

TOWN OF PATTERSON
PLANNING BOARD MEETING
March 28, 2013
Work Session



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PLANNING DEPARTMENT

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

Michelle Lailer
Sarah Mayes
Secretary

Richard Williams
Town Planner

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



**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

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PLANNING BOARD

Shawn Rogan, Chairman
Thomas E. McNulty, Vice Chairman
Michael Montesano
Ron Taylor
Edward J. Brady, Jr.

**Planning Board
March 28, 2013 Work Session Meeting Minutes**

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

APPROVED

Present were: Vice Chairman Thomas E. McNulty, Board Member Michael Montesano, Board Member Ron Taylor, Board Member Edward J. Brady, Jr., Rich Williams, Town Planner, and Ted Kozlowski, Town of Patterson Environmental Conservation Inspector.

The meeting began at 7:10 p.m.

Michelle Lailer was the Secretary and transcribed the following minutes.

Vice Chairman McNulty called the meeting order.

Board Member Taylor stated we're going to number 2.

The Secretary stated okay, you're on.

Board Member Brady stated we'll just vote that one down and move on.

The Secretary stated you're on the record.

Board Member Taylor stated we can't even vote it down.

Board Member Montesano stated you're on record now.

Vice Chairman McNulty stated Planning Board Work Session, welcome everyone. We're going to skip item 1 until Shawn, see if he comes here.

2) FRANK'S AUTOMOTIVE, LLC – Sign Application

Vice Chairman McNulty stated alright, Frank's Automotive.

Rich Williams stated this is a sign application for a use that was permitted by the Planning Board some 5 or

6 months ago or better, over off of Commerce Drive, the first building in on the right hand side, Northeast Mesa. The applicant has proposed a sign which shows, it would advertise both the Northeast Mesa business as well as Frank's Automotive. The sign meets all of our zoning requirements and the location seems appropriate, all things considered. The sign is going to be black letters on a white background except for the Napa Automotive symbols which are usually blue and gold.

Vice Chairman McNulty stated so there's no existing sign now, this is going to be...

Rich Williams stated there is an existing sign and that is the only issue but they are going to remove the existing sign and install the new sign, so as a condition of the permit you need to recognize that there is an existing sign that needs to be removed.

Board Member Taylor stated and what they're showing on here, the sign by the driveway, is the existing sign that's coming out.

Rich Williams stated mmhhmm.

Board Member Taylor stated and then they are moving it down to the corner.

Rich Williams stated yes, my only...

Board Member Taylor stated to be removed.

Rich Williams stated my only other concern with this application is the sign that they're putting is near the intersection of Fair Street and Commerce Drive, so people are going to see the sign, turn onto to Commerce Drive and then not really know where to turn into the business, so I've talked with them, the sign is going to very clearly identify the building number and they've got a kind of a planter out there for the mailbox and they're going to put the numbers on the planter in a very large and conspicuous manner.

Vice Chairman McNulty stated is the whole building number 10, even with Frank, there's not a suite A, suite B.

Rich Williams stated yes, no, well yes there's going to be suite A, suite B but it's still one building.

Vice Chairman McNulty stated number 10.

Board Member Taylor stated this is the garage, right on the water.

Vice Chairman McNulty stated do we want to take any action on this now or do we want to wait and let Shawn take a look at it, do it on Thursday.

Board Member Taylor stated I think we can take action on it now, can't we.

Vice Chairman McNulty stated yeah, I don't...

Board Member Montesano stated we can.

Rich Williams stated the applicant is planning on coming in on Thursday and Shawn's not here but you can act on it now, if you want.

Board Member McNulty stated well let's let it ride and let Shawn have a look at it, then he can see and if the applicant is coming in, we can knock it out on Thursday, okay. They don't have a height for the sign, is there any restriction on how high it can be.

Rich Williams stated no.

3) ANNA'S AIRPORT & LIMOUSINE SERVICE – Site Plan Waiver

Vice Chairman McNulty stated okay, Anna's Limousine is it, or real estate.

Rich Williams stated yeah, Anna's Limo, Paraco is proposing to put a propane tank out on the site and convert the cars being used by Anna's Limousine for a multi-fuel use and set them up so they can burn propane and they'll have a filling station right there on the site.

Vice Chairman McNulty stated this is where they're...

Rich Williams stated the proposal meets all the zoning requirements, there doesn't seem to be a lot of issues except you all have a memo from Dave Raines, the propane tank needs to meet a 25' separation from all structures and from property lines and being as they only 46'...

Board Member Taylor stated 43'.

Vice Chairman McNulty stated that's from the corner of the building, didn't Dave have something about stairs in his memo.

Rich Williams stated yes.

Vice Chairman McNulty stated I didn't follow where the stairs were in that...

Rich Williams stated the stairs are on the side of the building, not shown on the plan, they were added in later on as well as a deck, so that's not on the plan, so that further restricts the available distance they have but even if you take that out, the distance between the building, the approved site plan, that building and the rear property line is 46' and they need anywhere between 53' and 55' to make this work.

Vice Chairman McNulty stated because he's got to be 25' from the back line, what about on this side here, there's not building shown, does he meet the restriction, is there a building at least 25' away, in this corner you don't see what's here.

Rich Williams stated no...

Vice Chairman McNulty stated isn't that 3600 Corp...

Rich Williams stated that's 3600 Corporation but it's...

Vice Chairman McNulty stated and their building is...

Rich Williams stated but it's not to the building, it's to the property line.

Vice Chairman McNulty stated so the code, so his building could be right up against it but as long as he's 25' from the property line, it's okay.

Board Member Taylor stated it has to be 25' from the building also.

Rich Williams stated it's got to be 25' away from any buildings or buildable property.

Board Member Taylor stated well he's...

Vice Chairman McNulty stated okay, does he have it on that side set...

Board Member Taylor stated no, he doesn't have it.

Rich Williams stated no.

Board Member Taylor stated so he's got to, it's 2 places it he doesn't have it.

Vice Chairman McNulty stated so is that an issue for us for Zoning.

Rich Williams stated for nobody, I mean it's Fire Code, it's for Dave Raines...

Board Member Taylor stated they can't do it.

Rich Williams stated Dave has already sent them a memo, you already have a copy of that, so unless they revise and resubmit...

Board Member Montesano stated can't be done, can they get a smaller tank in there, or do we, we'd have to ask Dave I guess.

Board Member Taylor stated still, there's not room.

Rich Williams stated if they have a 0 size tank, they are still 4 feet short.

Vice Chairman McNulty stated what if they bury the tank.

The Secretary stated I don't know if you can bury a tank that large.

Rich Williams stated I don't...

Board Member Montesano stated I don't think you can...

Vice Chairman McNulty stated no I think you can bury a propane tank.

Board Member Brady stated how big's the tank...

Vice Chairman McNulty stated there's a picture of it.

Board Member Montesano stated 1,000 gallons.

The Secretary stated I think it was supposed to be 1,000 gallons.

Board Member Taylor stated they don't give the dimension in the picture though.

Board Member Brady stated 1,000.

Board Member Montesano stated 1,000 gallon tank is a large tank.

The Secretary stated it's attached at the corner, there's a spec sheet.

Rich Williams stated they do given dimensions, they're so small you can't read them, I had to blow them up 200%.

Board Member Taylor stated oh, okay, okay.

Rich Williams stated so...

Ted Kozlowski stated Rich...

Rich Williams stated yeah.

Ted Kozlowski stated this property line is right up against the Town Regulated Wetland in Lost Lake.

Rich Williams stated right.

Ted Kozlowski stated are they proposing anything going in drainage wise into that.

Rich Williams stated nope.

Vice Chairman McNulty stated it's just this tank, that's it.

Rich Williams stated nor additional fill, nor additional disturbance, there is a concrete slab on the existing...

Ted Kozlowski stated so this is the only thing they're doing is this tank.

Rich Williams stated yes.

The Secretary stated it would be like a filling station.

Vice Chairman McNulty stated maybe this can't be buried, I don't know, it doesn't...

Board Member Brady stated that setup doesn't look like it...

Ted Kozlowski stated so this existing...

Board Member Brady stated I think you can bury the tank but it's a filling station, so it's not like you're burying the tank and running the line to a pool or something like that...

Board Member Taylor stated the note says you can't slope the line upwards to the filling station from the tank, it's got to be sloped in the other direction, there's a note somewhere on there that says that, I don't know where it was...

Board Member McNulty stated so what, what are we looking to do it to give a waiver and then it's up to the Building, if we deny it...

Rich Williams stated no, you're done, you're done.

Board Member Montesano stated we can't do anything, we're done.

Vice Chairman McNulty stated we just reviewed it, okay.

Rich Williams stated he submitted, it was sent over to the Fire Code, it was submitted with the understanding he's been working with the Fire Code, apparently that wasn't the case.

Board Member Brady stated well he's going back to the drawing board.

Vice Chairman McNulty stated on a site plan application, can I make a quick request here, I couldn't figure out where this property was when I, I didn't, this was in another pile I didn't have it. Is there anywhere on there that has the actual address of the place...

Board Member Taylor stated the tax map...

The Secretary stated it's on your agenda.

Rich Williams stated yeah it should.

Vice Chairman McNulty stated I couldn't find it, I see applicant's name, mailing address, owner's name, mailing address...

Board Member Taylor stated oh it's not...

Vice Chairman McNulty stated but no site address.

Rich Williams stated well their supposed to have the tax map number on there.

Board Member Taylor stated it's not on there.

Vice Chairman McNulty stated yeah but you're the only guy that knows what the tax map lie.

Board Member Taylor stated look it up online.

Vice Chairman McNulty stated just one of my requests, if you can add an address to that.

Ted Kozlowski stated physical address.

Vice Chairman McNulty stated it would have saved me 10 minutes until I found the plan, okay.

Board Member Taylor stated that's all, so...

Ted Kozlowski stated well said.

4) BRIAN MARTIN – Fill Permit

Vice Chairman McNulty stated Brian Martin, fill permit, is there some background to this.

Ted Kozlowski stated yes.

Rich Williams stated I'm sitting in here Saturday and I received a call that somebody was dumping fill on a property on Farm to Market [Road], the fill was coming from the Delicatessen/gas station at the end of Farm to Market Road and I knew that that was a site where they were having some serious cleaning up issues from a leaking gas tank, so I went right out there to see what was going on, I found that they were indeed dumping fill coming down from that site but that fill was not contaminated fill, it was fill that they were excavating on the side of the property, excuse me, to expand the driveway. The property owner wasn't at the site when I showed up, so I went to the front door, there were some people there in the yard that identified themselves as friends of the applicant and there was a man on the machine. I knocked on the door, nobody was home, so I got back in my truck and I went down to where I knew the fill was coming from to talk to the people down there, upon which time the owner showed up down there, so you know, I really didn't have a good look around on the site but clearly he was dumping fill, you know, I handed him a fill permit, I said please come in Monday to the office, fill the out the fill permit, file it, potentially no harm, no foul. Went back Monday with my camera because the fill permit came in and he said 80 yards and I thought there was a little bit more, I still think there's a little bit more there, at that point I realized that there were 2 culverts in a channel and there was flowing water, so I said jeez, I wonder if this was a stream, let me call Ted.

Vice Chairman McNulty stated wait, hold on, the culverts, did they appear new.

Rich Williams stated they were no, brand new.

Vice Chairman McNulty stated oh okay.

Ted Kozlowski stated I went out there Tuesday, I met with the guy, a likeable individual, didn't give me a hard time at all, admitted everything, he basically clear cut a wetland and created dugout stream channels with the thought process that if he made the stream channels bigger or wider, faster, he would drain the site bigger, faster, sooner. He cut down everything and not only did he cut it down but he accessed all throughout with an ATV and a backhoe and the issue I have is that it, whatever is coming off there is going in a drainage ditch for a short period of time on Farm to Market Road and then dumps directly into a stream which then goes into the little pond and then eventually into a state wetland...

Rich Williams stated Twin Hills Pond.

Ted Kozlowski stated Twin Hills Pond, that's what it's called, Twin Hills Pond, I never knew of the name of that. Anyways, the flow is uninhibited, it's just going through, it's a mud pile.

Vice Chairman McNulty stated where does it outfall.

Ted Kozlowski stated right on the edge, if you look at this, this is Farm to Market Road...

Vice Chairman McNulty stated where is north.

Ted Kozlowski stated north is here, Big Elm Road is here, the wetland systems are down here, this is his outflow, it goes along the stream, a little channel here then into a culvert, that culvert, that pipe drains directly into a stream. This is all mud coming out of here and he put in culvert pipes to access it, I said you know, I asked him of course, why did you do it, he wants a lawn, at the time I was there I did not know apparently that this isn't even his property.

Vice Chairman McNulty stated okay.

Ted Kozlowski stated Richie called me...

Rich Williams stated it appears to be NYSEG's property though we don't know, his driveway crosses the NYSEG property...

Ted Kozlowski stated so he may have an easement through NYSEG to get to his house or he may actually own this and NYSEG has an easement through that but looking at this, that Rich printed out, these are usually property lines and clearly his house is not in that property, he also cleared up here and this is where he's dumping the fill, so I left it with him that I wasn't, I'm going to issue a violation but I wasn't going to take him to court because he was very willing to restore the site but now there's this Danial issue where it's someone else's property, it may be someone else's property, I think we need to verify that and I'm going to call him.

Rich Williams stated well this is closer to Levine than Danial, let's not go that far.

Ted Kozlowski stated I need to call him and talk to him about this further, I had generated a draft letter that I wanted Rich to look at because my concern is to arrest whatever erosion is coming off of there and he needs to put a whole bunch of check dams in these channels that he put, he needs to put some seeding down, fortunately a lot of the plants that he cut are pussy willow and other wetland species, red stemmed dogwood that will regenerate and that's what I told him, you're not making this a lawn, you're going to have this restored. Now, there was a lot of invasive plants in there, like multi-flora rose and barberry and some vines and stuff that are unacceptable and that's okay to clear out, provided that's his property but now there's, it's all muddied because I don't know whose property this is.

Vice Chairman McNulty stated where he wants to put the fill or where he did put the fill, is that in the wetlands.

Ted Kozlowski stated both.

Vice Chairman McNulty stated okay and where are the culverts in relation to this.

Ted Kozlowski stated well if you look at this map, the stream comes off of this property here, cross under Farm to Market and then comes out here and then used to meander through this wetland which is a good thing because it's all mitigated and then comes out over here and down and then into the wetlands, he now made a trench, like a beeline, he made 2 trenches...

Vice Chairman McNulty stated short cut it through.

Ted Kozlowski stated and he put some culverts in here to cross it because it was getting way too muddy, so this is where a lot of the fill is but it has extended onto this property and what I told him was that I did not

have a problem with this being lawn because it's already lawn area but I told him that I didn't want to see fill into this and you know, again it's the old I just wanted to clean the site up, well his idea of cleaning was clear cutting, which is, you know...

Vice Chairman McNulty stated isn't that restoration to about a hundred years ago.

Ted Kozlowski stated this is, you know, my experience in something this is that I'm going to be very nice and neighborly and try to work with him but many times this has wound up to bite me in the butt, so I don't know if that's going to happen again, I'm going to give him the opportunity to restore this site but now I have to find out whether this is indeed his property or not.

Board Member Montesano stated NYSEG usually owns that whole strip, all behind Patterson Auto Body now, that whole thing was all their property...

Rich Williams stated yeah, right up over the hill, it goes up over the hill, behind you know, parallel to Big Elm Road...

Vice Chairman McNulty stated along Big Elm...

Rich Williams stated and then comes out on Farm to Market, which is what this is.

Vice Chairman McNulty stated does...

Ted Kozlowski stated so with regard to you guys, I would recommend no fill permit at this time until we figure out what that heck is going on here.

Vice Chairman McNulty stated has anybody told him that he might not be on his property yet.

Ted Kozlowski stated we didn't, I didn't know this until today when Rich said guess what.

Vice Chairman McNulty stated have you called him Rich or...

Rich Williams stated I have not talked to him yet.

Ted Kozlowski stated I'm going to, I'll call him tonight, if I don't get home too late but you know, the site has to be restored because if we get a torrential rain, you're going to see Mississippi mud coming off of that site and that's going right into a wetland.

Rich Williams stated and I don't know we don't want to drag our feet a little bit and say you know, get the check dams in...

Ted Kozlowski stated I told him to do that right away, regardless, don't wait for a letter from me, put this in now.

Rich Williams stated if we all of a sudden say, hey, jeez, it's not even your, you know, ask the question, is it your property, he's going to say well no, no it's not, then he doesn't have to do anything.

Board Member Brady stated right.

Vice Chairman McNulty stated until NYSEG calls on him.

Rich Williams stated right but now we've got 2-3 months...

Ted Kozlowski stated then we hit NYSEG with a violation.

Board Member Montesano stated and see how fast they show up.

Rich Williams stated yeah, it's true.

Ted Kozlowski stated so.

Board Member Brady stated well they'll probably show up, they'll probably rectify it and then go after him, wouldn't that be how they would work it.

Rich Williams stated right.

Board Member Montesano stated and then it's out of our hands completely.

Vice Chairman McNulty stated okay well we'll...

Rich Williams stated 2 more things.

Ted Kozlowski stated so we need to find more information...

Vice Chairman McNulty stated we'll get more information...

Ted Kozlowski stated we need more information but I would issue a wetland, I would not issue a fill permit at this point.

Vice Chairman McNulty stated okay, Rich has a couple of items.

5) OTHER BUSINESS

a. Danial – 14 Palmyra Road Wetlands/Watercourse Permit Application

Rich Williams stated 2 issues, one is Danial, I can't even think of his...

Ted Kozlowski stated Imad...

Rich Williams stated Imad.

The Secretary stated Imad.

Rich Williams stated Danial has come back in, issued an amended wetlands application, stop smiling...

Ted Kozlowski stated I'm not smiling, I'm just, for an engineer...

Rich Williams stated so where we left off is the Planning Board wanted to do a site walk, I wish Shawn was here, I'm going to see Shawn hopefully tomorrow at 12 o'clock, I don't know where he is but possibly one evening next week, being as it's you know, staying lighter, if everybody wants to do it...

Vice Chairman McNulty stated before Thursday.

Rich Williams stated before Thursday and then the question is whether you want him on the agenda to talk about any of this.

Ted Kozlowski stated did you look over what I wrote...

Rich Williams stated yeah I did.

Ted Kozlowski stated because the plans I got don't show what he's improving, it just shows what existing.

Rich Williams stated I know but as I said to you, I, this has been ongoing for a long time, the reality is going to approve a wetland permit for him to move the fence 1' onto his property and move the shed 10' forward.

Ted Kozlowski stated my only argument with that Rich is, is that we're not dealing with an individual that has been straightforward and has cooperated the way he should be and if we're going to produce a document that shows where that fence is, we should have a document that shows where the fence is. He's giving us a document that's showing us an illegal fence and it's not a complete, technically not a complete application, now that's technically, if he was an individual that had showed good faith through the process I would say okay but he's not doing that.

Rich Williams stated listen, I understand he's not showing good faith but you know we can say, we can go back to him and say hey we need a plan, move, get your surveyor back out there, you know, show us where the fence is going to be, show us where the building is going to be, 2-3 months from now he'll be back in with that plan, we'll take another look at that, they'll be something else, like I said, we can wrap this thing up and wrap it up quickly and move on to more important issues...

Ted Kozlowski stated well the other thing that we have on him is, he's got a court date I believe it's this Tuesday or next Tuesday and he is supposed to have all of this stuff done so he's got that added pressure of the court behind him and what troubles me Rich, I understand what you're saying but what troubles me is this man has been given in writing and verbally from me on what he needs to do for a complete wetlands application, he is an engineer, he is not a stupid man and yet he keeps giving us applications that are not complete, that are thrown together.

Rich Williams stated alright, I've got a better way to approach it then, approve the application stating the conditions, the fence comes 1' onto his property, the shed gets moved and make him issue, make him do an as-built.

Ted Kozlowski stated the other question and this is what I, it looks like he's got that fence on Town right of way, now is the Town going to allow him to have the fence in the right of way.

Rich Williams stated no.

Ted Kozlowski stated so he has to move that fence 5' back onto his property.

Vice Chairman McNulty stated that's a Highway Department issue, correct...

Ted Kozlowski stated yeah, well...

Rich Williams stated no.

Ted Kozlowski stated it's our issue but he's...

Board Member Montesano stated it's our issue.

Ted Kozlowski stated in the Town right of way with the fence as well, not only just the 2 neighbors now.

Board Member Montesano stated if we're going to approve something, the Highway Department, we're going to approve it and then it's going to go to them.

Ted Kozlowski stated no, no, no...

Board Member Montesano stated we are going to approve something, if it's illegal.

Rich Williams stated it never goes to the Highway Department.

Vice Chairman McNulty stated okay, I just thought, it was in the right of way, it something that they're going to deal with, the amended, he issued, he brought in an amended site plan application.

The Secretary stated yeah, I have the application on my desk.

Rich Williams stated not site plan, wetlands/watercourse permit...

Vice Chairman McNulty stated wetlands permit.

Rich Williams stated application.

Vice Chairman McNulty stated and how did he amend it, because we didn't get a copy of it yet.

The Secretary stated no, it's sitting on my desk.

Rich Williams stated he said he's moving the, rather than saying here's the fence now he's saying I'm moving the fence.

Ted Kozlowski stated the fence and the shed.

Vice Chairman McNulty stated with no back up documentation of where it's going to be moved to.

Rich Williams stated no, same thing, he issued a survey showing the fence in its current location and the shed in its current location, I'm not so sure he (*Inaudible – Train Whistle*) or not for the shed.

Ted Kozlowski stated the other thing and Rich brought up a good a point is if when, I'm sure this is going to get approved but no access, no gates on that fence to anyone's property and no pipes can go under that fence to drain stuff.

Vice Chairman McNulty stated to me, I think I'd like to actually see where he's going to move it to rather than give him a statement of conditions, it sounds like the kind of guy you really have to spell out and say this is where you're going to move it to. I understand to be expedient about it, we could make it conditional...

Rich Williams stated I go back...

The Secretary stated you still have to take a site walk.

Rich Williams stated I got back to, you're going to tell him make a plan, he's going to come in, he's going to have a plan showing the line and if you don't do an as built, you're not going to know where he actually put it.

Ted Kozlowski stated well the other thing Rich, you know, we asked for this in December, we asked for it in January, you know and now it comes in the 11th hour before he goes to court and it's still not technically complete and you know, this man has not shown anything, any reason for us, you me and this Board to show some sort of, okay, you know we'll work with you here.

Vice Chairman McNulty stated I'd like to do the site walk because I really don't have a feel for this site at all, I don't, I know there's been a lot of talk about it, I know he's in major violation for dumping his fuel...

Ted Kozlowski stated yeah.

Board Member Montesano stated I thought we, it must have been when we walked out, we walked up on it because I remember when it was coming down the, you know.

Vice Chairman McNulty stated I've never been out there, to that site.

Board Member Montesano stated no, I remember going out there.

Board Member Brady stated well if you approved it the way it is now with the conditions, are we going to be back in the same boat when he doesn't do it and never comes back and it never gets finished.

Rich Williams stated no because we'll issue a violation.

Ted Kozlowski stated I mean you know, we can stay on top of him to do that but you know again, it's, what I don't understand...

Board Member Brady stated the stuff doesn't need to fall through the cracks.

Ted Kozlowski stated what I don't understand is, you know, we're trying to work with guy, Richie is, I am, you know he's been to court, he's an engineer, you spell it out about what he's supposed to do and he submits stuff that you know, it's, to me it's mind boggling.

Board Member Montesano stated incomplete application.

Ted Kozlowski stated so I just, you know it's a technicality, Rich has got very good points there but I just, you know, we, it just...

Board Member Montesano stated why are we bending over, since he doesn't appear to want to be...

Rich Williams stated I'm not, I don't say we're bending over, I just think...

Vice Chairman McNulty stated but to move it forward and get things moving, Rich is saying let's get him approved so he can make progress.

Board Member Montesano stated we're always moving forward, not necessarily the applicant.

Board Member Taylor stated if I could interject here, we accept things like this, what Patterson Auto Body submitted to us which was an old plan with some new things drawn on it, can't we, from him, have him draw the lines on the existing survey of where the fence is going to be and require then a resurvey as an as built at the end, rather than saying to him you have to go out and bring your surveyor in now and locate the fence, draw the damn thing on the drawing that's there now, saying it's going to be, you know 5' this and so much this way and move the shed that, so we've got something on paper that way.

Vice Chairman McNulty stated his proposed plan.

Ted Kozlowski stated Rich does he, I don't have the plan with me, I left it at work but does he say when he's going to do this.

Rich Williams stated I think he says he wants to do in April.

The Secretary stated you already have one.

Ted Kozlowski stated yeah, well I don't have it with me darling. I know I usually call you darling.

Board Member Brady stated there's a little jealousy here.

Ted Kozlowski stated see, it says move existing...

Rich Williams stated I walked into that one, what can I say.

Ted Kozlowski stated you did. It says moving existing fence into property line and it doesn't give a date and this Board needs to, when you issue the permit...

Vice Chairman McNulty stated well being that...

Ted Kozlowski stated you need to say you're going to do this by May 1st because this is going to drag out, the shed, moving that shed is going to be a challenge.

Vice Chairman McNulty stated without any kind of plan, I don't know what to think about it...

Rich Williams stated I don't know how he's going to move that shed.

Vice Chairman McNulty stated I've never seen the site, there was a survey at one point when we found out everything is on the other people's property but I haven't seen anything since then.

Ted Kozlowski stated I think you need to see the site, I think you need to take a look at what the condition of that wetland that he's been dumping in all of these years. Look at the general property and get a feel for

what you know, do you think he's going to follow through on this or are we going to be in another situation with some other people that we deal with that just never seems to get resolved.

Rich Williams stated so, anybody want to go out Monday, Tuesday, Wednesday.

Board Member Taylor stated fine, yeah.

Vice Chairman McNulty stated I'm okay for any one of those days I think, I'll just double check and shoot you a note back, what time are you thinking.

Ted Kozlowski stated can you make it 5, 4 is really tough for me.

Rich Williams stated so 4 o'clock's good.

Board Member Brady stated 5 is...

Vice Chairman McNulty stated is 5:30 easier.

Board Member Brady stated 6 is easier for me.

Ted Kozlowski stated I hear you baby.

Board Member Brady stated unfortunately I don't get home here until 6 o'clock.

Rich Williams stated you know you guys working for Westchester, you got some issues here...

Board Member Montesano stated just because you work, you know.

Board Member Brady stated you got a job for me, I'll leave, let me tell you.

Ted Kozlowski stated but we pay our taxes here.

Board Member Montesano stated you want to be the assistant Town Planner.

Board Member Brady stated yeah.

Vice Chairman McNulty stated want to try to set it up for Monday.

Rich Williams stated so any night next week 6 o'clock, yes, alright let me...

Ted Kozlowski stated except Thursday obviously, right...

The Secretary stated really Ted, we have a meeting.

Board Member Taylor stated well we can meet at 6 over there and then meet over here.

Rich Williams stated it's been done before.

Ted Kozlowski stated we can do that, sure.

Rich Williams stated let me talk to Shawn tomorrow.

b. Patterson Auto Body – Building Mounted Signs

Vice Chairman McNulty stated um...

Rich Williams stated alright, my last issue, we had sent an e-mail out, Patterson Auto Body threw the yellow sign up, since then they've thrown up a lotto sign, do you want me to just tell him to file an application for the sign, what do you want to do.

The Secretary stated all of them because they changed the sign over the door too.

Vice Chairman McNulty stated this goes back to our last meeting, do we do that or is it the Code Enforcement.

Rich Williams stated well it's going to be Nick.

Vice Chairman McNulty stated oh okay.

Board Member Brady stated but he's going to do what, put a violation on him or just tell him to bring in an application.

Rich Williams stated you've got an illegal sign, you've got a couple of illegal signs, go file an application with the Planning Board.

Vice Chairman McNulty stated yeah, I don't have a big problem with how it looks personally but it should be legal.

Board Member Brady stated it's lit up too, isn't it.

Rich Williams stated yeah.

Board Member Brady stated yeah, I thought so, I thought it was lit when I went by.

Vice Chairman McNulty stated I haven't seen it at night.

Board Member Montesano stated the guy down the road.

Rich Williams stated I told him we didn't, we needed an architect that understood style.

Board Member Montesano stated I like the flood lights.

Vice Chairman McNulty stated I think the place looks great, it's the price of gas that distracts me when I drive past.

Ted Kozlowski stated go to Williams in Brewster, \$3.75.

Board Member Montesano stated yup.

Vice Chairman McNulty stated okay, so you're going to each out to him with a letter and let him know, or Nick, anything else...

6) MINUTES

Vice Chairman McNulty stated March 7th minutes, if you can send them to me again Michelle.

The Secretary stated I e-mailed them to you, hopefully you'll have, you'll have to check you're e-mail.

Ted Kozlowski stated Happy Easter everybody.

1) EAST PUTNAM DEVELOPMENT CORP. – Continued Review

Vice Chairman McNulty stated oh, item 1, I'm going to recuse myself, I'll let you guys take a look at it.

Rich Williams stated anybody want to look at it.

Board Member Taylor stated yup.

Ted Kozlowski stated denied.

Board Member Brady stated I thought we denied this, didn't we deny this a few meetings ago.

Rich Williams stated I thought you did.

Board Member Montesano stated I know not of what you speak.

The Secretary stated are you appearing as the applicant.

Vice Chairman McNulty stated I'll let you guys work in peace.

Board Member Montesano stated somebody lock the door.

Board Member Brady stated you can go get your phone, see if you got your e-mail.

Rich Williams stated so Harry Nichols has resubmitted Eastern...

The Secretary stated East Putnam Development Corp.

Rich Williams stated since you last saw it, they have decided that there are wetlands within a 100' of the site and the buffer comes up which has required them to do some shifting. I don't know who did the originally flagging out there, obviously messed it up.

Ted Kozlowski stated I didn't touch it.

Rich Williams stated the biggest issue for me is that they've pulled the stormwater pond back, the driveway, the access way just so you all know is now at 30% + going down in there, it's pretty steep for

somebody to, for a maintenance road but it is not a very big site so, there are some other small issues, site, silt fencing, the landscaping numbers don't all add up but otherwise he's fairly complete.

Board Member Taylor stated on the landscaping didn't he agree to plant some plants on Olsen's to, as a buffer, as...

Rich Williams stated I don't recall hearing him agreeing to do it, I remember him agreeing to talk to the Olsen's about it and I remember the Olsen's saying that they wanted some plantings.

Board Member Taylor stated well I...

Ted Kozlowski stated I thought he said he was going to keep some plants up.

Board Member Taylor stated I think my memory was he said I'll do what they want.

Rich Williams stated the problem is, he's got no room to put any plants, he'll be right up to the property line.

Board Member Taylor stated on his property.

Rich Williams stated so he would have to agree with the Olsen's to put them on their property...

Board Member Taylor stated exactly, yeah.

Rich Williams stated and we'll have to ask him about that.

Board Member Taylor stated so is that something that, a letter from them or something that they agree to have such and such plants put on in such and such location, I mean how does that get implemented.

Rich Williams stated well I think what we're going to have to do is we're going to have to talk to the applicant about whether any plantings are going to go up on the Olsen's and if not, why not and if they are, then yeah we need something from the Olsen's agreeing to allow the plantings to go up and this resolves their concerns.

Ted Kozlowski stated that taxus is going to get decimated by the deer.

Rich Williams stated somebody was going to work with him on the landscaping plan.

Ted Kozlowski stated he didn't ask me...

Rich Williams stated oh really.

Ted Kozlowski stated because somebody objected to me working with him.

Rich Williams stated I just assumed it was your plan.

Ted Kozlowski stated I wouldn't plant taxus that will get devastated.

Board Member Taylor stated so what should it be.

Rich Williams stated well I saw the taxus, that's why I assumed it was your plan.

Board Member Taylor stated what should it be instead.

Ted Kozlowski stated where is it.

Rich Williams stated junipers.

Board Member Taylor stated so the taxus comes out and just juniper.

Ted Kozlowski stated yeah, they won't last.

Board Member Brady stated I'd be more than happy to go over and sit there and take care of the deer problem.

Ted Kozlowski stated I'm sure you would.

Rich Williams stated on the other hand, there's taxus that gets eaten up and we can't have around here, I've got one that's been on the corner of my house for 30 years.

Ted Kozlowski stated they don't touch it.

Rich Williams stated yeah, they touch it every once in a while and it comes right back.

Board Member Brady stated this year, I haven't seen any deer all winter and...

Ted Kozlowski stated are you kidding, at my house...

Board Member Brady stated well the last snow storm we had, I went out, my whole front yard was complete covered, the shrubs were dug up, it was like they, it was like somebody just lowered them all there, it had to be like a herd there. It was like why aren't they there when I have a gun.

Board Member Taylor stated you want to say that on the record.

Board Member Montesano stated yeah, sit out in the garage.

Board Member Taylor stated so is that it then, everything else is...

Board Member Brady stated I think there was some stuff in the letter today about the grade of the driveway...

Board Member Taylor stated yeah, Rich just said...

Board Member Brady stated the percentage in the handicap area...

Rich Williams stated I didn't actually read Maser's and I haven't finished reviewing it.

Board Member Brady stated oh okay, yeah there wasn't a lot of stuff, you know the outlet in the retention pond, I just quickly looked at it.

Rich Williams stated that's it.

Board Member Taylor stated then we should call him back in so we can adjourn.

Board Member Montesano stated do we need him to adjourn, I mean what the heck, we can do that real easy.

Board Member Taylor stated he's Vice Chairman, I think, he didn't turn it over to somebody.

Board Member Brady stated he's the Chairman.

Board Member Taylor stated none of us are official here.

Board Member Montesano stated tell him we couldn't do anything, you never said who was going to be the new Vice Chair, so we couldn't do anything. It's all Tommy's fault, he never appointed anybody.

Vice Chairman McNulty stated for, what do you need appointed.

Board Member Montesano stated who's the chairman.

Board Member Brady stated we didn't have a Chairman, we couldn't do anything.

Vice Chairman McNulty stated okay, motion to adjourn the meeting.

Board Member Taylor seconded the motion.

Vice Chairman McNulty asked for all in favor. The motion carried by a vote of 5 to 0.

The meeting adjourned at 7:45 p.m.