

TOWN OF PATTERSON
PLANNING BOARD MEETING
February 7, 2008

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**Planning Board
February 7, 2008 Meeting Minutes**

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

Present were: Chairman Rogan, Board Member Montesano, Board Member DiSalvo, Board Member Cook, Rich Williams, Town Planner, Gene Richards with the Town Engineer's office, Stantec Consulting Services Inc, David I. Raines, Town of Patterson Building Inspector, Ted Kozlowski, Town of Patterson Environmental Conservation Inspector, Anthony Molé and Jennifer Herondes, from the Town Attorneys Office, Curtiss, Leibell, Herondes & Molé P.C.

The meeting was called to order at 7:30 p.m.

Michelle Russo was the secretary and transcribed the following minutes.

There were approximately 8 audience members.

Chairman Rogan led the salute to the flag.

1) APAP SITE PLAN – Public Hearing

Mr. Joe Mansfield of JFM Architect was present to represent the application.

Chairman Rogan stated thank you and please be seated. May I ask the secretary to read the public hearing for Apap.

The Secretary read the following notice into the record:

NOTICE IS HEREBY GIVEN by the Town of Patterson Planning Board of a public hearing to be held on Thursday, February 7, 2008 at 7:30 p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled **George Apap, Inc. Site Plan to consider the construction of a two-story wood frame garage in an existing C-1 Zone. The property is located at 1278 Route 311, Patterson, New York.** All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Chairman Rogan stated would you please state your name for the record.

Mr. Mansfield stated certainly, my name is Joe Mansfield, I am the architect representing George Apap, Incorporated.

Chairman Rogan stated Joe if you would please give a very quick presentation.

Mr. Mansfield stated sure.

Chairman Rogan stated as to the project.

Mr. Mansfield stated sure absolutely.

Chairman Rogan stated thank you.

Mr. Mansfield stated the property is located at 1278 Route 311, it is approximately 200 feet west of the intersection of Route 22. Route 22 is over here and we are 200 feet west of that just north of Route 311, just down the road from where we are now. The property is approximately one half acre, is it located in the C-1 zone district, the property is defined by the buffer plants to east and to the west. There are currently three existing buildings on the property. The existing two story wood frame business building will remain and the two existing storage buildings in the rear yard set back will be removed and will be replaced by the two story detached accessory garage that we are proposing. The garage will be located approximately 80 feet from the front property line where 40 feet is required, approximately 21 feet from the side property line where 20 foot side yard set back is required and approximately 31 feet from the rear property line where a 30 foot side yard set back is required. We will have impervious coverage of about 30 percent where 65 percent is available and a building height of approximately 28 feet where 35 feet is permitted. The site requires six parking spaces which are shown in front of the garage here, including a handicap parking space, we are expanding the asphalt driveway in this area to accommodate the additional parking and we are also expanding the asphalt driveway in this area to provide a back up space and an area for the dumpster. The dumpster will be located at an angle to the parking lot to facilitate the ease of garbage removal and there will be a six foot high stockade fence surrounding that for decorative purposes. The structure itself, is a two story structure, on the first floor it will be a garage for evening parking, overnight parking of vehicles and trailers, the second floor will house storage for his painting business. The building, the portion of the building that faces Route 311 will have three custom architectural over head garage doors and a functioning hayloft door. The materials on the structure will be a painted wood clapboard siding, painted wood trim and asphalt shingle roof to match the building that is there and these are some photographs of the building that's there and what we intend to match.

Chairman Rogan stated very good. Do we have any questions or comments from the audience. Sure. Do we have a wireless.

Dave Raines stated just two quick questions, I may have missed it. Did we incorporate any type of screening for the parking of any vehicles or what not, there is no, what is the intent on the number of work vehicles, that type of thing.

Mr. Mansfield stated for the most part during the day the work vehicles will not be on site.

Dave Raines stated correct.

Mr. Mansfield stated so in the evening, the vehicles will be stored in the garage, I believe that all the vehicles that are on the site will be stored in the garage in the evening.

Dave Raines stated so we won't, there won't be a big commercial vehicle presence out there that would be blocking the.

Mr. Mansfield stated I do not foresee that.

Dave Raines stated I wasn't sure how many vehicles the client had as far as a fleet of ten or twelve or two.

Chairman Rogan stated thank you.

Mr. Mansfield stated sure.

Chairman Rogan stated I thought you had a second question.

Dave Raines stated it was actually answered when I looked up on the dumpster, I was not sure of the dumpster location.

Chairman Rogan stated okay.

Dave Raines stated but I'm fine now, I was wondering the set back.

Chairman Rogan stated okay, great, sure.

Mr. Mansfield stated previously Mr. Raines had raised the issue of the second means of egress out of the garage and we did provide that door on the revised drawings.

Dave Raines stated thank you.

Chairman Rogan stated very good, any other questions or comments.

Board Member Montesano stated motion to close the public hearing.

Chairman Rogan seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 4 to 0.

Chairman Rogan stated okay so where are we on the issue of the performance bond.

Rich Williams stated Mr. Mansfield did submit, is it on.

Chairman Rogan stated no.

Rich Williams stated it is now, we did receive a copy of a bond calculation from the applicant, the amount was 20,000 dollars, we did send it to the Town Engineer's office who reviewed it and accepted that amount.

Chairman Rogan stated okay.

Rich Williams stated if the Board is so inclined to go with a bond for the site improvements out here, they are really not significant.

Chairman Rogan stated okay, so the bond amount was 20,000 dollars, approved by the Engineering.

Gene Richards stated yes.

Board Member DiSalvo stated he's over there tonight, he always sits over there.

Board Member Montesano stated Ted pushed him out.

Chairman Rogan stated does anyone on the Board have anything else on this project they would like to talk about.

Board Member Montesano stated nope.

Chairman Rogan stated no, okay so we have a resolution for approval and also, Rich does the performance bond wrap into the resolution or do we just.

Rich Williams stated it is not.

Chairman Rogan stated it is not, okay so a motion for the resolution and also, well we'll do that first, well actually let's do the performance bond first and that would be a recommendation to the Town Board to set. Do you want me to do. I make a recommendation that the Planning Board recommend to the Town Board that they approve a performance bond in the amount of 20,000 dollars for the Apap Site Plan.

Board Members Montesano and DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 4 to 0.

Chairman Rogan stated does anyone want to do the resolution.

Board Member Cook stated I'll do it.

Chairman Rogan stated very good, thanks Charlie.

Board Member Cook stated in the application of George Apap Inc. for final site plan approval, pursuant to chapter 154 of the Town Code, the Planning Board finds that the subject application and final site plan has modified in accordance with any applicable conditions set forth in this resolution, complies with all the requirements of the Town Law in chapter 154 of the Town Code and hereby grants final site plan approval subject to the applicants compliance with five general and four specific conditions within 62 days of the date of this resolution.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 4 to 0.

Chairman Rogan stated any opposed, motion carries. Thank you very much sir.

Mr. Mansfield stated thank you.

Chairman Rogan stated Mr. Apap thank you very much, they should all go so smooth.

Board Member Montesano stated if you want a know a good painter, he might be in Florida but that's alright.

2) PAPIITTO SITE PLAN – Set Bond Amount

The Applicant did not appear.

Chairman Rogan stated Papitto Site Plan, remember, all we have left on this is a bond.

Board Member Montesano stated I don't know, did we.

Chairman Rogan stated say that again.

Board Member DiSalvo stated do we have a bond.

Chairman Rogan stated yes, it was from last month and then we got a copy of it tonight I believe. The amount of the improvements is \$185,000 with the inspection fees of \$9,250. Make a motion that we set that bond pursuant the December 21, 2007 memo from Stantec in reference to Papitto Site Plan.

Board Members Cook and DiSalvo seconded the motion.

Chairman Rogan stated I'm sorry, recommend to the Town Board, just modify that motion. Seconded by Charlie and Maria.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 4 to 0.

Chairman Rogan stated any opposed, motion carries.

3) MCINTYRE W/W PERMIT APPLICATION

Mr. Greg NeJame of NeJame and Sons and Mr. Bruce McIntyre the applicant, were present.

Chairman Rogan stated okay, item number three, McIntyre Wetlands/Watercourse permit application. Is anyone here for McIntyre?

Mr. McIntyre stated yes, right here.

Chairman Rogan stated okay, you want to come up please, good evening, if you could just use the microphone please and state your name for the record.

Mr. NeJame stated my name is Gregory NeJame from NeJame and Sons.

Chairman Rogan stated and you are sir.

Mr. McIntyre stated Bruce McIntyre.

Chairman Rogan stated oh okay, good evening Mr. McIntyre.

Mr. McIntyre stated hi.

Chairman Rogan stated this new application; this is the lot that we had approved for placement of the well in the wetland buffer. We walked out on this site when the house actually was already built. The owner of the lot at that time came in, I remember seeing you at one point and we were thinking it was from a neighboring. The wetland application, what was that called, the long driveway.

Mr. McIntyre stated there was a lot on the side.

Rich Williams stated Mezger's.

Chairman Rogan stated Mezger's, you had come in on that.

Mr. McIntyre stated right.

Chairman Rogan stated and we actually I think referred to your lot because we had gone through a lot of contemplation on setting up wetland buffers, having limits on where people can build things and certainly

looking at your backyard. I remember it vividly with the stonewall and fairly level ground and fairly useable and we had asked the wetland inspector to put up the wetland delineators.

Mr. McIntyre stated right, yup.

Chairman Rogan stated so we are in for a pool, in the wetland buffer.

Mr. McIntyre stated we are trying.

Chairman Rogan stated the subdivision was approved a while ago, the original subdivision for Wyndham Homes, Deerwood, in the early 90's the late 80's.

Rich Williams stated 1999, 2000.

Chairman Rogan stated okay and certainly back then there were different rules and regulations then what we have today and what we have tried to do today with subdivisions and we've got some here tonight that we'll be working on, is try to make lots that work when they are done. That have good backyards that people can put pools and sheds in because these are the kinds of things that we are trying to avoid. Certainly understanding that there were different rules in place when your subdivision was approved, but we went through all this with the owner at the time, with getting the well, we even went so far as to try and. Anthony, we had had conversations with you about trying to notify the owner either at closing, when they are buying the lot and we had gotten the minutes copied for this meeting for your application. Trying to come up with a way that people are notified because what we are fearful of is that someone buys a lot and they don't really understand what they are buying, they don't realize the limits of some of these lots, so it is our job, I think to try to not only create subdivision that work from here forward but also, try to create a mechanism whereby people are notified. And actually Mr. Darnell at the time had said that the person buying the lot was fully aware of what they are buying and that there are limits on that backyard and so I think what the Board is very concerned about is that we want to make sure we are looking into an application for encroachment into this buffer that we are minimizing it as best we can and we don't feel that the Board and correct me if I am wrong, ladies and gentlemen, but did not feel that the position where the pool is located was the best that you could do in terms of minimizing that impact because based on just reviewing this lot just a couple of years ago, like 2 years ago, was it two, not even two.

Board Member DiSalvo stated two or three years ago.

Chairman Rogan stated we are very hesitant for this kind of a use, I mean I could see that you would want to clear everything right to the stonewall but this is a difficult one.

Mr. McIntyre stated I understand that I mean but looking at this, I have actually looked at all the different scenarios and where this could potentially be and I don't see any other possible scenarios, unless I am mistaken, I'm not the expert here but.

Mr. NeJame stated could you give us any recommendations on what, do you have any recommendations.

Chairman Rogan stated well the recommendation would be to try to find the place where you can keep it out of that line that was delineated and I realize that may not be possible but the flip side is not every lot that was approved is capable of supporting what people want to do with it. So, appreciating the fact that you want to put a pool in, we are trying to come up with it what we would be able to stomach, what the best

case scenario is for this. So you know, certainly maybe pulling it closer to the house, did, is Dave still here, what is the limit for distance from a pool to the house.

Rich Williams stated he would need fifteen feet between the house and patio unless the pool is somehow attached directly to the house by a deck or other structure.

Chairman Rogan stated yeah.

Rich Williams stated in which case, is part of the house.

Mr. NeJame stated I think when you are close to the fifteen feet you have to provide a set back that's the same structure as the house, is that correct.

Rich Williams stated correct but on that line, you should be able to make it because the property line is well out into the wetlands.

Mr. McIntyre stated it is.

Rich Williams stated so you shouldn't have a problem.

Mr. McIntyre stated it's like another 80 feet off the stonewall, so there is plenty of room there. So you are saying bring it how close to the house.

Rich Williams stated that I am not saying, all I am saying is if you attach it to the house, it becomes part of the principal structure and then it has to meet the principal structure set backs, not an accessory structure set backs or having to meet that fifteen foot separation between the principal structure and an accessory structure.

Chairman Rogan stated Dave, we were actually just about to ask you some of these questions but you were out of the room, so we started having a conversation about moving. We are on item number three, McIntyre Wetlands/Watercourse permit application and we are trying to see if there is an alternate location that minimizes what they are trying to encroach into the buffer.

Dave Raines stated I think Rich's approach, as I have discussed with him. (inaudible) not having an accessory structure, sorry.

Chairman Rogan stated thank you.

Dave Raines stated I concur with you that from the very (inaudible), I am not familiar with the buffer but looking at it kind of in a rectangle, where can we put the accessory structure, my first look at it, as Mr. Williams recommended is to pull that in and have an attached structure, make it part of the primary structure and then elevate that requirement of the 15 foot set back, taking it from both the zoning and building code, other than that I'm not sure where a secondary location, I wouldn't really have one that I could recommend for that accessory structure, if that helps at all.

Chairman Rogan stated that does help, thank you. Ted, the memo that we just got tonight.

Ted Kozlowski stated yes, I reviewed this and I concur with what Mr. Rogan stated this subdivision goes back a long way and I was involved with it from day one along with Mr. Williams. This is exactly the

situation we really wanted to avoid and we are trying really hard to avoid it now for a lot of subdivisions. I am a pool owner, I have a built in pool at my house, even though you are going, if you move this to the back of the deck you have a problem with a sun field and you will have to remove trees and you are going to have to go into the buffer and the wetlands. You are also going to have a problem with debris coming off those trees and I know this personally and I know this from other applicants that I have had to deal with in the Town of Patterson who put in pools at the hearing, promised that they weren't going to do anything beyond this and then when summer comes and everybody wants the sun in the pool and they find that you know, one month in the year the sun is high enough and then other four months its on an angle and they have to cut down trees and then we are back in Town Court.

Mr. McIntyre stated right.

Ted Kozlowski stated you have a very challenged site here to put a pool and I wrote this memo, I want you to understand, first of all your application is completely incomplete, you need a lot more information and its going to cost you money. So I want you to think hard before you go an do all this other stuff about moving this pool some place else or out of the wetland and the buffer and understand that even if you move it out of the buffer, I think you are going to have impacts in the buffer and the wetland because you are going to have to remove trees. I have been to your house, I have posted those signs, I know where you want to put this pool and I think its going to be very tough for you to have the amenity that you are trying to make there and live with the environmental constraints. And also, I'm not sure but this wetland may be part of Bog Brook unique area, which is a state regulated wetland and you are going to have to get information or you are going to have to contact the DEC, Brian Drum to make a determination. If it is Bog Brook and state wetland you are going to need to get a wetlands permit from them also. Now I know this because the individual, who wanted to put the driveway in, Mezger, is involved, that wetland that he was going through was state regulated wetland Bog Brook, okay. So you have a number of issues here, in addition when you build the pool on your application you show no erosion controls, you don't show where you are putting fill when you dig for the pool, where you are piling fill, where you are going to bring fill in, if you have to bring in fill, none of that is shown on the plans which we need. You are going to landscape, there are no landscape plans, there is a filtration system that has to go in, it's not identified on the plans, there may be a building associated with that filtration system or some sort of method of concealing that, none of this is shown on the application. So I am just advising you that I am opposed to this application and I want to forward and up front with you before you spend any money. I am opposed to this because this is the kind of stuff that we are seeing more and more and we made it very clear as little as a year and a half ago to Mr. Darnell, to advise property owners coming into this property that it's a nice location, you've got some great benefits sir, no one is ever going to build around you and you've got some nice green space and you are well protected in there. Understand that while you have that, some things just might no be possible.

Mr. McIntyre stated it's a give and take.

Ted Kozlowski stated I just, I am not concealing anything, I am being very honest with you and you've got some challenges here and like I said, you can put it off the deck but you still need sun for that pool and I can't believe anybody is going to want a pool in the shade.

Mr. McIntyre stated let me ask you hypothetically, so if trees, if a tree or many trees have to be taken down and they are replaced, what is the function of that tree in relation to the wetland, what is the function of it, is it just erosion control, I mean what is it.

Ted Kozlowski stated well that is why you've got. Its filtration, its wild life habitat, its shade of those trees protect whatever water is in there from heating up, it's a buffer between you and human activities and functions of the wetlands. It is a number of things, now is it one tree or two trees, now some of these things we can live with, is it pruning back but I think where your pool is going you have to take out a lot of trees so just follow how the sun goes.

Mr. McIntyre stated yeah I did, I mean east, I know the angle and I have been watching it, and you are right, obviously as it gets towards September it is going to go lower on the horizon and it might go bye-bye behind the trees, by that point the cover is going to be over it so. But getting back to the application I have actually made many calls here along with the pool company, saying okay are we all set, do we have everything we need on the application, okay no problem we got everything and now we are hearing.

Ted Kozlowski stated you know sir, you have been looking at those regulated wetland signs that are behind your house and I have seen them and they are still there, you never called me, you never asked me once.

Mr. McIntyre stated I actually don't know who you are.

Ted Kozlowski stated I'm Ted Kozlowski, I'm the Conservation Officer.

Mr. McIntyre stated I was never advised who I should call.

Chairman Rogan stated well we are here now, let's, that is why we are having the conversation, this is an initial, this is.

Mr. McIntyre stated that is why I'm here tonight.

Ted Kozlowski stated I don't get any joy out of giving you this bad news and I have a pool, I have my pool, you don't have your pool.

Mr. McIntyre stated right.

Ted Kozlowski stated you know and I don't want to sound like that but I understand what goes into this and when this Board looks at a piece of paper and it shows the pool fit in and everybody says its just a few feet in the buffer, well there is more of an impact then what is shown.

Mr. McIntyre stated I understand that.

Ted Kozlowski stated and I just want everybody to understand that you know we made extraordinary efforts especially on this lot.

Chairman Rogan stated on this particular lot.

Ted Kozlowski stated this particular lot.

Chairman Rogan stated because I remember struggling with it.

Ted Kozlowski stated Joe Darnell and the people that built this house and it's a beautiful house in a nice location but there are certain limits to that property and because of the location of the septic fields you can't

put a pool on that and unfortunately that is nicest spot to put a pool, so I don't know what to tell you other than you've got some hurdles here.

Chairman Rogan stated I will you what, Rich we don't need a foil request to or do we need a foil request for this gentleman to leave here with a copy of the minutes from what we have tonight from.

Anthony Molé stated if its relevant to what he's doing with his application before the Board.

Chairman Rogan stated before you leave, we'll have Michelle copy you, just so you can read through what we went through. We have copies of the minutes with Mr. Darnell and you know what, we don't do things for the developer, we do them with the intent of the future owner because really the developer their, its business and they are some very good people, we work with some great people but ultimately we are looking as to how someone is going to move into a house and what their expectation is of that lot and like I said we are going to have many of these conversations tonight because we have new subdivisions we are working on that have even more difficulties then what your lot has. You have a beautiful piece of property, its level in the back, when we were out on this site I said if I owned this house I would want to use at least to the stonewall because its level and its not wetland, its wetland buffer and so we struggled with that. You do have other areas that are not very depicted on this plan and I would look to the, some of the septic areas you know there might be the ability to pull the house and shift it over to the left side as you are on the back of the house, I am not sure what direction that is.

Board Member Cook stated you mean the pool.

Chairman Rogan stated did I say shed.

Ted Kozlowski stated you said house. He is not about to shift his house.

Chairman Rogan stated the pool I apologize.

Board Member Montesano stated its easy just call up on those (inaudible).

Chairman Rogan stated I am wondering the expansion area, what useable, it is kind of just sketched in on this plan, its not.

Mr. McIntyre stated can we kind of slide it around the corner you are saying, then you encroach, then you start pushing it to the expansion area.

Chairman Rogan stated that is why I'm saying it doesn't seem very clearly shown on this sketch.

Mr. McIntyre stated I mean I have looked at this myself in many different scenarios.

Chairman Rogan stated I'm sure and as a homeowner, you have a spot in your mind where it would be beautiful.

Mr. McIntyre stated I even called the gentleman who designed the septic area and stuff but I said, can we shift this around make some more name.

Chairman Rogan stated who was that.

Mr. McIntyre stated I don't remember his name, Cheryl is the one who gave me his name, I forget his name.

Chairman Rogan stated that wasn't Harry Nichols was it.

Mr. McIntyre stated I said can I move this and he said there is all stone in there, perc tests, whatever it was.

Chairman Rogan stated right.

Ted Kozlowski stated is there an option of, since the expansion field is not used can he designate a different area for expansion.

Mr. McIntyre stated that is what I wanted to do and he said no there is all rock in there.

Chairman Rogan stated you don't remember (inaudible).

Ted Kozlowski stated get another opinion, it doesn't hurt.

Chairman Rogan stated my inclination, obviously there is a lot of things, so you understand how this all relates because this is our initial time that we are talking to you, that we set up what needs to be done in terms because this gentleman is the wetland inspector and we rely very heavily on our professionals, on our wetlands inspector, on our lawyer, on our town engineer, and on our Town Planner because those are our professional people. Our job is to see if something is reasonable or not, does it fit into the character of the community to keep it kind of basic like that.

Mr. McIntyre stated sure.

Chairman Rogan stated so we rely heavily on these people to give us their professional opinion, it is very difficult for this Board to look favorably on a project when we have our professionals saying this isn't what we are trying to do, this is not going to work. My recommendation is to try to come up with something that is much better than what you are showing us, in terms of where that line is and then if you want to go through with this, work with this gentleman to do the proper investigation to make sure this isn't going to have a significant impact.

Mr. McIntyre stated so you are basically saying anything over that line decreases my odds.

Ted Kozlowski stated you have to again, look at the pool as a finished product and then look at May, June, July, August and September when, is this pool going to be heated, first of all.

Mr. McIntyre stated absolutely.

Ted Kozlowski stated okay, so you are looking at a possibility of April through October that is how I run my pool, my pool is heated and I run April to October.

Mr. McIntyre stated I'm jealous.

Ted Kozlowski stated Columbus day weekend is when I close up. The sun is at its highest June 22nd in the sky, after that it starts going down and before that its lower and believe me that angle, sun angle is a big

factor and you are going to look at this pool and you are going to you know, and you are going to live for one month a year.

Mr. McIntyre stated is replacing the trees an option, even if I put thirty foot pines in, I am just saying hypothetical, replace it with something I know its going to cost money.

Ted Kozlowski stated its not the replacement it's the function that its being impacted on. Then again this Board has to wrestle about your neighbor and that neighbor and the next guy down the street and the next guy after because everybody wants to put a pool in. And now we are not talking about a little piece of buffer gone, we are talking about acres of buffer gone because we allowed you to do this then we are going to have to allow everybody to do this.

Mr. McIntyre stated my property is unique because I.

Ted Kozlowski stated you know what, every property on that subdivision is unique.

Mr. McIntyre stated right. I am obviously looking to comply, I am asking the Town to work with me, maybe be a little flexible, to somehow get this thing, maybe not exactly in that spot but.

Ted Kozlowski stated I would be happy to come out to your house and meet with you and look around and things like that.

Chairman Rogan stated that is a good idea.

Ted Kozlowski stated the previous applicant, I actually had at my house to look at my pool, to show her what was needed and you know, I was being a nice guy and in the end, after she got her permit, she went and clear cut all the trees down and that gets into a very ugly situation, I don't want to get into that situation with you sir.

Mr. McIntyre stated right.

Ted Kozlowski stated but this as proposed is setting up that situation, okay.

Chairman Rogan stated I think that is a very good idea to meet with Ted and if he is willing to come out to your house, ultimately we would come out anyway to do a site walk on something like this but I don't think we would even feel comfortable setting a site walk on this plan because of you not knowing what we have gone through on this.

Mr. McIntyre stated not at this stage.

Chairman Rogan stated so, well no, if it was something that we said, ah we said we could live with it, we would be looking for you to, for us to go out and take a look at where it fits into your landscape and how it impacts on things.

Mr. McIntyre stated I do have one more question.

Chairman Rogan stated sure.

Mr. McIntyre stated as far as the expansion area, is that flexible, can you hypothetical, does that have to be there, can you just use that area and then down the road say okay I'm in trouble I need to.

Chairman Rogan stated not for an in ground pool and Gene certainly correct me if I'm wrong but an in ground pool, that soil that they have tested and that is your back up in case you need it and to go in there and start doing things, you might be really hurting yourself, Health Department wouldn't allow that.

Dave Raines stated I couldn't issue a permit in the expansion area anyways, it would have to go back to the Health Department as an appeal, I have never seen it granted unless there is another expansion area that could be.

Chairman Rogan stated that could be something to consider.

Dave Raines stated I do want to before you close, I just want to offer this back to you, this is the proposal, what I did I just kind of relocated the, just as a thought, you are going to make a decision of where you want your pool, that would bring us almost within, just kind of.

Mr. McIntyre stated just drops over slightly here.

Dave Raines stated you can go this way, I don't know if you want it outside your widow either, you know its, it would, I am going to give that back to you though so you have something work with as far as the.

Ted Kozlowski stated do you have my letter.

Mr. NeJame stated I do.

Chairman Rogan stated you do, great, the one thing this Board I think prides itself on is being flexible and working with people but it's a balance of things, so we will certainly work with you if we can but I think you need to come back and start to minimize and talk to Ted and try to do your best to pull this out of the wetland buffer.

Mr. McIntyre stated okay great, thanks for your time.

Chairman Rogan stated thank you very much sir.

Mr. NeJame stated thank you guys for all your time.

Mr. McIntyre stated I appreciate it.

Chairman Rogan stated I appreciate you saying that, thanks. Ted are you wrecking the place here.

Ted Kozlowski stated she did it.

Board Member Montesano stated you getting nervous.

The Secretary stated here give that to them.

4) THE CARRIAGE HOUSE – Sign Application

Mr. Steve Lewis, the owner was present.

Chairman Rogan stated The Carriage House, is anyone here for The Carriage House sign application, please come up sir. Good evening, how are you, please just state your name for the record sir.

Mr. Lewis stated sure, Steve Lewis.

Chairman Rogan stated Mr. Lewis, The Carriage House, this is the one across from the Putnam Diner.

Board Member DiSalvo stated from the diner.

Chairman Rogan stated nice job on the outside on that.

Mr. Lewis stated thank you, I'm still working on it.

Chairman Rogan stated you got a copy of the Town Planners review memo, did you, did you not.

Mr. Lewis stated I don't think so.

Chairman Rogan stated okay.

Board Member Montesano stated here you go.

Chairman Rogan stated the signs are pretty straight forward, we have a question about your lighting, your low voltage lighting.

Mr. Lewis stated low voltage.

Chairman Rogan stated what type of lighting is that.

Mr. Lewis stated it is fifty watt up lighting.

Chairman Rogan stated fifty watt up lighting, is that an open bulb or is it shielded.

Mr. Lewis stated it is a shielded, covered bulb, it has black housing that goes down low ground and just shines up, it doesn't go more then thirty feet, if that.

Chairman Rogan stated but it is up directional at the.

Mr. Lewis stated it is only at the sign.

Chairman Rogan stated the reason I am asking is the concern would be that we don't have something that when people are driving by that there is a blind spot or defuse lighting that would blind someone.

Board Member DiSalvo stated glare.

Mr. Lewis stated it is not in yet, obviously but the previous sign had lighting from the top down, if that is fine with you, it doesn't make a difference to me either way.

Chairman Rogan stated we want to know what you would like to do and (inaudible).

Mr. Lewis stated well yeah, this was kind of like not so nice looking.

Rich Williams stated if I can Shawn.

Chairman Rogan stated sure.

Rich Williams stated when you've got the lighting on top shining down and you are driving down towards the sign, the sign will actually block out the light coming back.

Chairman Rogan stated okay.

Rich Williams stated where as if you put it on the ground shining up, which is preferable.

Mr. Lewis stated oh, okay good.

Rich Williams stated it is preferable but then you have to screen it from either side because as you drive down the road you will see that bulb shining up and that will create.

Chairman Rogan stated okay.

Mr. Lewis stated from the back side you are talking about.

Rich Williams stated yeah.

Mr. Lewis stated well there is some shrubbery there now but we will put a little bit more there just to conceal it.

Chairman Rogan stated that would be great.

Board Member Montesano stated great.

Board Member DiSalvo stated the low voltage lighting will only be for the free standing sign.

Mr. Lewis stated right, the one that goes on the front of the building, there is recessed lighting under the canopy already.

Chairman Rogan stated oh okay.

Mr. Lewis stated it looks like its there already but they did it the computer.

Chairman Rogan stated there is a little bit of discrepancy on the size but that's because figuring out the size of an oval.

Mr. Lewis stated yeah well its oval, its not square.

Chairman Rogan stated as long as we are within in the requirements of the code.

Mr. Lewis stated less then 25 feet, Rich said right.

Chairman Rogan stated yeah. Does anyone on the Board have anything else on this, Rich, anything. We need a SQEAR determination and an approval, anyone.

Board Member Cook stated I move that the Planning Board of the Town of Patterson finds that the proposed action will not have a significant impact on the environment and there by issues a negative declaration of significance.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 4 to 0.

Chairman Rogan stated just reference that the motions are for the Carriage House sign application, its okay. Okay and on the sign application itself.

Board Member Cook stated I make a motion that the Planning Board approve the sign application for the Carriage House, 2605 Route 22, Patterson, subject to the confirmation of the types, style and intensity of sign lighting with the Town Planner.

Chairman Rogan stated and that is for the building mounted signs and the free standing, correct.

Board Member Cook stated correct.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 4 to 0.

Mr. Lewis stated thank you very much.

Chairman Rogan stated thank you.

5) BONIELLO SITE PLAN – Final Approval

Mr. Joe Fassacesia and Mr. Joel Greenburg of Architectural Visions were present to represent the application.

Chairman Rogan stated Boneillo.

Mr. Fassacesia stated good evening, Joe Fassacesia from Joel Greenburg's office. A quick orientation of the project, what the project is, my light is going dead, I have to switch to the other one. What the project is there are currently three structures that are in the back of the property, the property located on Route 22, Empire Power Tools, what the ultimate objective is, is to have these three structures removed. Remove all the exterior storage of equipment, which is stored all through out this area over here and the construction of a new building, which this portion will be used for storage and this portion will be used for retail in that section.

Chairman Rogan stated Joe, we have very new memos from both the Town Planner and the Engineer, has he gotten copied those, Joel has. Do you want to, I am trying to think of the best way to do this, whether maybe we should give you guys each a chance just to talk about where we are in respect to the most recent changes and what we need to do to wrap this up because that is about where we are at here. We need to get the final engineering done on this so everything irons out and works, as we have said last meeting, when you guys finish up your work, we will certainly finish up ours. Gene you want to start, we just need to get you a.

Gene Richards stated we've reviewed the latest plans and noted some concerns. There is a variety, Joe I faxed you our memo this morning, I don't know if there is anything in particular that you want to talk about.

Mr. Fassacesia stated not to jump in but we actually went through Gene's memo and actually, I have already revised all the plans to those comments and had received Rich's memo and had revised and had actually given another copy to Rich and all those comments are all addressed, they are all extremely minor in topic and we were able to handle every single one of those comments.

Gene Richards stated okay, on the plans you are now proposing fill on the south side of the building, it goes up six foot above the floor, correct.

Mr. Fassacesia stated correct.

Gene Richards stated and this is not the plan that I review.

Mr. Fassacesia stated that is correct, we have already revised, just going it for everyone's information on this, what we had to do in this back portion here, the concern was the drainage that is coming off of this lot, that it would come to the back of this building and would create a water problem to the back of this building and unfortunately we did not have the elevation to be able to divert just a swale to cut across the back of it to go in that area. In order to actually get it to work slope wise, we had to build up this elevation in that back and the previous set of plans that were submitted didn't have the revised rear elevation and this is the revised rear elevation which shows the back portion of the building of the wall will just essentially

retain back the fill as unbalanced fill. As you would in any other construction aspect and it wouldn't be any problem with the construction, just part of the building.

Gene Richards stated is there any way you can modify the building to retain the earth as you're saying, that is not a question, for the Board though that is a change to the appearance of the building and you are the Board that reviews architectural elements.

Chairman Rogan stated architecture review.

Gene Richards stated so you would have to approve that.

Board Member Montesano stated I have to see what it is.

Board Member DiSalvo stated the back of the building.

Chairman Rogan stated what are the other options Gene. For them to be able to capture the run off that they are looking to do and also treat the water off the roof and gutters and show the original architecture. Would they have to put in a small retaining wall or something.

Gene Richards stated this is a very tough site, there is no question about.

Chairman Rogan stated right.

Gene Richards stated the original concept was to create a swale near the south of the property without filling against the building, that really wasn't working because of grades and we couldn't get relief into the wetland area. So Joe came up with the idea of raising the grade, which we didn't talk specific numbers, just generally about raising the grade and pitching it toward the south property line, I thought that would be fine I didn't envision it being raised six feet. I know that they have done testing for the deep, for the dry wells rather, generally in that area, one this that Rich was looking at prior to the meeting tonight was maybe doing something to shift those dry wells more to the east, and if you could you do that and then run to over flow pipe out to the wetlands to some point where it could daylight.

Mr. Fassacesia stated on that notion, the reason that the dry wells are at the location where they are is this right here, where the edge of that dry well is, is the edge of the hundred foot buffer, so.

Rich Williams stated understandable.

Mr. Fassacesia stated so if everyone is okay with that.

Ted Kozlowski stated it is not very functional right now as it is.

Mr. Fassacesia stated well the dry wells, being able to shift the dry wells won't, in that, create, won't solve any aspect of the problem. The problem has to deal with the water that is coming off of this area over here and how do you get the water from here to here, is what the issue is and why the dirt berm has to be, why looking at having to change the elevation. So the dry wells could be moved into Kansas and that still won't solve the problem that the water has to get down from here on down to that area.

Gene Richards stated the other part of that too is how do you get all of your roof drainage from the north side of the building around to the dry well.

Mr. Fassacesia stated as I had spoke, we were looking at doing is inside the building, especially a building of this size, gutters going straight down the side of the building, the down spouts, tend to be undesirable looking. So we were looking at doing is having the gutters cut into the building and will have the, all the down spouts and all the drainage pipes actually ran interior of the structure, so this way all that plumbing would all be handled internal of the structure and you wouldn't have to see any of that from the exterior and all the connections would be able to be made in the rear and then piped straight out.

Rich Williams stated if I could jump in here, I see two possible scenarios here to get the fill away from the back of the building so you have some sort of attractive look to the back of the building. One is to berm it up along the property, just over onto the applicants property, sloping it down, he is essentially doing that now with the fill, all you do is cut it off. The other way is a trench drain, the bigger problem that I see that he's having is trying to get the dry wells to daylight.

Chairman Rogan stated yeah.

Rich Williams stated you need that fill to provide cover for those dry wells. So again by shifting it down and by shifting the dry wells over, if its okay with Ted and everybody else, its going to create additional impacts into the wetlands but shifting the dry wells over and running the pipe northerly to daylight it out into the wetlands. You know, gives you a little bit more I think flexibility in the design and the amount of fill he needs in the back.

Chairman Rogan stated Joe is that, do you feel that that is accurate, that even if we weren't talking about this fill section that wouldn't be able to have enough daylight for those dry wells, in the area you are showing them.

Mr. Fassacesia stated well the elevation of the dry wells, whether they be here or here [points to plan], the existing contour line is right along this spot here so the location where the dry wells are, where we would be, even if you shifted them easterly would still be relatively in that same elevated area, so even in day lighting out, coming out to location where we are looking to daylight out comes right out to the day lighted area.

Chairman Rogan stated using the existing grade.

Mr. Fassacesia stated bringing everything up.

Rich Williams stated what I am saying Joe is you move them down and move them down in the ground, put them lower in the ground and then run the pipe out into the wetland.

Mr. Fassacesia stated if they were down in the ground roughly the grade elevation of the outlet is around three feet, two and a half feet below where the grade is so right now the grade to the outlet over here is at six twenty and the amount of fill on top of this is on six twenty-two. So if you drop this down to six twenty where it needs to be, you are looking at six eighteen and the six eighteen contour isn't until around here so essentially you would have to cut across the parking lot and outlet somewhere in this area.

Rich Williams stated that's correct.

Mr. Fassacesia stated to actually out let to daylight. So rather then, you are looking at two locations where you are going to have go into the wetland.

Rich Williams stated that is correct.

Mr. Fassacesia stated where here we are not having to go into the wetland at all.

Ted Kozlowski stated can you with your finger just show me where it is already disturbed area and where its still untouched wetland.

Mr. Fassacesia stated the best way of showing that on this map that is right here, as I'm sure you have all been out to the site, this area where this area here is all disturbed and this is disturbed along, probably around this area. It is in the area where we are proposing the project, is the area that is previously disturbed. So essentially we would be creating new disturbance.

Ted Kozlowski stated in a disturbed area.

Mr. Fassacesia stated we are going to be creating disturbance in the area that has already been disturbed but to go out to the location to have this daylight out to over here, we are now creating a new disturbance outside of a disturbed area.

Ted Kozlowski stated but you said that you are day lighting with a pipe that is going to be roof and ground water.

Mr. Fassacesia stated it will be the overflow for the roof drains.

Rich Williams stated where are you going to keep the fill.

Board Member DiSalvo stated how many yards of fill do you need.

Mr. Fassacesia stated essentially it won't be more then, I would have to say then during the excavation of putting in the foundation of the building, they would probably be able to reuse that material that is right there.

Chairman Rogan stated I am not a big fan of those window wells but I thinking more from residential from a commercial setting but architecturally I could live with it but remember we have [residential] property that abuts this, that is going to be looking at this side.

Mr. Fassacesia stated if you would prefer for us to put some screening in around that area.

Chairman Rogan stated we don't want to create problems by trying to solve problems, this is a result of then trying to solve a great problem with being able to drain water and effectively treat the water, so I guess to look at it from one perspective is we should probably first be concerned with them being able to treat that effectively making sure we have a place to drain it.

Mr. Fassacesia stated and the windows aren't locked in, I could always put smaller windows in to reduce the height of the windows to reduce the amount of, the need for a window well, we are just trying to bring in as much light into the storage areas as possible.

Chairman Rogan stated yeah and if were me, I would probably want to have smaller windows and not have those wells, they just seem to be nightmares to keep.

Mr. Greenburg stated as Joe said, we can raise that windows and that will solve the problem.

Chairman Rogan stated but, okay other then this issue, if we were to accept this as drawn, as shown, with the fill, change the windows a little bit, eliminate the wells, let's put it that way.

Mr. Greenburg stated okay.

Chairman Rogan stated what other issues do we have going on.

Gene Richards stated the oil/water separator.

Mr. Fassacesia stated yes the oil/water separator I went through and actually.

Board Member DiSalvo stated close.

Chairman Rogan stated yeah.

Mr. Greenburg stated I wish I was taller.

Board Member DiSalvo stated (inaudible).

Board Member Montesano stated that is why they have.

Mr. Fassaceisa stated with the oil/water separator, I was able to adjust the outlets that were in there, the elevations weren't correct that you had, I just revised the elevation so this way is the right elevation the inlet coming into the oil/water separator is at (inaudible) point five and the outlet is at (inaudible).

Gene Richards stated so my numbers were wrong then, I was just trying to work from the dimensions and all that, okay.

Mr. Fassacesia stated it was a little off.

Gene Richards stated that's fine, alright, so these are correct numbers now.

Mr. Fassacesia stated these are correct numbers.

Gene Richards stated and followed them all the way out to daylight.

Mr. Fassacesia stated that is correct.

Gene Richards stated I can certainly look at that. The part about the handicap ramp to get up to building two, the wood ramp, that is something that can be reviewed certainly as part of the building permit application, I have problem with that but as long as you are comfortable with that, the design that you have will work and its not going to require you push out the curb line or make changes that affect the site plan.

Mr. Fassacesia stated there is enough lateral distance here so this way we won't have any issue and there is enough room to have forty-two inches behind to make the turn.

Gene Richards stated that is the only reason I was pushing the issue about that to know that we, that it would work because that could be a very tight area by the building, if you had to change something you could all of sudden push out the curb line or something like that. We do need a detail for the ramp and the sidewalk area.

Mr. Fassacesia stated that is an addition, you didn't see that.

Gene Richards stated I know but what you are showing there.

Mr. Fassacesia stated there are a few different locations on where we have drop curbs.

Gene Richards stated it's not a curved ramp that you have, its slightly curved.

Mr. Fassacesia stated this spot coming and this spot is more of a different condition.

Gene Richards stated my comments were certainly nothing that can't be addressed. The biggest thing I think were fighting with is the dry well arrangement but this is something that we can work with them on and get it resolved, its whatever the Board wants to do.

Board Member Cook stated I have a question.

Chairman Rogan stated jump in.

Board Member Cook stated Gene, your review memo, was it based on this site plan or a previous one.

Gene Richards stated no, the one that was submitted two weeks and two days ago.

Board Member Cook stated so you need to review this and have a comment letter, as well as Rich.

Rich Williams stated right.

Mr. Greenburg stated plus, what we discussed tonight in regard to them windows, that will be changes also.

Chairman Rogan stated and what about the issue of the deck, the not meeting.

Mr. Fassacesia stated we were able to go ahead and pull back the deck, it was just.

Mr. Greenburg stated its fine now.

Chairman Rogan stated so it meets the requirement.

Mr. Greenburg stated yes.

Chairman Rogan stated so Joe, you feel pretty confident.

Mr. Fassacesia stated I feel at this point in time that we wouldn't have any issue in if we had made those items that are here as conditions of the final resolution.

Chairman Rogan stated you have to ask the guy how confident he feels.

Board Member Montesano stated I don't even mind if (inaudible).

Chairman Rogan stated see that, he's putting himself out there Joel.

Mr. Greenburg stated absolutely.

Mr. Fassacesia stated you have to try, there is no (inaudible).

Chairman Rogan stated no I mean again other then the issue of the architectural that changed their, this Board has felt comfortable with the site but we were really waiting for our professionals. It's certainly not fair to ask these gentleman about a plan they got eight hours ago or however many hours ago.

Mr. Greenburg stated we agree with that but Rich was nice enough to get us his memo early in the week, so we looked at it and a lot of the issues that Rich brought up, Gene brought up also so we felt we wanted to show that we. We got the memo I think it was either Monday or Tuesday and we addressed it immediately to show you it can work, with the changes that we talked about tonight, eliminating the windows wells, which I could see the Board was very uncomfortable with.

Chairman Rogan stated its not very uncomfortable but.

Mr. Greenburg stated and I agree with you but you know we wanted to get as much light but I think we can convince our clients to eliminate that, which could always be a drainage problem in the future anyway, as you can see nothing. It appears that everything is in place, the buildings aren't going to move, the drainage now is I think, once those window wells are gone are in pretty good shape too and I see no problem with an approval resolution subject to obviously you wouldn't sign the map until both Gene, Rich and Ted are completely satisfied which is normal because there is always going to crossing a T or dotting an I that is going to be one or two more things, we request that you consider that.

Chairman Rogan stated Joel feels pretty confident too.

Mr. Greenburg stated Joel feels very confident.

Chairman Rogan stated Joel feels confident.

Mr. Greenburg stated well we have been working with the consultants I think we know what they are looking for.

Chairman Rogan stated we've been working pretty good along on this.

Mr. Greenburg stated and we have been trying to, he has been trying to get as much done as we can but again until, once we change that, they will have to look at that, so there is always going to be a couple of comments and I see no problem with, you can check with your attorney, having a resolution subject to final comments of the consultants.

Chairman Rogan stated I think we are okay with where we stand legally on it. I am going to poll the Board a little bit on it and see what the Board's feelings on it are, Mike.

Board Member Montesano stated the only, my problem is not being able to even look at it before tonight and I know that is part of what I am worried about, as far as me reviewing it but I would like to have seen what the comments were before I push this through. Everything seems to be fine, I'm sure Gene and Richie can work with them but I like to keep it here where we are working with them and they get their comments like we did tonight for this. I appreciate the fact that you did it so fast but if you are sitting here spinning your tires and then you take off you can lose time, I would like to see what was done, I took my time and reading these and then that is not what we are looking at, I can't have an opinion on this because I didn't review it and I would like to.

Chairman Rogan stated okay.

Board Member DiSalvo stated I agree with Mike and I think if they can get everything wrapped up by the next meeting you will have your comments on this change and we feel comfortable reading it and reviewing it.

Chairman Rogan stated Charlie.

Board Member Cook stated I agree with that I think that once Gene and Rich have a chance to review these here, plans and what we have spoken about tonight, I don't see any reason why we couldn't have a resolution for the next meeting and we'll, we worked all along on this why not, let's wrap it up and do it right.

Chairman Rogan stated so Joe.

Board Member Cook stated personally, I don't see how we could honestly approve a resolution tonight with this situation we have now, so.

Board Member DiSalvo stated we are coming down to the wire so.

Chairman Rogan stated so.

Mr. Greenburg stated can I just make one quick.

Chairman Rogan stated the thing that we get to do here is Charlie is relatively new to the Board but one of the observations that he has made of our Board is that sometimes we tend to approve things with so many conditions or contingencies that we say to ourselves, well why don't we just get them done first and then approve them and do it. We always seem to be doing kind of exactly what we are doing tonight and we are trying to fall out of that trap, by having everything wrapped up, have the resolution prepared, having a good review done, we get to see whether or not your confidence was justified, so next month you better not be eating crow.

Mr. Fassacesia stated we are ready for a submission right now.

Chairman Rogan stated great.

Mr. Greenburg stated can I ask my question now.

Chairman Rogan stated of course you can.

Mr. Greenburg stated Rich, what is the deadline for the submission.

Rich Williams stated well with that, do you want me to start reviewing the plans you already submitted.

Mr. Greenburg stated answer my question and you will see why I'm asking it.

Rich Williams stated I don't have the answer.

The Secretary stated the 19th.

Mr. Greenburg stated the 19th of.

The Secretary stated of February.

Mr. Greenburg stated that's like next week.

The Secretary stated two weeks.

Mr. Greenburg stated can I just make one suggestion so we don't.

Chairman Rogan stated of course.

Mr. Greenburg stated get into the situation and I appreciate what Rich has done so far and Gene and Ted, perhaps if we could meet with them a few days before the deadline so they can, if had a chance to look at this, we'll change the window wells and get rid of that, a once over so they will only be one line in each comment saying everything is okay.

Chairman Rogan stated that would be wonderful, as long as they have a chance though.

Mr. Greenburg stated I think that way we can (inaudible).

Chairman Rogan stated you have to get the plans in, in enough time to give these guys some chance to review it.

The Secretary stated hang on.

Side 1 Ended.

The Secretary stated okay.

Chairman Rogan stated he needs a mic anyway.

Rich Williams stated I have that one right there.

Chairman Rogan stated you are not that loud.

Rich Williams stated let me understand this, you are going to submit plans to us.

Mr. Greenburg stated don't look at this.

Rich Williams stated we are going to review them and then we are going to meet a couple days before the next submission.

Mr. Greenburg stated correct, so you had a chance to look them over and then whatever the next submission date we will have any final comments and then hopefully that will be it.

Chairman Rogan stated sounds great. Thank you.

Mr. Greenburg stated making me feel a little warm.

Chairman Rogan stated its hot in here.

Mr. Greenburg stated thank you very much.

Board Member Cook stated thank you.

Chairman Rogan stated thank you guys, we appreciate your time. its warm in here.

Board Member Cook stated yeah.

6) GDC SUBDIVISION – LOT 5

Mr. Joe Festo and Mr. Michael Festo, of North County Homes were present.

Chairman Rogan stated GDC Subdivision, Lot 6. Good evening sir.

Mr. Festo stated good evening, I am Joe Festo, North County Homes.

Chairman Rogan stated hi Joe, how are you.

Mr. Festo stated would you like this up on the board.

Chairman Rogan stated great, sounds great, thank you. How do you pronounce your last name.

Mr. Festo stated Festo.

Chairman Rogan stated Festo.

Mr. Festo stated Festo F-E-S-T-O.

Chairman Rogan stated thank you, I don't want to mispronounce it. There are a lot of people interested in on how we got to where we are on this of course, naturally.

Mr. Festo stated yes.

Chairman Rogan stated we have a real good record, I believe of the correspondence anyway that was in the file that brings us up to today and why you are here in front of us. The Building Inspector is here, the Wetlands Inspector. I would like to first hear from you, take us through from how long you've owned the lot and how you got to where you are today.

Mr. Festo stated probably like 4 years, we owned the whole piece and then we sold the road and we started lot 6 and then lot 5.

Chairman Rogan stated okay.

Mr. Festo stated most of the concern was lot 6 was next store and the lot here, as you know, I guess felt that we built the foundation a little off this back wetlands line. I guess when we built the pad for the well truck and the well truck is sitting there and that is where one of our problems are, so we had to build it up elevate it maybe six feet or five feet for the well truck and that's it, that is most of our problem I guess right there, the line right here.

Chairman Rogan stated now if I could slow you down and have you back up, we are going to take this in smaller steps because it's kind of interesting to know why we are here and how we could have maybe resolved some of these issues. You get the lot, you put the driveway in, you put the septic in.

Mr. Festo stated yes.

Chairman Rogan stated was that before you put any of the foundation.

Mr. Festo stated about the same time.

Chairman Rogan stated at the same time, you have an approved plan for that right.

Mr. Festo stated its not finally approved but its all approved to backfill.

Chairman Rogan stated but you were building off of a plan, you have a plan that shows where you had to put in your trenches.

Mr. Festo stated oh yeah, yes we do.

Chairman Rogan stated okay and you put that in the right spot.

Mr. Festo stated yes that's in.

Chairman Rogan stated then you go into the lot, you put the driveway in, the upper retaining wall to the left side of the driveway, was that in before or after the foundation.

Mr. Festo stated all at the same time.

Chairman Rogan stated okay, you put in your footers, you get your footing inspection, piles of dirt all over the place, they get inspected, structurally they are fine. At what point do you find out or do you realize that things aren't going according to plan.

Mr. Festo stated well I guess Rich Williams stopped by one day and I made a mistake, I thought it was the engineer Rich Williams from Bibbo's office.

Chairman Rogan stated okay.

Mr. Festo stated I was told that Rich Williams stopped by and I couldn't figure out why Rich Williams stopped on the job.

Chairman Rogan stated he was the engineer on this.

Mr. Festo stated well he worked for Bibbo, Rich's son.

Chairman Rogan stated no I know, but do you work with Bibbio Associates.

Mr. Festo stated yes we do, he designed this.

Chairman Rogan stated oh okay.

Mr. Festo stated so I guess two or three weeks went by, then I found out that it was Rich Williams from the Planning Department.

Chairman Rogan stated okay.

Mr. Festo stated then a short time after that there was a violation issued and we were told to stop work but to retain the site. So that is where we are right now, so we have rough stone walls, just a retainer, we hayed and seeded it and there is a spreader that is just kind of thrown together just to get it done before the winter settles and that is where we are.

Chairman Rogan stated okay, the information we have, kind of paints a picture, early in the summer time, you probably, the conversation with Rich, but certainly with the Building Inspector, you start with a set of plans that is approved on way and build something flip flop and you move things around, how does that happen.

Mr. Festo stated at the time we had a buyer, who has since backed out of the deal. We had a buyer, we were building the house custom for somebody and this whole thing happened and we lost the deal in the mean time.

Chairman Rogan stated so the buyer says I don't want this, I want a flip flop.

Board Member DiSalvo stated they wanted to driveway on the left, instead of the right.

Mr. Festo stated well there was a mortgage problem and everything else, so this all came down and we lost the deal at the same time.

Chairman Rogan stated and were you the owner of this property when it was subdivided or it was GDC, Ginsburg, you bought the property from Ginsburg.

Mr. Festo stated yes.

Chairman Rogan stated okay, alright and certainly when you bought you the property you get with that the subdivision plat which has all the. This is obviously a very difficult lot, you've got wetlands behind, you've got deed restrictions from the DEP. Okay, so you get a violation notice and you are sent to court I am assuming.

Mr. Festo stated we were sent [to court] but we are in front of you now so they.

Chairman Rogan stated so they said take care of it at the Planning Board and then we'll close this out.

Mr. Festo stated that is correct.

Chairman Rogan stated so we go out there for site walk and right away notice a lot of things that we are concerned about, again recognizing that we are not engineers, that we are not wetlands professionals but that right away when your gut tells you something is wrong and you see these problems that we are seeing with the way the house was laid out. I can say from my own perspective had you come before us six months ago and said this is what I want to do, there is no way I would have approved it, especially because the corner of the house that is closest to the wetland is not safe to walk around this house, you've only got a couple of feet of fill.

Mr. Festo stated right.

Chairman Rogan stated we took a site [walk] obviously, you have the comments from that.

Mr. Festo stated I just received them, I guess late today in my fax.

Chairman Rogan stated okay but the types of things that we are concerned about is, is the lot safe, in other words, when you build this out, are these people going to be able to utilize this and not get injured, even just maintaining parts of that house, I don't know what the finished grade will be but what is existing looks like it would be very difficult to walk around, especially the right side of the house.

Mr. Festo stated (inaudible).

Chairman Rogan stated the walls, the upper wall that when you drive in, its on the left, that wall, it was tapered back, now again I am not an engineer and I am certainly not a mason but it looks like a pretty well built wall, its into dirt that wasn't disturbed, its tapered back, the rocks are chinked in fairly tight, you can look at a wall like that, its also not really more then four feet in height and it looks like, as a lay person I would say that that wall looks pretty safe. The lower two walls the fill material is unknown, I don't know if there is drainage behind the wall, the rocks. There were a lot of rocks that looked like they had rolled down off the wall and were into the wetland, maybe from during construction but I was left with the feeling and I think the whole Board was, I think they share this concern that we weren't sure how safe those walls are because we were there we don't know when they were constructed, how they built, in some cases they are greater then four foot in height but it kind of looks like gravel was put on to the terrace and sloped up to make it a little less then four feet. Turning the house is in such a way created a significant change in certainly the impacts of the wetland, you know and if the house was built according to plan, I read in your letter that you were concerned about a drop off.

Mr. Festo stated the drop on the right side.

Chairman Rogan stated but what we have created by putting in the house, the foundation that we have, seems ten fold or certainly five fold but building what you would have had by building what was approved, so this Board struggles with is it safe, number because we certainly can't approve something that is not deemed safe. The impacts to the wetlands are much greater now then what they previously were, there are other safety concerns that I haven't even mentioned yet with means of ingress and egress even into the garage, it looks like backing out of that garage that you would have to back over the septic tank to be able to get then off of the downhill side of the garage.

Board Member DiSalvo stated afraid to pull into the drive, into the garage.

Chairman Rogan stated it is just very limited, I think there was about fifteen or sixteen feet between the corner of the foundation and upper retaining wall and it looked very narrow through there for.

Board Member DiSalvo stated to make the turn.

Mr. Festo stated I am not sure what the date was but I know that our contractor Len fixed things and moved everything back.

Chairman Rogan stated we were just there a couple of weeks ago, two weeks ago, three weeks maybe.

Mr. Festo stated oh two weeks okay.

Chairman Rogan stated oh I'm sorry there is one more complication in this if it doesn't get bad enough, if you didn't pick, this is probably the worse lot to do what you've done. We've got a deed restriction on the lot from DEP, the City of New York, that says basically that you can't do what you did, that his is a water improvement, Rich could you speak more to that deed restriction.

Rich Williams stated the deed restriction was established by the DEP as part of their approval for the stormwater pollution prevention plan, it essentially establishes the wetland buffer as a water quality buffer, yeah thank you, and it prohibits, it establishes a deed restriction to prohibit any disturbance or any change to occur with that buffer.

Chairman Rogan stated so Anthony, if our Board loved the way this looked and wanted to say well we are willing to make the modifications, would this gentleman still have to go to DEP for a modification.

Anthony Molé stated there are two separate issues here, the Planning Board obviously doesn't have any jurisdiction over DEP regulations, as far as enforcing a DEP permit or modifying a DEP permit, that is a separate approval that you would have to obtain in order to do this, whether this Board requires them to do that before you address it or after you address is up to the Board, if you are to approve it. The real problem here is from what I understand, after hearing Shawn, your comments, is that you don't feel that the current construction that is on the site now is safe and something you would have otherwise approved. If you said the construction was safe and the retaining walls are safe and it is the best way to build out the site, then potentially you may want to consider an approval here.

Chairman Rogan stated approval with contingencies.

Anthony Molé stated however if you are granting him an approval, allowing him to go into the water quality buffer and at the same time saying you not satisfied with the construction that may potentially place

liability on the Town in the future if something were to happen and they'd say well the Town approved it and made it known on the record that you weren't satisfied with the construction.

Chairman Rogan stated okay, good I am glad that we got that clarification from you because the first issue here, certainly before we can even consider whether or not we would allow the wetland intrusion, is the safety of the site. I am not sure, does anybody on the Board want to chime in on this.

Board Member Montesano stated what I am looking at here is you were notified according to Mr. Raines' file that we have, you were notified in December of 2006, that is over a year and now its before us and apparently you continued doing. Now if the City of New York is going to question the quality of the project, let them comment first and then after they give me something to go, then I can consider it from there.

Chairman Rogan stated I don't think that was what Anthony was saying though Mike, just in fairness. I think they are clearly two separate issues, the City wouldn't be looking at safety issues, they wouldn't be looking at just the impacts.

Board Member Montesano stated no, what I am saying is that they have impact on their wetland situation, let them take care of their problem and then we should proceed with our problem. Since we've had already over a year that this has been notified and nobody seemed to do anything about it until we went out, Dave tried to stop it and apparently.

Anthony Molé stated regardless of what DEP would do or not do with respect to this permit, this Board still faces the same issue, in respect to (inaudible).

Board Member Montesano stated I realize that, we don't have to make a decision on that now.

Chairman Rogan stated no.

Anthony Molé stated no.

Chairman Rogan stated not at all.

Board Member Montesano stated because in all honesty if we proceeded to go along with this and gave an okay and this is hypothetical of course and the City of New York decided no I'm not going to allow it, then all the work we would be doing be wasted.

Anthony Molé stated I understand what you saying.

Chairman Rogan stated I understand. Charlie.

Board Member Cook stated we also have a memo that says from Cheryl Smith in the Building Department, after speaking with Mr. Festo that the house would be kept in the original approved location as found on the final subdivision map.

Chairman Rogan stated that was 12/6/06, December.

Board Member Cook stated yeah.

Chairman Rogan stated and that was promulgated by a memo from Rich Williams to the Building Department saying that he believed there were some concerns.

Mr. Festo stated I thought most of the concern was lot 6 next door, that is why I am getting confused with the two lots.

Chairman Rogan stated we are on lot.

Mr. Festo stated that was surveyed and most of the concern was on lot 6.

Chairman Rogan stated we are on lot 6.

Mr. Festo stated lot 5.

Board Member Montesano stated we are on lot 5 on his.

Board Member DiSalvo stated five.

Board Member Montesano stated this is dated lot 5.

Rich Williams stated I did it wrong.

Chairman Rogan stated my apologies.

Dave Raines stated (inaudible).

Chairman Rogan stated lot 5, we had only been to the one lot.

Board Member Montesano stated (inaudible) he was notified.

Board Member Cook stated everything is lot 5.

Chairman Rogan stated lot 5.

Mr. Festo stated I think it was 2007 that we were notified, not 2006.

Chairman Rogan stated Mr. Festo I am certainly in no way here to grill you and say why did you do this, clearly this is not.

Mr. Festo stated we are here to fix the problem.

Chairman Rogan stated that is what the courts are for, it would be nice if things had been done differently.

Mr. Festo stated that is why we are here to fix it and make things right, that's all.

Chairman Rogan stated it seems like, again if we were to look at what is existing as a proposal, how would we review this, I wouldn't be in favor of the way this is laid out, again having the corner of a building that only has two or three feet to walk around I would have probably requested at least twelve feet.

Mr. Festo stated right.

Chairman Rogan stated so you can safely get around the house.

Mr. Festo stated we didn't realize that it would be up that far and then it started getting built, the foundation was higher, once you are building its hard to just stop, you know.

Chairman Rogan stated yeah and in order to fix this, I mean at a minimum we are talking about if you are going to proceed with saving with what's there is getting someone to verify, you have to do some engineering and looking into the walls that are existing, if you can get somebody to look at those and certify them. I'm not comfortable with that one corner of the house that way it exists, I don't know what can be done with that. The water quality area, I think you have lost the area for level spreader, if I'm not mistaken.

Mr. Festo stated I think its incomplete, we just kind of.

Chairman Rogan stated you mean the one area of the lower wall that is like a well.

Mr. Festo stated yeah, that, yes.

Chairman Rogan stated like a lump sum area.

Mr. Festo stated we just kind of, we told our contractors to get it retained by the winter and we'll stop work and just get it done.

Chairman Rogan stated understanding that you might have to rip that out.

Mr. Festo stated yes exactly.

Chairman Rogan stated okay.

Mr. Festo stated so its not, we wouldn't leave it like that anyway.

Board Member DiSalvo stated why don't we talk about bringing the house forward too.

Chairman Rogan stated sure.

Dave Raines stated I may be able to, this is the first time unfortunately I have had this in the couple years doing this. A lot of this really comes back to the building code, as we have discussed with the footings, we knew right away something was up with the elevations, I said that you need a licensed design professional saying that these footings will work, that hasn't happened yet.

Mr. Festo stated it will happen.

Dave Raines stated you put the walls up, nobody called for an inspection, which wasn't you but your contractor failed to called for an inspection on the walls, I showed up for a back fill inspection and said maybe they want to back fill the floor for some reason before they pull the forms, you know partial back fill and then I found out the walls were poured. Then we really saw that you were off and that we didn't even have on a simple clearance issue on the approach on the driveway you weren't going to be able to pull a car

into the garage. The way the site was originally been graded, the septic had already been, it is a pump up septic, correct, so the septic was already up on the ridge. From a Building Code and Building Department perspective, we are going to have to start over here, let me be as honest as possible and maybe take some of the burden off of this whole decision because we are mess from the standpoint, all that fill material has to come out we had talked about that with your site guy. He was back filling with boulders and what he did, he ended up pulling the boulders out to put in some cleaner fill but now we raised that whole wall that has to be engineered, that whole wall on the back side has to be engineered. So that has to come out, there is more then just the house placement issue which I'm sure can be, there is latitude there and there is some work that can be done but from a structural perspective, we are not in okay shape. So that is something that I really want you to consider when you look at this whole thing and where we need to go and you did follow exactly what I asked you, you secured the site so we wouldn't lose anything, we won't have any collapse into the wetlands and I do appreciate that and you have abided by the stop work, you know beyond trying to control the site. From a Building Code perspective we have several significant issues that we have to deal with from the footing design through the wall and the back fill aside from the location and the position on site, just so that is clear to everybody.

Ted Kozlowski stated piling it on here but sir you were in the audience with the guy with the pool and you heard what I said.

Mr. Festo stated yes I did.

Ted Kozlowski stated now you have taken that house, you've relocated it from its original approval and you have pushed into the wetland buffer and if you were buying that house tomorrow, sir, how do you expect to reasonably use that area without impacting the wetlands. You have no back yard, you are on the edge of rubble, I don't know how children could ever play there, if I had my kids there. So its, there is definitely a safety issue which is not my area of review but you have now created a situation which I detest because you are going to be long gone and somebody is going to move into this house and I am going to have to deal with pools, playgrounds, decks and whatever else and I don't appreciate it.

Chairman Rogan stated so that is a good question, that is just what I was asking myself, where do we go from here. You obviously have some direction from the Building Department, you have some work to do there.

Board Member Cook stated direction from the Town Planner.

Chairman Rogan stated I'm not sure what our next step is in this, you have to get some engineering work done, I don't know if it's a decision that you have to decide, do we scrap what's there and start over. Do we keep the house location and realize that we are going to have to engineer and put in some engineered walls, if that is the case I want to do it in a way that you can gain something from it. If you are going to go through all that, let's gain some usable. The way the house laid out originally looked like it used the site, it had a better view because the house turned is facing the neighbor now, I am very surprised at that, its facing the house that is off of Bullet Hole Road more so then and its facing the wood lot rather then over the view that is there, so we were kind of surprised by that. Help me out, where do you guys want to go from here with this.

Rich Williams stated the question is where do you want to go. The question is, the first question you've got to ask yourselves is if Mr. Festo can comply with everything and engineer the wall and pull things out of the swale, are you comfortable with the house location where it is. If the answer is yes, then maybe he

wants to make the attempt to keep it there, get it engineer, see if he can engineer it and fix the problems that he has. If the answer is not, then don't make him.

Chairman Rogan stated don't spin your wheels, right, I know.

Rich Williams stated go to an engineer and spend a lot of money just to come back to the Board and say yeah but you still have no back yard, its still.

Chairman Rogan stated yeah.

Rich Williams stated you know a fifteen foot drop and its not safe and we are not happy. So that is the first question I think everybody needs to answer.

Chairman Rogan stated I appreciate you putting that pointedly.

Mr. Festo stated I would like a chance to at least try to fix the problems we have, get a letter from my engineer on the footing that Dave Raines had asked for, starting off on that and then at least permission for a month time to prepare the stone walls and try to them a little bit safer, just to go in there, just give me some time to try and fix what we have there.

Ted Kozlowski stated can I say something, to repair those stone walls we have to further go into the wetland buffer and that is more disturbance.

Mr. Festo stated would you like us to pull them out of the wetlands, I am just asking.

Ted Kozlowski stated Mr. Festo I was at that site in August at the request of the Planner and a significant amount of work was done after that, after you were told to stop, so I am not feeling to sorry for you right now, okay. Because you created this mess and now we've got to find a way to shoe horn everything in to make it work and I see you going in there now and going further into the wetland going further into the buffer to correct the mess that you should have never done in the first place.

Mr. Festo stated I understand that.

Ted Kozlowski stated so my recommendation to this Board is pull that foundation out and build the building like you should have according to the plans. I don't have that vote but that is my recommendation.

Board Member DiSalvo stated how big of a, I know it's a big deal ripping a foundation down but from a building point of view what would be the solution for you to do.

Mr. Festo stated at least a chance to go in and try to fix the stone walls up with inspections on and off for a week or so.

Board Member DiSalvo stated how would we alleviate that corner problem now.

Mr. Festo stated well that's what we will have to work out, I will have to have something drawn up.

Chairman Rogan stated in fairness I don't think it's a matter of going in and trying to point up the walls or even using that term because what I would be looking at before you even touch those walls, they are over a certain height, you have to get them engineered. We don't have any, that's not in our purview to say well

we are going to kick safety to the limb, we think you did a good job there but if they are over four [feet] by our Code they have to be engineered you know. If you're, my opinion right now is if you are going to save that house the way it is, you are going to have to probably rip out those walls and put in engineered walls in there and then I would be looking for you to save some of that corner to make that a more useable grade around that house, you know.

Board Member DiSalvo stated the driveway.

Chairman Rogan stated the way the existing house lay out you were putting the house in and then grading back to the existing grade.

Mr. Festo stated if it had been a large drop off the back of that house the way it was designed too.

Chairman Rogan stated no you are right, it would have been safe but then I think we would have been able.

Mr. Festo stated we wouldn't have been able to build in the back anyway.

Chairman Rogan stated I was just going to say we would have been able then to lay in some three or four foot wall around and bring up that grade a little bit and maybe get that to a twelve or fifteen percent grade in the back, a usable grade.

Mr. Festo stated right.

Board Member Cook stated and let's not forget DEP's.

Chairman Rogan stated that is another hurdle that you have to tackle. I'm a little hesitant because my gut is telling me rip it out because I was there and everywhere I looked around that site I was kind of stumped as to how I would fix it.

Board Member DiSalvo stated (inaudible).

Mr. Festo stated right.

Chairman Rogan stated and I don't want to spin your wheels and have you spend money on engineering and trying to rip, if its ultimately not going to work and then again people have said to have the homeowner in here three years from now saying I want to put the pool in over here because I don't have backyard and you're left with a situation that stinks, quite honestly and I don't blame you for putting us in that position but I don't want to be in that position. I don't want, I don't like anybody to waste money but you make decisions in business that you have to live with sometimes and I don't feel comfortable with the way it exists with the house location but I am willing to hear from the rest of the Board, this is a Board of more than one person.

Board Member Montesano stated my problem right now is since there was a failure to communicate, I have no problem with take the thing out and do it the way it was approved. Sorry.

Board Member DiSalvo stated we also talked about possible making the house smaller than what is proposed.

Chairman Rogan stated you mean using the existing foundation but pulling back, you know I mean, that is something that could be looked at but.

Board Member Montesano stated you can't use the driveway, the average person is going to end up with an SUV because that is our standard vehicle for homeowners, they are going to try and pull in that thing and take a fender off and everything else.

Board Member DiSalvo stated and three vehicles.

Chairman Rogan stated yup.

Board Member Montesano stated if you have the misfortune of meeting these people and getting to know them and they say to you, what did you approve and you tell them, what did you buy and this is what they, well we bought what you approved.

Board Member DiSalvo stated they'll end up hitting the house half the time going in there.

Board Member Montesano stated so the object to me is its not where its supposed to be, its messed everything up over here, before any more expense is added to his bill, let him take the wall out and put the house where it was supposed to be and then we don't have any problems.

Board Member DiSalvo stated and you can still utilize the existing septic and the well.

Chairman Rogan stated oh yeah, that hasn't been.

Board Member DiSalvo stated that is what (inaudible).

Chairman Rogan stated even where the well is, where its been built up, that casing is down into the rock so I mean dropping that down to existing grade.

Mr. Festo stated I'm Mike Festo, I'm a partner.

Chairman Rogan stated sure, can we get one more minute then we will give you all the opportunity you'd like. Charlie.

Board Member Cook stated I just agree with Mike and I agree with what Ted said, I think its an unfortunate situation but you know its in the wrong spot, there have been safety concerns expressed, DEP approval requirements. I hate to see you spend money and try to fix something when you are better off maybe spending the money and starting over.

Chairman Rogan stated okay sir, just please stated your name for the record.

Mr. Festo stated Michael Festo.

Chairman Rogan stated okay.

Mr. Festo stated how about if you just give us some time, the damage is done, give us some time to come up with some kind of a design to keep what's here, pull the retaining walls back, engineer a design and see what the Board thinks.

Chairman Rogan stated I don't think anyone on the Board would have a problem with you going and trying to come up with an alternate but we are not talking about site work, you are talking about paperwork engineering, you are not talking about going in and doing anything like that.

Mr. Michael Festo stated no, some paperwork, maybe not one hundred percent to where, to Code but an idea, some kind of an idea to show you what we would like to do.

Mr. Joe Festo stated kind of just thrown together, if we completed it, it wouldn't look as bad. It is our mistake and our problem but if we had time to finish it up and complete, blacktop driveway let's say and complete the, it wouldn't look the way it does. And there was rocks, they were rolled over off the edge there.

Chairman Rogan stated let's make sure we are perfectly clear though because you mentioned other things that we are not talking about. Your idea is to go talk to an engineer and say hey, how can we modify this to make this all work and make it safe.

Mr. Michael Festo stated we are just trying to make you guys happy.

Chairman Rogan stated and that is clearly different then going on to the site and doing anything.

Mr. Michael Festo stated (inaudible) everybody just agree on it, we might be out of the DEP.

Mr. Joe Festo stated yes, we are not touching it now.

Mr. Michael Festo stated get it out of the DEP wetlands with our new design by just working off the hill over here and pulling everything back, cutting the well down a little bit.

Mr. Joe Festo stated just a paper design you're saying.

Chairman Rogan stated oh yeah, yeah, clearly, yes.

Board Member Montesano stated there will be no shovel, no dirt, no (inaudible).

Mr. Joe Festo stated no, at least give us that chance, we spent probably one hundred thousand already on this property, at least give us a chance, that is what we are asking for.

Board Member Cook stated what I would suggest is that after you do that you just said, then you meet with the staff here, these three good looking fellows, and before coming back here.

Board Member Montesano stated you are still going to deal with the state.

Anthony Molé stated Shawn.

Chairman Rogan stated yeah.

Board Member Cook stated and don't forget DEP.

Board Member DiSalvo stated if they can come up with something.

Chairman Rogan stated hold on a second please.

Mr. Michael Festo stated our design will be out of the hundred foot, we didn't even realize.

Mr. Joe Festo stated that was our mistake.

Mr. Michael Festo stated until we received this certain.

Mr. Joe Festo stated that was the last time we were sending it to this department.

Chairman Rogan stated the attorney has something to say.

Anthony Molé stated I just want to make clear so that everyone understands.

Chairman Rogan stated sure.

Anthony Molé stated that even if they come back with an engineered plan that makes the site work per se you are still in the water quality buffer and the Board is still going to consider whether this is a better plan to grant you permission to go into the water quality buffer as opposed to the original plans, you are still stuck with that issue. I just want to make sure you are clear on that before you go out spend the money on the engineer.

Mr. Michael Festo stated we will go back and get it to work in the water quality.

Anthony Molé stated that is up to the Board, that is not up to me, I just want to make everyone aware of that.

Mr. Michael Festo stated give us some time to have something drawn up.

Chairman Rogan stated I would very seriously caution both of you gentleman, you have seen the direction that this Board, really that you have put us in.

Mr. Joe Festo stated no I understand that.

Chairman Rogan stated I don't feel too bad for myself up here but we sometimes make some tough decisions, but when you get into this and your gut is telling you that you don't think when you come back, there will be five of us when you come back, so one person has to be brought up to speed but when you come back. And if you think you know what they are not going to, don't waste your money, cut your loses and you still have a well and septic, you have rip some stuff out but cut your loses and think about how to make this work so that when you sell it, you are selling something you can be proud of. Instead of something that we are all going to try our best to make fit because you've got some safety issues here now that we've spoken about. I would say that if you can't fix them all to the point where you think we are going to be really happy with it don't spin your wheels because then we are going to sit here and saying not only do they have \$85,000, take the septic and the well out, that they are going to rip out but now they just spent five grand in engineering that doesn't work, so.

Mr. Michael Festo stated it will be preliminary.

Chairman Rogan stated okay.

Mr. Michael Festo stated it won't be (inaudible).

Chairman Rogan stated you are not coming back on this agenda until after these gentlemen have met, if they have serious reservation with this.

Mr. Joe Festo stated then we are not going to be (inaudible).

Chairman Rogan stated then you don't even have to come back.

Ted Kozlowski stated and seriously look, you heard what I said earlier, visualize you living in that house, not even able to use this property and with that house the way it is. I don't see people in today's world buying that house and settling for not being able to do anything in their backyard or their side yard because you have all these constraints.

Mr. Joe Festo stated just let us, give us, to come up with a design, sorry.

Mr. Michael Festo stated we'll come up with a design of a future pool if we can find the site for a pool, maybe right over here, future, okay.

Ted Kozlowski stated you are in the buffer with the house.

Chairman Rogan stated that was a very nice thought, I think you should stick with what you've got on your plat, your plate is pretty full. Okay, see what you come up with but no guarantees on the record on this at all and I hate to, we don't want to waste anymore of your time but come back and either don't waste ours.

Mr. Joe Festo stated we will give the sketch to them and see what they think and then.

Mr. Michael Festo stated thank you very much.

Chairman Rogan stated thank you and just to reiterate, we are not doing any site work out there, you still have a stop work order correct.

Mr. Joe Festo stated no, no site work.

Chairman Rogan stated alright, okay, just put this stuff together here.

Board Member Montesano stated alright.

7) POWE SUBDIVISION – SEQRA Review

Chairman Rogan stated okay, Powe subdivision, anyone here, I didn't even see Jack here.

Rich Williams stated Jack said he might be running late, he had a conflict.

8) BARJAC SITE PLAN – Continued Review

Mrs. Theresa Ryan of Insite Engineering was present to represent the application.

Chairman Rogan stated okay, Theresa, Barjac. It's all Michelle's fault anyway.

The Secretary stated that's okay.

Chairman Rogan stated she's so nice. Good evening Theresa.

Mrs. Ryan stated good evening.

Chairman Rogan stated how are you.

Mrs. Ryan stated good, how you doing.

Chairman Rogan stated good, good, is it hot in here, it seems like it is.

Board Member Montesano stated its all in your imagination.

Chairman Rogan stated yeah.

Board Member Montesano stated I'm (inaudible).

Chairman Rogan stated okay, do you want to bring us to speed on where we are at with the changes and seeing some new stormwater ponds.

Mrs. Ryan stated we went from sketch to a preliminary site plan submission and we submitted a wetland permit application as well. I got the review memorandums and there were some items I wanted to go over on those with the Board because the consultants are looking for some input from the Board.

Chairman Rogan stated okay.

Mrs. Ryan stated on some of the items. Most of them are addressable, one of the things that came up is a question about the width of the access road, we made that twenty feet wide, the bridge if its going to be the type of bridge that Barjac was proposing was going to be twenty feet wide so we were going to just maintain that width throughout the access road. That is something that the Board has to agree to and while we are talking about the access, we have pavement to the high point as we are coming in and then the rest of the site is gravel that is something else that the Board has to, I guess there is a waiver that you are going to have to provide if we have gravel on the interior of the site. You had, there was in issue about the dumpster enclosure in relation to the well.

Chairman Rogan stated which memo are you reading off of.

Board Member DiSalvo stated the tree, is the tree next to the well.

Rich Williams stated most of this is in Gene's memo.

Mrs. Ryan stated no that, yeah.

Chairman Rogan stated okay.

Gene Richards stated (inaudible).

Chairman Rogan stated well since Theresa, if I can slow you down, since you are asking specific questions and you haven't gotten answers yet, why don't we take them one by one and talk a little bit about them.

Mrs. Ryan stated the access road.

Chairman Rogan stated the access road, so we've got a twenty foot wide bridge, the Code says twenty-four foot wide for the roadway, isn't it twenty-four.

Rich Williams stated if it was going to be an actual road, it would have to be twenty-four foot wide, driveways, I don't recall there being a spec for twenty-four feet.

Chairman Rogan stated so then you are looking to do twenty [feet] beyond the bridge.

Mrs. Ryan stated twenty the whole way.

Chairman Rogan stated the whole way.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated does that save you on some of your stormwater for, not significantly.

Mrs. Ryan stated not significantly but it is a reduction in imperviousness and as far as the DEC is concerned, the gravel is impervious too.

Chairman Rogan stated the gravel is impervious you said. So why are they looking to do, if they have to treat the gravel the same way as the blacktop, why are they looking to do the gravel.

Mrs. Ryan stated for the horses.

Chairman Rogan stated oh okay, that makes sense. I wasn't thinking about the horses, I'm thinking about the tractors that are going to mud it up as they are turning.

Board Member DiSalvo stated you don't like that.

Mrs. Ryan stated yeah.

Chairman Rogan stated Gene do you see anything, any problem with this application with having a twenty foot wide for ingress and egress because you do have some fairly large trucks going in and out of there with the chips.

Mrs. Ryan stated but not a lot.

Chairman Rogan stated not a lot.

Mrs. Ryan stated so it would mostly be one way traffic.

Chairman Rogan stated you um.

Rich Williams stated if I could just jump in so everybody is aware, the driveway itself, Gene, correct me if I'm wrong, is about 620 or 630 feet long, just so everybody knows.

Chairman Rogan stated okay.

Mrs. Ryan stated and then here is the point where the pavement ends and the gravel begins, so this would still be paved but that is the next issue here.

Chairman Rogan stated the first two of three hundred feet.

Gene Richards stated the one thing that the twenty foot does versus a twenty four foot it does reduce the amount of impervious surface within the wetland crossing. I don't know if I took exception to the twenty foot width.

Chairman Rogan stated just point it out.

Gene Richards stated my only question really resulted from seeing a twenty foot minimum dimension which kind of made it sound like it could be more then twenty feet, I didn't know where that was coming from.

Mrs. Ryan stated we can take that out, it was because at the time, I got direction from the clients that the bridge would be twenty feet minimum and they may be able to make it a little bit wider but now they are saying that if they continue with this design bridge, that would like to keep it twenty, so we can take the min off, that is not an issue.

Chairman Rogan stated Maria, knowing so much about this operation, do you see any concerns with the twenty foot where the tractors and.

Board Member DiSalvo stated I know in my driveway, I have people coming in and out at the same time and it gets a little, not that its tight but its, not that is presents a problem but you know, you are still able to pass if one vehicle is coming out, to not have that opportunity would be a hardship on your applicant. Mike and I were up at Cogi Farm up in Pawling a few weeks ago, and we were like who designed these roads, they are just wide enough for one car to get through and I am saying what if there is a horse trailer coming at us, we are going to have to back up two miles to get out of here, just past the elephant and the giraffe up there.

Mrs. Ryan stated the parking spaces are ten feet wide so this would be similar to that, you know, its enough width to park a vehicle so it should be enough width to pass two vehicles.

Chairman Rogan stated parking spaces at ten feet are always so tight, these are all going to twenties, ever person up there is either going to be driving a BMW, no I'm just teasing.

Board Member DiSalvo stated it's true.

Chairman Rogan stated a sport utility vehicle though, I wish all the parking spaces were twelve feet wide.

Board Member DiSalvo stated what if you kept the bridge at twenty but then can they expand the roadway to twenty-four.

Mrs. Ryan stated we could if you want.

Chairman Rogan stated well yeah that is only one narrow point.

Board Member DiSalvo stated people are a little hesitant about crossing the bridge at the same time, you know so they maybe would wait for a vehicle coming over the bridge before they exited but I think the rest of the road should be a little wider. I can't imagine what that bridge is costing but you know I think the rest of the road should be twenty-four feet.

Board Member Montesano stated my problem with that is coming off of [Route] 311 into a twenty foot bridge and you are bringing that trailer on, you are going to swing, if the other guy is coming the other way with a trailer, you have one hell of a problem because they are going to be laying on [Route] 311 holding up traffic because there is no place for them to go in, where at least on the other side if you had some type of apron that the guy could at least stop.

Board Member DiSalvo stated right, right.

Board Member Montesano stated because to back up, especially if you've got the animals in that trailer, is going to be a nightmare.

Mrs. Ryan stated well the bridge is about 120 feet in, so there is plenty of room.

Board Member DiSalvo stated the swing on, how wide would the driveway be on [Route] 311, what does that open to.

Mrs. Ryan stated well that we have to work out with the DOT, there is a sidewalk there too, so we have to figure out what radius we need to.

Board Member DiSalvo stated (inaudible) if they came out of my driveway, someone always hits the fence on the side, my sign, with the back of the horse trailer.

Mrs. Ryan stated yeah.

Board Member Montesano stated because they never (inaudible) because they have to bring it out and around, when you are driving away, you have to bring it out further and bring it around.

Board Member DiSalvo stated actually like a ninety degree angle sometimes.

Board Member Montesano stated yeah.

Chairman Rogan stated when it comes to these kinds of issues I always put emphasis on what Maria says because she is doing this kind of stuff.

Mrs. Ryan stated oh sure.

Chairman Rogan stated she has these vehicles in and out of her place and seeing the problems.

Board Member DiSalvo stated I don't want somebody else making the mistakes that I may have made.

Mrs. Ryan stated yeah.

Chairman Rogan stated why don't we plan for twenty-four [feet] on the roadway.

Board Member DiSalvo stated on the road.

Chairman Rogan stated obviously except for the bridge, narrowing that down to twenty certainly isn't going to cause any harm.

Board Member Montesano stated I would like to see some kind of apron there, I mean, it seemed, just a plan for, if there is some way to get a spot where someone comes in with the horse trailer.

Board Member DiSalvo stated I'm sure they are going to use Belgian Block to do the border of the road.

Mrs. Ryan stated where there is pavement its asphalt curb and inside where its gravel, we have the rail road tie curb.

Board Member DiSalvo stated so you are going to have a curb there, so what Mike is asking for, maybe even exiting, before you even get to the bridge, to have a little area too.

Board Member Montesano stated you have to have an area to pull one of those trailers.

Board Member DiSalvo stated if someone is coming over the bridge there is a waiting area for them to.

Board Member Cook stated Theresa, why doesn't you client have a twenty-four foot bridge.

Mrs. Ryan stated well the wider it gets the more expensive it gets, its already more expensive because of the span that we have, so for every foot they widen it, it becomes exponentially.

Board Member DiSalvo stated the weight load too changes with the twenty-four foot, assuming more vehicles on the bridge at the same time.

Mrs. Ryan stated are there going to be that many trucks and trailers at, do you have a lot of that.

Board Member DiSalvo stated I get heavy trucks, a dumpster truck, that is however many tons of manure every two weeks.

Mrs. Ryan stated every two weeks.

Board Member DiSalvo stated the hay deliveries a couple tons, sawdust, everything just adds up in waste.

Mrs. Ryan stated right but I mean that conflict, do you have a lot of conflict there.

Chairman Rogan stated she is talking about the frequency.

Board Member DiSalvo stated mostly on the weekends, I don't accept deliveries on the weekends because I have people that ride and I just don't want so much confusion in my parking lot.

Mrs. Ryan stated yeah.

Board Member Montesano stated another thing you can look to, that I know she runs into, is every truck that comes down here suddenly sees a driveway they can turn into and back out of because they do it every bloody time they turn around and that is going to right here in Town.

Board Member DiSalvo stated more so my end because of that bridge.

Board Member Montesano stated they realize it.

Board Member DiSalvo stated they back into my driveway.

Mrs. Ryan stated oh.

Board Member Montesano stated I'm sure by now, as soon as they see some place they can turn around.

Chairman Rogan stated what about the gravel.

Board Member DiSalvo stated the gravel is fine.

Chairman Rogan stated no problem with that, that is better for the horses.

Board Member DiSalvo stated its better then the blacktop.

Chairman Rogan stated and you are containing it, you said with curbing, with railroad ties.

Mrs. Ryan stated railroad tie curb.

Chairman Rogan stated because that is always a mess, that stuff spilling out.

Board Member DiSalvo stated I mean I still have to fill in and grade my parking lot with sink holes from the weather (inaudible) gravel.

Mrs. Ryan stated its more maintenance but its easier on the horses.

Board Member DiSalvo stated yeah.

Chairman Rogan stated are you okay with the gravel (to Board Member Cook).

Board Member Cook stated oh yeah, I'm not okay with the bridge but I'm okay with the gravel.

Chairman Rogan stated so Charlie says yes to the gravel and he would like you to look into a twenty-four foot wide the whole way.

Mrs. Ryan stated a twenty-four foot bridge.

Gene Richards stated Theresa.

Board Member Montesano stated yup.

Gene Richards stated can I go ahead.

Chairman Rogan stated please, go ahead.

Gene Richards stated I was just going to say as you are looking at that, look at your turning radii at your entrance, right turn in and right turn out for you larger vehicles.

Mrs. Ryan stated right.

Gene Richards stated you may have to make it bigger.

Mrs. Ryan stated right that is what Maria was saying too. Now in lieu of a bridge if it gets to cost prohibited, would the Board be willing to have them put culverts in instead of the bridge.

Chairman Rogan stated did his face get red yet, come on.

Ted Kozlowski stated I am waiting for my turn.

Mrs. Ryan laughs.

Chairman Rogan stated that's one of the whole reason that we were in favor of this project is that you were going to span that wetland area.

Mrs. Ryan stated I had to ask.

Chairman Rogan stated okay, that's what I like about you Theresa, you are never afraid to ask.

Mrs. Ryan stated so what is the consensus on the width of the bridge because they are going to have it.

Chairman Rogan stated I am willing to accept twenty [feet wide] knowing that you are spanning that wetland and that is a compromise that I am certainly willing to make on that and I appreciate and I acknowledge that Charlie, I appreciate that he is asking for that but I don't think I would be willing waiver on not spanning that area, I think that is a condition of building this project.

Mrs. Ryan stated yup.

Board Member Cook stated my concern is the traffic.

Mrs. Ryan stated funneling which is mine too which is kind of why I was thinking it should stay at twenty feet and that way it is a constant width all the way through and it won't have to funnel down.

Board Member Montesano stated they'll have insurance on their vehicles.

Chairman Rogan stated I think for maneuvering around the site and everything, that extra two feet, when they reduce from twenty-four to twenty for the bridge, I don't think that's something that people are going to say I have to now, I just think its going to be natural.

Board Member DiSalvo stated especially if you have the railroad ties, you are losing like six inches on each side too.

Chairman Rogan stated no that would be a (inaudible – too many speaking).

Mrs. Ryan stated no that would (inaudible – too many speaking).

Chairman Rogan stated okay.

Gene Richards stated Theresa, you (inaudible – not using microphone) width, that should be the clear width between the guide rail and (inaudible).

Mrs. Ryan stated abutments, yup.

Board Member Montesano stated (inaudible).

Chairman Rogan stated Ted are you waiting to speak on something Ted.

Ted Kozlowski stated hello Theresa.

Board Member Montesano stated go for it.

Mrs. Ryan stated hi, Ted.

Ted Kozlowski stated Theresa, kind of on the same line we've been on all night with me, unfortunately, you got, you are sandwiching this site between two wetlands, one is a small local wetland and the other one is the Great Swamp and everything is just outside the buffer and that's very tempting for disposal of things, horse riding. Is there a plan to maintain the integrity of that 100 foot buffer, considering it is very close to all the activities and if not I would suggest strongly that some sort of fence or something goes up to define very clearly to this owner and future owner that that is protected wetland and the buffer and the wetland is off limits.

Mrs. Ryan stated I think a fence is a good idea since we are going to be putting up the post and rail fences anyway.

Ted Kozlowski stated right.

Mrs. Ryan stated I think putting the railing along the buffer line is a good idea.

Ted Kozlowski stated there are a lot of curves and turns there but I just see that as such a problem, a challenge in the future because I think that, the way everything is sandwiched in there, it is going to be very tempting to expand.

Mrs. Ryan stated right.

Ted Kozlowski stated over time.

Mrs. Ryan stated and a visible barrier is the best way to do it.

Ted Kozlowski stated and then the same thing on the small local wetland that you are crossing and you have some detention and the neighbors on the other side, you have to respect that too.

Mrs. Ryan stated yup, we were actually proposing to put an evergreen vegetative buffer here, right now its sparsely vegetated and you can see this house really well, so we have this proposed.

Ted Kozlowski stated I was actually talking about the buffer that parallels Route 311, where you cross and all, is there a plan to address that when the finished product is provided.

Mrs. Ryan stated yes.

Board Member DiSalvo stated did they plan on the sign, a farm sign, any gates, remote gates that they want to install.

Mrs. Ryan stated they haven't decided that yet, gates.

Board Member DiSalvo stated to keep.

Board Member Montesano stated so people can come in.

Board Member DiSalvo stated I used to have people coming to ask directions all the time.

Mrs. Ryan stated oh I will ask them about that.

Board Member DiSalvo stated its security too so if a horse does get loose; it's not coming out to the road.

Board Member Montesano stated (inaudible – not using microphone).

Chairman Rogan stated Theresa, I'm just reading through part of Rich's memo and he talks about the requirements for parking and in terms of for this facility you are providing much more then what is required by the Code. Just a thought, something to think about, lose, instead of thirty make them twenty-eight and make them eleven foot wide, you don't have to provide thirty. I can't imagine, it would seem so much nicer to be able to pull into a parking spot and not be so afraid especially with trucks and I know that you have special spots for trailers, if the requirements is ten I would make those twelve just to give people a little more room, I mean they are in the gravel lot, they probably wouldn't be, how do you demarcate them, you wouldn't do gravel huh.

Rich Williams stated we are going to have to put some sort of bumper guards in and you are going to do that with the spacing.

Chairman Rogan stated okay, so then the spacing, but I would consider making those even a little wider, since you are not require to have as many as you are showing, just a thought but.

Mrs. Ryan stated okay.

Chairman Rogan stated it seems like cars are so wide and ten foot seem like much, anyway just a thought. Did you have other items you wanted to ask us about from Gene's memo.

Mrs. Ryan stated Gene mentioned something about a twenty foot conservation easement, the only comment that the Zoning Board of Appeals had was to maintain a twenty foot vegetative buffer adjacent to the cemetery and we were going to put the paddock areas there and the fence line but Gene mentioned something about a conservation easement.

Chairman Rogan stated what was the ZBA's from, what was their thought process.

Mrs. Ryan stated they just wanted us to keep all of the equestrian uses twenty feet from the cemetery line and keep those trees preserved, all the vegetation there preserved.

Chairman Rogan stated so the question is whether or not to leave it as is and preserve it or do in the form of a conservation easement that actually protects it. I think that, again, seeing how people utilize things, the conservation easement makes a lot of sense, you are buffering from an area where people congregate.

Board Member DiSalvo stated who is going to maintain it.

Mrs. Ryan stated they are not going to maintain it, they will just leave it and not touch it.

Chairman Rogan stated let us re-vegetate.

Mrs. Ryan stated there are a few trees there, (inaudible).

Board Member DiSalvo stated what about the grass, wouldn't it have to be cut, I mean the horses have a tendency to stick their heads under the fence and eat the grass that's on the other side.

Mrs. Ryan stated (inaudible) around the fences I guess. The Zoning Board was more concerned about the shrubs and the trees, of course if there are any shrubs there that don't mix with horses, they would have to go too but the trees were their biggest concern.

Chairman Rogan stated right.

Board Member Cook stated how about the point of the twenty-six stalls or the twenty-one stalls.

Mrs. Ryan stated I know that she, the gal that designed the barn said that they need some extra stalls for a wash stalls and tack room.

Board Member DiSalvo stated for (inaudible).

Mrs. Ryan stated I don't think they need twenty-six just for the horses.

Board Member DiSalvo stated they have need for a tack room and a wash stall and a little side area for storage.

Mrs. Ryan stated they would be the same size as a stall but they wouldn't really be used as stalls.

Board Member DiSalvo stated so you probably have to give us a better floor plan of what the inside of the barn is going to look like.

Rich Williams stated or just a note on the plat saying twenty-one stalls.

Mrs. Ryan stated yeah.

Board Member DiSalvo stated you need the room for that.

Mrs. Ryan stated right.

Board Member DiSalvo stated twenty-four is an even number when they are building there.

Board Member Montesano stated yeah.

Mrs. Ryan stated they have twenty-six so.

Board Member DiSalvo stated (inaudible).

Board Member Montesano stated odd numbers make it safe.

Mrs. Ryan stated so the Board is okay with the waiver for the gravel pretty much.

Chairman Rogan stated yeah.

Mrs. Ryan stated okay.

Rich Williams stated if that is the case then you should do it.

Chairman Rogan stated so we can get it done.

Board Member Montesano stated in the matter of Barjac Realty Corporation.

The Secretary stated hold on.

Chairman Rogan stated hold on.

TAPE 1 Ended – 9:27 p.m.

The Secretary stated you're on.

Board Member Montesano stated I don't have to say the section of Code.

Chairman Rogan stated you don't have to but I thought it would sound good.

Board Member Montesano stated alright in the matter of Barjac Realty Corporation Equestrian Complex, I would like to make a motion that we waive the blacktop and allow a gravel driveway according to 154-71 A of the Code.

Chairman Rogan stated we are specifically waiving as shown on this current set of plans from a point, not the entire road of course.

Board Member DiSalvo stated not the entire road.

Chairman Rogan stated how far is it beyond the bridge, do you have a station on there or something that you can refer to, no.

Mrs. Ryan stated no but its from the high point because this access comes in to a high point.

Chairman Rogan stated okay.

Rich Williams stated (inaudible).

Board Member Montesano stated distance to be clarified by the Town Planner with the Engineer.

Mrs. Ryan stated alright.

Chairman Rogan stated I didn't want to leave it open, that's good that, don't want that line to change, you know.

Gene Richards stated and that should include the parking area as well.

Board Member Montesano stated that should include the parking areas as well.

Rich Williams stated that sounds good.

Mrs. Ryan stated that is our proposed high point.

Chairman Rogan stated can I have a second.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 4 to 0.

Chairman Rogan asks for any opposed.

Mrs. Ryan stated there was also, it was brought up about the existing access, we were proposing to remove that and just re-vegetate it with wetland vegetation but at one point as Rich reminded us in the memo the Board had talked about having that as an emergency access.

Chairman Rogan stated we had mentioned that when we were.

Mrs. Ryan stated it was never really decided.

Chairman Rogan stated yeah.

Rich Williams stated which would mean just leaving it alone.

Board Member Montesano stated yeah it would probably be.

Chairman Rogan stated right, leaving it alone and re-vegetating it.

Board Member Montesano stated this way you don't have trucks going in (inaudible).

Mrs. Ryan stated just leave it.

Chairman Rogan stated so you save a little bit on mitigation and the bridge and gravel.

Ted Kozlowski stated fencing for the buffer.

Mrs. Ryan laughs.

Board Member Montesano stated just put something up there so they don't go scooting out.

Chairman Rogan stated okay.

Board Member Cook stated I couldn't have said it better myself.

Mrs. Ryan stated we also wanted to get a determination from Ted if the wetland permit application is complete.

Ted Kozlowski stated I haven't reviewed it, to be honest with you.

Chairman Rogan stated honesty is appreciated.

Ted Kozlowski stated I will personally call you.

Rich Williams stated there is a functional analysis.

Ted Kozlowski stated there is.

Rich Williams stated it says there is no impact.

Ted Kozlowski stated I will call you by Monday or Tuesday.

Mrs. Ryan stated okay, I guess my next question is would the Board be prepared to schedule a public hearing for the project.

Chairman Rogan stated sure.

Board Member Montesano stated why not.

Chairman Rogan stated you going to be in good shape.

Board Member Montesano stated sure.

Mrs. Ryan stated been going to the Gold's Gym, I'll take you on.

Board Member Montesano stated I'm a Gold Gym failure, you kidding me.

Chairman Rogan stated Gene, Ted, Rich, any problem with setting a public hearing from what you can see.

Gene Richards stated if you generally okay with the layout that is presented.

Chairman Rogan stated one thing you had asked was, thank you for reminding me of this, just by saying site plan, the location for the dumpsters and they show basically a flip flop for the manure dumpster but they show one location for the tractor trailer for the shreds.

Board Member DiSalvo stated you were going to talk about doing double for that too.

Chairman Rogan stated or chips, we were saying where do they put this thing when they pull in with the full one, how do they jockey them around, would it be easier to just provide two spaces for that, that was a real good point though, it seems like that would make sense, if you can provide that, that was the only issue that I saw.

Mrs. Ryan stated sure.

Chairman Rogan stated a lot of the other issues Maria had brought up, it seems like you have worked on and resolved.

Board Member Montesano stated you want to set a public hearing.

Board Member DiSalvo stated do we have enough time (inaudible).

Rich Williams stated if I could just weigh in on this, not opposed to the project at all but you know procedurally, if you set a public hearing, you are essentially deeming the project complete and there are number of elements that they have not shown yet.

Chairman Rogan stated okay.

Rich Williams stated which make it not a complete application.

Chairman Rogan stated that is why we ask you guys.

Rich Williams stated so if you want to go ahead and set it, I don't have a problem with setting the public hearing but.

Board Member DiSalvo stated so what do you think, another month to tie up the loose ends up.

Board Member Montesano stated wrap it up by next month and then we can set the public hearing.

Board Member DiSalvo stated April.

Board Member Montesano stated why set it and then we are going to go crazy.

Mrs. Ryan stated the next submission is the 19th.

Chairman Rogan stated alright.

Mrs. Ryan stated we'll shoot for it and I will hear from you early next week.

Ted Kozlowski stated yes.

Rich Williams stated that is the second issue, is that we always set the public hearing with the wetland application and we don't have any.

Mrs. Ryan stated that's true.

Chairman Rogan stated that is why we defer to you guys, keeping us on track.

Board Member Montesano stated (inaudible).

Chairman Rogan stated you all set Theresa, you are staying here I know, you've got another one but I like to know if we can switch gears.

9) THE PLAZA AT CLOVER LAKE – Continued Review

Mrs. Theresa Ryan of Insite Engineering was present to represent the application.

Chairman Rogan stated Plaza at Clover Lake. I noticed that Rich is putting your projects a little closer on the agenda.

Mrs. Ryan stated that's nice.

Chairman Rogan stated that is nice.

Mrs. Ryan stated I can't get any lower with my drawings.

Chairman Rogan stated its alright, okay.

Mrs. Ryan stated I haven't been on the raft yet. Since the last time that we were before the Board we had a sketch submission and you indicated that once we get a preliminary plat pulled together we can come back.

Chairman Rogan stated you've done that.

Mrs. Ryan stated and we came with a final plat and I looked over the comments from Rich, he mentioned that we need some additional easements which is no problem.

Chairman Rogan stated pretty straight forward, number four under administrative the easement for the, is that also something you can provide, the electric and phone.

Mrs. Ryan stated that's what the Board wants.

Chairman Rogan stated it would seem.

Board Member DiSalvo stated the well too.

Chairman Rogan stated we'll get to the well, but the easement, if you've got existing facilities, I don't mind you providing an easement to those but if we are adding any new facilities I want to try to have them on the lots that they are servicing. So if the existing phone and electric run down along lot three, just draw up an easement so that we are clear on, you know for providing it for lot one.

Mrs. Ryan stated I believe there are also some septic system components that go on to the new lot, they cross over in here, we have to find out for sure, the man holes aren't.

Chairman Rogan stated okay, so you will have, that will be under a utility easement though.

Mrs. Ryan stated yeah.

Chairman Rogan stated you could do electric and water.

Mrs. Ryan stated an alternative would be to relocate it.

Chairman Rogan stated if you want to relocate it.

Mrs. Ryan stated if that's, you know, we are going to discuss that with, we'll discuss that with the owners of the facility.

Board Member DiSalvo stated it ain't bad.

Chairman Rogan stated yeah, see which way you want to go on that.

Mrs. Ryan stated okay.

Chairman Rogan stated that lot three needs power too, so they would be utilizing power that's.

Rich Williams stated they will be utilizing this power, I don't know they wouldn't have to run a separate line, I don't know.

Chairman Rogan stated a separate line on the same pole though.

Rich Williams stated we are talking about below ground service.

Chairman Rogan stated okay, it seems silly then to have two different conduits running up and down the road. I am comfortable with the utility easement, I understand making it clean, define an area for utilities.

Mrs. Ryan stated the electric I think we'll leave where it is but if we can work it out to relocate the force main and this sewer man hole, I think we are going to try and do that.

Chairman Rogan stated okay, the well shown Theresa, on lot three, is that the well that services the senior home.

Mrs. Ryan stated yes.

Chairman Rogan stated it is, wow, so can we get them to drill a well for the senior home and use this existing well, I am not in favor of abandoning it since we are creating a lot but certainly securing it for.

Mrs. Ryan stated we were thinking for that to leave an easement on lot three, put an easement on lot three for that and then if lot three gets developed, put some kind of notes on the plan that that well should be re-drilled for the facility and then maybe this lot, lot three can use this well.

Chairman Rogan stated so in other words, leave it as it exists with an easement.

Mrs. Ryan stated right.

Chairman Rogan stated and then we have.

Mrs. Ryan stated and then take it off line to the facility when they drill a new one.

Chairman Rogan stated so when lot three comes in for whatever proposal.

Mrs. Ryan stated right.

Chairman Rogan stated we are going to be looking at drilling a new well for the senior home and abolishing the easement that would be in place.

Rich Williams stated if you want to do it, define who is going to do it because ownerships may change.

Chairman Rogan stated that makes sense.

Board Member Montesano stated yeah that's true too, I would rather see it make it clean. I would rather see it get cleaned up right now.

Board Member DiSalvo stated it could be expensive.

Mrs. Ryan stated it would be.

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

Mrs. Ryan stated it would be the responsibility of lot three I would think.

Board Member Montesano stated the well is on lot three.

Mrs. Ryan stated right but it is servicing lot one.

Chairman Rogan stated there are a lot of issue you could bring up with this.

Rich Williams stated well.

Board Member Montesano stated but you are going to have lot, the person coming in to buy lot three is now going to put a well on lot one.

Board Member DiSalvo stated lot one.

Board Member Montesano stated no, I don't like that idea.

Rich Williams stated well here's the problem, you know, where are they going to put the well, what if they don't do in the right location the first time, they don't hit water, they have put it in another location. What if the owner of lot one says I don't want you on my property.

Anthony Molé stated the well on lot three is servicing lot one, does it also service lot three or only lot one.

Mrs. Ryan stated lot three is newly created, it was part of lot one.

Rich Williams stated there is nothing on [lot] three.

Anthony Molé stated but where would the well be is what I'm saying, which lot.

Mrs. Ryan stated lot three.

Anthony Molé stated it will service lot one, will it also service lot three (inaudible). You would have to do a different well for lot three, right.

Chairman Rogan stated do a different well.

Mrs. Ryan stated I think they have to do a different well.

Anthony Molé stated so the main well on lot three is going to service lot one, would typically be the responsibility of the owner of lot one with an easement to go on and maintain it because their interest pertains to the well.

Mrs. Ryan stated okay.

Anthony Molé stated (inaudible) if they fail to maintain, lot one now doesn't have water and now they have to.

Chairman Rogan stated I think the confusion though is that what Theresa was saying is that when the develop lot three, they would have to provide, use the well that is existing on the lot for themselves and provide a new lot on lot one for the use of the senior home. Now what would happen if in doing that well, they can't provide sufficient quantity, you know they hit, that is an interesting question, end up throwing three different wells out there to try to.

Mrs. Ryan stated that is a.

Board Member Montesano stated that's why I think it would be a lot easier on us.

Chairman Rogan stated why don't we do it now.

Board Member Montesano stated to do the well now.

Chairman Rogan stated get the well on lot one.

Board Member Montesano stated cap that one.

Chairman Rogan stated to service them because now you have an existing supply that we know is sanitary and sufficient, we can, then they can put the well on lot one, test it, make sure its got the quantity put that one on line and then switch this one over and then this one for lot three.

Board Member DiSalvo stated use the other one as a back up.

Chairman Rogan stated the question would be does that fit into the future plans for lot three, if it doesn't then they have to abandon it and drill another well but.

Mrs. Ryan stated right.

Chairman Rogan stated at least then we are not caught up with having to enforce something when lot three comes in, its already done and its clean.

Board Member DiSalvo stated I just can't believe a facility of that size only had one well.

Mrs. Ryan stated they have two I believe.

Chairman Rogan stated oh, where is the other one.

Mrs. Ryan stated I don't know, I just pulled out the report from the Health Department and from the original facility and it did mention two.

Chairman Rogan stated okay, so let's look into that too.

Board Member DiSalvo stated maybe down the other side.

Chairman Rogan stated I wonder if the one.

Mrs. Ryan stated we are going to go back and look at the waste water plans.

Chairman Rogan stated okay.

Mrs. Ryan stated because those should show them, but the as built that's on file with the Health Department did not show the existing well locations.

Chairman Rogan stated it will be interested to see what the yield is on that second well.

Mrs. Ryan stated I don't know if there is anything in your file.

Rich Williams stated our files do not contain a second well anywhere and I'm surprised.

Mrs. Ryan stated their report says two.

Chairman Rogan stated okay, let's look into that and see because.

Mrs. Ryan stated yeah.

Chairman Rogan stated it will be interesting to see if that second well was drilled because this one, which has been probably for a while maybe wasn't of sufficient quantity.

Mrs. Ryan stated or maybe its not even on line.

Chairman Rogan stated or maybe its not even on line, which would resolve a lot of this.

Mrs. Ryan stated right.

Chairman Rogan stated so let's leave that as an open issue at this point with some direction as to where we want to go.

Mrs. Ryan stated okay.

Chairman Rogan stated the requirements for layout contained in there Rich, it seems like we are pretty comfortable with waiving a lot of those with the exception of the ones noted, sewage, water mains and wells. I don't see any problem with this application.

Mrs. Ryan stated that's fine.

Chairman Rogan stated no problem, anybody have any problem with that, that's the page 2 of 5 item, the requirements for layout since they are not proposing anything on lot three.

Mrs. Ryan stated do you have to do that officially too.

Chairman Rogan stated yeah we can do a waiver on that.

Mrs. Ryan stated there was also the issue of Commerce Drive, part of that is.

Chairman Rogan stated well let's, do you want us to do the waiver right now for that, so it's done.

Mrs. Ryan stated okay.

Chairman Rogan stated in the matter of Clover Lake Subdivision, I make a motion that the Planning Board waives the requirements for subdivision layout for sections 133-33 but that we still show location of existing sewer, water main and wells.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 4 to 0.

Chairman Rogan asks for any opposed.

Chairman Rogan stated okay so we are down to the road frontage, are you talking about the small section of Fair Street or off of Commerce [Drive].

Mrs. Ryan stated the small section off of Commerce Drive is on lot two.

Chairman Rogan stated okay.

Mrs. Ryan stated and a portion of lot two's existing driveways is over lands of (inaudible).

Chairman Rogan stated can we relocate that on to this lot.

Mrs. Ryan stated well there is an abandoned house there now and.

Chairman Rogan stated so it doesn't matter right now.

Mrs. Ryan stated and it doesn't matter right now but we can put a note on the plan that if it's ever developed that that driveway would have to, there is an existing easement I don't know why the driveway wasn't in there so I figure if we can relocate it to that existing easement or it could be relocated so it comes right off of Fair Street, but if we could just put a note on the plan.

Chairman Rogan stated what about if somebody comes in to get a building permit or something to renovate that house and make it so it's not abandoned, would they utilize the existing driveway or utilize the easement.

Mrs. Ryan stated well I think they could get through the easement if they (inaudible).

Chairman Rogan stated oh. So why don't we make the note say that any future use of this lot for because right now its an abandoned house, so I mean its not.

Dave Raines stated it was supposed to be torn down, years ago.

Chairman Rogan stated it was supposed to be torn down.

Board Member DiSalvo stated maybe that is where the other well is.

Dave Raines I haven't had the patience but since we are in the process, we'll just leave it until.

Board Member Montesano stated why don't we just ask Anthony, to make an access to the house will be through the right of way.

Dave Raines stated it was supposed to be torn down before we got here, before someone gets hurt.

Rich Williams stated that's what I'm saying, do you want it to be torn down as part of the subdivision.

Dave Raines stated I don't want to start setting conditions I just, its already been brought to the owners attention (inaudible).

Chairman Rogan stated so let's just include it in this record that it's been noted by the Building Inspector that this house was to be demolished because its unsafe conditions.

Dave Raines stated its an unsafe structure (inaudible).

Board Member Montesano stated Anthony can we make part of our approval that the abandoned house should be removed for safety reasons.

Anthony Molé stated absolutely.

Rich Williams stated okay.

Board Member Montesano stated let's do it that way then.

Chairman Rogan stated okay.

Board Member Montesano stated then its clean.

Mrs. Ryan stated so how did you want to word the, any future use of that.

Chairman Rogan stated if we are tearing down, we don't have to word that.

Mrs. Ryan stated okay.

Chairman Rogan stated because the development of that lot will come.

Board Member Montesano stated if someone wants to utilize that.

Mrs. Ryan stated then how are they going to get in there to use it.

Chairman Rogan stated yeah.

Board Member Montesano stated then they should use the right of way.

Mrs. Ryan stated that driveway has been there all along, so, I mean.

Board Member Montesano stated Anthony if we put, they have a right of way.

Anthony Molé stated if they are not using.

Mrs. Ryan stated for what.

Board Member Montesano stated they have a right of way to get to that house right now so if we have them put on there that access to this building, if its needed would be through the right of way.

Mrs. Ryan stated through the easement.

Chairman Rogan stated you mean through the easement.

Board Member Montesano stated or through the easement.

Chairman Rogan stated because the existing use.

Board Member DiSalvo stated if the house isn't there.

Chairman Rogan stated is not a prescriptive easement anymore, they haven't used it in twenty years.

Board Member Montesano stated well once its gone, its gone and we won't have to worry about it. But if the house is not removed and someone decides they want to rebuild it.

Anthony Molé stated that easement is there for that purpose.

Mrs. Ryan stated I think it was originally.

Rich Williams stated they sold it (inaudible – not using microphone).

Mrs. Ryan stated it was to connect this for some emergency egress.

Rich Williams stated is that what you are talking about for an easement.

Anthony Molé stated I thought you were talking about along Commerce [Drive].

Mrs. Ryan stated this easement right here.

Rich Williams stated that easement is for an emergency access way into the Congregate Care Facility.

Mrs. Ryan stated right, I don't think they can abandon it.

Rich Williams stated not for a primary access to the residence.

Board Member Montesano stated oh okay, so we can't do it.

Mrs. Ryan stated what I am saying is the driveway to the residence is outside, well you mentioned it, so piece of driveway right here.

Rich Williams stated yes, right.

Mrs. Ryan stated is outside of this easement.

Rich Williams stated I will have to go back and look at the easement, I don't know that the residence, the primary use of the site is a residence has a legal right to use that easement, I will have to look at the easement, (inaudible – not using microphone).

Mrs. Ryan stated okay.

Board Member Montesano stated all these problems.

Rich Williams stated so other then that they have.

Board Member DiSalvo stated they are certainly in a position to clean everything up.

Board Member Montesano stated everyone just.

Rich Williams stated they have frontage on Commerce Drive.

Chairman Rogan stated right, okay, great.

Mrs. Ryan stated right.

Board Member Montesano stated great.

Chairman Rogan stated yeah.

Board Member Montesano stated Commerce Drive and (inaudible) Road.

Board Member Cook stated Theresa, does this applicant, does this plan take into account the concern about anything affecting that special permit for that senior. It was questioned way back.

Mrs. Ryan stated there was a question and from what I understand, the applicants met with Rich or discussed this with Rich and it was, well I should let you, something about the buffer, the tree buffer.

Rich Williams stated the tree buffer is essentially a requirement, a new requirement in our Code for a special use permit, it really contemplates the property being in a residential district and it requires a buffer from the property line of any other residential property within that district. In this case the issue has to do with the hospital against a commercial piece of property, my opinion, though it may not carry a lot of weight is that, its not really applicable in this case because its you know, you are not concerned with the same level of impacts as you would be if somebody's house were adjacent to this property.

Board Member Cook stated okay.

Rich Williams stated Maria you look puzzled.

Board Member DiSalvo stated I lost you a little bit on that, where are we talking about the tree line on this.

Mrs. Ryan stated there is a requirement in the special use permit section.

Board Member DiSalvo stated right, where would this tree line have to be.

Rich Williams stated against any property line.

Board Member DiSalvo stated because they are creating a property line.

Mrs. Ryan stated between this facility and an adjoining property line.

Board Member Montesano stated now.

Mrs. Ryan stated if that property line is within 200 feet, something like that but its as Rich pointed out its, this is a special permit under the residential section of the special permits, so that is why Rich was thinking that we would be able to.

Board Member DiSalvo stated that one lot is residential.

Rich Williams stated it only applicable to residential properties because our zoning line, the commercial zoning line cuts through. Do we really care if there is a vegetative buffer against a doctors office.

Chairman Rogan stated maybe.

Board Member DiSalvo stated well it depends on where they are going to put it.

Board Member Montesano stated well you don't know what's going in there at the present time, we have no idea what's going there.

Chairman Rogan stated we just talked about a vegetative buffer up against the cemetery.

Board Member Montesano stated right, so what I'm looking at right now.

Chairman Rogan stated doctors have more, you know, right.

Board Member Montesano stated is not to cut it off but what happens if its not a doctors office, what if it ends up being some kind of a repair facility.

Chairman Rogan stated whichever yeah.

Board Member Montesano stated do we put it in if it's a, do we have the right to pick a choose where we put that, if its not going to be for arguments sake between one and three, if three ends up being not a doctors office, a truck repair facility.

Rich Williams stated its still commercial.

Board Member Montesano stated then we don't have to worry about it but you've got a problem in the sense that it's a senior citizen home.

Rich Williams stated but just so I'm, what I am suggesting is that the special use permit requirements for the use in a residential district is not applicable in a commercial district, it doesn't necessarily cross the line.

Board Member DiSalvo stated but that one lot is still residential right.

Board Member Montesano stated right but you've got the separate, the distances, one commercial has people in it.

Mrs. Ryan stated now its industrial.

Board Member DiSalvo stated with a house on it, to be knocked down, down there.

Board Member Montesano stated the majority.

Rich Williams stated let me do it this way, here is the line right here.

Board Member Montesano stated okay.

Rich Williams stated that requirement would be applicable here, here, here [points to plan] because it is all residential.

Board Member Montesano stated okay.

Rich Williams stated but as soon as we cross this commercial line, the residential restrictions, the residential impositions are no longer applicable, it's a commercial district.

Board Member Montesano stated I realize that but that, what I am looking at is you have a unique situation, you have people living there in that facility.

Rich Williams stated no.

Board Member Montesano stated yeah.

Rich Williams stated oh you're talking about the hospital.

Board Member Montesano stated I'm talking about.

Board Member DiSalvo stated don't say hospital, say assisted living.

Board Member Montesano stated the senior citizen residential area.

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

Rich Williams stated okay.

Chairman Rogan stated he is looking at the buffer in reverse, from them, from the other uses.

Board Member DiSalvo stated yeah.

Board Member Montesano stated they don't want to really see a truck operation or something going on in a commercial so if that tree line, its unique, this is an all together different ball game, if those weren't people

in there but was another, per say, trucking company or whatever, then you wouldn't worry about it but in this particular situation you have people that are going to be living there and they are going to be looking out and will they see the possibility of looking at a bunch of commercial operations going on.

Rich Williams stated but in this case you are talking about using the example of a trucking operation, coming in and being reviewed by the Planning Board, the Planning Board identifies that it would be a significant impact to residents in the hospital.

Board Member DiSalvo stated so then we would (inaudible – too many speaking).

Board Member Montesano stated but then.

Rich Williams stated the trucking company is then obligated to mitigate that impact.

Board Member DiSalvo stated right, okay.

Board Member Montesano stated okay I wanted to make sure that we didn't lost that option of putting something in.

Rich Williams stated yeah, when they, yeah, nope.

Board Member Montesano stated okay, that's all.

Chairman Rogan stated that's interesting.

Board Member Montesano stated as long as there is some way it can be worked out.

Ted Kozlowski stated Theresa what is there now.

Mrs. Ryan stated a barn.

Ted Kozlowski stated that property line, are there trees on that property line there.

Board Member DiSalvo stated the back side of the lake is trees.

Mrs. Ryan stated this, the road, there is nothing here by the road and there is not much in here so. I don't know that's there.

Chairman Rogan stated (inaudible) the future use of this lot.

Board Member Montesano stated when you walk down there.

Board Member DiSalvo stated it's on the back side of that lake.

Board Member Montesano stated there is really not a lot there.

Board Member DiSalvo stated and behind the pizza place.

Mrs. Ryan stated I think it's mostly field

Chairman Rogan stated okay, one last thing Charlie has a real doozy here.

Mrs. Ryan stated okay.

Chairman Rogan stated go ahead.

Board Member Cook stated there were two points that were brought up a while back okay, one and I will quote from Mr. Williams letter of December 28, 2006, "the proposed property boundary will provide the owner of lot two with frontage on the lake but may not allow rights for the recreation use of the lake."

Rich Williams stated they've changed the property line to address that.

Board Member DiSalvo stated yeah that was when we first started with the project.

Board Member Cook stated okay.

Chairman Rogan stated so the few, well yeah, we realize the property line has been changed but would that give rights for recreation of the entire lake or just for the property, because the property line runs right through the middle of the lake, how do you, you know are they going to have a problem if they build a house on lot two and they go out in a canoe and they go over to the other side of the lake and the people at Clover Lake says you are not allowed over here, you know you don't have deeded rights to this side of that lake.

Anthony Molé stated its all going to depend on private deeded rights and having varied rights along the edge of the length that borders the property.

Chairman Rogan stated okay, yeah, okay, so let's look into that.

Rich Williams stated if I could just, my original concern was the property line.

Chairman Rogan stated yeah.

Rich Williams stated right along the edge of the lake.

Chairman Rogan stated yeah.

Board Member Cook stated gotcha.

Chairman Rogan stated and then the other one.

Board Member Cook stated and we also took care of the side yard set back.

Rich Williams stated (inaudible).

Board Member Cook stated that is corrected with this.

Rich Williams stated yes.

Board Member Cook stated supplemental senior citizen facility, the zone requirement; the table indicates that a variance will be required for side yard set back.

Mrs. Ryan stated for the senior citizen facility.

Board Member DiSalvo stated (inaudible).

Mrs. Ryan stated no, it went away.

Chairman Rogan stated it was because the old property line was closer to the facility.

Board Member DiSalvo stated yeah.

Mrs. Ryan stated yes.

Board Member Cook stated now its pushed back.

Chairman Rogan stated now its pushed out to 231 feet.

Mrs. Ryan stated its.

Chairman Rogan stated okay.

Board Member Cook stated thank you.

Chairman Rogan stated okay, are you here for Tractor Supply also.

Mrs. Ryan stated yes, but lead agency.

Chairman Rogan stated you want to do lead agent on this.

Mrs. Ryan stated yeah, you have the option of doing coordinated or uncoordinated review.

Chairman Rogan stated we like to coordinate things and keep everybody informed.

Mrs. Ryan stated okay.

Chairman Rogan stated okay.

Mrs. Ryan stated there is really nobody but the Health Department has a non-jurisdictional and.

Chairman Rogan stated yeah, so why not just get it, you know, so you want to do a lead agent and a coordinated review Maria.

Board Member DiSalvo stated how do I do coordinated.

Chairman Rogan stated you just add it in.

Board Member DiSalvo stated in the matter of Clover Lake Subdivision I make a move that the Planning Board declare its intent to declare lead agency in the review of the action and authorize the Planning Department to circulate said notice to other agencies involved in the review in the approval of this application.

Chairman Rogan stated and conduct a coordinated review.

Board Member DiSalvo stated and conduct a coordinate review.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 4 to 0.

Chairman Rogan stated okay.

Mrs. Ryan stated thank you.

10) TRACTOR SUPPLY CO. – Site Plan Continued Review

Mrs. Theresa Ryan of Insite Engineering and Mr. David Ede representative of Tractor Supply Co. were present to represent the application.

Chairman Rogan stated Tractor Supply.

Rich Williams stated um, sorry.

Chairman Rogan stated okay. I think everybody is getting punchy.

Mrs. Ryan stated not yet.

Chairman Rogan stated you're not, you only have one more and then you're gone, everybody else is.

Board Member Montesano stated I didn't get a chance (inaudible).

Chairman Rogan stated yeah, I've been up since 6:30 or 7. I'm just ten minutes from the office, (inaudible).

Board Member Cook laughs.

Board Member Montesano stated oh yeah then we would, you know how it is.

Board Member DiSalvo stated still (inaudible).

Chairman Rogan stated they don't volunteer for this kind of stuff.

Board Member Cook stated no.

Chairman Rogan stated yes but they do.

Board Member Cook stated in most cases (inaudible).

Chairman Rogan stated that's a.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated usually we do pretty well, tonight was a packed agenda, I knew coming in it was going to be long.

Mrs. Ryan stated okay.

Board Member Montesano stated don't you say no to everything else.

Chairman Rogan stated okay Theresa.

Mrs. Ryan stated alright.

Chairman Rogan stated good evening how are you tonight.

Mrs. Ryan stated good evening.

Chairman Rogan stated you've worn us just about out.

Board Member DiSalvo stated kept us in order.

Mrs. Ryan stated we got the review comments on this also and we have no issue with any of those items. Rich mentioned that there is a lot line adjustment or somebody did, that there is a lot line adjustment noted in the application, that was a possibility at one point and then it was pulled out at the last minute so that is going to go away. There was a point when we thought there would be some land swap so that the barn could go with the and that didn't work out.

Chairman Rogan stated that's a shame.

Mrs. Ryan stated but so now its two lots, no lot line adjustment.

Chairman Rogan stated okay.

Mrs. Ryan stated the back piece, I know there is no access for it but there have also been some negotiations on that between the applicant and his representative David Ede and Jim Utter from FROGS, they may be interested in purchasing that land, in which case we wouldn't have to have any access from our site or from

[Route] 22 to get to that because then they could almost have contiguous property with property that they already own.

Chairman Rogan stated great.

Board Member DiSalvo stated how are they getting to that property now.

Mrs. Ryan stated who, FROGS, I don't know.

Board Member DiSalvo stated for it to be continuous, I am not familiar with that area back there.

Mrs. Ryan stated well Mr. Raveson owns this piece and he also owns a piece on the other side of the NYSEG property, this whole section here is owned by NYSEG which is shown here, Mr. Raveson also owns this piece and I believe Doctor Utter can clarify this, I think this is controlled by FROGS an adjoining piece.

Dr. Utter stated there is a piece that is adjacent.

Mrs. Ryan stated yup.

Dr. Utter stated it will be.

Mrs. Ryan stated so if that works out you know, then those two pieces would be, the ownership of that would be transferred out and access would not be an issue anymore. I think that was it, on the plans we really had no other comments on the memorandums. We will be asking for a waiver for the location of rocks and trees, especially on the back piece.

Chairman Rogan stated a waiver of what, rock.

Mrs. Ryan stated the location of rock outcrops and trees.

Chairman Rogan stated I'm sorry, you're showing them on the plan.

Mrs. Ryan stated we'll do that in writing and as far as the subdivision is concerned I guess its up to the Board to determine whether it's a minor a major subdivision, to classify it.

Chairman Rogan stated I'm trying to think, I was confusing this with one other project where, it was the Bear Hill [Subdivision] where we had to do it major because it was a re-subdivision within a short, in this case it's two lots, a minor subdivision, no problem. Do you want to do a classification on that. In the matter of Tractor Supply Company I make a motion that Planning Board determines that this application be deemed a minor subdivision.

Board Members Cook and DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Cook	-	aye
Board Member DiSalvo	-	aye
Board Member Montesano	-	aye

Chairman Rogan - aye

The motion carried by a vote of 4 to 0.

Chairman Rogan stated does anyone want to start, I have a couple of questions but I will open it up if anyone wants to kick this around.

Mrs. Ryan stated on the subdivision or on the site plan.

Chairman Rogan stated on the site plan.

Board Member DiSalvo stated the project.

Chairman Rogan stated not on the subdivision. Okay, the equipment display area closest to the front stormwater basin, stormwater management.

Mrs. Ryan stated right here [points to plan].

Chairman Rogan stated yeah, do you have any idea of what kind of equipment they want to store out there.

Mr. Ede stated it is adjusted seasonally.

Chairman Rogan stated okay.

Mr. Ede stated hello again I'm David Ede.

Chairman Rogan stated hello, how are you.

Mr. Ede stated the equipment display area is adjusted seasonally, you'll find anything from small riding mowers, sometimes you'll have trailers that you would see somebody would pull behind a tractor trailer, I'm sorry behind a pick up truck, it has been a long night.

Chairman Rogan stated a couple of thoughts on this, tractors and things that have oil in them and products out in that area right up against the stormwater basin which is right up against a DEC wetland, not in favor of. There are some items that probably wouldn't be so bad like the trailers you mentioned, from a security standpoint, how do they, do they have to chain them all together because it's right up against the parking, it would be like Home Depot putting stuff all the way by Michael's, out on the other side of the parking lot.

Mr. Ede stated they do, in many cases Home Depot does, it's a cable that is run through the equipment.

Chairman Rogan stated how does the rest of the Board feel about just making that, they've got it like a vegetative buffer between the parking lot and that basin, just continuing that vegetation and making that an attractive feature of the site. I realize that they need outdoor storage but maybe we can.

Board Member DiSalvo stated this more like outdoor display.

Chairman Rogan stated outdoor display.

Board Member DiSalvo stated because there is a whole separate storage area.

Chairman Rogan stated they are going to have an outdoor display up close to the facility and then the entire, they are looking at 20,000 square foot of outdoor display. To me, that seems like that would be a nice attractive feature of the front of that facility to convert what's existing or what's shown as equipment display area to just that vegetative buffer and so some nice plantings along that entire area, something for everybody to think about and not have. Its kind of getting.

Board Member DiSalvo stated they are going to get out of their car and walk to the back of the parking lot to look at the display area.

Chairman Rogan stated that is kind of what I was thinking, it just doesn't seem to flow very well for the site and it gives you a little bit more. You've got now people bringing equipment out to edge of stormwater basin, you know and it seems like things are going to down in the basin, maybe not the trailers certainly but cardboard, they are going to be putting all kinds of stuff out there.

Board Member DiSalvo stated coffee cups and things like that.

Chairman Rogan stated I personally would rather not see that as outdoor display and storage, that one strip there.

Mr. Ede stated um, with all due respect if the Board will remember the first time I appeared here a year ago and I can tell you that my marching orders are very strict from Nashville, there are three things that Tractor Supply requires before they will even consider going further and those are the three display areas that have been on the site plan since day one. The one out front, the side yard and the side walk display.

Chairman Rogan stated what are your three cadences again.

Mr. Ede stated the side walk display, the outdoor storage fenced area and the equipment display out front.

Chairman Rogan stated okay so you didn't mention architecture in any of those three.

Mr. Ede stated it is very difficult to discuss architecture when you are talking about a concrete pad.

Chairman Rogan stated I figure that, I am willing to eat a little bit outdoor display with an affirmation that you realize that what we want for this site, because this is putting a lot in to this particular location, it sits up, its in the hamlet, this is area that is a little different then being out on [Route] 22 is that you realize that we are going to be looking at something other then what you have been showing us for architecture.

Mr. Ede stated I have been given quite a bit of leniency with regard to the architecture, we are ready to address the Board with those issues.

Chairman Rogan stated fantastic.

Board Member Montesano stated much nice.

Board Member DiSalvo stated see the way this building is designed, I know the store in Amenia you have a display area along the back side of, the long side of the building out there, you have your display in the front and you have along side the side of the building where all the dump trailers would be and then you

have your outdoor display. I guess the way this building is set up with this over here, you couldn't put them along the side of the building.

Mr. Ede stated no because then they wouldn't be displays.

Board Member DiSalvo stated well it works pretty well up there.

Mr. Ede stated well they are a little more visible up there with the configuration of the site, there is going to be one entrance to the site.

Board Member Montesano stated I go in there I go over to the side door all the time.

Chairman Rogan stated we are keeping the up front equipment area, we are going to provide some kind of fencing though that we don't end up with these things down, whether it's a vegetative buffer or something, something to keep things from rolling down and to keep people out of there, as a safety concern. I don't know what the slope is going down into that but if you know, let's look into that.

Mrs. Ryan stated okay.

Chairman Rogan stated do you have something for us that you are working on for architecture because we did give you some area buildings to kind of consider.

Mr. Ede stated well I did want to go through this one more meeting and get a flavor for the subdivision and before I went ahead and starting spending Mr. Raveson's money on architectural renderings and full well knowing that the end game here is still dependent on a bog turtle study. I thought it would be easiest to bring in a photograph of a store we did in a municipality, I guess at the end of the day, everybody on the Board had added to this product.

Chairman Rogan stated oh boy.

Mr. Ede stated I think if you take a look at that, its more in line with what the Town is envisioning.

Board Member DiSalvo laughs.

Chairman Rogan stated yeah I got.

Board Member Montesano stated it got landed on.

Chairman Rogan stated you don't even want to see this Ted. I appreciate that but I was.

Board Member Montesano stated you know those (inaudible) in Poughkeepsie, not they are upside down.

Chairman Rogan stated it does kind of look like a Taco Bell, with all due respect. We are going to have to come up with something different then that I think. You got some leniency, you have to look at that and that is with all due respect, I didn't mean to laugh, its um, I was expecting you were going to show us something that maybe had some structure to the roof or something, to break up that box.

Board Member DiSalvo stated the colonial look.

Board Member Montesano stated your next door neighbor.

Chairman Rogan stated did you it.

Board Member DiSalvo stated even if it's the A & P, some type of.

Gene Richards stated I think one thing we mentioned, at one meeting earlier was New England Equine.

Chairman Rogan stated yeah, right around the corner.

Board Member DiSalvo stated yeah.

Board Member Montesano stated its right there.

Chairman Rogan stated the architectural components don't have to be a functional component of the building, I mean look around even the A & P, I was actually driving through there and I realize for the first time that how much that was a façade, I didn't realize until I got certain angle on it but it gives a certain.

Board Member Montesano stated oh, the whole thing.

Chairman Rogan stated when you drive up and down [Route] 312, I always get this wrong, even here, it sits up a little higher here and that is going to be a prominent business, once of the reason I'm sure you are interested in that site because it is going to be a visible site, so I think that we just need to do our best to come up with something that when you drive up, it fits into the character of the community. Look at some of the architectural examples around, it looked like that picture you showed us had clay tile roof on it.

Board Member DiSalvo stated it was a type of corrugated.

Chairman Rogan stated so anyway, I do appreciate you bringing that in but I don't think that is what the Board or anyone had in mind. You have any architectural people.

Ted Kozlowski stated think colonial.

Board Member DiSalvo stated yeah, Victorian.

Chairman Rogan stated well actually, the flip side, we just did Apap's approval across the street basically, that buy just painting that place and the style of that house, you have a farm house across the street, the old Fredericksburg, what is that called now. Between those two buildings.

Board Member DiSalvo stated the survey store.

Chairman Rogan stated the style of A & P and New England Equine, you've got a theme right there of a certain style building.

Board Member DiSalvo stated color too.

Chairman Rogan stated that may very well being the bog turtle of this application, that way that is going to fit into the Hamlet is defiantly important to this Board, so I appreciate your efforts in that regard.

Board Member Montesano stated with a note on that regard, just think that the signs, being that we are in the Hamlet area, the colors, area I didn't say past the green sign, I am just saying the colors of the sign.

Mrs. Ryan stated is the in the Hamlet.

Board Member Montesano stated yes it's a Hamlet area.

Mrs. Ryan stated is it.

Board Member DiSalvo stated can't get an answer, afraid of busting (inaudible).

Chairman Rogan stated anything else, I don't want to drag this part out.

Board Member DiSalvo stated but it is the entrance way of.

Board Member Montesano stated the object is its all on [Route] 311 and you should try to conform.

Mrs. Ryan stated they have a standard sign they use too.

Board Member Montesano stated we are never going to get an entrance into the Town because.

Board Member DiSalvo stated we can discuss a different building.

Mrs. Ryan stated as we said we don't have an issue with the consultants comments, we can address all those.

Board Member Montesano stated we'll settle for the building.

Chairman Rogan stated okay, no I remember from the work session and the conversations that we've had, people have been generally, even people that you talk to out in the public have been genuinely concerned about how this is going to fit it. Everybody is pretty excited about the project, how will it fit in and add to the, you know, aesthetics of the community so I think that we where I would definitely focus some attention.

Mrs. Ryan stated okay.

Chairman Rogan stated anything else.

Mrs. Ryan stated would the Board be amendable to declaring intent.

Chairman Rogan stated we didn't just, that was the other project we did.

Board Member DiSalvo stated where are we on this.

Board Member Montesano stated (inaudible).

Board Member DiSalvo stated we did somebody.

Chairman Rogan stated (inaudible).

Board Member Cook stated (inaudible).

Chairman Rogan stated yeah, go right ahead, yes.

Board Member Cook stated okay, hold on. In the matter of Tractor Supply Company, Route 311 Patterson, I move that the Board declare its intent to assume lead agency in review of the action and authorize the Planning Department to circulate said notice to other agencies involved in the review and approval of this application and for us to go with a coordinated review.

Chairman Rogan stated conduct a coordinated review.

Board Member Cook stated conduct a coordinated review.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 4 to 0.

Mrs. Ryan stated thank you.

Chairman Rogan stated thank you very much Theresa.

Mrs. Ryan stated oh and Ted.

Ted Kozlowski stated yes dear.

Mrs. Ryan stated have you looked at the application on that one as well.

Ted Kozlowski stated yes, a little bit.

Mrs. Ryan stated yes and.

Ted Kozlowski stated I am really going to reserve all my comments until the bog turtle study.

Mrs. Ryan stated so before you even determine if the application is complete.

Ted Kozlowski stated the only thing I was going to ask you was what you were planning on doing with that small wetland in the front. The displays to hide any views, would be an issue.

Mrs. Ryan stated that is up to the Town and the what, the DEC will permit.

Ted Kozlowski stated I told you I have always been in favor of modifying that wetland to make it functional.

Mrs. Ryan stated right and so far we've gotten resistance from the DEC on that, they don't want us to touch it, so.

Ted Kozlowski stated they don't want you to touch the wetland because of the bog turtle.

Mrs. Ryan stated right.

Ted Kozlowski stated really.

Mrs. Ryan stated I mean, we were going to try to incorporate it in to some stormwater facility and make improvements to it and put better vegetation in it but the initial time Mike Newicky.

Ted Kozlowski stated do you who you spoke to, was is Brian Drum.

Mrs. Ryan stated Brian Drum.

Ted Kozlowski stated do you mind if I call him.

Mrs. Ryan stated not at all. I would be glad if you would, we would like to see something done with that too.

Board Member Cook stated Theresa one of the report that were done, there was somewhere in there mentioned about doing the survey two/three.

Mrs. Ryan stated phase two and phase three, that is when the wetland consultant will actually go out and try to find the bog turtles and then phase three is actually trapping them if they are there.

Board Member Cook stated is that going to be done.

Mrs. Ryan stated yeah, that has to be done in April, May and June.

Board Member Cook stated right.

Mrs. Ryan stated thank you.

Chairman Rogan stated oh I'm sorry, the theme that we just pointed out for this seems to fit with the whole idea, Tractor Supply, equestrian, you have farming, you have all these.

Board Member DiSalvo stated I don't want to go with the white box building.

Board Member Montesano stated (inaudible).

11) NRA REALTY SUBDIVISION – Continued Review

Mr. John Walsh of Zarecki & Associates was present to represent the application.

Chairman Rogan stated okay, NRA Realty. A very patient bunch of individuals tonight, I appreciate that.

Board Member DiSalvo stated get a good look Lynn. Lynn is (inaudible).

Chairman Rogan stated good evening, are these people with you or are they just observing.

Mr. Walsh stated just observing.

Chairman Rogan stated I am just trying to get a sense if you are one of the applicants or.

Unknown Audience Member stated I'm one of the neighbors.

Chairman Rogan stated a concerned resident, welcome and thank you for being so patient this evening.

Board Member DiSalvo stated please identify yourself.

Chairman Rogan stated not that's, it doesn't matter.

Mr. Walsh stated I'm John Walsh I represent the client, I work for Zarecki & Associates.

Chairman Rogan stated Zarecki, its been a while sine we've.

Mr. Walsh stated yeah its close to two years, eighteen months last time.

Chairman Rogan stated what have you been doing in those eighteen months.

Mr. Walsh stated well the last time were in front of the Board, from our records was July 2006, at that point we were requested to look into alternate designs from the last submission and as well have the wetlands located, which have been, as you can see they have all been flagged, we sent correspondence to Ted Kozlowski and I believe Rich Williams with regard it was done back in march of last year, almost a year ago. Requesting for that to be verified, that was one of the comments that Rich Williams brings up, actually you sectioned (inaudible).

Chairman Rogan stated sir, could you just turn the microphone, maybe use the microphone so that we can capture everything that you are saying.

Mr. Walsh stated oh I'm sorry. So the wetlands have been flagged, they've been located, like you said it has been awhile since we were in front of the Board so what we've done is we have contacted the DEC, we've contacted the DEP, we even contacted the Army Corps of Engineers to see if, what would be involved with each agency, what they would be looking for. The DEC requested that of course there will be stream crossings, this is not a regulated wetland that is on the property, DEP does classify it and so does the Army Corp of Engineers, tributary to Stephen's Brooks, so their protections hold. What we've done to try to mitigate the amount of disturbance to the wetlands and to the stream, is provide a clear span bridge, we've contacted Conspan, as one of the bridge companies to look into crossing the stream and the wetland so we wouldn't be. There would be very minimal disturbance to the wetland and very little according to their engineers to the stream, there may be some minor to the small pocket wetland that is here as it is located. DEP has reviewed it and they have agreed with the statement that they will allow that crossing as long as this crossing is not used as permanent access. There is still an option right now to leave it as an

emergency access which was one the concerns that the Board had the last time we were in since this is basically a one in and one out way of entering the property. We preformed preliminary septic design, I should say testing in all of the areas that you see indicated, we are very confident that we can get a system that works for every unit. The existing lot five there has been some concerns brought with the Building Inspector, right now as it is stated there is no septic system for that house, it is not used as a house when it does become a single family, the client only wants to use it as a two bedroom, that is why the system is smaller then everywhere else. Also, actually the perc in that area was better then all the other surprisingly.

Chairman Rogan stated that's difficult.

Mr. Walsh stated yeah.

Chairman Rogan stated it has good perc but we only want two bedrooms.

Mr. Walsh stated right, he is trying to keep his wife out of it. The lollipop design that we had and if the Board doesn't remember I have.

Chairman Rogan stated thank you.

Mr. Walsh stated brought it with me, that is the submission that we made way back when and I believe that was the one that the Board conducted a site walk on, back in April of 2006.

Chairman Rogan stated especially with the house in the middle.

Board Member DiSalvo stated yeah (inaudible).

Mr. Walsh stated this design was basically submitted to address the concerns that the Board had with the length of the road.

Chairman Rogan stated yes.

Mr. Walsh stated I didn't get a very favorable return so we have of course deleted that or moved away from that design and as you can see we've moved back to this design. We understated that there is a road length minimum, we would like the Board to consider that the first six hundred feet or so is only gaining access to the site so technically we have nineteen hundred feet to the edge of it but the actual subdivision road would only be thirteen in change.

Board Member Montesano stated so in other words we can eliminate that front part and you'll still be able to get there.

Mr. Walsh stated that's.

Chairman Rogan stated the other option of course is to use the other and make it a through road which the Board didn't like, we were, I remember the discussion.

Mr. Walsh stated and DEP will not allow access in two point.

Chairman Rogan stated okay, counter productive arguments there in terms of us wanted a secondary means of egress for a longer then fifteen hundred. I remember the conversation we had when we discussed that

because we said that we would be willing to consider the longer road way for losing that secondary and not having those impacts because it traverses a very steep slope.

Mr. Walsh stated right and that is why it is only shown as an emergency access in case anything ever does happen, there is still access out of the site.

Chairman Rogan stated okay.

Mr. Walsh stated we understand that there are concerns with some Zoning issues especially with regard to lots nine, ten and eleven as it is listed in the memo. Lot number nine can very easily be altered to provide the road frontage that is a requirement. We do have concerns and if the Board requests we will go in front of the Town Board of the ZBA for variances but the reason why we had split the driveway for nine, I'm sorry ten and eleven is too allow basically ten foot access for each one of them, this is a twenty foot wide driveway all the way up to this point, not a ten foot or a fourteen foot wide driveway, it is a full twenty foot width. We can if required allow access, allow additional road frontage to lot number ten, eleven would be a hard on to provide but increasing the road frontage will also increase my area which will then still cause me to still go for a variance because I will be over the area requirement. On lot fourteen and I believe there is a typo, it states lot number three but I believe it was supposed to be lot number seven, they are also over the acreage, again seven and fourteen can be modified to bring them down below the requirement, ten still remains to be a question.

Chairman Rogan stated one of the biggest concerns we will all acknowledge right up front that this is a very difficult piece of property, a lot of slopes.

Mr. Walsh stated yes.

Chairman Rogan stated you've got some wetland issues and you've sat now through almost three house of us talking with about people with difficult backyards, difficult lots where they don't have a reasonable use of the property. The beautiful thing here is that we get to do all this from scratch.

Mr. Walsh stated yes.

Chairman Rogan stated on this project and make sure that we don't create those kind of lots and there are a couple of lots here that you depicted that say the back of the house abuts a thirty percent drop or grade, know that we are going to be looking close at those to make sure.

Mr. Walsh stated yes.

Chairman Rogan stated that there is at least some useable area, at a fifteen percent grade or less.

Mr. Walsh stated yup, and I could just interrupt.

Chairman Rogan stated sure, please jump in.

Mr. Walsh stated if required we can show alternate areas for either a pool or a playground, working with your consultants, I don't see those being too drastically of an issue if the Board was open to retaining walls of some sort to allow that to happen. These building sites were requested to be a small foot print or not as, not meeting current building standards, they are three thousand square foot homes, we can change them to be altered where they are what is considered a step down, instead of having the living level above, the

bedroom level above the living level, actually put it below and then put the basement below that, which would cut down on any issue with grade behind because you've now dropped the grade and you are now using the house as a retaining structure which would gain access to a pool or something, a play ground in the back, which can be accommodated on those lots. This one not so much but defiantly thirteen and fourteen we were thinking of throwing some retaining walls in, some step landscapes to provide a useable back yard. One of the other concerns is the proposed stormwater basin that is up front in there, our intent right now and its still preliminary, its very conceptual, is to make that a wetland and the reason why we are doing that is its only going to be treating basically the high point, I'm going off of memory here. The high point is about just before station six hundred, so its only going to be taking really the first six hundred feet into this area and trying to keep consistent with what is going on I want to put just a big basin in the ground, not that it very pretty or functional to the site, is make that a wetland stormwater practice.

Chairman Rogan stated and the rest of the stormwater would go then to the (inaudible).

Mr. Walsh stated the rest of the stormwater would, of course there are individual lots that we will have to do individual treatment for just because I'm not going to be able to catch it for the individual lots but the road way is all geared to end up in this location especially everything coming down the site because there was comment that seven and eight will have drainage coming across, the idea is to capture all of that and send it down an easement into the basin then the only drainage that would go across seven and eight are actually what is on seven and eight. That's where we are at right now, I do understand that the stormwater basins have to be provided in their own lot or at least part of a lot, my question is would that make my subdivision then at that point larger or would they just be added as a connection piece to the right of way of the road.

Rich Williams stated they are considered utility lots.

Mr. Walsh stated considered utility.

Chairman Rogan stated that was a good catch.

The Secretary stated thank you.

(Side 1 Ended)

The Secretary stated okay.

Mr. Walsh stated so they would be considered utility lots, they wouldn't add to the subdivision lot count.

Rich Williams stated no.

Mr. Walsh stated they would be more or less considered the same way the right of way would be.

Rich Williams stated correct.

Mr. Walsh stated okay, the more or less answers that question. Any questions from the Board.

Chairman Rogan stated well again, my only concern is making sure that the lots work that we are not, that also when stormwater is designed that we aren't shifting things around then and saying well we have to

provide because we have been burned on that before where all of sudden a pipe has to go through a back yard or something like that in the eleventh hour.

Mr. Walsh stated right, now with keeping with that idea, is there something the Board or the consultants would like us to input now that it is, like you said in the preliminary stages would you want to see like a ten by fifteen play area, a pool of a certain size does it have to have both or can it be a limitation on a lot bearing in mind it may be lot fourteen and thirteen and maybe even one through four may not have a pool or might depending upon the grading on it I mean there is.

Chairman Rogan stated I think that the Board has a responsibility to make sure that subdivision lays out with the character of the community and the character of the community is that people have a certain expectation for the property and also understanding that people are going to buy lots that some are better and some are worse but I think there should be some basic you know whether it is a square footage principal or some useable area that says that you can have some use off the back because everything in front requires a variance so, you want to put a shed, you want to put a pool and in this case everything in the front is septic on all these lots.

Mr. Walsh stated right.

Chairman Rogan stated so you know, in some cases it looks like, maybe we should just make sure that we maximize that the house is as close to the septic as is allowed by Code to maximize the back yard of course. You know, is there a magic formula for this, for putting in a pool, putting in a shed I think where you can do it, I think show it, why not.

Mr. Walsh stated okay.

Chairman Rogan stated it would be a great tool to be able to see how that works out.

Mr. Walsh stated are there certain sizes.

Chairman Rogan stated if you show retaining walls around the back.

Mr. Walsh stated are there sizes.

Chairman Rogan stated a pool is fifteen by thirty, I don't know what is it.

Ted Kozlowski stated mine is thirteen by twenty.

Chairman Rogan stated that's a smaller pool.

Ted Kozlowski stated fifteen by twenty but John you know, these houses, garages are they part of the house or they going to be attached.

Mr. Walsh stated no they are all, no they are all designed as being part of the house with the exception of lot number five because that has.

Ted Kozlowski stated again, have you been here all night listening.

Mr. Walsh stated yes.

Ted Kozlowski stated to my tirade.

Mr. Walsh stated yes.

Board Member DiSalvo laughs.

Ted Kozlowski stated I'm just saying you know, look at these house, make believe that you are going to live there.

Mr. Walsh stated and that is what I tried to do with these and responding to the comments that were made on lots thirteen and fourteen, yes I didn't show them on this because I am coming in with a concept that the Board hasn't seen in quite a while so I just wanted to get.

Ted Kozlowski stated just put your finger on those lots closest to Stephen's Brook, where is the buffer.

Mr. Walsh stated these here.

Ted Kozlowski stated yeah.

Mr. Walsh stated the buffer rides right through here [pointing to plan].

Ted Kozlowski stated that's the hundred foot buffer.

Mr. Walsh stated yes.

Ted Kozlowski stated okay so that lot, that last lot.

Mr. Walsh stated this one here.

Ted Kozlowski stated yeah, that is a red flag.

Mr. Walsh stated okay.

Ted Kozlowski stated run your finger through that again.

Mr. Walsh stated basically it's the tree line.

Ted Kozlowski stated just so everybody can see, right, that lot is going to challenged because that person doesn't have a whole lot back there, so you do the pool thing, you do the deck, now we are cutting down trees, we are in a view shed for the people along the road, along Birch Hill Road there.

Board Member DiSalvo stated (inaudible).

Ted Kozlowski stated these are things that come into play.

Mr. Walsh stated okay.

Ted Kozlowski stated alright and you know, its going to be an issue and the other thing is did you get a determination from the Army Corp yet or you are still in the preliminary stages.

Mr. Walsh stated with regard to what.

Ted Kozlowski stated all the disturbance in that area.

Mr. Walsh stated I will require a.

Ted Kozlowski stated Army Corp permit.

Mr. Walsh stated yes, I will require a permit, it looks like I am going to require their general permit, it won't be an individual.

Chairman Rogan stated the limits, the area that you have in green, is that you limits of disturbance.

Mr. Walsh stated as of right now yes, it is.

Chairman Rogan stated does that correlate to slope, in other words is that showing a clear demarcation of where your steep slopes are.

Mr. Walsh stated no.

Chairman Rogan stated the maps that you guys provided us, only a couple of them are really helpful in terms of looking at how the use of that lot relates to the steep slope areas.

Mr. Walsh stated basically lot fourteen will have some disturbance, there will some major disturbance in slope areas in lot number fourteen, thirteen, twelve will be minimal because we can put a retaining wall and that won't be too drastic, those are your main concerns there and of course the access drive which is you can see, I've tried to minimize the amount of disturbance that I possibly could.

Chairman Rogan stated because it really sticks out more on this particular map then it does up here when you start looking at the contrast of the steep slopes and again so we start to envision and we walked across that hill, up and down it, we walked down it fortunately, not up it. That is a steep slope.

Mr. Walsh stated yes.

Chairman Rogan stated that was very steep and to have the right behind your house, you can put some retaining walls but to what extent, so if you are going to do that I would want to see what the height of those are and what you gain from doing that.

Mr. Walsh stated okay.

Chairman Rogan stated you know, there will be time when you will say, these two lots side by side that are backed right up against a thirty percent or more grade, need to be combined and let's make one good lot out of two and let's make it a really nice lot. Those are decisions that hopefully you and your client will make them before we have to make them for you.

Mr. Walsh stated okay.

Chairman Rogan stated so I would you know, I'm always amazed when people come in with an idea or a plan, they don't just come in and say let's put in what is going to work and lets it get it done and be out of here in a year or whatever time instead of struggling with these things. We have subdivisions that have been in and out in ten years or longer because they just don't apply for what's obviously going to work. So a word of caution on that, you didn't, its not your property but you are the one that is designing it so and you've sat through a lot of comment tonight from other applications so you get a sense of where we are going with it.

Mr. Walsh stated yes.

Chairman Rogan stated we don't want to be the bad guys but we want to make sure what's done, the owner that comes in is proud to have that lot and not looking at us like we are the bad guys because we won't let them put a pool, so.

Mr. Walsh stated right.

Chairman Rogan stated anyway.

Mr. Walsh stated if I may just before.

Chairman Rogan stated sure, we are not looking to push you.

Mr. Walsh stated the access, the way it is proposed right now, does the Board or its consultants have concerns with because that is an item that I also need to address.

Chairman Rogan stated well that is the existing, you are showing the location is what is existing there now.

Mr. Walsh stated tying up to, there is a slight path that goes up, the actual drive cuts back this way.

Chairman Rogan stated okay, so the concern that we would have is if you are going to use that for emergency access, how are we going to stabilize that because as it exists today, it is not stable, its not, its not something that would be, I wouldn't leave that and say okay its going to available for emergency because it won't be three years from now just from run off and erosion its not going to be you know, when you leave emergency access, it has to be something you can use.

Rich Williams stated here is the other part with emergency access, maintaining it in the winter, if you really want keep it open, how are you going to keep it open.

Chairman Rogan stated yeah.

Rich Williams stated I think the concept is just there, you know the road is there, if we really need to go, we are going to go in with some really heavy equipment and open it up when its time to open it up.

Chairman Rogan stated yeah.

Rich Williams stated this cul-de-sac in and of itself is not you know longer then other cul-de-sacs we have in this Town.

Chairman Rogan stated so do we even show it on the plans as an emergency access, why don't we just cut this off right at the stormwater basin and save the impact.

Rich Williams stated that's fine and using vegetation or some other method, I will thinking about it a little bit to stabilize rest so the travel way is there, its going to stay there for a while.

Chairman Rogan stated save everybody a lot of headache, because I'm comfortable with the length of that you know and I would like to reduce the impacts that we are doing on steep slopes and crossing Stephen's Brook, Ted would you be upset with that.

Rich Williams stated I think.

Ted Kozlowski stated no.

Rich Williams stated the bigger issue we are going to have to look at is getting in there to maintain those basins and what we have to do and frankly.

Chairman Rogan stated right.

Rich Williams stated I hate you know going across somebody's front yard and down somebody's driveway with some equipment, having to contact them to tell them hey we are coming out tomorrow because we are going to dredge the pond out and they are going to say not across my driveway you're not.

Chairman Rogan stated yeah.

Mr. Walsh stated keeping with that idea, would the Board be open to idea of instead of having this long drive, leaving this as an access just to the basin but providing a shared drive between seven and eight.

Rich Williams stated I actually made a suggestion to you and I would like to see how you'd react to it about shifting lot eight over a little bit.

Mr. Walsh stated you wanted to shift it up and over.

Rich Williams stated the other way.

Mr. Walsh stated this way.

Rich Williams stated yup, that way.

Mr. Walsh stated okay.

Rich Williams stated shifting lot seven, the house a little bit and instead of the line going this way between the lots, it goes this way between the lots.

Chairman Rogan stated Rich can you stand up there and just kind of draw that a little bit, it will be easier for all of us.

Mr. Walsh stated if you don't mind.

Chairman Rogan stated you look like you need.

Rich Williams stated moving the house over here, I can draw it.

Mr. Walsh stated go right ahead.

Rich Williams stated moving this house say down to here.

Mr. Walsh stated and splitting it that way.

Rich Williams stated bring your driveway in here, you've got your other driveway.

Mr. Walsh stated at that point it can be anywhere over here and then have that as an access.

Rich Williams stated yeah.

Mr. Walsh stated okay, I don't see right now that being an issue.

Rich Williams stated yeah and its, you know, it also moves this house over here and move this house so they aren't.

Mr. Walsh stated one behind the other, okay, conceptually I don't see that being a problem.

Chairman Rogan stated Dave, have you had a chance to look at this concept plan at all from the stand point of fire protection.

Dave Raines stated we just touched on it, I kind of got focused on the existing structures and how they would become part of this in the end. I was concerned that not only we classify the property and what are we going to do with that lot amongst three thousand square foot homes.

Chairman Rogan stated yeah.

Dave Raines stated and all but I'm sure that is such a big issue with you with what you are looking at. I think we will probably end up finding a spot in here some place to put a tank, (inaudible) been thinking.

Mr. Walsh stated I was hoping it would be somewhere in this area.

Dave Raines stated right in here.

Chairman Rogan stated good spot.

Dave Raines stated bad spot.

Chairman Rogan stated good spot.

Mr. Walsh stated okay.

Dave Raines stated is this a bad spot.

Chairman Rogan stated good spot.

Mr. Walsh stated is there a certain.

Dave Raines stated show on the record that Rich agreed with me.

Mr. Walsh stated is there a certain dimension, I know typically they are like twelve feet off of the road pavement for, is there, do you want a pull off area for the truck to move out of the way.

Dave Raines stated (inaudible – too many speaking) as long as we can get a second fire truck past it, you don't want to create an additional impervious surface for that but.

Mr. Walsh stated would twenty-four feet be enough to.

Dave Raines stated even if it's a curb cut so we can get the truck off and we can get another apparatus past it.

Board Member Montesano laughs.

Rich Williams laughs.

Chairman Rogan stated do we have any, I think you got some pretty good direction, you've got some things to work on.

Mr. Walsh stated in a whole and conceptual aside, the Board.

Chairman Rogan stated you have to make it all work and they are going to be able to use the lots, keep that as the theme, the idea of the common drive, the two lots we were willing to work with.

Mr. Walsh stated so as it states right now the way this looks, the Board is more or less accepting at this point, even though it will require a variance.

Chairman Rogan stated I don't have any problem with one common drive.

Board Member DiSalvo stated I do too.

Dave Raines stated what is the total distance from (inaudible) do you know.

Mr. Walsh stated off the top of my head no.

Chairman Rogan stated its nineteen hundred, that's got to be five or six hundred feet.

Mr. Walsh stated about six hundred give or take.

Board Member DiSalvo stated that's a lot for one house to plow.

Rich Williams stated twenty foot wide Dave.

Mr. Walsh stated yes.

Chairman Rogan stated and that stormwater will not be tied in.

Mr. Walsh stated basically its twenty foot all the way up to this point, then it goes to either ten or twelve.

Chairman Rogan stated there are roadways that are less then that with multiple houses on them, you know.

Board Member Montesano stated the guy with a little plow is not going to bother anyone.

Chairman Rogan stated and someone had brought up when we were reviewing this, the lots with the common drive would be basically looking down into the backs of the houses of the others, the grade is so different there that I think would be.

Mr. Walsh stated I don't think they will be looking in the back of them, they will be looking right over them.

Chairman Rogan stated yeah, so. Rich anything else for tonight.

Rich Williams stated absolutely not.

Board Member Montesano stated I have to see (inaudible).

Mr. Walsh stated the wells, that is why we show the access way to get to it.

Board Member Montesano stated yeah that is going to be very interesting.

Chairman Rogan stated okay.

Mr. Walsh stated okay, thank you very much.

Chairman Rogan stated thank you, thanks for you patience.

Mr. Walsh stated not a problem.

Chairman Rogan stated you have to learn from other people to time your entry so you don't have to wait all night.

Board Member Montesano stated well the meeting is over right.

Rich Williams stated well it doesn't mean we have to hear him.

Board Member DiSalvo stated make a motion that we.

12) OTHER BUSINESS

a. Site Walks: Bear Hill Estates Resubdivision, Pondview Subdivision

Ms. Beth Evans of Evans Associates was present to represent Pondview.

Chairman Rogan stated okay we have site walks from Bear Hill Estates and Pond View, is anyone here for those, you are, great. Pondview, she has been very patient.

Ms. Evans stated I'm only here for Pondview, go ahead with Bear Hill Estates.

Chairman Rogan stated no you go right ahead with Pondview.

Ms. Evans stated Beth Evans for Pondview.

Chairman Rogan stated hi Beth, how are you.

Ms. Evans stated well thank you, how are all of you.

Chairman Rogan stated we didn't have a whole lot of comments from Pondview except that we wanted to see the pond for the view. Maria had said that there are some natural hiking trails around the pond with the grade that is allowed.

Board Member DiSalvo stated or three quarters around, at least up to the dam.

Chairman Rogan stated is Beth here just for the wetland impacts.

Ms. Evans stated I am here basically to get your comments and anything that you noted, I am the elected party to come and speak with you tonight so if there is.

Board Member Montesano stated you can take the beavers from that side of town and bring them over.

Ms. Evans stated have them fix the dam huh.

Rich Williams stated to answer your question, what is currently pending before the Board is a wetland application.

Ms. Evans stated right and so.

Chairman Rogan stated so one thing that the Board thought would be nice if they could incorporate into their plan was some future recreational, soft recreational uses of the area around the dam.

Ms. Evans stated passive recreation.

Chairman Rogan stated it seems like a natural you know area to want to have a nice pervious trail.

Ms. Evans stated we can certainly consider that, that is able to do, is there anything else. I can update you.

Ted Kozlowski stated how are you going to approach fixing the dam.

Ms. Evans stated we have those details for you, we have the engineers have worked that out and we have detailed plans.

Ted Kozlowski stated are you coming off I guess the power line and then on top of the dam that is already a path.

Ms. Evans stated yes.

Ted Kozlowski stated is that how you are going.

Ms. Evans stated yes, correct.

Ted Kozlowski stated that is what (inaudible).

Ms. Evans stated that seemed to be pretty obvious but we now have those details for you.

Ted Kozlowski stated well you never know.

Ms. Evans stated I know, Ted we can come up with creative ways to mess things up and on that note we did go down to meet with the Army Corps of Engineers last week we finally got Brian Orzel to sit down with us and have a discussion. At this point it looks as though he is going to be able to give us our permits under nationwide permits but in exchange for that he is going to want us to create one for one new wetlands on the site which means in our opinion unnecessary upland disturbance but at this point unless we can talk them out of it, they are including the dam repair work in that calculation. So we are now looking at nearly four tenths of an acre of created wetlands.

Chairman Rogan stated wow.

Ms. Evans stated we are working with the engineers to see if we can't do some of that work in and around an area near the Fair Street side of the dam that has already been disturbed, there is going to some grading that needs to go in there for the dam to, its where the new emergency spill way is proposed to use that area to see if we can't come up with created wetland. But we are not happy with that conclusion but that conclusion came down from the section chief so we are going to work on it and we just wanted you to know that that is the direction that we are being pushed by that agency.

Chairman Rogan stated there is a lot of garbage down in that area, Rich and I walked through that, that came off the road way, a lot of garbage.

Ms. Evans stated one of the things that is frustrating to me is that Brian was pointing to an area that is very steeply sloped off of Fair Street, just connect these parts of the wetland, great now I have to monitor it for five years and tell you it's a wetland at the end of the day, I don't think so. But we are going to have to come up with something there and we will run that by Ted and Rich as well to make sure that they are comfortable with it.

Rich Williams stated advise us early.

Ms. Evans stated I just did.

Rich Williams stated we might write to the Army Corp too.

Ms. Evans stated yeah I may well get you guys to help on that.

Ted Kozlowski stated that's surprising.

Ms. Evans stated I'm sorry, this isn't a showing at this hour.

Chairman Rogan stated that's alright.

Ms. Evans stated it was not surprising to me it was unfortunately just frustrating, their book says one to one and we are doing x therefore we need to create x, whether we have ten x already on the site. We will do what we need to do. Is there any way that we could anticipate a public hearing on the wetland permit too.

Chairman Rogan stated do we have plans to.

Ted Kozlowski stated Beth you had to amend you application to address how you are going to repair the dam.

Ms. Evans stated okay, so we will get that in.

Ted Kozlowski stated so get that in and you will be complete on my end.

Ms. Evans stated okay good, hopefully then.

Chairman Rogan stated set a public hearing.

Ms. Evans stated we can get it back by the 19th I understand was the deadline.

The Secretary stated yes.

Ted Kozlowski stated actually Beth, if you are going to have to create a wetland and its going to be within the hundred foot buffer of our controlled wetlands, you might as well thrown that in there too.

Ms. Evans stated I think so.

Chairman Rogan stated especially since he is in such a good mood.

Ms. Evans stated good, I don't know why he's in a good mood now, a good mood earlier.

Chairman Rogan stated it was a tough night.

Ms. Evans stated it was but I'm glad I'm not on the receiving end.

Chairman Rogan stated they beat us down, that's it.

Ms. Evans stated good, we will get the submission back in to you, if that's all the comments you have and we will incorporate that and get it back.

Chairman Rogan stated anyone have anything else, nope, thanks.

Ms. Evans stated terrific, thank you.

Chairman Rogan stated thank you.

b. Kent Supply Co.- Sign Application

No one was present to represent the application.

Chairman Rogan stated do we have anyone here for Kent Supply. That was the temporary sign application.

Board Member DiSalvo stated I thought we had approved it for like six months.

Chairman Rogan stated did we do it, I don't think we did it.

The Secretary stated you did not do it at your work session.

Board Member Montesano stated no we talked about it.

Chairman Rogan stated we spoke about it.

Board Member Cook stated the whole thing that they would come up.

Board Member DiSalvo stated has Dave been in touch in with him, Dave Raines.

Chairman Rogan stated the issue with Kent Supply was they have a sign already up, they are looking for a temporary approval, we were going to do six months but they also do not have site plan approval, this is Robin Hill Corporate Park.

Board Member DiSalvo stated right, right.

Chairman Rogan stated so part of that was making sure on the record we were letting them know that they needed to pursue site plan approval, this is Kent Supply we are talking about.

Rich Williams stated the other issue is the sign has to be one sided, it can't be two.

Chairman Rogan stated they should be in here, let's get them in here.

Rich Williams stated you want to table it until the next meeting.

Chairman Rogan stated yeah.

Board Member DiSalvo stated have you been in touch with them at all or has Dave.

Rich Williams stated where's Dave.

Dave Raines stated what.

Board Member DiSalvo stated Kent Supply.

Rich Williams stated have you been in touch with Kent Supply.

Dave Raines stated oh yeah.

Rich Williams stated oh yeah.

Chairman Rogan stated they are not here though.

Dave Raines stated I didn't know what we were talking about.

Rich Williams stated oh yeah, they are not here.

Chairman Rogan stated Jack, you're not here for Kent Supply are you.

Mr. Karell stated nope.

Rich Williams stated they seem like very nice people.

Board Member DiSalvo stated did they know they had to appear.

Rich Williams stated they have been somewhat difficult.

Chairman Rogan stated well we've got issues with site plan, which they know about but the issues with the sign are that right now they have a v-shaped sign, its basically two sheets of plywood, its okay if its together as one.

Board Member DiSalvo stated right.

Dave Raines stated they used the existing stanchions from the real estate sign.

Board Member DiSalvo stated those real estate signs are all over the place.

Dave Raines stated lease available, land available sign they put up there's.

Board Member Cook stated the sign is up and it shouldn't be up.

Chairman Rogan stated yeah, its up.

Board Member DiSalvo stated we have to address these real estate signs.

Dave Raines stated the guy is taking it down and we are going to court and we are going to court for the site work he did without a permit, the only thing they are authorized to do with interior work was to bring it up to fire and building code, that is what they were going for, no site work. They already did site work without a permit.

Chairman Rogan stated okay, so they did site work without a permit, they put up a temporary sign without a permit and now we are kicking around the idea of approving something and they aren't even here.

Board Member DiSalvo stated let's wait until next.

Dave Raines stated no, I told them (inaudible).

Chairman Rogan stated they should come into the meeting and also they should take the sign down.

Dave Raines stated my last meeting at their site I told them there was no chance that they'd even get the sign approved with all these other violations on the site that are directly related to the site plan.

Chairman Rogan stated oh okay, so they figure what's in it for us to come in, we've got no reason to. table it, they got a violation on it anyway, okay.

Board Member DiSalvo stated we have to do something about these real estate signs.

Dave Raines stated he still has a stop work order on all site work which include the sign anyway.

Chairman Rogan stated he is opening up plans, okay.

c. Star Plaza of Kent Lead Agency Notice

Board Member Montesano stated okay, do we want to lead agency for Star Plaza.

Board Member DiSalvo stated no.

Chairman Rogan stated no, we accepted that information and we set a review letter to the Town of Kent from.

Board Member DiSalvo stated from you.

Chairman Rogan stated from me.

Board Member DiSalvo stated did we get any response on it or, wasn't there some discrepancies with what they had designated as being in the Town of Patterson.

Rich Williams stated yes.

Chairman Rogan stated yes.

Board Member DiSalvo stated and you didn't get a response letter.

Rich Williams stated I did not get a response.

Chairman Rogan stated I drove by that the other say, that is a small lot, there is not much down in there, it goes into the wetlands and to the highway.

Rich Williams stated I think when Mr. Singer saw the last paragraph of the letter he had a heart attack.

Board Member DiSalvo laughs.

7) **POWE SUBDIVISION – SEQRA Review**

Mr. Jack Karell was present to represent the application.

Chairman Rogan stated okay Powe Subdivision, Jack, you're up.

Board Member Montesano stated you better make it real fast, no.

Chairman Rogan stated you couldn't have had better timing, you walk into.

Board Member Montesano stated we could had a shorter meeting.

Mr. Karell stated I was kind of hoping that the parking lot would be empty.

Chairman Rogan stated I haven't eaten since lunch.

Ted Kozlowski stated jack where have you been.

Mr. Karell stated hanging out.

Board Member Montesano stated very busy, very busy.

Board Member DiSalvo stated I see you on television a lot.

Chairman Rogan stated Gene, you gave us a memo on this tonight, I obviously haven't had a chance to look at it, do you want to start off by maybe walking through some of your concerns that came out of this review.

Gene Richards stated a lot of our concerns focus on the (inaudible – not using microphone).

The Secretary stated thank you Gene.

Gene Richards stated much of our concern regarded the second sheet and legibility, one of the important things for certainly the Planning Board under your review to be able to understand a plan and later on for a contractor to be able to build from it so. Really what we are hoping is that Jack can look at the plan and clean it up and show the level of detail that he needs to show for those items.

Mr. Karell stated I think the last time we were here, there were some wetland issues and I think Kyle, the soils and surveyor had addressed many of those issues with Ted, who is leaving. We pulled the house closer to the road to get them further away from the wetland setback and I think.

Ted Kozlowski stated I approved the flagging, I had conversations with Kyle Kayler.

Mr. Karell stated it seems the horses were eating the wetlands flags so they had to reflag it.

Chairman Rogan stated not surprising out there.

Ted Kozlowski stated sounds like (inaudible).

Mr. Karell stated Gene's comments can be addressed.

Gene Richards stated they are pretty straight forward.

Chairman Rogan stated okay.

Mr. Karell stated the same thing with Rich's because we have the house sites set.

Rich Williams stated don't look at me, I told you if you didn't show up at the MS4 Committee meeting I wasn't going to recommend approval of this.

Chairman Rogan stated and he didn't show up.

Mr. Karell stated I was ordered else where.

Rich Williams stated I don't care.

Ted Kozlowski stated Jack, I had a question the bigger lot, the one going north on Cushman, the house location.

Mr. Karell stated you mean the main house.

Ted Kozlowski stated no the one to the left right there.

Mr. Karell stated oh this one.

Ted Kozlowski stated yeah.

Mr. Karell stated they are both the same size, that is why you confused me.

Ted Kozlowski stated tonight we have been talking about useable space and all that and the back of that house is fairly close to the buffer.

Mr. Karell stated here is the buffer.

Ted Kozlowski stated why are you leaving a lot of room to the right and you can scoot the house and have a little bit more room in that backyard.

Mr. Karell stated well I mean we could give them even more room and this is the buffer, we are 85 feet, the house is 85 feet from the buffer.

Ted Kozlowski stated okay and that is Cushman Road.

Chairman Rogan stated they are going to be big houses.

Mr. Karell stated what.

Chairman Rogan stated those are going to be large houses.

Mr. Karell stated we showed large houses, he is subdividing this with the intention that his sons are going to live there, build a house and live there sometimes.

Chairman Rogan stated okay.

Mr. Karell stated by moving it to the left we are not going to get further away from the road, in fact it would get closer to the buffer over there.

Chairman Rogan stated yeah.

Board Member DiSalvo stated we could ask him to move them closer to the road.

Mr. Karell stated I did, yeah.

Board Member Montesano stated we had to do that or the horses would have ate it.

Mr. Karell stated are we ready for a public hearing.

Chairman Rogan stated we have to circulate, oh we've done, declared intent, no we didn't, wait a minute

Board Member DiSalvo stated (inaudible).

Board Member Montesano stated we did the minor.

Chairman Rogan stated the Board declared intent to assume lead agency in reviewing as more then 30 days has elapsed the Board is now lead agent, right.

Board Member DiSalvo stated minor subdivision.

Rich Williams stated what you haven't done is the classification.

Chairman Rogan stated we can do that right now defiantly.

Board Member DiSalvo stated this is mine, right.

Board Member Montesano stated yeah.

Chairman Rogan stated if they are moving along pretty well with Gene's comments and Rich's comments.

Board Member Montesano stated it depends, do you want to make it a major with a positive dec.

Chairman Rogan stated (inaudible – too many speaking).

Board Member DiSalvo stated in the matter of Regiald Powe, three lot realty subdivision, I make a motion that the Board declare this is a minor subdivision.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 4 to 0.

Chairman Rogan stated and what do we have left to do on this, we have to clean up some comments, provide some nice clean sheets, how much before you have this all wrapped up jack.

Mr. Karell stated I have to do Health Department, I did the holes, the deep holes, we have to do the percs, its too cold for me to be out there, we would like to get public comment, get that out of the way.

Chairman Rogan stated I don't think the layout right here is going to change from what you know somebody is going to comment on, do you Gene, do you or Rich do have any foreseeable problems with us setting this for public hearing.

Rich Williams stated my only concern is Jack showing up.

Chairman Rogan stated do you want to set a public hearing for.

Rich Williams stated I'm not kidding he didn't show up the last time he was on.

Chairman Rogan stated we'll set it and if you don't show up, the re-public hearing will take twice as much work.

Board Member DiSalvo stated oh that's right but it wasn't a public hearing.

Chairman Rogan stated do you want to set it.

Board Member Cook stated oh sure.

Chairman Rogan stated Powe.

Board Member Cook stated I make a motion that.

Mr. Karell stated I can't do March 6th.

Board Member DiSalvo stated he can't do the next meeting.

Board Member Montesano stated he can't do the next meeting so let's make it for.

Chairman Rogan stated at least you know.

Board Member Montesano stated let's make it for august, what is the august meeting.

Board Member DiSalvo stated at least he remembered, when is the April meeting.

The Secretary stated I don't have the schedule.

Board Member Montesano stated let's schedule the public hearing for the August meeting, I'm ready to do that.

Chairman Rogan stated in the matter of Powe subdivision I make a motion that we set a public hearing for the April meeting.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 4 to 0.

Chairman Rogan stated I don't want you to go through more then what you.

Mr. Karell stated thank you very much.

13) MINUTES

Chairman Rogan stated we have minutes.

Board Member Cook stated I make a motion that the Board approve the minutes of November 29, 2007, December 6, 2007, December 27, 2007 and January 3, 2008.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 4 to 0.

Chairman Rogan stated any other business that, Anthony you have anything that you need come up. Are you training someone new.

Anthony Molé stated no, just wanted her to introduce her, we can do it after.

Chairman Rogan stated anything Ted.

Ted Kozlowski stated you did a nice job bringing that picture.

Chairman Rogan stated it just worked out that way. It was a long meeting, thank you everyone for your attention and certainly for everyone patience.

Board Member Cook stated thank you Mr. Chairman.

Chairman Rogan stated motion to adjourn.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 4 to 0.

Board Member Montesano stated done.