

TOWN OF PATTERSON
PLANNING BOARD MEETING
May 7, 2009

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95 March 5, 2009 and March 26, 2009 Approved.

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

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Gerald Herbst

PLANNING BOARD

Shawn Rogan, Chairman
David Pierro, Vice Chairman
Michael Montesano
Maria Di Salvo
Charles Cook

**Planning Board
May 7, 2009 Meeting Minutes**

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

Present were: Chairman Rogan, Board Member Pierro, Board Member Montesano, Board Member DiSalvo, Board Member Cook, Rich Williams, Town Planner and Ted Kozlowski, Town of Patterson Environmental Conservation Inspector and Carl Lodes from the Town Attorneys office, Curtiss and Leibell.

The meeting began at 7:28 p.m.

There were approximately 15 members of the audience.

Michelle K. Russo was the Secretary and transcribed the minutes.

Chairman Rogan led the Salute to the Flag.

Chairman Rogan stated thank you ladies and gentlemen, please be seated.

Board Member DiSalvo stated uh oh.

Chairman Rogan stated on that note, can everybody please turn their cell phones to vibrate, if you haven't already done so. I will ask the Secretary to please read the public hearing notice for tonight for Martins.

1) MARTINS SUBDIVISION – Continuation of Public Hearing

Mr. Steve Miller of Badey & Watson and Mr. & Mrs. Francisco Martins were 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, May 7, 2009 at 7:30 p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled **“Celeste & Francisco Martins Final Subdivision Plat for a proposed 2 lot subdivision.”** The property is located at

25 Cassandra Court,” Patterson, New York. All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Chairman Rogan stated just so everyone in the audience realizes, we started this public hearing last meeting, we left it open and continued it because we had found that certain property owners had not been properly notified, so this is a continuation from the last meeting. Steve if you just want to briefly outline the project.

Mr. Miller stated sure. Good evening my name is Steve Miller, I'm with Badey & Watson Surveying and Engineering, here representing Mr. & Mrs. Martins. The Martins own a parcel on Cornwall Hill Road that also has some frontage on Route 311; the property is approximately 13.8 acres. It is currently improved with an existing with one, two story, single family dwelling with some out buildings, has access over a driveway out to Cornwall Hill Road. The proposal is to do a two lot subdivision, putting the existing house on a single lot that is of approximately 6.8 acres and the proposed new house and driveway, well and septic on a second lot which is approximately 6.9 acres. The new lot will have a single family residence, driveway access out to Cornwall Hill Road, the Patterson Zoning Board of Appeals, granted a variance for road frontage for the new lot. The zoning requirements required two hundred and twenty-five feet of road frontage and there was only one hundred and seventy-eight feet provided and the Zoning Board did grant that variance. At this time, I would be more than happy to answer anybody's questions.

Chairman Rogan stated we have any questions or comments from anybody in the audience, please come up, state your name for the record and use a microphone. We'll need that so we can get your comments for the record.

Mr. Deikus stated good evening, my name is Robert Deikus, I live at 11 Cassandra Court, Patterson, New York, the last name is Deikus, D-E-I-K-U-S. I am just curious on what provisions are going to be made for the displacement of the wildlife that lives in this field that's here and how is this property going to be maintained along the side of my property.

Chairman Rogan stated can you point to your property sir.

Mr. Deikus stated I am 11 Cassandra Court, which is the piece that is right here where the property goes, the driveway goes across my property and I am right in this area right in here. The driveway all the way up and then across and then down into here.

Board Member DiSalvo stated so, can you point to your house.

Mr. Deikus stated my house is right, that is really not correct, its further back.

Rich Williams stated it's not on the plan.

Mr. Miller stated it's not on the plan.

Rich Williams stated it's not on the plan.

Mr. Deikus stated okay.

Mr. Miller stated that is the septic system I assume the house is over here sir, here is the well, can you tell where it is from the well.

Mr. Deikus stated that's, yeah, about right here is where my house would be and this is incorrect because my septic is further back here. This is a vacant piece of property right now, that we've been doing construction on because we plan to possibly expand the septic tank due to the fact that the leach fields aren't working properly.

Chairman Rogan stated the first question you asked was relevant to wildlife, on a project this small, we certainly have not conducted a wildlife inventory or research project based on that. Its taking one lot and turning it into two, there is certainly with any construction project there will be some displacement of wildlife but you'll notice the continuation of the area shown in green.

Mr. Deikus stated dark green, that is.

Chairman Rogan stated dark green, is left intact based on this plan, you'll notice the area in yellow is the area of disturbance for the septic, for the house and the driveway.

Mr. Deikus stated right.

Chairman Rogan stated I can't say as to how the property owner will maintain the strip of land adjacent to your property.

Mr. Deikus stated because prior to the Martins moving in, I used to maintain this field to the point where it almost looked like a manicured golf course, my neighbors had told me.

Chairman Rogan stated so am I getting the impression from you that you would rather that continued to be maintained.

Mr. Deikus stated yes I would like it to be maintained properly so that, you know, it looks nice and you know, the wildlife can continue to flourish in there.

Chairman Rogan stated and we walked this property and we did note that the area shown in green on here, its quite dense.

Mr. Deikus stated in the back, yes, yes.

Chairman Rogan stated and very rugged.

Mr. Deikus stated but its to the side of my property is, you would be facing west, this is the area that I'm concerned about.

Chairman Rogan stated understood.

Mr. Deikus stated because there are animals such as wood ducks, which are very rare to this, you know.

Chairman Rogan stated yeah.

Mr. Deikus stated neighborhood, you know, there are rabbits, there are wood hogs, there are a lot of animals that I'm concerned about.

Chairman Rogan stated yeah.

Mr. Deikus stated I moved up here, you know to be closer to animals, as people, as most people.

Chairman Rogan stated what should also make you feel good about this project is that this started as a three or four lot subdivision.

Mr. Deikus stated oh yeah, I know, yes sir, yes sir.

Chairman Rogan stated we've gotten to this point.

Mr. Deikus stated yes.

Chairman Rogan stated and I think that this a proposal that allows some use of the property and also preserves a great amount of space on this project.

Mr. Deikus stated I'm really concerned like, how will this property be maintained right adjacent to lot where my children used to play and go sleigh riding.

Chairman Rogan stated yeah and to be honest with you, the real answer to that is to introduce yourself to the property owner and have a good neighbor because I don't think in this application it is within the purview of this Board to make sure they mow their grass. There are Town rules that require people to maintain their property but there is nothing on this plan that shows that that area is to be altered from what it currently is and so I think that should answer some of your questions. We don't show that as being a driveway or any other structures.

Mr. Deikus stated the driveway is going to be very close to end of the property, is that correct.

Chairman Rogan stated you're looking at it that is correct.

Mr. Miller stated yes.

Mr. Deikus stated okay.

Chairman Rogan stated and help me remember the second part of your question, you talked about wildlife, was the other part that.

Mr. Deikus stated and how the property adjacent to mine is going to be maintained, you know because I used to maintain this so it would beautify my property, I want it to continue to be maintained. Since the new owners, the Martins have taken it over, the property, they had asked me not to maintain their field, which I did free of charge to just continuously beautify my own property.

Chairman Rogan stated you had done that for the Martins, you said.

Mr. Deikus stated yes sir.

Chairman Rogan stated and correct me if I'm wrong but the Martins are going to be building this for themselves aren't they.

Mr. Deikus stated I believe so.

Chairman Rogan stated so then I think that should continue to have I think, that good relationship.

Mr. Deikus stated well once they asked me to stop maintaining this property, now it has gone into disarray.

Chairman Rogan stated oh, I understand.

Mr. Miller stated its just overgrown, I'm sure.

Chairman Rogan stated a little overgrown.

Mr. Miller stated its not what I would call disarray.

Mr. Deikus stated well its not as nice as it used to be.

Mr. Miller stated when you maintained it, were you using it.

Mr. Deikus stated the children used to play on the basketball court that is on their property.

Chairman Rogan stated we saw that when we walked up.

Mr. Deikus stated and no longer and he has put up a fence asked me that I don't walk on his property, cross his property, touch his property which in my opinion is not really thoroughly neighborly like and it's a vacant piece of property.

Mr. Miller stated well it is his property.

Mr. Deikus stated yes, that is true but everyday he crosses my property to go to his house, granted its an easement.

Chairman Rogan stated that's different.

Mr. Deikus stated for children to play on a piece of property in a.

Chairman Rogan stated I think the answer you're looking for can't be found within this Board and I think it one of people being neighborly and you know, working between your neighbors to have an area that is, you know both in their interest and in yours but I don't think this Board is, can tell them they have to keep that area mowed. It is an area that is not shown on the plans to be changed from what it currently exists, it doesn't mean that they can't keep it mowed.

Mr. Deikus stated well I would like it at least maintained so that it doesn't deteriorate from the value of my property.

Chairman Rogan stated yup, understood, understood. Comment, definitely noted.

Board Member DiSalvo stated that is one of the reasons why we went with a two lot subdivision, to not have these circumstances arise in the future, like with common driveways and easements and crossing properties and maintenance, so this was like the best plan we have, as far as any disturbance you know, we

didn't want a lot more disturbance on that additional lot on the top. Talk about wildlife that would have all, more property would have been disturbed, clearing and septic.

Mr. Deikus stated right.

Board Member DiSalvo stated so some of your concerns, we are trying to avoid on future projects as we go forward.

Mr. Deikus stated very good, I thank you very much.

Chairman Rogan stated we appreciate your comments.

Mr. Deikus stated thank you.

Mrs. Cloidt stated hi, good evening.

Chairman Rogan stated hi, could you please state your name for the record.

Mrs. Cloidt stated Jean Cloidt, I live on Route 311, down here.

Audience Member's cell phone rings.

Mrs. Cloidt stated down here, I'm guessing this is my property, my home.

Chairman Rogan stated okay.

Mrs. Cloidt stated just curious this is all, from what I understand from when I was building my home here, this is all basically wetlands.

Mr. Miller stated this area, see this line here, this is the wetland area in here.

Mrs. Cloidt stated okay, so its just basically.

Mr. Miller stated and then this is a slope that the water.

Mrs. Cloidt stated right, there is a hill.

Mr. Miller stated correct.

Mrs. Cloidt stated so this is not, this is going to all be kind of like the way it is.

Mr. Miller stated its going to stay the way it is, correct.

Mrs. Cloidt stated because of the wetlands an all.

Mr. Miller stated correct.

Mrs. Cloidt stated okay, I just wanted to see how, where it was, in relationship to where my home is.

Mr. Miller stated understandable.

Mrs. Clodit stated so that I have an idea of like I'm here and there is still woods here.

Mr. Miller stated the house is proposed more towards the top of the hill and there is at least.

Mrs. Clodit stated because there is also, over here somewhere.

Mr. Miller stated three hundred feet between the house and the property line, at least so.

Mrs. Clodit stated three hundred.

Mr. Miller stated from here to the property line is more than three hundred feet.

Mrs. Clodit stated oh yeah, I don't even, yeah, no but I know that there is some sort of an electrical, there is a pole somewhere.

Mr. Miller stated over there.

Mrs. Clodit stated that is the one I can see from my house, so the electricity is not going to be going up to there.

Mr. Miller stated no, I suspect that they are going to try to bring it.

Mrs. Clodit stated because I know in the past it has gone to that because the people that this.

Mr. Miller stated I'm surmising that the electric company will bring the service in through here, rather than bringing it up through the woods.

Mr. Clodit stated okay, that would be kind of silly, ok great, thanks.

Mr. Miller stated you're welcome.

Chairman Rogan stated thank you ma'am. Any other questions or comments from the audience, can I have a motion to close the public hearing.

Board Member Montesano stated so moved.

Chairman Rogan stated second.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated okay, Steve, the only issue that we were thinking about before finishing this process was how are you doing with the driveway entrance to.

Mr. Miller stated we've gotten some comments back from the highway department and we are still trying to address them. They asked us to provide a widening strip along Cornwall Hill Road and I think in the last submission it's not shown on this map, in the last submission we showed that. They had some comments about the cross section for the driveway entrance, we have a plan that we are putting together to give them a little better idea of what the sight distances are going to be up and down the road and we are hoping to meet with them and try to get that straightened out with them so that they're acceptable for the plan that we have for the driveway.

Chairman Rogan stated any additional questions or comments from the Board.

Board Member Pierro stated I have none.

Chairman Rogan stated we have not, Rich, correct me if I'm wrong, we have not done a SEQRA Determination on this to date.

Rich Williams stated I don't think that you have.

Chairman Rogan stated anyone want to do a.

Board Member Pierro stated in the matter of Celeste & Francisco Martins I make a motion that the Patterson Planning Board makes a negative determination of SEQR.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated and Rich the only question I have for you is relevant to the driveway access. I image that in the end, what the highway department is going to ask to be done out here is what will need to be done anyway for safe means of ingress and egress to this property.

Rich Williams stated as far as the immediate highway entrance I would imagine County Highway is going to require that to be bonded before its constructed, correct.

Mr. Miller stated I would think so, yes.

Rich Williams stated that is typically I believe what they do, as far as the rest of the improvements on the lot, its essentially just a single family lot.

Chairman Rogan stated sure, so there are no public improvements per se, so for bonding or anything is not an issue.

Rich Williams stated correct.

Chairman Rogan stated okay, we have a resolution in the packet, anyone feels so moved.

Board Member Cook stated whereas the applicant has presented for approval by the Planning Board a final subdivision plat, entitled final subdivision prepared for Celeste & Francisco Martins, prepared by Badey & Watson Surveying and Engineering, dated March 18, 2008 and last revised on April 21, 2009. Whereas the Planning Board opened a duly noticed public hearing on the subject application and final subdivision plat at its meeting on April 2, 2009 and closed the public hearing on May 7, 2009, after receiving comments from the public. Therefore be it resolved that in the application of Celeste & Francisco Martins for final subdivision approval pursuant to chapter 138 of the Town Code, the Planning Board finds that the subject application and final subdivision plat as modified in accordance with any applicable conditions set forth in this resolution, complies with all requirements of the Town Law and Chapter 138 of the Town Code and hereby grants final subdivision approval subject to the Applicants compliance with the following three findings, eleven general and one special condition within 180 days of the date of this resolution.

Board Member Montesano seconded the motion.

Board Member Cook stated wait.

Board Member Montesano stated I don't want to second too soon.

Board Member Cook stated be it further resolved that in any event this subdivision approval shall expire pursuant to section 276 subsection 11 of the Town Law, 62 days from the date that the plat is signed by the designated representatives of the Planning Board, unless it has been filed in the office of the Putnam County Clerk, in accordance with the provisions of section 276-11 of the Town Law.

Chairman Rogan stated Rich, right.

Board Member DiSalvo stated right.

Board Member Montesano stated now I can second.

Chairman Rogan stated now you're okay, I thought you were interjecting.

Rich Williams stated no, yes if I could just interject one point. The paragraph relative to the bond and inspection fees, we are going delete out.

Chairman Rogan stated based on the fact that this is a single family home with no public improvements.

Board Member Pierro stated single family dwelling.

Chairman Rogan stated Mike, you had a second.

Board Member Montesano stated second.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated any opposed, thank you Mr. Miller.

Mr. Miller stated thank you very much.

Chairman Rogan stated have a nice evening.

Mr. Miller stated you too.

2) **DUNNING SUBDIVISION – Public Hearing**

Mr. Robert Cameron of Putnam Engineering and Mr. Dan Dunning were present.

Chairman Rogan stated I see Mr. Cameron hiding back there some place. Michelle, would you please read the notice for when you get a chance for the Dunning Subdivision.

The Secretary read tt 28epalownnins

Chairman Rogan stated sure.

Mr. Cameron stated this is an application for a three lot subdivision, the initial lot was a 78 acre parcel located on the corner of [Route] 292 and Harmony Road. We are proposing three lots, one with the original residence, is going to have 70 acres and two additional lots that will have four acres each are proposed on the southeastern corner of the property. All aspects conform to the Town of Code zoning requirements, there were no variances granted or anything, basically we comply with zoning.

Chairman Rogan stated do we have any questions or comments from anyone in the audience, just please use the microphone sir, state your name for the record.

Mr. Grgecic stated hi my name is Danny Grgecic, I'm on Route 292 in Patterson, here, I had gotten a letter from Putnam Engineering, I guess last week or so and I had no idea they were doing a subdivision right there. And I actually called the Town when I didn't see any subdivision signs or, I had no idea, I'm just curious here.

Chairman Rogan stated okay, is that the one (inaudible).

Mr. Grgecic stated I'm number 156 Route 292 and I just wanted to have an idea as to where this is relative to my property because it does border my property.

Mr. Cameron stated this is the intersection of Harmony and 292.

Mr. Grgecic stated I'm 156 Route 292.

Mr. Cameron stated so you're probably.

Mr. Grgecic stated I'm right after Pat Ferrara over here, I guess this is my parcel.

Chairman Rogan stated that area is not proposed.

Mr. Grgecic stated it's not affected at all.

Mrs. Grgecic stated at all.

Chairman Rogan stated it would be, right there, is that you.

Mr. Grgecic stated no, no, that's my neighbor, I'm this property right next to him.

Mr. Cameron stated that's his property so you must be down here, either on this side of Ferrara or.

Mr. Grgecic stated I'm on the left of him, I guess but I guess we border him.

Mr. Cameron stated you border him, he backs up to this property.

Mr. Grgecic stated okay, so where is his property, its totally.

Mr. Cameron stated nothing is on the other side.

Mr. Grgecic stated there is nothing on the other side of the hill all together.

Chairman Rogan stated yeah, its across from the Harmony Hill, Cascade Farm.

Board Member DiSalvo stated yeah, yeah.

Chairman Rogan stated and you'll note on the plan sir, that at that intersection there is a reservation strip Rob, if you could point out to the gentleman, where we were, you notice when you drive up [Route] 292 there is a quite a stretch of pine trees that will block of a lot the construction from [Route] 292.

Board Member DiSalvo stated trees, (inaudible).

Mr. Grgecic stated I just wanted to make sure it doesn't have any effect on my property at all because he borders me there.

Chairman Rogan stated its just directly on the corner of Harmony and [Route] 292, the two lots.

Mr. Grgecic stated and this has no effect on any future breaking up of the parcels of this property or anything like that.

Chairman Rogan stated it doesn't limit it to any future, if that is what you're asking.

Mr. Grgecic stated yeah.

Chairman Rogan stated it doesn't limit it to future growth, provided the growth is approved by this Board and goes through the process at that point.

Mr. Grgecic stated okay, thank you.

Chairman Rogan stated thank you, could you do me one favor, and write your last name down for the secretary, help her from having to look your name up in the phone book.

Mr. Grgecic stated not even close.

The Secretary stated I'm sorry.

Chairman Rogan stated any other questions or comments from the audience, we won't bite you, you can come on it.

Unknown Speaker stated no I just didn't know, we're in Meadowbrook, this is the guy that live across the street.

Chairman Rogan stated all right, anyone else, going once, going twice, motion.

Board Member DiSalvo stated motion to close the public hearing.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated okay, Rob, procedurally, we don't have a resolution on this, we certainly.

Rich Williams stated I did not prepare a resolution because I did not know what everybody wanted to do with it but procedurally it is essentially exactly like the subdivision that was previously was approved that unfortunately the time had elapsed before all the conditions.

Chairman Rogan stated so can we adopt the previous resolution and just change the dates on it.

Board Member DiSalvo stated extend it.

Board Member Pierro stated change the dates.

Rich Williams stated you can if the applicant.

Chairman Rogan stated I don't want to change a thing, we liked what we approved last time. We first should do a SEQR determination.

Board Member Pierro stated in the matter of Dunning Subdivision, Harmony Hill Road and Route 292, Town of Patterson, I make a motion that the Planning Board adopt a negative determination of SEQR.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated and then we can do a motion for resolution to approve this subdivision, per the previous.

Board Member Pierro stated in the matter of Dunning Subdivision, I make a motion that we approve the subdivision, as written in the previous, don't remember the date, the previous subdivision approval received for this project.

Board Member Montesano seconded the motion.

Chairman Rogan stated anything in there that we should in there that we didn't Rich, everything is one record so, Mike seconded.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated any opposed.

Board Member Cook stated Rich, could you add into this resolution the date of the previous one.

Board Member DiSalvo stated it supersedes it.

Rich Williams stated what I'll do is I'll take the last resolution that was done for this and I will change the dates to reflect this meeting and just add that all in and everybody can acknowledge that it is a repeat of the previous resolution.

Board Member Pierro stated very well.

Chairman Rogan stated great, thanks.

Mr. Cameron stated thank you.

3) ROUTE 311 LIQUORS, INC. – Sign Application

Mr. Robert Graap was present to represent the application.

Chairman Rogan stated is anyone here for Route 311 Liquors.

Board Member Pierro stated yes.

Mr. Graap stated its Patterson Wine.

Board Member Pierro stated state your name for the record sir.

Mr. Graap stated signs by Vertical Horizon.

Board Member Pierro stated can you spell you last name, Rob.

Mr. Graap stated Graap, G as in George, R-A-A-P as in Peter.

Board Member Pierro stated I know how you spell your last name sir, it's just for her benefit.

Mr. Graap stated I know, a lot of people say grap.

Board Member Montesano stated yeah but does he know how to spell his last name.

Board Member DiSalvo stated its not grape, its Graap.

Mr. Graap stated well this gentleman is in the building, he can help you with any questions, this is his store. I guess since its there and what Rich wrote up about the size and dimensions.

Chairman Rogan stated yeah.

Mr. Graap stated so we were looking to squeeze the sign in, that was six feet long.

The Secretary stated can you use the microphone.

Mr. Graap stated excuse me.

Chairman Rogan stated can you use the microphone, why don't you take the microphone right out.

Mr. Graap stated we're trying to squeeze, that's all right.

Chairman Rogan stated you're okay.

Mr. Graap stated yeah.

Chairman Rogan stated all right.

Mr. Graap stated we were trying to squeeze the sign in of course and that is not working out because its sets everything off.

Chairman Rogan stated yeah.

Mr. Graap stated nothing looks like it's the same size.

Mr. Chairman Rogan stated we want to give you your you know, the space that you deserve in this building so you can advertise properly.

Mr. Graap stated oh, right, that is why I'm here for the tenant and obviously the landlord hasn't taken care of this.

Board Member Pierro stated Rob, so can I ask you, is the insurance company still active and on site.

Mr. Graap stated they are, yes.

Board Member Pierro stated they are.

Mr. Graap stated yes.

Board Member Pierro stated okay.

Mr. Graap stated so when that sign went in, there was no application submitted.

Chairman Rogan stated right.

Mr. Graap stated therefore there is no permit for the insurance.

Chairman Rogan stated none that we are aware of.

Mr. Graap stated none that we are aware of.

Chairman Rogan stated you know, given the caveat that things might be legit and we just don't know it.

Board Member DiSalvo stated right.

Chairman Rogan stated but.

Mr. Graap stated and Rich's idea of moving it down and to the left work but it also, we could make it smaller if the landlord requests it.

Chairman Rogan stated make what smaller.

Mr. Graap stated the insurance sign.

Board Member DiSalvo stated oh.

Mr. Graap stated making.

Chairman Rogan stated we were hoping that we could balance your sign and their sign to the area provided on that gable on that you know, area. So that they compliment the architecture of the building, so they compliment the advertisement of your business.

Mr. Graap stated you want to know the best way to do that.

Chairman Rogan stated sure.

Mr. Graap stated take that insurance sign, put it in the middle, cut it in half and give one tenant and on the left and one on the right, not cutting it in half but actually just separating it.

Chairman Rogan stated I see what you're saying.

Mr. Graap stated five foot by and five foot, otherwise he is looking at an expense as far as I don't think, you see his expense.

Chairman Rogan stated I see what you're saying.

Mr. Graap stated and what he feels he has already.

Chairman Rogan stated so what you're saying is keep the box, remove the insurance sign.

Mr. Graap stated yeah.

Chairman Rogan stated make their sign smaller, put your sign there and just shift the whole box down to the center.

Mr. Graap stated put the whole, the box should of never been put on the building right there, its obvious it should have been centered in that gable, I mean, why would you put it.

Chairman Rogan stated yeah.

Mr. Graap stated I don't know the thought, I didn't put it up.

Chairman Rogan stated from a cost perspective that you know, that is certainly up to you, that seems like it would be fine to this Board.

Mr. Graap stated yeah.

Board Member DiSalvo stated Bobby, are you doing both signs for them.

Mr. Graap stated no, I'm probably not going to do anything because you guys have to get Wayne to submit himself to your decision on making that sign smaller, moving it down and if he does neither of those for you and then you need to take him to court and that is not going to happen. So, you can request him to move it to the left and leaving us room for another one on the right but in general its ten foot.

Board Member DiSalvo stated how does the tenant feel about approaching the landlord, how does the tenant for the liquor store feel about it.

Mr. Graap stated I think she has approached the landlord as far as where can I put a sign and he has basically said, do what you can on the area of the building that you have. Now, as an architectural review board, you are looking at as aesthetic way, so we can make it look right to the community and again since that sign went up without a permit, its not centered on the building.

Board Member DiSalvo stated what if we, would you have the authority to move the insurance sign down and over the left.

Mr. Graap stated I don't have the authority to touch it.

Chairman Rogan stated is the applicant here tonight.

Mr. Graap stated I would be the applicant for the Patterson Wines.

Chairman Rogan stated you are appearing on behalf of the applicant.

Mr. Graap stated yeah and.

Chairman Rogan stated do we need some type of letter of authorization for Mr. Graap from the.

Board Member DiSalvo stated from the Town Attorney.

Chairman Rogan stated well just a letter of authorization.

Mr. Graap stated to, in regard for the Bernstein's.

Rich Williams stated with sign applications we generally have them made by the business owner, not necessarily, not all the time the property owner.

Chairman Rogan stated no, I understand but the business owner is not here.

Mr. Graap stated so the Bernstein's, no.

Chairman Rogan stated correct.

Mr. Graap stated correct.

Chairman Rogan stated you are the gentleman who will be designing and building that sign, understood.

Mr. Graap stated fabricating the sign. They sign the application.

Chairman Rogan stated I think, Charlie, please go ahead.

Board Member Cook stated why don't we ask, either the representative from this insurance company to come in and/or the owner of this conglomeration of buildings and talk to them about basically some of the comments in Rich Williams' memo. That says hey, maybe we can get some conformity, especially size wise as it relates to insurance sign, you know because if we approve this wine and spirits sign, its like everyone says, its just crammed in.

Mr. Graap stated its not going to make the building look worse, by all means, the building looks bad.

Chairman Rogan stated right.

Board Member Cook stated you know, we are not doing anybody any good the way it is.

Chairman Rogan stated right.

Mr. Graap stated all this is doing is giving the person in there an advertisement.

Chairman Rogan stated the only problem with this process for the applicant, the applicant that is before us is that this delays him getting a sign up on the building advertising. Now, I drove by on the way here and saw that they have the neon sign in the window and the open sign and they have a sign out on the, a temporary sign out on the yard, so they are advertising their business. They are open obviously but it would make sense if we could determine whether or not this sign, the insurance sign, is illegal that we send a letter to the insurance company and say, we realize that this sign was put up without proper authority or proper approval, come in and get a sign application but just so you're forewarned, here is what we would like to see happen, we would like to see a sharing of space or.

Mr. Graap stated this needs to be.

Chairman Rogan stated to try and resolve this amicably, so that we can not only get your applicant, your, Patterson Wine and Spirits, their sign but also bring this insurance sign, number one make it legal.

Mr. Graap stated excuse me, this sign that is insurance.

Chairman Rogan stated yeah.

Mr. Graap stated the Ryder's put this up, the insurance company didn't pay for it, really you need to address, not the insurance company's, they will probably let you take it down, before they would come in but the Ryder's who own this building.

Chairman Rogan stated okay.

Mr. Graap stated are the ones that are responsible for putting this sign up, in this spot on the building.

Chairman Rogan stated yeah but I don't know that other than you just telling me that, so you know.

Mr. Graap stated well, yeah they did buy a couple of signs for the building for the tenants that were there, when there were only two tenants and they were trying to fill the establishment.

Chairman Rogan stated okay.

Mr. Graap stated they purchased the sign for the insurance company and for the right now, Smoking Wheels, those are light boxes, the faces slide out and they can be inter-changed, it was Toni's Hair and Nail back then and now its of course Smoking Wheels. Now the insurance company has stayed but the sign again, that's up there for the insurance company was put on the building and it was asked to be placed there by the owner of the property, not even by the insurance company so. The insurance.

Chairman Rogan stated so, I mean, regardless.

Mr. Graap stated regardless.

Chairman Rogan stated the way, the way we solve this, I like your idea of just centering that box and splitting the area in and half and using half of it for the.

Mr. Graap stated for each business.

Chairman Rogan stated assuming that that is enough to properly advertise those business within that area, these are all, all these signs, including the one proposed tonight are still well under the area that would be allowed for lineal footage for that building.

Mr. Graap stated right.

Chairman Rogan stated so we have some room to work with.

Mr. Graap stated yeah and if we are willing to put two pan face aluminums, of course the light box is an expensive sign.

Chairman Rogan stated right.

Mr. Graap stated will they incur that expense, if they would remove the light box and then put the same insurance boards on a two by, well what Rich proposes we could put those two signs on the front and make them and adjust them so that they are in the right places proportionately. Where this one, again is just out of proportion on the building.

Chairman Rogan stated right.

Mr. Graap stated it was put up there without standing away from the building and looking at it and in that case, you're right, the insurance company's sign.

Chairman Rogan stated you know.

Mr. Graap stated if he moved, if he would.

Chairman Rogan stated I have to say, the other problem with this Bill is that, or I'm sorry did I just call you Bill.

Mr. Graap stated Bob.

Chairman Rogan stated I'm thinking of your father, is that the size of the proposed sign, looks like it is about half the size of that insurance sign, it looks like its too small for the building.

Mr. Graap stated because of course, we didn't want to put it under it, we don't want to stager them, because staggering them putting one down to the left, putting one down to the right, this is not going to make the front of the building look better. The only thing that would make them look better is if they are both exactly the same and they leave a foot on the left and foot on the right of the eaves and potentially a foot in the middle.

Chairman Rogan stated yup.

Mr. Graap stated and that's, to drop the sign and not have it at the same height as the other signs on the, the Smoking Wheels sign, it makes things looks funny.

Board Member DiSalvo stated how is Duffle Bag's sign.

Board Member Pierro stated not symmetrical.

Mr. Graap stated its not symmetrical, one should not be lower than the other, they should all be at the same height, across the front of the building.

Chairman Rogan stated right.

Mr. Graap stated in order to do that, that insurance sign needs to be re-fabricated and made smaller.

Chairman Rogan stated that's not (inaudible).

Board Member Pierro stated Rich is waiting with bated breath.

Mr. Graap stated go Rich.

Rich Williams stated Duffle Bag's sign, received a permit for a twenty-four square foot sign.

Board Member DiSalvo stated right but would that look in conformity if we center this insurance sign and have Patterson Wine and Spirits a little larger, would it all look.

Rich Williams stated well.

Chairman Rogan stated it wouldn't be larger though, I think that is the problem.

Rich Williams stated it wouldn't be the same size.

Chairman Rogan stated yeah.

Rich Williams stated but you're have two small equal size signs.

Chairman Rogan stated the insurance sign.

Rich Williams stated offset by two larger signs on either end, which would slow.

Board Member DiSalvo stated yeah.

Chairman Rogan stated the insurance sign you are showing is about twenty square foot, if we split that in half and gave Patterson Wine and Spirits a ten square foot sign, within that twenty square foot box, it is smaller than what they proposing tonight, which we are already saying it looks small.

Board Member DiSalvo stated right.

Chairman Rogan stated so I mean, the problem is and I agree with what you're saying it would be better to have a box sign that runs about a foot off of each eave and then you split it in the center and than that would probably more like an eighteen square foot.

Mr. Graap stated right, two foot by eight foot, is sixteen square feet, you know a foot and a half by ten foot is.

Chairman Rogan stated yeah.

Mr. Graap stated if you did the math is about twenty square foot but as long as they are both the same size.

Chairman Rogan stated fifteen, fifteen square foot. Okay, how do we get through tonight, none of this, in other words.

Mr. Graap stated we.

Chairman Rogan stated we don't have, we could approve what you've given us tonight showing but we are all in agreement that it doesn't look right, it doesn't work.

Mr. Graap stated right.

Chairman Rogan stated its not giving the applicant, really what they deserve.

Board Member DiSalvo stated well he mentioned that he has signs out already, so to delay this won't hurt his business.

Chairman Rogan stated correct, isn't going to kill him, right.

Mr. Graap stated right, its not going to delay or hurt his business, he's just looking to find a spot on the eave that makes everything look right.

Chairman Rogan stated yup.

Mr. Graap stated and to do that would be to, you know, talk to the landlord, the insurance company or the landlord, or talk to the insurance company.

Chairman Rogan stated yeah.

Rich Williams stated want me to draft a letter on behalf of the Board.

Chairman Rogan stated please.

Rich Williams stated to the insurance company, I am going to copy the property owner at the same time, so everybody is aware of what's going on.

Chairman Rogan stated and make sure its clear in there that we don't have any record of this insurance sign being legal however through this process we can make it legal. There is the carrot at the end of the stick for him, is you know, if you work with us here, at the end we'll have two signs that will be approved.

Board Member Montesano stated does the insurance company own that sign or was it put up by the.

Rich Williams stated I have no idea.

Mr. Graap stated it was put up by the landlord, the landlord owns it.

Board Member Montesano stated that means that the insurance company may have, may not have the authority to do anything with the sign.

Board Member DiSalvo stated (inaudible) well he's going to copy the landlord.

Rich Williams stated everybody is going to be put on notice, everybody is going to be aware that they are responsible.

Board Member Montesano stated how long, that sign has been up for quite a few years.

Rich Williams stated I have no idea.

Board Member DiSalvo stated it will straighten everything out.

Chairman Rogan stated all right that is what we are going to do and please tell the applicant to be patient with us but in the end, we are working to help them out, not slow them down.

Mr. Graap stated right, I understand and I didn't mean to interrupt you.

Chairman Rogan stated appreciate it, no, you're fine.

Mr. Graap stated thank you very much.

Chairman Rogan stated we appreciate your time.

Board Member Montesano stated thank your friend.

4) GREAT BLUE OUTFITTERS – Sign Application

Mr. Mac Rand, the applicant was present.

Chairman Rogan stated Great Blue Outfitters, sign application. That was a tough conversation to follow, considering you're in here for a sign application.

Mr. Rand stated hopefully this one will be short and sweet. My name is Mac Rand, R-A-N-D, I live in Pawling but I'm starting a business on the former Century 21, Tela Cook office.

Chairman Rogan stated yes.

Mr. Rand stated and I am looking to replace the signs that had been there with my own signs.

Chairman Rogan stated okay and are we, I know you've been speaking to Rich, hopefully he's been guiding you a little bit as to what we are looking for. I know you've had discussions recently about the building mounted sign as well.

Mr. Rand stated yes.

Chairman Rogan stated okay, now the one thing, when I drove by the other day because each of the Board Members had said that they would just drive by rather than doing an organized site walk. While I'm not against any of the colors in the design of your sign, it is very, very difficult to read as you drive up and down the road.

Mr. Rand stated well, we noticed that.

Chairman Rogan stated yeah.

Mr. Rand stated and its not very good advertising to not be able to read the sign.

Chairman Rogan stated that's good, right.

Mr. Rand stated what I did was to take, I can give you guys copies of this, it is exactly the same information but moved around a little bit, so there is not quite so much white space here, so the text is a little bit bigger, a little more legible because it is kind of set back from the road and unless you are looking right at it when you go by, you don't see it so, this would be the, if you would like a copy.

Chairman Rogan stated sure.

Board Member Pierro stated is that a different.

Mr. Rand stated it is virtually the same as what you have, its just that things have been moved a little.

Chairman Rogan stated just the size of the text.

Mr. Rand stated and the lettering is maybe an inch bigger so that it is a little more legible as you drive by. Sorry about the black and white, I've had computer issues lately.

Chairman Rogan stated that's quite all right.

Board Member Montesano stated welcome to (inaudible).

Mr. Rand stated yeah, when you most need them to work right. If you look at the two of them, they are pretty similar its just that things have been moved around just a little bit.

Chairman Rogan stated you realize that we are looking at this proposal not only for the sign application but the idea and I see you given us drawings of the area that you would like approved for storing canoes.

Mr. Rand stated yeah I would just like to build a couple of canoe racks behind the building so that its not quite so out there for everybody who drives down [Route] 22 to.

Chairman Rogan stated and it was some of the Board's opinion that this is a soft use of the site and not.

Mr. Rand stated I'm sorry, what kind of use.

Chairman Rogan stated a soft use and I know that is a term we kind of.

Mr. Rand stated I don't know what that is.

Chairman Rogan stated meaning its not, you don't have contractors coming in and out with trucks full of gravel.

Mr. Rand stated oh no, no.

Chairman Rogan stated it's a retail type, it's a soft use.

Mr. Rand stated I can build a rack in an hour by myself with a drill.

Chairman Rogan stated it's a type of thing that we are not going to be as concerned with whether or not the site can handle the amount of traffic you will be attracting to the site. We are mainly concerned with where you are going to store things if not inside the building and you are showing use for outside because there are some issues with this property that are not directly tied to your application.

Mr. Rand stated Rich had mentioned that, yeah.

Chairman Rogan stated okay, so what we are trying to do is at least understand what you would like to do there, make sure that what we are understanding doesn't turn into something more than that and hopefully approve you and get you on your way so you can get a business going.

Mr. Rand stated okay.

Chairman Rogan stated and we'll wish you the best of luck in that.

Mr. Rand stated thank you.

Chairman Rogan stated that endeavor.

Board Member Pierro stated Rich, have you had the opportunity yet to prepare a draft or a letter to the property owner to try and get this whole site brought into compliance, as far as site plan is concerned.

Rich Williams stated no I did not, I did give you a history though, which is coming up later tonight.

Board Member Pierro stated just rcer0.0002 Tc -0.0002 Tw 14.36 58Td(trynd.)Tj knobutncrned. that eterndlor

Rich Williams stated on other issues.

Board Member Pierro stated okay.

Chairman Rogan stated okay.

Board Member Pierro stated just to let you know, we are taking that avenue, trying to get everything brought into compliance.

Chairman Rogan stated three.

Mr. Rand stated yeah, there are two building mounted, one over the front door, one over the south end of the building, over a window.

Chairman Rogan stated south end of the building.

Mr. Rand stated as you are heading north, there is a bay window and it will be overhead that and then the free standing one and those other two on the building, not that it matters, are also pre-existing, I'm not putting in anything new.

Board Member Pierro stated the amount of the building signs don't exceed code.

Rich Williams stated I don't know, I didn't look at them.

Mr. Rand stated the building sign is one foot by four foot over the door.

Chairman Rogan stated okay.

Rich Williams stated the one foot by four foot, I did look at.

Mr. Rand stated and.

Rich Williams stated that's fine.

Mr. Rand stated and the other is one by eight.

Rich Williams stated I apologize, I assumed that the application was just for that one little.

Mr. Rand stated I'm sorry, I did two applications, two separate ones for the building mounted.

Chairman Rogan stated okay, so one by four and one by eight.

Mr. Rand stated one by eight, yeah.

Chairman Rogan stated that's twelve square foot and then the sign that is going to fill the existing sign out by the road is how many square feet.

Mr. Rand stated fifteen square feet.

Chairman Rogan stated okay so.

Mr. Rand stated the same as what it had been.

Chairman Rogan stated twenty-seven and we are allowed what for this.

Rich Williams stated for the free standing or the building mounted.

Chairman Rogan stated for all of them combined.

Rich Williams stated the free standing sign is separate from the building mounted signs.

Chairman Rogan stated okay.

Rich Williams stated that is, as I pointed out in my memo, that is a pre-existing non-conforming sign, he is just using the existing sign area so there wouldn't be an issue with that one.

Chairman Rogan stated understood.

Rich Williams stated with regard to the building mounted sign, the code allows one and a half square feet per linear footage of the frontage of the building.

Chairman Rogan stated okay and we are certainly well below that.

Mr. Rand stated yeah, I could go about eight times bigger and we'd still be good, so I'm trying to keep it small.

Chairman Rogan stated and the sign on the south side of the building is the same design as the one over the front door.

Mr. Rand stated yes, exactly.

Chairman Rogan stated perfect, okay. So then, let's first, if the Board wants to work through this in a methodical way, let's first deal with the sign applications.

Board Member Pierro stated do we have to SEQR.

Chairman Rogan stated on each one, yeah.

Board Member Pierro stated in the matter of Great Blue Outfitters, in regards to the building mounted signs, I make a negative determination of SEQR.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Mr. Rand stated that is a good thing, right, negative, okay.

Chairman Rogan stated negative is good, yes.

Mr. Rand stated thank you.

Board Member Pierro stated with that I make a motion that we approve the application for the building mounted signs, both above the front door and on the south side of the building, that presently applied for, do not exceed code.

Board Member DiSalvo seconded the motion.

Board Member DiSalvo stated okay.

Board Member Pierro stated second.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Board Member Pierro stated I make a motion that approve the free standing sign that is already been determined as pre-existing, sign stanchions in the front of the building and we approve that at fifteen square feet.

Board Member DiSalvo seconded the motion.

Rich Williams stated can I make a recommendation before the Board votes.

Board Member Pierro stated sure.

Rich Williams stated that you require landscaping be put in around the lights, because there are two exposed lights right now, that are visible from the highway. Typically what the Board does, or has done in the past, when you have floods on the ground, you just put a little bit of low growing landscaping around it.

Mr. Rand stated sure.

Rich Williams stated little miniature box woods or something like that, so you can't see the bulbs or the lights.

Mr. Rand stated okay, no problem.

Chairman Rogan stated no problem.

Board Member Pierro stated okay, I amend my motion to include some low growing shrubs around the spot lights that are at the front of the free standing sign.

Board Member DiSalvo stated the free standing sign.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated and that SEQR Rich, can apply to all three of the applications, correct, so that was done. And in terms of the request for the outdoor storage behind the building for two canoe racks, we have a picture of the way they will be constructed, out of lumber.

Mr. Rand stated they are very straight forward, they're.

Chairman Rogan stated is it only four boats per.

Mr. Rand stated six.

Chairman Rogan stated six, I'm sorry, one, two, three, four, five, six, so its just six boats or twelve.

Board Member Pierro stated six.

Mr. Rand stated there will two of six each, so twelve total.

Chairman Rogan stated okay, all right. And in this regard we are, Rich, procedurally we are just making a motion to approve the outdoor storage as shown on this set of plans, is that.

Rich Williams stated you don't have a site plan application.

Chairman Rogan stated well that's what I'm saying, so.

Rich Williams stated so you're only option at this point is to grant a waiver of site plan, based on the fact that improvements are less than ten percent expansion of the building, correct.

Mr. Rand stated right.

Chairman Rogan stated okay, for this specific.

Board Member Pierro stated there is no expansion of the building, technically, right.

Rich Williams stated then that would be less than ten percent.

Board Member Pierro stated okay. On the motion.

Chairman Rogan stated sure, please.

Board Member Pierro stated in the matter of Great Blue Outfitters, I make a motion that we grant a site plan waiver to build two canoe kayak racks in the rear of the building not to exceed fifteen square feet, fifteen feet long. They are six feet each.

Board Member DiSalvo stated want to do capacity.

Mr. Rand stated they are about eight feet wide and six, the bottom supports are about six feet, so.

Board Member Pierro stated not to exceed eight foot by six foot each.

Chairman Rogan stated by six, right, per the dimensions, we'll put a copy of this in the file.

Board Member Pierro stated per the dimensions provided in the application.

Mr. Rand stated okay.

Chairman Rogan stated and any other modification to this site outside would have to come back before us.

Mr. Rand stated sure.

Chairman Rogan stated all right, second on that.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Board Member Pierro stated do we have to do SEQR on the waiver of a site plan, no, very well.

Chairman Rogan stated thank you.

Mr. Rand stated thanks very much.

Chairman Rogan stated good luck with your business, we'll see you in the swamp.

Board Member Pierro stated bring your chain saw.

Mr. Rand stated I've been out there with Rich.

Chairman Rogan stated we heard.

Rich Williams stated you're going to give us a copy of the.

Chairman Rogan stated yeah.

Rich Williams stated you want me to make copies for everybody.

Chairman Rogan stated this.

The Secretary stated of the canoe racks, yes, everybody received a copy.

Board Member Montesano stated yes.

Chairman Rogan stated its just the.

Mr. Graap stated the sign that you guys (inaudible).

Chairman Rogan stated and it is in this case anyway. It was only a fifteen square foot sign, it wasn't more than twenty-five.

Mr. Graap stated sometimes when they get real big (inaudible) there are a couple out there (inaudible).

Chairman Rogan stated its location to the difference there, thanks. I thought when he came in, he was new business owner.

Board Member Pierro stated yeah.

Board Member DiSalvo stated Bob is (inaudible).

Chairman Rogan stated no, I know, I just haven't seen him in a long time.

5) MORRIS FILL PERMIT – Initial Application

Mr. John Morris and Mr. Angelo Gizzo were present.

Chairman Rogan stated okay, we have Morris fill permit. Good evening Mr. Morris.

Mr. Morris stated how are you doing.

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

Mr. Morris stated John Morris, 40 Bullet Hole Road.

Chairman Rogan stated and who you brought with you this evening.

Mr. Morris stated this is my buddy.

Mr. Gizzo stated my name is Angelo Gizzo from Victor Rose Contracting.

Chairman Rogan stated Angelo.

Board Member Pierro stated a little guy to handle to handle your light weight.

Mr. Gizzo stated yeah, you know, us little guys stick together.

Board Member Pierro stated just relax okay, we're friendly.

Chairman Rogan stated Angelo, what we're looking for, obviously you have a copy of the site walk comments.

Mr. Gizzo stated yes.

Chairman Rogan stated and since you are the excavation contractor, if you could walk us through what you anticipate doing out there to make this a safe application.

Mr. Gizzo stated right now we have a drop that is probably about ten to fifteen feet.

Chairman Rogan stated right.

Mr. Gizzo stated it used to be about thirty feet from the top of the driveway, what we are looking to do, if you look at the picture, that I'm going to give you here.

Chairman Rogan stated yup, well we were out on site, if you remember.

Mr. Gizzo stated I didn't know if everybody was.

Board Member DiSalvo stated when were these taken.

Board Member Pierro stated we were all there.

Mr. Gizzo stated I didn't know who was there and who wasn't, so we got a couple pictures. What we are looking to do is pretty much, drop that pad that is there now, probably about another foot and then bring it across the backyard, up to about where the patio is so, eventually he can have a little patio and he can have an area for the kids to play, that is pretty much it.

Chairman Rogan stated so you're saying.

Mr. Gizzo stated then the erosion on the back side, I was just going to use some erosion control mats to prevent it from eroding down, which when we are all done its only going to be maybe a seven to ten foot drop.

Chairman Rogan stated and the mats are for (inaudible) is what you're saying.

Mr. Gizzo stated yeah the back slope, yes, its not going to be that steep of a slope.

Chairman Rogan stated Angelo, the people that will be working with us tonight, Rich Williams is our Town Planner and Ted Kozlowski is our Wetlands Inspector.

Mr. Gizzo stated okay.

Chairman Rogan stated they were both on site as well.

Mr. Gizzo stated okay.

Chairman Rogan stated and obviously the concern is down about where the well is, we have a wetlands boundary and we want to limit what was rolling down off the fill pad, some rocks and stuff.

Mr. Gizzo stated okay well whatever rocks that rolled down, we are going to pull back up.

Chairman Rogan stated you need them, you want to keep those.

Mr. Gizzo stated yeah we are going to bring those back in, so.

Chairman Rogan stated but the main concern.

Mr. Gizzo stated I don't want to disturb too much of the area below.

Chairman Rogan stated right.

Mr. Gizzo stated but we are not going anywhere near that wetlands, we are way, we are probably about a hundred twenty, hundred and thirty feet away from it.

Chairman Rogan stated where.

Board Member Pierro stated there is a storm drain, excuse me, there is a storm drain to the left of that fill area now.

Mr. Gizzo stated correct, we are going to come across with that storm drain but it would be pretty much evenly with that. We are going to put a little dirt around that storm drain just to pad it and just slope it down.

Board Member Pierro stated okay.

Mr. Gizzo stated there was a couple trees there that we are looking to take out, just to make it uniform across and make a nice back yard.

Chairman Rogan stated those trees we had noted and we have told Mr. Morris that they are going to die from root compaction and soil erosion.

Mr. Gizzo stated those we are going to take out anyway because they are going to be in the way.

Chairman Rogan stated trees like that can you just, Ted can you just cut trees like that rather than knock them over and cause more disturbance.

Ted Kozlowski stated yeah, I would cut them, they are eventually going to decay, the root systems. I'm a little more concerned about the bank being stable because you know, you're a hundred and thirty, a

hundred twenty feet from the wetland, regulatory zone is a hundred feet and you've got your well down there.

Mr. Morris stated I excavated a hundred and five feet from the.

Ted Kozlowski stated you've got your well, if we get the summer storms and that blows out, its going to go right between those two stonewalls and right to your well and right into the wetland. So that is my concern is that that bank is stabilized and I don't know if mats are the only answer.

Mr. Gizzo stated I'm going to put some stone in there as well, there is going to be some heavy rip rap that will cushion it and then we are going to put a couple inches of top soil.

Ted Kozlowski stated but how are you going to deal with drainage on that site, where is stormwater going to go.

Mr. Gizzo stated its going to go to the same place it's been going for the last who knows how many years, all we are doing is cushioning it. Its going to be actually smaller slope then it is now; if anything it will slow the water down.

Ted Kozlowski stated I understand but there is a tremendous amount of soil going there and if that gives, if that goes its all going to the wetland, it's the only place its going to go.

Mr. Morris stated there is going to be blacktop.

Ted Kozlowski stated I want to make sure that is secure.

Mr. Morris stated there is going to blacktop on top of that, so when we cover that, everything up, so if it has to, we are going to slope it off so that water doesn't go shooting straight off the back, I mean, I can't. It would have to be the Indian Ocean to just shot that water back off the top, from the top of driveway, that is pretty.

Ted Kozlowski stated I've seen oceans in plenty of storms.

Mr. Morris stated that is coming to the end of the world for that.

Mr. Gizzo stated what would you recommend because I was going to use, like I said, rip rap and to support and I was going to put some erosion control.

Ted Kozlowski stated you're the erosion.

Rich Williams stated yeah, here we go.

Mr. Gizzo stated so what would you want us to use.

Rich Williams stated let me clarify at least one thing, the finished bank, you're looking at what grade.

Mr. Gizzo stated its probably going to be about seven to ten foot slope.

Rich Williams stated a two on one grade, a three on one grade, twenty percent.

Mr. Gizzo stated twenty percent I would.

Rich Williams stated is that what you are going to do.

Mr. Gizzo stated well, I'm not understanding your question.

Rich Williams stated okay, you are creating basically a level pad and then it is going to drop off, slowly.

Mr. Gizzo stated its going to gradually slope off, its not going to be totally flat.

Rich Williams stated right but the slope is going to be, any idea what the grade is going to be because that is going to dictate. Depending on how far you go out, what the grade is going to be, what the toe of the slope, how far away from the wetlands you're going to be and also what stabilization you're really going to need to put on that slope.

Chairman Rogan stated Angelo, what exists out there right now, what we saw, now we know you're not done, from the excavator down towards the wetlands, was probably about a one on one slope existing.

Rich Williams stated yeah.

Chairman Rogan stated so one on one, right.

Mr. Gizzo stated yeah.

Chairman Rogan stated a foot of rise and a foot of run. Obviously we want it to be as gentle as possible but you don't have the room for that because you're so high up from the existing grade that if we try to get you do say a three on one, three foot of run, one foot of rise.

Board Member Pierro stated you'll be in the wetlands.

Chairman Rogan stated you would be so far down to that well, you'd never make it. What we are looking at is, you either try to bring this, bring the toe of the slope out a little bit you may even consider, we mentioned maybe some, taper it, terracing it back with some retaining walls, with some stone walls. The problem is we don't want those to get too tall because if you get up above three and a half feet, now we are looking at engineering.

Mr. Gizzo stated look at the picture, there used to be a retaining wall up on the top.

Chairman Rogan stated is that what that rock is part of.

Mr. Gizzo stated that was part of that retaining wall.

Chairman Rogan stated from when the house was built.

Mr. Gizzo stated just stone into a pile of dirt.

Chairman Rogan stated okay.

Mr. Gizzo stated okay, we just took that dirt and moved it back.

Chairman Rogan stated okay.

Mr. Gizzo stated we are eventually going to put a wall here.

Chairman Rogan stated how high.

Mr. Gizzo stated well its going to be about three feet, what that is.

Chairman Rogan stated okay.

Mr. Gizzo stated and then it will come out probably about fifteen feet and it will start gradually sloping which will be a very gradual, you will be able to walk down the slope.

Chairman Rogan stated so the wall will be here and run around towards the deck and then taper down towards the.

Mr. Gizzo stated and then it will come from this point, the property comes straight back, and then figure about fifteen or twenty feet from there back is where will be sloping it down.

Mr. Morris stated that slope, when I first got the house, that thing was worse then this, than before, this thing was a, a cliff.

Chairman Rogan stated we know it was a steep lot.

Mr. Morris stated me personally they never should have left the lot like that, I have kids, they run off the back and you know, he's talking about a fifteen feet drop.

Chairman Rogan stated and we acknowledge that you are trying to make it a more usable lot.

Mr. Morris stated yeah I mean I got 2.39 acres of land and I have nothing to do with it, I have to take my kid to park, I don't think that's right.

Chairman Rogan stated right.

Board Member DiSalvo stated Angelo, you're going to go like up to the wooden deck with the fill or.

Mr. Gizzo stated it should like something like this to the back, okay, that will give you an idea of the kind of slope that you're going to get back there. You should be able to walk down it without having somebody hold a rope for you, even you'll be able to walk down there, promise.

Board Member DiSalvo stated it will be like going down the bunny hill.

Board Member Montesano stated (inaudible) rolling.

Board Member Pierro stated Rich wants to jump in here.

Rich Williams stated do we have an idea what the slope is going to be at this point.

Chairman Rogan stated I don't think we do, the picture that he's showing looks like he's got about fifteen percent grade but its so hard to tell from the picture.

Mr. Gizzo stated its hard to tell from the pictures.

Rich Williams stated let's try it a different way.

Mr. Gizzo stated okay.

Rich Williams stated you're going to create a slope, its going to be moderately steep, we are going to assume its going to moderately steep, how are you going to cover the slope.

Mr. Gizzo stated how am I going to cover it.

Rich Williams stated you have previously mentioned an erosion control mat.

Mr. Gizzo stated I was going to use an erosion control mat with seed and.

Rich Williams stated so you're going to rake it out smooth, you're going to put the mat down.

Mr. Gizzo stated it will be raked out, there will mat with seed.

Rich Williams stated you're going to staple it into the bank.

Mr. Gizzo stated yes, it will be stabilized into the bank, it's got wire clips that stabilize it into the bank and within a couple weeks there will be grass going there and it should retain the water.

Rich Williams stated the only.

Mr. Gizzo stated its not going to stop the water but it will slow it down and.

Rich Williams stated its not really going to slow it down but its going to give it a hard surface to go over.

Mr. Gizzo stated exactly.

Rich Williams stated the only thing I would suggest to the Board and that sounds fine, is that you know, you have me go out there and take a look at it before the mats go down and after the mats go down to make sure that they are done properly.

Chairman Rogan stated sure.

Rich Williams stated we ended up, just so you know why, we ended up with a situation right down the road, where they didn't put the mats in properly. They just put them over the top of stones that they had left in and the whole bank failed and that is why its critical that its done.

Mr. Gizzo stated have no problem with you coming out, if you have any advice you want to give me while you're out there, that's fine, I'm willing to.

Rich Williams stated no, I mean you sound like you've got some experience with the mats, you know, you have to get rid of all the stones, you have rake it out smooth, staple them in, they run vertical to the slope.

Ted Kozlowski stated I would like to also add, I said this out at the site walk, between the two stone walls, there is an opening that goes down.

Mr. Gizzo stated correct.

Ted Kozlowski stated connect a silt fence from the one stone wall to the other, properly install it.

Mr. Gizzo stated okay.

Ted Kozlowski stated as a back up in case you get catastrophic rain before that is all stabilized, so you can at least arrest anything that might go down.

Mr. Gizzo stated sure, yeah that's, that's not a problem, not a problem at all.

Mr. Morris stated I was going to cut that tree back there that was down, I was going to cut that up this weekend and get that out of way, so clean it up a little bit.

Mr. Gizzo stated that's not even an issue.

Ted Kozlowski stated that's not an issue, the issue is.

Mr. Gizzo stated I know exactly what you're talking about.

Ted Kozlowski stated the stone wall will act as a barrier but you've got an opening and that is where and its all funneled, everything is funneled that way.

Mr. Gizzo stated through that section.

Ted Kozlowski stated so properly install a silt fence which is, costs you nothing.

Mr. Gizzo stated yeah, that's.

Ted Kozlowski stated get it up and that will be a back up re-course there, in case you have a problem with erosion.

Mr. Gizzo stated not a problem, as a matter of fact I will put that in before we even finish, before we even get going with the fill.

Chairman Rogan stated also Angelo, keep in mind that it looks like the water runs down the driveway and then as you are looking down the driveway towards your excavator and its seems to but off to the left. Make sure you consider that, you had mentioned Mr. Morris, like a crown or something.

Mr. Morris stated yeah.

Chairman Rogan stated just make sure that the lay of that finished grade is such that you are going to put the water off to one side, so it diverts it around this whole section.

Mr. Gizzo stated okay.

Chairman Rogan stated and whether or not you have to do some kind of a rip rap area or whatever, I think Rich can help you with that but there is a lot (inaudible).

Mr. Gizzo stated along that driveway we were going to put some rip rap, here is a picture, I think I got one here, you got any other.

Mr. Morris stated he's got the other one there.

Mr. Gizzo stated that is the one that goes up the driveway.

Chairman Rogan stated why don't we give you these back.

Mr. Gizzo stated I was going to, I was just going to, this is the driveway here, okay and along here is where all the water runs down. I was going to cushion it with some rip rap, six in minus, all the way down to where that well is.

Chairman Rogan stated okay.

Mr. Gizzo stated the dry well.

Chairman Rogan stated the stormwater.

Mr. Gizzo stated the storm drain.

Rich Williams stated if I could just, you know just so everybody is aware, there is a drainage easement that runs down through there to the back.

Mr. Morris stated yes there is.

Rich Williams stated and you can't really do anything that is going to inhibit the Town's ability to maybe go in there some day and maintain that pipe, putting the soil over the top, that's fine.

Mr. Gizzo stated we are not doing anything structural, its only going to be some stone and that will cushion it and slow it down and wash everything away, that's all we're doing.

Rich Williams stated I just wanted to make you aware.

Chairman Rogan stated okay and again, so we're clear, our main concern is, you are trying to improve this for your family. We are trying to protect your family or possibly the next owner to make sure that this is done because we've see where on these heavy rains, steep slopes and they give way and before you know it you have a safety issue. And you'll have blacktop that is crumbling and falling and being undermined that we certainly don't want. We want to make sure that you know, if you are going to improve on this, that it is done safely.

Mr. Morris stated okay.

Chairman Rogan stated that is our goal here, not certainly to take away any of your use of your acreage. Sorry, we have to change the tape.

(Side 1 Ended – 8:28 p.m.)

Chairman Rogan stated and then lastly, I know you've spoken to Rich about the quality of the material you're bringing in, making sure it doesn't have an C & D in it, you know.

Mr. Gizzo stated I will provide you with some analyticals on the material.

Chairman Rogan stated well just, we saw you know, broken up brick and other things, it is better than some we've seen, I'll say that but.

Mr. Gizzo stated a lot of that.

Chairman Rogan stated but we don't want that.

Mr. Gizzo stated the majority of the material that is going to be going to the site is coming from Route 6 in Mahopac, right across from D'Agostino's.

Chairman Rogan stated we're familiar with that.

Mr. Gizzo stated which is all virgin material so.

Chairman Rogan stated all busted up rock.

Mr. Gizzo stated its mostly rock and you know, clean fill, its all original material, all virgin material, so, you shouldn't have any problem with that and like I said, I will provide the Town with some paperwork on the material from their borings from the site, so.

Chairman Rogan stated there is certainly. We actually had another fill permit in here that had fill that was a lot worse than what you brought in, we actually kind of pointed them in that direction of that site.

Mr. Gizzo stated well I hope you didn't send him there yet because that material is spoken for.

Chairman Rogan stated no, it was two months ago.

Board Member Pierro stated okay.

Chairman Rogan stated well we saw the free sign out, it was two months ago.

Board Member Pierro stated one other thing that I mention, any stonewalls that you build out there for retaining, anything over four foot, has to be engineered as per our Town Code.

Mr. Gizzo stated the only major wall is going to be this one back here which is going to loop around where the driveway is, just to prevent the driveway from collapsing.

Chairman Rogan stated right.

Board Member Pierro stated just keep in mind, anything over four feet has to have engineered drawings approved by this Board.

Mr. Gizzo stated okay, we'll keep it four foot.

Board Member Pierro stated okay.

Chairman Rogan stated if it means bringing the wall a little further down hill so you can (inaudible).

Mr. Gizzo stated yeah, exactly, we can move it down a little bit if we need to.

Chairman Rogan stated okay, so we're clear, we are going to approve this but we are going to make sure that you get some oversight from Mr. Williams. He is there to protect you, work with him and we would rather do that than see you back.

Mr. Gizzo stated sure thing, no definitely.

Mr. Morris stated (inaudible) exactly.

Board Member Cook stated I would like to request that when Rich goes out that he notifies Ted, so that Ted is also aware of what progress.

Chairman Rogan stated great.

Board Member Cook stated going on, so that he can also.

Chairman Rogan stated make that part of your motion.

Board Member DiSalvo stated go ahead Charlie.

Rich Williams stated no.

Board Member Montesano go ahead Charlie, we're going to notify you, we are going to have him come out.

Board Member Pierro stated nine fifteen.

Ted Kozlowski stated we work together.

Board Member Montesano stated nah, that's crumby.

Board Member Cook stated I make the motion with regard to the fill permit application by Mr. John Morris Jr. 40 Bullet Hole Road, that we approve the application and the amount of fill in the area of 950 yards and all of the comments that can be taken from the minutes of the meeting, be given to Mr. Morris and that periodically Mr. Williams does a review of the site, along with the ECI man.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Rich Williams stated okay, Angelo, do you have a schedule laid out as to when you might be ready to do the erosion control mat.

Mr. Gizzo stated probably within a week, I'm waiting for things to dry out and get everything scheduled, probably, if not next week, the following week we'll probably get started.

Rich Williams stated but I mean, when are you going to do the mat.

Mr. Gizzo stated that's not going to be for probably a couple weeks.

Rich Williams stated about three weeks.

Mr. Gizzo stated I'd say about three weeks.

Rich Williams stated John, so, just to reiterate, if you could notify me 24 hours in advance of when he is going to put the mat down. So that I can come out and see the bank, has no stone in it, its all clean and then I'll come out after the mat is down then you are all good.

Mr. Morris stated oaky, all right.

Mr. Gizzo stated what I'll do, is I'll have him call you a week before so you can come out and just get.

Rich Williams stated 24 hours is fine.

Mr. Gizzo stated you sure.

Rich Williams stated yeah.

Mr. Gizzo stated all right, that's fine.

Chairman Rogan stated thank you.

Mr. Morris stated thank you, take care.

Mr. Gizzo stated thank you.

Board Member Pierro stated good night.

Chairman Rogan stated thanks Angelo.

6) GUIDING EYES FOR THE BLIND – Continued Review

Mrs. Theresa Ryan of Insite Engineering was present.

Chairman Rogan stated oaky Guiding Eyes for the Blind, hello Theresa.

Mrs. Ryan stated hi.

Rich Williams stated (inaudible).

Mrs. Ryan stated I am receipt of Rich's memo and I just wanted to go over a couple of things, one is the surface area of the proposed parking lot, the expanded parking lot. We are proposing Grass Pave II, which is the plastic rings and you fill it with soil media and grass seed and that's, that would require a waiver from you because you typically require pavement. Also, we decreased the depth of those parking spaces from twenty feet to eighteen feet, so that we would not conflict with an existing generator and an existing well.

Chairman Rogan stated okay.

Mrs. Ryan stated and we would require a waiver from you on that also.

Chairman Rogan stated decrease the depth but not the width, right.

Mrs. Ryan stated right, they are still ten feet and then Rich also brought up that the existing space widths on the inside curve are nine feet in width and we just want to know what you want us to, how you want us to deal with that, if you want to give a waiver or you want us to re-stripe the existing parking space.

Chairman Rogan stated you said that, say that again, the existing spaces are nine foot wide.

Mr. Ryan stated on the inside curve, yup.

Chairman Rogan stated so the option is to either leave them as is or re-stripe them to ten foot wide and we'd lose how many space on that curve.

Mrs. Ryan stated maybe.

Chairman Rogan stated it looks like there are fourteen existing.

Mrs. Ryan stated two.

Chairman Rogan stated so you'd lose like two, what does everybody think about that.

Board Member Pierro stated I think the site is compromised enough with the lack of parking, I'd like to them.

Chairman Rogan stated so leave those, okay.

Mrs. Ryan stated okay.

Board Member Pierro stated that is only my opinion, if anybody else has any other.

Chairman Rogan stated I don't disagree with you on that.

Mrs. Ryan stated that would be good, yeah.

Chairman Rogan stated but I do want all the new spaces that are added to be ten foot wide.

Board Member Pierro stated to be striped, yes.

Mrs. Ryan stated even the handicap space we are proposing is.

Chairman Rogan stated especially that one.

Mrs. Ryan stated yeah.

Chairman Rogan stated okay, so that is one issue. The grass pavers, let's understand that for a minute. You're increasing the size of the parking area and a portion of that, you want to use grass pavers, is that what you said.

Mrs. Ryan stated yeah, it is the area that we are also going to use for training the puppies.

Chairman Rogan stated okay and that's the.

Mrs. Ryan stated and it is right in front of the administration building.

Chairman Rogan stated okay.

Board Member DiSalvo stated where the big trees are.

Mrs. Ryan stated yes.

Chairman Rogan stated okay, will that, will grass pavers hold up to a eighteen wheeler backing up on to them.

Rich Williams stated I would assume that they are all designed for H-20 loaders.

Board Member DiSalvo stated no other way to get in there.

Chairman Rogan stated yeah.

Rich Williams stated so it should.

Chairman Rogan stated I mean I suspected as much.

Rich Williams stated now it will hold the weight but will it hold up under the wear, that is another story, it depends on much the tractor trailer (inaudible).

Mrs. Ryan stated it depends on how much is there and they don't expect a lot of deliveries and they don't expect a lot of over flow traffic to be in that area.

Chairman Rogan stated and you're looking to do that entire area.

Mrs. Ryan stated yes.

Chairman Rogan stated okay...dirt inside the paver space or gravel.

Mrs. Ryan stated its dirt, it's a soil media.

Chairman Rogan stated soil, okay because I've seen them filled with gravel, it looks real nice also, peat gravel of some sort.

Rich Williams stated just so you're aware, there is going to be actual grass growing on it.

Chairman Rogan stated that is why I'm asking because down at Mahopac Library.

Board Member DiSalvo stated right.

Chairman Rogan stated they have grass pavers on the spaces that are closest to Route 6 and no one uses them or they rarely use them because I think they don't think they are parking spaces. They are hard to see the delineation.

Board Member DiSalvo stated I have a problem when I go there, I don't know if they are parking spaces or not.

Mrs. Ryan stated right.

Chairman Rogan stated right occasionally, only once in a while do you actually see people parked there.

Mrs. Ryan stated that is what we are hoping it will look like because they want to use it for the puppies too and they wanted a grass surface there.

Chairman Rogan stated yeah.

Board Member DiSalvo stated a soft surface.

Chairman Rogan stated they should make that area then, employee parking because, this way the employees come in and they know they have to fill that lot first. Fill it with employees cars so its not the cust, well the public doesn't really come to this site.

Mrs. Ryan stated we only want it to be over flow, its only when there is an excess of vehicles there.

Chairman Rogan stated okay.

Board Member Montesano stated put the employees in there and (inaudible).

Mrs. Ryan stated because if you keep traffic on there everyday, the grass won't grow, so.

Chairman Rogan stated Rich, any thoughts one way or the other on this idea.

Rich Williams stated I'm not opposed to the idea of using grass pavers and I'm not opposed to the idea of using grass pavers in this area but I am concerned about the volume of traffic that maybe ultimately evolve into using this area. We certainly haven't seen any sort of parking analysis yet, which they have committed to do, correct.

Mrs. Ryan stated yes.

Rich Williams stated right, so.

Mrs. Ryan stated well we did submit the counts, the employees took counts of the traffic that came in, we did submit those numbers, not last time but the time before.

Rich Williams stated I don't recall that.

Mrs. Ryan stated and the maximum at any given time were forty-seven vehicles on the site.

Rich Williams stated under current conditions.

Mrs. Ryan stated under current conditions.

Rich Williams stated weren't you looking at other site, wasn't Andrew looking at other site.

Mrs. Ryan stated I'll have to check with Andrew, I didn't know he committed to that.

Rich Williams stated I thought he had said that he was going to look at other sites.

Mrs. Ryan stated at one of the meetings.

Rich Williams stated or he was doing a parking analysis based on other similar facilities.

Chairman Rogan stated I don't recall.

Mrs. Ryan stated I'll check with him.

Rich Williams stated okay.

Mrs. Ryan stated okay.

Rich Williams stated but.

Chairman Rogan stated and we'll, oh I'm sorry, go ahead.

Rich Williams stated yeah but you know, again, if it doesn't work they are going to have to change it because it is going to affect them the most.

Chairman Rogan stated does the idea of using grass pavers change the size of your stormwater ponds, I mean, that area has to be captured and treated.

Mrs. Ryan stated actually, we are going from grass to grass, so.

Chairman Rogan stated so in other words, if it was paved, you would have to contend with that water.

Mrs. Ryan stated we would have to address that in this.

Chairman Rogan stated well that certainly is a significant issue.

Board Member DiSalvo stated Richie, what are you concerned about the grass pavers, like being over used or the truck getting stuck in there and ripping it up.

Rich Williams stated the whole design to maintain the infiltration is based on them having a grass service, correct.

Mrs. Ryan stated mmhmm.

Rich Williams stated if you have enough vehicle traffic you will not have that grass surface, you are going to start getting you know, compaction of the soil. I don't know if you are using just a regular soil media or with grass pavers also, they recommend a polymer mix, see that. So I'm not sure which one they using, I'm not that familiar with the polymer mix but soil over time will pack, even if there is not vegetation on it.

Board Member Montesano stated well one of the statements in here, if I recall is that you are going to have those truck drivers, if they use it, make a three point turn. God bless your pavers and the grass underneath them because you are going to have an awful lot of pressure and an awfully lot of twisting going on as they do a three point turn with the tractor trailer.

Mrs. Ryan stated that is definitely something to consider.

Chairman Rogan stated so the jury is out on the grass pavers but we'll certainly consider it.

Mrs. Ryan stated okay.

Chairman Rogan stated the.

Board Member DiSalvo stated can we do half and half.

Mrs. Ryan stated we could probably do the spaces.

Chairman Rogan stated well you could do, could you do the parking spaces themselves in grass pavers but the aisle way in pavement.

Mrs. Ryan stated we could look into that.

Chairman Rogan stated that might be an option.

Mrs. Ryan stated there are other products too that you can grass in and cover. Its like fifty percent of it would be grass.

Chairman Rogan stated well if they are trying to socialize dogs to parking lot situations, most parking lots are pavement and not grass, so you know we want to give them the real effect.

Mrs. Ryan stated that is not what it's for, they have to introduce them to all kinds of surfaces and that is just one of primary surfaces.

Chairman Rogan stated the curve, let's get back to the one that everybody was kind of in favor of, the curved area, the existing parking staying at nine feet, everybody okay with that.

Board Member DiSalvo stated mmhmm.

Board Member Pierro stated yes.

Chairman Rogan stated somebody want to do a waiver on that, a motion.

Board Member DiSalvo stated in the matter of the Guiding Eyes for the Blind, I make a motion that we waive the, make a motion that we leave the spaces nine feet wide inside the curve, for a total.

Chairman Rogan stated waive the requirement that they be.

Board Member DiSalvo stated waive the requirement that they be ten feet and leave them at the nine foot width.

Board Member Pierro seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated okay. How are you doing with, are you through ZBA.

Mrs. Ryan stated no, they can't make a decision until this Board has made their SEQR determination.

Chairman Rogan stated okay.

Mrs. Ryan stated we are back on schedule to go there on May 20th.

Chairman Rogan stated okay.

Board Member Pierro stated need a motion.

Mrs. Ryan stated the parking space depth, are you okay with that in that overflow parking area.

Board Member Pierro stated on the eighteen foot.

Chairman Rogan stated that was, yeah, that's fine.

Board Member Pierro stated do we need the waiver on that now.

Chairman Rogan stated we do.

Board Member Pierro stated in the matter of Guiding Eyes for the Blind, I make a motion that we grant a waiver for the parking lot size requirement from our usual twenty feet to eighteen feet.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated okay.

Mrs. Ryan stated I also wanted to see if Ted had a chance to confirm the wetland locations, the wetland flags.

Ted Kozlowski shakes his head.

Mrs. Ryan stated do you have a chance to go out there before the next meeting, before the public hearing.

Ted Kozlowski stated I'll go out there Saturday morning.

Mrs. Ryan stated okay.

Ted Kozlowski stated let them know.

Mrs. Ryan stated okay, do you know what time, about, shoot me an e-mail.

Ted Kozlowski stated between eight and nine.

Mrs. Ryan stated okay.

Chairman Rogan stated Rich, you have anything you want to bring up tonight on this project.

Rich Williams stated no, for me the big issue was SEQR so the ZBA could make a determination at the next meeting.

Board Member Pierro stated on the motion.

Board Member DiSalvo stated mmmhmm.

Rich Williams stated its about to be addressed.

Board Member Pierro stated in the matter of Guiding Eyes for the Blind, I make a motion that we grant a negative determination of SEQR.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated okay, so now you are back to ZBA to.

Mrs. Ryan stated yes.

Chairman Rogan stated get their, hopefully approval.

Mrs. Ryan stated can we also schedule a public hearing for the wetland permit.

Chairman Rogan stated how are you doing with your work, you're moving along nicely.

Mrs. Ryan stated yes.

Chairman Rogan stated with having these plans done so we're not pushing our time frames after the public hearing.

Mrs. Ryan stated with the outside agencies you mean or.

Chairman Rogan stated with this project there is referral to, who, just for the reconstruction of that roadway, DOT.

Rich Williams stated you've got DOT for the driveway entrance, you've got Health Department and DEP for the septic system.

Chairman Rogan stated septic and there is no one for, we don't have any approvals other then our Town for the wetland for the roadway and the pond.

Rich Williams stated at this point, there is no real intrusion into the wetland so, yeah there is no other agency involved in the wetland and similar to the stormwater at this point, they have not yet broken the DEP's threshold, so its just the Town and the DEC.

Mrs. Ryan stated right, we will not be.

Chairman Rogan stated you hope not.

Ted Kozlowski stated (inaudible).

Mrs. Ryan stated I'm optimistic.

Board Member Montesano stated (inaudible).

Chairman Rogan stated no, okay, all so it sounds like nobody has any problem with setting the public hearing for the next meeting.

Board Member Pierro stated in the matter of Guiding Eyes for the Blind, I make a motion we set a public hearing for June 4th.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated thanks it.

Mrs. Ryan stated thank you very much.

Chairman Rogan stated you don't need anything else tonight.

Mrs. Ryan stated oh I'll be back.

Chairman Rogan stated well I realize that but.

Mrs. Ryan stated that's tonight.

Chairman Rogan stated thanks Theresa.

Board Member Montesano stated did you say June 2nd.

Chairman Rogan stated 4th.

Board Member DiSalvo stated the 4th.

Board Member Pierro stated the 4th.

Board Member Montesano stated because I'm marking it June. Here we go.

Chairman Rogan stated leave me alone, very surprising.

Board Member Pierro stated well there's.

Chairman Rogan stated oh yeah.

Board Member Pierro stated (inaudible).

7) **JUSTIN'S AUTO – Initial Application**

Mr. John Kalin and Mr. Justin Marrone were present to represent the application.

Chairman Rogan stated good evening.

Mr. Kalin stated good evening, my name is John Kalin, Design Concepts Engineering in Pawling, I've been around the Town for a long time but for some reason never been before you guys.

Board Member Pierro stated never been here.

Chairman Rogan stated that's amazing.

Board Member Pierro stated you're in for a treat.

Mr. Kalin stated (inaudible).

Board Member Montesano stated now we've got a chance.

Chairman Rogan stated nice to meet you.

Mr. Kalin stated nice to meet you. Tonight we are here representing Justin's Automotive, as you are well aware, Justin has occupied the site there on Route 22, which is an automotive garage. Through some correspondence that we got from the Town, we are here before you tonight, to see if we can put together Justin's Site Plan approval. A map was prepared, you all have copies of it, we were just documenting the conditions as they are today on the site, there is, as Rich noted in his memo here, there are a few deficiencies on the plan that have to be (inaudible) obviously developed and a little bit from you guys, so you know, I guess at this point, I'll turn it back over to you guys.

Chairman Rogan stated sure.

Mr. Kalin stated to see where we're going with this, the end result obviously is we want a site plan.

Chairman Rogan stated that is what we want in the end result.

Mr. Kalin stated yeah.

Chairman Rogan stated first of all, we absolutely want you here in our Town, we appreciate that you chose Patterson as a place to open your shop. You probably know better than we do some of the history of there not being a site plan out here.

Mr. Marrone stated yeah.

Chairman Rogan stated we know that you had applied for a sign application which kind of got you into this fix.

Mr. Marrone stated yeah.

Chairman Rogan stated there is some confusion, on, certainly on my part as to how we proceed with the site plan, given the, I'm talking about owner consent, property owner consent on this, we probably ought to discuss that sooner rather later, you know. We certainly want to go out to the site and take a look, make sure that the site plan addresses the way you want to use the site that it is done in a safe manner, that we are capturing any water that might be contaminated and make sure that is not ending up, because there is a wetland across the street. If I remember correctly and make sure you have enough room parking, you know, how are you using the site. All pretty standard site plan issues relating to this kind of use but, Rich.

Rich Williams stated yes sir.

Chairman Rogan stated you want to jump right in here with Justin's, the, I guess the authority of this site from the owner.

Rich Williams stated I mean, really it should be the attorney that gives the opinion but my opinion is that we have to have that application with the owners endorsement on it.

Mr. Lodes stated I would agree with that, you would have to have their approval.

Chairman Rogan stated yeah.

Mr. Lodes stated to go forward.

Chairman Rogan stated and I know from reading the correspondence, I'm not an attorney but I know from reading the back and forth that there is a difference of opinions as to whether or not this site plan is even needed. I know that from reading the correspondence, the owners contend that it is pre-existing.

Mr. Lodes stated I'm just reading that.

Chairman Rogan stated and ah, but we appreciate that you're here trying to work through this process.

Mr. Marrone stated yeah.

Chairman Rogan stated Carl, anything you can do to help us out.

Mr. Lodes stated as Rich pointed out, he has to complete the owner (inaudible – not using microphone).

Chairman Rogan stated okay, so why don't we at this point, first of all what is your name sir.

Mr. Marrone stated Justin.

Chairman Rogan stated Justin, it says that on your shirt, I just didn't want to assume. Why don't you tell us a little bit about your business and how you anticipate using the site, tell us about, hopefully what the future is for you on this site, so we can kind of get an idea of what you want to do.

Mr. Marrone stated um, well, its, its an automotive shop, obviously.

Chairman Rogan stated can you use the microphone Justin, or at least come closer to it.

Mr. Marrone stated its an automotive shop, we fix cars and we also run a towing company for local people and for police departments. We do, do accident cars so we have them so they are put in certain areas and we have special mats to lay down under the cars that are leaking containment, containers. Everything on the site, we try to stay within all the environmental laws like all of our anti-freeze, we have companies we deal with that have special disposals and waste oil burners burn the oils that come in from the property. Pretty much, we run a clean business and we are looking to keep it nice and neat and clean and that is the way I like to run. Behind the gate, that is mainly like we like to keep all the main impounded cars and any accident cars behind the gate and behind the fence so you can't see them and also I try to keep the trash cans and all that behind the gates so you can't visually see it from the road, that is laid up against the fence and the wall of the building.

Chairman Rogan stated okay.

Mr. Marrone stated so it's basically hidden from the road and like allocated spots in the front of the office for customers cars to park in the front. On the south side of the building we own a fleet of tow trucks so we have all the tow trucks parked on that side of the building and for employees cars but we are not really looking to do any work on that side of the building, mainly.

Chairman Rogan stated so you're looking to differentiate that north and south side of the building, one being used for just normal parking and the other for cars that are being worked on.

Mr. Marrone stated yeah, correct.

Chairman Rogan stated that potentially could be leaking.

Mr. Marrone stated yeah well anything, like I said, we try to contain anything that comes in obviously if they come in and they are leaking everything all over the road, we try our best to you know, take care of the problem in time.

Chairman Rogan stated do you do any automotive painting site.

Mr. Marrone stated no, we are not a body shop, we don't do any kind of painting.

Chairman Rogan stated okay, so the accident vehicles you mentioned you just do mechanical.

Mr. Marrone stated accidents would be the only thing that would be leaking, like I said, we work directly with the DOT and they make us keep equipment on the trucks and we are right up with all the state regulations and we have every bit of equipment to take care of what needs to get done with the cars.

Chairman Rogan stated um.

Board Member Montesano stated are you going to sell tires et cetera when you are doing you're repairs; at one time they did sell tires there.

Mr. Marrone stated we purchase tires from tire companies because there are too many tires, too many size tires, too many different cars. Some of the cars that come through, they put three or four different types of tires go on the cars or size on the cars, so its too much inventory. You need like a million dollars worth of inventory, its just not besides you have to pay back the state for every tire you sell, so it's a little bit more entailed, so, basically we just want to.

Board Member Montesano stated so you're not going to sell tires.

Mr. Marrone stated well we'll sell tires.

Chairman Rogan stated you bring your car in there and get tires.

Board Member Pierro stated you can buy them from a distributor and install them on your clients cars.

Mr. Marrone stated yeah, it's the same as everything else, like I said we try to stay environmental, like batteries. We buy a battery, we send a battery back to auto parts store, we buy a tire, for every tire we pick up, one goes back. So there is no pollution and everything is done properly.

Board Member Montesano stated you ran a shop prior to this.

Mr. Marrone stated Putnam Lake.

Board Member Montesano stated thank you.

Mr. Marrone stated for sixteen years in Putnam, in Patterson.

Chairman Rogan stated which shop is it, near the market.

Board Member Pierro stated near the gas station.

Board Member DiSalvo stated across from.

Mr. Marrone stated that was my shop over there and now we're over here.

Chairman Rogan stated very good.

Board Member Montesano stated coming up out of the lake.

Mr. Marrone stated yes.

Chairman Rogan stated what I would recommend to the rest of the Board is that we, we would like to go out and take a look but what I want to condition that site walk on is getting the authorization from the owner. As soon as we know we have the authorization, so that we know we are proceeding with proper authority on this, we'll schedule a site a walk, so you know we're coming out there, it will either be a Saturday morning or one night after work but we would let you know when we're coming.

Mr. Marrone stated okay.

Chairman Rogan stated so that you can meet with us, we certainly don't want to wander around your yard.

Mr. Marrone stated yes.

Chairman Rogan stated it's a dangerous environment, we wouldn't want to just wander around.

Mr. Marrone stated okay.

Chairman Rogan stated and take a look and that would be just to get a real sense of how things are laid and hopefully we'll proceed with creating a site plan here, you know.

Mr. Marrone stated okay, well like I said everything is like, we try to make sure that everything is done by the book.

Chairman Rogan stated great.

Mr. Marrone stated the cars will always be parked in the same spots and the gate is the way it is and we try to even keep, everything is nice and clean, at any you can pretty much stop down.

Chairman Rogan stated excellent.

Mr. Marrone stated all right.

Chairman Rogan stated well if you run your business half as well as you present yourself, I'm sure you're, you know, you were in business for fifteen years, sixteen years in Put Lake. So you must have done something right.

Mr. Marrone stated yeah, something.

Chairman Rogan stated okay, that is how we'll proceed and we'll.

Board Member Montesano stated (inaudible).

Chairman Rogan stated get you a review memo when we go out to a site walk.

Rich Williams stated if I might, I did do a review on the application, I did go through and do a, create a list basically of what the code requires that is deficient on the plan, certainly some of these things, the Board may want to consider because of the existing nature of the site, they really aren't necessary to be shown on the plan, my opinion.

Chairman Rogan stated okay.

Rich Williams stated I have some recommendations for the Board if you would like to hear them real quick.

Chairman Rogan stated sure.

Rich Williams stated A, G, I and J probably aren't really relevant to the site right now.

Chairman Rogan stated so topo, natural features.

Rich Williams stated the topo outside of what is already showing.

Board Member Pierro stated A, D, I and J.

The Secretary stated A, G, I and J.

Rich Williams stated A, G, I and J.

Chairman Rogan stated the topo.

Board Member Pierro stated A, G, I and J.

Chairman Rogan stated natural features because it is already constructed, boundary of wetlands across the street, Ted has already said not an issue and soil typing again because you're not changing, that seems pretty.

Rich Williams stated I don't know if Mr. Kalin has any other.

Mr. Kalin stated I do have a few things to consider. If possible, could we also eliminate item K, the building's not going to change.

Rich Williams stated that was one of the other ones that I wanted to flag for the Board, about whether they want to see any sort of architecture on the building.

Board Member Montesano stated it's an existing building.

Chairman Rogan stated what probably would be a good idea though, at the conclusion of this, take a couple of photos of the front of the building. Put them into the file so it would be an actual rendering, whether you take them or the applicant takes them.

Rich Williams stated either or.

Chairman Rogan stated so we that have a snap shot in time of what the place looks like and to me that would suffice, it doesn't cost you relatively anything. In lieu of architectural renderings we could add in something that we get photos of the site once its approved and any modifications as a result of this site plan once they've been constructed.

Mr. Kalin stated yeah the only other one I wanted to touch on, you mention E, location area of the subsurface sewage disposal system. We know there is a septic tank out here, it is precariously close to the well and as well as some fuel tanks in the back. Justin understands the risks there and in fact they don't even use the water except for toilets, they have their own bottled water on the site.

Mr. Marrone stated we have our own water supply.

Mr. Kalin stated we know it's a raw nerve and looking at what the site has to offer us, anything out of this immediate envelope is rock, so there is no future of putting a septic somewhere remote to where it is now.

Chairman Rogan stated is there any other use of the property other than this shop.

Board Member Pierro stated I thought there was an apartment on the second floor.

Mr. Marrone stated yeah, there is an apartment above.

Chairman Rogan stated wow.

Board Member DiSalvo stated is anybody occupying it now.

Mr. Marrone stated its not occupied at the moment.

Mr. Kalin stated is that part of your rental space or is that.

Mr. Marrone stated no.

Mr. Kalin stated not for you, so that is something for the property owner.

Board Member Pierro stated do you have possession and control of that apartment.

Mr. Marrone stated absolutely not.

Board Member Pierro stated you don't.

Mr. Marrone stated no.

Board Member Pierro stated so that is something that should be discussed with the Wunner's in the future, as to the use there or the ability to use it, is that permitted, non-conforming.

Rich Williams stated I can tell you that has had residential occupation since the fifties, I don't know whether that use has ever been terminated for a period of more than a year where it would lose its pre-existing, non-conforming. I don't know the condition of the apartment, that is something that we'd have to get some sort of feedback from our Code Enforcement Officer.

Board Member Pierro stated okay.

Rich Williams stated Director of Codes Enforcement.

Chairman Rogan stated because that is also something that we would want to show parking for that apartment, if it was.

Board Member DiSalvo stated as of right now, there is no one living upstairs.

Mr. Marrone stated no, there is no one living upstairs.

Chairman Rogan stated okay.

Board Member Montesano stated wouldn't Health Department have to get involved because of the distance between the septic and the well.

Chairman Rogan stated it's pre-existing.

Board Member Pierro stated it's pre-existing.

Chairman Rogan stated that's half of Lake Carmel.

Board Member Pierro stated my question is, would Health Department have to get involved because of the water quality.

Chairman Rogan stated they would get involved, regardless of this process if there was a concern, if the tenant had a concern because it's a tenant/landlord situation.

Board Member Pierro stated okay.

Chairman Rogan stated if it was owner occupied they probably would not get involved.

Board Member Pierro stated right.

Chairman Rogan stated that is just my educated guess.

Mr. Kalin stated there is no, complaints haven't been lodged against the system so, its you know, it is what it is.

Chairman Rogan stated right, this was a gas station many years ago.

Rich Williams stated this was a gas station, as far as I can remember going back to the fifties, past that point I can't attest to anything.

Board Member DiSalvo stated Downey's was there at one time too, right.

Chairman Rogan stated that's right.

Board Member Pierro stated thank god.

Chairman Rogan stated he went up to Pawling.

Board Member Montesano stated Downey's, there was.

Rich Williams stated (inaudible).

Board Member Montesano stated people before Downey.

Board Member DiSalvo stated who was there.

Chairman Rogan stated (inaudible) okay.

Board Member Montesano stated it used to be a gas station, service station, tire seller, that was back in the sixties up to the seventies.

Chairman Rogan stated so, if can I make a motion that the Board waive the requirements for items A, which relate to the topography, G for natural features, I for the boundary of the wetlands and J for the soil typing from this process. The additional item K for the architectural rendering, what we would like would be at the conclusion of this process that we have current photos of all sides of the building placed in the Planning Departments file.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated okay, anything else gentlemen, lady.

Mr. Kalin stated we'll go to the Wunner's and see what we can do.

Chairman Rogan stated all right, we appreciate your time.

Mr. Marrone stated yeah.

Mr. Kalin stated thank you very much.

Rich Williams stated just so I'm clear, what did we do, your concern was showing an assumed location.

Mr. Kalin stated we know where the tank is, as to the proximity of the fields, I can only assume it's a dry well beyond that, somewhere between the well and the septic.

Chairman Rogan stated I think we are going to have to, for me the bigger issue would be first how we are going to look, you had mentioned with Mr. Lamberti, how we are going to look at the upstairs use. If it deemed to not be a conforming use and not part of this site plan I would be less concerned with the location of that septic, if its just servicing a bathroom to a garage.

Board Member Pierro stated a garage.

Rich Williams stated so you want me to talk to Nick about the apartment.

Chairman Rogan stated we are going to need to, sooner or later we are going to need to cover that, not his fault, put some kindling in the fireplace and throw a spark in there.

Board Member Montesano stated just don't throw any gasoline.

Chairman Rogan stated thank you gentlemen.

Board Member Pierro stated I will say for the record though that prior to this gentleman's taking over the place, I believe there was activity in that apartment.

Chairman Rogan stated oh, I agree.

Board Member Montesano stated yeah there were people living there.

Rich Williams stated the only thing I'm saying is I have no idea.

Board Member Pierro stated okay, well.

Chairman Rogan stated okay.

8) OTHER BUSINESS

a. Meadowbrook Farms Subdivision – Correspondence

Mr. Harry Nichols, engineer for JGZ, Ms. Dian Larkin, attorney for JGZ and Mr. Ken Stenger, attorney for Meadowbrook Farms HOA were present.

Chairman Rogan stated okay, under other business we have Meadowbrook Farms Subdivision Correspondence.

Board Member Montesano stated of which I am abstaining due to comments from council.

Chairman Rogan stated go take a walk.

Board Member DiSalvo laughs.

Board Member Montesano stated nice.

Chairman Rogan stated let the record show that Board Member Montesano recused himself from this discussion.

Rich Williams stated the attorney, at this point, the attorney. This is Carl Lodes, this is Dian Larkin.

Mr. Lodes stated hi, how are you.

Ms. Larkin stated nice to meet you, good thank you.

Chairman Rogan stated Mr. Nichols how are you this evening sir.

Mr. Nichols stated pretty good thank you.

Chairman Rogan stated oh good, you're surrounded by attorneys, you better be careful.

Mr. Nichols stated I had to wear a suit.

Board Member DiSalvo stated they're coming to get you Harry. (inaudible).

Chairman Rogan stated good evening Ms. Larkin.

Mr. Larkin stated hi, how are you.

Chairman Rogan stated we are looking for just a very brief statement as to where we are from your perspective and I know the, our counsel has read some of the correspondence this evening and of course we are going to be looking for some from him and who is the gentleman standing here.

Mr. Stenger stated my name is Ken Stenger, I've been retained by the HOA on Monday.

Chairman Rogan stated oh, okay, okay, we, I think we have correspondence from you as well sir.

Mr. Stenger stated yes you do.

Chairman Rgoan stated great, thank you.

Ms. Larkin stated do you want me to just state my position, do you have any questions.

Chairman Rogan stated sure, I would love to hear your position because it, I'm not a lawyer and its nice to hear it in plain language.

Ms. Larkin stated the issue right this minute, we have a lot of issues, but the issue this minute is whether the developer can expand the existing stormwater retention pond to accommodate updated and amended regulations without the HOA approving that expansion. And I looked at the Offering Plan and your Town Counsel sent the Offering Plan to the title, File Counsel, File Counsel came back and said absolutely they can, I say absolutely we can, I argued against, in my letter to you all, which only came today because I only got the HOA's letter last night. So I put it together today and I'm sorry for the lateness. I explained that they don't, they are the ones that introduced this issue, it's their issue, they had years to get their arguments together about this issue, its you know, definitely the eleventh hour now to be bringing this up. There really is no other way to read the Offering Plan and there is no relevant document around this issue, he was talking about wanting to get an opinion together on the approvals but the approvals are not relevant to this issue, only the Offering document is relevant to this issue. Also, his opinion, I mean, his arguments are one thing but his opinion you know, he's not the judge here or the arbitrator, you guys actually are, so my opinion, his opinion, our opinions don't matter that much. Town Counsel's opinion does matter and she read the plan the same way I did.

Chairman Rogan stated you said the Title Counsel, right.

Ms. Larkin stated correct.

Board Member Pierro stated who hired the Title Counsel.

Ms. Larkin stated Town Counsel sent the situation over to the title council, she is the File Attorney.

Mr. Stenger stated what does that mean.

Board Member DiSalvo stated who is it.

Ms. Larkin stated its her file originally, she is the one that filed this.

Mr. Stenger stated she ensured those easements that she is now interpreting, is that what we're saying.

Ms. Larkin stated no, I don't think so, I don't, actually I'm speaking out of turn that is the Town Counsel.

Chairman Rogan stated sir, Dian, if you could just for one second, sir, I think from that side of the room. I don't mind you commenting but you need to come a little closer because we need to catch it for the record.

Mr. Stenger stated I really want to apologize because I'm not sure of the procedure here. I'm only here because I don't know the history of this file.

Chairman Rogan stated understood.

Mr. Stenger stated clearly in reading the recent correspondence there is a history of mutual frustration between the HOA and the applicant here, I make no judgment on that history. I got handed a letter on Monday from your attorney, Tim Curtiss, that said to the HOA, we had this issue is framed, sending it out to the Title Counsel, I wasn't sure why the Town would be sending anything out to the Title Counsel but if you want your opinion to be heard on this issue then retain counsel, contact me and let me know you've done that and then we will deal with out that issue will be addressed or whether or not this Board wants to hear that opinion in fact. So, where I stood on the 21st was, not the 21st, where I stood Monday evening was in a meeting and what struck me was that I didn't know enough about the file to say anything in here that I would care to sign my name to with a thumb up or a thumb down on it. I will say that there is a fundamental confusion from me that I need to have explained; maybe you can, since I'm down here tonight anyway. Does this application call for the construction of additional stormwater basins or the expansion of an existing stormwater basin, I don't know.

Chairman Rogan stated isn't it for both.

Board Member DiSalvo stated oh.

Chairman Rogan stated the stormwater basin that they're.

Ted Kozlowski stated the expansion of.

Mr. Nichols stated I can answer that.

Board Member Pierro stated expansion.

Chairman Rogan stated Harry, yeah Harry's the engineer.

Mr. Nichols stated its not really an expansion per se, meaning they are adding more run off to it, it's the change in the regulations and the way you apply the application to the stormwater purification, would be a good term to use, so its not. They are not adding more run off than we had previously contemplated but again the DEC has changed the regulations, they changed in 02, they changed in 05.

Chairman Rogan stated so the volume is the same but the way you deal with it has changed.

Mr. Nichols stated basically we are dealing with the same amount of run off, we just have to do it a little differently.

Chairman Rogan stated understood.

Mr. Nichols stated which requires, instead of one pond, it requires two ponds.

Mr. Stenger stated so I think that's my question, not that the drainage was going to be treated different, I don't know enough about this.

Chairman Rogan stated understood.

Mr. Stenger stated I've never dealt with DEP, I spent most of my time trying to keep my clients away from the DEP, so in fact then this application contemplates creation of an additional pond and the opinion from. That is why I was curious when that issue came up because I, when I spoke to Mr. Curtiss I didn't know or anticipate that this opinion would be here today and its good that its here today because its moves the process along if that opinion is important to you and I don't even know if that's the case here, that is pretty much what I'm going to ask you at the end of this. When you read that opinion it says that it is based entirely on the expansion of an existing pond, is not based on the creation of an additional pond.

Ms. Larkin stated that's not accurate.

Mr. Stenger stated well read, you can read it.

Ms. Larkin stated we can replace the pond, we can repair it, we can.

Mr. Stenger stated if we can just go to the first.

Chairman Rogan stated I think sir, the answer to your question though is, the most important thing to this Board is our council's opinion of what you folks say.

Mr. Stenger stated right. All I proposed is this, because I looked at the abstract letter and the first paragraph clearly says this opinion is based on an understanding of this project that the purpose of this application is to seek permission to enlarge the stormwater retention pond and you know. What I've looked at briefly is that I believe that this easement would give the declarant the perpetual right to go into the areas, the common areas now owned by the HOA to repair and replace existing drainage. I am not able to make that leap and say it is now also able to build additional drainage infrastructure which would result

in the loss of use for that space. It is a tough question, it is a difficult question and higher standards it may well be the case that Title Counsel is correct because this easement area is without definition. It doesn't say here is the area, you can do anything you want within it, so presumably the area would expand over the entire space owned by the homeowners and it doesn't say specifically what its purpose is. At least, in the half hour I spent looking at it, so what I wanted to say was if Town Counsel and you know, one lawyers opinion, really, we'd all be broke if we didn't have more than one lawyer on the file. I wrote asking for an adjournment so I would have an opportunity not to give an opinion on prior applications but really what I wanted to do was look at what was previously approved as to opposed to physically what is now being proposed to be approved and see whether or not there was significant expansion of the use of the now owners property in that expansion. My gut is telling me if it is, then there may be an issue here and if its not then there probably is not but until I've had the opportunity to do that then I can't really give you that opinion. My question with respect to premier abstract was I think answered but I was curious as to why premier abstract was retained and I do business with them so I have no problem to deal with them, I know the folks that work down there and I go back to my original question, I apologize for interrupting but when we use the work File Counsel, what do we mean. Was this the lawyer that drew this plan, was this the title insurance company that filed the plan and insured because then that would frankly not be an objective opinion.

Ms. Larkin stated why is that relevant.

Mr. Stenger stated I'm just asking because.

Ms. Larkin stated but why is it relevant, what's your point.

Mr. Stenger stated my point is simply this, if it is an opinion offered by File Counsel that has some connection of interest in this application, it just ought to be disclosed because it is just another fact.

Ms. Larkin stated it doesn't have any interest in this application, what would their interest be.

Mr. Stenger stated I don't know, what does it mean when you say file council.

Ms. Larkin stated I didn't give it to them, the Town Counsel did, so I'm not sure.

Mr. Stenger stated when someone said there would be File Counsel, that was my question, what do you mean when we say File Counsel.

Ms. Larkin stated my question is what difference does it make, to the Town, the Town designated review board, review Counsel.

Mr. Stenger stated I raise the question, if the Planning Board thinks its relevant, they'll ask it, its not for me to cross examine you or anyone else.

Board Member Pierro stated that is why I asked.

Ms. Larkin stated the.

Board Member Pierro stated that is why I asked who the File Counsel was and who retained them, if it is the council that ensured this original document, the original documents on this then they have an inherent interest in defending their opinion from way back when you know, that it was, that there are easements that

work here. My question to both of you people, to both of you ladies and gentlemen, do the easements that are in place for this subdivision, include new or additional, is there any wording in there that includes any new or additional.

Ms. Larkin stated can I explain something. I would have done that wording, I thought this was, I have always thought that this was an enlargement. This is the first I've ever heard that its not enlargement, that it's a second pond, I never knew that, I've always heard enlarging, enlarging, enlarging. We had our other engineering, Bill Brickelmaier here and it was approved, the location and design was approved and it was not two ponds, it was an enlargement.

Chairman Rogan stated although Ms. Larkin if you recall we were talking with the wetlands inspector and he wanted it pushed even further up the hill.

Board Member Pierro stated right.

Ms. Larkin stated but he then accorded with Bill Brickelmaier that we couldn't.

Chairman Rogan stated yes but at that point, that conversation clearly was a second pond, it wasn't expanding it up an area.

Ms. Larkin stated and that is my misunderstanding because I totally don't get any of this stuff.

Chairman Rogan stated so, well and that's, to me doesn't change the conversation so much.

Ms. Larkin stated right.

Chairman Rogan stated from my perspective it's a simple question from our Board's perspective is, do you have the right to use property.

Ms. Larkin stated yes, unequivocally.

Chairman Rogan stated that is claimed by the HOA.

Ms. Larkin stated and you can look in my several memos, I sent three or four.

Chairman Rogan stated sure.

Ms. Larkin stated again I'm going to say, they had years to do this, they brought this issue up, its their issue and I have to remind you that they are trying to back door what we already told them what you already told them, they can't bring to you, which is their claim that the HOA, that the developer owes them money. The whole issue about this, all they are trying to do here is come in and say, we have to approve this and then we can't, we are not going to approve until you give us the money you owe us, that they claim we owe us, this is not the forum for that, you've already told them that. This is not the forum to argue whether or not the developer owes them money, this is an effort to backdoor that issue a different way and the plan is very clear that we can pretty much do anything we need to do, not just with the common areas but with their property. Now we have no intention of touching their property but if you read the plan we have no reason to or intention to touch their actual property but if you read the plan, its very broad brush that the developer reserved these rights to himself and they all agreed to it, when they signed their. When they bought their property they all agreed to this declaration of Convenients and Conditions and Restrictions it was part of

their offering document, their purchase agreement and it was part of their deed. It's actually, the language is in their deed, as well as in their purchase agreement, so you know, this is what they are trying to do is backdoor that issue, you can't hear the issue directly and you certainly can't hear it indirectly and the plan is clear. And again they brought this up years ago, it's their issue, they couldn't prepare it before now, I don't know what to say, whether we can, we can replace the pond, we can expand it, we can do what we need to do, pursuant especially to government regulation, you all are telling us to do this, this is not something that we are arbitrarily doing.

Chairman Rogan stated well you all, the DEP, not you all, us all, the government agencies that are responsible for governing stormwater.

Ms. Larkin stated government agencies, right, the stormwater.

Chairman Rogan stated I understand what you mean by you all.

Ms. Larkin stated you all, is telling us to do this, this is not something that we thought would be desirable, that we wanted to spend money and time on so this is you know and again the plan kind of talks about that too.

Chairman Rogan stated your applicant had a perfect opportunity to avoid all this, he could have built the second phase of this project when it was originally approved, let's be clear on that also.

Ms. Larkin stated I appreciate that but I'm not sure like the relevance to, how is that relevant today, really, I mean.

Chairman Rogan stated sure, its relevant because you wouldn't be before us.

Ms. Larkin stated right, that's true, we're delayed and you know the regulations changed.

Chairman Rogan stated so your delay is causing these problems, not our delay.

Ms. Larkin stated oh, I didn't blame you, I'm not blaming anyone.

Chairman Rogan stated so, I would like to give this gentleman a chance and then I am going to ask our council for their opinion because that's again, who matters honestly, the most to us.

Ms. Larkin stated yeah, I understand that.

Mr. Stenger stated you know I appear before Planning Board's throughout Dutchess County, Putnam County, it usually takes more than one meeting before someone publicly questions my motive for representing my client, so I. Maybe it's a world record for me, I don't know, maybe something's happened, my reputation has preceded and I am that shallow I can be seen through. This is not, I promise you, I am not standing here over a money issue because if I was standing somewhere over a money issue, which someday I may well be it will down in Putnam County Supreme or Westchester Supreme, not in front of a Planning Board, so this isn't about that back door. And I promise you that if I form an opinion within the next thirty days that easement in hand permits the addition or development of a second pond, I will so inform you, that is my obligation to you, as well as to my client. To do otherwise, really quite frankly plays this process for a purpose that we all would wish it not be so, I'm here for thirty, to ask you, to say to you look, I don't know, I don't know how long this has been pending, I don't know the delay, I

have represented more developers who have been frustrated by delay than I have represented HOA's in my life, this is my first HOA but it is an interesting question for me and I think that I'm not the only whose confused about it because if I heard counsel for the other side correctly, she didn't know there would be two pond built on this thing either. Clearly, that if she didn't know, I'm assuming that the Title Counsel didn't know and that really quite frankly is the issue I want to look at because I don't know that an easement without definition and without a specific purpose can be available for any use at any place on an owners land and that interestingly because quite frankly a title issue as to whether an easement is enforceable or not, you folks wouldn't necessarily make that interpretation, that is going to wind up down in Putnam County Supreme.

Chairman Rogan stated sure, with Judge O'Rouke.

Mr. Stenger stated if there is a viable controversy over it but I was just thinking about this, while I was listening and it raises another interesting question which is quite frankly on everyone of these applications, we always insist on the consent of the owner because you are approving some development on that property and I've not been in a position ever where the development plan is based on the existence of an easement over the opposition of the owner. I don't know what that means, I don't know, if the easement gives the owner of the easement sufficient status to come before the Planning Board and say approve my plan without the consent of the owner because I have the ability to do that, that may well be the case, that may well be the case, it is just a question that kind of as I was listening here, came to mind and its interesting because most, again most easement I would deal with was, you come in and you're going to build a subdivision and you have an easement that is defined for a roadway that goes through your neighbors land and we know what that is going to be, that is going to be a road and your neighbor comes in and says I don't want that there, I don't want the road. Well, guess what I don't think that neighbor has, you don't need his consent because that easement is so well defined and for a single purpose, again, I'm telling you now that I may well be wrong or I don't think I'm wrong to raise the question to this Board, nor do I think it is improper for me to ask time to respond to your invitation to give you an informed opinion on the first question and I frankly would like to look at the second question. I am not offering you an opinion, I am not saying that this applicant on their own on the strength of this easement, doesn't have the ability to stand here and say give me an approval but I'll tell you what, its usually the case that the owner has to consent, I've just not seen this set of circumstances before. In would also help me, one last thing and I will stop talking, what is this application, is this an amended site plan, what exactly is before you because these are the things that I would just the opportunity to look at a file and read it.

Chairman Rogan stated sure, it's a wetlands/watercourse permit application, Rich, jump in any time you want.

Rich Williams stated you have to get Carl in here some time tonight.

Chairman Rogan stated we will.

Rich Williams stated there are two applications.

Ms. Larkin stated I would like to rebut him.

Chairman Rogan stated okay.

Rich Williams stated there are two applications pending.

Ms. Larkin stated I would like the chance to rebut him.

Chairman Rogan stated okay.

Rich Williams stated there are two applications pending before the Town right now, one is pending before the Planning Board which is a wetlands/watercourse application. There is also a separate erosion control, sediment and erosion control application, pending on this application, subject to the resolution of the wetland application from my office.

Mr. Stenger stated all right, so we are not amending the existing site plan, we are making some kind of an application for a wetland permit.

Rich Williams stated this was a subdivision, it wasn't a site plan.

Board Member Pierro stated it was subdivision approved when Rich, you remember the year.

Rich Williams stated oh god.

The Secretary stated 1989.

Rich Williams stated thank you.

Board Member DiSalvo stated the eighties.

Chairman Rogan stated okay Carl.

Mr. Stenger stated all right, I guess my only request is, can I have some time to look at these issues, please.

Chairman Rogan stated I think you've, Carl.

Ms. Larkin stated but I don't have a chance to go again.

Chairman Rogan stated possibly.

Board Member DiSalvo stated (inaudible).

Ms. Larkin stated I really would like, I need to respond because of the some of the stuff in here.

Chairman Rogan stated okay, let's let our council speak.

Ms. Larkin stated absolutely.

Chairman Rogan stated he's been patient.

Ms. Larkin stated he has been.

Mr. Lodes stated I'm not totally familiar with this because Tim Curtiss was handling it, I understood that he asked the opinion of Premier Abstract, excuse me, I'm getting over a cold, he asked the opinion as an aid to helping the parties resolve the difference between them as to whether in fact one had to get the consent of

the other. I'm not sure that is an issue that is properly before this Board (inaudible) an action between the parties, that is an issue aside. That aside, just as a courtesy to council, I would always, I know the application has been here for awhile but council just was retained and I understand this manner has been going on for a long period of time but I wouldn't want to tell the Board, in my opinion deny him the right to have time to review the file and give his opinion to the Board and you know, we are talking June 4th, I realize the delay but in terms of people's rights to have council view the file and give an opinion, certainly the Board can caution him that there will be no further adjournments.

Mr. Stenger stated I can have the report by that date, for that.

Chairman Rogan stated well actually I think, I think it would have to be the date of our work session, so that our council can review that properly.

Mr. Stenger stated what is that date.

Rich Williams stated submission date or work session.

Chairman Rogan stated submission date would be great but I think the submission date is only what, two weeks from now, so.

The Secretary stated the work session meeting would be May 28th.

Mr. Stenger stated well this is what we do as lawyers, you want to give me until May 28th to show up with a submission, I'll be there on May 28th with a submission.

Chairman Rogan stated I would say work session, this way Tim, Tim having a week, we don't need. The answer is going to be from Tim, we are going to hear it at the meeting anyway, anybody disagree on that.

Board Member Pierro stated I do not disagree. I still would like to hear what Mrs. Larkin has to say.

Chairman Rogan stated absolutely, no, we certainly were going to give her a chance to speak again.

Ms. Larkin stated are you.

Mr. Lodes stated yes, I'm sorry.

Ms. Larkin stated its okay, I just wanted to clarify, I just wanted to clarify a couple things.

Chairman Rogan stated yes.

Ms. Larkin stated its not that I didn't know the retention ponds are different, I don't understand that, I'm not that smart, I'm not as smart as you are, I don't get, I really don't understand a lot of the engineering issues, that is my mistake, it was just a comprehension mistake, the easement is blanket.

The Secretary stated hold on one minute.

Board Member Pierro stated time out.

Chairman Rogan stated I apologize.

(Side 2 Ended – 9:24 p.m.)

Ms. Larkin stated when he says this last recital, clearly and specifically allows the declarant the right to perform the intended work and any other work it deems reasonable and even convenient or incidental as the same as determined in its sole opinion, not the opinion of any other party. That is not my letter, that is the Title Company's letter. The reason we do not need to, the reason you can't insist on consent of the owner in this instance is because of what the owners already agreed to when they purchased the property which was this declaration of the covenants and restrictions and conditions, and specifically including these pieces, it's a blanket and a very broad easement.

Chairman Rogan stated it sounds like the type of agreement though that a homeowner would be crazy to enter into, if they knew what they were getting, that all the other.

Ms. Larkin stated not really.

Chairman Rogan stated property, that's community property, its yours to use it but if the developer decides to use it at his discretion he can and then you know.

Ms. Larkin stated that is not entirely true because the easement is limited and bounded by Town Board approval and governmental regulations and governmental restrictions, so there are parameters, you know aside from just the reasonable man standard that always applies to any situation like this in common law. There are also parameters in the declaration itself saying you know, pursuant and subject to Town and other governmental agency authority and regulations and restrictions and limits, so there, you know, those are the parameters, its you all.

Chairman Rogan stated but we have.

Ms. Larkin stated the collective you all, in this case.

Chairman Rogan stated as Board, we have tried so hard in the last few years with some of our subdivisions when there have been unique circumstances, unique deed restrictions to try to get that paperwork to the forefront so that when there is a change of ownership, someone buys a house, that that is part of the documents that they receive.

Ms. Larkin stated and it is.

Chairman Rogan stated and its not easy to do.

Ms. Larkin stated no its not, this does specifically run with the land.

Chairman Rogan stated its (inaudible).

Ms. Larkin stated it does run with the land, its says it in the deeds, it says it in the plan.

Chairman Rogan stated you know, people have said well its on the subdivision map, they should have seen that, well do they get a copy of the subdivision map, do the people research that, most people do not of course, they are buying a house and you know, so it is a difficult issue.

Ms. Larkin stated but this is in the deed, it is in the deed.

Chairman Rogan stated okay, any additional comments, questions from anyone.

Mr. Stenger stated can we just get that answer, you asked the question about whether or not the abstract company had anything to do with the development of the property, is it. If that is a question that you think is material, I would love to hear an answer.

Ms. Larkin stated Town Counsel just said it wasn't.

Board Member Pierro stated I know what the answer is already sir.

Mr. Stenger stated I don't, can you tell me.

Ms. Larkin stated I don't either.

Board Member Pierro stated I believe the original abstract company is insuring the title and they made an opinion way back when and they have to stick to that opinion now, I think this is a question for a judge.

Ms. Larkin stated what opinion.

Board Member Pierro stated it may be a question for a judge, unless you guy can work it out amongst yourselves.

Mr. Stenger stated okay.

Ms. Larkin stated what opinion did the title, what opinion did the Title Company make that they are trying to stick with.

Board Member Pierro stated that they have, that the developer has certain inherent rights to do stormwater modifications on the site without HOA approval.

Ms. Larkin stated in that instance we should rely, I suggest on, on your Town Counsel who is the party that sent this out to that title company, not me.

Board Member Pierro stated okay.

Ms. Larkin stated and you know, rely on your Town Counsel rather than the title company.

Board Member Pierro stated well our Town Counsel who is familiar with the case is not present at this time.

Ms. Larkin stated I realize that.

Board Member Pierro stated he could not be here, so with that in mind it is my motion that we waive this application tonight and put it over for thirty days.

Ms. Larkin stated okay.

Board Member DiSalvo stated is that a motion, I'll second.

Chairman Rogan stated okay.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 4 to 0.

Chairman Rogan stated any opposed. Okay, so what we expect to have, so everyone is clear tonight because I do like to keep things as clear as possible, is that we will have by the date of our work session, a written opinions from HOA council, from yourself sir, to copy to Tim Curtiss' office. So that we can by the date of next meeting have written correspondence from Tim and hopefully Tim or yourself will be present.

Ms. Larkin stated when can I get the.

Mr. Stenger stated what date is that, (inaudible – too many speaking).

Chairman Rogan stated I was just going to say honestly, it is an open process.

Mr. Stenger stated this is really quite a bit of research, everyone gets it at the same time.

Ms. Larkin stated no, I would like it before, so I can bring my response that night.

Chairman Rogan stated that is what he's saying the date that it is available to our council which will be the twenty.

Mr. Stenger stated you want it from me on the 28th, right.

Chairman Rogan stated the 28th, 28th is when you will also be sent a copy.

Mr. Stenger stated is there a meeting at which you want it presented or you just want it given to council by the 28th.

Board Member DiSalvo stated our work session.

Chairman Rogan stated no, no, the date of our work session. So Ms. Larkin you will also get a copy by the date of our work session.

Mr. Stenger stated okay, then the meeting is September the 4th, which is the following week which everyone will have the opportunity to react to that.

Chairman Rogan stated June, did you say September.

Mr. Stenger stated June.

Chairman Rogan stated don't wish the whole summer away, that quick, June 4th, yes sir.

Ms. Larkin stated how then will it not end up being adjourned again because I'll get it the same day, I'll respond.

Chairman Rogan stated you'll get it the same day that our council will get it but you will have opportunity to review it just like our council, in the same time frame.

Ms. Larkin stated okay and that will be sufficient time.

Chairman Rogan stated I will say.

Ms. Larkin stated for your council I mean.

Chairman Rogan stated yeah.

Mr. Stenger stated one would hope.

Board Member DiSalvo stated nobody is going on vacation that weekend, Memorial Day.

Chairman Rogan stated you know, we certainly can not promise things that are beyond our control but we have always, this Board has acted with due diligence in making sure we are being fair and I think this is fair. Anything from, Carl, from you on this, we're all set.

Mr. Lodes stated no, just as long as council gets it by the 28th.

Mr. Stenger stated you'll have it.

Chairman Rogan stated okay, thank you, appreciate both your time.

Mr. Stenger stated thank you for hospitalities.

Chairman Rogan stated let the record show that Mr. Montesano is re-joining the Board.

b. Barjac Realty Site Plan – Set Restoration Bond

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

Chairman Rogan stated we had Barjac Realty, we had a restoration bond and appropriate inspection fees that we needed to do a motion on. Should we wait for Dave to come back. Theresa, do you need to say anything on Barjac.

Mrs. Ryan stated no.

Chairman Rogan stated okay, I didn't think so, pretty straight forward. Barjac you may recall we have a recommendation for a \$42,000 dollar bond amount with \$19,000 dollar inspection fees, I'll make that motion that we make a recommendation to the Town Board.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

c. Green Chimneys Site Plan – Set Restoration Bond

Mrs. Theresa Ryan of Insite Engineering was present.

Chairman Rogan stated okay, Green Chimneys, we do have Theresa here for.

Mrs. Ryan stated yes.

Chairman Rogan stated we'll do the bond first and then you want to talk about the shed issue.

Mrs. Ryan stated yes.

Chairman Rogan stated right, we have \$26,000 dollar bond amount with an \$11,100 dollar inspection fees, make a motion that recommend that to the Town Board.

Board Member Montesano seconded the motion.

Board Member Pierro stated so moved.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Board Member Pierro stated I said so moved.

Chairman Rogan stated okay Theresa, please do.

Mrs. Ryan stated okay.

Board Member Montesano stated get familiar here.

Board Member DiSalvo stated this is for the generator right.

Mrs. Ryan stated we have been preparing construction documents so that Green Chimneys can go forward with their, we just got DEC approval today and we just, Health Department is the last item, so as soon as everything is in place, they are ready to go to town on their project and one of the items that came up was the generator building. It's now that they know what the service is going to be, what size the generator is, what size the diesel tanks and everything are. They know the size of the building and they also know that its going to have to be nine to ten feet high, the walls around it in order to accommodate it and they options are, to have it in a building, if its in a building its going to need other things like ventilation through the roof.

Chairman Rogan stated sure.

Mrs. Ryan stated and more space because of the heat that it generates and other things what they would, they wanted me to ask was if you would be okay with putting a fence around it and they could make the fence look like a run in shed with a false roof in the front that would see from Doansburg Road and Rich, he's not here right now, he mentioned that you approved something similar on another project recently.

Chairman Rogan stated when Rich brought it up, we are on Green Chimneys, on the generator run in shed.

Rich Williams stated yup.

Chairman Rogan stated I thought, our understanding was that it was going to be a shed, a salt box design, or turn out shed.

Mrs. Ryan stated run in shed.

Chairman Rogan stated help me out with this Maria because you are in the horse industry. I didn't realize that it was fence that was made up to look like, maybe I'm not understanding you properly.

Mrs. Ryan stated it was proposed to be a building.

Chairman Rogan stated okay.

Mrs. Ryan stated now that they've designed it, the building is going to be such that the walls are going to have to nine to ten feet high with a peaked roof.

Chairman Rogan stated okay.

Mrs. Ryan stated that would make it even with a shallow peaked roof would make it about twelve feet, which is going to you know be almost as tall as the one story part of the dormitory building.

Chairman Rogan stated Rich, which is the project that we recently, Theresa made mention of, we had recently approved something similar to this, another project.

Mrs. Ryan stated you said there was a run in shed looking structure that you just approved for a generator building.

Rich Williams stated no, you didn't approve it, I was referring to Covington Greens.

Chairman Rogan stated oh.

Rich Williams stated we actually did a nice architectural fence around the generator out there so the people in Covington Greens couldn't see the generator and pump station on the interior. I had relayed the story to Theresa that initially we looked at doing some sort of false building around the whole thing which was basically just four walls of building, a glorified fence but because of costs, we didn't do that, just an architectural fence.

Board Member DiSalvo stated and they are fine with that over there, what about the sound, the sound of the generator.

Rich Williams stated yeah.

Mrs. Ryan stated now they are so, they are very.

Chairman Rogan stated it doesn't run.

Board Member DiSalvo stated it does.

Chairman Rogan stated when it runs, I guess it's an emergency.

Mrs. Ryan stated the new ones are really quiet now, you can hardly hear it.

Rich Williams stated the other thing is when we have situations like that, we try to go with a natural gas generator which are even quieter than the diesels. We had to do some adjustments over at Fox Run with the diesel generator when it was exercising because it was bothering some people so we had to adjust that time but I've never had a complaint at Covington Greens.

Board Member Pierro stated what is the fuel type.

Mrs. Ryan stated diesel.

Board Member Pierro stated diesel.

Mrs. Ryan stated they are proposing two three hundred gallon diesel tanks and they wanted to enclose those also instead of leaving them outside the building on a slab.

Board Member DiSalvo stated do you test them occasionally or you idle them.

Board Member Pierro stated yeah they have to.

Chairman Rogan stated it's automatic.

Board Member DiSalvo stated or you actually, automatically draw, when your testing them you draw the water from them or you leave at idle.

Mrs. Ryan stated I don't know.

Board Member Pierro stated there is no water. Its electric generation.

Chairman Rogan stated the one at our office turns on every Thursday morning at the same time every week and does a maintenance run, its all done.

Board Member Montesano stated I believe, I know that a few years back they had a test at Green Chimneys for all their generators and none of them worked or at least they couldn't get them started. So after that if I recall there was a testing procedure that they had.

Rich Williams stated well as Shawn said, all the new generators are designed to cycle automatically once a week.

Board Member Pierro stated all the good ones, the high end ones have timers on them and cycle.

Chairman Rogan stated yeah, you don't have any schematic or drawing on what the heck this is going to look like though.

Mrs. Ryan stated no, originally we committed that the building would have similar architecture to the dormitory buildings.

Chairman Rogan stated yeah.

Board Member DiSalvo stated from a safety point of view, do you feel comfortable with just the fence around it.

Mrs. Ryan stated actually that is safer because then they don't have to worry about the ventilation and the heat build and enclosing the diesel tanks.

Board Member DiSalvo stated and like from like a residents point of view, the residents there, the safety there.

Chairman Rogan stated children.

Mrs. Ryan stated well its going to have a nine to ten foot high wall around it.

Board Member DiSalvo stated and that is similar to the one at Covington Greens.

Chairman Rogan stated I have no idea, I haven't seen that one.

Board Member DiSalvo stated I would like to go see that one first, what do you think.

Chairman Rogan stated yeah.

Board Member Pierro stated the one at Covington Greens was installed by the Town, right Rich.

Rich Williams stated I'm sorry, what.

Board Member Pierro stated the one at the, the generator system at Covington Greens, the fencing and all that was installed as part of the Town's retrofit of the sewage treatment plant, correct.

Rich Williams stated of the construction of the new wastewater treatment plant.

Board Member Pierro stated yeah.

Rich Williams stated correct.

Board Member Pierro stated we can see that almost any time because Rich has, you still maintain that don't you or does the company that manages the water plant or the sewage treatment plant.

Rich Williams stated I don't actually do the maintenance on it, we hired a contractor.

Board Member Pierro stated but you have access to it.

Rich Williams stated yeah.

Board Member Pierro stated okay, so we can go and pass by that when we are doing a site walk just to get an idea of what you got there.

Chairman Rogan stated I had.

Rich Williams stated if you want to go inside, I certainly can get you entry but basically you are just going to drive in, it's in the middle of a parking lot and you're going to see a fence.

Board Member Pierro stated oaky.

Chairman Rogan stated all of the other, all of the other, the one other generator system that I know if at Green Chimneys is, doesn't have anything around it, its just a generator sticking up out of the ground. Its near the dining hall if I remember, a large unit, its you know, half the length of this room half the width of this room.

Mrs. Ryan stated I think this one, without the tanks, this is eleven by eighteen.

Chairman Rogan stated eighteen is the width of this room, about where you're standing.

Mrs. Ryan stated yeah.

Board Member Pierro stated pretty big unit.

Chairman Rogan stated big generator.

Mrs. Ryan stated it needs that distance clear around it.

Chairman Rogan stated I'm only hesitant to go forward with this because we don't have any clue what's going to look like, in terms what the fencing will be, you said architectural fence, is that what you.

Mrs. Ryan stated actually we were thinking more like a run in shed.

Chairman Rogan stated and I, I can't understand what that means, I don't understand what that means.

Mrs. Ryan stated that is what the horse run into those, they are like half a stall.

Board Member DiSalvo stated like a texture one eleven type of.

Mrs. Ryan stated yes, something like that.

Board Member DiSalvo stated so it would really be a fence it would be more like a.

Board Member Pierro stated it would be the decorative siding you have on the building, the hardy plank.

Board Member DiSalvo stated yeah.

Mrs. Ryan stated hardy plank, yeah.

Board Member Pierro stated you're going to make it look like a building with corner trim.

Mrs. Ryan stated yeah.

Chairman Rogan stated but it wouldn't have a roof on it.

Mrs. Ryan stated (inaudible).

Board Member Pierro stated right, well it has a run in shed roof.

Board Member DiSalvo stated it would be pitched.

Mrs. Ryan stated a partial.

Board Member DiSalvo stated pitched.

Board Member Pierro stated a partial.

Mrs. Ryan stated just so it would look from a distance.

Board Member Pierro stated sloped, it would look like a run in shed.

Rich Williams stated you are running dangerously close to having a fence that exceeds the maximum.

Chairman Rogan stated well that is what I'm wondering, that is what I'm envisioning. I'll tell you what Theresa.

Mrs. Ryan stated it definitely would exceed.

Chairman Rogan stated see what you can do to get some kind of a sketch drawn together, we are going to take, a few of us anyway are going to take a look at Covington Greens. Even if you could shoot something over to Rich and we look at it, we could potentially just approve it without you being here at the work session and be done with it, not that you have, at least it gives us a sense of what's going on. If we look at it say oh this is crazy we will obviously have you on the next agenda and we will resolve this one way or another but I'm not comfortable because I can't foresee what its going to look like, I don't know about the rest of the Board maybe you guys can picture this better.

Board Member Cook stated no, I agree I think we should see a sketch and take a little drive by Covington Greens and see what that one looks like, if nobody has a feel for it.

Chairman Rogan stated okay.

Mrs. Ryan stated how tall is that one.

Chairman Rogan stated I'll do that.

Board Member Pierro stated Apap.

Rich Williams stated Covington Greens, I don't know.

Mrs. Ryan stated is that more than six feet.

Rich Williams stated I would assume its six feet but assumptions are dangerous it was put up by the Town and we don't have to follow our own rules.

Mrs. Ryan laughs.

Board Member Pierro stated right.

Rich Williams stated I don't recall off the top of my head.

Chairman Rogan stated okay.

Board Member Pierro stated okay.

Chairman Rogan stated so we'll promise you that.

Mrs. Ryan stated yeah I don't (inaudible).

Chairman Rogan stated give us something to look at that would depict what this is going to look like.

Mrs. Ryan stated okay, I will see how quickly the architect can put something together.

Chairman Rogan stated okay, that would be great.

Mrs. Ryan stated maybe both.

Chairman Rogan stated and we'll do our best to wrap this up.

Mrs. Ryan stated okay great.

Chairman Rogan stated thanks Theresa.

Mrs. Ryan stated thanks.

e and f. Paddock View and Empire Tool

Chairman Rogan stated we had done both Paddock View and Empire Tools extensions.

Board Member Pierro stated yes.

g. Project Update

Chairman Rogan stated that brings us to, we have project update.

d. Apap Site Plan - Discussion

Board Member Pierro stated Apap, did we do the waiver.

Chairman Rogan stated Apap we did.

Board Member Montesano stated we did.

Board Member Cook stated we did.

Chairman Rogan stated we did that as well, I just had it crossed off but

Board Member Pierro stated maybe I jump in.

Chairman Rogan stated please do, this is a great time.

Board Member Pierro stated while we have people in the room, one of real estate clients and my real estate business just purchased 1116 Route 311 which is the old antique shop on the corner.

Board Member DiSalvo stated closed.

Board Member Pierro stated of Orchard Street, it was loaded with over crowding violations, illegal use violations and I cleaned it out before I took the listing, my client just closed on it Thursday and he started construction there. I understand that he will coming in shortly for demolition permit to take down a garage and he is approaching the Health Department to try and install a new septic so that he can put three or four parking spaces in the rear of the building and before he comes in and I want to be above Board and in front of witnesses that I will recuse myself from any and all applications relative to this.

Chairman Rogan stated okay.

Board Member Pierro stated his name, the applicants name will be Thomas Salinas, he's the barber from Front Street.

Chairman Rogan stated the barber, okay.

Board Member Montesano stated Barber Salinas.

Chairman Rogan stated Barber Salinas, great.

Board Member Pierro stated so.

Chairman Rogan stated okay, we have sitting behind council, Andrew, I do not remember your last name, I have your card.

Andrew Fetherston stated Fetherston.

Chairman Rogan stated why don't you just come up quick and introduce yourself to the Board, he has a face that you will see pretty soon here.

Andrew Fetherston stated I'm Andrew Fetherston from Maser Consulting, we were appointed as municipal and Planning Board engineer, I'm going to act as the Planning Board engineer, I have been, I have attended two of your Board meetings and just sat in the back and took notes and just see how the Board operates with their consultants and their town staff.

Chairman Rogan stated okay so you see the Planning Board.

Andrew Fetherston stated just want to get the feel, that's all just want to get the feel.

Chairman Rogan stated and since we don't have names up on the dias, Mike Montesano, Maria DiSalvo, you know me, Shawn Rogan, Dave Pierro, Charlie Cook.

Andrew Fetherston stated great, great.

Chairman Rogan stated pleased to have you here.

Andrew Fetherston stated thanks very much.

Chairman Rogan stated glad to see you here this evening, I will say that.

Andrew Fetherston stated I have a, we have a meeting tomorrow night, we are going to talk about project and there is a transition going on and we just want to do the right thing I just want to see what I can find out, what's in front of your Board right now and that's what I'm looking to do.

Chairman Rogan stated appreciate it.

Andrew Fetherston stated great, thanks very much.

Chairman Rogan stated thanks.

Board Member Pierro stated and I'm sure Rich, at the proper time Rich will provide you with our personal e-mail addresses, in the past we were getting a lot of project reviews via e-mail and that worked out great for us.

Andrew Fetherston stated that's fine, I get, I'm never unattached so.

Board Member Pierro stated okay, great.

Andrew Fetherston stated not a problem, all

Chairman Rogan stated I appreciate you being here.

Andrew Fetherston stated all right, thank you Shawn.

Chairman Rogan stated great.

Rich Williams stated (inaudible) about that.

Andrew Fetherston stated now that we've done that, I think I'm going to bid you adieu.

Board Member DiSalvo stated this is early tonight.

Chairman Rogan stated this is pretty early but Ron, you're sitting back there so quiet, how are you this evening.

Mr. Taylor stated I'm fine.

Chairman Rogan stated great.

Mr. Taylor stated can you tell us the two extensions, what were they for.

Chairman Rogan stated you mean the length of time.

Mr. Taylor stated yes.

Board Member Pierro stated 120 days for Boniello.

Board Member DiSalvo stated Empire Tool.

Board Member Montesano stated Empire Tool.

Chairman Rogan stated Empire.

Board Member Pierro stated Empire Tool.

Chairman Rogan stated Paddock was shorter than that, wasn't it.

Board Member Pierro stated Paddock was 90 [days], Mike made that.

Board Member DiSalvo stated 90 [days].

Chairman Rogan stated correct.

Board Member Montesano stated 90 [days] and 120 [days].

Chairman Rogan stated yes. Okay, we are up to project updates.

g. Project Update

Rich Williams stated Project Updates, I have a list here, Kent Supply I provided the Board with a memo tonight that I prepared on your behalf for your review to see if that is an appropriate direction.

Chairman Rogan stated yeah, let's just talk about that really quick. There is a copy for everyone, all it basically says is we've done a lot of work on this and we are looking for basically a bond and inspection fees to be placed and for them to start giving us a schedule of when they plan to resolve the site plan issues. Unless anyone has any objection, I'll sign that and we'll send that off to them.

Board Member Pierro stated so moved.

Chairman Rogan stated okay, hey Rich.

Rich Williams stated what.

Chairman Rogan stated next after Kent Supply.

Rich Williams stated I'm sorry what was that.

Board Member Pierro stated next after Kent Supply.

Chairman Rogan stated we're trying to move you along.

Rich Williams stated okay, Eurostyle Marble and Tile, as I have apprised the Board before, they were given a conditional C.O. until June of this year which essentially establishes a time for them to complete the remaining improvements, they have to be completed by June. I have talked with the property owner, Martin Monahan, who has assured me that they will be completed by June and is going to call me when they are done so I can go out and take a look at them.

Board Member DiSalvo stated he had his bond released months ago, right.

Rich Williams stated its reduced.

Chairman Rogan stated reduced.

Rich Williams stated that was actually the impetuous that he came into the office to give us the lower amount bond.

Board Member DiSalvo stated okay.

Rich Williams stated IO Wellness and Lea Rome, again I had done memos on behalf of the Board for your review to the Director of Code Enforcement.

Board Member Montesano stated all right, did we have an oil spill or something out in that area.

Rich Williams stated yes we did but not at Lea Rome.

Board Member Montesano stated okay. I just wanted.

Board Member DiSalvo stated which one.

Rich Williams stated it was a very significant oil spill out at Kb Nursery, Real Life, Doria properties.

Board Member Montesano stated okay.

Board Member DiSalvo stated Real Life.

Rich Williams stated yeah, Cheryl had received a call and requested that I go out and take a look at it, I did. When I got out there I found six to eight inches of oil ponded in the back corner, I notified Dave Raines who notified everybody in the world.

Board Member Pierro stated yeah, it was a significant spill.

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

Rich Williams stated it was a very significant spill.

Board Member DiSalvo stated (inaudible) Fox News.

Rich Williams stated and there were other staining areas, there are other issues out on the site, ultimately the DEC took jurisdiction over it and is cleaning up the site.

Board Member Pierro stated Rich was an apprehension made on that as far as a responsible party.

Rich Williams stated was somebody arrested.

Board Member Pierro stated yes.

Rich Williams stated I'm unaware.

Board Member Pierro stated there was a rumor floating around that somebody was collared for that, okay.

Rich Williams stated I don't know, I have no knowledge of that.

Board Member DiSalvo stated were there like surveillance cameras there or.

Board Member Pierro stated okay, no but.

Board Member DiSalvo stated can the bank install them.

Board Member Pierro stated it doesn't take a rocket scientist, if you're looking for a pig just look around, do a 360 degree turn.

Board Member Montesano stated don't say that, you'll start another epidemic, please use another form of animal.

Rich Williams stated so what is the Board's pleasure with those two memos on IO Wellness and Lea Rome.

Chairman Rogan stated oh I would sent them.

Board Member Pierro state send them out.

Chairman Rogan stated definitely, yeah please do.

Rich Williams stated Field and Forest Site Plan, construction continues, there were some issues out there this week with the Town Engineer doing inspections. The contractor was putting the water lines in the wrong place, hadn't got them approved, he's been put notice that that approval needs to be issued by the Health Department. We are still waiting on shop drawings for structures that are going in, that have gone in, there are a number of different issues. I requested Tom McGinn send the Board a memo, which he did.

Board Member Pierro stated is there going to be a transfer, a seamless transfer or is Stantec going to complete this.

Rich Williams stated I do not know exactly what the transition is going to be at this point.

Board Member DiSalvo stated (inaudible).

Board Member Pierro stated okay.

Rich Williams stated nobody has told me whether there is going to be Stantec is gone, Maser is coming in or you know some projects are going to stay with one engineer and some projects are going, I don't know.

Board Member Pierro stated okay fine.

Rich Williams stated Papitto, they are probably eighty percent complete, I know most of the stormwater improvements are in, the driveway is mostly in, they have been proceeding through and the Town Engineer.

Chairman Rogan stated Fair Street.

Rich Williams stated has been out there, inspecting that site and they've been you know doing a great job getting that site constructed. Building hasn't started yet and I don't believe they have a building permit for that yet but the site improvements are moving along fine. Genovese, didn't get a hold of LADA, you know they still haven't, they are still doing their due diligence out on the site, I don't know that they've, at this point, walked away from the project, I haven't heard.

Board Member Pierro stated I heard they sold that project.

Rich Williams stated okay.

Board Member Pierro stated so they have to get some sort of completion to transfer to the new owner, that is the last thing I heard.

Rich Williams stated I didn't get a hold of LADA.

Board Member Pierro stated right.

Board Member DiSalvo stated (inaudible) Brewster Honda that time (inaudible).

Rich Williams stated D'Ottavio, D'Ottavio is under construction, we are monitoring him, they closed down for the winter for the most part, they weren't doing anything. I was out there last week, they had pulled the machines off but they do plan on starting back up and continuing construction this season. Cipriano, I met with Steve Miller who is their engineer from Badey & Watson, along with representative from the DOT, approximately three weeks ago to talk about the proposed road re-alignment, driveway re-alignment, that was. I had apprised the Board at that point that DOT was looking for, in my opinion, some very strange things that really weren't functional for anybody and they were going to go back and reconsider. Clover Lake Subdivision, that subdivision is defunct, that applicant decided not to go forward with the subdivision.

Board Member DiSalvo stated oh.

Chairman Rogan stated that was with the parcel up front with the horse barn on it.

Rich Williams stated correct.

Board Member Pierro stated right.

Rich Williams stated right.

Chairman Rogan stated wow, so that is back now.

Board Member DiSalvo stated so that's one piece again.

Board Member Pierro stated you don't like my glasses.

Chairman Rogan stated wow that's interesting.

Rich Williams stated yup.

Board Member Pierro stated if you can wear them ugly Manolos, I can wear these glasses.

Rich Williams stated Thunder Ridge wetland application, I met with Joe Zarecki who has been retained by Thunder Ridge to go through what he was proposing. What everybody was looking for as far as a plan to get that pond excavated this summer, he said that he would be submitting something in the near future as far as a plan. Paddock.

Board Member Pierro stated in addition to Thunder Ridge, we had some concerns earlier in the spring, it looks like Bob Conklin graded the parking lot again and there was a two foot high pile of earth, berm along

the stream, no erosion control. I mean, I know Bob likes to do what he likes to do when he wants to do it but there has to be a communication to these people that that brook is really danger of getting silted up. Its' mudded up, as you well you, we all looked at it, its two foot high of mud, its two foot below the base of the bridge out in front of the Alpine, they have to use erosion control on that site.

Rich Williams stated in passing by on [Route] 22 I did see what appeared to be a berm along the stream and I was pleasantly surprised because that means that the run off from that parking lot is not going to go directly into that stream.

Board Member Pierro stated that berm disappeared, where did it go, you know I don't.

Rich Williams stated I will take another look at it.

Board Member Pierro stated I'm not a hydrologist but I don't know where it went but it was there, within a couple of feet of the stream bank.

Board Member DiSalvo stated but you know Dave too, look at the other side of the stream, Alpine it looks like a mess.

Board Member Pierro stated they've got at least the erosion controls in place at Alpine, the erosion control is still in place from that previous application that they were here.

Rich Williams stated yes and not being maintained.

Board Member Pierro stated right.

Rich Williams stated and the last thing I was asked to look at was Paddock View Estates, which as you are all aware, received their last set of approvals, extensions at the work session.

Chairman Rogan stated Rich.

Board Member Cook stated thank you.

Chairman Rogan stated do we have an idea of projects or site plans that we have approve that have not met all the conditions like the old.

Board Member Montesano stated how about Brewster Plastics.

Chairman Rogan stated I'm thinking about the right in front of the Thunder Ridge, the restaurant, Daniel J's.

Board Member DiSalvo stated yeah well like we said Alpine.

Chairman Rogan stated yeah because you had mentioned that that is in the Building Inspectors court right now, court isn't the right word, forum, correct. They came in for sign, we spoke them, they never came back, we issued a site plan, they've never resolved some of the issues on that they never completed the site plan.

Rich Williams stated they never completed the site plan.

Chairman Rogan stated so how many of those type scenarios do you think we have out there, other projects like that would be the same as Daniel J's. Maybe we should think about that and see, it would be nice to.

Board Member Pierro stated yeah.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated we don't have control over people but it would nice to be able to clean up some of this stuff and.

Rich Williams stated the only other one that I can think of is Kent Supply.

Board Member Pierro stated yeah.

Chairman Rogan stated Kent Supply.

Rich Williams stated you know, I mean, other projects are moving, some of them slow, the new restaurant that the Board had granted a waiver to, he's put the fence in and he's doing some of the other improvements.

Board Member DiSalvo stated oh yeah, Steakhouse 22.

Chairman Rogan stated well maybe its possible with the change in responsible people at the restaurant maybe we should reaffirm with them what needs to get done to complete it and see if he can't get it done.

Board Member DiSalvo stated is it more responsible Dave.

Rich Williams stated with Alpine.

Board Member Pierro stated not yet, that is in transition again. The last people that we were dealing with, I am told a portion of them are gone and there is new, a new manager that has applied to the Town to do a transfer of liquor license but I understand ABC is really backed up.

Chairman Rogan stated unbelievable so, there are people waiting over a year for a liquor license.

Board Member Pierro stated yeah, I just heard this a couple of days ago.

Chairman Rogan stated the golf course.

Rich Williams stated I don't know the status again I know that the Building Department is aware because there are building and zoning and site plan issues.

Board Member Pierro stated issues that have to be.

Rich Williams stated going on and the Building Department was looking at what their next steps would be.

Board Member Pierro stated right.

Rich Williams stated I don't know where they stand with that.

Board Member Montesano stated what about Brewster Plastics, have we ever gotten them to.

Chairman Rogan stated he came in, he was in what two months ago.

Rich Williams stated right, yeah, I thought they would be coming in sooner than they have come in for the addition, we haven't seen anything as of yet. I did have a meeting with people from the EDC this past week who is doing the financing form through the IDA and reminded them, you know they need site plan approval before they start construction.

Chairman Rogan stated right.

Board Member DiSalvo stated where did we approve them to have the temporary storage out there.

Chairman Rogan stated trailers.

Rich Williams stated well you approved them to put up the material silos.

Board Member DiSalvo stated right.

Rich Williams stated and to have a couple of temporary storage trailers.

Board Member DiSalvo stated they haven't done any of that yet.

Rich Williams stated I think the storage trailers are probably there, they were in dire need of them when they came in.

Chairman Rogan stated right, Ted.

Ted Kozlowski stated I have a fairly serious wetland violation, Tyrone Mayfield.

Chairman Rogan stated oh.

Ted Kozlowski stated Farm to Market Road, he has basically put in a road/driveway right through a wetland, up to about twenty feet of a, I think a state regulated stream, connecting two state wetlands. I made three appearances at the house to try and stop him, he was not home or not answering, Richie in my absence when I was in Florida, tried to do the same thing. I finally caught up with him after sending a letter, met with him two days ago, we did not end the conversation on good terms, he said he would come in for a wetland application, he has not. I am going to give another letter with an application and a deadline, I'm going to try and get him before the Board, you need to see this.

Board Member Pierro stated what was his motive.

Ted Kozlowski stated well he has told me that he has put this in so he can move a ten by ten shed. Its an awful lot of work for a little shed and then he wanted to put his vehicles back there but he is clearly in wetland and he is clearly within a hundred feet of the stream but the amount of energy and effort that went into this project is more than for, in my estimation, that is awful lot expenditure for a little shed.

Board Member DiSalvo stated speaking of shed, the post office shed is moved.

Rich Williams stated yes I know.

Ted Kozlowski stated so you can see the violation in your travels if you are on Farm to Market Road, its right there, the machines are still out there.

Chairman Rogan stated I just drove by tonight, I just pointed out the geese in his front yard to my wife but I wasn't looking for a wetland violation.

Board Member DiSalvo stated and the house next to his.

Ted Kozlowski stated you can't help but see it, so I think this is going to be a problem.

Chairman Rogan stated thanks for the forewarning.

Board Member Cook stated let me ask, previously you sent him a letter and requested what you wanted to do again.

Ted Kozlowski stated this gentleman I have met with about ten years ago about another violation that he was involved in, I reminded him of this, he clearly knows about the law.

Board Member Montesano stated I don't know.

Ted Kozlowski stated and I sent him a letter on this latest one, Rich and I both tried to communicate to him, Rich, did you talk to him.

Rich Williams stated I did talk to him.

Ted Kozlowski stated Richie talked to him finally and I met with him finally but he has not come you know and I told him my last option is to issue a ticket and go to court, I'm trying to avoid that but it doesn't look like that's happening.

Board Member Cook stated when did you send him the previous letter.

Ted Kozlowski stated last week, early last week, actually maybe the week before.

Rich Williams stated he actually came into my office and I handed him the letter.

Board Member Cook stated a week or two ago.

Ted Kozlowski stated yes.

Board Member Montesano stated is the state or can the state get involved with this or do you want give that (inaudible).

Ted Kozlowski stated the state should be involved but in my experience with the state on the last few violations is they would just rather these things go away.

Board Member Montesano stated yeah, they are too busy, yeah they haven't got the money.

Board Member DiSalvo stated is there a stream on his property because I know he's in front of that big lake.

Ted Kozlowski stated do you know, comes off a wetland that's on Big Elm Road, there is a state wetland at the northern end of Big Elm Road.

Board Member DiSalvo stated right, right.

Ted Kozlowski stated okay, that flows under that Niewisch's house.

Board Member DiSalvo stated yeah.

Ted Kozlowski stated and then another house and then under Farm to Market Road, it goes behind those series of three little house and then winds up behind Mayfield's house and then flows into another state wetland is where the Clow property is.

Board Member DiSalvo stated right.

Ted Kozlowski stated the one to the north is BR-6 and the one to the south is BR-7, the recent upgrades show a connection between the two at the stream corridor but there is wetland, town regulated wetland where he put his driveway through, its all skunk cabbage and dark black mucky soils.

Board Member DiSalvo stated so what is he using as a base for this driveway.

Ted Kozlowski stated he put in a ton of, tons and tons of that quartz, that white quartz, that is why you can see it so clearly from Farm to Market.

Rich Williams stated item four.

Board Member Pierro stated item four.

Board Member DiSalvo stated take a look at it tomorrow.

Ted Kozlowski stated he's got drainage pipes in, he originally told me that he was doing this because he had drainage problems but the road goes up hill, so if he had drainage problems around his house.

Board Member Montesano stated well that was the problem.

Ted Kozlowski stated the water is not going up hill.

Board Member Montesano stated he didn't want the drainage from the road going.

Ted Kozlowski stated I mean, its just its not a good situation.

Chairman Rogan stated we'll all have.

Board Member Pierro stated do a drive by tomorrow.

Chairman Rogan stated when we get him in here, we'll all have the opportunity to do an organized site walk, if you are going to go out there on your own, just do a drive by, don't pull in the guys driveway.

Board Member Pierro stated yeah.

Ted Kozlowski stated don't go on to the gentleman's property.

Board Member DiSalvo stated I go that way everyday.

Ted Kozlowski stated you can sir it from Big, Farm to Market rather, its very clear.

Board Member DiSalvo stated he's the one with the built in pool, right.

Ted Kozlowski stated no, he's got like a little pond in the front.

Board Member DiSalvo stated the pond and he's got a built in pool.

Rich Williams stated he's got an above ground pool square, rectangular above ground on the south end.

Ted Kozlowski stated he's got Mayfield on the mailbox.

Board Member DiSalvo stated on the mailbox, yeah.

Board Member Pierro stated yeah, you can't miss it.

Chairman Rogan stated John Mayfield.

Board Member Pierro stated Tim Curtiss.

The Secretary stated Tyrone.

Chairman Rogan stated Tyrone.

Ted Kozlowski stated I think his name is, its Tyrone but I think its John Tyrone Mayfield.

Board Member DiSalvo stated I thought it was in ground, somebody there has an in ground pool on the left, to the side of the house.

Chairman Rogan stated did we just get these since the work session.

The Secretary stated you had March 26th and March 5th prior, April 2nd and April 30th, you did just receive.

Chairman Rogan stated okay, thank you, the prior ones we can do.

Board Member Pierro stated March 26th.

The Secretary stated yes and March 5th.

Board Member Pierro stated and March 5th, I make a motion we approve the minutes.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated anything else from anyone.

Board Member Pierro stated save the.

Chairman Rogan stated motion to adjourn.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

The meeting adjourned at 10:02 p.m.