

TOWN OF PATTERSON
PLANNING BOARD MEETING
April 3, 2014

AGENDA & MINUTES

APPROVED

	Page #	
1) Haviland Farm – Public Hearing	2 – 16	Public Hearing opened and closed. Site Plan granted with conditions
2) Garrett Site Plan – Parking Area for Walsh’s Town Tavern Public Hearing	16 – 20	Public Hearing opened and closed. Site Plan granted with conditions.
3) Hair @ Cosmo Salon – Sign Application	20	Sign Application approved at 3.27.14 Work Session
4) Sweet Heart Nails & Spa – Sign Application	20	Applicant did not appear.
5) Hudson Valley Trust/Zachary Cope – Site Plan Waiver	20 – 33	Discussion of clothing drop shed and placement. Site Plan Waiver granted with conditions.
6) Frog Hill LLC – Site Plan Application	34 – 50	Discussion of wetlands, gravel area, and marble business.
7) Stone Field Corners Estates – Preliminary Plan	50 – 57	Discussion of wetlands markers. Declaration of major subdivision. Circulate intent for Lead Agency.
8) S.A. Hebert Properties, LLC – Site Plan Application	57 – 67	Discussion of Site Plan and erosion control issues.
9) Anthony Boniello – Site Plan Application	67 – 97	Discussion of wetlands, site constraints, and uses.
10) Minutes	98	February 6 th , February 27 th , and March 5 th approved.

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

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PLANNING BOARD

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**Planning Board
April 3, 2014 Meeting Minutes**

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



Present were: Chairman Shawn Rogan, Board Member Thomas E. McNulty, Board Member Michael Montesano, Board Member Ronald Taylor, Board Member Edward J. Brady Jr., Rich Williams, Town Planner, Ted Kozlowski, Environmental Conservation Inspector, Ronald J. Gainer, Town Engineer, and Michael Liguori of the Town Attorney’s office, Hogan & Rossi.

Chairman Rogan called the meeting to order.

There were approximately 15 members of the audience

The meeting was called to order at 7:00 p.m.

Michelle Lailer was the Secretary and transcribed the following minutes.

Chairman Rogan stated okay, good evening everyone, is it okay to ask Erin.

Board Member Brady stated yeah sure.

Chairman Rogan stated Erin, can you come up and lead us in the Pledge please, thank you. You did such a great job last time we have to ask again. Please join us in the Pledge of Allegiance. When you’re ready sweetheart.

Erin Brady led the Salute to the Flag.

Chairman Rogan stated thank you very much.

Board Member Brady stated you made her night.

Chairman Rogan stated that’s good. That’s a great way to start a meeting. Michelle, will you please read the public notice for the first item.

1) HAVILAND FARM – Public Hearing

Mr. Pete Wheeler was present.

The Secretary read the following legal notice into the record:

NOTICE IS HEREBY GIVEN by the Town of Patterson Planning Board of a public hearing to be held on Thursday, April 3, 2014 at 7:00 p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled **Haviland Farm Site Plan Application to allow for the placement of 40 cold frame growing houses for use with a nursery operation.** The property is located at 741 East Branch Road (R-4 Zoning District), Patterson, New York. All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Chairman Rogan stated do we have anyone here for the applicant, come on up please. If you could put up a copy of your plans, that would be great.

Mr. Wheeler stated sure.

Chairman Rogan stated good evening.

Mr. Wheeler stated hi, my name's Pete Wheeler, Haviland Farm.

Chairman Rogan stated good evening Pete. Can you just describe a little bit for the audience your application and what you're looking to do on the site, how you're going to run the operation, those sorts of things so that people will get better acquainted with you and with what you're proposing to do.

Mr. Wheeler stated sure. What we're trying to do is, is grow more plants at our facility and to do that plants that are usually like a two year crop so we have to protect them over the winter and they're protected by these cold frames that you probably see up. There's about 9 on the property now but what we're doing is we're growing the plants out in the open and then having to condense everything for the winter months and ideally we want to get to the point where we don't have to condense the plants all the way from one side of the nursery to the other, we'd like to just over them where they sit and that would entail just constructing more of those metal frames to hang the plastic over it. And so it's a long term plan, I was planning to put up about, you know maybe 2-4 a year depending on funds but it would really help us out protecting the plants over the winter so that would be the purpose of it and...

Chairman Rogan stated and, excuse me, and this site is a growing facility for your other location.

Mr. Wheeler stated right the, our main wholesale yard is in White Plains, New York, so the only thing we're doing here is just growing the plants and then we ship them down to White Plains to sell.

Chairman Rogan stated so this is not an open to the public where someone would come to shop for plants.

Mr. Wheeler stated no, not anymore, it's just close door, we just grow the plants and ship down the White Plains and that's retail.

Chairman Rogan stated and some of the things that we've spoken about to this point that some of the people in the audience may not have heard was how we're going to deal with some of the issues for glare and more specifically visibility of these structures from some of the neighboring properties, you want to speak to that.

Mr. Wheeler stated sure, well I think the major problem with the property line is the hedge has deteriorated a little bit, it's nice and thick on this side by the road on the north side of the property and those are

arborvitae but over the years and with the power company kind of like topping the Norway spruce along the road, there are just some voids and there's actually, down on the south side of the property there's no hedge at all so what we're proposing to do and actually what we're gearing up to do pretty soon is to rip out some of the dead trees that are in the hedge and fill in the voids with more spruce and arborvitae just to, eventually they'll get to about 20' or so and that will block the view from the road.

Chairman Rogan stated okay and then do you want to speak for a moment about some of the alternative methods for screening the actual hoop cold frames that we've spoken about.

Mr. Wheeler stated to prevent glare.

Chairman Rogan stated correct.

Mr. Wheeler stated okay well a couple of the new houses we experimented with a few things, the plastic that goes over the top of the house is a white reflective covering and it needs to reflect the light a little bit so the plants don't essentially don't burn in the wintertime otherwise they'll get too much light. So we were experimenting with some black shade cloth to put over the top of it to prevent the glare and it worked pretty well with the two new houses, the only problem is the snow load was building up a little bit because it's not a smooth surface, it's more of like a netting and the snow is sticking to the top a little bit and putting pressure on the top of the houses. So we're just going to have to work on that, I was experimenting with some paint going over the top just to reduce the glare but I really think the biggest thing that's going to help reduce the glare is just continuing with the hedge in front just to block, you know the view from the road and the, you know the houses above.

Chairman Rogan stated and have you met with any of the neighboring property owners to discuss screening and vegetation and plantings and that sort of thing.

Mr. Wheeler stated I've met with Bob, Bob Cuomo.

Chairman Rogan stated with Bob, okay, okay.

Mr. Wheeler stated yeah, he's directly across...

Chairman Rogan stated because obviously we...

Mr. Wheeler stated from the new houses here.

Chairman Rogan stated okay.

Mr. Wheeler stated and his father-in-law was concerned with and we saw them, we knew, there are a few like 3 or 4 Hemlock that died in the hedge too, we're going to rip those out, they're about 7' tall or so.

Chairman Rogan stated okay, okay, anything anyone wants to bring up before we open to the public, anything else from anyone.

Board Member McNulty stated do we want to talk about the units that aren't going to go in beyond that back line, establish that line.

Chairman Rogan stated sure.

Mr. Wheeler stated yeah well I met with Ted...

Board Member McNulty stated okay.

Mr. Wheeler stated and we you know did the site walk last Saturday and like, these, I guess you can call them just like clearings here, he wants to give back you know to the wetland essentially, so I think you know, the new wetland line is going to be, you know if you follow this dotted line here, that's going to be the new wetland line, so...

Chairman Rogan stated yeah.

Mr. Wheeler stated I'm going to lose these house, these 4.

Chairman Rogan stated okay and worth noting is that the intent of the Board with this application isn't necessarily to approve a specific number of cold frames but more to approve an area where they can be appropriately located because there may be some zoning issues that have to be dealt with in terms of offsets to property lines, how far they can be separated from one another and I think that's a question that still remains and so the idea is to identify an area that works well for these units and then allow within that area with zoning compliance or a variance from the Zoning Board of Appeals but the number one and two concerns that this Board has primarily dealt with and Bob [Cuomo] thank you for bringing this forward have been you know impact on the neighbors with the visibility of the structures because they are kind of with the white, they are bright, we understand that they're not like that all year long...

Mr. Wheeler stated really right, yeah, right.

Chairman Rogan stated but of course in the wintertime when they're up...

Mr. Wheeler stated there's no trees, yeah.

Chairman Rogan stated there's no vegetation, so the quality of the screening, of the living vegetative screening is of course important and what this Board is trying to promote is neighbors talking to neighbors and neighbors working collectively to solve problems so that this business is a good neighbor to the people that live next door that there's a communication that exists that says you know, there's something that maybe could be put in to maybe double up on coverage and anything that we word within a resolution to approve this is taking into account those sorts of actions. I recognize already that you've done a lot of work to try to deal with this but we're looking long term, in other words you know a year from now you've put up a few more let's say and somebody calls and says you know it's, the screening isn't quite working, there's still this glare issue. We want to have the opportunity to then go out and address it and say hey you know either these need to be moved or you need put in some more screening and so please be assured that that information that you know, idea of having this be a living breathing approval is built into anything that we would consider for an approval on this property, you know.

Mr. Wheeler stated I think ideally if the screening is done the correct way...

Chairman Rogan stated yeah.

Mr. Wheeler stated it shouldn't matter how many houses, you shouldn't be able to see you 2 or any of the 40, just...

Chairman Rogan stated and that would be fantastic.

Mr. Wheeler stated that would be you know, ideal but you know...

Chairman Rogan stated yeah.

Mr. Wheeler stated but if there is and you know, if there, I'm not covering all the angles from the hill and the other side and whatever we have to talk about.

Chairman Rogan stated and I don't think 100% concealment is possible with natural vegetation but I think you're looking for the, you know within the context of blocking the obtrusiveness of some of these units. The impact to the site, in terms of traffic in and out, I think is going to be reduced from what was out there prior.

Mr. Wheeler stated for sure, there's no traffic anymore.

Chairman Rogan stated yeah.

Mr. Wheeler stated we have two little box trucks and they just swap them, they go down to White Plains, White Plains down to...

Chairman Rogan stated sure.

Board Member McNulty stated what are you hours of operation when you're just growing.

Mr. Wheeler stated 7:30 to 4:00.

Chairman Rogan stated okay.

Board Member McNulty stated and are all the cold frames a uniform size.

Mr. Wheeler stated in width, just in length some vary a little bit.

Board Member McNulty stated height.

Mr. Wheeler stated height and width are the same.

Board Member McNulty stated what are the dimensions, I don't remember...

Chairman Rogan stated just the length, 22 by...

Mr. Wheeler stated 22' by 10' high and most of them are about 144' long and then there's, there may be a couple of short ones that are 96'.

Board Member McNulty stated okay, thanks.

Mr. Wheeler stated sure.

Chairman Rogan stated yes sir.

Ted Kozlowski stated just to, just to reconfirm with Peter, the, we're going to draw a new line for the

wetland to revert back to wetland, the previous owner encroached with lots of wood chip mulch and Peter is going to take out of the sprinkler systems that were installed there and eventually put up the deer fence on pretty much a straight line following the wetland and so that those open spaces there are going to slowly revert back to wetland conditions.

Chairman Rogan stated okay.

Ted Kozlowski stated and with the fence being up there'll be no further encroachments on, I'm pretty very confident they'll respect that.

Chairman Rogan stated okay, alright I'd like to open it up to any questions or comments from you folks in the audience who have taken the time to show up tonight, all I would ask is you state your name for the record please and use the microphone or speak up loud enough so we can get you on the record. Please come on up ma'am. Don't be bashful, it's okay.

Carol Andreykovic stated no, I'm really not but I'm Carol Andreykovic...

Chairman Rogan stated can you do it over on the microphone please.

The Secretary stated microphone please.

Carol Andreykovic stated Carol Andreykovic, I live at 742 East Branch Road, so we're right across the street.

Chairman Rogan stated can you point on the map to approximately where you think you...

Carol Andreykovic stated where's your front entrance.

Mr. Wheeler stated okay, so this is the front entrance so you're right here.

Carol Andreykovic stated so we're right there, okay.

Chairman Rogan stated so you're next door to Bob [Cuomo], your father-in-law.

Carol Andreykovic stated right, yes.

Bob Cuomo stated yeah, on the north side, on the north side.

Chairman Rogan stated trying to build a, okay.

Carol Andreykovic stated right, so the ones that are there now which, are those these here.

Mr. Wheeler stated existing so across from your house, not really too many, I think this pad is open and then the ones across the little gravel road here, so these are existing and then this is our little office building here and then there's one right here.

Carol Andreykovic stated that's, right, okay.

Mr. Wheeler stated so maybe 3 houses right here.

Carol Andreykovic stated but right there, then there's the dirt road here and then their road, okay, the previous owner because we had asked him because what we had when sitting at our living room window was we were looking at gardening equipment, you know yellow in color so he did put some of those up which helped a lot so you will replace what's dead or come down along there.

Mr. Wheeler stated yeah, I took a walk this afternoon, it's in bad shape but I think the weeds and the other trees kind of choked some of them out and they're a little bit sparse right there but...

Carol Andreykovic stated okay and these are already there.

Mr. Wheeler stated these are already there, yeah.

Carol Andreykovic stated okay because I don't see those, really from our living room window I see the top of this.

Mr. Wheeler stated the barn, the barn.

Carol Andreykovic stated that's that aluminum.

Mr. Wheeler stated yeah but it's like a brown barn.

Carol Andreykovic stated it's brown and beige on the roof, it's different colors, okay. Now you said your business hours are, is that on Saturdays and Sundays, Saturdays too.

Mr. Wheeler stated well, now beginning the spring it will be on Saturdays not on Sundays, yeah.

Carol Andreykovic stated okay and what time do you start.

Mr. Wheeler stated 7:30, 7:30.

Carol Andreykovic stated the only other thing, I mean I'm totally okay as long as you fix everything that and it grows high enough but the one thing I work all week long and Saturdays is when, when it gets a little warmer out, the windows are open, it's not like it was before but you hear that machinery and it echoes and it kind of wakes you up so I just want to make you aware of that.

Mr. Wheeler stated okay.

Carol Andreykovic stated and the only other thing is and I don't know if this going to have any effect because you're a growing place but there would be deliveries big tractor trailers that would get there before you opened and would stay idling for a half an hour blocking East Branch Road...

Mr. Wheeler stated oh yeah.

Carol Andreykovic stated parked like right in front, you know right out near our house or on either side or pulled into your, the entranceway and had things running until someone got there and I don't know if that's going to be...

Mr. Wheeler stated when it was setup, the last time it was like a wholesale yard.

Carol Andreykovic stated right.

Mr. Wheeler stated that was 2012 and to give you an example, there might have been like 30 tractor trailers that came in that spring to drop off plants...

Carol Andreykovic stated right.

Mr. Wheeler stated now with it being a growing operation, there may be 5 tractor trailers that come like in the middle of day and we just have a little portion of the trucks with little tiny plants or more like fedex, they drop off little plugs for us...

Carol Andreykovic stated now these would only be early in the morning, right.

Mr. Wheeler stated but it's not really, those tractor trailers had to come first thing in the morning and it would take all day to unload them.

Carol Andreykovic stated right and I, that wasn't the issue, the issue was them parking and running...

Mr. Wheeler stated them parking and running, yeah, so.

Carol Andreykovic stated from I don't know, 6:30 in the morning to whatever time the place opened. So think, you know that would...

Mr. Wheeler stated that's not going to happen anymore, I mean, we had a tractor trailer in a couple days ago it came in at maybe 10 in the morning and it was out of there at like, at noon, you know, so.

Carol Andreykovic stated okay so those really were my only two you know noise issues were on Saturday the early morning...

Mr. Wheeler stated the starting of the machine.

Carol Andreykovic stated the starting of the machine.

Mr. Wheeler stated its just the one machine, it's a loader and I know what it sounds like.

Carol Andreykovic stated you're a much quieter neighbor than previous because I think he did a lot of other things.

Mr. Wheeler stated it's one thing I'm trying to teach the guys because you know they come in the morning and they always have their routine and the first they would do is open the barn and start the machine and I'm telling Ken up there that we just can't do that anymore, it wasteful first of all but you know I want to, what we're doing now it we're prepping the potting bench with the loading machine in the afternoon, so the guys can pot for a couple hours before they have to move the pallets around, so it won't be cranked up at 7:30 sharp anymore, it will be around 9 o'clock or so, you know that's ideal.

Carol Andreykovic stated that's it, thank you.

Chairman Rogan stated anyone else please. I do want to say that obviously the Planning Board works with many different applicants with different projects and this applicant through this process has been one of the most open to these ideas of working because preferable we'd rather not make these decisions, we'd rather people go to neighbors and find out what the issues are and resolve them neighborly because you know this

is certainly something that we want people to live cohesively and respect the people around them. Having said that of course good approvals and good wording of documents helps to regulate that when things don't go so well, so I'd like to at some point after we're done with public comment is read through some of the things that we're building into the, this project that will help for the long term and Rich and with some input from the Board, I think did a great job of kind of capturing the essence of what we're talking about of if conditions change, if things don't work out that there's some measure, it's not it's approved and then that's it and there's no recourse for the Town but I do want to thank you to this point you've been fantastic to work with and that's helped all of us out I think, so.

Mr. Wheeler stated okay, thank you, I just, I do have a question for you though...

Chairman Rogan stated sure.

Mr. Wheeler stated and I think Rich and I touched on it the other day and we're just, we just have to kind of make a timeframe for me to get the project started...

Chairman Rogan stated sure.

Mr. Wheeler stated I'm going to try to bang them out as best I can but...

Chairman Rogan stated yeah.

Mr. Wheeler stated you know that's just something I wanted to bring up, I can't like...

Chairman Rogan stated sure.

Mr. Wheeler stated do it all like next week or something you know.

Chairman Rogan stated well I mean I think with the screening it would make sense obviously to screen these areas appropriately based on where you're looking to...

Mr. Wheeler stated that's my first priority, yeah.

Chairman Rogan stated add additional cold frames, you know if you're going to do one area make sure that area is planted out sufficiently, when we were out on site, as someone said, I think Teddy, or maybe you did, a lot of the old vegetation there has just been hacked over the years and it's just not healthy, it's got vines all over, you know much of the vegetation that exists out there is useless for screening and I think your plan, it's one of the more aggressive plans that you know for that area that we've seen and I think will help, we'll you know...

Mr. Wheeler stated sure, sure.

Chairman Rogan stated any other, sir come on up.

Bob Cuomo stated thanks. Actually I want to look at the map again too.

Chairman Rogan stated sure.

Bob Cuomo stated hi.

Mr. Wheeler stated how are you doing.

Bob Cuomo stated yes, I'm Bob Cuomo, 706 East Branch Road, I live right I want to say here.

Chairman Rogan stated okay.

Bob Cuomo stated okay, I just have to say that when I got the letter in the mail and it said that they were applying for 40 of these, my jaw kind of dropped because I didn't really think you could fit that many on here, I thought that we were going to be talking about a sea of white, so I just wanted to see where everything was you know planning to go.

Mr. Wheeler stated yeah.

Bob Cuomo stated okay alright, I should also say that we've had conversations and you know they're going to be doing some plantings and what not and one of our problems in our house is that because we're elevated, we're up high, we look over a lot of the vegetation so that's, can be problematic...

Chairman Rogan stated sure.

Bob Cuomo stated especially when you know you have all this reflective white plastic.

Chairman Rogan stated sure.

Bob Cuomo stated but we talked today about plantings and using Norway spruce and stuff like that, I'm happy with that also it was, it was very good to hear that you're basically considering this like an open book, a work in progress that you're going to keep looking at this, as long as we can maintain the lines of communication...

Chairman Rogan stated absolutely.

Bob Cuomo stated if problems do pop up along the way and we can resolve them then I think you know we would be very satisfied.

Chairman Rogan stated yeah.

Bob Cuomo stated now, I just want to get this straight, when the approvals go through are you going to approve a number all the way to 40 or is that also going to be a work in progress.

Board Member McNulty stated maybe you want to read that one section, I think address it.

Chairman Rogan stated yeah, which one, on 6 or...

Bob Cuomo stated because the one thing I, the one thing, the only concern that I have is that...

Chairman Rogan stated yeah.

Bob Cuomo stated I mean I hear Pete's plan and it sounds like a good plan but if you know, god forbid they sell to someone else.

Chairman Rogan stated yeah, sure.

Bob Cuomo stated and the next owner comes in and says oh I can put 40 houses up here and all of a sudden 40 show up...

Chairman Rogan stated right, right.

Bob Cuomo stated now there's no, yeah.

Chairman Rogan stated yeah.

Board Member Taylor stated as was mentioned, one of the problems we have which hasn't been cleared up by the Zoning Board is the spacing for the structures, they're setup in pairs so there's an issue of the spacing between the two of the pair and there's also an issue of the spacing between the pairs, that hasn't been resolved so that's going to determine the total number that's possible for the site.

Bob Cuomo stated right.

Board Member Taylor stated minus roads, minus septic, minus all those areas that are being set aside where they can't have anything.

Bob Cuomo stated right, okay.

Chairman Rogan stated I'm sure you can appreciate Bob some of the requirements within the Code for the separation is for means of egress for fire safety and so...

Bob Cuomo stated absolutely.

Chairman Rogan stated you know we are obviously waiting for a determination that says okay yes this either meets the definition for structures and they have to maintain x number of feet or there's some reasonable variance to that, is that something that Mike was, you were going to weigh in or I don't remember...

Rich Williams stated not at this point, they are structures, we've made that determination...

Chairman Rogan stated okay.

Rich Williams stated so they do need to meet the 15' setback requirements between each structure...

Chairman Rogan stated between each structure.

Rich Williams stated and that's something that Pete is going to pursue with the Zoning Board of Appeals, whether he can get that 15' reduced or not.

Chairman Rogan stated okay.

Rich Williams stated so just you know respond to Bob, what we've done within the resolution is we're not actually approving a number, we know now from what he's proposed that there's going to be 4 less regardless but we're basically approving areas in which he can put up cold frame storage buildings. He might be able to get as many as 36 on the site.

Chairman Rogan stated that would be assuming the Zoning Board of Appeals gives relief from the...

Rich Williams stated right.

Chairman Rogan stated okay.

Rich Williams stated but we're only going to approve just general areas in which he can conduct certain activities.

Chairman Rogan stated and that's the special condition item 3, which says exactly what Rich just explained that it's not a specific number but an area as detailed on the plan and the height, we have a highlight in here not exceeding in height for the cold frames, is there, have we determined what that height is for these.

Rich Williams stated from what I've heard tonight from Mr., from Peter, Mr. Wheeler it's going to 10'.

Mr. Wheeler stated its 10' yeah, I think I made a copy of that diagram too.

Chairman Rogan stated okay.

Mr. Wheeler stated I think it has the height on it.

Board Member Taylor stated yes, we have it.

Chairman Rogan stated 10' okay. So we have some issues, oh I'm sorry Bob, please go ahead.

Bob Cuomo stated no, well I just wanted to finish up by saying that so far I am pleased with the way things are going, so.

Chairman Rogan stated thank you, great.

Bob Cuomo stated okay, thanks.

Chairman Rogan stated okay, any other comments, questions, from anyone in the audience, please ma'am.

Janet Snyder stated hi, I'm Janet Snyder, 758 [East Branch Road].

Chairman Rogan stated hello Janet.

Janet Snyder stated with my dad, I had one question about, you pointed out the wetlands line and I know from having grown up here that sometimes that swamp comes, can come right up in here...

Chairman Rogan stated sure.

Janet Snyder stated and my sister had mentioned earlier this week the water did come somewhere back in here up on the tarp. So has there been an environmental study, would that be in the swamp.

Chairman Rogan stated Teddy, do we know anybody who might speak to wetlands.

Ted Kozlowski stated no, that's all the on the flood plain.

Chairman Rogan stated sorry, Teddy is, Ted is our Wetland Inspector.

Janet Snyder stated okay.

Ted Kozlowski stated that's all on the flood plain and you know, quite frankly it's plants there so if there's anything that's going to tolerate a flooding situation it's the plants, the cold frames are just slabs of wood with plastic and metal, this isn't houses, that site is not going to be...

Janet Snyder stated okay, there's no...

Ted Kozlowski stated desirable for any kind of permanent residential structures...

Janet Snyder stated right.

Ted Kozlowski stated so that's not what's coming, so you know, if that floods, it floods, it's a flood zone, the plants will be able to tolerate it, it's really not an issue, it's an issue for him from a business...

Janet Snyder stated nothing with fertilizer...

Ted Kozlowski stated no, they're not using fertilizer, they're just growing the plants.

Janet Snyder stated you're not using fertilizer.

Mr. Wheeler stated we are using, it's a type of controlled release that goes in the pot.

Chairman Rogan stated it's not a broadcast spread.

Mr. Wheeler stated it's not broadcast...

Janet Snyder stated okay.

Mr. Wheeler stated we don't broadcast fertilizer or herbicides, stuff like that.

Ted Kozlowski stated it's not going to be an issue with a flood.

Janet Snyder stated it would be minimal then.

Ted Kozlowski stated yeah, it's not going to be an issue with the flood.

Janet Snyder stated okay, alright, that was my concern.

Ted Kozlowski stated this is, this is, this is as, this is better than a farm because a farm is going to be using compost and mulch and fertilizers and all, they're growing plants in pots...

Janet Snyder stated okay.

Ted Kozlowski stated and they're going to be small shrubs and trees and such and they're meant for a different market so this is as benign as you're going to get on this site.

Janet Snyder stated okay, that was my concern, thank you.

Chairman Rogan stated we appreciate your question, thank you. Anyone else, anybody, can I have a motion to close...

Board Member Montesano stated motion to close to the public hearing.

Chairman Rogan stated can I have a second.

Board Member McNulty seconded the motion.

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

Chairman Rogan stated okay, anything from you gentlemen or ma'am, alright the and a copy of the resolution is certainly available if you know, you'd like to find out but the points that we discussed that the wetland is going to be delineated, the deer fence that's going to be put up that's contained within the, and some wetland markers, that special condition 1, another condition is that within one year the applicant has to get a Health Department approval for a septic system because there is a bathroom and a structure on site, the Health Department has said that they want to further evaluate that, so you'll need to do that, the third item which is what Rich spoke to, says that the site plan shows the location, that the applicant proposes 39 cold frames, 4 cold frames in the wetland area, special condition number 1 eliminates from consideration the 4 that are in the wetland. Planning Board approval of the site plan is for the area shown that will be used for the placement of cold frames and not any specific number of cold frames, within these areas cold frames for the growing the plants may be erected as long as the cold frames meet all applicable building and zoning requirements which is what we were talking about with the separation distance not only to each other but to the property lines or any dimensional requirements for which a variance has been approved by the Patterson Zoning Board of Appeals, in addition no cold frames shall have a height exceeding 10', the gravel road, dirt road and accessible pathways shall remain as shown on the drawings, the three existing drainage channels on the site, whether or now shown on the drawings shall not be disturbed and the Planning Board finds that cold frames covered in plastic produces significant amount of glare which affects the surrounding properties and vehicles travelling on East Branch Road, the property owner has proposed to supplement the existing vegetation along East Branch Road with evergreen trees to mitigate the glare produces by the cold frames, until such time as the cold frames are installed, the Planning Board cannot be assured that this will be a sufficient and effective means of mitigated glare from the site, therefore the approval extends only to those cold frames which do not produce offsite glare, for purposes of this resolution offsite glare is offsite glare that causes unreasonable distraction or intrusion to neighboring properties or roadways, should the Planning Board determine that any cold frame that has been installed produces an unreasonable amount of offsite glare to the property owners, or I'm sorry, the property owner shall take one of the following actions within the time approved by the Planning Board, first, provide additional vegetation for screening which adequately mitigates the glare, second, provide a structural barrier which adequately mitigates the glare, the structural barrier shall be approved by the Planning Board of course, prior to erection, third would be providing such other means as may be approved by the Planning Board which adequately mitigates the glare which could be something like a screening or a mesh added to the structure and the fourth option of course would be removing the cold frames that are causing the problems. So that is the language that we are building within this resolution that gives this, if you will, this open lines of communication for the future and I think that that gives lots of different possibilities for mitigating things as they're brought up. I have a lot of confidence though in dealing with you and with dealing with the neighbors that these issues should never come to us that there would be a communication that says hey you put up these cold frames, can you come over and see it from our perspective and you work collectively, that's the best case scenario obviously, if that doesn't, if that breaks down or there's a change in personnel or whatever then that's what the resolution hopes to be able to achieve.

Mr. Wheeler stated yeah and you know either Ken or I are there during day, so you can come knock on our door, if you have any questions.

Chairman Rogan stated okay, Rich on SEQRA on this, the resolution's prepared but is there anything else that we have to do other than the resolution on this that I've forgotten about.

Rich Williams stated yes, I would address SEQRA. I do want to point out one thing in the resolution that you had mentioned, the resolution does not require deer fence to be put up, in fact deer fence is typically 8' in height and not permitted by our Zoning Code.

Chairman Rogan stated oh 8', right, yeah, so Teddy...

Ted Kozlowski stated we talked about that, he's going to include that in the Zoning...

Chairman Rogan stated okay.

Ted Kozlowski stated request, the fence along with the spacing between the cold frames.

Chairman Rogan stated maybe we should do a positive recommendation on the deer fence. I mean really though the height is not as important for the purpose that you're intending it for which is a barrier to the wetlands.

Ted Kozlowski stated well the deer fence is also important to his plants.

Chairman Rogan stated well, exactly.

Ted Kozlowski stated very important.

Chairman Rogan stated okay, anything from anyone else. Can I have a motion on the resolution...

Rich Williams stated are you going to do SEQRA first.

Chairman Rogan stated oh I'm sorry, I apologize. Why don't we do the SEQRA then.

Board Member McNulty stated I'll make a motion for SEQRA in the application of NEV Realty LLC for a negative determination.

Board Members Brady and Montesano seconded the motion.

Chairman Rogan stated who had it first, Mike or...

Board Member Brady stated no, me.

Chairman Rogan stated who was quicker on the draw.

The Secretary stated Ed was.

Chairman Rogan stated Ed was.

Board Member McNulty stated he's closer.

Board Member Montesano stated he's closer to the mic.

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

Chairman Rogan stated and on the resolution please.

Board Member McNulty stated I'll make a motion on the site plan resolution to approve in the application of NEV Realty LLC in accordance with the three general conditions and the six special conditions outlined in the resolution.

Chairman Rogan stated can I have a second.

Board Member Taylor seconded the motion.

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

Chairman Rogan stated okay, I thank you sir, please just continue doing what you're doing, be a great neighbor, work with people, we're happy to have you here in Patterson, we really are.

Mr. Wheeler stated thank you very much.

Board Member McNulty stated work with Rich on the timeline as you move forward on the plan, that's all.

Mr. Wheeler stated okay.

Chairman Rogan stated okay and thank you, I want to say to the people that did show up on this application, I appreciate the input because that really was the main factor in determining how we move forward with this case so I appreciate that.

2) GARRETT SITE PLAN – Public Hearing

Mr. Jack Walsh was present.

Chairman Rogan stated okay, can we have the public hearing read for Garrett Site Plan please.

The Secretary read the following legal notice into the record:

NOTICE IS HEREBY GIVEN by the Town of Patterson Planning Board of a public hearing to be held on Thursday, April 3, 2014 at 7:00 p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled **Garrett Site Plan Application to allow for a parking area associated with Walsh's Town Tavern located at 3 Orchard Street**. The property is located at 1112 Route 311 (GB Zoning District), Patterson, New York. All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Chairman Rogan stated good evening Mr. Walsh.

Mr. Walsh stated how's it going.

Chairman Rogan stated how are you sir.

Mr. Walsh stated good. My name is Jack Walsh, Walsh's Town Tavern.

Chairman Rogan stated so Mr. Walsh is proposing a parking lot which is where the building had burned down, I don't know the exact property address but...

Board Member McNulty stated 1112 Route 311

Chairman Rogan stated 1112 [Route 311], to allow for additional parking for his restaurant, we're happy to have you here in Patterson, I've heard nothing but great things...

Mr. Walsh stated thank you.

Chairman Rogan stated been there myself, I think you know, fantastic.

Mr. Walsh stated thank you.

Chairman Rogan stated do we have any questions or comments for Mr. Walsh on his application for a temporary parking area. Nothing, anybody want to ask Mr. Walsh about his secret recipes for chicken wings, we've got him like under oath here...

Mr. Walsh stated oh no, oh no.

Chairman Rogan stated can I have a motion to close the public hearing.

Board Member Montesano stated so moved.

Chairman Rogan stated second.

Board Member McNulty seconded the motion.

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

Chairman Rogan stated okay, we have a plan from you Mr. Walsh, we've kicked this around quite a bit in terms of how to properly delineate this space, so it's known, that it's not a hazard. Rich, do you want to...

Rich Williams stated sure, I did have an opportunity to go out there and take a closer look now that the snow is finally gone...

Mr. Walsh stated sure.

Chairman Rogan stated yeah.

Rich Williams stated and I do have a couple of discussion items for the Board, first having looked at it, I think the delineation on the parking, we need to make sure that it goes around so that it is clearly defined on three side, I believe that's what he's proposing to do. Second, there are some metal poles out there that need to come, we're going to pull those out, not just cut them off, I think you can pull them out.

Mr. Walsh stated pull them, yeah.

Rich Williams stated they were, I went out there and...

Mr. Walsh stated we'd fill the holes up with cement or whatever.

Rich Williams stated yeah and then they do need to be filled up at least with item four and tamped back down. I did take the measurements and the telephone pole is right on the line, so it can stay, it's not very attractive but it can stay. In taking the measurements and then looking at what I believe to be the property boundaries, I do want to point out that the area that's being delineated by Mr. Walsh actual fits within the paved area, he does have the ability if he wanted to bring in some item four and extend it a little bit further, he probably can go for another two or three parking spaces but he, there's a depression there full of weeds the needs to be filled in and cleaned up...

Mr. Walsh stated yeah.

Rich Williams stated so he does have a little bit more room to play with out there for a couple more parking spaces if he so desired.

Board Member McNulty stated just knowing that site that area you're talking about I think was a concrete pad that was cracked apart and the weeds have all come up through it.

Rich Williams stated well it's depressed down.

Board Member McNulty stated yeah, yeah...

Rich Williams stated so that's something to consider if you...

Mr. Walsh stated I mean I think we will cut off prior to that and not look to fill that, yeah.

Board Member McNulty stated okay.

Chairman Rogan stated and Rich the delineation you first mentioned of the three sides, other than the area that's mentioned in the, in Mr. Walsh's response to the Board the 33' by 100', is that something you can field locate with Mr. Walsh just to make it sure it goes in, just handle it that way.

Rich Williams stated oh sure absolutely, I think we both, it's very obvious where it is.

Chairman Rogan stated okay, so we're looking at using these barrels, the resin whiskey barrels as...

Mr. Walsh stated yes.

Chairman Rogan stated delineators with some polypropylene reflective rope, correct.

Mr. Walsh stated that's correct.

Chairman Rogan stated okay, so the steel t-posts will go into the barrels.

Mr. Walsh stated yes, yes they will.

Chairman Rogan stated alright and any, anything else from anyone, anybody.

Board Member McNulty stated nope.

Chairman Rogan stated no, assuming this is site plan we do a SEQRA determination and it never hurts.

Rich Williams stated never hurts.

Chairman Rogan stated you're rolling on it Tommy.

Board Member McNulty stated okay in the site plan application for SEQRA application for Walsh's Town Tavern additional parking at 1112 Route 311, I determine a negative determination on SEQRA.

Board Member Montesano seconded the motion.

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

Chairman Rogan stated see this time he beat you, see how quick he was, he jumped right on it and on the parking site plan.

Board Member Brady stated I'll try harder next time.

Board Member McNulty stated I make a motion on the parking site plan for Walsh's Town Tavern for additional parking at 1112 Route 311 to approve it as indicated with the 20 whiskey barrels and the delineated area...

Chairman Rogan stated many, 20, I guess it is 20, whatever it takes to properly...

Board Member McNulty stated and the reflective road and concrete and signs posted as listed in the application.

Chairman Rogan stated it says 20 on your...

Mr. Walsh stated it says 20.

Chairman Rogan stated is that how many you're planning on using.

Mr. Walsh stated that's pretty much spaced like every 5' or 6'.

Board Member Taylor seconded the motion.

Chairman Rogan stated and, I'm sorry I might had missed the tail end of your...

Board Member McNulty stated and I said to include the description of in the application.

Chairman Rogan stated okay and also we'll include Rich's comments about the field delineation of the site and the metal poles being pulled out. Who seconded, Ron.

Board Member Taylor stated I did.

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

Chairman Rogan stated alright, thank you sir.

Mr. Walsh stated thank you.

Chairman Rogan stated appreciate you being here.

Board Member McNulty stated good luck.

Mr. Walsh stated bye-bye.

Chairman Rogan stated best of luck.

Rich Williams stated call me when you're ready to put them up.

Mr. Walsh stated alright.

Chairman Rogan stated I recommend everybody who leaves this meeting go over and check out, you can walk from here so.

Board Member McNulty stated it's a nice new establishment.

3) HAIR @ COSMO SALON – Sign Application

Chairman Rogan stated okay, we at the work session, we approved a sign application for Hair @ Cosmo Salon on Route 22...

4) SWEET HEART NAIL & SPA – Sign Application

Chairman Rogan stated do we have anyone here from Sweet Heart Nail and Spa, Sweet Heart Nail and Spa, Jay is that you.

Mr. Maxwell stated not today.

Chairman Rogan stated oh, alright.

5) HUDSON VALLEY TRUST/ZACHARY COPE – Site Plan Waiver

Mr. Ben DeGeorge of St. Pauly Textile, Inc and Mr. Charles Arbore of Venture Crew 1776 were present.

Chairman Rogan stated okay, Hudson Valley Trust/Zachary Cope, good evening sir.

Mr. Liguori stated get out nails done.

Mr. DeGeorge stated I am actually not Zachary Cope, I am Ben DeGeorge with the same company, so we work together, he's one of my best friends.

Chairman Rogan stated fair enough, okay and can you tell us a little bit about what you're requesting, what you'd like to do.

Mr. DeGeorge stated yeah so we would like to put in a clothing drop-off shed, an 8' by 12' wooden Mennonite built shed at the Hudson Valley Trust, it's actually going to be project sponsored by the Patterson Venture Crew so we have members, leaders from the Venture Crew here tonight. I'll show you my, we're, I represent a company based out of western New York, my dad founded our company St. Pauly Textile, 18 years ago and we collect used clothing, we have 830 or 40 locations all over upstate New York, now into Connecticut, Vermont, Pennsylvania. They look like this...

Chairman Rogan stated so they do have a drop slot.

Mr. DeGeorge stated yup, they do have a drop slot.

Chairman Rogan stated okay.

Mr. DeGeorge stated so if you'd like, I can hand these around but it's 8' by 12' wooden shed, they're painted beige with brown trim, we picked...

Board Member Brady stated this is 8' by 10'.

Mr. DeGeorge stated we, here you go.

The Secretary stated thank you.

Board Member Brady stated excuse me, on the drawing it says 8' by 10'.

Mr. DeGeorge stated oh okay, I'm sorry, 8' by 10', I'm coming into the application at this point, so.

Chairman Rogan stated okay.

Mr. DeGeorge stated if it says 8' by 10', he decided to go with 8' by 10' which is no problem. We pick up from all of our locations either every week or every other week as needed, we can pick up every week, it's no problem whatsoever, we have an operation up in Albany that is picking up dominate to the area here...

Chairman Rogan stated okay.

Mr. DeGeorge stated we do have other sheds in the area at this point, I'll show you the list of these, okay, you want to hand those around. So in the 18 years we've been around, we've only had two organizations ever ask to remove a shed, one of them was because a new pastor came into a church where we had a location, he thought it was taking up too much space in the parking lot, so he asked us to remove it, we placed it across the street with the Fire Department and then a few weeks later the new pastor got back in touch with us and asked us to bring the shed back and the other location that we had to remove, a church completely shut down and they sold their property to a non-church organization so we had to remove that location as well. We've had pretty good success, we have a maintenance crew of two people who visit every shed every year and do any painting work, roof work or carpentry, if anything happens in the offseason, say if a shed is hit by a plow or something of that nature, you know we can be there the next day

to fix it if need be. So we collect right about 80,000 pounds of clothing a day and then we send that all over the U.S. and world to organizations like the Red Cross or the U.N. or a government in Africa or South America. We're actually the largest clothing collection organization in the Northeast Region.

Chairman Rogan stated so this clothing isn't the kind of thing that goes to a for-profit business that gets made into rags or something, it actually sounds like it's going for relief efforts and that sort of thing.

Mr. DeGeorge stated absolutely, so we actually are a for-profit business and what we do, people drop off clothing to the shed, we take it and we send funding to the local organization that helps with the clothing collection so in this case the funding goes to the Venture Crew.

Chairman Rogan stated okay.

Mr. DeGeorge stated the Venture Crew also has the ability to take clothing out of the shed to use locally at any time...

Chairman Rogan stated oh okay.

Mr. DeGeorge stated so we have these with churches, schools, fire departments, boy scout troops, venture crews, only community based non-profits because they're keyed into where the need is locally so after that we do take the clothing, we send it on to International relief organizations and governments who will actually send the clothing to people who will end up wearing it because for us as business, there's more value in that, so we are a for-profit business but none of the clothing ends up being shredded, all of it is actually re-worn.

Board Member McNulty stated you have one central facility where it all goes to get sorted.

Mr. DeGeorge stated yeah, we have, our home base is in Rochester, so right around 4 ½ hours away but we have three satellite pick-up locations so the one that's picking up from here is up in Albany and we just take all the clothing collected and load it into tractor trailers up there and then send it on. Whereas we kind of operate differently at our main location but because up here we're closer to the ports, so it's easier for us to send it directly to a port from this region than to bring it all the way back to western New York.

Chairman Rogan stated sure.

Board Member McNulty stated great.

Mr. DeGeorge stated yeah.

Chairman Rogan stated when your company picks-up, how often did you say they empty these units.

Mr. DeGeorge stated yup, we pick up either every week or every other week, it depends on how much comes in. So we can and also it depends on the need of the organization so if, part of the project is having the Venture Crew visit the shed throughout the week and make sure that it's tidy, moving bags away from the side where it's donated, that's why they're 8' by 10', it can fit quite a bit of clothing. So if an organization is not taking care of the shed, not, so say if the Venture Crew was not going in there regularly then we would absolutely pick-up every week, so it depends on how much clothing is coming in but a, what's most important to us it making sure that it never overflows because then that ruins our image in the community, so if it's overflowing, people are not going to want to go and drop off clothing.

Chairman Rogan stated because that seems to be the biggest problem...

Mr. DeGeorge stated yeah.

Chairman Rogan stated with a lot of these type of drop boxes.

Board Member McNulty stated they become a dumpster.

Mr. DeGeorge stated exactly.

Chairman Rogan stated the Fire Department on Bullet Hole [Road], people put and they mean well...

Mr. DeGeorge stated sure, sure.

Chairman Rogan stated they put like children's toys or something and you know it just starts to get cluttered and I wondered who's responsibility that falls to, it sounds like you guys are...

Venture Crew Leader stated us.

Mr. DeGeorge stated yeah so...

Chairman Rogan stated you have a lot of children's toy at your house, no, I'm teasing but...

Mr. DeGeorge stated and that's why it's important to partner with someone who's, who can be there and be active on the site and again that's why we do regular pick-ups also, so.

Chairman Rogan stated sure and our Town Planner took some photos, we've all been to the site before...

Mr. DeGeorge stated okay.

Chairman Rogan stated for a, over the years...

Mr. DeGeorge stated sure, sure.

Chairman Rogan stated took some photos of the existing site and the dump, sorry, the storage containers that are currently on site, next to the dumpster...

Mr. DeGeorge stated right.

Chairman Rogan stated we're assuming that you want to put your shed to the left of, as you're looking in front of these, is that correct.

Mr. DeGeorge stated I do, let me, I'll put up, let me get the map that I have here.

Chairman Rogan stated you guys want to come on up.

Mr. DeGeorge stated you do probably have a better idea than I do, at the site.

Mr. Arbore stated we're looking to put them in the, his shed is going to be in the secondary parking lot behind the Red Cross, there's, if you look at the site, there's a main, when you come down [Route] 164 there's a first main paved...

Chairman Rogan stated right.

The Secretary stated sir, I'm sorry, your name.

Chairman Rogan stated oh, sorry.

Mr. Arbore stated oh I'm sorry, my name is Charles Arbore.

The Secretary stated thank you.

Mr. DeGeorge stated it's upside right now.

Mr. Arbore stated okay, as you come in this first driveway here where the circle is, this is a paved driveway...

Rich Williams stated that's not it.

Chairman Rogan stated no, no, the other, up there...

Board Member McNulty stated no.

Chairman Rogan stated there you go.

Mr. Arbore stated once you come in the driveway, off to the right where the dumpster is, there's also two American Red Cross storage bins.

Chairman Rogan stated right.

Me. DeGeorge stated these.

Chairman Rogan stated correct.

Mr. Arbore stated these are the two storage bins, okay...

Chairman Rogan stated correct.

Mr. Arbore stated and out here in this, basically where the snow bank is, in that general area is where the shed's going to go.

Board Member McNulty stated and that will leave clearance for Red Cross to access their trailers.

Mr. Arbore stated absolutely, absolutely, Red Cross is actually going to stay on the paved part and they access from the front, from the paved part and we're going to be on the item four part of the parking lot, adjacent to them, next to the Red Cross.

Chairman Rogan stated sir, is there any reason why you can't put the, put your shed within the same line, within the same plane that the two boxes are already because there seems like there's more than enough room there.

Mr. Arbore stated there's plenty of room down there, back in here.

Chairman Rogan stated yeah, in other words right in here, rather than out front onto this area to keep these right in line with each other...

Board Member McNulty stated and not make it a targeted part...

Chairman Rogan stated you have that area on a little bit of a gravel...

Mr. Arbore stated right but I have to have a certain spacing because if you notice from his picture, I didn't want the people walking between the bin and the Red Cross.

Chairman Rogan stated okay.

Mr. Arbore stated I think the way it's faced or unless we turn it, okay, I want to have the feed out in the paved parking lot...

Chairman Rogan stated sure.

Mr. Arbore stated I don't want the people are going to dump, you know put their stuff in here going in the paved part, there's a second entrance, an item four entrance to the parking lot...

Rich Williams stated it's actually not a legal entrance there it's just one everybody keeps driving in.

Chairman Rogan stated oh you mean that second one there.

Mr. DeGeorge stated the gravel...

Mr. Arbore stated okay, I'm new until October, we formed a crew in October and my concept was to actually have them come in on the item four.

Rich Williams stated and actually what's we would try to discourage is people driving in on the item four.

Mr. Arbore stated okay, okay then we may want to relocate it further to the other end of the parking lot, to the opposite end of the parking lot from the Red Cross bins.

Rich Williams stated over by the bridge.

Mr. Arbore stated closer to the bridge, yeah.

Board Member Brady stated it will stick out like a sore thumb there.

Chairman Rogan stated you know, based on what you're saying about the paved area versus the gravel, that really isn't part of the site plan and part of the drive, what you're supposed to be driving even though we do, I now understand why you're proposing it where you are because people then can use the proper

entrance, pull in past the existing structures and then be in a position to stop on the pavement, unload to your shed...

Mr. Arbore stated right.

Chairman Rogan stated and then continue on out, you know what I mean, it didn't layout logistically to me when I look at the site but, you know.

Rich Williams stated I, yeah I understand what you're doing, the only, my only concern here is you know to discourage people from people driving in an entrance that's really not supposed to be an entrance.

Chairman Rogan stated well in this case then they would be driving into what would be the back of your shed, the drop point would be on the paved area, correct.

Mr. Arbore stated no I can't put the dropped area on the paved area, I'd have to put it on the gravel area if it's...

Chairman Rogan stated no, no, no, the...

Mr. Arbore stated the chute.

Chairman Rogan stated the chute would be facing...

Mr. Arbore stated the chute would have to, if I, if you, if we put the shed behind the Red Cross bins...

Chairman Rogan stated no, no, no, I'm talking about what you wanted to do.

Mr. Arbore stated oh put it back out on the opposite end.

Board Member McNulty stated is this where you want it, where it's x'ed in there.

Mr. Arbore stated right, that's what I wanted to do and keep the chute on the paved area.

Chairman Rogan stated yeah, I understand.

Mr. Arbore stated which....

Board Member McNulty stated I think the paved, see this line here...

Chairman Rogan stated yeah.

Board Member McNulty stated I think this is the paved area.

Chairman Rogan stated right.

Board Member McNulty stated so I think what I penciled...

Mr. Arbore stated if we keep it up from the Red Cross bins...

Chairman Rogan stated correct.

Mr. Arbore stated alright or forward.

Board Member McNulty stated this is the Red Cross here.

Chairman Rogan stated correct, yup.

Mr. Arbore stated and then they can stay on the paved area, see if I tuck behind the Red Cross bins we have to use the item four...

Mr. DeGeorge stated and then when our truck picks up every week, that could be an issue.

Board Member Brady stated then it's out in the...

Chairman Rogan stated go ahead Mike.

Board Member Montesano stated where the dumpster is, the dumpster was moved to the left side here...

Mr. Arbore stated I'm not sure there's enough room...

Board Member Montesano stated that's where it used to be.

Mr. Arbore stated that dumpster's little yeah but the dumpster is little and I don't know that we have the area in there to fit the shed.

Chairman Rogan stated go back to what Rich said though and a dumpster for pickup you want to use the paved area not trying to access it from the back...

Board Member Montesano stated yeah have to use the paved area, okay.

Chairman Rogan stated so you know your original thought on where to put it makes sense for keeping everybody on the pavement, you pull right in there...

Mr. Arbore stated right.

Chairman Rogan stated it almost creates a kitty-corner effect of the...

Rich Williams stated that's fine if everybody is coming in on the pavement...

Chairman Rogan stated correct.

Rich Williams stated dropping off, the pickup trucks are coming on the pavement.

Mr. Arbore stated it actually would, it would create...

Chairman Rogan stated it would what.

Mr. Arbore stated a barricade for people going into the, you know because now you have another structure...

Chairman Rogan stated yeah.

Mr. Arbore stated that's going to prevent people from going into that U-turn.

Rich Williams stated that would be fine.

Board Member Brady stated so the dump area would be facing the building.

Mr. Arbore stated it would be facing the building.

Board Member McNulty stated Michelle.

Rich Williams stated Michelle.

The Secretary stated oh, thank you.

Chairman Rogan stated well I think the one condition that we want to consider putting on this approval would be some time limit so that if this group goes away and the thing falls apart we can basically say alright we've got, we're going to remove the shed...

Mr. DeGeorge stated true.

Chairman Rogan stated and that's something we'd typically would do where you only have to send a letter in to say we want to renew our approval for another two years let's say or whatever the time frame that would be reasonable and if everything is going well out there, we can just do it without you know a whole lot of fanfare. I'm not sure what an appropriate timeframe to start with would be but I would think a year or two, you know.

Board Member Montesano stated a year or two.

Chairman Rogan stated yeah.

Board Member Montesano stated because they'll be, there's no sense in leaving, if it's not producing, there's no sense in leaving it there.

Mr. Arbore stated right, right if it's...

Board Member Montesano stated so I think the first year...

Mr. Arbore stated we're there, you know we're there to collect the clothing, you know we're actually getting the clothing you know because, you know we're new in the area but we want to be part of the community, you know and...

Chairman Rogan stated you know I have to say I appreciate that you're here in front of us because I can't ever remember approving any of the other little drop box locations, this is a shed...

Mr. DeGeorge stated exactly.

Chairman Rogan stated but whether it's a shed or a metal box...

Rich Williams stated they all require approvals and...

Chairman Rogan stated no, my point is I don't ever remember reviewing one.

Rich Williams stated no because it's always been an enforcement nightmare for us...

Chairman Rogan stated yeah.

Rich Williams stated 9 times out 10 when we try to do something they take them away or they move them to some other location...

Chairman Rogan stated right.

Rich Williams stated we have to start all over.

Chairman Rogan stated yup.

Mr. DeGeorge stated we really do want it to be as a long term of a relationship as possible.

Chairman Rogan stated sure.

Mr. DeGeorge stated and that you know that's what's important to us...

Chairman Rogan stated sure.

Mr. DeGeorge stated we don't want to just put something out there and have it not look good and have people be unhappy.

Mr. Arbore stated well with the age of my kids, I'm in this for about 10 years.

Chairman Rogan stated uh-oh, this is the Boy Scouts.

Mr. Arbore stated well it's actually Venturing is an arm of the Boy Scouts.

Chairman Rogan stated okay.

Mr. Arbore stated but what it is, it's, it's new from the Explorers...

Chairman Rogan stated okay.

Mr. Arbore stated where the Explorers was very career focused with Sheriffs cadets and firemen and volunteer firemen. The Explorers, the Venturing is open to co-eds 14 to 21, which is an advantage I have now with dealing with something like this because I don't have 8 year old kids going out there to do this, you know all my kids are teenagers, they are all on the average, what I have now, I have a dozen and they're about 17, is the mean age and it's co-ed and it's a more broad focus then Explorers but we, our basic, basis is citizenship, leadership and emergency preparedness, we're actually hand in hand, I'm looking towards the Red Cross so that if there was an event that my scouts would be, we're doing, I'm looking for a certification now so that they are available to the Red Cross as more hands.

Chairman Rogan stated okay.

Mr. Arbore stated okay that's another you know two dozen hands...

Chairman Rogan stated okay, gotcha.

Mr. Arbore stated we want to be and this helps us be there, you know with the Red Cross being there responding, like he said, he ships to the Red Cross but they have it right there, it's already shipped and I can call him up and I say hey Ben, you know don't pick-up for a couple of weeks, we have something going on.

Rich Williams stated if I could just ask one quick question here...

Chairman Rogan stated sure.

Rich Williams stated you're based out of where.

Mr. Arbore stated we're based out of the Hudson Valley...

Rich Williams stated you, you.

Mr. Arbore stated I live in Stormville.

Rich Williams stated okay.

Mr. Arbore stated I live in Stormville, one of, another leader of mine Sharon is a female leader, okay because it is a co-ed group, she lives in Kent, another one of my leaders, my committee chair lives in Stormville and my two other leaders live in Carmel. We have a committee of 5 adults for the 13 scouts.

Rich Williams stated okay.

Board Member Brady stated I'd like to ask what are the colors.

Mr. Arbore stated green and, green.

Board Member McNulty stated no, the shed.

Mr. Arbore stated oh the shed is...

Mr. DeGeorge stated it's a beige and, beige and then brown trim.

Board Member Brady stated oh you have it, okay.

Mr. DeGeorge stated yup.

Board Member Montesano stated how come it's not green.

Mr. Arbore stated yeah, why not green.

Chairman Rogan stated it will blend in too much.

Board Member McNulty stated it has that same signage on it.

Mr. DeGeorge stated oh yeah, yeah, it's informational, we want to make sure that people are respectful of not throwing away garbage and stuff of that nature.

Chairman Rogan stated no, I think the sign is a great idea, I would ask is there any reason why we would want to have a contact phone number somewhere located on this shed, is that ever required, that we have a way or are we going to have this in file somewhere.

Rich Williams stated well that's what we need to do, we need to have in the file and we need to make sure that the Code Enforcement Officer has it because as you pointed out earlier we've got a number of these...

Mr. DeGeorge stated right.

Rich Williams stated the really big problem we have is the people who bring items other than clothes.

Chairman Rogan stated right.

Rich Williams stated and just dump all sorts of trash and garbage and then expect somebody to take it away.

Mr. DeGeorge stated right, exactly.

Rich Williams stated and the other facilities that we've had problems with, they, you know, typically ignore it and it just builds up.

Chairman Rogan stated yeah.

Mr. Arbore stated our plan for that, we're not planning on having that as an issue, one because of the size of the chute and the size of the building but two anything that did come along the lines of children's toys and things, we're either going to dispose of if it's necessary to dispose of it or...

Mr. DeGeorge stated or we'll take it.

Mr. Arbore stated or, right we're going to take it, we're going to put it in our barn and we're going to go, twice a year we run a tag sale, that's also a fund raiser, we're going to take it over there and sell it for a dollar.

Rich Williams stated that's all fine, well, and good but piece of advice, be prepared for it because it happens every time and we're not talking children's toys, we're talking about old mattresses that you can't use anymore...

Mr. Arbore stated yup.

Chairman Rogan stated yeah.

Rich Williams stated and furniture and everything anybody wants to get rid of.

Mr. Arbore stated right.

Mr. DeGeorge stated I will say with because of where we place the sheds and signage that we have on it, it minimizes that completely, we have a few pieces of big furniture that come in every year across the board and I'll leave a list of all our shed in the region if anyone from the Board wants to call any of those locations and see how that's worked out but because of, because of where they're placed and having someone see, you know it's not on an empty lot or something like that, so people think twice when it comes to dropping off garbage or you know mattresses or stuff of that nature, totally understand what you're saying, yeah.

Chairman Rogan stated okay, anything from anyone else on this, this seems very straight forward.

Board Member Taylor stated yeah.

Chairman Rogan stated yeah we've got a couple of conditions on it.

Board Member Taylor stated we need to I think give him site location condition.

Chairman Rogan stated well I was going to say that yeah, okay, in the matter of Zachary Cope/Hudson Valley Trust, I make a motion that the Planning Board grants a negative determination for SEQRA and approve, I'm just going to roll them together...

Board Member McNulty stated okay.

Chairman Rogan stated and approves the site plan application to place an 8' by 10' shed on site for the purpose of gathering clothing items with the conditions that there be an appointment made for the date of placement convenient for our Town Planner to meet on site to verify location, that location is clear, these are movable but we want to make sure you don't have to go through too much.

Mr. DeGeorge stated right, right, right.

Chairman Rogan stated that the approval be for a, you want to start with one year on this, for one year with the idea that you just have to submit a letter or something requesting an extension, this gives us at least some approval, so remember mark your calendar with the date of the approval before that, a month before, send a letter in saying you know things have worked out great, we want to have another year, another two years, whatever the case may be.

Mr. Arbore stated one question I might have and I'm not sure about Ben here as far as the availability of the Planner because I think from my conversations with Zach...

Chairman Rogan stated this gentlemen...

Mr. Arbore stated like we're talking like he wants to come next week.

Chairman Rogan stated well then call him and set up an appointment.

Mr. Arbore stated well I don't what the availability is but...

Mr. DeGeorge stated yeah maybe a little longer than that but probably within a month or so.

Board Member Brady stated Rich lives here all the day and night so.

Board Member Montesano stated he's 24/7, no problem.

Chairman Rogan stated tell you what, let's get you the finished up approval first, how's that...

Mr. Arbore stated okay, yeah.

Mr. DeGeorge stated yeah that's a good...

Chairman Rogan stated hold on one second and the size of the shed is 8' by 10' as submitted and with the appropriate colors shown in the submittal packet. Can I have a second.

Board Member McNulty seconded the motion.

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

Chairman Rogan stated okay, now you can ask your question.

Board Member Montesano stated it should be green.

Mr. DeGeorge stated we actually do custom colors every so often, if a Town requires it.

The Secretary stated can I have that picture.

Mr. DeGeorge stated we do have our website right there on the signage of the shed and if someone was to go right on our website our phone numbers are right there, also so...

Board Member McNulty stated okay.

Chairman Rogan stated great, okay.

Mr. DeGeorge stated we're pretty accessible.

Chairman Rogan stated sure.

Mr. DeGeorge stated so if anyone has anything from any community members who want to get in touch with us or anyone from the Board any time, so.

Chairman Rogan stated we'll start cleaning out closets, thank you sir.

Mr. Arbore stated there you go and remember where to put them.

Board Member Montesano stated no problem, someone can pick them up now.

Chairman Rogan stated have a great evening, thank you, alright.

Board Member McNulty stated they have a place that they come pick it up.

6) FROG HILL LLC – Site Plan Application

Mr. Harry Nichols, P.E., Mr. Jay Maxwell, and Mr. Tomas Ortega, lessee, were present.

Chairman Rogan stated Harry, Frog Hill, that's you right.

Mr. Arbore stated thank you.

Chairman Rogan stated thank you gentlemen.

Board Member Montesano stated Michelle, you want the list.

The Secretary stated I think I have it.

Board Member Montesano stated how about the pictures.

The Secretary stated I'll take them.

Mr. DeGeorge stated thank you.

Chairman Rogan stated thank you, have a good evening.

The Secretary stated do you have a card.

Mr. DeGeorge stated I apologize, I don't really do a whole lot of these meetings anymore, do you want me to write down my information.

Rich Williams stated if we don't have it.

The Secretary stated yes, just contact information, name.

Mr. DeGeorge stated yeah, sorry.

The Secretary stated thank you.

Chairman Rogan stated that should be fine Harry, it's so hard to see with all the lines on it anyway, I have a color version here, yeah.

Mr. DeGeorge stated sorry, I'm trying not to write too long.

The Secretary stated no, that's alright, take your time, I'm not going anywhere.

Mr. DeGeorge stated until the end of the meeting.

The Secretary stated yeah.

Chairman Rogan stated hey Harry, let's see if we can make this as simple a conversation and as beneficial to everybody as possible. At the work session, I almost said site walk, work session there were some questions or issues brought up that with this plan you may be creating problems for your applicant with the DEP with wetland concerns that I think can be dealt with in a different way, in other words some of the

areas that are shown as material display area as gravel parking that don't currently exist, could be moved to an area that would be completely out of the wetland buffer and not trigger review by some other people that might cause you more of a problem. There, looks like there exists plenty of area between the garage and the old house up on the hill, you know just off the parking area where you're showing it. Directly to the south, yes...

Board Member Taylor stated to the south.

Chairman Rogan stated that would alleviate much of the area that you've showed on this most recent plan that's not only in the wetland buffer but within the Town both the Town and the DEP buffer.

Board Member McNulty stated it looks like what you've done, directly east of the building...

Mr. Maxwell stated this section here.

Board Member McNulty stated no, all the way out, if you push that section all out.

Mr. Maxwell stated this section here is where we're looking to use for storage which is the section I met with Ted, we went out and looked at.

Ted Kozlowski stated but Jay we talked about the area that was already disturbed, not...

Mr. Maxwell stated yes, yes, I'm not disturbing anything else.

Ted Kozlowski stated not that grass area, not that field, we're talking about where you already have gravel.

Chairman Rogan stated minus this area here, *inaudible* this area.

Mr. Maxwell stated yes.

Ted Kozlowski stated that's what I was referring to.

Mr. Maxwell stated yes, that's what I'm looking to use.

Ted Kozlowski stated okay, you seem...

Mr. Maxwell stated I'm not looking to go outside...

Ted Kozlowski stated it seems to be further out than where we were standing.

Mr. Gainer stated that's a much better area Jay.

Chairman Rogan stated Jay this area right in here he's talking about.

Mr. Maxwell stated no this area here is all gravel, it's presently all gravel.

Chairman Rogan stated it's all gravel

Mr. Maxwell stated this area here is all gravel.

Chairman Rogan stated so we need to I think then hear from Ted on it, whether you know...

Ted Kozlowski stated where, when I went out there, on those plans it looks a lot bigger than what I saw.

Mr. Maxwell stated we could scale it out on the site and mark it, that's not...

Ted Kozlowski stated well Jay, like I said I came out to see Jay on a Saturday last month...

Chairman Rogan stated yeah.

Mr. Maxwell stated yeah it was bad, I mean there was denying that.

Board Member McNulty stated was it all snow covered then.

Mr. Maxwell stated no.

Ted Kozlowski stated no and what it was, we had a conversation and behind the building to the north and east of the building where there's some sheds.

Mr. Maxwell stated there's a shed there now.

Board Member McNulty stated there's a storage container.

Ted Kozlowski stated right, the storage containers and all that.

Mr. Maxwell stated yes.

Ted Kozlowski stated that's all gravel and I said you know, it's already disturbed, I don't have a problem with it but further out where the grass fields are, that wasn't discussed.

Mr. Maxwell stated well the gravel area is from the building up to this first pole here, I mean its all gravel, it hasn't changed.

Ted Kozlowski stated where's this pole, right here.

Mr. Maxwell stated right here which is actually, it's right to where the pole is here, this whole area is all gravel right now, it's all presently gravel...

Ted Kozlowski stated well if that's gravel then you know...

Chairman Rogan stated then you're okay with it.

Ted Kozlowski stated I'm fine with it.

Board Member McNulty stated where it says material displays that area is already gravel.

Mr. Maxwell stated yes, it's all crushed rock.

Ted Kozlowski stated Jay, it wasn't just recently gravel, was it.

Mr. Maxwell stated no, I'm not that good.

Chairman Rogan stated good question though...

Board Member Brady stated yeah, never see that.

Chairman Rogan stated it's all gravel as of a week ago, alright, well you know what if...

Mr. Maxwell stated and I noted here in the comments here, I don't know if it was from Rich about retaining walls, there's no disturbing area that would need a retaining wall.

Rich Williams stated the retaining wall is shown on the plans.

Mr. Nichols stated where.

Rich Williams stated at the back of the fill, the grade changes.

Mr. Maxwell stated no, I have no retaining wall, unless there's something I seen that's been there but I didn't see no retaining wall.

Rich Williams stated it looked like a, when I reviewed the plans it looked like a retaining wall to me.

Mr. Maxwell stated and then the other question was about a fence, as far as the fencing between all of...

Mr. Gainer stated yup.

Mr. Maxwell stated I think it was your comment, is what we talked about was putting a berm of soil and putting shrubs between all the, block it so you can't go through. That is what Ted and I discussed.

Ted Kozlowski stated I just want to see a barrier so you know it's...

Chairman Rogan stated doesn't add up to...

Mr. Maxwell stated well instead of putting a fence up.

Ted Kozlowski stated similar to what I want to do with Mr. Boniello.

Mr. Maxwell stated I don't know what he wants to do with Mr. Boniello.

Ted Kozlowski stated no, the same thing...

Chairman Rogan stated you have to worry about your site.

Mr. Maxwell state right.

Ted Kozlowski stated I want to create, this is it, we don't go beyond this.

Mr. Maxwell stated that's what we discussed with the boulders, a berm and then shrubs within there so we don't have a problem with, blocking it off, it's blocked off so there's no reason for anybody to get through.

Chairman Rogan stated okay.

Mr. Maxwell stated and the shrubs I think was when we talked about it was to be left to decide what type of shrubs, something that the deer aren't going to eat and something that's going to stay green.

Board Member Taylor stated then you need to show that on the plan, I mean all we have are boulders.

Mr. Maxwell stated well, don't get me wrong, this isn't what I discussed with Harry.

Board Member Taylor stated well I'm just saying, that needs to go on the plan, all we see is boulders.

Mr. Maxwell stated but that's what we discussed and when we talked about, it's supposed to be on there, it is supposed to be there.

Board Member Taylor stated okay.

Board Member McNulty stated Rich while you were out of the room we discussed...

Rich Williams stated shrubs.

Mr. Maxwell stated I have a picture for you, so I know it's there.

Board Member McNulty stated we discussed that area east of the building that came up and what Jay's saying is that is all gravel currently.

Mr. Maxwell stated I mean we can go out there right now, it's all rock, that's what it is.

Rich Williams stated alright, I don't remember that area being that big.

Ted Kozlowski stated that what I said.

Board Member McNulty stated that's what we all assume too.

Mr. Maxwell stated I mean there might be grass growing through it but its all rock.

Board Member Montesano stated it expanded itself naturally.

Mr. Maxwell stated it's dehydrated, I wet it up, it grows a little.

Mr. Nichols stated can we have a representation of all the consultants and meet out there for a short period of time and I think we can probably eliminate most of these.

Chairman Rogan stated I think that sounds great.

Ted Kozlowski stated Jay, will you be there Saturday.

Mr. Nichols stated now the snow is gone.

Mr. Maxwell stated excuse me.

Ted Kozlowski stated you there Saturday.

Mr. Maxwell stated if I have to be, I will be.

Board Member Montesano stated bite your tongue.

Chairman Rogan stated are you busy Saturday.

Board Member Brady stated the last time we went out there, we went in a blizzard.

Rich Williams stated doesn't have to be for me.

Mr. Maxwell stated if it's Saturday I'll be there, I'll be there any time I have to be.

Chairman Rogan stated I mean what's...

Ted Kozlowski stated no as long as, you know Jay, you know I'm not accusing you of anything...

Mr. Maxwell stated I know that, ask anything.

Ted Kozlowski stated we had a good conversation, it just seems that plan looks a lot bigger than...

Mr. Maxwell stated it looks bigger to me...

Ted Kozlowski stated that...

Mr. Maxwell stated when I look at it, it's just too busy.

Ted Kozlowski stated no, no, it just, the gravel area just looks a lot bigger than what I saw.

Mr. Maxwell stated it's there, there's no question about it.

Board Member Brady stated you're talking 200'.

Chairman Rogan stated well let's, let's get thing defined so that they don't spread into the wetland.

Board Member Brady stated from the building out.

Chairman Rogan stated the question that hasn't been answered yet...

Board Member Brady stated if you use this, its 100' buffer, it's double that.

Chairman Rogan stated storage, we know the repair is happening inside, right.

Mr. Maxwell stated right.

Chairman Rogan stated we're not repairing vehicles or anything like that out on the gravel area or on the pavement because there's no means of capturing oil if it should leak. The area around the west side of the

building is where all the lumber and stuff is currently, so that's all going to be cleaned out and that's going to be parking.

Mr. Maxwell stated everything, this place will be...

Chairman Rogan stated can't wait to see it.

Mr. Maxwell stated once, that makes two of us at this point.

Chairman Rogan stated I'm sure.

Mr. Maxwell stated and the intentions are here for the repair shop is only a fallback for me...

Chairman Rogan stated understood.

Mr. Maxwell stated Tomas is right here, Tomas plans on actually taking over the whole building to be used for the tile manufacturing with a showroom.

Chairman Rogan stated wonderful.

Mr. Maxwell stated alright so but the idea of the garage is a fallback for me, if for some reason he gets run over.

Ted Kozlowski stated Jay can I ask you a question.

Mr. Maxwell stated yes.

Ted Kozlowski stated south of the building going...

Mr. Maxwell stated yes.

Ted Kozlowski stated okay, is that area at all unreasonable to use just in case we someday have to say look you have to stay out of that buffer a little better, I mean is that a, is there a reason you're not going to...

Mr. Maxwell stated we could come out, we could come out further but it's all got to do with that landfill.

Ted Kozlowski stated it's that why you're staying away from it.

Mr. Maxwell stated yes, don't want to disturb anything to do with that.

Ted Kozlowski stated I just want to know why you want to flirt with the buffer when you've got all that land to the south.

Mr. Maxwell stated well it's, him and I when we first came down, the idea was to be able to put an area and the outside storage has to do with slabs, am I right Tom...

Mr. Ortega stated yes, that's correct.

Mr. Maxwell stated it's got to do with putting racks with slabs of granite or stone...

Chairman Rogan stated oh okay.

Mr. Maxwell stated and that's what the storage area is for.

Board Member McNulty stated so you're not looking to have any heavy equipment or any kind of equipment.

Mr. Maxwell stated no, no, we're not actually looking to have any equipment on this site when it's what we're doing.

Chairman Rogan stated wonderful, other than moving slabs which is some kind of...

Board Member McNulty stated yeah.

Mr. Maxwell stated yes.

Mr. Ortega stated it's a forklift, you know it's...

Chairman Rogan stated we can hear you but the record can't, come on up.

Mr. Ortega stated it's a forklift, so it's only about 4,000 pounds, they don't make a lot of noise and we grab you know the slab with them and other than that, an A-frame, put the slabs on each side, you know, nothing that big.

Board Member Taylor stated very well.

Chairman Rogan stated okay and they, the forklift can operate on the gravel surface without any problem.

Mr. Maxwell stated yes.

Mr. Ortega stated yes.

Mr. Maxwell stated yes, it's designed for outdoor use.

Chairman Rogan stated alright, okay.

Mr. Maxwell stated that's, that was the area, that was reason for this area as to even how much of it's going to be use, probably not even half of it's going to be use but I wanted to do like we discussed, put in at a maximum what we can do, this way in the future we don't create a problem for later, we need the space for it, we have it.

Chairman Rogan stated okay.

Board Member Taylor stated what we're trying to say if you need the space for it, put it in the south.

Mr. Maxwell stated exactly.

Chairman Rogan stated right.

Board Member Taylor stated because we would like, if possible to reclaim some of that buffer, does this have to go to DEC.

Rich Williams stated not if it's existing.

Ted Kozlowski stated if it's existing no.

Chairman Rogan stated that's good and Rich, your last comment, 10, talks about stormwater, you want to talk to that at all, is there a need for some mitigation on this or...

Board Member McNulty stated I guess a question would be, you going to be doing a lot of stone fabrication.

Mr. Maxwell stated indoors.

Mr. Ortega stated indoors.

Board Member McNulty stated but, so where's all the, you had a lot of water that falls on the floor.

Mr. Maxwell stated it recycles. Well his plan is, is to have a drain, a recycling tank and it just recycles the more he uses the water...

Mr. Ortega stated yeah.

Mr. Maxwell stated at some point the sumps have to be cleaned out which has become stone dust.

Chairman Rogan stated okay, cool.

Board Member McNulty stated so you're all fully contained.

Mr. Maxwell stated well not present, once you tell us we can do this, yes.

Board Member McNulty stated but that's going to be shown on the plan too.

Chairman Rogan stated right.

Mr. Maxwell stated I was never capable of asking that but yes.

Board Member McNulty stated would it have to be.

Mr. Maxwell stated it would be inside the building.

Mr. Gainer stated if you want to have it defined, sure, just to be clear.

Mr. Ortega stated it's going to be inside the building.

Board Member Brady stated when you clean these sumps out...

Mr. Maxwell stated it's inside the structure, it's not outside.

Board Member Brady stated when you clean the sumps out, where are you going to store the stone dust, the powder that comes out of there, that slurry.

Mr. Maxwell stated that I can't, that's up to him to ask.

Chairman Rogan stated yeah.

Board Member Brady stated alright, are you just going to throw it, you can't throw it outside.

Mr. Ortega stated no, you know there's a company they you know, sometimes they take you know, the you know scrap, you know, they take the...

Board Member Brady stated so it's not going to be stored on site.

Mr. Maxwell stated no...

Mr. Ortega stated no, no, no.

Mr. Maxwell stated what it probably does is most places they go out and they crush it somewhere and use it for grout.

Mr. Ortega stated they crush it and you know they...

Board Member Brady stated right but I'm talking about the dust.

Mr. Maxwell stated no, I'm saying the dust becomes because the stone dust like they use for putting down...

Chairman Rogan stated pipe bedding and...

Mr. Maxwell stated a bedding for Unilock or something like that, that's what it goes to.

Board Member Brady stated right, I understand that, I'm just concerned with where this pile of stuff is going to wind up in the meantime.

Board Member McNulty stated well it's basically sludge until he pulls it out of there.

Mr. Ortega stated this company they put a dumpster in there, we throw all you know, scrap and what we're not going to use and they take it and you know they crush it and you know, like he said, use it...

Mr. Maxwell stated so it will be stored in a container.

Mr. Ortega stated yeah.

Chairman Rogan stated okay.

Rich Williams stated so number 10.

Chairman Rogan stated yeah, Rich 10...

The Secretary stated microphone.

Rich Williams stated listen you know these days stormwater is the premiere topic we always talk about, if this application was coming in cold and none of this was out there, there's no doubt they'd be required, you know under the current regulations to put in post-construction stormwater controls, some way to manage stormwater runoff from the site because most of it's there and we're just you know, tweaking it a little bit, really they're not under any obligation, any regulatory obligation to put in post-construction stormwater controls. Still you know, we need to raise it as an issue for something for everybody to consider, they're generating stormwater and where's that going to go, where are the roof drains going to go, so the second part of that is if it's going to be used as a public garage, generally they're an area of special concern with regards to stormwater because they generate higher levels of pollutants, especially hydrocarbons and you know the, within the menu of options that you have for putting stormwater practices in, DEC is very clear about you can't have anything that's going to infiltrate water because of the greater potential of contaminating your groundwater resources as well as your surface water, so you know again, I throw it out, you've got better than an acre of impervious surface out there, you know when everything gets added, you know all generating runoff and no stormwater controls as anybody else in this day and age would have to put in so but there is no regulatory requirement at this point that they do anything, again because most of this is there prior to the regulations so but I threw it out on the table just as an issue to for the Board, the applicant to consider which you know, what, if anything you wanted to do with it.

Chairman Rogan stated Harry and Rich and Ron, I'm sorry I didn't mean to not add you...

Mr. Gainer stated that's okay.

Chairman Rogan stated is there anything stormwater related that would fit into this plan that would make sense, you know in other words, is there something that jumps out at you that says hey we put something in here it would handle...

Mr. Gainer stated if we were able to accomplish a site walk I think between the group of us we'll be able to establish if there's anything appropriate that should be added to the plans when we all meet at the site and just verify...

Chairman Rogan stated okay, yeah.

Mr. Gainer stated how much disturbance exists today.

Chairman Rogan stated okay.

Mr. Nichols stated if we stay below the thresholds then that would not generate a requirement to do it and in your memo you mention that we're creating over one acre of impervious surfaces...

Rich Williams stated sure.

Mr. Nichols stated well...

Rich Williams stated you add up the driveway, you add up the building, you add up all the parking and you add up the gravel area to the east of the building, that all adds up to better than acre.

Mr. Nichols stated but its gravel.

Rich Williams stated you know for years and years everybody would say that we're going to have gravel and it's not an impervious surface and finally even DEC recognized that you know, anything that restricts the natural flow of water into the ground is going to be considered an impervious surface and has to be treated as such.

Mr. Nichols area are you counting the existing roadbed that's made of all the millings.

Rich Williams stated yes, I consider anything and DEC considers anything...

Mr. Nichols stated well no, I agree.

Rich Williams stated personally I have for years...

Mr. Nichols stated yeah.

Rich Williams stated and the Town Code is been amended to reflect this and the DEC regulations now reflect this that essentially anything that doesn't have a vegetative surface is an impervious coverage.

Mr. Nichols stated but the millings that are there pre-date regulations.

Rich Williams stated well I think I said that earlier on...

Mr. Maxwell stated yes, you said that.

Mr. Nichols stated yeah, well...

Rich Williams stated that if this came in new today...

Chairman Rogan stated yeah.

Rich Williams stated then there wouldn't be a question here but because it's you know grown incrementally over the years, it's kind of always fallen under that threshold. So I've said that right from the beginning that it doesn't, there's no regulatory requirement that you're going to need to provide stormwater controls on the site.

Chairman Rogan stated which is why I approached it as a common sense type of a thing, is there something that you gentlemen, you design professionals would see that would work or not work, reasonably...

Mr. Maxwell stated need or not need.

Chairman Rogan stated right, well no, exactly...

Board Member McNulty stated yeah.

Mr. Maxwell stated I understand what you're saying.

Chairman Rogan stated you know improve the water quality or no, you know.

Mr. Maxwell stated as far as with the heavy rains and everything we had, we do have an area, one area where it swales and it runs right down the swale and follows its way down into the wetlands area, whether

or not it needs something in there, some little dams or something to slow it down or something like that, well that's going to be their decision whether or not they need it.

Chairman Rogan stated one thing that I've heard tonight is that a few of gentlemen need to meet on site to verify some of these things, we've already all been out to the site, I remember it was snowing that day...

Board Member Brady stated yeah.

Mr. Maxwell stated yeah.

Chairman Rogan stated with snowflakes the size of hockey pucks.

Mr. Liguori stated what does was that.

Chairman Rogan stated early, right, it was early in the season...

Board Member Brady stated it was the beginning...

Chairman Rogan stated it was still hunting seasons because the guys were...

Mr. Maxwell stated up until last week.

Chairman Rogan stated it was the beginning of December actually, it was a foreshadowing I guess.

Board Member Montesano stated November 9th to be exact.

Chairman Rogan stated why don't, it was that early, wow...

Board Member Brady stated yeah it was, it was early.

Chairman Rogan stated Harry why don't we get Ron, Teddy, Rich to meet with you guys back out on site, clarify some of these issues with the gravel with, you know just making sure you guys have everything nailed down...

Mr. Maxwell stated I think that's a good idea, let's, everybody sees what it is, I mean it's.

Rich Williams stated sure.

Chairman Rogan stated cleanup the plans based on some of the comments, let's get you done and out of here.

Rich Williams stated can I just wrap up on the stormwater though.

Chairman Rogan stated oh I'm sorry, I didn't know you had more.

Rich Williams stated there's no regulatory requirement as I said but there's none today, we're under the obligation within this whole region to address stormwater runoff and pollutant loading to the reservoirs and I can promise you that the regulatory requirements today don't require you to do anything, tomorrow they will make you do something even though it's an existing site, I know this is coming, I know because I work very closely with the East of Hudson Watershed Corporation and the DEC and we are starting to look at the

next round of how we're going to reduce phosphorus within the watershed and one of the areas that everybody is talking about are these existing sites with no stormwater controls or stormwater controls that were designed in the '80's that are just quantity controls not quality controls and what we're looking at is all these sites are going to end up being placed under the gun to upgrade. So that's why I'm suggesting, I'm throwing it out now, to look at it now so that you know, you have, listen, if you do something now you won't have to do it later and if you can do it now and fit it into your site, you know that's great. That is why I'm throwing it out.

Board Member McNulty stated the best thing is for you guys to meet, see if there's something that jumps out at you to mitigate.

Board Member Taylor stated I'd like a clarification on six, on the storage containers on what's staying and what's going, I mean you show them on the plan, are they necessary to what's you're doing.

Mr. Maxwell stated the storage container.

Board Member Taylor stated you have two of them.

Mr. Maxwell stated the one up there is used for the flea market, the one that's up here, this one here I use it just to keep flammables, just to keep them out of the building right now, that's what it's used for. If Tomas takes over the whole place, then I have no need for it but right now I just use it to keep flammables stored in it.

Board Member Montesano stated sorry, wrong date, November 30th.

Mr. Maxwell stated you were close, right year.

Chairman Rogan stated November 30th, that was pretty close, it was still early in the winter though. Any other questions, comments from the Board, from any of you gentlemen for tonight.

Rich Williams stated the only thing I'm going to suggest is Harry if you want to call the office in the morning, the morning.

Mr. Maxwell stated the only thing I will, this Saturday, not this Saturday because I do have things I already planned or next Saturday or any other day but...

Chairman Rogan stated yeah.

Rich Williams stated well can you do it during the week.

Mr. Maxwell stated in the evenings, if you tell me to do it, I'll be there no matter what.

Rich Williams stated we want to make it convenient for everybody so...

Mr. Maxwell stated I never know what I'm doing every day but if you tell me a certain day I'll be there.

Rich Williams stated can you do it in the evenings.

Mr. Maxwell stated evenings, yeah.

Ted Kozlowski stated when are you going to be there, what evening are you going to be there next that's convenient for you.

Mr. Maxwell stated you tell me a time, I'll be there.

Ted Kozlowski stated tomorrow.

Rich Williams stated I'm not going to be there tomorrow.

Mr. Liguori stated its Friday.

Rich Williams stated call my office in the morning, we'll schedule something.

Mr. Maxwell stated you tell me when I'll just the change the schedule, this Saturday I do have something already planned.

Rich Williams stated you two talk on your way out, call my office in the morning, Ron's going to be over here, we'll work something out.

Mr. Maxwell stated that's be great.

Chairman Rogan stated I don't think we have to make recommendation, it's going to happen automatically.

Mr. Nichols stated you want to come with us.

Mr. Liguori stated no, I like you guys but...

Chairman Rogan stated hey Harry, with the proposed septic area, where are you at with that, with the Health Department.

Mr. Nichols stated well now that the ground is slowing drying up, we're getting ready to...

Chairman Rogan stated yeah, so you're going to do some field testing to prove out that area.

Mr. Nichols stated yeah.

Chairman Rogan stated okay and...

Rich Williams stated you want to start moving through the process, yeah, lead agency...

Chairman Rogan stated lead agency, we were just going to say, yeah. Make a motion that the Planning Board circulates its intent to be lead agent.

Board Member McNulty seconded the motion.

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

Chairman Rogan stated how's that and Rich, Tommy just asked about the GML referral, can you explain that to the Board so we that we understand that a little bit better, I know you typically take care of it.

Rich Williams stated sure, General Municipal Law 239-M, if you're doing site plans or zoning or special use permit or N if you're doing a subdivision, right...

Mr. Liguori stated right.

Rich Williams stated require that applications, applications within 500' of certain features, county roads, state roads, state parks...

Mr. Liguori stated other municipalities.

Mr. Nichols stated what should it be.

The Secretary stated you didn't sign it.

Rich Williams stated yeah, other municipalities have to, well that's NN, so...

Mr. Liguori stated sorry.

Rich Williams stated have to, have to be referred over to County Planning...

Chairman Rogan stated okay.

Rich Williams stated for their opinion prior to making a decision and if County Planning comes back with a positive, you're fine to go, if they come back with a negative recommendation, then you need to take whatever action you're going to take by a super majority vote of the Board.

Mr. Liguori stated right.

Chairman Rogan stated got it.

Board Member McNulty stated do they have a time limit to respond.

Rich Williams stated 30 days.

Mr. Liguori stated 30 days.

Chairman Rogan stated okay.

Rich Williams stated and we just, internally in the office we just do it, generally we do it when we're doing lead agency, we just automatically do it.

Chairman Rogan stated yeah, okay.

Board Member McNulty stated okay.

Chairman Rogan stated thank you Harry.

Mr. Nichols stated okay.

Chairman Rogan stated thank you Jay and I'm sorry, I forgot your name.

Mr. Ortega stated Tomas.

Mr. Maxwell stated Tomas.

Chairman Rogan stated Tomas, thank you sir.

Board Member McNulty stated good name.

Chairman Rogan stated I'll take that one Harry.

The Secretary stated Shawn, thank you.

Chairman Rogan stated I spent all that time with my highlighters.

The Secretary stated my highlighters.

Chairman Rogan stated with Michelle's highlighters.

Board Member Brady stated you could always have Erin do that for you, if you want.

Chairman Rogan stated she would have done a better job.

7) STONE FIELD CORNERS ESTATES – Preliminary Plan

Mr. Joseph Riina of Site Design Consultants, Mr. Matt Moran of Unicorn Construction and Mr. Tony Russo from Environmental Client Services

Mr. Liguori stated get a lot more done.

Chairman Rogan stated okay, Stone Field Corners Estates.

Board Member Taylor stated I should like to make a note for the record that some of us are still calling it by one name whereas it seems to be under a new name.

Rich Williams stated yeah, I know, I'm going to start changing over.

Chairman Rogan stated yeah, I wondered what we were calling it.

Board Member Taylor stated it makes it very confusing.

Rich Williams stated my apologies.

Board Member McNulty stated the old Gottwald, the old what was Gottwald, right.

Chairman Rogan stated yeah.

Board Member Taylor stated yeah, the comments are in Gottwald.

Board Member Montesano stated he snuck it in down here.

Board Member Taylor stated yeah, yeah.

Chairman Rogan stated is this the first time we've seen this plan since...

The Secretary stated December.

Chairman Rogan stated okay.

Board Member McNulty stated but they made nice improvements.

Chairman Rogan stated yeah. Good evening.

Mr. Riina stated good evening, Joe Riina from Site Design Consultants, with is Matt Moran representing Unicorn Contracting and Tony Russo from Environmental Client Services. As you may recall, this is our third time before you, the first with plans, we had presented, showed various layouts, the first plan had 7 new lots in addition to the Gottwald lot with some of the lots access from a common driveway, the second was a similar iteration with a little bit different configuration, still having common driveway access for three of the lots and the seventh lot we made that lot an open space lot to be dedicated to the Town at some point, which is this site here. When we were last before you, there was, you had expressed that you would prefer to see a Town road proposal which is the current proposal we've submitted, other than, other than the lot which fronts on Fair Street, all the other lots now come off of the proposed Town road, three of the lots on the proposed Town road don't meet the required frontage, so we would either have to go for the 280A or the zoning variance. I don't know if we have a choice in that matter but either one of those propositions, in addition to that we've prescribed a conservation easement basically following the 100' wetlands setback, we've noted that that is going to monumented that each turning point of that easement line with a concrete, permanent concrete monument, in essence you can see where it is, I know it's a little hard to see but it basically follows that 100' setback line and we would proposed also that a covenant be put on each deed for each lot and also be on the subdivision, the filed subdivision plat. Descriptions of that, of those, of the conservation easement and the restrictions that would be associated with that conservation easement. So this is the plan as it is today, we're at the point where we'd like to move ahead, we're hoping you're satisfied with this layout and that we could move towards the details for a preliminary plat and getting the SEQRA process moving.

Chairman Rogan stated sure, I want to first off start by saying these plans, we've appreciated the changes that were made, it showed that you were listening to the concerns the Board had and the Town has with the common drive and with minor comment I think everyone was very happy with the way that it laid out you know, we've said quite often that the lines shown on the plan for the buffer are deceiving from the standpoint that they don't look like what your typical buffer looks like, you know the property it looks more usable when you're out on site and I think Ted we spoke about this at the site walk, the concern that the Board has is primarily with for instance say on lot 4, the buffer line comes so close to the house that we want to make sure that they prospective owner knows about this of course because they're going to look at it and say hey I've got all this property. So I appreciate what you said about having the conservation easement and the, that line denoted within the subdivision plat and you said the, I think deed.

Mr. Riina stated yes, it would be also, it would also be record, part of the deed for each, each lot.

Chairman Rogan stated because that has been something we've talked about for the last how many years, 15, as long as I've been on the Board about how do we, how does when a homeowner buys a home, how

can we take some reasonable precautions or assurances that they would be notified about some restrictions on their lot and the reality is that nothing has worked perfectly to this point but every measure helps, I think any time we can you know, promote that because otherwise we'll be back in here with a homeowner that said I didn't realize it was a wetland buffer and I cleared you know the acre because I want to have more grass or whatever that case may be. Will that buffer line be able to be maintained with the construction of that lot, I guess with the grading for the house because you know, that doesn't allow I think it's only, if we scale it out 30 or 35' from the corner of the house to the buffer line.

Mr. Riina stated yup, yeah, I mean we did some preliminary grading, which you have that and we clearly stay, stay away from crossing over that buffer line.

Chairman Rogan stated okay.

Mr. Riina stated that, we'll bear that out as the drawings progress but our intention is not to go into the buffer.

Chairman Rogan stated sure, understood.

Mr. Riina stated so whatever, as we move forward that will be reflected on that plans.

Chairman Rogan stated gentlemen.

Board Member Taylor stated well my concern is, I think this is the second where I'm going to have a third discussion on demarcating these lines, I don't think flush monuments answer what we're looking for. I'd like to see something like the telephone company or the gas company puts up where there's a pole with some kind of color, where it's obvious that this is a line or has Ted proposed in a couple of places, a fence, so that, flush monuments, grass grows up over, turf builds up and it disappears and we don't get what Shawn was saying which is a very clear demarcation, you do not step across this line, you don't do anything across that line. So that's, I don't know how the other people on the Board feel about that but...

Chairman Rogan stated I mean we've used in the past some of the triangular wetland flags but they don't work when you don't have trees right where you need them obviously.

Ted Kozlowski stated the concern and it's, you know, you've been very conscientious protecting the wetland and all that and we're referring to, I think that's lot 4, its 7 acres but in reality that homeowner doesn't have much then a pool, a yard, you know and 35' off a house is not a very big distance, so and hopefully a homeowner who buys that property would appreciate that woods and the wetland and not go in there but more times than not, that stuff will happen. So we need to make sure that whoever's buying that house clearly understand that 7 acres, no one is going to develop it, it's nice, they're going to have their privacy but you know, there's room for a pool but I have a pool and you need a lot of clear space for that sun field, 35' off the house isn't going to do it, so you got to, a stonewall, fence, something that is going to say this is, this is what you get, the rest is woods and natural area for you to enjoy.

Mr. Riina stated I and I hear what you're saying and to seize on what you said about enjoying the woods and whatnot, we have to remember that even though that's, that's an area that's not going to be disturbed the homeowner shouldn't be segregated from it and he should be able to use it, to be able to use it, to enjoy and not feel like their penned in or maybe have some hard barrier that keeps them from enjoying their property, they are allowed to walk in there...

Chairman Rogan stated sure.

Mr. Riina stated they can go down to the stream...

Chairman Rogan stated a little garden bench.

Mr. Riina stated whatever it may be but as long as they meet the criteria of the conservation easement which is not clear it or disturb the land in any way...

Chairman Rogan stated right.

Mr. Riina stated other than possibly maintaining by removing dead trees or whatever need be, so I...

Chairman Rogan stated right.

Board Member McNulty stated that's the problem we have though...

Mr. Riina stated I understand.

Board Member McNulty stated after it gets developed then people, you know, two years goes by and say well I'm going to clear some trees and put a bocce court in.

Mr. Riina stated no and I understand that and that and to me that's no different than any other enforceable code that the village of the Town may have, you know, how do you make sure that they don't do it, how do you make sure that they don't convert their attic to another bedroom, how do you make sure that, you know you just, at a certain point you have to leave it up to that person is going to have some integrity and abide by the laws and know what the law is. The fact that it's going to be in the deed, I think should be, any good attorney that's doing a closing on a property for a homeowner is going to let them know, this is, you know, you have this restriction here and they're going to get a survey and it's going to show it on there. We were talking a little bit about how can we make it more definable, instead of making the monuments flush, if we can have them extend above the ground and put some kind of marker on the, the monument.

Ted Kozlowski stated well the thing is, I'm going to put markers up on trees that have our yellow and green signs, we have the legal right to do that and we'll do it but the homeowner over time they take it off, it's ugly, they don't want to see, this kind of thing and you know I agree with what you say in principal but again 35' off the edge of the house, 7 acres, we've seen it more times than not, the ATV comes in, I want to put horses, all sorts of stuff and it happens, so we want to make it a little bit more obvious to the property owner that this is not forest that is going to be cleared sometime in the future.

Mr. Riina stated understood.

Chairman Rogan stated I like the idea of bringing those monuments up...

Board Member McNulty stated yeah, I'm okay with that.

Chairman Rogan stated even if it's 8" to a foot, it's something that can't be covered over with the leaf debris.

Rich Williams stated yeah, Ted and I were just having that conversation.

Chairman Rogan stated yeah, I like that, you're doing it at every, you're spec'ing them out on every turn basically, so right off that corner, you're talking about having 1, 2, 3 of them anyway right within sight distance off the back of that house, bring them up about that high.

Mr. Riina stated and I would have no problem, I'm specifically on lot 4 because that's where it comes close...

Chairman Rogan stated yeah.

Mr. Riina stated I'd have no problem adding another one, you know in between on this...

Rich Williams stated this high a good sledge hammer will break them right off.

Chairman Rogan stated a little less then yeah but I think that's a great idea, between that and Ted's markings on trees that work out on that line, that seems very reasonable and we're not saying we want you to go out there and build stonewalls all over the place but I think that's a reasonable approach.

Mr. Riina stated stonewalls can be move, stonewalls can be move so can fences, so...

Chairman Rogan stated hey, if somebody goes to the effort of moving a stonewall 3' every other year, they deserve it, I've build them once and that's it, they're staying.

Mr. Riina stated but no and honestly this is something that we've done before, we've monumented before...

Chairman Rogan stated yeah.

Mr. Riina stated and you know I can't say that it's worked because I've never gone back to check...

Chairman Rogan stated yeah.

Mr. Riina stated but it's a common practice that we've used previously...

Chairman Rogan stated yeah, yeah.

Mr. Riina stated and we would have, so what we were talking about was doing a concrete monument, having it maybe extend up about 12" and then get some kind of placard or something made to put on there, that's not obnoxious but explains...

Chairman Rogan stated right.

Mr. Riina stated or you know notifies the reader that this the point where you're not supposed to clear anything beyond this point.

Chairman Rogan stated perfect, I think you're on the right track that sounds excellent. We, Rich, at this time we were thinking about I see your comments, we can start the process on this with lead agent and...

Rich Williams stated I also went back and couldn't find anywhere that you actually declared this a major subdivision.

Chairman Rogan stated I was just going to say that was the other part of it, so, what's the official name now Ron, on this...

Board Member McNulty stated Stone...

Board Member Taylor stated I don't know, I keep...

Board Member McNulty stated Stone Field Corners.

Rich Williams stated the agenda, Stone Field Corners.

Chairman Rogan stated kind of half joking because...

Board Member Taylor stated that's a mouthful.

Chairman Rogan stated so in the matter of Stone Fields Corner Estates Subdivision, make a motion that the Planning Board grant this subdivision a major subdivision and circulate intent for lead agent.

Board Member Montesano seconded the motion.

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

Chairman Rogan stated okay, Rich, Ron, Ted, Mike, why not, you're awfully quiet, anything you guys want to bring out or discuss tonight on this and get the ball rolling.

Mr. Riina stated I wanted to ask a question about...

Chairman Rogan stated yes sir.

Mr. Riina stated the 280A versus the Zoning variance.

Rich Williams stated sure.

Mr. Riina stated do...

Rich Williams stated 280A is well, open development areas when you're trying to access a lot where you don't have any frontage whatsoever...

Mr. Riina stated right.

Rich Williams stated on the suitably improved road, Mike, you know we've got to throw Mike into these once in a while because he's the attorney, where you have a suitably improved road that you're gaining frontage off of and you just don't meet the frontage requirements, that is typically an area variance that goes to the ZBA.

Mr. Riina stated you can't use the 280A mechanism in that case.

Mr. Liguori stated no.

Rich Williams stated you typically don't.

Mr. Liguori stated right.

Mr. Riina stated okay.

Rich Williams stated so, its procedure, its process.

Mr. Riina stated so at what point in the process do we jump over to the ZBA and do we need a letter of endorsement from the Planning Board.

Mr. Liguori stated once you submit your plat to the Planning Board, the Zoning Board has jurisdiction, it's automatic, it just depends on when you want to go, our preference would be to go after the Planning Board says okay, we've vetted out your driveways and made sure that it was going to work then...

Rich Williams stated yeah, you can go any time...

Mr. Liguori stated you can go any time.

Rich Williams stated just kind of clarify, it's not that they had jurisdiction, state law allows you to make the application, once there's an application to the Planning Board.

Board Member McNulty stated do we make a recommendation to the Zoning Board.

Rich Williams stated you don't need to but you can.

Mr. Liguori stated you don't need to but the submittal, it typically...

Mr. Riina stated we would appreciate it if you would.

Chairman Rogan stated well just based on the idea why we went with this style plan was to get away from the common drive, that's you know, that would be reason enough to do positive recommendation to the Zoning Board that we.

Mr. Riina stated okay.

Chairman Rogan stated this is a better plan for this property for a number of reasons and we would hope that they would see it the same way.

Mr. Riina stated okay.

Rich Williams stated if you want I can craft a recommendation over to the ZBA because they're not going to get through that process before your work session.

Mr. Riina stated okay, great.

Rich Williams stated the schedule.

Mr. Riina stated alright, thank you very much.

Chairman Rogan stated anything from anyone else at this time. Well thank you gentlemen, appreciate your patience this evening.

Mr. Riina stated thank you very much.

Mr. Moran stated thank you.

Chairman Rogan stated alright, moving right along.

Rich Williams stated you said a lot.

Mr. Russo stated I always do.

Board Member Taylor stated Rich, will the Town accept that lot as open space.

Rich Williams stated yes.

Board Member Taylor stated they will.

Chairman Rogan stated that's where, I think that's the lot where that car was, remember the car out on that lot.

Board Member McNulty stated the one you were shooting at.

Chairman Rogan stated yeah, that one.

Board Member McNulty stated just kidding.

Chairman Rogan stated I know. What kind of car was that that we said.

Board Member McNulty stated I don't remember, junk.

Chairman Rogan stated see the picture of that.

8) S.A. HEBERT PROPERTIES, LLC – Site Plan Application

Mr. Joseph Zarecki of Zarecki Associates was present.

Chairman Rogan stated sir, Mr. Zarecki, that's Mr. Zarecki right.

The Secretary stated yes.

Chairman Rogan stated yeah, S.A. Hebert Properties, LLC.

Mr. Liguori stated Joe, good to see you.

Mr. Zarecki stated good to see you. At least it's something different this time.

Board Member Montesano stated we've been going around in circles, we need a wheel.

Chairman Rogan stated hey Michelle, can you show this to Mike. That was out on that subdivision laying in the middle of the woods.

Mr. Liguori stated wow Porsche, old Porsche.

Board Member McNulty stated you have a picture of it.

Chairman Rogan stated yeah, I don't know.

Mr. Liguori stated maybe a Volkswagen.

Chairman Rogan stated remember that.

Board Member Taylor stated yeah.

Chairman Rogan stated yeah that was sitting out in the middle of the woods.

Board Member McNulty stated an old MG.

Chairman Rogan stated I don't know.

Mr. Liguori stated where is it now.

Rich Williams stated still there.

Chairman Rogan stated it was just taken a couple month ago when we did our site walk.

Board Member Montesano stated he's got it at his house.

Mr. Liguori stated it wasn't requisitioned by the highway department.

Chairman Rogan stated no.

Board Member Montesano stated he just took it to his house.

Mr. Liguori stated off the record.

Board Member McNulty stated it's in the wetland buffer, can't disturb it.

Chairman Rogan stated yeah right, good, very good Tom. Good evening, how are you sir.

Mr. Zarecki stated good evening, how are you.

Chairman Rogan stated very well, how are you.

Rich Williams stated it shouldn't be Duchon.

Mr. Zarecki stated good, I'm here this evening for the amended site plan for the Herbert property, I don't know if Rich wants to lead into the, how this came about.

Rich Williams stated no, you're doing fine.

Chairman Rogan stated we're looking forward to seeing it.

Mr. Zarecki stated anyway I was called upon by Mr. Herbert, Hebert, there was a violation that there was some excavation done on the property and erosion control measures that needed to be done, so I came in and prepared a new site plan of existing conditions, try to back track from an old site plan to see what was there originally and we developed some erosion control plans and amended site plan for that, basically he put this gravel driveway around the building that never existed and cut the slopes a little steep here, there's a little gravel driveway and he wants to put additional parking on this side and this additional parking on this side, this is all paved driveway right now existing and he has equipment on the site as you probably saw, a lot of stuff up there that he says he's in the process of selling it all except for a few of the trucks, the equipment and scaffolding and stuff that he used to use in Manhattan for his installations are no longer able to be used because they're not legal anymore, so he says it's a lot easier for them to come in with proper scaffolding companies, so he has a lot of equipment that he used to use in the city and when work slowed down there he brought it all up here but he assured me today that everything is going, all the jack lifts and all that stuff so he's hoping...

Chairman Rogan stated what's the timeframe on that.

Mr. Zarecki stated he didn't tell me a timeframe.

Board Member McNulty stated we're going to need a timeframe on that.

Board Member Montesano stated sooner or later.

Board Member Taylor stated seems like we've heard that one before, on 22...

Board Member Montesano stated rust is a wonderful thing, eventually it makes things dissolve.

Board Member McNulty stated that's a nice complex up there and it looks hideous right now with all stuff, he's going to need to get a timeline together to clean it up, it's not fair to the other people up there, so convey that message, please.

Mr. Zarecki stated that's what we're here for...

Chairman Rogan stated yeah.

Mr. Zarecki stated to and that's what, I saw him today and he assured me that he's going to work with the Planning Board and the Planning Department and the engineer to do the right thing to get it cleaned up.

Chairman Rogan stated wonderful.

Mr. Zarecki stated so we're on the right track I believe.

Chairman Rogan stated absolutely.

Board Member McNulty stated okay.

Mr. Zarecki stated I'm sure all of you have seen it...

Chairman Rogan stated haven't seen it, we'd like to schedule to get out there and do a site walk.

Mr. Zarecki stated sure, right, I apologize, I didn't get a chance to go through all the comments from...

Board Member McNulty stated we did either, so.

Chairman Rogan stated we haven't either, so don't worry.

Mr. Zarecki stated so I'm not prepared to answer a lot of the questions.

Chairman Rogan stated that's alright.

Rich Williams stated I can touch on a couple of them if you'd certainly like...

Chairman Rogan stated sure.

Rich Williams stated I mean essentially I think for me there's three big questions, first has to do with the amount of the parking, you know when you look at, when you take a look at the use of the building, he really only needs the 39 parking spaces that were originally provided but he's proposing to increase the number of parking spaces to 61, I imagine it's because he wants to segment the building or separate the two side of the building and have people accessing the read of the building so he can rent off separate spaces, I don't know that for sure but still he, you know that's a lot of parking for that site that really under our current code doesn't demand that much parking and you know as the Board's aware of stormwater, here we go, it's a big issue, the more impervious surface, the more stormwater you're going to generate, one of the ways we look, especially under the green infrastructure technology that we're looking to implement now, is to reduce impervious coverage, reduce blacktopped areas. So first question is why so much parking.

Mr. Zarecki stated right and your thought was correct that he wants to put an entrance on this side of the building and there was the office that if he sublets out would be on this side of the building and that would be a heck of a long way to go just to walk on that side, so that was the purpose of that, it was I guess a tile place on the lower retail, so he wanted to have space here and he wanted to be able to drive around the building to save time to go through, instead of all the parking, he walks across...

Rich Williams stated so maybe we can consider reducing impervious coverage elsewhere.

Mr. Zarecki stated that's a possibility, that's...

Rich Williams stated the second issue, he's proposing a gravel drive, typically all driveways and parking areas have to be paved.

Mr. Zarecki stated now from what you said earlier that gravel driveways are now considered impervious surfaces, so really if it is, if it's one in the same, he would rather pave it.

Chairman Rogan stated yeah, so you were saying he was going to propose it to cut down on stormwater.

Mr. Zarecki stated well that's, I guess that, if that, that was the intent he said years ago, gravel driveways was an impervious, was a pervious surface so it wasn't counted as stormwater but if it's considered equal to

blacktop or asphalt pavement, he would much rather have asphalt pavement, it's just in my experience with DEP, putting blacktop pavement down is a lot more difficult for getting approvals than it was gravel...

Rich Williams stated well...

Mr. Zarecki stated at the time and things may have changed.

Rich Williams stated sure, to be clear, the new stormwater design manual, actually it's in the general construction permit definition for impervious coverage now includes gravel and other similar surface areas that don't have vegetation but you know certainly if you've got gravel out there your curve numbers are going to be lower when you're running your hydrologic calculations, see how much runoff you're generating, we recognize that but you know from the Town's perspective and from you know usability of the area, I would think that the Town, the Planning Board, and the applicant would want something blacktopped out there, it's certainly more stable and more conducive to renting out that space.

Board Member McNulty stated that's in line with our code, correct.

Rich Williams stated absolutely.

Mr. Zarecki stated that's what I'm saying is, he just thought if he kept it gravel, it would be more likely to be approved but if he wants blacktop, he'd be more than glad to have it blacktopped.

Chairman Rogan stated good.

Board Member Taylor stated by dividing this building, does this change use, if he's proposing dividing the building, does it change the approved use for the building.

Rich Williams stated it depends on who he's leasing it to, if somebody wants to come in there and do light manufacturing or use it as a warehouse or use it for office space, that's currently how it's being used. If they want to take over a portion that's now being used for warehouse as office space, that certainly has some implications, it is a change of use and has some implications that we would need to take a hard look at.

Board Member Taylor stated so we need a clarification on what he's proposing to do inside.

Mr. Zarecki stated what I would probably do in that case is see if I can get footprints, interior footprints, not an as build of where every wall is but a basic layout inside of the building, this side of the building is the manufacturing, the offices here, the second floor here, there's going to be offices up there, so that you have a visual...

Rich Williams stated sure.

Mr. Zarecki stated he doesn't know who his tenants are going to be because it's not renovated in there yet but at least you'd have any idea square footage wise, if things change, at least you have something to work with.

Rich Williams stated and Ron, just so you know, I work with the Assessor's office who did an interior inspection in 2012 to come up with my numbers for the volumes of office versus warehouse versus light manufacturing, so that was done from an actual field evaluation.

Board Member Taylor stated alright, had he broken it up at that point.

Rich Williams stated he had not, no.

Board Member Taylor stated okay.

Rich Williams stated he had just purchased it I believe...

Mr. Zarecki stated right now there's, I think there's only three or four people in the whole building.

Rich Williams stated yeah and he still hasn't broken it up but what we're doing now is future planning and honestly it's going to be difficult, you know we're going come up with some numbers, if he changes those numbers then we may have to revisit. Last issue for me and I'll let Ron jump in here if he wants to jump in here, is the issue with the Health Department and the impacts to the septic and I think we need to get...

Chairman Rogan stated expansion area.

Rich Williams stated well I think we need to get an opinion from the Health Department you know, whether you know this is an impact and how it needs to be addressed. I did go back and take another look at the original plan and there was no 100% expansion area on the original plan.

Board Member McNulty stated there was none.

Rich Williams stated there was none, what we were looking at 100% expansion and again forgive me, I should never do these things without glasses, was a 100% expansion that was proposed for the building.

Board Member McNulty stated oh.

Rich Williams stated that square was the building that was going to be expanded, it wasn't the...

Board Member McNulty stated it didn't make sense because the septic was downhill and it wasn't jiving.

Rich Williams stated right, so the original plan had no 100% expansion but we don't have what the Health Department approved back then so, you know I don't know and certainly there's the impact of, the issue with the fill around the septic tank and the riser that needs to go on that.

Chairman Rogan stated I'm confused, I thought we overlaid that plan that area that is now shown as recently regarded, show an expansion, a future expansion area for septic.

Rich Williams stated 100% expansion area.

Board Member McNulty stated no, 100% expansion area but it didn't say anything else.

Rich Williams stated it was for...

Chairman Rogan stated what does that mean 100% expansion.

Rich Williams stated it was for the building, it wasn't for the septic.

Board Member McNulty stated he's saying for the building expansion.

Rich Williams stated I can pull the plan and show you.

Chairman Rogan stated just the box or were there...

Rich Williams stated it was just a square that they had considered at one point to expand the building...

Chairman Rogan stated oh.

Rich Williams stated and actually they came in 2000, the owner in 2000 came in to get a variance to do it.

Chairman Rogan stated oh okay.

Board Member McNulty stated Mr. Zarecki you commented that you used the existing plan, was it the approved site plan that you were working off of.

Mr. Zarecki stated I had, I had a septic plan then we got the location off these lateral plans.

Board Member McNulty stated oh a septic plan.

Mr. Zarecki stated the plan that was here, I don't remember off the top of my head if it showed an expansion area as Ron said but even back then when this was probably approved, I think they only have 50% expansions way back when this was approved...

Chairman Rogan stated probably, yeah.

Mr. Zarecki stated not 100%, so it was only 50% and whether the Health Department would want to make to 100% I don't know like Ron said...

Mr. Gainer stated I think, I think the issue really relates to just making sure that we haven't disturbed sanitary disposal areas. So with all the fill that's been pushed to the east side of the building in the area of the existing sanitary system, I think it would be desirable for the Board to see the limits of that established today, so we know if it's been encumbered in any way. I think we should also understand from the original DOH approval, where the reserve area is and again likewise try to hold sanitary site...

Chairman Rogan stated yeah.

Mr. Gainer stated the disturbance that has to move forward...

Board Member Taylor stated do you have these.

Mr. Zarecki stated yes I do, so we'll double check everything, like I said we just got comments.

Board Member Taylor stated but you can you drop them onto one of these plans so we...

Mr. Zarecki stated I did, that's what these laterals are.

Board Member McNulty stated no.

Rich Williams stated again...

Board Member Taylor stated no, we're talking about the fields and...

Mr. Zarecki stated yeah, the fields.

Chairman Rogan stated what they're talking about is the expansion, the existing fields are shown right here.

Board Member Taylor stated but you don't have the expansion.

Rich Williams stated Joe.

Mr. Zarecki stated no, I don't have, I don't recall if they showed it on the plan if they have an expansion or not.

Rich Williams stated Joe has what we have and we don't have an expansion area.

Board Member Taylor stated we don't have it, okay.

Board Member McNulty stated so he's working off the same plan we looked at.

Rich Williams stated right, he needs to go see the Health Department and talk to them and get us a letter back saying everything's okay or everything's not or...

Mr. Zarecki stated that's not a problem, we can do that.

Mr. Gainer stated recognizing that the site's already been disturbed and he's now seeking your approval for that, there was a suggesting that they, he actually go back to the original site plan and then overlay what looks, what's happened today. So you clearly understand just what changes have been made that you're being asked to act on.

Board Member Taylor stated right, that's what I was going toward, we'd like to see that.

Mr. Zarecki stated I will get that, I'll get what I can and I'll bring it back to you.

Board Member Taylor stated okay.

Mr. Zarecki stated the other question I had was and I still don't have answer quite frankly but we have a lot time to figure it out is Jon Barrett Road I understand is a Town road, there is a pipe, storm drain system that we showed and it picked up while we were out there just to see how the stormwater's being collected from here to here and there's another one over here and then that comes across the property into the detention basin that's down here, that existing detention basin but the pipe from here across his property into the detention basin is for the entire road system and I'm not sure and I haven't figure it out yet, who owns this pipe, the pipe is in the road, assumed the Town owns that, it's a storm sewer but then the storm drain line comes into the detention basin and it's on his property but he would be maintain the detention basin for all the stormwater that comes down Jon Barrett Road and I don't know the responsibility of ownership of that, I don't have the answer but you know...

Rich Williams stated we're still looking into the records to see what we can find.

Mr. Zarecki stated I believe we're just looking at it that the owner should maintain and bring these to original volumes and clean it up but I don't even know if it's his responsibility to be going in somewhere where he shouldn't be going.

Chairman Rogan stated right.

Mr. Zarecki stated is there an easement or what not.

Chairman Rogan stated good question.

Board Member McNulty stated yeah, great question.

Mr. Gainer stated I can tell you many years ago that the prior property owner did clean out that basin once at the direction of the Town.

Mr. Zarecki stated so you may remember, it was a long time ago so, so I don't know deed wise or easement wise what we have there but...

Chairman Rogan stated well I think we'd like to schedule a site walk for the Board to get out and see the present conditions...

Mr. Zarecki stated sure.

Chairman Rogan stated maybe cleaner than what they currently exist but that depends on the owner.

Mr. Zarecki stated that's another question before a site walk since there are some erosion, he hasn't been able to do anything and some of the silt fence in my observation today, a lot of it was all full, some of it worked, some of it didn't.

Chairman Rogan stated right.

Mr. Zarecki stated but there's some silt fence that's actually falling over, is he permitted to do some cleanup in here to put new silt fence up or do anything per the erosion control plan.

Rich Williams stated that's going to be under, that's going to be under the notice of violation and the erosion control permit that I'm working on with you and as I said I want to meet with you beginning of next week and the owner out on the site to walk through the site to look at the deficiencies and so the Board knows I received calls from both the DEC and the DEP today who are aware of the site and who are expecting the Town to resolve the issues, so the beginning of next week...

Chairman Rogan stated and they have full confidence in us, right.

Board Member McNulty stated they actually contacted you though.

Rich Williams stated oh yeah.

Board Member McNulty stated wow, that's a change.

Rich Williams stated oh yeah.

Mr. Zarecki stated so he's willing to start cleaning up some of this in here with the silt fence but we're just waiting on the direction to be able to go ahead and work on it, we're going to meet Monday.

Chairman Rogan stated well and it sounds like any acts to control the site are going to be a good thing, so yeah.

Mr. Zarecki stated right.

Rich Williams stated and the short answer is yes, you're going to have to do some cleanup really quick.

Mr. Zarecki stated right so and he's prepared too, I spoke to him today and he's ready, I told that he sure to have it done, okay.

Chairman Rogan stated alrighty.

Mr. Zarecki stated okay.

Board Member McNulty stated a couple things on the plan, I didn't get to go through all these plans, is the site lighting is going to be added in at some point.

Mr. Zarecki stated at some point, there was a couple, one now that fell over or was over on the site already.

Board Member McNulty stated and any existing equipment he's going to end up keeping, he'll designate where he's going to keep it and...

Mr. Zarecki stated he says he had four trucks and he has the loading bays here, I haven't pinpointed which four trucks they are yet...

Board Member McNulty stated okay.

Mr. Zarecki stated he had a couple that he uses to install the chutes and those are staying but the jack ladders, there's like 12 of them out there and a lot of that is going to be going, hopefully quickly.

Chairman Rogan stated it sounds like he has a lot of stuff.

Mr. Zarecki stated he has a lot of toys.

Chairman Rogan stated we've all be guilty of that once in a while.

Board Member Montesano stated yeah that's sounds like a man, does he have any chickens.

Chairman Rogan stated alright.

Mr. Zarecki stated I don't know if I'll be able to get all of this back to you by the next meeting, probably the one after it though...

Chairman Rogan stated okay.

Mr. Zarecki stated I would like to...

Chairman Rogan stated wonderful.

Board Member McNulty stated we'll try and get a site walk in between.

Chairman Rogan stated Rich will setup the...

Mr. Zarecki stated you'll set it up, the site walk with the Planning Board.

Chairman Rogan stated yeah, yeah. Thank you very much.

Mr. Zarecki stated thank you very much.

Chairman Rogan stated have a good evening.

Mr. Zarecki stated thank you.

Chairman Rogan stated alrighty, motion to adjourn, no I'm just teasing.

Rich Williams stated you might be doing him a favor.

Chairman Rogan stated no, I'm kidding, okay Mr. Boniello.

9) ANTHONY BONIELLO – Site Plan Application

Mr. Anthony Boniello and Mr. Dominick Accurso were present.

Chairman Rogan stated we cleared the room out for you.

Mr. Boniello stated yeah.

Chairman Rogan stated where'd Rich run off to.

Board Member Montesano stated he cleared out too.

Board Member Brady stated yeah, he left.

Board Member Montesano stated you cleared him out too.

Mr. Boniello stated yeah, he'll be back.

Chairman Rogan stated good evening gentlemen.

Mr. Boniello stated how are you.

Mr. Accurso stated good evening.

Chairman Rogan stated good, how are you today.

Board Member McNulty stated how are you doing guy.

Mr. Boniello stated good.

Chairman Rogan stated a day for everything to calm down I'm sure, things look a lot brighter today, right.

Mr. Boniello stated oh yeah, yeah, brighter outside too.

Board Member McNulty stated a little dryer anyway.

Board Member Montesano stated it looks like it's going to rain.

Chairman Rogan stated let's just wait for Rich to come back in.

Board Member Brady stated my shoes are still muddy though.

Mr. Boniello stated mine too but it's dry now.

Chairman Rogan stated yeah, mud won't kill you. Do you know, Michelle do you know where Rich ran off to.

The Secretary stated it sounded like he stepped into the office, would you like me to go get him.

Chairman Rogan stated no, we can start without him, I just didn't want to exclude him if he was grabbing something.

The Secretary stated I'm sure he'll be back.

Chairman Rogan stated well why don't we start Ted, why don't you start, start us off that's...

Ted Kozlowski stated here you go, you can pass them out.

The Secretary stated thanks.

Ted Kozlowski stated I had 24 hours to think about what I was going to say and I'm not really going to say a lot because I think I expressed my feelings yesterday. I have been ECI since 1991 and that's 23 years and some people call it passion, some people call it anger, all that time all I've looked for is compliance and respect for the resources that we're supposed to, that my job is to help protect. I've been involved in this property for a good portion of that 22 years, there has been some challenges on this property and there has been, Anthony Boniello and I have both aged over the time. In all that time until tonight I have never issued a violation and there's been a lot of times Anthony that you have been in violation...

Mr. Boniello stated correct.

Ted Kozlowski stated and we have discussed this on the phone, I have been at your property a number of times but I never pulled the trigger and that's my soft spot. I know you owe the Town a lot of money and I know that you're trying your hardest to survive out there and it's never in my intention to put somebody out of business or to try to hurt but in the same respect I have a job to do and yesterday was especially troublesome for me because of all the relationship we've had over the years and the communication, the door has always been open for that communication, you knew we were coming out to the site yesterday and

I'm with my Planning Board, I'm with the Town Engineer and I'm with you and you obviously did something that you shouldn't have done...

Mr. Boniello stated correct, I messed up.

Ted Kozlowski stated and I have to take an action now, I'm forced to take that action and I wasn't happy and I expressed that unhappiness and I'll continue to do so because that's just my character, it doesn't change...

Mr. Boniello stated okay.

Ted Kozlowski stated having said that I've issued you a violation, I don't like taking people to court and I don't collect money because that really doesn't, you know that's doesn't solve the problem, the problem is you have commercial business in a very confined spot, you're surrounded by State and Town regulated wetland and a lot of time you can't coexist without infringing upon one another and you and I have spoken and I have spoken to Boards and this Board and Boards previous to this Board, the need to delineate that wetland and create a barrier so you have your area for commercial use and then we have an area to preserve and protect that wetland and I have failed to do that over the years to get that resolved and I need to do that now.

Mr. Boniello stated okay.

Ted Kozlowski stated so you have until April 24th to resolve the issue with me and everyone or we go to court and you get fined and then you have to pay, you're even in debt more to the Town and that's not what I want to do, okay. I want you to just finally, let's put an end to constant encroachments and disregard for the area that we need to protect, okay, so I've laid it out, I think you all got a copy of that, we can discuss this all you want but I've said my peace and this is where I want to go with this.

Board Member McNulty stated so Ted you're going to meet...

Chairman Rogan stated did you get a copy of this.

Board Member McNulty stated tomorrow...

Ted Kozlowski stated on Saturday I plan on going out there and I'm going to stake it and I want you to do, I want you to resolve this, this doesn't make it okay now for the all stuff you want to do with the Board and your process. That's between you and the Planning Board but we need you to get your equipment, the stuff you've dumped in there, it's got to come out and you've got to pay a little more attention to that Anthony...

Mr. Boniello stated okay, I apologize.

Ted Kozlowski stated okay and that that wetland area really is not a factor in what you're doing here with this Board, so we need to resolve it once and for all.

Mr. Boniello stated I need to, if I can speak, I don't know...

Chairman Rogan stated sure, of course you can.

Mr. Boniello stated the last thing I want to do, Ted has definitely worked with me for 22 years and it is, it is a very tough, tough spot up there, got a lot going on and trying to do the best I can but unfortunately I made

the mistake and I'm apologizing to you and the Board that I had called Ted about a month ago about some stuff, I had missed one of the meetings here and you were a little, you were very unhappy with me about the mess at my place that occurred in the last couple years because yes we've been in the back and he was very upset so I said oh boy, I got to get this place cleaned. So eventually we had all this snow and did some burning and one of my guys had pushed the burnicals and some of the stuff into that area and I'm like oh boy, I felt myself, I can't call Ted, I need this place cleaned up, we always had a good working relationship that way, I made the decision I was, the place is a mess, he already basically told me about a month he was really upset with me with this, get the place cleaned up, I put upon myself to do so and it's my, completely my fault and I'm sorry I put you in that spot.

Ted Kozlowski stated right but Anthony we need to...

Mr. Boniello stated no, I understand.

Ted Kozlowski stated we just seem to, every few years we seem to be in this same position where you're apologizing to me and I'm mad at you so I don't want to be mad at you anymore...

Mr. Boniello stated I know, I'll get it done.

Ted Kozlowski stated and I don't want you to apologize to me anymore, I need you to comply, get this resolved.

Mr. Boniello stated okay.

Mr. Accurso stated we will.

Chairman Rogan stated okay so the wetland concern we have a pretty clear process to move forward, you're going to meet Ted, he's going to delineate the area, it sounds like you're going to do some kind of berm with some planting, sorry...

Board Member Taylor stated a fence, a fence.

Chairman Rogan stated and a fence...

Mr. Accurso stated I have one quick question, if it's alright.

Chairman Rogan stated yes, of course.

Mr. Accurso stated instead of a fence just because there's so many trees there, falls over, breaks all that, can we just put trees that you approve on the berm, like...

Ted Kozlowski stated you know what I don't know if trees are going to survive, okay, there's a lot abuse that goes on there and then the trees are going to grow into your commercial area and then 10, 5, 10 years from now, I hope to still be ECI...

Mr. Liguori stated you do.

Ted Kozlowski stated those trees will be growing into your zone and then you'll be hacking the crap out of them and then we'll be back and forth, we need to have a more permanent barrier so it's done.

Mr. Accurso stated okay.

Chairman Rogan stated well the trees, you're right, the trees will actually reduce your available area over time because of...

Mr. Accurso stated right, I figured we could maintain the trees.

Ted Kozlowski stated and you have, you now have a nice cleared area to put some sort of wall, so that's what we need to do there.

Mr. Accurso stated okay.

Board Member Taylor stated well we went through this with Commerce Drive, the one spot on Commerce Drive where they kept encroaching, kept encroaching, building, extending into the wetlands...

Ted Kozlowski stated right.

Board Member Taylor stated and then finally a fence seemed to be a...

Mr. Accurso stated okay.

Chairman Rogan stated yeah.

Ted Kozlowski stated you know it's a commercial area...

Mr. Accurso stated that's fine, I mean I sell fence so I can put that right up so it's not a big deal.

Ted Kozlowski stated I'm not looking to kill you here, I might have been yesterday but...

Laughter

Chairman Rogan stated today is a different day.

Ted Kozlowski stated we need to get this resolved.

Mr. Boniello stated yeah I know you've been unhappy with the last couple months...

Rich Williams stated I do have the one issue as of yesterday's site walk that we need to talk about and I want to preface this by the applicant before you moved the whole embankment and pushed it over in front of his building right down the road from you, down at Robin Hill Corporate Park...

Chairman Rogan stated oh that guy that was just.

Board Member McNulty stated yeah.

Rich Williams stated yeah and it's eroding and it's a problem. Today I got a call from both the DEC and the DEP because the new statutes require the towns to deal with all these issues and if we don't, if there's muddy water running off the site, the violation can go to us...

Mr. Liguori stated oh really.

Rich Williams stated yeah, that being said when I went out there yesterday I was also concerned, your whole site has been re-graded, it all has positive pitch to the wetlands, it has no erosion controls up. We get a lot of rain coming and it starts running off, muddy water goes into that resource, you potentially could get a violation, the Town potentially could get a violation so...

Mr. Boniello stated so I mean, the gravel, what are we doing...

Rich Williams stated what I'm asking, what I'm asking you is you know, as soon as possible get some sort of barrier up between all the disturbed area and the wetlands and the streams and ponds on the site.

Mr. Boniello stated we can do that Saturday.

Ted Kozlowski stated that pond Tony.

Mr. Boniello stated yeah.

Ted Kozlowski stated because that's where it seems to be pitched.

Rich Williams stated but if it's going to be raining heavy that's, you've got to be concerned, you've got to be concerned for, now you can do that with a gravel berm so it filters through, you can do it with silt fence, you can down to Home Depot or some other place, I'm sure Dominick you know how to put the silt fence in, yeah...

Mr. Boniello stated but what do we...

Rich Williams stated you can do it with hay bales.

Mr. Boniello stated I mean we fight this every spring, I mean.

Rich Williams stated I understand but I don't think every spring it looks like it does now with potential for the mud to run off. I just heard today that we're going to get potentially an inch of rain tomorrow.

Mr. Boniello stated yeah, we'll, I'll put it up tomorrow morning.

Chairman Rogan stated I hope not.

Rich Williams stated you've got to make sure that nothing's running off that site that's muddy.

Mr. Boniello stated okay.

Rich Williams stated okay.

Mr. Accurso stated yeah, our biggest problem is the property right next to use, it just comes right off in that corner, it kills us.

Rich Williams stated I know you're going to get a lot of water, I saw it out there.

Mr. Accurso stated yeah.

Rich Williams stated you're going to get a lot of water coming across, it's going to come across all that bare soil that's all now loose and disturbed and it's just going to carry it right down into the stream...

Mr. Boniello stated we'll take care of it.

Rich Williams stated right across into the DEC wetland.

Mr. Accurso stated right, yeah.

Ted Kozlowski stated we couldn't walk in it yesterday it was so muddy. It's got to go somewhere when we get all that rain.

Mr. Boniello stated okay.

Ted Kozlowski stated any comments, questions...

Chairman Rogan stated it's good to see you the way you are tonight.

Mr. Boniello stated I think we all...

Board Member McNulty stated he's passionate.

Mr. Boniello stated I started sweating, I never sweat it.

Board Member Taylor stated it's about time.

Chairman Rogan stated you know I love that.

Ted Kozlowski stated I walked in the front door and I said Jeanne I did it again.

Chairman Rogan stated no, you're fine.

Board Member Brady stated I wanted to meet you at Walsh's before.

Mr. Liguori stated that's later.

Chairman Rogan stated you know, the crux of our conversation tonight that now that at least has been resolved is and what this Board has really been struggling with is everybody wants you to succeed out here but everybody feels like the site...

The Secretary stated I just want to go on vacation.

Chairman Rogan stated is so damned constrained that it doesn't all fit and we're, that's why we went out to see your site was can we maneuver a vehicle around, is there a way to do this and what I've heard from people is they're concerned that there's multiple uses that may conflict with one another. You know, you have people coming in to drop off a lawnmower, you have people coming in to get mulch and the Board just needs to know that the plan work, it either works or it doesn't work and if it doesn't work, we work with you to, to hopefully get something that does fit, so comments from the site walk people felt like there might be enough room to get around the building based on Rich captured the site walk comments but it obviously depended on what happens with the storage bins because if the storage bins end up having to be

moved out away from the property line, any considerable amount then obviously that shoots a hole in that, you know, in that plan.

Mr. Boniello stated I never heard that, yeah.

Board Member McNulty stated this is a question I think we had for Mike, we were going to, we're back to structures Mike, like last time.

Chairman Rogan stated no commas.

Mr. Liguori stated no, I believe they're structures, they're intended to be permanently located...

Board Member McNulty stated the way I read our Code they're defined as a, the definition in the Code, they're defined as a structure.

Board Member Taylor stated it seems like every, he's agreeing with you.

Chairman Rogan stated yeah.

Board Member McNulty stated yeah I know.

Board Member Taylor stated I think we agree with you, I think we've established they're structures.

Board Member McNulty stated okay.

Chairman Rogan stated so what's the...

Board Member Taylor stated so let's move on.

Chairman Rogan stated what's the side yard setback then on structures in this case.

Rich Williams stated 20'.

Board Member Taylor stated 20'.

Mr. Gainer stated I think 20'.

Chairman Rogan stated so now then, so then in essence the issue is either they need to be 20' off the property line or they have to get a variance for something otherwise.

Rich Williams stated right.

The Secretary stated and they also require that 15' separation distance been each bin.

Chairman Rogan stated between each row of bins.

Rich Williams stated well I don't know...

Board Member McNulty stated no...

Mr. Accurso stated no, it's...

Rich Williams stated you know you could, if you're going to go down this road you can clearly make the argument that a block of bins is a unit...

Board Member McNulty stated continuous.

Board Member Brady stated right.

Board Member Taylor stated right, yeah.

Chairman Rogan stated yeah.

Board Member Brady stated yeah.

Rich Williams stated so but they're going to need to have at least 15' between buildings.

The Secretary stated units.

Board Member Taylor stated do they also need to be engineered since they're more than 4' high.

Chairman Rogan stated they're not holding back anything though, they're only containing...

Mr. Gainer stated yeah, I wouldn't be concerned.

Chairman Rogan stated they're not structure, they're not retaining, they're containing.

Rich Williams stated and I can check with Nick about the Building Code but Nick's been to the site, he hasn't said anything.

Chairman Rogan stated well no but if they were holding back a hill, that's a whole different story.

Board Member Taylor stated yeah, I know but they're holding stuff inside here, so, yeah, okay.

Chairman Rogan stated that's an engineering, right...

Mr. Liguori stated they're open on one side, right, just a...

Mr. Gainer stated right, they're not holding an embankment, they're just storing product.

Board Member Taylor stated okay.

Chairman Rogan stated yeah.

Board Member Brady stated so...

Mr. Accurso stated so even though that I could move the bin any way I wanted to, if I had to make one smaller or bigger, it's still considered a structure, it's not anchored to the ground, they're not even anchored together.

Board Member McNulty stated the way it's defined in the Code, it's anchored or not anchored...

Board Member Montesano stated it's a structure.

Board Member McNulty stated semi-permanent or permanent, so they're a structure, so which brings you into zoning and brings you into the rest of the site plan to make those bins work with what you're trying to do, you got a lot packed in here.

Board Member Brady stated you won't get a truck, you get a trailer in there anymore.

Board Member McNulty stated we also noticed a storm drain out there that's not noted on the plan...

Chairman Rogan stated if you look at it.

Board Member McNulty stated the storage for the lawnmower equipment is not noted on the plan, it's hard for us to make any determination on this plan it's not complete.

Board Member Taylor stated I think what you need to do is look at the uses...

Mr. Boniello stated I think the biggest issue for me is...

Board Member Taylor stated you're proposing it seems like 3 different uses there, you've got the Unilock display and office...

Board Member McNulty stated retail.

Board Member Taylor stated you've got the, and the retail, you've got the bulk storage which you intend for the Unilock...

Mr. Accurso stated no.

Board Member Taylor stated it's a separate thing.

Mr. Accurso stated right, yeah, the Unilock, the way it, I'm a dealer...

Board Member Taylor stated yes, I understand that.

Mr. Accurso stated but the stuff, the only Unilock stuff I carry is like if you came in and you needed a bag of sand, dry storage would be in the building, or the glue but if you needed to buy a pallet of pavers, you would tell me what you wanted I would order it and either we would deliver it to you or can pick it up directly at Unilock, since they're so close, there's really no reason for me...

Chairman Rogan stated I don't think they allow, they don't even allow pickup anymore like that.

Board Member Brady stated yeah I just got stuff there, I just got stuff there.

Mr. Accurso stated yeah, no, you can.

Board Member Taylor stated so the stuff that's in the bins, the stuff that's in the bins is a separate, separate use.

Chairman Rogan stated they changed that because last year they didn't...

Board Member Brady stated yeah, (*inaudible*).

Mr. Accurso stated right that would be the bulk storage.

Board Member Taylor stated right, then you've got the small engine repair, you got those three things going on, I think you need to look at those three things...

Mr. Accurso stated right.

Board Member Taylor stated do you have parking for each of those three things, do you have access for each of those three things, do you have storage for each of those three things. We were looking at the storage, you've got stuff stored on your neighbor's property...

Mr. Boniello stated correct, I've got...

Board Member Taylor stated you clearly don't have enough storage on your property for what you intend do, you've got your lawn equipment in a trailer that's not on the plan that you need, you don't have enough storage for what you have. All, you need to look at all these uses and I think you'll see that they don't fit in this space.

Mr. Boniello stated I've done it, I've done it for 20 years.

Mr. Accurso stated half of that stuff is actually his stuff that he's fixing to sell.

Board Member Taylor stated you've done it without approved parking, you've stored your stuff where the parking is supposed to be. This is problem we're having that you try to make it work but you've got to make it work within the regulations and within what's permitted.

Mr. Boniello stated I completely understand but you know I've been running the, 20 years, it's been working, nobody's gotten hurt, I sold material for 20 years out there, the difference is I put bins in that I thought would be cleaner and better, I mean, it has been working for 20 years.

Board Member McNulty stated but you're on your backed up onto your neighbor's property though, what we're trying to do now is get this in conformance...

Mr. Boniello stated yeah, okay.

Board Member McNulty stated so the plan moves forward so when you sell the next guy doesn't have all the issues, it's, it would be developed property.

Mr. Boniello stated that's, correct, that's why I'm here but that's why I said it did work, it had worked.

Board Member Taylor stated well but it wasn't working in compliance with what's required in terms of parking and other things...

Mr. Boniello stated that's why we're here, correct.

Board Member Taylor stated so you can't go on what was working, you've got to look at what you need and whether it will fit or not, you've got propane tanks which seems like you're selling that are next to the garage that aren't even on your property and so you're storing another offsite. Who knows what's in the garage, whether you're storing stuff there that you need, do you see what I'm trying to say...

Board Member McNulty stated one way to do it is to...

Board Member Taylor stated you're not evaluating the storage needs that you have relative to what space you have available here, you can't scatter your equipment out over the parking lot, you can't service stuff out in the yard because those waste materials can't go into the ground in the yard.

Mr. Boniello stated I agree, everything is done inside the garage, so.

Board Member McNulty stated if you go online the Code is all posted and if you got to Chapter 154, go through it, read it and it will tell you what we're looking for rather than us go back and forth, go back and forth and see what it takes to put the plan together and bring it into compliance with coverages, percentages, setbacks, everything you need and then there's, you can always call if you have questions.

Chairman Rogan stated well actually Dominick you hit the nail on the head when you said you went back and forth five times trying to get things properly put on the plans that you had wanted.

Mr. Accurso stated right, yeah because when I took a look...

Chairman Rogan stated and Anthony had a fully compliant set of plans we had approved how many years ago which were done by the same gentleman, right.

Mr. Boniello stated yeah, he's got all my stuff.

Chairman Rogan stated so he knows what needs to be on there. There isn't a single person on this Board that doesn't want you to have these uses if you can show that they work, if they work and they meet the requirements...

Mr. Boniello stated I understand.

Chairman Rogan stated then you know and we can show that it's safe, go ahead.

Mr. Boniello stated okay, is there, is there any way we could like the Unilock and the stuff around the stuff around the side of the building so we can sell like, he's not, he's not stocking the Unilock block but...

Board Member McNulty stated you can't chop up and approval, it's either approved or it's not approved.

Mr. Boniello stated can't, okay...

Chairman Rogan stated the only thing you could do is you could remove the storage bins from the approval, I mean that you could do, you could say...

Board Member McNulty stated yeah, if the plan was close we could condition it...

Mr. Liguori stated yeah.

Board Member McNulty stated so there's conditions on the approval but we've got to get close.

Chairman Rogan stated it sounds like the storage bins are what's creating a bit of the...

Board Member Taylor stated yes, yeah.

Chairman Rogan stated a bit of the concern, you know the maneuvering the equipment, I'm glad you were saying you're using a little skid steer and not a loader...

Mr. Accurso stated yeah.

Chairman Rogan stated because that I had me thinking how are we going to get this, you know I'm not worried about your professionals, I'm worried about the public...

Mr. Boniello stated I mean that's, yeah, yeah.

Chairman Rogan stated the public, they're idiots quite honestly, people pull in and they don't look and you know how people are, they're the ones that cause the problems.

Mr. Accurso stated right, yeah, right.

Mr. Boniello stated I mean like that's a big, that's going to be a big part of this company...

Chairman Rogan stated yeah.

Mr. Boniello stated if I can't have those bins there...

Chairman Rogan stated yeah.

Mr. Boniello stated the walls, I mean what are we going to do with the material that we have been doing.

Chairman Rogan stated completely understand, yup.

Board Member Brady stated the bins, you have to get setbacks against the garage here, that's going to cut off your whole access into that, the rest of the bins there.

Board Member Montesano stated you now have to go the ZBA and see if you can get on their schedule.

Chairman Rogan stated hey Rich and Mike that's what I was just wondering, does it make sense for Anthony to try to go to ZBA and get a variance on these bins for the setback to know what even.

Rich Williams stated I wouldn't even begin to fathom what the ZBA might say...

Chairman Rogan stated no, no but my point is, I wouldn't begin to guess for them either but does it make sense for the Board to proceed with looking at storage bins that may not be allowed to be kept where they're being shown.

Board Member Taylor stated they can't be kept where they're shown.

Mr. Gainer stated they can't be shown, right unless.

Chairman Rogan stated well so that's my point, so.

Board Member Taylor stated either he has to go the ZBA is what you're saying...

Chairman Rogan stated right, correct.

Board Member Taylor stated and get a variance or...

Chairman Rogan stated or show them...

Board Member Taylor stated or they're gone.

Rich Williams stated he's got to redraw a plan, he's got to show that he has adequate separation, you know between the buildings and everything else, you know does he want to keep them on the property line at a 0%...

Mr. Boniello stated I don't see it working at all.

Chairman Rogan stated well that's your, it sounds like for these bins the only option would be for you to get a variance and this Board can't approve them on the property, I guess that's the reality of it, we're not allowed to approve something that's outside of the Code in that regard...

Mr. Gainer stated right.

Chairman Rogan stated only the Zoning Board can give you relief from that and say yeah, they're not a big deal, we can move them over, you'd be requesting potentially a 100% variance, right, from whatever the setback is...

Rich Williams stated well if you're going to put them right on the property line.

Chairman Rogan stated right.

Rich Williams stated yeah.

Chairman Rogan stated well I mean based on what we saw, you'd need all that room, if you...

Board Member Brady stated yeah, absolutely.

Chairman Rogan stated if you give up, you know even 5', you know.

Mr. Gainer stated it doesn't really work and the only other place they could move it is to the rear and we've already got the issue with the wetlands.

Chairman Rogan stated yeah, exactly.

Mr. Gainer stated on this.

Chairman Rogan stated is there anything proposed on the neighboring, we had walked that a while ago, didn't we.

Board Member McNulty stated the window factory.

Rich Williams stated Genovese site.

Chairman Rogan stated Genovese, right but that's just still sitting.

Rich Williams stated yeah.

Chairman Rogan stated but no impacts to that, near that property line that would hinder them putting them where they're shown, there's nothing that that impacts.

Rich Williams stated no.

Chairman Rogan stated so I mean that's certainly...

Board Member Montesano stated if these bins were, they're moveable...

Chairman Rogan stated yeah.

Board Member Montesano stated if there was...

Mr. Liguori stated they're mafia block, right.

Rich Williams stated huh.

Board Member Montesano stated some way to keep them sealed, so we don't get runoff from the bins, can we use the bins as a barrier to the wetland.

Ted Kozlowski stated I was just thinking that. I wouldn't, I would not, once you define the wetland and we had some barrier that would not be penetrated or, you know, that would be fine.

Chairman Rogan stated and someone else said why don't you, I think you said it the other say why don't you put the parking over there and put the bins where the parking is shown...

Board Member McNulty stated yeah, put the bins, flip-flop.

Chairman Rogan stated and delineate your wetlands instead of building a fence, use your bins.

Board Member Montesano stated use the bins to make a wall...

Board Member Brady stated you're talking about doing by building two.

Mr. Accurso stated well yeah, that, I actually...

Mr. Boniello stated that's what we wanted to do.

Mr. Accurso stated that is what I had said to you originally, remember I said put a wall of the block in the back to, so you can't get into the wetlands at all...

Board Member McNulty stated yeah, put it here and put the parking around here.

Ted Kozlowski stated can I just ask a question...

Board Member Brady stated he'll have a time trying to get a trailer in there.

Ted Kozlowski stated and I just asked these two guys in front of me, Anthony, are you working with a consultant or an engineer because it seems to me we're throwing this stuff out to you, are you doing this yourself or you've got somebody that can interpret this and help you along...

Mr. Boniello stated Joel Greenburg's my engineer, I mean he's got...

Ted Kozlowski stated but we've never seen, I haven't seen him at a meeting in a while and...

Mr. Boniello stated to be honest with you...

Ted Kozlowski stated there's stuff, there's engineering, there's not, I don't know if it's engineering stuff but your, it seems to me you're trying to do this all by yourself and it's complicated, it's complicated for me to follow.

Mr. Boniello stated it's complicated for me that I, I've been doing it for 20 years and I didn't think it was this much of a big deal, having bins on the property, I understand now but I've been doing it for 20 years, so I didn't think it was that big of an issue to put bins, to put material.

Ted Kozlowski stated its but Anthony, as you see it's a matter of the zoning and the compliance and there is some engineering, it's about maneuvering vehicles and how flow is going to be and the amount of parking spaces you know, I couldn't do that on my own, so I'm just wondering if you know, are you getting the right advice.

Mr. Boniello stated I guess the biggest concern if, well if those are considered structures, if I've got to move them, there's no way it's going to happen, I mean, what would be the best thing to do just keep the material the way I was, just sitting on the ground with no, with no barriers there, is that still a structure.

Rich Williams stated you're not permitted right now to have material on the ground, on the site, you know you've been doing that without the blessings of the Town, without the approvals...

Mr. Boniello stated yeah.

Rich Williams stated and you know while I've got the floor, I'll take it one step further, the salt on the site has to stop and it has to go away, you're in violation of DEP regulations, DEP says if you're going to have anything more than 100 pounds of salt, bulk storage, it has to be in a structure...

Chairman Rogan stated enclosed.

Board Member McNulty stated covered, enclosed structure.

Rich Williams stated enclosed structure, yeah, it has to have a roof.

Mr. Boniello stated so all these yards around here can't carry the salt, if they got...

Rich Williams stated all I know is Patterson Highway for sure and all the salt is contained within a building, I don't know about any other yard.

Board Member Montesano stated what are those things.

Mr. Liguori stated I'll tell you that there's a, ONG just two years ago leased a piece of property to, it's a property in Dover...

Mr. Boniello stated oh yeah he made a mess, I know who did that.

Mr. Liguori stated well we shut him down, we got rid of them, they came in they were getting salt from upstated, ONG owns a quarry or piece of property up in Dover and they, it was a sand and gravel mine or a sand and gravel quarry and what they did was they leased it to a guy in Mahopac who was running a salt distribution facility out of there, no surface, no roof, no nothing and we had to go to Supreme Court to shut him down but we did it and it gives you an idea that guy over in Mahopac when the State regulatory agencies you know started taking a look at what was going on, it's not long before they step up and that's an easy one, you know, that's not the...

The Secretary stated contaminated soil.

Board Member Brady stated and you got him right down the street already looking at something.

Mr. Liguori stated yeah, it's, you know you're playing with fire.

Board Member McNulty stated but you heard what Rich said earlier, what's coming down the pipe...

Mr. Liguori stated yeah, exactly.

Board Member McNulty stated that...

Board Member Montesano stated anyway, listen...

Board Member McNulty stated the towns are going to be responsible for the fines now.

Mr. Accurso stated now...

Chairman Rogan stated let me ask a question.

Mr. Accurso stated go ahead.

Chairman Rogan stated you're showing 4, 6, 8, 10, a dozen bins, let's say you can't do the salt, so you take out 2 of those bins, you're down to 10, just for the sake of argument, you are down to 10. Why don't you, you already have to meet with Ted to correct what's been done, if you can layout and show that whatever number of bins you need, let's say 8 or 10 bins work along that line, wherever that is and reconfigure your parking, I don't know that those bins work for getting around the site but...

Rich Williams stated you're still going to have the same problem with the particulates running off of the site no matter where you put it.

Chairman Rogan stated well you still, you have to address that regardless, exactly.

Rich Williams stated I understand that...

Chairman Rogan stated yeah.

Rich Williams stated so you've got to come up with some sort of plan...

Chairman Rogan stated yeah.

Rich Williams stated typically what you're going to do is you're going to capture all that stormwater running into a stilling basin and take out any particulates, they don't have any sort of room unless you're going to declare one of those ponds out there...

Chairman Rogan stated yeah.

Rich Williams stated as doing that, in which case then you've got to give them permission to be able to go in and clean those ponds out periodically, probably once or twice a year...

Chairman Rogan stated well we saw the one pond was being silted in...

Rich Williams stated that's the only way that's going to work.

Chairman Rogan stated the pond we looked at yesterday was already being silted in on the high side...

Rich Williams stated right.

Chairman Rogan stated we said wouldn't it be great to be able to clean that out and make it a functional because you know it's filled with sediment.

Board Member Taylor stated would the Environmental Inspector allow that to happen in that one.

Ted Kozlowski stated hmph.

Board Member McNulty stated comment noted.

Board Member Montesano stated alright, why don't you just go out there tomorrow and...

Ted Kozlowski stated but no, you know, it's not a matter of me going out Saturday with Anthony and delineating the line and all, it's still, there's compliance issues that go beyond the wetlands.

Board Member Montesano stated yes.

Ted Kozlowski stated so that's what, you know, I don't have a problem with the bins go up against the wetland edge because that's better than a fence...

Chairman Rogan stated yeah.

Ted Kozlowski stated okay better than fence but is that going to do it for all the other things he has to do.

Chairman Rogan stated right, I have no idea.

Board Member Taylor stated we don't know.

Board Member McNulty stated Ron, have you submitted comments on this application yet.

Chairman Rogan stated the difference is the parking doesn't have the same offset to your property line.

Rich Williams stated what are you going to do with all the particulate that's running into the wetlands.

Mr. Gainer stated I might have at the beginning, a month ago.

The Secretary stated I think you did.

Mr. Gainer stated I haven't done anything because he had the site walk comments.

Chairman Rogan stated right.

Ted Kozlowski stated we can still address that, I'm not saying, you're talking about location of the bins...

Board Member McNulty stated now you've seen the site, so.

Ted Kozlowski stated you're talking, I'm not talking about anything else.

Chairman Rogan stated can, what's the offset to the property line for parking, did we determine that's right up against the property line.

Rich Williams stated yeah...

Board Member McNulty stated yeah, that's...

Rich Williams stated there is no offset really.

Board Member McNulty stated yeah.

Mr. Accurso stated so if you flip the parking and put it in the back where you guys were saying, you still end up with the same problem and now you have the pond, so now you'd have bulk material right in front of the pond.

Board Member Taylor stated well that's what he saying...

Mr. Boniello stated yeah but when you put the wall up, maybe that is better.

Board Member Taylor stated no but you've got to provide a way of dealing with particulates that runoff from that, that's, he's saying there's another step involved. No matter where you have it on the site, you still, you've still got that issue which you haven't addressed, you need to deal with that in any case.

Board Member McNulty stated the mitigation process that has to be noted on there.

Chairman Rogan stated the thing I was, put this, this way for a second and make for some clarity, so we've got some clarity.

Mr. Gainer stated once you get behind the front of the building, all the runoff's to the left.

Chairman Rogan stated alright let's say that Ted defines whatever that line is...

Ted Kozlowski stated we're going to go with the original line, that's, yeah.

Chairman Rogan stated right, right here, is this the pond right here.

Ted Kozlowski stated that's one, there's two ponds.

Rich Williams stated there's two ponds side by side.

Chairman Rogan stated one and then there's...

Board Member McNulty stated where's the second, they're side by side.

Board Member Taylor stated no, it's over.

Chairman Rogan stated so if you can get the bins to lay in from, let's just say from here to here...

Board Member McNulty stated oh, behind it.

Board Member Taylor stated down here's the house.

Board Member McNulty stated okay.

Chairman Rogan stated right, make your parking in this area...

Board Member Taylor stated downstream.

Ted Kozlowski stated what is this.

Rich Williams stated landscape and stone and (*inaudible*).

Chairman Rogan stated you can still get your drive in and out like that and load in this area.

Rich Williams stated and the soil...

Ted Kozlowski stated look, now he's in the wetlands buffer.

Mr. Liguori stated Shawn.

Mr. Gainer stated he's seeing red...

Mr. Liguori stated it's this up here, this is by definition...

Chairman Rogan stated right, right.

Mr. Liguori stated this make this a structure and that means it needs to be 15' off this line, so get Joel to design...

Chairman Rogan stated take these right out, make this parking in here and parking in here and show your drive still the same way, get into these bins, load them and for that sake you might be able to show some of this as parking, you might even maybe use this for some storage up in this because this isn't so much, you need the offset for storage, well you're not doing much Unilock, you're just doing display area that's right because it's all kept at Unilock.

Mr. Accurso stated right.

Chairman Rogan stated so I mean I think that really one way to look at it...

Mr. Liguori stated but that's with Joel...

Chairman Rogan stated you'd be creating, yeah I can't...

Mr. Liguori stated that's with, Joel's got to do that for you...

Chairman Rogan stated right.

Mr. Liguori stated because you guys, you know you're not going to be able to map it out on a plan with a ruler, you need somebody.

The Secretary stated after that.

Board Member Brady stated really.

The Secretary stated yeah.

Board Member Brady stated don't you get overtime for this.

The Secretary stated yeah, I wish, you get overtime, I better get some overtime.

Chairman Rogan stated find out how many bins you can fit, your offset and wherever you get to here and maybe not even behind the building maybe just right in here, you're already showing four...

Rich Williams stated Shawn, while you're laying all that out, you've got to pull those bins in, so you've got a buffer because people are going to be pushing material in, it's going to be spilling over the top...

Chairman Rogan stated well I was thinking about height of them so you don't get spillage, you know, what've you got on those 10' high, 8' high.

Mr. Accurso stated they're 7' right now.

Rich Williams stated I've never been on site that they didn't have spillage, if you've got a 7', 8' wall, they're going to fill it to 7' 8' and then some operator is going to go a little bit father...

Board Member Brady stated right.

Rich Williams stated unintentional but it happens, it spills over the back, now it all runs into the wetlands, so that's why I'm saying you've got to have that buffer, you have to have some mechanism behind it to capture it and direct to wherever you're going to direct and then recognize you've got to have some means of cleaning that back up, now I'm okay with using the pond, Teddy's going to beat me in a minute but I'm okay using the pond.

Ted Kozlowski stated it could have been, if it was yesterday it would have happened but...

Board Member Taylor stated but you've got to go to an engineer to deal with this, you can't...

Board Member McNulty stated we're not experts at it.

Board Member Taylor stated we can't be drawing it for you and you've got all these other issues and not just fitting it on the plan, it's all this other stuff he's talking about, there are all these rules and regulations you got to conform with them, it might work if you do that but we don't know until we get something.

Mr. Boniello stated okay.

Board Member Taylor stated or you've got to go to ZBA and asked them if they'll allow you to have the bins on the property and you're still going to deal with the issue of what will you do with the particulates and the mud and all that stuff...

Board Member McNulty stated and the runoff, yeah.

Board Member Taylor stated no matter what happens, you've still got to deal with that issue.

Board Member McNulty stated was your plan to pave all that parking area.

Mr. Boniello stated no.

Board Member Taylor stated yeah, so because we can't approve this stuff until this stuff is in place.

Board Member Brady stated pavement probably would be better.

Board Member McNulty stated sure.

Chairman Rogan stated what's that.

Board Member Brady stated paving it would probably be better because that would take a lot of your, the spillage, you could control it better.

Rich Williams stated the trouble with blacktop is the machines tear it right up.

Board Member Brady stated oh, I know, I know.

Chairman Rogan stated just from turning just from the skid steer.

Board Member Brady stated yeah, do a job on it the first day.

Mr. Accurso stated yeah, yeah, it wouldn't, it would just be a waste pave all this it would be, \$100,000 would be gone in a year, it wouldn't even be worth it.

Chairman Rogan stated Anthony in all the years you were talking about with doing this out there, whether approved or not, how many bins were you running out there or was it just piles that were laying on the ground.

Mr. Boniello stated that wall was always there, it was just piles...

Chairman Rogan stated the wall along the property line.

Mr. Boniello stated piles all over the place and it does me no good to tell you, I've been working with Rich about 15 years, I've always called, I've called Ted, apparently one of the Town Inspectors, I was, I have no paper trail for, yeah, yeah, you're okay, you're okay, it's not okay, it wasn't okay and I was doing it for 20 years but I understand that's my problem with no paper trail but then again it's...

Chairman Rogan stated well...

Mr. Boniello stated not just my problem but...

Chairman Rogan stated of course.

Mr. Boniello stated it turned into, now it is my problem and it's a big problem.

Board Member McNulty stated the problem is it's not 20 years ago anymore, it was a lot different then, we all know that.

Mr. Boniello stated okay.

Chairman Rogan stated that was back in the day when we just filled in these wet areas, right, that might have been 30 years but we know better now. So, what I always hated when people leave here and they don't have clear direction because that's where I feel like we're at right now. We either have to get a plan that works, for well first of all for the zoning because we can't approve these things on the property line without you getting a variance, so you can either go to, correct me if I'm wrong, you can either go to the Zoning Board, request relief from that code and say I want to be able to put them where you want them...

Mr. Liguori stated before you do that, look their design professional needs to take all the uses...

Chairman Rogan stated yeah.

Mr. Liguori stated just like Ron said...

Chairman Rogan stated yup.

Mr. Liguori stated all the uses and all the requirements and lay them out, it's the only way to tell what you are going to the Zoning Board for, okay because every use has a parking requirement, it's got a number, it's got, you know, once that's done, you know, since you've got to go to you, go to Joel and say hey look this is how I need it to be, you know this is the intensity of the uses or you know, he's knows what you're doing on that property and once we know that then, then you can figure out what you need, he'll be able to tell you what you need to go to the Zoning Board for, whether it's parking spaces, let's say you know, in reality

you don't use 10 parking spaces or 12 parking spaces whatever it is and if the reality of your business is that you only use 6 then you know if the total of all the parking is 20 but you only use 6, you're going to the Board for 14, that's what it's going to take to make it happen. That is the most clear direction you guys could get.

Mr. Gainer stated but even to get there you still have to show all the existing activities on the site.

Mr. Liguori stated right.

Mr. Gainer stated you've got, there's any number of things you saw yesterday that aren't shown on the site plan, they've all got to be indicated so we know where things are and that they are.

Chairman Rogan stated you're talking about like the storage trailer, the...

Mr. Gainer stated the trailers, all the storage of the equipment in the rear of building 5...

Board Member Montesano stated storm drain.

Chairman Rogan stated dumpster locations.

Mr. Gainer stated the drain that was in front of [building] 5...

Chairman Rogan stated the permanent dumpster location, right.

Mr. Gainer stated yeah, he's got fencing samples on the site, you want to see that.

Chairman Rogan stated oh you're already on ZBA aren't you, for the patio and the sign.

Mr. Accurso stated yeah, we are.

Rich Williams stated that doesn't matter...

Chairman Rogan stated no I'm just...

Rich Williams stated it's a new application, they have to start over.

Chairman Rogan stated yeah, I know, yeah. No and I wasn't inferring that they could tack this on, I was just trying to think, so you're there to try to clarify or get relief from the patio out front and the sign...

Rich Williams stated the sign.

Chairman Rogan stated correct, so at least those two things if you get through will be passed you.

Mr. Liguori stated that Bruen piece, is that yours, it's yours, okay, is that line still there.

Board Member McNulty stated it's up there.

Chairman Rogan stated oh, I might have two.

Mr. Gainer stated yeah, they're two separate tax parcels.

Mr. Liguori stated that's two separate tax maps.

Chairman Rogan stated there you go, is that your plan up there.

Mr. Gainer stated they actually have to do it, the site, we've been suggesting they just merge those lots.

Mr. Liguori stated yeah.

Mr. Accurso stated with, a quick question, with regards to the salt, if I were to, now that we have to redo all this, if I were to make one of these bins enclosed from the elements and I use it for whatever I have to during the season and in the wintertime be able to use for it bulk salt, would that be okay, if it's like enclosed, if I enclosed the top of one of the bins completely.

Rich Williams stated if it's enclosed, if it's an enclosed building.

Mr. Accurso stated well it would be the bin, now you guys are saying the bins are structures so I would just build off the top of one of those.

Board Member McNulty stated well it has to be in compliance with the DEP rules.

Rich Williams stated yeah, I'm not going to say that you couldn't...

Mr. Accurso stated which it would be.

Board Member McNulty stated I don't know what the rules are so I don't know what your explaining if it is or it isn't.

Mr. Accurso stated it would be basically a weather tight structure is what the rules, I mean I know because I looked into them because I have one in Westchester County...

Board Member McNulty stated okay.

Mr. Accurso stated and it's built out of mafia block, 8' off the ground and then from there up it's a covered structure made of wood and it was approved...

Board Member McNulty stated one side open.

Mr. Accurso stated it's a drawn across curtain, on a slide rail...

Rich Williams stated yeah you've got to have something to cover...

Mr. Accurso stated that's what was and that's what's over there but it's probably as deep as this room and the salt only goes to about there, they said I had to have a 10' buffer from the curtain to the salt.

Chairman Rogan stated wow.

Rich Williams stated who did.

Mr. Accurso stated the town in Port Chester where I had it done. I had to make sure there was 10' so if there was any wind driven rain it wasn't blowing into the salt and then dragging it back out.

Chairman Rogan stated wow.

Board Member McNulty stated so you understand how complicated the rules are for it, strict.

Mr. Accurso stated I, to be honest with you, I didn't think that strict over here just because I've done a lot of plowing here and every parking you drive around this winter has got...

Board Member McNulty stated New York State and Port Chester, New York State...

Mr. Accurso stated no, I know, I'm just saying...

Chairman Rogan stated you're saying we're not good on enforcement is what you're saying, I hear you.

Mr. Accurso stated I just, I didn't, I didn't know if it was Town rule or what not but you know I did what they asked and that's why I'm asking if it would be something I could do up here because it was, I mean and once of them has a coverate, I'm sure you know what those are, those pipe with the fabric that's over the top, you see a lot of towns use them, I have another one of those down there as well and it's fully sealed, it's got doors on it, so.

Board Member Montesano stated let me give you an observation, the State of New York in its infinite wisdom put all its salt in storage sheds, buildings whatever, that always shocked me when did it and the excuse was they saved a lot of the money because it was being washed away.

Rich Williams stated to answer your question, you know I don't want to lead you down the wrong road, I know you've invested a lot money and I don't know that you see the light at the end of the tunnel yet and I don't know that there is light at the end of the tunnel. It's not specifically prohibited to do something like you're talking about here, in the right location you probably could it, I don't know that this is the right location and I saw that...

Chairman Rogan stated for salt.

Rich Williams stated because you know, when you're creating a roof now you're creating impervious coverage next to a wetland, you know and...

Mr. Boniello stated you're talking about the whole site or just the salt.

Chairman Rogan stated he's talking about the salt.

Rich Williams stated just the salt area, so you know again, if they're okay with that impervious coverage within 100' of a wetland...

Mr. Boniello stated that's a big part of his, it would be a big part of his business is the winter, the winter stuff. I mean everybody should be in compliance with them, I mean I'm the type of one to point fingers at anybody but everybody should be in compliance.

Rich Williams stated you're absolutely right.

Mr. Boniello stated okay and Nick, I know he's retiring but somebody who takes that, I mean, if one person's got to do it, it should be across the board...

Chairman Rogan stated completely agree.

Mr. Boniello stated because I'm not the type of person to start pointing fingers because I had pointed fingers at me all the time but it should be across the board.

Board Member McNulty stated and we agree with you and that's why we're trying to be fair as a Board, you heard the previous applicant had the same issue with his cold storage places, he's got to go to ZBA, we're trying to be fair with everyone.

Mr. Boniello stated yeah.

Board Member McNulty stated we're not an enforcement leg though, we can't go out and enforce.

Mr. Boniello stated yeah.

Chairman Rogan stated in that guys case, which is interesting the cold frames, we went out on a site walk and he was asking for something and we said is this what you're asking for, is this going to let you do the business you want to do and he said honestly no, he was afraid to ask for what he really wanted, we said look, do us a favor, ask for what you really need to make the site work and let's review it all in one shot and he walked out of here getting what he, more than he ever asked really...

Rich Williams stated four times more than what he originally asked for.

Chairman Rogan stated he came in asking for like 10 cold frames and he walked out with the potentially of maybe 40.

The Secretary stated only double.

Chairman Rogan stated you know within the constraints of the site because it stinks to review a plan...

The Secretary stated he had 19, it was only double.

Chairman Rogan stated and then come back 6 months from now and go we're dying, you know.

Mr. Boniello stated can I ask Ted if, if he doesn't mind the barrier coming across the wall, if we do change the parking all in here and have this wrap around like that.

Ted Kozlowski stated Anthony I'm looking at the plans right now, I'm trying to, where's your septic system in this whole thing...

Rich Williams stated in the front.

Mr. Boniello stated in the front.

Mr. Accurso stated yeah.

Board Member McNulty stated you have to make sure that you can load it too, as long as you can get your delivery trucks in and you know, look at the whole picture.

Board Member Brady stated yeah, actually the septic, there's a manhole on the front porch isn't there for the septic tank.

Mr. Boniello stated yeah.

Mr. Accurso stated yeah.

Mr. Boniello stated know what I'm saying.

Board Member Brady stated the other buildings don't have any water or any...

Mr. Boniello stated no.

Mr. Accurso stated no, just building two has water and septic, there's a storage and this is the repair shop.

Board Member Brady stated do you have a sink or anything in there in the repair shop.

Mr. Boniello stated there's a slop sink and the pipe just goes right to the pond...

Board Members laugh.

Chairman Rogan stated your timing is off.

Board Member McNulty stated okay.

Ted Kozlowski stated honey, they're in the pool.

Board Member Brady stated why didn't you say that yesterday.

Mr. Boniello stated I thought he was going to punch me in the mouth.

Ted Kozlowski stated no, I don't get violent.

Mr. Liguori stated there'd be one less Boniello.

Mr. Boniello stated what's that.

Mr. Liguori stated there'd be one less Boniello.

Board Member McNulty stated you don't use that sink anymore, correct.

Rich Williams stated could be a good day.

Mr. Boniello stated no.

Board Member Taylor stated you need to go see your engineer guys.

Board Member Montesano stated stick the two over here and just move them over closer and that opens up the whole damn thing, put it under plans.

Chairman Rogan stated alright.

Ted Kozlowski stated Anthony, you going to be around Saturday.

Mr. Boniello stated yes.

Ted Kozlowski stated what time.

Mr. Accurso stated that's too tight.

Mr. Boniello stated huh.

Ted Kozlowski stated what time.

Mr. Boniello stated all day.

Ted Kozlowski stated what time do you get there usually.

Mr. Liguori stated can you barter with your neighbor to get some property.

Mr. Boniello stated well that's what I'm doing.

Mr. Accurso stated well he gave us written permission to use part of his property and he's allowing us to go for a lot line change.

Chairman Rogan stated how much, how much property, like 20', 30' ...

Mr. Boniello stated you know, I could ask him for that.

Mr. Accurso stated he asked, he told us you know, talk to you guys to see what the requirements are and then see what we need.

Mr. Boniello stated he said he'd give, he said he'll give me a year until he goes Anthony you want to do the lot line change because I told him after I believe Richie you said that I was on his property, I called him, I did some measurements, I called him right away and I said Rico, I got a problem I said and he told me I could store some of my wood on the corner of your property and but I said I'm on your property, he asked how much, I don't care, just do what you want, I told you could you do whatever, I said now I can't do that, so he came by in January, he looked, he goes what's the problem, I don't have a problem with this, I said well you're going to have a problem because I got to move them, he said well you're not going to have to move it, he said I give you permission to use it for a year and get your, if you want a lot line change, you want, whatever you want to, that's what he wrote, if you want to see it.

Rich Williams stated honestly it really doesn't matter unless you actually own the property, so if you want to go for a lot line adjustment but...

Mr. Boniello stated yeah, I understand he said if something happens, he sells the property, I'll pull everything off of there in a day but he said get your...

Rich Williams stated it certainly would help but you're never going to get enough property to meet the setback requirements I think because it would invalidate the site plan...

Chairman Rogan stated his site plan.

Mr. Boniello stated his.

The Secretary stated his.

Rich Williams stated his site plan, it will start to impact the improvements he's got to show because his driveway comes down through there.

Mr. Boniello stated but the just the direct line that I can keep where those blocks are right now, I don't think would be that big of deal to go ahead and try to get a lot line change, I think he's up, I think his permits are up anyway.

Rich Williams stated he keeps renewing them.

Chairman Rogan stated yeah we renewed them.

Mr. Accurso stated do you know who I would have to find out from how far I could go before it would start to impact his approval, we have to talk to the gentlemen about that.

Mr. Liguori stated one foot, if you, you kind of have to lay his site plan next to yours and whatever changes on his site plan because of that, I don't know what's here so, I haven't seen this site plan so if he's got stuff that comes right up to here...

Mr. Boniello stated you see that's just a pain in the neck because this drive is right here...

Mr. Liguori stated yeah but if...

Mr. Boniello stated I want to just straighten it...

Mr. Liguori stated if you went like this...

Mr. Boniello stated straight right across.

Rich Williams stated 70,000 square foot building that's been approved.

Mr. Accurso stated right that's what he's saying and instead of, you don't want to change the whole line, you just go from this corner...

Mr. Liguori stated change the part that you need but if this guy's entrance is right here, if he has a site plan then what you need to do is he would have to amend his...

(Inaudible – side conversations)

Mr. Liguori stated but it may not be as bad as...

Mr. Gainer stated how old is his approval, how old is his approval.

Mr. Liguori stated these are the ways to kind of get around that, you know.

Chairman Rogan stated I think what, what probably everybody said though Anthony is you've got to, if Joel is doing the work, you've got to get him more involved...

Mr. Boniello stated we both got to get there and sit down...

Chairman Rogan stated you know what I mean, get him involved, bring him here...

Mr. Boniello stated yeah.

Chairman Rogan stated it sounds like right now what he's doing for you is what you're asking him to do...

Mr. Boniello stated correct, correct.

Chairman Rogan stated hey show this on the plan and he's doing it...

Mr. Boniello stated like I said...

Chairman Rogan stated you know you need someone's guidance.

Mr. Boniello stated to be honest with you, I didn't think this was that big of deal but obviously it is.

The Secretary stated start early.

Chairman Rogan stated well it's only a big deal from the standpoint of the bins being considered structure.

Board Member Taylor stated no, it's a big deal for a lot of reasons.

Chairman Rogan stated well my point is that that alone is a huge...

Board Member Taylor stated yeah, that alone but there are all the other things too.

Chairman Rogan stated for, yes.

Board Member Taylor stated it's a whole bunch of stuff, that's why you need an engineer.

Board Member McNulty stated now's your shot to figure out what you want to do and make it fit and make it be compliant.

Mr. Boniello stated okay.

Board Member McNulty stated you know there's things we can work with you on as far as how many parking spaces maybe like he suggested or look at certain things but you have to get somewhere near compliance.

Mr. Boniello stated alright, I guess we'll go back to Joel.

Board Member Montesano stated I don't know if this is the time to move on it.

Mr. Boniello stated huh.

Board Member Montesano stated it's going to be busy to be moving...

Mr. Boniello stated I know, this is the time of year right now. Alright, we'll sit down and see what we can do. Thank you very much, have a good evening.

Board Member McNulty stated okay.

Chairman Rogan stated alright, thanks.

Mr. Accurso stated thank you.

Board Member McNulty stated good luck.

Mr. Boniello stated take it easy, see you Saturday.

Ted Kozlowski stated see you Saturday.

Mr. Boniello stated yeah.

Board Member Taylor stated we've got the minutes.

Chairman Rogan stated we have nothing left.

10) MINUTES

Board Member Taylor stated minutes.

Chairman Rogan stated minutes.

Board Member Montesano stated February 6th, February 27th, March 6th, motion to approve.

Chairman Rogan seconded the motion.

Chairman Rogan asks for all in favor.

Board Member Brady stated I've got to abstain from the February 27th, I wasn't here.

Chairman Rogan stated I have to abstain from March 6th, other than that I will move to approve the other ones.

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

Mr. Gainer stated 10 o'clock right, I'm sure Harry will call.

Chairman Rogan stated okay, motion to adjourn.

Board Member Montesano seconded the motion.

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

The meeting adjourned at 9:50 p.m.