

APPROVED
7/3/03 MB

TOWN OF PATTERSON

PLANNING BOARD MEETING

June 5, 2003

AGENDA & MINUTES

	Page #	
1) Leo Vatkin Infinite Images –Sign Application	1 – 3	Board approved sign
2) Ryder Property Rte 311 – Wetlands	3 – 14	Board granted a Neg Dec under SEQRA Board approved a remedial action for clearing channel
3) Bell Site Plan – Public Hearing Wetlands	14 – 19	Public hearing held & closed Board granted a waiver from paving the driveway Board issued a Neg Dec under SEQRA Board approved Wetland Permit with conditions Board granted Site Plan approval with conditions
4) Sypko Wetlands Permit	20 – 21	Discussion on outstanding issues
5) Hudson Valley Datanet Site Plan	21 – 23	Board scheduled public hearing for 7/3/03
6) Heritage Allwood Furniture – Site Plan Waiver	23 – 26	Board denied request for site plan waiver to allow a storage container on site
7) Northeast Mesa – Site Plan Waiver	26 – 32	Board granted site plan waiver with conditions for additional parking spaces & retaining wall
8) Frantell Development – Site Plan	32 – 34	Board requested wetlands to be re-flagged Board to schedule site walk
9) Guiding Eyes for the Blind – Fill Permit	34 -35	Board granted fill permit
10) Other Business a. Dunkin Donuts	35 – 37	Discussion on awning to be painted
11) Minutes	37	Board approved April 24, 2003 & May 1, 2003 minutes

CHAIRMAN
Herbert Schech

Secretary
Melissa Brichta

Town Planner
Richard Williams



PLANNING BOARD
P.O. Box 470
Patterson, New York 12563

June 5, 2003 Meeting Minutes
Held at the Patterson Town Hall
1142 Route 311
Patterson, NY 12563

MEMBERS:
Michael V. Montesano
David Pierro
Shawn Rogan
Russell Shay

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APPROVED
7/31/03 MAB

Present were: Chairman Herb Schech, Board Member Mike Montesano, Board Member Shay, Board Member Dave Pierro, Board Member Shawn Rogan and Rich Williams, Town Planner, Gene Richards, Town Engineer and Craig Bumgarner, Town Attorney.

Meeting called to order at 7:32 p.m.

Rich Williams took the seat of the Secretary in her absence.

Approximately 14 members in the audience.

1) LEO VATKIN – Sign Application

Mr. Leo Vatkin, owner of Infinite Images was present.

Mr. Vatkin stated I made a little revision.

Chairman Schech asked the colors are different right I hope.

Mr. Vatkin replied the colors that is a copy.

Chairman Schech replied they are a little deeper.

Mr. Vatkin stated but that is not the change that I made this morning.

Chairman Schech asked but it is the same size though.

Mr. Vatkin replied identical.

Board Member Pierro stated as long as the size is the same and the colors are more,

Mr. Vatkin stated it is going to be like a really dark green actually I was going to match the one on the corner of this building.

Chairman Schech replied good.

Board Member Rogan stated that would do very nicely.

Board Member Pierro stated that makes us happy and these are the changes you are talking about Leo.

Mr. Vatkin replied yes I put the words on the bottom.

Board Member Pierro stated you added weddings and family portraits.

Board Member Rogan stated and the total size is eight by two.

Board Member Pierro stated I don't have any problem with that.

Mr. Vatkin stated you have a question about something I was advised that the restaurant that is going in next to mine which is the same building has put in for a different color sign, burgundy and gold I guess it is. He asked were they approved.

Rich Williams replied yes.

Mr. Vatkin stated about six weeks ago when I found out about all these colors that you have to have these requirements for the Hamlet I was all for it. I have no problem with it. I did not understand though why the Board says hey no problem I want you to have a choice: here is four colors pick what you want. I think what you are going to have eventually I don't know if you guys have not seen the big picture down the line is you are going to have colors, colors, colors personally I think from a view point as an artist it is going to look ridiculous. There are so many towns that have one color scheme whatever it is it is accepted.

Board Member Pierro stated Leo are you saying you would like to match the,

Mr. Vatkin replied I think everybody in the Hamlet, that one strip should be identical color whether it is the color you guys chose for the Town Hall or a color that is deemed worthy by you.

Board Member Rogan stated I think the intent of the Board was to pick colors that were like a colonial. I think we picked like three colors but with gold writing.

Mr. Vatkin replied and that is fine but what is going to happen is green, red, green, blue, green I think if it is all said and done when hopefully they build that bank,

Chairman Schech stated well we have to give them a little bit of imagination too.

Mr. Vatkin replied well I heard actually through the grape vine that the Town of Mahopac when they had done their main street they got all new signs, identical.

Board Member Rogan replied yes they did.

Mr. Vatkin stated someone got Senator Leibell to get grants, Chairman Schech stated we don't want to look like Mahopac.

Board Member Pierro stated Leo; if you like that idea then you have the option to changing those colors to the same as the one that the Chinese Restaurant is.

Mr. Vatkin replied I just think that it all should look the same.

Board Member Pierro stated you can be pro-active and you can be the first one to start.

Chairman Schech asked do you want to change.

Mr. Vatkin replied no I am going to stick with green.

Board Member Montesano stated he would like to have them change.

Mr. Vatkin replied I am not going to ask them to change.

Board Member Rogan thanked Mr. Vatkin for his input.

Chairman Schech asked for a motion on the application.

Board Member Rogan made a motion in the matter of Leo Vatkin, Infinite Images Sign Application that the Planning Board approve the sign to be no larger than eight feet by two feet in the green colors approved by the Planning Board. Board Member Montesano seconded the motion.

Upon roll call vote:

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

All in favor and motion carried by a vote of 5 to 0.

Mr. Vatkin thanked the Board.

Mr. Vatkin asked if I had some people to come and look at the sign in advance and the recommendation is based on the lettering and all that, that I needed three or four more inches on the top would that be a major issue should I come back.

Chairman Schech replied you will have to come back to us.

2) RYDER PROPERTY – Wetlands Watercourse Permit

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

(unable to hear the beginning of her statement, not close enough to the microphone)

Ms. Ryan stated that Ted issued a letter that we responded to. We initially submitted a plan and then we got comments from Ted so we revised the plan and submitted an application and a list of the property owners today.

Chairman Schech stated we totally disagree with your summation here. We were out there and at the rear of the building was exasperated by the basins and the berm. It was basically exasperated by the fact that there was no maintenance on the property for twenty years. The gutters have fallen down or hanging off it.

Board Member Pierro stated there are no gutters. There are an assemble of a gutter hanging off the side of the building.

Chairman Schech stated there are a couple hanging up and down and all the water, every piece of drainage from the property is going back there. That is not our problem. That is not the A&P's problem. That is the owner of the property's problem and now yours.

Ms. Ryan replied we are trying to remedy that. Apparently there was always a ground water problem there and the Ryder's have admitted that there has always been a ground water problem because they have sumps behind the building to try and pump it out. I guess they were able to daylight it until the berm was installed and that it was not in the design plans for the A&P shopping center but sometime during construction there was a pipe installed in that berm to provide relief for the Ryder's to get the water out of their site.

Board Member Rogan asked so Theresa you are saying that the sumps that were installed on the Ryder property daylighted with that they did not require any pumps is what you are saying they would just drain by gravity.

Ms. Ryan replied they were pumped out. There are sump pits, two sump pits behind the building.

Board Member Rogan replied right but the way you said it gave me the impression that they would daylight meaning they would drain without pumps but that is not what you are saying.

Ms. Ryan replied no.

Board Member Rogan asked they still require pumps.

Ms. Ryan replied they had to pump out of those sump pits but they were able to get the water away, the ground water out of site.

Board Member Rogan asked and by construction of the A&P,

Ms. Ryan stated it seems the Ryder's feel that it is worse now that the berm has been constructed and during construction there was a pipe installed in the berm which was not on the plans for the A&P shopping center and that pipe was obviously to relieve a water condition on the Ryder's site because by creating that berm it totally enclosed that back parking lot without any way of getting that water out. So, all we are asking the Board is the pipe is there and the water is not getting to it so all the Applicant's want to do is (referring to the plan) here is the building, here is the parking lot in the back, they want to create a channel to see if that water can get to that pipe that is there already.

Board Member Pierro stated one issue is that there is no tenants in that building there now.

Ms. Ryan replied they can't lease it because of the water problem.

Board Member Pierro replied right so who is plugging in the sump.

Ms. Ryan asked who is what.

Board Member Pierro asked who is running the sumps.

Ms. Ryan replied we recommended that they turn it off because what is happening is they are pumping over the berm, it is coming back into the site.

Rich Williams stated those sumps are not appropriate and not legal in the first place so they have to be removed anyway.

Ms. Ryan stated so we recommended that they turn those sumps off.

Chairman Schech stated when we were there the sumps were lower, about a foot lower than the surrounding property. The sumps were not running. I think it was about eight inches to a foot.

Chairman Schech stated the water level, below the ground level.

Ted Kozlowski stated below the grade.

Chairman Schech stated and the water was bubbling up towards the other side which has nothing at all to do with the A&P site.

Ms. Ryan stated but there is a pipe in the berm that was installed for some reason and it is our assumption that it was to drain the Ryder's site but the way that it is graded now they can't get to it, the water can't get to it.

Board Member Rogan stated are you sure you can't raise the building two feet that would do it.

Chairman Schech stated basically we felt that it was lack of maintenance on the entire site.

Board Member Rogan stated they are not helping their situation with the up keep. They could put in some swales on the blacktop and it will cut it down significantly.

Ms. Ryan replied they will come in with full plans to show how they are going to put gutters and everything but they don't think it is worth it until they can find out if this will work. If they can get the water out through that pipe that is already there then that is the beginning and if they know that works then they can fix the rest of the stuff.

Board Member Rogan stated it seems like a reasonable approach I just think that we want to have the plans for, Chairman Schech asked what is the alternative if they can't.

Ms. Ryan replied then they can't lease the space. It just sits.

Chairman Schech replied that sounds good because I don't think it is an approved space anyway when the original building was constructed.

Board Member Pierro stated it can be used for storage.

Chairman Schech asked was anyone here back then. I believe that space was not approved originally so perhaps we should not do anything with it.

Ms. Ryan replied I don't know the answer to that. Do you Rich.

Board Member Montesano stated I don't think the plans called for garage doors.

Chairman Schech replied no not at all.

Rich Williams replied I can research it but I believe they did.

Chairman Schech asked are you sure because I don't believe so.

Rich Williams replied am I one hundred percent positive no. Am I ninety-five percent positive yes.

Chairman Schech replied I don't believe so.

Chairman Schech stated maybe we can do a little research before we go any further.

Ms. Ryan replied sure.

Ms. Ryan stated all they want to do is make a channel.

Board Member Rogan stated I would be willing to let them work with Ted get some plans in on it.

Ted Kozlowski stated just so the Board knows and I put this in the memo on the morning of June 1st when it was pouring out I purposely went to the site to witness myself what is going on there and absolutely the roof drains, the lack of roof drains are pouring right into the building. The other thing is that the whole eastern side of the property all drains directly to the back of their property. That whole wooded area is all bermed up natural or un-natural vegetated it all comes in to the back of the property.

Chairman Schech stated the entire parking excuse me the entire parking.

Ted Kozlowski stated right even that upper parking lot behind the building flow in there. There are two open pits again during that rain event those pits that water table was not up it was eight inches below and I spoke to Jeff on the phone. I am not convinced at all that the water problem is a wetland issue. It is more of an on site issue. I am willing as ECI to investigate this opening to the wetland because it is really not intrusive. What I am afraid of is two things; one is and it still does not reflect it on the plans what is the limit of disturbance with regard to the back of the building. There is a statement on the plans that says clean up and something else well what is the definition of clean up. Does that mean the machine can go right to the property line and clean up and move that material or is it going to be defined and say okay all this Item-

4 which has been bermed up right on the edge of the parking lot and is covered by vegetation which is clearly blocking water flow, are they going to remove that. That is fine but is it going to go further into the site and I only say this because I have been burned many times by very vague statements "clean up". That one scares me so that has to be, I trust Insite Engineering very much but whose the contractor and what is he or she going to be doing once they are in there. That is what I want to know and then the other thing is if this does not work I don't want this to become an experiment where we start well if option "a" doesn't work now let's go to option "b" and now we will take the berms down here and all that. I really think that the Applicant must clean up the site with regard to the roof drains, with regard to their own natural flow there which has been going on for years, for years prior to the A&P coming in, prior to the wetland plants. I just want to be clear and on the record that I am willing to go along with the Board and Theresa on opening this little swale up and getting the flow but that is it as far as I am concerned until the other things are addressed.

Rich Williams stated wait, let me just jump in here just so everybody is aware, Ted has not seen these plans which show the detail now of the swale they are proposing.

Ted Kozlowski replied I have seen that, I just looked at it in my seat and that statement is still on there and I will just show you.

Rich Williams replied I know it is.

Ted Kozlowski stated this statement here; clean and re-grade existing access drive and rear parking area as needed okay there is nothing on the plans that show exactly what are they going to do and I am afraid with a machine going in there and doing whatever they feel like doing. It is not defined. Clean and re-grade what exactly does that mean. What are we regarding. It is a parking lot, a paved parking lot. How are we going to re-grade a paved parking lot. Are we re-paving it, are we tearing it up.

Chairman Schech stated there is basically no pavement left.

Rich Williams stated there is no pavement out there.

Board Member Montesano stated it is all broken up but it is still there.

Ted Kozlowski asked what is it, are we bringing fill in. I don't understand what that statement is and I need it to be clear.

Board Member Montesano stated we need a written plan as to what is going to be done apparently.

Ms. Ryan replied that is on here.

Board Member Montesano stated we want the terminology removed that it is clean up.

Ted Kozlowski stated it is just, Theresa and I explained this to Jeff what does clean and re-grade mean. What exactly are they going to do there. Is material being brought in, is material being taken out.

Ms. Ryan stated that is in the application. It is just excavating this and making sure that we get positive drainage from the back of the building to this pipe.

Ted Kozlowski replied right but again what exactly does that mean.

Chairman Schech stated you have to tell us if you are taking out a foot of material and putting in some or what not or what ever you are doing there.

Ms. Ryan replied that is all in the application.

Ted Kozlowski replied I have not seen that unless it just came in today.

Ms. Ryan replied yes.

Board Member Montesano stated then if it just came in today then now we have to look at it.

Ted Kozlowski stated I looked at these plans and it is not on the plans. The outline of what they are going to do in the back is not outlined.

Rich Williams stated I just got those plans today.

Board Member Montesano asked well if you got them today how are we supposed to acknowledge anything.

Ted Kozlowski stated what I am saying is that I have asked Jeff this and I faxed my memo that you guys got on Monday to Insite I want this outlined. What is the limit of disturbance here.

Rich Williams stated let me try to get some clarification in here, I mean the limits of disturbance are shown by the dark blue line.

Ted Kozlowski replied right here Rich, (referring to the plan) not the parking are.

Rich Williams replied well that is what I am saying you are showing the dark blue lines so that would be the limits of disturbance.

Ted Kozlowski asked but there is an arrow showing that there is going to be going on in here.

Rich Williams replied that is right but that is the limit of disturbance for the parking area.

Ted Kozlowski replied but Rich does it stop here, does it stop here, where does it stop.

Board Member Montesano stated excuse me, we just got this today.

Rich Williams replied yes.

Board Member Montesano stated we have not even had time to look at it so what are we trying to get done. I don't feel I can vote on anything because I don't know what the hell I am talking about.

Board Member Pierro stated and we are not going to prevent any misdirection at this moment. Let's read for a moment here.

Chairman Schech stated let's get back on the agenda for next month so we have time to digest this. We have not had a chance to look at this.

Board Member Pierro stated one thing that I noticed is that both roof lines are huge on that building and I think the drainage that is coming off the front roof is also going down the driveway into the back so one, that has to get taken care of. The roof drainage in the back has to be connected to the front and that has to be pitched forward.

Ms. Ryan replied which he will take care of but in the short term all he wanted to do was see if he could get the water from back here to this pipe that was put in the berm which I believe from what I understand Rich is why that pipe was put there.

Rich Williams stated the pipe was put there to allow water from this site to go through the wetlands and a flap valve was put on to prevent water from back flushing.

Board Member Rogan asked Theresa, can we possibly amend your application for the permit to just include at this time that trench to see if it works and just to trench through that parking area from the sump area. In other words not re-doing it. You are talking you are going to know whether it is going to work almost immediately in other words that would reduce the idea that there would be disturbance outside of that area or even do it in the same permit but do it in a two part process. You have to complete "a" we see if it works, we vote on it to continue with part "b". It seems like that would be reasonable.

Board Member Pierro asked does that work with you Ted.

Ted Kozlowski stated look, as I said from the beginning and I said on May 19th what they are proposing to do here is not a major issue with me. What I have a problem with is other, exploratory surgery.

Board Member Pierro stated no there will be no exploratory surgery.

Board Member Montesano stated but that is what they are asking for us to give them the rights.

Board Member Rogan stated Theresa, please come back to the next meeting with a schedule and a plan and a defined area through that parking lot which shows that is where they are going to follow that further into the building and layout a sequence of events including addressing the building drainage issues.

Ms. Ryan stated we did not want that to be a part of this application because first of all he does not know if that is going to work. If he fixes all those drains and it is going to go to somewhere in the back which it has to because that is the only place that has a low point if he can't get the water out of there then he has gone through all that for nothing.

Board Member Pierro stated then it is all mute.

Ms. Ryan stated so we just want to make sure that if we did any work here that it was going to give him that height. So, that is the purpose of this visit it is just for remediation. If we dig a channel back there to daylight to that pipe will it work.

Board Member Rogan replied fine just define it better on the plans.

Ms. Ryan stated then if that works then we will come up with a plan to do the roof drains.

Board Member Rogan stated that sounds reasonable.

Board Member Pierro asked so there will be no re-grading, no clean up.

Ms. Ryan replied no.

Board Member Pierro asked we are just talking about the trench and the pipe.

Board Member Montesano asked if that does not work he is not going to bother to fix the gutters or anything else.

Board Member Pierro stated that is up to him because if he does not lease it.

Board Member Rogan stated there is no requirement to have gutters on the building.

Board Member Montesano stated we are going to try "q" before,

Chairman Schech asked what about this wetlands permit.

Ms. Ryan stated he does intend to fix the roof drains he just wants to see if this works and if that works then we have to come up with a plan to deal with the rest of the drainage.

Ted Kozlowski stated the Board has the option to issue a remedial action in which to open this drain and I said I don't have a problem with that and if that is what the Applicant will do without a machine in there and just do it by hand or whatever they need to do to get this drain open that is not a problem. My whole point is I don't want to see this expanded to something other than what is shown,

Chairman Schech asked do you want a wetlands permit on this.

Ted Kozlowski replied only if they are going to do more than what they are saying here and what this is showing here is telling me that they are doing something more but it is not really defined so is that remedial no this is more than this opening of this pipe which was our May 19th meeting. What I am saying is the Board can say yes this is a remedial action which is perfectly legal according to Code 154-15.

Chairman Schech stated so we go in there by hand without any equipment.

Ms. Ryan stated no I think we have to use a machine, Board Member Rogan stated that was my next question you have to have a machine out there.

Ted Kozlowski stated okay whatever again that is fine with me but,

Ms. Ryan stated there is not much elevation there. The basement floor elevation to this pipe invert is quite distance and it less than a foot and a half.

Chairman Schech stated which should be more than enough.

Ms. Ryan replied it should be right but we may have to clear a channel in this parking lot in order to get that.

Board Member Rogan stated well you are going to have to that is what we were just talking about.

Ms. Ryan stated so I have no problem with extending this channel to the building and saying that is all we are going to do.

Board Member Rogan stated because then you will know whether it is going to work.

Ted Kozlowski stated the other things is that you know there were two open pits. This pit right here (referring to the plan) which is not shown on the plans appears to be taking drainage from the front roof drains, the gutters which are functional and going into this pit and that water is flowing out now there might be a French drain or something but if you guys noticed there is all sorts of Cottonwood trees back there. They are notorious for fibrous roots and all sorts of things and I wonder and I am assuming that perhaps those root systems of those trees are plugging up this whole drain that was put in many, many years ago and that may be being blocked and it might be worth investigating that, Rotor Router or whatever you need to do but again, this is an issue that is really not the Board's concern. This is something that the owner of that building should be doing. I am just a little nervous that we are pinning everything here all the woes of this building that have been going on for years with this thing that was created only a few years ago.

Chairman Schech stated I am upset about the fact that they are stating that the fact that we put in a pipe to help them and they are stating that the pipe is obstructing them.

Ms. Ryan replied no that is not what we are saying. We are saying that he can't get to the pipe because it goes up in this area. This is all higher than our parking lot and the pipe so all we want to do is clear out that channel so we can get to that pipe.

Chairman Schech asked whose property is that on.

Ms. Ryan replied the pipe seems to be on the A&P property.

Chairman Schech asked yes but whose property is the grade on.

Several replied the Ryder's.

Chairman Schech asked that is on Ryder's property so what is the deal.

Rich Williams stated he needs a permit to do it.

Ms. Ryan stated he just did not want to just go in there and start, Board Member Pierro stated hacking up the,

Board Member Rogan stated no that is not what he asked. His question was if the pipe, the A&P pipe if it is on their property how is this going to, they are not going on to A&P property they are just trying to get to that area that is all. So, show the other disturbance area through the parking lot and we will get it squared away.

Ted Kozlowski asked the Board do you want to do the remedial, the other thing is I could be present.

Chairman Schech stated I think you should be present also to make sure they don't tear up too much stuff and straighten this thing out that says we are not responsible. We did not pile the dirt there, the A&P didn't pile the dirt there this just came naturally over the past thirty-five years.

Ms. Ryan stated the pipe was put in for a purpose.

Chairman Schech replied that is right.

Ms. Ryan asked and what was that purpose.

Chairman Schech stated to drain that rear of the lot but they didn't put dirt in front of the pipe so you couldn't get to it.

Ms. Ryan replied right so the pipe is there for the Ryder's to use it but they can't use it because the water is not getting there.

Chairman Schech replied that is right.

Board Member Pierro replied then let's get to it.

Chairman Schech asked but whose dirt is it that is blocking the pipe.

Ms. Ryan replied that is why we are here.

Chairman Schech stated it is the Ryder's dirt, the owner's dirt, whoever's dirt it is.

Board Member Montesano stated do we have the right to have them connect to other people's property, pipe or otherwise.

Chairman Schech replied yes because that was the natural flow.

Rich Williams replied yes if drainage is naturally flowing that way then there is an implied easement to allow the drainage to continue to flow that way.

Board Member Montesano stated so this theoretically, if in fact it does flow that way to this pipe then that is fine and if it doesn't then we get to start all over again.

Rich Williams stated well it definitely does that is the gradient of the terrain all the water is flowing that way.

Chairman Schech stated to Ms. Ryan notify Ted, clear it out, and see if it works guarantee it will work.

Rich Williams stated now let's be clear on what we are doing here, are we now going ahead and excavating out that trench.

Board Member Pierro stated just the trench.

Chairman Schech stated to clear out the trench period.

Rich Williams replied okay now does the Board want to review that or Ms. Ryan asked or can we go ahead and work with Ted on that.

Chairman Schech stated if he is willing to handle it.

Ted Kozlowski stated I am willing to work with them.

Board Member Rogan stated I am satisfied with that.

Board Member Pierro stated I am satisfied with that too and if Ted comes back to us and says this isn't going to work we need additional work then hopefully we will have enough information at the next meeting.

Board Member Montesano stated if we get it the same day of the meeting I don't think so.

Chairman Schech asked do we need a motion on this.

Rich Williams stated then I would suggest that the Board make a negative determination of significance and approve the remedial action based on the plan submitted and the additional design details and also require that prior to any disturbance out there that either Ted or myself be notified forty-eight hours before.

Ted Kozlowski stated yes we need forty-eight hours.

Board Member Rogan made a motion in the matter of the Ryder Property that the Planning Board grants a negative determination of significance of SEQRA and that the Planning Board allows the remedial action as approved by Ted Kozlowski and that he be notified forty-eight hours prior to work being done and having that remedial action being approved on the modified plans approved by Ted Kozlowski. Board Member Pierro stated and limited to only the clearing out of that channel. Chairman Schech stated clearing of the channel to see if it is feasible to continue.

Ms Ryan replied okay thank you.

Board Member Shay seconded the motion.

Chairman Schech asked all in favor.

Board Member Montesano stated I am going to abstain because I feel we should have more time. The day of the meeting is not the time to get this.

Chairman Schech replied I agree with you.

Board Member Montesano stated we took action on it and I don't like the idea. Everybody else has to have it in in a reasonable time.

Upon roll call vote:

Board Member Montesano	-	abstained
Board Member Shay	-	yes
Board Member Pierro	-	yes
Board Member Rogan	-	yes
Chairman Schech	-	yes

All in favor and motion carried by a vote of 4 to 0, 1 abstention.

3) **BELL SITE PLAN – Public Hearing on Wetlands Application**

Mr. Dave Johnson, Engineer with Zarecki & Associates and Mr. Bell were present.

Chairman Schech stated this is a public hearing on the Bell site which is basically across the street from the firehouse.

Rich Williams stated the public hearing is also on the wetlands application.

Mr. Johnson introduced himself to the audience.

Mr. Johnson stated Mr. & Mrs. Bell plan on taking the trailer, the existing trailer that is on the property I don't know if anyone is familiar with it right across from the fire department. There is an existing trailer they plan on removing the existing trailer and placing a modular home which we have a rendering of the home that is going to be placed there and to do so they will be bringing the septic system up to Putnam County Health Department standards for a small two bedroom home which they have gotten a permit to do. The current septic system is very small in the back and in need of repair so in order to do this a wetlands permit is needed to put a replacement septic system in the buffer to DP-22 which is the DEC Wetland, the Great Swamp Wetland. Essentially it is a replacement in kind of what is there but brought up to current standards. So if there are any questions from the crowd I would be glad to take them.

Chairman Schech asked is there any comments from the audience.

A gentleman asked this is replacing the existing and better than it what it is now right.

Mr. Johnson replied that is the home that will be placed there.

The gentleman asked yes but the system, the septic system.

Mr. Johnson replied the septic system will be put in, there will be absorption trenches in ground with perforated pipe with gravel bed which replaces what is probably a fifty-five gallon drum there now.

The gentleman stated well it is better than what is there now.

Mr. Johnson stated it actually has already been reviewed by the Health Department and approved so they have seen it already.

Board Member Rogan asked sir, what is your name for the record.

The gentleman stated Kevin McGowan.

Board Member Rogan stated anyone else that needs to speak we need to use the microphones please.

Eddie Keasbey asked how far into the buffer are the absorption trenches.

Mr. Johnson replied within the one hundred foot buffer area, the actual

Eddie Keasbey asked how far in where is the edge of the hundred foot buffer.

Mr. Johnson showed Ms. Keasbey on the plans where the edge of the hundred foot buffer and where the system is and where the existing septic system is.

Eddie Keasbey stated I just would like to say for the record and I am sure that many of the Board know this that when DEP was studying septic systems two or three years ago and they picked our site because we had just put in a new septic because our old one had failed and they considered it an ideal site for a septic and they considered that it was well built. I have the report and I am sure Rich has one two. One of the things they found by putting tracers through the system lives harmless bacteria was that even under optimum conditions the soil was not able to do what it is supposed to do within that hundred foot area. So, what you are going to have here is probably the affluent that is not totally cleaned going into the Great Swamp. I just want that on record and I know the Health Department has given all their things but it is not a good idea what you are doing.

Chairman Schech asked is there any other comments from the audience. There were none.

Chairman Schech asked for a motion to close the public hearing.

Board Member Rogan made a motion to close the public hearing and Board Member Montesano seconded the motion.

Upon roll call vote:

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

All in favor and motion carried by a vote of 5 to 0.

Chairman Schech stated we realize that Edie and the fact that the Health Department gave their approval we don't really have any control about that. We have control about the buffer area and we felt that what

was there before was horrible and what is there now is a hell of a lot better than what was there before and that is what we are trying to do is improve things in this Town.

Edie Keasbey stated okay but just be aware that it should not be allowed and Shawn, the Health Department should be aware of this. Sometimes it just does not work.

Board Member Pierro stated the other option though Edie as we all know and it must be said is that the Bell's could leave this house in place and a tremendous amount of affluent is leaching into the Great Swamp now. We are probably going to reduce that I couldn't put a number on it I am not an Engineer but it would be a quantum leap.

Edie Keasbey stated for the future bear this in mind.

Board Member Pierro replied and I do, we do.

Edie Keasbey stated especially when you are dealing with the Great Swamp.

Chairman Schech asked do we have to do SEQRA on this first.

Rich Williams replied you do have to do SEQRA on that and there are a number of comments, minor in nature related to the plan that still need to be address.

Board Member Pierro stated it is an un-listed action to which Rich replied yes.

Board Member Montesano stated in the matter of Bell Site Plan, 16 Burdick Road that the Planning Board declares it as un-listed action.

Rich Williams asked you would like to declare it a negative

Board Member Montesano replied a negative dec.

Board Member Pierro seconded the motion.

Chairman Schech asked all in favor.

Upon roll call vote:

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

All in favor and motion carried by a vote of 5 to 0.

Chairman Schech asked do you have a copy of comments.

Mr. Johnson replied yes.

Chairman Schech asked is there any problems with them.

Mr. Johnson replied it does look like we have a couple of things that we need the Board to decide here.

Rich Williams stated that they should be considered before we wrap this up yes.

Mr. Johnson stated our plan was presented in assumed datum whereas our surveyor (unable to hear the rest of his statement). Is that acceptable to the Board.

Rich Williams stated our Code requires that they show it in USGS referenced datum if assumed datum is acceptable and I assume at this point it is you just need to waive that requirement.

Chairman Schech stated no problem.

Board Member Rogan stated in this case that is fine.

Board Member Pierro asked what date are we talking about confirming on the map on the note.

Rich Williams stated the date on the plat that we are talking about with the note the wetland line was put on the map before it was field located. I have a feeling that the two needs to be changed to a three.

Mr. Johnson stated the Board should confirm that a gravel driveway is a pre-existing condition and will not need to be paved.

Board Member Montesano stated I would rather have a gravel driveway on this particular thing for the simple reason of the location of the property. You don't want anymore runoff going out there then you have to.

Rich Williams stated it was just something that Board needed to make a final determination on which way you want to go.

Board Member Montesano stated that is my feeling on it. I know we don't like gravel but it is pre-existing.

Chairman Schech stated the existing gravel driveway is okay with me, anyone else.

The Board agreed that it is fine.

Board Member Rogan asked is that okay with Mr. Bell.

Mr. Bell replied I did want to try to pave it from the road down to the garage. Is that okay.

Board Member Pierro stated we are not saying you can't.

Rich Williams stated the reality is the Board can't tell him not to follow the Code. You can give him a waiver so he does not have to.

Board Member Montesano stated if you want to do it Bob.

Mr. Bell stated I just thought that I had to do it.

Board Member Montesano stated I guess we can give you a waiver not to.

Chairman Schech stated we do say that you have to pave your driveway except here it was pre-existing so we are stating that you don't have to if you don't want to.

Mr. Bell replied I would like to but if it is something then I will leave it alone.

Mr. Johnson stated the plans are currently at the DEC for permitting. I spoke with them a few days ago and they said they are backed up and if I could get a conditional final from the Board he would wrap it up pretty quickly.

Board Member Rogan stated we can do it contingent on that and, Rich Williams stated just do the resolution contingent on addressing the comments in the memo.

Board Member Rogan introduced the resolution granting approval for the Bell Site Plan,

Rich Williams stated before we do that you probably should grant the waivers by motion as far as, Board Member Rogan asked not do that as part of the resolution. Rich Williams replied you can if you like.

Ted Kozlowski stated I have some conditions for the permit when you are ready to do the permit.

Rich Williams replied we are ready we are there.

Board Member Rogan asked what do you got Ted.

Ted Kozlowski stated I will give them to you in writing.

Ted Kozlowski stated one is of course the erosion controls will be in place before you do the septic that is a standard.

Board Member Rogan stated it says it on the plan.

Ted Kozlowski stated the other thing is should you need to go into the expansion area in the future please notify the Town at least forty-eight hours before you do so.

Mr. Johnson replied okay.

Board Member Rogan stated that is going to be tough to enforce. I hate to set something up that is not enforceable.

Ted Kozlowski replied well that is another disturbance in the wetland. They would need a new permit but just so we are notified and just again to make sure erosion controls and all that.

Chairman Schech stated just put it on the final plat this way we have something to go by.

Ted Kozlowski stated because Mr. Bell may not be there for another hundred years and the next (TAPE ENDED).

Ted Kozlowski stated the final thing is our little tags, our little four by four wetland tags I am going to post along the wetland boundary so there is a permanent marker there so that Mr. Bell and any future property owners will know that this is the wetland boundary and that should anything else be considered in the future there is due notice right there. They are not ugly signs, they are little posted signs that we normally put up on wetland boundaries once they are identified.

Board Member Rogan introduced the resolution granting approval for the Bell Site Plan contingent upon

1. DEC approval and approval of any other agencies required.
2. Erosion control measures being in place prior to start of construction.
3. Any addition to the expansion area requires 48 hours notice to the Town.
4. Wetland tags to be posted along the boundary by Ted Kozlowski.
5. To allow the assumed datum to be used on the site plan.
6. To change the Map Note as per Rich Williams memo note #2 under Site Plan Comments
7. The Applicant does not have to pave the pre-existing driveway;

and the additional five general conditions and two special conditions contained in the resolution.

Board Member Montesano seconded the motion

Chairman Schech asked all in favor.

Upon roll call vote:

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

All in favor and motion carried by a vote of 5 to 0.

Chairman Schech stated we are jumping all over the place with this agenda. Guiding Eyes for the Blind are they here.

Rich Williams replied I don't know that anybody was coming in for that.

Chairman Schech asked should we move on it.

Rich Williams replied you can move on it if you so choose.

Chairman Schech asked gentlemen do you want to take care of Guiding Eyes for the Blind.

Chairman Schech stated let's leave it until the end.

4) SYPKO PROPERTY – Wetlands/Watercourse Permit

Mr. Harry Nichols, Engineer, and Mr. Roman Sypko were present.

Mr. Nichols reviewed the Town Planner's Review Memo for a few minutes.

Mr. Nichols stated I don't see any problems with any of these details that Rich and I discussed.

Rich Williams stated the same stuff that we have been talking about right from day one.

Mr. Nichols stated one question that I have though, when you talk about the parking area for the house (unable to hear the rest of his question)

Rich Williams replied I scaled it out there was according to your plans a twelve foot drop over thirty feet.

Mr. Nichols stated we have a basement in here that is at 774 and the grade out here on the edge is (unable to hear the rest of his statement).

Rich Williams stated okay but you don't show the grading on there and if that is what you are going to do then you are going to have a cut on either side of that parking area right.

Mr. Nichols replied yes.

Rich Williams asked so you are going to have retaining walls in there.

Mr. Nichols replied yes.

Rich Williams replied well I did not know which way you were going whether you were filling or cutting. We are doing this so you are aware of what you are building out there that is all.

Chairman Schech stated roof and footing drains are I think more important you have to run them into something Harry.

Mr. Nichols replied we will run them into either a level spreader if we could find an area (unable to hear him). A level spreader or riprap would be appropriate.

Rich Williams stated you might consider putting in a dry well and an outfall from the dry well and that will take up most of it.

Mr. Nichols stated I met with the DEC to go over the requirements that they might have on this project and the fact that we can keep this under an acre of disturbance we will not need a Stormwater Pollution Prevention Plan from DEC. We will however need a general permit for replacing the corrugated culvert with a box culvert. It is more of a procedural thing than anything else.

Chairman Schech asked we don't have that yet.

Mr. Nichols replied no we are going for that permit. Rich asked me to meet with Ted to see what his requirements would be and my understanding is you want concrete. We are thinking precast so it will be less time of disturbance in the watercourse and do it during the dry season.

Chairman Schech stated I think that is the most economical way is get a precast.

Board Member Shay asked you just said during the dry season when is that going to be.

Mr. Nichols replied the flow in that brook does slow down considerably in the dry season and whatever flow is there we will have to control it by piping it around the installation.

Board Member Montesano stated I have to see the plan for that one.

Rich Williams replied yes we have asked to.

Ted Kozlowski stated Harry, with regards to the wetlands permit my big concerns again with regard to the box culvert, DEC, our Town Engineer and Rich I want to make sure that the engineering is correct and that is what these guys will check on. My big concern is that during the whole construction project how are you going to keep sediments and everything else from flowing into Stephen's Brook. That is going to be the difficult part. Please in your wetlands application make it very clear that we are going to have zero influence into that stream from sediments and runoff. Seeing how much rain we have been getting lately once they start construction I don't want to come up there and see all sorts of stuff flowing out into that stream okay.

Chairman Schech asked anyone else have anything.

Board Member Rogan stated I say address the comments and keep it moving.

Chairman Schech asked do you have enough to keep yourself busy for awhile Harry.

Mr. Nichols replied yes.

5) HUDSON VALLEY DATANET

Mr. Chris Caralyus, Engineer with Beyer & Associates was present representing the Applicant.

Chairman Schech asked if he would make a presentation to the audience.

Mr. Caralyus introduced himself to the audience.

Mr. Caralyus stated our client is proposing to install a fiber optic regeneration hut on the Clancy property which is located off of Route 22 across from Thunder Ridge Ski Area. This area encompasses approximately 413 square feet. Since last we presented our plan we have addressed some comments particularly to move our regeneration hut approximately a hundred feet to the west. We have located the parking to the west of the building. Actually we took the parking area out and (unable to hear the rest of his

statement). It won't be seen from NYS Route 22. We provided the screening, Norway Spruce screening so it can't be seen from Route 22. We have kept it as far over next to the building setback line so that the natural screening that exists presently on the site will also provide screening for the hut.

Chairman Schech stated you did not put the colors of the building on the plan.

Mr. Caralyus stated the colors of the building will be cocoa.

Chairman Schech stated before I sign them they have to be on the plan. The sample you gave us was very nice but I would still like to see it on the plan because we get caught up in these things and we lose out on the end. You have followed just about all of our recommendations and I don't see any problem with this.

Board Member Montesano asked this is what you are supposed to be getting or as close to it as we can reasonably believe referring to the brochure.

Mr. Caralyus replied that is correct.

Board Member Rogan asked Rich is this an un-listed action.

Rich Williams replied no.

Board Member Rogan stated we have not had a public hearing on it yet we can set a public hearing.

Chairman Schech asked can we waive the public hearing.

Rich Williams replied probably you can waive the public hearing but as I stated before you can waive the requirements that they submit a site plan, Craig Bumgarner made a statement that was inaudible due to no microphone.

Chairman Schech stated first let's waive the site plan.

Board Member Rogan stated wait I thought he said if you waive the site plan you, Craig Bumgarner stated then you don't need a public hearing.

Board Member Rogan stated we want a site plan that is what you are doing right there.

Board Member Pierro stated we really don't need a site plan for this. We know exactly where it is going.

Chairman Schech stated it is not very intrusive or anything. I don't know Rich what do you think.

Rich Williams stated if you are going to waive the site plan then you want to be very specific about what the conditions are that you are waiving it based on the plan, the date of the plan, the color of the building that the Applicant is going to be doing certain improvements out there.

Board Member Rogan asked Rich what additional work does it require for the Applicant to do a site plan, it seems like the work is, other than having a public hearing.

Rich Williams replied the work is done the only question is time at this point.

Board Member Rogan stated it is just having a public hearing, we could wrap this up at next meeting and still have a site plan. Whatever way you guys want to go.

Chairman Schech stated have a public hearing next time.

The Board agreed.

Board Member Rogan made a motion in the matter of Hudson Valley Datanet utility hut that the Planning Board schedules a public hearing for July 3, 2003. Board Member Montesano seconded the motion.

Chairman Schech asked all in favor

Upon roll call vote:

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

All in favor and motion carried by a vote of 5 to 0.

Board Member Rogan stated to Mr. Caralyus you will be most likely in business a month from now.

Mr. Caralyus thanked the Board.

Mr. Nick Pascaretti, representative with Hudson Valley Datanet asked the sequence of events would be we go for a public hearing.

Chairman Schech replied the public hearing and it should be finished next month.

Rich Williams replied we will have a resolution ready, you can have the plans ready.

Mr. Caralyus stated we will also provide the actual color.

6) HERITAGE ALLWOOD - Waiver of Site Plan

Mr. Frank DiBlasi, Applicant was present.

Mr. DiBlasi handed the Board some pictures.

Rich Williams stated we are going to need copies for the file eventually.

Mr. DiBlasi introduced himself to the Board. Mr. DiBlasi stated we are the ones with the storage container on the premises and we started off with the idea of getting one because we saw everyone else on 22 basically has one. We have had a few battles with the Building Inspector. What he suggested now is,

Board Member Rogan asked are these pictures of other people; Mr. DiBlasi replied of other people.

Board Member Rogan replied I don't even want to look at them. I believe you. I don't need to look at them. They are all going to be taken out.

Mr. DiBlasi stated the idea we had is to move it to the back put siding on it, put a roof on it, plant bushes around it so it looks like a shed and that would still allow a twelve feet fire code space between the building and the container and it would not look like a container.

Board Member Shay asked how do you put siding on a metal container.

Unable to hear Mr. DiBlasi's response.

Board Member Rogan stated I mean the bottom line is if they take a storage unit and side it and put a roof on it it is not really a storage in other words you are building a,

Rich Williams stated this has been an ongoing battle with a residential property that we have had where he suggested the same thing. If you want to put a shed up on your property you can do that and then if you want to put a metal storage container in it you can do that. That is what he is basically doing is,

Board Member Rogan stated creating a shell to house this thing.

Mr. DiBlasi stated we figured with the landscaping to plant Pine Trees all around it so it is totally not even visible.

Chairman Schech stated we are totally trying to discourage this totally.

Mr. DiBlasi replied I understand.

Chairman Schech stated and whatever is out there now and it is not legal is going so we don't want to approve anymore.

Board Member Rogan stated thank you for bringing it to our attention.

Mr. DiBlasi stated I hate to get other guys in trouble but, Chairman Schech stated eventually we will nail them anyway but this really is a great help right here.

Mr. DiBlasi replied I actually have more I just did my area.

Board Member Rogan stated I hope you weren't trespassing on anyone's property.

Mr. DiBlasi replied no.

Rich Williams asked are they pictures of other storage sheds.

Board Member Rogan replied yes.

Chairman Schech replied we have a whole bunch of them here.

Mr. DiBlasi stated even the Town has them, the ball park at the rec center.

Board Member Montesano stated the ball park is not the Town.

Mr. DiBlasi asked isn't the rec center. The Highway Department has two of them.

Board Member Rogan stated we certainly appreciate you being in business in the Town, we want to help you the best we can, and we don't want this. We will have to try to come up with some way to help you some reasonable.

Mr. DiBlasi replied either a shed or I had like another really long truck at our other location either way I need something there. I don't want anything but I need it.

Board Member Rogan stated what you are basically telling us is that the site isn't appropriate for what you are doing is ultimately maybe you should also keep your eyes open for another site.

Mr. DiBlasi replied we have been.

Board Member Rogan asked any ideas, anything vacant well Noletti's right on 22, two hundred feet from where you are.

Chairman Schech stated sorry.

Rich Williams stated if the Board is set on an action they should do it by motion.

Board Member Rogan asked a motion to what not allow.

Board Member Pierro stated to deny the waiver.

Craig Bumgarner stated I want to be careful here that we are not making the determination that cuts along the Zoning Board's jurisdiction as to whether this is a shed, not a shed or whatever because this is something that they have been struggling with. If you guys are not in favor whether it is a shed or whether it is a container that is not for this Board to decide. What is for us to decide is whether something can be placed behind this building and if he says that he is willing to place a shed back there or treat it as a shed then he should have a referral to the Zoning Board let them decide what the structure actually is or what it is considered. Again, I just want to make sure we are clear as to our role in this is to deal with the placement of it on the site not what it is or what it is to be considered. That is something that the Zoning Board has been considering.

Board Member Montesano asked so we make a motion to refer this to the Zoning Board.

Rich Williams stated no I would not even go down that road because the request is for a waiver of site plan and contrary to with all due respect to what Craig is saying this Board does have architectural review

authority so Craig is right it is within purview of the ZBA to decide whether this particular thing is a shed or not. It is within this Board's purview as to whether this is an attractive feature on the site that would be acceptable or not and I think that,

Board Member Rogan stated or whether it is in the appropriate location.

Rich Williams stated or if it is in the appropriate location exactly.

Craig Bumgarner stated or even if you want to waive the site plan all I am saying is whatever your determination is keep it with something that is within your purview.

Rich Williams told Mr. DiBlasi I need copies of whatever you submitted tonight for the file.

Chairman Schech stated so we can entertain a motion to not waive site plan approval.

Rich Williams stated at this point that is all that is being requested and then it would be Mr. DiBlasi's option to submit for a full site plan considering that he now has a good idea of the Board's opinion on the subject.

Board Member Rogan asked he could then submit a site plan to put a building let's say get rid of the storage trailer and put a building in and we review it from that standpoint.

Board Member Rogan made a motion in the matter of Heritage Allwood Furniture that the Planning Board denies the site plan waiver request. Board Member Pierro seconded the motion.

Chairman Schech asked all in favor

Upon roll call vote:

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

All in favor and motion carried by a vote of 5 to 0.

7) **NORTHEAST MESA/WAYLONIS SITE PLAN – Waiver of Site Plan**

Mr. Giulio Burra was present representing the Applicant.

Mr. Burra stated basically what we would like to do is to create two more parking spaces and also landscape the front of our building with pavers and modular concrete block retaining walls.

Board Member Rogan asked what is the purpose, it is purely decorative.

Mr. Burra replied yes to showcase some of the retaining walls around the tree wells. We kind of want to accent that area.

Board Member Rogan asked would that wall be all of the same material.

Mr. Burra replied yes.

Board Member Rogan asked in other words you wouldn't be switching from one material every eight feet so you are showing different styles.

Mr. Burra replied no it is all the same material. In that area there is going to be our art gardeners.

Chairman Schech stated well we took a site walk out there Saturday we feel that you have more than adequate parking. Your problem is storage and we would consider that you look off site for the storage.

Mr. Burra replied we already have, we have already rented and moved all of the block that was in front of our building. It is really an over flow type situation and we had not anticipated that the block would stay in that parking lot as long as it did so we leased a space up the road, a two acre site that has already been approved.

Chairman Schech stated and that will solve your parking and also your stockpile in the back which faces Fair Street is getting very high. It is not supposed to be four.

Board Member Rogan stated the last time we were out on the site we had asked for three, Chairman Schech stated maximum three.

Rich Williams stated actually what was discussed was eight feet.

Board Member Pierro asked what about the tractor-trailer bed can that find a home on your storage.

Mr. Burra replied that is all over at the other site. This is a picture that was taken today.

Board Member Pierro looked at the picture and stated no that is not where I was on Saturday.

Mr. Burra stated all these wire baskets are actually been transported out of there to a job site tomorrow. We did not want to move them twice.

Board Member Rogan asked where is your other site.

Mr. Burra replied the other site is right up on Commerce Drive up on the left-hand side right across from the new building that is going up.

Rich Williams stated Liotta's.

Board Member Pierro stated it looks much better.

Chairman Schech stated also the container that we chased from here to there, the steel container, Board Member Pierro stated the truck box from the image place, the carpentry shop.

Chairman Schech stated the storage container.

Mr. Burra asked is that not supposed to be there.

The Board replied no.

Mr. Burra stated I thought he came in and got a permit.

Chairman Schech stated we just chased a guy out with that.

Mr. Burra replied I was listening to that and I was like are they talking about these storage containers.

Board Member Rogan stated I think he had a picture of yours.

Mr. Burra asked so he has to take that out of there to which the Board replied yes.

Mr. Burra replied okay not a problem. He was supposed to get any permits for any of that.

Board Member Rogan stated with the site cleaned up I would not be objectionable to the addition of the two parking spaces based on the plan it looks like it is for aesthetics as much because of the design of the retaining wall it would be off symmetry existing but I think, Chairman Schech stated but why do we need more disturbance when you have enough parking spaces there.

Board Member Montesano stated there is plenty of parking now why put more blacktop down if you don't need it.

Mr. Burra replied actually those parking spaces would actually be pavers they will not be blacktop. The reason we need it and we are requesting it is that is where our clients, we have architects and engineers we want them to park closer to the building where are tenants are taking this space down here and our employees are taking these spaces here this actually is for visitors.

Board Member Pierro stated I don't see a problem with that.

Board Member Rogan asked they would be grass, Mr. Burra stated no they would not be the grass crete pavers they would be the regular pavers, brick pavers, Board Member Rogan stated that is like asphalt. Mr. Burra replied yes but it is semi-pervious. It does have joints in between it does settle in to the ground.

Chairman Schech asked do you really need that much parking space.

Mr. Burra replied we would like it yes.

Board Member Shay asked have you dedicated anything to handicap parking.

Mr. Burra replied we have not yet no.

Board Member Shay asked are you planning on it.

Mr. Burra replied yes.

Board Member Montesano stated yes it is down here referring to the plan.

Mr. Burra replied no it will have to be in those spaces there closest to the building.

Board Member Pierro stated well I think that is a wise move.

Rich Williams stated they are going to need to conform to ADA requirements. The markings and the signage.

Board Member Montesano asked we can put pavers down right for a driveway, parking.

Rich Williams replied you can approve the use of.

Chairman Schech asked gentlemen what would you like to do.

Board Member Rogan made a motion in the matter Waylonis/Northeast Mesa that the Planning Board waive the site plan requirement, can we condition Rich the waiver of a site plan on maintaining the spots, put conditions on the waiver. It is an oxymoron isn't it.

Rich Williams replied yes you can put stipulations on the waiver the justification of why you are granting waiver but to impose conditions that is, Craig Bumgarner stated I would state on the record the reasons that you are issuing the waiver so that, Shawn to be clear if you are saying that the only reason you are waiving it is because of these conditions perhaps those conditions are no longer met theoretically you could call it for a site plan.

Board Member Rogan stated I guess my thinking is to say that the spots that were currently cluttered have now been clear that is something that should be done anyway, (too many speaking at the same time inaudible).

Board Member Rogan asked can anyone think of any conditions that they want.

Board Member Montesano replied keep the back, Board Member Rogan stated I think someone said eight feet was mentioned. The reason we said that is because if we said four bundles it could be twelve feet. The condition would be eight feet.

Board Member Shay asked Rich you said something about there be conditions of something for the handicap parking what did you bring out.

Rich Williams replied I said if they are going to put in handicap parking they need to be aware that they need to meet ADA specifications for construction of them.

Board Member Rogan stated with the condition that if handicap spaces are delineated that they follow ADA requirements.

Rich Williams stated I have two other conditions that you may want to consider; one is that the walls all to be the same material and the other one is that, Board Member Rogan interjected let me just ask a question to condition this on materials being used on site to me it sounds like you are approving a site plan but you are waiving it seems odd to me.

Rich Williams replied well if they want to use two or more materials then as Craig said they would have to come in and do a full site plan.

Board Member Montesano stated I have a question here if I can interrupt you for a second. The utility pads that are marked on here are they being utilized for something.

Mr. Burra replied yes that is already in place they have been there.

Board Member Montesano stated because I noticed there is no screening here and now with your wall going up I am wondering if you would, Mr. Burra replied you can't see that from the road the grade drops off drastically.

Board Member Montesano stated what I am looking at is when people come in to look at your wall, etc is that going to interfere with their view that is up to you.

Mr. Burra replied no there is rock outcropping that comes down.

Board Member Montesano stated I just figured I would mention it.

Board Member Rogan asked Rich what was your second one.

Rich Williams stated the parking spaces are to be constructed out of, Mr. Burra stated concrete pavers. Rich Williams asked that it what they are called. Mr. Burra replied yes.

Board Member Rogan stated so the two conditions would be;

1. that the wall be made of no more than two types of material other than that it would require coming back to the Planning Board for a site plan.

Board Member Rogan stated it just slipped my mind what you just said Rich.

Rich Williams replied parking spaces concrete pavers, the rear is eight feet.

Board Member Rogan replied we got that.

2. parking spaces be made from concrete pavers.

Board Member Shay stated and the handicap parking.

Board Member Rogan replied we did that already.

Board Member Shay seconded the motion.

Board Member Montesano asked what about all the pavers are going to be the same on that front part.

Mr. Burra asked on which front part.

Board Member Rogan stated the two places that you are adding.

Board Member Montesano stated you are adding a wall and it says pavers what is going to be in between the wall.

Board Member Montesano replied just grass, plantings what.

Mr. Burra replied pavers.

Board Member Montesano asked they are all going to be different type of pavers.

Mr. Burra replied there will be different types of pavers.

Board Member Rogan stated so it is a display area.

Mr. Burra replied yes what we are doing is basically putting down different types of our concrete pavers.

Board Member Rogan replied like a Uni-Lock demonstration.

Board Member Shay asked this place that you lease you do have a decent length of lease right.

Mr. Burra asked say that again.

Board Member Shay asked six months.

Board Member Montesano stated they own that.

Board Member Shay replied no where you lease.

Mr. Burra replied yes we have a year with an option to buy. Are plan is to purchase that piece of property.

Board Member Shay stated I just don't want to see everything back in this spot.

Rich Williams stated you should reference the plan date.

Board Member Rogan stated to Rich I don't understand that when you are doing a site plan waiver I am confused about this process a little bit.

Rich Williams replied you are putting in the record the material that you reviewed so that we know the thresholds and boundaries.

Board Member Rogan stated for the record the site plan waiver is referenced by the plan for Fair Commerce LLC drawn by Insite Engineering dated 7/1/98 drawing 98154.200.

Chairman Schech asked can I have a second on the motion.

Board Member Shay stated I seconded it.

Chairman Schech asked all in favor.

Upon roll call vote:

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

All in favor and motion carried by a vote of 5 to 0.

Chairman Schech stated to Mr. Burra by the way what you did previous was very nice.

Mr. Burra replied oh thank you, behind us.

The Board replied yes.

Mr. Burra thanked them.

Chairman Schech stated except for the height of the storage.

Board Member Rogan stated the plantings all look nice back there.

Ted Kozlowski stated they did an excellent job on their wetlands permit. You are one of the few.

Mr. Burra thanked the Board again.

8) FRANTELL DEVELOPMENT CORP – Initial Application

Ms. Theresa Ryan, Engineer with Insite Engineering and Mr. Louie Pescatore, Applicant was present.

Chairman Schech asked Mr. Pescatore why do you have a big gate on your driveway over at the development.

Mr. Pescatore asked which one.

Chairman Schech replied behind my house.

Mr. Pescatore replied I did it because at night time a lot of kids go back there.

Chairman Schech stated I thought you are doing something illicit back there.

Mr. Pescatore replied no. There is a lot of beer cans there.

Ms. Ryan stated the Applicant has fifteen acres on Route 22 across from King Kone and he is proposing retail space which requires a Special Permit from the ZBA. The proposal is 37,700 square feet. We would just like to get some input from the Board. This is a concept plan.

Board Member Pierro asked how many different stores are we talking about. Are we talking about one large facility.

Board Member Rogan stated it looks like four boxes.

Ms. Ryan stated we have two anchor stores, (TAPE ENDED).

Chairman Schech stated we have to flag the wetlands.

Ted Kozlowski stated we are going to do a site walk and it has been a long time since we have been out there and we would like to see the wetlands, the flags put back up, please refresh the wetland flagging so when we do the site walk the Board can clearly see where the wetlands are and my advice to the Applicant and to my favorite, Theresa stay out of the wetlands and we are happy, I am happy.

Chairman Schech stated the corners of the building, parking lot and the loading area.

Rich Williams stated I think just to be clear one of the things that came up at the work session in addition to the staking identified in the memo was the Board indicated they would like to see the western area of parking the boundary flagged off.

Chairman Schech replied yes building and parking lot.

Rich Williams replied right you are not talking about the whole parking lot.

Chairman Schech replied yes.

Board Member Rogan stated just the boundary.

Chairman Schech stated just give us the boundary that is all something on the corners so we know where it is at and the loading dock and the wetlands.

Board Member Rogan commented it is a shame that the lot was not wet you would have a heck of a spot here.

Ms. Ryan asked Ted does that include the buffer as well.

Ted Kozlowski replied no just the wetland line as delineated.

Ms. Ryan asked so stormwater basins in the buffer, Ted Kozlowski replied oh, it depends on what you are doing but I really don't want to see a disturbance in the wetlands especially with Army Corp. regs and all the other stuff that you have deal with. Stay out of it.

Ms. Ryan stated this proposal shows wetland mitigation area in this wetland referring to the plan and that is not something that we had to do that was just something that, Ted Kozlowski stated but Theresa you know what the Army Corp. regs are, a shovel goes in the wetlands you need to get a determination. I am just telling you.

Ms. Ryan stated we will let you know when everything is flagged.

9) **GUIDING EYES FOR THE BLIND – Fill Permit**

There was no one present to represent the Application.

Chairman Schech stated actually I don't see anything wrong with granting the fill permit as long as we notify them that the commercial parking is a no, no in that area.

Board Member Montesano stated there is no commercial parking.

Chairman Schech stated it is a residential area.

Board Member Pierro asked what do they want put there.

Board Member Montesano stated they want to park their commercial trucks.

Rich Williams stated let's be clear where they want to put the fill is to fill in the rough low area of the lawn but at the same time he had approached me about expanding his parking area, when I went out there there were a number of vans that were parked there which obviously weren't residential vehicles. I knocked on the door and people are living in the house.

Board Member Rogan stated I don't buy that. You mean this is the house across the street.

Rich Williams replied yes.

Board Member Rogan stated I have seen a dozen of , Board Member Pierro stated yes there could not be that many people utilizing those vans living in the house. They are coming from other locations.

Board Member Rogan stated if there are send Paul out there.

Board Member Montesano stated those vans go from there to Yorktown and other places but the main thing is they are commercial vans, Board Member Pierro stated it is a parking lot. Board Member Montesano stated let them park them in Yorktown and the fact that they have all of a sudden restarted the Patterson Lions Club is amazing to me. I don't know who is in it.

Chairman Schech stated that has nothing to do with this.

Board Member Montesano replied well no they utilize the Patterson Lions Club for a thing they held which means in theory if you look at it, it looks like they are residence of the Town involved the Guiding Eyes and we have not done that since Jim McLean was the last person to have anything to do with it.

Board Member Pierro stated fifteen people have mentioned that to me within the last year and to a number maybe less than a year and to a number they are all complaining about the vans there.

Board Member Montesano stated I agree commercial vans have no right to be in a residential area.

Board Member Pierro made a motion in the matter of Guiding Eyes for the Blind Fill Permit application that the Planning Board grants the permit. Board Member Montesano seconded the motion.

Chairman Schech asked all in favor.

Upon roll call vote:

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

All in favor and motion carried by a vote of 5 to 0.

10) OTHER BUSINESS

a. Dunkin Donuts

Chairman Schech stated Dunkin Donuts, the awning we would like it a little bit brighter because it doesn't really attract too many, Rich Williams stated okay he is fine with that.

Rich Williams stated no I met with him this week, I explained the situation to him. He understands that the Board wants it painted.

Board Member Montesano asked what color is what I want to know is he going to paint it.

Rich Williams replied I told him that he had basically two choices. One he could match the building color where it is either dark gray or light gray.

Board Member Montesano replied okay.

Rich Williams stated however, that is issue one, issue two I met with both the owner and the Rep for Dunkin Donuts and they felt that there was not enough signage on the site. They preferred to have a pylon sign on the site identifying them so people coming up and down 22 can readily see that they are there and they are not allowed to have a separate pylon sign out there. They put the colored awning up because that is Dunkin Donuts colors and they were

using that in some respects as advertising coming up 22. He was concerned that if he took that away that he has already got a problem with people knowing that is a Dunkin Donuts as they are traveling along 22 and he wondered if the Board would consider other other options as far as additional signage; such as putting signs up on the sides of the buildings or on the roof on the sides or the pylon.

All of the Board replied no.

Board Member Montesano stated tell him if we want a circus we will tell him to put more colors on it.

Board Member Shay stated and you mean to tell me he thinks people when they are doing sixty-five miles an hour coming up 22 they are going to look at a four foot length of awning. They shouldn't be driving on that road.

Board Member Rogan stated not to mention that he is not even opened yet how does he know he has problems locating him.

Rich Williams stated I don't disagree with any of the fact that the sign that he does have is on the front of the building and people can't see it until they are actually going by it. I agree with that.

Chairman Schech stated they will get used to it.

Board Member Montesano stated let's go this way if he can tell me by going to the DOT or any of these large billboards that are up and down 22 what is the duration of time at the posted speed limit which nobody goes how long does he think you have time to see that sign that size and go past it and remember what you saw. I will bring down the statistics very easily from Poughkeepsie to show him that you don't have the time. I think it is something like less than a fifth of a second for your brain to look at it and go past.

Board Member Rogan stated in other words what you are saying is you don't need much time to register that it is a Dunkin Donuts.

Board Member Montesano stated your brain does not have enough time to see a billboard sign and register what it is on the average person. There is a place in Poughkeepsie that rents all these signs and if you go in there they statistically come up with the time at the speeds of 55 m.p.h. looking at a sign and if you show me one person doing 55 m.p.h somewhere it scares me.

Rich Williams stated I have a schedule in the office and I understand what you are saying but he just asked if the Board would consider, Board Member Montesano stated no, my opinion is no. Rich stated in taking a look at the site and seeing if there is anything they would find acceptable. If you are not even going to look,

Board Member Pierro stated I will look but, Board Member Montesano stated I went past it I think the funny looking awning is notorious and the whole building was, Board Member Rogan stated at this point I think they had better open.

Board Member Pierro stated Gene Richards wants to speak.

Gene Richards stated one possible suggestion and I don't know if it is possible with Bendersen or not on the pylon sign for Patterson Commons the very bottom sign on that panel is a leasing sign, an eight hundred number I believe for a leasing agent. They are just about fully leased out now I think. That sign could come off and they could put a Dunkin Donuts sign there on the main sign.

Board Member Montesano stated good idea.

Chairman Schech asked is everyone okay with that.

Board Member Montesano stated on one condition that the sign colors match the sign that is there and I don't want any of that crap with his awning either.

Rich William stated to come in and do it on the pylon he would need a sign permit so it is going to come in.

Board Member Montesano stated I would like you to tell him that because if he comes in with the permit with the silly colors there.

Rich Williams stated I understand what you are saying, I have already talked to him about that the problem is Bendersen does not want to give up that leasing space.

Board Member Pierro stated then tell him to come in and get a sign application.

Chairman Schech stated let him put some pressure on Bendersen.

11) MINUTES

Board Member Montesano made a motion to approve the April 24, 2003 minutes. Board Member Rogan seconded the motion. All in favor and motion carried by a vote of 5 to 0.

Board Member Montesano made a motion to approve the May 1, 2003 minutes. Board Member Rogan seconded the motion.

Upon roll call vote:

Board Member Montesano	-	yes
Board Member Shay	-	yes
Board Member Pierro	-	yes
Board Member Rogan	-	abstained
Chairman Schech	-	yes

All in favor and motion carried by a vote of 4 to 1, 1 abstention.

Board Member Rogan stated he was abstaining because he did not attend the May meeting.

Board Member Rogan made a motion to adjourn the meeting and Board Member Montesano seconded the motion. All in favor and meeting adjourned at 9:09 p.m.