pond intersection is deemed by the Board a dangerous intersection and we have been asked to fix that intersection so there were three different things that were proposed during the Findings Statement. One was taking the barn property, expanding the property in that direction and I have negotiated as best as I could and that looks to be a dead end at this point although, I will continue. I want to go through the negotiations a little bit. Basically, a year ago we started negotiating I started off at about \$50,000.00 for the one acre property. I based that on basically on a \$300,000.00 price that the property had been bought for six years ago and appreciated its sum and divided it by the hundred acres and came up with \$5,000.00 per acre and multiplied that by ten in order to give a price. The property owner's wanted closer to \$200,000.00 on that. After negotiating they moved down to a \$110,000.00 and I met that price in December and I was offering also to go ahead at that time and pick up the taxes for the year that I would have the option on that piece. I thought that was a reasonable option, I thought we would be able to go ahead and agree with that. Unfortunately, they put the property up on Multiple Listings, they listed it

for 1.25 million and according to their Attorney, they have a contract now to sign for that so they are selling the whole property off for a hundred and two acres and they would not subdivide that one acre for me. Their Attorney won't tell me anything about the new owners. I don't know what their intentions are. I will try to find out and work with them but it is a different situation now that we are talking with a buyer instead of a seller. I also contacted the people on the other side of the street when the house changed ownership. In this case this is the 381 Bullet Hole Road where we were talking about moving the property inwards.

Board Member Pierro stated Claire Burdick's old house there.

Mr. Conditto stated that is correct. So, I contacted those people to talk about possible shaving off some property, they refused to sell just part of the property. They wanted to sell the whole house and I was willing to buy the whole house from them and they priced it at 1.2 million dollars and the house is appraised for \$280,000.00 and they agreed that the recent appraisal that they had did put the price at about \$300,000.00 so the cost at fixing the intersection on the other side is about \$900,000.00 to me clearly is not going to happen. At this point, I am asking the Board for some help and I am offering two different suggestions. One is we have talked about many times about condemnation and I know the Board does not want to do that. The procedure in condemnation is that you come up with some appraisal, take the property, and offer that amount. I am willing to offer a \$100,000.00 to the new owner, have the Town make that offer and then hopefully there will be the leverage on that (unable to hear).

Chairman Schech asked a \$100,000.00 for what.

Mr. Conditto stated the one acre on the barn property.

Chairman Schech stated the barn property.

Mr. Conditto stated or the one acre on the other side I really don't care.

Board Member DiSalvo stated we just have to find out who the new owners are.

Mr. Conditto stated I will try to do that again, the Attorney would not give my any details and I will have to wait until either closure or go through the Listing Agent for that. The second option I would like to open up an engineering investigation and re-investigate the stop sign approach. My traffic engineer clearly believes that is the correct approach for safety reasons and I would be happy to bring him in here and talk to Gene about that and justify that approach as opposed to the other two approaches which he deems less safe and obviously more expensive options. The third option in order to move forward in the future if those two other options don't seem to work what I would like to do is amend my application and suggest that we put in the ultimate safety issue which is a traffic light. In the \$100,000.00 range, I can afford to do that for the Board and the Town and completely create a safe intersection. Those are my options I would like to talk about.

Chairman Schech asked so the three options are a traffic light,

Mr. Conditto stated well that is the ultimate,

Board Member Pierro stated condemnation, a traffic light,

Mr. Conditto stated not condemnation but the Town making the offer of ten times what I think the property is probably worth or more than ten times what the property is worth, second re-investigate the traffic stop sign approach and we do that through an engineering approach again, I will bring my traffic engineer in here and we can go through that with your engineer and third I would be happy to put in a traffic light at my cost, no cost to the Town and that way you don't have to worry about changing the intersection.

Board Member DiSalvo stated I don't think we can make a decision tonight right.

Board Member Pierro stated absolutely not.

Chairman Schech stated I am not going to make any decision but let's get back to, you purchase the house for one point what million, two million.

Mr. Conditto stated no they are offering the house to me for 1.2 million.

Chairman Schech stated 1.2 million.

Board Member Pierro asked the new owners of the Burdick property.

Mr. Conditto stated yes.

Board Member Pierro asked what might their name be.

Mr. Conditto replied Zapola, Margaret Zapola.

Chairman Schech asked suppose you remove the house after you purchase it then you have a lot that is worth \$350,000.00. Building lots right now probably in that area are going for \$350,000.00.

Mr. Conditto stated well it is only 1.1 acre it is a 4 acre zone.

Chairman Schech stated it is a building lot.

Board Member Montesano stated it is a building lot.

Chairman Schech stated it does not matter if it is a half acre or twenty acres. It is a building lot.

Mr. Conditto stated but it is I mean the worth of that lot is no where near 1.2 million.

Board Member Pierro stated of course not but somewhere between the \$350,000 that the lot will be worth after,

Mr. Conditto stated right so 450. I mean I am willing to offer them a \$100,000.00 plus \$300,000.00 or an appraised price so if we had an appraisal on the property,

Board Member Pierro asked have you offered them that.

Mr. Conditto stated I did, I did.

Chairman Schech asked you offered them 300,000 plus a 100,000.

Mr. Conditto replied no I offered them a \$100,000.00 for the extra property, the sliver of property that we would be taking.

Board Member Pierro stated I can't act as a Real Estate Broker at this particular juncture but I have been in Mexican stand off's before. I think because I was a street cop for many years I think you ought to walk in the back room or in the hallway and iron this out with those people. They are in the back I assume because the lady is nodding and shaking her head maybe you can come to another agreement.

Board Member DiSalvo stated she might want a new house out of this deal.

Mr. Conditto stated okay I will do that. I will document and send her an offer of an appraised price plus a \$100,000.00.

Board Member Pierro stated knowing full well that once you take the house down and shave it off you are going to get the value of a building lot out of it.

Rich Williams stated let's be clear he does not necessarily have to take the house down.

Board Member Pierro stated right.

Mr. Conditto stated I would just sell it as it is.

Chairman Schech stated by the time you relocated the well and septic system, how much you think a well and a septic system will go for.

Mr. Conditto replied the well will cost about \$5,000.00.

Chairman Schech asked and the septic system.

Mr. Conditto replied 30,000.00 plus.

Chairman Schech stated you are lucky if you put a septic system on there for \$30,000.

Board Member Pierro stated there is a gentleman asking to address the Board in the back I don't know if this is the proper time.

The gentleman asked do you want me to address the Board.

Rich Williams replied he is the Chairman.

Chairman Schech replied sure.

The Secretary stated you have to come up though to the microphone otherwise, we won't get you on the record.

The gentleman stated my name is Robert Zappolo, I am the husband of Margaret Zappolo Burdick who is the daughter of Claire Burdick, Chris Burdick is the son back there and his wife. What was offered to them and myself had the conversation was that we were told that the piece of property that they would take from

the front that the properties behind could be added on to the value of the property which to us or to them is basically dead land, not useable but if you are saying that the property can be extended in the back well now Mr. Conditto can have a four acre lot in the back which borders up to his property and then it becomes a viable building lot to him. To the Burdick's this property has never been up for sale, it is their house, it is their family house, it has been in their family forever. It was built by their father. The property is not for sale. They were offered an absurd number originally and they countered with a number that they felt they were comfortable with. I don't think they are looking for an in between. I don't think they are looking to sell the property at all. They want to keep their property. What is proposed in the front of the house would evaluate the property beyond all measures. The whole frontage of the property would be taking away. The useable re-sale of the property then would be a tiny percentage of what it is now. I think the bottom line is that they don't want to lose their house. They want to keep their house.

Board Member Pierro stated this is a discussion that you should be having with this man.

Chairman Schech stated I think we need a lot more negotiations.

Mr. Zappolo stated we have had that discussion.

Rich Williams stated well it sounds like there isn't anything to negotiate. They don't want to sell. That is fine nobody is going to force it.

Chairman Schech stated well as far as I know I don't think the Town is going to condemn the property. For you to put up a traffic light that is going to be blinking in their living room window that is not going to go over too great with anyone either. I don't know. You have to square it away. Remember this was self-created so we don't have too much sympathy.

Mr. Conditto stated it is not self created. The intersection is a dangerous intersection to begin with.

Chairman Schech stated the intersection was not self created. The problem was self created.

Mr. Conditto stated the issue is to solve the intersection problem okay. It is phrased as a safety issue. There are ways to solve the intersection problem as a safety issue but you won't allow me to use those methods for example; as I mentioned before my traffic consultant says the best way to solve the traffic safety issue is with a stop sign. He actually says that your method which is to extend the property and make the speed in that intersection faster is the wrong method. It will actually make the intersection less safe.

Board Member Montesano stated let's see twenty some odd years ago when this project first came up there was property on both sides of the street and this was what one of the conditions were for that development to get an approval. Then low and behold after all this time the property was sold off knowing that it was originally part of the project.

Mr. Conditto stated that is not true. The contract was signed when the requirement occurred after the requirement, before the requirement occurred.

Chairman Schech stated no.

Rich Williams stated wait no let me put it right here on the record,

Chairman Schech stated and this is going to be it. I don't want to hear anymore.

Rich Williams stated I was Chairman of the Planning Board at the time, I was dealing with Tom Scott at the time, Tom Scott knew exactly what we were talking about at the time and he actually once he found out this was a requirement all of a sudden we didn't see any activity for a number of months on this project and then all of a sudden he comes back and says guys, sorry I can't do it anymore. So, he knew full well what the requirements were at the time.

Mr. Conditto stated Rich, I can't do anything about that.

Rich Williams stated and I am not saying but I don't want to go down this road that he didn't know. He absolutely did know.

Mr. Conditto stated whatever that means, what I am trying to tell you is that I am committed and I have said this many times before to making this intersection safe and in my traffic consultant's estimation the only way to make this safe is with a stop sign or a stop light not by the changes that you are proposing. There is two issues here if you are trying to stop the project fine that is one issue. If you are trying to make the intersection safe then I want to do an engineering study and prove to you that to make it safe it would require a stop sign or stop light.

Chairman Schech stated I can assure you that we are not trying to stop the project. We are trying to get a safe project and that is all I want to say about this. I want to go next to Frantell Site Plan.

Rich Williams stated well do you want to think about it for a week but we really need I mean right now we are kind of in limbo with everything we do need some direction about which way.

Board Member Pierro stated we will give him a determination at the meeting next week. I am sure we will have some time to discuss this with Counsel and our Engineer and we will give it a closer look. I am not saying we are not going to give it a closer look and Vinny, if we were looking to kill this project there were I am sure other ways where we could have been difficult. We have worked in good faith with your consultants and your engineers for the last year and a half.

Mr. Conditto stated but there has never been a traffic study done by anybody on this Board to show that the intersection that we are proposing is safer than with a stop sign or stop light. No one on your Board this has all come from suggestions by the Board. I don't think that I have ever heard Gene's suggestions on this.

Chairman Schech stated we don't do traffic studies. We have been traveling that road for forty years believe me I have been the biggest traveler, Rich interjected hold it,

Mr. Conditto stated you are telling me my traffic study is worthless. I have got the best guy in the Valley here and you are telling me his opinion is no good.

Chairman Schech stated I might not agree with his opinion that is correct.

Board Member Pierro stated I am telling you this much that I want to review and I am sure the other Members of this Board want to review the traffic studies that we have and we will discuss this further at the next meeting. If you chose to be here fine if not we will communicate our findings with you at that time.

Mr. Conditto asked would you like me to bring my traffic engineer to the next meeting.

Chairman Schech replied no.

Mr. Conditto stated so you are tying my hands.

Board Member Pierro stated we have a study that we would like to review.

Mr. Conditto stated you are tying my hands. You are saying it is not possible to use conventional methods to fix this intersection. It is only possible to do it by the method that extends this intersection. That is what you are saying to me.

Board Member Pierro stated I thought that there were in addition to the problems that we had to the intersection I thought there were sight line distances that we were concerned about.

Chairman Schech stated that was the biggest problem yes.

Board Member Montesano stated and there are stop signs there now.

Mr. Conditto stated there is one stop sign.

(Unable to hear Board Member DiSalvo)

Mr. Conditto stated I think the issue was, I mean again, the Board has said this is a dangerous intersection I think it is dangerous from the turn from Bullet Hole and Ice Pond is that your opinion. I don't know what the issues are.

Rich Williams stated the issue that came out that was identified in the Environmental Impact Statement was the combination of the horizontal and vertical geometry of Bullet Hole Road at the Ice Pond intersection. The fact that you are coming down around you have got a dip so cars coming southwest cannot see at that intersection cars that are heading northeast and the problem was that your proposed subdivision with an average daily traffic or ten cars per unit was going to exasperate that.

(Unable to hear Mr. Conditto) Mr. Conditto stated you people have said it is a dangerous intersection to begin with. It is not exasperation

Rich Williams stated it was in the Environmental Impact Statement, it was all hammered out in the Environmental Impact statement and our Traffic Engineers,

Board Member Pierro stated we have to look at that again,

Rich Williams stated from Dufresne-Henry reviewed your Traffic Engineering Study and this is what flowed out of those documents.

Mr. Conditto stated there was nothing, Board Member Montesano talking at the same time unable to transcribe.

Board Member Montesano asked why are we bending over backwards now.

Board Member Pierro replied we are not. We have to look at it.

Mr. Conditto asked Gene Richards something but Board Members were talking at the same time unable to transcribe.

Gene Richards stated as Rich said our office did review the Traffic Study, we did issue comments (unable to hear).

Rich Williams stated to the Board you guys can't talk on the mic's like that we can't pick it up.

Rich Williams stated so I guess they are going to take another look at everything, talk to the Engineer's and talk to the Attorney about which way they want to go, and hopefully next week we will have a better answer.

Mr. Conditto stated okay so what I will do whether you like the idea or not I will amend my application we will come in with a stop light.

Rich Williams stated I would not amend your application for a stop light. I don't know that I would amend your application I mean you are talking about a week I would not do anything for a week.

Mr. Conditto thanked the Board and left the meeting.

Board Member Pierro stated if he knocks the house down, he still has got another lot.

Chairman Schech stated it is not going to cost him that much if he buys the whole damn thing.

Board Member Montesano stated he wants to do it his way he does not want to do it our way. What our suggestion was is negative to his opinion.

Rich Williams stated you are on the record.

Board Member Pierro stated if he buys Claire Burdick's house for \$300,000.00 throws them an extra buck and a half,

Board Member DiSalvo stated they don't want to sell.

Board Member Montesano stated they don't want to sell because he is not offering them anything.

Board Member Pierro stated he throws them the extra money he still has a lot that as you said is worth \$300 to \$500,000.

Rich Williams stated I understand Dave but I think this Board very clearly heard from the Burdick's they don't want to sell. It does not matter how much.

Board Member Pierro stated I think they will the wife was shaking her head back there that he didn't offer.

Chairman Schech stated they will sell. You know what he offered them \$20,000.00

The Secretary stated you know what that is not for this Board and the record.

Rich Williams stated regardless,

Board Member Montesano stated excuse me we are on the record and now we are talking about something,

Board Member Pierro stated that is okay.

Board Member Montesano stated we should not be discussing the financial,

Chairman Schech stated I am just bringing up the 20,000 because this guy lies. He lies constantly.

The Secretary stated this is all on record and you know what we are going to court on this guys and this is all part of the record.

Board Member Pierro stated that is fine.

The Secretary stated okay then.

9) FRANTELL SITE PLAN

Rich Williams stated Frantell, they are back in they have resubmitted. They have finally come up with a final design with the stormwater ponds. I guess Gene has looked at it. I took a preliminary look at it. It looked pretty good.

Gene Richards stated all our comments were addressed as far as the site plan issues. What they have done now is they have submitted a plan by Evans Associates for the plantings, the wet ponds.

Ted Kozlowski stated I have not looked at it yet.

Gene Richards stated one final thing on this Rich and I e-mailed, awhile back they did submit a bond calc (unable to hear) since the Board never acted on that recommendation and since then Rich recommended to the Board that they not act on it because it came to light that there were all these plantings. Those were not in the regular bond calc. What the memo that I gave them tonight is that they really should update the bond calc.

(Unable to hear too many Board Members talking at the same time).

Board Member Pierro asked Rich on Gene's recommendation about revising the bond calculations as they are written now can you make that request to Insite for the next meeting is that possible.

Rich Williams replied yes Gene can too, I can.

Gene Richards asked you mean to have the number in to you by next week's meeting.

Board Member Pierro replied yes.

The Secretary asked so you can do the recommendation.

Rich Williams asked is that what we are doing.

Board Member Pierro stated if possible we are adding plantings, how difficult.

Gene Richards stated and I would assume that they will call Evans and get the prices from her. The only problem with that scenario is Rich and Ted have not looked at the plans so if there are changes.

Rich Williams stated I will do it Saturday morning.

Ted Kozlowski stated I am on it.

10) WHITE BIRCH REALTY SITE PLAN (a.k.a. Yonkers Realty)

Chairman Schech asked White Birch Realty who is that.

The Secretary replied it is Yonkers Avenue, the new owner.

Board Member DiSalvo stated Yonkers Realty.

Ted Kozlowski stated once again I don't understand, I have asked for this the pond is not fully delineated on the plan.

Board Member DiSalvo stated I noticed that too.

Ted Kozlowski stated Guys, I ,

Chairman Schech asked of which Frantell.

Rich Williams replied no White Birch.

Ted Kozlowski stated it is Joe Buschynski, I have said this at every Planning Board meeting, show the pond. They continue to come here with plans not showing the pond. They show the bottom depth.

Board Member DiSalvo stated and the hydrant on the road.

Ted Kozlowski stated I am going to call Joe tomorrow personally I will call him.

Board Member Montesano stated tell him if it is not that we are not going to review it.

Board Member Pierro stated we are not going to review it at the next meeting if it is not,

Rich Williams stated he is not doing it. It is Tim Allen.

Ted Kozlowski stated but Joe comes here and he is the one that stands in front of us.

Rich Williams stated I know.

Ted Kozlowski stated I am on record repeatedly every time they are up there showing the damn pond.

Board Member Pierro stated we heard you loud and clear at the last meeting on this.

Gene Richards stated I have looked at the plan and I have started to work on a memo but I think there is enough issues on the site plan and try to get them cleaned up maybe try to do a meeting with Rich and us and go through it and try to get it cleaned up.

Rich Williams stated I have also looked at the plans and have a memo half finished on this.

Gene Richards stated I mean I can drive it to a memo it is just that,

Rich Williams stated there are so many details lacking on the stormwater basins and if they are looking to comply with the State requirements, they are so far away from complying with the State requirements in my opinion. I don't know at this point a meeting is going to, I think there may be some substantial revisions to the plans for example the filter practice you can't use a filter practice to attenuate the one, ten, hundred year storm that is what they are doing. They don't have sufficient pre-treatment going into that pond. I mean there is some big deficiencies plus they are modeling everything through Hydro-Cad and they are modeling it by using the one, ten and hundred year storm event and I have got some issues with the way they are modeling it through Hydro-Cad. I will talk to you and we will work it out.

Chairman Schech stated apparently they are not treating this like basically a new proposal. They are treating this as something changing tenants period.

Rich Williams state well no they are treating it as an amended application with new improvements but how to get there. They did address a lot of the past issues that I raised on the overall site plan. At this point, there were a couple of minor things with the site plan but for me it was really just the stormwater issues.

Gene Richards stated like you say a lot of times the devil is in the details that is where I feel (unable to hear).

Chairman Schech stated so why don't you guys get together and try to straighten it out.

Gene Richards stated so I won't do anything more at this point until I talk to you.

Rich Williams replied hopefully I will be able to wrap this up soon.

11) FIELD & FOREST SITE PLAN

Rich Williams stated Field & Forest Site Plan it is back in.

Ted Kozlowski stated the functional analysis is fine.

Board Member Pierro asked that is it.

Rich Williams asked really.

Ted Kozlowski stated yes they got Beth Evans, Hollis & McGee.

Rich Williams stated he read Beth Evans so it is fine.

Ted Kozlowski stated no she did a Hollis & McGee and that is the standard.

Chairman Schech asked what is a Hollis & McGee.

Ted Kozlowski replied that is the people who did the first study. It is like a formula that they use. The numbers she assigned to it I have to go with her Biologist but it is fine and they submitted one for D'Ottavio.

Rich Williams stated yes but I have never been asking for one on D'Ottavio. I don't know about you. I want to know about the stream.

The Secretary stated you have only been asking for him to answer your July memo.

Ted Kozlowski stated I asked for it. I only got a functional analysis I did not get.

Chairman Schech asked are we going to have something new on the plans this time when Harry comes in.

Ted Kozlowski stated I did not see the plans. I only saw the functional analysis report. Did they submit new plans with the flagging on it. I didn't see it yet.

Rich Williams asked I didn't give you plans.

Ted Kozlowski stated I have a pile of stuff Rich I haven't looked at yet.

Ted Kozlowski stated just so you all know that storm killed us. I just got power back Monday, I just got my e-mail system back on yesterday.

Board Member DiSalvo stated Somers got whacked.

Ted Kozlowski stated I have three woman that work for me and I had no bathrooms. I have been personally cutting up a lot of trees. You would be very proud of me.

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

12) EASTERN JUNGLE GYM SITE PLAN

Chairman Schech stated Jungle Gym.

The Secretary asked wait a minute what did you guys do because what about D'Ottavio.

Board Member Montesano stated we don't want to be bothered with Field & Forest and we don't want to be bothered with,

The Secretary stated D'Ottavio.

Board Member Montesano stated no I guess not.

Board Member Pierro stated we already discussed D'Ottavio they did the functional analysis.

Chairman Schech stated yes that is a team.

Rich Williams stated from the memo that I did they have agreed to leave the swale out front and bridge it. They are still basically saying that we need all the areas that we have been consistently showing. They haven't changed that many other things. They are basically saying this is the way it is so I guess it is down to the Board saying whether it is reasonable or not. I still maintain that they are not adequately showing the parking areas one through twelve the way they are actually out in the field.

Board Member DiSalvo stated what I am amazed out is they found the septic tank.

Rich Williams stated yes they did. They actually put that I have been only asking for that for two, three years.

Chairman Schech asked did they know you guys were coming on Saturday.

Rich Williams replied no.

Chairman Schech stated it completely changed from Saturday to Monday the site.

Board Member DiSalvo stated there is nobody there working Saturday.

Chairman Schech stated I don't know it looked like everyone dumped everything on to the site Monday.

Rich Williams asked this past Monday.

Chairman Schech replied yes.

Chairman Schech stated because I went by to plow the store, we had snow Monday.

Rich Williams stated I did take pictures of what do you do with snow on the Eastern Jungle Gym site. What is the stream for. The stream is where you put all the snow.

Chairman Schech stated of course what the hell else.

Ted Kozlowski asked is there road salt in that snow.

Rich Williams replied no but there was a hell of a lot of crap. I will show you the pictures.

Chairman Schech asked what are we going to do with Eastern Jungle Gym.

Rich Williams stated listen I am going to tell you point blank my recommendation is that it not get approved as is because it is too intense for the site now having said that you guys have to decide what you want to do.

Board Member DiSalvo stated we said that from the beginning.

(TAPE ENDED)

Board Member DiSalvo asked where are we going with the Jungle Gym.

Chairman Schech stated I don't know. I have been saying there is too much going on at the site. The site is too small for what they are doing.

Board Member DiSalvo stated they did get rid of the manufacturing end.

Rich Williams stated no they didn't not entirely. That is what we thought.

Board Member DiSalvo stated they are leaving stuff there to assemble.

Rich Williams stated that is not what they said.

Ted Kozlowski asked but didn't he say at the last meeting they have improvised and now they are,

Chairman Schech stated they are not constructing the sheds on the site anymore. They are buying them.

Rich Williams stated but what they are doing if you read the current memo is now they are constructing all the play sets on the site.

Chairman Schech stated which they always did.

Rich Williams stated right so they got rid of the sheds but they are still light manufacturing. There is still construction going on.

Board Member Pierro stated yes I think they are still constructing sheds on the site. You saw the palletized shed wrapped in banding iron. They are opening them up and putting them together but they are not doing the cutting and,

The Secretary stated he said that they are bringing them into the site and taking them off.

Rich Williams stated right but they are doing that for the play systems.

Board Member Pierro stated they are still constructing the sheds there though.

Rich Williams stated I don't know.

Board Member Pierro stated they just don't, Board Member DiSalvo stated they are not cutting them there.

Board Member Montesano stated they are assembling the sheds they are not constructing them. He did not lie when he said we are not constructing them.

Ted Kozlowski asked isn't there available property on Commerce Drive.

Board Member Montesano stated yes but he is not going to buy it.

Ted Kozlowski stated to locate the storage area.

Rich Williams stated not really.

Board Member DiSalvo stated he could buy across the street.

Ted Kozlowski stated not move the whole operation.

The Secretary stated I think it all has been built what is buildable and before us.

Board Member Montesano stated you don't want to build you just want a place to store your stuff.

Board Member DiSalvo stated what about the nursing home they want to sell that corner across the street. I am sure the nursing home would sell off an acre there.

(Too many talking at the same time unable to transcribe).

Chairman Schech asked are we getting lost here. What is going on here.

13) BEAR HILL SUBDIVISION

Ted Kozlowski stated they got out of the vernal pool.

Board Member DiSalvo stated Gee, I wonder how that happened.

Rich Williams stated they have addressed the issues that the Planning Board had at the last meeting.

Board Member Montesano stated oh, good then we can approve it and go right through.

Chairman Schech asked so we are okay on this now.

Ted Kozlowski stated look he has got other issues the expansion area is in the buffer but given the fact that he has now taken the two lots and combined them into one lot and he has done far more I think in mitigation to you know.

Board Member Montesano asked is he going to subdivide the lots after we approve it.

Ted Kozlowski asked I don't know how do you write this up or you can't do that.

Board Member Montesano stated we say that all the time it does not hold up.

Ted Kozlowski stated let's put an end to this now.

Rich Williams stated you have deed restrictions, conservation easements.

Ted Kozlowski stated right you want that as a wildlife corridor right through there and just leave it alone.

Board Member DiSalvo asked what are we doing with the big lot across the street the thirty-two something acres.

Rich Williams stated he is just showing it as a single lot.

Ted Kozlowski stated that is a tough lot.

Board Member DiSalvo stated but we haven't.

The Secretary stated they have not come back in with anything on that.

Ted Kozlowski stated we walked it. Were you with us when we walked it.

Board Member DiSalvo stated yes.

Ted Kozlowski stated I mean how is he going to access it.

Board Member DiSalvo stated from the new development going in.

14) PATTERSON LITTLE LEAGUE SITE PLAN

Chairman Schech asked what the hell do they want now.

Rich Williams stated Patterson Little League they want to sprinkle the fields and as part of that, they need to put a couple of above ground tanks and a pump.

Chairman Schech stated these guys just got too much money.

Board Member Pierro stated their fields dried up terrible last year.

Board Member DiSalvo asked where is the water going to come from.

Board Member Pierro stated they are putting twelve hundred gallon tanks in.

The Secretary stated jokingly for fire protection.

Ted Kozlowski asked where are they going. They don't have any room there at all.

Board Member Pierro stated in between the two fields. They have got some space.

Ted Kozlowski asked how do they charge the tanks.

Board Member Pierro stated they have a well.

(Too many talking at the same time unable to transcribe).

Ted Kozlowski asked is this Town property now or is it still.

Chairman Schech stated Peckham.

The Secretary stated it is Peckham but it is leased to Patterson Little League what did the letter say.

Board Member Pierro stated so you fill the tanks once and how much water are you going to put on the ground a couple of hundred gallons a day.

Chairman Schech asked what are they proposing two.

Board Member Pierro replied twelve hundred.

Chairman Schech stated that is not too much water. A thirty thousand gallon tank with a Fire Department hook-up.

Board Member Pierro stated no joking I think that is a good idea.

Board Member Montesano stated I think it is a great idea.

Board Member Pierro stated but it is only twelve hundred gallons. That is only one truck load. It is just as easy to go to a pond and draft that kind.

Chairman Schech stated that is what I am saying the tanks are too small.

Board Member Pierro stated for watering the grass it is plenty. You are not putting out a fire here.

Chairman Schech stated well we are talking about putting out a fire here.

Board Member Pierro stated it might be wise to have a Fire Department hook-up.

Board Member Montesano stated it is a community group and it is a community thing so why don't they want to help the community by putting in a larger tank.

Board Member DiSalvo asked could we get a picture of what these things are going to look like.

Board Member Pierro stated the map is here.

Board Member DiSalvo asked yes but are they going underground.

Rich Williams replied no they are above ground.

Board Member DiSalvo asked is there going to be a fence around it so,

Board Member Montesano stated wait a minute people complained about the light now you are going to have a big tank sitting in the middle of two fields.

Board Member Pierro stated four, two, fifty's right, four two hundreds.

Board Member Montesano stated let me put it to you this way if they are 275 which is probably a lot easier to get and you could put four of them in and they look like hell. This is my community.

Board Member Pierro stated we don't have to look at it Mike. They are water tanks.

Board Member Montesano stated I drive over to the park every day and what I am going to do look at these things.

Chairman Schech stated let's ask what the hell they are.

15) PLUNKETT SUBDIVISION

Chairman Schech stated Plunkett is not going away.

Rich Williams replied no he is in, he has submitted a full application for a subdivision approval. The latest plan pulled house away from the rear property line so he met setback requirements. No other changes were made to the plans.

Board Member DiSalvo asked and the driveway is still where it is going to be.

Rich Williams replied yes they have not addressed the DOT issues, they haven't addressed the grading issues. I think one of the bigger issues that need to be addressed first up is along the front the topo shows that the driveway, the driveway where it comes out will be high enough so that they could see all the way along the frontage if the vegetation is cleared out. Clearly, that is not the way it is along the road. If you drive out there, the property rises up very quickly so I don't think it is adequately reflected. I think there is going to be substantial cut required to have any sort of site distance along the frontage and that is going to be chased up the hill. We are talking about if that is true a substantial disturbance in order to get this lot in. One of the things that I have asked for in the memo that I did on this which I believe you have is that spot grades be shot along the road frontage so that we can document exactly what the grades are going in.

16) BONIELLO SUBDIVISION

Rich Williams stated Boniello, I colored a map up for you just before the meeting so you could actually see because if you look at this thing it is almost un-readable. What he wants to do is to re-do the commercial area, put up another new very, large building and then subdivide the two back lots off for residential purposes.

Board Member Pierro asked he is demolishing one of the rear buildings.

Rich Williams stated and one of the problems that he has is the last zoning changed done in 2003 made the whole site commercial so that you couldn't have residential on it. He is going to be looking for a zoning change and he is going to need a recommendation from this Board for a zoning change if he is going to do that.

Rich Williams asked Ted do you want to look at this or don't care.

Board Member Pierro asked this application is all encompassing it includes the construction of the new building.

Rich Williams replied yes.

Board Member DiSalvo asked so he is getting rid of the bays back there.

Board Member Pierro stated no there is a building on the right and it looks like he is taking the building on the right and putting a building on top of it making, taking one building down. It looks like he is not going to have room for all of that bulk storage of mulch and all that.

Ted Kozlowski stated well he has got piles of soil there. This is where Honda wants to put,

Board Member Pierro stated they withdrew Ted.

Ted Kozlowski stated they did. That did fall apart.

Rich Williams stated that did fall apart.

Ted Kozlowski stated all right this is a wetlands that was associated with that but right in here, he is a nice kid, hard worker but he has got a lot going on there.

Board Member Montesano stated he has too much going on there.

Board Member Pierro stated maybe once he puts up this larger building he is not going to have the room to have a lot going on.

Ted Kozlowski asked what does he want to do with that building.

Board Member Pierro stated he just doesn't apparently does not have enough space from what I am seeing. Why construct a building that is,

Board Member Montesano stated the fences that he had up are all out here now.

Board Member Pierro stated that is where we told him to put them.

Board Member Montesano stated no we did not tell him to go that far out. They have been expanded since I looked at it originally if I remember right. He added a couple rows of fences believe me.

Board Member Pierro stated I think we let him go up to the stream up to a reasonable spot.

Board Member Montesano stated I don't remember going up that far because I remember asking that it not exceed a certain point.

Board Member Pierro stated I don't think he even applied for that.

(Too many talking at the same time unable to transcribe).

Board Member DiSalvo asked where is the pond that is there.

Board Member Pierro stated the pond is on the left side.

Ted Kozlowski pointed out two ponds to Maria on the plans.

Board Member DiSalvo asked and he wants to access the residences through this parking lot.

Rich Williams replied through the commercial site.

Ted Kozlowski stated and then he wants to go through the wetland up there.

Board Member Pierro stated he has already got a driveway back there.

Board Member Montesano stated it doesn't make it legal.

Ted Kozlowski asked that is not the driveway that is not what I wanted to hear Dave because I walked this site with him a few years ago and I thought we found a way through here that wasn't wetland not up to the north.

Board Member Pierro stated there is already, I have hunted in the back of that Ted there is already a rock cut out above the wetlands in the back going up to the mountain. There is already a rock driveway in the rear of that property past where you wetland flagged.

Ted Kozlowski stated that is quite a steep slope he has to go up there too.

Board Member DiSalvo asked where is his house Dave.

Rich Williams stated that was the one that we keep referring to as the Bat Mobile remember when we walked it the last time. The only way you are going to get down this thing is if you have got a Bat Mobile with a hook shooting out the tail end.

Board Member Montesano stated that was when we were going to come up with the road back there. That was even more fun, the snake drive. If it didn't work out, we could always make a ski jump out of it.

Board Member Pierro stated the problem is what does he do with this property.

Board Member DiSalvo stated what do I do with mine.

Board Member Montesano stated he should not have bought it. What could I tell you.

Rich Williams stated what do I do with mine I have got nine acres, five are wet.

Board Member Pierro stated where the house sites are is not wet. It is upland.

Rich Williams stated it is very nice.

Board Member Pierro stated it is nice.

Board Member Montesano stated that is like certain people that have no access to their property what do you do get a helicopter and go from here over.

Board Member DiSalvo asked is this going to be like a family compound type thing.

Board Member Pierro stated I certainly think that this will clean up that mess back there because is he going to want to build expensive houses back there and look at all that crap he has got out.

Board Member Montesano stated why doesn't he clean up first then we will consider it.

Board Member Pierro stated he has got a fifty foot, forty-five foot storage box that should go.

Board Member DiSalvo asked are those houses going to be for him or is he going to sell them.

Board Member Pierro stated him and his brother that is what the application says you have got to read this stuff girl.

Board Member DiSalvo stated I did read it but I just wanted to make sure I mean,

(Too many talking at the same time unable to transcribe).

Board Member DiSalvo asked and what if he ever wanted to sell the houses. Who is going to want to go through this to get to their house.

(Too many talking at the same time unable to transcribe).

Board Member Pierro stated I told him because who was the site Tikeson's is behind him.

Rich Williams stated right.

Board Member Pierro stated that is being flagged as we speak, that is being surveyed for a residential development.

Ted Kozlowski stated well that is how he can access it.

Board Member Pierro stated yes but that,

Ted Kozlowski stated if there is a residential,

Rich Williams stated well that is assuming the Town wants to change the zoning back there.

Ted Kozlowski stated you know like I said I am surprised about that because like I said I walked that site with him I don't remember a road going through the wetland and why would it go right to the stonewall, right to a hill like that.

Board Member DiSalvo stated we have to go look at it.

Board Member Pierro stated you have to go up there and look at it Ted. You will see what I am talking about. It is above and in the back, you will see what I am talking about.

Ted Kozlowski stated it is just again it is a road going through a wetland you know he is using the site if that gets developed there that is how he can access it.

Chairman Schech stated well first we want to make up our mind do we want residences in there.

Board Member Montesano stated we changed all the zoning for a reason.

Chairman Schech stated yes.

Board Member Montesano why are we going to change it back. We are going to be going through this all the time.

Rich Williams stated here is the reality on this one of the reasons I because I am the architect of all the zoning and my thinking on this was that you are never going to go through the wetlands so you don't want to encourage anybody to go through the wetlands so you don't want to encourage residential back there. If you leave it commercial you keep the door open for him to access the back of his property through somebody else's property and really I was envisioning some sort of road put in on the Juddelson, the Brewster Honda site.

Ted Kozlowski stated there is a road going right through here.

Rich Williams stated and coming right through and around and staying out of the wetlands all together.

Board Member Pierro stated in a perfect world that would be the way to do it.

Rich Williams stated and you could do that if it was all commercial.

Board Member Montesano asked and what is going to prevent in the future depending on the houses they put up and suddenly have to come back, go before another Board and get it re-zoned back to being commercial, once we have the road in now we could sell the property for even more.

Ted Kozlowski asked let me ask you another thing all of you, you put two residential houses back there you have got to drive through,

The Secretary stated who would want to drive through.

Ted Kozlowski stated now all right he is going to live there with his brother but that isn't going to be forever now you have to drive through this to get to your house. Imagine having company or

Board Member Pierro stated that is why I think it is a method to clean up that freaking mess back there. It is an eyesore.

Chairman Schech stated they have got a mess in the front what do you mean clean up the back. The whole,

Board Member Pierro stated yes well you have to look at the back.

Ted Kozlowski stated and this is a crazy setup where you have got a parking lot and people are going to their house through a parking lot. You are going off of Route 22 through Empire Power Tool parking lot, maintenance area.

Board Member Pierro stated that is his reason for building this larger commercial building in the front to get all of the crap that he has got.

Ted Kozlowski stated I know but still Dave you have got to go through a construction yard.

Board Member Pierro stated that is his choice he is a Pizon

Ted Kozlowski stated but Dave he has got a fence there he fences that in on the weekends when he closed.

Board Member Pierro stated a gate right.

Ted Kozlowski stated right so what happens if he decides to marry some Hollywood Starlet and moves now the company is still operating and he sells that to Vinny Boombatz and Vinny Boombatz now how does he get to his house when the business is closed because there is a gate.

The Secretary stated that is a good point though with security.

Board Member DiSalvo stated a common driveway.

Ted Kozlowski stated how does that work.

The Secretary stated it is a good point if that business changes and they put in high tech security and you have those houses and you need a code to open the gate and everybody coming in needs a code to visit their friends.

Ted Kozlowski stated or if there is an emergency and you have to get someone in there and it is all locked up and there is a guard dog. It just does not make sense.

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

Chairman Schech asked so most of us don't like it right.

Board Member Montesano stated no I don't like it at all.

Rich Williams stated this is going to have to be a twenty foot wide, common driveway going the length all the way back.

Ted Kozlowski stated right through a maintenance yard.

Rich Williams stated through a maintenance yard, through the wetlands, through the buffer, up the steep slope.

Ted Kozlowski stated that like kind of breaks every code we have.

Board Member Pierro stated I think we ought to take a look at it.

Board Member DiSalvo asked Dave doesn't he own the house next door.

Board Member Pierro stated he owns all of it. He owns everything you see there.

Board Member DiSalvo asked there is no way from his house next door.

Board Member Pierro stated I don't know. He owns the former Ginnel site.

Board Member DiSalvo asked is there anything through there that he could access this.

Board Member Pierro stated he owns this and he owns the former Bruen site.

Board Member Montesano stated let me put it this way I don't know who is advising him to buy up all of this but I think he is getting ridiculous. He would be better off going to buy a piece of property in a residential neighborhood.

17) OTHER BUSINESS

a. Site Walks

Rich Williams stated we did site walks last Saturday. I have issued a number of comments, a number of site walk memos to the Board for your review to see if you agree or don't agree.

Rich Williams asked Ted do you have anything to add to the memos.

Ted Kozlowski stated Rich brought something to my attention. In 2000,

Rich Williams stated April of 2001.

Ted Kozlowski stated Rock Church parking lot this is 2001 referring to a photograph, this is 2004 Rock Church parking lot referring to the picture. We are not expanding. Photos don't lie.

Board Member Montesano made a motion to adjourn the meeting. Board Member DiSalvo seconded the motion. All in favor and meeting adjourned at 8:54 p.m.