

**APPROVED**  
5/1/03 mab

**TOWN OF PATTERSON**

**PLANNING BOARD MEETING**

**April 3, 2003**

**AGENDA & MINUTES**

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|---|---------------|--|
| 1) <b>Anna's Airport &amp; Limousine Service</b>      | 1             | No one present to represent the request  |
| 2) <b>Penwest Pharmaceuticals</b>                     | 1             | No one present to represent the request  |
| 3) <b>Fuca Subdivision</b>                            | 3 – 5         | Board approved the road name – Margaret's Way<br>Board recommended to Town Board a new bond amount<br>Board approved the turf stone pavers instead of grass pavers |
| 4) <b>Budakowski Subdivision</b>                      | 5 – 8         | Discussion on fifty foot right of way and access   |
| 5) <b>Burdick Site Plan</b>                           | 8 -19         | Discussion on parking and fencing  |
| 6) <b>D'Ottavio Site Plan "A" &amp; Site Plan "B"</b> | 20 – 26       | Discussion of detention ponds & parking  |
| 7) <b>Shkreli Subdivision</b>                         | 26            | Discussion on outstanding issues   |
| 8) <b>Omnipoint Communications</b>                    | 27 – 28       | Board granted a Waiver of Site Plan for additional antennas & Equipment cabinet  |
| 9) <b>Other Business</b>                              |               |  |
| a. <b>Empire Power Tool – Fence Co</b>                | 28- 40        | Board approved outdoor display area for fences   |
| b. <b>Zoning Code</b>                                 | 40            | All Board meeting scheduled for April 16, 2003   |
| c. <b>Sypko Driveway</b>                              | 40 – 44       | Discussed the stream crossing & steepness of driveway  |
| 10) <b>Minutes</b>                                    |               | Board approved February 27, 2003 & March 13, 2003 minute   |

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Herbert Schech

*Secretary*  
Melissa Brichta

*Town Planner*  
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### **April 3, 2003 Meeting Minutes**

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

Present were: Vice Chairman Mike Montesano, Board Member Dave Pierro, Board Member Shawn Rogan and Rich Williams, Town Planner, Gene Richards, Town Engineer, Craig Bumgarner, Town Attorney and Ted Kozlowski E.C.I.

Vice Chairman Montesano took the seat as Chairman in the Chairman Schech's absence.

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

Approximately 15 members in the audience.

#### **1) ANNA'S AIRPORT & LIMOUSINE SERVICE – Request for an extension**

Vice Chairman Montesano stated Anna's Airport & Limousine six month extension and asked is anyone here from Anna's Limousine. There was no one present.

Rich Williams stated they knew they were supposed to be here.

#### **2) PENWEST PHARMACEUTICALS CO - Request for an extension**

Vice Chairman Montesano asked is there anyone here for Penwest.

There was no one present for Penwest.

#### **BUDAKOWSKI SUBDIVISION**

Rich Williams advised the Board that Craig Bumgarner called and said he was running a little late.

Vice Chairman Montesano asked the representative for the Budakowski's if he wouldn't mind waiting for a minute and he replied sure.

Board Member Pierro asked Vice Chairman Montesano can't we act on Penwest extension it is general housekeeping duties.

Vice Chairman Montesano replied well let's put it this way if they show up I can see doing it. If they are not interested in showing up.

Board Member Pierro replied I don't believe the last time, we just acted on their letter, and I don't think they appeared the last time.

Rich Williams stated I don't recall.

Vice Chairman Montesano stated the last time they were here because when we talked to the young lady that showed.

Board Member Pierro stated that was on the sign. This is on the extension of the modular building, we have been acting on that.

Rich Williams asked if that is the case are you going to act on Anna's also.

Vice Chairman Montesano replied the idea is we don't know why they still need the six month extension on either one of these people. I would like to have a reason as to why I am going to extend something.

Board Member Rogan asked Rich if we don't act at this meeting will the approvals expire before the next meeting.

Rich Williams replied it is very, very close I don't recall the exact date.

Board Member Pierro stated May 7<sup>th</sup> on Penwest.

Rich Williams replied May 7<sup>th</sup> okay no then we will make it. Generally, what I try to do is give them thirty days.

Board Member Rogan replied okay if not I was going to move for a thirty day extension on both then at least they would not expire.

Rich Williams stated they may show up yet tonight.

Vice Chairman Montesano stated we can always take care of that at the end if necessary.

Board Member Rogan stated the Board had a concern with not extending more than ninety days anyway because they were starting to get to be open ended extensions.

**3) FUCA SUBDIVISION**

Ms. Theresa Ryan, Insite Engineering was present representing the Applicant.

Ms. Ryan stated we are here because we had proposed a name for the private road that has three lots off of it and we are required for 911 to come up with a name for it so Mrs. Fuca wanted to name it after her, Margaret's Way.

Board Member Rogan asked what was it originally called or there was not a designation.

Ms. Ryan replied it is just a common driveway.

Board Member Rogan asked does anyone have a problem with Margaret's Way.

Board Member Pierro stated I prefer Margaret's Way. I don't like Margaret Way.

Board Member Rogan stated it does say Margaret's Way.

Board Member Pierro replied does it one of the other documents I looked at said Margaret Way.

Board Member Rogan asked Ms. Ryan is it Margaret Way or Margaret's.

Ms. Ryan replied Margaret's.

Board Member Pierro stated Margaret's Way is fine with me.

Board Member Rogan made a motion in the matter of Fuca Subdivision that the Planning Board approves the name of the road to be Margaret's Way. Board Member Pierro seconded the motion.

Upon roll call vote:

Board Member Montesano	-	yes
Board Member Shay	-	yes
Board Member Pierro	-	yes
Board Member Rogan	-	yes

All in favor and motion carried by a vote of 4 to 0.

Board Member Rogan stated there is the situation that Gene Richards wanted to talk about with the Board.

Gene Richards stated in our memo dated April 3<sup>rd</sup>, what I have done is I have outlined a few minor clean up items on the plans which Theresa you have seen this memo I assume that it is all okay with you.

Ms. Ryan replied yes.

Gene Richards stated that is all external to the Board, they have their Conditional Approval they just have to clean the plans up before they are endorsed by the Chairman. There is one additional item, number eight

on my memo talks about bonding. Both of our offices previously neglected to include the wetland plantings that are shown on Drawing W-1, I believe it is, the wetland planting plan within the bond calc so Theresa and I worked together today. They have come up with a number for those plantings of twenty-one thousand dollars so I have embedded that in my memo under item number eight. What I would suggest is that the Board if you are agreeable to it you might pass a resolution to amend an earlier resolution to set the bond amount, recommend that the Town Board set the bond amounts for the new amounts. The bond would be \$293,000.00 and associated inspection fees of \$14,650.00.

Board Member Rogan stated so moved, you said it all.

Board Member Pierro seconded the motion.

Upon roll call vote:

Board Member Montesano	-	yes
Board Member Shay	-	yes
Board Member Pierro	-	yes
Board Member Rogan	-	yes

All in favor and motion carried by a vote of 4 to 0.

Ms. Ryan stated the other item that Rich asked me to take up with the Board was we had grass pavers proposed for the watercourse crossing and we got a comment from the City that they did not find that acceptable because of the steepness of the slopes. They were concerned with traction and icing. So, we revised the plan to show turf stone pavement detail which is on the plan but I also brought a copy of it tonight, this is something that has been approved by DEP before, and it also has been approved by the Town on a subdivision that we have in Patterson. If this is acceptable we will just keep this on the detail sheet and get rid of the grass pavers detail.

Board Member Rogan asked any issues with that Gene and Rich.

Rich replied no.

Vice Chairman asked for a motion.

Rich Williams stated Mike, I would just make it subject to approval by the Town Engineer because he has not had a chance to take a look at the specs.

Ms. Ryan stated this was approved on the Alonge Subdivision so it is not something that the Town has not seen before.

Board Member Rogan asked Theresa where is that subdivision, Alonge.

Ms. Ryan replied Brimstone.

Rich Williams replied it is actually on Quaker Road off of Brimstone.

Board Member Rogan made a motion in the matter of Fuca Subdivision that the Planning Board approves the change in grass pavers to turf stone pavers contingent upon approval from the Town Engineer for the technical aspects. Board Member Pierro seconded the motion.

Upon roll call vote:

Board Member Montesano	-	yes
Board Member Shay	-	yes
Board Member Pierro	-	yes
Board Member Rogan	-	yes

All in favor and motion carried by a vote of 4 to 0.

Ms. Ryan thanked the Board.

#### 4) **BUDAKOWSKI SUBDIVISION**

Mr. Joe Madden, Attorney with Shamberg, Marwell was present representing the Applicant.

Mr. Madden introduced himself to the Board.

Board Member Pierro asked Craig, this road maintenance agreement is going to be between Lot #1 and Lot #2.

Craig Bumgarner stated I will just give you a brief summary of what that memo says. There were two issues that the Board requested that we look at. One of them was whether there was access and the second was whether fifty foot worth of access could be provided. We have determined both that there is access and that fifty foot is provided through the maps that we received from the Applicant's Counsel. The last thing that I just note in there is that there was a 280a approval granted by the Zoning Board because at that time it was only to get access to that one lot and in connection with that a road maintenance agreement was required. The Applicant did sign the road maintenance agreement and handed it over to the Building Department when they got the C.O. however it has never been recorded because you need a TP-584 to record the road maintenance agreement so we just have to keep in the back of our mind that we need some type of road maintenance agreement in affect maybe not necessarily the one that has already been drafted because if there are going to be two lots at least there will be two lot owners to share the road maintenance for them.

Board Member Pierro stated so we really don't care what the road maintenance agreement is as long as it is there.

Craig Bumgarner replied as long as there is one in place yes because understand something what we want to make sure is that the road is maintained back into that property for the purposes for any of our emergency vehicles or anybody who would have to go in there.

Vice Chairman Montesano asked on that road maintenance is there a road that is actually going to be put in physically other than what is there right now or.

Craig Bumgarner replied that is up to the Board. What you guys wanted to know was if the access could be provided and how wide it was and then I think the Board and again you have to check your minutes to see what was determined before but I think you wanted to get those two basic issues out of the way first before you determined what access or what roadway was going to be installed there.

Board Member Rogan stated my recollection on that was that we were considering allowing reduced specs but making sure we had a fifty foot right of way in place so that, Board Member Pierro stated in case anything in the future was ever developed. Board Member Rogan stated right not that we were requiring a full paved runway up through there.

Craig Bumgarner stated I think the concern was that this one gets added on then another then another so if we at least have the fifty foot of access as other lots maybe get added on then they can do some further improvements to the road then eventually it would be up to town road specs at that time.

Board Member Pierro stated I am fine with that.

Board Member Rogan stated it is great that is what we were asking for.

Vice Chairman Montesano asked the Board are we going to request from them what kind of road access they are going to give us as far as paving and such how many feet you guys want or do you guys want to get a full thing in the development and how far up.

Board Member Pierro stated well the road is improved all the way up to the end of the Budakowski's driveway.

Board Member Rogan stated to the first lot.

Board Member Pierro stated to the first lot so if anything is done to develop that second lot they are going to have to improve that driveway going up to the second lot correct.

Rich Williams stated the road is not improved to town road specs.

Board Member Pierro replied no we know that.

Rich Williams stated okay so yes it is improved with certain improvements are they sufficient or not that is what you have to, Board Member Pierro stated not to town road specs but if anything is ever done in the future we have the right of way needed.

Rich Williams stated I think that is what you need to layout on the plans is how this is going to work and whose going to do what improvements, what the standards are and I think you need to come up with a determination right up front and put it on the subdivision plat so that for any future property owners it is already laid out in black and white what they are going to be required to do in the future and in doing that then you can appropriately perhaps allocate it based on the traffic demands for that right of way.

Board Member Rogan stated it has been awhile since we looked at those plans. It is time to pull them back out and sit down and figure out what we want to do.

Vice Chairman Montesano stated fine for arguments sake if we say town road specs are twenty-four foot right now let's say we tell them eighteen feet but it has to be enough that you can carry a truck through.

Board Member Rogan replied I think we were talking twenty-four feet.

Board Member Pierro stated I think it is that now.

Vice Chairman Montesano replied I am just saying this is a hypothetical so we have to set a basic so that he can explain to his Client's what it is and then go from there. Once you pass their house and the next developer he develops the road the rest of the way or whatever the situation calls for but we have to set up some kind of guide line. We have guide lines in the fact that the town has specifications for roads. The thing is what do you want to tell the Budakowski's. If you want we can go take a look at it and then come up with it from there.

Craig Bumgarner stated the only thing that I would suggest is obviously get that out of the way as soon as you possibly can in the application process so that they can have some kind of idea and know where they are going and what they need to expect. In addition to that one of the things that you guys have to realize is the moratorium has since went into effect so maybe at least let the Applicant know that so that if they are going to proceed during the moratorium they can at least get that application and they won't be held up with it.

Board Member Rogan asked Rich, they were not granted relief from the Town Board.

Rich Williams replied no.

Craig Bumgarner stated they have not made application to the Town Board yet and we are in the process of extending the moratorium for three months so it might not be a bad idea but it is up to them.

Board Member Pierro told Mr. Madden you are going to have to apply.

Mr. Madden replied we are aware of the moratorium.

Vice Chairman Montesano stated we will try to set this up as soon as we can.

Board Member Pierro stated let's get it done. I am away in two weeks and the eleventh I am gone for ten days.

Board Member Rogan stated I think if we look back to our minutes we were pretty clear, we were heading towards a certain spec on that road. We just have to pull that back out I don't think it is a big deal for us to give direction on that.

Mr. Madden replied right that was my understanding.

Board Member Rogan stated we were going in a direction we were just waiting for these technical issues to be cleared up. It has been several months and I could not tell you what they are off the top of my head.

Mr. Madden asked will we be on the next agenda then.

Rich Williams stated he needs to make application to the Town Board he needs to get relief. I mean he should not by rights be here tonight.

Craig Bumgarner stated just so you know the Town Board is meeting next Wednesday. I don't know if they have a cut off on that or not but if you get something in they may be able to look at it fairly soon for you if it is not then it is only two weeks after that.

Rich Williams stated they have been giving them to me Wednesday at four o'clock.

Mr. Madden asked jokingly so if I get it in at three fifteen.

Mr. Madden asked so it is next Wednesday or two weeks after that.

Craig Bumgarner replied yes.

Rich Williams stated the second and fourth Wednesday of every month.

Mr. Madden thanked the Board.

## **5) BURDICK SITE PLAN**

Mr. Harry Nichols, P.E. and Mr. Burdick were present.

Mr. Nichols stated regarding the security fencing I thought just a gate from keeping people coming up the driveway if that is acceptable to the Board.

Board Member Rogan asked Rich what type of fencing are we talking about for this type of yard.

Rich Williams stated the issue on this is that the Code requires adequate fencing and screening be placed on all contractor's yards. It is silence to the type of fencing, height or anything else so it is at the discretion of the Board.

Board Member Rogan asked is it also at the discretion of the Board if a site is remote that the fencing can be waived.

Rich Williams replied you know it is a site plan issue there is great latitude within our Code as far as what the Board can and cannot waive.

Board Member Rogan stated I am not saying that because, I am just asking the question.

Vice Chairman Montesano stated all right do you want to discuss fencing, if the property in the front is ever developed then you have a problem. So you have to look at it that way. Since there is no specifications as to what type of fencing.

Board Member Rogan stated of course the fencing would only be five or six foot high anyway. It is kind of a funny thing in a contractor's yard the trucks are much higher, the stockpiles are much higher, almost everything on the site is much higher so you are not really screening much of anything.

Rich Williams stated I would imagine that is why the requirement is both screening and fencing again it is silent as to the type of screening.

Board Member Pierro asked are we talking about a fence for the entry or are we talking about surrounding the whole site.

Vice Chairman Montesano replied according to the Code it surrounds the site. We don't have to but it is in there.

Board Member Rogan stated I am more concerned with screening then fencing quite honestly.

Vice Chairman Montesano stated well the screening could be considered fencing.

Board Member Rogan stated in terms of I am not as concerned with the security of the site. You haven't had security there for.

Mr. Burdick replied no.

Mr. Nichols stated you have physical boundaries that prohibit vehicles from getting in there. On the southerly boundary there is a ditch that is four to five foot deep.

Vice Chairman Montesano asked how does the trucks get out.

Mr. Nichols replied the driveway which we will gate.

Board Member Pierro stated I would like to see some kind of, I mean the trees do a pretty good job of screening the east and south.

Mr. Nichols stated those are basically the only two directions that you can see.

Board Member Pierro stated right but I think the fencing in the back side and the west side might keep the lot from expanding like it did the last time. You know we had a tractor-trailer a hundred and fifty, hundred and seventy-five feet out the last time.

Board Member Rogan asked Board Member Pierro so you are saying it helps contain the site.

Board Member Pierro replied yes it helps to keep the site the size that we are going to approve. I would really like to see the fencing on those back corners.

Mr. Nichols asked do you have any specific type in mind.

Board Member Pierro replied I would be happy with a chain link.

Mr. Burdick replied oh not chain link.

Board Member Pierro asked why not.

Mr. Burdick replied why not it is expensive.

Board Member Rogan asked Board Member Shay what do you think.

Mr. Burdick stated I am out in the middle of nowhere.

Board Member Pierro replied yes but when you are out in the middle of nowhere Mr. Burdick things start to grow and that is what we want to prevent this time around. We had a hell of a mess out there. There was a lot of chemicals and materials that should not have been that far out. I am willing to accept another alternative.

Vice Chairman Montesano asked these storage bins what are they going to be made out of.

Mr. Nichols replied concrete blocks.

Vice Chairman Montesano asked how about if we extend the storage bins straight across the line.

Board Member Pierro stated okay that still leaves the other side open. This is the main side, this northerly side was the side where the tractor-trailer body got dumped.

Board Member Rogan stated certainly it is going to be more expensive to extend the storage, Mr. Burdick probably does not want to extend the storage bins and they are going to be more expensive than putting up a simple fence.

Board Member Pierro stated how about a berm instead.

Mr. Burdick asked a dirt berm.

Board Member Pierro stated a berm could do it. What do you think Rich or Gene.

Vice Chairman Montesano asked Ted, what is the situation as far as the wetlands on that. If they were to put a berm up would it interfere with anything or if they dug.

Ted Kozlowski replied no if it is out of the buffer zone.

Mr. Nichols stated it is all flagged and it has been located on the plans.

Vice Chairman Montesano asked a berm or a ditch be okay.

Board Member Shay stated I would rather see a berm.

Mr. Nichols stated the problem with a berm is it is going to become part of the disturbed area I would think.

Board Member Rogan stated and that puts you over an acre.

Mr. Nichols stated it is going to reduce the useable area. We are keeping it below an acre right now.

Mr. Burdick stated the fence does not have to be in the useable area though.

Board Member Rogan stated what Harry is saying is that any area that is disturbed is going to be used to calculate your area of disturbance which he does not want it to be over an acre.

Mr. Nichols stated if you put a three foot high berm it is going to take up probably ten foot all the way around.

Vice Chairman Montesano stated what about the trees.

Board Member Rogan stated we want the trees definitely.

Board Member Pierro asked how about trees in the back.

Mr. Nichols stated we can plant some trees not a tight knit screening but enough to define the limits.

Mr. Burdick asked a post and rail.

Board Member Pierro stated a post and rail would be fine too.

Board Member Rogan stated I think that is fine.

Board Member Rogan stated I think you are getting a sense that the Board does not want the equipment to drift off site into the other areas so certainly I know you could pull the rails out of the fence too.

Mr. Nichols stated well Ralph does not want to lose the equipment either.

Rich Williams asked what are the limits of the post and rail fence is going to be on.

Mr. Nichols replied the sides that we don't have the landscaping, screening.

Rich Williams asked so on two sides.

Mr. Nichols replied the north, Rich Williams stated the west and north.

Board Member Rogan stated based on the schematic and the way they have the buffer I would be fine with that.

Vice Chairman Montesano asked gentlemen do you want the fence behind the dumpster site and the storage bins all the way around.

Board Member Rogan asked what is the height of the bins.

Board Member Pierro replied I don't think we really need it behind the storage bins.

Vice Chairman Montesano replied I am just asking the question this way we clarify it.

Board Member Pierro stated we could use it behind the dumpster because that is a moveable item.

Vice Chairman Montesano stated so you are going to go from the end of material storage bins to the northern corner and then east along that northern corner.

Board Member Pierro replied right. Any intrusion beyond that point will bear the wrath, Rich Williams stated just one issue on that dumpster location typically the Board has required and with good justification that dumpsters be placed on a hard concrete pad and fenced so you don't have debris blowing from a dumpster that may inadvertently be left open.

Vice Chairman Montesano stated I would suggest putting the concrete pad, Board Member Rogan stated that was asked for. Vice Chairman Montesano stated with a bumper for the simple reason as soon as that guy comes in with the truck to pick it up it is going to slide and there goes your fence.

Board Member Pierro stated why don't we he is building concrete material storage bins why don't we just build one large enough to put the dumpster within it.

Mr. Nichols asked with a concrete pad underneath.

Board Member Rogan replied yes actually Ted had asked for that a couple of meetings ago.

Ted Kozlowski stated slightly bermed too because liquids go in there and we don't want them traveling anywhere.

Vice Chairman Montesano stated a detail of what it looks like.

Board Member Pierro asked okay anything else.

Board Member Rogan replied not on fencing.

Board Member Rogan stated Harry a lot of issues under the site plan designs we have discussed in the past. Last time we discussed quite a bit the idea of pulling vehicles and having to park a vehicle on the side and I don't think the Board has ever been perfectly comfortable with the idea but we see that you have rearranged some of the parking to allow more of a drive aisle down the center.

Mr. Nichols replied yes we have eliminated the double stacking. This is not going to be a rush in and a rush out. This is going to be spread out over time when trucks come in and go out.

Mr. Burdick stated you pull down, you back up and the next truck comes down and backs up in front of that truck.

Mr. Nichols stated as far as providing additional parking spaces it would seem to me to make sense to use what is there. If you are going to take a truck out a truck space will accommodate two or three cars so why create additional parking area.

Vice Chairman Montesano stated as long as they utilize it.

Rich Williams stated Harry I think we have to design things in a reasonable manner and anybody who has ever done this, been involved in this type of business knows that generally what is going to happen is the

people who are working and using the trucks they are going to pull up they are going to just park on the side they are not going to get in the truck, back the truck out, pull their car in and then get back in the truck and leave and then come back in at night and pull their car out, pull the truck in and then leave. They are just going to pull their car on the side and leave it on the side and I think that is what everybody has been trying to avoid is keeping the area that any activity is going to occur in clearly defined and useable and useable in a reasonable fashion.

Mr. Nichols stated we are talking of enclosing the entire area either with plantings or with fencing.

Rich Williams replied that is right.

Mr. Nichols stated so whether a car does park in an area where there are no trucks being moved in or out, Rich Williams interjected you don't want because of the limited area that you have for maneuvering there which has already been questioned nobody wants to see any parking on the side which is going to impact on that drive aisle and that is the concern.

Mr. Nichols replied but there are regulations and there are requirements and if that is a requirement of this approval we can park a car on a paved area and give it the same protection, as we are the trucks.

Rich Williams replied I don't disagree but you never want to approve a plan that you know that is going to be an on going enforcement issue and I go back to you have to design reasonably for how the site is going to be used.

Vice Chairman Montesano stated look at it logically if it is a nice rainy day you think the man is honestly going to sit there and jump in the truck, move it, pull up and pull his car in and then wait and then get back in the truck in between the rain drops.

Board Member Pierro asked how about we limit automobile parking to the southerly drive aisle.

Rich Williams asked do you really believe that there is sufficient area in that drive aisle.

Board Member Rogan replied we have kind of felt like, none of us are truck drivers but we don't feel like there is sufficient turning radius here to begin with.

Vice Chairman Montesano stated I resent that remark.

Board Member Rogan replied I am sorry none of us are currently truck drivers.

Mr. Nichols stated this is not a public facility. This is a private facility.

Mr. Burdick stated this is not going to be a shopping center where you can pull a tractor-trailer round and round.

Board Member Rogan stated Russ, Mike is saying you have the experience what do you think.

Board Member Shay stated I have to agree with what Mr. Burdick just said. It isn't a public facility.

Mr. Burdick stated how we park, how we arrive at that should be up to us as long as we park on the area that we are supposed to be.

Mr. Nichols stated you may end up with less trucks being able to park there but they have to park them on the pavement.

Board Member Rogan asked Rich can you come up with some kind of solution to this. There is an area that would clearly, Rich Williams replied there is a couple of solutions; one is we have asked for additional information to substantiate that the turning radiuses can be justified and that has not been provided yet. We have asked for additional information concerning the area of disturbance. Nobody wants to limit Mr. Burdick's use of the property. We don't have a problem with the extent of the disturbance right now or if it were to increase. I think the problem is Harry is working time and a half to try to keep this under an acre of disturbance which at least I believe is already more than an acre of disturbance in order to try to not comply with some regulations which are not that difficult to comply with in the first place.

Mr. Nichols stated the regulations that Rich is talking about maybe not difficult but they are extremely time consuming and you bring in other agencies which,

Rich Williams asked which other agency are we referring to.

Mr. Nichols replied the DEC.

Rich Williams replied okay the requirements for DEC is you are going to have to do a Stormwater Pollution Prevention Plan. We are going to ask you to do that anyway to some extent to look at stormwater running off of this site. We have done that with an oil water separator. I think everybody had been in agreement there so as long as you do it and meet their technical standards then the only requirement and the only submission that you are going to have to do to the DEC is to file a Notice of Intent five days prior to you starting construction.

Mr. Nichols replied no there will be an application and there will have to be a review and the review can take anywhere from, Rich Williams stated only if you don't meet their technical standards. Are you telling me that you can't meet their technical standards.

Mr. Nichols replied I am just saying it is going to be more time and more effort to comply with their regs. It is time and we are trying to avoid that loss of time by keeping it under one acre which I think we should have the choice to do. We are not looking to make it two acres.

Vice Chairman Montesano stated no you have a choice to attempt it and we have a choice to accept it if we are satisfied or to get you to give us the facts that we are requesting.

Mr. Nichols replied we are going to give you the facts. We are going to define the area, Vice Chairman Montesano asked but why aren't they here yet.

Mr. Nichols replied this is a new plan we submitted since the last time. It does not make sense to put all this detail on the drawing if you found this plan unacceptable.

Vice Chairman Montesano stated then we are allowed to say it would be unacceptable for the idea we had in mind.

Mr. Nichols replied no we are trying to comply with the access and layout that you were looking for. These are details that can be added to the plan. They are not difficult to add to the plan but we want to make sure we are satisfied with this configuration.

Board Member Rogan stated well we are happier with the configuration than we were the last time.

Board Member Pierro stated I agree.

Board Member Rogan stated in the sense that there seems to be more area for turning. Russ, you were going to say before about the turn radiuses.

Board Member Shay stated it depends on the type he is bringing in there.

Mr. Burdick stated you are going to have them pull down and back in.

Board Member Shay stated you are going to make three point turns. You are not going to make, Vice Chairman Montesano stated it depends on how many wheels you have on the truck, how tight the turning radius is. (Too many speaking at the same time unable to transcribe).

Board Member Shay stated it does depend on the type of truck. I can't give an answer right now I drive a thirty-three foot bus.

Mr. Burdick stated a lot has to do with the driver too.

Board Member Shay stated it is not a situation where you are coming in and just parking it in a parking space. You might be making a three point turn or four point turn that is up to the individual driver. Everybody is different.

Vice Chairman Montesano stated there are some people that can park it on a dime and there some people that can't park on the United States of America.

Rich Williams stated let's remember a portion of this we are designing for tractor-trailers.

Board Member Shay stated that I have no knowledge on tractor-trailers. I have never driven semi's.

Board Member Rogan stated so Rich I get back to my question the way that I am understanding what you are saying is that if we need some parking spaces here for personal vehicles the only way to incorporate that into this plan and to stay under an acre basically, stay under the threshold is to lose a spot and you haven't really lost that spot because if the vehicles aren't there you can use it for parking. I mean you are delineating an area where you have a designated area that would be available for personal vehicles basically right.

Rich Williams replied right.

Board Member Rogan stated I guess the funny part of this is, granted they would have to be delineated but once it is all in it is a paved area where there is some parking so I think we are getting stuck on this.

Vice Chairman Montesano stated yes we are getting stuck because in all honesty what you look at is when the other cars come in and they are going to be sitting here and the oil and the stuff that over flows from that car while it is laying there while you move the truck out and move the car in who is going to be here to enforce the fact that they are going to move the cars in and out rather than leave them parked right there on the open area where everything can collect. You are having the man put in a separator and it may function on the majority of vehicles or it may not because you don't know where they are going to park. You get a ten wheeler dump truck being pulled in there and if the guy decides it is raining out and he is going to pull it in and he does not pull it in so now he covers two spaces that is an awful lot of footage to cover those two spaces. Now where does the next guy park so sooner or later somebody is going to be parking off of that.

Mr. Burdick stated I am going to be there to ensure that they don't.

Vice Chairman Montesano replied okay that answers that. I will go along with that. We are going to let you direct traffic no problem. If you going to be out there in the rain.

Mr. Burdick replied in the rain I won't be able to work.

Gene Richards stated Mike, I don't want to speak out of turn but I have not reviewed this plan so I don't know what is showing or not showing I guess what I am hearing though is there is concern over if there is adequate parking for personal vehicles in addition to work vehicles that Mr. Burdick uses and I don't know how many employees he has. Typically the regs call for a parking space for each employee something of that sort and then if it is a contractor's yard you are going to have additional parking for the trucks; however many trucks he has in his fleet. This is really incumbent upon the Engineer to make sure that the design is as such that it works. (TAPE ENDED).

Gene Richards stated you don't want a situation where the site, I mean Mr. Burdick would not want a situation where the site just is an impossible thing everyday to deal with because you have cars and trucks in each other's way and you have to move things around. One thing this Board has done in the past and I understand that they want to stay below this acre threshold of disturbance. One thing the Board has done in the past when there has been a concern over parking is you could provide a note on the plat on the site plan rather stating that if parking becomes a problem if it is identified that there is a problem with parking then at that time they have to add additional parking. Now it is captioned on the site plan as future parking and really they would have to show an area for that future parking and they would have to construct them. That would then mean they would have to go for additional permitting that is something that they would have to address at that time. That is one fall back position at least if the Town identifies that they are parking on the entrance driveway because there is not sufficient room to maneuver trucks back there and you can see it as you drive by then you can call him back in and say you have to add parking. So that is a possibility too.

Vice Chairman Montesano replied I can appreciate the possibility what I want to know is if we were to allow this to go as is and then it shows that we need additional parking how is that going to be processed because now are we going to have that whole disturbance re-done again. Does that mean the separator is going to be useless again. Do we have to enlarge the separator that is in there because they will putting more vehicles on the thing.

Gene Richards replied he would have to re-engineer the site plan.

Board Member Pierro stated I don't think he wants to go for the money twice. I would rather do it the right way the first time.

Gene Richards stated they are the one's that are trying to stay below the acre threshold.

Vice Chairman Montesano replied and this is where the problem may be.

Rich Williams stated I think it may help if Harry and I sit down at some point and go through the regulatory requirements on this because I don't think they are as onerous as Harry thinks they are and there is additional information that he needs to supply on this plan and we may just want to adjourn this at this point until we can do that.

Board Member Pierro asked is that acceptable Harry.

Mr. Nichols replied I would really like to resolve this. Are we looking for a paved area for the trucks or are we looking for a paved area for the cars also. My understanding was it was the trucks that were the main concern for the pavement because the trucks are the ones that will probably be,

Vice Chairman Montesano replied well let's put it this way I would rather see you sit down with Mr. Williams so that Mr. Burdick does not have to pay now and pay later. I think if we allow this to come back for next month that would put us way ahead of the game and may save him a considerable amount of money in re-engineering a problem. This way everything can be verified and worked out again.

Board Member Rogan stated I think Harry's question was legitimate. What is the Board looking for on parking, I guess it is a two-fold question; number one is we are looking for a clearly delineated area that is available for these people to park so that they are not parking all over and creating problems for maneuvering but I also heard people on the Board say they were concerned about the dripping potentially from the people's vehicles.

Vice Chairman Montesano stated your cars and your trucks are the thing. The thing that we are being told is that the driver will park his car, let it run, jump into a truck, move the truck, let that run, come back, take the car and park it. I know from experience one out of twenty guys are going to suddenly get out and change that thing around and move their car back into it.

Mr. Nichols stated let us provide you with parking for cars not on the pavement but on a gravel area. It would be the same material that we are going to have on the surface where it is not going to be paved we are going to have an Item-4 type surface to drive on.

Vice Chairman Montesano stated what I am trying to do in my mind would be if the cars are going to park and they are all on the same area where the trucks are that means that oil separator would be able to handle anything that comes along.

Mr. Nichols stated we are trying to keep a paved area out of the wetlands and at the same time keep the disturbed area to a minimum.

Vice Chairman Montesano replied I realize that Harry.

Mr. Nichols replied I think we could find an area we may have to compromise some of the truck parking but we could find an area for parking of vehicles.

Vice Chairman Montesano asked are you going to put another separator in then.

Board Member Rogan stated it would not do any good if it is on gravel,

Mr. Nichols replied I am asking not to.

Vice Chairman Montesano replied I am not going to ask for gravel. We are having a problem understanding it.

Board Member Rogan asked Rich is it required that the parking for the passenger vehicles be on an impervious surface.

Rich Williams replied our Code sets up specific design standards for parking areas which require paved areas but again the Board has great latitude in imposing those and the authority to waive those standards where it feels it would be an un-necessary hardship so it is at your discretion really.

Vice Chairman Montesano asked but if we put gravel in there are we going to disturb more area. Is that going to be included in the disturbed area.

Rich Williams replied yes if you are talking about putting gravel and that is part of the disturbed area there is no getting around that.

Board Member Rogan stated he is saying that it is already part of the disturbed area based on the plan, am I correct.

Vice Chairman Montesano asked is it.

Mr. Nichols replied no the driveway coming in and this area, there is an area over here that is gravel but we have pulled it back to keep it fifty feet away from the property line.

Board Member Rogan asked Harry, is the area between the pavement and the bins going to be gravel so isn't that a disturbed area, isn't that part of the calculations.

Mr. Nichols replied that is part of the calculations.

Board Member Rogan replied right and we are not talking about going outside of that solid line that is behind the bins and going around to the north somewhere within that impact. I thought that was what you were referring to.

Mr. Nichols stated all I am saying is that we can do a little rearranging here and provide parking for x number of cars which would not be in the truck areas.

Rich Williams stated one of the other issues that has been coming up is what he is showing for gravel area is basically his drive aisle and you don't want to be parking cars in a drive aisle at least my self questions the suitability of that drive aisle in maneuvering large trucks. I mean if you are talking about dump trucks there is more than enough room. If you are talking about tractor-trailers things start getting very tight in there.

Mr. Nichols stated correct me if I am wrong, the area that is already disturbed that has been there for years that does not count as part of that one acre.

Rich Williams replied that counts. It all counts.

Mr. Nichols stated well we are down to a limited number of trucks right now so to knock out more trucks just to put cars in there, Rich Williams interjected Harry, I want to be clear I am not trying to knock out more trucks, I not trying to throw you over a threshold that is going to require you to go to the DEC. The threshold that you are breaking is going to require you if you meet their technical standards to file a Notice of Intent five days before. It is also going to require you to do Stormwater Prevention Plan but that is not reviewed or approved by the DEC. The only thing that you have to do is have prepared it to meet their technical standards and then make this Notice of Intent filing five days before. It is not as big of an issue as you believe it to be and if you come in I will show you in their technical standards and their regulations exactly what I am referring to.

Board Member Rogan stated to Mr. Nichols we suggest that you meet with Rich and clear up some of the issues.

Mr. Nichols asked on SEQRA has the Board given an consideration which way you are going to go.

Rich Williams stated the reality is there are no other approving agencies at this at this point. So you are Lead Agency by default. There is no other agencies to coordinate with.

Vice Chairman Montesano stated once it is complete then we can make a decision right now it is not.

Mr. Nichols stated we will get a copy of the State Permit and bring that into the Board. The rest of it seems to be details and notes on the plan. Should we select a location at this time for the sign or is that something that can be done at a later date.

Board Member Rogan replied that can be done at a later date.

Rich Williams stated the only issue is if you do it now it is included with this application shown on the plans and there is no fee. If you do it at a later date there is going to be a fee.

Board Member Pierro stated I don't think they need a very large sign.

Rich Williams stated you just need to decide on a design.

Mr. Nichols replied something that says like Burdick Trucking.

Rich Williams replied whatever like I said you just need to decide on a design whether it is going to be lit, what you are going to do and show the details on the plan.

Mr. Burdick thanked the Board

**6) D'OTTAVIO SITE PLAN "A" & SITE PLAN "B"**

Mr. Harry Nichols, P.E. and Mr. D'Ottavio was present.

Mr. Nichols put the plans up on the board.

Board Member Rogan commented once again we are going to apply the concept of ten pounds in a five pounds sack on this plan.

Mr. Nichols stated I put the two plans together so you can see how they match.

Board Member Rogan asked can you give us a copy like that.

Mr. Nichols replied I can but it is two different parcels and it is two different applications.

Vice Chairman Montesano asked all right which one are we taking first.

Board Member Pierro stated let's start with "A".

Mr. Nichols stated even though we had done previous testing it showed we could get a septic in an area out here we ended up in a controversy as to whether it was rock or soil.

Vice Chairman Montesano asked with who.

Mr. Nichols replied with the DEP and the Health Department and we lost. However, the Health Department allows us to have the septic area on Lot B for Lot A and just provide an easement. This is done many times. We have reserved that area for the septic to specifically serve this particular development.

Board Member Rogan asked so you delineate an easement.

Vice Chairman Montesano asked so you are going to have an easement now for a septic system.

Mr. Nichols replied yes.

Vice Chairman Montesano replied we already have that problem on a certain location where we have a septic system with an easement and then people trying to build around it and doing all this other abuse.

Board Member Rogan stated I had said at the Work Session Meeting that if it is an acceptable method I am more comfortable with trying to get a septic system where it is most appropriate. I would rather see it work where it is going to work as opposed to trying to jam it with three foot of fill some where else. I don't like the idea of it but if it fits and we can get an easement on it and Craig says that it will work.

Board Member Pierro stated it is better than having a poorly designed septic system.

Board Member Rogan stated I would rather have the septic in an area that it will work that is not my worst problem with this plan.

Board Member Rogan asked you have not cut any trees down out there right.

Mr. Nichols replied not yet.

Board Member Rogan stated especially not the big Pine Tree that we liked so much that is in the middle of,

Mr. Nichols stated today we did go in there and one big tree came down.

Board Member Rogan asked you mean right in the center the big Pine that was the whole, the project was contingent upon that tree, Rich Williams interjected I think he is just kidding.

Board Member Rogan replied I know that he is trying to pull my leg. Where does that sit on your plan.

Mr. Nichols asked is this the tree that is sitting right here referring to the plan.

Board Member Pierro replied yes.

Board Member Rogan replied no it is closer to the road.

Rich Williams stated no it is way out by 22.

Board Member Rogan stated it is in the middle of the detention basin.

Mr. Nichols asked somewhere in here referring to the plan.

Board Member Rogan replied yes. Harry, no one likes the idea of the detention basin right up along side the road.

Mr. Nichols stated there are regulations that we must satisfy. This basin has to be a certain distance away from the septic. The septic has to be a certain distance away from a well.

Board Member Rogan stated I would like to do away with all the detention basins quite honestly, save the world from West Nile Virus.

Vice Chairman Montesano stated what are you going to do in the mean time. Go up to Albany change all the regulations and then we have no problem.

Rich Williams stated creative design. It is not the regulations it is the design. You just got to find a new way to skin a cat.

Mr. Nichols stated the second page of the memo is mainly corrections to the application form and to the SEQRA form.

Board Member Pierro asked what is the elevation of Parcel "A". What is the height of the building.

Mr. Nichols replied the height of the building (could not hear the rest of his response).

Board Member Pierro stated this is not going to be exposed, you are not going to cut out the canopy so that you can see this from the Haviland Hollow side or the East Branch side.

Board Member Rogan stated this is all wooded.

Mr. Nichols replied no. Haviland Hollow to the back we are doing no clearing back here at all. We can probably even tighten this up a little bit to reduce the amount of disturbance. I am not sure if you can see this site, can you see it from the other side.

Board Member Pierro replied I believe you can. If you were obviously to take off the canopy on this side, this side is 506 feet the elevation.

Mr. Nichols replied the top is yes.

Rich Williams stated you will be able to see it well from East Branch.

Board Member Pierro stated right so you will. I want to see a minimal amount of disturbance in the back Harry. I personally think that it is very important that we don't destroy the view shed from the other side.

Mr. Nichols stated and what we can do here is we can do some plantings, some Pines some screening if this is an obvious situation where you can see through. I question that because it is more than a half of mile away.

Rich Williams stated I know the intent of the Board is to minimize the impact but you need to be aware that the parking area in the back is already in my opinion too tight. The loading spaces are designed for thirty-five foot trucks I would not want to be a tractor-trailer driver that pulled into this site by mistake and wanted to turn around.

Vice Chairman Montesano asked we have almost a half of mile between that and Haviland Hollow right.

Mr. Nichols replied yes.

Rich Williams stated it is not the distance it is the fact that this is the high point and you have a valley in between and then East Branch Road starts to rise up again. There is nothing you can do. You are on a knoll. There is no way that you are going to address it.

Board Member Pierro stated as Shawn just pointed out we are putting twelve foot of fill in the back just off to the left rear corner of the building.

Board Member Rogan stated it is a challenging site.

Rich Williams replied right but the high point you are dropping.

Mr. Nichols stated we can soften this. We do not have to have the loading dock at this location. We can slide them over and we can eliminate and reduce this amount of fill in the corner.

Vice Chairman Montesano stated that is fine but you are still going to have those trucks trying to get in there.

Mr. Nichols replied this is not parking back here this is maneuvering so even though we drew the spaces at thirty-five they could be drawn at forty-five.

Vice Chairman Montesano asked all right so you get a guy in there with a tractor that comes in with a box that is forty feet long or forty-five foot long which is average today and you are going to have how much did you say.

Board Member Rogan stated he is going to have more maneuvering than the last application.

Board Member Shay stated he is not going to maneuver in there. If he is going to do anything he is going to do it out in front and back in there.

Mr. Nichols replied he is going to pull in here and back into the spot.

Vice Chairman Montesano stated it is going to be interesting.

Rich Williams stated it is doable but it is tight. You go out to forty-five foot loading spaces it is going to be real tight.

Board Member Rogan stated the total distance you have is seventy-two feet proposed.

Mr. Nichols stated we can arrange the spaces like even away from the ends so the truck can pull in, back into the spot and be able to pull back out this way and leave enough space between to help ease the turn. We only require a minimal number of spaces. We have shown I believe more than we need. I think the requirement is one for the first three thousand and one for every thousand thereafter.

Rich Williams stated let me throw something out to you both. These sites are almost completely linked why not one more link. Why not link the two parking areas in the back so you could make a drive through.

Board Member Rogan stated not a bad idea.

(Too many talking at the same time unable to transcribe)

Board Member Pierro asked so that rear portion of the building in-between the right rear corner of Building "A" and the left rear corner of Building "B" you are talking about having a drive through there.

Board Member Rogan stated connecting the impervious, Board Member Pierro asked connecting the two parking areas.

Rich Williams replied yes.

Board Member Pierro stated Harry, you see where you have that ninety degree corner or at the property line there why don't we just take that out and join the two parking lots.

Mr. Nichols asked you mean right through.

Board Member Pierro replied yes.

Mr. Nichols replied sure we can do that.

Rich Williams stated doing that you are losing parking spaces.

Mr. Nichols stated no we can open this up and put parking here too.

Board Member Pierro stated I see gaining spaces by doing that.

Mr. Nichols stated that satisfies the truck maneuvering.

Board Member Pierro stated a good Lawyer can write an easement up.

Mr. Nichols stated a cross easement. There are a few other easements on here. We need an easement for the drainage also.

Board Member Pierro asked does anybody else have any other suggestions.

(unable to transcribe due to noise of plans in the microphone).

Rich Williams stated Harry, when we sit down and talk about Burdick I would like to talk about this also I have a couple of ideas for you that might smooth it out a little bit.

Board Member Rogan asked Harry what is your response to question ten on page four of six of the memo; it says it should be noted that the present layout does not present an attractive appearance from Route 22.

Mr. Nichols replied I am actually offended by that.

Board Member Rogan replied you are offended you should be. What are we going to be able to do on this thing to do some visual.

Mr. Nichols replied well obviously plantings. We have not shown the plantings yet. The basins are down low you will be looking over the basins you will see the buildings. (Unable to hear the rest of his statement) This area here is all going to be grass so you are not looking at a sea of blacktop. As a matter of fact there is very little blacktop as you are looking from 22. It is built from this location back to 22 with the exception that we have to open up this side of it. That was put in previously. The access for both lots is through this parcel "c" is this going to require us to get a variance or is that all part of what was already approved.

Rich Williams replied it was already done you just need to note that on the plans.

Board Member Rogan asked have we ever resolved the issue of the pipes that run underneath the property and when they were placed.

Mr. Nichols stated we have surveyed them and these are going to reflect what is there now.

Board Member Rogan asked do you know who placed the pipe in that.

Mr. D'Ottavio replied we have a letter from the owner, the previous owner stating when he put the pipes in there.

Rich Williams stated before you go any further I want you to know that I have aerial photos from 1994 with an open stream so before you say when he put them in.

Rich Williams stated I think at this point though they have been in for so long that it would be a mess to try and restore the stream and it would destroy the site. I think the Board just needs to look at having Harry certify the condition that it is all properly grouted, that it is all sufficient in size. I don't think that is an unreasonable task.

Board Member Rogan stated when we did our site walk it had just recently, recently being a couple of years, been parget the head wall and it was leaking out and around it I remember. The water was not all coming through the pipe. It was coming out and around and through crevices and cracks so you have to take a look at that.

Mr. Nichols replied we will make sure we get a good mason this time.

Mr. Nichols stated that is about it for Parcel "A". I don't think there is anything different on Parcel "B".

Board Member Rogan stated I don't think so.

Board Member Montesano asked can the detention ponds be put on the side possibly.

Board Member Shay asked or anywhere else.

Rich Williams replied I have a couple of ideas that I want to run past Harry before we go too far possibly trying reduce the size or eliminate one of them.

Board Member Shay stated I think the view scape is going to look terrible coming down 22 unless you are going to make two beautiful lakes there with Italian marble statues spitting water out of them in the middle.

Rich Williams stated there are two ways to go one is very expensive and the other is very cheap.

Mr. Nichols stated these can be dressed up so that they are not ugly and that is what the plan is.

Board Member Shay stated I keep thinking that detention pond down by the A&P in Brewster. It looks horrible.

Board Member Rogan stated Harry didn't do that one.

Mr. Nichols replied yes I did. That was a case of limited resources from the existing center. That was created after the original center was developed and that was basically all that was left to work with.

Board Member Shay stated that is what I don't want to see.

Board Member Rogan stated Harry, I think it would be great if you could meet with Rich and clean out some of these issues.

Mr. Nichols asked any other comments.

Board Member Rogan stated I would love to see what comes out of a meeting with you guys because if we can work out some of these issues we are all looking forward to having this type of a project going in. We want some commercial.

Mr. Nichols and Mr. D'Ottavio thanked the Board.

## 7) SHKRELI SUBDIVISION

Mr. Shkreli was present.

Board Member Rogan stated from what I understand and this Board is very anxious to give you your approval so that Mr. Hansen, I know he is biting at the bit to get building out there but it sounds and I am going to refer this over to Gene and Rich but it sounds like your technical issues that we have been asking for we have not received them and we don't know why and that is something that maybe only you and Jack can answer.

Mr. Shkreli replied quite honestly I thought he had brought them in.

Rich Williams stated I think we are close. The Engineer did a review and I think you have a copy of the review and he is asking for some ponds to be put in nothing has been sized but I think he has pretty much has narrowed it down.

Gene Richards stated I think what we really need to do is to have Jack come into our office, sit down with us and we can go through everything and come to an agreement on what is going to be needed so he can do the final design and add it on the plans then you are good to go but he has to make that effort to come in and meet with Ron Gainer to resolve these issues and maybe Rich wants to be there as well. We are at a point where that is really needed so Jack has to make an effort to come in so we can resolve all the open issues.

Board Member Rogan stated Mr. Shkreli we don't really have much else left to do on this other than to approve it.

Mr. Shkreli replied to be honest with you the last two meetings that is the feeling I got.

Board Member Pierro stated you just need that head wall taken care of right.

Board Member Rogan replied there is a lot of issues that they have.

Rich Williams stated it is all centered around stormwater and how much stormwater is running off the site and erosion control I think and making sure that it is not going to be a problem.

Gene Richards stated again that is all the stuff that we can work out with Jack.

Mr. Shkreli thanked the Board.

**8) OMNIPOINT COMMUNICATIONS – Site Plan Waiver**

Mr. Robert Gaudioso, Attorney with Snyder & Snyder was present representing the Applicant.

Mr. Gaudioso stated I have received the Planner's comments we really don't have any problem with them. The only outstanding issue I think was the height of the fence and we can either lower the height of the fence to five feet or take off the barbed wire. The existing fence is six feet.

Board Member Rogan stated I guess the question becomes do we need barbed wire to protect the site.

Rich Williams replied that is up to them.

Board Member Rogan asked is that something that in this area, Mr. Gaudioso replied the site is located, the hill goes up and then it dips down you can barely even see the tops of the trees back there so probably the better course of action would be to keep the barbed wire and lower the fence to five feet.

(TAPE ENDED)

Mr. Gaudioso stated everything else is straight forward there are nine antennas along the top of the tower and a small equipment cabinets. (unable to hear the rest of his statement). We are applying for a Site Plan Waiver.

Board Member Rogan stated I have no problem with this.

Vice Chairman Montesano stated I have no problem with the waiver.

Board Member Rogan asked Rich Williams can we do the Site Plan Waiver first.

Rich Williams asked what are you going to do.

Board Member Rogan replied we have to do SEQRA.

Rich Williams stated it is a Type II, Board Member Pierro stated Type II you don't have to do SEQRA.

Rich Williams stated the actions before the Board are you can grant a Waiver of Site Plan based on the plans submitted or you can require a Site Plan in which case you would probably set the Public Hearing tonight.

Vice Chairman Montesano stated the item is already there all you are doing is putting an extension on it.

Mr. Gaudioso stated on the condition that we lower the fence.

Board Member Pierro replied right. That is the only condition.

Board Member Pierro made a motion in the matter of the Omnipoint Communications, Route 22 the Noletti site, the Planning Board grants a Site Plan Waiver with the condition that the chain link fence be reduced in height to five foot and based on the plans submitted.

Mr. Gaudioso asked and that is the proposed portion.

Board Member Pierro replied right.

Board Member Shay seconded the motion.

Upon roll call vote:

Board Member Montesano	-	yes
Board Member Shay	-	yes
Board Member Pierro	-	yes
Board Member Rogan	-	yes

All in favor and motion carried by a vote of 4 to 0.

Mr. Gaudioso thanked the Board.

## 9) OTHER BUSINESS

### a. Empire Power Tool – Waiver of Site Plan request

Mr. & Mrs. Mathews, Applicants were present.

Mr. Mathews stated we are requesting a permit to put some fence displays up a row of four lines. The back line is forty feet wide and then thirty-two, thirty-two, thirty-two stepping down.

Board Member Rogan asked and these fences are proposed to be put up in the rear of the building.

Mr. Mathews replied right next to the building. I don't know which copy you have.

Vice Chairman Montesano replied we have this photograph showing your fencing.

Mr. Mathews replied right I sent a letter to Rich. The fences are going to go up on the side of the building.

Vice Chairman Montesano replied yes that was a display area that was manufactured for the swing sets at one point and there were two swing sets allowed in there then.

Board Member Rogan asked are they currently there.

Vice Chairman Montesano replied no.

Mr. Mathews stated I have no affiliation with those swing sets. That was a separate company and one is still there.

Vice Chairman Montesano asked is the company still there.

Mr. Mathews replied no they are gone.

Vice Chairman Montesano replied so those things should be taken out there.

Board Member Rogan stated to Mr. Mathews, he is not directing that at you, he is asking,

Mr. Mathews replied right I understand.

Vice Chairman stated basically when this was approved for that showing off we allowed two items to be displayed.

Board Member Shay asked was that displayed in the front of the building.

Vice Chairman Montesano replied no it is on the side of the building right where I am assuming that is exactly where you are going.

Mr. Mathews replied around to the side and then out about ten feet.

Vice Chairman Montesano replied oh now we are going out further.

Board Member Rogan stated so I can get this clear from 22 you look up to the site there is the building and the entry road goes to the right, Vice Chairman Montesano stated on the left. Mr. Mathews replied right and to the left. Board Member Rogan stated to the left of the building so between the building and the property line.

Mr. Mathews replied yes.

Board Member Rogan stated I saw the swing set there.

Vice Chairman Montesano stated when we put that in we measured it to that size. That was given a specific area.

Rich Williams stated yes I think we defined an area then we defined swing sets going in the area.

Board Member Pierro stated and nothing was going to be beyond the front of the building.

Rich Williams replied no there was an area in the front of the building on the north west corner.

Board Member Rogan stated I think the question is obviously you want to display the different types of fences that you sell or at least the most popular certainly you are not going to display every type of fence that you have. You have samples and pictures. What would be the minimum area that would be required certainly you don't need eight pieces of one style of fence, if you had two pieces to get some kind of idea, two pieces of one style I don't mean just two styles.

Mr. Mathews stated the average is eight foot sections and I am looking for sixteen pieces.

Board Member Rogan asked sixteen different pieces.

Mr. Mathews replied yes.

Board Member Pierro asked does it have to be eight feet.

Board Member Rogan replied so sixteen samples.

Mr. Mathews stated staggering from height size. For full size samples yes that way the customer knows exactly what they are getting when they are purchasing it.

Vice Chairman Montesano asked they don't have smaller samples.

Board Member Pierro asked you can't put up a four foot section.

Mr. Mathews stated they are not full six foot panels they are stepping down, the height. If you are worried about the height they are stepping down from a six, two, fours so it is not a giant wall.

Vice Chairman Montesano asked and how big is that area in there. I don't remember the exact size.

Rich Williams replied I think it was ten by ten directly in front of the building and then there was an additional area on the side of the building that could not extend past the tree that is there.

Mr. Mathews stated we are within the tree I measured it off if you put four sections across there is still about three and a half feet.

Board Member Rogan asked and the sections of fence would run perpendicular to Route 22.

Mr. Mathews replied yes.

Board Member Rogan stated so the impact would be somewhat you are not running them cross ways. It seems like the impact would be a little bit less that way.

Mr. Mathews replied not along the side of the building along the front of the building so it is going to look like basically a wall.

Rich Williams stated knowing how the Board generally feels on these I don't think you would want fences across the whole length of the building.

Board Member Shay stated no I don't want to see that.

Board Member Rogan stated I agree.

Rich Williams stated probably keep the fence within that previously defined outdoor display area.

Vice Chairman Montesano stated what I am trying to figure out is how much time, if you are driving by even when you drive by now unless you are looking you don't see.

Rich Williams stated I am sure that there is going to be some sign displayed.

Board Member Pierro stated Rich seems to but I thought the last time we didn't allow anything on that line, anything in front of the building, correct Rich. My recollection is we were not allowing, this being the driveway, this being the building we were not allowing anything beyond that line. That is what I recall.

Board Member Rogan asked so Rich why couldn't we allow a fence to be up front that would just show that the place is a fence company and then allow this to be whatever that delineated area is to be setup as a customer.

Rich Williams replied you could. You could do anything you want.

Vice Chairman Montesano stated there is only one other problem you have to think about.

Board Member Rogan replied I am sure there is more than one but go ahead.

Vice Chairman Montesano replied this one here in particular parking. There is minimal parking now and you have what three businesses there now.

Board Member Pierro stated you have the power tools in the back, Vice Chairman Montesano replied you have the power tools, the showroom and the stockpile of chips and whatever else he has sitting out there and the fourth building is a separate building but there is no parking for the three businesses you have now.

Board Member Rogan stated I will say that anytime I have gone in the place parking is kind of at your own risk but part of it is because the mower shop seems to just put things where ever. It is pretty disorganized. If that were tightened up a bit.

Rich Williams stated well the stock piling of materials in there that was never something reviewed by anybody that just all of a sudden occurred, the construction equipment there just all of a sudden occurred.

Board Member Pierro stated it has been going on there for a long time now.

Board Member Rogan asked and all these businesses is all one property.

Rich Williams replied right it is one property owner.

Board Member Rogan asked and who owns the property.

Rich Williams replied Anthony Bonniello but that really is a separate issue from this issue. Although, they are somewhat inter-related.

Vice Chairman Montesano stated the main thing here is the parking you park your car and you take a chance.

Board Member Pierro stated there are two or three parking spaces, the driving school that used to be there is gone.

Vice Chairman Montesano replied you still have the three businesses.

Board Member Pierro replied there is Bonniello and this guy.

Vice Chairman Montesano asked and how many parking spaces are we talking about. What I am looking at is right now he has been there for awhile so to say there is parking, Board Member Pierro stated for twelve, thirteen years. Vice Chairman Montesano stated no one has ever gone back there to ask how that thing got put in and this thing got put in. What I am looking at is with the parking problem that we are having if we are going to add another business with additional people coming in can we get away with this.

Board Member Pierro replied sure we can we allowed the Play-Systems to go in there while there was a driving school there in the other front portion of the building.

Vice Chairman Montesano replied well what we made a mistake with before should we continue to make the same mistake that is all I am asking.

Board Member Pierro stated Play-Systems is gone and the driving school is gone.

Vice Chairman Montesano stated but the parking has not increased.

Board Member Pierro stated but you lost a business and now there is only two businesses there. There is Bonniello and this gentleman.

Vice Chairman Montesano stated okay you have two businesses, what is the minimal parking we should have to begin with.

Rich Williams replied it has never been reviewed.

Vice Chairman Montesano replied okay so we have never reviewed parking for that business establishment in the long run.

Board Member Pierro stated it has been acting that way for the last twelve years.

Vice Chairman Montesano stated what I am looking at is do we have an opportunity now to clarify it or have the owner come in to question him on it.

Rich Williams stated I think if you wanted to truly address the parking issues there has been improvements made to the site that nobody has really reviewed. There has been outdoor storage areas that have been created that nobody really has reviewed. You can bring the owner in to address those issues and address the parking for the overall site. These individuals here are just seeking to replace a business that was legitimately there previously so to hang them up on that.

Vice Chairman Montesano replied no I don't want to hang them up. What I am looking at is do we have an opportunity now here to review that particular problem.

Rich Williams replied I think we can create an opportunity.

Board Member Pierro stated we have that opportunity at any time to call Mr. Bonniello in to get the site plan straightened out.

Board Member Rogan stated your question is under what obligation is he,

Vice Chairman Montesano replied yes well this is the thing, Board Member Rogan stated where is the push. Vice Chairman Montesano stated so where is the reason for him to show up when we ask him.

Board Member Rogan asked Rich what is the process for contacting Mr. Bonniello and saying we want to review your site plan or he does not even have a site plan is what you are saying.

Rich Williams replied I can contact him and explain the situation to him and ask him to come in and if that does not work then we can send Paul out.

Board Member Rogan asked I was going to say do you think it might be worth talking to him about the concerns and then us going out there give him a little bit of time and maybe things get setup a little bit.

Rich Williams replied I can approach him.

Board Member Rogan stated to Mr. Mathews certainly parking there is a bit hap-hazard and we certainly don't want to hold you up for that but certainly you would want the people that are coming to look at your fencing to be able to park safely. I just want to ask where is your office portion.

Mr. Mathews replied it is the front office on the right side of Empire Plaza.

Board Member Rogan asked on the right if you are looking at the building.

Mr. Mathews replied if you are looking at the building the left side.

Board Member Pierro asked so you are going to be in the spot where Play-Systems was.

Mr. Mathews replied yes.

Board Member Rogan asked where is the entrance to that, is it on the front.

Mr. Mathews replied the front yes.

Board Member Rogan asked so you park in the back and you walk around past the entrance to the chainsaw shop.

Mr. Mathews replied yes.

Board Member Pierro asked don't you have your own entrance in the front of the building.

Mr. Mathews replied yes.

Board Member Rogan stated that is what I am saying.

Board Member Pierro stated but you don't have to go to the chain saw shop.

Mr. Mathews replied no you can walk around.

Board Member Pierro stated so you can park in the driveway along the left hand side.

Mr. Mathews replied yes.

Vice Chairman Montesano stated that would be kind of hard.

Board Member Pierro stated no that is where people park. There are two or three spaces on the left hand side of the driveway in the front of the building and there used to be a slate walk way there but I think it got chopped up by the lawn mowers.

Board Member Rogan asked Rich, do we have a record of what the delineation is of that outdoor display area so that we can say look there is an area that is clearly defined you can put up what ever fences you want within that area and we are great with that.

Board Member Pierro stated it was not very big in the front of the building.

Rich Williams asked would you like us to get it.

Board Member Rogan replied that would be great.

The Secretary retrieved the file.

Board Member Rogan stated I am thinking the side of the building. The front was a very small area. I mean you certainly would want something up front that is going to say hey there is a fence business here.

Vice Chairman Montesano asked is he giving you room up there for a sign.

Board Member Pierro stated that is another issue that sign is a mess.

Vice Chairman Montesano stated what I am saying right now is we are putting up a fence now how do they know you are there if you don't have a sign. We don't have an application for a sign.

Mr. Mathews replied Anthony mentioned he has a lighted sign I guess that he is working on getting put in.

Board Member Rogan stated it is probably not something we are aware of yet.

Rich Williams stated no I have had conversations with him about replacing the existing signs but he is placing them basically in kind. There is very little change to what is already there. That does not address any new signs.

Vice Chairman Montesano stated now we have a major problem.

Board Member Pierro stated it is not a major problem we haven't gone to this kid, we have not violated him, we haven't requested a site plan.

Vice Chairman Montesano replied I know but what I am saying right now is this gentleman is putting up a business he does not have a sign, how do we know his business is there.

Board Member Pierro replied I don't have a sign application to look at for this gentleman so that is not an issue at the moment. He has not applied for a sign. He applied to put some fences up.

Board Member Rogan stated to Mr. Mathews you don't have an approval for a sign yet and Mike is saying that is a problem because no one is going to know where you are and David is saying, Vice Chairman Montesano interjected that he does not care, Board Member Rogan stated and Dave is saying at this point we don't really care whether you have a sign or not.

Board Member Pierro stated no it is not that I don't care, Mike don't put words in my mouth. What I said is we don't have an application. We can act on the man's application when we get it.

Rich Williams advised the Board that all we are looking for is the plan on Play-Systems.

Mr. Mathews asked an application is to come here.

Board Member Pierro replied yes. When you come in for your application tell Anthony to come in for an application as well because we have to do both signs I imagine.

The Board reviewed the plans for Play-Systems for a few minutes.

Rich Williams stated this plan was not what ultimately got approved.

(Too many conversations going on at the same time – unable to transcribe)

Board Member Pierro stated I thought we approved a small area maybe ten foot by twenty foot.

Rich Williams stated I thought it went in front of the building.

(Too many conversations going on at the same time – unable to transcribe)

Rich Williams stated we will pull it together for you.

Vice Chairman Montesano stated we just have to get a designated area.

Board Member Pierro stated we just have to get the areas that we previously delineated.

Vice Chairman Montesano asked so how do we work this out.

Board Member Pierro stated Rich is going to get it for him.

Vice Chairman Montesano replied okay so how can we cover,

Rich Williams asked are you comfortable with them erecting the fences for display purposes in the area that was previously designated.

Board Member Shay stated I am.

Board Member Rogan stated I am not because I don't know the area. If the area extends way out into the front then I am not.

Board Member Shay stated it does not.

Board Member Rogan stated but I think the side of your building the area between the stream or wetland area provided that Ted approves the area what I am saying is if that area was previously allowed for the swing sets came way out into the front yard I think I would like to see that pushed a little bit back towards the side of the building.

Board Member Shay stated it didn't I remember.

Board Member Pierro asked Rich how about this do you remember the location of the original chain link fence that ran right along the front of the building to the tree.

(Unable to hear Rich's response)

Rich Williams stated it was half way down the side of the building. It was in the middle of the building.

Board Member Pierro asked how about between this corner referring to the plan and over in here we allow him to put three or four sections of fence right along that with an opening that people could walk through.

Rich Williams stated he is looking for sixteen.

Board Member Pierro stated okay I think there is sixteen feet there.

Rich Williams replied no sixteen, Vice Chairman Montesano interjected sixteen fences.

Board Member Pierro stated he could put four across the front just a suggestion and put the rest back here.

Vice Chairman Montesano replied wouldn't it be easier to give a designated area and put the things in one area and then stay there because if you are going to put them up and then it is the wrong area what do we do with them.

Board Member Pierro then he has to get that delineated area from Rich.

Vice Chairman Montesano stated the object is if we approve with the condition that within the designated area they can come up with then he can proceed.

Board Member Shay asked do you want to do a site walk on this.

Rich Williams stated according to Melissa, I stand corrected that the final resolution was nothing forward of the building.

The Secretary stated because of the carnival colors and the swing sets.

Board Member Pierro replied right we did not want it to look like a circus. So, back to my suggestion if we are not permitting him to put anything forward of the building that was my recollection and Melissa is right I think I even used the word circus. If we allow him to put say four sections of eight footers up front and then travel back,

Vice Chairman Montesano stated that is eighty feet you are talking about.

Board Member Pierro stated four sections of eight that is thirty-two feet. Let him put three or four sections here and then square it off and the rest of the structures around the back.

Vice Chairman Montesano asked how much is in that fenced in area.

Rich Williams stated I think the easiest thing to do is if your okay with the fences, you are okay with the outdoor display it just is you know they can display them on the side of the building and nothing can go forward of the building.

Board Member Rogan stated and nothing into an area that Ted would object to.

Board Member Pierro stated my thought would be to square it off if you could put three or four sections here with a walk way and then go back and put sections there and maybe even close it off so people can't go in there and then put anything you want in the middle.

Vice Chairman Montesano asked is that area fenced in.

Rich Williams stated because they are tiered fences they may want to,

Vice Chairman Montesano stated you are going to tier them the big one's are going in the back and you are going to come forward.

Mr. Mathews replied yes.

Board Member Pierro asked the Secretary if she had the minutes on Play-Systems.

The Secretary replied yes you were all in agreement and it was waived conditioned on Rich's memo but it stated several times in the minutes by different Members of the Board that they have nothing in front of the building, Mike said on the side behind that fence.

Board Member Pierro stated it is going to be a display even if you travel along that part of the building it is still going to be a display over here and people are going to know that you have three or four different type of fences there.

Vice Chairman Montesano asked Mr. Mathews you are going to have sixteen sections that you want to put in approximately.

Mr. Mathews replied yes.

Vice Chairman Montesano stated so now if you put them in, how much space do you need in between the fences.

Mr. Mathews replied at least three feet.

Vice Chairman Montesano replied so what I am looking at, Board Member Rogan stated it does not take a whole lot of area for sixteen sections. Vice Chairman Montesano stated what I am looking at is would it be easier instead of putting four sections or three sections in and work your way back which means we have plenty of room to walk around.

Board Member Rogan stated that area has to be three quarters the size of this room right along side of that building right.

Mr. Mathews replied yes.

Board Member Rogan stated even bigger it seems like it is going to fit no problem.

Board Member Pierro stated there was an opening in that gate where he used to park a truck. There was a chain across and there was three sections of fence there.

Vice Chairman Montesano stated we need a motion.

Board Member Rogan made a motion in the matter of Mathews Horse Fencing application that the Planning Board approves the permit to allow outdoor display fences as long as they are along the side of the building not to extend into the front yard and as long as they do not interfere with any of the wetland areas.

Board Member Rogan asked Ted are you going to check this out.

Ted Kozlowski replied yes.

Mr. Mathews asked so there will be a setback from the wetlands.

Board Member Pierro stated from the pond.

Ted Kozlowski stated the building is within the buffer so it is just we don't want see anything going in there. You know to break up the fencing if you are thinking of the aesthetics are you thinking of maybe a very narrow upright shrub between each section to sort of break it up.

Mrs. Mathews replied you need to walk between them.

Vice Chairman Montesano asked for a second on the motion.

Board Member Pierro seconded the motion

Upon roll call vote:

Board Member Montesano	-	yes
Board Member Shay	-	yes
Board Member Pierro	-	yes
Board Member Rogan	-	yes

All in favor and motion carried by a vote of 4 to 0.

Mrs. Mathews asked so to get the sign we have to come in and get an application.

The Secretary replied yes come in and get all the dates of the dead lines and meetings.

Board Member Rogan stated and the good news about the sign is as long as it meets the criteria it is not even this much discussion.

Board Member Pierro stated if they are doing a sign application we ought to tell Anthony. We ought to get him in here to do his sign application too because he has those poster board jobs out there and it is a disgrace.

**b. ZONING CODE**

Vice Chairman Montesano advised the Board that the Zoning Code meeting is scheduled for April 16.

Board Member Rogan stated that is the five thirty all Board's meeting.

Board Member Pierro stated I won't be able to attend.

Vice Chairman Montesano asked is there any other discussion on that.

Rich Williams stated the only other thing that I would add is that I provided a memo to the Board about the changes and be ready to talk about that.

**c. SYPKO DRIVEWAY**

Mr. Harry Nichols, P.E. and Mr. Sypko was present.

Mr. Nichols stated Norman Sypko is with me tonight, the Applicant. We submitted two plans and the reason for the two plans is that the maximum driveway grade in the ordinance is fifteen percent and that is reflected on this plan right here which along with the disturbance that extends down the side slope not only cutting but we have to grade down on a four and one slope and we have to cut on the up hill side. If we go to the other plan, what we did was we followed the alignment of the existing cart way that is in there and that slope is approximately at an average of about sixteen and a half percent. That basically eliminates almost all of the grading on either side of the driveway. You still need some minor grading to shape it up. On a one and a half percent greater slope we are eliminating a lot of disturbance. I thought it would be advantageous to put that before Board to see if there is any consideration given to giving a waiver on the slope because when you are fifteen percent or sixteen and a half percent, Board Member Rogan interjected steep is steep. Mr. Nichols stated steep is steep.

Board Member Pierro stated I walked that site Harry, I think you are wrong. I think it is fifteen percent on the money.

Vice Chairman Montesano stated actually I think that, Mr. Nichols interjected a site walk.

Board Member Rogan stated we were going to have a site walk but nobody could coordinate so.

Board Member Pierro stated I walked that myself.

Vice Chairman Montesano stated so far we have two things to go on so we are going to have to do that.

The Secretary asked what are the other ones.

Board Member Shay stated I suggested was the fences.

Vice Chairman Montesano stated there was one before that I thought we were going for a walk on.

The Secretary stated Fuca is done was it Budakowski yes it was.

Vice Chairman Montesano replied yes it was.

The Secretary stated but you can't.

Rich Williams asked why.

The Secretary replied because it is not supposed to be before the Board, moratorium. Don't they have to ask permission from the Town Board.

Rich Williams stated certainly before they can appear before the Board you can give site walk comments but anything else there has to be a waiver. I don't think there is a limitation on you wanting to go for a walk in this Town.

The Secretary stated but they won't get paid and Craig had said on one of them,

Rich Williams stated right you can do the site walk but you are not going to get paid for it.

Board Member Rogan stated on Budakowski I missed the whole conversation about going back on that because we were there. I don't think we have anything new to look at it.

Vice Chairman Montesano stated we are going for a site walk let's get rid of Harry on this.

Board Member Rogan stated before we go on a site walk though first of all is it something that is discretionary to the Board to grant a waiver to allow a sixteen and a half percent driveway.

Rich Williams replied yes.

Board Member Rogan asked it has been done before.

Vice Chairman Montesano replied no.

Board Member Pierro replied I think it has not sixteen and a half but I think we went sixteen.

Rich Williams stated I imagine at some point but I can't recall one right now.

Board Member Pierro stated after walking that site quite frankly I think we are betting off leaving the existing road bed and just dressing it up.

Board Member Shay asked what about Stephen's Brook.

Ted Kozlowski stated I have been to the site several years ago okay and I have not been there recently. I was out there I think it was Mr. Foster the crossing as I recall was really for a little Mom and Pop operation backhoe or what ever and I don't recall if that current crossing is suitable for moving vans, for emergency vehicles I don't know what the condition of that is. My feeling is we really need to look at that crossing. You are looking at a Wetlands Permit for that to redo that bridge.

Mr. Nichols stated we have been in touch with DEC on that.

Ted Kozlowski replied but you are going to have to be in touch with the Town too. That is a Trout stream so that puts you in a whole new other category so beware of that.

Board Member Pierro stated I think it is a foregone conclusion that that whole bed has to be rebuilt.

Ted Kozlowski replied right and I don't think a culvert, my guess is a culvert is not the answer. It is going to have to be something more substantial because it has now gone from a little farm nursery operation to a house, a residence.

Mr. Nichols stated I don't understand the scenario as to the different use. I mean a house is not an over use of a piece of land.

Ted Kozlowski replied not I am just saying that crossing is not suitable as I recall that crossing is not suitable for this purpose.

Mr. Nichols stated it needs head walls put on it.

Ted Kozlowski replied I don't know what it needs that is up to our Town Engineer and you to hash out. We need to look at this.

Rich Williams stated let me jump in at this point because I went out, I did take a look at that. Basically we are looking at we have got forty-eight inch pipe that was just rolled over and set in the stream. It was not set in the stream bank properly so that has to be done at a minimum. The head walls right now are sand bags. That all has to be taken out and re-done. As I told you Harry, basically what you have got out there is not sufficient in any way shape or form that is not to say that you could not have a forty-eight inch culvert pipe in there but what is in there has to come out and be re-set. There is no way around that. We don't even need an engineer to get involved in that because it is not set in the stream bed, right now the stream bed is going under portions of it and you had talked about burying it and I don't know that is something that would be sufficient out there.

Ted Kozlowski stated just be aware so that the Applicant knows that there is regulatory agencies besides the Town that you are going to have to deal with on that crossing.

Mr. Sypko replied right.

Mr. Nichols stated we have contacted DEC.

Board Member Pierro stated our issue is the steep slope driveway bed.

Rich Williams stated there are two issues; the road certainly, Ted Kozlowski stated the stream.

Board Member Pierro stated that is a foregone conclusion that stream bed has to be addressed.

Rich Williams replied right then there is also the question if he has to take that metal culvert pipe out and replace it anyway or place it in there properly (unable to hear the rest of his response).

Mr. Nichols stated I think almost all of the crossings I see out there most of them are culverts.

(Unable to hear Rich William's comment).

Ted Kozlowski stated the thing Harry is that stream gets pretty rough with storms.

Board Member Pierro asked didn't we do one up on Birch Hill, the ski area to allow that guy to go in there and get rock and stuff.

Ted Kozlowski stated that was Conklin. He put a seventy-two inch pipe in there.

(Too many talking at the same time – unable to transcribe).

Vice Chairman Montesano stated why don't we just go out there and take a look at it.

Ted Kozlowski stated we are going to need to take a look because as I recall further down I got the violation of the guy that cleared Foster's cousin or nephew or whatever, we looked at that with the DEC and they were talking box culverts and that was just further down the road.

Mr. Nichols asked any idea of what size they were talking of.

Ted Kozlowski replied no I don't know.

Board Member Pierro asked isn't there a box culvert at that ranch house that is below this piece of property.

Rich Williams asked are you talking about Lundelius'.

Board Member Pierro replied yes.

Vice Chairman Montesano stated he has been there for a hundred and fifty years.

Rich Williams stated I think the immediate issue right now is the driveway and the slope of the driveway and which way the Board wants to go.

Board Member Rogan stated well that was where I was leading that towards was to poll the Board and just get an idea of what everybody feels on it whether or not they would be willing to entertain that.

Ted Kozlowski stated I think you need to look at the site.

Board Member Pierro stated I have and I would rather not do a major disturbance on that site. I think that it is steep enough, it is well rooted and well grounded with vegetation.

Board Member Rogan stated I tend to agree with Dave on that I have seen the site and fifteen percent and sixteen and a half percent the difference to me isn't worth the amount of excavation and the amount of grading that is required on that hill when you have something that is somewhat established and just needs to be dressed up and just maybe some drainage issues resolved. I honestly would not want to drive up and down that. I think it is too steep. I think fifteen percent is a steep driveway the whole way, Board Member Shay interjected emergency vehicles. Board Member Rogan stated that is a whole other issues but again at sixteen and a half percent I think the difference between fifteen and sixteen and a half if you can get up it at fifteen,

Board Member Shay stated well it is the difference between first gear and second gear I guess.

Board Member Rogan stated so Rich I don't know if that helps out any but,

Ted Kozlowski asked are we going on a site walk.

The Board replied yes.

Board Member Pierro stated how about Saturday. I am available on Saturday after that I am going away.

The Board agreed to doing the site walk on Saturday at 7:00 a.m. meeting at Sauro's.

## 10) MINUTES

Board Member Rogan made a motion to approve the February 27, 2003 minutes and the March 13, 2003 minutes. Board Member Pierro seconded the motion. All in favor and minutes were approved by a vote of 4 to 0.

Board Member Rogan made a motion to adjourn the meeting. Board Member Shay seconded the motion. All in favor and meeting adjourned at 9:47 p.m.