

TOWN OF PATTERSON
PLANNING BOARD MEETING
January 31, 2008 *Work Session*

APPROVED

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Michael Montesano
Maria Di Salvo
Charles Cook

Planning Board
January 31, 2008 Work Session Meeting Minutes

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

APPROVED

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

The meeting began at 7:33 p.m.

Michelle Russo was the secretary and transcribed the following minutes.

1) APAP SITE PLAN – Public Hearing

Board Member Montesano stated come forward.

Chairman Rogan stated and state your name for the record.

Rich Williams stated Rich Williams.

Chairman Rogan stated okay, Apap site plan, we are having a public hearing. They haven't, have they made the changes to the plan.

Rich Williams stated I am going through the plans, they have made the changes, I think they are in pretty good shape. I planned on doing a resolution for the Board.

Chairman Rogan stated wonderful.

Board Member Montesano stated that sounds good.

Chairman Rogan stated that is going to look sharp out there.

Board Member Montesano stated that is one painting job.

Board Member DiSalvo laughs.

Chairman Rogan stated I think everybody. Any outstanding issues that need to be resolved on this. It's pretty straight forward.

Board Member Montesano stated sharp.

Rich Williams stated the only question you are going to have probably is, we haven't set a bond amount on this and whether you want to bond the improvements or not.

Chairman Rogan stated okay. Typically when the improvements haven't impacted on public roadways and such, I know with some of the smaller projects like this we've not bonded, right.

Rich Williams stated some of the smaller ones that don't have a large extension, like Telecom.

Chairman Rogan stated yeah, well in this case the bonding would be for what.

Rich Williams stated well we bonded Telecom.

Chairman Rogan stated changing.

Rich Williams stated the additional parking, the dumpster pad for the garbage.

Board Member Montesano stated he has been here how many years, between the grandfather, the father and him.

Board Member DiSalvo stated we aren't talking about a big area.

Rich Williams stated three generations.

Board Member Montesano stated yeah so, I don't think he is going anywhere, I don't think he is going to really walk out on a.

Rich Williams stated well that's not the issue, the issue is making sure the improvements get done but.

Chairman Rogan stated yeah.

Rich Williams stated there aren't, he doesn't have a lot of improvements to bond.

Chairman Rogan stated okay.

Board Member Montesano stated that's better.

Chairman Rogan stated some.

Board Member Montesano stated with these improvements, I have no problem.

Chairman Rogan stated can he get a C of O on the structure prior to completing, since it is part of a site plan. He needs to finish the site plan in order to get a C of O, so he can't get a C of O on the building until he does those.

Rich Williams stated correct.

Chairman Rogan stated so there is some control of things.

Board Member DiSalvo stated control.

Chairman Rogan stated so, it is really a matter of how everybody feels. I am not worried about (inaudible).

Board Member Montesano stated what he has done to the site is cleaned it up 9,000 percent of what it was, so I have no problem with not making him put up any other money.

Rich Williams stated and just so you know, similarly, he can not get a C.O. until he removes those two.

Board Member DiSalvo stated storage things on the side.

Rich Williams stated storage containers in the back.

Board Member DiSalvo stated well how much are we talking if we do a bond.

Rich Williams stated best guess five thousand.

Board Member DiSalvo stated five thousand dollar bond, does it even pay.

Chairman Rogan stated I don't know.

Board Member Montesano stated its more aggravations for him to get the five thousand dollar bond then it is to do the improvements.

Board Member DiSalvo stated yeah.

Rich Williams stated he probably wouldn't be able to actually get a performance bond, he would have to post it in case.

Board Member Cook stated I don't think we need him to post one.

Board Member DiSalvo stated do we.

Chairman Rogan stated lets just have the conversation with him so we at least can bring it up.

Board Member Montesano stated yeah.

Chairman Rogan stated and.

Rich Williams stated the other question is do you want me to have Joe Mansfield calculate a bond amount.

Board Member DiSalvo stated do we have the authority to waive a bond.

Board Member Montesano stated yes.

Chairman Rogan stated yes.

Board Member Montesano stated we've always had that.

Board Member DiSalvo stated well we don't want to come across to the audience that we are waiving fees, you know.

Board Member Montesano stated we are not waiving fee.

Board Member DiSalvo stated I know, I know but.

Chairman Rogan stated its surety, it is an amount that is placed to ensure that the work gets done.

Board Member DiSalvo stated a security type of thing.

Board Member Montesano stated that the work gets done, its not really a fee.

Board Member DiSalvo stated its put up like collateral.

Board Member Montesano stated the object is that he has improved it and he is local.

Board Member DiSalvo stated I don't have a problem with it but like I said, I don't want the people in the audience to get confused.

Board Member Montesano stated no I am just trying to figure out.

Chairman Rogan stated well the flip side of it is that we are trying to do the guy a favor that he hasn't even asked us to do.

Board Member DiSalvo stated right.

Chairman Rogan stated you know if you want to, so why don't we have Rich reach out to the architect on it and say get a quick bond calculation. They haven't asked for something that we are considering so maybe we are going through more then we should.

Board Member DiSalvo stated right.

Rich Williams stated I just didn't know what level of effort you wanted to put into it, if you didn't care about having a bond, then I wouldn't make Joe go through the effort.

Chairman Rogan stated okay, yeah.

Board Member Montesano stated he is paying him more then the bond is worth.

Board Member Cook stated with other controls on it, you know.

Chairman Rogan stated so now, when someone posts a bond for a subdivision for roadway improvements but lets say it is to finish off the final top coat, the final but they are already pulling building permits and getting C of O's on those houses prior to that work being completed, so where is the, if the bond wasn't in

place for those projects we wouldn't have anything, right. Because the roads just wouldn't be turned over to the Town until they are complete.

Board Member DiSalvo stated right.

Chairman Rogan stated but then you are left with a mess because you have a subdivision with a road that people are using.

Board Member DiSalvo stated then people can't get to their houses.

Chairman Rogan stated so, certainly.

Rich Williams stated such as Country Hill Estates or Rose Lane.

Chairman Rogan stated so there is some comparison whereby the improvements here impact mostly on the commercial business and it's certainly in their best interest to have that done.

Board Member DiSalvo stated when they develop, yeah.

Chairman Rogan stated and based on everything I have seen with the guys property, I have no doubt he is going to do a fine job with it but why don't we reach out to him and just ask for the bond calculations. Tell him to just put together something that will just assure us.

Board Member DiSalvo stated ask him if it would be a hardship to get such a small amount and if he would have to put up, like a CD, a security.

Board Member Montesano stated George won't ask for anything because his father is in Florida.

Chairman Rogan stated okay. Public hearing, we'll have a resolution. Before we move on to the next one. At the last meeting we were talking a little bit about making sure that everybody on the Board knows where we are in the process and I actually had looked at the SEQRA cookbook a little bit and I think speaking personally, there are times that I get, I think in terms just the SEQRA process, but that is not the whole process, that is part of the process, that is in addition to the normal planning process that you were dealing with before there were SEQRA requirements.

Board Member Montesano stated right.

Chairman Rogan stated so I think sometimes the confusion comes from thinking about the planning process and melding the two of the planning process and SEQRA process together, so even though we can refer to the SEQRA process, that is not always the whole process. You know there are steps involved in things that we do, when SEQRA ends, that doesn't mean that the process has ended.

Board Member DiSalvo stated so we can combine.

Chairman Rogan stated so I think its just, maybe just have discussions about this in terms of where, especially on the simpler projects where we tend to multiple steps in sometimes even in one evening. Where as with a long process like Patterson Crossing or a Burdick Farms, it is drawn out over such a long time that we are doing it in dribs and drabs because it is much more complicated. So I don't think the we get bogged down as much in process in those larger ones, I think its those smaller ones where we are

thinking of skipping steps because we are not realizing, we are not slowing down enough to remember the process.

Board Member DiSalvo stated Mike, did you mention years ago you used to have a checklist or something.

Board Member Montesano stated yeah, I meant to bring it down, I have the copy in the office.

Board Member DiSalvo stated you saved it that long.

Board Member Montesano stated well when something worked like that, I always kept a file. I only have one page, you just make a copy of it and just bring it in, if it is within reason to go along with it.

Board Member DiSalvo stated you have anything like that.

Board Member Montesano stated take a look at it.

Rich Williams stated a checklist for say doing a subdivision.

Board Member DiSalvo stated from like years ago, like any project, I think any project.

Chairman Rogan stated I just think, you know the checklist idea is great but I kind of think that we just need to keep reminding each other about the process and not, I certainly wouldn't take it whenever Rich has said, whoa, slow down a minute, you have to remember to take a step back. I am appreciative of that, that slowing us down. I don't take that as oh we are the Planning Board, we are supposed to, we are all going to miss things and we are all going to sometimes forget parts of the process so, I just you know, a checklist is always nice to refer to. I like what Rich does in the memos, he outlines.

Board Member DiSalvo stated yeah.

Rich Williams stated what I did in the memos based on what the Board is looking for is kind of creating that checklist.

Board Member DiSalvo stated pending, pending, pending, completed.

Rich Williams stated in the order that the steps need to be taken.

Chairman Rogan stated right and that works well.

Board Member DiSalvo stated but sometimes I don't have that memo with me.

Board Member Montesano stated no, write it on the back of thing.

Chairman Rogan stated why don't we try to, why don't we try as a Board over the next couple of months as we go down through some of these. Not only talking about what we are doing this month but where we are in the process in the grand scheme of things, what needs to happen in the process. Maybe concentrating at that level will help us all kind of get back to or up to a point where we are all feeling very comfortable with the process.

Board Member Cook stated well maybe we should have, just take and have a separate meeting and take some applications and kind of go through the process, a work session type meeting.

Chairman Rogan stated we could do it on a work session, we can just tack it on if we have a quick work session.

Board Member DiSalvo stated start with a new project.

Board Member Cook stated at the end of a work session, I agree.

Chairman Rogan stated it helps so that when we are going through this at our regular meetings, we will hopefully cut down on.

Board Member DiSalvo stated fumbling.

Chairman Rogan stated fumbling or.

Board Member Montesano stated you've got to have repetition to remind you of what your doing.

Chairman Rogan stated it is an awkward feeling for anyone, you know.

Board Member Montesano stated especially now.

Chairman Rogan stated you know, we start off with someone applying for something, trying to get a sign permit or a wetlands permit whatever and you know if you go right to the SEQRA document, it will say, is this an application that is subject to SEQRA, is it a certain type of an action, you know some actions are exempt from SEQRA, so you know, I try to keep my mind in that sense okay, what are we doing. Something like a sign, it has to go through SEQRA but it is a very simple process, it is a very lineal process, it doesn't have a lot side steps. So I think just, just talking about process I think is a good, is never a bad thing, so.

2) **PAPITTO SITE PLAN – Set Bond Amount**

Chairman Rogan stated okay, Papitto Site plan, set bond amount. So we have bond.

Rich Williams stated you have bond calculations from the last meeting.

Board Member Montesano stated so we have to get that out.

Chairman Rogan stated alright.

Board Member Montesano stated that was in the last group.

Board Member DiSalvo stated how are we doing with that drainage easement.

Rich Williams stated you know, I talked to Vince Papitto, last week.

Chairman Rogan stated last month.

Board Member Montesano stated it was part of the stuff we had from last month, that is why I was marking it down for my file.

Rich Williams stated about it and he said does it have to be filed and I said yes it has to be filed, and he said can it be a simple document like the grading easement, I said yeah, as simple as you can make it. It is essentially saying that you know, in certain storm events you are going to be allowed to discharge stormwater onto your neighbors property.

Board Member DiSalvo stated where exactly would it be, like towards the bottom of the driveway there.

Rich Williams stated no it's all the way up on top. You know, if I was the property owner I would be a little bit concerned because he is going to discharge it up on top to the rear of the building and it is going to flow down into the building.

Chairman Rogan stated and it is just a pipe to daylight, it's not into a level spreader.

Rich Williams stated no, what it is, is the overflow from the stormwater pond up on top.

Chairman Rogan stated okay.

Rich Williams stated so in a twenty-five or a hundred year storm it over tops the rear outlet, the emergency overflow, it goes over onto the adjacent property because that pond is right on the edge of the property.

Chairman Rogan stated it would seem that he would really want to pipe that down to the stormwater basins on the road, get that downhill of the directionally, downhill towards the road.

Rich Williams stated the problem is the size of the pipes.

Board Member DiSalvo stated taking up half the driveway.

Rich Williams stated I mean you know, it used to be we sized the pipes for ten year storms.

Chairman Rogan stated yeah, right.

Rich Williams stated they were fifteen inch pipes, now we are sizing for twenty-five year storms and they are twenty-four inch pipes.

Chairman Rogan stated right.

Rich Williams stated now we go to a hundred year storm, we have to put forty-eight inch pipes in, you know, its just.

Chairman Rogan stated its crazy.

Rich Williams stated you know the rest of the structure.

Chairman Rogan stated well the drainage area going into that pond, it doesn't seem like it would create a need for a forty-eight inch pipe at any time even in a hypothetical.

Rich Williams stated I was doing a hypothetical.

Chairman Rogan stated no, but my point is, the project isn't at the bottom of the hill already, you are only getting so much water even in a hundred year event. Okay so this is a good one, we have a bond to set, setting the bond we give a recommendation to the Town Board, where are we in this process. We have done, we have completed, we've done a SEQRA determination on this.

Rich Williams stated you are all done.

Chairman Rogan stated we are all done, this is the last step, okay. Worth talking about.

Board Member Montesano stated yeah.

Board Member DiSalvo stated what if they can't work out the drainage easement.

Board Member Montesano stated we don't give them the final.

Chairman Rogan stated they made it sound like it was just a matter of getting the sign off on it, right.

Rich Williams stated yeah.

Chairman Rogan stated they had an agreement.

Rich Williams stated they whole approval is conditioned on certain things, that being one of them.

Chairman Rogan stated okay and Mike you said the bond amounts calculated were in last months packet.

Board Member Montesano stated yeah they were last months, if I remember right.

Rich Williams stated yeah, they were.

Chairman Rogan stated alright.

3) MCINTYRE W/W PERMIT APPLICATION

Chairman Rogan stated McIntyre wetland/watercourse permit. This is a new one.

Rich Williams stated this is a new application on the back side of Deerwood Subdivision, on a lot that the Board had previously reviewed for a wetlands application.

Chairman Rogan stated McIntyre doesn't sound familiar.

Board Member DiSalvo stated a pool, in ground pool.

Ted Kozlowski stated nice job in getting all the previous Planning Board meeting minutes in the packet with this.

Rich Williams stated did I.

Ted Kozlowski stated yes.

Board Member DiSalvo stated this is Wyndham Homes.

Chairman Rogan stated Windsor.

The Secretary stated Windsor Woods, Deerwood, whatever else it was called.

Board Member Montesano stated Deadwood.

Board Member DiSalvo stated Deadwood, I remember Deadwood.

Board Member Montesano stated Deadwood.

Ted Kozlowski stated when you are ready for me to speak, I'll be ready.

Board Member DiSalvo stated which house was this again, which 5,000 square foot house was this, when you come in the main entrance go up the hill.

The Secretary stated it is right on the cul-de-sac.

Ted Kozlowski stated you go up the hill, Maria, make a left, go all the way to end, make a right, go to the end.

Board Member Montesano stated and its right there.

Board Member DiSalvo stated they were like two houses here.

Ted Kozlowski stated its at the end of the cul-de-sac.

Board Member DiSalvo stated it's the one that abuts the property.

Ted Kozlowski stated that abuts Mezger.

Chairman Rogan stated oh I think I remember this property.

Board Member DiSalvo stated Mezger.

Ted Kozlowski stated Mezger.

Chairman Rogan stated yeah I remember this property.

Rich Williams stated this is probably (inaudible).

Board Member DiSalvo stated we left the stonewalls there at that time.

Ted Kozlowski stated would you guys like a little background on this.

Board Member Cook stated yes.

Rich Williams stated this will probably help you out.

Board Member Cook stated this was before my time.

Board Member DiSalvo stated we walked that.

Rich Williams stated wait, Ted before you get into it.

Board Member DiSalvo stated we walked it when it was a lot, when they were.

Rich Williams stated this was the line that go approved with the well right there.

Chairman Rogan stated we approved the well and then the stonewall and then it got down into the wetland in the corner, I remember it.

Board Member DiSalvo stated there were like two lots there.

Ted Kozlowski stated this site, I was out, some of my signs are still up. This is the Deerwood subdivision, this is a classic example of what we are up against from these type of subdivisions.

Chairman Rogan stated yup.

Ted Kozlowski stated this is what we have been talking about. Richie nicely pulled out a lot of the minutes from previous meetings involving this site and much discussion with myself, Shawn and others. I remember we kind of drew a line and said this is it. The other thing on this plan that is shown to you, is that pool is sandwiched between a house and a forest, being a pool owner myself you need a lot of cleared area for the sun field for that pool. There are far more impacts that are going to be reflected, that is going to happen that is not reflected in this permit. I can not believe in one instance that someone is going to build a pool and not touch that surrounding forest, they are going to constantly have a situation with debris and leaves going into the pool and more importantly the sun field, they are going to have no sun.

Board Member DiSalvo stated heat it.

Ted Kozlowski stated and this is a clear example of an intrusion into the wetland and buffer that is going to be far more impacted then the simple statement that part of the pool is in the buffer zone. There are much more impacts here and I will be upfront with you, I would recommend an outright denial on this. There is history on this property, we clearly told the developer, I don't know if there was an owner, I don't know if this gentleman was in this house at that time.

Chairman Rogan stated doesn't it seem like there was a guy.

Board Member DiSalvo stated there was no house there when we walked it.

Ted Kozlowski stated there was a house.

Chairman Rogan stated there was a house, they were building it, it was fully constructed, in fact they were working on it, the deck was built I thought.

Ted Kozlowski stated yeah.

Chairman Rogan stated and I thought at one point an owner came in on that lot, do you recall that, the guy that was in contract.

Rich Williams stated the owner came into the Board.

Chairman Rogan stated to one of the meetings just to listen I thought.

Rich Williams stated this owner came in to talk against Mezger's house.

Chairman Rogan stated Mezger, the long driveway coming in, that's right. I knew there was an owner for that lot because I remember we talked and we were saying about the wetland, we even I think referred to his lot, didn't we.

Board Member DiSalvo stated how big of pool is this compared to yours.

Ted Kozlowski stated I didn't look at the dimensions Maria but you know, again with a pool, they are showing the minimum around there, there is a lot that goes into that.

Board Member Montesano stated there is a diagram in here about the size.

Rich Williams stated I made them show a patio, the patio they are going to put in, I made them show where they are going to put some of the utilities.

Board Member DiSalvo stated the filters.

Rich Williams stated there is a generator already out there, he wants to put it next to the generator. He is not sure that he can do that because then the lines have to go somewhere through the septic system.

Ted Kozlowski stated my advice to you is keep it out of the buffer period and understand that even if this gentleman builds the pool and doesn't need a wetland permit, I can't see how he is not going to want to cut down trees in the wetland.

Chairman Rogan stated sure.

Board Member Montesano stated now, question for you, sir. We can deny it, can he go to the ZBA and have, and speak to them about this.

Board Member DiSalvo stated yeah but (inaudible).

Rich Williams stated go to the ZBA for what.

Board Member Montesano stated to get approval to put his pool in.

Rich Williams stated in the wetlands.

Board Member Montesano states sure.

Rich Williams stated they [ZBA] don't have any jurisdiction.

Chairman Rogan stated yeah, good question Mike.

Ted Kozlowski stated he might go to the ZBA to do it on the side of the house or in the front of the house right.

Board Member Montesano stated I just want to make sure that the fact.

Rich Williams stated they aren't going to put it in the front, if they do that, I would be surprised if it got approved.

Board Member Montesano stated alright.

Ted Kozlowski stated but again here is an example of this, of situating that it's a big lot, to situate the house right on the end of the wetland buffer and now they want all these amenities.

Chairman Rogan stated yup, well we have been beating ourselves up over with a lot of these.

Board Member Montesano stated yup.

Ted Kozlowski stated yup.

Chairman Rogan stated you were talking about the minutes and stuff.

Ted Kozlowski stated you don't have it, Rich you didn't give it to them.

Rich Williams stated if I gave it to you, I gave it to everybody. Has everybody seen this.

Chairman Rogan stated has everybody else.

Ted Kozlowski stated it should be in the back.

Rich Williams stated it shows the original wetland approval on it.

Board Member DiSalvo stated oh, I didn't (inaudible).

Rich Williams stated this is what the Board approved.

Board Member DiSalvo stated where is the road.

Rich Williams stated here is the road, here is the cul-de-sac.

Board Member DiSalvo stated now I remember.

Rich Williams stated here is the driveway.

Board Member DiSalvo stated because we had him keep the stonewall.

Rich Williams stated and this line right here is what the Board approved with the original permit.

Board Member DiSalvo stated yeah it just about touched the back of the house, right.

Rich Williams stated for a little bit of the lawn area so he could have a little bit of lawn and the well but they didn't put the well where they were supposed to.

Board Member DiSalvo stated so the well is.

Rich Williams stated the well is outside of the disturbed area that was approved and this is.

Board Member DiSalvo stated how much of a drop is it back, can they move the pool forward.

Rich Williams stated it is pretty flat.

Chairman Rogan stated yeah its like a pancake to the wall.

Board Member DiSalvo stated so make it come right off the deck here, like who did that.

Chairman Rogan stated there is a distance, they have to be fifteen feet off.

Ted Kozlowski stated they have to be fifteen feet off for firefighting.

Board Member DiSalvo stated how big is.

Rich Williams stated he can put it right on the deck it becomes part of the principal structure, then he just has to meet the rear yard setback requirements.

Ted Kozlowski stated but again, that whole.

Chairman Rogan stated that is an option.

Rich Williams stated but he is still in the buffer, no matter what you do.

Chairman Rogan stated really.

Rich Williams stated he is in the buffer. The buffer is the back of the house.

Board Member DiSalvo stated it may not be as, that much.

Ted Kozlowski stated this is woods.

Chairman Rogan stated oh yeah, right. But the area that we delineated that you just drew in.

Ted Kozlowski stated this is all woods.

Chairman Rogan stated is what we allowed right.

Rich Williams stated right.

Ted Kozlowski stated right.

Chairman Rogan stated then if he can keep in there.

Board Member DiSalvo stated so he can push it in there.

Ted Kozlowski stated see this buffer, its pretty much, this is all woods here and this is all woods here [points to plan] and this is the west side of the house. So the sun field is over here, it is going around, so he is in the shade a good part of the day.

Board Member Cook stated what is over here.

Rich Williams stated septic.

Board Member Cook stated septic.

Ted Kozlowski stated you can't put a pool obviously on the septic.

Board Member Cook stated (inaudible).

Chairman Rogan stated you can put an above ground pool.

Board Member DiSalvo stated the way this curves, it could fit right around over here, like a puzzle.

Ted Kozlowski stated but again Maria, he has so many trees there that he is going to be cutting all the past the stonewall to get the sun.

Chairman Rogan stated if they came in and proposed it tight up against the house and by doing that they showed, they needed in one small area five more feet, then at least you are minimizing and you can consider it.

Board Member DiSalvo stated right.

Chairman Rogan stated you know what I mean.

Ted Kozlowski stated it is probably lawn at that point.

Chairman Rogan stated yeah.

Ted Kozlowski stated but where he is putting it, is the impacts are far greater and again we are on record in minutes with the developer saying, giving them fair warning.

Board Member DiSalvo stated I wonder if they ever disclosed it to the owners.

Rich Williams stated that is not our.

Board Member DiSalvo stated yeah I know but that is why were trying to avoid a lot of this with Burdick Farm.

Chairman Rogan stated you're right.

Board Member DiSalvo stated let's see if we can find another spot for it and move it there.

Board Member Cook stated you know Shawn, this example here, this application is what you have said numerous times about different subdivisions that come before the Board in this last week, we wanted to make sure that people did not come back a year or two or whatever to ask for a deck or a pool or what have you.

Chairman Rogan stated you are absolutely correct.

Board Member DiSalvo stated but this subdivision we are always being haunted by.

Rich Williams stated that is because this was the one that taught us what not to do.

Ted Kozlowski stated yeah.

Rich Williams stated after this one, we changed the Code, to require thirty foot build-able area around the house so they can have some use.

Board Member DiSalvo stated the only problem with these lots is that they were too small and the houses are too big.

Board Member Montesano stated yeah well.

Ted Kozlowski stated well they built big houses on small lots but you know and again from day one, Richie, more so then I, Richie has been saying this is going to happen, this is going to happen and sure enough one by one we are getting them and if you don't. When I went in to look at this site, you guys ought to see this development, what's left is just the wetlands and they are being crossed left and right, everybody in that development owns an ATV and its just a development in my estimation, gone bad. It is just not something I like to see.

Board Member Cook stated the resolution that was passed is pretty clear, especially with the special conditions.

Board Member DiSalvo stated you can't even put it on the other side because the driveway is there.

Ted Kozlowski stated Richie, how long, do you know how long this individual has lived at this house.

Board Member DiSalvo stated probably like two years.

Ted Kozlowski stated would Donna.

Board Member DiSalvo stated that looks cute.

Chairman Rogan stated we can read through minutes for the whole meeting but let's read through the minutes from the old one, I think Ted is pretty clear, let's talk with them and I think it, at a minimum we have to require them to come, if they want to pursue this, to come back with the least intrusive plan that they can come up with. Because I couldn't agree more that, you know, we go through this, we approve them to put the well in, we delineate an area knowing that these things are going to happen, that people are going to want to put a shed in or put a pool in.

Ted Kozlowski stated well look at the, did you read the special conditions, number three on the permit that was issued to this house where it says in addition no structures, no pervious surface shall be permitted within the wetland buffer, whether the area has been re-graded or otherwise.

Board Member DiSalvo stated if that is never disclosed to them, then they should go after the developer.

Chairman Rogan stated which note were you reading Ted.

Ted Kozlowski stated there was a wetlands permit issued.

Rich Williams stated number three.

Board Member Montesano stated page two.

Ted Kozlowski stated on December 2, 2004.

Chairman Rogan stated got it.

Ted Kozlowski stated for eleven Teal Lane and.

The Secretary stated August 2005.

Board Member DiSalvo stated two years.

Ted Kozlowski stated and then there is discussion at public hearings, pages of it, we are going around and around.

Board Member DiSalvo stated who owned the lot, the developer.

The Secretary stated yeah they bought it directly from the developer, Wyndham Homes is the prior owner.

Board Member DiSalvo stated so they were knowledgeable the developer on what they could do there.

Chairman Rogan stated oh yeah, Darnell was in, the developer was in for all of these meetings.

Board Member DiSalvo stated I remember one of them we really got on his case.

Ted Kozlowski stated I am just going to read you something, this is the minutes here. "Ted Kozlowski stated Joe," Joe Darnell, who is the builder. "One of the things that this Board, as well as Rich and I are becoming more and more involved in is intrusions into the buffer zones and I am not just talking about this particular one." Then I go on for a long time about saying exactly what I am saying here.

Board Member Montesano stated yes.

Ted Kozlowski stated you know, we can go on and on about this, so to me to have all this documentation and say okay go building in the wetlands, a pool, in there it just, why bother.

Board Member Montesano stated its very repetitious.

Ted Kozlowski stated am I loud enough.

The Secretary stated I hope so.

Board Member DiSalvo stated (inaudible).

Rich Williams stated what was that.

Board Member DiSalvo stated a lot of people can't do math on these sign applications.

Rich Williams stated well, do you know how to calculate the area of an oval.

Board Member Montesano stated pie r squared.

Board Member DiSalvo stated he could make an approximate for like a square.

Chairman Rogan stated the very next page talks about us saying that you feel bad for the person that buys this lot that they are not going to have what looks like very useable property up to that stonewall.

Rich Williams stated half the length, times half the width, times pie.

Board Member DiSalvo stated twenty-two over seven is pie.

Rich Williams stated pie is 3.1416.

Board Member DiSalvo stated well that is that.

Ted Kozlowski stated the other thing is.

Chairman Rogan stated Darnell says that he has represented the lot that way it is and they bought it that way.

Ted Kozlowski stated right and plus, we have had those signs up, that owner has been living with those signs in his face everyday, telling him that this is regulated wetland.

Chairman Rogan stated of course you could take the persons point of view that even though they know it's a wetland, they are doing the right thing, they are coming before us, they didn't say I am going to install the pool and then beg for forgiveness, now its in, they aren't going to make me rip out like other projects we have.

Board Member DiSalvo stated they could be just doing this to test us.

Chairman Rogan stated they could be seeing.

Ted Kozlowski stated they would need a C.O., they would need a building permit to put the pool in anyway.

Chairman Rogan stated no I realize, I am just saying that they are going through the motion, maybe to see what they can do.

Board Member DiSalvo stated unless the developer said give it a shot.

Board Member Montesano stated if you hit dirt you can't do it.

Ted Kozlowski stated the other thing is, Rich, I don't believe they paid a fee yet, oh they have.

Rich Williams stated I gave you the memo on the fee, whatever you okay'd it.

Ted Kozlowski stated the permit is not complete anyway, we will want a functional analysis in order to pursue this, there is not functional analysis (inaudible).

Chairman Rogan stated okay.

4) THE CARRIAGE HOUSE – Sign Application

Chairman Rogan stated the carriage house sign application. The Carriage House.

Board Member Montesano stated that is the one by Haviland Hollow, where the trailer used to be or is it still there.

Board Member DiSalvo stated finally, no that got pulled out.

Chairman Rogan stated oh the old Costa's, Tavern 22.

Board Member DiSalvo stated Costa's.

Chairman Rogan stated he did a nice job on the outside, I haven't heard anything about the inside. Okay. Size is okay, 20, they are allowed 25, so size is alright, they are not in the, the sign looks nice. Does anyone have a color one.

Board Member DiSalvo stated yeah.

Chairman Rogan stated mines black and white.

Board Member Montesano stated well.

The Secretary stated Mike's is color.

Board Member Montesano stated I can see the leaves on the roof, they are color.

Chairman Rogan stated you know the biggest thing that people have not done with this building is make it something new. They paint it, they put up a new sign but they don't really make it something new. People go in they still feel like they are in the same old place just with a changed name. They will be out you know six months to a year also.

Board Member Montesano stated I have a question.

Board Member DiSalvo stated well this guy bought the property so.

Chairman Rogan stated that is what you meant by the trailer, the trailer is gone.

Board Member DiSalvo stated you remember that.

Chairman Rogan stated no.

Board Member Montesano stated oh yes. At every meeting for how long, that bloody thing was there.

Board Member DiSalvo stated you know Smalley's wanted to buy this place.

Chairman Rogan stated really.

Board Member DiSalvo stated he was telling me last week as I was chocking on dinner over there, trying to enjoy my dinner.

Chairman Rogan stated people come up to you.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated hey I'm in your business, I am trying to have dinner, leave me alone. Rich, any issue with the sign that you have.

Rich Williams stated nope, my recommendation is approve, no actually I shouldn't, I jumped the gun.

Board Member DiSalvo stated he said (inaudible).

Rich Williams stated on the application the lighting is soft lighting or something like that.

Board Member DiSalvo stated I think he said (inaudible).

Rich Williams stated he is not real clear on the lighting but he should clarify the lighting.

Chairman Rogan stated okay, got it.

Board Member Cook stated low voltage.

Rich Williams stated and low voltage.

Board Member DiSalvo stated how does.

Board Member Montesano stated he has a guy standing out there with a flash light.

Board Member DiSalvo stated how would do, say if they wanted to do solar spotlights there, would he still have.

Chairman Rogan stated you mean for the sign.

Board Member DiSalvo stated yeah.

Rich Williams stated he could do solar spotlights, he'd have to make sure they are shielded, so you can't see the bulb as you are driving down the road.

Board Member DiSalvo stated yeah, well (inaudible) that are shielded.

Chairman Rogan stated I don't know if those throw off a lot of light but they are nice.

Rich Williams stated the one over in Putnam Lake, I still have to go see him, it was approved conditioned on the lights not being seen, I went over there, they are shielded.

Board Member DiSalvo stated the castle.

Rich Williams stated I went over there at night, its blinding you as its going down the road.

Board Member DiSalvo stated the castle.

Rich Williams stated yeah.

Chairman Rogan stated I am glad that we, not that you probably wouldn't have anyway but I am glad that we asked you to go out and check those.

Board Member DiSalvo stated I thought he just changed the sign, so lights are new too.

Rich Williams stated not really.

Board Member DiSalvo stated so we never noticed it from the last time.

Rich Williams stated well I didn't go out at night, you go out in the day and they are shielded.

Board Member Montesano stated that's when.

Rich Williams stated when you go out at night, all of a sudden its different.

5) **BONIELLO SITE PLAN – Final Approval**

Chairman Rogan stated alright, Mr. Boniello, final approval, can it be.

Board Member DiSalvo stated something else will happen.

Board Member Montesano stated fire in the hole.

Board Member DiSalvo stated what.

Chairman Rogan stated when it is all said and done, certainly I don't think anybody would argue that it is going to be an improvement to what he's got going on there right now. It is just a matter of making it all legal.

Board Member DiSalvo stated how is all this construction going to effect his business, though, is he going to close or do next winter or.

Rich Williams stated I made some very specific suggestions about changing the sequence of construction so that because he is tearing down his business buildings first.

Chairman Rogan stated oh, that will get him jumping.

Rich Williams stated and I said, listen, leave them up, building the new building, move everything over, then tear down your other building and build the parking lot.

Board Member DiSalvo stated how tight will it be getting in there for parking though.

Rich Williams stated its going to be tight but.

Board Member DiSalvo stated they are going to use the front area.

Rich Williams stated they didn't do that, they didn't want to do that so they are tearing down the business buildings, I don't know what his plans are.

Chairman Rogan stated he is a smart businessman, he'll figure it out.

Rich Williams stated its not.

Chairman Rogan stated nope, you can make suggestions like that and it's a business decision that he's making, so.

Rich Williams stated I think we are very, very close, I haven't heard from Gene yet, really the only outstanding issue is they finally acknowledged that drainage doesn't go up hill so they are running the oil water separator out to the wetlands. Their initial pipe goes all the way out down towards the pond on a diagonal, they have to go in that direction to get slope. Apparently he talked to Ted and came in with a sketch that puts the pipe a much shorter distance but it sticks it out directly in the middle of the wetlands.

Ted Kozlowski stated so we are back to square one.

Rich Williams stated I don't know if you had any conversations.

Ted Kozlowski stated I did.

Rich Williams stated okay.

Ted Kozlowski stated we are back to where we were before.

Rich Williams stated okay, so, we may be ready to go.

Board Member DiSalvo stated it seems like yesterday we were going out there and looking at two sites for houses back there.

Rich Williams stated I have to see about the bond.

Ted Kozlowski stated I don't know if he is done with that.

Board Member Montesano stated then we went up on the hill.

Ted Kozlowski stated I think that's on the back burner.

Board Member DiSalvo stated how are you going to get in there.

Board Member Montesano stated if that guy ever puts that development on the top of the hill, that is about the easiest thing that he can do.

Chairman Rogan stated so we have a resolution for Boniello.

Board Member Montesano stated do we have it.

Rich Williams stated not yet.

Board Member DiSalvo stated will we or do you want to.

Rich Williams stated I will check on the bond and get the resolution ready.

Chairman Rogan stated okay.

Rich Williams stated if you want I can go print it out.

Chairman Rogan stated no that's okay, I was just asking. I wanted, if we had it I wanted to make sure that I kept it with everything.

6) GDC SUBDIVISION – LOT 6

Chairman Rogan stated okay, number six, GDC subdivision, lot 6 from our site walk this past weekend.

Board Member DiSalvo stated how many names did that thing have.

Chairman Rogan stated how much tape do you have on there.

The Secretary stated do you need me to get another tape.

Chairman Rogan stated okay, so we did a site walk on Saturday.

Board Member Montesano stated yes we did.

Chairman Rogan stated Rich, if you could just take us through, from when we first knew something was going on out here, not that it has to be certainly verbatim from what you gave us but generally speaking.

Rich Williams stated yeah, I will try to walk you through it. This started well over a year ago at the point where they submitted the building plans, they submitted two different plans to the Building Department for construction of a single-family home on this lot. The plans were referred over to this office, I took a look at them and one of the plans met the initial intent of the Planning Board for the house and driveway location as far as the other improvements and kept everything out of the wetland buffer. The other plan did not, I issued a memo back to the Building Department that very distinctly said that you can not build this other plan. Cheryl Smith wisely got on the phone and called them and conveyed that to them and then put a note in the file saying exactly that. Around mid summer, Dave was here earlier, he talked to some of you about this, he went out there and saw the footings and the foundation, it did not appear to be correct, there appeared to be problems with the location, contacted my office. I went out there and took a look at it and saw that it was not in the right location, it was not to the right grade, the driveway was not placed in the right location, issued a memo back. I contacted Ted to go out there and he verified that it was indeed in the wetland, a stop work order was issued.

Chairman Rogan stated that was in the summer.

Rich Williams stated that was around August or September.

Chairman Rogan stated okay.

Rich Williams stated you know, went out there, met with the site contractor, explained that there were issues and that he shouldn't be going any further at that point, they were just putting the septic system in and the septic tank and he was breaking the rock out to get the septic tank in.

Chairman Rogan stated they had not installed the retaining walls.

Rich Williams stated the retaining walls were in.

Chairman Rogan stated they were in.

Rich Williams stated a lot of the back filling, was not done but the back filling of the foundation had been done at that time and I did explain to them, that it was likely that there were going to significant issues with the location.

Chairman Rogan stated okay and what happened between then and us getting a hold of this just a couple of because this seemed to come up just very recently.

Rich Williams stated Dave issued a stop work order, told them they had to come back in to the Planning Board and they didn't, they just didn't do anything. Finally Dave issued an appearance ticket sending them to court.

Chairman Rogan stated okay.

Rich Williams stated and at that point, they understood that they have to come back to the Planning Board and started scrambling to do that.

Chairman Rogan stated when you were out there in August or September, were the walls poured or just the footers.

Ted Kozlowski stated the walls were poured.

Chairman Rogan stated they were poured.

Ted Kozlowski stated but the walls, I don't recall the walls being built. Definitely the driveway area wasn't in, you know that whole building, all that fill went in there, that wasn't there. That rear portion was not finished the way it is finished now.

Chairman Rogan stated okay.

Rich Williams stated the basic retaining walls were in around the foundation, since we were both out there, they extended them and brought them down around the well.

Ted Kozlowski stated that wasn't there when out there.

Rich Williams stated and the well was in but it was elevated. It was open and exposed and they back filled all that.

Board Member DiSalvo stated right, they back filled over it.

Chairman Rogan stated okay and so with, along with our, I mean let's, our site walk comments are pretty good in terms of capturing what we all spoke about but the main concerns that it seemed like everyone shared was the biggest infraction here, wasn't the wetlands buffer intrusion, that it was more the concerns of not knowing what was done would be safe. You guys mentioned something about with the pool from the other lot, the distance for firefighting. The corner that is closest to the walls, there is only about, currently, the way it exists, two to three feet of ground that you can stand on to walk around before you would drop off the corner of the retaining wall.

Board Member Montesano stated yeah.

Chairman Rogan stated yeah, I personally would never be in favor of approving this if they had come in and said this is what we want to do, I would have never approved that small of an area around the house, I think I would have probably said at least ten feet or so, with, and I don't know if you have guides or recommendations that you would use if that were the case. If they were coming in with this plan and saying this is what we want to do, I just can't imagine you would ever allow that small of an area for safe maintenance of the house.

Board Member Montesano stated lets look at this way, you come in for maintenance on the house, if you, you get a guy that is going to come in and paint that house, where the hell does he put a ladder. The next thing is, you have emergency, how are you getting a fire truck in there and then how would you get a ladder to get up to those, if that was the only way you could get to those people, you can't, there is no place to put it unless you are going to put a 60 foot ladder to go 20 feet, you are going to have it down.

Chairman Rogan stated you can't even have the slope because you can't get far enough away from the house to put a ladder.

Board Member Montesano stated right.

Board Member DiSalvo stated where is the original plans for the house, where was it supposed to be.

Chairman Rogan stated Rich has them.

Board Member DiSalvo stated can it still be saved.

Chairman Rogan stated we have this with the garage here.

Board Member DiSalvo stated but he already put the septic in over here.

Chairman Rogan stated but that is in the approved location, that's.

Board Member DiSalvo stated how could he make this wider though.

Chairman Rogan stated he doesn't have to, this wall is pretty close to being.

Board Member DiSalvo stated but this is what were concerned about.

Chairman Rogan stated but the approved plan pulled this corner down. Say this corner was down, it went like this [points to plan].

Rich Williams stated there is one overlaid on the other.

Chairman Rogan stated so it shows you what, here, it shows you what we looked at is underneath, see it and then see how they've got the driveway on the other side, this is what was approved, much different.

Board Member Montesano stated and the sense between that is unreal.

Board Member DiSalvo stated they could still do the same original design and eliminate that corner over there, that drop.

Chairman Rogan stated look at how far away they would be.

Board Member DiSalvo stated and you would have more of a flat area with these walls out of here.

Board Member Montesano stated you are going to have to come back to the first part and take everything else out.

Board Member DiSalvo stated but then again, the wall of the garage is here now.

Chairman Rogan stated it's a flip flop.

Board Member Montesano stated I can't understand why he did that at all.

Chairman Rogan stated we are going to find out.

Board Member Montesano stated he is going to have.

Rich Williams stated here is the bigger problem that you are going to have to deal with at this point is that the one hundred foot wetland buffer was treated as a vegetative water quality buffer in which the application established an easement to me, to Patterson and the DEC water quality requirements. There is an easement that says no disturbance, no permanent improvements, the DEP approval made them deed restricted against any improvements within that one hundred foot area. It is marked right on the plans.

Chairman Rogan stated they picked the wrong lot to do this with.

Board Member DiSalvo stated so then the walls are on the other side of it.

Rich Williams stated yes.

Board Member Montesano stated so then somebody screwed up big time and its going to have to get removed and start over again.

Chairman Rogan stated yeah, maybe.

Board Member DiSalvo stated (inaudible) moving those walls.

Rich Williams stated so all of that technically.

Chairman Rogan stated wow.

Rich Williams stated is going to have to come out, period.

Chairman Rogan stated so it sounds, oh I'm sorry Charlie.

Board Member DiSalvo stated that is more disturbance.

Board Member Cook stated it is interesting in the file, there is letter from Rich to the Building Department December 5, 2007, the survey shows a house and driveway location that does not conform to the final subdivision plat and therefore should not be used for development of the lot, that is December 5th. On December 6th, we have this note from Cheryl Smith that says after speaking to the applicant, lot number five would be kept in the original approved location as found on the final subdivision map.

Chairman Rogan stated and they didn't do it anyway.

Rich Williams stated one more interesting note on this, when I went out into the field to meet with this site contractor who was doing grading and such, he had the correct plan that showed how it was supposed to be constructed and on that correct plan, they had pasted the house in a different location, it was literally pasted, not drawn, pasted. So.

Chairman Rogan stated on his copy.

Rich Williams stated on his copy.

Board Member Cook stated different then this, the plan that you showed us.

Chairman Rogan stated based on that do we have an issue of, is it, you think he is claiming that is the plan he got or is that what he put on there.

Rich Williams stated I don't know who put it on there.

Chairman Rogan stated that is an interesting question.

Board Member Montesano stated that is for him to worry about, the thing is.

Board Member DiSalvo stated I know why they changed this, somebody doesn't want to drive in and see the garage first.

Board Member Montesano stated then tutti fruity pizza pie.

Chairman Rogan stated what a lot to try and pull this stuff on.

Ted Kozlowski stated tutti fruity pizza pie.

Chairman Rogan stated that was good.

Board Member DiSalvo stated that is like tough cookies.

Rich Williams stated the question is who in their right mind would build to a plan with things pasted on it that haven't been drawn by an engineer or architect.

Chairman Rogan stated right.

Board Member Montesano stated tutti fruity.

Ted Kozlowski stated where does he get is.

Board Member Montesano stated you never saw tutti fruity, what is the matter with you, you never go to the movies, they used to have candies.

The Secretary stated the words that came out of Mike's mouth were tutti fruity pizza pie, so.

Chairman Rogan stated for the record.

Board Member Montesano stated that is a simple thing, because what it was was just that. Somebody took a box of tutti fruity candies and threw it on a pizza one night so that nobody would eat it but that person.

Chairman Rogan stated that's funny.

Board Member Montesano stated and they came up with tutti fruity pizza pie. When you get to this age, all of sudden you start to remember things that were funny. Just remember that someday there, mister.

Ted Kozlowski stated I will.

Board Member DiSalvo stated alright so what are we doing here.

Chairman Rogan stated well.

Board Member Montesano stated tell him to go move his house.

Board Member DiSalvo stated push it off the cliff.

Chairman Rogan stated the part about the deed restrictions and the water shed area it could be in terms of us not even having the authority to even allow it. Even if you love the way this came in and you said this works much better, how would then you be able to approve something like that. You can't.

Board Member Montesano stated the trick would have been, he should have come into us with the plan and then we would have told him no again.

Chairman Rogan stated this is the plan what is existing right now, if they came in with the as built sketch as a proposal, I don't think anybody on the Board would remotely be in favor of it, it seems to me the layout to be an unsafe property for these people to own. For maintenance, for walking around your house, that walls don't appear to be safe, I'm sorry I am not an engineer.

Board Member DiSalvo stated just as bad as (inaudible).

Board Member Montesano stated you know I was thinking about it. I was thinking about all the things we are discussing. I don't remember exactly where we were, I looked up and saw some of these houses and saw kids trying to play on about a 40 degree slope, its great for the winter time they can sled except if they do, they are going to end up in the middle of the highway. I said, somebody went and bought this and most people will buy it before they have kids and then they don't think.

Chairman Rogan stated do we need Anthony to speak to the legalities of that deeded easements or are you comfortable speaking to that.

Rich Williams stated am I comfortable (inaudible).

Chairman Rogan stated okay, to be perfectly honest, if it something that we don't have the ability to allow, the discussion becomes a little easier, if you have walls in place that are in area that is deed restricted, what did you call it, water shed quality.

Rich Williams stated water quality. Vegetative water quality buffer.

Chairman Rogan stated so they've got stonewalls in a water quality, water vegetative quality buffer that we can't allow, that means they've got to be removed. You take that out, you can't hold back the bank that's got everything else going so it works backwards from there, rather than from top down, it works from bottom up. This guy might have no alternative but to carefully pull all this stuff out and go with the approved plans and be happy you didn't lose a building lot on it.

Board Member Montesano stated if they lose the building lot they it would be easier, I have a distinct feeling that he may.

Rich Williams stated they have a problem with the well.

Board Member Montesano stated yeah.

Chairman Rogan stated yeah.

Rich Williams stated the wall to the well is in the buffer.

Chairman Rogan stated its got a mess.

Board Member DiSalvo stated the wall to the well.

Ted Kozlowski stated was the well supposed to go there Rich.

Chairman Rogan stated no.

Rich Williams stated no.

Board Member Montesano stated which means he sunk a truck in there to drop that well in and that is more money that he's got invested and the more he keeps investing, he is counting on the old adage, if you go before the judge and say I invested 50 million dollars, you are not going to tell me to get rid of it and that is what is he going to have to try and (inaudible).

Chairman Rogan stated even if he has to remove all the walls and remove the wall around the well, wouldn't he just leave the well in, it is going to be in there regardless, it is already there other then filling it with concrete. Go back down to existing grade, keep it two foot above and then run your pipe from there, its just going to be down, they can always get a backhoe in there to run a well line.

Rich Williams stated I don't know why they did what they did.

Chairman Rogan stated yeah, okay, so we have some discussion, certainly we are not in a position to make any decisions on this at the meeting, we are just going to be gathering some information. I think that we should be real up front about the problems that we see and I think we are going to ask Rich to just explain the and bring copies of the watershed deeded area.

Board Member Cook stated Anthony should be there also.

Chairman Rogan stated the funny thing is I didn't hear any positives come out of that site walk. We were saying that you know, moving the house location created so many problems, I read part of what they had here was they thought the statement was something to the effect of they thought that the existing driveway location was going to create an unsafe situation, something to that effect. To me it seems like they created ten more by putting it the way they did.

Ted Kozlowski stated they were on that.

Chairman Rogan stated yeah.

Board Member DiSalvo stated they are saying that the first driveway was creating problems.

Chairman Rogan stated there is a letter in here someplace from them.

Board Member DiSalvo stated the only problem they created is that it's the first thing you see when you pull in there.

Chairman Rogan stated here, we constructed the foundation on lot five, during the construction and preliminary layout we changed the driveway due to a large drop and the retaining walls would be a hazard with the driveway on the right that is what they are saying. The other issue is leveling a pad for the well truck, while building the pad we did not realize that we encroached into the wetland buffer, at this time we have seeded and hayed. Future building on Theodore Trail will be thoroughly discussed and changes will be agreed on by the engineer and Planning Board.

Rich Williams stated what was that.

Chairman Rogan stated they said we promise we won't make mistakes like this in the future. But this is a guy who bought the lot and was going to build it for him and his wife, you might say well the guy maybe didn't realize but still should have built according to the plans but even then I don't think you would be so kind.

Ted Kozlowski stated but isn't it incumbent upon him if he accounted the problem. Isn't he supposed to call the Building Inspector and say look I got this problem, can I do this.

Chairman Rogan stated yeah, can I make a field change.

Ted Kozlowski stated isn't he supposed to do that.

Board Member Montesano stated lets put it this way, he could have called his engineer who I understand is very embarrassed about the project going on the way it did because he knows better then to do that and then you get (inaudible) you are paying the guy, I mean it would be nice if you followed his recommendations, but I don't think they gave him that option either.

Ted Kozlowski stated does anyone want a glass of water.

Chairman Rogan stated does anyone have anything else on this that they want to talk about, any of ideas or thoughts, okay.

7) **POWE SUBDIVISION – SEQRA Review**

Chairman Rogan stated Powe, up on Cushman, right. Powe Subdivision. What do we have new on Powe's.

Rich Williams stated nothing has substantially changed. They changed (inaudible).

Chairman Rogan stated is that that bad, meaning that nothing has substantially change, the plans aren't revised according to comments or.

Rich Williams stated yeah they are, there is more detail, they are acknowledging they are breaking the acre threshold, it is just that they have added more detail than there was before. The plans are a little bit more firmed up, so I would imagine that we are going to start taking steps through the process.

Chairman Rogan stated okay, so, perfect timing.

Board Member Montesano stated the little kiddie shows, that is when you have (inaudible).

Chairman Rogan stated so on Powe, we have done site walk, it's a three lot subdivision, so it's a minor subdivision, so is this, are we doing an uncoordinated review on this, okay.

Rich Williams stated that is up to you, typically the Planning Board does a coordinated but it is only going to be highway department, there is only going to be County Planning and Health Department.

Chairman Rogan stated you know but by the same token, I wonder in that regard why wouldn't we do a coordinated review if there is just a few agencies just to make everybody on the same page, it could go either way but we, you were saying that we haven't determined, we haven't done a, if we were doing a coordinated review we would have to declare intent to be lead agent and we haven't done that.

Rich Williams stated correct, no. I will have to double check.

Chairman Rogan stated I don't remember doing it, I am just asking, it has been a while since we looked at this one, right, six months.

Board Member DiSalvo stated just the site walk we did on this and then we never heard from them again.

Board Member Montesano stated yeah.

Chairman Rogan stated yeah, okay, so if we are moving along, the next progression or the next step for us would be, if we are going to lead agent to declare that, right.

Board Member Montesano stated yeah.

Chairman Rogan stated so we can always do that. Okay, Rich is going to get a review memo, take a look at them. This laid out pretty straight forward, I mean its more, this is a matter, it didn't sound like it was much from our end, it was more of them going through the process, doing the proper engineering and stormwater.

Board Member DiSalvo stated we suggested that they pull the houses forward so not to have such a long driveway, it looks like they did that.

Chairman Rogan stated this laid out fairly straight forward.

Board Member DiSalvo stated this may not be the last subdivision on that road.

Board Member Montesano stated there have been so many subdivisions on there, I couldn't see allowing them.

Ted Kozlowski stated looking at these plans, that one, you know they have the house pretty far back. Are we asking for trouble by having it that far back, back close to the wetland buffer.

Board Member DiSalvo stated I thought they pulled it up.

Rich Williams stated they are not close to the wetland buffer at all.

Chairman Rogan stated the one far back is probably the existing.

Ted Kozlowski stated they are close (inaudible).

Rich Williams stated they are close to the forested edge.

Ted Kozlowski stated well we got the buffer.

Board Member DiSalvo stated its number eleven on Jack's memo, the houses have been moved forward.

Ted Kozlowski stated what is the scale, one inch is fifty feet, so he's less than one hundred feet from the buffer off the back of that house.

Board Member DiSalvo stated here is another thing, four acres, what could they do there.

Chairman Rogan stated well you right, half of it, over two acres is wetland buffer or wetland.

Board Member DiSalvo stated how can they do a deck, can they do a pool, can they.

Ted Kozlowski stated I am just thinking, you know it's a well to do road, he is going to put a pool or something is going to go behind the house.

Board Member DiSalvo stated then we are back in the same situation.

Ted Kozlowski stated it looks like it is less than one hundred feet from the edge of the house. If you put the pool in, you've got trees to cut down.

Chairman Rogan stated you point is well taken Ted.

Ted Kozlowski stated and the whole thing.

Rich Williams stated Ted if you can't get a pool and shed in one hundred feet behind the back of the house, we don't have any lots anymore.

Ted Kozlowski stated I am just talking about what he has to cut down to make room for the pool for the sun field.

Rich Williams stated what he has to cut down, none of it is in the buffer.

Ted Kozlowski stated it may be in the buffer Rich. That first lot, I am just saying everything, he's got the septic in front of the house and the house is pushed back, he's got four acres, why can't the house go a little closer to the road and the septic to the side of it.

Chairman Rogan stated is the green line the hundred foot buffer.

Ted Kozlowski stated yeah. The green dotted line.

Chairman Rogan stated I was looking at the x, that was the fence.

Ted Kozlowski stated one inch is fifty feet, you can see the tree line, the tree line goes right to edge of the top.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated okay, what we can do is tell him to maximize, we have told him that septic should be moved as close to the roadway as legally possible. He has to have certain offsets but it looks like it could still move up another ten feet.

Board Member Montesano stated your front yard has got more set back then the side.

Rich Williams stated the front yard has more of a set back then (inaudible).

Chairman Rogan stated they are pretty straight forward lots though, huh. There really isn't a whole lot to look at, its pretty flat.

Rich Williams stated it bored the heck out of me.

Chairman Rogan stated yeah, not a lot of grade.

Board Member Montesano stated what did the pony do.

Chairman Rogan stated not much of a challenge.

Board Member Montesano stated they can bite, I saw that commercial with the woman and that pony, eating the dog house. Everybody else got telephones.

Board Member Cook stated so next week we can do SEQRA and.

Chairman Rogan stated we will do lead agency determination.

Board Member DiSalvo stated are we ready to do SEQRA.

Chairman Rogan stated what do you.

Rich Williams stated you have to wait thirty days or you have to wait until we get responses back from all the other involved agencies we mail notice to or until thirty has expired.

Board Member DiSalvo stated alright, so we do lead agency and declare minor subdivision.

Rich Williams stated I think you already declared it a minor subdivision.

Board Member DiSalvo stated we did, when did they come before us.

Rich Williams stated you usually do that first or second.

Board Member Montesano stated we did that before we went on the field trip I though.

Chairman Rogan stated yeah and we will check just to make sure but that will be in Rich's review memo anyway.

Board Member Montesano stated yeah.

Chairman Rogan stated so we'll do lead agent, they keep rolling the way they are going we can just proceed, as fast as they give us the information we can do it.

Board Member DiSalvo stated should we make a suggestion about the future use of the back yard.

Chairman Rogan stated we said it once and I think we should say it again at this meeting just that we are looking to maximize the peoples use of their backyard between there and the buffer and put it on record. It looks like he scaled it, he looks like they've got seventy-five feet or so.

Board Member DiSalvo stated we are only suggesting it.

Chairman Rogan stated existing, so. The good news is that if they come in with a wetland permits to put a pool back in there, you can say look you've got seventy-five feet between the back of your house and the line, if you can't put a pool in there, they are putting the pool the wrong way then, the Olympic pool, they need to turn it 90 degrees.

Board Member Montesano stated I want' seventy-six feet for the pool.

8) BARJAC SITE PLAN – Continued Review

Chairman Rogan stated okay, that was Powe, the next one is.

Board Member Montesano stated Barjac.

Chairman Rogan stated Barjac. What do we have on Barjac. The last time they were in they were looking to do, it was the whole issue of doing basically soil testing in the area, you remember that whole conversation, getting permission from the Board so they could proceed with that.

Rich Williams stated and the Board directed me to issue a letter to the Health Department and one of the things that came up after that letter was issued was that they have two more stormwater ponds that they are proposing that are going in the wetland buffer that are going on either side of the driveway entrance up in that fill section.

Chairman Rogan stated that we left off of the copy that we saw of course.

Rich Williams stated yes, so another letter did go out, its all grass, they are not digging, it is all disturbed fill in the area.

Chairman Rogan stated so now what is the purpose of them coming in this month, what do they think they have.

Rich Williams stated they are a good ways along the way in the process, the Board has issued a SEQRA determination, they have been out doing a site walk, they now have special use permit from the Zoning Board of Appeals, they are back in with structural design drawings. So we can start taking a hard look at actually how everything is going to be integrated together with the grading and the driveway and the parking.

Chairman Rogan stated okay. So, that gets back to, it falls right in line with the SEQRA process, we issued a SEQRA determination, so in terms of SEQRA this project is done from this standpoint but yet there is a lot to do left on the project, construction drawings, how everything really ties together. So this is why I am bringing this up, it's a good point to talk about the SEQRA process is one aspect, making sure that the Planning Board consider certain impacts and certain parts aspects of the project. The other part is how we wrap up the site plan issues, the Planning Board issues and I think even in terms of Patterson Crossing or something, we are doing environmental impact statement review. When that process ends, we are not nearly done with the process in totality, we still have a site plan review, so I still want to keep us on track in that regard that you know, we haven't seen architectural renderings on this yet, have we Rich, on Barjac.

Rich Williams stated we have not.

Chairman Rogan stated okay, they have a lot of work to do on stormwater obviously. The bridge design we haven't seen.

Rich Williams stated they have submitted a preliminary stormwater report.

Chairman Rogan stated they haven't submitted anything on the proposed bridge, have they, other than just where its, so we have a lot of engineering issues to go and. Okay, anybody have anything on Barjac, Ted, anything on Barjac for tonight.

Ted Kozlowski stated no.

Chairman Rogan stated okay.

9) PLAZA AT CLOVER LAKE – Continued Review

Chairman Rogan stated Plaza at Clover Lake. I know they did a lot of surveying on that property over the fall, there are all new survey stakes out on that back woodsy corner that abuts my father in laws old property. All flagged and everything, a lot of x's down into the rocks, they tried to put survey stakes in, there is this much soil on top of the rock and they are all laying on the side frozen in, its kind of funny you know but they do the best they can.

Board Member Montesano stated I am surprised they didn't come out with the old .22 and try to punch a hole in the rock.

Chairman Rogan stated how are they doing Rich.

Rich Williams stated they are doing just fine, it is a simple three lot subdivision, I say simple but there are some complicated issues, they need quite a few easements, the driveway for lot two, lot two has the, I'm sorry lot one has the senior congregate care facility, you know that driveway is coming out and is going to be in the future providing access to lot three.

Chairman Rogan stated okay.

Rich Williams stated which is the undeveloped lot that they are looking to create, there is an easement, a portion of the driveway that is surfacing lot two is on lot three.

Chairman Rogan stated right.

Rich Williams stated so they've got that. They also have now shown on the plans, (inaudible) electric utilities apparently running down on lot three, which is servicing lot one.

Chairman Rogan stated right.

Rich Williams stated and they finally show the well, which is on lot three, so that is one of the questions. They have a well on lot three now which is servicing lot two or lot one, the congregate care facility. You know, I don't know if the Board wants to leave it that way and get an easement going across or do you want to see a new well drilled on lot one.

Chairman Rogan stated the well that services lot one, that is located on lot three, could we use that well for lot three and have them drill a new well on lot one, is that pretty much what you were just asking.

Rich Williams stated yet.

Chairman Rogan stated you know, we don't know what the quantity on that is certainly, we don't know what they would be proposing on lot three, although by the size of the lot, admittedly we figured it wouldn't be a heavy water usage use. Remember Mike, one of your big concerns on lot three the type of vehicles that would be going in and out of there, mixing with a use that is going in and out of a senior home.

Board Member Montesano stated that was an interesting situation but I haven't seen an answer.

Board Member DiSalvo stated lot three is where the garage is, the old barn.

Board Member Montesano stated yeah.

Board Member DiSalvo stated so they are using the well from when the barn was there.

Chairman Rogan stated right, was that the well, somewhere along here they have one of those dry hydrants, I remember taking a water sample from that ten or eleven years ago, a long time ago, for some reason I don't remember why.

Board Member DiSalvo stated I used to rent that place in the 80's.

Chairman Rogan stated I remember you saying.

Board Member Montesano stated well I would like to see a separate well on each piece of property.

Board Member DiSalvo stated there must be pretty good pressure to be supplying that whole.

Chairman Rogan stated this is the line that I.

Rich Williams stated I would have thought that they needed two wells on the property for that.

Board Member DiSalvo stated at least.

Chairman Rogan stated yeah.

Rich Williams stated but they are not showing a well anywhere else. So either they are not showing the wells and I pulled the original plans for the facility and there is only one well shown.

Chairman Rogan stated wow.

Board Member DiSalvo stated and that house down at the bottom of the hill, the stone house, that is on the same, that whole property just had one well.

Board Member Montesano stated that house, the one that the park never had any water.

Board Member DiSalvo stated and then there was another house half way down to the left, I don't think that is there anymore.

Rich Williams stated right, I think they are all servicing that well.

Board Member DiSalvo stated so it was down.

Board Member Montesano stated I don't remember that little house on the end had its own well, if they are showing it that way or, that must be a huge pump in there somewhere, there has to be a pumping station.

Board Member DiSalvo stated that is what I just said, where is the pump, the tank.

Rich Williams stated the well water all runs down to the northwest corner of the building where the water supply building is.

Board Member Montesano stated if they are going to sell that property off, I would like to see another well drilled, I don't think an easement from one person to another should be allowed.

Chairman Rogan stated only if that is the only alternative they have but in this case, this certainly is not, they certainly can provide a well for lot one.

Board Member Cook stated you want a well on what lot.

Board Member DiSalvo stated the nursing home lot.

Board Member Montesano stated the nursing home lot.

Chairman Rogan stated the nursing home.

Board Member Montesano stated lot one should have its own well, lot two should have its own well, when lot three is developed, it should have its own well.

Chairman Rogan stated it is certainly not a hardship to drill a well. When we did our site walk, now they are not proposing anything with this plan for lot two, the big lot, the vacant lot, so we never walked the actual access, we never went into commerce and walked in there.

Rich Williams stated yeah.

Chairman Rogan stated but since, is that lot, looking at the old lines.

Rich Williams stated there are a couple of issues that you might want to talk about with lot two, one is the driveway doesn't come out on the lots frontage on Commerce Drive, it comes out across White Birch Realty's property.

Chairman Rogan stated yeah.

Rich Williams stated how that happened I have no idea, I don't know if there is an easement.

Board Member DiSalvo stated and that house doesn't have a well.

Chairman Rogan stated yes it does, there is one there shown.

Rich Williams stated yes that has a well.

Board Member DiSalvo stated I was going say because that is farther away from all those other buildings.

Board Member Montesano stated yeah, that was.

Rich Williams stated and the entrance to Commerce Drive, the corner of the entrance is shown being on this property.

Chairman Rogan stated interesting.

Board Member Montesano stated that was back in the good old days.

Rich Williams stated put it where you want.

Board Member Montesano stated the industrial park.

Board Member DiSalvo stated previous zones too.

Board Member Montesano stated I can see since the owner of that particular park, when it was installed always did have problems remembering what we said because he used to tell us all the time. Sorry he's not here to laugh at.

Chairman Rogan stated and the dog leg of property off from lot two around to the Camp Wilbur Herrlich property was to provide connectivity for open space dedication, correct. Even though I guarantee that you can't walk that property. I mean you have to be a Billy goat, it is so rugged right there, physically it does provide some connective land but you can't use it.

Board Member DiSalvo stated (inaudible).

Board Member Montesano stated they can raise goats on that side.

Chairman Rogan stated not without a zip line, I tried to walk back there when it where my father in law owns, it is rugged property back there.

Rich Williams stated I am not sure what is going on or what the interest is on behalf of the county (inaudible).

Chairman Rogan stated so we won't walk lot two until there is a proposal for that lot realistically, I mean we may check the, we do have a requirement I think to at least make sure that the access they are showing to the lot is adequate to use other wise we are creating. Well this subdivision doesn't create that lot though, it changes some of the lot lines but it doesn't create that lot, the lot was already there correct, because that changes a little bit. What we are really doing with this is creating lot three, we are going from two lots to three lots. But even still I think we have some.

Rich Williams stated just the subdivision issues are just coming up, when they weren't drawn on the other plats before they were never picked up by other surveyors or nobody was ever looking that hard, I can't tell you but they are there now.

Chairman Rogan stated we will resolve them, we will resolve them as we get them. Anyone else have anything on Clover Lake.

Board Member DiSalvo stated so we are going to declare lead agency.

Chairman Rogan stated we can do that.

10) TRACTOR SUPPLY CO. – Site Plan Continued Review

Chairman Rogan stated as Ted had pondered, Tractor Supply Company continued review. What do we have going on new with Tractor Supply.

Rich Williams stated basically the same layout, they just came back in with additional details, they've got wetlands functional analysis report, they've got a phase one bog turtle assessment report.

Chairman Rogan stated phase one because it is the wrong time of the year and they can't complete it until the spring.

Ted Kozlowski stated well yeah, they are looking to do other phases, this is not a finished project.

Rich Williams stated this just looked at the topography, vegetation and soils.

Ted Kozlowski stated basically saying what he already said, the site has two areas for potential bog turtle habitat. Try to rule out one of them, I mean the third.

Chairman Rogan stated so they are proceeding with their engineering for the site, what assumptions are they making in reference to the bog turtle habitat. That what they are showing right now is how it will stand.

Rich Williams stated yeah.

Chairman Rogan stated okay, so we are reviewing a site plan of which the limits of disturbance may change, the study could show that there is a little more area out there that they can use or it may push them back even further.

Board Member Cook stated but the report did not indicate that they saw any bog turtles.

Ted Kozlowski stated no, they did it on November 17th, you are not going to see a bog turtle (inaudible).

Chairman Rogan stated it was too cold.

Board Member DiSalvo stated they are under the frozen ice.

Rich Williams stated one of the more significant changes that was shown on this plan was the barn out there, he is removing the barn, he is tearing all the impervious surface out.

Board Member DiSalvo stated the red barn.

Rich Williams stated yes.

Board Member DiSalvo stated so the other person wasn't interested in buying, who had the business there.

Rich Williams stated I don't know.

Board Member DiSalvo stated we talked about that.

Ted Kozlowski stated have any members of this Board been out to the New Milford Tractor Supply.

Chairman Rogan stated I haven't no.

Ted Kozlowski stated do you think that would fit on that site.

Board Member DiSalvo stated its pretty big and the outside storage is just as big as the inside storage, I gave you those picture right.

Ted Kozlowski stated I just get that feeling of that old fitting a big foot into a small shoe. I really do, I just don't know the aesthetics are not going to be that good and end up on that hill, is that appropriate, is that what you want to see coming in and out of Town.

Board Member DiSalvo stated no one (inaudible).

Board Member Montesano stated the problem I have is if he can get something in there.

Ted Kozlowski stated if he can get something in there that alright.

Board Member Montesano stated if he can get something in there do we, can we tell him no you can't, if we tell him the only way you are getting it is if you down size the building.

Ted Kozlowski stated I think you have every right to tell them how you want it to look.

Board Member Montesano stated well we've tried things like that unfortunately it never seems to work.

Chairman Rogan stated it works out in some projects.

Ted Kozlowski stated in other towns they are able to do it, I don't know why this town can't.

Board Member DiSalvo stated the one in New Milford is simple to the one they wanted to build here on private land.

Board Member Montesano stated I could never understand that myself.

Chairman Rogan stated the problem I think we sometimes run into is, we have difficulties in guiding people to the type of design that we want, we refer to other projects that we like, but none of us are architects and we don't, if we had an architect we might be able to say here are styles that you need to consider for this project. We have pointed them to the building right around the corner, New England Equine, we have used some of the styles of I think Patterson Crossing, didn't we, we pointed to.

Board Member Montesano stated yes.

Chairman Rogan stated so then what we need to do is stand firm that they come back in with a design that we are comfortable with.

Board Member DiSalvo stated didn't he mention that one time at the meeting with the representative from tractor Supply that this is what their stores have to look like.

Board Member Montesano stated well they come in and they say, if they have a retrofit that is one thing but this is their design and that is not the case all time, you travel around, fine, I get a kick out of it because I love Connecticut and I love going into Westchester. When they tell you that is Dunkin' Donuts design, I go in and see McDonalds Design, I don't see the big arches anymore, you walk into the place it was built according to what the community wants, if they don't like it then they don't get an approval and that's it. We seem to say we don't want this and then suddenly the building appears and okay and we have done it on more then one occasion.

Ted Kozlowski stated I just think that if you are going to guide them that way, or start it, you kind of did it already but you have to harp on it because again you know I look at Tractor Supply and I am not saying it is good or bad I am just saying the aesthetics of this thing and I look at Home Depot and Kohl's over in Brewster and that is all a complex. You are putting that here in the hamlet next to a business that has kept the architecture farm like appearance, there is attraction to that and now you are going to put this box surrounded by chain link fence and yard and a big parking lot that doesn't and on a hill, it is just not going to, I don't see that as an attraction for this Town.

Chairman Rogan stated what is a shame is that the style that we are talking about, the, you just said the old barn, New England Equine, even Apap here, the styles of the architecture you would think would lend itself to this kind of business, you are a Tractor Supply, why wouldn't you want to look like a farm, you could make it a very nice aesthetic thing where people say yeah this is where I want to go, so.

Board Member Montesano stated economically.

Board Member Cook stated that is the irony of it that what you both just said. Here is a business that should lend itself to getting away from this box type appearance. The other thing is Michael, you are absolutely right because I saw either on the Food Channel or the Travel Channel a film on McDonalds and they showed it around the country and each place fit into the character of the community or the area.

Board Member DiSalvo stated yeah, the character of the Town.

Ted Kozlowski stated Shawn keeps brining up something he saw in New Mexico.

Chairman Rogan stated Santa Fe.

Ted Kozlowski stated Santa Fe.

Chairman Rogan stated unbelievable and an even better, Santa Fe is great but the other place is Sedona, Arizona.

Board Member Montesano stated yes.

Chairman Rogan stated you would not even imagine, these malls all look like that same adobe type construction, they look like all the strip malls, everything matches right in there, they are similar in color, they have similar architecture. The one in Sedona, I'm pretty sure it was Sedona, Arizona, has turquoise arches for McDonalds, it was really different to see the bright yellow and then to see this turquoise.

Board Member Montesano stated Sedona has a nice one and then there is another one between Sedona and Phoenix when you come down on that main drag.

Chairman Rogan stated in Flagstaff.

Board Member Montesano stated no, its below Flagstaff.

Chairman Rogan stated oh okay, I'm sorry below Sedona.

Board Member Montesano stated once you leave Flagstaff, you go down toward Sedona and then you come down towards Scottsdale. What you would call a strip mall, but if you look at it, you take all the stores out and it looks like just an adobe ranch, they are all set right in there high and low, they are all fit, some have balconies the old Mexican way, and its beautiful, you come here and look and you try.

Chairman Rogan stated the colors of the buildings, even in that area of that county, even the housing, the colors are actual very, very similar to the point where they blend into the back drop, which are the desert colors, those stone, the gentle pastel colors that blend right in.

Board Member Montesano stated you look at them, they all have, if they are going to go for other than a, even the ones that have the flat roofs on them, they have the archways in the front so you can see the flat roof.

Chairman Rogan stated so let's at this meeting.

Ted Kozlowski stated one other thing if I can butt in.

Chairman Rogan stated sure.

Ted Kozlowski stated with regard to the wetland along Route 311, right now it's a degraded wetland full of phragmites, but it is surrounded by a field, that kind of works aesthetically because its tall grass, phragmites, surrounded by shorter grass, open meadow. Now you come in and you build this building and you develop all around it, that meadow and field is gone, its eliminated, its made into driveway and landscaped area and business. Now you've got this pocket of phragmites sticking out like a sore thumb and its going to be very pronounced and very ugly and I have said from the very beginning along with Rich that I think the mitigation is to attack that wetland and convert it into a functional wetland. They are going to have come through with a wetlands permit I would think at least in the buffer, that looks like what its showing. I would argue that as a mitigation measure, that they do something about that wetland because its not going to be a pretty sight once they develop all around it and if they just leave this patch of phragmites, its just not going to work.

Board Member Montesano stated the mess that is left in the A & P, I mean we went through a lot of stuff trying to get them to do something to do it.

Chairman Rogan stated they go once a year.

Board Member DiSalvo stated they cut the grass every once in a while.

Ted Kozlowski stated Mike, we have had a continuing problem there because they were supposed to go in and cut down the phragmites and try to eliminate them in a five year period and they seem to hire people that don't know the difference between cat tails and phragmites. They go in there with weed whackers and they cut down the good stuff as well as the bad stuff.

Chairman Rogan stated everything.

Ted Kozlowski stated and this has been on going thing over there.

Board Member Montesano stated alright, what exactly is in the Code, if anything or can we put something in with the guidelines that if you are working in a wetlands area, that if you have phragmites as a final thing, you have to eliminate it and if you don't eliminate it, can we do something about holding a bond to clean that up.

Ted Kozlowski stated I think we are still holding the bond for the A & P.

Rich Williams stated I think we are too.

Ted Kozlowski stated we still are Mike.

Board Member Montesano stated if we have this bond.

Rich Williams stated how do you get rid of the phragmities.

Board Member Montesano stated I don't know, I am asking the expert if there is a way to do it.

Rich Williams stated how do you get rid of the phragmities.

Ted Kozlowski stated you have to keep knocking them down and use herbicides.

Rich Williams stated Ted we have been knocking it down once a year, at least at the A & P except for a couple of years they missed and the phragmities keep coming back stronger and stronger.

Ted Kozlowski stated remember the idea was to keep doing that and let the trees establish to provide shade.

Rich Williams stated I understand that and that is where I was going with this is you have to change the environmental conditions which are conducive to the phragmities. You have to shade them out, you have to pond them out, you have flood them out and doing that you will get rid of the phragmities, well we've got some ponding going on so that helps, we have to get in there and get those basins cleared out so the ponding is better but the trees are taking forever to grow.

Board Member Montesano stated if we have the bonding to do this, then why can't we come up with something where you have to have a minimum of a hundred trees that have to be ten feet tall.

Board Member DiSalvo stated to make a canopy.

Board Member Montesano stated to make up a canopy that would block it out at least during the summer months. The idea is that if we know that is what we need, why can't we put it in there, so that when we come in and say okay, if we have to approve this, this is what you have to do to get that approval.

Rich Williams stated we have learned about controlling phragmities then when you guys did the A & P.

Board Member Montesano stated I realize that, I am only using that because it was the only one I could think of.

Ted Kozlowski stated we want some. I have been looking at that too, here is where the willows, the phragmities have died back a little bit because of the shade but its coming back strong in the open areas.

Rich Williams stated oh yeah.

Ted Kozlowski stated and they haven't helped it by removing the cat tails (inaudible).

Board Member Montesano stated the object is fine, if we had it in, if we could write it into a plan, would you.

Ted Kozlowski stated right.

Board Member Montesano stated you say cat tails should not be removed, if they are, you are going to have to figure out a way to either replace them.

Rich Williams stated the cat tails will come right back one of the bigger problems is they cut the phragmites down and leave them and that's killing the ponding areas.

Board Member Montesano stated well that's like (inaudible).

Rich Williams stated in the next year or so, I have to get them to go in there and excavate them out and maintain their stormwater ponds, they are required to do that.

Ted Kozlowski stated the thing is with this one, Tractor Supply, is a relatively small area, I think they are just going to have to go in there and knock it all down and really work with it. But I think you are going to have to address that, I visualize this big white ugly box on top of a hill and a big tuft of phragmites, I mean you can't get any uglier. This Board really has to address the aesthetics.

Board Member Montesano stated as far as their architecture comes in, I would like to see something that looks like a barn or a farm building, not a big foot box.

Board Member DiSalvo stated there is enough around here they can go look, you know.

Board Member Montesano stated and there is plenty to look at and if not and they say well what do you want, fine this is what we want.

Board Member DiSalvo stated lets up go up to (inaudible) up there with the big indoor ring with the.

Board Member Montesano stated we tell them it's a five million dollar building and this is what we want, you were asking us and this what we are going to tell you.

Ted Kozlowski stated whoever they brought in the last time, I didn't get a warm and cozy feeling from him.

Board Member DiSalvo stated yeah, their way or no way.

Ted Kozlowski stated it seemed like this what they do, its their way or no way.

Board Member Montesano stated let me put it this way, this is what they do, it's the same old story, never take the first offer because if you do, they get what they want, you can tell them hey, if you don't want it here then go somewhere else.

Rich Williams stated can I be very clear on this, we have no idea what Tractor Supply wants because the gentleman that's coming is a real estate agent.

Chairman Rogan stated right.

Rich Williams stated he is not Tractor Supply.

Board Member Montesano stated lets go on the basis of what.

Chairman Rogan stated the developer.

Ted Kozlowski stated and that should give you (inaudible).

Board Member Montesano stated if you look from Pennsylvania over into Connecticut, or any place else there is a Tractor Supply that was built it is a large one level box.

Board Member DiSalvo stated they all look the same.

Board Member Montesano stated with storage on the outside, I will take you to York, Pennsylvania and you come out and head towards the other side of Lancaster and you look and you can pick this up and they look exactly the same, the only problem that they maybe have is they may have a slightly smaller store by about 20,000 square feet compared to the next one and the next one and maybe 60,000 larger.

Ted Kozlowski stated are any of these smack in the middle of a hamlet or are they all on the outskirts.

Board Member Montesano stated is close but it near the fair grounds, so it doesn't make a difference, there are residents all around it.

Rich Williams stated alright listen, Shawn I'm sorry here but if you want to change the architecture, tell them you want to change the architecture, we are going round and round about how ugly the buildings are. Yes the buildings are ugly, they are ugly nationwide.

Board Member Montesano stated yes.

Board Member Cook stated we should just ask for someone to come other then the real estate guy.

Chairman Rogan stated I don't even care if he comes in, if they come in with an architectural plan that we like, I don't care who it comes from because that is what you are approving, I don't mind working with the guy, we have been up front from the beginning to talk about architecture, point them in directions. I look at the site plan itself as if we are going to work with an area, lets see what we can adequately and safely fit within that box. If you define a box, then you can't tell people they can't build within that box you define it, you say this is what we are willing to accept, see what you can come up with within it. let's work with the site plan issues, the architectural, they want a certain style building, if we can have them dress that building up so that we are happy with it and it fits into the character of the community then we move forward, if we don't then we decide whether we can or can't move forward.

Ted Kozlowski stated I just think the next time they are in you should pointedly ask the question, gentlemen, well you change the look of this building, if you get this approval, are you going to change the architecture of this building to suit this Town's needs or are you going to insist that it be the box that you have everywhere else in the country. Ask them that out front and see what they say.

11) NRA REALTY SUBDIVISION – Continued Review

Chairman Rogan stated NRA subdivision, it has been awhile since we've had this one too.

Rich Williams stated a long while.

Chairman Rogan stated what have they been doing, you think.

Rich Williams stated Dave Johnson who was initially doing the drawings for this, moved to Buffalo.

Chairman Rogan stated oh.

Ted Kozlowski stated Rich, I have a question.

Rich Williams stated as long as it is not on Tractor Supply.

Ted Kozlowski stated the road, it is going through two wetland areas, crossing Stephen's Brook, I understand no matter what you do you have to cross Stephen's Brook, there is no way they can utilize the entrance that already exists, (inaudible).

Board Member Montesano stated he is wondering how I got it too.

Chairman Rogan stated they used a whole pack of crayons on that one.

Rich Williams stated is the one in the file color.

The Secretary stated I believe we do have a color one in the file, I can check.

Chairman Rogan stated just save that, don't throw it away.

Rich Williams stated the problem is getting grade, you can get the grade up but it is going to much, much steeper then the way they are coming in now, you are still going to have to cross the stream.

Board Member DiSalvo stated its fourteen houses now.

Rich Williams stated and its going to be making it much, much longer.

Ted Kozlowski stated they are going to need a DEC permit too.

Rich Williams stated and the Planning Board when they went out there, they didn't like it.

Board Member Montesano stated I liked it but I didn't see putting fourteen houses on it. I liked it the way it was. I was perfectly willing to settle for the cabin, instead of walking up and down that thing.

Rich Williams stated they got rid of the lollipop, the Board didn't like the lollipop.

Board Member Montesano stated we gave it a little bit of a curve.

Rich Williams stated they still have some issues with the lots, some of the lots don't meet average lot width and more importantly there are three or four lots that don't meet frontage requirements. The main road coming in now is 1850 linear feet, the maximum length by code is 1500 feet and they do show one common drive on the site.

Board Member Montesano stated I love this lot seven, it has the driveway coming off and it goes up to the proposed stormwater treatment.

Chairman Rogan stated I briefly remember telling them we would consider an extension of the 1500 considering we were having the.

Board Member DiSalvo stated the lollipop.

Chairman Rogan stated no, the crossing of the Stephen's Brook, remember they were going to come up.

Board Member DiSalvo stated past the entrance there.

Board Member Montesano stated yeah.

Chairman Rogan stated the existing, so I remember saying to them, something to that effect that we can do away with that, that would help because the grade going up there was pretty significant.

Ted Kozlowski stated Rich are they going to need Army Corps on this for wetlands.

Rich Williams stated for what.

Ted Kozlowski stated for going in the buffer.

Board Member DiSalvo stated we didn't get the bridge at Burdick Farm, we are going to get here now.

Board Member Montesano stated we are getting a bridge out at across by old Town Hall.

Ted Kozlowski stated its too wet, Stephen's Brook and then there is another wetland.

Rich Williams stated and they are going right through the wetland.

Ted Kozlowski stated yup, they are not showing a bridge.

Rich Williams stated we all thought they were going to do a bridge across Stephen's Brook.

Board Member Montesano stated is the City going to allow that, crossing the.

Board Member Cook stated since this was a while ago and I am not familiar with it.

Board Member DiSalvo stated these one acre lots are small. We are going to have the same situation here.

Rich Williams stated I will give them 24 hours notice so I can verify.

Board Member Montesano stated look at lot ten for crying out loud, its so narrow.

Rich Williams stated slopes, in the buffer.

Board Member Montesano stated they are all.

Board Member DiSalvo stated how long is this driveway, this common driveway.

Chairman Rogan stated six or seven hundred feet.

Board Member Montesano stated where does that common driveway come in.

Board Member DiSalvo stated ten and eleven.

Board Member Montesano stated that is cutting two lots, so there is going to be right of ways up the gum stump.

Ted Kozlowski stated those lots 12, 13 and 14 they aren't going to have much useable land.

Rich Williams stated what about the first few lots coming in.

Ted Kozlowski stated one and two.

Rich Williams stated one and two. One of my original comments was that they are right up against the thirty percent slopes and their response was we can design houses to go there.

Board Member DiSalvo stated but we want other things to go there too, pools and everything else (inaudible).

Board Member Montesano stated yeah.

Ted Kozlowski stated lot 14, this guy, whoever moves in there is going to very limited with the property.

Chairman Rogan stated the cut that they would have to do on the back of that house just to get that house in there with that steep slope going right up. Remember we walked up and down that, that was steep.

Ted Kozlowski stated whatever yard he has is going to septic fields.

Board Member Montesano stated do we have any restrictions on.

Board Member DiSalvo stated we walked up this hill remember.

Board Member Montesano stated on stilt houses.

Rich Williams stated I think it's a building department issue.

Ted Kozlowski stated is that a split septic, is that what he's got there.

Rich Williams stated there are a couple of split septics.

Board Member DiSalvo stated where is that.

Ted Kozlowski stated how does that work.

Board Member Montesano stated eleven.

Rich Williams stated one is a primary and one is expansion area.

Board Member Montesano stated look at lot eleven.

Board Member DiSalvo stated so now you are really losing all your property.

Board Member Montesano stated what property unless you are a damn goat.

Ted Kozlowski stated then look at lots 1, 2, 3 and 4, the driveways are opposite each other but that is a lot of cleared land. You know I am just trying to visualize living there in that situation, that's not very attractive.

Board Member DiSalvo stated and lot eleven is actually behind thirteen and twelve so you won't see the house.

Board Member Montesano stated yes.

Chairman Rogan stated they will looking right over the top of them, they won't even see them, the slope is so steep Maria.

Board Member DiSalvo stated how can they do that.

Chairman Rogan stated that they wouldn't even be able to see them, they would be looking clean over the top of it, you know.

Rich Williams stated you probably have a thirteen inch grade change there.

Chairman Rogan stated you are at least thirty foot higher.

Board Member Montesano stated I just want to see when they get ten and eleven put it, how long the people are going to stay friendly when the ice starts falling and they go slip sliding away.

Chairman Rogan stated it is a challenged site for the amount of acreage they have here.

Board Member Montesano stated yes it is.

Chairman Rogan stated very challenged.

Board Member Montesano stated hey it wasn't made, when they bought this thing they should have paid more attention to it. He wanted it for purposes of making a hunting house out there.

Chairman Rogan stated I think, I don't remember who said it, it might have been Ted, but lot 14, definitely we are looking at the color, it really stands out better when you look at the steep slopes and see that that house is at the base of a greater than 15 percent slope just to get the house in.

Ted Kozlowski stated (inaudible).

Chairman Rogan stated if he set his house right in at grade, there would be a walk out on the downhill side and then some, right because it looks like you are going over.

Ted Kozlowski stated forget about a swimming pool at that house.

Board Member Montesano stated are they going to blast in this place to get some of these houses in.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated twelve foot elevation change.

Board Member Montesano stated so they are just going to continue to blast until they get enough rock to make a patio, staircase, whatever else they want.

Ted Kozlowski stated that really shows up.

Chairman Rogan stated that shows up beautifully with the colors.

Board Member Montesano stated yeah.

Chairman Rogan stated they would have been better off with black and white. It stands out quite nice and the same thing with thirteen and twelve, none of them have any you know, legally can you put a house in where you have fifteen or twenty percent slopes behind the house, yes but is it good planning, boy it sure isn't. it might as well be a wetland buffer because there is no back yard to use.

Rich Williams stated no, the only thing they are going to be doing is blasting out behind the house, putting retaining walls in.

Chairman Rogan stated yup, terrible.

Rich Williams stated the (inaudible) is going to be running down the driveway, I know because my neighbor across the street is doing it.

Board Member stated are we going to name this California now, is this the California project.

Ted Kozlowski stated its rough.

Board Member DiSalvo stated does anybody like any lot.

Chairman Rogan stated yeah there was one on there I think I saw.

Ted Kozlowski stated nine or six.

Board Member DiSalvo stated nine.

Ted Kozlowski stated is that six, six. He has some room to move in that lot.

Board Member Montesano stated lets change the line a little bit, put this house over that way.

Ted Kozlowski stated I don't know it seems to me, he wanted and especially in this market, I would just make it bigger lots with less houses.

Board Member DiSalvo stated can they go like two and a half acres.

Rich Williams stated then you have problem with the Code unless you want him to go for a variance.

Board Member DiSalvo stated this is a unique situation.

Chairman Rogan stated Maria, can't somebody pick this property up and make three lots with a horse property.

Board Member DiSalvo stated its too steep. He probably wants like two million dollars for it.

Chairman Rogan stated you can put trails and stuff, its not too steep for trails and stuff for horse, for like riding trails back crossing like they do in Bedford Riding.

Rich Williams stated it would be a great property for on person with a farm, a little hobby farm.

Board Member DiSalvo stated and let his friends come up and hunt.

Ted Kozlowski stated no doubt it's a beautiful view.

(TAPE 1 Ended – 9:16 p.m.)

Chairman Rogan stated it should be severely discounted on not useable property, we have been talking about that you know.

Board Member DiSalvo stated (inaudible) a couple (inaudible).

Board Member Montesano stated can we talk now.

The Secretary stated yes.

Board Member Montesano stated thank you.

Chairman Rogan stated but by the same token they keep telling us that vacant, not vacant land, but residual property is the right word, is only being assessed at about 6,000 dollars an acre so one hundred acres.

Board Member DiSalvo stated mine isn't.

Chairman Rogan stated no.

Board Member DiSalvo stated they have to re-write everything on it, they are probably going to need to take soil maps to determine that.

Chairman Rogan stated whether it is useable or not, they were telling that anything over your bulk and its four acre zoning and you have ten acres, you've got six acres residual, that is 36,000 dollars.

Rich Williams stated you are assessed differently because you.

Board Member DiSalvo stated I have the Ag. Assessment.

Rich Williams stated because you are in the Ag District.

Chairman Rogan stated oh okay, I'm sorry.

Board Member DiSalvo stated but even someone with the property I don't think that it is broken down on their assessments that way.

Chairman Rogan stated I think it is.

Ted Kozlowski stated do you know what you would do with this property, Maria.

Board Member DiSalvo stated I don't know, when we do the grievances.

Chairman Rogan stated our says, I think ours says, I will look at our bill, I thought it says what is the zoning requirement it will say house and land and then after that it will because it is a four acre zone, it will take the four acres and then it will take after that and say something.

Board Member DiSalvo stated on your tax bill.

Rich Williams stated I don't know how they would do that because they don't have it inputted yet.

Chairman Rogan stated no.

Board Member DiSalvo stated no.

Chairman Rogan stated maybe its just on the paperwork when they do the calculation.

Rich Williams stated its one of the big (inaudible).

Ted Kozlowski stated I would put one nice house on there and put it all in the 480 A, forest (inaudible).

Board Member DiSalvo stated yup, that fifty acres would (inaudible).

Ted Kozlowski stated yeah you have fifty acres of wooded land you get an 80 percent reduction on your taxes.

Chairman Rogan stated save your color copies.

12) OTHER BUSINESS

a. Site Walks: Bear Hill Estates, Pondview Subdivision

Chairman Rogan stated okay Bear Hill Estates re-subdivision, everybody has site walk comments on that.

Board Member DiSalvo stated what are we up to.

Chairman Rogan stated Bear Hill.

Board Member DiSalvo stated that was pretty.

Chairman Rogan stated just the view shed you brought up.

Board Member DiSalvo stated and what about the maintenance of that pond.

Chairman Rogan stated well its off the property, we can discuss it.

Board Member DiSalvo stated it is going to be part of that other lot, right, the peepers lot.

Ted Kozlowski stated if you noticed there was water in it.

Chairman Rogan stated on this subdivision we are talking about, driveway entrance with the rock outcrops for lot one. Let's see if we can do something with view shed, try to see if we can figure out how to protect some of that so we don't have a hole.

Board Member DiSalvo stated what were we talking about like disturbance limits in the front or.

Chairman Rogan stated we can do a conservation easement.

Board Member DiSalvo stated around the stonewall too.

Chairman Rogan stated conservation easement doesn't stop them from cutting a tree down occasionally but it stops them from clear cutting it, in essence, right. I don't remember a night when I have seen you look so tired [to Rich Williams].

Rich Williams stated really.

Chairman Rogan stated yeah, you really look exhausted tonight, we have worn you out, you looked tired before the meeting.

Rich Williams stated I got a call from DEP today, just to let everybody know, they wanted to know what was going on with Bear Hill, they got the lead agency notice. We had a conversation about it, their opinion was similar to what my opinion was, is regardless of the fact that they did the subdivision of the road and created the lots and tried to get around having to do anything with stormwater. That they are disturbing more then one acre of, or they are creating more then one acre of disturbance under a common plan of development and that is the trigger.

Chairman Rogan stated so planning for the two lots cumulatively is more then an acre of disturbance.

Rich Williams stated and plan review with the DEP is going to send it over to their attorneys for a legal opinion and to let people know that they are going to have to do stormwater on site.

Board Member DiSalvo stated it sounds like Couch Road again.

Rich Williams stated I don't know where that is going to go.

Chairman Rogan stated right, should that hold us from, we have some comments to work out anyway.

Rich Williams stated no, but it maybe before this gets all said and done, they may be back in here doing stormwater practices.

Board Member DiSalvo stated we won't have to worry them cutting the trees down, there will be a big pond in the front of the house.

Board Member Montesano stated wait, wait, wait, if you go to Mahopac, in the back, I went out to look at house one time and here the guys takes me down to the basement and tries to sell me the house because there is a trout stream that runs through the basement of the house.

Board Member DiSalvo stated there is a house on [Route] 311 that has that.

Board Member Montesano stated the guy had set it up and let me tell you this guy did a beautiful job at channeling it but the water comes right through the basement of the house, one end to the other and every year its dug out, I guess it was about four foot deep and about three feet across and he sits there and says all I have to do is drop my fishing line in and in winter I get all my trout.

Rich Williams stated before you jump ahead, I didn't hear anybody real comments out on Pondview, so I didn't do a memo on it.

Chairman Rogan stated okay.

Board Member DiSalvo stated basically about maybe keeping some trails around the pond.

Rich Williams stated I did convey that to them.

Board Member Montesano stated that would be.

Board Member Cook stated Ted is concerned about they are going to fix the dam.

Board Member DiSalvo stated still kind of quality of life living over there, right, walking the dog.

b. Star Plaza of Kent Lead Agency Notice

Rich Williams stated does anyone want to look at Star Plaza of Kent.

Board Member DiSalvo stated oh I was watching that on the cable, the Planning Board meeting.

Rich Williams stated we got a notice of intent.

Board Member DiSalvo stated now they are playing golf there.

Rich Williams stated we got a notice from Kent for lead agency designation, I took a look at it, based on the plans, I mean there are some deficiencies, I did a memo on behalf of the chairman.

(Mr. Williams office phone rings.)

The Secretary stated that might be important.

Board Member Montesano stated it must be the bookie.

Chairman Rogan stated wow.

Ted Kozlowski stated honey where are you.

Board Member Montesano stated it wasn't me. I got a new toy.

Board Member DiSalvo stated a new phone.

Board Member Montesano stated it's a new phone.

The Secretary stated you got rid of your Nextel.

Board Member Montesano stated no, well Nextel/Sprint. The only thing I got rid of is I don't have to have those annoying people pressing the button trying to talk to me. This is the only phone that I can use in my house that gets outside. The Verizon, my wife has that Verizon, my grandson, pull their hair out.

The Secretary stated I have no service in my house.

Board Member Montesano stated its sprint.

Board Member DiSalvo stated some kid of a (inaudible) ten acres. (inaudible). Come last week, I haven't been back there in a year.

Ted Kozlowski stated who is it.

Rich Williams stated Dave Pierro.

Board Member Montesano stated is he trying to tell us he's in Florida enjoying himself.

Rich Williams stated I don't know where he was. Anyway I did a letter for the lead agency, one of the issues on the plan had to do with.

Board Member DiSalvo stated (inaudible). A couple copulas and flags up there.

Rich Williams stated the way they drew the plans, it looked like part of the project was in Town of Patterson.

Board Member DiSalvo stated but.

Rich Williams stated here is location map and here is the line going through.

Chairman Rogan stated it does look like it.

Rich Williams stated here is the corner of the project in the Town of Patterson.

Board Member DiSalvo stated playing tit for tat now.

Rich Williams stated this is from their consultants and the Town of Kent reviewed and said yeah it must be in the Town of Patterson. I took one look at it, went down and confirmed with Chris, Patterson stops at the 84 bridge. The line is actually over here and none of this side.

Chairman Rogan stated only on that one side of the road though, then it shifts down.

Rich Williams stated yes.

Chairman Rogan stated so it dog legs there, its not a straight line.

Rich Williams stated well it doesn't follow 84, it kind of goes kiddy corner to 84.

Chairman Rogan stated oh okay.

Board Member DiSalvo stated so now what.

Rich Williams stated so now if anything you are an interested agency, not an involved agency and the letter says that back to them that you know you got your plans all screwed, does anybody want to.

Board Member DiSalvo stated so what is the size of that.

Ted Kozlowski stated where is this in relation to Patterson Crossing.

Rich Williams stated across the street.

Board Member Montesano stated across the street.

Board Member DiSalvo stated where that little wooden signs says welcome to Kent.

Ted Kozlowski stated (inaudible).

Rich Williams stated no septic, no well, no stormwater, the EAF says there is flood plains, they don't show that, there is a whole bunch of stuff missing, I don't know what they were thinking when they sent this thing out.

Chairman Rogan stated all the problems that they have associated with Patterson Crossing for traffic, just traffic alone, never mind the neighboring property owners but traffic, they have to consider the same for this. I don't know how much the square footage is on this.

Rich Williams stated well.

Board Member DiSalvo stated yeah, how big is the building.

Board Member Montesano stated is this similar to the one they rejected before they came after us.

Board Member DiSalvo stated this is before that dental place, before you start going down the hill.

Chairman Rogan stated yeah between the highway and Dan Doyle's.

Ted Kozlowski stated so it is before Dan Doyle's.

Chairman Rogan stated yeah.

Rich Williams stated I don't see anything Maria.

Board Member DiSalvo stated right by the highway.

Ted Kozlowski stated that is not a lot of area.

Rich Williams stated I think it is about 30,000 square feet or I think I recall somewhere around 35,000.

Board Member DiSalvo stated (inaudible). How big is Tractor Supply.

Chairman Rogan stated that is only 30,000.

Rich Williams stated (inaudible).

Board Member DiSalvo stated plus outside.

Ted Kozlowski stated there is a big wetland back there isn't there Rich.

Chairman Rogan stated yeah behind the nursery.

Rich Williams stated (inaudible).

Board Member DiSalvo stated by the nursery, you can see it.

Ted Kozlowski stated I am looking at a wetland.

Board Member DiSalvo stated it's the drug he's giving you.

Board Member Montesano stated yeah he's giving you that laughing gas, so he can watch you get gassed.

Rich Williams stated 35,000 square feet.

Board Member DiSalvo stated and how big is Tractor Supply.

Rich Williams stated about the same.

Board Member Cook stated outside inside.

Rich Williams stated anyway I did a letter, I don't know if everybody is okay with the letter, especially the last paragraph.

Board Member DiSalvo stated you don't want to piss them off.

Rich Williams stated oh you know me.

Board Member Montesano stated you call it (inaudible).

Board Member DiSalvo stated who is the developer on that project.

Rich Williams stated I don't know but Rick O'Rourke is the attorney representing.

Board Member DiSalvo stated yeah I saw him when he got up and spoke.

Board Member Montesano stated Ricky Ticky Tavy.

Chairman Rogan stated you want me to pull a typo, you don't want to send typos to them, right.

Rich Williams stated not really, is that on the first page.

Chairman Rogan stated yeah.

Rich Williams stated alright.

Chairman Rogan stated a missing word is more appropriate.

The Secretary stated you better be careful over there.

Board Member DiSalvo stated direct deposit.

Board Member Cook stated (inaudible).

Board Member DiSalvo stated I can't shut (inaudible).

Rich Williams stated the good old days.

Ted Kozlowski stated the good old days. That really happened.

Rich Williams stated apparently Patterson is not without a sense of irony. Did you like that.

Ted Kozlowski laughs.

Board Member Montesano stated he must have been waiting all this time to get at this one.

Chairman Rogan stated you really only have to read the last paragraph, the rest is all.

Board Member Montesano stated why don't we become lead agency.

Chairman Rogan stated you can definitely read it out of order.

Board Member Montesano stated we can just continue to laugh here.

Chairman Rogan stated do you think they are planning the project with all the stormwater right in the wetland buffers, seems like they would have to based on the plan.

Board Member DiSalvo stated that is not our problem, that is their problem, right.

Chairman Rogan stated true enough but its good neighbors to share that. They are going to send something around to somebody to say hey you guys are involved agency, send them something that shows more.

Board Member DiSalvo stated they aren't going to accept our criticism anyway.

Rich Williams stated yeah so you can evaluate things.

Chairman Rogan stated have you heard any significant opposition to this project from the Lake Carmel community.

Rich Williams stated I haven't heard anything. I don't know that there isn't anything, I don't know that Art Singer isn't waiting and salivating that he gets to deny something.

Board Member DiSalvo laughs.

Chairman Rogan stated I will sign the second page and you can just grab the first page and re-type, it wasn't anything significant.

Board Member DiSalvo stated what is this 311 Group here, is that that storage thing with the road in back there.

Rich Williams stated yeah.

Board Member DiSalvo stated we have to talk about it or no.

Chairman Rogan stated thank you.

Rich Williams stated no.

Board Member Montesano stated FYI.

c. Kent Supply Co. – Sign Application

Chairman Rogan stated Kent Supply, that was not on the agenda but that is one we are adding, right, under other business, as the c.

Rich Williams stated you told me to put it on the agenda, my agenda has it.

Board Member DiSalvo stated sign permit.

Chairman Rogan stated oh you know what I have an old agenda probably, mine doesn't have it. so they are applying for a temporary sign which is already shown in the pictures as being located huh.

Rich Williams stated yes.

Chairman Rogan stated alright, where is this place.

Board Member DiSalvo stated it is the old Holiday on Wheels.

Chairman Rogan stated what is that plaza called by your house.

Rich Williams stated Robin Hill Corporate Park.

Board Member Montesano stated Robin Hill.

Chairman Rogan stated Jon Barrett Road is Robin Hill Corporate Park.

Board Member Montesano stated yes.

Ted Kozlowski stated is that where they had the problems with clearing land.

Rich Williams stated they know they need to come in for site plan approval, they knew that before they bought the building that they needed to come in for site plan approval.

Chairman Rogan stated okay.

Board Member Cook stated how temporary is temporary.

Rich Williams stated whatever you gentlemen and lady wish establish.

Board Member DiSalvo stated was there a sign there before, something was over there or am I thinking of Brewster Plastics.

Board Member Cook stated Shawn, the sign has been up probably three or four weeks.

Rich Williams stated there was a real estate sign there for the longest time, here is your problem our Code says that with a single sign both sides count as one sign, as soon as you split it, its two signs.

Chairman Rogan stated do a v or something.

Board Member DiSalvo stated and this is a v.

Rich Williams stated he's got a v, if it was together it would be one sign but if its going to be two signs, while one face is 24 square feet, two faces is 48 and don't comply.

Board Member DiSalvo stated so what are you suggesting here, take one section down or face it, put them together and make them perpendicular to the road.

Rich Williams stated he has to put them together, you can't have a v.

Chairman Rogan stated yeah.

Board Member Cook stated I would suggest, whatever we consider, the length of time as temporary.

Chairman Rogan stated a month ago.

Board Member Cook stated that it becomes retro active to about three weeks ago at a minimum.

Chairman Rogan stated that's fine. Rich you had said going back to site plan issues. They need a site plan approval for this business before they can go in.

Rich Williams stated here is the history on the site, Holiday on Wheels, came into the Planning Board for site plan approval to construct a building when it was a vacant lot, he got almost to the end of the process and then stop coming to the Planning Board, pulled a building permit and got a C. O.

Board Member DiSalvo stated how many years ago was that.

Rich Williams stated the 80's.

Board Member Montesano stated in the 80's. we won't go from there.

Rich Williams stated well in the early 90's you know, the Planning Board realized that this site was out there and operating with no site plan approval, as were a couple of other and after much wrangling got them to come back in and got almost to the end of the process getting site plan approval, he just walked away again. It was dropped for a couple more years and then we started going back to do it again and the gentleman died.

Chairman Rogan stated he won that one.

Board Member Montesano stated well.

Board Member DiSalvo stated is that when they sold.

Board Member Montesano stated yeah, she tried to run it, she didn't have the showmanship that Frank had. Frank used to go to Pennsylvania for the different shows, he would go to Pennsylvania, he would went into Rockland, he would go to Syracuse.

Board Member DiSalvo stated so he marketed it a lot.

Chairman Rogan stated right.

Board Member Montesano stated biggest one (inaudible).

Board Member DiSalvo stated so they own the property, so they sold it.

Chairman Rogan stated so we have a building built without an official site plan.

Rich Williams stated everybody that has come in, because it has been on the market for a while, has been informed right up front, that there is no approved site plan and if you are going to occupy the building you need to get site plan approval.

Chairman Rogan stated okay.

Board Member Cook stated so maybe we shouldn't approve this, have them take it down and have him come in for the site plan approval. Somebody has to get site plan approval, right.

Rich Williams stated oh he is going to get site plan approval before he occupies the building.

Board Member DiSalvo stated yeah.

Rich Williams stated he knows it and you can reinforce that when he's in here.

Chairman Rogan stated that's a good idea.

Rich Williams stated he has Putnam Engineering, he is waiting for them to get everything done.

Chairman Rogan stated alright.

Board Member DiSalvo stated what's like the time frame, do you know.

Chairman Rogan stated well let's.

Board Member DiSalvo stated would they be on for like March or April.

Chairman Rogan stated we can do the temporary approval for like retro from a month ago for like a year, they have to come back in, this allows them to work through that, right.

Board Member DiSalvo stated you want to go January 1st maybe.

Rich Williams stated do you really want to give them a temporary sign for a year.

Chairman Rogan stated of course. What difference does it make, if we get tired of it after a few months then we'll.

Board Member Cook stated what do you think, about 6 months.

Rich Williams stated I am thinking they should be in to get site plan approval within a couple of months.

Board Member DiSalvo stated and they can work their permanent sign application, do they want to make this permanent then.

Rich Williams stated ultimately they are going to come in with a permanent sign that is going to be similar yeah.

Board Member DiSalvo stated for the building but then would they want to keep something like this or do they get added to those, all those other signs when you first go in that development.

Chairman Rogan stated we can ask him.

Rich Williams stated you have to remember this, that they are entitled to 25 square feet of free standing sign on their property, not at the entrance, there are no sign permits for any of those signs.

Chairman Rogan stated oh.

Board Member DiSalvo stated I thought so.

Rich Williams stated so now if they want to put one out on [Route] 22 what do they want to do for people coming in down Jon Barrett Road, you know, so, if they want to do a fifteen square foot sign up front as a permanent sign then you know.

Board Member DiSalvo stated that is why this is temporary until they.

Board Member Montesano stated if you give them until August.

Board Member DiSalvo stated we can give them six or eight months.

Chairman Rogan stated we can do six months, they can always extend it.

Board Member Cook stated June 30th.

Board Member Montesano stated that's better.

Board Member DiSalvo stated so January 1st to June 30th, something like that.

Chairman Rogan stated sure, that sounds great.

Board Member Montesano stated are we done.

Chairman Rogan stated it sure seems like it.

Board Member DiSalvo stated there are couple of empty buildings up there.

Board Member Montesano stated motion to adjourn.

Chairman Rogan stated second.

Board Member DiSalvo stated anything else here.

Board Member Cook seconded the motion.

Chairman Rogan asked all in favor:

Board Member Cook	-	aye
Board Member DiSalvo	-	aye
Board Member Montesano	-	aye
Chairman Rogan	-	aye

Motion carried by a vote of 4 to 0.

The meeting adjourned at 9:36 p.m.