

**TOWN OF PATTERSON
PLANNING BOARD MEETING
July 6, 2006
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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

**Planning Board
July 6, 2006 Meeting Minutes**

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

Present were: Board Member Mike Montesano, Board Member Dave Pierro, Board Member Maria DiSalvo, Rich Williams, Town Planner, Gene Richards, Representative from Town Engineer's Office, Stantec Consulting Services Inc., Ted Kozlowski, ECI., and Paul Piazza, Building Inspector.

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

13 Members in the audience

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

Vice Chairman Montesano led the salute the flag.

1) PATTERSON CROSSING RETAIL CENTER DEIS

Vice Chairman Montesano stated for information the Patterson Crossing DEIS was taken care of at our work session. It was accepted under certain conditions and they have until the 27th of July to meet those conditions if not they will be on for the August or September meeting.

2) BEAR HILL ESTATES – Public Hearing

The Secretary read the following legal notice.

Mr. Rob Cameron, Putnam Engineering was present representing the Applicant.

Mr. Cameron stated Robert Cameron from Putnam Engineering representing the Applicant, Bear Hill Associates. Bear Hill Associates owns approximately thirty-six acres of land bounded by Route 311, which is also bisected by Bear Hill Road. The proposed project is to divide the property into five lots; four lots of

which are proposed to be developed by improvements meaning single-family dwellings. As part of this application, the Applicant is proposing to dedicate a right of way of the present location of Bear Hill Road to the Town. Presently, Bear Hill Road is only owned surface only by the Town of Patterson by maintenance. The improvement will allow legal access to all the properties. Any properties that don't have access will be granted easements. The application also consists of a wetland permit application. The wetlands were located and flagged. Lot 5 indicated in orange over here is the subject of the wetlands and watercourse application permit because the septic area, the expansion area of the septic was partially within the one hundred foot wetlands buffer area. Is that enough information.

Vice Chairman Montesano asked are there any questions from the audience pertaining to Bear Hill.

An audience member raised her hand.

Board Member Rogan asked could you please come up and use the microphone Maim so that we can get your name for the record and your comments.

Ms. Bauman stated my name is Patricia Bauman I live at 66 Bear Hill Road. I have a question about the new wetlands ordinance. I am interested in knowing whether or not the new legislation requires more work done on Bear Hill Road in terms of culvert or what have you.

Ted Kozlowski asked I am not quite sure what new regulations you are referring to.

Ms. Bauman stated well I understand there are new regulations other than that I can't give you any other information.

Ted Kozlowski stated this is a Town regulated wetland and there are no new regulations with the Town.

Ms. Bauman stated it was my understanding and I don't remember who I heard it from that the new ordinance or however you want to phrase it requires a culvert to be installed from the bottom of Bear Hill Road up to the top.

Ted Kozlowski stated you might be talking about stormwater regulations.

Ms. Bauman stated well whatever.

Rich Williams stated the new stormwater regulations require perhaps there is going to be some drainage improvements that we are going to have to do along side the road. We are still trying to sort through that but the wetlands regulations don't affect this at all.

Ms. Bauman stated it still pertains to water though.

Rich Williams stated yes.

Ms. Bauman stated the only other concern that I have and I wanted to go on public record is that the driveway, where am I right here referring to the map. I would like to possibly have this driveway shifted to the north a little bit because the lights from this driveway are going to come right into my kitchen and it is going to be extremely annoying so that is all I have to say.

The Board thanked her.

Vice Chairman Montesano asked are there any other comments.

Tom Donahue stated Tom Donahue, 48 Bear Hill Road. Is there time to go over the drawings and to see where the houses are located and what the style of the houses are, offsets that sort of thing.

Board Member Pierro stated we are not at that stage to show style of houses.

Mr. Donahue asked so I guess what are you deciding at this meeting.

Board Member Rogan replied we are not deciding anything at this meeting. It is just a chance for the public to review the documents. I think what you are asking is if you can get time to spend to review these documents.

Mr. Donahue replied right.

Board Member Rogan asked Rich at what point can the public come in.

Rich Williams replied they can come into the office and review anything that is within the file at that given point anytime they like.

Board Member Rogan asked fill out a FOIL Request.

Rich Williams replied they are allowed to have access to the material, you can get copies there is a cost associated with getting copies but you can get copies if you like.

Mr. Donahue asked one other question that I had you had mentioned there are five lots and you said four were something and the fifth was something else.

Mr. Cameron replied four are proposed to be developed. Lot #2 which I refer to as the fifth lot is going to remain undeveloped.

Board Member Rogan asked how many acres is Lot 2, thirty-six.

Mr. Cameron replied no it is actually the total area is thirty-six, Lot 2 is sixteen point five acres.

Mr. Donahue asked and it remains undeveloped in perpetuity or at this time.

Mr. Cameron replied at this time for this particular subdivision there is no proposed development on that lot at this time.

Mr. Donahue asked when will these be available to look at. Do you have them now.

Rich Williams replied we are on summer hours right now, so the hours are 9 to 4 and generally, we are opened Monday through Friday.

Board Member Pierro asked Rich, can you communicate to Rob as to our conversation with Mrs. Bauman just immediately prior to the meeting tonight.

Rich Williams replied I think she did convey the fact that she would like to see that driveway shifted. It is something that we are going to have to take a look at to see if it is possible. There is another issue that came up this week which I forwarded the survey on to Rob in that there is a discrepancy between surveyors about who owns what property in that general area and that certainly is going to have a bearing on whether we can shift that driveway or how much we can shift that driveway.

Mr. Cameron stated I discussed that matter with Terry Collins this afternoon and she says she has done a lot of the survey work for these other parcels and you can kind of see how and her point is well taken, you can kind of see how, Cabin Campfire originally as you know grided up all this land and the grids basically run north, south, east, west and DeBearstrand was given what was known as parcel 2 which is a one hundred by one hundred parcel and it basically falls in line by the easting and westing, northings and southings dimensions that were given. It aligns with the other parcels that Terry Collins had surveyed. DeVine's map kind of shows it off centered here in a place where actually it would conflict with the lands of this parcel right now. If they were given a hundred by hundred, I mean you can even see by that survey from DeVine it is not a hundred by hundred parcel and if it were a hundred by hundred parcel it would go over into the lands of what I have shown as Weidley.

Rich Williams stated yes but if you grid it out you know it looks like at one point that it was a parcel perhaps there was some lot line adjustment done at some point between property owners when they did it so it is possible. It is conceivable that James DeVine could have had it right. I don't know.

Mr. Cameron stated Terry is more than happy to talk to you, the Attorney she will defend her position.

Rich Williams stated I think what we would like is something in writing back as to why she feels it is this parcel and not the other parcel because we have a property owner out there that has a survey done by a surveyor, she has been paying taxes on it all these years and we would just like it cleaned up. I don't know Anthony if you have got anything to add on what we need as far as documenting exactly who owns what and why.

Anthony Molé stated I think we can begin with something from Terry in writing I mean obviously you know our concern is that we have conflicting information, the survey saying she owns one part and other things saying she owns the other parcel. I don't know with respect to a Title Report, which parcels, I know you submitted a Title Report of some sort I don't know which parts of that are in that Title Report and if it relates to who owns that portion of the road that is out there as compared to that one hundred by one hundred parcel. If that is in there we will review that as well if it is not in there then we probably would need something from a Title Company showing the correct ownership of those two pieces of land.

Vice Chairman Montesano asked are there any other questions from the audience.

There were no more questions from the audience.

Vice Chairman Montesano asked for a motion to close the public hearing.

Board Member Pierro made a motion in the matter of Bear Hill Estates that the Planning Board closes the public hearing. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 4 to 0.

Mr. Cameron thanked the Board.

Mr. Cameron asked as far as the other engineering and planning comments, I think I can address a lot of those concerns. We are going to have the issue that was previously discussed about Bear Hill Road and how to dedicate Bear Hill Road and that was the concern over Road Map "A" and the access and as Rich pointed out in his memo basically what it is saying is that all parcels shall be granted some type of access to a public thorough fare which we will continue to offer so I don't think there is going to be, I am hoping there is not going to be too much of an issue in the dedication of the road and the abandonment of the previous Road "A" because basically we are still offering the exact same thing.

Board Member Rogan stated I would like to go on the record this evening and thank our Highway Department Supervisor, Charlie Williams for giving us a recommendation on this as we had requested. It asks for a cul-de-sac instead of a hammerhead. I am assuming the problem is that we don't have room for a cul-de-sac otherwise we would have proposed one but I did want to thank him for that recommendation because this Board did think that we were not going to get that.

Board Member DiSalvo stated getting back to Mrs. Bauman's concern I remember on the site walk that we did last winter that a few of the members of the Planning Board did express concern about that driveway being right opposite your house and shining the lights in there so hopefully we can re-design that driveway so it is not inconveniencing you.

Mr. Cameron stated I could probably tip it to the north a little bit but then my concern is going to be I might not have a complete ninety degree access maybe I could make it like eighty degrees or something like that.

Board Member Rogan asked in other words you won't be entering the road at ninety degrees is what you are saying.

Mr. Cameron replied right so I mean I would have to just move it up and that would just mean radiusing this edge a little bit more. Basically, when you come down we might just head a little bit that way but obviously when you get to some point here you are going to have to turn down the street and you are going to have turn towards Ms. Bauman's house so inevitably you are going to turn towards the house at some point but at least I understand her point that does not have to be pointing directly.

Board Member Rogan stated maybe at that point the headlights would be at a lower elevation so they would not be shining directly into the house.

Ms. Bauman stated I just had one statement to make about your latest comments. The way the driveway is angled now toward the road when the occupant comes down that road from that house up there the lights are going to go right in, when you get to the road you are going to be turning so the lights are going to be parallel to the house so that is not a problem right.

Board Member Pierro stated once you make the turn they are not aiming into the house anymore.

Mr. Cameron stated right just like anybody else going up and down the road.

Mr. Cameron stated this is a pretty steep cut up here. You are really not going to get the lights too much out of that and if you make the turn here they are going to be pointing away from your house.

Ms. Bauman asked I would assume that terrain would be leveled would it not.

Mr. Cameron replied oh no. It is pretty steep.

Board Member Rogan stated she means where it connects with the roadway.

Mr. Cameron stated yes it is graded lower.

Board Member Rogan stated there are requirements for the slope at which the driveway has to meet the existing grade yes. I think the Engineer thought you meant going up to the house of course it is not going to be level. We will do the best we can to try to address that but as you can see from the survey there isn't a whole lot of room to work with there on that frontage on that road but we will see what we can do.

An audience member asked is Bear Hill going to be changing its path or does it stay basically the same, Bear Hill Road.

Mr. Cameron replied Bear Hill Road is staying in the exact same spot we are not intending to change anything.

An audience member stated when this happens, if it happens, however it happens are all the houses the are going to be built at the same (unable to hear no microphone).

Mr. Cameron replied well the purpose of a subdivision is to subdivide the lots to sell the lots.

An audience member asked whoever purchases the lots it is going to be at their option.

Mr. Cameron replied yes when they want to build a house or if they want to hold on to the property. That is really going to be up to whoever purchases the lots.

The Board thanked Mr. Cameron.

Mr. Cameron thanked the Board.

3) **NYSEG SITE PLAN – Request for Site Plan Waiver**

Vice Chairman Montesano stated New York State Electric & Gas requested a waiver of site plan to put in an emergency generation unit on their site, which was granted last week.

4) **CLOVE LAKE SITE PLAN**

Ms. Susan Bey was present representing the application.

Ms. Bey stated I am Susan Bey, I am the Executive Director at The Plaza at Clover Lake.

Board Member Rogan asked Susan, did you get a copy of the Planning Board's Site Walk Comments.

Ms. Bey replied I did.

Board Member Rogan asked so you are aware that we have a little bit of an issue with the ramp and it is something that, it is interesting because the ramp, we were talking about it at the work session the ramp if you were going today to get a permit or to put those in the ramp isn't required. You would just need the stairs your people are for the most part are ambulatory.

Ms. Bey stated correct.

Board Member Rogan stated but of course, when you propose a ramp it has to be built to certain standards and it does not meet those standards. The good thing is that it is put in with slate or blue stone that is not cemented in place so if it needs to be modified at least it is not as big of deal of course if it was poured concrete. Gen, if you would like to step in at any time and address any of this please do so.

Gene Richards stated I guess what we talked about at the site walk was the ramp specifically that the American Disabilities Act has certain specifications for handicapped ramps and one of the requirements is that you cannot go up any higher than thirty inches in one run without a landing. That just gives somebody in a wheel chair a place to stop and rest before continuing on.

Ms. Bey asked are there specifications for that landing as well for dimensions or size of that.

Gene Richards replied I am sure there are. The Building Code also has requirements that probably mimic the ADA standards so either one could lay it all out for your contractor. There are a lot of different requirements with the ramp, the slope of the ramp (unable to hear no microphone).

Ms. Bey asked so you are saying that there are other things beyond the for instances that you are giving.

Gene Richards replied I think there are other requirements under ADA and I am sure the Building Code as well. Whoever is doing the work for you they really need to see what the Building Code says and ADA. (Hard to hear no mic).

Ms. Bey stated all right so you are thinking or you are saying that the ramp was not built to code specifications.

Gene Richards replied well with that one specific, the straight shot I think it was about thirty foot long estimated and I think it probably was around three to four feet (unable to hear).

Ms. Bey asked so what is our next step.

Board Member Rogan asked would it make sense to have Clover Lake submit a plan showing the ramp built to the proper specifications and that would be almost like if you were applying for a Building Permit. Although, Paul a Building Permit is not required for this ramp correct.

Paul Piazza replied it is not required.

Board Member Rogan stated but as if you were applying for a Building Permit, have something on paper that shows what you intend to build to specs and we can approve that as a waiver of site plan and have it built to those specs.

Rich Williams asked Anthony I don't see any problem with them approving a waiver on this condition on meeting all the ADA requirements (unable to hear the rest of his statement no mic).

Board Member Rogan stated because we had a site plan on this that showed the location so we have already in theory we have already approved the location of the ramp and the walkways around the building per our site walk and the review, correct.

Rich Williams replied well there is no actual site plan showing the layout of the sidewalks. We have plan that was submitted that shows them but it is not approved site plan.

Board Member Rogan asked should we get those improvements added on to the approved site plan or is it not part of it because it is a waiver of site plan.

Rich Williams replied that is ultimately the question for the Board. If it is a significant improvement that you think needs to be shown on the plan and that makes it a permanent improvement so it is never going to come out then you want to do a site plan. If it is not a significant improvement this is really just something they are doing over and above it really isn't necessary to remain on the site should a year from now they change their mind and want to take it out they are entitled to do so with a waiver.

Board Member Pierro stated I am comfortable with granting a waiver as long as they meet the ADA requirements Mr. Chairman.

Board Member Pierro asked on the motion with regards to The Plaza at Clover Lake that the Planning Board grants a Site Plan Waiver contingent upon the installation of a ramp meeting all the ADA requirements and approved by our Town Engineer. Board Member Rogan seconded the motion.

Vice Chairman Montesano asked excuse me, should we include our Building Inspector.

Board Member Pierro stated well it does not require a Building Permit as Paul said but if Paul would like to review that with the Engineer at the proper time.

Paul Piazza stated what we will do is put together (unable to hear no mic) showing specifications required and they will have to build it to that.

Board Member Pierro stated then you can add that at the proper time.

Ms. Bey asked to the application. You are saying add the proposed plan for the,

Board Member Pierro stated we are waiving the Site Plan.

Board Member Rogan stated I am sorry the confusion is Susan that I was thinking we were going to request you to get us a set of plans on that. The motion is that we waive the Site Plan contingent upon you building

that ramp to the specs. We want the Engineer to review the design for how it is going to be built or just reviewing it in the field which would you prefer.

Gene Richards replied if there would be a plan then we could review the plan and say that is fine and build it.

Board Member Rogan stated that would make sense. That is just a design sketch that is not a full blown architectural plan just specifications showing slope and the building.

Gene Richards stated and elevation.

Rich Williams stated dimensions, slope.

Board Member Rogan stated have your builder call Gene.

Ms. Bey asked when we get the requirements we pass that along to Berkshire did the work so we give that to Berkshire and have them propose how that is to be modified so it complies with the ADA requirements.

Rich Williams replied yes that would be good and he can just bring it in here, drop it off and I will make sure Gene gets it. That way we will have a copy for our files and you can have a copy for your files. Essentially, what they are doing is they are eliminating a step for you so you don't have to come back after tonight. You will be all done with us.

Ms. Bey asked and then when it is approved it is reviewed and it looks okay then we can go ahead and build it. Do we need to get something in writing that says it is okay to go.

Gene Richards stated we will just issue a memo that says what you submitted is acceptable.

Ms. Bey stated okay that is perfect then we construct. Do the railings then become a part of that project like the fencing and the proposed fencing and railings that we had would have to go along with the requirements then.

Rich Williams stated yes to finish up the project you would want to put the railings up.

Ms. Bey stated okay.

Gene Richards stated don't put the railings in until the modifications are approved.

Ms. Bey stated right.

Board Member Pierro stated because we need the railing to match the ramp.

Ms. Bey stated exactly.

Vice Chairman Montesano stated also put a note that Paul is going to get a copy to review also.

Vice Chairman Montesano stated a motion was made and seconded all in favor:

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

Motion carried by a vote of 4 to 0.

The Board thanked Ms. Bey, she thanked the Board.

5) MACAL/DEW SIGN APPLICATION

Vice Chairman Montesano stated Macal/DEW Sign application was done at the work session.

6) NEW ENGLAND EQUINE SIGN APPLICATION

Vice Chairman Montesano stated New England Equine was done at the work session.

7) DILMAGHANI SITE PLAN – Waiver Request

Vice Chairman Montesano stated Dilgaghani is going to be held at their request to later.

Board Member Pierro asked Mr. Chairman did Rob get a hold of Dave Raines's letter on the Bear Hill Subdivision and if he didn't would you make sure he gets a copy of that.

The Secretary stated he is still here for Eastern Jungle Gym but I did fax it to him. You could just make sure he got it but I am pretty sure he did.

Board Member Pierro stated great thank you.

8) MALIZIA PROPERTY FILL PERMIT/ WETLANDS WATERCOURSE PERMIT

Mr. Malizia was present.

Mr. Malizia stated Frank Malizia owner of the property at 37 Allen Drive. What I proposed was to repair an existing wall that is supporting my driveway. I had an Engineer come up with a plan, a preliminary plan and submitted it to the Board and hopefully everybody has a copy of that. The only thing holding back an actual building plan was wetlands considerations and Rich gave me a copy of what the Board said about as far as the wetlands and stuff like that so I will turn that over to the Engineer and hopefully we can come up with a sketch.

Board Member Rogan stated I think you can appreciate that the wetlands aren't our greatest concern out there at all, even the Wetlands Inspector, it is mainly the structural integrity of the retaining wall. We are trying not to slow you down to the best extent that we can but obviously we want it to be done correct and I know you want it to be done correct.

Mr. Malizia stated I have got to live there so I don't need to have my cars going down the hill either.

Board Member Rogan stated but we appreciate your patience.

Rich Williams stated if I could just jump in here there is still an outstanding issue with the wetlands and flagging it out.

Mr. Malizia stated right.

Rich Williams stated and we had had a conversation about your Engineer thought you could flag it out and have Ted check it.

Mr. Malizia replied right but all he wanted was to make sure that there were no additional permits needed or variances required that would hold up the actual drawing. Once he has this in hand he will see that the Town says there is none so he can actually come out there and flag it out and once he has it flagged out I can give you a call, I can give Ted a call.

Ted Kozlowski stated just call me, I will come right out. I want to see it expedited too. It is a dangerous situation. It needs to be corrected so get just get it done Frank I will be out there.

Board Member Rogan stated Frank, we will take an action on this as soon as we can. As soon as our staff tells us that we are ready to go on it.

Mr. Malizia stated okay sounds good, thank you very much.

9) MEZGER WETLAND/WATERCOURSE PERMIT APPLICATION

Board Member Rogan asked did we end up getting a reso on this.

The Secretary stated I don't see any of the Applicants here.

Board Member Rogan stated all right we will go back to it.

Board Member Rogan asked Rich for my clarification on Mezger did we get a reso on this.

Rich Williams replied I did not give you a reso on that.

The Secretary stated you did get two memos.

10) INTEGRITY HEATING & AIR SITE PLAN – Site Plan Waiver Request

Applicant was present.

Mr. Dean stated hello I am William Dean, Integrity Heating & Air. I am submitting an application for a storage container on the property, 2680 Route 22 to hold flammables and combustibles . This all started when David Raines came out, he saw that I had a gas powered generator inside and he said that you really shouldn't have it inside. You should have it outside so I put a container on and Paul had pointed out that I needed to get an approval for that container. I am just trying to do the right thing by keeping the flammables out of the building and I guess I went too far without asking the right questions I guess. So, I am here to ask if I can do it.

Board Member Rogan stated I understand the mistake given the guidance you were given put them in an outside container, okay I am going to go get an outside container and that is the kind of thing that happens. We had a conversation at our work session you just happen to be the first case on the agenda dealing with this but there are several in terms of storage containers and while we allow them on commercial sites by site plan approval we are concerned about them because we don't want Patterson to turn into the storage container center for Putnam County. The Board had some specific concerns in terms of location, are they visible from the road, what type of material, what do they look like, you know what is it going to make your site look like and what is it specifically going to be used to house. I think that is kind of information we are looking for the size, where it is located.

Mr. Dean stated I did get a letter from David on this. I was given this earlier. I can answer some of this. I know it is a vented container, it is steel. I don't know what the rating would be whether it is approved by anybody. I can check with the company on that because I just got this information but it is located in the back of the building, which you can't even see.

Board Member DiSalvo asked what is the size.

Vice Chairman Montesano asked what size.

Mr. Dean replied the container I think it is a twenty foot by about eight foot high by about six foot wide. I would not go exactly but I can measure that. It is in the back. Most people I don't think even notice it. I don't really notice it from the road.

Board Member Rogan asked how long has it been there.

Mr. Dean replied it has been there I am going to say close to a year because David came out last May.

Board Member Rogan stated I haven't notice it and I drive up and down all there all the time.

Board Member Pierro asked is this container on any kind of footing.

Mr. Dean replied no it is the driveway or the driveway is there.

Board Member Rogan asked so it is on blacktop.

Mr. Dean replied yes it is on the asphalt.

Board Member Rogan asked Paul you want to say something.

Paul Piazza stated point of fact I had no idea that the trailer was up there and as everybody knows I am out on the roads all the time. I was confronted at a court hearing on another issue, similar issue on another location that they used this as a why can't have it if he has it and had a photograph of it. The next day I was at Integrity Heat and saw the container and that is how he has been brought here to either get a site plan approval or get rid of it.

Board Member Rogan thanked Mr. Piazza.

Vice Chairman Montesano asked Paul you observed it yourself right.

Mr. Piazza replied right.

Vice Chairman Montesano asked you looked at the container.

Mr. Piazza replied yes.

Vice Chairman Montesano asked was it part of a vehicle at one time or is it a designed container.

Mr. Piazza replied it is a CTI shipping trailer that you would see at the docks or on a truck.

Rich Williams stated a shipping container.

The Secretary stated a sea box.

Mr. Piazza stated a shipping container.

Rich Williams stated a shipping container not a trailer.

Mr. Piazza stated I said shipping container.

Rich Williams stated no you didn't.

Mr. Piazza stated you wouldn't see it on a truck trailer.

Vice Chairman Montesano stated a container that was on a ship at one time. It is a half size container though, it is not.

Mr. Piazza stated it is a twenty footer.

Vice Chairman Montesano stated thank you.

Board Member DiSalvo asked is it painted a certain color or.

Mr. Dean replied it is gray, it is neat, it is clean, and it is not an old rust bucket type of looking thing. Like I said, I tucked it into the back of the building so it wouldn't be an eye sore because one of the concerns when I first applied for the place was they didn't want it looking like a contractor yard.

Board Member Rogan stated I am trying to think of the sites that we have been on and we mentioned the fence company that had two and we had them remove one to clean up the site a bit. Again, I think the intent

of this Board is that the character of the community especially up through the corridors from your bi-ways, from Route 22 does not turn into something where you have them sitting all over the place. I think we are very concerned with how they are presented and it sounds like in your case and I would like to actually go and just take a quick look at it. If it is tucked in behind the building and it is small and it is for a specific purpose then I think it is within the purview of this Board to approve something like that, it is within our Code to approve it by site plan for commercial use.

Board Member DiSalvo stated provided that it stays in that location too.

Board Member Rogan stated correct.

Vice Chairman Montesano stated and a maximum size.

Board Member Pierro asked and there are no additions to it.

Vice Chairman Montesano stated no forty footers, twenty foot would be sufficient I think.

Board Member Rogan stated the flip side to the argument though would be that a storage container may circumvent for instance taxation. Whereas if you built an accessory storage unit that was connected to the ground. I am not the Assessor but I imagine that would be taxed and so of course some benefit to the Town for that. My main concern is just that it does not present an eye sore and we know exactly what it is being used for that does not turn into a problem five years from now.

Vice Chairman Montesano asked can I make a suggestion, why can't we review these containers every two years or every three years or something of that nature this way if they are not maintained.

Board Member Rogan stated they are being reviewed they are being reviewed by the Fire Inspector when he goes out yearly right.

Rich Williams asked I guess the question is what are you reviewing.

Vice Chairman Montesano stated the fact that the container is kept in a reasonably sensible looking condition and not left to fall apart.

Board Member Pierro stated I think that would be under the purview of the Fire Inspector.

Board Member DiSalvo asked did you purchase this.

Mr. Dean replied it is actually a rental lease agreement.

Rich Williams stated it is more that our Code says site improvements and this would become part of the site improvements if you include as part of the site plan have to be maintained in a good and orderly condition. If something started to deteriorate even if we had a commercial building that was falling apart, paint peeling off whatever we could go after them.

Board Member Pierro asked Rich, could these containers be considered part of the building if we amend our Code in such a way they would be taxable square footage.

Board Member DiSalvo stated it could be removed.

Rich Williams replied I suppose if we amended our Code so that we allow them as part of the structure but I think that is more of a Building Code issue than it is,

Mr. Piazza stated it would have to be attached.

Board Member Pierro asked can we make a recommendation to the Town Board that we would like to see these attached to a building so that they would be taxable square footage on a commercial building or retail building.

Vice Chairman Montesano stated how about for safety reasons.

Board Member Rogan stated right that is the problem with it because they are using combustibles.

Vice Chairman Montesano stated they are using (a) combustibles, what size wind would this be able to withstand without flipping over.

Mr. Dean stated this thing would not flip over.

Board Member Pierro stated back to what Shawn said I don't want to be the shipping container capital of Putnam County and that if we can induce to people to put additions on their buildings that are commercial assessable.

Rich Williams stated well that is exactly the point I think that Shawn's point was that if there is a specific reason or a specific need for example; in this case it is store combustibles, a limited amount of combustibles or if somebody came in and they needed to put some shipping containers on their property for say a six month period while they did an addition that might be a justification but other than that you may want to consider just taking a position that in general we are not going to allow storage containers.

Board Member Rogan stated for instance if you came in and said I needed a storage container because I need more warehouse space that probably means your business isn't large enough the way it is and that might not be a use that we look favorable on. A specific recommendation based on storage of combustibles from a Fire Inspector that sort of thing I think is reasonable to have a container. If you said my storage just doesn't have enough room to store all the extra heating equipment that I am selling I am not sure I don't know I think that is for discussion by this Board but I am not sure that is what I feel would be appropriate to me then the site probably isn't appropriate for you.

Mr. Dean stated my main purpose was to store the machinery that was gas powered and that type where it can be wheeled in and out.

Board Member Rogan stated it is already on site so it is not holding up the Applicant in any way I would like to take a look at it if we are going to go out at some point in the next couple of weeks and do any site walks we can just take a look at that one because it sounds like we may be taking a look at some other ones. Then if it is acceptable we could always approve it even at a work session. It does really make a difference I don't think the Applicant would even have to come back in unless we have conditions.

Board Member Pierro stated that is fine. Is that okay.

Mr. Dean stated it sounds good to me.

Rich Williams asked then let's ask the next question here, do you want to make it part of a site plan.

Board Member Rogan replied that is what I was thinking before because thinking back to Plaza at Clover Lake if it is something significant and you said this, like a modification to a building, by using this as a part of the business it probably should be part of the site plan. If you are considering it temporary but you are always going to have combustibles at this place so it is not a temporary condition. It would be different if you said we are going to be doing a renovation we need it for a year than no it does not need to be part of the site plan. If it is something that is going to be utilized while you are there for the next say hopefully twenty years then maybe it should be on the site plan.

Rich Williams stated then what we are going to need to do Bill is amend your application from a waiver to an actual site plan and we are going to have go through the procedures which essentially means setting a public hearing for the next meeting.

Board Member Rogan stated right and we can do that.

Rich Williams stated then at the next meeting we are good to go.

Board Member Rogan stated at least then it is part of your site plan, it is approved for the site, you keep it in the same spot then you are good to go.

Mr. Dean stated fine.

Board Member Rogan asked is everyone okay with that.

Vice Chairman Montesano stated no problem.

Vice Chairman Montesano stated another question that we are going to run into is if we put that on the site plan because now it is going to be permanent, it is no longer a portable, temporary building or structure, what is that going to do to the assessment.

The Secretary stated it is not going to do anything because there is no building permit I don't think.

Board Member DiSalvo stated nothing.

Board Member Rogan stated even part of the site plan it is not currently looked at as a taxable structure whether it is on the site plan or not.

Vice Chairman Montesano stated there was information available last February from the Planning Federation about these structures being utilized for buildings we have to look into that again.

Rich Williams stated that was related to the proliferation of these containers in various communities and how they were addressing regulating them and in most cases prohibiting them.

Vice Chairman Montesano stated at the time when we were discussing it they were just talking about what they would recommend to be done and I don't know if I was fortunate to follow through to find out if any other information became available.

Rich Williams stated the way we do it in Patterson is they are not permitted in residential zones period end of story. In commercial zones they may be permitted with site plan approval like any other exterior improvements.

Board Member DiSalvo stated so we will go out and take a look.

Vice Chairman Montesano stated we will come out and take a look one day.

Board Member Pierro made a motion in the matter of Integrity Heating & Air that the Planning Board sets the public hearing for the next Planning Board Meeting on August 3, 2006. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor

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

Motion carried by a vote of 4 to 0.

11) BREWSTER PLASTICS – Site Plan Waiver Request

Board Member Rogan asked you don't want a shipping container do you.

The Applicant replied I am the other shipping container people.

Board Member Rogan stated no there are others.

Mr. Wallace stated my name is Brett Wallace I am Vice President of Brewster Plastics. Just to give you a quick little background about our containers. They are temporary we don't plan on having them as a permanent fixture. They are there to hold a specific product that our customer has required to not be in the manufacturing building. It is a filter unit that absorbs among other things a scent and some of my other products including air fresheners give off a scent inside the building and there media absorbs it so they requested that all their products, their shipping boxes, the plastic resin as well as the filter media itself be stored outside of the building.

Board Member Rogan asked so in essence you have a contract to manufacture a certain product, that product needs to be stored temporarily. What is the time frame on that do you think.

Mr. Wallace replied it all depends on the air freshener contract, which gets renewed every year as a bid. We have that contract through the end of this year and then we re-bid it and see if we get it for next year.

Board Member Rogan stated we could always in this case we could issue a waiver of site plan for a time frame, for a year or a year and a half from now or something like that and then re-visit it and then if you still have them we can re-visit it at that point.

Mr. Wallace stated okay.

Vice Chairman Montesano asked have you changed the location according to this or is that what I am reading in here.

Mr. Wallace replied no those are the two locations.

Vice Chairman Montesano stated those are the two locations.

Mr. Wallace stated the one at the top of the page there is for raw materials. We place those there because our shipping dock is right there so they can unload it then a short trip into the container. At the north side of the building is where the last molding machine is where the manufacturing process takes place so once it is produced it is a short little drive out to put the finish product into those containers.

Board Member Rogan asked is the containers on site.

Mr. Wallace replied yes.

Board Member DiSalvo and the size of those containers.

Mr. Wallace replied they are forty footers, the standard shipping containers.

Board Member Rogan stated you know what if we are going to be going out to Integrity then we can swing by this. The difference here is that we are considering issuing the site plan waiver for a time frame since they are claiming it to possibly be temporary we can always re-visit it a year from now or whatever time frame we find appropriate all right.

Mr. Wallace stated that would be fine.

Vice Chairman Montesano stated that is fine.

Board Member Rogan stated we are going to have a shipping container day.

Board Member DiSalvo asked what color.

Mr. Wallace replied the same as his the battleship gray.

Board Member DiSalvo asked the same company.

Mr. Wallace stated I don't know if it is the same company.

Board Member Rogan stated no they said battleship gray, neat and clean.

Vice Chairman Montesano asked did Eagles paint it nicely.

Mr. Wallace replied it is actually Eagles and yes they are painted with the paint for salt water.

Board Member Rogan stated after we take a look at it, it will obviously be back on the agenda because we are not asking you to submit any more paperwork on it, we just want to go take a look at it for the Board

making a determination, if we find it favorably we can take an action at the next work session. You don't need to be present at that. If you need to be at the next meeting we can let you know.

Mr. Wallace stated that would be great.

Board Member Rogan thanked Mr. Wallace.

12) WATCHTOWER – Site Plan Waiver Request

Board Member Rogan stated we were going to ask them to bring some photos. I am sure he has seventeen by forty prints.

Mr. Rich Eldred, Watchtower Representative stated we do have some photos.

Board Member Rogan asked how are you.

Mr. Eldred replied doing very good. I got married May 20th.

The Board congratulated him.

Mr. Eldred stated my name is Richard Eldred I am with Watchtower. I also have Joel Hire with me as well he has got the pictures. Basically what we are trying to do is we have had three tanks with a concrete curb around them for a number of years and in the rainy times like we just had they fill up with water, in the winter time they fill up with snow and the idea is the containment areas are supposed to be kept empty so if you had a rupture in your tank you would be able to stay in the containment area. We came up with the thought of putting a roof over the top of the containment area and it is actually down in the middle of our general farm area. It is surrounded by concrete and we do have some of our farm buildings around it setback at a pretty fair distance and so basically the building itself is going to look a bit like a lean-to type of building. It presently has metal siding on three sides and on the roof. The one side is open where you fuel it, the tanks stand about this high and the back of the building is nine and a half feet and the front is fourteen and a half feet. It will allow plenty of air movement through there. It is set well back from the road and I think that is part of the reason why you wanted to see some pictures. We could show them to you if you would like.

Board Member Rogan stated that would be great.

Mr. Eldred asked Joel you want to bring those pictures up.

Mr. Eldred stated we actually have a series of three pictures starting at the north end of the property looking towards the south and the west. You have basically where the site is it is way tucked behind a little like a hill area. The next picture is actually further down the road and once again you really can't see the site and the third picture is right directly in front of the main farm house and the site is actually behind that. If you are driving along you wouldn't really be able to see it because you would be going by too fast and you would have to know what you are looking for. The fourth site is up across from our main entrance looking back down and you are looking across our machinery shed and our loafing shed and it is tucked in behind. As far as from Route 22 you won't see the building.

Board Member Rogan stated two things that the Board was interested in seeing by those pictures; one, the character of the other buildings surrounding that site and it looks like they are predominantly white with some type of siding wood or vinyl siding. I thought that the main concern the Board had was just that that building meld in and fit within the other buildings there. You are proposing a metal building.

Mr. Eldred yes but to back up again on the farm buildings the machinery shed is metal siding, the two barns the loafing shed and the main barn are wood siding. We do have a thing there for silage of course that is concrete. The building itself that we are proposing yes it is metal siding and a metal roof and basically the buildings around are white and I think the building itself is a very light blue, a powder blue is what they tell me. It is sitting on a concrete curb that is about that high and then the side walls go up and the sheathing will be go down and the roof sheathing will be going from the front to the back on the slope.

Board Member Rogan stated I had referred in our work session to the building that we did on the road to Clancy's on the right-hand side, I don't remember what project that was across from Thunder Ridge.

Vice Chairman Montesano replied the telephone.

The Secretary stated the hut.

Board Member Rogan stated the big concern there was that is clearly visible from the road and so we went to great lengths to get a building in that looked nice that wasn't just a metal building. In this case it sits so far back in on the site it does not appear that you can even see it from the road.

Mr. Eldred stated this is actually a part of the agricultural buildings as well. I don't know whether that makes any differences or not. It is not really a commercial setting. We are in the middle of a barnyard setting basically.

Board Member Rogan stated to me it makes a difference in it is not something that is visible from the road.

Rich Williams stated I think it is equally as important that it is surrounded by other metal buildings. It is not like it is going to be one metal building.

Board Member Rogan asked is there any chance of getting that building in white instead of powder blue.

Mr. Eldred replied I can check on it. I am not sure.

Board Member Rogan stated if we could get it in white then I would be all for it then at least you are working towards keeping things more similar.

Mr. Eldred stated I can check on that.

Mr. Eldred asked Joel, do we already have the building.

Mr. Hire replied yes.

Mr. Eldred stated we got the materials.

Mr. Hire stated it matches the design, we matched it to the face of several of the metal buildings that are already a powder blue color.

Board Member Rogan stated it matches the sky on a very unique day.

Mr. Eldred stated that is true too.

Board Member Pierro asked Rich, in waiving the site plan on this request do we also have to waive the prohibition against metal sided buildings in the Town of Patterson.

Rich Williams replied that is an interesting question. I would include in the waiver that we are acknowledging that it is going to be a metal side building that you are granting the waiver for.

(Unable to hear Anthony Molé no mic and the train).

Anthony Molé stated I am not sure this Board would have the jurisdiction to make that waiver. (Unable to hear).

Rich Williams stated our Zoning Code is structured so that when it comes to site plan issues they have the ability to waive some of those standards. I believe this is one of those standards they have the ability to weigh on those. It is not like a dimensional requirement that they have to absolutely go to ZBA.

Board Member Pierro stated I think under the circumstances that it is in the position that it is in, it is basically being designed to match the buildings in the area.

Mr. Eldred stated I think another reason we had an interest in metal siding is because these are fuel tanks and we didn't really want to surround them with a wooden building otherwise we could have easily built the building ourselves. We have the capability to do a totally wood structure but we felt that because of the kind of material that would be underneath that it would be better if it were metal and so from our perspective from an engineering review we felt metal would be preferable and the same thing would be true if we wanted to come out the outside with some kind of wood. We would prefer not to do that if we didn't need to. We are willing to do whatever but we are just looking at it from a practical point of view.

Anthony Molé stated I agree with you Dave it would definitely have to part of the waiver explicitly stated so (unable to hear the rest of the statement).

Board Member Rogan stated so the conditions of the approval would be acknowledging that it is a waiver from it being a metal building but giving the justification it is a building containing flammables and it is not visible from the road. I think that is a consideration in this case. If it were right out front I don't think that I would. I think those things should be included in any motion.

Mr. Eldred stated the other thing is there is one little area where if you knew where to look you might be able to see it and that is this area right here referring to the photograph.

Board Member Rogan stated between the rock and the hard place. There it is.

Mr. Eldred stated we would be willing to plant a couple more evergreen trees in that general area if that would be of some help as well.

Board Member Pierro stated that would be fine it is not necessary because I think it is pretty well secluded but we like trees if you would like to throw a couple in there from your massive supply that you have down in that lower field that would be nice.

Mr. Eldred stated they do grow good there.

Board Member Rogan stated they do.

Board Member Rogan asked does anybody feel like doing this motion.

Board Member DiSalvo replied it is a complicated one.

Board Member Pierro stated Maria, you know you have got to step up every now and then.

Board Member DiSalvo made a motion in the matter of Watchtower Bible & Tract Society of New York that the Planning Board grants a site plan waiver with regards to the construction of a three-sided metal building for the storage of fuel tanks and also grants a waiver of the construction of a metal building which is prohibited by Town Code, under these circumstances because there are existing,

(TAPE ENDED)

Board Member DiSalvo stated because there are existing metal buildings on the farm, the color of the building to be powder blue to match the framework on the other buildings,

Board Member DiSalvo asked am I leaving something out.

Vice Chairman Montesano replied no I think we got everything covered.

Board Member DiSalvo stated the waiver granted for the metal building also for the storage of flammable tanks. Board Member Rogan seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 4 to 0.

Mr. Eldred thanked the Board.

The Board thanked Mr. Eldred.

13) PALMERI WETLAND/WATERCOURSE PERMIT APPLICATION

Mr. Palmeri, Applicant was present.

Board Member Rogan stated good evening Mr. Palmeri.

Mr. Palmeri replied good evening, how are you, Richard Palmeri, 11 Danand Lane. What I proposed is an addition to my septic system.

Board Member Rogan asked you are basically making your house larger in terms of potential bedrooms.

Mr. Palmeri replied what I did is I finished the room over my garage already and did not add on to my septic system. I have been in non-compliance of a C of O. I have been back and forth with the Health Department for over a year. I had a Wetlands Specialist come out and flag the area and had a re-topography done of the land and I believe Ted came out and saw the flags and okayed it.

Board Member Rogan asked is the shed that is shown on the plans that is existing that is just setting on concrete block or something.

Mr. Palmeri replied yes.

Board Member Rogan asked and that is over your existing septic area.

Mr. Palmeri replied no it is not. The proposed addition the one field that the engineer designed is not in the buffer zone at all. It is only the expansion area that will be in the buffer.

Board Member Rogan asked just to confirm where the shed is shown that area is what is shown as your future expansion area. So if you needed to use it you would have to move shed obviously.

Mr. Palmeri stated I would have to move the shed and also there is a play area that my kids have.

Board Member Rogan stated okay not that you couldn't probably put them back after you expanded but at least then they are not set in stone.

Mr. Palmeri stated I am not sure. I don't know if you can or not.

Board Member DiSalvo asked where else would you want to put it.

Mr. Palmeri stated because then after that the elevation and everything drops off in back.

Board Member Rogan asked so the wetlands permit is for construction or not even proposed expansion area within the hundred foot buffer.

Mr. Williams replied exactly.

Mr. Palmeri stated yes the Health Department wants that before they issue me the permit they wanted that from the Town.

Board Member Rogan stated and Ted I remember from the work session you said this is already a grass area, disturbed.

Ted Kozlowski stated it is already lawn.

Board Member Rogan asked Ted is there any wetland markers down at the wetland line or would you like to put some.

Ted Kozlowski replied when I went down there that was last year there was flagging.

Board Member Rogan stated it was flagged.

Mr. Palmeri stated they are still there.

Board Member Rogan asked could we,

Ted Kozlowski stated permanent markers yes.

Board Member Rogan stated get the permanent markers installed. I think that would be a great idea. They are just little triangular metal that get nailed to a tree. They are not obtrusive or anything.

Board Member Rogan asked on wetlands,

Rich Williams stated we just need to go through the procedures the next step would be a public hearing.

Board Member Rogan stated that is exactly what I was going to ask.

Board Member Pierro made a motion in the matter of Richard Palmeri, 11 Danand Lane that the Planning Board sets the wetlands watercourse public hearing at the August 3, 2006 meeting. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor.

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

Motion carried by a vote of 4 to 0.

14) ALPINE RESTAURANT SITE PLAN

Mr. Bill Baker, representing the Applicants.

Mr. Baker stated good evening, William Baker for the Alpine.

Mr. Baker stated I received a memo from Richie today and I reviewed it with the engineer and I am here to respond to this list of fourteen items excuse me list of eighteen items.

Board Member Rogan stated I guess the engineer didn't copy the plans as closely as he could have.

Mr. Baker stated well that was one of the issues he took exception I don't want to get into it, he took exception to the fact as to whether those plans could have been used because as he said to me he said had this been his plan, he said once he is paid for it it is my document but that being said he did not want to specifically copy the plans because there appears to be some problem with Mr. Hahn and the owner. What he did, he reviewed the plans and made a site visit, questions came up at the last meeting to where we wanted to eliminate the need for going to the State for the minor adjustment and that appeared to be the first and only thing as well as correct a parking lot count in reference to the stalls. On that item first item, that is a paved area not to jump around or try and confuse anyone the paved area, Mr. Hahn had shown parking bumpers to be put down with an area between the parking bumpers. In a lot of situations it was recommended to me today by the engineer that if the Board would prefer either parking bumpers or of course parking lines and then the bumpers to prevent any possible cars from bumping that can be taken care of. It is a matter of common sense in the installation of the parking bumpers. In reference to number two, the dimensions of parking stalls and the request was originally to grant a renewal of the approval 2004, or 2002 whatever the copies were and at that point when we did submit the original application and then there was some exception by Mr. Hahn's engineering firm which we are not going to get back into again which we still take exception to at that point in time when we came back in we anticipated a granting, we attempted to get an extension of what had been granted but not acted on and that was the only problem there. I really didn't want to submit a new application and a new plan to create the problem of the additional waivers but what ever this Board determines to be if in fact those waivers are a requirement then we would request those waivers to be extended again, that courtesy again. As to number three, number three we will absolutely do. The legend will be included on number four. The current site plan provides for fifty-four spaces that was because of an error in the count. We will list that. The owners name and address will be put on and I do have to apologize Richie had I known your procedures and I am still not clear on them if we make a submittal like we did in June should I be calling to review any of these things with you because I mean it goes on.

Rich Williams replied we go both ways with it. It is not a requirement, it is not a necessity.

Mr. Baker stated okay so this is your review okay thank you. Number seven of course we will do, number eight we will do, location map of course we will do, tax id number we will put on,

Board Member Rogan interjected Mr. Baker why don't we talk about the ones that you have concerns with if you are going to do them you don't have to go through them one by one.

Mr. Baker stated number eleven there is a question here it is now setback twenty feet from the stream, the engineer and I scaled that back it will be kept at the twenty feet and we will show the twenty-five foot. They will both be kept twenty-five feet rather. Number twelve, that exists as it is. Exterior lights I had a question as to what exterior lights.

Rich Williams replied I don't know but if there are exterior lights they should be on the plans.

Mr. Baker stated okay there are no exterior lights.

Board Member Rogan stated there are lights on the building at night isn't there.

Board Member Rogan asked are you talking about building mounted.

Mr. Baker stated building mounted lights what exists there is what exists.

Board Member Rogan stated it is just that they should be part of your site plan.

Mr. Baker stated well if they are on the building I will have to get him to show them I am sorry.

Board Member Rogan stated that is all right there is no reason to be sorry.

Mr. Baker stated number fourteen, it was my understanding that they are to do no additional paving and that any of this parking area that is not paved if the application site plan is granted that there will be no additional paving it has to be done in gravel. That is the reason why I understand that we are here to not incur any more impervious surfaces.

Rich Williams stated I understand that. The issue is this they are showing on the site plan that the area is to be graveled and it is already been paved. My only thing was just show it as paved.

Board Member Rogan stated show on the plans what is there.

Mr. Baker stated now I understand that.

Mr. Baker stated but any areas that are to be newly included will not be paved they will be gravel.

Mr. Baker stated the silt fence will be fixed. I don't understand the question with the layout on number seventeen Richie, the parking lot south of the frame building is limited to twenty feet. I don't understand that.

Rich Williams stated I don't know if you want to jump in here and do this but it has to do with the parking layout and having access.

Gene Richards stated what Rich is talking about is the retail building in front you have five spaces to the right of that and the way the parking spaces are arranged people that would be exiting those spaces would be backing up into the entrance. There is limited distance where they can back up to turn their vehicle and I am not sure if those entrances are designed to be one way entrances, one way in, one way out but that is something that DOT may have some concerns with and may not permit. I don't know if they had looked at the plan at all.

Mr. Baker replied no they haven't looked at this plan. The reason why at the last meeting we came in and I suggested by moving this forward to increase the turning radius when you back out of a parking space it eliminates the need in it's entirety to go in to the State right of way, to eliminate the State being involved in this. From what I understand this thing has such long history. I don't know whom I am addressing by the way.

Gene Richards replied my name is Gene Richards I am with the Town Engineer's office.

Mr. Baker replied okay Gene that was the purpose for moving this to create and the Engineer and I specifically had a car in that, marked it out, you can be sure that you can swing and exit in that space. That is why that the curb line was moved forward Richie just to eliminate the need to go back into the State's right of way.

Gene Richards asked the heavy line that is to the right below those,

Mr. Baker replied that is existing curb.

Gene Richards asked that arc that is curbing.

Mr. Baker replied yes.

Gene Richards asked so the car that would park in the spot that has a number five in it, you would have to back out, swing to the left and then,

Mr. Baker replied and cut your wheel to right and go out.

Gene Richards asked and exit through that.

Mr. Baker replied yes.

Gene Richards asked so that is not a one way in entrance there.

Mr. Baker replied no that is what exists now.

Gene Richards stated I just didn't know if the State had restricted,

Board Member Rogan stated yes but the building is not being used now so no one, it is a safety issue is what Gene is saying plain and simple that there is not enough room when somebody's backing out of those spots for a car to pull in safely. If they can be pulling in while somebody is backing out it is going to be a safety issue.

Mr. Baker stated it possibly would be a lot of common sense involved with people driving.

Board Member Rogan stated there you go again with that common sense.

Mr. Baker stated I know a lot of people don't have it. It tends to be avoided today. What might you suggest.

Gene Richards stated the issue was that there is a concern with those so you would have to look at it to and I know you have an issue with parking on the site generally. You are trying to get as many spaces as possible in there.

Mr. Baker stated we did not change the number or the location of any of these from the one that was approved in 2004. The reason why I suggested this and brought the Engineer up was to eliminate going in because of the potential litigation from these people who own this right of way. It became clear once we eliminated working in their right of way, which they seem to be happy now that we are not that just to come in here and move those four feet more and it does increase the turning radius tremendously. The only thing that I might suggest is that instead of putting the parking bumpers there we just paint that because it is blacktop if the Board wishes that and there comes some common sense but.

Gene Richards stated I was going to talk about the stalls too because you do have a note on the plan about needing a waiver about for the size of the stalls.

Mr. Baker stated right and that waiver was granted in the last application also.

Gene Richards stated okay well my recommendation to the Board would be that for any spaces that are lying on gravel you don't install lines on gravel.

Mr. Baker stated absolutely. This happens to be a paved area, which seems to be your concern here.

Gene Richards stated if you have pavement then you can paint the stall lines and if you have a reduced stall width that is fine because people will see the lines and they will park generally within the lines but if you have a gravel area where he is showing like ten spaces at nine foot widths it really does not work because people are going to park with three or four feet between their car and the next car even though you have bumpers, concrete bumper, wheel stops you won't get those ten spaces in that ninety foot that you mark out on the plans.

Mr. Baker stated there again common sense in a gravel area. What would you suggest. I mean I don't think you want more impervious surface.

Gene Richards stated I am not suggesting that at all I am saying is you are requesting a waiver for reduced stall width and probably on any surfaces that are gravel it really just wouldn't work from a practical standpoint because of how people park.

Mr. Baker asked how about if we were to put up parking flags, stanchions adjacent to either the bumpers I mean again, it is a common sense issue. I know what you are saying. You are absolutely correct.

Gene Richards stated I see it everywhere.

Mr. Baker stated I will pave it no I am just joking.

Gene Richards stated Valet Parking.

Mr. Bakers stated Valet Parking is an item but I mean you can't have a traffic cop there too. I think again if I was to add a green or red vertical metal fence stanchion adjacent to the parking bumpers to aid the people besides having a Valet go out there and yell at them.

Gene Richards stated I thought about this before myself and I have not come up with any fool proof solution. I thought about putting a pressure treated board, put it flush with the gravel surface just to give you some sort of a line or demarcation of the stall but then where we are you plow the lots in the winter time and that would not work. I have not come up with any good solutions unfortunately.

Mr. Baker stated I would like to try the idea of the vertical stanchions painted before I put boards in because as you say they are going to get ripped up. Gravel has a problem for plowing anyway.

Gene Richards stated let me just throw out a few comments that I had. I have not done a formal review, I wasn't asked to do anything at that level but I was asked to look at the plans for any concerns. Your handicapped parking spaces in front they do not meet ADA as they are laid out. ADA requires an eight foot by twenty foot stall, they don't talk about the length but the width would have to be eight foot and then because you have two spaces there one would have to be van accessible. You would need an eight foot isle adjacent to that. Generally, with an arrangement like yours you would put the isle between the two spaces.

Mr. Baker stated we could mark or indicate that the space to the left is for van use only because as you can see with the distance between the parking bumper.

Gene Richards stated you have some additional room there.

Mr. Baker stated we have some additional room we could signage that.

Gene Richards stated so you would need for the two spaces a total of twenty-four feet working east or west there and you would have an eight foot isle in between the two spaces.

Mr. Baker stated all right so what we will do is we will move that to the left leaving more door opening. You are absolutely correct because my mother-in-law is in a wheelchair and you are absolutely correct. So, what we will do is we will move this, move it over but it looks to me I don't have a ruler but at a thirty foot scale that is a good quarter of an inch which is seven and a half feet.

Gene Richards stated again, you have a curb along the easterly edge there the handicap parking just measure down twenty-four feet and that is where the other line would have to come to.

Mr. Baker stated okay we will move it to that.

Gene Richards asked are those spaces paved.

Mr. Baker replied they happen to be paved yes.

Gene Richards stated and you need signage for those spaces.

Gene Richards stated and in between where the isle is there is now a requirement in the State Building Code that you have a no parking any time sign there.

Mr. Baker stated okay I am aware of that yes.

Gene Richards stated the other thing and maybe your existing contours on the plan don't represent what is actually there. I just looked at the contours that I could see and it looked like you exceeded the ADA maximum grade allowed for parking which is two percent, one in fifty.

Mr. Baker stated I believe those contours are correct at that location but if not I will check them.

Gene Richards stated I think Rich in his memo might have talked about the wheel stops down to the right of that retail building where they are close together. Typically, what you want to do with the wheel stops is hold them back a couple of feet from the edge of a parking stall.

Mr. Baker stated usually about twenty-four.

Gene Richards stated just to allow for the over hang.

Mr. Baker stated sure so that cars don't ram into each other absolutely.

Gene Richards stated other than that I just had general, just trying to look at the plan and figuring out what the access issues might be it looked like it was tight getting back to where you are going to have the dumpster area and a loading dock, just trying to see how a truck would come in and turn.

Mr. Baker stated that is not a loading area and most of the deliveries come in early in the day and the garbage man comes in early in the day and there is quite a bit of area there for them to come in, I have seen them, swing around the back, back in. I don't know if you have visited the site. This is just a loading area it is not a dock.

Gene Richards stated understood I misspoke but it will be a truck going in there and certainly for the dumpster to collect the garbage.

Mr. Baker asked Nick, does the guy come in with the front forks.

Mr. Baker stated see that is the problem though they come in with the front forks, they pick it up and then they back up and go out and they leave the gate open and Nick gets yelled at for that.

Rich Williams stated of course they leave it open because there is a stream there (unable to hear no mic)

Mr. Baker stated no they don't.

Rich Williams stated I have stopped them twice.

Mr. Baker stated they don't do that.

Ted Kozlowski asked what is that.

Rich Williams stated the garbage guys pick up the dumpster takes it over by the stream and takes the water out of it. I caught them twice.

Ted Kozlowski asked is that true.

Rich Williams stated yes.

Board Member Pierro stated of course it is they don't carry water.

Rich Williams stated they don't care about anything.

Mr. Baker stated I would not believe that. They are not supposed to leak a drop.

Mr. Baker asked okay any other concerns.

Gene Richards stated that is all I have.

Mr. Baker stated nice speaking with you. I did make note of your signage, move that and the ADA I also did recognize the silt fence. I thought that had been put back up I will check it again. I will have these things amended, have all of these things put back on the plan and get them back to you. When do we have to get them back to you by.

The Secretary replied two weeks and two days before August 3rd. I don't have a calendar in front of me.

Mr. Baker stated we had to get a new survey and what not so these things here I will discuss them, go over them with the engineer and meet with him tomorrow. I will resubmit them early if there is something not right you can let me know and I will have him re-do it.

Board Member Rogan thanked Mr. Baker.

Mr. Baker stated and we would like to be on the August 3rd agenda that would be maybe for final approval is that how it works.

Rich Williams stated yes.

Mr. Baker asked any questions from the Board.

Vice Chairman Montesano replied no.

Mr. Baker thanked the Board.

15) EASTERN JUNGLE GYM SITE PLAN

Mr. Rob Cameron, Putnam Engineering and the Applicants were present.

Board Member Rogan asked Rich, do we need the bond calcs before we do a reso or the bond calcs are part of.

Rich Williams replied you should do it before. It is a separate recommendation for the Town Board.

Board Member Rogan asked was there something, you were asking about Rob earlier but you faxed him that letter right.

The Secretary stated yes Dave just wanted to make sure that Rob had gotten the Bear Hill fire protection memo.

Mr. Cameron replied yes. I will address that in my next submission.

Board Member Rogan stated so Rob, it sounds like we need bond calculations.

Mr. Cameron replied yes the bond calculation was submitted Gene I think had a chance to go over that.

Gene Richards stated I was not involved but Ron and Tom in our office did look at it. I looked at yours and theirs enough to see that ours was higher. It is always going to be higher because we do include a contingency at the end, ten percent.

Mr. Cameron stated I like mine it is lower.

The Board laughed.

Gene Richards state well we can hold that in abeyance (some laughed).

Mr. Cameron stated no I already discussed it with the Applicant we are okay with it.

Gene Richards stated I did not look at the detail so I can't respond to why it is higher.

Mr. Cameron stated I think some of the numbers you had used slightly higher numbers on some of the items. We did not include the fence in the back and you included the fence in the back and you have a number on there. Actually, Eastern Jungle Gym they are pretty good at building fences they will build their own wood fence back there but it still has to be bonded I understand.

Gene Richards stated yes generally for something like that we can never base it on a business that does fences.

Mr. Cameron stated I know I understand.

Board Member Rogan asked so Gene the bond amount is \$35,000.00 with \$1,750.00 inspection fees.

Gene Richards replied correct that is our recommendation.

Board Member Rogan made a motion in the matter of Eastern Jungle Gym that the Planning Board recommends that the Performance Bond be set in the amount of \$35,000.00 with the associated inspection fees of \$1,750.00. Board Member Pierro seconded the motion.

Vice Chairman Montesano asked all in favor:

Board Member Pierro
Board Member
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(Vice)2750 Chairman Montesano

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~~Board Member Pierro stated I had a question ma
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Board Member Rogan stated I know we had the discussion about covering it, not covering it and the whole thing but I thought the cover that the Building or Fire wanted was just a cloth cover.

Rich Williams stated yes I think that is all that is required for something like that to make sure that things don't blow out.

Mr. Honigsberg stated and that is what is used to transport it as well so that is no problem keeping that on.

Rich Williams stated the other issue not shown on the site plan is that he has identified that there has to be a closed, sealed containers for garbage so I imagine somewhere a few trash cans outside would suffice. I don't know where Paul is now.

Mr. Honigsberg asked Rich, you mean for the office debris and regular garbage. Garbage cans with lids on them basically.

Board Member Rogan stated basically.

Mr. Cameron stated we actually discussed that prior to the meeting and like for the office debris they can put those in sealed cans, and basically the dumpster is for the wood product. They don't dump any nonsense in there just their wood product that they use for the play systems.

Board Member Rogan stated you put that on the record no nonsense in the dumpster.

Mr. Cameron stated at the previous meeting we talked about is there any hazardous debris any paint and they don't put that in there so that is the term nonsense.

Rich Williams stated there is one more issue. Gene reviewed the plans, he has done a memo and the issues raised in his memo should probably be also an addition to the resolution.

Board Member Rogan asked have you had a chance to look through those Rob.

Mr. Cameron replied yes. There are some clarifications that need to be made as Gene pointed out and I don't think any of those are large issues that would, Gene Richards stated it is just clean up items.

Board Member Pierro made a motion in the matter of Eastern Jungle Gym Site Plan application that the Planning Board grants Final Site Plan Approval with the five general conditions and three special conditions in the resolution dated June 29, 2006 and also to include items to be addressed in Stantec's Memo prepared by Gene Richards dated July 6, 2006. Board Member Rogan seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 4 to 0.

Board Member Rogan stated that was three years you have Mr. D'Ottavio behind you he has been waiting, not behind you literally behind you in line but he is building a warehouse.

Mr. Honigsberg asked was that it.

The Board replied that is it.

Board Member Rogan stated it is very anti-climatic isn't it.

Board Member Rogan stated we appreciated your patience.

The Honigsberg's thanked the Board.

16) NRA REALTY SUBDIVISION

Mr. Joe Zarecki, Zarecki & Associates was present representing the Applicant.

Mr. Zarecki stated it sounds like I am in for a long time here I am just starting.

The Board laughed.

Mr. Zarecki stated Joe Zarecki for the record from Zarecki & Associates for NRA. A while back on our first concept plan we submitted this plan, which was nineteen lots, and since that time the Planning Board did a site walk and provided us with comments. This project had a full road going through and a loop road up here, which there were quite a few comments on that so since that time trying to get a concept through we modified the plan and we reduced the nineteen lots down to fourteen lots. I think the letter was a typo it said eleven but I believe we have fourteen lots.

Mr. Zarecki stated anyway there were comments on there and in view of the comments and if the Board has any comments based on the layout that they want to review now.

Board Member Rogan stated definitely.

Mr. Zarecki stated I guess everybody has an opportunity to look at it. We did not do a lot of work on this because we know there is going to be changes so some of the comments are on there I apologize but we just weren't going into that much detail. We stopped the road from going all the way down the hill which I think was one of the bigger concerns and we discussed this crossing that is going to be here that was the wet area in here whether it was going to be a bridge or a box culvert but we are not that far into the design yet. We did take that big loop road over here and then we have more houses up on top here. We just have these two but he really loves these two sites up here and would really like to use them. I think one of the big issues was that the road from this point here is eighteen hundred feet and the requirement is fifteen hundred but in lieu of trying to get the road frontages and eliminate that whole other access down there we felt that maybe the Board and if it is in their purview to be able to make that change in the open development ordinance that would be something that we would like to see. There were all the comments about again, these lots the houses were just placed on here they will be shifted around and all the septic areas will be checked but basically it was to go forward we want to do in the planning stage as opposed to come in with a ton of plans and say that we did so much work on it and say hey, we have got to start all

over again and over and over and over. I thought doing something like this would be more prudent as well as Rich so we are here to discuss it.

Vice Chairman Montesano stated go ahead Ted.

Ted Kozlowski stated just that you are in the preliminary stages and you have got a wetland crossing and you are going to have to identify the wetlands with flagging and get it verified by the Town but just understand that could be part of the DEC regulated area as well and if you are going to be putting a road through that wetland you may have Army Corp. issues, you may have DEC issues as well as the Town of Patterson wetland issues. I just want that on the table at the very beginning of this project so that there is no misunderstanding, nobody says I was not notified. That may be a problem.

Mr. Zarecki stated the other alternative where they are already crossing I don't know if they will take that into consideration a crossing that we are eliminating in lieu of coming in through this way.

Ted Kozlowski stated well that is an already existing crossing that you have now you are going to be putting a new crossing in. I don't know where that is going. I am just saying that you have this on the table and it is not just a stream crossing it is a wetland crossing. I was on the site walk and you are going through a wetland so just understand that.

Mr. Zarecki stated before I even go towards the DEC I think that would be if the Board kind of goes for this concept then I would start before I did too much more is bring this same concept to the other regulatory agencies well in advance of doing a lot of work on this and then if they say yes we can go through obviously we would need to get a permit from them but if they feel that it is something that they would approve and of course if it is something they would endorse coming in this direction it would make things a lot easier instead of saying well we are battling Town, we are battling them.

Ted Kozlowski stated it is just that and again, this is just me speaking I am opposed to a road crossing, Burdick Farms and I have got to hold to what the intent of this law is and I am just going to say that it is going to be hard to convince me to go for a road crossing a wetland and Stephen's Brook having said that I just want it on the table from the very beginning of this project.

Board Member Rogan stated the other thing with the road that we drove up is that the impacts in those areas, the steep slopes I think that if I had to chose between the two crossings I would probably pick the one that is proposed given the slope constraints of the other side. I definitely don't want the road to go through because now we have two impacts. I think what this Board needs to consider which would be the lesser of evils on an overall scale not only wetlands but also erosion, slopes and safety issues and so given that my recommendation to the Board would be more towards what is shown here.

Ted Kozlowski asked now you are saying closing the other access permanently.

Board Member Rogan replied eliminating it yes even if it means taking out that crossing so that it is not even a crossing anymore absolutely. I think that is a small price to pay for getting a road in through what we are talking about for a subdivision.

Ted Kozlowski stated but also understand that there are other regulatory agencies involved. They have a say in this.

Board Member Rogan stated sure that could be.

Ted Kozlowski stated again, there has been confusion and there has been misunderstandings in previous projects with regards to my interpretations and views and I just want this clear.

Board Member Rogan stated Joe, one other thing we want to throw out there while we are talking early on even at fourteen lots let's say it is even at ten lots is think about fire protection. We are going to have some requirements for fire protection, which is something that the Town is moving towards adopting.

Mr. Zarecki asked what sort of fire protection are you looking for.

Board Member Rogan replied something like this you might be talking about a thirty thousand gallon in the ground tank.

Mr. Zarecki stated that is not a problem.

Board Member Rogan stated just so you know up front. Don't hold me to that requirement but that is just to get you thinking about that.

Mr. Zarecki stated that is becoming more and more common anyway.

Board Member Pierro stated the other issue that we had during the site walk was view shed protection on the lots that were more elevated.

Mr. Zarecki asked it was these two lots up here referring to the plan.

Board Member Pierro stated yes.

Mr. Zarecki stated these are the only two up there. They are prime lots and,

Board Member Rogan stated actually no we were talking about Lots 1 through 5 and that is the view shed towards Birch Hill Road and I think just the way they are proposed right now we may be able to accomplish some view shed protection just by doing possible some type of conservation easement or some kind of a restriction on the lower topography so that they are not cleared down through.

Mr. Zarecki stated I understand. That is all good information and that will save a lot of time in the end.

Board Member Rogan stated I know that the Board discussing this last week did not like Lot 6 what so ever.

Mr. Zarecki asked Lot 6, you don't like the lollipop house.

Board Member Rogan replied we don't like the lollipop and we thought that if you could possibly,

Mr. Zarecki stated that is one acre.

Board Member Pierro stated that might be a fine place for your water suppression, fire suppression tanks.

Board Member DiSalvo stated unless you want to make the other lots a little bigger and square it off.

Board Member Rogan stated even though that you have said to the extent of that turn or lollipop is seventeen hundred we may be able to reduce that closer to fifteen hundred by pulling that back and just increasing a little bit the distance of these driveways specifically Lot 7 & 8 the Board felt could be turned. If you took the lot lines and turned them ninety degrees clockwise so that the lot lines are coming directly off the lollipop.

Mr. Zarecki asked like this.

Board Member Rogan replied yes.

Mr. Zarecki stated we had the better septic areas up in this area once you start getting down here you started getting into the steep slopes.

Board Member Rogan stated just the septic areas that you are proposing though, in those areas probably could work out in terms of splitting those lots a different configuration.

Mr. Zarecki stated we just did this by lineal foot of road frontage. If you pull this in you will lose this one but you are going to lose some other one for road frontage issues. That is why we made it that way.

Board Member Pierro stated Rich had an issue with stormwater runoff going through both of those lots.

Mr. Zarecki stated yes he had mentioned these but these are just ideas of where we could put them.

Board Member Rogan asked Joe, can I just ask though the road frontage for Lot 7 as shown on this looks pretty minimal. You are showing full road frontage for Lot 7.

Mr. Zarecki replied well I guess it also considers some of this down here it is not open but yes we have small road frontage there. Again, we would tweak that in there.

Board Member Rogan stated no the only lot frontage that you are showing on Lot 7 is the driveway because to the right of Lot 8 that is part of Lot 9.

Mr. Zarecki stated we will pull it closer but this is just a concept. If you would give us this much we can make it work. If it is less we are going to lose more lots.

Board Member Rogan stated what my feeling isn't that I just don't like the lot lines it is the way the houses are situated on Lot 7 & 8 they are basically one in front of the other and it actually creates a flag lot which the Board has said they didn't think they were going to do in the future or as little as possible. It does create like a flag lot situation.

Mr. Zarecki stated this lot actually he said he was going to keep these two for himself because it has the open space even though it is all by the open space so he could use the open space. It is kind of a unique situation because these are open development lots and they are going to be a little tighter in order to maintain the lots. You can make them come out and put a house over here we are trying not to do it. This is again, a much larger scale for twenty-nine lots, over here it would not look so bad some of these smaller lots. I blew them up quite a bit.

Board Member Rogan stated I think the point is though that yes this is a large parcel but it also is topographically speaking a very challenged site and I mean specifically Lots 14 and 13 where you put the

houses I know you said that you just plopped them in but the location on Lot 14 that house is setting on a fairly steep slope. We walked that slope. We walked down that slope.

Mr. Zarecki stated yes that is pretty steep.

Board Member Rogan stated I know this is preliminary but that is why we are talking about this.

Mr. Zarecki stated maybe what we can do is come up with a couple of more alternatives for you. I would rather do it now than later. It is a lot easier now then to go through it later.

Board Member Rogan stated understood maybe the thing to do though is the reason we pointed you in this direction was because we walked the site and said to ourselves, where is the useable property, where do we feel the property that should be if there was to be a development and the area where you have Lots 1 through 5 including Lot 6, we did walk that area and said yes definitely through that flat area.

Mr. Zarecki stated these are good lots.

Board Member Rogan stated I don't think the Board was even against having Lots 11 and 10 but we have some concerns about the way the driveways go in. We will get to that at some point. The use of these lots at least 14 maybe not 13 so much but definitely 14 there is so very little useable space on that lot by the time you put your septic in. It is just something that we are throwing out there. I don't know what the slope is off hand.

Mr. Zarecki stated probably thirty percent but maybe we can pull the lot over here.

Board Member Rogan stated when three quarters of your lot is thirty percent grade we are starting to look at the wrong area.

Ted Kozlowski stated what kind of useable land are they going to have.

Board Member Rogan stated well that is my point the day those people build those lot, you can't put a pool in the backyard obviously, and you can't probably even put a shed in the backyard. Anything behind the house is thirty percent grade so right away then these people are coming for variances to put something in the front yard so that is the kind of lot we want to avoid obviously. Nobody is saying we don't want you to get fourteen lots out here but if it does not fit it does not fit. I would ask that you look at reconfiguring Lot 7 & 8 so that the houses are not in front of each other the way that they are set up.

Mr. Zarecki asked do you mean like these two right here close together.

Board Member Rogan replied correct.

(Unable to hear Board Member DiSalvo's comment)

Board Member Rogan stated the slope that we went up and around from the other side I would not support quite honestly.

Board Member DiSalvo stated not with this many houses.

Board Member Rogan stated I think we were barely making fifteen percent grade and that was going to be severe grading.

Mr. Zarecki stated this is much easier also that is why he was able to take out the five lots and make less lots and eliminate all that.

Board Member Pierro stated the other issue that I was concerned about is the stormwater treatment areas are quite close to the road, it is a minor issue at this point but we are probably going to require some kind of bollard protection there.

Mr. Zarecki asked for these referring to the plan.

Board Member Pierro stated yes.

Mr. Zarecki stated yes when we get to that point we would protect them.

Board Member Pierro stated I don't want to see any cars floating in there.

Mr. Zarecki asked the main thing is how much will you give me to play with or can you anything over fifteen hundred feet. That would help me if the eighteen hundred was okay I could work around it and make the modifications that you have been discussing.

Board Member Pierro stated we have got a few projects in front of us now that have issues with road length right now and we have to take those into consideration at the same time while we are reviewing this.

Board Member Rogan stated good point.

Board Member Rogan asked Michael, what is on your mind with this.

Vice Chairman Montesano stated I think we have got most of the stuff that I had on my mind covered.

Board Member DiSalvo stated let's see how they reconfigure Lot 7 & 8.

Board Member Rogan asked Maria you seem to be leaning towards the other entrance do you want to talk about that at all.

Board Member DiSalvo stated I just feel the way that Ted feels about the Stephen's Brook entrance.

Board Member Rogan stated also just to be clear Ted didn't give his impression of the impacts on that other side because he was specifically talking about wetlands and not slopes and erosion and safety or anything like that.

Board Member DiSalvo stated no I agree with you as far as safety issues the proposed entrance is better than what we had but it still may present problems down the road.

Vice Chairman Montesano stated we are not the only ones that are going to be involved that can create the problem.

Board Member DiSalvo stated I mean there are problems with Stephen's Brook now right.

Ted Kozlowski stated I think that you are missing information right now on the proposed wetland crossing and that is what the whole wetland process is about. You are going to need a functional analysis, you are going to need somebody in there to tell us, the Board what the impacts are and they don't have that.

Board Member Rogan asked why don't we do that early on in the process just assuming, we can certainly do it simultaneously but move ahead with the idea that say that is your proposed entrance without any real regard. I understand that it may affect your stormwater not knowing the layout and everything but the crossing itself and the functional analysis.

Mr. Zarecki stated that is a real good idea. That is good planning. As long as I am coming in this,

(TAPE ENDED)

Ted Kozlowski stated you might want an informal discussion with the DEC on how they feel about crossing Stephen's Brook.

Board Member Rogan stated not a bad idea because at least then early on in the process you get some clear guidance there and if then they say you know what there is no way that you are going to get this well then maybe we have to look at the other side and reconfigure and you haven't spent a whole lot of time.

Mr. Zarecki stated well that is the idea. I would rather do the planning now and the engineering is the easy part.

Board Member Rogan stated so your next to be working towards is the functional analysis of that wetland. Has it been flagged.

Mr. Zarecki stated no we haven't flagged it.

Ted Kozlowski stated no.

Mr. Zarecki stated we haven't done any work on that part. If this was going to get shot down coming in that way at all.

Board Member Rogan stated so let's start with entrance.

Board Member Pierro (hard to hear) stated direction on road length until we really talk,

Board Member Rogan stated I agree.

Mr. Zarecki asked okay so you want to wait on the road length determination.

Vice Chairman Montesano stated yes let's see what happens.

Ted Kozlowski stated if you are going for a State permit you are going to have to go with the case especially if you are going to trade one entrance way for another you are going to have to make an argument that doing that is not going to be any worse than what is already there down below and that closing off down below is going to be mitigation where you are going to restore it in some way and maybe

that is a lesser evil by accessing it from that way as opposed to what is already there for a number of reasons. Shawn brought out some.

Mr. Zarecki stated the other point is we do have a crossing on one of the parcels but there are five well there is four on the road frontage, four parcels individually that a lot of times they give you the crossing for an individual lot if you own it not denying you the right to your property so bringing that into play now we are going to have one instead of four.

Rich Williams stated can I just interject something here I think we all need to be clear about something that eastern entrance that is going to happen if the subdivision is going to happen. You are not going to have a single entrance from the western side, the length of the road and the steepness of the slopes getting back to the useable area is going to have a road that is much longer and much more dangerous so that eastern entrance is a must have.

Board Member Rogan asked in other words it is not one or the other it is only the one or both.

Rich Williams stated you are going to have the eastern the only question is whether you are going to have the eastern cut and the western cut.

Board Member Rogan stated okay because just coming in from the western you don't have enough length in the fifteen hundred feet to get anywhere.

Rich Williams stated yes you are going to be nineteen, two thousand feet, Mr. Zarecki stated just to get up to the top where the good lots are.

Board Member Rogan stated thank you. That is a great way of looking at it.

Mr. Zarecki stated again, these are separate parcels, four separate parcels if somebody came in for a Building Permit to get across to his property although you go through stream crossing more than likely the State wouldn't deny them access to their property.

Ted Kozlowski stated the only thing is it is going to be a joint application because you are going to cross Stephen's Brook you are going to need a DEC permit,

Mr. Zarecki stated it is not going to be fun I know that.

Ted Kozlowski stated and it is going to be a joint application with Army Corp. and that might be a long process maybe it won't.

Mr. Zarecki stated that is what I said I am going to be retired. As long as we know we are in the right direction and we know the process is going to be long, we know everything to get to final subdivision approval is going to take awhile. It is not going to happen over night but I just want to go this way step by step and get everybody on board instead of coming in full design plan.

Board Member Rogan stated it makes good sense.

Rich Williams stated (hard to hear) it is navigable at the moment we still have our Supreme Court.

Ted Kozlowski stated whatever.

Mr. Zarecki stated thank you for that Richard.

Board Member Rogan thanked Joe.

Mr. Zarecki thanked the Board.

17) DILMAGHANI SITE PLAN – Request for Waiver

Mr. Denis Dilmaghani was present.

Mr. Dilmaghani stated good evening, for the record my name is Denis Dilmaghani. We submitted a request for a waiver for a site plan review and then I submitted two amendments to you as well which I guess you have received. I hope we can discuss all three issues tonight. Is that okay.

The Board replied yes.

Mr. Dilmaghani stated the original request is for a waiver for a site plan review because we had in fact last year applied for a permit for the same waiver with the intent of having a tent sale, which we did. The Board very kindly granted us permission to have a tent. The tent was in the front of the property and this year I received a visit from Mr. Piazza who informed me that the tent really could not be in the front due to certain State requirements or restrictions so that was a little upsetting but I understand that there are issues about certain setback requirements or whatever. As an alternative suggestion I wanted to request that the Board consider allowing us to put the tent in the rear of the building and perhaps just have a small representational tent in the front that being for the purpose of attracting attention or showing the traffic that does pass by on Route 22 that there is something going on. I guess what I am really coming to with now is a request for two tents, one in the front and one in the back. I think the same tent that we had proposed in the front if it is put in the back, I have another plan here showing the same tent situated in the back. He handed the Board copies. You will see there is more than ample room in terms of the twelve foot, twenty foot I think there are several setback requirements for various reasons. One for fire lanes another one is the setback from the building but the tent size that we are requesting should fit back there without any trouble.

Board Member Rogan asked Paul can you come up here for a minute please.

Mr. Dilmaghani stated the other thing that I wanted to mention to you is that the reason that I requested a tent as large as I did is that last year we had a scary situation. These tent people kind of they will discuss with you the kind of tent you want but then they kind of bring you whatever they have got. We had that happen where the guy brought us a tent that was like ten feet longer and a little narrower I don't know and it was a problem. He just said this is what we have and it is about the size you need so this is what you are getting. Anyway we worked it out finally they did get us the right tent. To accommodate the unexpected that is why I requested something a little bit larger than last year.

Board Member Rogan asked Paul, your memo specifically states sections of the Fire Code that talks about basically what is a temporary tent, something that is setup for less than a hundred and eighty days per year consecutively that gives us a clear definition of how to consider it a temporary tent. How does that play into it not being allowed in the front of the building. Does one have anything to do with the other.

Paul Piazza replied no basically what it is saying is that a permit is required for a temporary tent of a hundred and eighty days.

Board Member Rogan asked what if it is over a hundred and eighty days.

Paul Piazza replied if it is over then it is considered a permanent and then there is other regulations. As far as the setbacks those requirements are going to be the same, the twenty foot setback.

Board Member Rogan asked the twenty foot setback from the building.

Paul Piazza stated you also have to remember the separation includes the guide wires and ropes. It is not just the tent structure itself. Part of that same Code also addresses canopies and tents with three sides.

Board Member Rogan asked so is a temporary tent not allowed in the front of the building just because it does not meet within the setbacks.

Paul Piazza replied yes.

Board Member Rogan stated okay so you are saying that they don't have enough room in the front here to meet all the setbacks.

Paul Piazza stated with this,

Vice Chairman Montesano stated with this size.

Rich Williams stated if I could clarify that I think the real issue is it is not allowed in the front because it blocks the fire access lane.

Paul Piazza stated that is why the lanes, that is why the twenty foot separation.

Rich Williams stated so it is not really a setback issue it is a fire access lane and blocking off the front of the building.

Paul Piazza stated but it also mentions setback off the property lines so there are setbacks.

Rich Williams stated the setback off the property line is twenty feet and we had more than enough unless the Board finds this some sort of structure in which case we have a sixty-five foot zoning setback.

Board Member Rogan asked let's say we consider allowing the tent to be placed in the back as a temporary tent again, something that is not permanent to be used three hundred and sixty-five days out of the year and they can meet the offsets. The only reason I would consider it as a temporary basis because we are taking up parking area. We would be taking up area that was designed in this site to be used for the site for adequate parking. It is obvious from your pictures that the parking isn't being used because there weeds growing up through the parking lot so based on that alone I would be willing to entertain approving a site plan waiver on a temporary basis like we did last year for the tent to go in the back in a location provided it meets the setbacks.

Board Member Pierro stated my other question would be the installation of the ninety by fifty tent in the rear going to impact your loading docks. I know there is two fixed boxes there correct.

Mr. Dilmaghani replied yes but wait a minute.

Board Member Pierro stated temporary boxes.

Mr. Dilmaghani stated yes.

Paul Piazza stated containers, which are violations.

Board Member Pierro asked are you going to be able to use your loading dock space with this tent.

Mr. Dilmaghani replied we should be able to without any trouble. We don't bring tremendous trucks in usually we have twenty-four foot trucks.

Board Member Rogan stated a lot smaller than I would expect.

Mr. Dilmaghani stated that is the largest. Our own truck is like eighteen feet maybe.

Board Member Pierro asked the other issue Paul is how large of a secondary tent could they put in the front without violating any of the Fire Code issues that you mentioned.

Paul Piazza stated if they stay under two hundred square feet.

Board Member Pierro asked will that satisfy you.

Mr. Dilmaghani stated I don't know in my head I was figuring twenty by twenty maybe that is too big.

Board Member Pierro stated that is four hundred.

Mr. Dilmaghani asked how does the two hundred.

Paul Piazza replied ten by twenty.

Mr. Dilmaghani asked is that what we have I mean I think the parking lot is like sixty feet wide.

Paul Piazza replied the question was asked where would the Fire Code not apply. If it is two hundred square feet or less then you are not restricted by the Fire Code. We would still ask that you would maintain a separation.

Mr. Dilmaghani asked if it is two hundred feet or less.

Paul Piazza replied right that is exempt from the Fire Code.

Board Member Rogan stated I think your question is at four hundred square feet is there a place that it could fit and meet Paul's requirement.

Mr. Dilmaghani replied that is my question yes.

Board Member Rogan stated it woul

Mr. Dilmaghani stated yes that is correct.

Board Member Pierro stated what we have discussed with previous Applicants who came in with these temporary storage containers is that we don't want to be the storage container capital of Putnam County. We understand that it is an increased expense to put an addition on your building but there is a Phase II already laid out.

Mr. Dilmaghani stated yes in fact at one point it had an approval for that but just for economic reasons did not go ahead with it. We would like to and maybe some day we will be able to.

Board Member Rogan stated all the more reason to do a temporary approval on the storage containers.

Board Member Pierro stated absolutely but we would rather not make it permanent if there is a Phase II possibility.

Board Member Rogan stated you don't want to be approving storage containers in lieu of something like your Phase II. We understand that there are situations that arise that you are going to need temporary storage but I think we should consider it as a temporary situation.

Board Member DiSalvo stated when we were out there last time remember there was a lot of over growth coming into the parking lot.

Board Member Rogan stated pine trees.

Board Member DiSalvo asked the pine trees, do you plan on trimming them back now.

Mr. Dilmaghani stated we actually took them out.

Board Member Rogan stated okay we can see it when we take a look.

Board Member Pierro stated that area where Phase II is planned, 4,000 square feet is that currently a grassy area.

Mr. Dilmaghani replied it is grassy and there is a slope down yes it is all grass.

Board Member Pierro stated there may be another option for the future to grade that out and come in with a plan to expand your parking area so that you could put your temporary storage right in that location not as expensive as putting an addition on the building to build Phase II. Something to think about.

Mr. Dilmaghani stated I would rather put the extension on the building.

Board Member Pierro stated we would rather see that too.

Board Member DiSalvo asked how was the response the last time you had the tent sale.

Mr. Dilmaghani replied it was good. It was extremely helpful.

Board Member DiSalvo stated I know the weather wasn't too cooperative with you at that time.

Mr. Dilmaghani replied no but actually we got a very late start. There were times where the weather was a little rough but actually the weather lasted well into November where it wasn't too bad. I was very appreciative that you did approve it.

Board Member Rogan asked do you guys want to talk about the colors.

Board Member DiSalvo stated like Richie's shirt.

Board Member Rogan stated the color is kind of similar to your shirt. It was called not cream cheese or something. What was the name of the yellow.

Mr. Dilmaghani stated applesauce.

Board Member Rogan stated applesauce that is it I knew it was a food.

Board Member Rogan asked so the main color would be applesauce and then the brown is the trim.

Mr. Dilmaghani replied we are not changing the brown. The brown is there now. This is as close as a representation I thought you should see the two together. The brown on the building is really a little darker than this but I could not get a paint chip as dark as that.

Board Member Rogan stated I like those colors better than the canary yellow that you were proposing a year or so ago.

Mr. Dilmaghani stated I am sorry about that I don't think it was properly proposed.

Board Member Rogan stated there is a little restaurant on Route 9 in Phillipstown called Wing It right now at least that is what it is called right now and it is canary yellow. They achieved what they were trying to do. You go by and you almost drive off the road because you wonder what that yellow thing is. That is small, half the size of this room here is the whole facility. Yours of course is ten times the size of this room.

Mr. Dilmaghani stated if I could just digress for a minute there was a building on 95 in New Rochelle and it is purple and everybody knew that building.

Board Member Rogan stated yeah but the Town may not be so proud of that building.

Board Member Rogan stated we would rather that everybody know about Dilmaghani because of the great quality things you sell and not the color of your building. That would be much better.

Board Member DiSalvo asked so what do you want to do with the color.

Board Member Rogan stated I am fine with the color. How about you Mike.

Vice Chairman Montesano stated I have no problem. If it is good enough for Richie's shirt.

Board Member Pierro stated I am fine with the color.

Board Member Rogan asked can we do a motion on the color and then we will do the other issues at a later date.

Board Member Pierro made a motion in the matter of Dilmaghani Carpet Warehouse that the Planning Board grants an approval for the change in the color of the building to be applesauce as submitted by the Applicant. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 4 to 0.

Board Member Rogan stated we are going to take a look at the site.

Mr. Dilmaghani replied okay.

Board Member Rogan stated certainly in the next two weeks.

Board Member DiSalvo asked what is your time frame like for this.

Mr. Dilmaghani replied the time frame would be we would like to start it sometime in September.

Board Member Rogan stated I can't imagine that we won't be able to work something out for your tent for the back. We will take a real good look at it and see how it is going to impact on things.

Mr. Dilmaghani stated September right after Labor Day would be ideal.

Board Member Rogan stated we are going to be meeting again, we will have it back on the August meeting and we will get out there before then.

Mr. Dilmaghani asked do I need to re-appear.

Board Member Rogan replied you will in August yes.

The Secretary stated August 3rd.

Mr. Dilmaghani thanked the Board.

18) MEZGER WETLANDS/WATERCOURSE APPLICATION

Mr. Barry Naderman, Engineer was present representing the Applicant.

Mr. Naderman stated I apologize that I was late I was not duly notified of the Mahopac parade this evening along Route 6. It was a dandy parade none the less.

Mr. Naderman stated let's see on the wetland application we did have our public hearing and that was closed and so on and so forth. During our earlier discussions we talked about the service of the driveway remaining gravel for a variety of reasons and it was our understanding that the Board was on board with that so to speak. I think as "applesauce" pointed out in his memo.

(All laughed).

Mr. Naderman stated there is nobody else here so.

Mr. Naderman stated as he pointed out it needs to be apparently formally acted on by the Planning Board that they agree with the waiver for the gravel with the exception of the first twenty-five feet which Rich accurately points out is under the jurisdiction of the Highway Department. Otherwise there were some other clean up items that we need to take care of. We had met with Gene, Rich and Ted a couple of weeks ago to go over the plans and see what else they might have had so we are pretty much aware of these comments that are in the memo. Ted did provide us with an alternate mitigation planting scheme which we have no problem with. Essentially, we have no issues with anything in the memo so we are hoping that we are in position that we can get a conditional approval so that the Applicant can go ahead and engage in a contract with the rich people and go to formal design on that.

Board Member Rogan stated I don't see any reason why not. Do you see any reason why not.

Rich Williams asked are you talking to "applesauce".

Board Member Rogan replied no I am talking to Mr. Williams, Planner extraordinaire.

Rich Williams stated you just need to do SEQRA before you do a reso and I would condition it on addressing my comments and Gene's comments.

Board Member Rogan made a motion in the matter of Mr. Edward Mezger that the Planning Board grants a negative determination of significance of SEQRA and approves, this is just a wetlands permit application correct. Rich replied yes. Board Member Rogan stated a wetlands permit application contingent upon satisfying the comments in the Town Planner's memo dated June 29, 2006 and further that we waive the requirements for a paved driveway with the exception of the first twenty-five feet which is under the discretion of the Town Highway Superintendent and also contingent upon the July 6, 2006 Stantec memo. Board Member Pierro seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 4 to 0.

Mr. Naderman thanked the Board.

19) OTHER BUSINESS

Board Member DiSalvo asked where is this pet supply store that wants to go in 3204.

Rich Williams replied the Telecom building.

a. La Luna Request – Zoning Change

Board Member Pierro asked is there a reason to include this La Luna application in our site walks.

Vice Chairman Montesano stated we had discussed going on it.

Board Member Rogan stated I don't even remember the case.

Board Member Pierro stated it is on Route 22 it is currently the repossession yard with a single-family house. The guy wants to talk about the eight acres that he has in the back the possible use of a mobile home facility.

Board Member Rogan stated yes and good thing this is on 22 so we are right on that. I think it is a great idea to do them all. We could do all these after work if you wanted.

b. New Life Christian Church

Rich Williams stated after the last Board Meeting I sent them a letter notifying them to be here for August 3rd I believe you all got a copy of the letter.

c. Rizzo Wetlands/Watercourse Permit

Rich Williams stated Rizzo I have not had a chance to do that letter.

d. Guiding Eyes for the Blind

Rich Williams stated we took care of it at the last meeting.

e. La Luna Request

Rich Williams stated La Luna request is for zoning changes that Dave acknowledged and the Board needs to decide how they want to handle that.

f. Burdick Lot Line Adjustment

Rich Williams stated Burdick Lot Line was handled at the work session.

g. Patterson Garden Center

Rich Williams stated Patterson Garden Center we have been extending that site plan approval meeting by meeting every thirty days. At the last meeting, it was determined that an as-built survey was needed to show exactly what he had done compared to what he was supposed to do. I have had no communication with him since that time. I have not tracked him down. I did talk to Insite today, they have not been authorized to move forward with that. They thought that he was getting somebody else to actually do the survey work for the as-built.

Ted Kozlowski asked is there a deadline on that Rich, for that survey.

Rich Williams replied there is no deadline specific to getting that as-built in.

Ted Kozlowski stated so he could conceivably go on forever. This was a concern I had awhile ago that we give him some sort of deadline if not we are going to be waiting forever for this.

Paul Piazza stated I can take that to the next level by issuing an appearance ticket for failure to comply with site plan. I can get him into court and have the court stipulate a time frame.

Board Member DiSalvo asked how long will it take to get him on the court calendar.

(Unable to hear Paul's response in the back of the room no mic).

Anthony Molé stated I can call the court and tell them to get in on right away.

Board Member DiSalvo asked right away is like what two weeks.

Vice Chairman Montesano stated well if we can do that before we get to the next work session.

Anthony Molé stated the problem with that is the local Justice Court does not have injunctive jurisdiction so if you want the court to temporarily issue an injunction that would be the Supreme Court not the Justice Court.

Vice Chairman Montesano asked if we went for the Supreme Court situation where we try for the injunction would I don't know how to even put it, do we want to state that we are going to prohibit or we would like to have him prohibited from continuing his business.

Anthony Molé stated I think a Judge would tailor that. If we request that I think the Judge wouldn't be inclined to prevent the guy from engaging in his livelihood. I think he would limit. He would say what is he specifically doing that is impacting the land and he would prohibit him from doing those specific things. I don't think a Judge would say he is not going to allow him to operate his business entirely. He could but I just don't see it.

Rich Williams stated but that is the issue his operation of the business right now is impacting the land because he is operating outside of the scope of what he was allowed to do.

Anthony Molé stated obviously in our motion we have to specify very specific what acts is he doing that when we try to defend, you can't just say (unable to hear no mic).

Rich Williams stated he does not have a C.O. to operate that business. No C.O. has been issued.

Ted Kozlowski stated is it true though that he has violated his site plan approval right. He is definitely in the wetlands. He has definitely impacted the wetlands. He has definitely done something that we did not authorize him to do.

Rich Williams stated right.

Ted Kozlowski stated so he has got violations.

Rich Williams stated but he got a conditional approval but he has not met the conditions of that approval. He has exceeded.

Ted Kozlowski stated he also has wetland violations in amongst maybe some other things like an electrical pump hanging on the side of the hill ready to go into the stream plugged into an extension cord. Can't we go the normal route, which is just issue violations through Paul.

Rich Williams stated yes, here is my concern with doing that watch this. Paul what is the name of the place down next to Berkshire Nursery that was issued a violation.

Paul Piazza replied Centrum Properties.

Rich Williams asked how long ago was Centrum Properties issued a violation.

Paul Piazza replied it has been awhile.

Rich Williams asked a year.

Paul Piazza replied close.

Rich Williams asked two.

Paul Piazza replied I would not say two, a little over a year.

Rich Williams asked has he ever been in court.

Paul Piazza replied he was given a July court date (unable to hear no mic and in the back of the room).

Rich Williams stated so they have gone, they have dragged it out for a year in court, operated their business, never remedied the violation so we could do the same thing and Parenti could be in court a year from now.

Ted Kozlowski stated Labriola we went to Court and we got seven thousand dollars so far and that may add up to more so how come that one went so fast.

Vice Chairman Montesano stated because he showed up.

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

Paul Piazza stated what Anthony said before is a hundred percent true. Our local judges do not have injunctive part. We need to take this to the Supreme Court.

Ted Kozlowski asked can we shut him down because he does not have a C.O.

Anthony Molé stated that is the way you would have to do it.

Vice Chairman Montesano stated then why don't we just go and get it over with. If we are going to waste another year or six months, his season is still going if we are going to wait for another three, four, six, eight months that means next year he will run his business again and we still would not have accomplished absolutely nothing.

Paul Piazza stated I have got to be honest with you I got this from the Code Enforcement Officer in Southeast he is here in Patterson because he was thrown out of Southeast.

Vice Chairman Montesano stated if you go down and looked at his old property down there it was a mess to begin with.

Ted Kozlowski stated I also have met contractors that don't want to deal with him anymore because of a number accusations that I can't say are true or not true but there certainly is a lot out there that has indicated that this guy is not on the same table with us. He is not adhering to conditions that we have given him and I think we bent over backwards in many ways for this business. When do we say enough is enough.

Vice Chairman Montesano stated now. I would like to see us go to court and see if we can either stop him, limit him, throw him out because it has been done before and we are wasting more and more time while he makes more and more money and if he gets it one day you will walk over there you will see a big mess and he will be out of there and then we will have accomplished absolutely nothing but an eyesore along 22.

Board Member DiSalvo stated the landlord is responsible too.

Ted Kozlowski stated right he is not even the property owner.

Vice Chairman Montesano stated he does not own anything that would confine him to here. He rents and if anybody that has ever had a rental apartment or a rental property can tell you they don't care they just pack up and leave.

Board Member Pierro stated I will say for the record that the next time out on this particular property that the actually property owner must come in because she has got three uses on that property and we have to get this whole thing straightened out eventually.

Paul Piazza stated he was issued violations and she was also, I sent copies to her. She contacted me almost immediately but from there it is dropped nothing else is done.

Board Member Pierro stated she knows she has got no exposure.

Vice Chairman Montesano stated until her rent gets cut off. He must be paying her for her to just sit back and smile.

Board Member Pierro stated what I don't want to see and that is a question for Anthony, what I don't want to see is this guy to come up with some sort of defense that he was allowed to operate business by the Planning Board because of (could not hear) approval that he had and we are being unreasonable.

Anthony Molé stated you issued a conditional approval and he is not satisfying the conditions so I don't think that defense would fly.

Board Member Pierro stated but he is going to try everything he can.

Anthony Molé stated what the Planning Board should do at this point is make a recommendation to the Town Board to authorize us to go ahead with a Supreme Court action.

Board Member Pierro stated so be it.

Vice Chairman Montesano stated I thought we did that the last time.

Anthony Molé stated I think you may have.

Vice Chairman Montesano stated I would love to re-affirm it because I have no problem with doing that again.

Board Member Rogan stated it was just made and seconded it.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 4 to 0.

20) MINUTES

Board Member Rogan made a motion to approve the April 27, 2006, May 4, 2006 and May 25, 2006 minutes. Board Member Pierro seconded the motion. All in favor and motion carried by a vote of 4 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 10:07 p.m.