

APPROVED
9/2/04

TOWN OF PATTERSON

PLANNING BOARD MEETING

July 1, 2004

AGENDA & MINUTES

	Page #	
1) Dilmaghani Site Plan	1 – 2	Discussion on painting building
2) Smokin Wheels Collectibles –Sign	3	Board approved sign application
3) Country House Restaurant	3 – 4	Site plan waiver granted for deck
4) JGC Associates Subdivision	4	No one present to represent application
5) T & T Associates Site Plan	5 – 9	Discussion on uses, parking & cleaning up site Board to schedule site walk
6) Green Chimneys Site Plan- Ballfield	9 – 12	Board granted waiver for construction of athletic field Board granted fill permit
7) Budakowski S/D	12	No one present to represent application
8) Patterson Crossing Site Plan	12 – 18	Presentation of plan Board declared intent for Lead Agency
9) Other Business		
a. Schoen Site Plan		Discussion on retaining wall and plantings Board to schedule a site walk
b. Windsor Woods Lot 6 Wetlands	26 – 30	Public hearing scheduled for August 5, 2004
10) Antroc Wetlands Watercourse Permit	30 – 35	Board granted a waiver of wetlands permit
11) Wunner Lot Line Adjustment	35 – 36	Board granted a 60 day extension
12) Triple J Subdivision	36	Board to schedule a site walk
13) Minutes	36	Board approved May 6, 2004 and May 24, 2004

PLANNING DEPARTMENT

P.O. Box 470
1142 Route 311
Patterson, NY 12563

Melissa Brichta
Secretary

Richard Williams
Town Planner

Telephone (914) 878-6500
FAX (914) 878-2019



**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

Howard Buzzutto, Chairman
Mary Bodor
Marianne Burdick
Ginny Nacerino
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PLANNING BOARD

Herb Schech, Chairman
Michael Montesano
David Pierro
Shawn Rogan
Maria Di Salvo

**Planning Board
July 1, 2004 Meeting Minutes**

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

APPROVED
9/2/04 MSB

Present were: Chairman Herb Schech, Board Member Mike Montesano, Board Member Dave Pierro, Board Member Shawn Rogan, Board Member Maria Di Salvo, Rich Williams, Town Planner, and Gene Richards, Town Engineer.

Meeting called to order at 7:33 p.m.

There were approximately 68 audience members.

Chairman Schech led the salute to the flag.

Chairman Schech stated Antroc will be late so we will table them until later

1) DILMAGHANI SITE PLAN

David Dilmaghani was present.

Mr. Dilmaghani stated I am here representing Dilmaghani Carpets on Route 22, 2043 is the address. We are proposing painting the building yellow and maintaining the brown trim that we have. Here is a photograph digitally enhanced as to what the building would look like.

Chairman Schech stated looking at the yellow do you see the color of my face and my arms they were not like this until I looked at the yellow. I went by there twice yesterday and I knew where the place was but I missed it twice. One of the reasons is you have to do something with the landscaping. The building looks like an abandoned warehouse and after you do something with the landscaping out front, get an approved sign that we will approve and stick it in front of the building and you don't have to go to outlandish colors to attract people. It will be a lot cheaper. Right now it really looks to me like an abandoned warehouse because it looks like somebody drove a car over the lawn to knock down the grass. Honestly, that is my opinion. Did anyone else look at it.

Board Member Rogan stated I agree.

Board Member Montesano stated I drove past I concur with your opinion.

Board Member Pierro stated the signs are hanging signs I don't believe they are permitted.

Chairman Schech stated the banners that are hanging up there look like they have been there forty years and maybe somebody forgot to take them down.

Board Member Pierro asked Rich, those are a violation because there is no approved sign there.

Rich Williams replied yes.

Board Member Pierro stated so technically we should not even be reacting to this application because of the open violation. We would like to get those corrected first before we react to this. We understand that it is a difficult time frame.

Board Member Rogan stated in fairness to the Applicant even correcting those violations those are colors that honestly none of us really agreed with. We think they are clearly designed to draw attention which obviously as a business owner I understand you want to do but I think we can do it a more,

Chairman Schech stated subdue manner with some landscaping and a sign. There is no sign in the front.

Board Member Rogan stated in a manner that meets the character of the Town a little bit more which I agree with the Chairman when you drive by the building it does look abandoned. It is clearly a building that does not draw people on a daily basis. The signs also say that you are only open on the weekends. We think that maybe you can clear up some of these issues and also meet your needs wanting to draw people in and meet the characterization of the Town without that bright yellow but I think we are willing to be reasonable and work with you on this.

Chairman Schech stated it will be a lot less expensive than painting the whole building and it will get you more attention than painting the whole building.

Mr. Dilmaghani stated I appreciate your time and thank you.

Board Member Rogan asked Rich, do you want the Applicant to touch base with you in terms of maybe something can be done with the front with the plantings or with clean up of the front of that building.

Rich Williams replied I would be happy to work with him as far as a planting scheme for the front of the building.

Mr. Dilmaghani stated in the future we are hoping to clean out the hedges if that will be okay.

Rich Williams replied yes sure if you like I can come out and we can take a look around just give me a call.

Mr. Dilmaghani stated absolutely thank you very much.

2) SMOKIN WHEELS COLLECTIBLES - Sign Application

Mr. Fred Bauckham, Applicant was present.

Chairman Schech asked you are filling in the sign that is up on the building right.

Mr. Bauckham replied that is correct Sir.

Chairman Schech asked what about the sign that is out front, the free-standing sign are you going to have something on there too.

Mr. Bauckham replied just the name and the phone number.

Chairman Schech stated so we will be within the legal limits of square footage.

Mr. Bauckham stated absolutely.

Board Member Montesano made a motion in the matter of Smokin Wheels Collectibles Sign Application that the Planning Board approves the sign as submitted. Board Member Di Salvo seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	aye
Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member Di Salvo	-	aye
Chairman Schech	-	aye

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

Mr. Bauckham thanked the Board.

3) COUNTRY HOUSE RESTAURANT - Site Plan Waiver

Mr. James Troetti, Applicant was present.

Board Member Rogan stated Mr. Chairman, if I remember correct this is a proposed deck addition and they are looking for a waiver of site plan. Is that what it was.

Chairman Schech stated we have an old site plan but we are not approving the site plan we are just approving the deck, correct.

Mr. Troetti stated that is correct.

Board Member Rogan asked Mr. Troetti I have to ask of course with my background knowledge this deck what is the purpose of this, outdoor seating.

Mr. Troetti replied outdoor seating yes.

Board Member Rogan asked have you approached the Health Department for an increase in seating.

Mr. Troetti replied yes I have.

Board Member Rogan asked and that has been approved.

Mr. Troetti replied I just got it this afternoon, hot off the press. (He handed the Board a copy of the letter).

Board Member Rogan stated I have no objections.

Board Member Pierro asked why the whole site plan is not being built are there issues outstanding.

Rich Williams replied what happen is the engineer took a site plan that was submitted to the Planning Board in 1984 and rather than redraw the whole plan just added the deck on to it which I covered in the memo.

Chairman Schech stated so you have approval from the Health Department and as long as you understand that it is only for the deck in the back of the building.

Board Member Rogan made a motion in the matter of Country House Restaurant that the Planning Board approves the waiver of site plan for the deck as proposed on the plans. Board Member Pierro seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	aye
Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member Di Salvo	-	aye
Chairman Schech	-	aye

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

Mr. Troetti thanked the Board.

4) JGC ASSOCIATES SUBDIVISION

There was no one present at this time.

Chairman Schech stated we will put it off until the end.

5) T & T ASSOCIATES SITE PLAN

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

Ms. Ryan stated as you are aware the Applicant has an existing building on the site that contains a sporting good shop and accessory apartments. The Applicants when they purchased the property they were lead to believe the existing uses were in conformance or at least pre-existing, non-conforming use and since then they have received a letter from the Code Enforcement Officer that there are a number of violations so the reason why we are here tonight is to approach the Board with a site plan application to remedy the outstanding violations.

Board Member Rogan asked Theresa you have Rich's memo.

Ms. Ryan replied yes.

Board Member Rogan asked how do you propose that we get around our zoning on this.

Ms. Ryan asked in what way.

Board Member Rogan replied in a sense that some of the proposed uses are not permitted by Zoning.

Ms. Ryan replied that is what we are here for to get some direction from the Board.

Board Member Rogan asked Rich, in order to make these uses legal it would require a variance from Zoning on one of the uses, a Special Use Permit.

Rich Williams replied as I outlined in the memo based on the past history of the project it would appear that one apartment is a pre-existing, non-conforming use, the retail operation that moved into the building in the mid nineties would be a permitted use assuming that they got site plan approval, the second apartment does not have any standing at this point, yes in order to keep that apartment there they would have to approach the Zoning Board of Appeals and obtain a Use Variance. As you are all aware, one of the four standards for a Use Variance is that they would have to prove that they could get no other economic use of the property under the current zoning being as they have two other occupations within the same building in my opinion it would be an impossible threshold to meet.

Board Member Rogan asked Rich, is it possible to renovate that building so it would house a single residence.

Board Member Rogan stated a single larger residence.

Board Member Pierro stated a single, larger combine the two apartments to one residence.

Rich Williams replied I have never been inside the building I could not tell you.

Board Member Pierro stated that may be the way out of this.

Board Member Rogan asked Theresa, is that something you could bring back to your client.

Ms. Ryan replied yes.

Board Member Pierro stated because I understand that the second apartment is very tiny so maybe a renovation is in store. Is there any other issues.

Rich Williams stated let's be clear here, to expand the pre-existing, non-conforming use would not be permitted either. I don't know which apartment was the pre-existing, non-conforming so if the smaller apartment would be eliminated it probably would solve the issue.

Board Member Rogan asked in that event would they still have to do a site plan for the remaining.

Rich Williams stated yes our Code requires a site plan for any commercial operation.

Board Member Rogan stated with that being said we can still pursue the application, the site plan.

Rich Williams stated how this would evolve is on the approved site plan we would clearly define the uses and the area those uses that are permitted and then if there was a portion of the building that was not in conformance the Code Enforcement Officer could pursue a violation.

Ms. Ryan stated so this was Rich's recommendation and I would like to get the Board's input on that as well. I know how Shawn and Dave feel.

Chairman Schech stated the thing is what was pre-existing on this.

Ms. Ryan replied the sporting goods and well originally it was a residence.

Chairman Schech stated originally it was a residence with a day care center.

Ms. Ryan stated and they turned it into a sporting goods store without a site plan approval and residential was in there too and the zoning change twice since the first residence was there.

Rich Williams stated since the initial structure was built the zoning has been changed twice; around the mid seventies when the first zoning changed occurred the building was being used as a residence and a day care center. At some point, the day care center terminated and the apartment was put in the building. I have never been able to determine whether the apartment was put in before the zoning change or after. The apartment has been there through all the records that the Town has. At some point, the day care terminated when they came in for the subdivision of the site it was listed on the plans at that point and within the Assessor's record as a single-family home with an apartment that was it. Shortly, thereafter when the subdivision approval was granted a real estate office was opened in it that terminated at some point and there were two apartments in the building and after that in about the mid nineties then it was opened up as a sporting goods store.

Chairman Schech asked Theresa what are we looking for.

Ms. Ryan replied Rich made some recommendations on page 2 of his memorandum on the bottom.

Board Member Rogan stated he is saying a single apartment constitutes pre-existing, non-conforming use of the site, the second apartment is not permitted and we need site plan approval for an apartment and for the use.

Board Member Rogan stated I am comfortable with that.

Ms. Ryan stated the Applicant's are trying to do the right thing by submitting an application.

Board Member Montesano stated I don't see a problem.

Chairman Schech asked what did you submit on the site plan.

Ms. Ryan replied we submitted what is existing.

Chairman Schech asked what is there now.

Ms. Ryan replied yes now the only thing and Rich has it in his memo too to determine what square footages are used for what which we will do on the future plan. Right now, we have some existing parking in the front and it is adequate for their use right now so we had requested a waiver also of additional parking.

Board Member Pierro stated to be honest with you Theresa, before I am ready to finalize this we have some issues. The place looks horrible. I don't think anybody has mowed the lawn in a year and a half and then there is various vehicles for sale on the front lawn which are not going to be there once we do approve the site plan. We have to get this cleaned up. We understand there is construction going on there but it is on the adjoining lot. There are some problems that have to be taken care of.

Ms. Ryan stated right and that is outlined in Paul Piazza's violation letter.

Board Member Rogan stated Theresa, I have been to this site as a customer of the sporting goods store and I don't remember these four existing gravel parking spaces being useable at least not the way this site is setup right now only the ones directly up front.

Board Member Pierro stated that is where the boats are stacked.

Board Member Rogan stated that is what I am getting at I think that a lot of your existing parking is tied up in storage of boats and things like that although the area exists maybe what we need to show here is an area if they are intending to put boats outside then we need to plan for it.

Ms. Ryan stated right that is also in Rich's memo and we are going to show on a revised plan to show the outside storage area.

Chairman Schech stated and bring the parking up to Code.

Ms. Ryan stated that we have to re-grade to do because of the two percent for handicap.

Board Member Di Salvo asked is the sporting goods store planning on staying there.

Ms. Ryan replied yes.

Board Member Rogan stated I was just saying to the Chairman maybe once this site is cleaned up, Chairman Schech stated we will go take a look at it.

Ms. Ryan asked after it is cleaned up.

The Board replied yes.

Ms. Ryan thanked the Board.

Board Member Montesano asked an audience member if he could please take his sign out.

Board Member Montesano asked who put that sign up.

An audience member replied I did.

Board Member Montesano asked could you please take it outside.

The audience member replied why.

Board Member Montesano stated it does not belong in this room.

Board Member Pierro stated it does not belong in the building either.

The audience member stated it is freedom of speech it is freedom of a person's ideas why not.

Board Member Pierro stated Sir, please take it outside.

The audience member stated why don't you arrest me.

Board Member Pierro stated we can accommodate you on that.

The audience member stated fine do it. It is freedom of expression. I have an opinion and I am going to voice it.

Board Member Montesano stated I will go call.

Board Member Rogan stated no it is creating the kind of controversy that they want. Let's just move on.

Board Member Montesano asked the audience member behind the gentleman with the sign if the sign was blocking his view.

The gentleman replied not at all.

Board Member Montesano asked another gentleman if it was blocking his view.

(Unable to hear the response).

Board Member Montesano stated to the gentleman with the sign you can sit there and do what you want then.

6) GREEN CHIMNEYS SCHOOL SITE PLAN -

Ms. Theresa Ryan, Insite Engineering, Paul Agostini, Green Chimneys, Applicant's Attorney was present.

Chairman Schech stated Green Chimneys ball field

Ms. Ryan stated the Applicants are proposing an all purpose athletic field in an already disturbed field area adjacent to a Town regulated wetland buffer. They are proposing to put in about 2000 yards of fill half of that will be clean fill that they will haul in from off site and the other half will be topsoil half of which they already have on site and the other half which they will import from off site. They have had this material donated and also time donated in order to put this in for them. They plan to have it done in two weekends and they are here before you to request a site plan waiver so that they could get their fill permit and their erosion control permit and proceed with the proposed work.

Chairman Schech asked in other words we are under very severe time constraints.

Mr. Agostini replied we actually were granted in 2002 a waiver when we were trying to do it with goodwill after the 911 disaster they wanted to build a field for everyone who perished in 911 so what we did was we approached the City Planner and we got a waiver saying that we didn't have to come to do site plan review and when we had Insite draw for a natural field with grass it triggered something I guess. We are under an acre. I don't even think we need the fill permits to tell you the truth.

Board Member Pierro stated there were in the past when you guys have come before us, Ted you can jump in anytime, we had requested that certain plantings be done and it was never completed up to our standards. I don't think anyone on the Board, Chairman Schech stated we have had a lot of miscommunications. Board Member Pierro stated I don't think we have a problem with granting a waiver when you promise and agree to do something we have to complete it. We have to hold you guys to the same standards that we hold the residents of our community.

Mr. Agostini stated understood. Was the wetlands mitigation project signed off on and approved and planted, did you not come out and sign off on that.

Ted Kozlowski replied yes but.

Mr. Agostini stated you did correct. It was signed off.

Ted Kozlowski stated hold on don't cut me off after a lot of bartering and a lot of,

Board Member Pierro stated we like to do things once and we like to try and do it right the first time.

Green Chimneys Attorney stated I am here hopefully to (unable to hear him) with the Planning Board and I will be in contact with the Planning Board Secretary and Ted and if there is any items that are outstanding I will insure that they get done quickly.

Mr. Agostini asked are there any items outstanding.

Ted Kozlowski stated I would like you to identify the wetlands line.

Ms. Ryan replied they are already identified from an older plan.

Ted Kozlowski asked are they identified out in the field, are they flagged.

Ms. Ryan replied I don't know.

Mr. Agostini stated they were flagged when the school was done but other than that they have not been re-flagged. We basically have lost a \$20,000.00 donation. We have a letter dated December of 2002 saying that we don't need to do this. We contacted the Department of the Navy to get the construction battalion in August. They have verified their time based on the letter saying that I did not have to go through a permit process and then at the eleven thirtieth when we informed the Town it is like no you have to come do this. So, it is kind of frustrating for us. We are a community service based organization.

Board Member Pierro stated Sir, we appreciate that but please you heard what we had to say.

Mr. Agostini stated I heard what you had to say but I am also under the impression that we were completely done with the wetland mitigation project.

Ted Kozlowski stated that is in the past but you, Mr. Agostini stated obviously it is not. Ted Kozlowski stated well you are acting surprised that you needed a permit, you have been before the Town before with other wetlands permits.

Mr. Agostini stated we are not in the wetlands. We are not in the buffer.

Ms. Ryan stated we are adjacent to the buffer.

Mr. Agositini stated we are under an acre we are not in the buffer. We are previously disturbed soil.

Board Member Rogan stated I think what the Wetlands Inspector is saying is that he is questioning the wetland line.

Ms. Ryan stated what we can also show on there is that orange construction fence be staked and installed all along the wetland buffer line so that there is a visible delineation to show that they are not going beyond that point.

Ted Kozlowski stated fine.

Board Member Pierro asked can we do that sooner than later this way we can take a quick look at. Ted can run out.

Chairman Schech asked when is the construction going to start.

The Attorney stated as you said Chairman this is time sensitive, the dirt could be coming as early as this week.

Chairman Schech asked where is it coming from.

The Attorney replied it is a donation from the State and North Salem.

Mr. Agostini stated I don't think it is available anymore so it will probably have to be purchased.

Chairman Schech stated as long as it is not coming from White Plains.

Board Member Pierro stated we have a specific code relative to the type of fill.

The Attorney stated I don't know if the donor wants to be made public but I can furnish the information.

Ted Kozlowski stated we need to know where the fill is coming from.

The Attorney replied we will give you the exact location.

Chairman Schech stated as long as you put up the fence, stay out of the wetlands that we know then I don't have any problem. Ted will be running back and forth to agitate you.

Board Member Pierro made a motion in the matter of Green Chimneys Site Plan that the Planning Board grants a waiver of site plan to install a ball field. Board Member Montesano seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	aye
Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member Di Salvo	-	aye
Chairman Schech	-	aye

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

Mr. Agostini asked do we just call Rich.

Rich Williams stated call me when you are ready to get started.

Ms. Ryan asked do we need any action on the erosion control and fill permits.

The Secretary replied not the erosion control but the fill permit.

Rich Williams stated Herb you need to do a fill permit.

Board Member Pierro made a motion in the matter of Green Chimneys that the Planning Board grants a Fill Permit for 2000 yards of clean fill for the baseball field. Board Member Montesano seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	aye
Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member Di Salvo	-	aye
Chairman Schech	-	aye

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

7) BUDAKOWSKI SUBDIVISION – 280 Recommendation

There was no one present to represent the application.

8) PATTERSON CROSSING SITE PLAN

Mr. Paul Camarda, Applicant, Jeff Contelmo, Insite Engineering and Tim Miller, Tim Miller Associates were present.

Most of the audience applauded.

Mr. Camarda introduced himself. I am a Real Estate Developer. I have been working in Putnam County for about 17 years. I would like to thank the audience for the kind reception. It was very nice of you and I appreciate it very much. I have been in contract on this property for about three years. This property has undergone a series of changes over time. I came to this process realizing that I was going to take a slow approach with it and over the last three years we have changed this plan numerous times. I completely flipped the project which I will get into a little bit with you but at one point the buildings were on this side of the property and we found because of the store loading we flipped them over. This plan that you see today is three years worth of work, numerous generations, hundreds and hundreds of hours and I will bring the Planning Board where we have been. Three years in contract with the property, on April 2nd I wrote Kent Town Board a letter to let them know that this project would be coming forward in Patterson, letting them know that I was more than willing to come to Kent and talk to their residents. A week later on April 9th I wrote the Town of Patterson Town Board and said I would like to come in and talk to the Town Board about the project also in Patterson so from these letters I did a presentation in front of both Kent and Patterson Town Board. We received numerous comments and we have made numerous changes to the plan from April until today. I also on April 2nd sent letters to all my adjoining neighbors asking the neighbors if I could meet with them one on one to discuss the project, take the map out on their kitchen table if they wanted and review these plans. I have met with I would say at least a dozen of the neighbors. I have gone door to door on this entire portion of the site (referring to the plan), the neighbors that directly adjoin this site in its closest proximity. I have met most of those neighbors, spoken to them. I have copies of letters that I have sent to neighbors individually. Most of the neighbors followed up and did call me to set up

appointments. I then at the first presentation said I was going to try, many of these neighbors have very small properties, 1/8 of an acre, 1/4 of an acre and I said I think as part of this process I would deed you over additional land which would in many cases double people's backyard sizes and in a lot of cases give the neighbors an opportunity to expand their septic because in many instances here they are on a 1/8 of an acre, 1/4 of an acre with a septic and well it is a very difficult situation. We re-worked the plan and on June the 9th I sent all my adjoining neighbors a letter saying I would make this offer to them officially obviously I will need Planning Board approval but I wanted to let them know I was following through on my word and I asked them to contact my office and just tell me how interested they are. They have until about the end of July to do it. I have received somewhere between six and twelve acknowledgements already saying Paul, we are interested in your offer but obviously will follow the process. That was very positive. In terms of the concerned residents and the groups at the first meeting before I came to the Town of Patterson in April I mailed out copies of my plan to the River Keeper, James Tierney's office and to a number of concerned residence associations. I have followed up with letters to Edie Keasbey. I sent her both an original plan and a modified plan on June 11th. Mrs. Keasbey got a plan the one you are looking at, two other people, Ms. Eckhard, Mr. Dumont and anybody else was offered. I have sent a series of letters to Mr. James Tierney at the Attorney General's Office on June 11, May 13 and April 20 and have met personally with Mr. Tierney in Westchester County to discuss this project. He has been on board as far as he knows exactly what is happening here, he has received both the original plan and that plan in the mail and also sent letters to the River Keeper's Attorney, Mark Yagi who has received the original and this modified plan so there has been no intention here to hide the facts in anyway. This has been a very open process. At that April 14th meeting I submitted letters to both the Town of Patterson and to the County Executive from both Costco and Lowe's because it was my goal not to come forward with any development project in Putnam County commercially without being able to tell people up front who is going to be the tenants. I simply didn't like the idea of saying well, we have a lot of interest but I really don't know and I really can't tell. It is not the case. Costco wants to be here and Lowe's wants to be here and we are working with Costco currently changing things, modifying things. In fact the last rendition I got a letter from a concerned resident that said the tire center I think it was from Ms. Eckhard and I have since spoke to Costco and they are now considering moving the tire center to the side so it is less intrusive I would guess on the side so it is an on going process. Those letters were responded to by the Town of Patterson Town Board, I went back to Costco and said yes by all means come and get involved in the process and by the County Executive a week later letters to both Costco and Lowe's so Costco and Lowe's have now received responses from the Town and the County. Then there was another piece of thing I wrote to the Town and said I would like to apply for the Phosphorous Offset Program right up front, wrote the Town a letter and your Town Board decided to write the City of New York a letter saying yes, this project is eligible to qualify for the Phosphorous Offset Program. That is a history of the letters, the correspondence that I have sent out now I will give you a brief description on the project itself. Like we spoke about I have been in Putnam County about seventeen years this project I have been in contract with for about three years. We did not rush to come here. We have been working, thinking, figuring, re-planning, working with the retailers and we are here today because we believe we have the best possible project. One day in the future I will send you all the other maps to take a look at for your own review. I won't talk about the economics that is not a planning issue but obviously there are some serious economics here, in terms of real estate taxes, school taxes and millions of dollars in sales tax revenue and quite frankly there is a sociological situation that goes on in Putnam County that every time people take out their wallet they have to drive down 311 or up Route 6 to get on 84 so they still drive on these local roads, they get on 84 they either drive to Fishkill or Danbury. They are still using those local roads but unfortunately instead of stopping somewhere in Putnam they have to drive out of State or out of County so there are some sociological issues (TAPE ENDED). We won't get too deep into that but the numbers are very big, Carmel School District big benefactor for taxes here. I will say this I projected about a million dollars in school taxes and in real estate taxes those

numbers were quite conservative. We are now looking at it closer and we will in our Environmental Impact Statement which I am sure that we will be doing a rather detailed one will show you my estimates for tax revenue are too low. The bottom line here is we believe there is a need for this type of a project. We believe that Putnam County alone should at least try to spend their money at home so that the sales tax revenue does not benefit Connecticut or Dutchess. I spoke about my neighbors I tried to keep an open dialogue with them. I speak to some of the neighbors at least one or two every week someone calls me has a question hears a rumor and I know the names I could just point at the houses I could tell you who lives there. I won't get into it but I know these people, I have been there I know their backyards and I promised them that at the end of the day we will stand on their deck and we will make sure that they do not see anything that goes on here. Whatever has to be done. If we have to berm it, if we have to buy sixteen foot Spruce Trees we will do what has to be done to screen these neighbors. We will also give them extra footage to their backyards because in some cases this backyard is about twelve foot deep, this one probably has a shed on my property, these are all buildings on this property now. They are ten, fifteen feet away we can make that situation a lot better. The project size is ninety acres. There is ninety acres of space we are going to build on about thirty-five of them when I talk about building I am talking about blacktop, rooftop so thirty-five acres of impervious surface about thirty acres of total green space these areas here; ten acres, fifteen acres, seven, five acres so right there is thirty acres in those larger areas so we have thirty-five acres of rooftop and blacktop, thirty acres of green space, conservation area and then thirty acres of landscaping. This is not your average project. Over 100 landscape islands including the entire roadway coming up is landscaped in a canopy fashion so you have trees on both sides of the roadway, all trees coming up, and screening to the interstate. We are not going to have the back of these buildings hanging over the interstate just hanging out there naked not the case. Already on the plan a double row of screening. I will give you a quick point of comparison because comparisons do come up and I want people to understand by way of something you know of today. We are asking for 411,000 square feet all of that square footage is in the Town of Patterson. We are on ninety acres by comparison the Brewster Highlands is 377,000 square feet less than ten percent smaller but it is only on 60 acres. We have a much bigger piece of property to build on almost the same size center. I think their impervious surface ours is about 33% their impervious coverage is 67% of their site. So quickies now, wetlands we don't have any wetlands here. The site believe it or not does not have wetlands on it. DEP has already been out there and a couple of years ago early in the process we asked them to come out and there is one watercourse actually two one right here and one here. That is the only watercourse so we knew that information up front we could design around it. Something funny about that watercourse if you look at the adjoining neighborhood these streets drop down, the water from this densely developed neighborhood of $\frac{1}{4}$ of an acre, $\frac{1}{8}$ of an acre stormwater hits Concord shoots down, comes to a pipe and then outlets right on this property so if we check the quality of the water leaving Concord it is not high quality water because there is no stormwater retention basins at all. You are getting all silts, salt and sediments. As part of this plan we intend to build some retention ponds on our property, take this water from Concord, put it into ponds and then release it to the Middle Branch which goes into Lake Carmel which will improve the water quality of Lake Carmel. As far as the whole site this entire section of the site right down here flows this way down so these retention ponds are going to outlet this way, away from Lake Carmel. The only portion of the site that flows to Lake Carmel is this section so if you look at it there is only a little bit of development in this area so that I believe we pose no significant threat to Lake Carmel in any shape or form and I believe at the end of the day when we check the water quality it will be cleaner after this site is developed than before just on the improvements that we do here. All this stays green so Lake Carmel will not be affected by the runoff. Trees, at our last presentation I said we had 750 trees the number is a 1000. We will plant a 1000 trees because we have added more buffering to the interstate. Access to the site is right from 311. The only access is coming from 311 there is an emergency access from Concord. We are going to use the same access point as the cell tower that exists up there. All we are going to do is put a gravel drive down so the same exact spot we will use for emergency access. The store

locations; the plan was once that the buildings were here, a building was up in this corner, buildings were all along the top and the parking lot was here. We honestly thought that was a good plan for one reason we said the buildings will screen the cars from the parking lot but then it was a problem. If we go into Lowe's, we go into Home Depot the buzzers are always going off and they are warning you about loading those stores up. The stores because of insurance reasons now want to load the stores more at night after midnight. So, I said to myself I can't control Pete the guy with the tractor trailer as he runs that diesel engine at two o'clock in the morning because it is ten degrees out. I can never control that. So, I said with that situation with loading the stores at night I have got to flip the site. I have got to get all my loading along here so now all the loading is going to go on along here in sort of an alley because we are going to have it screened on one side, buildings on the other. All garbage pick up is down at this bottom of the site. Our restaurant was put down here for a reason. Look, everybody likes to go to a restaurant but let's face it honestly no one wants to live next to a restaurant so we put the restaurant as far away from the community as possible because we know the garbage smells so we have that restaurant hundreds and hundreds of feet away all the way at this end. That is the only restaurant proposed at the site. It is way down here right at the entrance so people can come in and come right to the restaurant. They don't have to visit the whole site to get to a restaurant that is why you see the Café, I am going to have a coffee Café a Starbucks or something like that in here. Besides, Costco and Lowe's, TGI Fridays has spoke to us, Ruby Tuesday's have spoke to us, Bed, Bath and Beyond is very interested in being here we are continually trying to cultivate Best Buy if it is not it has to be one of the other electronic firms because quite frankly you can't buy a big screen t.v. in Putnam County, you can't buy a computer in Putnam County, you can't buy any of those big ticket items so we need an electronics store because those are big ticket items. Store loading we spoke about always in the back, interstate buffer we spoke about, extra landscaping along it. Some environmental highlights what are we doing, a little more interesting; we are taking the roof water from Costco and Lowe's and we are going to use that roof water and recycle it and irrigate a lot of the plantings. We will use that water to irrigate the landscape. We will insist that all our fertilizers are phosphorous free because we are in a phosphorous restricted basin here and we don't want to add to phosphorous. You cannot use your normal off the shelf fertilizer that contain a lot of phosphorous. We will go phosphorous free. The same thing for salt snow removal we will make sure that our salt products are environmentally friendly and approved by DEP. We will do this stuff voluntarily. Site lighting, I think the bottom line with site lighting is the more poles you put up the better job you are going to do. It is really a dollar situation. You want to light this place cheaply you put up six poles. You want to light this room cheaply you put four poles in each corner with big light bulbs you can blow out the whole room. We wouldn't want eat here, we wouldn't want to hang out here because it would look like an interrogation hall. The same thing with a shopping center the more poles you have and the lower they are the more you can just light an area. So, we will have all these islands here for a reason we can have a lot of lighting fixtures set lower so you don't get that glow like when you pass the GAP. We will be more sensitive with our lighting to keep it down and it creates a better looking center. We talked about Lake Carmel already. We spoke about the conservation areas. We talked about the neighbors and land reservation. We are proposing an eight foot fence around the neighbor's property. The neighbors said you can go higher Paul and I said look I would rather give you an eight foot fence and we will do it with Spruce Trees. We don't need to put up a wall back there twelve feet tall. I don't think that we need to do that so we are proposing an eight foot fence with a double row of Spruce Trees. We are designing this site to be a low water usage site that is why you don't see a supermarket here. We project that we will use about 15,000 gallons of water a day and therefore will have a very low sewage output. I think the phrase is water in water out. We are looking for a sewer plant of less than 15,000 gallons approximately 15,000 gallons we are going to conserve water. We don't have water intensive uses. The most intensive water use is probably the restaurant down here. Certainly, these dry box good stores are great. Boxes come in the back door in crates and boxes go out the front door one at a time. I mean they are just not an environmental problem. You are not manufacturing anything. As I said before, my job here is to

work with people, work with the community, and propose things that fit the community need. I was a residential home developer for my first ten years in Putnam County. The message was read to me loud and clear. Paul, we have enough single-family homes. We need a commercial tax base, we need a place for seniors to live but we don't need any four bedroom colonials anymore. My company has gone into more commercial development and some senior housing developments. I am here to work with people. I am here talk with people. I am very accessible. My office is right in Carmel across from Lake Gleneida anybody wants to call, anybody has got a good idea, pick up the phone. I am listed the number is pretty easy it is 228-1400 and you can have some critical comments. A gentleman said to me, he came up with a great comment, he said Paul I like the fact that you have got parking on the side of Costco. I said we did that so we don't have to come up as high. He said that creates a little problem because we have found that buildings are better buffer for noise than trees, way better that is why we put walls on the sides of interstates so we are going to knock the sound down. You are going to come in this neighborhood after this is over yes there may be some car noises but those are not the noises that carry. It is that high frequency tire noise. So, he said great idea but what about this area so from that comment we have a sound wall built into this landscaping bed so between Costco and Lowe's we now propose a sound wall. You won't be able to see it, it will be in wood so we don't have the noise coming up between those two buildings. That comment was made by someone and it was a very good comment. I would like to now turn this over because I have got two great professionals, Insite Engineering who is right in Carmel they do a great job, on the money guys. They are the guys that you are going to be working with more than me and Tim Miller from Tim Miller Associates, he is a top Planner. I will turn it over to them.

The audience applauded.

Jeff Contelmo, Insite Engineering stated I like coming to meetings with Paul because he covers everything that I was suppose to cover. It really leaves me without much to do but Paul did adequately address the main components of the project. I would just like to highlight some of the engineering components. We are the Civil Engineer and the Landscape Architect on the particular project. I will try not to be redundant with what Paul said. We are proposing some fourteen stormwater basins. All these stormwater basins work in series of three. We need to do that to reduce our pollutants coming off the site to meet the DEP requirements. Paul did mention that two of those basins are proposed to clean an existing stormwater problem area the runoff coming off of Lake Carmel. He didn't point out that right now that stormwater is not only is laden with some certain pollutants but it also has created an eroded ditch which is some eight feet deep, twelve feet wide down that hillside. We are also proposing to clean that up. All of that sediment that is washed out of there is in the north end of Lake Carmel. We know that. As far as waste water goes as Paul said one of our options that we are pursuing is under a Phosphorous Offset Program that New York City has. We would be proposing a centralized wastewater treatment plant which is on the extreme southern end of the site. That wastewater treatment plant will actually sit down below the level of the main parking area so we have a driveway that wraps around and comes down. The reason we did that so that it was set down from everything and well screened in that corner. We will be drilling wells to service the water supply. We will have a well field and control building in the upper portion of this site. As Paul pointed out our water usage is extremely low, 15,000 gallons a day is our projection. That is primarily due to the fact that we have dry uses. Somebody like Lowe's only uses 1500 gallons of water a day which is equivalent to maybe three or four homes. We are not talking about big water users. I think beyond that Paul touched on everything that we have incorporated into the site plan. I will just add that when Paul says we have been working on this for three years I will stand here and testify to it I get to see him three or four times a week pop in to my office with all these great ideas people bring him and having to incorporate them into the plan so we have spent tremendous hours in trying to address all the details at Paul's request and I am sure there will be more comments that will come out of the review and our goal is to make this project

work as well as it can with that I am going to pass it off to Tim Miller. Tim is doing the Environmental review for the project.

Tim Miller stated I am Tim Miller, Tim Miller Associates we are in Cold Spring and as Paul indicated we will be doing the Environmental Impact Statement and we expect that we will be scooping that document with the Planning Board at a public meeting so that we can hear comments of neighbors, involved agencies, other concerned citizens regarding issues that will need to be addressed during this process. We have a pretty good idea. We have worked on a number of fairly large retail projects successfully in the past. We worked on the Cortlandt Town Center which is a 800,000 square foot center over in the Town of Cortlandt. We worked on the Portchester Redevelopment Project which is a substantial 5 or 600,000 square feet center in down town Portchester and we do have quite a bit experience with these large retail projects. One of the things that Mr. Camarda did ask us to do in preparation for an Environmental Impact Statement is we did go out and count traffic during periods of time when schools were in session. We did not want to miss that period of time if we were counting during the summer months and we have canvassed a number of intersections in proximity to the project p.m. peak hours, Saturday peak hours to make sure we had good solid traffic numbers. I know I have talked to your Planner we will be going through this process a pretty much public process what we are asking the Planning Board to do tonight is to simply declare its intention to act as Lead Agency for this pursuant to SEQRA, circulate the application, the EAF and the plan to the various involved agencies. I see you have received a memo from Mr. Williams outlining those involved agencies. We would like to get that process started tonight if possible in the hopes that at your August meeting the thirty days would have lapsed, we can set a date for scoping and we can start getting that community input as to what we need to do for the Environmental Impact Statement. I think that is all I really have to say unless the Board has any questions.

Board Member Pierro stated I recall when National was here to do the first presentation they had a number of two to three million dollars to do the remediation project on that stream who would be responsible for that if this project were not built and the water quality issue came up for the Town of Kent for Lake Carmel. Would that be a Town issue.

Mr. Contelmo replied Dave, if you are talking about the ditch here the remediation really would lie with the Towns of Kent and the Town of Patterson. I don't know how familiar the Planning Board is with the current MS-4 permitting. I know Rich is very involved with it, MS-4 permitting is through the EPA and the New York State DEC the requirement for all designated municipalities for which both Kent and Patterson are designated to make certain improvements to stormwater where there are stormwater problem areas and there is a five year permit program which we are a year and a half already into and we serve as Consultants for the Town of Kent and that is why I am very familiar with this situation and the short answer to your question is if Paul does not do it or some other entity who develops this property ultimately in my opinion the towns are going to have to do it. They are going to have to do something to remediate that situation under the MS-4 requirements.

Board Member Pierro asked who will be responsible for the maintenance of those retention ponds.

Mr. Contelmo replied in our particular proposal we have not yet designated who would be responsible for those two ponds. The twelve other ponds which are part and parcel to the development and specifically for the development would be the responsibility of the owner of the center. We have not yet discussed the maintenance of those two ponds. Those two ponds would serve no benefit at all from the center. They would only be collecting water from off site sources so again that is something that Paul will address eventually as we get into the details.

Chairman Schech stated if you stake it we will look at it. You don't have any all terrain vehicles for old people do you. Let us know when it is ready.

Mr. Contelmo stated we will coordinate I guess with Rich as far as what details you want staked out.

Rich Williams stated I certainly have some suggestions but if the Board has any.

Chairman Schech replied no get together he knows what we are looking for.

Board Member Montesano made a motion in the matter of Patterson Crossing Retail Center that the Planning Board declares their intent to be Lead Agency. Board Member Pierro seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	aye
Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member Di Salvo	-	aye
Chairman Schech	-	aye

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

Rich Williams asked Mr. Chairman, as far as the site walk are we looking to coordinate with the other Boards in Kent and Patterson.

Chairman Schech replied yes.

The audience applauded.

The Board took a brief recess to allow the crowd to clear before continuing with the meeting.

9) OTHER BUSINESS

a. Schoen Site Plan

Mr. Suozzi, Applicant and Randy Neubauer was present.

Mr. Suozzi stated we had some discussion with Rich Williams during the week and he said to come to the meeting because you were discussing that wall and the change of the wall and the reason why we changed it. At the moment we were trying to get that wall contracted to have built, we had the Mesa wall approved which was Palumbo Block, supplies those blocks and then when I was almost ready to sign the contract he told me this wall is only good for fifteen to twenty years. I said whoa, so I was taken back by that. I said there is something wrong here we want this to be designed

forever. I don't want the wall falling down with the parking lot and whatever because there is quite a bit of water flow through there as you know. We said to the Engineer, Lou Lamont let's come up with a new design I think we should change this. So, at the time the salesman for Palumbo told me they were redoing some walls that came down in Rye, the Town of Rye, a senior citizen project and they had these terraced, Mesa walls all around there. It is on the opposite side of the Westchester Airport. So, I went to see this, let me see this I want to look at this and I saw all these walls coming down, they took everything apart and the buildings were like ten feet and there was the walls. It scared the heck out of me. That is why we came up with this new design so the Engineer said this is a better design, he checked with the manufacturer, went over the specs, designed this wall. This will stay. It is concrete those blocks are twenty-four hundred pounds each and they should not deteriorate in time whereas the other one might deteriorate, it might push out because of the flow of water behind. That is how we came up with this design but it was never designed to put plants in those planters. The only reason for the planter blocks is the batter so you can't set them back as you go higher otherwise we would have had a straight wall. We need the batter for the strength because of the flow of water.

Board Member Rogan stated we certainly understand that field changes are going to occur and they were approved from what Rich said by our Town Engineer.

Mr. Suozzi stated yes I brought the changes to the Building Inspector, he submitted to the Town Engineer.

Board Member Rogan stated however having seen that wall and you being a reasonable person and knowing that those walls when you drive by on 22 I think it is partly a problem with topography I was out on the site on Tuesday to look for myself. I wanted to look down on the wall from your parking lot the walls don't appear as large and ominous as they are from 22 and 164. I think it is partly topography's fault to blame for the way, I mean you are already starting from an elevated position you are going up an additional fifteen, twenty feet.

Mr. Suozzi stated it was a difficult site to work with believe me.

Board Member Rogan stated you need to be serious about softening these walls. The beautiful part about this is it may not have been your intention to plant them but you have the ability to because you have something that you would not have had with a solid wall. If that was a solid wall you would be that much worse off. I think we should take advantage of the opportunity that you have been given by using that kind of wall.

Mr. Suozzi stated the problem that you have there is you have water flow coming through the gravel so it is going to push the fines and all that topsoil is going to silt down into our basin. Now, if you look at the design of the drainage basin there is only a one inch hole that takes care of all the water from the street, drains into the detention pond.

Board Member Rogan asked is your Engineer here.

Mr. Suozzi replied yes.

Board Member Rogan stated maybe we should direct some of the technical questions towards your Engineer.

Mr. Suozzi stated it was Insite Engineering.

Mr. Neubauer stated I am not an Engineer I am just a draftsman. The Engineer was Lou Lamont from Lamont Associates.

Board Member Rogan asked if soil is put into the planter where is all this extra water coming from that is draining down through. It seems to be extended a foot, foot and a half, two feet away from the edge of the wall other than rain where is all this extra water coming from. I don't understand that.

Mr. Neubauer stated the shape of the planter block troft, your plantable area is about sixteen inches wide at the top, and it narrows down to eight inches wide at the bottom. It is only eight inches deep.

Ted Kozlowski stated ornamental grasses.

Mr. Neubauer stated like a window box almost. So, you have these layers of window boxes on an exposed slope to the sun for about half the day, more than half the day until the sun actually goes behind the angle of the batter so you are going to be battling, they would have to be irrigated that is where your water is going to come from.

Ted Kozlowski stated ornamental grasses, Randy.

Board Member Rogan stated yes they don't want the water.

Mr. Neubauer stated I understand and they can take the dryness.

Ted Kozlowski stated yes. The filter fabric will keep,

Board Member Rogan stated what I am not understanding about the drainage is that these planter boxes like you had just stated are rather narrow, set out away from the line of the wall above it I don't understand where the water from this site is affecting these planter boxes. I certainly understand runoff that might cascade over the wall which would be a problem anyway if that happened and I certainly understand rainfall of which I don't think that we nearly get enough to, I can understand that they are going to be a contained unit if you put a pot out on your back porch and it dries out very quickly so I can understand those concerns however something like an ornamental grass or a drought loving type plant I think would thrive in that situation.

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

Mr. Neubauer stated landscaping is a possibility the concern I think also is what happens in the winter with the freeze thaw cycle not only on the plants but also on the wall. The other major concern I know again, I am not an engineer he did write a letter saying these things, there is the freeze thaw action as well as just the devastation of the concrete of the wall in a moist condition all the time. One of the main reasons why this wall was built was for longevity and one of the worst things that Mr. Suozzi would want to have happen is after fifteen years of moisture and freeze thaw on the fronts of these walls, if you look at the way the design is the wall is fairly substantial but over time if it does degrade the front portion which is where that stone affect is that could degrade and

come off and now not only does your wall look bad but also that is losing the mass that is part of the whole structural stability of the wall.

Ted Kozlowski stated that sounds pretty incredible.

Board Member Rogan stated the man just told us that the reason he went to this wall is because it is a better design so that seems less likely to happen.

Board Member Pierro stated I am concerned that the wall was changed from what we originally approved to something else. Have we reviewed all of the plans on the new wall and all of the information. Is it different from what we approved Rich.

Rich Williams replied yes absolutely.

Board Member Rogan stated it is definitely different but the Town Engineer approved the field change.

Gene Richards stated at some point they approached our office wanting to change the design that was done through Tom McGinn and at some point your office, Randy did submit a design for a different wall. We reviewed it from a structural standpoint and in the end it was approved for that reason. One thing I don't quite understand is what you were saying before about this wall being exposed to water, the moisture deteriorating the concrete blocks and all that. This is a detention pond so it is going to have periodic,

Mr. Neubauer stated at the bottom of the wall.

Gene Richards stated I don't know what level the pond will rise to for different storms it has been a long time since we looked at it. It is going to have that exposure.

Chairman Schech stated if the type of soils you put in there will be a sandy, granule type of soil on top of the filter fabric which will dry out fairly quickly. There shouldn't be any holding of the moisture to degrade the concrete.

Mr. Neubauer stated I do know that Mr. Suozzi was interested in proposing additional screening or planting around the base of the small with larger, evergreen trees that will grow over time and block the wall substantially.

Board Member Rogan asked what was the original planting schedule because we haven't changed the height of the wall certainly.

Rich Williams stated doing it from memory the original planting schedule was a two tier wall with the second tier being lined with about 27 euonymus.

Mr. Neubauer replied yes.

Rich Williams stated to break up the mass of the wall.

Board Member Rogan stated so are intent as a Planning Board clearly and aesthetically was to break up the mass of this wall with an intermediate terrace basically now we have gone into a different design, the engineers have approved it from a structural standpoint and that is certainly fine and I don't have any problem with that. (TAPE ENDED).

Board Member Rogan stated it isn't as aesthetically pleasing as I am sure it isn't for you. I mean you want it to be structurally certainly number one we would never negate that but number two, this wall looks terrible from Route 22 and I will say that as soon as I saw it going up I said I cannot believe that is what we approved. I was beside myself every time I drove by there saying this can't be what we approved and if we did then I must not have looked at the plans properly because I did not see what you guys built from what I remembered. I was actually happy when I realized a field change had occurred because that wall looks terrible from Route 22 and Route 164.

Mr. Suozzi stated we have had fifty, fifty comments on the wall. Some say they love it, they like the rounded wall some say they don't like it.

Board Member Rogan stated the fifty that like it may like it even more with some plantings.

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

Board Member Pierro stated I think it is going to look even better when you put the ornamental grass there.

Mr. Suozzi stated what we would like to do being you are opposed to the looks of the wall is propose some four foot evergreens at the base of the wall and then in a couple of years you won't,

Ted Kozlowski asked four foot.

Board Member Rogan stated four feet is a little small.

Board Member Montesano stated I think mine has been in for about twelve years and I think it is still four feet.

Ted Kozlowski stated four foot evergreens you have got to be serious, you have to be more serious than that.

Board Member Rogan asked can we look into some type of a planting that will cascade from the top down.

Ted Kozlowski stated the plans call for planting then plant the wall. Plant the wall that is what I say. Plant it that is what you agreed to that is what we agreed to. You come in you changed it.

Chairman Schech stated ornamental grasses do fine in that type of soil conditions with no problem.

Ted Kozlowski asked how can you come in here and say your are going to put four foot trees up that is an insult, four foot trees you have a fifteen foot high wall you are going to put four foot trees and in a few years it is going to grow and cover the wall, come on, come on, where do you come up with stuff like that.

Board Member Rogan asked we have got the wall, we are dealing with a situation that we have got planter boxes that there is a concern about the winter time and I can see a pocket of soil freeze thaw and that be a problem but the manufacturer obviously designs these walls with planter boxes. I have the specs but what does the manufacturer say that the proper way to plant these walls. Are they saying it is a type of wall you put some soil in and you just plant some annuals this high or is it something that is intended to be planted with something that is a little bit more lasting. If you can show me that they are only intended for annuals and they are not intended to make it through the winter then I would go with what you are saying about planting the bottom but I agree with Ted, four foot is not significant.

Mr. Suozzi stated if you are in California it would work.

Board Member Rogan stated but they sell them in New York right.

Mr. Suozzi replied yes.

Mr. Neubauer stated I think I just need to note that on all the drawings there was never any plants shown or proposed. Again, the blocks are actually made with that planter troft filled with concrete. They were not available at the time. The whole reason why these blocks were used was strictly for being able to get the angle of batter for the structural stability. The fact that they can be planted I do understand what you are saying but the intention was never to plant them even though you are saying yes and there are situations I think but with the exposure and the amount of bankrun that they installed behind the wall to be sure that it did not have any sort of moisture problems or failure problems they are dealing with a situation where they don't have a lot of room at the top. There is six feet from the back of the curb to the back of the blocks with guard rail running down the middle so there isn't much room at the top. I think the better bet for longevity for plants and for larger plants that will last longer is somewhere at the bottom.

Board Member Rogan stated I hope you are getting a sense that we are trying to be reasonable here but if you take into account the simple fact that the labor cost alone to put the topsoil in after the fact because obviously now it becomes a ridiculous situation then put that money into proper plantings at the base some real solid plantings.

Mr. Suozzi stated the reason why I said four foot is because the balls are not too wide. Now, we have everything finished and landscape to go down there.

Board Member Rogan stated but you also have two machines on site.

Mr. Suozzi stated you can't use the machines there.

Board Member Rogan asked you can't use a backhoe.

Mr. Suozzi replied no you can't reach. It has to be done by hand so the bigger the tree the harder it is. You may need six people to lift it.

Board Member Rogan stated but it certainly would be easier to plant those balls then to carry bags of topsoil into those planters.

Mr. Suozzi replied yes.

Board Member Rogan stated so let's do something reasonable here let's get this done.

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

Board Member Rogan stated what I would recommend is that you come up with something, Randy come up with something some type of a planting schedule that does a real job of softening these walls not just a couple of,

Rich Williams stated can I just interject one thing, I don't have the site plan in front of me but as memory serves there is only you are going to have to understand there is only a very small area.

Rich Williams pointed out on the plan the area available for planting. (Too many speaking at the same time unable to transcribe).

Mr. Suozzi stated the area that you can plant these where it is flat because the basin goes down four, five or six feet is like from here where the wall breaks to here is fairly flat.

Chairman Schech stated I would like to see the wall planted and if you think the wall is going to deteriorate get me a letter from the manufacturer stating that he sold you a wall that is going to fall apart if a piece of grass grows there.

Mr. Suozzi stated even if you put this grass in there you really won't see it from the road.

The Board replied yes you would.

Board Member Pierro stated it grows four feet tall.

Board Member Rogan stated what I said at the beginning of my comments were that the reason this wall looks so obtrusive is because you can see the very first level from the road because you are looking up hill. It is not like even half the wall is hidden from your view by the over grown stuff on the road. If the first section was planted you would see that clearly from 22. You can count the terraces from 22.

Mr. Suozzi stated the first probably two courses are buried site wise.

Board Member Rogan asked are you talking about closer to Brook Farm or closer to 164.

Mr. Suozzi stated around 164 and 22 the corner where the round of the wall is.

Board Member Rogan asked so what there is five terraces at that point. There are three main terraces that we are referring to I believe. I know as you look towards Brook Farm there is a fourth that is down low that comes into play. I think you are looking at what you can obviously see from 22. I think you get an idea the direction the Board is going with this. I would come back with something pretty creative here and we are obviously trying to be reasonable but I do not feel like you are being reasonable back quite honestly.

Mr. Suozzi stated no, no we are reasonable people that is not the intent. I would rather see the Pine Trees covering the round of the wall rather than planting it because I am afraid of the deterioration in time. There is quite a bit of water flowing through there. That site is very wet.

Ted Kozlowski stated I think we ought to look at it.

Board Member Rogan stated site walk.

Chairman Schech stated a site walk.

Board Member Rogan stated honestly because we need to look at it and get a sense. We all have not been there officially. I stopped by on Tuesday I did not walk around the bottom.

Chairman Schech stated we will be out there and take a look at it.

Mr. Suozzi asked do you want to set up a meeting.

The Board replied no.

Board Member Rogan stated I would put some thought into what we said tonight in terms of obviously we are going to want something out there, come up with some ideas that are creative.

Mr. Suozzi stated we would like some input from the Board as to whether you would go along with the Pine Trees whether they are high.

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

Board Member Rogan asked when you are talking about Pine Trees you are not referring to the base of the wall you are referring to closer to 22.

Mr. Suozzi replied in other words about ten feet out from the wall.

Board Member Rogan asked ten feet is your basin isn't it.

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

Rich Williams stated what their concern is and this is what I pointed out to Shawn is you can't plant at the base of the wall, Mr. Suozzi stated because now you are into the basin. Rich stated and it is going to flood out so nothing can go in there. The question is whether the Board is going to be acceptable with just this landscaping of the base or not.

Board Member Rogan stated it is a question that really is a mute point because the wall is built but with this block you couldn't create the middle terrace that we had approved.

Mr. Suozzi stated no.

b. Windsor Woods Lot 6 Wetlands/Watercourse Permit

Joe Darnell, Windsor Woods was present.

Ted Kozlowski stated that letter was with their initial wetlands permit application that they submitted back at the end of May since that time I have met with Joe and some other folks as well as Rich Williams at the former Deerwood site. We looked at a few things but Lot 6 the area that they want to develop and put this stonewall is in a grassy area that has already been disturbed as part of the improvements to the storm detention area. I really don't have a problem with the stonewall other than you physically getting it there. You are going to go from the top correct.

Mr. Darnell replied yes.

Ted Kozlowski stated you are going to go from where they are building the house not through the wetland but they are going to come down from the road and install it so there will be no disturbance in the wetland area. In addition, if you guys have been into the site the detention area has a very stark looking hill that is just grass, Wetland "A" was a very important wetland when we were looking at Deerwood Subdivision years ago. It is a vernal pond. It is an amphibian breeding area. They breed down in the vernal pond and then they migrate back up into the dry woodlands during summer season that has been eliminated in this part of the subdivision, speaking with Joe he is willing to re-forest that hillside as part of the mitigation I think that is a very good thing to do and I would support that part of the project or you know in mitigation for the stonewalls being in the detention area.

(Unable to hear the question from Board Member Rogan).

Mr. Darnell replied they will be boulder walls about four foot high natural stone.

Ted Kozlowski asked in addition I think the stonewalls will probably serve as some sort of wildlife habitat chipmunks and other things but that is better than the grassy open area as far as I am concerned. I think it would be a good thing to do. Now, as far as the wetlands permit application they still have to submit a fee which still has to be determined because it has kind of changed a little bit, nearby adjacent property owners, I think you got a copy of the letter.

Chairman Schech asked for a motion.

Board Member Rogan made a motion in the matter of Lot 6, Windsor Woods also known as Deerwood that we approve the wetlands permit as per the memo,

Ted Kozlowski stated no, no you are jumping the gun.

Rich Williams stated you can waive it or you can do it a public hearing but if you are going to make him get a permit then there is going to be a public hearing.

Board Member Rogan asked so are we doing a waiver.

Ted Kozlowski stated I would say this,

Board Member Pierro stated we have to have something in our hands because if this does not get built we have to be able to go back.

Ted Kozlowski stated Joe, you still have to submit what you are going to do, what you are going to plant as part of this permit. Right now we just have a verbal agreement and you did bring some photographs of what you want to do there but that has to be part of this permit.

Chairman Schech stated then waive the public hearing.

Ted Kozlowski stated I don't mind a waiver because they still own the site and there really is no neighbors.

Board Member Rogan stated but you need a plan.

Board Member Pierro stated we need to have a plan how many times have we got screwed without having a plan.

Mr. Darnell asked you are talking about a plan for the, Ted Kozlowski stated a planting plan.

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

Board Member Montesano stated table it until next month.

Rich Williams stated here is the thing I have been trying to think on how you can grant the waiver subject to somebody approving the plan but being as we really don't know what the plan is going to look like or what the criteria I don't know how you are going to do that. So, if you are not going to grant a waiver and you have got to table it until next meeting you might as well set the public hearing. I don't know that we can clearly define the plan.

Ted Kozlowski stated right now we just have your commitment to.

Mr. Darnell stated I got a list of trees from you and I was going to use that list of trees and do like ten to fifteen and this is a minimum of the trees that you suggested with one of the ones on the list was bushes and I was going to put twenty of those in the bare area that was on top of that rock shelf I was going to use your suggestion of doing the pipeline grass mix.

Chairman Schech stated give us a sketch plan on what you are going to do.

Mr. Darnell asked this has to be at the next I have to wait another month.

Ted Kozlowski asked what is your concern.

Mr. Darnell replied I wanted to start building there.

Ted Kozlowski asked building.

Mr. Darnell replied building the house and put these plants in. The plants are going to soften the look of it as well and make it look nice it benefits everybody.

Board Member Rogan asked why can't you start building your house.

Ted Kozlowski stated first of all he does not need permission to build the house he has already got permission to build the house.

Rich Williams stated he doesn't have permission to build the house.

Board Member Rogan asked he does not have a permit.

Ted Kozlowski asked a building permit.

Rich Williams replied no because he is changing the location of the house and this is all part of it with the deck going into the wetlands and I was not willing to sign off on any of it until the wetlands issue was resolved. So, just so everybody is clear.

Chairman Schech stated public hearing next meeting give us a sketch of what is going on.

Board Member Montesano made a motion in the matter of Lot 6, Windsor Woods Wetlands Permit that the Planning Board schedule the public hearing for August 5, 2004. Board Member Di Salvo seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	aye
Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member Di Salvo	-	aye
Chairman Schech	-	aye

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

Board Member Rogan asked how did we get to this point I mean certainly you have been going through this process for longer than the last two weeks so why are we here at this point and not a month ago was it the change in location of the house.

Mr. Darnell stated the location of the house has not changed in the last month. The wall was redesigned to be a little better to follow the grade and I met with Ted and he suggested we plant the trees.

Board Member Rogan asked Rich, how does this action hold up you approving a change of house location.

Rich Williams replied because the problem became the deck in the wetland buffer.

Board Member Rogan stated get a permit for the house without the deck. Get the permit for the deck after this action.

Rich Williams replied no.

Board Member Rogan asked why.

Rich Williams replied why don't you go ask your wife why.

Board Member Rogan asked why it needs a variance.

Rich Williams replied or not.

Rich Williams stated what happens if he builds the house and the Planning Board denies the wetlands application I mean it sounds like everything is fine here but what happens if he builds the house and the Planning Board then denies the wetlands application and he can't put the deck on.

Ted Kozlowski asked why would the Planning Board deny the wetlands application.

Board Member Pierro stated because he does not fulfill the things for some reason.

Rich Williams replied I don't know but I can tell you one thing I heard here I have not seen a plan on this as far as the plantings you said he is going to be planting the side of the detention pond now probably that is not an impact but I don't know.

Board Member Rogan asked help me out here though the deck is not in the wetlands it is the stonewalls that are in the wetlands.

Rich Williams replied nothing actually is in the wetlands it is in the buffer.

Board Member Rogan asked so why is the deck.

Rich Williams stated the deck is in the buffer.

Ted Kozlowski stated Shawn, this is one of the houses before Joe was involved it is not your fault but when Harry Nichols was in front of us this is one of the houses where it is built right on the edge of the wetland buffer and remember the discussions what happens if the guy walks out into his backyard and wants to put a shed up everything is in the buffer.

Board Member Rogan stated it is not Harry's fault it is our fault.

Ted Kozlowski stated Harry was the Engineer representing the site and this is one of those lots and there are few other lots.

Rich Williams stated we haven't gotten to the tough ones yet.

Ted Kozlowski stated that are going to be very similar to this.

Mr. Darnell stated this one is tough.

Rich Williams stated well it is but we haven't gotten to the real tough one with the wetlands they are on the other side of the road. The other side of the wetlands. They are all the way out in back. They are the ones you are going to have a nightmare with.

Ted Kozlowski stated so Joe, one of the things you have made a verbal commitment to plant and I appreciate that but,

Mr. Darnell stated I had my Landscaper do a cut and paste job the best he could with some mature looking trees. I have that will that suffice as a plan.

Board Member Pierro asked do you have a detail of what you are going to plant pictures just are not going to do it.

Ted Kozlowski stated I think Joe what you are going to need is I gave you a list of trees and plants and stuff you are going to need to take that list and say how many Red Oaks, how many you know.

Board Member Pierro stated we need to memorialize this for the record.

Ted Kozlowski stated again, if a meteor hits you tonight going home and the next guy comes in we need a plan.

Mr. Darnell thanked the Board.

10) ANTROC WETLANDS/WATERCOURSE PERMIT APPLICATION

Mr. Barry Naderman, P.E. and Mr. Tony LaRocca, John D'Amato, Applicants and Laura Roberts of Joseph Office, Counsel were present

Chairman Schech stated first of all I see we are closing off our garage.

Mr. Naderman stated we are closing off our garage.

Chairman Schech asked we are going to maintain a full basement though.

Mr. Naderman stated maintaining a full basement. First of all I want to thank you for holding this over I was unable to get here immediately. Anyway since our last appearance we did get an understanding of what it was we were going to do to the site and we did have some correspondence and discussions with the Town Engineer's office and I understand that they did have a meeting at the site with the Highway Department and determined what would be the best course of action here. It turns out that we actually went with this plan and it turned out that the Highway Department's comments ended up being exactly what we were proposing. The plan now reflects that this existing culvert that was put in that eliminated the existing swale that is going to be removed, we are going to re-establish this portion of the swale in its original configuration, we are going to put in a twenty foot length of high density polyethylene pipe and for the remaining twenty-five feet or so from this end section to the existing end of the culvert here we are going to establish that with a riprap channel, detail for the channel an eighteen inch wide bottom, eighteen inch at the top. We lay down some filter fabric and rip rapped the bottom and sides and then we stabilize that flow. Yes, we are going to be closing off this garage opening here and we are going to be filling that foundation

wall so that it all provides positive pitch towards the open part of the swale. We discussed at the meeting last time about putting in the twenty-four inch wide clay barrier to a depth that was two feet below the foundation drain. During the activities for the swale and actually it will probably stay in place for the entire duration of the construction we will put in a stone check dam so that it will prevent any sedimentation or anything from getting into the culvert and conveying offsite. I think this is the proper course of action now at this point and we did modify the permit application to include the specific elements of the remediation of the drainage channel and we say that includes removal of approximately sixty linear feet of the new twelve inch c.m.p. that is this one, the removal of fill from the original channel that is this portion of it and install twenty feet of fifteen inch pipe within the channel for the crossing and lastly restore the remaining twenty five feet of channel with filter fabric and riprap. So, we have included those elements on the application itself.

Chairman Schech asked what about a treatment area for the water you are pumping out of the footing drains.

Mr. Naderman replied you mean in the future of what we have done so far.

Chairman Schech asked in the future.

Mr. Naderman replied we don't need to pump the foundation drain to this location. We have taken shots and we have seen that if we raise the basement slab elevation by about twelve inches that sets the footing drain at a location that could drain by gravity to the swale so there won't be any pumping of the footing drains. However, just an added measure as with any basement in an area like that we will probably have a sump in the corner of the basement but my guess is that I don't anticipate that ever functioning but everybody likes to have that extra added measure in the basement.

Ted Kozlowski asked Barry, how deep is that drainage ditch when you are all said and done.

Mr. Naderman replied at a minimum it is eighteen inches realistically there are certain sections that are going to be a little bit higher than that, the road elevation a little bit higher.

Ted Kozlowski stated I don't remember too much about what it looked like before hand but with that open riprap is that going to present any kind of tripping hazard or hazard to pedestrians or anything like that. Did you think about maybe doing some planting along that to sort of soften it.

Rich Williams stated wait, let me jump in here not wanting to speak for the Highway Superintendent but I really don't think he is going to want plantings between the swale and the road.

Ted Kozlowski stated okay well a guard rail, not a guard rail I am just,

Rich Williams stated generally we don't I mean the swales go right up along side the road all the time.

Ted Kozlowski stated I know but it is right on that residence right on top of everything.

Mr. Naderman stated it actually is fairly consistent with the swales.

Rich Williams stated I have got a suggestion for you we can pipe it.

Ted Kozlowski stated hey, that is a good idea why didn't I think of that.

Chairman Schech asked can I have a motion on this it looks good.

Rich Williams asked what are you doing are you waiving it.

Chairman Schech asked waiving what.

Rich Williams replied waiving the application based on implementation of the plan.

Chairman Schech stated it looks good to me.

Board Member Rogan stated based on the last application if we waive it we can finish the process if we don't waive it we have to have a public hearing on it.

Rich Williams replied right.

Rich Williams stated at least he has a plan.

Board Member Rogan stated I figured Barry, you would have crucified us if we had accepted sketches from that one, I saw you there.

Mr. Naderman stated I was very carefully listening to the requirement for the public hearing. That is not something that is discretionary with the Planning Board that a public hearing may be required or a public hearing is required.

Rich Williams stated no the Code says if you are going to do a permit you got to have a public hearing.

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

Chairman Schech stated all right let's set a public hearing next month.

Rich Williams stated I don't think that is what he wanted.

Board Member Rogan stated no I think he wanted a waiver of the permit.

Mr. Naderman stated quite honestly, construction has got such that literally the box was ready for delivery when unfortunately the Stop Work Order was issued, Board Member Rogan stated you have to replace your sill plates though. They are warped all over the place because they did not have any weight on them.

Mr. Naderman stated he is already paying for storage for the finished houses for a couple of months and I know that is not your problem.

Board Member Pierro asked what could we do to move this along Rich.

Rich Williams replied you have two options at this point, set a public hearing, get a permit or based on implementation of the remedial measures shown on the plan you grant a waiver.

Ted Kozlowski stated the only thing that I would say again is the last time we granted a waiver the first time and this guy would have had his house built already if it was followed the right way. Now, did we learn our lesson.

Mr. Naderman replied I think we did and again, the history of this thing the Applicant even though the site conditions changed so to speak or the proposal changed it wasn't a concern with the Town Building Inspector nobody was trying to do anything he unknowingly,

Ted Kozlowski asked but you realize that if again, I am sure this is not going to happen but if this is not followed through, Board Member Pierro stated precisely, Ted Kozlowski stated and this is another screw up the house comes, Mr. Naderman stated I will issue the Stop Work Order personally. Ted stated well it is going to be more than a Stop Work Order it will be in court and we don't want to get there. This should have never gotten this far.

Board Member Rogan asked Barry you are going to be over seeing this plan correct, I mean you have taken the time to put all this effort in you are going to be over seeing as the Engineer for the project.

Mr. Naderman replied sure.

Board Member Rogan asked or does your responsibility end at this meeting honestly.

Mr. Naderman replied I am sure that is open for discussion. I am sure they would want to have me over see and I can tell you that since this occurrence I have been looking at other properties with them for me to identify potential situations so they don't get stopped on other properties.

Ted Kozlowski asked Barry, if this is waived tonight when does that get done.

Mr. Naderman asked the work itself.

Ted Kozlowski replied yes when does that pipe get torn out and restored.

Mr. Naderman replied it could be done as soon as possible I mean they are ready.

Board Member Rogan asked and that means after the house is set.

Mr. Naderman replied not necessarily I mean obviously they have got to get the house delivered but if your question is are they going to do everything else first and do that last no.

Ted Kozlowski asked what is the time frame.

Board Member Rogan asked where will you set the crane.

Mr. LaRocca replied we haven't decided that yet.

Board Member Rogan stated because if it is going to be anywhere near that pipe I would wait and do the pipe until after you set the house.

Mr. LaRocca stated it might be on Hanover or it might be where the pipe is itself.

Ted Kozlowski asked but what is the date that you can safely say this is going to be in and we can go in and see it and sign off and say it is done.

Mr. LaRocca replied as soon as they lift the Stop Work Order and we are able to start work we will work on it. (unable to hear the entire statement)

Mr. Naderman asked how long does that take.

Ted Kozlowski replied that is tonight.

Rich Williams stated if they grant the waiver Paul can lift it tomorrow.

Mr. LaRocca stated we can start right away.

Mr. Naderman asked Mr. LaRocca do we want to say within two weeks because obviously if we are experiencing several days of heavy rains you don't want us digging that up.

Ted Kozlowski stated let's say by September 1st this will all be finished.

Mr. Naderman replied absolutely.

Board Member Rogan asked Rich, setting a waiver with such conditions it is almost like you are granting a permit but,

Rich Williams replied I am not saying that you are not stretching it.

Board Member Rogan stated I mean really you are setting a waiver that says we are waiving our requirements provided you do the requirements it is kind of a, we are all interested in having you get back on this project. I want the orange fencing removed, I want the water out of there, thank you for treating for mosquitoes I was out there on Tuesday and there were no mosquitoes and no kids fishing in your basement. Although, they were playing ball rather closely. We want assurances that we are going to follow through. I like Barry's work, I like the plan, and I think it is a good plan. We want to get you back on track but I think we want assurances that this is not going to be set aside until the end of the project.

Mr. LaRocca stated it won't be.

Gene Richards stated Mr. Chairman, one other thing if this goes the route of a waiver what I will suggest is the work they do to clean up that ditch, remove the pipe and reestablish the ditch should be at the approval of the Highway Superintendent; now what will probably happen is Charlie won't look at it but he will have Tom McGinn in our office go out and just check in and make sure it is okay.

Mr. Naderman stated I would think that given that it is within the right of way the Highway Department almost automatically it does not even have to be a condition would automatically have to approve what is going on in the right of way.

Rich Williams stated they do.

Mr. Naderman stated whether that was a wetland or watercourse or not.

Chairman Schech stated just notify this office when it is done or while it is being done and we will have somebody out there to take a look.

Board Member Pierro made a motion in the matter Antroc Wetlands Watercourse Permit application that the Planning Board waives the wetlands application.

Rich Williams asked Barry, what is the date of the plan.

Mr. Naderman replied 6/16/04.

Board Member Pierro stated with the contingencies designed on the plan date 6/16/04 by Barry Naderman,

Rich Williams stated mitigation measures.

Board Member Pierro stated mitigation measures and to be completed by September 1st.

Mr. Naderman stated completed and accepted by the Highway Department.

Board Member Pierro stated right.

Rich Williams stated and the Building Department.

Board Member Di Salvo seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	aye
Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member Di Salvo	-	aye
Chairman Schech	-	aye

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

Mr. Naderman thanked the Board.

Mr. LaRocca thanked the Board.

11) **Wunner Lot Line Adjustment**

Rich Williams stated Wunner is just an extension I did do a memo for you. Their lot line adjustment is expiring July 7th.

Board Member Montesano asked any particular reason why they had a problem.

Rich Williams replied I didn't talk to him.

The Secretary stated I spoke with him he just said it was taking time to get it done and they called with a couple of questions.

Board Member Rogan made a motion in the matter of Mitchell Wunner Lot Line Adjustment that the Planning Board grants a 60 day extension. Board Member Pierro seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	aye
Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member Di Salvo	-	aye
Chairman Schech	-	aye

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

12) TRIPLE J SUBDIVISION

Chairman Schech stated Triple J we all wanted to go out and take a look at first right.

The Board agreed.

13) MINUTES

Board Member Pierro made a motion to approve the minutes May 6, 2004 and May 27, 2004. Board Member Rogan seconded the motion. All in favor and minutes were approved by a vote of 5 to 0.

Board Member Rogan made a motion to adjourn the meeting. Board Member Pierro seconded the motion. All in favor and meeting adjourned at 9:37 p.m.