

TOWN OF PATTERSON
PLANNING BOARD MEETING
June 28, 2012
Work Session



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ZONING BOARD OF APPEALS
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PLANNING BOARD
Shawn Rogan, Chairman
Thomas E. McNulty, Vice Chairman
Michael Montesano
Ron Taylor
Edward J. Brady, Jr.

APPROVED

**Planning Board
June 28, 2012 Work Session Meeting Minutes**

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

Present were: Chairman Rogan, Board Member McNulty, Board Member Montesano, Board Member Taylor, Rich Williams, Town Planner and Ted Kozlowski, Town of Patterson Environmental Conservation Inspector.

The meeting began at 7:01 p.m.

Michelle Lailer was the Secretary and transcribed the following minutes.

Chairman Rogan called the meeting to order.

Chairman Rogan stated I just heard the door open.

The Secretary stated we're on.

1) ROMAN SYPKO – Wetlands/Watercourse Permit Public Hearing

Chairman Rogan stated we're on, okay, normally I would ask to skip around but since Roman Sypko, we don't have anything new, hey Teddy...

Board Member McNulty stated hey Ted...

Chairman Rogan stated we are going to a site walk Saturday morning at Sypko, that's the driveway, the stream, wetlands permit for the driveway access, renewal of that application. So we have Dunkin Donuts site plan...

2) DUNKIN DONUTS SITE PLAN – Architectural Elevations/Sign

Mr. Joseph Ciatto was present to represent the application.

Chairman Rogan stated Joe how are you.

Mr. Ciatto stated good, how are you.

Chairman Rogan stated what did you bring us tonight.

Mr. Ciatto stated well I basically brought myself here after our conversation we had...

Chairman Rogan stated okay.

Mr. Ciatto stated I'm going to go with the Hardie plank.

Chairman Rogan stated okay, you didn't just bring yourself though, if you brought stuff with you, didn't you.

Mr. Ciatto stated I brought...

The Secretary stated Joe, can you just please move closer to the microphone.

Chairman Rogan stated why don't you come on in Joe.

Mr. Ciatto stated where do you want me to go.

The Secretary stated just closer to the table, so we can hear you.

Chairman Rogan stated just slide in closer, that's all.

Mr. Ciatto stated I just brought the paint chart with me, so that you again...

Chairman Rogan stated that was what we started with.

Mr. Ciatto stated right.

Chairman Rogan stated okay.

Mr. Ciatto stated so we're going to go with the Hardie plank after you and I spoke.

Board Member McNulty stated yeah, I didn't have a contact for you, so I talked to Shawn through some e-mails and said because that shingle wasn't even, the shingle you have now, is nicer than what you proposed...

Chairman Rogan stated still have it here.

Rich Williams stated that's it.

Board Member McNulty stated so...

Board Member Montesano stated did we...

Board Member McNulty stated your original pictures look like it had a siding in there when you look at it.

Chairman Rogan stated can you pull the picture we had for the meeting.

Mr. Ciatto stated the pictures that I brought into you was, all they did was they over laid the color on there, that's all they did you know. As I stated and if you look back in your recording I said I would try to match it as close as I can...

Board Member McNulty stated that wasn't close.

Mr. Ciatto stated I mean that's the closest they make in tan.

Board Member McNulty stated I know that.

Chairman Rogan stated that's what Tommy said on the record was...

Mr. Ciatto stated yeah, so when I said as close to the tan, the tan, you know I can't paint shingles.

Chairman Rogan stated agreed.

Mr. Ciatto stated so after you and I spoke...

Chairman Rogan stated right.

Mr. Ciatto stated we'd like to get this project going because you know, we tried to move along last month and lost 30 days. We decided we're going to do the Hardie plank, we're going to wrap it in Hardie plank, which allows me to paint it this color and...

Chairman Rogan stated okay, so the Hardie plank actually gets painted or is the Hardie plank ordered in a certain color.

Board Member McNulty stated you can do it either way, says there's limited colors you can order and you can paint it.

Mr. Ciatto stated yeah.

Board Member McNulty stated yeah.

Mr. Ciatto stated Hardie plank comes primed.

Chairman Rogan stated okay, so in essence what you're saying just so we're clear, is that the Hardie plank will be basically that color.

Mr. Ciatto stated the Hardie plank will be this color.

Chairman Rogan stated okay.

Mr. Ciatto stated if you look at the picture there, Hardie plank is this color and then this section will be the same as this and then the bottom will be wrapped around with the Jackson Tan and if you go around the

side of the building, you are all familiar with that, there is no glass in some sections so we're going to make it so you know, it falls into place nice with the colors but those are the two colors that are going to be on the building.

Chairman Rogan stated okay.

Mr. Ciatto stated and then the monolith is its own color.

Chairman Rogan stated okay.

Board Member McNulty stated that's going to be a stucco finish.

Mr. Ciatto stated the monolith, no, it's going to be all Hardie plank.

Chairman Rogan stated really.

Mr. Ciatto stated yeah, all Hardie plank.

Board Member McNulty stated is it all the same plane or is it going to be framed out like this picture here.

Mr. Ciatto stated it's going to be framed just the way that picture is here.

Board Member McNulty stated okay.

Mr. Ciatto stated the only thing, see the, you know the pictures are what they can do to generate on the computer without him going for big money. The bottom of the vestibule or the vestibule itself, it's got the stucco finish right up to the window, so we'll leave that stucco finish and we're just going to repaint it with this color here, so that the Hardie plank will start where the monolith, at the bottom of the existing slope that's there now, which is right at the very top of the...

Board Member McNulty stated the canopy, the overhang...

Mr. Ciatto stated over the top of the vestibule...

Board Member McNulty stated yeah.

Mr. Ciatto stated the sill, from there we're going to build up because that's going to be the support structure because all this, when they built there here, it's all cantilevered, so this, you have to watch how much weight you put on there...

Board Member McNulty stated sure.

Mr. Ciatto stated so, if you take the weight of the shingles and the weight of the Hardie plank, you're right there, the minute you start taking the slope away, the weight is going to increase, you know that right. So by leaving the slope there, with the Hardie plank, the weight factor is not even, it's rough now...

Board Member McNulty stated but the monolith gets kind of framed out square or are you going to follow them, the roofline at the top, it's going to be one plane surface.

Mr. Ciatto stated no, no, no, the monolith is going to come out plumb.

Chairman Rogan stated that's existing so he's going to...

Board Member McNulty stated yeah.

Board Member Taylor stated yeah, no...

Chairman Rogan stated so...

Mr. Ciatto stated yeah the monolith is going to come out plumb.

Board Member McNulty stated so it's going to look just like that.

Mr. Ciatto stated just like that, yeah, and it's going to have the slope up on top, which I think is like 20 degree slope and it's going to be you know higher one end of course from what you see there.

Chairman Rogan stated the question I have is that considering that you have two different building materials for the monolith, the existing stucco and then the Hardie plank, will the colors because the different sub straights will be different...

Board Member McNulty stated yeah you can match the paint to the stucco finish, they can all be matched.

Chairman Rogan stated and will the...

Mr. Ciatto stated the stucco is going to accept that same paint.

Chairman Rogan stated and will the Hardie plank, it looks like I'm assuming it will be horizontal on this area here, is it vertical here or is it all horizontal as well.

Mr. Ciatto stated all horizontal.

Chairman Rogan stated all horizontal, okay, just to get it out there.

Board Member McNulty stated you just put the corner boards on and then you paint it...

Mr. Ciatto stated Brewster, Brewster, whose familiar with Brewster...

Board Member McNulty stated I am a little bit.

Chairman Rogan stated somewhat familiar.

Mr. Ciatto stated well that's exactly what it will look like because there's Hardie plank on the Brewster one.

Board Member Brady stated have to give that back, I have a picture of it.

Chairman Rogan stated never say exactly after your original statement, you mean as close as you can make it to looking...

Mr. Ciatto stated no, no, it will be exactly, the...

Chairman Rogan stated that they used Hardie plank over there.

Mr. Ciatto stated yeah, I built, yeah it's all Hardie plank.

Board Member McNulty stated and then you're still going to do the cornice...

Chairman Rogan stated oh.

Mr. Ciatto stated stucco on the building, Hardie plank on the monolith.

Board Member Brady stated is that what you're talking about.

Mr. Ciatto stated yeah, this is mono, this is Hardie plank, if you look at it closely you'll see the lines.

Board Member Taylor stated sure, yeah.

Board Member McNulty stated yeah.

Board Member Brady stated turn it sideways, you get a bigger picture.

Board Member McNulty stated are you still going to go with a cornice on the top.

Chairman Rogan stated oh I can see it.

Mr. Ciatto stated I'm going to go with...

Board Member McNulty stated some kind of cap, the one you submitted.

Chairman Rogan stated see the lines up close.

Mr. Ciatto stated yeah, exactly, like what the, he's going for his lungs on that thing, its two hundred and...

Board Member McNulty stated I know that stuffs expensive.

Mr. Ciatto sated \$268 my cost, I'm just passing it on to him, 12 feet.

Rich Williams stated almost.

Board Member Brady stated toys.

Board Member McNulty stated no other product you can use

Chairman Rogan stated I think though that this...

Board Member Montesano stated I know I tried to get over it but it didn't [*Inaudible – spoken over*] to me.

Board Member McNulty stated huh, you can't building something up out a wood and cap it.

Mr. Ciatto stated I could build it out of wood but you know, then you've got the weather factor and everything else, this way here it's up there...

Board Member McNulty stated I know, no maintenance.

Mr. Ciatto stated you can paint it a thousand times...

Board Member McNulty stated pay now or pay later.

Mr. Ciatto stated so and it's going to be uniform. If I go with the, something I built, then I've got to stucco it, so if you take my building, materials and then the stucco on top of that, it will probably surpass the, probably surpass the cost.

Chairman Rogan stated so it's the Jackson Tan...

Mr. Ciatto stated right.

Chairman Rogan stated for the bottom and the Yosemite Sand...

Mr. Ciatto stated for the top.

Chairman Rogan stated for the top, in Hardie plank.

Mr. Ciatto stated mmhmm and then the orange, that orange is, the orange just the...

Chairman Rogan stated okay.

Board Member McNulty stated now are you going to have the awning there as well because the doors on the side.

Mr. Ciatto stated there's no doors on the side, there's only one door there.

Board Member McNulty stated one door on the side but there are no doors on the front where the awning is.

Mr. Ciatto stated no, no.

Board Member McNulty stated is that going to stick, that will be behind the bollards.

Mr. Ciatto stated it will be behind the bollards, so it's safe. They saved the corner there because they're building this...

Board Member Brady stated yeah it looked like you put some new bollards in over on the corner.

Mr. Ciatto stated you know, I'm there every day and it's amazing what people do. They don't drive around, they try to see how close they can get to bollards...

Chairman Rogan stated do you mind if I write on this, Rich do you mind if I write on your copy just to denote that this is the plan that we're going with...

Mr. Ciatto stated they've hit them I don't know how many times, they scrape against them, just like feet to still swing, they've got to hug the corner...

Rich Williams stated yeah just up in the top corner, that's fine.

Board Member McNulty stated well they're drinking their coffee on the way out.

Mr. Ciatto stated I don't know what the heck they're doing.

Board Member Montesano stated they're eating the donuts.

Chairman Rogan stated okay, so that we're clear...

Mr. Ciatto stated yeah.

Chairman Rogan stated we're all clear, we're all on the same page

Mr. Ciatto stated yeah.

Chairman Rogan stated we're all clear, we're all on the same page, we're doing as best as what this picture shows, minus the drive-thru sign which was never part, that one of the signs that we're not including.

Mr. Ciatto stated right.

Chairman Rogan stated Hardie plank for your façades, the colors being the Jackson Tan below and the Yosemite Sand above...

Mr. Ciatto stated exactly.

Board Member Taylor stated the brown you wanted the name...

Chairman Rogan stated the brown is that dark one in the middle.

Mr. Ciatto stated the brown is this one here.

Chairman Rogan stated what is that called.

Board Member McNulty stated that's the monolith.

Mr. Ciatto stated its Night Shade, they call it.

Chairman Rogan stated Night Shade, okay, all right and Rich, procedurally for purposes of this application, we actually have...

Mr. Ciatto stated as a matter of fact...

Chairman Rogan stated a site, are we doing site plan waiver on this.

Mr. Ciatto stated see there is a change over, of the same colors in the Benjamin Moore paint.

Rich Williams stated I would simply approve the changes to the architecture of the building as one issue...

Chairman Rogan stated okay.

Rich Williams stated and let's not forget the second issue before you is the signs.

Chairman Rogan stated the signs right and...

Board Member Taylor stated the planter, the bollards.

Chairman Rogan stated that's something that we haven't really discussed with, Joe wasn't here...

Board Member McNulty stated it came up in our conversation after Joe left I think.

Chairman Rogan stated you want to mention that, well Joe wasn't, it was at, okay, do you want to bring...

Mr. Ciatto stated what is that.

Board Member McNulty stated it actually came up at the meeting, the regular meeting...

Mr. Ciatto stated yeah.

Board Member McNulty stated about if you could do anything in the front here and enclose these bollards in a planter of some sort because he said he was going to do a lot of landscaping...

Chairman Rogan stated only because the owner was talking about it.

Mr. Ciatto stated yeah, I'll tell you what, you're actually, it will look nice for a week or two there is no way that's that going to survive, anything you put there number one, number two in the winter with the snow getting shoveled around and what not, I don't think it's a good idea.

Chairman Rogan stated they'll be putting the snow inside the planter, I notice they are doing a lot of plantings along that island...

Mr. Ciatto stated that's all planted now, they did it, they did a lot of landscaping...

Chairman Rogan stated it was all being done.

Mr. Ciatto stated that's all plants now.

Chairman Rogan stated okay, so, we can do this now, everybody's, and I mean we were basically ready to do it last time if we had the right materials. In the matter of the Dunkin Donuts site plan, I'll make a motion that the Planning Board grant a negative determination of SEQRA and approve the modifications to the site plan as per the file drawings submitted, noted as approved plans, showing the monolith and the

changes to the façade, using the Jackson Tan, Yosemite Sand and Night Shade colors that were submitted to the Board and...

Mr. Ciatto stated and don't forget the orange...

Chairman Rogan stated pictured and what's the orange called.

Mr. Ciatto stated Startling Orange.

Board Member McNulty stated Startling Orange.

Chairman Rogan stated and Startling Orange and also including the coping detail that was submitted for the...

Board Member McNulty stated roofline.

Chairman Rogan stated for the roofline, excluded from the plan was this one sign, actually we can kind of do that through the sign application but was the drive-thru sign that is shown on the plan that we have crossed out. Anything else I need to add into that for that site plan, okay...

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Brady	-	aye
Board Member Taylor	-	aye
Board Member Montesano	-	aye
Board Member McNulty	-	aye
Chairman Rogan	-	aye

The motion carried by a vote of 5 to 0.

Chairman Rogan stated okay and on the same matter for the sign applications, again the specifics are documented in the application which Tommy has...

Rich Williams stated well actually there were three different signs, I don't have my memo in front of me...

Chairman Rogan stated I don't either.

Rich Williams stated and they all work.

Chairman Rogan stated okay, so on the three sign applications, I make a motion to...

Rich Williams stated no, no, no, three different signs pick one.

Chairman Rogan stated that's, thank you, more specifically...

Board Member McNulty stated on one application.

Chairman Rogan stated three different signs within the sign application and they all meet within Code for siize, correct.

The Secretary stated no, you have to pick one of the three.

Chairman Rogan stated but we're seeing three here, it's one, two.

Board Member Montesano stated no, no, no, no...

Mr. Ciatto stated no, no, those there are available in three different sizes for square footage.

Chairman Rogan stated I apologize.

Rich Williams stated let me see the drawings you have in front of you.

Board Member McNulty stated so this is the one we're approving more or less, correct.

Rich Williams stated he actually I believe wanted the larger of the three.

Mr. Ciatto stated the large of the three, right.

Board Member Taylor stated which is.

Board Member McNulty stated 9 by 13.

Board Member Taylor stated what are the other choices.

Board Member McNulty stated doesn't have overall width.

Board Member Taylor stated next sheet.

Board Member McNulty stated 9' 7" by 13. 6' 8" by 6, that's the existing sign...

Mr. Ciatto stated that's the existing one that's there now.

Board Member Montesano stated on the roof without it sticking up, which is not the least bit in the front, not sticking above...

Board Member McNulty stated no, they're both the same, it just...

Mr. Ciatto stated no, if you look in there, the square footage...

Board Member Taylor stated the sign, look at the signage, the lettering...

Board Member McNulty stated oh, the lettering, the lettering.

Board Member Taylor stated the lettering, yeah.

Board Member McNulty stated 45 in height verse 30 in height.

Board Member Taylor stated maybe that's what we approve, the 45 in height, letters.

Chairman Rogan stated whatever you guys are comfortable with.

Board Member McNulty stated I don't have a problem with either one.

Rich Williams stated it says, yeah, I don't have a problem with either one, either, so whatever you want to do.

Board Member McNulty stated okay, do you prefer the larger one.

Mr. Ciatto stated well yeah, it will probably fit better because the rest of the shopping center has got big ones up there.

Chairman Rogan stated it's going to cover up all your monolith you're building. Okay, I'll rescind the original motion that I had started and butchered and start a new motion in the same matter for approval of the sign and a negative determination of SEQRA for the sign as submitted not to exceed 39...

Mr. Ciatto stated no, the other one.

Chairman Rogan stated that's the large one I thought.

Board Member McNulty stated 39 square feet in area.

Mr. Ciatto stated is that bigger one.

Board Member McNulty stated yes, that's the bigger one.

Chairman Rogan stated yeah, 39 square feet.

Mr. Ciatto stated well Rich knows, we went over that, right, the bigger one, the bigger one was 39, I think.

Board Member McNulty stated yeah the other one is, so 39 square feet is correct.

Chairman Rogan stated so moved.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Brady	-	aye
Board Member Taylor	-	aye
Board Member Montesano	-	aye
Board Member McNulty	-	aye
Chairman Rogan	-	aye

The motion carried by a vote of 5 to 0.

Chairman Rogan stated okay, all right, what are we doing for oversight, how is this going to work.

Rich Williams stated well he's going to have to pull a building permit so Nick's going to be looking at most of work that's going on...

Mr. Ciatto stated well the only thing that I'm going to get, that I need a building permit is for the...

Rich Williams stated the monolith.

Mr. Ciatto stated for the monolith.

Chairman Rogan stated I know, my point Joe is that you start putting color on that doesn't even nearly resemble or if an average person would say, you know what that's nothing like what it was...

Mr. Ciatto stated 32 Brickhouse Road, you come and get me.

Chairman Rogan stated we're going to authorize him to stop you midway and say, you know...

Mr. Ciatto stated 32 Brickhouse Road, you come right and get me, have me locked up, whatever I tell you...

Chairman Rogan stated no, no, no, lock nothing, that sounds very extreme, I'm saying let's make sure we get what we approve, that's all.

Mr. Ciatto stated whatever we talk about today that is exactly what you're going to get.

Chairman Rogan stated very good, okay, I thank you. I'm sorry that there was a...

Board Member Montesano stated whatever you say General Custer...

Mr. Ciatto stated what's that Mike.

Board Member Montesano stated whatever you say General Custer.

Chairman Rogan stated I'm sorry that there was a time lag but that sometimes happened when there is a mix up on building materials. Do you want, please you can take your shingle back with you thought, if you want, you don't want it do you.

Rich Williams stated you want your shingle.

Chairman Rogan stated you might need it for another project.

Mr. Ciatto stated no, no, keep it, just in case you get a leak in the roof or you know.

Rich Williams stated we've got tin roofs.

Mr. Ciatto stated I will see Nick about the building permit tomorrow, so he will have word from you guys by tomorrow Rich...

Chairman Rogan stated perfect, yes, Rich will...

Mr. Ciatto stated I can see you...

Rich Williams stated I'll be into her or Michelle will...

Chairman Rogan stated that's why they put the office so close together.

Mr. Ciatto stated there you go.

Board Member McNulty stated we look forward to seeing it.

Chairman Rogan stated all right, thank you sir.

Mr. Ciatto stated all right, no, has anybody been inside the place since I started remodeling.

Board Member McNulty stated no.

Board Member Montesano stated yeah, I got it all in my car, coffee cup.

Chairman Rogan stated no, what kind of remodel...

Mr. Ciatto stated got it all in your coffee cup, come on Mike, stop Mike.

Chairman Rogan stated just a remodel and just freshening up.

Mr. Ciatto stated on the inside.

Chairman Rogan stated yeah.

Mr. Ciatto stated you been in there.

Chairman Rogan stated no, I really don't go often.

Mr. Ciatto stated you should go in there.

Chairman Rogan stated no, I'm thinking, I'm just trying to make sure that it's nothing significant that you should be notifying our friends at the Health Department about.

Mr. Ciatto stated on the inside, oh no, no, there's nothing on the inside for the Health Department.

Chairman Rogan stated okay, I've heard that before, that's just why I've...

Mr. Ciatto stated there isn't anything on the inside for Health Department...

Board Member Montesano stated here I had an orange doughnut with sand in it and I kept saying it's the colors.

Mr. Ciatto stated stop now.

Chairman Rogan stated this one, yeah.

Board Member McNulty stated is the interior finished now.

Mr. Ciatto stated 99%.

Chairman Rogan stated good, okay.

Mr. Ciatto stated you know the building in Brewster that you guys love...

Board Member McNulty stated I haven't been in it.

Mr. Ciatto stated some woman rammed it, it will two weeks, it was two weeks Monday.

Chairman Rogan stated I said Bavarian cream.

Mr. Ciatto stated she rammed the side of the building.

Chairman Rogan stated was it on purpose or was it and accident.

Board Member McNulty stated was her coffee cold.

Mr. Ciatto stated supposedly she stopped, she must have been on the phone and then she was going to back up but she didn't back up, she jumped two curbs and rammed the building...

Chairman Rogan stated wow.

Mr. Ciatto stated and when I built that I put a steel beam in there with an extra column, if it wasn't for the steel beam and the column, the building would be down...

Chairman Rogan stated wow.

Mr. Ciatto stated because it took the whole front counter and shifted it at least two inches.

Ted Kozlowski stated did anybody get hurt.

Mr. Ciatto stated hmm.

Ted Kozlowski stated anybody got hurt.

Mr. Ciatto stated no but they sure got scared though, the workers got scared.

Chairman Rogan stated I bet, wow.

Mr. Ciatto stated so we gotta re-do that.

Chairman Rogan stated well be thankful for small miracles.

Mr. Ciatto stated she was fine though, talking a mile a minute...

Ted Kozlowski stated continued her phone conversation.

Board Member McNulty stated people enter the building...

Mr. Ciatto stated yeah.

Board Member Montesano stated yeah, the doughnuts got shook up.

Chairman Rogan stated all right thanks Joe.

Mr. Ciatto stated all right, fellows thanks a lot.

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

Board Member Montesano stated take care Joe.

Mr. Ciatto stated have a nice evening.

Board Member Montesano stated that's why you couldn't get a decent jelly doughnut in AR, they are all shook up.

3) EPIC STUDIOS – Sign Application

Chairman Rogan stated okay we have a sign application for Epic Studios.

Rich Williams stated this is a gymnastics center that's gone into the old Gym Magic site down on [Route] 22, south end of Town. She moved in and she put up a number of different signs, Nick went out and told her, not in compliance, you need to get a sign permit...

Chairman Rogan stated oh my gosh.

Rich Williams stated I've reviewed the application and the number of signs that she has up, we're going to make sure that she's in here for the next meeting, next week...

Chairman Rogan stated okay, wow.

Rich Williams stated but she does not meet our Code requirements in any stretch of the imagination.

Chairman Rogan stated they've just have strung things up all over the building, huh, wow.

Rich Williams stated yeah, she's got two free standing signs together they are twice what the site is allowed and she's only got 50% of the site.

Chairman Rogan stated plus they're done in such a temporary way that it kind of, almost kind of cheapens the building.

Board Member McNulty stated can she buy the sign rights from the other tenant, if she only have 50%...

Rich Williams stated buy the sign rights...

Board Member McNulty stated sure, can she, if she only have 50% of the space but can she take the other tenants space, I mean you said she only has 50%, so she's limited in her sign space.

Rich Williams stated yes, in reality she could take the whole allocation for that building, she could...

Board Member McNulty stated but the other tenant then would have nothing.

Rich Williams stated would have nothing.

Board Member McNulty stated but it is possible.

Rich Williams stated it is possible.

Chairman Rogan stated and what's the other tenant or is it empty.

Rich Williams stated it's empty right now.

Chairman Rogan stated it would be one thing if the, like for instance the grand opening, you know, you could say well that's a sign that's only valid for so long, you know in a sense, if the other tenant is empty...

Rich Williams stated well recognize that the Planning Board in addition to the standard signage that she can have on the building, can approve for up to 90 days temporary grand opening signs.

Chairman Rogan stated and that certainly would be...

Rich Williams stated but this is the signs have been there for quite a while before Nick went out and it's been now better than two months since he's been out.

Chairman Rogan stated it's no longer a grand opening.

Rich Williams stated so how long are we going to have a grand opening.

Board Member Montesano stated until she gets her first grand.

Chairman Rogan stated okay.

Board Member Taylor stated has she proposed something.

Chairman Rogan stated what she has.

Rich Williams stated she basically said I want what I've got up already.

Board Member Taylor stated oh, okay, all right, including the Zumba sign.

Rich Williams stated yes.

Board Member Taylor stated oh okay, we'll just tack on additional signs whenever we feel like it.

Rich Williams stated yes.

Board Member Taylor stated okay.

Chairman Rogan stated you know what's unfortunate, is none of the signs on the building, from the road, are really effective. The font, the size, the color, you know the picture that we have, you look in...

The Secretary stated they are all existing [signs] so take a drive by down [Route] 22.

Chairman Rogan stated yeah.

Board Member McNulty stated I pass it every day.

Board Member Montesano stated you don't Zumba do you.

Board Member McNulty stated I haven't even noticed it to be honest with you.

Chairman Rogan stated and the Power Door Products sign, that's from a previous tenant.

Rich Williams stated yes.

Chairman Rogan stated yet to be removed.

Rich Williams stated yet to be removed.

Chairman Rogan stated okay.

Board Member Montesano stated we have to remove signs.

Rich Williams stated it would be nice if you vacate the building, to take the sign down.

Chairman Rogan stated okay.

Board Member Taylor stated if...

Board Member Montesano stated we tried to come up with something like that once.

Board Member Taylor stated in terms of what she's allowed, they've got what three signs in front, free standing signs.

Rich Williams stated they've got two free standing signs and seven signs on the building. Only one of the signs on the building is listed as permanent or I should say it is listed as not being temporary, she calls out all the other signs as temporary.

Board Member Taylor stated but the two free standing, the area on those would those, are those appropriate for the two spaces in the building.

Rich Williams stated she would be allowed, if you want to divide it 50%, she would be allowed 12.5 square feet of free standing sign along the road. One of the signs I believe is a little bit bigger than 10 square feet and the other one is 34 square feet.

Board Member Taylor stated all right, so...

Board Member McNulty stated now free standing, is that per side.

Rich Williams stated no, both sides.

Board Member McNulty stated so both sides total of 12 square feet.

Rich Williams stated it's both side, we count both sides as one, yes, we count both sides as one sign, so you can have something on both sides, we only count the one sign.

Board Member McNulty stated oh she's got 12 square feet per side.

Chairman Rogan stated four by three.

Board Member Taylor stated so you double your value.

Chairman Rogan stated correct.

Rich Williams stated right.

Board Member McNulty stated yeah, okay.

Board Member Taylor stated okay, so that gives us some idea of what and this third sign is Dilmaghani's...

Rich Williams stated yes and it's actually a different parcel.

Board Member Taylor stated oh okay, even though the road is...

Chairman Rogan stated shared access.

Board Member McNulty stated shared entrance.

Board Member Taylor stated yeah, okay.

Board Member Montesano stated did she go over and talk to Giorgio, see if she can borrow some of his too.

Board Member McNulty stated are you going to have any conversation with her before the meeting.

Rich Williams stated probably.

Board Member McNulty stated so what do we do, do we ask her to propose a sign within compliance to bring it before us...

Rich Williams stated well I think the first thing you want to talk to her about on the building is she's got these listed as temporary signs, is she at some point going to propose permanent signs.

Chairman Rogan stated yeah, right.

Rich Williams stated second question is, which one of the signs is she going to take down to get into compliance because she certainly doesn't need to the grand opening sign anymore and there are a few other signs that easily could come down.

Board Member McNulty stated okay.

Rich Williams stated as far as the free standing sign along the road, you know, pick one and make it fit.

Chairman Rogan stated right.

Board Member McNulty stated are they located, I couldn't tell from the picture, in a good view area...

Rich Williams stated mmhmm.

Board Member McNulty stated so they are okay where they're located.

Rich Williams stated yeah, essentially what happened is the property owner put up a you know, for lease or rent sign, you know and then left the posts and she just tacked it on to the posts.

Chairman Rogan stated I see what Ron was talking about though, the Dilmaghani sign, it's a separate property but they have a sign right in that area, I think that's what you were referring to, weren't you.

Board Member Taylor stated I wasn't looking at what it said, I was just...

Chairman Rogan stated yeah, what a [*Inaudible*]. I never see anybody at that place, I know it's a warehouse but...

Ted Kozlowski stated I know, I never see anybody either.

Chairman Rogan stated okay.

Board Member Montesano stated that's all it is right now, is a warehouse.

Chairman Rogan stated anything else on this, for now.

Board Member Taylor stated do we have any, does the Board have say over temporary signs or is that somebody else's jurisdiction.

Rich Williams stated you can allow a temporary sign that is advertising say a grand opening, there is very specific language in the Code...

Board Member Taylor stated but we have to approve that.

Rich Williams stated or, yes, up to 25 square feet for a period of not more than 90 days.

Board Member Taylor stated right but she's already had her 90 days and didn't ask us for approval to being with.

Rich Williams stated no.

Board Member Taylor stated all right. It seems like we should go to permanent signs, take them all down.

Board Member McNulty stated that's why I say she needs to come back with what her permanent plan is.

Board Member Taylor stated yeah.

Chairman Rogan stated which will give her another month of temporary signs and then you really shouldn't feel bad, okay...

4) DAVID & ELIZABETH HARRISON – Wetlands/Watercourse Permit Application

Chairman Rogan stated and we have a wetland application for Harrison, 121 Cross Road.

Rich Williams stated did you get out there.

Ted Kozlowski stated no, why.

Rich Williams stated we have pictures here, if you need them.

Ted Kozlowski stated but it is a pool going on an existing lawn, it just happens to be within a hundred feet of a wetland, it's on a landscaped lawn and it's an above ground pool. I will go out there before the next Board meeting but I don't, I don't see a big deal with this, the only question I had, in my application I didn't see a list of nearby and adjacent owners.

The Secretary stated he has it.

Ted Kozlowski stated he did have it because sometimes that just is an issue with one of the neighbors.

Rich Williams stated I've got to say, I've been out there and if the Planning Board was going to waive the requirements, which they have the authority to do, I think this would be the one. It is a crappy little low flow stream...

Ted Kozlowski stated there are no crappy low flow streams Rich. All streams...

Chairman Rogan stated get out the boxing gloves.

Ted Kozlowski stated are created...

Board Member Taylor stated created by God...

Ted Kozlowski stated created by God for nature...

Board Member Montesano stated this says man-made.

Board Member McNulty stated Teddy, well done, I wouldn't expect anything different.

Ted Kozlowski stated and we must...

Rich Williams stated compared to Stephen's Brook, this is a crappy little stream with low flow...

Ted Kozlowski stated we must do all we can...

Rich Williams stated the pond when I was out there stagnated.

Ted Kozlowski stated to do our due diligence Rich...

Chairman Rogan stated it looks pretty stagnated.

Board Member McNulty stated what is this road, Hill Road...

Rich Williams stated and it's all lawn in between...

Board Member Taylor stated it should be Cross Road, isn't it.

Board Member McNulty stated no, this other road.

Board Member Taylor stated oh yeah, something...

Ted Kozlowski stated but I'll go out before the next meeting, I spoke to Rich...

Board Member Taylor stated maybe it's Dewy or Huey...

Board Member McNulty stated Mooney.

Ted Kozlowski stated Monday...

Rich Williams stated yeah, something like that.

Chairman Rogan stated oh, it looks like it's next to where we're going on Saturday.

Ted Kozlowski stated yeah.

Rich Williams stated it's across the street...

Chairman Rogan stated I saw in the pictures, the NYSEG transformers...

Board Member McNulty stated yeah, they are right across over here.

Rich Williams stated you want to go look on that on Saturday; you want me to call him.

Chairman Rogan stated yeah, if you want, we're going to be out there.

Ted Kozlowski stated I mean, isn't it something we could just look from the road.

Chairman Rogan stated yeah.

Ted Kozlowski stated it's not like...

Rich Williams stated well, it's difficult to look from the road but I'll just call and let him know.

Board Member McNulty stated we'll see what time is like.

Chairman Rogan stated yeah, somewhere between 8 a.m. and 9:45 a.m.

Ted Kozlowski stated where are we meeting by the way.

Chairman Rogan stated we'll meet at the diner.

Ted Kozlowski stated the diner.

Chairman Rogan stated so we have Sypko which is right up Birch Hill Road, these two are not that far away, what is the other one.

The Secretary stated Merlotto.

Board Member Taylor stated NYSEG.

Chairman Rogan stated Merlotto, Put Lake.

Board Member Taylor stated oh Merlotto.

Chairman Rogan stated so we run to Put Lake first and then come through Birch Hill Road, up to Mooney Hill Road and...

Ted Kozlowski stated yeah.

Board Member Taylor stated yeah, sounds good.

Board Member McNulty stated 7 a.m.

Chairman Rogan stated we'll be done and you'll be at the cemetery by working time, all right. You never want to be early to the cemetery...

Board Member Taylor stated depends on which part of the party you are.

Board Member McNulty stated 7 o'clock we'll meet Shawn.

Chairman Rogan stated yes sir.

Board Member McNulty stated okay.

Chairman Rogan stated yeah, 7 a.m. for breakfast.

Ted Kozlowski stated well done Ron, well done.

Chairman Rogan stated yup.

Board Member Taylor stated just a comment on this application. I think it would have been helpful if we'd known the boundaries, I mean where are the neighbors on this, what are the setbacks and, I just...

Rich Williams stated it's well within setbacks, the neighbors are distant...

Board Member Taylor stated okay.

Rich Williams stated the problem is Ron, he was having trouble getting the survey, getting a survey and you know it was a considerable expense and we didn't want to make him go through that expense...

Board Member Taylor stated okay.

Rich Williams stated for something that wasn't, you know, at least viewed in my impact as major impact to anything.

Board Member Taylor stated I wasn't proposing a survey, it was just the notes that are on here would have been, just to know that that because I was wondering why they're putting the pool where they are, oriented.

Rich Williams stated I certainly can give you an aerial photo to help you out with that.

Board Member Taylor stated is there some reason they're not going closer to the front.

Rich Williams stated to the front yard...

Board Member Taylor stated away from the pond, yeah.

Rich Williams stated yeah, you'll see, yes because there are obstructions.

Board Member Taylor stated oh okay.

Board Member McNulty stated isn't there a barn on that property.

Rich Williams stated yup, there is.

Board Member McNulty stated that's not on the plan though right.

Rich Williams stated I don't think it is on the plan.

Board Member Taylor stated unless it's this.

Board Member McNulty stated oh maybe.

Board Member Taylor stated well this is a, some kind of a building.

Ted Kozlowski stated the only thing is, this is an above ground pool, I consider that temporary...

Board Member Taylor stated okay.

Ted Kozlowski stated I don't consider that a permanent structure, so it's...

Board Member Brady stated that's how they're going to fill the pond right.

Ted Kozlowski stated those things come and go.

Board Member Taylor stated okay, I was just, just looking at it, it was like, it looked like they had all this space they could have put it in but they're squeezing it near the pond and it just, you know...

Chairman Rogan stated no, that's a good point, any sense of septic area.

Board Member Montesano stated they can get the water from the pond to keep the pool...

Chairman Rogan stated they're putting it right over their...

Board Member Taylor stated that's a good idea, why don't they just fill up the pond then...

Rich Williams stated I would say the septic area is...

Chairman Rogan stated Ted.

Board Member Montesano stated it's only little frogs that keep coming out and annoying you.

Rich Williams stated down and west, so it's clearly not where they're putting because...

Board Member Taylor stated they'll get caught in the filters.

Board Member Montesano stated my pool must have about six million of them...

Rich Williams stated there has been a walkway and patio and a sand box right there...

Board Member Montesano stated and here I am, the kids are scooping them out so they don't get caught, give them plenty.

5) ICE POND ESTATES SUBDIVISION - 62 Days from Public Hearing to Expire

Chairman Rogan stated okay, all right, Ice Pond Estates Subdivision, we had our...

Rich Williams stated this is on simply because it's going to, the 62 days from the time the public hearing was held to the next meeting the 62 day time limit is going to expire so we need to acknowledge that there is going to be a waiver of that time frame.

Chairman Rogan stated didn't they acknowledge that at the...

Rich Williams stated yes and I want to get it in writing.

Chairman Rogan stated oh, okay. It was stated, you want it in writing.

Rich Williams stated I do want it in writing.

Chairman Rogan stated I noticed there was some correspondence from the DEP on this with a long laundry list of stormwater issues and things that were well above my...

Rich Williams stated yes there were.

Chairman Rogan stated you know, comprehension on that...

Rich Williams stated nothing earth shattering, I thought some surprisingly very good comments from DEP in regards to how they set the boundaries up, how they're going to, how they were modeling some of the practices...

Chairman Rogan stated some of the practices, yeah they were questioning the use of certain practices okay and we have a letter that reiterates some of the concerns that were raised at the public hearing. Some of them are I think, are really common sense questions but I'm not sure they're within the purview of this Board, they are questions that I ask myself when we're doing, you know subdivisions and such but there are certain things that come down to number one people's property rights and number two the Code as it exists.

Board Member McNulty stated did we all get that.

Chairman Rogan stated does this look familiar.

Board Member Brady stated two page letter.

Board Member Montesano stated yeah.

Chairman Rogan stated everyone but you Tom.

Board Member Taylor stated I've got one somewhere.

Chairman Rogan stated here you go.

Board Member Montesano stated here, you want my glasses.

Chairman Rogan stated I don't remember if it was the, these comments were, there was one lady who came and then her husband was home, I think this might be the couple, 410 [Ice Pond Road].

The Secretary stated yes, it is.

Chairman Rogan stated and you know they talked about the feasibility and how you know there are vacant parcels that have been approved in other areas well you know that's true but I don't know that that's an issue that this Board can deliberate on in terms of whether or not we approve a subdivision.

Rich Williams stated there is one more issue on this and that is subsequent to the last meeting, the Chairman asked myself to go out...

Chairman Rogan stated thank you.

Rich Williams stated and take a look at potential or possible issues with rock outcroppings along the road, so myself and the Highway Superintendent, we went up and down the road and I identified where those are, took some pictures and that will be coming to you before the next meeting.

Chairman Rogan stated okay, I know that might be the kind of thing that depending on the type of rock and whether it's got cracks or not, you know it might be the kind of thing that our Highway Department can take care of, we'll have to see.

Rich Williams stated it is not.

Chairman Rogan stated it's not; they're pretty solid, okay, all right.

Board Member Taylor stated the thing about bears made me wonder whether we shouldn't alert that Town that maybe they should have a conference of that ECI and the Park Ranger and the Dog Control, Animal Control Officer...

Rich Williams stated we don't have an Animal Control Officer...

Board Member Taylor stated oh we don't...

Rich Williams stated no we do not.

Ted Kozlowski stated it used to be Toni Gillotti, wasn't it Toni Gillotti.

Chairman Rogan stated is it just the Dog Control Officer, Alan, just dogs.

Board Member Brady stated you looking for a new job.

Board Member Taylor stated no, I'm not...

Rich Williams stated he's very quick to say I don't do cats or bears.

Board Member Taylor stated okay.

Ted Kozlowski stated we had a bear visit our next door neighbor yesterday, two days ago.

Board Member McNulty stated I heard.

Board Member Taylor stated so is this something that, I mean if people are noticing it, should we just pass the information on the Town Board and see if they want to act on it.

Rich Williams stated as far as what, that there are bears in the area.

Board Member Taylor stated that it's becoming an issue for some people.

Rich Williams stated it's been an issue for quite some time...

Board Member McNulty stated for years.

Chairman Rogan stated yeah, unfortunately.

Rich Williams stated because what's happening is they are, the DEC is capturing bears that are misbehaving elsewhere...

Board Member Taylor stated and bringing them here.

Rich Williams stated and bringing them to Cranberry Mountain or Wonder Lake and letting them go.

Board Member Taylor stated okay.

The Secretary stated great.

Chairman Rogan stated and yet I still don't see them at my house, I'm really bummed about this. I've really been dying to see them.

Board Member Taylor stated contact the DEC, they'll drop one off at the top of the hill.

Chairman Rogan stated they'll drop one off.

Board Member Brady stated yeah, is that all it takes, oh man.

Chairman Rogan stated today, one of my coworkers said and I quote he saw two bears frolicking in the pond at Guiding Eyes for the Blind. Now I want to tease him tomorrow and say you know, they do have large black labs there, are you sure that you saw...

Ted Kozlowski stated I've never seen a bear and they move in and two days later, the bear shows up at the front door.

Chairman Rogan stated yeah.

Rich Williams stated I had one run across the road, up in Pawling, right in front of me.

Chairman Rogan stated cool.

Board Member McNulty stated recently.

Rich Williams stated about a year ago.

Chairman Rogan stated that's awesome...

Board Member McNulty stated somebody said they saw one on North Street Saturday, my son said...

Chairman Rogan stated that's great.

Board Member Brady stated I'd love it, I'd love to see...

Chairman Rogan stated yeah, I mean that's what we're here for, right.

Board Member Brady stated that and deer.

Board Member Montesano stated somebody put up a sign, Ed needs bears.

Chairman Rogan stated yeah. Okay...

6) RAY MERLOTTO – Fill Permit

Chairman Rogan stated Mr. Merlotto we have the site walk on Saturday morning for his fill permit which he's in no hurry about, which he was saying. Interestingly enough I had asked the gentleman over in the engineering at the Health Department, if fill permits like this were something that the Health Department should know about from the standpoint that we have a vacant unapproved lot and we have somebody dumping fill for leveling and I think this is only a quarter, I think he said it's a hundred by a hundred and twenty...

Rich Williams stated yeah, that's small.

Chairman Rogan stated and the reality is on a lot that size, you can't even get your separation distances from septic to well so the idea that an unapproved lot, regardless of what somebody does with filling, it's going to be built on, so they didn't seem to be concerned but I thought it was worthwhile to at least ask the question that you know we have this common, possibly junk fill being brought on, not junk in the standpoint of Mr. Levine's fill but you know to just say yeah go ahead and do it and then ten years later and they're out there doing deep test holes, hopefully they would pick that up but you never know, so.

Board Member McNulty stated they'll get seven feet and stop.

Chairman Rogan stated it is what it is, I'm sorry.

Board Member McNulty stated they'll get seven feet down and stop, they won't know what they're going through.

7&8) NYSEG/DRESSLER LOT LINE ADJUSTMENT & SITE PLAN & WETLAND

Chairman Rogan stated we also have site walks at the lot line adjustment/Mooney Hill substation on Saturday.

9) OTHER BUSINESS

Chairman Rogan stated other business.

Rich Williams stated two pieces of other business. Just to let everybody know, this morning I held the pre-construction meeting for RCA site plan, they intend to start installing the driveway in a...

Chairman Rogan stated RCA on [Route] 22.

Board Member McNulty stated the blacktop plant.

Board Member Montesano stated right here.

Chairman Rogan stated oh, oh, oh, I'm sorry.

Rich Williams stated they intend to start installing that driveway in about two weeks.

Chairman Rogan stated okay.

Rich Williams stated the second piece of business, is Guiding Eyes for the Blind.

Chairman Rogan stated has bears.

Rich Williams stated their engineer contacted me and they are looking to put some sort of canopy/roof over the area that we've proposed as the get busy area, she said she thought it might be in the buffer. I said what kind of a roof, you know exactly where is this area we're talking about, you know, what's it going to look like, is it attached and she had no information whatsoever so that may be something you want to add on for the next meeting if I can get the information and it's really a minor issue but still it would be a slight change to their site plan...

Chairman Rogan stated okay.

Rich Williams stated that you want to take a look at.

Chairman Rogan stated anyone have any objection with adding that under other business, if, presumably they can get information that they can bring in...

Rich Williams stated if I can get more, yeah...

Board Member McNulty stated no problem here.

Chairman Rogan stated and if not then, no, okay. And Michelle has forwarded minutes, not only written but via e-mailed.

The Secretary stated most people get them e-mailed, you, Mike...

Chairman Rogan stated yeah, I got them via e-mail but I can't, very rarely do I read them via e-mail.

The Secretary stated I know, that's why I print them, Mike I don't think you even look at your e-mail so I give them to you as hard copies.

Board Member Montesano stated what's an e-mail.

The Secretary stated see.

Chairman Rogan stated yeah, anything from anyone, anything...

Board Member Taylor stated well I sent you all some notes on Ice Pond, just on Ice Pond from Fields Corners...

Rich Williams stated yes.

Chairman Rogan stated when did you send that Ron...

Board Member Taylor stated I just sent it this afternoon.

Rich Williams stated he just sent it.

Chairman Rogan stated oh okay.

Board Member McNulty stated oh okay, I didn't see it.

Board Member Taylor stated it's just, its boiler plate but I thought it was real good because when we revisited it, it had language that really helped us, so it was...

Rich Williams stated yeah, some of that I think we can tailor and get in there but just understand that was from a subdivision where they were doing a water quality swale where they were taking credit for maintaining that as a water quality swale, hence the easement even though it was a wetland buffer. I'd like you to bring it up again next week because I'd like Mike Liguori to talk about, you know, imposing that kind of an easement simply because it's a regulated area and I think you're going to and I think Mike's opinion is going to be that you really can't do that, you know you can't tell somebody that you're going to put an easement on because we regulate it but let's let Mike talk to that.

Board Member Taylor stated okay, I wasn't necessarily proposing the easement part just the fact that it states clearly that you can't build, you can't do anything, you know that it's on the plan, it's on the construction drawing and there is a supplement to the deed that they're supposed to read before they sign for the property, that's all, just to reinforce Ted's, so that people know that they can't touch that stuff.

Rich Williams stated sure.

Chairman Rogan stated Rich do you have any feeling whether you think we could successfully request the developer to take a look at those extra rock outcrops and while they have the equipment and knock them back, just knock them back for us. I mean it's a reasonable request, it's just, it's always and it always comes up things like this in the eleventh hour...

Ted Kozlowski stated it is, is it a simple matter of just knocking...

Chairman Rogan stated well I don't know, I mean I'm not, you know...

Rich Williams stated there's a couple of issues with that, if he's going to do it on his dime, that's fine but he's, we've kind of laid out the parameters for the road improvements out there...

Chairman Rogan stated yeah.

Rich Williams stated this would be over and above and I would be surprised that he would accept, you know, doing them with one exception, Russ [Goff] pointed out there is a little knob rock that we really need to get taken out but it was within his scope of work.

Chairman Rogan stated that was at the intersection of Tommy Thurber [Lane]...

Rich Williams stated yeah.

Chairman Rogan stated we actually just kind of assumed that was part of that intersection cleanup.

Rich Williams stated sure, so part B is we ask the developer and/or his contractor to go do that while he's out there and we compensate him for it but then we're probably violating procurement policies...

Chairman Rogan stated right, exactly.

Rich Williams stated so if we're going to do, we're going to do it, so we just...

Chairman Rogan stated just do it, I mean it's...

Rich Williams stated you know, it's on the list of figuring out how to get it done.

Chairman Rogan stated yeah, okay, no but I think between the improvements that have been proposed and some, somewhat minor Town improvements and the bigger issue is the blacktopping, I think that that road would be a lot better than what it is. I've heard a lot of complaints recently, not because of the subdivision but just in general about that area, that's what happens when you go door to door.

Board Member Montesano stated oh what fun...

Chairman Rogan stated yeah.

Rich Williams stated I actually enjoyed it.

Chairman Rogan stated anything, Michelle...

Board Member Taylor stated I have one other thing I wanted to discuss with you on Ice Pond...

Chairman Rogan stated sure.

Board Member Taylor stated those old foundations need to be filled in, I was wondering if, how you would feel about requesting that when they fill them in, they don't put rock in them, they put soil in them so if in the future some archaeologist ever wants to dig them out, it won't be a real pain to do so and that they don't fill them in completely but leave about a foot of them exposed above the ground...

Chairman Rogan stated demarcation.

Board Member Taylor stated so people could actually see where they used to be.

Rich Williams stated I certainly don't have a problem with trying to impose that requirement but that's really something you need to talk to them about.

Chairman Rogan stated let's bring it up next week.

Board Member Taylor stated and I don't know as imposing as a requirement, we just can request that they because they're going to fill them in anyway.

Chairman Rogan stated right.

Board Member McNulty stated could that be part of the continued site plan process with the site or it has to be before we make final approval.

Chairman Rogan stated we've got to do it now.

Board Member Montesano stated the...

Rich Williams stated no, it would be part of the site plan when they do the work out there.

Chairman Rogan stated no, what he's saying is, in terms of getting that agreement, that's part of, prior to us doing final site plan approval.

Rich Williams stated yes, oh yeah...

Board Member Montesano stated oh yeah, you've got to.

Chairman Rogan stated that's what he was asking.

Board Member McNulty stated yeah, before the final, yeah.

Board Member Montesano stated because I could see the guy with the bulldozer just keep going, boom, boom, boom.

Chairman Rogan stated oh yeah they're just going to; they want that to be green grass or something like that. Depends, we should look at the plan and how those foundations overlay with the lots because it it's somebody's front yard or something like that...

Board Member Taylor stated no, it's a separate.

Rich Williams stated backyard.

Chairman Rogan stated okay, all right.

Board Member Taylor stated its separate though isn't it, didn't he separate it out, I thought he separated that little piece out as part of the...

Rich Williams stated I don't think so, I think it's part of lot 23...

Board Member Taylor stated oh okay, I have to look at it...

Chairman Rogan stated want to take a look at it.

Rich Williams stated it may be on lot C but I'm pretty sure it's on lot 23.

Board Member McNulty stated if we can see it.

Board Member Taylor stated yeah, I've got to look at it.

Chairman Rogan stated you have eagle eyes Tommy, come on.

Board Member McNulty stated I don't think so, not anymore.

Board Member Montesano stated aww come on, you find all them little nifty cracks and stuff.

Chairman Rogan stated you'll be able to see it.

Board Member Brady stated you have a magnifying glass.

The Secretary stated I'm sorry about that.

Board Member McNulty stated what lot did you think it was, 23, I'm not familiar with...

Ted Kozlowski stated it's on the wetland.

Chairman Rogan stated why don't you go to the actual survey, like that shows...

Board Member McNulty stated just one.

Rich Williams stated that may be.

Board Member McNulty stated there's two, oh no that's...

Chairman Rogan stated that's the soil index.

Rich Williams stated it's going to be right in this general area, right here, 28.

Board Member McNulty stated 28, that's 23.

Chairman Rogan stated no, 23.

Rich Williams stated oh, see that's with no glasses.

Board Member McNulty stated there are only 25 being built, isn't there.

Rich Williams stated yeah that's true, huh.

Board Member McNulty stated just checking, he's just checking us.

Board Member Montesano stated I thought he was just going to skip the numbers so it looks like.

Chairman Rogan stated we might want to take a...

Board Member McNulty stated you don't have a big set handy Rich.

Rich Williams stated yeah, I can pull them out, you want them.

Board Member Taylor stated yeah it would be easier than trying to squint at these things.

Rich Williams stated I didn't think it was...

Board Member Brady stated they never sent one electronically, did they, Ice Pond.

Board Member Taylor stated it's not part of that, right, that's what I thought it was part of that...

The Secretary stated nobody really, we don't really get plans electronically, you know, a lot of times we'll get smaller copies and then we'll get some bigger copies.

Board Member McNulty stated here again...

Board Member Brady stated yeah I might be able to look at this and see it.

The Secretary stated don't put it on the microphone.

Board Member Montesano stated yeah, underneath this.

Board Member McNulty stated where is the microphone.

Chairman Rogan stated right there, that's not showing.

Board Member McNulty stated 24.

Chairman Rogan stated 24, here you go.

Board Member Montesano stated okay.

Chairman Rogan stated they're putting a thirty thousand gallon storage tank right on top of it, no I don't know, that's the tank but I don't see the foundations, we'd have to go to existing conditions for...

Board Member McNulty stated what is this line, is this the stonewall.

Chairman Rogan stated no, that's the wetland buffer.

Board Member McNulty stated buffer.

Ted Kozlowski stated that's wetland buffer.

Chairman Rogan stated yup, you got them to save the stonewall...

Board Member McNulty stated I think it's further down that way.

Ted Kozlowski stated are you looking for a stone...

Board Member McNulty stated foundations.

Chairman Rogan stated I think you're right.

Ted Kozlowski stated yeah, they wouldn't be in by the wetlands, I thought they were up in the hill.

Chairman Rogan stated up here.

Board Member Taylor stated no, they were along the road.

Board Member McNulty stated they're along the road.

Chairman Rogan stated they're near that stonewall.

Rich Williams stated yup, here's the stonewall up 24 and they're just on the other side of the stonewall.

Board Member McNulty stated they're just not shown on these plans.

Rich Williams stated which is right in here.

Chairman Rogan stated stormwater.

Board Member Montesano stated and they're going to put stormwater in it.

Board Member Brady stated yeah.

Ted Kozlowski stated maybe that's what they were using them for.

Board Member McNulty stated I wonder if it's this line, this right here.

Chairman Rogan stated I thought it was...

Ted Kozlowski stated maybe that's what they're using the foundations for...

Chairman Rogan stated here, right at the end of that double wall, or more than double, wasn't it.

Rich Williams stated no, it was out by the wall, there is a little cut that cuts right up in...

Board Member Taylor stated I better go out there and take a look.

Chairman Rogan stated yeah.

Board Member Montesano stated yeah, there is a cut in that, there...

Chairman Rogan stated Ron, if you could reference it to the huge stonewalls, remember the ones we were...

Board Member Taylor stated yeah, that's why I wanted to go out...

Chairman Rogan stated because that is a pretty unmistakable landmark, I'll check that out myself probably tomorrow morning.

Board Member Montesano stated the path that used to come in on an angle and you went by the house, the foundation...

Chairman Rogan stated yeah, okay...

Board Member Montesano stated because the old well used to be there and that was never covered over except with a piece of wood.

Board Member Taylor stated it would be a little late to do anything about it if it's sitting out in the middle of stormwater.

Board Member Montesano stated so here you are all dressed to go out and arrest the animals...

Chairman Rogan stated get your archeologist friends out there doing the big dig before because there is time on this in that regard.

Board Member Taylor stated well we requested a B but they didn't do a B so and I can see why, you know, that's a lot of money.

Board Member Montesano stated maybe while they're putting stuff, they'll let you use...

Chairman Rogan stated it seems like those would be great college projects for Eugene Bosch or somebody...

Board Member Taylor stated there is to college around here.

Chairman Rogan stated yeah.

Board Member Montesano stated Eagle Scout awards.

Board Member Taylor stated nobody's interested in working in this area. All right I'll go out and look.

Board Member Montesano stated prisoners that come out and learn how to dig tunnels...

Board Member Brady stated yeah, good luck.

Board Member Taylor stated one other thing on Levine...

Ted Kozlowski stated who had, what's going with [*Inaudible*].

Board Member Taylor stated this stockpiling, is there a time frame on the stockpiling, the areas where he's stockpiling stuff, I don't like that term stockpiling, it implies...

Rich Williams stated did I send you the report.

Board Member Taylor stated yeah.

Rich Williams stated okay, I couldn't remember if I did, I know I wanted to but wanting and doing are...

Board Member Taylor stated yeah, no, you sent it out.

Rich Williams stated I asked for a schedule, I you know, I submitted a whole bunch of comments back one of them is, you know the schedule for you know, doing the work and when everything is going to be done, I probably should have sent you the comments if I didn't do that.

Board Member Taylor stated no you, I think you, what we got are your comments.

Chairman Rogan stated yeah, we have comments.

Rich Williams stated oh, which you, so I didn't send you the report.

Chairman Rogan stated I think he...

Board Member Taylor stated you sent us, you sent us something.

Board Member McNulty stated you sent...

Board Member Taylor stated the appearance ticket stuff.

Rich Williams stated no, I'm talking about a report...

Board Member Taylor stated no, you didn't send us a report, no.

Rich Williams stated an actual report.

Board Member Taylor stated but I was just, the term stockpiling...

Board Member McNulty stated is this yours...

Chairman Rogan stated that's yours.

Board Member Taylor stated really implies to me, just when I think about it, it's sitting there for a long time, I was wondering if it could be...

Rich Williams stated it could sit there for a day...

Ted Kozlowski stated it could say temporary stockpiling.

Board Member Taylor stated okay...

Rich Williams stated as far as stockpiling, yeah.

Board Member Taylor stated yes, so that was just my concern that they build up enough until they've got a truck load and then they truck load it out, they don't let it, which is what they proposed to do in the beginning, remember we were going to empty out the neighboring lot and then pile it all up and then sort it and...

Rich Williams stated right.

Board Member Taylor stated and then maybe or maybe not remove it from site, okay, that's all, I was just to qualify that term in some way or it's on the schedule or...

Rich Williams stated like I said, I'm looking whether he stockpiles it there for a day or a year, you know I'm not as concerned with that as I am having that schedule about knowing when he's going to start and when he's going to finish and making sure that he finishes in a reasonable amount of time, which is probably going to be 30 to 60 days.

Board Member Taylor stated okay, well that's, yeah.

Rich Williams stated so...

Chairman Rogan stated and also where the material, there's got to be some accounting of where that material is headed to, to a proper facility or whatever.

Rich Williams stated they've agreed within the report and I've got to send this out, I've been trying, it's been a crazy week, within the report they said that it is going to a facility down in New Jersey, well contaminated soil is going to a facility down in New Jersey, concrete is going to a place down in Bedford, as is the wood is going back to that place in Bedford because they were the ones that brought it in but they're going to have a qualified professional on site to do the soil testing and if the soil testing comes up clean then they're going to take it to wherever they decide they're going to take to...

Chairman Rogan stated we don't have any reason to believe...

Rich Williams stated I wasn't that thrilled with that idea...

Chairman Rogan stated well...

Rich Williams stated you know we've already made the determination that the fill is contaminated...

Chairman Rogan stated yeah.

Rich Williams stated so they have to show whose doing the testing, what the parameters are for that testing and we still want approval over wherever that fill is going because I know he wanted to, he wanted to take it to a site that he owns over in Kent and...

Chairman Rogan stated good luck.

Rich Williams stated and you know how that went over, we said absolutely not without the Town's approval.

Mr. Singer stated who is this.

Rich Williams stated he's writing this down, Adam Levine.

Board Member McNulty stated he hasn't started any work yet though has he.

Rich Williams stated no, he hasn't started anything.

Chairman Rogan stated and we don't have any control, I mean the Town, not us the Planning Board over the remediation to the site after, I mean it's probably between him and the neighboring property owner whether they require replanting of the trees he cut down or whatever.

Rich Williams stated right, that's going to be between then...

Chairman Rogan stated okay.

Rich Williams stated we're just dealing with the fill.

Board Member Montesano stated I don't even want to think about it.

Rich Williams stated is that it.

Chairman Rogan stated anybody have anything else.

Board Member Taylor stated nope.

Board Member McNulty stated motion to adjourn.

Chairman Rogan seconded the motion.

The meeting adjourned at 7:52 p.m.