

APPROVED
4/3/03 mab

TOWN OF PATTERSON
PLANNING BOARD MEETING
February 27, 2003 WORK SESSION
AGENDA & MINUTES

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February 27, 2003 Work Session Meeting Minutes

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

Present were: Chairman Herb Schech, Board Member Mike Montesano, Board Member Russ Shay, Board Member Dave Pierro, Board Member Shawn Rogan and Rich Williams, Town Planner, Craig Bumgarner, Town Attorney and Ted Kozlowski E.C.I.

Meeting called to order at 7:30 p.m.

1) GDC SUBDIVISION – Utilities discussion

Mr. Jay Hogan, Attorney with Hogan & Rossi was present representing the owners of the subdivision.

Mr. Hogan stated I have some clients that are kind of between a rock and hard place right now. It really has been Verizon's position that they have the right to do what they did. We have spoken to their Attorneys and they direct us to the statues but that is about all the direction they will give us. We have banged our heads against the wall. I can see some of their interpretation and in the same respect it is a little murky when you look at the latest law on it. There is a Court of Appeals decision that says they can do above ground whenever they want if they want for whatever reason. Then there is a tariff that says it seems to indicate I think the interpretation that they are taking of their tariff is that they can go above ground on existing roads. I think the way their analogizing this is, listen folks if we had fifty extra poles, we had a surplus of poles, and we wanted to install these poles and there was no subdivision approval along Fields Corners Road we can run fifty poles down Fields Corners Road and nobody can stop us because we have the right to do that. In that respect, when I listen to that end of it that is, we are caught between two utilities right now. I have got clients who have got almost a million dollars into this property. We are getting pretty close to where we can pull C of O's, we could pull C. of O's now probably. We don't have any electric; we don't have any juice to the property. We have contracts for people who are buying these houses from our clients who had sold their houses who are getting time of the essence letters which is kind of a notice that you are going to be sued if you don't close on such and such a date and we have the no electricity issue. So we have a domino affect of about four or five closings that are going to be catastrophes if we can't get some kind of power into the property. What NYSEG is doing is certainly they came before you I think a couple of times from what I understand and they are not going to do anything without you guys giving them a blessing.

They proposed that my clients put up sixty-five thousand dollars in security to pay for not only stringing the temporary lines out but more of a significant concern to us is if they don't get the ability or the approval finally to run lines above ground along Fields Corners Road they are going to wind up, my clients are going to have to pay NYSEG's expensive which seems to be in their un-fed discretion whatever they want it to be to take the lines out, go underground, dig the lines through the property and in doing so NYSEG, back in June we applied for the hook-up with NYSEG and they have been going back and forth with Verizon. Nobody every applied, NYSEG typically applies for a DEC Permit if necessary nobody applied for a permit. My people in looking at this have had problems where NYSEG and Verizon when it comes to building new houses in subdivisions always have problems getting hook-ups so you typically build a third of the house, maybe half of a house on a generator. They started panicking in January when these guys still had not worked out their differences. It started becoming obvious when Verizon was going to do what they wanted to do and NYSEG couldn't do what they were supposed to do because they did not have the DEC Permits. DEC on the other hand has told NYSEG that well you know what we are not sure we will grant these permits because there is a less intrusive environmentally, more intelligent option of going along the wires that Verizon has put in the poles. So, we are really concerned at this point one, about getting hooked up period so that we can avoid all these lawsuits and number two we don't want to pay them fifty grand or sixty grand or whatever they are going to decide to charge us to put the utilities underground if it winds up being that they have to go back and put them underground.

Craig Bumgarner stated we have been going around and around on this. Let me tell you kind of where our travels have taken us. I spoke to the Public Service Commission. They were not very helpful in so far as they said we can't deal with theoreticals. If you want to submit something to us for us to issue a determination then we will help you otherwise file a complaint then we will give you our decision. There are a number of different things that we looked at in terms of trying to decide how this hashed out. There are some provisions in NYCRR. Rich pulled the tariff off of the website and we looked at that. There were some old case law on the subject. The bottom line is this, the way that it appears to read in both the NYCRR and their tariff is that new construction in a subdivision five lots or more is supposed to go underground. Now, this is where the fine line is and this is where we think and I will get back to where we think Verizon is going; if this was the interior road of the subdivision I would not have even the slightest doubt where these lines were supposed to go. They should have been underground and that is that. One of the things honestly that makes me concerned is Verizon has been at this long enough that I would be surprised that they would do something that they know they couldn't do. Knowing that the Public Service Commission would come down on them. Any time they put poles above ground they have to file a notice with the Public Service Commission. So, on one hand I read the provisions and I think that we have a legitimate argument that these were supposed to go underground.

Chairman Schech stated I agree with you because this is part of the subdivision. This is not the original right of way. This is in a right of way given to the Town as part of the subdivision so it is supposed to be underground as far as I am concerned.

Mr. Hogan stated the thing about that though is that some of the poles are across the street which I know are not in the subdivision and that is when it gets,

Chairman Schech stated all right they can have those poles maybe they have stronger wire they can run from the street all the way down there.

Mr. Hogan stated I think what they could have done is run them on the other side of the street.

Chairman Schech replied no not the way the thing curves you see they bounce back and forth.

Mr. Hogan replied yes.

Chairman Schech stated there is a lot of poles, there is eleven poles down there.

Craig Bumgarner stated that is another thing we don't even know if they were put on both sides so that they could then later turn around and say it is not all located within the subdivision.

Chairman Schech replied no they do that for stress purposes.

Craig Bumgarner stated the biggest problem that we have got here right now is what would really be helpful if somebody from Verizon would say we did it because this is what we think is the case, this is what we have done in the past and we are allowed to. They have been mum on the subject. They have basically just said folks we have done it in the past and this is what we are doing. Now, stepping back when I read that provision that says five houses in a subdivision then it refers you for the purposes of deciding you look at the subdivision plat which I think in this case you should see it is on there. I think we have a good argument for it to go under but I also think that there has to be some reason that Verizon is this bold and feels that they can go this way. What I am concerned with either way and thankfully it sounds like there is a problem resolved here in that they are going to get at least some temporary juice out there is that unfortunately with all these people going back and forth we have got two potential new families moving into Town who are about to be sued from where ever they are coming from and these other things so the reason that we really wanted to talk about this tonight is to get a resolution one way or the other. If you guys stick to your guns and say they are going underground that is fine but at least they will know what they will have to do to get these families moved in so that are not getting sued.

Chairman Schech stated from what I understand NYSEG is willing to put up temporary wires on the poles and they did state temporary.

Craig Bumgarner stated right.

Chairman Schech stated whether they are going to be permanent or not but right now they are temporary.

Rich Williams stated right but with provisions.

Chairman Schech stated with provisions that there is sixty-five thousand dollars in escrow which is going to hang in there to cover the cost when we prove we are right and they are going to go underground in the meantime we are going to push it, right. In the meantime the people can move in, nobody gets sued hopefully. That is my opinion.

Board Member Pierro asked can they purchase a bond for that sixty-five thousand or do they have to put up.

Mr. Hogan replied they want a letter of credit. We are trying to put that in the works right now but like I said these people could have closed two months ago if they would have gotten the power out to us but since we are working with generators it has been difficult to get the houses done now that they are pretty much done we would love to take the million bucks that is tied up and do whatever we have to but we are scrambling right now to try and raise the money to do this.

Craig Bumgarner stated one of the biggest problems here really and in one sense I give NYSEG credit because they have made it clear that they want to do what the Town wants.

Chairman Schech stated NYSEG is at least cooperating.

Craig Bumgarner stated they are but the only problem though with NYSEG in their cooperation is the application was made for service in June so pull the trigger one way or the other.

Mr. Hogan stated I have my own feelings about how this could have come out because I asked the NYSEG people, let's not paint them with a great beautiful brush, I inquired of NYSEG people what is the criteria by which you determine who is the lead entity that goes into each subdivision and I said if you have five subdivisions that have just been approved does Verizon take the first one, NYSEG take the second one, Verizon take the third one and NYSEG take the fourth one. They said well we try to do it as fairly and equitably as we can. So, why didn't the underground aspect of this thing pop up and get done five months ago. We have the guys out there, typically the Contractor will dig the trench all the way through but at this point they have to go under two streams and through wetlands and through wetland buffers with the underground stuff and NYSEG never did anything to get the permits and I don't know if NYSEG just felt well maybe we will be able to go above ground if Verizon puts the poles up.

Craig Bumgarner stated they might have been counting on Verizon putting up the poles so they could run them.

Chairman Schech stated they put a gas line up from Southeast all the way up here through all kinds of streams and wetlands what the hell is a little wire.

Rich Williams replied they got permits.

Chairman Schech replied well they never went for the permit here. How are you going to get a permit if you don't apply.

Rich Williams stated they went for permits when they came up with the gas line.

Chairman Schech replied I know but they never went for permits on Fields Lane.

Chairman Schech stated so we are trying to let you guys off the hook (referring to Mr. Hogan) and it falls into our ballpark to force this thing underground.

Craig Bumgarner stated if it is the Board's desire that we push the underground again, the crisis I guess looks like it may have been adverted but the Board is now going to say are we going to push it forward or are we going take what we got out there and call it a day. That is what the Board has to decide right now.

Chairman Schech stated I want to push it.

Board Member Montesano stated I think we have made it very clear to Verizon over quite a length of time that we wanted underground utilities. This is not the first time they have pulled this. Now they want to go and say that they have the right to do as they see fit. I think it is time to get the Public Service Commission to come in and make a statement that a Town that comes up with something has the right in their own

jurisdiction to make Verizon do what it is supposed to do. Of course if the Judge decides we are wrong then we are back to square one and there is no need to tell them anything. If they are that powerful, if they control we are in the same thing as New York City but even New York City has bent up to a point. These guys tell you go to hell and that is their attitude.

Chairman Schech stated let's push it that is all. So, you get your letter of credit put together.

Mr. Hogan asked now if we come up with some sort of definitive, legal basis for their position I guess we will get it to you because in the meantime we are going to go to the PSC we are going to do everything to find out why they have stuck it to us. You get caught between a couple of utilities it is not pretty.

Craig Bumgarner stated RCN Cable now has run down the road.

Mr. Hogan stated yes RCN is in too.

Chairman Schech asked can we have a motion on this guys.

Rich Williams stated let's see how we go about this before we start. Can they actually make a determination that they are going to pursue something or do they have to go to the Town Board.

Craig Bumgarner replied they would have to go to the Town Board in terms of expending resources for litigation but what they can do although I am going to tell you not here at a work session because it is not noticed for votes at this meeting. Let's get a consensus tonight we have our meeting next week if it is the Board's consensus which this you can give me you don't even need a motion, if it is the Board's consensus here tonight is Craig, contact Verizon and tell them those poles are unacceptable and we want them underground then you guys can let me know and we will put that in a motion.

Mr. Hogan asked can we get a motion tonight though to put in temporary lines or an agreement tonight that we can.

Rich Williams stated the rest of the Board does not know what has been going on. Essentially, what happened was NYSEG contacted me, I talked to the Chairman about it, they came up with this agreement where they would issue a letter of credit and a contractual agreement to put the lines over head temporarily with the understanding once the issue with Verizon got resolved that they would do whatever they needed to do with the lines. We basically blessed that they could go ahead with that with the understanding that they would supply us copies of the letter of credit and the contractual agreement so that we had them here on file.

Board Member Pierro asked Craig, you have no problem with that arrangement impacting anything.

Craig Bumgarner replied I don't have a problem with that on a temporary basis no.

Board Member Montesano stated I have no problem with it but I know it will be turned that if you are allowing them on a temporary basis they are going to use the same line that they put up there as if they were going to do it permanently. The word temporary is going to be the word in there not the equipment that is going to be used because if you are going to carry a hundred and twenty thousand volts you need a hundred and twenty thousand volt capacity on that wire.

Craig Bumgarner replied well they have already told us they were going to use the same wire because if it is going underground they are not going to re-string the whole thing they are just going to drop it in the trench.

Board Member Montesano stated and I think we will go right down the toilet.

Chairman Schech stated it is worth a try.

Board Member Pierro stated if our Counsel says he does not think that the temporary decision isn't going to impact the permanent decision.

Craig Bumgarner stated I don't think it is going to have any affect on it. They did the wrong thing but I will say this also having spent more time than I ever thought I would want to going through this utility stuff I can't see that Verizon hasn't got some loop hole right now. I am telling you because there is no way with the over sight they get on the PSC and the fact that they have notify every time a pole goes above ground this has to be something that they already have beat some Town up on.

Mr. Hogan stated you should think that you could call these entities who are quasi-governmental entities and say direct us where your authority is, Board Member Montesano interjected as long as you have political appointments you are not going to have anybody make a statement.

Mr. Hogan stated they can't give you any advice but they tell you just look at NYCRR and you know what you get five lawyers in the room and those five lawyers have a different opinion about what it means.

Board Member Montesano stated it is not those five opinions that are really worth it. It is the man with the robe.

Craig Bumgarner stated we have the temporary solution in place now and we will get pushing Verizon to find out what it is they have to say for themselves.

Mr. Hogan stated thank you so much I really appreciate it folks.

Chairman Schech stated it looks terrible with all those poles.

2) FUCA SUBDIVISION – Public Hearing

Chairman Schech stated we have the Fuca Subdivision public hearing on.

Board Member Rogan stated I thought the last thing on Fuca was just the technical issues with engineering and it looks like they have been addressed. I don't recall anything else being an issue out there.

Rich Williams asked Ted Kozlowski how did you make out with the changes to the landscaping out there.

Ted Kozlowski replied I met with Scott Blakely earlier in the month and I have not seen the new plans yet. I just got them now. I met Richie prior to seeing Scott we discussed our mutual concerns over the wetland buffer planting as well as the general landscape plan. We thought it was inadequate, we thought some of

the species selection was way off and I relayed that to Scott who said he understood and said he was going to submit revised plans so while we are meeting I will take a look.

3) COLEMAN WETLANDS/WATERCOURSE PERMIT – Public Hearing

Ted Kozlowski stated for the record this gentleman claims he came to the Town a year or two ago or maybe longer than that for permission to build a large shed where it is presently located. At that time he dealt with the former Building Inspector who informed him that he did not need a Wetlands Permit. Upon inspection by yours truly he is within the wetland buffer.

Chairman Schech asked which is Coleman.

Ted Kozlowski replied he lives on Old 22 on the corner of Apple Hill.

Chairman Schech stated he was filling in, Ted Kozlowski replied he was filling in he stopped that a year ago. I asked Joe Dapuzzo to knock on his door. The guy has been very cooperated but he made it very clear and at the public hearing I am sure he will say it that he was informed by a town official that he did not need a Wetlands Permit so having said all that I informed him that he needed to get a permit and especially I believe that he is selling the house. He needs to get this all in order. He has since taken out the commercial vehicles that he had there. He found a storage area some where on Route 22. He had a backhoe and something else there I forget what it was but that is now pulled out. Personally, I do not have a problem with the shed being where it is he just needs to be in compliance.

Board Member Montesano stated he can't sell the house if it is not in compliance.

Ted Kozlowski stated plus he has a smaller little tiny shed and the pool was already there. I just told him on the plans put everything that you have on that property on the plans because most of it is within the wetland buffer including his house. Just to make everything on the up and up and all documented so the next guy that comes in we have some starting point.

Board Member Rogan stated it sounds good having a one and a half acre lot but he has about sixty percent in the wetlands.

Ted Kozlowski stated like I said, from day one from the minute I spoke to him he has been nothing but cooperative.

Board Member Montesano stated what annoys me is yes he has been cooperative; he has his foot located up to his thigh in his own butt.

Ted Kozlowski stated well his word is Board Member Montesano stated he has to be cooperative; his word is that he did something. He went ahead and took a man's word for it fine then if he is going to take legal action he has to do it through that man not through us.

Ted Kozlowski replied Mike; the only thing that I can say is that he is claiming that he went to the Building Inspector.

Board Member Montesano asked does he have anything in writing.

Board Member Pierro asked what kind of records does the Building Department have.

Board Member Rogan replied C of O's. If I went to the Building Department and got a permit and, Board Member Montesano stated apparently he is going to tell you that he just okayed it and that was it.

Ted Kozlowski stated that is a legitimate question at the public hearing.

Board Member Rogan stated first of all they are not permanent structures they are moveable.

Ted Kozlowski stated, as you all know this is not the first time that we have had this.

Rich Williams stated they are not considered temporary structures Shawn.

Board Member Rogan replied no what I mean is that they can be moved. (Too many speaking at once unable to transcribe).

Board Member Pierro stated I want to see the records for the meeting. I want to see what kind of Building Permits were issued and if there are C.O.'s I want to see the actual records of it and if this guy is telling us the truth let's see the records.

Chairman Schech stated if he came in to ask he must have gotten a permit.

Ted Kozlowski stated he actually makes a statement on the application.

Board Member Pierro read we have two sheds that are close to wetlands, we received permits and C.O.'s for both.

The Secretary stated so I will ask Paul for copies.

Board Member Pierro asked and is there a permit for the pool, do you need a permit for above ground pools.

The Secretary replied only starting a certain year.

Rich Williams replied I think starting in 1999.

The Secretary stated or maybe it was 2000.

Board Member Montesano stated if he has permits then you have nothing to say.

Ted Kozlowski stated again this is a move just to have them in compliance. I can't see making him take the shed down.

Board Member Montesano stated it is not that you take it down the idea is if he goes and has a Title Search they will come in if it is a Title Company that has anybody with knowledge they will come in and see the buildings and request Building Permits and approvals.

Board Member Pierro stated they are going to request municipals if they are not there they are not there.

4) BARTICCIOTTO – Request for a Waiver of Site Plan

Rich Williams stated Ms. Barticciotto owns a hot dog truck and she would like to park the hot dog truck at the Ryder Building down here near 311 owned by Putnam County National Bank.

The Secretary stated where Curves is.

Rich Williams stated she hasn't really supplied that much information about where she wants to put it. I did take a ride out there, I did take a look at it and maybe.

Chairman Schech asked is there anything in our Code for hot dog wagons.

Rich Williams replied no.

Board Member Montesano stated the only thing that I remember with hot dog trucks is that the County wanted you to have a health certificate but you can get that if you were a Veteran.

Board Member Rogan stated certain municipalities like Kent only allow vending vehicles if you are a Veteran.

Board Member Pierro stated I know we had one on 311 at 84.

Board Member Rogan stated he is a Veteran and he has some location. He starts at midnight and does just the morning.

Board Member Pierro stated and then somebody else uses his truck during the day at a construction site.

Board Member Montesano stated that site is State because that is a State ramp.

(Too many people speaking at once unable to hear).

Chairman Schech stated let's get back to this young lady with her hot dog wagon.

Board Member Pierro stated there is one down there on 311 and there is one in the Park-n-Ride during the summer.

Rich Williams stated let's forget about the ones along the road. The ones along the road are owned by Veterans. Veterans are legally allowed to park along side the road and operate hot dog stands. She is not a Veteran so she cannot park along side the road.

Board Member Montesano stated she can't park along the road because this is a State Road. She would have to get something from the State so she wants to park on Ryder's property.

Rich Williams replied right.

Board Member Montesano asked and Ryder is going to give her permission to do this.

Rich Williams replied currently in the process of getting, Board Member Montesano which means he is going to get money.

Rich Williams replied probably.

Board Member Montesano asked so why would we want another hot dog vending truck.

Chairman Schech stated I don't think that there is enough parking for this to be honest with you.

Board Member Montesano stated you have people in Town here that sell lunches. You can go to the hot dog truck up on 22.

Rich Williams stated I did take a ride out there it may be possible if they moved the dumpster and put it back here referring to the plan. It probably should be in an enclosure anyway and park it right here without affecting the parking of the site but there may be an additional demand for parking.

Board Member Montesano stated my problem is like when Carmel knocked out and that goes way back when, when the Town of Carmel knocked out Mike's. First he was by Grand Union, he went from McDonald's to the other side and he got thrown out and he was willing to pay taxes.

Chairman Schech stated it is un-fair competition and she is not paying taxes.

Board Member Montesano stated the object is that you have other businesses in Town that not only pay taxes but they sell products. This woman is going to park herself here and I see nothing in there that should allow them to put a hot dog wagon. You are trying to make the community look better and we are going to put a hot dog wagon right there.

Chairman Schech replied no.

Board Member Shay stated no.

Board Member Montesano stated no.

(Too many talking unable to transcribe).

5) **BURDICK SITE PLAN**

Chairman Schech asked did they take care of their drainage problems and all that stuff.

Rich Williams stated basically what they did was they down sized the parking area and they down sized the drive aisles. They got rid of the whole one separate section of tractor-trailer parking and pushed in with the other parking but in doing so what they have done is they have created eight spots that are totally locked in

by other parking spots, stacked parking. My recommendation is that not be permitted because God for bid something happens to one of those trucks (too many talking unable to transcribe).

Rich Williams stated the other big issue with this that I see is being that they are all bunched together with drive aisles that they got they don't have sufficient drive aisles and or areas for off tracking of tractor-trailers when they are pulling in and backing out to really make some of those turns and keep direction going around. I mean that to me is a big problem. What they tried to do was get below that one acre threshold so they don't have to deal with the stormwater issues. I don't see any way that they are going to push this site, have a useable site and try to get below that one acre and I think they are crazy for even trying.

Board Member Rogan stated I don't think there is nearly enough room to maneuver around this site at all.

Ted Kozlowski asked isn't this all disturbed anyway, it is all leveled. So they are just going to use it anyway.

Rich Williams replied that is going to be all blacktopped area. They are going to have to grade it all and they are going to have to provide drainage but now we get down to the drainage issue. What they are proposing to do is a couple of catch basins which is fine and they have it going so that they have positive drainage now, going to an oil water separator and discharging directly into the stream. That does not work for me.

Ted Kozlowski replied it does not sound good.

Rich Williams stated to start with you have some erosive velocities coming out of this thing with the amount of stormwater coming off of this site.

Ted Kozlowski stated time out if he is discharging in the stream he needs a wetlands permit.

Rich Williams replied yes but again (a) I don't think this is going to work. Right now the site disturbance that he is showing without the driveway going in and the little bend in the road if we totally ignore that and we ignore the trees he has got 43,150 square feet, he is basically right there. If you include the trees which under any other circumstances they would be considered towards the total area of site disturbance then he is well over an acre right there with what he has. He is kind of ignoring the trees, ignoring the driveway and everything else.

Chairman Schech stated then he has to go for a Stormwater Pollution.

Rich Williams replied well he is going to have to revise the plan.

Ted Kozlowski asked considering the nature of the business shouldn't he be doing that anyway.

Board Member Pierro replied I think so.

Board Member Rogan stated they are looking at what they had there and what they are trying, Board Member Montesano stated get away with now.

Rich Williams replied here we get into some of the other issues again, there seems to be some reticent on the part of the Board, the Board was reluctant to move forward with this because he was not showing a well, he wasn't showing a building, he wasn't showing utilities, he wasn't showing a septic system but they stopped short of saying if you don't show these things you are not going to get an approval on the site. So, that is something that you have to consider.

Board Member Rogan stated we said we were going, Ron Gainer was the push on that and said let's send something over to Health and see what they say about it.

Rich Williams stated he had suggested that Harry go to the Health Department and get a letter as to whether Mike Budzinski felt that there needed to be sanitary facilities on the site or a port-a-john would be sufficient. Harry called Mike and verbally got from Mike that in fact that nothing is needed on this site. I did call Mike and confirm that and made sure that Mike was aware of the details and Mike was fine and as long as there is no building on the site that the Health Department would not require any sanitary facilities.

Ted Kozlowski stated this Board directed him to put a dumpster in here at the last meeting.

Rich Williams replied right it is not, Ted Kozlowski stated it is not shown on the plans.

Rich Williams stated actually I think that I missed that in my review memo.

Rich Williams stated one of the things that I am a little curious about is most large trucks and tractor-trailers are run with diesel. Most diesels in cold weather they generally have some sort of engine heater to warm them up and why would you have a site without the ability to provide that service.

Ted Kozlowski asked what was he doing up to this point, Rich.

Rich Williams replied most of the trucks he will take them back to another yard.

Board Member Pierro stated there wasn't many vehicles that actually were operable.

Chairman Schech stated the newer ones you don't have to hook-up anymore.

Board Member Rogan stated the point with this is though the parking is crammed in so tight. He says they pull them in in the evening and pick them up in the morning but it is so jammed trying to get them into those spots.

Ted Kozlowski replied right and you have to put a dumpster in there too and where is that.

Board Member Rogan stated I think that is a site visit waiting to happen. Let's have him load those spaces and see him pull them in and out.

Chairman Schech stated okay we have enough stuff here.

6) SHKRELI SUBDIVISION

Rich Williams asked did Ron submit anything on Shkreli.

Board Member Montesano replied no I did not see anything.

Board Member Pierro stated Ice Pond, Camp Brady.

The Secretary replied that is it.

Rich Williams stated we did get a submission back in on Shkreli, we have revised subdivision plans but we did not get revised construction plans. We have a memo from Jack addressing concerns raised by the Engineer which according to Jack look absolutely fine.

Rich Williams stated he submitted that memo to Ron, he called me, and I expressed my opinion of his letter and told him he should deal straight with the Engineer about these issues because honestly I don't know that he adequately addressed anything. So, I am waiting to see what Ron does.

The Secretary asked don't they still have to set a public hearing.

Chairman Schech replied he is not going to be ready for a public hearing

(TAPE ENDED)

Rich Williams stated I am waiting to see what Ron does with the review because I have been saying right along there is information that needs to be provided and Jack has been kind of blowing me off. Now it is with the Engineer and he is kind of blowing the Engineer off. I am waiting to see what Ron does as far as this latest submission. Ron may say okay he adequately answered some of the questions (unable to hear the rest of his statement too many speaking)

7) SCHOEN SITE PLAN

Rich Williams stated they are back in, they have addressed the Engineer's comments and Ron has issued another memo. We should be getting pretty damn close with Schoen.

8) PCNB SITE PLAN

Rich Williams stated Putnam County National Bank, Front Street; Putnam County National Bank has submitted a plan for Front Street. It is thirty-six plus or minus hundred square foot building, two-stories a total of six thousand and change square feet. They are proposing to do retail on the bottom floor and office on the top floor and they are in for a conceptual review.

Board Member Montesano stated no septic no parking.

Rich Williams replied they don't need septic they have sewer.

Board Member Pierro stated all they need is a tank on site right.

Rich Williams replied no all they need is to make the connection and go.

Board Member Pierro asked where do you guys hold the solids.

Rich Williams replied they go down to the grinder, they get ground up, and they get pumped up to the two big tanks and get filtered out.

Board Member Pierro replied I did not know, Rich Williams replied yes we got rid of the tanks it made more sense. It gave us better control.

Rich Williams stated they are showing that they are paving over the whole site. They are providing parking to the rear of the building. They are putting drives in on either side. The drives on either side eliminate parking along Front Street. Probably the bigger issue is going to be concerns with the public is the fact that there is no real screening to the back of the site as it is shown right now.

Chairman Schech stated stormwater and screening right.

Rich Williams replied stormwater, what are you going to do with stormwater I have no idea what we are going to do with stormwater.

Board Member Montesano asked do they get a special dispensation to put up a fifteen foot vinyl fence as screening against the houses.

Board Member Rogan stated there is not much to look at on this.

Rich Williams replied it is just conceptual. They just want to know if the Town is okay with the location, the size and the general layout.

The Secretary stated I still can't envision how they are putting parking in the rear of the building. I can't see how it fits.

Board Member Rogan replied no.

Board Member Montesano stated do you know that one of the things that all of this nonsense that we had at Association of Towns one of the main meetings they had was to put all the buildings on the property line so that there would be parking in the rear so that you would be walking down your street and see beautiful buildings with proper signs rather than cars and blacktop.

Ted Kozlowski asked Shawn does that border neighbors I mean residences.

Board Member Pierro replied of course it does on either side.

Ted Kozlowski stated you would want to leave room for some trees and some buffer no.

Ted Kozlowski asked doesn't that cut into your parking area.

Board Member Rogan stated you can do pyramids and it does not take away from the parking and yet it gives them a place to plant.

Chairman Schech asked do they have a spot for a dumpster.

Rich Williams replied yes in the back.

Ted Kozlowski stated I would imagine that the rear of that building would have lighting.

Rich Williams replied yes I would imagine if you have parking you have to have lights.

Ted Kozlowski stated so those lights are going to shine right in those peoples houses.

Chairman Schech stated the sad part is years ago there was driveways down into the back on each building until they decided to put a structure on those driveways.

Board Member Montesano asked we don't have any pictures of Front Street in the old days do we.

9) UJA FEDERATION OF NY WWTP UPGRADE

Rich Williams stated it is on Ballyhack Road and they have to do an upgrade to their sewage treatment plant. I have to do a review on it I haven't done it yet. I am basically going to kick the whole thing back. They are at a hundred percent design with New York City and this is one that you are going to get involved in too, Ted because the driveway is within fifty feet of the stream, some of the impervious surface structures are within a hundred feet of the stream and we are going to kick the thing back to New York City and say we can't approve it because it is harming water quality.

10) VERIZON SITE PLAN

Rich Williams stated listen gentlemen; I want you to realize that you have to take each application on its merits individually.

Board Member Montesano stated do you know that RCN provides telephone service but it is not a public utility.

Chairman Schech stated because they are running through somebody else's lines.

Chairman Schech asked what is up with Verizon.

Rich Williams stated Verizon made a request for site plan approval to add a generator to their site two buildings down.

Chairman Schech replied yes we know that so what are they here for now.

Rich Williams replied you never approved it. You said they had to get it all their changes done before you would approve it and they have resubmitted now with all their changes.

Chairman Schech asked are the trees in place.

Rich Williams replied they are not in place.

Chairman Schech asked why.

Rich Williams replied because you can't put them in place until you get an approval to put them in place.

Chairman Schech stated they can plant poles they can't plant a tree.

11) OTHER BUSINESS

a. Proposed Zoning Code

Rich Williams advised the Board that the first of two public hearings is March 12th, 7:30 Wednesday night. The Town Board has scheduled a meeting between the Zoning Board, the Planning Board those that can attend anyway, the Zoning Board, the Planning and Town Board for March 19th at 5:30 p.m..

Board Member Shay made a motion to adjourn the meeting and Board Member Montesano seconded the motion. All in favor and meeting adjourned at 8:26 p.m.