

**TOWN OF PATTERSON
 PLANNING BOARD MEETING
 June 29, 2006 Work Session
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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

**Planning Board
June 29, 2006 Work Session Meeting Minutes**

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

Present were: Board Member Mike Montesano, Board Member Dave Pierro, Board Member Shawn Rogan, Board Member Maria DiSalvo, Rich Williams, Town Planner, Ted Kozlowski, ECI and Anthony Mangone, Attorney with Santangelo, Randazzo & Mangone LLP, Special Counsel hired for the Patterson Crossing Retail Center.

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

10 Members in the audience

Vice Chairman Montesano took the seat of the Chairman in his absence.

Vice Chairman Montesano led the salute the flag.

1) PATTERSON CROSSING DEIS

Mr. Tim Miller, Tim Miller Associates, Mr. Fred Koelsch, Attorney with Shamburg, Marwell, Davis & Hollis, Jeff Contelmo, Insite Engineering and Mr. Paul Camarda were present.

Mr. Miller stated good evening, Mr. Chairman. My name is Tim Miller I am the Environmental Planner working on behalf of the Applicant. We have submitted a second version of the Draft Environmental Impact Statement for the Patterson Crossing. It has been substantially modified based on comments that we had received from your Planner and from your Engineering Consultants. We are here tonight to ask you to consider accepting the document as complete for purposes of starting the public review portion of this. We did see that there were some comments from Rich and Gene's office today but our sense of those comments is that they are all pretty readily respondable items and if you were to accept it subject to getting those matters squared away with your Planner and your Engineer that might be one possible way for you to approach this. If you were to act on that request we would require probably a few weeks to satisfy those comments and get it set up for publication on the Town's web page. We would suggest that in terms of time and allowing the public enough time to review it prior to a public hearing. A public hearing later in the summer would make a lot of sense. I will pass it on to Rich but I think that is where we are process wise.

Board Member Rogan asked so Tim what you are saying is it would take about three to four weeks to get those corrections or modifications done.

Mr. Miller replied we think getting them done, getting them into Rich and Gene's hands making sure that we have done them properly and then getting it to production; it is a eleven hundred page document will take three to four weeks yes.

Board Member Rogan asked and that also allows for time of course for Rich and Gene to review to make sure that you have met the intent of their comments.

Mr. Miller replied yes.

Board Member Rogan asked Rich, if we were to go along with approving this contingent upon satisfying those comments both yours and Gene's we would be looking at a pubic hearing probably it would be into August wouldn't it.

Rich Williams replied it would.

Board Member Rogan stated it would absolutely be into August.

Board Member Rogan stated three weeks from today,

Rich Williams stated presumably the earliest we could have it would be the seventeenth.

Board Member Rogan stated I was going to say the week of the fourteenth at a minimum would be the earliest.

Rich Williams stated right we need fifteen days.

Board Member Rogan stated so why don't we shoot for actually the week of the twenty-first which actually would fall upon a work session, the twenty-fourth is a work session. We could hold the work session at the Rec Center and do a public hearing then and really just finish up whatever we have, you want to do a special meeting just for that. It is going to be a long,

Vice Chairman Montesano stated it is going to be a long drawn out process I would rather not have it, Board Member DiSalvo stated what is the availability of the Rec Center too.

Vice Chairman Montesano stated and if the Rec Center is going to be tied up because you have all the summer sessions going on.

Board Member Rogan stated so we need to check the,

Rich Williams stated I have checked with the Rec Director, generally Thursdays and Fridays, Mondays, Tuesdays and Wednesdays for the most part through the summer were booked up. Thursdays and Fridays were somewhat open, certainly if we need to we are going to bump a program.

Board Member Rogan stated you know what Rich I apologize the twenty-fourth is not the last Thursday of the month, the thirty-first is so the twenty-fourth would work well because it is a Thursday night and then

the following week on the thirty-first we have our work session. We could do potentially do the twenty-fourth as a dedicated public hearing. I don't know about starting at three o'clock though. It just seems like,

Rich Williams stated it was just two options that I threw out whether you wanted to do one long day or two nights back to back in anticipation of a number of speakers.

Board Member Pierro stated I think two nights back to back would be a prudent move.

Board Member Rogan stated you think two nights okay.

Vice Chairman Montesano asked are you going to get two continuous nights so that is going to be a Thursday and a Friday.

Rich Williams stated right.

Vice Chairman Montesano stated what I am looking at is, Board Member Rogan stated or a Wednesday and a Thursday.

Board Member Pierro stated because people are going away for weekends I think a Wednesday and Thursday might be better.

Board Member DiSalvo stated if it is available.

Board Member Rogan asked is there a way with a public hearing to have people sign up ahead of time so that you have an idea or have that as a requisite that they have to sign up on line or something or in person at the Town Hall so that you know whether you need a second day.

Rich Williams replied we can establish what rules we think are appropriate to conduct an orderly meeting and I don't believe there is any prohibition against having a sign in page and then taking speakers in the order as they come in.

Board Member Rogan stated and then at the end of that order if there were people that were not signed up the Board would always have the option of then entertaining them at that point. The reality is if you open it for two nights people are going to sign up for whatever is convenient for them so we are going to have to be there both nights anyway. It is not like people are only going to sign up unless you had an order and said the first hundred people you sign up and then when you are over a hundred you go to the second night.

Rich Williams stated generally you are going to have the sign up sheet they can sign up when they come.

Board Member Rogan stated which is what we did last public hearing.

Rich Williams stated we try to get to everybody the first night and we didn't then it would be carried over to the next night.

Board Member Rogan stated but the only reason you would have a carry over is if you didn't get through the list the first night. I like that idea better than just opening it up to two nights.

Rich Williams stated I believe you can set it up that way.

Board Member Rogan stated I would prefer to do that to set it up starting like at 6:00 p.m on the Wednesday, have a sign up sheet for when people come in, if we don't get through the list say by 11:00 at night.

Board Member DiSalvo asked don't we have to publicize it if we are going to have it the next day.

The Secretary stated yes we will.

Board Member Rogan stated yes but only as a run over or a carry on to the meeting.

Mr. Miller asked what is the date of that Wednesday.

Board Member Rogan replied the 30th, August 30th.

Vice Chairman Montesano asked are we going to do it that far back or the week before.

Rich Williams stated I thought we had the 24th.

Board Member Rogan stated I am sorry.

Board Member Pierro stated the 23rd and 24th.

Board Member Rogan stated I am sorry I was thinking of our work session on the 31st.

Board Member Pierro stated this way we could still have our work session and take care of our regular business.

The Secretary asked both starting at 6:00.

The Board replied yes.

Board Member Rogan asked Rich would 6:00 be okay for you and Gene.

Rich Williams replied yes.

Vice Chairman Montesano asked are you going to put a limit on what time by 11:00 or 10:00.

Board Member Rogan replied I would say.

Board Member DiSalvo stated yes that is what we did last time.

Vice Chairman Montesano stated I am just saying pick a number between ten and eleven.

Board Member Rogan stated between ten and eleven.

Vice Chairman Montesano stated you could compromise and say 10:30.

Board Member Rogan stated that is fine whatever you would like.

The Secretary asked so is it 10:00, 10:30 or 11:00.

Board Member DiSalvo stated let's do 11:00.

Board Member Rogan stated do 11:00.

Rich Williams asked so 6 to 11.

Board Member Pierro replied 6 to 11.

Board Member Pierro stated the last time Rich we had a minimum amount of time that a person,

Board Member DiSalvo stated a maximum of two minutes.

Board Member Pierro stated or a maximum amount of time that a person had at the mic.

Rich Williams stated I believe that also you can do that. It is not inappropriate to do that however the last time we were doing the scoping document and I think the limit was two or three minutes.

Board Member Rogan stated exactly. The scoping is more ideas instead of specific concerns based on a document. You may want to allow for more time because the reality is I don't think people will speak as long to technical aspects of the document than their passion about why something should or should not be approved.

Vice Chairman Montesano stated the object is if you limit the time if someone starts to reiterate the same thing over and over if it gets to the point after that three minute time that they have something else to say when they get down to the last person they can come back and bring up their subject again.

Board Member Rogan stated that does not need to be part of a public notice though.

Rich Williams stated no.

Board Member Rogan stated that is just part of opening a meeting.

Board Member Pierro stated that could be our housekeeping when we open the meeting.

Vice Chairman Montesano stated no I was just saying it has to be done.

Board Member Rogan stated I agree with that.

Vice Chairman Montesano stated it has to be done because if not it will go on and on.

Some people in the audience had their hands up.

Vice Chairman Montesano stated we are not opening this to the public right now.

The audience member stated I don't understand what you are doing.

Vice Chairman Montesano stated it will be in the paper.

The audience member asked is it complete.

Vice Chairman Montesano replied we haven't discussed that yet.

Board Member Rogan stated we are discussing it.

Vice Chairman Montesano stated we are discussing how we are setting something up.

The Board reviewed the documents for a few minutes.

Board Member Pierro made a motion in the matter of Patterson Crossing Retail Center that the Planning Board deems the Draft Environmental Impact Statement complete contingent upon the continued review of documents provided by Stantec Consulting Services dated June 29th, Tim Miller Associates dated June 29th and the Completeness Review document provided by our Town Planner, Rich Williams dated June 29th.

Board Member Rogan asked can I add an amendment to that motion to include satisfying those memos to the satisfaction of the Town Planner and the Town Engineer.

Vice Chairman Montesano replied definitely.

Board Member Rogan seconded the motion.

The Secretary asked do you want a roll call.

Vice Chairman Montesano replied yes please.

Mr. Pierro	-	yes
Mr. Rogan	-	yes
Ms. DiSalvo	-	yes
Mr. Montesano	-	yes.

Motion carried by a vote of 4 to 0.

Board Member Pierro asked now do you want to set the public hearing.

Board Member Rogan replied sure.

Mr. Miller asked the request that we are making is for the Draft Environmental Impact Statement and the site plan application also.

Board Member Pierro stated that is fine.

Board Member Pierro made a motion to include the Draft Environmental Impact Statement and the Site Plan. Missy can you add that to the motion.

Board Member Pierro made a motion that the Planning Board schedules a public hearing for August 23 and August 24 from 6:00 p.m. to 11:00 p.m. at the Rec Center in the Town of Patterson and that be advertised in the proper fashion for public comment. Board Member DiSalvo seconded the motion.

The Secretary asked are you doing the sign up prior to the meeting.

Board Member Pierro stated yes but that is housekeeping.

The Secretary stated but I don't know if I need it for the legal notice. I may have to include it in the legal.

Board Member Rogan stated pull the legal notice from the previous public hearing.

Board Member Pierro stated I don't think we included it.

The Secretary stated no we didn't but you are asking to register prior to now.

Board Member Rogan replied no they are not.

The Secretary stated okay that is where you were losing me.

Board Member Pierro stated we are going to have a sign up sheet at the front that will be housekeeping. We will put a sign up at the front entrance way.

Board Member Rogan stated Mis, when I brought that up that was my intent was to be before hand but that was dropped by the Board.

The Secretary stated I didn't hear that it was dropped. That is where you lost me.

Board Member Pierro asked on that motion.

Board Member Rogan stated I had a question about the motion.

Rich Williams asked are you including a written comment period within that motion.

Board Member Rogan replied we have not yet now I remembered my question. The motion for the public hearing should that be contingent upon Tim Miller Associates satisfying your comments by a certain date because obviously if they are not timely in providing their comments and you don't have a review then,

Board Member Pierro stated then we can't have a public hearing.

Board Member Rogan stated then there is not sufficient time for review by for instance the Town of Kent and others.

Rich Williams stated yes we need to issue a Notice of Completion by July 27th in order for this time frame to work.

Board Member Rogan stated so obviously if the notice has not been done by July 27th the public meeting would not take place.

Board Member Rogan asked an audience member do you just have a specific question to the motion Maim.

An audience member replied yes. If you are having people sign up as they come in you would still in good faith be obligated to hear everyone.

Board Member Rogan replied absolutely that is why we scheduled it two nights and also written comments would be accepted for a certain time frame.

The audience member asked and my other question is what would be the date that you would make this document available to the public and where would it be, the library or on line.

Board Member Rogan stated very good questions. The date that it would be available would be probably what as of what the 27th.

Rich Williams stated the last date that it would be available would be July 27th.

Board Member Rogan stated that would give one month for review prior to the public hearing but not just one month for the total. We haven't voted on that but we may extend it to say forty-five days for a total review. In other words if you had written comments, things you thought of after the public hearing they would be accepted.

The audience member stated I am sure it is going to be lengthy just a month.

Board Member Rogan stated I am sorry.

The audience member stated I am sure it is going to be lengthy just a month to review it.

Board Member Rogan replied a month prior to the public hearing yes. That would give a month that the document could be reviewed.

Another audience member asked would written comments be accepted after the public hearing.

Vice Chairman Montesano replied definitely.

Board Member Rogan stated that is what we just said. We have to vote on that right now actually.

Board Member Rogan stated I will second your motion Dave.

The Secretary stated wait a minute.

Board Member Pierro stated let's start over.

Board Member Pierro stated so on the first motion Mr. Montesano.

Vice Chairman Montesano stated all right we have had a second from Shawn, do you want to re-state it.

Board Member Pierro replied no let's go to a second motion.

Vice Chairman Montesano stated let me get a vote on it.

Vice Chairman Montesano asked all in favor.

Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye
Vice Chairman Montesano	-	aye.

Motion carried by a vote of 4 to 0.

Board Member Rogan made a motion in the matter of Patterson Crossing Retail Center that the Planning Board will make the document available as of the 27th of July,

Board Member Rogan asked will it be on the Town website Rich.

Rich Williams stated yes.

Board Member Rogan asked the Town library and available to anyone who wants to pay the copy price for it correct.

Rich Williams replied anybody can FOIL for a copy of the document.

Board Member Pierro asked and it will be available at Town Hall as well correct.

Rich Williams replied correct.

An audience member asked at what price.

Board Member Rogan stated well that was my question. Could we one of two things, can I ask a question about this maybe to the Applicant. It is a FOIL document but would the Applicant provide documents at whatever their printing cost is.

Rich Williams stated generally the way we have done it in the past to meet the requirements of FOIL we made the copies ourselves.

Eddie Keasbey stated to make money.

Rich Williams stated we don't make any money.

The Secretary stated we don't make any money it is only twenty-five cents a page.

Rich Williams stated we are hoping that you take full advantage of the web.

Mr. Miller stated we will provide the Town with a printable PDF. If someone wants a copy all they need to do is upload the PDF they can print it on their own printer at home or they can print it at Kinko's or anywhere that they choose. They can call up a copy place and say I would like you to download this and print it. They can pay five cents a page if that is how they want to do it.

Board Member Rogan stated then the maps can be available at the Town library so you don't have to,

Mr. Miller stated there should be no problem getting printed copies of this once it is on the web.

Vice Chairman Montesano stated all right we are going to keep answering questions. Go ahead Edie.

Edie Keasbey asked the site plans, the maps all that that won't be on the web obviously.

Board Member Rogan stated I think that is what I just said is that something that somebody would have to go to the Town library to look at.

Rich Williams stated it has to be on the web.

Edie Keasbey stated or here.

Board Member Rogan stated no I mean for printing for having your own copy.

Vice Chairman Montesano stated listen to Richie it has got to be on the web site.

Edie Keasbey asked and Kent Library.

Vice Chairman Montesano stated it is going to be on the web so you can pull it off of there.

An audience member asked so is the Town assisting him in finalizing this.

Vice Chairman Montesano asked is the Town assisting.

Board Member Rogan stated it is part of the Freedom of Information Law that the Town has to provide those documents at your request but the Town has the right to charge for the copying of those documents.

The audience member stated no, no I am saying the Town is going to work with him to finalize this document because if it is complete why can't we get it tomorrow.

Board Member Rogan replied because the motion was to have it complete contingent upon there is still some revisions that need to be done for the Town Planner and the Town Engineer

Board Member Pierro stated no you did the public hearing.

Board Member Rogan stated the motion to have the document available on July 27th and have the written comments accepted I am going to make the motion for fifteen days past the public hearing. So, if the public hearing, if we start on the 27th, we go to the 24th and fifteen days past there. Unless someone else on the Board has a different motion.

Mr. Miller asked fifteen days past the 24th of August.

Board Member Rogan replied correct.

Rich Williams stated well at the close of the public hearing is really when you should do it and that is the 25th at the earliest, my apology I am still going on the Friday date.

Vice Chairman Montesano stated from the 24th.

Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor do you want a roll call on this one too.

Board Member Rogan stated hold on a second.

Board Member Pierro stated just give us a second.

Board Member Rogan stated the 8th of September would be the last day for written comments.

Rich Williams asked what day is that.

Board Member Rogan replied it is a Friday. The public hearing cannot be closed until the end of the written comments so does that mean that we have to have a special meeting.

Rich Williams stated no.

Vice Chairman Montesano stated we still have a second.

The Secretary asked do you want a roll call.

Vice Chairman Montesano replied yes.

Mr. Pierro	-	yes
Mr. Rogan	-	yes
Ms. DiSalvo	-	yes
Vice Chairman Montesano	-	yes

Motion carried by a vote of 4 to 0.

Mr. Miller asked Mr. Chairman for clarification purposes, you did three resolutions tonight. The first one was to accept the Draft EIS as complete contingent upon satisfying the comments from your Planner and your Engineer.

Board Member Pierro stated yes.

Mr. Miller stated the second one was to schedule a public hearing on the site plan and on the Draft EIS for August 23rd and 24th. The third one was to receive was to require the Applicant to have the document in Town Hall by July 27th and to receive comments for a period of time, fifteen days after the close of the public hearing.

Board Member Pierro stated which brings us to September 8th.

Mr. Miller asked that is what we did tonight.

The Board replied yes.

Mr. Miller thanked the Board.

2) BEAR HILL ESTATES

Board Member Pierro stated Mr. Chairman on Bear Hill I had a conversation, for the record I had a conversation with Rich Williams today and our Counsel, Tony Molé I had been made aware that a former real estate client of mine may be interested in purchasing Bear Hill Subdivision and in as much that I do not have any relationship with that former client I was concerned because the information is getting around Town that this guy is attempting to buy this project and I sought out our Planner's advice and legal counsel's advice that there would be no conflict of interest if in fact I did continue to sit on this project. I have no problem recusing but it is not my client who is the Applicant but he was or my former client who was the Applicant but he had been a former client of mine and I want to avoid any appearance of impropriety.

Vice Chairman Montesano stated so noted.

Board Member Rogan stated with a Board of four right now I think it is good that we have all of us on every case that we get.

Vice Chairman Montesano stated I will go along with that.

Board Member Rogan asked do you want to discuss Bear Hill as a project.

Rich Williams stated Mr. Chairman we do have documents in this application is scheduled for a public hearing at the next meeting. They have also submitted a subdivision plat, which has raised a number of additional issues. In addition, I have attained the original subdivision plat. It was graciously provided to me by George Michaud from the County for the Cabin Campfire LLC I think it was and we have been comparing the two documents. I did so briefly with Tom McGinn from the Engineer's office who is also a licensed surveyor and certainly, in doing so it has raised many, many more questions than it did answers. We are trying to wrestle with how to approach abandoning a road that was never built as part of a

subdivision. It was put in the wrong place and accepted the road that is built that we are not sure exactly what the legal status of it is. In addition there is other title issues with some of the properties up there we are trying to wrestle with. In addition, although, they have construction drawings which are pretty far along in their design they have not yet addressed stormwater, which is a very big issue on this project. I was talking to the Applicant's Engineer and he had indicated that they were starting to look at in order to meet the City requirements possibly putting drainage in for four lots for the length of the road. There is still a lot more detail to come on this, a lot more information that we need but we do have a public hearing scheduled on this.

Vice Chairman Montesano asked now if they don't have all this information in to the best of our knowledge are we going to continue with the public hearing. Just to make you aware the possibility it may not get here.

Rich Williams stated well the information will not be here by the public hearing.

Board Member DiSalvo asked people have been notified right.

Rich Williams replied I am assuming that they have done a mailing at this point to notify.

Vice Chairman Montesano stated well unfortunately, what is going to happen is if we don't have the information, we don't have it tonight so we can continue with this and then just cancel it.

Rich Williams stated you already scheduled the public hearing.

Board Member Rogan stated the information wasn't required when we set the public hearing so we are dealing with new information. I think we have to. In other words, the public comment on the site plan are there apt to be comments on that that would be different if they had say stormwater done or those issues resolved. I don't know.

Vice Chairman Montesano stated the problem you have all right you can hold it then if we have to, we are going to have to hold a second one, which we can do.

Rich Williams stated if you close it, there is no statutory requirement,

Board Member DiSalvo stated we keep it open.

Vice Chairman Montesano stated we just keep it open.

Rich Williams stated there is a limitation of a 120 days on keeping it open also.

Vice Chairman Montesano stated the problem that I am having is if everything isn't in and we have the hearing for arguments sake and people come in and make a comment on Lot #1 and 2 for drainage and then we have 3, 4, 5, 6, and 7 that come in for different drainage that change the whole plan.

Rich Williams stated what are you going to do when he comes back in with two very large stormwater ponds at the bottom of the hill on either side of the road.

Board Member Rogan stated then I would do a supplemental public hearing.

(All laughed)

Board Member Rogan stated really we can do that though.

Vice Chairman Montesano stated I am sure we can come up with reasons for more public hearings.

Board Member Pierro asked there are two storm drains on the lower portion of that road now what are they connected to.

Rich Williams replied they discharge on to Lot 3 well let me say this there is two that discharge on Lot 3 and there is one drain that connects hydrologically between Lot 3 and Lot 2.

Vice Chairman Montesano stated it is scheduled so.

Board Member Rogan stated I wish in this public hearing we could throw a map up of what we started out with on this project because we have gone through a lot of trials and tribulations with wetland impacts.

Rich Williams stated you should see what we started out with 87.

Board Member Rogan stated they probably had twenty lots up there.

Rich Williams stated a lot more than they got now.

3) NYSGE SITE PLAN

Vice Chairman Montesano stated NYSEG wants a site plan waiver so since we were out there on our little escapade.

Board Member Rogan stated there is a copy of the minutes here from the Zoning Board. I assume they got their, I have not had a chance to read them but.

The Secretary stated Maria had asked for them.

Rich Williams stated in addition you do have site walk comments from the site walk that we did out there.

Board Member Pierro stated one addition to the site walk comments Rich I had asked that they also put screening on the chain-link fence that they install, green slats.

Rich Williams stated it should be in there.

Board Member Pierro stated I didn't see it but being that I did not see it does not mean it is not there.

Board Member Rogan stated here number one, the tail end of number one.

Rich Williams asked do you want it worded differently.

Board Member Pierro replied no that is good.

Board Member Pierro stated in addition to landscaping I wanted to see the slats in the fence they had no problem with that.

Rich Williams stated right.

Board Member Pierro asked can we react to this tonight.

Rich Williams asked do you want to take an action on it tonight.

Board Member Pierro stated I have no problem with getting it off our plate we have a lot.

Board Member DiSalvo asked are they anxious to hear from us.

The Secretary replied yes.

Board Member Pierro asked on the motion Mr. Chairman if you feel that it is okay to get this off our plate for the meeting.

Vice Chairman Montesano replied why not.

Board Member Rogan stated I am fine with that.

Board Member Pierro made a motion in the matter of New York State Electric & Gas Substation at 1 Terry Hill Road, that the Planning Board waives Site Plan requirements and allow NYSEG to do improvements on their substation property at Terry Hill Road with the three not really conditions but three items that are on Rich's Site Plan memo. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 4 to 0.

4) CLOVER LAKE SITE PLAN

Board Member Pierro asked they are looking for a waiver of site plan as well Rich.

Rich Williams replied they are.

Vice Chairman Montesano asked they are.

Rich Williams replied well they are looking for one or the other.

Board Member Rogan stated I think in this one we were talking about amending their site plan so we have. I am reading your comments and we discussed it on site about the slope of that ramp and it sounds like a, and I didn't know this at the time maybe we discussed it on site and I did not hear the discussion but it sounds like a landing mid way would required by the ADA requirements.

Gene Richards stated that was my thinking.

Board Member Rogan asked how does that work on a ramp so you come up and then you have it is basically so that you don't have someone going full length.

Gene Richards stated ADA says you can go up thirty inches in rise and then you have to have a landing. It is just to give somebody in a wheelchair a place to stop and rest before they continue on.

Board Member Rogan stated and I think we would be remised in approving what is out there then. That was pretty steep.

The Secretary stated there are a lot of people in wheelchairs.

Board Member Pierro stated most of their people are ambulatory or else they don't belong there.

The Secretary stated yes but what if in the future it changes over to something else.

Board Member Pierro stated that would require a site plan waiver right to be converted to a nursing home.

Rich Williams replied yes if they converted over they may require additional improvements, which would trigger some, review yes.

Board Member Rogan stated had they done this work with a site plan in place that would have been part of the technical review so they kind of without not knowing that they needed site plan approval and not needing a building permit which I think is amazing. You need a building permit for everything these days.

Board Member Pierro asked on that ramp Shawn, my recollection was that part of that ramp was blacktop.

Board Member Rogan replied not that ramp no it was all slate.

Board Member DiSalvo stated the railings too.

Board Member Pierro stated well the railings are going to be installed I would hope they put the landing in before they install the railings.

Gene Richards stated I don't think they were planning on putting a landing.

Board Member Rogan stated they weren't. This is going to be news to them.

Board Member Pierro asked they don't know about it so we have to communicate with them before the next meeting. Can we do that.

Rich Williams replied I am assuming they are coming in next Thursday.

Board Member Pierro stated I would like if possible could you make contact with them before the meeting so that they are aware prior to the meeting and maybe if they agree to that landing because it may prevent them from stopping and putting the railings up between now and the meeting.

Rich Williams stated they have been told not to do anything. This has been sitting there for a while.

Board Member Pierro stated right I am aware.

Board Member Rogan stated if I could ask all Rich would need to do is just send them the memo because this clearly states it.

Board Member Pierro stated okay we can give them a heads up and let them get that done maybe we can take care of this at the meeting.

Gene Richards stated Dave, somebody said it earlier I think the lady's name was Susan. She had told us at the site walk that everybody there is ambulatory.

Board Member Pierro stated right.

Gene Richards stated so that will probably be the response that nobody is in a wheelchair.

Board Member DiSalvo stated but they could have visitors that could have wheelchairs.

Gene Richards stated I don't know if that would be a fall back that is legal or whatever.

Vice Chairman Montesano stated Maria just made a point what happens if someone visits you and they are in a wheelchair.

Board Member Rogan stated let's ask this question though, if they had proposed a set of stairs without the landing at all, I am sorry the ramp at all would we have approved that or would we require a ramp. We probably would have approved the stairs right but given the ramp I think we have an obligation to build it to the specs so either they build the ramp to the specs or they remove the ramp and just have the stairs. I would rather see the ramp with the landing. That is kind of the simplistic way I see it.

Gene Richards stated normally if they came in and proposed a ramp from the get go before they built anything that is what we would recommend.

Board Member Rogan stated putting the landings in is going to be a cost of doing things that way. I mean the reality is if they had asked for the ramp that is the way we would tell them to build it so we have to you know.

Vice Chairman Montesano stated it sounds sensible.

5) MACAL/DEW SIGN APPLICATION

Board Member Pierro asked is this a new photograph that we got in today's work.

Rich Williams replied yes there is a new photograph.

Vice Chairman Montesano asked how did they come up with the name Birch Hollow Center. Did we approve that.

The Secretary stated that is the name.

Rich Williams stated that is the original subdivision. I don't know who came up with that perhaps one of the former Chairman's of the Planning Board.

The Secretary stated they got the variance.

Board Member Rogan asked is this the case where we were going to allow greater than.

Rich Williams stated this is the case where you had two people side by side,

Board Member Rogan stated which could of theoretically put two signs up.

Rich Williams stated correct and they wanted to combine it into one sign but our Code says you can't have anymore than twenty-five square feet. They were looking to propose a forty-eight square foot sign.

Board Member Pierro stated and they got a variance.

Rich Williams stated and they did go to the ZBA and obtain a variance for putting up one combined sign.

Board Member Pierro stated so this is the proposal.

Vice Chairman Montesano stated it looks pretty nice.

Board Member Pierro stated it does look nice. On the motion.

Vice Chairman Montesano asked you are going to take care of it tonight.

Board Member Pierro asked on the motion Mr. Chairman.

Vice Chairman Montesano replied go for it.

Board Member Pierro stated in the matter of Macal/DEW Site Plan Sign Application in lieu of the fact that they received a variance for a sign oversized by our Code standards that the Planning Board accepts their sign application with the rendering provided to us tonight and make that part of the record, Missy. Board Member DiSalvo seconded the motion.

Board Member Rogan asked do we need a neg dec in there, yes. You have do SEQRA.

Board Member Pierro made a motion that the Planning Board grants a negative determination of SEQRA on Macal/DEW sign application. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 4 to 0.

6) NEW ENGLAND EQUINE CENTER Sign Application

Vice Chairman Montesano stated okay New England Equine. We have a rendering of a nice stonewall.

Board Member Pierro asked do we have a rendering of a sign.

The Secretary stated that is it.

Vice Chairman Montesano asked this is an eight-foot wall with their sign on it now the sign appears to be almost the complete length of the wall is that going,

Board Member Pierro stated very nice stone.

Rich Williams stated if I recall the sign itself is about fourteen square feet.

Board Member DiSalvo stated eight by four, thirty-two.

Rich Williams stated well I didn't include the stonewall.

Board Member Rogan asked so in this case the sign is only considered the part that has the lettering or the total area.

Rich Williams replied if he wanted to put a stonewall up there I would assume that he would be allowed to put a stonewall up there so I did not include that as part of the sign area.

Board Member Rogan stated I would agree with that. It is going to look nice.

Board Member Pierro asked does he have a lighting plan.

Gene Richards asked do they need the street address on that for E-911.

Rich Williams replied they are going to need to post a number someplace on the street address yes.

Board Member DiSalvo stated on the mailbox maybe.

Rich Williams stated at the entrance. It could be a separate plaque.

The Secretary stated maybe you want to mention it to them and they want to add it in there. They may not have realized they needed it.

Board Member Rogan stated controlled with a photocell so when someone pulls in it will light up or it will turn on at a certain time.

The Secretary stated dawn to dusk.

Board Member Rogan stated I am thinking of the motion. That is terrible imagine the distraction of driving by and seeing something light up on and off.

Rich Williams stated you also have a memo from me on that.

Vice Chairman Montesano asked so what do you think of their sign.

Board Member Pierro made a motion in the matter of New England Equine Sign that the Planning Board grants a negative determination of SEQRA. Board Member DiSalvo seconded the motion.

Board Member Rogan stated you may want to include in the motion the size they are proposing which is fourteen square feet or just per the memo.

Board Member Pierro asked Rich can we include in this motion that a sign be placed indicating the E-911 address.

Board Member Rogan stated that is a requirement of E-911 anyway.

Rich Williams stated yes it is a numbering requirement within our Code.

Board Member Pierro stated right but I don't want to have to change a motion later on to add the E-911 number do you have to do that now or should we include it in part of the motion.

Rich Williams stated I was going to recommend that they post the E-911 number on the sign. I don't think that we need to include that as part of the sign application. They have the option of posting it someplace else also.

Board Member Rogan stated they will probably put it on the sign and the building.

Rich Williams stated well they do have to but I mean they could post it over at the driveway entrance also.

Board Member Pierro made a motion in the matter of New England Equine Practice that the Planning Board grants the sign application for a fourteen square foot stone sign with brass letters to be placed in the front of the parcel. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 4 to 0.

7) DILMAGHANI SITE PLAN – Request for Waiver

Rich Williams stated Dilmaghani is back in to put a tent up. They want to go a little bit larger than they did last year. The Board has a memo from the Building Inspector outlining a number of concerns essentially, the bottom line on the memo is he will not issue a building permit for this tent.

Board Member Rogan asked you need a building permit for a temporary tent.

Rich Williams replied he says you need a building permit for a temporary tent not a sidewalk mind you but a temporary tent.

Board Member Pierro stated a fire access road must be maintained within a hundred and fifty feet of any portion of the building.

Board Member Rogan asked Dilmaghani it says there are issues to consider but these issues are straightforward. There is nothing in here in other words it seems to say that if it is considered a temporary tent because it is less than a hundred and eighty days these are the issues you should be concerned with which minimum clearance twelve foot to structures it had.

Rich Williams stated I understand. I am just relaying to you what Paul came in and said to me that he is not going to issue a building permit for this thing. He actually went to Dilmaghani today because another issue came up. I went out to the site to take a look because one of the issues last year for the Board was if he is going to put this tent up he is going to take all his parking up can they park in the rear. I wanted to see the condition of the parking lot.

Board Member DiSalvo stated and it has gotten worse.

Rich Williams stated well it hasn't gotten any better.

Board Member Rogan stated which shows that he obviously does not need the parking because he is not getting anyone in there.

Rich Williams stated obviously not but there were also two trailers and when Paul got there today there was a third trailer.

Board Member DiSalvo asked are they like for loading stuff. Are they loading rugs or.

Rich Williams replied no they are cargo containers so Paul,

Vice Chairman Montesano stated the boxes.

Rich Williams stated so Paul issued a violation and was out there today and when he was out there today explained to Mr. Dilmaghani he is not going to issue a building permit. He couldn't under the Building Code but he would be happy to help Mr. Dilmaghani obtain a waiver from the State or at least apply for a waiver. The reason I bring this up to you is Mr. Dilmaghani has sent us a letter I don't know that we have copied you yet.

The Board replied yes we have it.

Rich Williams stated he would like to also amend his application to allow the trailers.

Board Member Rogan stated so he wants trailers, change in color and a big tent.

Rich Williams stated yes.

Vice Chairman Montesano asked wait a minute can we allow the trailers or does he have to go to the ZBA. I thought trailers are not allowed.

Rich Williams replied no trailers are allowed on commercial sites with site plan approval if you feel they are appropriate. The Board has never granted one to date.

Board Member Pierro asked what is he using these trailers for just storage.

Board Member DiSalvo asked the building is not big enough.

Vice Chairman Montesano stated let me give you a quick idea, there is a company that sells these boxes and what has happened is I have notice they must have sent a Representative around or somebody bought one or two of them and let the rest of the business community know because if you look behind a lot of businesses lately you will see an influx of these boxes coming in.

Rich Williams stated we will get to the next two in a minute.

Board Member Rogan asked so Mike what are they doing giving these things away.

Vice Chairman Montesano replied no it is a thousand dollar a box and they will deliver them to your property and drop them off.

Board Member DiSalvo stated and they will take off the wheels too.

Vice Chairman Montesano stated there are no wheels.

The Secretary stated they are sea boxes basically right.

Vice Chairman Montesano stated they are over sea cargo boxes and basically when you get them they pick them up with crane and they drop it on a truck that has the trailer extension on it and goes to the site.

Board Member Rogan asked Mike that thousand dollars is that a monthly fee or a yearly fee.

Vice Chairman Montesano replied no it is a price.

Board Member Pierro stated they are stag Mike. Don't you realize this mob business it is all a scam. They are stolen.

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

Rich Williams stated gentlemen and lady, there is also a third issue while you are wrestling with the first two in that he would also like to change the color of his building.

Board Member Rogan stated but not to yellow.

Rich handed the Board the color chips. (Too many talking at the same time unable to transcribe).

Board Member Rogan stated let's not be so harsh on the guy. He wanted yellow originally it was like Big Bird yellow.

Board Member Pierro stated we laughed at him.

Board Member Rogan stated I think actually Herb laughed at him. We said come back with something so the primary color is the yellow.

Board Member Rogan stated he is probably not within the character of the community but I am trying to think of what everything else out there but there is not much out there to compare it too.

Rich Williams stated he came in and compared it to Fanny Doolittle.

Board Member DiSalvo stated but her building isn't that size.

Vice Chairman Montesano stated Paninos has that Mediterranean type building there and it has been up and he has been such a success maybe he figures if he changes the color of the building they would buy a sandwich and rug on the way out.

Board Member Rogan stated it is called applesauce without cinnamon.

Board Member DiSalvo stated but fix up the back of it first.

Vice Chairman Montesano stated he has got a problem with the boxes, the Building Inspector does not like the boxes and we are going to have another comment about that soon I guess.

Board Member Rogan asked what item on the agenda is our audience member here for.

Rich Williams stated Mr. Mezger.

Board Member Rogan stated I was going to say if it was like number eighteen I would ask for a motion to switch things around a little bit.

Board Member Pierro asked should we leave Dilmaghani for further discussion.

Board Member Rogan stated the tent I didn't see it as a big problem when it was up because it was not up that long. We did a conditional approval on that. We allowed like a trial period.
(TAPE ENDED)

Board Member Rogan asked so the tent was up for a trial period did any of the Board Members have a problem or see other than the fact that Paul said there is some issues that need to be addressed.

Board Member DiSalvo stated I just noticed that the tent came down a lot sooner than when we approved it.

Board Member Rogan stated because of the weather.

Vice Chairman Montesano stated I don't know if it drew any business that I noticed.

Board Member Rogan stated my thought on these box trailers are I would almost want to see the facility, do a walk through with the owner there to see how his storage is inside that he needs these outside trailers because that place is tremendous. I can't imagine that with the size of that, it is mostly warehouse that they would need two or three box trailers.

Board Member DiSalvo stated unless he is transporting them regularly.

Board Member Rogan stated let's discuss that with him and see and maybe if he wants to pursue those trailers then I recommend doing a site walk.

Vice Chairman Montesano stated just for a comment when we were down in the City in February one of the classes that they held were on these containers and that people were stacking them without reinforcing them in any way shape or form and they were making a two story office building out of them. Now, you can get them with side doors, front doors, etc. The problem that they were having lately is that there was no security for the top box. You might end up with severe wind conditions or rain and the thing could tip.

Board Member Rogan stated well he is not proposing to stack them.

Vice Chairman Montesano stated we don't know if he gets away with one how do you know he won't stack them up from there.

Board Member DiSalvo stated we would allow him like outdoor storage sheds that Martin's sells right.

Board Member Rogan replied maybe, maybe not it depends.

Rich Williams stated for me the bigger issue in all this is the location of the trailers whether it is appropriate to be there, whether it is encumbering any other site improvements that are necessary for the operation of the site. Would you allow something there from Martin's, yes if it met all the zoning requirements and it was not put in somebody's parking space.

Board Member Rogan stated plus we have already with allowing the tent we are further reducing parking already, now we are adding trailers and we are further reducing. The parking lot shows that they are not being used, the parking spaces are not being used but I don't think that should be the reason for approving something either.

Vice Chairman Montesano stated excuse me, I have got one problem they are not trailers per say because they cannot be moved, there are no wheels on these.

Rich Williams stated no we define them as containers.

Board Member Rogan stated okay I am sorry.

Vice Chairman Montesano stated no what I am trying to get is a point that it is not a trailer because a trailer can theoretically be moved. These containers you need a large crane to pick them up and move them

around or a cherry picker that is geared for picking them up. I don't like the idea that they are starting to influx into this area because they are easily stackable and they are easily used and we have people right now that have a considerable amount of stacking or copying whichever you prefer going around they at

Board Member Pierro asked will that tent be able to be constructed far enough away from the building.

Board Member Rogan stated it looks like it is over twenty foot away. They are showing ten foot of grass, five-foot sidewalks and at least five foot of road before the tent. They are proposing it twenty feet away from the building.

Board Member Pierro stated at least half of forty of the phase of that office area right there.

Vice Chairman Montesano stated this distance is deceiving I believe.

Board Member Rogan stated here look this says ten foot, this is five foot and then whatever this is from the curbing to these are parking spaces.

Vice Chairman Montesano stated what I am looking at is this, this says two air conditioner condensers, what I am looking at is what is this.

Board Member Rogan asked the twelve foot is for what for fire fighting.

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

Rich Williams stated separation between two structures.

Board Member Rogan stated separation between two structures not necessarily separation to provide a fire truck to drive around the building because obviously you can't drive a fire truck around all buildings. It is the separation of buildings we require in our temporary residence code and even in these mobile homes that you don't have them so close together that you don't have sheds right tight up against them because of the flammables. I think that they can propose it and meet the intent of what Paul is saying here it seems like. Do you not agree with that.

Rich Williams replied no I do not disagree with that at all. I am just again, I go back to Paul coming back into to me and actually going to Mr. Dilmaghani saying he will not get a building permit to put this up.

Board Member Rogan stated okay so then the intent really is other than us considering these four items even though it says one, two, three and three that he is saying that a temporary tent requires a building permit that is the essence of this argument.

Rich Williams stated and based on those requirements this tent will not meet those requirements and Paul will not issue a building permit for it.

Vice Chairman Montesano asked a temporary tent needs a building permit is that on commercial property alone or is that his interpretation of what we have in the Code.

Rich Williams replied I am not even going to comment on any of this because I am sitting here looking at the requirements that Paul laid out and I am looking at what he is showing and,

Vice Chairman Montesano stated I will tell you what I think if we feel that we should approve it, we should approve it then let Paul.

Board Member Rogan stated here is the clarification though, we need to ask Paul is he saying by this memo that you need a permit if it is going to be used more than 180 days and as being part of the site plan if we approve it for a certain time of year that is less than 180 days, but if they are saying they want this tent indefinitely and it is more than 180 days then I would agree with Paul that they need a building permit so maybe that is the whole discussion with Paul.

Vice Chairman Montesano stated we will have to wait for them to come in.

The Secretary stated he said he would be here next week.

8) MALIZIA PROPERTY FILL PERMIT/WETLANDS PERMIT

Rich Williams stated Malizia if you may recall this was a issue over in Putnam Lake where a gentleman had a retaining wall that is starting to fail.

Board Member DiSalvo asked did it fail yet, did it fall.

Rich Williams replied not yet.

Board Member DiSalvo asked with all this rain.

Rich Williams stated we took a look at it there were some wetland issues, there were some structural engineering issues, he did go out and get an engineer who submitted a report but I talked to Mr. Malizia about this. Basically, what the report says is this is the additional information you need.

Rich Williams stated there is a question about whose flagging the wetlands and whose putting them on the plans.

Ted Kozlowski stated the problem is this guy has a serious problem that needs to be rectified and it is really not a wetland issue it is a safety issue as far as I am concerned. As long as the engineering is okay on it and he takes the proper erosion controls. He should do it sooner than later.

Rich Williams stated but again we don't have any engineering on it.

Ted Kozlowski stated see the problem is, it is a steep grade and he has a tremendous amount of material that he has to bring in and hold back.

Board Member Rogan stated but let's face it if the guy drew something and the engineer said yes that is correct and he put his stamp on it and the information was correct it would be fine but we don't have that is what you are saying.

Board Member DiSalvo asked we never went out there right.

Rich Williams replied no I don't think you have.

Board Member Rogan stated we talked about going out on this we didn't see this.

Board Member DiSalvo stated because then we didn't hear from them for a while.

Rich Williams stated it might be helpful if we actually knew what he was going to do before you went out.

Board Member DiSalvo stated or we can give him some suggestions too.

Vice Chairman Montesano stated we already have given him suggestions.

Rich Williams stated you have to go to the site. It is an incredibly steep site and there is nothing that any of us can suggest to him. He has got to have an engineer design the retaining wall to go in this, I mean the slope out there is like one on one.

Board Member DiSalvo asked how is the house still standing.

Rich Williams replied well there is enough distance so that the house is I don't believe in jeopardy but they filled in for the very narrow rear yard. The rear yard is probably twelve feet and they filled in for a parking area and they did so not properly.

Board Member Rogan stated I see what you mean about his report; stormwater management procedures local or city regulations may be applicable. Most Towns require more stringent construction methods. So, give us something. This is really unfortunate.

Board Member Rogan stated here he says that the property should have topo done by a surveyor.

Board Member Rogan asked does he need a building permit for this retaining wall.

Board Member Pierro stated I am sure he does.

Board Member Rogan stated he came to us honestly he is only with us because of the wetlands permit.

Rich Williams stated it is more than four feet so it definitely needs engineering.

Board Member Rogan stated right. There isn't a single person in this room who doesn't feel bad for the guy and want the guy to be able to fix his wall but we want him to do it in a safe manner. It would be like saying I am going to go do an addition on my house but I don't really have a clue how I am going to do it. I am going to use some of that lumber over there and I think it will come out all right.

9) MEZGER WETLAND/WATERCOURSE PERMIT

Rich Williams stated this is a long driveway through a wetlands down at the south end of Town off of Old Road off of Old Route 22 off of Route 22. The Engineer, Barry Naderman has resubmitted drawings. Last week Gene, Ted and I met with Barry Naderman went through my comments, my old comments, my new comments, went through Gene's comments. I think we are in pretty good shape at this point.

Gene Richards stated I still haven't reviewed it yet.

Board Member Rogan asked this is also a wetlands permit right.

Board Member Pierro asked did the recent changes to DP-22 impact this parcel as well. I know the Burdick parcel has been.

Rich Williams replied we have been down that road yes and no.

Board Member Pierro asked are we going to find out at a later date that this is,

Rich Williams stated I think we are all in agreement that we are just going to let DEC work it out on their own.

Ted Kozlowski stated to answer your question honestly the new DEC amendments include a portion of this property.

Board Member Pierro asked which portion Ted, the back part.

Ted Kozlowski replied the stream is part of State Wetland. Their Inspector was out there and gave them the clear go ahead.

Rich Williams stated he gave them a letter that says they do not need any permits.

Ted Kozlowski stated if you look at the revised maps on line, Board Member Pierro stated it includes it. I don't know what DEC was thinking or not thinking.

Unable to hear Mr. Bruen's comment, no microphone.

Board Member Rogan asked we are in on this for a wetlands permit, it is not site plan it is just because of the wetlands.

Rich Williams stated yes I am assuming that I am going to have a resolution ready.

10) INTEGRITY HEATING AND AIR SITE PLAN – Request for a waiver

Rich Williams stated Integrity Heating and Air is looking for a site plan waiver for and I have not been out to the site for a container.

Vice Chairman Montesano stated why is he coming to us tell him to go to the Building Inspector.

Rich Williams replied because it is a commercial site, site plan.

Board Member Rogan stated site plan approval.

Board Member Rogan stated I agree I don't like the, what Mike said I don't like the direction that puts the Town in. Right now they are allowed if they part of the site plan.

Rich Williams stated yes if the Board approves a site plan showing the containers then they are allowed. Clearly they are prohibited in residential districts.

Board Member Rogan asked they don't have containers at Eastern Jungle Gym right.

Rich Williams replied no where.

Board Member Rogan stated because that will be next.

Rich Williams stated Scott Spano, Centerline Properties they came in to request permission you had denied that. Their old site down on 22, the fence company he had two that were already there you made him take one out. That is basically the history.

Board Member Rogan stated don't we have one off of 22 that we want to have it removed that someone in this room might be able to shed some light on.

Board Member Rogan asked Mike, what is going on with the one at Costa's

Mr. Bruen replied I am sorry which.

Board Member Pierro stated the trailer in the back of Costa's.

Mr. Bruen stated the bottom line is when I sold that to Costa I had agreed at a later date to remove it and it was kind of a mutual agreement. My position has always been on it, it is pre-existing. It has been there since the fifties and,

Board Member Rogan asked you don't have any of your stuff in it.

Mr. Bruen replied I do have and that is why Costa allowed me to keep it there. The place that it was getting moved to I lost that site so Costa said all right just take a little more time. He brought it to my attention that he was getting a lot of heat to get it out there.

Board Member Rogan stated he is. We are giving him a lot of heat on it.

Mr. Bruen stated and I just recently had a problem with my family and I have not had a chance to do anything with anything in the last three weeks.

Board Member Pierro asked how is your son doing.

Mr. Bruen replied much, much better thank you very much. He was in a motorcycle wreck. He has been in Westchester Medical Center for the last two and a half weeks but the prognosis is really good. He is going to get all his functions back. It is going to be a long hard process.

Board Member Pierro stated we do appreciate your circumstances Mike but we have to find the solution to this.

Mr. Bruen stated the solution is I will put it on the front burner and I will get the thing out of there. It is not Costa's thing. I am taking the full wrap for it. (Unable to hear the rest of his statement).

Board Member Rogan stated just to let you know we conditioned an approval for him on getting rid of that in a timely matter. I think it was the site plan waiver for the hot dog and we conditioned it on getting rid of that trailer.

Mr. Bruen stated I was not aware of that but I came up when he brought it to my attention to the Building Department and they said they had no paperwork on it. There was no violations drawn on it and I assured them I was going to take action on it.

Board Member Pierro stated what normally happens Mike is someone in Town is going to get a violation notice for having a steel container and they are going to use that as a defense in court and they are going to make us all look like jerks.

Mr. Bruen stated obviously they could to some point but since it has been there since the fifties and there was no codes against at that point in time probably it would be a hard argument to win but we are not trying to do that.

Board Member Rogan stated and that wasn't the basis of our decision.

Mr. Bruen stated he said he already agreed to have it removed so it is a moot point. If you are getting heat over it I apologize. Today is the first business I have conducted in two and a half weeks and it was only because Ed Mezger couldn't make it up nor could Naderman and Ed asked me late this afternoon he called me at the hospital and asked if I was going up here could I sit in for the meeting for him. I will do that sooner than later. I apologize for the delay and I did to Costa.

Board Member Rogan stated back to Integrity.

Vice Chairman Montesano stated my feelings on containers like this is going to be very limited. I don't want to open up Pandora's Box by allowing them.

Rich Williams stated there is another issue on this one just to make you aware of it is that he has some flammable liquids that were on the site that the Fire Inspector said you have to move them out of the building.

Board Member Rogan stated into a storage container.

Rich Williams stated into some sort of appropriate storage area.

Board Member Rogan stated but one of these is an awful lot of space.

Rich Williams stated well I have not been to the site. I don't know if it is one that is this big. I don't know what it looks like yet.

Board Member Rogan stated if it was an eight by twelve or eight by sixteen.

Rich Williams stated I was going to go out and get pictures but it has got to stop raining some day.

Board Member DiSalvo asked do they still make metal sheds that they can use for this.

Vice Chairman Montesano stated well this is a metal shed.

Board Member DiSalvo asked does it have to be a certain amount of feet away from the buildings.

Rich Williams replied by our Zoning Code it is fifteen feet.

Vice Chairman Montesano asked what did Mr. Raines did he go out and look at this and this is where it will have to be and is he going to come in tomorrow and say after you approve it you we have to put it forty feet back.

Rich Williams replied Mr. Raines was the one that went out there and said you need some sort of container. Mr. Piazza was the one that went out and violated him.

Board Member Pierro asked what did they violate him for.

Rich Williams replied for the container.

Board Member DiSalvo asked the container is there.

Board Member Rogan stated well Mr. Raines didn't say go and put the container without approvals nor did he say you need a container but you have to get site plan approval.

Rich Williams stated I don't know what was said and who said what.

Board Member DiSalvo asked how big is this container. Has anybody seen the container.

Rich Williams replied I have not been out there.

Vice Chairman Montesano stated we have to get that done and then we will go from there.

11) BREWSTER PLASTICS SITE PLAN WAIVER

Vice Chairman Montesano stated Brewster Plastics wants a waiver.

The Secretary stated for the same thing.

Rich Williams stated Brewster Plastics would like to put a few storage containers on their site.

Vice Chairman Montesano stated no next.

Board Member DiSalvo asked are these there already.

Rich Williams replied yes those are pictures. They are there already. Those are pictures that I took out in the field.

Vice Chairman Montesano asked and Paul has not been out there yet.

Rich Williams replied no Paul violated them also.

Board Member Pierro asked what pictures did you take.

Rich Williams replied that is what is out there.

Rich Williams stated they also have the ability that if you don't like them in that location to move them around to the side of the building and off of the parking area.

Vice Chairman Montesano stated move them into Southeast.

Board Member Rogan stated what is the color of this one. It blends into the building a little bit.

Board Member Pierro stated look I just don't like it. I think it is an excuse not to do construction and it is not a taxable issue and it is not a taxable building.

Board Member Rogan stated Rich it says in their letter that they are temporary non-permanent storage. Does that mean, when someone says temporary that means they are going to move them in six months. That is a question we can ask.

Rich Williams stated this building was a two phase building they never built a second phase so there may be some ability there to come in and build that second phase but they are going to have to address stormwater and a lot of other new regulatory issues.

Board Member Pierro stated that is why they are doing this because it saves them a lot of headache.

Board Member Rogan stated I recommend to the rest of the Board that when we speak about Dilmaghani that we first make an announcement to the other, ten and eleven to pay close attention because it is the same issue so we don't have to repeat ourselves all through to at least listen.

Board Member Pierro stated one popped up I don't know if it is on the site plan but last year one popped up at Larry Herman's building. It was in the rear of his building then when he did the changes there it sort of moved around a little bit. I don't think there was a site plan approval on that as well but he is out of there now. He owns the property still but he is out of the business I am told. He retired or his kids are running it.

Rich Williams stated I think his kids took it over.

Board Member Pierro stated well somebody is going to point the finger at that one too when we start correcting all the other ones.

Board Member DiSalvo stated doesn't Tarky have one too.

Vice Chairman Montesano stated if it is behind the building it is not in a public view area. If they are public view they have to get rid of it.

12) WATCHTOWER SITE PLAN WAIVER

Rich Williams stated Watchtower is looking to put up a steel building.

Board Member DiSalvo stated a stackable steel building.

Rich Williams stated this is not a container now this is an actual steel building to enclose,

Vice Chairman Montesano stated it is not a building, it is a structure. It has only got three sides and a roof.

Board Member Rogan stated come on we have to get through this agenda.

Board Member DiSalvo asked what do they want to enclose.

Vice Chairman Montesano replied oil tanks.

Rich Williams stated yes they want to enclose their fuel tanks.

Board Member Rogan asked secondary containment.

Rich Williams replied yes. They want to do a building for secondary containment yes.

Board Member DiSalvo asked what do they have like diesel tanks there.

Rich Williams replied yes to fill up the tractors and stuff.

Board Member DiSalvo stated see now if they were in the Ag District they would not need site plan for that.

Rich Williams stated that would be correct.

Board Member DiSalvo stated but they are not in the AG District.

Board Member Pierro asked has Paul and Dave inspected these already.

Vice Chairman Montesano stated they are existing tanks.

Board Member Pierro stated I answered my question they are in a containment basin.

Board Member Rogan stated they are only thousand gallons they look bigger than that.

Rich Williams stated yes and if you look at the building, Board Member Rogan stated those tanks look huge on this picture.

Board Member Pierro stated no they are not that big. I bet you they are five foot.

Board Member Rogan stated a thousand gallon tank is four foot in diameter. That is why I am saying they look bigger than four foot. They are four by ten.

Rich Williams stated I thought there was a picture in there some place of the building.

Board Member DiSalvo asked like a Morton Building.

Rich Williams stated I remember seeing a picture of the building some place.

Vice Chairman Montesano stated they are actually going to buy one. I thought for sure they would make their own.

Board Member Pierro stated I thought steel buildings were not permitted.

Rich Williams replied they are not. They are part of the site plan requirements. You do have some what of an ability to waive it based on the intended use and the agricultural use if you think it is appropriate. There is a requirement in our Code that says you can't have a metal sided building.

Board Member Rogan stated look what we did with the generator building across from Thunder Ridge. You know that building we put in in the entrance to Clancy's. That is a metal building that they sided.

Vice Chairman Montesano the telecommunications.

Board Member Rogan asked wasn't that a hardy plank or something.

Rich Williams replied yes it was the hardy plank.

Board Member Rogan stated why don't we recommend something like that. They could put the steel building but then they have to do something to make it more resemble the buildings that are Watchtower.

Rich Williams stated face it off.

Board Member Rogan stated I would be fine with that.

Board Member DiSalvo stated most of the buildings at Watchtower are metal.

Vice Chairman Montesano stated in that area I believe.

Board Member Rogan stated I thought they were stucco.

Rich Williams stated the ones up across the street.

Board Member Rogan stated oh, this is down on the pond side.

Vice Chairman Montesano stated yes this is down on the lower side.

Board Member DiSalvo stated it is where their farm complex is.

Board Member Rogan asked is there anything in there, if we can see it from the road maybe we could just drive by it but otherwise taking a look at what those buildings look like.

Board Member Pierro stated they are pretty standard.

Board Member Rogan stated I think do a steel or hardy plank it or something, side it somehow instead of just a metal building. The reason I am saying it is if there are eight buildings around it and they are all steel I would feel like an idiot.

Board Member Pierro stated let's go take a look at it.

Vice Chairman Montesano asked you want to take a look at it.

Board Member Pierro replied yes.

Board Member DiSalvo asked are they going to let us in there.

Board Member Rogan replied of course they will.

Vice Chairman Montesano asked Rich could you tell them that we would like to get a site walk in.

Board Member Rogan stated but we are not going to get it done before the meeting.

Vice Chairman Montesano replied no we are not going to tell them that but the idea is they want permission they have to get an okay.

Rich Williams stated if you are not going to do it before the meeting then you should talk to them and get it at the meeting.

Board Member Rogan stated you know what in lieu of a site walk if you want to call them and tell them to bring good photos of the buildings that surround it. Rich that is totally up to you. If you are flat out there is no reason for you to have to we can tell them that at the meeting and then they can come back a month later with that information and some information on some siding that would match then I would not feel the need to go and see it.

Board Member DiSalvo stated I think the buildings are like a white and gray.

Board Member Rogan stated if they want to do a building with a white then fine. Anyway I don't think we have to go out there if we can see what the other buildings around it look like.

13) PALMERI WETLAND WATERCOURSE PERMIT

Ted Kozlowski asked Rich on the Palmeri Wetlands Application, New York City and the County Health Department would allow an expansion area on that slope that close to the stream.

Board Member Rogan asked what is the slope.

Rich Williams stated apparently. The slope cannot be any more than fifteen percent.

Board Member Rogan stated that depends though.

Ted Kozlowski stated I understand but I have been on that slope and I think it is much bigger than fifteen percent.

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

Ted Kozlowski stated I have been out to the site,

Board Member Rogan asked Danand this is in Put Lake. It is an old subdivision. Back then it wasn't fifteen percent.

Ted Kozlowski stated the flagging was correct when I went out there.

Rich Williams stated yes but they are expanding it.

Board Member Pierro asked expanding the septic system why.

Board Member DiSalvo stated because they added a bedroom.

Ted Kozlowski stated they added a bedroom over the garage.

Board Member Pierro asked and they were trying to sell the house and they got caught.

Ted Kozlowski stated they got caught.

Board Member Pierro asked what have we done in the recent past on this when we have had problems with people came in and said the Town changed the zoning on my house it is now a bedroom. Is this not the house that we went to get a permit to put the pool in the backyard.

Ted Kozlowski replied no. That is over here referring to the plan across Haviland Drive. This isn't as bad.

Board Member Rogan stated it gets steep down below.

Ted Kozlowski stated it gets very steep down below and actually I thought they were going to be more into that steep slope. Where the expansion area is is all lawn.

Board Member Rogan stated and the reality is they may not need to use it. It is there it is already designated expansion.

Board Member Pierro asked and then what do they use for expansion area if they need to replace the septic.

Board Member Rogan stated they have got it.

Ted Kozlowski stated that is it. That is what they are asking.

Board Member Rogan stated so when they went to the Health Department the Health Department probably said okay based on the soil data, which we already have you, need to add a hundred and twenty-five feet of fields including expansion.

Rich Williams stated they did show that on the plan. They re-tested.

Board Member Rogan stated they made them re-test it good. I am surprised.

Board Member Pierro asked so this shed has got to be moved.

Rich Williams replied well that is another question.

Ted Kozlowski asked is the shed is legal.

Rich Williams replied I don't know well if the shed is in the wetland buffer.

Ted Kozlowski stated yes but that is an above ground shed.

Board Member Pierro stated it is still going to be moved.

Rich Williams stated they are all above ground. I have never seen an underground shed.

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

Vice Chairman Montesano stated so now that this meeting has gone to hell with itself what are we doing.

Board Member DiSalvo asked so what are we doing with Palmeri.

Rich Williams replied if it is a wetlands application then the question is, is it complete, has Ted determined that it is complete.

Ted Kozlowski stated yes.

Rich Williams stated are we setting a public hearing.

Board Member Rogan stated next meeting we set a public hearing for the following meeting.

14) ALPINE RESTAURANT SITE PLAN

Vice Chairman Montesano stated Alpine what about it, continued review okay next.

Rich Williams stated I was a little disappointed with Alpine all they had to do was take the approved site plan, copy over, sign it, seal it and they are good to go.

Board Member Rogan asked what did they do make changes.

Rich Williams stated well they got another engineer to draw new plans.

Vice Chairman Montesano asked so we are starting at square one again.

Rich Williams stated comparing the old plan that was approved to the new plan there are a number of issues. The most significant is the one that they put parking spaces, they got rid of a five foot separation aisle between the parking spaces so with the wheel stops now cars can park into each other.

Board Member DiSalvo asked where is that in the front of the building.

Board Member Rogan stated oh yes right here to the right of the frame building, the front.

Rich Williams stated the other I think big concern, I mean there are a lot of issues I did in the memo the other one I don't know if Gene wants to weigh in on this if he looked at it.

Gene Richards stated I haven't looked at it.

Rich Williams stated is that the southerly entrance for the little building, the aisle is only fourteen feet wide where the cars are going to back out and they are going to be backing out right into the cars turning in off of 22 into the entrance. That was what I was concerned about before when they started talking about changing the entrance that Folchetti had designed around and that is exactly how it came out.

Gene Richards stated it is a hazard. People turning in and they are backing out.

Board Member Rogan stated yes if they look and it looks clear but people are cruising at fifty miles an hour.

Rich Williams stated it is one thing if you have got twenty-four feet you have got a little more distance you are down to fourteen feet you are backing right into them.

Board Member Rogan stated no it is not acceptable.

Board Member Rogan asked so what about changing the curbing and cutting it back, and cutting off where the hazard is so that it is either to the left of the median there or up closer to Alpine where they are actually pulling into Alpine and then making the left.

Rich Williams asked cutting the curbing off where.

Board Member Rogan pointed it out on the plan for Rich.

Board Member Rogan stated it is not as ideal as that but boy like you said that is a hazard. The other thing is to do away with those spots just do away with them.

Rich Williams stated but then you are again reducing the number of parking spaces on the site.

Board Member Rogan stated it is awkward parking there. It is five spots, ten seats. Then do we give them the option.

Rich Williams stated they are putting in wheel stops so the wheel stops are going to define the parking spaces. There is another spot that you have got the same issue up on the east side of the building.

Board Member Rogan stated I am sorry you were saying the east side of the building which is one of these spots here, what this end one right here.

Rich Williams pointed it out on the plan and stated this guy is going to pull in and pull in right in with the wheel stop and go right into the side of that car.

Gene Richards stated you know how you have situations down at Putnam Diner on that Haviland Hollow side.

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

Board Member Rogan stated I will say that I don't think that I have ever seen anyone come into the Board and be more cocky or whatever the word is than what is the guy's name.

The Secretary asked Bill Baker.

Board Member Rogan stated is that his name no.

The Secretary asked the Attorney.

Board Member Rogan replied yes.

Rich Williams replied Bob Groezinger.

Board Member Rogan stated he is really rough I mean here has got cooperation of the Board and he is rough. I could not believe it.

Board Member Pierro asked how many parking spaces were on the other site plan.

Rich Williams replied there was one less than what they are showing on this. I think it was fifty-two or fifty three on the old one and there is fifty-three or fifty-four on this one.

The Secretary stated and it worked because it got approved.

Rich Williams stated that is why I am upset more than anything all they had to was take the plan and copy it.

Vice Chairman Montesano stated you have to understand something I think there is a problem communicating.

Board Member Pierro stated Rich can you I know these guys spent some money on this but can you communicate that to them or have you.

Rich Williams stated I did a memo there is about fifteen or sixteen items of difference is between the two plans.

15) EASTERN JUNGLE GYM SITE PLAN

Vice Chairman Montesano asked he wants a final approval.

Rich Williams replied yes he does.

Rich Williams stated I have got to get a hold of the engineers. Every time I think about it it is either Friday afternoon or after five.

Vice Chairman Montesano stated we will worry about it next week.

Rich Williams stated we need the bond, there is an issue with the plantings along the stream. Ted has to look at it.

Ted Kozlowski stated but I talked to him.

Rich Williams asked when.

Ted Kozlowski replied last week or the week before.

Rich Williams stated all right well the plans were submitted after that, before that I mean.

Ted Kozlowski stated and I gave him the information and I am surprised he didn't put it on the plan.

Rich Williams stated okay well maybe you gave it to him after we got the plans. There is an issue in there about, Paul has given you a memo and essentially what he is saying is the garbage containers you have to have a sealed garbage container on the site and roll-off's have to be covered.

Board Member DiSalvo asked how do you the stuff in it then.

Rich Williams replied you take the cover off and when you finish putting it in you put the cover back on.

Board Member Rogan asked can it be a cloth cover.

Rich Williams replied yes.

Board Member Rogan stated so you put it on and then you roll it back. You know what it is coming from them not us.

Rich Williams stated other than that they are all done. Nobody else is shocked but me.

Board Member Rogan stated no because you get worn out and you are just like thank God.

16) NRA REALTY SUBDIVISION

Rich Williams stated this is the one off of Birch Hill Road. They came in with a new concept based on the Board's recommendation from the site walk. They want to show you the concept before they go ahead.

Board Member DiSalvo asked what is the reduction on this.

Rich Williams replied it is an interesting design. I have not really had a chance to take it apart.

Board Member DiSalvo asked is there a reduction.

Board Member Rogan stated it is basically a single entrance road from Birch Hill.

Board Member DiSalvo asked the same way we went up.

Rich Williams replied no the other side.

Board Member Rogan stated Lots 1, 2, 3, 4, 5, 12, 13 and 14 are as we had kind of requested. It is the back lollipop that we are not so sure about.

Rich Williams stated the back lollipop is gone.

Board Member Rogan replied no, no what I mean is this big, when we walked it the Board did feel that this area should be utilized which they have put seven lots in and the existing lot of course, the existing cabin so eight of the lots are in compliance with what were thinking. Forget about this one we are not having a lot completely surrounded by a road like that. That is absolutely ridiculous.

Rich Williams stated you know it is weird but I looked at the acreage and then I said wow that is a lot of acreage.

Board Member DiSalvo asked what is the acreage.

Rich Williams replied a little over an acre.

Board Member Rogan stated that is ridiculous though. What becomes the front yard, what becomes the backyard. I guess it is not a whole lot different than a house that is bound by a square block, just round but.

Board Member Rogan stated oh, my God these two driveways you talk about a lot of impact just to run two driveways like that. See that is where to me I understand common driveways are a problem but that is like a clear if you were going to approve those lots that is where to me it would make sense to have a common drive and split off somewhere up in here.

Rich Williams stated it comes down to future problems you are going to have with property owners. You have to balance it against the impact to the environment.

Vice Chairman Montesano stated could you imagine with that thing there I am not paying for that guy I didn't like the way he plowed it. He cut the grass wrong and then the wars start. I have seen it.

Board Member Rogan stated the reality is there is only twenty foot between the driveways ten foot probably from the edge to the property line. So you have a twenty foot strip of no man's land, not no man's

land but ownership. Can you reduce that though and if you are going to have driveways side by side can you reduce your standards of your driveway to your property.

Rich Williams stated it is a Code requirement that can be waived by the Planning Board.

Board Member Rogan stated so in other words, if you are putting two driveways together side by side that is the time where they meet on the plan to consider reduced specs so that they are closer with still having some separation between for plantings or something.

Gene Richards stated the problem that you are going to have with that layout though they are not showing grading. Those grades in the middle, you have to re-grade it so each lot is not going to have stand alone grading. You are going to have to grade across them.

Board Member Rogan stated sure which is what they were talking about with Burdick Farms with some of the septic areas. It would be silly to grade them down.

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

Vice Chairman Montesano stated the only thing that gets me skeptical if you get two different guys plowing those driveways and one guy gets cute and plows it over to the other side and then the other guy comes down, I am telling you.

Rich Williams stated you know what if they are side by side that is really not the issue. The issue is when one goes to re-pave that is a problem so you always want to keep like three or four feet separation between the driveways.

Board Member Rogan stated I was going to say a minimum of four feet plus a place to kind of pile some snow when they are plowing otherwise you have to push all one way.

Rich Williams stated trust me they just push it down into the adjoining neighbor's property. I know.

Board Member DiSalvo asked so the bridge they would want to put there what they wanted to do with Burdick Farm with that second entrance.

Rich Williams replied yes or Mezger's.

Board Member Rogan stated the other thing is with lots 7, and 8 I understand that they have found some areas for septic but maybe they can reconfigure that so that the lot runs away from the road with the house and septic with the lot going back so that this is a lot and this is a lot rather than like this.

Vice Chairman Montesano stated flag lots are not the best thing in the world.

Board Member Rogan stated which is exactly what this is.

Board Member DiSalvo stated get rid of Lot 6 and make those lots bigger and square them off.

Board Member Rogan stated you know if you could bring these lots in like this, one, two and three and then deal with this calamity and get rid of this. I mean I can't even other than the fact that it looks ridiculous.

Vice Chairman Montesano stated they are trying to maximize their housing.

Board Member Pierro stated of course they are.

Vice Chairman Montesano stated and when you do that you start to create something.

Board Member Pierro stated in the building stages I see it being ugly but once you get the trees placed in there and a buffer around the back of it.

Board Member Rogan stated what I want to do is overlay this or at least put it up side by side with some of the other drawings we looked at just so we remember where we started.

(TAPE ENDED)

Board Member Rogan asked the length is within the fifteen hundred. It is not.

Rich Williams replied it is a little bit over.

Vice Chairman Montesano asked how little bit.

Rich Williams replied I don't recall right now.

Board Member Rogan asked that fifteen hundred feet means to the furthest point right.

Rich Williams replied that is correct. It was fifteen or fourteen hundred feet to the loop so when you add in half the loop.

Board Member Rogan asked and if we lost the loop to some degree or shortened it back to here we could still, we lose that lot we could still make these lots off here. We could still have Lot 5, 7, 8 and 9 could still be accessed. It might a hair along the driveways but really it would probably be cleaner.

Vice Chairman Montesano stated figure it this way if you make this in here somewhere that opens this up so you can come this way more like you suggested.

The Board reviewed the plans and discussed amongst themselves for a few minutes.

17) CHESTNUT RIDGE DEVELOPERS

Rich Williams stated Chestnut Ridge.

Board Member Pierro stated the project that never goes away.

Rich Williams replied well it is going to go away now. Just so you know Harry Nichols, I am still waiting it is almost a year now on Stanton over in Putnam Lake and I still don't have anything from Harry and I told him nothing goes on the agenda anymore until I get that plan.

Board Member Pierro asked what plan are you waiting for Rich.

Rich Williams replied Bob Stanton's erosion control plan for the fill that he brought into the site.

Board Member Pierro asked it has never been done.

Board Member Rogan stated pull it off the agenda.

Rich Williams stated it is being pulled. I have dug my heels in. Harry gets nothing until that plan gets in here and is complete.

Vice Chairman Montesano stated it sounds like a plan.

Board Member Pierro stated my recollection there was wetlands in the front of Chestnut Ridge.

Rich Williams stated there are wetlands through the whole site.

Board Member Rogan asked this is the property, Board Member DiSalvo stated it is the one on Mooney Hill.

The Secretary stated we are pulling it off so.

Board Member Rogan stated yes so don't even worry about it now.

Board Member Pierro asked why are we pulling it.

Board Member Rogan stated because of what Rich just said.

Board Member DiSalvo stated because of what he just said about Harry.

Board Member Pierro asked you can penalize Harry on this project because he hasn't performed on another project.

Rich Williams stated I was going to penalize him on every damn project. Listen, enough already I mean,

Board Member Pierro stated okay fine, fine.

Rich Williams stated the guy has got to start submitting things timely and they have got to be complete.

Board Member Pierro stated fine.

Board Member Rogan stated your question is valid though is it legal to do or is it ethical to do and we don't know the answer to that.

Rich Williams stated so I get my a- - in trouble at this point I am so upset over this thing with Stanton, Board Member Rogan stated call him and tell him. Rich stated listen I have got a ton of fill out there that is totally unstable hanging over a sensitive water body and all I need is an erosion control plan that they can implement and he won't give it to me.

18) OTHER BUSINESS

a. New Life Christian Church

Vice Chairman Montesano asked New Life Christian Church what are we doing.

Rich Williams replied there are two here back to back one is New Life Christian Church and the other is the Rizzo Wetlands Watercourse Permit. They were applications that were submitted that we have not seen anything in a very long time. I just wanted to throw them on just so they don't get forgotten, see if the Board wants to do anything with them.

Ted Kozlowski stated I think once the Town Board gave them the exemption status they just kind of,

Vice Chairman Montesano stated they laughed in our face.

Board Member DiSalvo stated I passed there last night and there is no fence up. The grass is tall, the parking lot still looks like it didn't move. Nothing looks like it has been cleaned up.

Rich Williams stated there was no action ever taken either to approve or deny or do anything about it.

Board Member DiSalvo asked and they are not doing any day care center there right.

Rich Williams replied I don't know what they are doing there.

Vice Chairman Montesano asked do you want to pursue it, it would be nice the question is are you going to proceed with this matter or are you just going to leave the place a pig sty like it is.

Rich Williams stated well that is the question, do you want to give them more time to see what they develop or do you want me to send them a letter saying we have an application there has been no action on it we are going to schedule it for the August meeting for,

Ted Kozlowski stated come in and update us.

Rich Williams stated well for a final determination unless there is some information.

Board Member Rogan stated that is appropriate yes.

Vice Chairman Montesano stated this way we tell them no and that is the end of it.

b. Rizzo Wetlands Watercourse Permit

Vice Chairman Montesano stated the same thing with Mr. Rizzo.

Rich Williams asked have you seen anything with Rizzo. Do you know which one we are talking about. I know you have.

Ted Kozlowski stated Rizzo, Jim Benson called me up and said Ted, can you the flagging is a little off, it is not working out. I went out to the site his flagging is all off so I corrected it and after correcting it we realize that that lot has about five of these chairs setup of upland. That is about it on the entire lot.

Board Member Rogan asked is Rizzo Michael's Way.

Ted Kozlowski replied yes.

Board Member Rogan stated with all the watercourses and stuff. There is no room.

Ted Kozlowski stated the septic is in the wetland, the house is in wetland, the driveway is in the wetland. You can put a swing set here.

Board Member Pierro stated we deny it that is simple.

Ted Kozlowski stated and what I have suggested to him is to go back to the Applicant, there is actually two building lots there, the one to the left is mostly upland, there is a little wetland in the back and I think they can work it out that they can get one house in there.

Board Member Rogan stated they will be lucky to get one in there.

Ted Kozlowski stated and they should just combine the two lots into one because I can't see how they will ever, this is the worst lot I have ever seen. This takes the cake.

Rich Williams stated I can't see that Doug Wallace isn't the worse lot, either one.

Ted Kozlowski stated this is terrible. I can't see getting any kind of approvals.

Rich Williams asked let me ask the question to the Board do you want to give him a little bit more time because apparently there is some action. Do you want to send him a letter requesting them to come back in so a final determination can be made.

Board Member Rogan asked when did you have this conversation with them.

Ted Kozlowski replied I went out there a couple of weeks ago actually, put the flagging up and Jim agreed to whatever flagging I put up. I don't think Rizzo is going to be happy with it so I would imagine his next move is he is going to get somebody else in there to flag it favorably for him.

Vice Chairman Montesano stated he may get it favorably but it is going to be argumentative.

Ted Kozlowski stated he has gone through several consultants already and they are all telling him the same thing and you guys have been out there.

Board Member Rogan stated yes I think the same thing when you have time that is not a priority right now with everything else going on that is definitely low on the list but to send them a letter and put him on August, put him on notice that we are going to discuss it.

c. Guiding Eyes Site Plan

Vice Chairman Montesano asked Guiding Eyes wants to do what.

Rich Williams stated Guiding Eyes for the Blind there were a couple of field changes that were made and the Town Engineer's office has sent a letter in requesting the Board consider those changes and approve them as an amendment to the site plan.

Vice Chairman Montesano stated they appeared to be beneficial in the long run. I don't know if you guys got a chance to read that.

Board Member Rogan stated we can do it right now.

Vice Chairman Montesano stated that is okay with me. Do a motion just to authorize the field changes.

Board Member Rogan made a motion in the matter of Guiding Eyes for the Blind that the Planning Board approves the minor field changes to the approved Site Plan as stated in the Town Engineer's Memo dated June 7, 2006. Board Member Pierro seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 4 to 0.

d. La Luna Zoning Change Request

Rich Williams stated La Luna is a site down near Empire Tool along Route 22. He runs a repo yard. He has the big high fence.

Board Member DiSalvo asked is that the one for sale.

Rich Williams replied yes. He is looking for other uses potentially he can get on the site and he saw an article that was in the paper in Brewster about a very nice trailer park. He wanted to know if he could do it and we do allow trailer parks within our Code and some of them are very nice but there is a minimum lot requirement and they don't meet the minimum lot requirement. So, they put in for a request for a change of zoning and the Town Board has requested that the Planning Board review

the site, review the issues and give an opinion back as to whether they think it is appropriate or whatever you may find.

Board Member Pierro asked most of that acreage on that parcel is upland, higher above the level of the house correct.

Rich Williams replied yes.

Vice Chairman Montesano stated we will do a site walk.

Board Member Rogan stated definitely a site walk.

Board Member Rogan stated the one over by Budakowski's from personal experiences is one of the best run facilities in the County.

Board Member DiSalvo stated they have the land to do it.

Board Member Rogan stated it is not so much a product of the land as it is a product of the owner. When you have good management I mean there are other places in the County that are less desirable, in Patterson even.

Rich Williams stated but they have been bought by a new corporation.

Board Member Rogan stated yes it just changed ownership.

e. Burdick Lot Line Adjustment – Extension Request

Board Member Rogan stated I am going to recuse myself from this matter.

Board Member Pierro made a motion that the Planning Board extend the Burdick Family Lot Line for 62 days. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 3 to 0.

f. Patterson Garden Center

Board Member Rogan resumed his seat on the Board.

Rich Williams stated again, this is a carry over I put Patterson Garden Center on their site plan approval again is expiring we are going time by time. We left this off with they were going to do an as-built out there. I have not seen it, Theresa has been on vacation so I have not had an opportunity to ask her what the status is.

Board Member Rogan stated let's find out at the meeting.

Rich Williams stated I don't know that anybody is going to show up at the meeting. Hopefully I am going to have an answer for you before that.

g. Deerwood Bond Reduction

Rich Williams stated Deerwood wants a bond reduction the Engineer has issued a memo however I am going to not that I ever make a recommendation, I am going to recommend that the bond not be reduced and I will tell you why.

Board Member Pierro stated I would hope so.

Rich Williams stated we have had a couple of issues out there where there are improvements that they need to make and they have not made them yet or they have not made them properly and it is causing some grief. One of them is the issues with the guard rails. There is a number of issues that based on New York State DOT warrants there has to be guard rails installed and they haven't installed them and now that they are getting ready and talking to it of course the property owners are upset because they are going in after the lots were sold and after they were all built out. The other issue is their signage out there, which I did take pictures of and which personally find incredibly attractive and love it. I really do. I think it is great but it does not meet State requirements so we can't leave it and they have got to change it out and they are not changing it out and again, we are going to have another problem when they go to change it all out because the residence are going to see very attractive signs and the signs that have got to go up are going to look terribly tacky compared to them.

Board Member DiSalvo stated what about all the bales of hay still laying around.

Rich Williams stated well we are doing that to keep the drainage, they have not done the top course yet so we have to do something to keep the drainage and force it in to the catch basin openings.

Vice Chairman Montesano stated so we are not going to reduce the bond.

Rich Williams stated my recommendation is until they get the guard rails up, until they get these signs changed out, and until they get some of the other issues they don't get any bond reduction because you know honestly this all comes down to Tom and I are both tired of hearing the residents.

h. Burdick Farms

Board Member Rogan stated Burdick Farms, we had some information on but Rich said that they are in negotiations or someone said they are in negotiations for the property. The last meeting he said he would call him the next day and make an offer.

Board Member Pierro asked which property was that.

Board Member Rogan replied the barn.

Rich Williams stated I received a call from Mr. Condito concerning his negotiations with Mr. Mancini they have reached an agreement in principal to acquire the property including the barn and offer it for dedication. They are trying to work out the details. Right now, internally what we are trying to do is come up with the most appropriate method to effectuate that transfer and to define the area that we need to take to make sure that we can do the road improvements in the future and that is where it stands but they reached an agreement. At this point, rather than proceeding forward with an additional Supplemental we kind have put everything on hold much to his dismay because he wanted the public hearing and the approval and I said no.

Board Member Pierro stated we need something written in stone and we have to get our metal detectors charged up because that is going to be a fun site to go through once that barn comes down. I am sure we are going to find all kinds of good stuff.

Rich Williams stated also one of the things I have asked the Engineers to look at that we are going to try to take a hard look at is if we can do the site improvements, the road improvements in phases one that makes more economic sense but you know we widen the corner so that we get rid of that issue earlier on and then you know we can play around with the barn, maybe we don't have to take it down.

Board Member Rogan stated at least you have the ability.

Board Member Rogan stated in the corner I agree it is widening that corner that is so important. When you watch traffic go up and down the road when they hit the corner and two cars hit at the same time there is almost always a collision because they are always over the line, there is no line but they are always taking up the center of the road. It is just human nature when you drive through there.

Board Member Rogan made a motion to adjourn the meeting. Board Member DiSalvo seconded the motion. All in favor and meeting adjourned at 9:38 p.m.