

TOWN OF PATTERSON
PLANNING BOARD MEETING
January 29, 2009 *Work Session*

AGENDA & MINUTES

	Page #
1) 17 Couch Road Subdivision – Public Hearing	1 – 6
2) Petrillo W/W Permit – Initial Application	6 – 10
3) Werlau W/W Permit – Initial Application	11 – 13
4) Rimaldi Site Plan – Continued Review/Site Walk Comments	13 – 24
5) Martins Subdivision – Continued Review	24 – 27
6) Meadowbrook Farms	27
7) Brewster Plastics	27 – 38
8) North County Homes – Lot 5	38 – 48
9) Watchtower Amended Site Plan	48 - 51
10) Other Business	
a. Code Changes; signs, bonds, inspection fees	52 – 67
b. NYC Watershed regulations amendments	67
c. Review Coordination	68 - 77
Discussion of Illegal Signs	78-80

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PLANNING BOARD

Shawn Rogan, Chairman
David Pierro, Vice Chairman
Michael Montesano
Maria Di Salvo
Charles Cook

**Planning Board
January 29, 2009 Work Session Meeting Minutes**

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

Present were: Chairman Rogan, Board Member Pierro, Board Member Montesano, Board Member DiSalvo, Board Member Cook, Rich Williams, Town Planner, Ted Kozlowski, Town of Patterson Environmental Conservation Inspector and David I. Raines, Interim Building Inspector.

The meeting began at 7:32 p.m.

Michelle K. Russo was the Secretary and transcribed the following minutes.

1) 17 COUCH ROAD SUBDIVISION – Public Hearing

Chairman Rogan stated good evening everyone 17 Couch Road Subdivision, everybody will recall we set a public hearing, actually for two meeting ago and they are in for this week. We have some bond calculations that were submitted. Stantec has had a chance to review and it looks like Stantec's are a bit higher than what the submission was.

Rich Williams stated they are.

Chairman Rogan stated by about a hundred thousand dollars, so we will have to see.

Board Member DiSalvo stated who is at fault here.

Chairman Rogan stated if Bibbo Associates agrees with Stantec's numbers and that is about it. Anything else on Couch Road that you can think of.

Rich Williams stated no, other than, I haven't been through it yet but based on Stantec's memo, it looks like I will have a resolution for the Board.

Chairman Rogan stated okay.

Rich Williams stated for the next meeting.

Board Member Cook stated I just have a question, Rich on your letter of December 4th, page three; you make a note here about that the Board should note that the New York City DEP, general notes number two grants site plan approval for the residential lots to the DEP. What does that mean.

Rich Williams stated it means they've thrown a note on the site plan which essentially says that the DEP is exercising site plan approval over the individual lots. Meaning if somebody wants to change how they are using the lot, move the house or driveway location or whatever, they have to go back to the DEP.

Board Member DiSalvo stated I don't think Charlie was on the Board when we had the choice of how to do that subdivision. We really kind of picked the best scenario for those five houses or so.

Board Member Montesano stated six.

Board Member DiSalvo stated six and then everything went along pretty smoothly and then we heard from the DEP that they wanted bigger ponds or something, what was the story with that.

Chairman Rogan stated the stormwater change.

Board Member DiSalvo stated yeah, so like yeah, here we are, we pick the perfect scenario and then DEP kind of like modified stuff.

Rich Williams stated the point of the whole note is DEP is now exercising a new authority that they have not exercised before. I'm not sure where they are getting that authority but right now the way our Code is laid out, we are doing site plan approval on the individual lots also because you know, the stormwater practices have to be designed and installed as they are shown on the plan and for them to work. That means that the driveway has to be where its supposed to be, the house has to be where its supposed to. If somebody wants to change, say the driveway location or the house location, you know, they submit a plan in here, they are coming in for building permits anyway so we are looking at it, its really not that huge of an undertaking to get it changed as long as it is appropriate. It's an entirely different thing if somebody wants to change the location of their driveway, with a house where they have to go to Valhalla to do it.

Board Member Cook stated and not here, though, I mean they still.

Rich Williams stated well they would still have to come back here but DEP is now saying you have to come back to us too.

Board Member DiSalvo stated (inaudible).

Board Member Montesano stated have we ever looked into where they are getting their authority from.

Rich Williams stated nope.

Board Member Montesano stated we belong to that stupid State Planning Federation.

Rich Williams stated well let's say this, I know the regulations inside and out, I don't know where they are getting their authority from.

Board Member Montesano stated yeah but that is what the problem on, the fact that they are pushing the authority over the Town, legally or not, it could hold up a problem to the Town or the individual.

Chairman Rogan stated certainly to the individual.

Board Member Montesano stated and it, well, if it will hold up there then we are going to get involved in it too as the Town because they are going to say you can't do this. The same way they came in and gave us the water thing.

Chairman Rogan stated or what happens when one authority approves and the other wants to deny, you know, if they go to the DEP and say well, okay, we want to move this and the DEP is okay with it and the Town is not, it creates a problem.

Board Member Montesano stated yeah and this is the whole thing.

Board Member DiSalvo stated who hasn't done.

Board Member Montesano stated I would think that New York Planning Federation has a crap load of attorneys, are they running into it, have we ever inquired.

Rich Williams stated I haven't inquired no, but usually the New York Planning Federation is a state wide organization and they are going to be concerned with state wide issues, this is really a local watershed.

Board Member Montesano stated the majority of members of the New York Planning Federation are from Long Island, New York City, Westchester, Putnam and Dutchess. This lower half, this southern half is quite a lot. All I'm saying is should there be an inquiry made to them.

Board Member DiSalvo stated should their attorney look at it, the developers attorney or the developers engineer.

Board Member Montesano stated he could.

Rich Williams stated if they feel strongly about it, sure but it all comes down to the same thing, local developers and their attorney's are not going to go through the expense of fighting New York City any more than.

Board Member DiSalvo stated no but just to get an answer.

Chairman Rogan stated especially since they are working towards an approved set of plans.

Board Member DiSalvo stated right.

Chairman Rogan stated if the homeowner then wants to change something then it is going to be a cost issue associated with that to the homeowner. The fact of the matter is, in relation to the driveways that we have on our plans there isn't any room to move it because of the stormwater ponds, so the only thing you are really talking about is the house location.

Board Member DiSalvo stated the house, there is too much rock or they can't.

Chairman Rogan stated and there are some slope issues out there.

Board Member Montesano stated well that is on this particular project, what I'm worried about, thinking, is the next project that comes in do they have the right, then what the hell are we going to be doing. Are we going to hold up a project for another five years, while they are playing their silly game because they put a new person in office, as of January first.

Chairman Rogan stated remember, if I understand that note properly, that is after the process, after the project has been approved, this is when they actually go to build, when they go to draw a permit and they say we want to change, they want to do something like North County Homes did and change the house layout. DEP is trying to assert authority to say not only do you have to go to Patterson Planning Board and the Building Department, you also have to come to us.

Board Member Montesano stated yeah but it.

Chairman Rogan stated it sounds like they would probably see that same note on the Ice Pond Subdivision.

Board Member DiSalvo stated I was just going to say that with Ice Pond.

Chairman Rogan stated right.

Board Member DiSalvo stated and what about Meadowbrook, does that fall under that too.

Board Member Montesano stated but on the other hand, what if we.

Rich Williams stated Meadowbrook has been in the process for a long time, I don't think you'll see it in Meadowbrook.

Board Member Montesano stated what is going to happen and it will eventually, we approve this and they say no and the guy proceeds to say well I have the Town approval and goes to build it. Who is going to be held liable, them or us, we gave it an approval, they are saying no you can't do it.

Chairman Rogan stated yeah.

Board Member Montesano stated I mean, I love the City of New York, I think it is in a great place, south of here but the only problem is they keep sticking their tentacles out trying to grab everything in sight and that annoys the hell out of.

Board Member DiSalvo stated I'm sure someone will challenge it.

Board Member Montesano stated yeah well that's that young lady who said we couldn't use the blocks that time between Cornwall Meadows. No not meadows, the other one up on the, the two connections, or I should I say the one connection of the road because it was crossing their version of a wetland.

Board Member Cook stated I just have one other thing Shawn.

Chairman Rogan stated sure Charlie.

Board Member Cook stated in Joe Buschynski note, he talks about, please advise if there are any further revisions necessary for the proposed first storage tank installation. Does that mean by Stantec's memo where they say everything has now been addressed, there is nothing further for the fire storage tank.

Rich William stated as far as they are concerned, as far as they are concerned, I don't know if Dave has any other concerns.

Board Member Cook stated and that is the question.

Dave Raines stated just how we are going to manage the valve because of the elevation difference.

Board Member DiSalvo stated now, is that considered a structure on that property that the DEP would.

Dave Raines stated I'm sorry.

Board Member DiSalvo stated over rule us on, the location of that.

Chairman Rogan stated no, that note that the DEP is asserting is after, is not in this part of the process, it is in the future.

Board Member DiSalvo stated right.

Chairman Rogan stated it's with individual lots and changing things, from the approved plans so, Charlie is just asking. It sounds like the engineers are both saying we are good to go here on the fire tank, it sounds like a valve issue, unless I'm misunderstanding something.

Board Member Cook stated so you have an issue, Dave on.

Dave Raines stated it was an open, it was an open issue because of the elevation distance, the tank location, I think you guys were okay with that, I mean its just, the water, the dry hydrant is going to be wet at this time of the year and it would be frozen and they were going to install a valve which really isn't a good practice but there really is no choice. We have to put a valve to keep the water from flooding that pipe four months out of the year, three months out of the year so, we are really closed on how we are going to manage that valve. Whether it is going to have a Fire Department lock on it, what type of valve, it has to be something where they can just, a butterfly valve where they can just throw it and they will have water otherwise it has no value if you can't get any water out of it. It's an anomaly, there is probably no other one like it that I can compare it to because elevation wise, typically the hydrant is forty-right inches above.

Chairman Rogan stated oh, I see.

Dave Raines stated pulling forty-eight inches ahead, here it is the other way, the hydrant is at road grade and we can't really raise it and it will be sticking out and it will just be this eye sore. So we can work with it upon design, we can get creative as long as you guys are okay with where the tanks are and maybe we'll have them put a butterfly valve in. We'll probably put a Knox lock on it, the Fire Department would have those Knox like we are going to use on some of the fencing in Town.

Rich Williams stated that is all covered on the drawings on the plans right now.

Dave Raines stated correct.

Rich Williams stated okay.

Dave Raines stated it doesn't have the lock and the whole thing, we didn't.

Rich Williams stated well the lock is.

Dave Raines stated but I had to manage it and it needed a valve.

Chairman Rogan stated and what is a butterfly valve.

Dave Raines stated it's a quarter turn.

Chairman Rogan stated oh.

Dave Raines stated vertical would be closed, quarter turn horizontal would allow for unrestricted flow. You would obviously want it locked in case somebody decided to come by on a December night and open it, so that's the only thing, it's a tricky spot because there was no other location that would be accessible to the Fire Department as well as open space where we could put a tank, so.

Chairman Rogan stated if they had a check valve at the tank, so water wouldn't drain into the pipe. The hydrant part of the pipe except when they are drawing water, that wouldn't, and then have it just left open, when they are done drawing they leave it open and it.

Dave Raines stated it would play against, it would have to suck, and you'd have to pull suction on it.

Chairman Rogan stated okay.

Dave Raines stated so if there was a check valve doing its job you would be pulling against it so, we have to actually have a valve itself, a mechanical valve, its not the end of the world.

Chairman Rogan stated okay, fair enough.

Dave Raines stated Rich, you are okay with where they proposed it here on the.

Rich Williams stated it is the same location as what we all agreed on.

Dave Raines stated okay.

Chairman Rogan stated the reservation strip.

2) **PETRILLO W/W PERMIT - Initial Application**

Chairman Rogan stated Petrillo wetlands/watercourse permit, we have a revised set of plans, Ted, it looks like Mr. Nichols showed a revised edge of wetlands line, did you take a look at that.

Ted Kozlowski stated right now.

Chairman Rogan stated it looks pretty close to what we determined in the field.

Rich Williams stated everything on the plan is matched, the dimensions are measured out in the field.

Chairman Rogan stated I figured they would.

Rich Williams stated I checked that, I did confirm that.

Ted Kozlowski stated okay, I guess he didn't want to include a deck or patio behind or something behind the house.

Board Member Pierro stated no, not behind it.

Chairman Rogan stated he said at the meeting, it was already shown, its on the northern side of the property, the future patio.

Ted Kozlowski stated okay.

Rich Williams stated because of the septic system, I don't think he can do it anyway.

Chairman Rogan stated the septic out the back is or is the septic behind the house he is showing as future also, I thought that was existing, which they were, (inaudible).

Rich Williams stated this is existing, this is going to be added.

Chairman Rogan stated so they are going to utilize some of the existing.

Rich Williams stated no, this is going to be added, I'm not sure what they are doing with this.

Chairman Rogan stated that says existing.

Rich Williams stated no, they are going to use this in addition to this.

Chairman Rogan stated I think on other plans, this was shown, this says existing but whatever it is, maybe this is the proper location.

Board Member Montesano stated I'll tell you one thing it's going to be fun to pump that one out.

Chairman Rogan stated oh, that might not be a big deal, they can pull in the driveway, it's only, fifty or seventy-five feet around the house there. They are not showing any kind of a fence along the back edge of the property that we had talked about.

Rich Williams stated no.

Chairman Rogan stated how does the rest of the Board feel about that issue with.

Board Member DiSalvo stated we were pretty thorough when we were out there without (inaudible).

Chairman Rogan stated I thought so, the only conversation that ensued on that was a fence or a berm and I thought we had set upon a fence.

Board Member Cook stated Shawn, this is the fence line.

Chairman Rogan stated no, that's the silt fence.

Board Member Cook stated okay, where is.

Chairman Rogan stated just erosion control, there is no fence shown.

Board Member Cook stated oh.

Chairman Rogan stated you could use that silt fence line as.

Board Member DiSalvo stated as the fence line.

Chairman Rogan stated as a fence line.

Board Member DiSalvo stated what did we figure twenty feet off the back of the house.

Chairman Rogan stated yeah.

Board Member Cook stated yeah but.

Board Member DiSalvo stated that is where its going to be.

Board Member Cook stated Mr. Petrillo, if I remember right is very agreeable.

Chairman Rogan stated yeah, I just think it didn't make the plans. I mean we could say something like a fence so many feet off of what is shown on this plan is edge of local wetland or something but it would be nice to have it on the plan.

Ted Kozlowski stated I'm going to post our signs on this property as soon as the snow is gone (inaudible).

Chairman Rogan stated there aren't too many trees out along that edge.

Ted Kozlowski stated (inaudible).

Board Member Pierro stated yeah.

Board Member DiSalvo stated there is a letter in here from a neighbor or something.

Board Member Montesano stated yeah.

Board Member DiSalvo stated what property is hers that she's saying, the property directly behind.

Board Member Pierro stated its not, its across the street.

Rich Williams stated its across the street and down the hill, remember going out about a year or so ago, on an issue where somebody was bringing fill in on Sullivan Road.

Board Member DiSalvo stated who was that.

Chairman Rogan stated that was a couple of years ago.

Rich Williams stated Esposito, a couple years ago.

Chairman Rogan stated it was a fill pad in the middle of that swamp.

Rich Williams stated yeah, the swamp is hers.

Chairman Rogan stated oh, she is saying that any excavation or work on this is going to make her more of a swamp.

Rich Williams stated the drainage coming off of Roanoke goes down the, crosses over Roanoke, goes down through some other properties and ultimately gets discharged on to her property.

Chairman Rogan stated well the fact of the matter is the guy is on an existing slab, he is building on the slab and any site work they have to do to put the septic system in. Any water that flows off the property is temporary in nature its not, you know, they aren't looking to drain out this wetland or channelize it any different than it currently is.

Board Member DiSalvo stated will he be draining the water that falls on his property on an angle to drain off of his property, maybe that is what she's concerned about.

Board Member Montesano stated she got dumped on and she's complaining about it now because she didn't have the, the feeling I get is that she didn't have the financing to stop it and the Town is dumping on it and now she's complaining because everyone else is dumping on it.

Chairman Rogan stated oh.

Board Member Montesano stated because if you read this, it's a shame but it happens more often.

Chairman Rogan stated where, Ted or Rich, where should the roof drains from this house be directed towards, I mean on this proposed Sullivan Drive.

Rich Williams stated I would be surprised if they weren't directed directly out the back.

Chairman Rogan stated well I would agree with you, they are just not shown, the gutters.

Ted Kozlowski stated I don't know, I don't particularly have a big issue with it being discharged, into some riprap and eventually drains into the wetland. It's clean water coming off the roof, it might be hot in a summer storm but it goes through some riprap and the ground before it hits the wetlands (inaudible). I mean, its one of the sites I mean, if they were coming in today's world, I don't think it would be developed.

Chairman Rogan stated right.

Ted Kozlowski stated but its there and we have to work with it, he's not expanding on it, I don't think he is going to have that much increase in water, hey, you've done the best you could.

Chairman Rogan stated this is a better site than Dougie Wallace's lot over on Carolyn Way, if you think about it, usable area, it's just closer to the wetland.

Rich Williams stated at least its flat.

Chairman Rogan stated right, at least its flat, okay, anybody else have anything on this.

Board Member DiSalvo stated so we are just going to review about him putting the fence on the plan.

Chairman Rogan stated the fence, make sure we mention to them, I think they should show where they are going to drain those leaders to have it on the plan. There probably won't be much of footing drains, they are going to be shallow, you don't even put footing drains on an existing slab like that. When you go back off an existing slab, are you requiring footing drains be put around that slab.

Dave Raines stated you mean when you construct, they are demoing it down to.

Chairman Rogan stated they are demoing it down to the slab and they are putting a new structure on, so the old slab would be, you would have footing drains around it.

Dave Raines stated I usually run it by Rich to make sure we're going in the right direction because what was existing may have been discharging the wrong way.

Chairman Rogan stated so out on that site, probably isn't any place.

Dave Raines stated especially when there is a change in the septic system, we look at where the existing is and see if there is anything because a lot of people just tie into what was down there.

Chairman Rogan stated there is no place to drain, to daylight footing drains on that, I would think.

Rich Williams stated to drain footing drains.

Chairman Rogan stated to daylight.

Dave Raines stated discharge.

Chairman Rogan stated discharge the footing drains, you don't have any elevation there.

Rich Williams stated there is probably a three foot drop in the back of the house and that.

Chairman Rogan stated top of the water.

Rich Williams stated yeah to the wetland, so that probably would be enough to get (inaudible).

Chairman Rogan stated the footings drains are a foot below grade or something. All right so, leaders and footers, the fence, anybody have anything else.

3) WERLAU W/W PERMIT – Initial Application

Chairman Rogan stated new application, Werlau, that is up on what, Cornwall Hill Road, Cushman, I always get Cornwall and Cushman confused.

Board Member Pierro stated Werlau.

Chairman Rogan stated that is that horse property up on the left there, past the Senators house.

Board Member Pierro stated yeah.

Chairman Rogan stated so they have an existing pond and they are looking to make it bigger, in essence.

Board Member Montesano stated they ever fill out an application.

Ted Kozlowski stated I have been out to the site. That is State wetland and the existing pond that they want to dredge, they want to actually expand and dredge a lot of the wetland. The application, I just quickly looked at it and its very incomplete. I would not set a public hearing yet and they are definitely going to need Army Corp and DEC permits and a number of other things.

Board Member Pierro stated okay.

Chairman Rogan stated is it.

Ted Kozlowski stated I will draft a letter to the applicant saying that the application is incomplete and I will state all the reasons why.

Chairman Rogan stated okay.

Ted Kozlowski stated but this really shouldn't go any further until they get a complete application.

Chairman Rogan stated since you've been on the site, Rich you've been on the site also.

Rich Williams stated I have also been on the site.

Chairman Rogan stated is that a site that we should take a look at.

Ted Kozlowski stated yes. Apparently on the plans that Richie gave me, Beth Evans Associates flagged the wetlands in 2006, so they were aware of wetlands out there. The barn complex that has been built is probably in the buffer of those wetlands, there has been some intrusion into the wetland buffer. There are also dams involved, down stream of this and one of the concerns that I have is, no one knows how all of those dams are, we don't know structurally if they can take the forces, if you dredge that whole area out and make a pond, you are going to be putting a tremendous amount of pressure against those dams. I don't know if they are suitable to hold back that kind of water, they are going to need an engineer to evaluate that.

Board Member Pierro stated okay.

Chairman Rogan stated on this type of a permit considering DEC and Army Corps permits are required, do we get those permits in place prior to an approval or is it a conditional approval. I know we've done it as it conditional but.

Ted Kozlowski stated DEC went out there as well, I spoke to Brian Drum, he has informed them of what they can and can not do out there. Unfortunately he did not put it in writing, he told me that they would definitely need permits to do that. So in this case the Town of Patterson usually has communications set up with DEC so we are all in unison with where the permits are going, so one doesn't do one this and the other one does the other and we run into all sorts of problems.

Chairman Rogan stated that's good.

Rich Williams stated your jurisdiction in this is concurrent, not subordinate, so there is no reason that you can't proceed with the application, you know, bring it right to the end.

Ted Kozlowski stated right.

Board Member DiSalvo stated Ted, is the pond visible from the road, I kind of forget where it is on the property.

Ted Kozlowski stated Maria, the pond is about, the actual open water of the pond is about the size of this room.

Board Member DiSalvo stated but where is it on the property, can you see it from Cushman Road or is it way back.

Ted Kozlowski stated without snow, yeah you can probably see it. The only trees left on that site are in the wetland property, they have cleared everything up to it.

Board Member Pierro stated I have a question Ted.

Ted Kozlowski stated yeah.

Board Member Pierro stated does our Code provide for removal of those trees as he did, that clearing, does a clearing that large need a permit, is what I'm asking.

Ted Kozlowski stated from my stand point, it is debatable whether they were in the buffer or not.

Board Member Pierro stated right.

Ted Kozlowski stated they would have definitely need a land [development permit], they clear cut trees.

Board Member Pierro stated right.

Ted Kozlowski stated whether it's in the buffer or not, I don't know.

Board Member Pierro stated oh okay.

Ted Kozlowski stated it looks like it to me from a visual inspection.

Board Member Pierro stated okay.

4) RIMALDI SITE PLAN – Continued Review/Site Walk Comments

Chairman Rogan stated everybody ready to move on to Rimaldi.

Board Member Pierro stated I am.

Chairman Rogan stated okay, Rimaldi site plan, we did a site walk about a week ago, just about a week ago, that was a cold afternoon. Maria, did you get a chance to get out to Rimaldi.

Board Member DiSalvo stated yeah, I went out the next day.

Chairman Rogan stated okay, you went with Mike.

Board Member DiSalvo stated yeah.

Board Member Montesano stated yeah.

Chairman Rogan stated okay, any, did you see anything, I mean you have our site walk comments, did you see anything.

Board Member DiSalvo stated yeah, I think I have the same. Actually I did print out the comments when I went there, the building being a little too close to the other building, moving the electrical boxes. We talked about some of the trees in the front there, if he was going to relocate them or leave them there.

Chairman Rogan stated I think he was going to relocate, or actually he didn't even say relocate, he said they were gone and I said well you can probably relocate them, they are not that big you know and he just said well they are gone. So, they were fruit trees.

Board Member DiSalvo stated and the parking lot was going to be extended and then we talked about, also about the possibility of another opening, another cut on Route 22.

Chairman Rogan stated yeah.

Board Member DiSalvo stated is he planning on keeping the tables there, the lunch tables.

Chairman Rogan stated I don't know, I don't know if they are shown.

Board Member Pierro stated not if the building is as close as its shown.

Board Member DiSalvo stated well I'm sure they'll make a little court yard.

Rich Williams stated not with the ramp there.

(Board Member Pierro's cell phone rings).

Board Member Pierro stated excuse me.

Board Member DiSalvo stated and about the retention pond, wasn't cleaned out, that needs to be manicured and maintained.

Chairman Rogan stated yeah well and actually I think from what Rich was saying based on the current regulations, it's going to need to be approved and maybe even expanded from most likely.

Rich Williams stated I took another look at those regulations, they are relatively new, it looks like he is going fall under the one acre threshold. So I mean, he is still going to have to do some modifications to the pond, there is no doubt because he is increasing the volume of stormwater but he's not going to have to do full treatment of today's standards. He will eventually, everybody will eventually but not at this time.

Chairman Rogan stated okay, the, I know we have a referral on this to ZBA for an area variance because they are less than five acres for the special use permit, the. Has this site ever gone before the Zoning Board for consideration for a retail center.

Rich Williams stated yes.

Chairman Rogan stated and did they not make it through that process or did they not get, because if they had we wouldn't have to refer them back.

Rich Williams stated no, they did, the applicant initially made an application to the Zoning Board of Appeals for a retail center. At the time our Code required for a retail center to have fifteen acres, now its down to five.

Chairman Rogan stated wow.

Rich Williams stated at that time he was looking for a much larger building, actually two buildings and the other one was about the same size as the one he is proposing, maybe a little larger. The ZBA denied the special use permit for a retail center because he didn't meet the area requirements for the fifteen acres and in the minutes a week or two later the ZBA considered a second special use permit application for the single store that he has out there now and approved that but totally ignored the area variance issue. So he's got to go back to the ZBA now and do the area variance as well as the special use permit.

Chairman Rogan stated okay.

Board Member DiSalvo stated so the special use permit would be for an office building.

Rich Williams stated the special use permit is for multiple retail stores on an individual site.

Board Member DiSalvo stated but he's not doing retail stores.

Rich Williams stated he is doing retail stores.

Board Member DiSalvo stated I thought it was going to be.

Board Member Pierro stated that is what its going to be, just like what he's got, a retail store.

Board Member DiSalvo stated I thought it was going to be an office building.

Board Member Pierro stated I didn't hear anything about an office building, no.

Rich Williams stated it shows retail.

Chairman Rogan stated I know we always want to be comfortable with the layout prior to sending them to ZBA but I also want to send them there soon enough so that we don't have them go through a whole bit of work if the ZBA you know for instance, if the ZBA denies them because there is a lack of area.

Board Member Montesano stated well so far, everything we've done is something that can be done without a major problem because we don't have a building. The driveway application he can make to the State, that doesn't make it one way or the other, we can still do it similar to what the drawing is, moving the building since it is a non-existent thing right now, you should be able to move that if it is requested. The electric he has to move because he is going to move the building on top of it.

Chairman Rogan stated yeah.

Board Member Pierro stated I'm not in favor of making this man spend a lot of money for design issues if he is not going to get the area variance.

Board Member Montesano stated well this is the whole thing.

Chairman Rogan stated yeah, no, I agree with you.

Board Member Pierro stated I'm not in favor of that.

Board Member DiSalvo stated no, not at all.

Board Member Pierro stated I don't think he should do anything, maybe move the building over to.

Rich Williams stated yeah but there is an issue with the building proximity, which they probably should address first.

Dave Raines stated I was looking at that.

Chairman Rogan stated yeah.

Rich Williams stated the other issue is that second entrance, I looked at the plans finally, there is another issue tied into that, with the primary entrance and the site distance and that's delivery vehicles. He has no way of maneuvering trucks on that site.

Chairman Rogan stated correct.

Rich Williams stated so how are people going to make deliveries to that second building, he really needs to have that second entrance.

Board Member Pierro stated absolutely.

Rich Williams stated and okay, maybe you don't want to send him to the DOT at this point to do it and I think that you have to have a conversation with him and strongly emphasize the design issues that are relative to necessitating that second entrance and then if he concurs and the Board concurs, you should show it on the plans before it comes to the ZBA.

Board Member Pierro stated but a conceptual review by the DOT doesn't have to be a full blown out site plan.

Rich Williams stated no.

Board Member Pierro stated so that would be relatively inexpensive to do because he already has the plan, the survey and the map laid out, he can show a conceptual second driveway to DOT, perhaps and see if it will work.

Board Member Montesano stated does he have enough acreage to put that second building in.

Rich Williams stated no.

Board Member Montesano stated so he's got to go to the ZBA.

Chairman Rogan stated right, regardless he's got to go but we are.

Board Member Pierro stated well.

Board Member Montesano stated if you, what I'm saying is if we were to send him now before the plans are finalized or adjusted. If they say no, then he doesn't have to do this, he doesn't have to go to the DOT, he doesn't have to be bothered with it and it would save him that much time and effort. If they agree on the concept that it can be done and give him the option then let him get a, because now he's got some enthusiasm he can maybe transfer it over to those people.

Chairman Rogan stated the only problem I can see is if it is not a sight, let's say for the sake of argument, that he starts looking at site plan layout issues and he can't provide proper you know parking area, turning area, let's say we haven't found that out yet, we send them to ZBA. Now he comes back to us and now we start getting into the nitty gritty and he can't provide these things, I think it puts extra pressure on us because he's already gone through, he's got, he's already gone through the ZBA.

Board Member Montesano stated well, all we are looking to do it find out if the ZBA's opinion is that.

Chairman Rogan stated yeah.

Board Member Montesano stated we like the idea of him putting up the second building, he doesn't have the property.

Rich Williams stated but it is also a legitimate concern of the ZBA traffic flow through the site and that second entrance.

Chairman Rogan stated can the site support it.

Board Member Montesano stated okay.

Rich Williams stated and you want to give the ZBA the opportunity to say yes, we think its appropriate or no we don't.

Chairman Rogan stated because if it was just black and white, we would have these rules, it would be no, it's only 3.6 acres, see ya later, you know.

Board Member Pierro stated can he expand the existing building without going to the ZBA.

Board Member DiSalvo stated to add something to it.

Board Member Pierro stated no.

Rich Williams stated two or more stores you need to get that special use permit.

Chairman Rogan stated oh so it being detached doesn't affect it, oh okay because I thought that came up at one point because its separate, didn't that come up, no. I thought that is what we were talking about because we said if we attach the building to it, it wouldn't be a retail center it would.

Board Member Montesano stated a retail building.

Rich Williams stated multiple stores on any individual site.

Board Member DiSalvo stated retail, still needs the use variance.

Chairman Rogan stated okay, all right, so regardless if he wants to add on to this place, he needs an area variance and a special use permit. He would need the special use permit even if he had eight acres, he would still be going to ZBA. Although, that certainly would be a much more straight forward process if he had six acres of property out there. Okay, so we have, I mean the site lays out, in terms of, it doesn't have topography to contend with, it doesn't have wetland issues, it does have issues of servicing that new building.

Board Member Montesano stated that new building.

Chairman Rogan stated some real basic site walk comments that we had, can they get trucks in and out of there properly, can they get customers in and out of there and not cause an accident.

Board Member DiSalvo stated and not adding to the (inaudible) of [Route] 22.

Board Member Montesano stated if you look at the buildings next door to him because its still a community driveway, the only thing is you have to hope the guy knows how to drive.

Rich Williams stated right now they are showing that they meet their parking demand on the site but they are just meeting it. If we require them to put the driveway in, they are going to end up losing two, possibly three parking spaces and they are going to end up losing a fourth parking space if the building has to shift, that is my segway in that Dave.

Dave Raines stated I don't see any exceptions based on the type of construction they are proposing and the type of construction of the existing building, you are going to need twenty-five feet between the buildings.

Board Member Montesano stated okay, that's.

Dave Raines stated they have fifteen, Rich.

Board Member Montesano stated yeah, yeah, fifteen, now those parking spaces on the side where the driveway is now, that he put in, those two handicap spots.

Rich Williams stated I don't think they are there now.

Board Member Montesano stated no, their not but I'm saying, on the plan they are there. What I'm saying is can that be added, can any other parking be added to that site.

Rich Williams stated it didn't look like it.

Board Member Montesano stated because I'm trying to remember the side because you are going in there and he gets deliveries back that way.

Board Member DiSalvo stated round the back, can you put parking there.

Board Member Montesano stated because there is a, when you drive around there is a lower floor opening for the garage door to get in there.

Rich Williams stated parking for who, employees, possibly he could continue that drive right between both stores as parking in the back.

Board Member Montesano stated well we'll let the engineers figure that out if it goes any further, rather than use trying to figure out. I just wanted to see if we could possibly get them in there.

Board Member DiSalvo stated all right, so.

Dave Raines stated Rich, (inaudible).

Rich Williams stated as far as.

Board Member Montesano stated let them figure it out, they are getting the big bucks.

Dave Raines stated separations between buildings.

Rich Williams stated that's commercial.

Board Member Cook stated you know he, the applicant may have some interesting responses to both your review letter Rich and the site walk comments, that may help us too with this.

Board Member Montesano stated how much acreage is between his property and that, we looked at that, between him and the Town line.

Rich Williams stated I don't know.

Board Member Montesano stated I'm just trying to figure out if we can go this and that guy shows up.

Chairman Rogan stated Rich, maybe this is what Mike was just talking about, I'm sorry I was thinking about the plans, they already have to shift the building to the south, minimum twenty-five feet. If they can make it far enough that they can either gain access because I'm assuming even though the buildings have to be twenty-five apart, there is no requirement that would limit them from putting a drive aisle between the buildings if need be to gain access to the rear, because the grade behind the place, there is nothing back there other than two propane tanks behind the.

Rich Williams stated the drive aisle in the back of the building.

Chairman Rogan stated you could go all the way around the back and that might be there.

Board Member Pierro stated circumvent the building.

Chairman Rogan stated or they could come in off the existing asphalt driveway that services the back of Panino, I don't remember the, you were on the top of that slope of the stormwater, so that was a bit tough.

Board Member Montesano stated they would have to remove a wall and bring the whole thing in.

Chairman Rogan stated but sufficient room exists behind the proposed building to either do some additional parking whether its for employees or if its just a drive aisle in the back. It could be where you end up having a loading area of some sort, I don't know, something, they certainly don't know have the room up front, they've maximized every bit of the property.

Rich William stated honestly the way the thing is laid out right now, I don't know where you would ever put a loading zone or space on there which meets our Code requirements.

Chairman Rogan stated yeah.

Board Member Montesano stated show them on the new building.

Rich Williams stated and the septic system, you're going to shift it down twenty-five feet.

Board Member Montesano stated we're going to have to get rid of the garden.

Board Member DiSalvo stated we wouldn't have to worry about the distance between the two buildings if there was only one building, if we did attach it to the existing building.

Board Member Pierro stated it would be awfully close to the septic if (inaudible).

Board Member DiSalvo stated then we wouldn't have to worry about the distance between the two buildings.

Chairman Rogan stated well Maria that is a valid point that if the building was connected.

Board Member DiSalvo stated yeah.

Chairman Rogan stated you're gaining twenty-five feet, architecturally I don't know how, there were some arbitrusions, that is the biggest concern out there, that building had some, on that one side, they had a bump out. They'd probably have to take that or knock off or.

Board Member Pierro stated bumps outs.

Rich Williams stated then they have a difficult roof line to match architecturally.

Chairman Rogan stated yeah.

Board Member DiSalvo stated how different is this building going to look compared to that.

Chairman Rogan stated we have no idea yet.

Board Member Montesano stated it depends on who the architect is this time.

Board Member DiSalvo stated that would be the solution to the distance, somehow.

Chairman Rogan stated that is true though, that new building architecturally has to compliment or tie into the other building, so that could be a disaster out there. You put Dilmaghani next door to.

Board Member Montesano stated if I remember right, when he came in, I think that roof design changed about a dozen times.

Rich Williams stated that roof design is not the one that they show on the plans, that roof design added a second story that wasn't going to be there.

Board Member Montesano stated it kept changing and changing.

Board Member DiSalvo stated just a suggestion to it.

Board Member Pierro stated we don't want to give them another second story.

Rich Williams stated and it's a good suggestion but I'm just saying that it is going to be difficult to match the architecture, not impossible.

Board Member DiSalvo stated it would solve the parking situation, it would give you more room for loading around the side.

Board Member Montesano stated that is something to.

Board Member DiSalvo stated you know what I mean.

Board Member Montesano stated see if he would like to do.

Board Member Pierro stated you can also tear off the roof and put on one contiguous one.

Board Member DiSalvo stated make a, what do you call those, roof overs or something.

Board Member Pierro stated right.

Board Member Montesano stated let's put it this way, if he attaches, what he is saving on the attaching wall, he can generate for a new roof line.

Board Member Pierro stated that's up to him at this point.

Board Member DiSalvo stated then maybe he would need that second driveway cut if everything was closer.

Board Member Pierro stated there is no prohibition against the building being.

Chairman Rogan stated bringing everything closer doesn't change.

Rich Williams stated being attached.

Board Member Pierro stated yeah.

Rich Williams stated there is no prohibition against that building being attached is there.

Chairman Rogan state whether it is attached or not, it doesn't change the potential use of the building.

Board Member DiSalvo stated right.

Chairman Rogan stated and that potential additional use is what concerns me most about that, about getting in and out of this place.

Board Member Pierro stated there would be a lot of access.

Chairman Rogan stated whether its twenty-five foot.

Board Member Montesano stated well.

Board Member DiSalvo stated but that will give you more room for parking right.

Chairman Rogan stated its not this distance that as a concern as getting in there.

Board Member Montesano stated if you got the twenty-five feet safe, right, twenty-five feet, that means if you went to the southern end of the building and just made that your loading dock.

(Inaudible – too many speaking).

Chairman Rogan stated talk about a dock.

Board Member Montesano stated a loading area.

Board Member Cook stated I wonder if this building has to be forty-five hundred square feet, could it be smaller.

Board Member Montesano stated good point.

Rich Williams stated these are all options that you need to consider, these are all options that I think they need to consider and come back to the Board, and the Board can identify the issues to them.

Dave Raines stated the twenty-five feet also ties into the fire access

Board Member DiSalvo stated can't be so much smaller than the regular building; it will look like (inaudible).

Dave Raines stated there is none on the outside, as it's shown.

Chairman Rogan stated not to the new building but there is access.

Dave Raines stated but then you don't have anything behind that building.

Chairman Rogan stated correct.

Dave Raines stated and they also don't show, which is another issue that Rich and I have looked at, where are these LP tanks going.

Chairman Rogan stated right.

Dave Raines stated just to be removed, I assume they are going to be utilized unless they are abandoned.

Board Member Pierro stated is there propane.

Rich Williams stated natural gas.

Board Member Pierro stated natural gas on that road now.

Rich Williams stated I don't think it's that far.

Dave Raines stated I don't know if there is, I can't tell you off the top of my head.

Board Member Pierro stated where does the gas come in from, doesn't it come north on [Route] 22.

Rich Williams stated yeah its coming north on [Route] 22, I don't know its gotten that far.

Board Member Pierro stated where is our main from.

Rich Williams stated they came down East Branch to get it to here.

Board Member Montesano stated oh okay.

Board Member DiSalvo stated so there is nothing really south past the diner.

Rich Williams stated they wanted to hit Green Chimneys and they looped right around and hit Watchtower.

Board Member Montesano stated they never came down [Route] 311.

Board Member Pierro stated yes they did.

Board Member DiSalvo stated yeah by Rose Devito's house.

Board Member Pierro stated came right in front of our house.

Dave Raines stated right through our parking lot.

Board Member Montesano stated let me put it this way, when they put the line in, I was supposed to get a new natural gas boiler system and when they went by.

Rich Williams stated I think they may have stopped at Patterson Village.

Board Member Montesano stated yeah I thought they stopped before they crossed Cornwall Hill, then they went up the hill.

Rich Williams stated because we've got, maybe not even, I'm not even sure.

Board Member DiSalvo stated they put the signs in.

Rich Williams stated I'm not sure where they stopped.

Board Member Pierro stated yeah, they came down, they came in from of Patterson Village, because they came down Cornwall Hill Road.

Board Member Montesano stated they never came to me and I was all set to buy in.

Board Member DiSalvo stated go check it out Mike.

Rich Williams stated how far down Cornwall did they go, oh Cornwall Meadows.

Board Member Pierro stated they stopped at my house.

Board Member Montesano stated Cornwall Meadows.

Rich Williams stated Cornwall Meadows, we've got a natural gas generator.

Dave Raines stated (inaudible).

Board Member Pierro stated that was it, they stopped on my front lawn and made a left turn into Cornwall Meadows, I gave them an easement.

Rich Williams stated but I don't know they went into Patterson Village.

Board Member Montesano stated because they were supposed to go to Pescatore's.

Rich Williams stated (inaudible).

Board Member Montesano stated wasn't it supposed to go to Pescatore's that time.

Board Member DiSalvo stated yeah down to Louie's.

Board Member Montesano stated when he was putting in the houses.

Rich Williams stated he was talking to them about it.

Board Member Montesano stated they never got that because they hit Cornwall and stopped because they didn't think there were sufficient customers from that point.

Board Member DiSalvo stated alright, so he needs to show the propane tanks, whatever he is going to do.

Board Member Montesano stated I got my stove.

Rich Williams stated the last issue I think you need to think about a little bit with Rimaldi's and talk to him about, is his sign. Right now he's got a twenty-four square foot sign up, our Code limits it to twenty-five so the new people coming wouldn't be allowed to have a free standing sign and that could be an issue.

Chairman Rogan stated will this.

Board Member DiSalvo stated unless we do a whole new free standing sign.

Board Member Pierro stated what if it's the second building.

Chairman Rogan stated if it fell under regional retail center or is it not nearly that.

Rich Williams stated it would but I took a look at it and the way I currently have it structure, he wouldn't get half of what he's got so I've actually kind of made some modifications to what you've looked at so that you know, the minimum size a person is allowed to have is twenty-five square feet and the maximum is three hundred and twenty square feet and everything in the middle is related to the size of the shopping center.

Board Member DiSalvo stated the Panino Center.

Chairman Rogan stated so he's right now, the Panino Center is the same at the castle in Put Lake, they already have their twenty-four and they only have one square foot to spare. Charlie, anything else on Rimaldi.

Board Member Cook stated no.

5) MARTINS SUBDIVISION – Continued Review

Chairman Rogan stated Martins Subdivision is back in, have they gotten through ZBA.

Rich Williams stated they have not.

Chairman Rogan stated they have not, they don't have a.

Board Member Pierro stated variance.

Chairman Rogan stated a variance on that.

Rich Williams stated the Zoning Board is doing a site walk this Saturday. There was some back and forth on whether the Zoning Board felt that fifty foot strip of land for the one lot was appropriate or not. So we are not sure where that is going to go.

Chairman Rogan stated and the fifty foot was shown to provide potential future access to the existing house that currently gains access by the common drive. I guess they are wrestling with whether it is appropriate to reduce the frontage of a proposed lot to be able to provide future access rather than just make it more conforming because even that full frontage that is shown, it would still need a variance, right.

Rich Williams stated it would be less of a variance.

Chairman Rogan stated so, that will be interesting.

Rich Williams stated actually it would eliminate one variance and reduce the variance.

Chairman Rogan stated the average lot width would still be a variance from what I remember. It looks like with the new submission that we have, the house has been pushed further back on the lot by request of the owners, from what I read. Which I actually like because remember when, originally we asked them to turn the house 90 degrees because it was so close to the house over the border.

Board Member Pierro stated right.

Chairman Rogan stated well now its pushed up further the hill, its away. I think the neighbor certainly would appreciate that.

Board Member DiSalvo stated better view too.

Chairman Rogan stated and it give them a little more width you know for the lot as their backyard, as it opens up, it seems to me, to make a lot more sense.

Rich Williams stated but it looks like they moved it over the hill for the view to the north, north west, which is a nice view but in doing so. There is a strong likelihood that the limits of disturbance lines that are shown there, are not the true limits of disturbance and there may be some clearing going on the site so that they can enhance those views, I would be surprised if it went any other way.

Chairman Rogan stated sure.

Rich Williams stated which I don't have a problem with it but in doing so, it causes other triggers for you know, regulatory requirements. So we are at a, we have to find the balance here, whether they are going to show what they are actually, what we suspect will actually happen on the site or we are going to put limits on to make sure that those things don't happen based on what they are showing.

Chairman Rogan stated okay.

Rich Williams stated they are 190 feet away from the wetland buffer line also and I don't know if the Board wants to have that flagged or the wetland flagged or you know.

Chairman Rogan stated its like 200 feet away from the buffer, is what you're saying.

Rich Williams stated yeah, that's a pretty good distance.

Chairman Rogan stated yeah, I don't think we need to have that done.

Board Member Pierro stated no.

Board Member Montesano stated no.

Chairman Rogan stated so it sounds like also.

Board Member Cook stated there is only one new house being built right.

Chairman Rogan stated yes.

Board Member Cook stated okay.

Chairman Rogan stated and the, they do have frontage on [Route] 311 on the other side, I mean Cornwall.

Board Member Pierro stated yes.

Chairman Rogan stated does the lot actually border Route 311 on the other side.

Rich Williams stated the lot fronts on Route 311.

Chairman Rogan stated but it is not considered frontage because it is not the area where you gain your access.

Board Member Pierro stated right.

Chairman Rogan stated so while they may have three or four hundred feet of frontage on a road, it is not the area where they gain their access, so its not, it doesn't (inaudible).

Rich Williams stated correct.

Chairman Rogan stated okay. Anybody have anything on Martins they want to talk about.

Board Member Pierro stated this is the new site location.

Chairman Rogan stated yeah.

Rich Williams stated yes.

Board Member Pierro stated this is that depression at the top of that hill and I think this house may be sitting within it which may be the need for clearing a lot of trees there but I didn't think that there were many high quality trees, there were a lot of.

Chairman Rogan stated scrub.

Rich Williams stated very young trees.

Board Member Pierro stated interesting.

Dave Raines stated don't worry about it, it slid across the floor.

Board Member Montesano stated just remember when you slip on it.

6) MEADOWBROOK FARMS

Chairman Rogan stated we don't have anything in our packets on Meadowbrook, what is going on.

Rich Williams stated you do not, I just kept them on the agenda for no other reason to promulgate a call to Mike Budzinski. Hopefully at the Planning Board meeting I will have something to report to the Board about where we are on this.

Board Member Montesano stated and I still have to get up and go take a walk.

Chairman Rogan stated yes.

7) BREWSTER PLASTICS

Chairman Rogan stated Brewster Plastics, this is an interesting one. We did a site walk out there and we commented about the outdoor storage that wasn't legitimate or wasn't allowed by Code, it was the (inaudible) trailers. We tried to get the gentleman to consider adding on to the building and he said if things went the way he had hoped that he would be back in, in a year or so to request such an addition. It sounds like he's back, Rich, if you maybe want to talk a little bit about your meeting with them because it sounds like there is a difference of opinions of how the procedure should work on this, how we go about.

Rich Williams stated well no, not a great difference of opinion.

Chairman Rogan stated okay.

Rich Williams stated you know, I was contacted by the Supervisor who was contacted by the people from the IDA because they are getting ready to move forward with Mr. Wallace's application for funding to do an addition out there, a substantial expansion of the building. We had heard about this probably six months ago and at that time the people we were talking, do you want me to wait for the train to go by to.

The Secretary stated I would be happier if you waited for the train to go by but.

Dave Raines stated what is Judge King going to do during his sermons.

Rich Williams stated I don't know. So, I believe it was somebody from Putnam County's Economic Development Committee that indicated that Brewster Plastics may be expanding. We let them know at that time that, you know, any approvals have long since expired and they needed to come in and get something new and there had been the issue with storage trailers, so Brewster Plastics was aware of that.

(Side 1 Ended – 8:25 p.m.)

Rich Williams stated anyway, you know the Supervisor and myself we went out, we met with the owner of Brewster Plastics, and we talked about what they were proposing to do, the process and that is pretty much all outlined in the memo that I have. There are three issues that they have, one is an immediate storage need in which they are looking to place a couple more storage containers or box trailers on the site for product because they have recently gotten in contract with McDonalds and I think it was Wendy's for processed product. So there is an immediate need for storage, there is also an immediate need to provide some storage for unprocessed product, in the form of two silos, which were originally shown on the site plan that was approved back in 1997. So, you know, there are a couple of site plan waivers and/or how you want to handle the process if you want him to go through a full site plan for those two issues and then the third issue is in the next few months, they are looking hopefully to start a substantial expansion of the existing building. It is not the full phase two that was shown on the original site plan but it is a portion of that. I've given the Board the 11 by 17's that they provided us at that meeting showing the building and what they are proposing to do.

Board Member Cook stated so for this phase two, they received approval and built part of it.

Rich Williams stated back in 1997 they came in with a site plan showing a, I can't remember the size of the building but a building that was going to be constructed in two phases, when the Planning Board reviewed it and they approved the site plan as two phases and they approved the whole site plan. They were intending at the, you know, when they met with the Planning Board to build the second phase, within a year or two of finishing the first phase. It is now some ten years later, they never pulled a building permit for that first phase, they never posted inspection fees, they never posted a bond, our Code says if you don't pull a building permit within a year, the site plan expires. My opinion is that phase two portion has expired, so it requires a new review by the Planning Board but having said that, a lot of the work has already been done on the previous plans. They are deviating from the original phase two because phase, the original plan was to build phase one which was a portion of the building and then phase two.. Now they are building just a portion of phase two, so they are going to do a phase one, phase two and phase three and possibly phase four.

Chairman Rogan stated can I ask, why is the process for a facility like or a project like Pondview Estates different from something like this. In that the Planning Board approved a project years ago that wasn't built and I'm talking about Pondview now and they wouldn't have to come back to us if it were not for this change in the wetland regulations.

Rich Williams stated Pondview is a subdivision and the subdivision has filed with the County and the lots have been created and unless the property owner wishes to un-create those lots, those lots are always going to be there.

Chairman Rogan stated okay.

Rich Williams stated you know, Pondview is coming back in for some modifications to the design of the access getting in there and some of the improvements on the site but those lots are still there and the Planning Board is not going to do anything with them. Development of this site is a little bit different and there has always been a sunset clause in our Code so that after a period of time and you haven't built, there may be changing conditions, there may be changes to the Code. You know that the Town doesn't want that project then to be built but certainly if you still do want that project to be built, in the form that it was approved, you certainly have the ability to you know, extend those approvals or do what you need to do to keep that project moving forward.

Chairman Rogan stated okay and Brewster Plastics was the original applicant, they've been here for that long, for ten years.

Rich Williams stated yes.

Chairman Rogan stated that's good, I didn't realize that. You had started out by saying the two first two issues, the immediate storage needs and the silos, it sounded like what they were hoping for was a fast track on being able to do those two things and possibly a site plan review for the expansion of the building. They are showing on the second page of what they provided us, two fifty-three foot trailers adjacent to the new warehouse. Are those the two they are talking about to meet that immediate, these two trailers, fifty-three foot trailers, do you know if.

Rich Williams stated yes.

Chairman Rogan stated those, they are not existing right now, they are proposed.

Rich Williams stated correct.

Chairman Rogan stated okay.

Board Member Pierro stated is the loading dock existing.

Rich Williams stated no.

Board Member Montesano stated are we going to allow the trailers.

Board Member DiSalvo stated (inaudible).

Rich Williams stated excuse me.

Board Member Montesano stated they already have trailers there and we knocked everybody out for a couple years, no trailers, are they going to continue to get okay'd with trailers.

Rich Williams stated I don't know, that depends on a vote by the Board.

Board Member Montesano stated what I'm saying is I thought we were under the impression that we changed the law that you couldn't have a trailer.

Chairman Rogan stated the.

Rich Williams stated no, the law was changed so that you can have a C-Container or a trailer on a commercial site, okay.

Board Member Montesano stated yeah, go ahead.

Rich Williams stated whether you can have a C-container or a commercial site on a commercial site. C-container or a storage container on a commercial site, is a requirement of the site plan, okay. It is up to the Board whether you think it is appropriate or it's not appropriate.

Board Member Montesano stated all right.

Chairman Rogan stated well these trailers, these, well they are trailers and I guess this is a conversation we should have with the applicant. Is the intent that they are filled and then an eighteen wheeler pulls in and they hook up to him and they take them off because that is different than a C-container that, you know.

Board Member Montesano stated well right now they have the trailers there that they store it.

Board Member DiSalvo stated right.

Board Member Montesano stated now, is this going to be the same situation where they are going to use this for product or is this going to be picked up by a truck after they load it and moved out and another one brought back in.

Rich Williams stated no.

Board Member DiSalvo stated (inaudible).

Board Member Montesano stated then its just going to stay there.

Rich Williams stated yes and right, to answer your question Maria, they have two loading bays on the north west side of the building in that same general area on the south west side of the building. As part of phase two they were going to depress that parking lot so that they could back two trailers in and tuck two doors in that building.

Board Member DiSalvo stated right.

Rich Williams stated all right.

Board Member DiSalvo stated never happened.

Rich Williams stated and they haven't done that, so the doors aren't there at this point and the depressed area is not there. So I'm not and I wasn't real clear we didn't get into the particulars whether they were proposing just trailers sitting on the ground or they were going to being in tractor trailers on wheels and just take the tractors away. I think, so you know, I think that when they do this, if they get approval, they do want to come back to the building department and get permission to cut the doors in.

Board Member Cook stated so what they want to do now, they want approval for these two trailers and these two silos, they want to build and they do not want to deal with any other expansion relative to the way back approval of phase two.

Rich Williams stated they will be, in the next couple of months, coming to the Planning Board for site plan approval for a portion of the phase two expansion, they don't want to do all of the phase two because of the cost. You know, one of the issues is going to be access around the building, right now its one way and they don't have access around the complete building and they don't want to provide it even with this latest expansion because of the cost of fill and some of the other costs associated so, that is going to be something that you are going to have to wrestle with.

Board Member Cook stated they do not want, want to do the.

Rich Williams stated the loop driveway around the.

Board Member Cook stated at any point.

Board Member Pierro stated sorry Charlie.

Board Member Cook stated or just now when they are putting in these trailers.

Rich Williams stated when they do the next expansion of the building, which is, they are hoping to do in a few months.

Board Member Cook stated then they want to address the driveway.

Rich Williams stated no they don't.

Board Member Cook stated they don't.

Rich Williams stated they don't, they are maintaining they want to do that at a later date.

Board Member Cook stated even later.

Rich Williams stated yeah, Dave.

Board Member Pierro stated is this existing.

Chairman Rogan stated this is the proposed warehouse, these are the proposed trailers.

Board Member Pierro stated right.

Chairman Rogan stated these are the trailers that were supposed to (inaudible).

Board Member Pierro stated this is existing.

Chairman Rogan stated correct.

Rich Williams stated some of that is existing.

Board Member Pierro stated they can not provide the loop around now.

Rich Williams stated yeah.

Dave Raines stated this is proposed (inaudible).

Board Member Pierro stated because of fill and the costs of.

Rich Williams stated well these two.

Board Member Pierro stated doing that, is that what you just said.

Rich Williams stated yes.

Chairman Rogan stated yeah well right now, they do have room but this area will be the new warehouse, from what I remember.

Board Member Cook stated what are there.

Dave Raines stated there is nothing there now.

Chairman Rogan stated probably molds or something.

Board Member Pierro stated it looks like bundles.

Chairman Rogan stated its product.

The Secretary stated oh I'm sorry.

Board Member Pierro stated molds.

Dave Raines stated walked right by it, these are proposed and they are proposing this.

Board Member DiSalvo stated what are those for.

Board Member Pierro stated the silos I think, are to keep when they bring material that they are pumping in.

Dave Raines stated plastic.

Board Member DiSalvo stated shredded plastic.

Board Member Pierro stated yeah.

Rich Williams stated little plastic beads.

Board Member Pierro stated beads.

Rich Williams stated they fill them up with little plastic beads and then they have vacuum tubes that run into the individual injection mold machines in the building.

Board Member Pierro stated right.

Dave Raines stated they've been using hoppers, they have hoppers there for the different colors.

Board Member DiSalvo stated yeah, sort of like saw dust, sort of like a wood working shop.

Dave Raines stated (inaudible).

Rich Williams stated when I was there, they weren't using hoppers, they were, it was strange, they were using big boxes and it was almost like they were being sucked out of the boxes.

Dave Raines stated they have these metal.

Rich Williams stated and I spent three whole months building those hoppers.

Dave Raines stated they aren't there anymore, the last time I was there they had hoppers, so.

Board Member DiSalvo stated what do they do with the material in the silo though.

Dave Raines stated it's bulk, its more bulk, what they explained to me yesterday was volume metrically, the way their business is going, they are using a lot more A-type, beads. So rather than have the small containers, they need the large volume, so instead of running 5,000 units, they are running 50,000 units of whatever they are making which requires you know, (inaudible) the same plastic.

Board Member DiSalvo stated so someone fills those, so they get a delivered and those silos get filled.

Dave Raines stated a delivery to the silos, like you would get grain or you would get you know.

Board Member DiSalvo stated yeah, so a truck that blows in little plastic legos and.

Dave Raines stated they feed, there is a fill on them and like Rich said a vacuum tube that pulls the product off.

Board Member DiSalvo stated so you would have to show a spot where the trucks fills the silos, no.

Dave Raines stated we haven't seen the cut sheet on how the silo, if the fill is remote or its.

Rich Williams stated usually, what I've seen done because they used to do it at AmeriTech, right behind Mike Griffin's house, they would come in at four o'clock in the morning, pull the truck right up next to the trailer and just blow it or suck it, I'm not sure which way it was going into the silos.

Dave Raines stated I mean, we are going to ask what these things look like of course or anything.

Chairman Rogan stated yeah.

Dave Raines stated I have no idea what these are (inaudible).

Board Member Montesano stated they are usually round cylinders with a bubble on the top or a flat, we used to have.

Rich Williams stated AmeriTech, maybe still have them there, if you take a swing by.

Board Member Montesano stated we used to have that in the building across the street or down the street from them was a plastics factory, way back when.

Board Member Cook stated are the trailers temporary or permanent.

Chairman Rogan stated it sounds like they want them to be permanent, it shows them on the plan.

Rich Williams stated they are temporary until they gets this expansion up.

Chairman Rogan stated you mean, you're saying that they are temporary until the new, the proposed on this, the new warehouse is built or.

Board Member Montesano stated with expansion.

Dave Raines stated the need for additional storage is immediate, he'll get (inaudible).

Chairman Rogan stated I got you.

Board Member Montesano stated which expansion.

Chairman Rogan stated the one that we are considering.

Board Member Montesano stated the first one, the second one, the third one.

Chairman Rogan stated let's put it this way, it looks like you should consider that this expansion, this warehouse is at, because there is no, even though the previous phase two was a larger expansion it sounds like based on fill. There would have to be a drastic change in their business for them to be able to go out and do that, I mean it looks like they are designing this for what their needs are.

Board Member Pierro stated right.

Chairman Rogan stated it makes me feel a little better because I was going to go back to what Mike said about these trailers, this, why can't they put whatever they are storing in here on the inside of the new warehouse and if that is the case then I am much happier about that.

Dave Raines stated Mr. Williams, this is the current outside wall, correct.

Rich Williams stated I believe so yeah.

Chairman Rogan stated yeah.

Dave Raines stated we walked this last year with them and there are LP tanks out back as well.

Rich Williams stated there are sheds, there is a shed out there.

Dave Raines stated there is a shed here, right.

Chairman Rogan stated now Rich, it looks like the area, the.

Dave Raines stated if you look at one twenty-three oh nine, the one they just updated, that is actually existing conditions minus the. I highlighted it and I was just up there, this is the outside wall of the building now, this doesn't exist obviously, there is no trailers here, as Rich said. There is more than one shed, there are a couple of sheds here and looking at doing this expansion, at this point they want to put in these two trailers here and blow through the wall to utilize the trailers and then build this out and these don't exist, they want to put these two in and a footprint for a third.

Chairman Rogan stated yeah.

Dave Raines stated but other than that, everything is pretty much.

Board Member Cook stated which would be the new trailers.

Dave Raines stated these would be the storage trailers, these are just depicting the loading dock, these would be the new temporary, temporary, trailers, there are no loading dock doors here.

Rich Williams stated I'm just looking at it from behind here and it looks like the other side.

Dave Raines stated so, but that's is how it is pretty much here.

Board Member Pierro stated so what they need right away is the expanded loading dock and the ability to put two additional trailers on the site.

Dave Raines stated this here, they need to get a building permit to blow through.

Board Member Pierro stated and the silos.

Chairman Rogan stated and the silos.

Board Member Pierro stated and the silos.

Chairman Rogan stated and Dave, the first page of this packet, showing the parking where the new warehouse, this is existing conditions, this, no.

Rich Williams stated no that is the proposed, that is the full build out.

Chairman Rogan stated oh that full build out.

Dave Raines stated yeah.

Board Member Montesano stated now, which one is this one here.

Chairman Rogan stated so this is a partial build out.

Dave Raines stated this is how it is now.

Rich Williams stated that is what they are proposing.

Dave Raines stated there is no parking back there. This is the outside of the building right now.

Rich Williams stated this is the wall that is existing, this is the expansion.

Chairman Rogan stated so this is the expansion they are looking to do in the next year.

Dave Raines stated yup.

Chairman Rogan stated and this is the expansion to do if all their dreams come true.

Dave Raines stated I guess, yes, which would include this whole.

Chairman Rogan stated so then this is existing, back wall.

Board Member Pierro stated they are hanging a fish in front of our faces.

Chairman Rogan stated yeah.

Board Member Pierro stated I hope they get the financing to do it.

Chairman Rogan stated so they are looking to add on from the edge of the shipping dock, well no, that has warehouse.

Dave Raines stated that to me is not really even structurally.

Rich Williams stated they are redoing the lay out, they are only re-doing the interior layout.

Board Member Montesano stated you'll do a great job because they even give you a forty foot and a forty-five foot.

Dave Raines stated this was the last thing I walked with them, within three, four months, they talked about what they had to do to pour footings here and what not before they went to their engineer. We actually walked this, there was no mention of this, we talked about getting rid of the sheds, there are propane tanks out here, so.

Chairman Rogan stated yeah, so if the Board was so inclined, we could allow the temporary fifty-three foot trailers as shown on this plan but put a deadline on it so they are in for this new warehouse. I mean, we were, we were hoping that they were going to come in with this, I remember Dave was very hopeful about getting them in for some taxable structure.

Board Member Pierro stated we were hopeful, we were.

Board Member Montesano stated they are getting a fifty-three foot box.

Board Member Pierro stated but in this economic time, they are probably one of the few large employers in the Town of Patterson and I would agree with working with them and if it doesn't come to fruition maybe the next owner will.

Chairman Rogan stated then the silos, we would, even if we were willing to work them, the silos we need to get a design on before we carte blanche.

Board Member Pierro stated absolutely.

Dave Raines stated there is a combustibility issue where they have to sprinkle them, whether they are combustible silos or not, probably a dry sprinkler.

Chairman Rogan stated okay.

Board Member Pierro stated okay.

Board Member DiSalvo stated and height.

Chairman Rogan stated what we are saying is we may be able to do a amended or an amended site plan or a site plan waiver for these two items.

Rich Williams stated you are probably better off doing a site plan waiver for those two items.

Chairman Rogan stated yeah.

Board Member Montesano stated the height of those are fairly, I think the last time we had them they were forty-five feet.

Rich Williams stated they can't be above thirty-five feet by Code.

Chairman Rogan stated really.

Board Member Montesano stated I think they went and got.

Chairman Rogan stated for silos that is not very tall.

Dave Raines stated we don't have any idea.

Rich Williams stated we don't know.

Chairman Rogan stated I'm thinking of ones over at Unilock, or something that they fill with concrete, those things are way up there.

Rich Williams stated oh those are, no, those are tall.

Chairman Rogan stated but because of the size of the building, its not the same as here. That will be an interesting conversation with those gentlemen.

Board Member Montesano stated it will look like a big farm as you are coming up [Route] 22.

Rich Williams stated they aren't that kind of silo.

Board Member Montesano stated I know that, we can have him design it that way.

Rich Williams stated maybe we should just start calling them outdoor storage.

Board Member Montesano stated cylinders.

Chairman Rogan stated vertical outdoor storage.

Rich Williams stated yeah.

Board Member Montesano stated outdoor storage cylinders.

8) NORTH COUNTY HOMES – LOT 5

Chairman Rogan stated okay, we have North County Homes lot 5.

Rich Williams stated they submitted plans, the only really big change if you notice where they are taking the addition off was kind of two ninety degree angles to get the corner off, now its forty-five, other than that they have shown the Board what they are proposing to do.

Board Member Pierro stated this doesn't show it, is that what you're saying.

Rich Williams stated no it shows what they are going to do, it doesn't show the cut in the foundation.

Chairman Rogan stated in the foundation.

Board Member Pierro stated (inaudible).

Rich Williams stated here it is.

Chairman Rogan stated oh. It shown as the (inaudible).

Board Member Pierro stated oh.

Chairman Rogan stated yeah (inaudible – plan over microphone).

Board Member Montesano stated why would you do that.

Rich Williams stated that is why they say see insert.

Board Member Pierro stated I can't read that small print.

Chairman Rogan stated they are going to take a ten foot.

Dave Raines stated instead of the step.

Chairman Rogan stated yeah.

Dave Raines stated flip this (inaudible).

Chairman Rogan stated yup.

Board Member Cook stated is everyone okay with the (inaudible – plan over microphone).

Chairman Rogan stated (inaudible).

Dave Raines stated they didn't want to make a whole new set of plans.

Board Member Montesano stated (inaudible).

Chairman Rogan stated a whole set of architectural house plans.

Dave Raines stated right.

Chairman Rogan stated right.

Dave Raines stated this changes, this wall.

Chairman Rogan stated sure.

Dave Raines states cutting to this, which is not the end of the world if they are looking to.

Chairman Rogan stated right. Since you bring up the concrete, where are we or where are you I should say, with the actually, with the original issue of the integrity of that, their engineers.

Dave Raines stated they need to get an engineer to sign off on the whole thing, they know that, I talked to them, I talked to their attorney, they understand that.

Chairman Rogan stated because initially, wasn't it, (inaudible) or somebody who wrote a letter saying one of my representatives was on site.

Dave Raines stated yeah and I said I need the engineer of record and then they said that Harry Nichols signed off on it and he never looked at it or. So I said this is no good and that is where it stopped with my office then it escalated into a DEP issue or DEC issue and so.

Board Member Montesano stated he can take them out of my yard.

Chairman Rogan stated DEP, you were right.

Dave Raines stated but they are still, as far as building is concerned, they still need to get sign off from the footings.

Chairman Rogan stated okay.

Board Member Pierro stated you mentioned regosa rose in the lower portion.

Ted Kozlowski stated regosa road but barberry is an evasive.

Board Member Pierro stated that is this one.

Ted Kozlowski stated you don't want barberry.

(Inaudible – Plan over microphone).

Chairman Rogan stated Ted, speaking of planting, the one for Couch Road, I was looking at some of the plantings that Beth Evans suggested or put on the plans for the stormwater basins and the edges and stuff. Where do you get half of those species, they're.

Ted Kozlowski stated (inaudible) nursery.

Chairman Rogan stated really.

Rich Williams stated New England.

Chairman Rogan stated I noticed for on particular place, they actually gave the vendor for the species.

Rich Williams stated if you're in the business, you know where to get them.

Chairman Rogan stated yeah.

Rich Williams stated but you know, it's a question, Green Chimneys, something, we had a conversation the other day, somebody was talking to me about the lower field across the road from the main facility and what crop they could grown there.

Chairman Rogan stated in the swamp you mean.

Dave Raines stated marijuana.

Chairman Rogan stated I don't think it'll grow in all that water, you need a little more heat.

Dave Raines stated no, its too damp.

Chairman Rogan stated you need a little more heat.

Board Member Montesano stated that is why you put the willows along the sides so it sucks up the water.

Rich Williams stated I suggest that they raise wetland plants for sale.

Chairman Rogan stated that is a good point.

Dave Raines stated can sell that right, back to everyone who wrecked the wetlands.

Chairman Rogan stated oh, so anyway North County Homes, the one thing that we realized on this was we don't have a fee and an application for this amended wetland.

Rich Williams stated there is no application and what do you want to do about it, how do you want to handle this application. Do you want to do it as a change to the existing application, you want a new application filed or.

Board Member DiSalvo stated why don't we just do a change that way we can just get this over with.

Chairman Rogan stated I'm in favor of that.

Board Member DiSalvo stated put them through the changes.

Chairman Rogan stated the only thing I want to make sure is that any fees that were associated with review on this, can be under an amendment to the original. Can they be billed for any engineering or fees or is the Town going to eat that.

Rich Williams stated I think that Town is going to eat it because we don't have a pending application on this.

Chairman Rogan stated we don't have a way to.

Rich Williams stated we don't have a legitimate way to charge them.

Board Member DiSalvo stated its like a year now with this.

Ted Kozlowski stated what was the (inaudible).

Rich Williams stated yup, I mean that is what really prompted this, is we got a bill from the Town Engineering for being on the site walk and reviewing this and.

Ted Kozlowski stated you know this is a violation of the.

Rich Williams stated and we can't bill it.

Ted Kozlowski stated by the applicant, who really should incur the costs.

Chairman Rogan stated when we went up to Steve D'Ottavio's we have him do the application, that was for. We ended up collecting an application fee, remember the one where the house was up on, I can't remember the road there, where is D'Ottavio's house.

Board Member Pierro stated the wetlands, there was a stream in the back, they cut down all the forest.

Rich Williams stated (inaudible).

Ted Kozlowski stated Haviland Hollow Road.

Chairman Rogan stated Haviland Hollow.

Dave Raines stated Haviland Hollow.

Chairman Rogan stated and in that case, that was almost a penalty of sorts, by paying the fee, we collected the fee that he should have paid had he come in and applied from the get go.

Ted Kozlowski stated right.

Board Member DiSalvo stated you want to see if he'll go for that.

Ted Kozlowski stated you know but here's the.

Chairman Rogan stated well I'm not sure, I just don't want the Town to incur costs for something, I mean initially they were going to lose a whole foundation on this and if they can keep it and we've bent over backwards on this one.

Ted Kozlowski stated right, it is a violation, the guy could have lost everything, I think the Town should be reimbursed for the cost.

Chairman Rogan stated I would at least.

Board Member DiSalvo stated what would be like the violation fee, if you were to write him up on a violation.

Rich Williams stated that would be up to the judge.

Chairman Rogan stated well that's the problem.

Rich Williams stated so we have no idea what the charge would be.

Chairman Rogan stated we can do an amended wetlands.

Board Member Montesano stated why don't we just submit a bill to him, just on.

Board Member DiSalvo stated say, please pay.

Board Member Montesano stated just a bill for engineering incurred due to your error.

Chairman Rogan stated is there a way to do an amended wetlands application.

Board Member DiSalvo stated with an adjusted fee.

Chairman Rogan stated in other words you are taking the initial application, now you do an amendment, you are doing a modification to the initial and say for this modification you are impacting this area.

Rich Williams stated wait, wait, wait.

Ted Kozlowski stated the way he should be charged is the square footage in the buffer.

Rich Williams stated you know what and I think I led you down the wrong path about we are amending the wetlands application. He wasn't supposed to go into the buffer, there was no application, there was no wetland application.

Chairman Rogan stated he wasn't even in the buffer.

Board Member Montesano stated oh.

Ted Kozlowski stated so then we go back to the D'Ottavio example where he did go in the buffer, we made him get a permit and he should pay the fee for the buffer.

Chairman Rogan stated in this case we could say that now there is impact to the buffer, we want a wetlands permit.

Board Member Pierro stated what is the cost of the wetlands permit.

Board Member DiSalvo stated then you have to go for a public hearing and all that.

Ted Kozlowski stated so you got square footage.

Chairman Rogan stated we can waive it on a wetlands permit.

Rich Williams stated individual residential plat.

Board Member Montesano stated we have to have a public hearing, what else.

Rich Williams stated its an individual residential lot.

Chairman Rogan stated can we waive a wetlands.

Board Member Pierro stated what is the fee.

Rich Williams stated one hundred and fifty dollars.

Board Member Pierro stated does that cover the engineering cost that we incurred.

Rich Williams stated I have no idea.

Board Member Montesano stated I think.

Board Member DiSalvo stated it's like a ball park figure.

Board Member Montesano stated I think.

Chairman Rogan stated I'm sure it doesn't.

Board Member Montesano stated if send them a bill for the fact that the additional cost of engineering due to the errors made by your company, pay the friggin bill.

Board Member DiSalvo stated right, can we legally do that.

Chairman Rogan stated why is the application for the wetlands permit for Werlau so much then, if its, you just said one hundred and fifty.

Rich Williams stated that is an individual residential lot.

Chairman Rogan stated okay, so D'Ottavio only paid one hundred and fifty dollars for his, I thought it was a thousand or sixteen hundred, I thought it was.

Rich Williams stated I think so.

Ted Kozlowski stated no, he paid the permit, then he had to pay for all the trees and plantings and all that.

Board Member DiSalvo stated he, I guess he, waited.

Chairman Rogan stated okay.

Ted Kozlowski stated all he needs is a one hundred and fifty dollar permit fee and then he had to make restitution on the damages.

Board Member Montesano stated can we ask our Town Attorney if there is a legal way to charge him this fee that the Town is incurring. I would say that he made the errors, not us. He did not follow the plans and that were put in there and because of the engineering fees required he should pay the bill.

Ted Kozlowski stated that's true because you went through the permit process they paid the fees for the initial reviews, everything was done, everything was fine and then they violate the.

Board Member Pierro stated yup, he's paying for his engineering cost, he's paying for the remediation.

Chairman Rogan stated we also went out on a site walk out there.

Board Member Pierro stated we went out on a site, we have to get him for something but.

Chairman Rogan stated so if you think about it, the, in these financial times, the tax payers, we should be trying in some legal manner.

Board Member DiSalvo stated see if you can put some figures together and run it by the Town Attorney.

Board Member Montesano stated whatever the, let me put it this way, what was the cost that the Town had to pay for slate.

Board Member Pierro stated for Gene to do a site walk.

Board Member Montesano stated for the engineering work that was on.

Rich Williams stated its sitting over on the desk in front of Ted, you want me to go over and look, I will.

Board Member DiSalvo stated yeah.

Board Member Montesano stated the idea is if it five or six thousand dollars.

Board Member DiSalvo stated they want to get done with this too.

Chairman Rogan stated absolutely.

Rich Williams stated that cost (inaudible). Now I'm going to tell Sarah you were going through her stuff.

Board Member Cook stated and the cost of everybody here going out on a site walk.

Board Member Montesano stated yeah well, the whole thing is that we worked after he made the mistakes.

Board Member Cook stated yes.

Board Member Montesano stated so I think he should pay the whole thing, rather than that, he could always end up losing the lot, which could have done.

Board Member DiSalvo stated and the amended site plan.

Chairman Rogan stated I don't think anybody could fault this Board for not trying to work with this guy on this lot because everybody expected this foundation was going to come out of the ground.

Dave Raines stated no.

Board Member DiSalvo stated and they disappeared for a few months too after.

Ted Kozlowski stated you have to look at this for the future though.

Board Member Montesano stated we have worked with it.

Ted Kozlowski stated this isn't the last time you guys are going to approve this.

Board Member Montesano stated no but the idea is that we have to come up with a set plan, to say if you make an error, any additional costs incurred by the Town, you will pay for.

Rich Williams stated one hundred and nineteen dollars and change.

Board Member DiSalvo stated that's all.

Board Member Pierro stated plus the permit fee because he wasn't supposed to be in the wetlands.

Chairman Rogan stated wow I was expecting.

Board Member DiSalvo stated and then what about our site walks, can we add that in there too.

Rich Williams stated if I recall and I can go back and look, you did two site walks out there.

Chairman Rogan stated two.

Board Member DiSalvo stated what do you figure, like five hundred dollars.

Chairman Rogan stated that is a grand right there, not quite but by the time you put in Richie and Ted and figure its two site walks is a grand.

Rich Williams stated I mean, I keep track of my time also, if you want me to go back, I can pull my time.

Board Member DiSalvo stated (inaudible).

Board Member Montesano stated the thing is this, before you start doing all your research, the costs that we have incurred is directly, should be his responsibility. Can we get some way to bill him for this, legally, in other words if we were to call Timmy and say, this is what occurred is there a way that the Town can legally bill him for the additional expenses to do this.

Rich Williams stated I'll ask but I think I know what the answer is going to be.

Chairman Rogan stated admittedly there are some parts of government that are greater good for the community the things, you pay for things in that regard, in this case we haven't collected any kind of permit fee, we are out there for.

Board Member Pierro stated we should get the permit fee.

Chairman Rogan stated really we should have a wetlands permit for this because that is what we are looking at now. Originally it didn't have one because there wasn't a necessity for it and now we have a violation that has been.

Ted Kozlowski stated actually and you should because you know, this is document for the future property owner when they go to do stuff. There is something on file with the wetlands.

Chairman Rogan stated the one fault we have, if we had had this discussion six months ago, even though they were working on their end to say okay if they come back, we need to let them know that, there is an impact to the wetlands, we should have a wetlands permit, now where its like we are ready to finish this thing up and it stinks.

Board Member Montesano stated this is what comes into it.

Rich Williams stated if you had asked me six months ago that he was going to approval to keep that foundation there, I would have said no.

Chairman Rogan stated when they said we're going to go to the DEP and make sure we have their approval, I never thought they were going to get through that. I really didn't so you can't win, you can't predict what the DEP is going to do.

Board Member Montesano stated well I think.

Board Member Cook stated the problem that the applicant caused I have no problem with all of a sudden saying you need to put in your application now and bill for the associated cost.

Board Member Pierro stated and you need to incur.

Chairman Rogan stated yeah.

Board Member Pierro stated I don't think fifteen hundred is way out of line because you figure one hundred and fifty for the wetlands permit, a thousand dollars for the site walks for all of us.

Rich Williams stated yeah but even if we went down the road of saying we are going to get a permit right now, we are going to charge you back for the cost, as per our Code.

Board Member Pierro stated right.

Rich Williams stated we're not getting fifteen hundred dollars back.

Chairman Rogan stated no.

Board Member Pierro stated they don't pay for our site walk.

Rich Williams stated that is one of the whole problems with doing the site walks, I mean some of our application fees, like fill permits and wetland permits, we don't have a permit application substantial enough to even begin to cover your site walks.

Chairman Rogan stated we've talked about this and Zoning Board too, they pay an application fee and Zoning goes out on a site walk and its not nearly paying. This falls under.

Board Member DiSalvo stated as long as it covers the engineer and the permit fee right.

Board Member Pierro stated okay, the permit fee.

Chairman Rogan stated well I think what we need to find out is if we can legitimately collect or charge those fees, right because we can legitimately say, we've decided that you need to have a complete permit application for a wetlands permit and you have to pay the appropriate fee as per the Code and if that only adds up to 150 dollars and there isn't the legal implement or legal way to get the rest of this.

Board Member Montesano stated that is why we have (inaudible).

Ted Kozlowski stated I would suggest to you that, if its one hundred and nineteen [dollars] for Gene and one hundred and fifty [dollars] for the wetlands permit, I would think at the next meeting, these guys should tickled pink that they are walking away from this pretty much getting what they want.

Chairman Rogan stated you're right.

Ted Kozlowski stated maybe Shawn, you should say look, would you reimburse, can you reimburse, can you reimburse the Town three hundred and some odd dollars and say just end it.

Board Member Montesano stated can we do that.

Rich Williams stated I would assume that the Planning Board would want me to take care of this before the next meeting.

Chairman Rogan stated yeah, that would be great.

Ted Kozlowski stated yeah just say look.

Board Member Pierro stated I think that is the proper way to go, I don't think that we should be fighting.

Ted Kozlowski stated you're still going to be getting, we should have said this from the beginning. We didn't we incurred costs, we don't want to make a big deal of it.

Board Member DiSalvo stated we shouldn't be messing around, right.

Ted Kozlowski stated look, you guys got through this, how about kicking some money to the Town to pick up some of the cost.

Rich Williams stated I'll take care of it.

Board Member DiSalvo stated I don't think we should mention a dollar figure at the meeting, we'll let Dave do his usual thing, have all the proper fees been paid.

Board Member Pierro stated right.

Board Member DiSalvo stated they'll say yes and then.

Board Member Pierro stated that's it.

Chairman Rogan stated okay.

Board Member DiSalvo stated all right.

Board Member Pierro stated there is a fine for that, there is a fine for that.

Ted Kozlowski stated that was pretty good.

The Secretary stated that was pretty good.

9) WATCHTOWER AMENDED SITE PLAN

Chairman Rogan stated okay, Watchtower, Watchtower is looking for a site plan waiver, much like they did with the wells that we did recently to install cooling towers, to replace cooling towers, right.

Board Member Montesano stated now.

Dave Raines stated I went up there and walked it with Joel, the debacle we are in, is they have to relocate, they have to stay operational so they have to relocate one at a time, their existing cooling towers to a temporary location for a month or two. The construction sequence is probably, you're talking nintey days but a few months and then they are going to install the new cooling towers that are absolutely hidden from view, I mean they are behind the building, they are lower than the building, they have super structure around them but.

Board Member DiSalvo stated tell me what a cooling tower is.

Dave Raines stated a cooling tower is, in this case they are fiber glass and metal with a catwalk around it and they are approximately a twenty foot square and what happens is the water from the chillers, the cooling system, the HVAC system gets pumped through these and it takes that water temperature down, so you are putting in the hot water and its being aerated and it falls down and it gets re-circulated, it's a cooling tower.

Board Member DiSalvo stated the ones that they have are beyond their expectancy.

Dave Raines stated they're shot, they're done.

Board Member Pierro stated worn out, where are they located Dave.

Dave Raines stated right behind the power house on the, I guess the west side, the ones that are there now. So and unfortunately, we are doing the same thing at one of our buildings in Yorktown, we had to get these temporary ones and get a waiver from Yorktown and they are the most hideous things and they are sitting in the middle of the parking lot with piping run to them but we would have to shut the building down if we weren't able to bring these temporary ones in because we didn't have the luxury of being able to move the old ones. So, you know, you may want to look at it, again, the temporary ones will be in view when they remove the existing ones and make them temporary, they are in view when you pull up to the building. They are going to put the new ones in and remove the temporary ones, you won't see them.

Board Member DiSalvo stated this is on the main.

Dave Raines stated in the power house up in the back.

Rich Williams stated did you look at these plans.

Dave Raines stated yeah.

Rich Williams stated does it show the temporary on there.

Dave Raines stated I believe so, I believe it shows the location on the ones that.

Rich Williams stated because when I looked at the plans, it looked like the current ones are on the west side, the new, when it was completed, the permanent ones were going to be on the east side.

Dave Raines stated correct.

Rich Williams stated but I didn't see where the temporary ones were.

Dave Raines stated the temporary ones are the existing ones that are being relocated in order to facilitate the tie in.

Rich Williams stated so they are going to keep the existing ones.

Dave Raines stated as temporary cooling towers and then remove them.

Rich Williams stated right, okay.

Dave Raines stated they are going take these two from around here and move them and then tie in the new ones on this side, which you can't see on this side, this is the back of it, I guess you would say, if you are looking up the wall, this would be the Connecticut side or the back side, so.

Rich Williams stated I did do a memo to the Board, just so you're aware, my opinion on this is, its warrants a site plan waiver but I think they should come in with a couple of additional details provided to the Board. I don't recall exactly what they were but I remember one of them being the height of the towers, so we make sure that new towers aren't any taller than the old towers were, you agree Dave.

Dave Raines stated I know that the new towers are going to be like ten or eleven feet lower than the height of the existing building, so they will not protrude over that east side of the building. That was one of the questions I asked him, I didn't ask him what the difference in the new build but that is a good point.

Board Member Montesano stated color et cetera.

Dave Raines stated so.

Board Member Cook stated is this necessary to take a look at or.

Dave Raines stated well that's up to the Board.

Board Member Cook stated is this back, where is this, is this back.

Chairman Rogan stated when you look up the hill, its going to be the top left corner.

Dave Raines stated looking from [Route] 22.

Board Member Montesano stated you want to take a ride up there, there is no problem I'm sure they'll be happy to have us come by.

Dave Raines stated they'll be more than happy to show you.

Rich Williams stated are you kidding, they'll want to give you a tour and.

Dave Raines stated they like showing off their power house.

Rich Williams stated whether you can leave or not is another story.

Board Member DiSalvo stated sign here please.

Board Member Montesano stated just remember now, as you walk in and they offer you an apple, then they put down a big G for gluttony.

The Secretary stated hey now (inaudible).

Chairman Rogan stated I, if everybody wants to go up and take a look, that's fine, I don't really have any concern with this to be honest with you.

Board Member Pierro stated I don't either and if you want to do it the next time around on a site walk but I just don't think its, spending peoples money.

Board Member Montesano stated unless you sign up.

Chairman Rogan stated if we are going to do a site walk, we want to do it as an organized site walk.

Board Member Montesano stated yeah.

Chairman Rogan stated I'm just saying I don't particularly mind it. Dave has been up there and Rich is familiar.

Board Member DiSalvo stated I would be happy just to see some diagrams of what they are going to look like.

Board Member Pierro stated yeah, diagrams okay.

Chairman Rogan stated yeah, I'd be fine with that.

Rich Williams stated the facility, if you haven't been up there, the facility is amazing, its beautiful.

Board Member Montesano stated it is beautiful, there are no two ways about it.

Rich Williams stated but they go up there and you sit down for lunch and they are feeding you know, hundreds of people.

Chairman Rogan stated sixteen hundred at a shot.

Rich Williams stated and they do it so efficiently, everybody just moves right through.

Dave Raines stated the power house is amazing too, if you are interested, you can eat off the floor, it is just absolutely, everything is maintained so meticulously.

Board Member Montesano stated the fun was when we went up to Walkill.

Board Member DiSalvo stated (inaudible – too many speaking).

Chairman Rogan stated all the different color lines and stuff.

Dave Raines stated everything is color coded and every safety.

Chairman Rogan stated its amazing.

Board Member Montesano stated Walkill, you go up there, they had grape vines running along the side of the road, you watch all the cattle, and then you go into the slaughter house and walk into the print building. You walk over and you say wait a minute, I worked at the daily news, how can this be a printing place, you walk in, it's clean, its ridiculous.

10) OTHER BUSINESS

Chairman Rogan stated okay, under Other Business, Charlie had asked, he actually had inquired about maybe a special meeting just for some kind of other topics for us to discuss but we thought we'd take a stab at it at the end of our work session. There were some different things that we'd been talking about, Rich had given us some information on the possible changes for the sign code for the retail center.

Chairman Rogan stated there was some correspondence about the New York City watershed regulations amendments and some correspondence from the County Executive's office back at that. Anything Charlie, the first one that is burning on your mind there.

Board Member Cook stated on the, you gave us on the signs Rich, the, this would be recommendations for changes to the Code but you have underlined or crossed out.

Rich Williams stated underlined would be additions, crossed out would be deletions. Yes, there are changes to the sign code.

a. Code Changes; signs, bonds, inspection fees

Board Member Cook stated I guess it is a case of we have, who makes the determination on these changes, I mean do we give a recommendation to the Town Board or the Town Board just does it.

Chairman Rogan stated I'm sure the Town Board would love to have feedback on this from us.

Board Member Cook stated do you want to.

Chairman Rogan stated admittedly I (inaudible).

Board Member Cook stated how do we feel about signs shall not exceed thirty-five feet in length or exceed two hundred square feet in area and that is a building mounted, am I reading this right.

Rich Williams stated that was a building mounted sign.

Board Member Cook stated it falls under it.

Chairman Rogan stated I made a lot of notes when I went through it, I left them home but I know where they are and I'll have them for the next meeting.

Board Member Cook stated we can discuss this at another time, when we get this, what are we supposed to do with it.

Chairman Rogan stated well I think the intent is to be able to, knowing what we know of what we already go through with signs, trying to visualize take some examples of places you've been to and how the signs have looked there and whether or not that is what you want for Patterson. Recognizing that a retail, a regional retail center, which is the driving force here that defines signs allowed, isn't that what its called a regional retail center, that our current sign code doesn't work very well for those. It doesn't allow them enough exposure. Trying to figure out what would work for them, you know we can look to the Highlands

to see what kind of signs they've allowed there and see if that is appropriate. Rich I think you tried to get an estimation of the square footage of signage for the two sided.

Rich Williams stated well I did go out, I paced it off.

Board Member Montesano stated we had a color code for the Hamlet, I would have liked to have seen that extended to the Town. I think it would be very nice to have a uniform sign color code through out the Town.

Board Member DiSalvo stated but then you get into like stores that have their own design.

Board Member Pierro stated their own brand.

Board Member Montesano stated well we went through that with Dunkin Donuts.

Chairman Rogan stated right.

Board Member DiSalvo stated Lowes, Costco's.

Board Member Pierro stated went through that the waster guy here on [Route] 22, I mean [Route] 311 across from Mobil.

Board Member Montesano stated but we have no code for it, no color combinations, the object is, yeah we approve it, we have sign approval but we are still limited.

Chairman Rogan stated yeah.

Board Member Montesano stated depending on how uniform you want to get, is it color code, we allow, three or four colors in the Hamlet and we've managed to hopefully contain it to no event because thank goodness the Hamlet starts after the A & P sign and in between but when that was originally proposed, it was a great idea and we pushed and we got it.

Chairman Rogan stated and it's still a great idea.

Board Member Montesano stated but should we, and I'm only throwing this out because we are talking about it, should we consider that as a Town requirement when you have a sign because right now when you drive along, you gotta look at it, I mean I drive through here, I've driven through places where all the, you go through the town and everybody sign is similar. You come through here, you got a white background, you got a green background, a pink background and then lettering on it and then it gets to be a problem especially if the building itself doesn't really match the sign per se.

Chairman Rogan stated well its not that it gets to be a problem but it maybe doesn't achieve what you were hoping it would achieve for the identity of the Hamlet.

Board Member Montesano stated we had the biggest fight with Dunkin Donuts, they guaranteed when we went of the field trip, right there the regional manager of Dunkin Donuts, the owner, that they were going to get rid of that orange and then all of a sudden, it never happened and when you drive through certain communities, you see that, I don't give a hoot if it is their national recognition colors, its not there. The building is designed that way and the Town said you can't do it and they proceeded to do it. Is it worth it, I

don't know, I like the idea of having an open discussion that's not wasting because its something that you have to look at. When you drive around other places, it looks, to me it looks fine, you have a code and the code is adhered to and of course they can always get a waiver.

Chairman Rogan stated under.

Board Member Cook stated where does it cover the retail centers like Patterson Crossing.

Chairman Rogan stated that is the whole code.

Board Member Cook stated pardon.

Chairman Rogan stated it's designed for those types of facilities. This Code isn't going to change, sorry.

(Tape 1 Ended – 9:10 p.m.)

Chairman Rogan stated think you'd know what you were doing by now.

The Secretary stated I know, all right I think its okay.

Chairman Rogan stated that proposed Code.

Board Member Montesano stated next time we'll bring the eight foot bull whip and straighten it out.

Chairman Rogan stated isn't designed to change how we allow signs for the smaller places that we are already doing like an individual store, that is specific to the regional retail center, correct.

Rich Williams stated correct, it's, what I've done is taken out some of the language that would limit them and then starting on section B, at the bottom of page one, that has to do specific with regional and local, both local and regional retail centers.

Board Member Montesano stated we have Panino's in front of us, he is a smaller piece of property and that code, would that adjust the sign for a regional shopping center or would his sign.

Rich Williams stated well as I said, within that Code, when I took a look at Panino's as it relates to that Code, regional and local retail centers are really intended to be bigger retail centers are really intended to be bigger retail areas, not these very small like Panino's.

Board Member Montesano stated right.

Rich Williams stated so when I looked at how I had written that Code, I realized that the Panino's Deli would be allowed a total of fourteen square feet, so their current sign would not meet that code.

Chairman Rogan stated (inaudible).

Rich Williams stated so, what I did was I made some modifications within there which essentially says the minimum size that the Planning Board can allow is twenty-five square feet, the maximum I think is three hundred and twenty square feet and then everything that falls in between those two numbers is dependent on the size of the building.

Board Member Pierro stated how would that effect a location like Mancini has on [Route] 311, Sauro's per se.

Rich Williams stated they would be limited to twenty-five square feet.

Board Member DiSalvo stated that is what they have there.

Board Member Pierro stated that is what they have and its woefully deficient. It is woefully deficient because you can't read those signs.

Rich Williams stated well that's because they've got.

Board Member DiSalvo stated that is because they are old and neglected and.

Rich Williams stated the way the sign is designed in part, the way it looks because its very old and they've got multiple stores in there. I mean you are going to find that Dave, with anything, if you have you know, Panino's 4500 square foot building, and you break it up into ten stores of four hundred and fifty square feet and then try to put a sign up with ten plaques on it, coming down [Route] 22 at 55 miles per hour, you ain't gonna see anything.

Board Member Montesano stated [Route] 164 and [Route] 22.

Rich Williams stated and on the other hand if you have one store, that is 4,500 square feet, you are not going to have any problems seeing that sign.

Board Member Cook stated and height of these signs shall not exceed twenty-five feet from the ground to the very top of the post, even if the sign doesn't go all the way up, is twenty-five feet.

Rich Williams stated right.

Board Member Cook stated so that is whether.

Board Member DiSalvo stated like two and half stories.

Board Member Cook stated is that like whether it's a sign by Sauro's or a sign by Patterson Crossing, its twenty-five feet.

Chairman Rogan stated you are talking square feet versus feet in height.

Board Member Cook stated no, I'm talking about feet in height.

Chairman Rogan stated okay because Sauro's is twenty-five foot in area, the height restriction there is twenty-five foot in height. It has nothing to do with area, there is a different area restriction.

Board Member Cook stated I'm talking about the height so, can Sauro's have a sign that twenty foot.

Chairman Rogan stated they are not a regional retail center.

Rich Williams stated well no, they would fall under that.

Chairman Rogan stated they would fall under regional.

Rich Williams stated not regional but that's for both local and regional.

Chairman Rogan stated oh okay, so if Sauro's wanted to, they could say well we want our sign to be, even though its only going to be twenty-five square feet, we want it eighteen foot in the air.

Rich Williams stated to the top of the sign.

Chairman Rogan stated yeah.

Rich Williams stated okay, if the Planning Board felt it was appropriate.

Board Member Montesano stated there is our thing.

Board Member Cook stated yeah.

Board Member DiSalvo stated it will be bigger then the shopping center.

Board Member Montesano stated that is why it wouldn't be appropriate, you're in a residential area with a small shopping center to have something sitting up higher than most of the buildings.

Board Member DiSalvo stated and it is the Hamlet.

Board Member Montesano stated look, that is what we are trying, we are going to get this straightened out one way or the other.

Chairman Rogan stated well the fact.

Board Member Cook stated what this is saying then basically, the Code, the same Code covers the sign, like what would be in front of like Sauro's or the pizza and what have you, as Patterson Crossing.

Chairman Rogan stated yeah except that because Patterson Crossing is so much larger they have more to work with. The Code allows them greater than the twenty-five square foot.

Board Member DiSalvo stated should you tie it into square footage of the.

Board Member Cook stated you are starting to talk about the area of the sign.

Chairman Rogan stated yeah.

Board Member Cook stated but height wise.

Chairman Rogan stated right.

Board Member Cook stated it's the same thing.

Chairman Rogan stated yup.

Board Member Cook stated the sign in front of Sauro's could be twenty-five feet and the sign at Patterson Crossing, twenty-five feet.

Chairman Rogan stated but if the place was a gas, a sign for a gas, sometimes people want signs for a, sometimes people want signs a little bit higher up.

Board Member Montesano stated if you think about it, when you are driving along the through way and you see that sign that is about sixty feet in the area, letting you know where the gas station is, you really don't want to have that sitting around. To me, if Patterson Crossing existed it would be another one of these unique situations. It would be a shopping center on a highway, twenty-five feet would, you are going to be allowed a maximum of a height of twenty-five feet, you've got the buildings, you slap the sign on the building like when you are going down the through way and you pass Stew Leonard's and you can see that sign is sitting on the building. So the height really doesn't make a difference, they could slap it on the building and the building may be forty feet above the twenty-five foot sign. If we put the sign down here and the building is built on a hill up here you're going to see the sign. When you are driving through Pennsylvania, you go down 81, you see all the shopping malls with the signs way the heck up there.

Board Member DiSalvo stated and they are going to put it on top of the hill to get more of the height of it.

Board Member Montesano stated yeah well, you're going to get, we had something a few years back where the height of the six foot fence was brought up by a person who had a drainage ditch here and then when you came up on the other side, he wanted to put the fence there and the argument was where is the property per se, the flat line of the property, this was just a big discussion on it, what happens if I put it up here and there is an eight foot end up here and that means I can put it six feet above the eight feet, rather than bring it down here to get the height he wanted. That was their headache, they never opened up anyway.

Board Member Cook stated I'm not arguing any of that, all I'm saying is that I just want to make sure that we understand as proposed it covers from the smaller shopping retail area.

Board Member Montesano stated right.

Board Member Cook stated to something like Patterson Crossing.

Board Member DiSalvo stated even the Put Lake strip of stores there.

Board Member Montesano stated okay but we theoretically have, at our discretion, if we were to, which I don't thin would hold up in court too long but if we were to tell you, you were in an area where most of the houses are for arguments sake, twenty feet high, you're going to put up a twenty-five foot high sign, you're going to look crazy.

Board Member Cook stated yeah but you know what, then I can say look the Code says I can do it.

Board Member Montesano stated at our discretion, I think that is the word that was in there, am I reading it right.

Board Member DiSalvo stated maybe it has to be in there a few times.

Board Member Cook stated no.

Rich Williams stated if approved by the Planning Board, Charlie has a valid point, the Code says you can have up to twenty-five square feet, then it becomes incumbent on the Planning Board to prove that is not appropriate. If you can prove that is not appropriate, then you know you can make them reduce the size of the sign, due to visual pollution or impacts or the neighborhood.

Chairman Rogan stated the face of the matter is, the Board has never reduced the size of a sign from what is allowed by Code, I think the question becomes more of height of what you are referring to, not the size, we have allowed the twenty-five square foot, nobody has ever come in and said, it's within the size, no we think it should be smaller. What Charlie seems to be keying in on is Sauro's says, I want to put my twenty-five square foot sign but I want it to be twenty feet in the area and you can't tell me otherwise because the Code says its allowed, is that kind of what you're.

Board Member Cook stated yes.

Chairman Rogan stated okay.

Rich Williams stated so I mean, its an easy, it's a good point, it's a valid point.

Chairman Rogan stated absolutely.

Rich Williams stated it's a good change, I could come up with a, you could say fifteen feet for local, twenty-five feet for regional.

Board Member Pierro stated before we do that we have to measure a bunch of signs and make sure we aren't creating or putting signs in violation.

Board Member Montesano stated pre-existing non-conforming.

Chairman Rogan stated you're talking about free standing signs, not building mounted.

Rich Williams stated it would make them pre-existing, non-conforming not in violation, okay, that is first off. Second off, I would encourage you to go out and measure signs, take a look but measure them to see if they are appropriate or not appropriate to get a good idea about what that number should be.

Chairman Rogan stated right and these are, we are talking about free standing signs, not building mounted.

Board Member Cook stated right.

Chairman Rogan stated we've got building mounted signs on Sauro's that are twenty feet in the air.

Rich Williams stated right.

Board Member Cook stated I just think we just need to understand what is written here goes for both local and regional.

Board Member Montesano stated the wording has to be adjusted.

Board Member Cook stated so the person, the applicant can come in and say they want sign X to go on their building that corresponds to something like that, Patterson Crossing, that is going to be a huge sign.

Chairman Rogan stated Rich, would it be easier or simpler to just have this new requirement, this new code be relevant to regional retail centers and leave the other ones to the existing Code.

Rich Williams stated I mean, I certainly can do that the problem is, in looking at it, you have to recognize for the A & P, our Code didn't work, they had to get massive variances, area variances.

Chairman Rogan stated but would the A & P be of a size that it would be more of a regional retail center or is it still too small for that.

Rich Williams stated too small.

Chairman Rogan stated so maybe we need to think about because an A & P is more allowing larger signs, higher signs.

Board Member Montesano stated we have to change the wording to regional center.

Board Member DiSalvo stated right.

Board Member Montesano stated A & P to me, would be a regional because its got more.

Chairman Rogan stated its not regional.

Rich Williams stated its not a regional center.

Chairman Rogan stated but its more, but its not, the smaller, what was the other one, like Sauro's.

Rich Williams stated local.

Chairman Rogan stated what are they called, local, so its local but it's a larger local, where Sauro's is a little strip mall.

Board Member Pierro stated but that is what we are building at Rimaldi's, that type of.

Board Member DiSalvo stated yeah.

Chairman Rogan stated Rimaldi's will be a Sauro's.

Board Member Pierro stated yeah.

Chairman Rogan stated it will be the same scale.

Board Member Pierro stated with sufficient signs because he's already got twenty-five square feet.

Board Member Montesano stated individual businesses are going to be, or I should say.

Board Member Pierro stated they are going to have building mounted signs but not enough free standing space.

Board Member Montesano stated we are going to have, what I'm looking at is, we have to watch the wording, it's the wording basically, what would you consider. How can we can consider that regional, do we put a maximum square footage, that elevates it, step one, tier one, tier two, tier three, type thing, that is a big center, its on a main drag, it's a unique, its covered two state highways and it's gotta be advertized, so they have the big sign up there that nobody ever pays attention to but its there. Versus Sauro's which is in the same category but yet there is a heck of a lot more property out here than there is in Sauro's, so can we use the square footage.

Rich Williams stated sure you can.

Board Member Montesano stated okay.

Rich Williams stated Mike before I made the change, which divided things up into three categories, we had one category.

Board Member Montesano stated yeah.

Rich Williams stated we had retail and had to get a special use permit.

Board Member Montesano stated all I'm doing is playing and I know she's going to get mad at me, all I'm saying is, we are discussing this, there has to be a better way, Charlie's got a valid point, is there someway to cover that point by square footage.

Board Member DiSalvo stated you have to be careful about square footage, they could always add on and then (inaudible).

Board Member Montesano stated well if you have a confined area like Sauro's you're not going to add on. The A & P there is property there, theoretically, there is still property there that can be built over. Who know what's going to happen in twenty years, if they tell you to fill in all the wetlands in the area because they pollute. It took a hundred years to find out that we couldn't build in them.

Chairman Rogan stated okay, but.

Board Member Montesano stated its something to think about.

Chairman Rogan stated but Charlie's point is well taken, there needs to be some clear delineation of these types of facilities. Is there a threshold that says from so much square footage to ten thousand square foot, is a local community shopping center, whatever the terminology would be.

Board Member DiSalvo stated how busy it is.

Rich Williams stated but the area is there, so we are just talking about the height right.

Chairman Rogan stated okay, so if we stick to just height on this then.

Board Member Cook stated I was just using that as one example, I'm just saying that because that is the easiest thing to pick out.

Chairman Rogan stated yeah.

Board Member Cook stated when you get into the dimensions of building mounted signs, you can put that same size sign on a store front or whatever, the A & P Shopping area, as you can on a store that would go into Patterson Crossing.

Rich Williams stated except that size of the sign is related to the building frontage, so.

Board Member Cook stated yeah, okay.

Rich Williams stated so if you have a hundred foot building over at the A & P, you can have a big sign, if you've got a twenty foot building on the south end of [Route] 22 then you have a very small sign.

Board Member Cook stated okay.

Board Member Montesano stated that is why I like (inaudible).

Chairman Rogan stated the next topic was bonds and inspection fees and I think both of those have been proposed at this point under the copy that we have to the.

Rich Williams stated there are locals laws with public hearings scheduled for February, the first Town Board meeting in February.

Chairman Rogan stated okay but in short what the, the bonding what that article says is that we are going to reduce the types of improvements that we will bond, however the inspection fee will be based on more, based on other improvements, is that basically correct.

Rich Williams stated that is correct.

Chairman Rogan stated so the only.

Board Member Pierro stated can you run that by me again.

Chairman Rogan stated okay, well.

Board Member Pierro stated inspection fees.

Chairman Rogan stated let's start with the bond.

Board Member Pierro stated (inaudible).

Chairman Rogan stated the bonding, what we traditionally did was, we bonded all the improvements so that we had some leverage over people completed things.

Board Member Pierro stated right.

Chairman Rogan stated like they don't do the siding, you were able to release the bond as they did parts of the project, when the literal translation of the code as it existing, was that it was for erosion control and site stabilization practices, so.

Rich Williams stated well that is not that way the Code read.

Chairman Rogan stated oh okay.

Rich Williams stated but that's what people wanted to do, that's.

Chairman Rogan stated okay.

Rich Williams stated I mean, the intent of the Code was that we were bonding all the improvements to make sure that they all got installed.

Board Member Pierro stated right.

Chairman Rogan stated so the proposal now is to reduce the types of improvements that would be subject to bonding to certain things that are outlined in the amended.

Rich Williams stated which is directly associated with site stabilization.

Board Member Pierro stated okay, so what's in front of us now that we have out bonded, Tractor Supply.

Rich Williams stated not yet.

Chairman Rogan stated no but that was one that can come up in this conversation.

Board Member Pierro stated we're working on it.

Board Member Montesano stated look at Meadowbrook, Meadowbrook had a bond.

Board Member Pierro stated Boniello has got a bond.

Rich Williams stated yeah.

Board Member Pierro stated he has to put a bond up, he hasn't put it up yet.

Rich Williams stated no.

Board Member Pierro stated but what would be bonding, the tearing down his buildings that he has, the construction of the new building, so the stormwater that he has to do, the let's see.

Chairman Rogan stated well here, let's see.

Board Member Pierro stated the water separators and things like that.

Chairman Rogan stated yeah, water and sewer systems, foundation course, pavement, curbs, sidewalks, roads, drives, parking, walkways within those, lighting.

Rich Williams stated that doesn't get bonded.

Chairman Rogan stated it did under the old Code.

Rich Williams stated under the old Code.

Board Member Pierro stated but not now.

Chairman Rogan stated and that is what he is and we are talking about what Boniello would have had to provide under the approved plan.

Board Member Pierro stated is he going, is a guy like that grandfathered.

Rich Williams stated no.

Board Member Montesano stated no.

Board Member Pierro stated so he would have to, he would have to react to the new regulations.

Rich Williams stated yes.

Board Member Montesano stated (inaudible).

Board Member Pierro stated what about Tractor Supply.

Rich Williams stated they have not posted a bond.

Board Member Pierro stated they haven't posted a bond yet, has a bond been set, the amount.

Rich Williams stated I don't.

Chairman Rogan stated Tractor Supply.

Board Member Pierro stated didn't we do something at Town Board meeting.

Chairman Rogan stated we did but.

Rich Williams stated I think you did act but the Town Board didn't accept it.

Board Member Pierro stated okay.

Chairman Rogan stated we approved a recommendation to the Town Board to set the bond amount and then they came in said well wait a minute, our understanding of the intent of the Town Code is do only X, which promulgated a lot of this conversation. Take a site, you won't even have to pick one in particular, one that previously was fully bonded, they bonded those types of improvements, like walkways and roads and things, under this proposal, none of that would be bonded except site grading, top soil, seeding, other measures deemed necessary.

Board Member Pierro stated sorry for interrupting.

Chairman Rogan stated but for the purposes of inspection fees, because people from the Town still have to inspect all the other items, they are still going to use the full old bonding amount to calculate fees, to calculate inspection fees.

Board Member Pierro stated okay.

Chairman Rogan stated for instance, we have one in front of us, a 700,000, what was the one for tonight, Couch Road, was the bond amount.

Board Member Pierro stated 17 Couch.

Chairman Rogan stated 700,000 dollar bond amount, I'm assuming that they applied the old, the existing Code to come up with that amount. They wouldn't probably re-calculate that if this went through to a number that would be extremely lower than that for the bond but still use the seven hundred for the inspection fees.

Rich Williams stated well this is for site plans.

Chairman Rogan stated site plans, not subdivision.

Rich Williams stated this is not for subdivision.

Chairman Rogan stated but the example would still hold true if it was a site plan.

Rich Williams stated subdivisions we still do it all the way and Couch Road wouldn't change because with subdivision, we are now talking about public improvements, some of them the Town may accept, like roads.

Chairman Rogan stated okay.

Rich Williams stated so for subdivisions there is no change.

Board Member Pierro stated okay, is there any.

Board Member DiSalvo stated let's say like Rimaldi, Panino, Pinocchio I want to say.

Board Member Pierro stated Panino.

Board Member DiSalvo stated what would be for his new building.

Rich Williams stated what we would be bonding on Rimaldi's site, would be the ability to go in and stabilize the site if he walked away from the site and left it as bare soil. I think its appropriate to have a figure in there for bringing top soil back on to the site, for spreading it out, for throwing grass seed down and throwing hay down and possibly putting some silt fence up.

Chairman Rogan stated in practicality what this does is this puts the owness for completion of these sites the way we approve them to the Building Inspector, to not issue a C of O until the thing is done the way it

was supposed to be done because really you don't have that dollar amount to hold over somebody to say you didn't do what's bonded here, we can't release the money.

Rich Williams stated correct.

Board Member DiSalvo stated right, you can't even hang a C.O. over them.

Chairman Rogan stated right, which is sometimes not an easy thing to do.

Board Member Montesano stated no, here Charlie (inaudible).

Board Member Cook stated now, what is being eliminated from the performance bond umbrella, do they get picked up elsewhere, I mean what was formerly part of the bonding, foundation, cross pavement, curbs, sidewalks.

Rich Williams stated at this point we are not going to be holding money to ensure those improvements are complete. As Shawn said the way we are going to ensure how to complete those improvements is through either enforcement or a violation or the withholding of a C.O.

Board Member Pierro stated okay and that usually got more strength behind it.

Board Member Montesano stated if someone puts up.

Board Member Pierro stated because a lot of times banks don't close unless they get, they see a C.O.

Rich Williams stated Eurostyle Marble got a C.O. and they aren't finished.

Board Member Pierro stated oh man.

Rich Williams stated temporary C.O. but try to pull it back in six months.

Board Member Pierro stated that may or may not have been a mortgage thing.

Chairman Rogan stated right, once somebody is operating, they are operating.

Board Member Montesano stated is someone puts up, comes in and gives you a bond for top soil and they get approval to start construction, and if they go in and then put up a half a building, for arguments sake and then go bankrupt, what do we do with that.

Chairman Rogan stated we stabilize the site, keep the kids out.

Rich Williams stated we stabilize the site.

Chairman Rogan stated although in fairness, what would we have done under the old, because somebody owns a property and they go bankrupt after completing half of it, would the likelihood be that somebody would step in and complete it.

Board Member Montesano stated the county can.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated I mean, we wouldn't have been in much better shape previously except we might have had a 200 or 300,000 dollar bond.

Rich Williams stated we would have been in, if we're talking about will we have to go in and take the building down for whatever reason, yes we would have had the funds to do that. Now under the old method of doing it, we don't bond the building, so the buildings weren't included in the bond.

Board Member Pierro stated anyway.

Rich Williams stated but some of the other site improvements were which gave us enough both leverage and enough funds so that, say somebody came in and started building a building and was building it all wrong and so it wasn't ever going to be a viable structure it had to be torn down and the guy goes belly up and walks away. And now we have attractive nuisance plus an eyesore, at this point, there is nothing we can do.

Board Member DiSalvo stated but you can't go on someone else's property, whether they own it or the bank to do anything.

Chairman Rogan stated sure you can.

Rich Williams stated but you have to do it legally.

Board Member DiSalvo stated and that can take time and legal expense.

Rich Williams stated absolutely.

Board Member DiSalvo stated and then the bank could sell it.

Rich Williams stated absolutely.

Chairman Rogan stated but you know I'm thinking of an example of something like this, where nothing was done, not only was it an attractive nuisance but a you know, an eyesore to the community, is over on Nichols Road in Kent, the Cioccolanti Subdivision, that was half built and then went belly up.

Rich Williams stated oh between the milk bottles.

Chairman Rogan stated they put in a sewer treatment system, maybe not the whole system but there are concrete tanks in there that are still existing, that look like they are 30 feet deep, right off the edge of the road, in an old building that is falling in. They have condos that are half built, stick framed, that are still I think partially there. That's what, fifteen years now, twelve years now, it's been sitting there dead.

Rich Williams stated yeah.

Board Member Montesano stated (inaudible).

Chairman Rogan stated wait, what was that.

Board Member Montesano stated used to have the condos where.

Board Member DiSalvo stated where Penwest is or Clancy's.

Rich Williams stated Clancy's.

Board Member Montesano stated there were condos and they were totally illegal.

Board Member DiSalvo stated wasn't there a haunted house there, a couple years ago.

Rich Williams stated yeah.

Board Member Montesano stated they were totally illegal.

Chairman Rogan stated so this concept isn't that far fetched, it does happen it just doesn't happen that often but we do have examples of it.

Board Member DiSalvo stated well it is a subdivision.

Chairman Rogan stated yeah.

Rich Williams stated no.

Board Member Montesano stated this is the time you will find it happening.

Rich Williams stated no, out here was not a subdivision.

Board Member DiSalvo stated then what was it.

Rich Williams stated this was a site plan.

Board Member Pierro stated site plan.

Board Member Montesano stated it was something that never got approved, the building just went up.

Rich Williams stated it got kind of approved and then they started building the buildings and they went to build the waste water treatment plant and the design for the wastewater treatment plans had it 30 feet out into the middle of the great swamp and in the floor plain and the DEP refused to approve it, justifiably so.

Board Member Pierro stated right.

Board Member DiSalvo stated they didn't know that before they started.

Board Member Pierro stated they probably knew, they were just trying to get away with it.

Board Member Montesano stated there was a fight between the original partners and one guy proceeded to do stuff, the other guy couldn't afford to stop him. All right, what is the next agenda.

b. NYC Watershed regulations amendments

Chairman Rogan stated we had the New York City watershed regs, amendments, that were sent out, Rich did a review or a response and so did the County Executive and Charlie, you wanted to.

Board Member Cook stated I was just curious if there was anything, feedback from, you sent in comments, did anybody say anything.

Rich Williams stated no and I'm sure everybody in the watershed is going to ignore them and New York City is going to ignore them.

Chairman Rogan stated and do what they want to do.

Rich Williams stated in my opinion this is a terrible thing for the watershed communities that New York City is looking to have some sort of over sight of our MS-4 program.

Board Member Pierro stated and they are not willing to pay for it.

Rich Williams stated of course not.

Chairman Rogan stated then let them pay for it.

Rich Williams stated of course not but now they can, if they feel the phosphorus is not being reduced sufficiently, can come in and issue a violation.

Board Member DiSalvo stated but they are building the treatment plant anyway in (inaudible).

Rich Williams stated yup.

Board Member DiSalvo stated so what is all of this going to accomplish.

Rich Williams stated it is going to significantly reduce their treatment costs at that plant.

Board Member DiSalvo stated they should have just built it years ago if they were going to buy it, its in Riverdale.

Board Member Montesano stated and that's why its not going to be built.

c. Review Coordination

Chairman Rogan stated and lastly we have review coordination and I think that was on there for what, the idea of Planning versus Engineering, you had that, remember that thing that Richie had put together which was basically who does what and making sure that there is not redundancy in review and.

Board Member Cook stated I'm just saying but to me it played well and I don't know, did you have any feedback from the Town Board on it and.

Rich Williams stated no.

Chairman Rogan stated and I know that when we schedule site walks, there have been, usually Gene will ask if we want him to be there for the site walks for instance. My feeling has always been that if it something that he is going to have to review from a technical stand point, yeah I want him out there, I want him to see the site because if he is not out there when we go, he'll have to go out on his own and I would rather be able to hear his input while we are out on the site. If we are going to a simple wetland permit application like Sullivan Drive, Gene didn't go on that it wouldn't be appropriate, that would probably be a waste of resources. But any time we've asked him to go out, I think its for good reason, even in this North County Homes, look we've got retaining wall issues there, you need a little bit of engineering oversight on that, so.

Board Member DiSalvo stated so what do you want to do.

Board Member Pierro stated my only concern is that sometimes our engineering fees charged out to the applicants are twice as much as what the applicant's engineering fees are and I just don't understand how some of the reviews get that far out.

Chairman Rogan stated sometimes I notice that some of the engineers, for instance with the stormwater reg changes, it's a pretty well known fact that some engineers will learn by going through the process, rather than learning before they start the process. Meaning that they design their plans and they wait for the people who are reviewing them to give them comments back so they can get it right, rather than doing it right the first time. We see this time and time again where we go through sixty comments and they send in plans and they've only addressed ten or fifteen. I like what we've been trying to have them do now, is making sure there is a response, even if it is just we acknowledge that we need to do this or there is some kind of a response to these comments that we are not getting back these plans that take a full review again to see hey, what did they change, to find out that they only did three things out of sixty.

Board Member Pierro stated right.

Chairman Rogan stated you know, that is when they shouldn't even be on the agenda, that's when I think we pull them off, like you've said, you're said Mike in the past.

Board Member DiSalvo stated yeah, what are they even doing here.

Rich Williams stated there has been some internal discussion about how to modify the review process and bring the engineering cost down, one of the things that has been talked about is the fact that a lot of times the engineers will submit plans that haven't fully addressed the comments of the engineers or myself and perhaps we should take a look at the plans and doing a review of those issues before we even start reviewing the new issues and having me do that, rather than having the engineer do that. I'm reluctant to do that for a couple of reasons one is at that point I'm essentially setting the agenda of who gets on and who gets off and that put a lot of pressure on me.

Chairman Rogan stated I don't blame you, I wouldn't want to do that.

Rich Williams stated and possibly going to be hearing from people who say, yeah but he's taking too long, he's taking too long.

Chairman Rogan stated I addressed nine and he addressed ten, he's on the agenda and I'm not.

Rich Williams stated right, the second issue is, that means I have to review everything before it even gets on to an agenda.

Chairman Rogan stated right.

Rich Williams stated so, it starts to take you out of it because I'm going to review, they are going to say, I'm going to say, you only did three things and give it back to him and they are going to resubmit it and there is going to be a lot of back and forth before anybody else gets to it.

Board Member Pierro stated you can also call us.

Board Member Montesano stated well if we were to make the statement.

Board Member Pierro stated you can also call us and we can make the call not to put them on the agenda.

Rich Williams stated based on what.

Board Member Montesano stated if we.

Board Member Pierro stated on what you're going to tell me.

Rich Williams stated I understand that.

Board Member Montesano stated yeah but he.

Board Member Pierro stated send me an e-mail, what's the big deal.

Board Member Montesano stated why can't we do this, when the man appears in front of the Board.

Board Member DiSalvo stated the man meaning the applicant of the engineer.

Board Member Montesano stated the applicant, he's sitting there, it's his engineer, we consider him the applicant. We say, all right we are looking for these things, we check what Gene has to say, we check what Richie has to say, we have 15 items, please do not come in here unless you have at least 14 items answered, we'll give you one, if you do come in, you are not coming up for the agenda, it takes it off of him and puts right on the Board because we are telling you now, you've got 15 items that we discussed, we want at least 14 of them answered before you re-apply.

Chairman Rogan stated you know there might be a more tactful way of saying that, I don't mean it that way but this is what I'm thinking.

Board Member Montesano stated I realize that, you've got to put it in words.

Chairman Rogan stated if you make sure on the initial application that you let people know, that when you get comments on something, if you get 15 comments, it would be a cost savings to you.

Board Member DiSalvo stated right.

Chairman Rogan stated to be, to respond with all fifteen completed not just to respond to get back on the agenda, we are happy to have to back on the agenda for another nights review but in the end you're in, because ultimately it's costing them those engineering fees, because in the end, it's a cost savings to them.

(Inaudible – too many speaking).

Chairman Rogan stated it's a cost savings for them.

Board Member DiSalvo stated plus they present the complete package to us as opposed to, oh did they say that at the last meeting.

Chairman Rogan stated Charlie is great at always coming up with what about the memo from three months ago that these things still appear not to be addressed.

Board Member Cook stated I mean, I think that's the point, if they, the applicant, comes in with their project, Rich reviews it, Gene reviews it, right, they issue their letters and that is why I have said to them in the past hey you got Rich's letter, let's respond to it but Rich could be is stop gap measure from the stand point if they don't get back on, okay, unless they answer his letter in some fashion.

Board Member DiSalvo stated you could say the Board feels you need to, the Board, meaning us, him saying I feel that you need to address this, the Board feels that you need to address these issues before they can pursue.

Board Member Cook stated I check, you received the memos, please don't come back in looking to get on the agenda until you have responded to the memos and then.

Board Member DiSalvo stated people think that because they are on an agenda that the project is moving along and at the same time some of them are going backwards.

Board Member Cook stated because I'll tell you another thing.

Rich Williams stated but I know the engineers too, some of them put it on the agenda because that is when they bill.

Chairman Rogan stated of course.

Board Member Montesano stated do we contact the applicant or his engineer.

Rich Williams stated as far as what.

Board Member Montesano stated in other words, we send out a comment.

Board Member DiSalvo stated comments.

Rich Williams stated it goes to the engineer.

Board Member DiSalvo stated and the applicants copy (inaudible).

Board Member Montesano stated would it be difficult to carbon copy the applicants, so the applicant is aware that he is paying the extra fees when they come in and nothing gets accomplished.

Chairman Rogan stated well.

Rich Williams stated if you want us to do a mailing of all the review memos to the.

Board Member Montesano stated no, just, not the review memos, just to let him aware that his engineer has been in and directed to do 15 items and.

Rich Williams stated how do I do that without giving him my review memo.

Board Member Cook stated what I think you're looking for, you can give both.

Board Member DiSalvo stated you can copy the applicant on the site walks.

Board Member Cook stated you can give the letter, the review memo to the applicant and a copy to his engineer.

Board Member Montesano stated because let's put it this way, there are certain people that walk in here because in all honesty, they are not up to date, they don't have any idea what the hell they are doing and they suddenly come in and your doing the job, Gene does the job because they can get comments which they do on more than one occasion and you're doing half the work, you're not getting the money but you're sure as hell doing their job.

Board Member Pierro stated there's.

Board Member Montesano stated there comes a point in time where that's gotta.

Board Member Pierro stated I know sometimes its difficult for Ted to come in and review a new wetlands watercourse application before the meetings but often times he finds that the application is not complete and that could be on other way.

Board Member DiSalvo stated yeah.

Board Member Pierro stated I don't know if there is another way to not put somebody on the agenda if the application is just not complete, in your eyes.

Ted Kozlowski stated right.

Rich Williams stated with all due respect to Ted, that is exactly what he was doing and I kind of, the problem is people weren't getting on the agenda and people were starting to complain that they weren't getting on the agenda.

Chairman Rogan stated because there are still items that they can discuss with the Board to further their application.

Rich Williams stated regardless of that, I started throwing them on the agenda so Ted could say to the Board and the applicant that its just not complete.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated right.

Rich Williams stated rather than.

Ted Kozlowski stated they are bringing their engineer, they are bringing their whole brood along for me just to tell them.

Rich Williams stated I understand.

Ted Kozlowski stated but this particular one, we told them out in the field what they needed and they chose not to provide that.

Rich Williams stated I understand that and it's their cost and that's, their doing it.

Board Member Cook stated but that's okay, like next week, on that particular.

Chairman Rogan stated Werlau.

Board Member Cook stated Werlau that you know, they find out, hey the application is not complete, all right and we say to them, don't come back until its complete.

Board Member DiSalvo stated is there a way to tell them now that its not complete so we can take them off the.

Ted Kozlowski stated I'm sending them a letter.

Board Member DiSalvo stated maybe not be on the agenda next week, unless they can have it completed and sent in again.

Board Member Montesano stated well they can be there.

Board Member DiSalvo stated before next week.

Board Member Montesano stated well they can be there but if they don't show up with a complete application, you are already behind schedule, it can be made, the statement, your application is not complete and next.

Chairman Rogan stated (inaudible).

Ted Kozlowski stated if they want to be on the agenda (inaudible).

Board Member DiSalvo stated (inaudible).

Rich Williams stated I'm sure that they submitted what they felt was a complete application and I understand what you're doing and what your intent is, I would just urge you that if you are going to determine that this application is not complete at this time that you do so with some specificity.

Board Member DiSalvo stated yes, so he doesn't look like an idiot, the engineer doesn't look like an idiot, people in the audience.

Rich Williams stated but we are very clear about, you know, what the deficiencies in the agenda are so that they know.

Board Member DiSalvo stated they stay on the agenda and the application is incomplete, do you still want to pursue their plans, is what I'm saying.

Chairman Rogan stated the realty is they are going to want to come in to at least further because we said we are probably going to want to do a site walk on it so there is still some benefit to them coming in hey we want to go out and do a site walk but just so you know, you're application is incomplete right now, you need to talk to Ted and find out exactly what needs to be done here, you're still moving things along but also.

Board Member Cook stated and the thing is too, is that, I said this awhile back, that is how we get trapped into these condition approvals.

Ted Kozlowski stated that's right.

Board Member Cook stated right because it goes along, goes along and then all of a sudden we say we'll approve something based on all these conditions.

Chairman Rogan stated right.

Board Member Cook stated they should have completed it six months ago.

Board Member Montesano stated before we go out and look at your application, complete it.

Chairman Rogan stated that's not a bad idea.

Board Member Montesano stated and then we'll go out and look at it.

Chairman Rogan stated yeah.

Board Member Montesano stated this way the Town doesn't get hit with two site walks.

Chairman Rogan stated that's not a bad idea, we can schedule a site walk but say we won't be able to go out on it until we know we have a complete application but you know. Sorry.

Board Member Pierro stated I make a motion.

(Side 1, Tape 2 Ended 9:53 p.m.)

Board Member Montesano stated don't break the manicure.

Chairman Rogan stated lastly thought Rich, I was thinking about your review memos and again, Charlie is very good at keeping track of memos from three and fours months ago, items that were not addressed and

when you're in your computer doing your memos, is there a way when you do your reviews to verbatim and literally grab those comments and pull them in the new, each successive memo, even if you if you say this memo, this comment is from, you know memo dated and it would be a previous memo, so that it's on, so you keep, it's almost like a running tally. I know you state them sometimes.

Rich Williams stated yeah, I'll tell you how I do my reviews, is I take my last project review and I just pull it in as a new review and go through that check list and see what's on there. So I'm taking the old review and that is my new review and I delete out the comments that they've addressed.

Chairman Rogan stated oh you do.

Rich Williams stated yeah, I do.

Chairman Rogan stated okay.

Rich Williams stated what I don't do, what I stopped doing was this is from a previous memo, this is from a, but I can do that if you want me to do that.

Chairman Rogan stated if there some benefit to that, where it would have some kind of an in parenthesis like some dates, where it would show, if it was six or seven times on there from previous memos, you know, that kind of gives you the key.

Board Member Pierro stated a different font.

Chairman Rogan stated it was just a thought, I didn't realize that you did though, that is what I was thinking.

Board Member Cook stated the applicant right, remember that one time we had a case where the applicant came in with his engineer or architect and he didn't realize it and I brought something up and one guy said really.

Rich Williams stated Boniello.

Board Member Cook stated who.

Rich Williams stated Boniello.

Board Member Pierro stated yeah, Boniello.

Board Member Cook stated whoever it was.

Board Member DiSalvo stated or Joel.

Board Member Cook stated so at least the applicant knows that your engineer was asked about this two or three times.

Chairman Rogan stated right.

Board Member Cook stated or advised of it.

Board Member Montesano stated we're doing our job, your engineer isn't you're paying him, we have no control over your engineer, we do have control over your project, it's your money, you start getting on your engineer.

Chairman Rogan stated it would be interesting to see the different rates of engineering fees that were charged by Stantec for different engineers that submitted plans, i.e., are there engineers out there that when they do a project it just costs this much more proportionately because they are not as.

Rich Williams stated I did that, I haven't done it now but I did that in the 90's because in the 90's I was tracking all their billing by applicants, by applications, you know I could equate that back to the engineers.

Chairman Rogan stated interesting.

Rich Williams stated and there was a clear difference.

Chairman Rogan stated I'm sure they wouldn't want that known but because that would get out of hand and we would sued for defamation of character or something.

Board Member Cook stated going back to your comment about the cost of the charging to the Town and back to the applicant.

Board Member Pierro stated comparison to the applicant.

Board Member Cook stated we could review the bills, we can look at the bills, not to slow anything up but you know, they must come in at some point in time where, we could come in, we could get an e-mail from Rich or something that says okay the Stantec or whoever it is came in and.

Chairman Rogan stated it sounds like Charlie is volunteering.

Board Member Pierro stated to be honest, there are certain things that we do as a Board that we may not realize that this is going to be what we are asking for, simple things, could be a massive increase in billing to the applicant and subsequently.

Board Member Cook stated or even the Town.

Board Member Pierro stated that is what I'm saying.

Board Member Montesano stated well you have to look at it.

Board Member Cook stated you get billed right, by the hour from Stantec, it would be interesting to look, and say project A.

Board Member Pierro stated that might be a moot point in the next couple of days, with this bid.

Board Member Cook stated and project B is this.

Board Member Montesano stated well the problem you have also, is you have to take into consideration, you can get an engineer that charges 100 dollars an hour because he is worth 100 dollars an hour, if you

make it with guy whose company is worth 500 dollars an hour, if you want to use the 500 dollar an hour man who maybe give you as good and hopefully better then that 100 dollar an hour, if you think. This is another thing you're looking at, which lawyer do you hire, you hire the kid right out school that is charging you 25 dollars.

Board Member Cook stated the Chairman and the Vice Chairman could take turns and do this every once in a while.

Chairman Rogan stated I was thinking the Vice Chairman and Charlie could take turns looking at the bills, one is retired and one is semi-retired.

Board Member Pierro stated as long as there is an increase in pay, Charlie, right.

Chairman Rogan stated site walk.

Board Member Pierro stated yeah right.

Board Member DiSalvo stated so on another note, the Town of Stanfordville, I know the Supervisor there, Dave Tetor.

Rich Williams stated Dave Tetor is the Supervisor, I didn't know that.

Board Member DiSalvo stated he said that the town is getting built up and now the Planning Board wants to get paid, I said well, he said you're on the Planning Board, what do you get paid, I said it depends on the site walks, it averages maybe like 3000 a year. He said that we can't afford to pay these people that, he said I'm going to tell them, if you aren't going to be volunteers, we'll find other people.

Chairman Rogan stated we'll see how much success they have.

Board Member DiSalvo stated they'll have a lot of success because people want to get involved.

Chairman Rogan stated good.

Rich Williams stated a lot of, if you look state wide.

Chairman Rogan stated there are a lot of people on Plan Putnam, if they were appointed, that's up to the Town Board.

Board Member Pierro stated taxes will rise 30 percent too.

Rich Williams stated if you look state wide, most Planning Board's do not get paid.

Board Member Pierro stated most Town Board's don't make the money they make around here.

Chairman Rogan stated true.

Board Member Montesano stated on that note.

Board Member Cook stated can I bring one other thing up.

Chairman Rogan stated of course you can.

Board Member Cook stated Justin's Automotive, I have to pass by there, this earlier in the week, which made me think of it. They were asked to come in, right, at some point for a site plan review or what have you.

Chairman Rogan stated yeah, they came in for a sign, they didn't come, they applied for a sign application but never came in for it.

Board Member Cook stated there are two signs up.

Chairman Rogan stated yup.

Board Member Cook stated they must have fifty cars on the property.

Chairman Rogan stated yup.

Board Member Cook stated I don't know about the building or anything else, the sign apparently is not in a good location or a location that it wasn't to be. I mean, how long do we let this go on.

Board Member Montesano stated they are in court now.

Chairman Rogan stated we should ask, is Dave still here.

The Secretary stated I think he's still here.

Board Member Montesano stated I thought Dave gave us a memo.

Chairman Rogan stated can you yell for him.

Ted Kozlowski stated Dave.

Board Member Cook stated I thought he said because there was one judge that was ill or something and it got pushed back.

Chairman Rogan stated Roger was ill.

Rich Williams stated while you are waiting for Dave, you has asked me to do something with that sandwich board sign at D'Ambrozio.

Board Member Cook stated yes.

Rich Williams stated and I certainly can go up there but that, I started getting some flack about doing things like that, I mean I am certainly not going to enforce anything.

Board Member DiSalvo stated in that case you can do the one by Alpine, it just goes on and on and on.

Rich Williams stated but I don't enforce the sign code.

Board Member Pierro stated we had a question about Justin's Automotive.

Board Member DiSalvo stated do they take it in at night.

Chairman Rogan stated Charlie was just asking you know, where we are with that.

Board Member Cook stated last time we talked you said, you know because the one justice being out ill and stuff like that.

The Secretary stated everybody is getting up.

Board Member Cook stated that things were backed up.

Dave Raines stated they are on the docket for March, for failure to get site plan and a permit, so March, whatever the second Tuesday is in March, the first Tuesday in March.

Board Member Cook stated exactly what is that to have them comply with.

Dave Raines stated come in and get site plan approval.

Board Member Cook stated okay, all right, of course, that is ridiculous, take a look at the site and the signs that are up with no approval and then the site, I just said there must be fifty cars parked all over the place.

Chairman Rogan stated you know what's tough too is reviewing a site plan for a site that is being used the way want to use it and then you say well what about changing this and they, well they like to use it that way they want.

Dave Raines stated it is going to happen with Patterson Auto Body, its going to happen with Bobby Herman's, its going to happen with the guy I just violated that's got all the fire wood. What else Rich, doesn't have site plan approval (inaudible). He is subletting to Werlautone, the building in the back, which is a big dark secret, right, well but I can't hit one and not the other.

Board Member DiSalvo stated Werlautone is owned by Mr. Werlau.

Rich Williams stated the guy with the fire wood.

Dave Raines stated the guy with the fire wood that I asked you about the other day, with all the trucks.

Rich Williams stated Jimmy Rinaldi.

Chairman Rogan stated well its not different then when we were fighting this thing with the storage containers and all of a sudden we ended up with like 15 sites, well let's face it, it is what it is.

Dave Raines stated the problem is the ZBA, the ZBA, every time they look at anything, they look at the adjacent and they want me to violate everybody. (inaudible).

Chairman Rogan stated once its in writing, your hands are tied.

Dave Raines stated I don't mean just storage containers, I mean everything.

Chairman Rogan stated okay, anybody.

Board Member DiSalvo stated motion to adjourn.

Chairman Rogan stated motion to adjourn.

Board Member Pierro seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Cook	-	aye
Board Member DiSalvo	-	aye
Board Member Montesano	-	aye
Board Member Pierro	-	aye
Chairman Rogan	-	aye

Motion carried by a vote of 5 to 0.

The meeting adjourned at 10:25 p.m.