

TOWN OF PATTERSON
PLANNING BOARD MEETING
July 7, 2005

AGENDA & MINUTES

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3) Route 22 Cycles – Sign Application	9 – 16	Board approved the sign application
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| 16) Putnam County National Bank Site Plan
Front Street | 66 – 73 | Discussion on parking, reviewed technical issues & the architecture of the building.
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| 17) Other Business | | |
| A) Real Estate and Wetlands | 73 – 76 | Discussion on notifying real estates of the Town of Patterson Wetland law |
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Planning Board
July 7, 2005 Meeting Minutes

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

Present were: Chairman Schech and Board Member Mike Montesano, Board Member Dave Pierro, Board Member Maria DiSalvo, Board Member Shawn Rogan, Rich Williams Town Planner, and Gene Richards, Representative from Town Engineer's Office, Anthony Molé, Town Attorney, and Ted Kozlowski, Town ECI.

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

There were approximately 14 audience members.

Michelle Russo took the seat of the Secretary and transcribed the following minutes.

1) DUNNING SUBDIVISION – Set Public Hearing

Chairman Schech stated Dunning Subdivision public hearing.

Rich Williams stated Mr. Chairman if I might.

Chairman Schech stated yes.

Rich Williams stated we need to reschedule this public hearing due to a problem with the notification, proper notification was not sent out so we are going to need to reschedule.

Chairman Schech stated okay, I love that, we need a motion on that.

Board Member Rogan stated so is the next when would we like to reschedule for.

Rich Williams stated August 4th.

Board Member Pierro stated 6th is Saturday, Friday is the 5th, Thursday the 4th.

Board Member DiSalvo stated yes.

Board Member Pierro stated on a motion.

Board Member Pierro made a motion in the matter of Dunning Subdivision, I make a motion we postpone tonight's public hearing and reschedule on August 4, 2005. Board Member Mike Montesano seconded the motion.

Chairman Schech asked all in favor.

Board Member Mike Montesano stated the reason being.

Board Member Pierro they failed to make proper notification to all the concerned parties.

Chairman Schech stated next Budakowski.

Rich Williams stated if we can just stay on Dunning for a second just so the Board is aware, they have submitted some of the information the Board requested at the last meeting one of the significant changes was a infiltration trench which proposes considerable disturbance for a two lot subdivision um I did do a review memo prior to us being notified that the project had been withdrawn um I would like the Boards permission to release that memo I don't know if the Board has any comments on the latest design.

Chairman Schech asked you want a comment now.

Board Member Pierro stated I had some questions on the length of the....you brought out on the length of that trench and whether or not is should be in front of the grass swale area and whether it was going to adequate and I wanted I was looking to see if Gene had gotten a hold of that as of yet.

Rich Williams stated Gene I don't believe has looked at this at all no.

Board Member Pierro stated okay, maybe Gene can take a look at it and we can discuss it at the work session.

Rich Williams stated yes, sure.

Chairman Schech stated okay so we are finished with that one or.

Board Member Pierro I would say so.

2) **BUDAKOWSKI SUBDIVISION – 62 days from public hearing**

Present were Jack Karrell, applicant's engineer, Brendan Meyer, applicant's Attorney,

Patrick O'Sullivan, Mr. Peter O'Hara's Attorney, and Mr. Peter O'Hara.

Chairman Schech stated Budakowski what is a is the public hearing still open.

Rich Williams stated no it's not, actually Mr. Chairman that's one of the issues that we have to address here tonight the public hearing was closed it was closed almost 62 days prior to this date and the Board needs to take an action or get a waiver and grant a waiver otherwise there is a default approval.

Board Member Rogan stated we are back to the road it sounds like, still on the issue of the roadway.

Mr. Meyer stated good evening members of the Board, Brendan Mayer of Shamberg, Marwell, Davis and Hollis 55 Smith Avenue Mt. Kisco NY 10549.

Rich Williams stated I'm sorry could you talk a little closer to the mic.

Mr. Meyer stated yes, sorry about that.

Chairman Schech stated one of the problems is we don't have any paperwork at all on this are we running out of paper down someplace in along the line or what.

Mr. Mayer stated I believe that the only issue outstanding is the actual the layout of the road Mr. Chairman.

Chairman Schech stated well we'd like to have one so we can look at it you know.

Mr. Karrell stated we were supposed to meet last week.

Chairman Schech stated I know well that didn't come about we didn't have on last week either.

Mr. Karrell stated right it was a power failure but I guess the question has been and Rich knows and you knows guy know where this road is going we proposed to the whole south to the south edge of the driveway and extend it twelve feet your previous agreement was we would do twelve foot wide road and if somebody else wanted to subdivide on to the north that they would do a twelve foot wide road into our road the red shaded area represents the existing driveway and we would that driveway is like ten feet wide, we would basically come twelve feet to the other side but I believe there was some discussion when we had a meeting with the property owner to the north, the O'Hara's that they had a problem with that.

Board Member Rogan we've gone back and forth on this because the original intent of the Board was that we were somewhat assuming correct me if I'm wrong but we were somewhat assuming that the center line of the existing the road was the property line so we were thinking that we would be improving from on Budakowski's property, based on your drawing the road meanders back and forth over what is the existing property line it's very hard to create a situation here using the old road bed that is fair to either party and I think we are left with a feeling that we should just take the improvements that we've asked of you on the side that you have control over.

Mr. Karrell stated I think that, that's fine I mean we can hold the center line and go to the south with a twelve foot wide road and for this entire section up to here that twelve foot road or driveway if you will beyond Budakowski's property and from this point here out to the road we would merely improve twelve foot wide along.

Chairman Schech stated the center line.

Mr. Karrell stated this center line but not on the center line it would twelve feet to the south of the center line not straddling the center line.

Patrick O'Sullivan stated would it be to the north, Patrick O' Sullivan Keane and Beane, I represent Mr. O'Hara.

Board Member Rogan stated you need to use the microphone sir.

Mr. O'Sullivan stated I'm sorry.

Board Member Rogan stated can you state your name on the record.

Patrick O'Sullivan stated Keane and Beane 445 Hamilton Avenue White Plains NY, I represent Mr. Peter O'Hara I just was wondering isn't it the north or am I.

Mr. Karrell stated O'Hara's property is to the north, Budakowski's property is to the south.

Mr. O'Sullivan stated correct so.

Mr. Karrell stated we would improve the twelve foot wide driveway to the south of the center line so that it is on the Mr. Budakowski's property in this area where he has frontage and it would be just to the south of this center which is owned by these property owners here.

Mr. O'Sullivan stated so there would have to be I imagine a common driveway agreement so that everybody.

Chairman Schech stated before we get tangled up in this thing that was not our, we wanted to have twelve foot wide on the center line of the right of way.

Mr. Karrell stated you want six foot on each side.

Chairman Schech stated six foot on each side of the center line of the right of way up to your property line.

Mr. Karrell stated okay.

Chairman Schech stated at your property line it switches over to the south side.

Mr. Karrell stated that's fine.

Chairman Schech stated that's what we want.

Mr. Karrell stated that's fine.

Chairman Schech stated and that's what we asked for the last time.

Mr. Karrell stated No, well, that wasn't clear and I think even at that point Mr. O'Hara had a problem with that but.

Chairman Schech stated we don't care what Mr. O'Hara has a problem with we are discussing you.

Mr. Karrell stated that's fine with us center line.

Chairman Schech stated when Mr. O'Hara has a problem then he can come before then Board.

Mr. Karrell stated that's fine.

Mr. O'Sullivan stated that's fair enough I mean I don't think it's a problem it's a clarification issue if you put six feet on each side as a practical matter because he doesn't own the six feet on the other side he needs the property owners to join in basically seating the right to use the six feet on each side which I think they are willing to do.

Chairman Schech stated which I believe it's a right away granted by Mr. O'Hara along the way.

Mr. O'Sullivan stated along the northern side in theory they can't use the six foot center on the south side without the cooperation of the property owners which I think they are willing to do and I think what's going to end up hopefully happening so that everybody basically is happy in doing this that the property owners themselves so long as they able to use the improved right of way wherever it is deemed best to be you know whether its six feet on each side or wherever I think everybody will basically sign on to an agreement so long as Mr. O'Hara can use the road going back his way, Mr. Baker can use his portion.

Chairman Schech stated Mr. O'Hara can use a twenty foot right of way, right, twenty four foot road.

Mr. O'Sullivan stated I'm not sure actually if it's I think.

Chairman Schech stated this has nothing to do with Mr. O'Hara, we don't care about Mr. O'Hara right now we're trying to get Budakowski settled.

Mr. Meyer stated and I think that.

Chairman Schech stated when Mr. O'Hara decides that he wants to subdivide further then it comes before the Board.

Mr. O'Sullivan stated and if I may obviously he is not the applicant I'm here basically trying to help offer a solution on this I think you'd have to agree I'm not presenting any application for Mr. O'Hara I'm just trying to peaceable demonstrate what has to happen here he doesn't have an application here.

Mr. Meyer stated and I think it's already been established here that one of the conditions would be would have to submit common driveway agreement where by all the property owners back there would be able to access their respective properties via the improvements the Budakowski's are willing to make.

Mr. O'Sullivan stated and I think actually that's partially correct because I think that what was talked about was there would be a declaration where they'd take care of the road but since they don't own parts of the road it would be more proper in my view when obviously a subject to review by your council that there'd be a common driveway agreement to basically you know govern the use of the road.

Chairman Schech stated our intent of this Board is to put a Town road into there up to Town specs that is our intent so no matter which way you twist anything around here that is our intent eventually if somebody else wants to subdivide anymore parcels there we're going to have a Town road in that area.

Mr. O'Sullivan stated I don't represent the other property owners who are not here.

Mr. Peter O'Hara stated I'm a little confused here.

Chairman Schech stated no no no, we don't care about your confusion you can go sit down because you're not before the Board.

Mr. O'Hara stated yes I know but I think.

Mr. O'Sullivan stated correct me if I'm wrong as an adjoining property he does have a right to speak not about.

Chairman Schech stated this is not a public hearing.

Mr. O'Sullivan asked well how the public hearing get closed when it wasn't settled on exactly how the road was going to layout I mean as a practical matter.

Chairman Schech stated this is a creation of the person that's standing behind you and now he's complaining about what he created.

Mr. O'Sullivan stated I really sir I'd like to know what you're talking about what did he create, before you go any further just think about it.

Chairman Schech stated excuse an illegal subdivision I'm thinking about.

Mr. O' Sullivan stated okay well you know what.

Chairman Schech stated which was approved by the County, without our approval.

Board Member Pierro stated was not approved by this Board.

Mr. O'Sullivan stated before you talk about illegal subdivision you know please think about once again what your saying you've got to be pretty sure that it's legal to say that or else it's going into the record as being illegal subdivision.

Chairman Schech stated it's in the record right now I just said it.

Mr. O'Sullivan stated fair enough you want to continue to say that I would just ask you to try and be more guarded.

Board Member Pierro stated David Pierro for Michelle's avocation she doesn't know all of our names this property was originally subdivided through Putnam County, George Michaud's office.

Rich Williams stated they filed the plat without coming before the Board.

Board Member Pierro stated right that's how it came about Mr. O'Hara sold this particular lot to Mrs. Budakowski, a 280 A waiver was given by the Town so she could build on that first lot without road frontage and at a later time she decided she couldn't afford the house she wanted to get another 280 A subdivision to build a second and smaller house so she sold off this property, she sold off the first property she wants to build on the second lot she needs to get access that's where we're at, how we're at the road circumstance we're at now.

Mr. O'Sullivan stated and as I said with all due respect I'm just up here basically as an adjoining property owner try to figure out how this can all be solved.

Mr. Karrell stated you said you agreed to the what was proposed six foot on the center line for the front portion and the rest of this would be on Budakowski's property twelve feet so that's it.

Board Member Rogan stated the intent of the Board was to improve the section of the road that is already being commonly used and where the Budakowski's have control to provide twelve foot so that it ultimately at a later point we have a twenty four foot approved road we are getting the twelve foot on the side that the Budakowski's own at a later date if Mr. O'Hara decides to do something with his property we would be happy to entertain it, we've already set the standard, the standard is that if there is a subdivision of property and he wants to access it we've laid down what we need, it's a matter of simply improving the road on that half.

Mr. O'Sullivan stated okay.

Board Member Rogan stated I think the Board has gone to a great length here to try to think about the impacts that will be brought out here for future not just assuming that there's only one house to be built on this road and to also take into account what improvements are required by each individual house being added to the road that we certainly don't believe that one additional house warrants a full blown Town road but that each lot as it's improved will create a need for successive improvements and that's really I think we're getting really side tracked on this all, all the muddled confusion is really just where the road lies the existing road where it lies in terms of the property line I think with the Boards intent of what we put into the record the original intent was to use what is existing there, improve it to a certain standard then to gain twelve feet on the one side well actually we were going to gain a twenty five foot right of way for all of the property that the Budakowski's own we would ask the same thing of Mr. O'Hara on all of his property, if and when he decides to do something with his property and that actually I think is the extent of the Boards intent.

Mr. O'Sullivan stated uh huh okay.

Board Member Rogan stated I think that's reasonable and I think that something that we are striving for here and we are getting really sidetracked on.

Board Member Pierro stated the other issue is at this site we had an inspection just two weeks ago with Mr. O'Hara, Mr. O'Rourke, Jack Karrell, myself, I believe Gene was there and the other issue was who was going to do the engineering and Mr. O'Hara wanted on I quote their dime, and I don't think that's fair that the Budakowski's should pay for Mr. O'Hara's engineering issue I mean if he agrees to that and this applicant agrees to that that's all well and good I don't want it be on the record that this Board is mandating that one applicant do the engineering for the other applicant, for a future applicant.

Mr. O'Sullivan stated I agree whole heartily they shouldn't do the engineering for a future applicant Mr. O'Hara does not have an application before the Board.

Board Member Rogan stated I think we are all in agreement on the road at this point in our conversation correct with where we're going with this.

Mr. Karrell stated yes.

Mr. O'Sullivan stated I think so.

Board Member Rogan stated okay thank you, thank you gentlemen for your time.

Mr. Meyer stated yeah, no we understand no problem.

Chairman Schech stated okay, come back.

Board Member Rogan stated Rich.

Chairman Schech stated is there something we can approve.

Mr. Meyer asked is there anyway we can get a conditional approval tonight subject to a.

Chairman Schech stated I want to see it down on paper I want a copy, a hard copy before me.

Board Member Rogan asks Rich to jump in anytime.

Mr. Meyer stated okay so we'll agree to adjourn to this next week or next months meeting.

Board Member Pierro asks do we have to a waiver, Rich.

Rich Williams stated yeah we can't walk away from this either.

Mr. Meyer stated okay.

Rich Williams states either we've got to get a waiver in writing or in my opinion you don't have at this point with the outstanding issues of the road sufficient information on which to approve the application.

Mr. Meyer states Mr. Chairman I'll hand up my consent to an adjournment in writing.

Board Member Rogan states a gentleman who is prepared.

Mr. Meyer states I apologized I don't have the necessary copies for every other member of the Board but.

Board Member Rogan asks Anthony would you like me to just read this into the record, this is from Shamberg, Marwell, Davis, Hollis PC, Hand Delivered regarding Budakowski property, Dear Chairman Schech and members of the Planning Board by this letter my clients hereby consent to extent your Boards time to take action on their final plat pursuant to sub section 138-12 B1 of the code of the Town of Patterson. I thank you in advance for you consideration on this matter and look forward to continuing to work with the Board and with the Town's professional staff to resolve any outstanding issues if you should have any questions or concerns please don't hesitate to contact me very truly yours Brendan J. Meyer. John Budakowski is carbon copied, Catherine Zuppola, Richard Williams and Frederick Colch esq.

Chairman Schech stated thank you.

Mr. Meyer stated thank you very much have a good evening.

Board Member Rogan stated thank you gentlemen.

Chairman Schech states Michelle hang on to that.

3) **Route 22 Cycles – Sign Application**

Present is Leszek Tomaki, Owner.

Chairman Schech states Route 22 Cycles sign application.

Mr. Tomaki states good evening sir.

Board Member Rogan asked can you go over to that mic please.

Board Member Pierro stated state your name for the record please.

Mr. Tomacki stated Leszek Tomacki.

Board Member Pierro states slowly and can you spell it out for this young lady.

Mr. Tomacki stated L-E-S-Z-E-K, and the last name is T-O-M-A-C-K-I.

Board Member Pierro stated thank you.

Board Member Rogan asked is this sign um, it's a billboard that will be double sided I see the picture is fine but it will be you said two sides, is that one side and then the other side you're looking at two or two separate signs.

Mr. Tomacki stated no.

Board Member stated both sides back to back.

Board Member Rogan so its one standing sign with that is two sided so it can be seen.

Mr. Tomacki stated yes.

Board Member Rogan stated that was my clarification.

Rich Williams stated actually when I initially talked to the applicant he side it was going to be a v-sign which is something we are not going to permit because then there is to much area it's going to be.

Board Member Montesano stated so we're bringing it.

Chairman Schech it's got to be straight out in other words you can't have it both on an angle like that.

Mr. Tomacki stated is there a way to make it legal like this.

Chairman Schech stated no it's got to be like this, perpendicular.

Board Member Rogan stated the sides have to be back to back.

Board Member Montesano stated perpendicular property I have a.

Rich Williams stated we'd have to make a much smaller one in color if you want.

Board Member Rogan stated so your options are either to have a v-sign which is much smaller then what you are proposing or simply take the size you have and make it a solid sign, the way.

Mr. Tomacki asked how much smaller would it have to be.

Rich Williams stated maximum size has to not exceed twenty five square feet in total, so divide that in two.

Board Member Rogan stated so well divide it by two or four would a v-sign be considered four sided.

Rich Williams stated no because you wouldn't see the other two sides there would be anything on them.

Audience Member stated three feet by four feet.

Board Member Rogan stated right yeah.

Mr. Tomacki stated we what it is right now its four feet by four feet.

Rich Williams stated which is total is thirty-two square feet.

Board Member Pierro stated and you need a maximum of twenty five.

Rich Williams stated right.

Board Member Rogan stated can you explain why a solid sign like this we're sorry, like this what we're seeing here put out far enough closest to the as far as you can go closest to the road would not work for you and why a v-sign is needed.

Cell phone rings.

Board Member Rogan asks can you put that on vibrate please.

Mr. Tomacki stated I'm sorry.

Board Member Rogan stated thank you, we've seen this site and.

Mr. Tomacki stated I think a v-sign is a lot more visible for people passing because I don't have too much visibility you know people are driving by pretty quick over there, it would be a lot more visible like this but if it can't happen I guess I am going to have to make it flat.

Board Member Rogan stated I would go with flat.

Chairman Schech stated I would make it flat, they'll see it.

Board Member Pierro stated much easier.

Mr. Tomacki stated well the thing is the signs been there for about twenty-five years the owner told me.

Board Member Pierro stated no it hasn't.

Chairman Schech stated Route 22 cycles hasn't been there.

Mr. Tomacki stated it's a different sign, no, Action Auto Body.

Chairman Schech stated well yeah, different animal.

Rich Williams stated I don't believe there was a sign permit approved for that.

Chairman Schech stated different animal.

Rich Williams stated that was one of the issues we were going to.

Chairman Schech stated just make it legal and stick it up and we'll approve it.

Board Member Rogan stated so Rich just so I'm clear on this, we have a proposed four foot by four foot sign which is sixteen square foot that would add up to thirty-two so we're still to large at this point with this proposed sign.

Rich Williams stated it, it's, the way our code works is if it's a double face sign that's considered a single sign if you split it, then you split the dimensions.

Board Member Rogan stated so can this case you're allowed twenty five square foot.

Rich Williams stated twenty five square feet.

Board Member Rogan stated you're only utilizing sixteen of those twenty five square foot if this double sided sign if you think does not meet your needs you have room here to go slightly larger with this sign maybe that would draw.

Mr. Tomacki asked do I have to fill out another application or.

Board Member Rogan stated I think we can modify if the size of it the dimensions we have the design if we keep the same design we can modify the dimension on our approval, I don't see any reason why not right now we have four by four which is sixteen.

Mr. Tomacki asked would it be a possibility to get permission for the larger sign but for now have a smaller sign and if I decide to make it bigger up to the size that would be allowed to change it to that .

Board Member Rogan stated in other words go with the four by four sign and then in the future.

Mr. Tomacki stated four by four sign on both sides.

Board Member Rogan stated and then if you want to increase keeping the same style but increase to a larger sign you're rebuilding a whole new size within the twenty five square feet.

Mr. Tomacki stated yes.

Board Member Rogan stated it requires another sign application, doesn't it; it's the same sign though.

Mr. Tomacki stated basically in the future I'm thinking about the future, I wasn't really sure about the.

Chairman Schech stated let me get this straight we're allowed thirty-two square feet.

Board Member Rogan stated no.

Board Member Montesano stated no, twenty-five.

Board Member DiSalvo laughs.

Chairman Schech stated twenty five square feet, where the hell did I get thirty two.

Board Member Pierro stated the current proposed sign is thirty-two.

Mr. Tomacki stated I'm sorry.

Board Member Montesano stated we're trying to accommodate the fact that he wanted to put up a sign, if we allow, we don't, the code says up to twenty-five square feet, so we can approve a sign up to twenty-five square feet with this sign being what it is.

Board Member Rogan stated correct.

Board Member Montesano stated instead of going sixteen and seeing if he wanted to make it bigger, this way if you want to make it bigger you can go up to the twenty-five square feet without coming back and paying another application.

Mr. Tomacki stated that's what I meant.

Board Member Montesano stated so I don't.

Board Member Rogan stated it sounds reasonable to be I'm just trying to clear it with Rich to make sure we're not creating an issue.

Rich Williams stated okay, what's the question.

Board Member Montesano stated the question is.

Chairman Schech stated we're really not sure.

Board Member Montesano stated we have the Town code says we're allowed twenty-five square foot sign can we approve this sign at a maximum twenty-five square feet or twenty-five.

Chairman Schech stated yes why not.

Anthony Molé stated it's up to twenty-five square feet correct.

Chairman Schech stated correct.

Board Member Montesano stated correct.

Anthony Molé stated so you're really approving the style, the sign itself and the sign can be up to twenty-five square feet.

Chairman Schech stated up to.

Anthony Molé stated you approve the sign he decides to make it sixteen square feet now but wants to change it to twenty-five square feet he wouldn't have to come back before the Board .

Board Member Rogan stated that's the whole question.

Board Member Pierro stated that's the question.

Chairman Schech stated someone put in a motion quick.

Rich Williams stated just so we're clear though I mean that has to do with the size, if he changes the color you know the information that's another story.

Chairman Schech stated correct.

Board Member Rogan stated are you clear on that sir, that we're approving this particular sign if you decide to make a sixteen square foot sign in this design, if you decide to make a twenty-five square foot sign at a later date with a different style you need to come to the Board.

Mr. Tomacki stated what if everything was the same just the phone number on the bottom.

Board Member DiSalvo stated put it on now.

Board Member Rogan stated put it on now.

Board Member Pierro stated put it on now.

Rich Williams stated listen changing numbers I don't think is going to be a big issue, no body's going to care about that.

Chairman Schech stated a phone number I don't think is going to matter, or create a problem.

Anthony Molé stated the twenty-five square feet is if they are back to back touching.

Chairman Schech stated yes.

Anthony Molé stated if they separate the twenty-five square feet in total.

Board Member Rogan stated that is correct.

Chairman Schech stated yes.

Rich Williams and I say.

Chairman Schech stated that makes it two sign.

Rich Williams stated I say that but I don't want to see 1-800- hell up on the sign.

Board Member Pierro stated yeah right.

Board Member DiSalvo laughs.

Rich Williams stated one other issue I think I raise in the memo is the issue of the sign being lit and you know the type of lighting whether it is screened off or not you may want to just clarify that, we don't want, unless I didn't do a memo.

Board Member Rogan stated I'm sorry Rich I don't have a memo on it.

Rich Williams stated alright then it's probably sitting on my computer.

Board Member Rogan stated how do you propose to illuminate this sign if any.

Mr. Tomacki stated I'm sorry.

Board Member Pierro stated Illuminate.

Board Member Rogan stated to light it.

Mr. Tomacki stated there's basically from the sign that was there before it was lit from the bottom.

Board Member Rogan stated up lighting, like flood lights you mean.

Mr. Tomacki stated yeah, exactly, flood lights.

Board Member Pierro stated is that permitted in Code.

Rich Williams stated it is, it is encouraged in Code but we need to have them shielded or screened so that there is not off site splash.

Board Member DiSalvo asked wasn't there something about the sign that's there now being in the state right of way or something.

Rich Williams stated I'm sorry, I've got it right here for you, I did have the applicant show where he's going to put the sign so we had it in the record, he's showing it on their property.

Board Member Rogan stated pass them all down, is the sign the asterisks that will the display area on the edge of the property line, it's not labeled but I'm assuming that's what it is, that's fine as long as it's on the property then I don't have a problem with that .

Chairman Schech stated gives us a motion on twenty-five foot square foot sign.

Board Member Rogan stated make a motion.

Chairman Schech stated hold it hold it, when you find out what kind of lights you're going to use come in and get Rich's approval on the type of light.

Rich Williams stated I think the lights are there.

Mr. Tomacki stated yeah they are.

Board Member Rogan stated just talking about the shielding.

Board Member Pierro stated I don't know if the shielding is there but okay.

Board Member Rogan stated in the matter of Route 22 Cycles make a motion that the Planning Board grants the sign application for the proposed Route 22 Cycles with the color yellow, blue, and white as shown to the Planning Board on the sign application not to exceed twenty-five square feet and for the lighting, for the shielding of the lighting to be approved by the Town Planner at such later date the sign wants to be changed it can not exceed twenty-five square feet and I think at that point you need to come in and talk to the Planner just to make sure that you're not circumventing what we approved tonight, I think it's in your best interest .

Mr. Tomacki stated basically if I want to make it bigger is that what you're saying.

Board Member Rogan stated if you want to make it bigger in the future I think you're smart that is to come in and talk to Rich and just run it by him.

Mr. Tomacki stated but it's going to be on the record that it can be up to twenty-five feet.

Board Member Rogan stated up to twenty-five feet as of tonight, yes sir.

Mr. Tomacki asked with the phone number.

Board Member Rogan stated yes, do you have the number yet.

Mr. Tomacki stated yeah, I do, actually I do.

Board Member Rogan stated can you tell us.

Chairman Schech asked for a second.

Board Member Pierro seconded the motion.

Board Member DiSalvo asked what is the phone number.

Board Member Rogan asked what is the phone number you are going to include.

Mr. Tomacki stated 845-784-6166.

Board Member Rogan stated okay put that into the motion, there was an extra number in there somewhere but it wasn't 845-hell, so don't worry about and so moved.

Chairman Schech asked all in favor.

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

Motion carried by a vote of 5 to 0

Board Member Rogan stated Michelle that was a rather long winded motion I apologize.

Mr. Tomacki asked do I get a paper.

Board Member Pierro stated you will get a resolution, don't worry about it.

Mr. Tomacki stated this means the sign can be put up now.

Chairman Schech stated yes.

Mr. Tomacki stated thank.

Board Member Rogan stated thank you for you time sir.

4) CORNWALL HILL SUBDIVISION – Lot Line Adjustment

Applicant is present.

Bruce Major stated good evening, Bruce Major, for Bruce Major and Lorraine Major and for BMMD.

Board Member Rogan stated good evening Bruce.

Mr. Major stated how you are.

Board Member Rogan stated good how are you.

Mr. Major stated well, I am requesting a lot line adjustment.

Board Member Rogan asked Bruce can you use the microphone please this young lady is going to have a heck of time otherwise.

Mr. Major stated the dotted line shows the existing lot line we are looking to change the lot line there is an old farmer's pond here I'm sure Edie knows about that and what I want to do ensure to be able to post that pond to keep anybody from going on that pond there is water in half of it and my concern is that individuals from this lot would be able to walk on to that pond looking to ice skate or whatever and I'm concerned if they fall through there's liability by doing this lot line change I'll be able to post the trees and at least it will reduce my potential liability, thank you. Any questions.

Board Member Rogan stated I don't have any problem with the lot line adjustment.

Mr. Major stated the areas stay the same there's no change in area.

Board Member Rogan stated there are some very straight forward and simple comments contained in the Town Planners' memo in reference to the lot line adjustment.

Mr. Major stated I am aware of them I have read them and they will be resolved.

Board Member Rogan stated you just need to resolve those; this is an unlisted action, Rich.

Rich Williams stated uh huh.

Board Member Rogan stated so in effect we don't have to do SEQRA on this; if we can get those minor things done we can finish this at next meeting.

Rich Williams stated what I'm sorry, it's an unlisted action.

Chairman Schech stated unlisted you can do it now.

Rich Williams stated yes.

Board Member Pierro oh I'm sorry, do it now.

Board Member Rogan stated so we can do a Neg. Dec on this and ask Rich though

Mr. Major stated I believe you can do it now and the changes will be submitted to you on the onion skin.

Board Member Montesano stated before the final gets signed.

Board Member Rogan stated do we need.....I'm going to make a motion in the matter of Cornwall Hill Subdivision lot line adjustment for Bruce and Lorraine Major tax map 13.-3-109 that the Planning Board determines that this will have a negative determination of significance of SEQRA.

Board Member Montesano seconded the motion.

Chairman Schech asked all in favor

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

Chairman Schech - aye

Motion carried by a vote of 5 to 0

Chairman Schech stated okay.

Mr. Major stated thank you very much.

Board Member Rogan stated Rich, do you want, Hey Bruce before you run away I don't know if we finished up for you, um the comment that you had for, are you with us.

Rich Williams stated yes.

Board Member Rogan stated the comments that you had for Bruce notes one through four you want them done before we do a new plan in before we do an approval on this, we just did SEQRA on this we didn't do an approval or anything.

Rich Williams stated most of the items are pretty simple like most lot line adjustments you can usually clean them up as the condition up.

Board Member Rogan stated okay we're okay, we can approve, because we have an approved we just gave you your SEQRA determination.

Board Member Pierro stated I make a motion that we approve the lot line adjustments with the, we just got it I thought.

Board Member Rogan asked really.

Board Member Pierro stated yes, we just got it.

Board Member Rogan stated I apologize.

Board Member DiSalvo stated with a couple of conditions.

Board Member Pierro stated with the exact conditions on the.

Board Member Rogan stated no no that's a different one.

Chairman Schech stated no that Gagliardo.

Board Member Rogan stated that's the next one up.

Board Member Montesano we didn't get.

Board Member Pierro asked Rich we didn't have a resolution on this did we; we got a resolution on Fryer.

Board Member Montesano stated and Gagliardo, I think but.

Board Member Rogan stated that's the confusion because we don't have a resolution on this.

Board Member Pierro stated in spite of that I make a motion that we.

Board Member Montesano stated why don't we just read this one and change the names.

Rich Williams stated yes that's all, basically it's the same.

Chairman Schech stated just check.

Board Member Montesano stated it's the same thing.

Board Member Pierro stated okay alright.

Mr. Major stated you can call me whatever name you want to call me as long as it's not hell.

Board Member Rogan stated you don't want to give them that option, go ahead David you were running there.

Board Member Pierro stated you should have just left me alone now I'm looking at the reso.

Board Member Rogan stated it's not the right reso. You don't need to look at it.

Board Member Pierro yeah I know, I make a motion that we approve the lot line adjustment for Bruce and Lorraine Major 166 Somerset Drive Patterson with the four conditions listed on the memo from the Town Planner.

Board Member Montesano seconded the motion.

Chairman Schech asks all in favor

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

Motion carried by a vote of 5 to 0

Board member Rogan stated thank you Bruce.

Mr. Major states thank you again.

Board Member Rogan states now you're done.

Board Member Rogan states now we in the swing of things, we're off to a rocky start tonight.

Board Member Pierro states we're used to have Melissa over there cranking out at us.

Rich Williams stated I am happy we're off to a start.

Board Member Pierro stated yes, better then last weeks meeting.

Board Member Montesano stated keep drinking the gin I mean the water.

Board Member DiSalvo stated Gagliardo is next.

5) GAGLIARDO LOT LINE ADJUSTMENT

The Applicant was Present.

Chairman Schech stated Gagliardo.

Pete Gagliardo stated Pete Gagliardo you're used to seeing Jimmy Gagliardo usually.

Board Member Rogan stated we are, we miss Jim, you know, he harasses us quite a bit so now we get to give it to his brother, one thing we specifically asked for on the plans which we don't see this week is conditioned approval and I think is a pretty major thing to this lot line adjustment is that the existing stone wall that is currently on the property line of the house under construction be moved to the proposed property line it is pretty significant impact to your house I believe.

Mr. Gagliardo stated right yeah, that was no problem what so ever.

Board Member Rogan stated but so you hear it from us, the concern of this Board was that the property owner that buys the house that is currently under construction I don't know which lot it is what its call that they wouldn't able to realize the full use of their property because quite honestly the line looks like it goes through the middle of your front yard so the reason for the asking of that stone wall to be relocated as a condition of this approval is so that the people that buy that house can actually utilize that property instead I feel that they would have been looked at as bad neighbors quite honestly if they used that property.

Mr. Gagliardo stated oh yeah no doubt I thought, I didn't know I had to draw it on there, it's no problem what so ever.

Board Member Rogan stated in doing that.

Board Member Pierro stated wasn't there additional lot line in the back.

Board Member Rogan stated we got that straightened out.

Mr. Gagliardo stated you squared it up; you didn't like the peak so we squared it up.

Board Member Pierro stated I didn't see it on the reso so.

Board Member Rogan stated because it's been done.

Board Member Pierro stated it's been done, okay, you cleaned it up nicely.

Mr. Gagliardo stated we made everything nice and square.

Board Member Pierro stated very well.

Chairman Schech stated we got rid of all those things there.

Mr. Gagliardo stated yeah the triangles.

Board Member Rogan stated you got rid of the triangles it looks like we had to create a couple of dog legs in the property line on the parcel X, it looks like that but you still get your bulk dimensions on the other parcel, parcel Y, so.

Board Member Pierro stated that doesn't cause and set back problems Rich, have you reviewed that.

Board member Rogan stated we there not losing we don't see a house layout on this.

Board Member Pierro stated not now but I don't want to see a set back proposal later on when a house is proposed.

Rich Williams stated you may not be able to fit a very large house there, you can get a house.

Board Member Pierro stated right, as long as the applicant is aware of that, it is on the record now, it satisfies my concern.

Board Member Rogan stated we have the reso, we did SEQRA before the public hearing, we finished SEQRA didn't we, I'm trying to remember, me neither, but we must have. Make a Motion in the matter of Gagliardo and Ross Allen Lot Line Adjustment that the planning Board grants a negative determination of significance of SEQRA and approves the lot line adjustment as contained in the resolution dated July 7, 2005 with the six general conditions and one special condition, a special condition being relocating the stone wall.

Mr. Gagliardo stated no problem.

Board Member DiSalvo second the motion.

Chairman Schech asked all in favor

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

Motion carried by a vote of 5 to 0

Board Member Rogan stated thank you sir.

Mr. Gagliardo stated thank you, have a good night.

Board Member Rogan stated you too good luck to you.

6) FRYER SITE PLAN – Final Resolution

Jack Karrell is representing The Applicant.

The Applicant was present.

Chairman Schech stated Fryer final resolution.

Board Member Pierro stated Jack there was something in the memo I can't find it at the moment but there is something in the memo about determining the number of parking spaces for future parking.

Mr. Karrell stated I just read the memo now and I guess Rich had given them to Lucio, I guess this area here was designated on the previous site plan for future parking and you can make that definition again on this plan and you can see this is relatively flat in this area here, so we're not going to approve it now your memo says if you approve it just to show parking there right.

Board Member Pierro stated I thought Rich was looking for a number of parking spaces available for future.

Rich Williams stated I think given the area that we know there is going to be sufficient parking based on current use it's certainly got to be more then twenty and that should be more then fine I think the bigger issue is that generally the Planning Board in similar situations request that a not be place on the plan that within thirty days you build the out well that usually is incumbent on us our already heaving a completed design so we know what we are going to build out and in this instance we don't know have any completed

design so either we need to modify the requirement or we need to get a design as park of this application I don't know how the Board wants to go with that.

Board Member Rogan stated given the topography of this site and the idea that it doesn't seem like a very difficult thing to construct additional parking in the future if need be, you think that the design is required at this time, what's your opinion.

Rich Williams stated given the history of the site you know there hasn't been a tremendous parking problem up there.

Board Member Rogan stated that's what I thinking.

Rich Williams stated so you may want to forgo that requiring the design and just the extend out within I don't know ninety days of approved design by the Town Engineer.

Board Member Montesano stated excuse me before, the people that are presently occupying the other building around it and they occupy some of that building if I recall.

Rich Williams stated yes.

Board Member Montesano stated they are leaving the area because when you drive up there now they are parked all over the road and I'm just worried.

Rich Williams stated they are parked all over the road but it's usually more down the other two facilities they have lower down where they have day care I believe.

Board member Pierro stated UCP and.

Rich Williams stated yeah.

Chairman Schech asked they are supposed to be leaving aren't they.

Rich Williams stated I believe they are going to be leaving Robin Hill Corporate Park all together but that then he gets the problem we don't know who the next tenant is going to be and we certainly don't want to automatically require them to come in and get site plan approval for the next tenant if it's going to be an identical use.

Chairman Schech states re-locating excuse me.

Board member Rogan stated I also know there was a concern just to clarify for the Board's consideration the storage space that is listed on the plan what is that used for is it office storage or warehouse storage, it doesn't appear to be warehouse storage but.

Mr. Karrell stated Mr. Fryer can answer that.

Board Member Rogan stated can you please come up I'm sorry sir, we'll never catch you on the record.

Mr. Fryer stated that space is currently being used as warehouse space.

Board Member Rogan stated state your name for the record.

Mr. Fryer stated Larry Fryer.

Board Member Rogan asked it is used for I'm sorry what.

Mr. Fryer stated warehouse space.

Board Member Rogan asked what type of storage.

Mr. Fryer stated primarily plastic tape that the company Hytap uses for they take large rolls and make it into small rolls.

Board Member Rogan stated okay, they aren't creating any extra parking with that.

Rich Williams stated generally warehouse space is very low parking demand.

Board Member Rogan stated so Rich your comment about the ninety days is in reference to the notation that is normally placed on the plan that would say if there is insufficient parking that within ninety days of written notification.

Board Member Montesano stated they have to come up with a design.

Board Member Rogan stated they have to come up with a design.

Rich Williams stated you have any thoughts on that Gene.

Gene Richards stated I guess what Rich is trying to do with the note as he stated before in this case there is no design for that future parking so the additional ninety days total will give them time to get an engineer to create a plan for that parking including grading and drainage present it to the Board then we would review it with Rich just make sure everything's okay once it's approved then they would have sufficient time to physically construct it.

Board Member Rogan stated that seems reasonable.

Chairman Schech stated so give them the additional time to get it together right.

Rich Williams stated just so we're all clear that's just in the event that it clearly become obvious that you've exceeded your parking capacity that exists.

Board Member Pierro stated that their going to need it.

Board Member Rogan stated right, who wants to do the reso on this one.

Board Member Pierro sure.

Board Member Rogan asked you got it Dave or you want me to do it.

Board Member Pierro stated the SEQRA is done on this, in the matter of Fryer Machine Systems I make a motion that we approve the final site plan approval with the five general conditions and the three special conditions in addition I make a more that we waive the thirty day requirement, thirty day time frame for design standards to be in place and we extend that to ninety days.

Rich Williams you're requesting that a note be placed on the plat that states within ninety days.

Board Member Pierro stated that in ninety days a new application be submitted.

Rich Williams stated well no they will.

Board Member Pierro stated they will come up with a new design, okay.

Board Member Rogan seconded the motion.

Chairman Schech asked all in favor

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

Chairman Schech - aye

Motion carried by a vote of 5 to 0

Mr. Karrell stated thank you very much.

7) D'OTTAVIO SITE PLAN – Continued Review

Mr. Harry Nichols representing the Applicant.

Board Member Pierro stated D'Ottavio, Mr. D'Ottavio here.

Chairman Schech stated D'Ottavio.

Board Member Rogan stated Harry's not here tonight.

Chairman Schech stated Harry's here.

Board Rogan stated there he is, hiding behind Ted.

Board Member DiSalvo stated you were hiding behind Ted.

Chairman Schech stated we got anything new on this one Harry.

Board Member Rogan asked how are you Harry

Board Member Pierro stated hey how are you Harry.

Board Member Rogan stated we don't have anything we are waiting on engineering stuff, How are you doing Anthony.

Anthony Molé stated alright, you.

Board Member Rogan stated good, good to see you.

Anthony Molé stated I wish I was back on the beach.

Board Member Rogan stated don't we all.

Board Member Montesano asked you mean rather be there instead of here this wonderful.

Board Member DiSalvo asked you have pictures.

Board member Rogan asked Harry you want a plan.

Mr. Nichols stated yeah.

Board Member Rogan stated you can have mine.

Board Member Montesano stated did they improve them, are these the pictures they gave us from the last time.

Board Member Rogan stated great question for you to ask.

Chairman Schech asked do we have pictures.

Board Member Rogan stated no, I don't think.....they were changing.

Board Member DiSalvo stated it looked like some of them had faded out, Harry were we ever able to get better pictures on what this would actually look like you know the last picture that were submitted with from a Warwick building or something.

Mr. Nichols stated yeah they are paying an architect, I don't know where it is in the process, previously had submitted some elevations way back when which more or less was the type of construction it's going to be the block you require the masonry services and I'll have to check, I thought Steve would be here tonight but he's not here to give us an update on the architectural.

Chairman Schech asked how are we doing with our basins.

Mr. Nichols stated we have some minor corrections to make we have met with DEP, I mean excuse me DEC, to review it with them and they have come up with comments that are require us to make a few minor changes to the basins.

Chairman Schech asked are you making the Town Planner and the Town Engineer happy with the changes.

Mr. Nichols stated the changes will make them happy.

Rich Williams asked will they.

Board Member Montesano was inaudible.

Mr. Nichols stated we will do our best to make them happy.

Board Member Rogan stated I think we are at the point where if we can see some architectural renderings that are acceptable to the Board and make these gentlemen happy.

Mr. Nichols stated uh huh.

Board Member Pierro when they're happy, we're happy.

Board Member Rogan stated we are basically done, I know you guys have a lot of issues but.

Chairman Schech stated this name is staring to burn a hole in the desk over here it's been here so long, okay.

Board member Rogan stated that's why you guys are the technical people on this; I don't have anything else on this.

Rich Williams stated you haven't even stated the review process on this.

Board Member Rogan stated I understand.

Rich Williams stated we don't even complete wetlands applications on this.

Ted Kozlowski stated Harry the Applicant is not here.

Mr. Nichols stated no.

Board Member Rogan stated no.

Ted Kozlowski stated generally I don't start really reviewing his plans and stuff until everything is complete, no where on the application is, did the applicant pay the fee.

Rich Williams asked he did or did not.

Ted Kozlowski stated did he because it's not show on the application that I have.

Mr. Nichols stated I thought it was paid when the application was paid.

Ted Kozlowski stated check is in the mail.

Mr. Nichols stated no I will check.

Ted Kozlowski stated just check into that, Rich brought up some things but I am going to go to the site once everything's is complete, right now you don't have a complete wetlands application but I'm not going to discuss that right now I am going to tell you that you need to set things additional things need to be addressed and find out if the fees been paid.

Mr. Nichols stated okay, I will contact you.

Ted Kozlowski stated okay, sometime next week.

Mr. Nichols stated alright, that's fine.

Chairman Schech stated keep it in the loop Harry lets get it moving.

Board Member Rogan stated Harry; you can keep that set of plans if you'd like Harry.

Gene Richards stated I am just going to say real quick there's a couple items that really do need attention when architectures were discussed last time, landscaping design is still lacking that's got to be moves forward.

Board Member Rogan stated absolutely.

Gene Richards stated lighting, whatever you are doing for lighting you have to get information on that to us, Terry Collins previously prepared a plan with easements, our office did review that and gave some comments to her and we haven't seen anything back from her that's been revised so that's something else.

Mr. Nichols asked those comments went directly to Terry.

Gene Richards stated yeah and I think when we met before Tom might have given you a copy because you weren't cc'd on it originally.

Mr. Nichols stated okay.

Gene Richards stated if you don't have it call us we'll get you an extra copy.

Mr. Nichols stated I'll speak to Terry right now.

Gene Richards stated but I think you know those are some big issues to address, storm water would be one bigger one as well and that we got to get formulas.

Mr. Nichols stated okay.

Chairman Schech stated no you can have that.

Board Member Rogan stated you go ahead.

Chairman Schech stated okay you're still up Harry right.

Mr. Nichols stated still up.

8) FOREST VIEW APARTMENTS SITE PLAN – Continued Review

Mr. Harry Nichols representing the Applicant, Mr. John J. Hogan, The Applicants Attorney is present.

Chairman Schech stated Forest View.

Board Member Rogan stated hello Mr. Hogan how are you.

Board Member Pierro stated yes, good evening Jay.

Mr. Hogan stated There's a number of new comments that Harry sat down and changed and went over the plan that we had laid out the, the plan was laid out the last time and we've gotten quite a ways with it and after meeting with Gene, I think Gene became aware that Harry had then the DEC contact him and ask that the basing be flip flopped and it was engineered sort of quickly at the end to get the application in I think when we thought we had something that was going to work so there are some comments based on the new layout of the basins and the flip flopping of the basins that are going to have to be addressed I think that's the major gist of it we still have to find out where that drainage basin in the metro north rail road bed where it goes to, we know it drains we're just not sure where it goes so we've got, we're trying to find that out Metro North, we'll bird dog them over the next, probably over the next month and see if we can get some

movement out of them um and we are going to meet with an architect this week so we can bring a plan back to you that shows you elevations and shows you what the building are proposed to look like.

Board Member Pierro stated very well.

Board Member Montesano stated can you state your name Jay

Mr. Hogan stated oh I'm sorry John J. Hogan

Board Member Pierro stated Michelle.

Mr. Hogan stated I'm sorry.

Mr. Nichols stated the DEC has a new criteria where they want the new filter basin of first flush to be off line which created the situation where we had to take the filter basin which oddly is last on all of our prior designs has DEP has more or less accepted and as the first basin the flow is derived from the fore bay, the fore bay is there to try and consolidate and silt that comes into the systems and so its in one area that it can be maintained clean out periodically, and on the water quantity, and on the water volume basin is the last the basin, it made the system work to satisfy DEC it took up a little more area because the basins they work on a function of the head of the pipe and in some cases you can not, in the case of a filter basin that has to be a more or less a shallow pond as opposed to water quantity basin which can be a deep pond, this just presents challenges to come up with a system where you work, the pond work and you use the least area. Now we have slightly increased the area but not that much, I know Gene is concerned about that and I can always provide that differential that would be of any benefit.

Chairman Schech stated didn't they change, didn't they go from one pond to two ponds or two ponds to one pond recently.

Board Member Rogan stated three.

Board Member Pierro stated three.

Chairman Schech stated now its two to three.

Mr. Nichols stated yes.

Board Member Pierro stated is that part of the new MS4 regulations.

Ted Kozlowski stated yes to some extent, you really do need to have the water head to really filter out the heavier sediments.

Board Member Pierro stated okay.

Ted Kozlowski stated and you need to show two separate practices to get your water quality treatment that you need.

Mr. Nichols stated we're trying to deal with two agencies that have requirements that do not totally agree with each other and the answer I got from the DEC was that the city of the New York will have to change their way and in the mean time we have to satisfy the DEP, DEC, and the Town of Patterson so we're

trying to incorporate all three requirements into a single design and there are certain overlaps and there areas are going to exceed one requirement just in order to satisfy the other agency's requirement. But in essence we have a basin system that works and there are some details that did get missed and the reconfiguration of it.

Chairman Schech stated as long as it's going to work Harry.

Gene Richards stated Harry just to talk a little bit about the disturbance that I commented on it's not so much that I have problem with it I just wanted to point it out to the Board the reason for the additional disturbance or increased disturbances due to the ponds.

Mr. Nichols stated yes.

Gene Richards stated which I understand is being driven by DEP and DEC's reviews and I think, again one of the points I noted with the ponds is the we do have a very steep slope there it's two and one by a scale on your contours so that's an issues that's going to have to be addressed as we laid out in the memo beyond that Harry its really just getting everything on the plans checked and corrected before you submit so that we have a clean set of plans to look at and then the big ticket items like again the architectures that Jay talked about so that will be coming and whatever other issues there were those are issues you'll have to work out with the Board.

Mr. Hogan stated provided that Harry is able to get those issues addressed to your satisfaction to the Board satisfaction would the Board be in a position to set the public hearing for SERA purposes.

Chairman Schech stated too many ifs.

Board Member Rogan stated based, on yes, in an ideal world, based on what Gene is saying we need a set of plans to be fine tuned, I think once we get that absolutely, we will set that quickly, so we're looking at two months from now as having the public hearing that'd be great, we're ready to move forward with this, I think, I understand Harry's constraints and things being changed on him it sounds like on great big bureaucracy doesn't, so we can fine tune these and we can get Gene happy we'll set the public hearing when we get that approval, that nod.

Mr. Hogan stated thank you so much, I appreciate your time.

Board Member Rogan stated thank you, thanks for your patience.

Board Member Pierro very well, thank you.

Rich Williams stated I think we had that already, I thought it was just recirculation.

Chairman Schech stated back in 1936.

Board Member Rogan asked are you all done for tonight.

Mr. Nichols stated what is that.

Board Member Rogan stated are you all done for tonight.

Mr. Nichols stated I believe so.

9) EUROSTYLE MARBLE & TILE SITE PLAN – Continued Review

Paul Lynch is representing the Applicant.

Chairman Schech stated number 9, Eurostyle.

Board Member Pierro stated there really is no thirteen on this.

Board Member Rogan stated no, we're moving ahead, see that.

Board Member Pierro stated okay great.

Board Member Montesano stated it's an unlucky number.

Board Member Pierro asked there is no number thirteen out in the hallway, right.

Rich Williams stated at this point I don't, I'm not even talking tonight.

Board Member Pierro laughing okay.

Board Member Rogan stated good evening Paul.

Mr. Lynch stated good evening.

Board Member Rogan stated how are you doing this evening.

Board Member Montesano stated state your name.

Mr. Lynch stated Paul Lynch, Putnam Engineering.

Board Member Montesano stated thank you.

Board Member Rogan stated bring us up to speed please on where we are with this.

Mr. Lynch stated well we revised the site plan, where we shifted the building over farther to the north, northeastern direction we've done some testing out along the front property line to make sure there are catch basins and quality basins that will be put in this area we were looking to present the plans to the Board so you can see the basic limits of disturbance what we were really looking to do I notice when I was out in the field that we had a, apparently there was a grating bust based on the original survey in this area we are going to have a surveyor go back out and recalibrate what's going on.

Board Member Rogan stated you said a grading bust.

Mr. Lynch stated yeah, actually when you're out there, what I noticed was there was drop off as opposed.

Board Member Rogan stated the topo is not correct; you're going to recheck that.

Mr. Lynch stated in that area, so we are going to take a second look at this area I think what one of the comments in our storm water plan that we gave you we just used 100 as an estimate.

Gene Richards stated but its got to be based on (rest of the sentence was unable to be heard).

Mr. Lynch stated correct, and because, I knew there was a bust out there, I do not want to do the calculations so I know at this point we can at this point do that to come up with an actual number and it could shape or not so we went ahead and did that and we'll make those adjustments.

Gene Richards stated let me just ask you this based on what your just saying now was the bust in grade just along the frontage.

Mr. Lynch stated it was just along the frontage and between the, basically from the rock ledge out to the street.

Gene Richards stated okay so the additional topo that you are going to get will just be in that same area.

Mr. Lynch stated it would be this strip down through here.

Gene Richards stated and that would be in the same data as now on the site plan, still.

Mr. Lynch stated that I am going to have to research because the original data came from a site plan that Cashin did back in '86 so I don't.

Gene Richards stated do you think that you can end up with a site plan that's going to be in quote unquote near US tear status.

Mr. Lynch stated yes, it's going to be close.

Gene Richards stated so there wouldn't be a need for a waiver.

Mr. Lynch stated no.

Board Member Rogan stated there he is, Ted the whole room has been waiting on you, we've been patiently waiting.

Ted Kozlowski stated oh I'm sorry, I've been holding court.

Board Member Pierro stated we understand, judge.

Board Member Rogan stated you had a question for the judge.

Board Member Pierro stated no, I just, you had some concerns about the lower corner of the Eurostyle building and they've rotated the building out, somewhat.

Board Member Rogan stated that was the off set to the wetland boundary.

Ted Kozlowski stated right, what is this Commerce Drive.

Board Member Rogan stated yes.

Mr. Lynch stated yeah the last meeting you had asked to get out of the wetland, which I did.

Ted Kozlowski stated oh the ten feet, oh fine okay.

Board Member Pierro stated okay.

Mr. Lynch stated I think we've addressed that.

Board Member Rogan stated it wasn't really a big issue, we were just teasing you, and we weren't really.

Board Member Pierro stated very well, I just wanted to make sure, I just wanted to make sure, I just wanted to make sure it was corrected to your satisfaction sir.

Ted Kozlowski stated excellent carry on.

Chairman Schech stated any more changes or questions on this.

Board Member Rogan stated no, Mr. Chairman.

Board Member Pierro stated no.

Mr. Lynch stated you had a conditional recount for public hearing on this, I knew Gene's comment letter gives a lot of nuts and bolts but I don't think it really affect any kind of public presentation.

Board Member Rogan asked Rich are you okay with a public hearing next time on this, you think we're too.

Rich Williams stated yeah provided you've done a lead agency notice.

Board Member Rogan stated yeah that's the question.

Rich Williams stated I don't know.

Board Member Rogan stated just in case you want us to cover that.

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

Rich Williams stated if we did it we still have fifteen days.

Board Member Rogan stated okay, so we'd be.

Rich Williams stated I'm thinking we did.

Board Member Rogan stated I thought we did also.

Chairman Schech stated I know we did.

Board Member Rogan stated so if we didn't we're going to have to push the public hearing off so.

Rich Williams stated set it contingent on Lead Agency.

Board Member Rogan stated on the matter of Eurostyle Marble & Tile site plan I make a motion that the Planning Board has a public hearing at the next meeting in August, I think it's August second, contingent upon circulation of lead agency, August fourth, thank you, I knew it was the August, meeting.

Chairman Schech asked second.

Board Member DiSalvo seconded the motion.

Board Member Rogan stated I thought you were saying august second

Chairman Schech asked all in favor

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

Motion carried by a vote of 5 to 0

Chairman Schech stated Couch Road.

Mr. Lynch stated did you, the first item on the agenda, I had that also.

Board Member Rogan stated Dunning.

Mr. Lynch stated yes.

Board Member DiSalvo stated it was rescheduled.

Chairman Schech stated we held it off because you didn't notify the right people or something or other.

Mr. Lynch stated so you rescheduled it.

Board Member Rogan stated for you Paul we took care of it because you weren't here.

Rich Williams stated while that's on the subject do you want to ask Paul why we've got infiltration trenches.

Board Member DiSalvo stated yeah really why.

Board Member Rogan stated yeah that's a good question Paul, why did we switch to infiltration trenches.

Mr. Lynch stated we couldn't get the, I think originally we had seepage.

Rich Williams stated you were going a couple of leach pits for the roof drainage.

Mr. Lynch stated it didn't work out for what we needed volume wise.

Board member Rogan stated volume generated from the roof.

Mr. Lynch stated so we ended up switching over to leach pits or the trenching and then based on over land flow that would be coming down into that area we had to introduce a diversion ditch to cut off the additional drainage that would coming down to go into that.

Rich Williams stated it snowballed.

Mr. Lynch replied yes.

Rich Williams stated there's no way we can, that's a lot of disturbance.

Mr. Lynch stated well, what I'd like to do is come up and we'll sit down.

Rich Williams stated I know Jay Hogan wanted to meet up with Triple J.

Mr. Lynch stated that would be fine.

Rich Williams stated I'll give you a call in couple of days, excuse me, I don't know, if I'm still alive.

Chairman Schech stated we're taking him out of circulation for a week so.

Board Member Rogan stated he's been playing with ticks in the woods too long and it finally got a hold of him so Rich may be a little grumpy.

Board Member Pierro stated he wasn't as mean as he thought he was he thought the ticks didn't like his taste.

10) COUCH ROAD SUBDIVISION – Recommendation to Town Board

Mr. Tom Frasca is present of Couch Rd Corp.

Chairman Schech stated Couch Road.

Mr. Frasca stated hi good evening, I'm Tom Frasca, one of the contract vendees with Couch Road Corp, just a note my engineer couldn't be here tonight so I grabbed Jay Hogan last minute and asked him to baby-sit me during the meeting.

Board Members laugh.

Mr. Frasca stated He didn't get a chance to really review the plans, but just briefly we did a colored up diagram based on the comments from the last meeting, I talked to, I had extensive talks with Judy Terlizi I have spoken to others, and what we are proposing is fourteen point five acres of the site which is colored in green and called lot A, is going to be dedicated to Putnam Land Trust, they are very happy to get this, its all steep slopes and the rock outcrop, there might be some archeological interest in the some of the very corners of the lot we're not even sure. It out of the construction, the only thing we did do is we maintained the one hundred foot conservation easement but based it on Lot One, to include all the steep slopes and basically that's it, we kind of wanted to get your blessing on this diagram, this concept.

Chairman Schech stated I wasn't here last meeting what is it mean that recommendation to the Town Board.

Board Member Rogan stated because we don't quite meet the, the way the memo is written actually it explains it quite well, now wording the recommendation is a little more difficult, quite honestly but I think it's worth to the Board just reviewing this, you want to read through it.

Chairman Schech stated let me read through it.

Board Member Rogan stated wonderful.

Board Member Pierro stated on the zoning.

Board Member Rogan stated yeah, this is really the crux of why we're here tonight.

Board Member Pierro states c'mon Edie, c'mon Edie, throw the mic at her.

Chairman Schech stated okay I've got no problem.

Board Member DiSalvo states me either.

Board Member Rogan states I think again the concern of the Board is wording the recommendation so that it supports your case because what this plan represents is a culmination of some very good ideas on your part and the intent of what the Board is trying to do and preserving open space and promoting the intent of the overlay zone, it doesn't quite meet it but I think that you've done a fine job in reducing the impacts to the steep slopes by keeping development out of the steep slopes I think it's a real good compromise in this case and I think it's a plan that we can work well with between the applicant and the Board and I think the Town will benefit from development of the property such as this and the preservation of that open space, I'm very happy to hear that the Putnam Land Trust is interested so in doing so, should we do SEQRA first on this.

Board Member Pierro stated bottom line, requirements of SEQRA should be addressed by the Planning Board.

Board Member Rogan stated we've already set it as a major subdivision if I remember correct because its six lots, I make a motion in the matter of Couch Road.

Rich Williams stated well just so we're clear, they don't actually have a subdivision application pending before the Board nor do they have an environmental assessment form or a subdivision plat.

Board Member Rogan stated we have to start the recommendation that first to get the ball rolling.

Rich Williams stated no actually what we need to do and you can certainly do your intent for Lead Agency tonight condition on a completed EAF subdivision application and a subdivision plat being submitted but you really want to start SEQRA first, but we need to have that application in first.

Mr. Frasca stated we will get that in.

Board Member Rogan stated okay.

Rich Williams stated so.

Mr. Frasca stated we will get that in.

Board Member Rogan stated actually even getting that in doesn't delay the process with declaring intent for Lead Agency.

Rich Williams stated no but I would recommend that you make a condition on.

Board Member Rogan stated my point is, we can just as easily hold off it doesn't delay anything on their part to wait until we have that and do it at next meeting but we can at this time do the recommendation to the Town Board.

Rich Williams stated you can do a recommendation if you'd like there's certainly no harm no foul if you want to sit here and consider that tonight and I don't want to discourage you in any way, shape or form.

Board Member Rogan stated I think the Board, I shouldn't speak for the Board, but we're pretty happy overall with the lay out of this and I think it's a nice compromise our recommendation to the Town Board is to be able to allow a variance from the overlay zone from the requirements of the new code to allow this to proceed so that we then get the completed application and proceed with the process.

Rich Williams stated and the Town Board certainly can set a public hearing to further the process but the Town Board probably not going to take an action until the Planning Board does SEQRA.

Board Member Rogan stated correct me if I'm wrong, and I apologize if I screw this one up, but in this matter I make a motion that the Planning Board declare it's intent to be Lead Agent on this project and contingent upon getting a completed application and subdivision plat for this, does that cover it.

Rich Williams stated that's good.

Board Member Rogan stated and can we craft the recommendation using some of the language that I already put into the minutes in terms of the impacts of this subdivision and how we've negated them.

Rich Williams stated oh sure absolutely, in crafting a recommendation as you put it, you want to talk about what is unique about the property why there are difficulties in meeting the strict intent how they are doing it how they are beating it to the maximum extent.

Board Member Rogan stated sure, which I think you have done in this case, can I make a motion to craft a recommendation to the Town Board to approve the variance on this case based on pulling the information out of the minutes from tonight that we have already put into the record.

Rich Williams stated sure.

Board Member Rogan stated to restate it all is you know is it something we can work on and then look at the work session so that we can, because it kind of has to be worded and I would.

Board Member Pierro stated yes, should be worded properly.

Chairman Schech stated you can take most of it right out of this.

Board Member Rogan stated right.

Board Member DiSalvo stated yeah, most of this.

Board Member Rogan stated would you please go ahead and do so.

Board Member DiSalvo stated I'll second.

Board Member Montesano asked what I'm asking if that's his motion.

Chairman Schech stated yeah, throw this into the motion.

Board Member DiSalvo stated I'll second Shawn's motion.

Chairman Schech asked all in favor

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

Motion carried by a vote of 5 to 0

Board Member DiSalvo asked have we ever made a recommendation like this to the Town Board.

Board Member Rogan stated well this is a new code; this is the first for the new Code.

Rich Williams stated you've got one other on the agenda for tonight.

Chairman Schech stated right.

Board Member Rogan stated towards the end of the agenda it looks like, well what we'll do for the Board is clear, at the next work session we'll review the recommendation for content.

Board Member DiSalvo stated okay, so now we're talking about the August meeting with the Town Board.

Board Member Rogan stated so much of this falls on Rich but Rich is going to be the one to pull out the intent and word that, with Michelle's oversight, of course.

Rich Williams stated absolutely.

Chairman Schech stated okay.

Mr. Frasca stated thanks so much, thank you very much.

Board Member Rogan stated Mr. Hogan you did a wonderful job providing tonight.

Board Members laugh.

Board Member DiSalvo stated wait until he gets the bill.

Board Member Montesano stated that's better, a consulting fee.

11) MAPLE WOOD NORTH – Withdrawn

Board Member Rogan stated Maple Wood North withdrawn I like that.

Rich Williams stated Mr. Chairman the next item on the agenda Maple Wood North requested after meeting with the Town of Southeast to withdraw the application however I would like the Boards permission to send out the review I did do I think it provides some good guidance on the process they need to follow.

Board Member Rogan stated I make a motion that the Town Planner send out the review letter for Maple Wood North to the applicants.

Board Member Montesano seconded the motion.

Chairman Schech asked all in favor

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

Motion carried by a vote of 5 to 0

Board Member Pierro stated Rich, a question have we had any, in addition to Triple J, have we had any application where construction is going to be completed in different municipality and we will get the septic systems and storm water run off I mean this sounds fairly new to me.

Rich Williams stated the only one that I can think of is Forest Haven, the structure is being completed in Patterson but Southeast gets all the traffic.

Board Member Pierro stated alright.

Board Member Rogan asked which one is Forest Haven.

Rich Williams stated but no project where the house is located in one Town and the septic in another town.

Board Member Pierro stated right.

Rich Williams stated but I will have no part about that.

Chairman Schech stated you got the one on 311.

Board Member DiSalvo stated Moretti.

Board Member Rogan stated I can't imagine how that could affect Health Department, if the property is able to be built on it, I can't imagine that that would be; it's more of a concern to us.

Rich Williams stated it's probably not an issue for the Health Department, but it possible for a property owner some point in the future to default on their taxes on that parcel that the septic.

Chairman Schech stated past the septic and that great stuff that's where the problems come in.

Rich Williams stated give up ownership.

Board Member Rogan stated they should create then; they should then create some kind of legal ease that says that they would lose the C of O on the house.

Chairman Schech stated yeah but it's not in place, that's the problem.

Rich Williams stated you can write your self an easement before you gave up the property on taxes and there wouldn't be anything anybody could do about it.

Board Member Rogan stated yup.

Board Member Pierro stated this property is owned by the school the down there.

Rich Williams stated yes.

Board Member Rogan stated I got a fine thought Rich, could you imagine if they foreclosed on a piece of property that was in the other with the septic and the other person bought it at a tax sale hey I've already got a four bedroom approved septic system on this lot I'm want to build a house. You know.

Board Member Pierro stated that'd be great.

Board Member Rogan stated you know they'd have a case, it's not my fault it's connected to another house, it's my property, I'm cutting the pipe and connecting to it.

Chairman Schech stated okay moving right along.

12) FRANTEL SITE PLAN – Continued Review

Theresa Ryan of Insite Engineering is representing the Applicant.

Joe Mansfield, architect for the applicant, is also present.

Chairman Schech stated Frantel, where have you been.

Board Member Rogan stated we've missed you Theresa.

Ms. Ryan stated I'll be here for awhile now.

Board Member Montesano stated tell her who you are.

Board Member Rogan stated this is Theresa Ryan from Insite.

Ms. Ryan stated Theresa Ryan from Insite, you want a card.

Board Member Montesano stated we believe ya.

Rich Williams stated Theresa take the mic right out, She'll never pick you up other wise.

Mr. Ryan stated okay, we have color samples, we received the review letter and we have no problems with any of the items there, we can deal with those we'd like the Board if they are ready to declare themselves lead agent.

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

Chairman Schech asked what do you want us to declare.

Board Member Rogan stated Intent to Lead Agency.

Ms. Ryan stated final approval.

Board Member Montesano stated that's why I like her, on a Thursday night too.

Board Member Rogan stated can never be afraid to ask, you never know.

Board Member Montesano stated you might hit the jackpot.

Ms. Ryan stated Joe brought samples of the materials for the building too, would you like us to pass them down.

Board Member DiSalvo stated this is the barn red.

Mr. Mansfield stated that's the barn red that is correct.

Board Member Montesano asked is that okay.

Board Member DiSalvo stated I was a little concerned about what the barn red red was going to be.

Board Member Montesano stated it's still sticky, it took awhile to paint that.

Board Member Rogan stated they did it out in the parking lot.

Board Member Montesano stated using little spray cans.

Mr. Mansfield stated these are two products we are considering, the Azac is a PVC cellular product, rot resistant, restraints, will take the paint well and hold it much longer then wood will, and we're looking into that as an option to that the wood.

Board Member Montesano stated trim will never be the same, how wonderful now what does that mean.

Mr. Mansfield stated this is also a product we are considering we are going to bead Board ceilings underneath it, under the canopy area we're considering the wood or either this same product, this is sample of the metal roof that we're proposed.

Board Member DiSalvo stated you're doing that, this is the grey; I hope the sun doesn't hit it.

Board Member Rogan stated is this similar to hardy plank.

Mr. Mansfield stated that particular sample is just a sample on the hardy plank, we are considering a couple different things right now on our plans were calling for wood as our facing we are considering the hardy plank, we are investigating price and availability and things likes that.

Board Member Montesano stated that's going to be the color of it.

Board Member DiSalvo stated I'm worried about the sun hitting it.

Board Member Montesano stated I'm sure they've already looked into that, if there's any glare they are going to have paint it.

Chairman Schech stated is that the roof.

Board Member Montesano stated yeah.

Chairman Schech stated that's the roof material, if it comes off like that I don't know.

Board Member Rogan stated this bead Board is a PVC product.

Mr. Mansfield stated it is yes.

Board Member Rogan stated you'd never know that wasn't wood.

Mr. Mansfield stated I know it's that beautiful.

Board Member Rogan stated it even sounds like wood, it even sounds like wood, I've heard great things about this, in terms of trim wood, people using it in their house and you know.

Chairman Schech stated I'm sure we can accept texture.

Board Member Pierro stated lasts forever.

Board Member Rogan stated since Board Member DiSalvo brought it up, reflectivity of this product, it's not a high sheen product, that's certainly a concern on Route 22 if we ended with a glare coming off the roof of his building there is quite a bit of roof we could end up with a situation a safety hazard on 22, this has some reflective ability, but it's certainly not like a mirror, but could we at least analyze or investigate that to make sure we don't create a problem here.

Mr. Mansfield stated I will certainly investigate that with the company.

Board Member Rogan stated we don't want anybody up there with ten gallons of paint as soon as we build this making it a different color but I think that's a valid point.

Board Member Pierro stated because the building lies pretty much north and south so that would have a lot of sun on it in the morning.

Mr. Mansfield stated Western direction absolutely.

Board Member Pierro stated well especially in the morning I'm concerned about coming over the sun would be shining on it flat.

Board Member DiSalvo stated I know the building we are doing on my property the covered ring I didn't want that as my roof, I don't want the sun bouncing off and bouncing into my house

Mr. Mansfield stated sure.

Board Member Rogan stated it'd be good in the winter you'd gain heat.

Chairman Schech asked how large are the sheets on that.

Mr. Mansfield stated typically they are four feet wide sheets but they are typically spaced two feet on center.

Board Member Rogan stated with a crimped edge.

Mr. Mansfield stated that's correct standing seam.

Board Member Rogan stated standing seam.

Chairman Schech asked are you sure you told Louie about that, that material.

Board Member Rogan stated they have investigated all the costs yet.

Chairman Schech asked is he in the hospital right now.

Board Member laugh.

Mr. Mansfield stated but as Shawn said we are investigating a lot of different options the wonderful thing about this product is the long maintenance you know less cost over the years

Chairman Schech stated very nice products.

Board Member DiSalvo stated it's going to look more like a barn then my barn.

Board Member Montesano stated tell it to the horse I'm sure they are going to worry about it.

Board Member Rogan asked Rich we okay to do Lead Agency, Maria do you want to do a motion for intent to lead agent.

Board Member DiSalvo stated no, you do it Mike.

Board Member Montesano stated no no, you do it.

Board Member DiSalvo stated on the motion of Frantel Development Corp. site plan make a motion that Patterson Planning Board be Lead Agency.

Board Member Montesano seconded.

Chairman Schech asked all in favor

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

Motion carried by a vote of 5 to 0

Mr. Ryan stated thank you.

Chairman Schech asked are you happy.

Ms. Ryan stated yes, thank you very much.

Board Member Pierro stated fine job.

Rich Williams stated I didn't hear anything, where do we stand with the colors, everybody's okay with those colors.

Chairman Schech stated the colors are fine.

Rich Williams stated is it possible then can we get for our records samples.

Board member Rogan stated you said you need twelve hundred of those samples, enough to side the house.

Board Member Pierro stated Edie, it's the same color as your house, how can you say it's ugly.

Board Member Montesano stated sufficient roof material.

Edie Keasby stated I have plenty about the sample.

Board Member Pierro asked the building.

Board Member DiSalvo stated what are you talking about.

Edie Keasby stated architecturally it leaves a lot to be desired.

Board Member Rogan stated you should have seen what we had last time.

Chairman Schech stated you should have seen the last one.

Edie Keasby stated I did.

Board Member DiSalvo stated the Lego building, right.

Board Member Montesano stated they wouldn't shift that much later over.

Chairman Schech stated we got Frantel.

Board Member Rogan stated all PVC burns.

13) PATTERSON GARDEN SUPPLY SITE PLAN – Continued Review

The Applicant is present.

Theresa Ryan from Insite is present.

Chairman Schech stated Patterson Garden Supply.

Board Member Rogan asked this is Poppy's.

Board Member Pierro stated yes.

Board Member Rogan stated I thought the plans looked good I wondered if we were going to get a planting schedule on the needed vegetative buffer.

Mr. Ryan stated we want some input from Ted on that.

Board Member Rogan stated so do we, Ted a little input on Poppy's please the vegetative buffer, the twenty foot vegetative buffer what you'd like to see planted in there that's not to extraordinary, that would do the job, for this buffer.

Mr. Ryan asked purple loosestrife.

Rich Williams stated while you are all looking, is everybody comfortable with no buffer being behind the existing building.

Board member Rogan stated I don't recall when we were out on site talking about that, about the, but the use as shown right here is only for the dumpster not for any sales material, you're shaking your head no.

Board Member Pierro stated I thought there was a shed back there or some kind of structure.

Rich Williams stated there was storage.

Board Member Rogan stated plant storage; we obviously don't want plant storage to extend into the stream corridor, Ted.

Ted Kozlowski stated how high do you want this buffer.

Board Member Rogan stated you know I think we were talking about a buffer in terms of a separation a physical separation from the stream, to keep the yard center from spilling into the stream, so I wasn't thinking height so much as depth.

Ted Kozlowski stated I'm not thinking of height I'm think of dense fullness I would probably go with silky or red stemmed dogwood along the stream banks and ilex maticulata, winter berry holly up on top, both of them are pretty deer resistant and pretty functional and aesthetic at the same time.

Ms. Ryan stated winterberry holly and silky dog, red stemmed dog wood.

Rich Williams stated the same thing you've done on every other plan.

Ted Kozlowski stated no its stream card, it's a nursery, it works.

Board Member Rogan stated density of those plantings you can cover with Theresa in terms of spacing for initial planting.

Ted Kozlowski stated 3 feet on center, generally with shrubs.

Ms. Ryan stated okay.

Ted Kozlowski stated staggered pattern.

Board Member Rogan stated Rich brings up a valid point.

Ted Kozlowski stated and we would want, oh I'm sorry, Shawn.

Board Member Rogan stated no please go ahead.

Ted Kozlowski stated we're not talking small seedlings here we probably talking gallon containers or better.

Ms. Ryan stated okay.

Board Member Pierro asked what's the best time to plant those, now.

Ted Kozlowski stated he's a nursery he can plant at any time.

Board Member Pierro stated yeah that true.

Board Member Rogan stated he's got the ability to take care of them.

Ted Kozlowski stated the sooner the better.

Board Member Rogan stated the side of the stream that we haven't, that Rich brought up, it's true we haven't asked for anything up until this point but you bring up a valid point in terms of trying to achieve the same thing on one side without taking away a full twenty feet but you know what about a double, you're talking three foot spacing so if you came off the stream bed with the same planting.

Rich Williams stated I'm not even so concerned with planting, as I am with.

Board Member Rogan stated just delineating it.

Rich Williams stated well and it's really just behind the shed because there are some steep slopes there going down to the stream that you know, this has been a site that has been developed by creep, and initially there was not supposed to be anything behind that building, when we did go on a site walk recently out there the former owner had been storing material, a lot of material back there so, I'm sure that the present owner assumes it you know that's something was allowed, you know was perfectly acceptable but it's not something the Board ever you know really stamped an approval for now their being asked to actually prove that area storage we're taking it to another realm, I just want to make sure you're comfortable with that.

Board Member Rogan stated when you said the behind the shed are you talking about the shed to the north that next to the.

Rich Williams stated the building.

Board member Rogan stated the building, okay they are currently showing that as a dumpster enclosure, an eight by nine dumpster enclosure, so you're talking really between the dumpster enclosure and the stream.

Rich Williams stated yeah right in here, this is all marked off as all proposed storage.

Ted Kozlowski stated I believe there's plant material and plant sale material on that southern end of the building, what's behind building north, besides the dumpster.

Applicant stated storage.

Ted Kozlowski stated what when you say storage.

Applicant stated what's there now are just plant containers, gallon sizes, 2 gallon size mostly all, right now what's there is hostas.

Ted Kozlowski stated and what is on the ground is it wood chips.

Applicant stated wood chip, okay.

Board Member Rogan stated we can only put so much there anyway because you have a dumpster that needs to be picked up.

Applicant stated right right, there's not much there now anyway, it's sort of hidden behind the building so we don't keep too much there.

Ted Kozlowski stated is that dumpster access by a vehicle is that how it's service.

Applicant stated yes.

Ted Kozlowski stated then you'll need pretty hard surface there.

Board Member Pierro stated you sure do.

Applicant stated well it's a gravel surface as it is.

Chairman Schech stated wasn't that dumpster up in here somewhere.

Applicant stated well it is now, where the new location is that area all there is gravel so, it will be fine as a surface to drive on.

Board Member Montesano asked how deep is that gravel and will that gravel hold up one of those trucks when he comes in.

Applicant stated yeah but they are not talking driving behind a building, it's really right on the side.

Board Member Rogan stated but the dumpster is shown directly square behind the building.

Board Member Montesano stated it's behind the building.

Applicant stated it's behind the first section, that section right there is all gravel.

Board Member Montesano stated those guys when they come have a tendency to grab it and then shove it they really don't care where they, unless you're going to put up.

Board Member Rogan stated well there's a dumpster enclosure so it's going to be in and out of the enclosure, so the enclosure sets the, where they have to put it back right.

Board Member DiSalvo stated sometimes they don't.

Ted Kozlowski asked this is a dumpster with a cover on it.

Applicant stated with a lid on it.

Ted Kozlowski stated so we're not going to see papers and all sorts of junk wind up in the stream because you're pretty close there.

Ms. Ryan stated we originally had it back with the bins so it was pretty much contained by the bins and the fence, but this is where you wanted it.

Chairman Schech stated but there's an actual enclosure you're putting around the dumpster.

Ms. Ryan stated yeah.

Board Member Rogan stated back to our original question then, I'm actually going to pose this right to the applicant how do we feel assured that your planting, your outdoor storage, you hostas etc. don't end up spilling down into the stream, assurances, what do you think is a fair response to that.

Applicant asked fence them

Board Member Rogan stated well.

Applicant stated keeping it somewhat simple.

Board Member Rogan stated you're already doing a four foot high split rail fence would in that section from the stream cross, I'm sorry from the.

Applicant stated on the other side of that.

Board member Rogan stated from there that point around heading towards twenty-two, putting a split rail fence a couple a feet, up on the berm on top of the stream corridor, well how wide is that stream channel, ten feet.

Applicant stated maybe.

Board Member Rogan stated whatever it is coming up over, because that comes up hill and then levels off where the outdoor storage is.

Board Member Pierro stated I would think the applicant would want to put post to rail fence on this inside of that corridor because there's liability there for people falling down into that stream channel, you may want to protect that a little.

Ted Kozlowski stated you customers go behind that building.

Applicant stated a little bit.

Board Member Pierro stated sure, occasionally, you may have customers who see a couple of empty gallon pots and say I'm going to grab a few of those.

Ted Kozlowski stated but you're not inviting them there for your material.

Applicant stated no, right, no.

Board Member Montesano stated is everybody satisfied with the location of that dumpster, according to this picture.

Board Member Rogan stated well I have to say Mike I think that we asked them to keep it on the Route 22 side of the property.

Board Member Pierro stated we did because didn't want them going over the brook.

Board Member Rogan stated okay.

Board Member Montesano stated I don't mind the location per se behind the building.

Board Member Rogan stated you mean actually behind the building.

Board Member Montesano stated yeah I'm wondering if we should move it up more where there is less traffic going to come in there and be able to come in there and hit it.

Ted Kozlowski asked Theresa, where does the parking lot, they're at a disadvantage with this plan, because it really doesn't show the parking area, which I believe kind of hugs that building to the north doesn't it.

Applicant stated no

Chairman Schech asked what happened to the port-a potty.

Ms. Ryan asked port-a potty.

Applicant asked what happened to it.

Chairman Schech asked we're using the green tree now.

Applicant stated it's there.

Chairman Schech asked where.

Applicant stated it's not on the plan you mean.

Chairman Schech stated yeah.

Applicant stated oh that, it's right behind the building.

Board Member Rogan stated next to the dumpster.

Board Members laugh.

Board Member Montesano stated next to that dumpster, now we got the dumpster enclosure with the port-a potty.

Ted Kozlowski stated you know the best thing really to do is to put a stockade fence enclosure for the dumpster and just put some plantings around and it call it a day just like we did with Alpine Restaurant, everybody else.

Board Member Pierro stated I would like to see the dumpster pulled further towards the parking, not behind the building.

Ted Kozlowski stated I think, I think Dave, I think that parking lot pretty much cover, wraps around the building.

Applicant stated it is the first section of the building.

Board Member Pierro stated okay.

Applicant stated there are three sections of the building.

Board Member Rogan stated this is shown, at the, almost far end of the middle section just so you know.

Applicant asked on which side.

Board Member Pierro stated why don't you come up here and look at the map, it's two thirds of the way past edge of the building.

Board Member Rogan stated you paid a lot of money to have this map done.

Board Member Montesano stated you ought to have one of these hung up.

Board member Pierro stated its back here, that's it, either by here; I'd rather see it over here.

Applicant stated it going to yeah.

Board member Pierro stated pull it forward, because I can just see it.

Applicant stated it will be like in this corner right here.

Board Member Pierro stated a mishap here with a truck and it goes over.

Applicant stated it will be more over here.

Board Member Pierro stated okay fine, can we get the dumpster put in the stockade fence and you know dress it up a little bit if you want to, but we have specific heights on dumpster enclosures correct, good.

Board Member Rogan stated Mike's happy with your new dumpster locations

Board Member Pierro stated but we have specific heights on dumpster enclosures for commercial property.

Board Member Rogan stated ask Dunkin Donuts.

Board Member Pierro stated for the moment okay.

Rich Williams stated up to eight feet.

Board Member Pierro stated it's up to either feet now.

Board Member Rogan stated then we should be, Theresa can we wrap this up yet or what.

Ms. Ryan asked are we done yet.

Board Member Pierro stated you have to get these things done Theresa.

Ms. Ryan asked so what did you decide with the buffer.

Chairman Schech stated we moved the what do you called, the dumpster.

Ms. Ryan stated move the dumpster.

Chairman Schech stated and I'd like to see a what do you called, a low key, port-a potty location somewhere.

Ms. Ryan stated location and you want the split rail.

Board Member Rogan stated at the top of the slope where it levels off.

Ms. Ryan asked just in the back of the building.

Board member Rogan stated just from the.

Ted Kozlowski stated I think he said back and then wraps around twenty-two.

Ms. Ryan stated okay.

Board Member Rogan stated you from where colbert is that little section and head south towards twenty-two.

Ted Kozlowski stated Theresa sort of dividing the stream corridor and the.

Board Member Rogan stated and the planting area.

Ted Kozlowski stated the planting area, where the heavy plants are all dense and so on.

Ms. Ryan stated okay.

Ted Kozlowski stated sort of defines it.

Ms Ryan stated okay.

Board Member Rogan stated and then Rich says we have to approve it, so.

Chairman Schech stated next.

Board Member Rogan stated Mark thank you for your patience you've been great to work with on this.

Ms. Ryan asked Rich do they have to officially consider this a type two action, schedule the public hearing.

Chairman Schech stated fix it up and then we'll set a public hearing, don't push don't push.

Rich Williams stated I mean they do have to do a public hearing; I'll get back to you on SEQRA classification.

Board Member Rogan asked what you're doing is what, based on the information we have tonight we can set a public hearing for next meeting.

Rich Williams stated we can do a public hearing.

Chairman Schech stated well I didn't want to.

Board member Rogan stated but she's so nice though.

Ms. Ryan laughs.

Rich Williams stated what did you do to him.

Ms. Ryan stated Herb wants to pick on me.

Board Member Rogan asked so we're okay to set a public hearing ladies and gentlemen, for the next.

Board Member DiSalvo stated by the time this gets done it will be winter time.

Board Member Pierro stated in the form of a motion, in the matter of Patterson Garden Supply, I make a motion that we set a public hearing for the October.

Board Member Rogan states oh god.

Board Member Pierro stated August, August, excuse me, had a slip of the tongue, my dentures are a little loose, for the August 4th meeting.

Board Member DiSalvo seconded the motion.

Chairman Schech asks all in favor

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

Motion carried by a vote of 5 to 0

Ms. Ryan stated thank you.

Board Member Montesano stated good try.

Board Member Pierro stated number thirteen are you here, last call, number thirteen.

14) KESSMAN BROS. SUBDIVISION – Continued Review

Theresa Ryan from Insite is representing the Applicants.

Martin Kessman is present.

Chairman Schech stated okay Kessman.

Board member Pierro asked Theresa you got the variance.

Ms. Ryan stated yes, there is.

Board Member Pierro stated I hadn't had the opportunity to read all the way through it.

Board Member Rogan stated I understand they got the nod from the Zoning Board on the area variance, just to bring up a quick question, what happens to the lot that has the house on it this is what area variance was for was for the frontage, or I'm sorry it was for the frontage.

Board Member Pierro stated it was for the frontage on the Lyndall house, right wrapped around.

Board Member Rogan asked did we run into a problem with that house with the size of the garage compared it to the house.

Rich Williams stated the garage I would assume would be a preexisting non-conforming.

Board Member Rogan stated I was thinking the same thing, if they were to go and build that today on a five acre building lot the house would have to be much large or the garage much small correct.

Board Member Montesano stated unless they get a variance.

Board Member Rogan stated unless they get a variance correct, I'm sorry.

Ms. Ryan stated Rich last Thursday I faxed you the ag. statement, did you get that.

Rich Williams stated yup.

Ms. Ryan stated you did.

Rich Williams stated yup.

Ms. Ryan stated okay, it says in the memo it has to be submitted.

Rich Williams stated I did the memo before; I generally start the review when I get the submission.

Board Member Rogan stated Rich the agricultural data sheet is a relatively new thing I think we've got copied of it, from George Michaud.

Ms. Ryan stated no, Rich created it.

Board Member DiSalvo stated Rich gave it to George.

Board Member Rogan stated Rich you gave this to George; this was enacted when, just recently.

Rich Williams stated well an agricultural data statement is a requirement of the ag - markets law, that where certain activities within 500 feet of a farm have to fill out this agricultural data statement, farmers its not the actual farm that's involved in it, that farmers have to get a copy of that so they are in the process and know what's going on, because the ag - district is new to Putnam County, Putnam County didn't have their own agricultural data statement, so.

Board Member Rogan stated we've already classified this a minor subdivision, where did Ted run away to.

Rich Williams stated Ted leaves we don't talk about wetlands anymore.

Board Member Rogan stated that's fair.

Ms. Ryan asked would the Board be in position to declare intent on this project as well.

Board Member Rogan stated that's just what I was thinking too.

Chairman Schech stated just keep pushing.

Ms. Ryan laughs.

Board Member Rogan stated she does it very politely; I was going to ask Ted to respond to the flagging or showing of the wetlands on the map, which is comment, comment number three on the zoning.

Ms. Ryan stated Rich made a comment about the application for on here.

Board Member Rogan stated yeah.

Ms. Ryan stated we haven't submitted a revised application yet with the signatures, from, we have signatures submitted from Martin and Bernard, Martin submitted something saying that he had to objection to Bernard making the application and we also submitted a letter from the Attorney who represents Marvin and Jeffrey saying they have no objection.

Board Member Rogan stated okay.

Ms. Ryan stated in lieu of those site applications we were wondering if that would suffice for now to for you to declare your intent circulate the materials.

Chairman Schech stated that should be alright.

Rich Williams stated I'll throw it back to the Town Attorney, they don't want to sign the application but they will sign a letter that says were okay with the application.

Ms. Ryan stated Anthony did you get a copy of that letter from Attorney.

Anthony Molé stated no.

Ms. Ryan stated let me see if I have copy of it here.

Board Member Rogan stated right here, center.

Chairman Schech asked that should suffice no.

Anthony Molé stated it's pretty explicit, yeah I would say so.

Board Member Montesano asked you want to do SEQRA.

Board Member Montesano stated on the matter of Kessman Brothers Farm, considered this an unlisted action under SEQRA and the applicant, that's good.

Rich Williams stated so were going to go straight to intent to lead agency.

Board Member Rogan stated no.

Board Member Montesano stated sure.

Ms. Ryan stated great.

Board Member Montesano stated I figured I was waiting for her to tell us that.

Rich Williams stated fine that works for me.

Board Member Montesano stated hey if we got away with it would work for me too but unfortunately.

Rich Williams stated let Maria do it she's got some experience.

Board member Rogan stated did you guys approve the subdivision yet.

Board Member Montesano stated yeah we did.

Chairman Schech stated we're trying.

Board Member DiSalvo laughs.

Board Member Montesano stated we tried but Richie interrupted.

Board Member Pierro stated Richie interrupted.

Chairman Schech stated we got hung up in SEQRA.

Board Member DiSalvo asked should I do the lead agency.

Board Member Montesano stated if you want to.

Board Member DiSalvo stated in that matter of Kessman Brothers Subdivision I make a motion to declare the Patterson Planning Board the lead agency.

Board Member Rogan seconded.

Board Member DiSalvo asked all in favor.

Chairman Schech asked all in favor

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

Motion carried by a vote of 5 to 0

Board Member Pierro stated we got a chairwoman.

Board Member Montesano stated she's in a hurry, c'mon, SEQRA.

Board Member DiSalvo stated okay that's you Mike.

Board Member Montesano stated what, no we didn't do it, what, you're doing well go ahead.

Board Member Pierro stated Rich as far as your comment in section B zoning a simple statement that the parcel continue to be used for agricultural purposes is not sufficient.

Board Member Rogan stated need a narrative.

Board Member Pierro stated request a narrative.

Rich Williams stated I thought there should be a more expanded, they did submit a letter this go a round which expanded on what they had said the last time but it's up to the Board whether they are comfortable with that I thought that perhaps you know certainly with the mobile home on the site that was occupied there was no discussion of that, there was no discussion the row housing how many houses were there, you know migrant workers, more importantly I think, I appreciate you need that kind of facility as a base to run your operation and certainly they have done that for years there is no question about that but just to create the box so that we know what's going on in the future, right now basically they are using it as a base of operations for the properties they had in Dutchess, where those properties are what kind of radius we're talking, certainly if they are farming

up in Rhinebeck that's not going to be the base of operations we know that, so if we could just focus on.

Board Member Pierro stated I mean, this business is transit they do travel pretty good distance, they have in the past anyway to grow corn, I would like to see something a little bit more than just a one page letter.

Chairman Schech stated it's typically to say because at one time when they were doing an awful lot of corn which they are right now and I imagine whoever is doing the work at the present time is probably looking towards the future and hopefully he does expand the operation and when he does expand the operation they'll probably still use that as a base like they did previously.

Board Member Pierro stated sure.

Chairman Schech stated all we need is a letter stating that.

Board Member Pierro stated it doesn't have to be difficult process, I think we ought just set up a base line and get it done now and be done with it.

Rich Williams stated just trying to create the box so that we know in the future if they go outside the box.

Chairman Schech asked do you want us to put something in there that in case it doesn't be used for regular residential uses.

Rich Williams stated I think we will take care of that in the final resolution.

Board Member DiSalvo asked is any body living in the mobile house now out there.

Rich Williams stated when we did a site walk there was somebody that was clearly living in that mobile home.

Board Member DiSalvo and they work your farm.

Rich Williams stated and they presumably you know somehow they are involved with the farm operation.

Board Member DiSalvo asked it was just the mobile home back there right.

Chairman Schech stated and you go the bunk houses also.

Ms. Ryan stated we labeled all the building and structures.

Chairman Schech stated well there labeled this time.

Board Member DiSalvo asked any body in the bunk houses now.

Chairman Schech stated Marty.

Mr. Martin Kessman stated yeah we got two of the migrants here now, and as soon as he starts picking corn around July the twentieth there will about ten to twelve, as far as the trailer goes, there's a girl that lives there she works on weekends and every night after she works at her regular job she works at the stand and that's been a tenant house for thirty years already I think at least.

Board Member Rogan stated see there you go.

Chairman Schech stated okay.

Rich Williams stated yup, now just something like this in writing.

Ms. Ryan stated so you just want something in writing, more specific.

Mr. Martin Kessman stated we can put down the numbers of the bunk house.

Ms. Ryan stated the number at on the building, label the buildings.

Chairman Schech stated just what you said now, put it down.

Ms. Ryan stated okay.

Rich Williams stated that last letter certainly was much better I was just looking for a really good, cut to chase.

Ms. Ryan stated this letter says that the later camp will house approximately either to ten seasonal workers during the summer months the office and tracker shop will continue to be used for farming Kessman Farms plus 250 acres of produce on rented land in both Dutchess and Putnam counties and then the preface of this is that the main house will be occupied Steven and Rebecca Kessman and their children.

Board Member Pierro stated I would like further explanation about the mobile home and whatever other whatever else is out there I mean it doesn't have to be much further then that theres a site already on the record that's a site there that wasn't on that letter, lets just get it nailed down this doesn't have to be a difficult issue.

Board Member DiSalvo stated the trailer house, she works at the stand on twenty two after work.

Mr. Martin Kessman stated she does the farm stand she goes to Beacon and Cold Spring every week

Rich Williams stated I don't even think we need that much detail we just need to mention about the mobile home, just that the mobile home.

Board Member Pierro stated describe it and put some dimensions on it, how big it is, you know, it doesn't have to be serious.

Ms. Ryan stated it's on the survey.

Board Member Pierro stated okay.

Chairman Schech stated okay.

Board Member Rogan stated the one lot that we are creating that has the barn on it currently, I don't even know it's called anymore, it says existing barn to remain, is that lot line, is that an individual lot on it own or is that connect to parcel A.

Ms. Ryan stated this is the original piece right here.

Board Member Rogan stated oh okay.

Ms. Ryan stated okay, you can see.

Board Member Pierro stated where the etched line is.

Ms. Ryan stated so this line this back line is going to be extinguished.

Board Member Rogan stated so the barn will be part of the large, okay.

Board Member Pierro stated it will part of the forty-seven forty-five or is that already in the total.

Mr. Martin Kessman stated it's going to be part of the forty-seven.

Ms. Ryan stated that's part of it there are two separate maps.

Board Member Pierro stated it's its part of it already it's not fifty-seven it's forty-seven

Ms. Ryan stated there are two separate maps on the top and that shows what it looks like now and what it will look like after.

Board Member Pierro stated right, okay.

Board Member Rogan stated okay, I'm clear, I was referring back to the site comments, that when we were one site we mentioned and it was just a general statement that with the older farms sometimes you don't know what chemicals were used over the years and what things may have been dumped over the years intentionally or unintentionally.

Mr. Martin Kessman stated we never used chemicals on the home farm.

Board Member Rogan stated okay.

Mr. Martin Kessman stated we used to always cut the hay, and in fact I just stated cutting hay this past week the only time we used chemicals was one field in the back we had pumpkins out there up to six acres was the most and I haven't had that in four years.

Board Member Rogan stated yeah, I think even in terms of vehicle storage and vehicles that are left out instead being removed from the property they seem to be put out, it's farming practice or it was years ago my in-laws are as guilty as any of having vehicles that seem to sit out there and not move, my point is over in Mahopac we have the Acore Lane Estates that, that was a different situation that was clearly a dumping situation a sludge dumping, we ended up with wells over up in there and I'm speaking in terms of for the future, it may be a farm right now but maybe twenty years from now maybe someone wants to do a subdivision and we have a ground water contamination. I don't know what we can do about it at this point it was brought up as a comment, it's worth noting at this point just that the Board expressed a concern not a concern based on any knowledge about there contaminates out there but a concern that at least we wanted to talk about so that in the future you know it's on record that we at least want to address it. If a

subdivision at some point is proposed I think that'd be something we'd be looking at is some ground water sampling, just to get a base line as to what we have out there, that's all.

Board Member Pierro asked is any growing being done now on the five acre lot.

Mr. Martin Kessman stated no.

Board Member Pierro stated can we.

Board Member Rogan stated there's no room there for growing.

Mr. Martin Kessman stated that's where the building are, the labor camp is, the shop, and the office building and the house.

Board Member Rogan stated there might be a loose tomato plant there or something.

Chairman Schech stated alright, we'll go back to what we started before.

Ms. Ryan stated so you've declared your intent.

Board Member Montesano stated and let him do SEQRA.

Board Member DiSalvo stated SEQRA man.

Board Member Rogan stated no Mike you're on a roll, you go.

Chairman Schech stated you're on a roll.

Board Member Montesano stated I'm on a roll.

Chairman Schech stated get started, go to it.

Board Member Montesano stated I have to find my paper, here it is, unlisted action under SEQRA, I'm reading what's here.

Rich Williams stated you're just making me nervous again.

Board Member Montesano stated oh, that's alright, is that what it says, or am I reading that incorrectly.

Board Member Rogan stated the action.

Board Member Montesano stated it's considered unlisted, am I correct.

Rich Williams stated that correct.

Board Member Montesano stated okay, I'm reading what you have written here now you're making get confused.

Rich Williams stated it's just you seem to like doing SEQRA.

Board Member Montesano stated in the matter of Kessman Farms it is listed as an unlisted action, okay, I didn't say the word, that fair enough.

Chairman Schech stated yes, sounds good to me.

Board Member Montesano stated I'm just looking at him because I don't want him to get nervous.

Chairman Schech stated don't look at him, he's headed to the hospital.

Board Member Montesano stated we're going to have a full assessment, environmental assessment for that he filled out, what else do you want me to say.

Rich Williams stated nothing.

Board Member Rogan stated you didn't have to say anything that's Rich's point.

Board Member Montesano stated oh okay, that's what I tried to say before, but he kept looking at me like I was saying something wrong.

Board Member Pierro seconded the motion.

Board Member Rogan stated there is no second it wasn't even a motion.

Board Member Pierro it wasn't a motion, I thought it was a motion.

Board Member Rogan stated there was nothing that needed to be done.

Board Member Montesano stated okay.

Chairman Schech stated next, you started this.

Board Member Pierro stated next, who's on the list.

15) MORETTI SUBDIVISION – Continued Review

Applicant is not present.

Theresa Ryan from Insite representing Applicant.

Chairman Schech stated Moretti.

Board Member Pierro stated Theresa.

Ms. Ryan stated it's a two lot subdivision.

Board Member Pierro asked is your client here.

Ms. Ryan stated no.

Chairman Schech asked this is located where.

Board Member Pierro stated Somerset drive, is that lot in between two houses, remember we walked it, it had the steeper slope in the rear.

Board Member Rogan stated is had been disturbed close to the road, narrow, then it went way down hill and then we drove around the low side.

Chairman Schech stated I thought they gave up on that.

Board Member Rogan stated we thought they did too.

Ms. Ryan stated we're back and confident.

Board Member Rogan stated Theresa try to keep a straight face on this one.

Board Member Pierro stated there's not many lots that I come off half cocked and say what I'm about to say, I'm going to do it politely.

Board Member Rogan stated pick your words carefully, it's a very difficult lot.

Board Member Pierro stated it's a difficult lot, as you well know and a thousand foot pipe down a steep slope across that provase in the back to get a septic a thousand feet away from the house just doesn't do it for me, I really think this owner, this lot would have been subdivided ten years ago if there was really any possibility it would be done and I think this applicant ought to do some re-engineering and see if he can sell off sections of this property to his neighbors and maybe keep the back of that large parcel where he was putting the septic connected to his existing house.

Ms. Ryan stated I believe that this was supposed to be another phase of a subdivision and they had intended to have a road at that point, is that correct, an access.

Chairman Schech stated no.

Rich Williams stated with the original subdivision I believe she's correct, it was contemplated back in the mid eighties, the early eighties when times were different what attitudes were different and they tried, and I'm going by speculation now, because I wasn't around at point obviously but my understanding is they did try you know, try to engineer a road down those steep slopes couldn't figure out how to do it, decided to give up the concept and just go to you know getting what they could get at the time and held off the larger lot to subdivide at some time in the future, some time in the future came and they tried again to look at the subdividing this lot.

Chairman Schech stated and there's no way.

Rich Williams stated again couldn't figure out a way to do it so you know they got what they could take you know which was the smaller spur road at the bottom and walked away from it and here we are again trying to subdivide the lot that nobody's been able figure out how to do.

Board Member Rogan stated but the house.

Ms Ryan stated until now.

Rich Williams stated well no, my opinion you still haven't figured out how to do it.

Board Member Rogan stated Theresa; the lot number two though the house is existing with the pool.

Ms. Ryan stated yes.

Board Member Rogan stated so they've got this large lot this eighteen, seventeen, eighteen acre lot and they want to try and make two out of it we don't have enough road frontage on Somerset, we have incredibly steep slopes and rough terrain and a lot of impact just to get this proposed septic system in.

Ms. Ryan stated yes.

Chairman Schech stated this is it here.

Board Member Rogan stated yeah.

Chairman Schech stated how are they going to get to that to a repair on this thing.

Ms. Ryan stated we had, the applicants had a contractor take a look at that to see if he could install that pipe, it's just a sewer line and we also sent a plan to the Health Department to have them take a look at it and they said yeah that's something they could improve.

Board Member Rogan stated you know what this reminds me of Theresa; remember how we had the line running across the hill at Thomas that we didn't like.

Ms. Ryan stated yeah.

Board Member Rogan stated this is the same scenario really and equally as steep a slope probably but um.

Board Member Montesano asked how does he get it drained, how does he get it pumped out.

Board Member Rogan stated you're not pumping out the fields.

Ms. Ryan stated you're not pumping it out, it's a gravity line.

Board Member Rogan stated like the tank is up at the house.

Chairman Schech stated the tank is up at the house somewhere.

Board Member Rogan stated this is just trenches.

Board Member Montesano stated no no what I'm looking at is the first time that clogs up, you're going to get a another machine back there.

Board Member Pierro stated it clogs up in the winter time three foot of snow on the ground it's have to excavate that thousand or eleven hundred foot pipe they've got problems.

Board Member Montesano stated that's what I'm looking at how are you going to get back there.

Ms. Ryan stated they don't have to excavate all that pipe we have clean outs.

Board Member Rogan stated clean out every fifty or sixty feet or so, hundred feet.

Chairman Schech stated supposed you want to get back there to repair.

Ms. Ryan stated well, I believe that the applicants, it's not shown on there now, the applicants septic is in the back now and there going to provide an easement.

Board Member Pierro stated I don't buy it.

Chairman Schech stated sorry, I don't go for it.

Ms. Ryan asked is it being denied.

Chairman Schech stated yup.

Board Member Pierro stated I think so

Rich Williams stated Tom, at this point we're just at a concept.

Board Member Rogan stated this isn't even an application.

Rich Williams stated so, if the applicant wants to go forward with this and submit a subdivision application.

Board Member Pierro stated then we'll deny it.

Rich Williams stated I think, you know.

Ms. Ryan stated they have an application.

Rich Williams asked a full application.

Ms. Ryan stated they submitted an application.

Rich Williams stated I don't that it's complete is it, we certainly haven't had a public hearing on it and we certainly haven't done anything with the ZBA.

Board Member Rogan stated so Rich to lay down the process.

Ms. Ryan stated right but before the applicant goes that far they'd like to find out what the Boards going to be doing, I mean that's.

Board Member Rogan stated why don't we take information that Board does not agree with or like this concept, we think that impacts created by building this lot are too great to justify the subdivision based on the constraints and that currently we don't approve the concept, you know and if they want to file a full application, pay the fees and then go to Zoning, Zoning would be for the road frontage correct.

Rich Williams stated right.

Board Member Rogan stated they are doing so at their own risk.

Ms. Ryan stated I won't recommend it.

Board Member Pierro stated is, if they were to divvy up the lot that has that limited road frontage between two neighbors, put a straight line across the back and divvy up those side yards. I'm sure they could get some dollars out of that, and then take that remaining lot a portion of that they could add on to the rear of lot two and maybe the rest donate it, maybe an agency will take it or make it conservation area, they may be able to donate it, take a tax write off on it.

Board Member Rogan stated it's a possibility, I wouldn't buy property along side me that I knew couldn't built on though, why pay taxes on it when no body can build on it, you know, but that's not really our, the value.

Chairman Schech stated that's not our problem.

Board Member Rogan stated currently they have a nice large eighteen acre parcel.

Board Member Pierro stated this was purchased as one lot.

Board Member Rogan stated correct.

Board Member Pierro stated just so I understand, they didn't buy it separately, and I'm sure even some of the neighbors in the back here along, you know, it's the back of their property line.

Chairman Schech stated moving right along.

Board Member Pierro stated yeah they can cut it off and convey it to them, there may be another alternative to getting some money out of it.

16) PUTNAM COUNTY NATIONAL BANK SITE PLAN – Continued Review

Theresa Ryan from Insite is representing the Applicant.

Chairman Schech stated Putnam County National Bank.

Ms. Ryan stated yes.

Board Member Rogan stated Theresa you are not giving anybody else a chance tonight.

Board Member Pierro stated Theresa there was a fire.

Board Member Rogan stated oh there's Ted, Ted we were looking for you, we were wondering where you were for Kessman Brothers.

Board Member Pierro stated there was a fire next door to this lot on the corner building.

Ted Kozlowski stated what about.

Board Member Rogan stated the wetland line.

Ms. Ryan stated oh yeah.

Board Member Pierro stated I don't know how badly it was damaged or if it's repairable or, its something to have knowledge of so you can communicate that to your client, it wasn't in the newspaper yet.

Chairman Schech stated what do you have for us on the Putnam County National Bank.

Board Member DiSalvo stated those look a little better.

Ms. Ryan stated right.

Board Member Montesano stated I guess.

Board Member Pierro stated they are coming back, are they here tonight.

Ms. Ryan stated we have Gene's review letter.

Board Member Montesano stated so do we.

Ms. Ryan stated I actually have a meeting set up with Gene for tomorrow so we can go over technical issues so, we'll have some fist to cuffs tomorrow.

Board Member Rogan stated oh I doubt that.

Gene Richards stated lets talk about one thing if we can, and that's the handicap parking I did comment on that in the memo, they are currently showing one space on front street and in our view I think they should really provide two space and the reason I say that is because ADA has a chart that dictates the number handicap parking space and if used the required parking for the building they would need two space for this use the Board is waiving, I don't know if they have yet, but they will be presumably waiving the parking requirements, so I'm not going to be providing all of those spaces, I think it was thirty-two, and but we would say based on the zoning requirements you still would need two handicap spots.

Board Member Rogan stated in other words it would be better to waive one extra spot on the normal spots and keep two handicap is what your saying.

Gene Richards stated essentially.

Board Member Rogan stated essentially, so that's fine.

Ms. Ryan stated that's fine with us.

Board Member Pierro stated I would be agreeable to that.

Ms. Ryan stated we also.

Gene Richards stated there is just a number of technical concerns, I know she said, I don't know if you have concerns about any of them, we are to meet tomorrow morning.

Board Member Montesano asked Gene, could I ask a question.

Gene Richards stated yes sir.

Board Member Montesano stated on that handicap situation you have two parking spaces do you need an open spaces between those two parking spaces.

Gene Richards stated absolutely.

Ms. Ryan stated yeah it has to be eight feet.

Board Member Montesano stated so actually it would be a three space situation.

Gene Richards stated in total, essentially.

Board Member Montesano stated okay.

Gene Richards stated that center aisle is access.

Board Member Montesano stated its access for vans.

Gene Richards replied correct.

Board Member Montesano stated with side door handicap access, okay, I just wanted to make sure.

Ms. Ryan stated well two parking spaces the standard size are ten feet wide, so you'd be eliminating a ten foot wide space, and instead of having two regular parking spaces at ten feet wide each which is twenty you would have two handicap spots and an aisle would amount to about twenty four feet so it'd be a little bit bigger.

Board Member Montesano stated yeah well what I'm looking at.

Ms. Ryan stated if you're not losing a space.

Board Member Montesano stated yeah what I'm looking at is that space in between, the one that everybody parks in that's illegal, and I finally saw someone get a summons for doing that, parking a handicap vehicle in that space which is not actually a parking space.

Ms. Ryan stated ADA standards require now that you have a no parking sign in that space so we'll include that on our plans.

Gene Richards stated how would you do that in this case though because you have a ramp in the side walk in front of that, you're going to put it back by the building.

Ms. Ryan stated it would have to be set back, yeah.

Chairman Schech asked how did we do with percentage of coverage, wasn't there a problem with the amount of coverage on the building code.

Ms. Ryan stated we go variances on that.

Chairman Schech asked we have that also.

Ms. Ryan stated all those variance we granted.

Board Member Rogan stated hey Rich has the Board gotten a architectural consultant.

Rich Williams stated yeah I did want to update you on that, after much prodding and crying and screaming and actually went to the Supervisor and had him do a little, we did get a response from the architect and had requested an hourly rate and a cost estimate for reviewing the project and today this morning we got faxed in an hourly rate.

Board Member Rogan stated so you mean it took all that work just to get an estimate of the cost of services.

Rich Williams stated without actually getting a final dollar amount.

Board Member Rogan stated my concern is what's going to happen with the actual review of the project if we can't even get the paper work on how much it's going to cost.

Rich Williams stated tomorrow I'm shopping for a new architect.

Board Member Rogan stated thank you, appreciate that.

Chairman Schech stated the elevation looks pretty good; I'm concerned with the colors.

Board Member Rogan stated well I think that the key here is looking at the architectural structures on the street and seeing how we can tie this in so it compliments as opposed to.

Chairman Schech stated well one we're busy burning down so.

Board Member Rogan stated but no I agree with the Chairman looking at an architectural plan on the building it looks fine to me but actually taking that and tying it into an existing front street, is a job that I don't think is within our means.

Board Member Pierro stated I think the best we can hope Shawn is to put some divided lights in and some columns and like this building like we're in and dress it up and hopefully.

Rich Williams stated we're no professionals none of us are, a second opinion.

Board Member Rogan stated right, that's the point, is a great idea.

Board Member Pierro stated I don't, I know it's going to be difficult but I think an architect can mimic, even though this is not directly next door to that site, at least we do something on this, we have an architect do something on this vein, you never know how many more fires we might have next door, there may be an improvement to that building someday, which would tie it all in.

Ms. Ryan stated that applicant already said he has no objection to that as long as there is some kind of cap on it, I mean.

Board Member Pierro stated sure.

Ms. Ryan stated you know it could, there's potential for it getting out of hand.

Board Member Montesano stated you're not going to have Chinese food anymore, temporarily.

Board Member Rogan stated okay.

Board Member Pierro stated alrighty.

Ms. Ryan stated I think one of the other waivers for loading also, there was a required , we were required to have two space.

Board Member Rogan stated excuse me, ladies and gentleman, including Rich, we can't.

Chairman Schech stated we're trying to keep the audience under control here.

Board Member Rogan stated please, Theresa continue I'm sorry.

Ms. Ryan stated in addition to the parking waivers, we had also asked for a waiver on one of the loading spaces, we're required to have two loading spaces and we show one.

Board Member Pierro stated that was so long ago.

Chairman Schech stated they approved only having one.

Ms. Ryan stated and there was, we had mentioned at the, the last time that we approached the Board but there weren't enough members and you wanted to hold off until everybody was here.

Board Member Pierro stated oh okay, how many loading spaces are required Rich.

Ms. Ryan stated two.

Rich Williams stated probably two, yeah.

Board Member Pierro asked how large is.

Ms. Ryan stated and in order to accommodate regular parking spaces on the site in the back we can only show one loading space in the back.

Board Member Pierro asked and how large is that space.

Ms. Ryan stated it's the standard, it's the standard size.

Board Member Pierro stated is a compromise site I think if its forty-five I think we ought to go with the waiver as long as we provide for one loading space and anything really large, people would have to be inconvenienced in the front of the building, a truck would have to wait until regular parking spaces were free and do large unloading there I, I mean the sites compromising, if we're ever going to get anything there we're going to have to waive, I think we're going to have waive that second loading space.

Chairman Schech stated one should be adequate for that size building I would think in that area.

Board Member DiSalvo stated depending on the use.

Rich Williams stated someone has to make a motion.

Board Member Pierro stated on the matter of Putnam County National Bank I make a motion we waive the requirement for two loading spaces and provide for one fifteen by forty-five loading space in the rear of the building.

Board Member Montesano stated before we get under discussion, we don't know what's going in there.

Ms. Ryan stated it's ten by forty.

Board Member Pierro stated ten by forty.

Board Member Montesano stated we don't know what's going in there, if they for arguments sake put in two supermarkets.

Board Member Rogan stated we're screwed.

Board Member Montesano stated we're going to look like, I mean I'm just looking at it that way.

Board Member Pierro stated I understand you point.

Board Member DiSalvo stated everybody double parks anyway.

Board Member Pierro stated but the use is.

Board Member Montesano stated what I'm looking at is, they double park, but you've got cars here in front of the building, now you're going to have the main road blocked off and if we do have another incident of smoke detected in one of the buildings its going to look a little awkward with a rig parked in from of the building.

Board Member Pierro stated then I rescind my motion Michael.

Board Member Montesano stated no no no, I'm just give, this is open for discussion.

Board Member Pierro stated we'll wait until we nail down a use.

Ms. Ryan asked do they have to waive the size.

Rich Williams stated if they're not going to be standard parking spaces.

Ms. Ryan stated Rich seems to think it's a forty-five depth.

Board Member Rogan stated your point is well taken, drive down main street in Brewster any day of the week, and see that all the truck load and unload in the middle of the road and I'll be honest, I voted against any waivers on this because I thought that we're over building the size of this site, I understand it has constraints but I didn't agree with a lot of the waivers, so that's why I voted against that.

Board Member Montesano stated I just brought it up I didn't say one way or the other, I just would like for the record that we did discuss that problem.

Board Member Rogan stated I think we should nail down the use of the building to make sure that we're not.

Board Member Montesano stated if that's a possibility that would be fine, and in all honesty.

Board Member Pierro stated how about we put it this way, Theresa, how about we put it this way if the uses of the building become office space or not a high volume delivery type of situation we would, I think this Board would be inclined to waive the requirement for the second space, we're talking about as Mike says a supermarket or something of heavy volume like a pharmacy or something like that then we were going to have a problem.

Ms. Ryan stated well this is a spec building, they are hoping that they'll have retail down stairs and office upstairs.

Board Member Pierro stated I know that, it's hard, I think this application is going to be at the risk of whatever the market can bare at the time, whatever is in need.

Ms. Ryan stated but before we get site plan approval we have to show either show what's the required spaces for parking and loading or get a waiver from the Board.

Board Member Pierro stated you convinced me.

Chairman Schech stated I think the one space is adequate, it's a lot more then we have there now and in any of the other buildings it's one hundred percent more then we have at any of the buildings.

Board Member Pierro stated back to my motion.

Ms. Ryan asked do you want to act on the parking waiver as well, we agreed to put the handicap spot, the addition handicap spot.

Board Member Pierro stated right, in the front we were going to restrict it to two, take away one of the required thirty-two spaces and make two handicap spaces.

Gene Richards stated that's still thirty-two space.

Board Member Pierro stated that's still thirty-two spaces.

Board Member Montesano stated you got to go under federal regulations with handicaps, and you have to have those spaces in.

Board Member Pierro stated on the motion, in the matter of Putnam County National Bank I make a motion that we waive the requirement for the second required loading space in the rear of the building and that we permit that we waive one of the regular parking spaces and put two handicap spaces on the site.

Board Member Montesano seconded the motion.

Chairman Schech asks for all in favor

Board Member Pierro	-	aye
Board Member Rogan	-	nay
Board Member Montesano	-	aye
Board Member DiSalvo	-	aye
Chairman Schech	-	aye

Motion carried by a vote of 4 to 1

Rich Williams asked any one opposed.

Board Member Pierro stated one I'm sure

Board Member Rogan stated just one.

Board Member Pierro stated obstructionist you.

17) OTHER BUSINESS

A) Real Estate and Wetlands

Board Member Pierro stated Thunder Ridge.

Rich Williams stated before we do that, Ted wanted to address the Board about real estate agents and wetlands.

Board Member Pierro stated about real estate agents.

Ted Kozlowski stated over the last couple of years and it's kind of reached a point where just recently I went through two or three different individuals who called me up new homeowners to the area one is in Wyndam homes, the other one is on farm to market road and the other was over by Tammany hall road a

common denominator with all three is wetlands, right up against the back of their property each one of them swore up and down that the real estate agents that sold them the house assured them that they could have horses they could have pools they could do whatever they wanted because there was no wetlands and I'm not going to name names, and not you Dave.

Board Member Pierro stated no I would never do that.

Ted Kozlowski stated you not in the list, but three different real estate companies that do a lot of business in this Town and I know one of them clearly knows about our wetlands law, the question I have is can we and actually Anthony this is for you, can we send these all these real estate agents that deal with us, a certified letter saying folks there is a wetlands law it has been establish in this Town for x amount of years it's incumbent upon you to let your potential buyers to be aware of this because some of these people, I really felt awful and I don't think they are lying, it so, it's very, I get this a lot and it's becoming more and more so because we're developing closer and closer to these wetlands and the one on farm to markets road, it was a Joe Riley house right on top of the state wetland it's not Town wetland in addition and this woman can't do anything in her back yard and she moved from, she promised her kids horses and all this other stuff she didn't know and you know it's a problem and is it something that we can do something about or do we just have to deal with it.

Board Member Pierro stated I see no reason why you can't notify.

Ted Kozlowski stated because I would like to say you know what your agency was notified by the Town and its law that as a real estate agent you have let know.

Board Member Pierro stated state law is clear, state law is absolutely clear on this if we, we are responsible if we sell a parcel I do it constantly, company meetings I tell people that we have certain laws that are on the books and this is the issue and we're responsible if we sell a property and we tell someone, we communicate to someone that they can use, yeah this is a legal two family this is an accessory apartment approved, this is you can put horses back there, we're liable for that in fact there is currently one law suit pertaining to Patterson Crossing from a woman who bought a home there who says she's was told that she could use this property behind her house that nobody will bother you and the fact of the matter is that it was commercial land that it was known that it was going to developed.

Ted Kozlowski stated and the common thing I mean there just, it's, I'm the guy, and I'm sure Paul Piazza is and I'm sure Rich gets calls, I'm the one that has to hear the crying over the telephone the screaming the yelling the whatever, you know and I tell these people when you buy refrigerator you look up consumer reports and do all this research when you buy a house you should be doing the same thing, but this person this told me I can.

Chairman Schech stated it's time for a law suit, that's misinformation.

Ted Kozlowski stated what I'm saying can we make it more definitive to these.

Board Member Pierro stated the other thing you don't want to do is.

Rich Williams stated that's it for Ted and the mic.

Board Member Pierro stated okay.

Rich Williams stated give us a list, give us a draft letter, we'll clean it up we'll mail it out.

Board Member Pierro stated you let me know when I'll get you the name of every agency that works in the area, Putnam Dutchess and Westchester.

Anthony Molé stated I agree with Dave and that if someone buys a house they are misrepresented by the real estate agent that these are not in fact wetlands and you can use them how ever you wish and they are in fact wetlands they later find out, they potentially have an action against the broker for misrepresentation for that, whatever their damages are they are, the Town certainly in an effort to circumvent that can send out some sort of notice what I would recommend is that the Town send out the notice to real estate agents across the Board that typically do business in the area rather then focusing on a short list you have, that you suspect, just so that we don't give impression that focusing on the.

Board Member Pierro stated it's easy enough to come up with the Westchester, Putnam, Dutchess list, I can do it in a heart beat, I will do it, I will make it available.

Anthony Molé stated at least this way the real estate agents are on notice.

Ted Kozlowski stated because I would like to say to this woman, please send Century 21 a letter.

Edie Keasby stated back when there was an ECC we did a folder, as a matter of fact Rich may have even worked on it, it was that far back, and it was sent to every real estate agent, we did a whole stack of them I mean hundreds and the facts went to every real estate about the Great Swamp and the wetlands and protection and the whole thing.

Board Member Pierro stated the other thing we're causing by doing this Ted, and you have to be prepared for the onslaught, I know Rich takes phone calls and inquiries from real Estate agents on a regular basis and so does Paul and Cheryl, people are constantly coming into the assessors office, we have to, we have to come in, I pull property cards on properties that I list and try to sell I pull the property cards to make sure there are no violations to make sure that everything is approved in the house and I'm libel if I tell somebody you're getting this is a three bedroom house and it winds up being a 2 bedroom house, I can get stuck, I protect myself when I have, I have one right now 27 Dickson Road, in Mahopac it's an acre and a third and I had the person sign off, the person that made the offer on the house that this is less then point nine nine acres of usable land, you can not go into the wetlands in the back you can't near the stream you can go one hundred feet of it, and when they make this off, they signed an acknowledgement so I'm protected and I do that on regular basis.

Anthony Molé stated another thing I don't know if we do this here but I know for instance Carmel does this residential developments that come before the Planning Board that have to go get their wetland permits, they are required to put almost like a medallion in the area where they are not to disturb the area.

Ted Kozlowski stated we do that.

Anthony Molé stated you do.

Ted Kozlowski stated I do that.

Board Member Montesano stated they look cute in the house; you hang them on the wall.

Board Member Rogan stated put them in the bathroom that's a wetland.

Ted Kozlowski stated we've been doing that since we've had an ECC.

Edie Keasby stated yeah way back.

Ted Kozlowski stated but it just gets taken down.

Chairman Schech stated unless you take somebody to task, some where along the way somebody is going to have. They'll just keep on doing it; we have to set examples once in a while.

Board Member Pierro stated this is a perfect example is Mr. and Mrs. Ciotola during, now that the big guys are gone, well they stopped shooting at me so it's okay, during the Kessman debacle they came to my house and asked me what was going on down the road and they had just purchased a home, we talked for an hour about real estate and I told them I'm sorry m'am, but I don't know what that agent told you but you can't do anything back there, it's a wetlands, it's in a flood plain, three years later they come in with an application, I feel terrible for them but you know it's not going to happen.

Rich Williams stated alright moving right along, Thunder Ridge.

B) Thunder Ridge Wetland/watercourse permit

Board Member Rogan asked Thunder Ridge we have a new application.

Rich Williams stated no we've receive they've extended their DEC wetlands permit I don't know where exactly where their permit stands sitting here tonight, but I believe they are either up for an extension or it's been two years and they need a new permit.

Ted Kozlowski stated they asked for an extension of the DEC because last year they couldn't get the dredging the pond it was actually too rainy and it didn't go low enough and the way we're going now I don't know if that's going to happen again, how ever we gave them a waiver.

Board Member Pierro stated we renewed it for a year.

Rich Williams stated we issued a permit.

Ted Kozlowski stated we did issue a permit as far as it stands.

Board Member Pierro and I believe we renewed it for one year.

Ted Kozlowski stated ours has to be renewed, but I think personally I think we need to, I don't have a problem with granting a permit to dredge the pond, it's important to the ski operation but I want to make sure there are certain erosion controls in place and I think we need to have them come forward with a Town wetlands permit renewal, but I don't think it should be an automatic give.

Chairman Schech stated we now you got them.

Ted Kozlowski stated yeah.

Rich Williams stated trust me I've got them, you've seen the water.

Board Member Pierro stated I was there Friday night in Alpine's parking lot and there was four inches of water coming off that hill coming through the parking lot and there has to be a remediation plan done there and the other concern I had, is that I understand through the grapevine through Paul that they were doing some burying they were burying some garbage up on top of the hill, that's another issue. And the other issue that we all know about they have a twenty-five hundred gallon oil truck parked at the base of that hill.

Rich Williams stated I think that's gone now.

Board Member Pierro stated it's gone, but Rich it will be back there in November and you know what we're going to get shorts ripped off if some jerky kids goes over there and pulls a level and fifteen hundred gallons goes into the great swamp.

Rich Williams stated I don't disagree, but Paul's been on that, he got them to get rid of it.

Chairman Schech stated I mentioned that three years ago when we went up doing a site walk across the street, four years ago.

Ted Kozlowski stated but the bottom line with this is I think we should send a letter about renewing the permit, DEC. we have to make sure I want Thunder Ridge to succeed, but they need

Rich Williams stated we'll get a letter out telling them to come in renew.

Board Member Pierro stated would you also include in that letter there advertising to open a two hundred and fifty table flea market and they need site plan approval.

Rich Williams stated you won't have to worry about that anymore either.

Board Member Pierro stated they've put an application in or that is not going to happen.

Rich Williams stated Paul's taking care of it.

Board Member Pierro stated okay great, so for you edification they put an add in the local newspaper advertising for a flea market, two hundred and fifty table, it requires site plan review.

Board Member DiSalvo asked what are they doing it on top of the hill.

Rich Williams stated nobody knew.

Board Member Pierro stated we found it a newspaper.

Board Member Montesano stated the Pennysaver.

Board Member Pierro stated they were going to a Stormville flea market type of operation.

Chairman Schech stated they just the legs off one side of the tables and then they had the circus going on and they figured.

Rich Williams stated alright moving on.

C) Parker Subdivision Bond

Rich Williams stated Parker Subdivision Bond, gentleman believe it or not.

Chairman Schech stated I don't believe it.

Rich Williams stated everything is done.

Board Member Pierro asked was the old light taken down though.

Rich Williams stated I don't believe it's been taken down but that's a NYSEG issue.

Board Member Pierro stated okay.

Board Member Rogan stated make a motion in the matter of Parker Subdivision that the Planning Board recommend that the Town Board release the performance bond in the amount of fifty-five hundred dollars to the applicant.

Board Member Pierro stated so moved.

Board Member Pierro seconded the motion.

Chairman Schech asks all in favor

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

Motion carried by a vote of 5 to 0

Board Member Pierro stated I told you I was quick.

Board Member Montesano stated can't do anything.

D) Plunkett Subdivision Site Walk Comments

Board Member Pierro stated Plunkett.

Rich Williams stated Plunkett, I provided the Board with site walk comments I believe.

Board Member Pierro stated right.

Rich Williams stated just looking to have them release to the applicant.

Board Member Rogan stated I noticed that the DOT said they would approve the entrance given a couple of modifications but that was what I reading somewhere along the line, interesting.

Rich Williams stated I never saw a DOT application turned down.

Board Member Pierro stated no.

E) Burdick Farms Subdivision Recommendation

Board Member Rogan asked what do we have Subdivision Burdick Farms what's going on with that.

Rich Williams stated Burdick Farms the current plat layout there were couple of lots that were larger then the eighty thousand square foot limit.

Board Member Pierro stated right.

Rich Williams stated so they need to get a waiver from section 138 of our Town Code they have a public hearing, the approached the Town Board, the public hearing has been scheduled, but they Town Board is can not act without a recommendation from the Planning Board.

Board Member Pierro asked so we would be recommending that they be allowed to make a larger.

Board Member Rogan stated a variance for larger lots.

Board Member DiSalvo stated well that's good.

Board Member Pierro asked where are the particular lots, Rich.

Rich Williams stated off the top of my head there back in the, back how do I say this, the northeast corner.

Board Member Pierro stated okay.

Board Member Rogan stated bottom line is it corresponds to the plat that we have given preliminary approval to.

Board Member Pierro stated it does correspond.

Board Member Rogan stated the only thing I noticed is that they have been retesting a lot of, some of the lots out there but the lines are reputedly changing slightly although the over all layout isn't changing the roads aren't changing, they are just modifying some of the septic layouts for some of the people from Health Department have been out witnessing new perks and deeps on a few of the lots, I don't know how many, it's not many, it's like half a dozen, just based on.

Chairman Schech stated that's just part of the process.

Board Member Rogan stated that's just modification to get the best design, I don't have a problem with that recommendation.

Board Member Pierro state I'll second the matter of Burdick Farms Subdivision, I make a motion we recommend a variance be granted by the Town Board.

Board Member Rogan seconded the motion.

Board Member Pierro stated is that required for the lot sizes larger then permitted.

Chairman Schech asks all in favor

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

Motion carried by a vote of 5 to 0

Board Member Rogan stated attire and appearance; Rich are you planning on wearing a three piece suit soon.

Rich Williams stated I hope not.

Board Member Rogan stated it's F on the other business.

Rich Williams asked it's what.

Board Member Rogan stated if f, letter f on the other business.

Rich Williams stated oh.

Board Member Rogan stated attire and appearance.

Board Member Montesano stated you need a tire, you need.

Rich Williams stated that's the old agenda that was about the shirts.

Chairman Schech stated when you're agenda on the bottom stats getting longer then the regular.

Board Member Rogan stated yeah right right.

Board Member Pierro stated I make a motion that we approve the minutes of March 22, March 31, April 7, and April 14.

Board Member DiSalvo seconded the motion.

Chairman Schech asked for a second.

Board Member DiSalvo stated I seconded.

Chairman Schech asks all in favor.

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

Motion carried by a vote of 5 to 0

Board Member Rogan ask Michelle you don't have any programs you like to watch on Thursday night do you.

Ms. Russo stated no I do not.

Board Member Rogan stated not anymore right.

F) Patterson Auto Body

Rich Williams stated I got an issue that came up.

Board Member Montesano stated no wonder we were in such a hurry.

Rich Williams stated this is Patterson Auto Body, I was approached by the owner of Patterson Auto body, who wanted to open up an area in front of the building for selling used cars.

Board Member DiSalvo stated I thought he did it already.

Board Member Montesano stated where it used to be.

Rich Williams stated I pulled the original site plan and saw that initially that area was an area that was a gravel parking lot so I said listen you not making any permanent improvements you just want to remove the sod throw some gravel down put some. landscaping in.

Board Member Pierro asked we voted on that didn't we.

Rich Williams stated I don't think.

Board Member Rogan stated I don't you consulted us on this.

Board Member Pierro stated we talked about it.

Rich Williams stated individually I talked to the Board members, I actually committed myself and you know said that based on the old site plan that would be fine.

Board Member Pierro stated right.

Rich Williams stated then I saw the lights going up.

Board Member DiSalvo stated you mean like overhead lights.

Board Member Montesano stated and then.

Rich Williams stated the lights going up, and I did contact them immediately and I said that's a permanent improvement never authorized that, yada yada, he said how can you stop me from putting up lights to light my parking lot and they are the same lights that are up across the street, so I'm going to throw it out to the Board he's actually putting up lights, they are up ,they are lit, just wanted to take you through some you know pictures here and show you what he did and get your opinion how you want to address it or whether you want to let it go or.

Board Member Pierro stated I want to look at it Rich.

Board Member Rogan stated I'm going to drive by on the way home.

Board Member DiSalvo stated let's go drive by right now.

Board Member Pierro stated right.

Board Member Rogan stated yeah, they're on right now so.

Rich Williams stated let me just give you a couple of details here, the first sign up, here's one of the complications the first detail is the sign detail for the Putnam Diner, alright, if you go out to the Putnam Diner that's not what got installed.

Board Member DiSalvo stated I saw the fish tank.

Rich Williams stated what's right across the street at Patterson Auto Body is almost identical what they installed across the street at Putnam Diner.

Board Member Pierro asked how do we correct them.

Rich Williams stated neither of them meets our code requirements for what the Planning Board has been trying to do and there's, that's where we are.

Board Member Pierro that's the sign issue, correct.

Rich Williams stated that's the sign.

Board Member Pierro stated you're talking about the sign.

Rich Williams stated I'm sorry lights.

Board Member Pierro stated oh lights okay, because you said sign.

Board Member Rogan stated so the lights that are out front of Putnam Diner.

Rich Williams stated the first page is the lighting detail for the Putnam Diner.

Chairman Schech stated which is not up.

Board Member Pierro stated it's up.

Rich Williams stated it is not the lights that were installed at the Putnam Diner, the lights that were installed at Putnam Diner the lights that were installed in Putnam Diner are lights, lights that typically the Planning Board would not accept, the other pages in here are schematics, the second page is what the owner of the auto body shop sent me as to what he intended to install and when I saw that I knew were going to have problems.

Board Member Pierro asked are these shielded lights Rich or down lights or they are.

Rich Williams stated no on both accounts.

Board Member Rogan stated the reality is if we don't approve them for the auto body we have to also send a violation to the Putnam Diner and have them correct them I mean its pretty straight forward if they didn't follow their site plan.

Rich Williams stated well you know the Board approved a certain light it didn't get installed they got a C.O. you know, I don't know what option we have at this point.

Board Member Pierro stated well we'll try and get voluntary compliance.

Chairman Schech stated we did approve, the Board did approve a site plan, without lights, did the site plan have lights.

Rich Williams stated for Patterson Auto Body.

Chairman Schech stated yet.

Rich Williams stated there were no lights these are new improvements.

Chairman Schech stated okay.

Board Member Montesano stated okay the diner we approve light A, they install light B, Patterson Auto Body said they have light B, we put in light B.

Chairman Schech stated but Patterson Auto Body wasn't supposed to put any lights in at all.

Board Member Montesano stated what I'm saying is both lights are incorrect.

Board Member Rogan stated and we don't want to perpetuate a mistake a mistake on one part doesn't mean we take it out on others.

Board Member Pierro stated it's going to travel up twenty-two and you know each other and parking lot is going to want to do the same thing and we have to, as much as these guys are fairly decent individuals, let's take a look at it and see if we can put a stop to it.

Chairman Schech stated lets take a look at it see what we can do.

Rich Williams stated the problem is the lights are up we don't want to extend this farther then it has already gone so we need to cut this short.

Board Member Pierro stated okay, do you want us to look at it first before we tender a decision.

Rich Williams stated if you each individually want to get back to me and then I'll just.

Board Member Rogan stated I am going to go right on my way home.

Rich Williams stated one last issue before everybody runs away something that got omitted from the agenda I got yelled at tonight.

Board Member Pierro stated thirteen.

Board Member Montesano stated number thirteen.

Rich Williams stated number thirteen.

Board Member Rogan stated the illustrious number thirteen.

Rich Williams stated Deerwood Subdivision lot 6.

Board Member Rogan asked which one.

Board Member DiSalvo stated Wyndam.

Board Member Pierro stated Wyndam Homes.

Board Member Rogan asked is that the deck one.

Rich Williams stated we actually did go out meet with the people out at Wyndam Homes, Ted and I and talk about the slope issue.

Board Member Pierro stated that's the grand canyon.

Board Member DiSalvo stated that's the same one.

Rich Williams stated yeah, we came up with some scenarios on stabilization, Ted offered some specific suggestions backed them up.

Ted Kozlowski asked did he ever come back with details.

Rich Williams stated no, is that where we are.

Ted Kozlowski stated Rich and I had met him remember we had the discussion at the last meeting about Joe Darnel, and we came up with some scenarios such as putting, you're concerned about walking out the sliding doors into the steep slope, we came out with the idea of extend the lower deck have a pad there, a deck pad with railing, so when they walk out, they walk out onto something flat.

Board Member Pierro asked a wooden structure.

Ted Kozlowski stated a wooden structure or a concrete slab, something, other then step or a tripping hazard.

Board Member Pierro stated other then building a wall.

Ted Kozlowski stated then we talked about the steep slope on the driveway there where, where the holders are ready let go.

Board Member Pierro stated where the rock is ready to roll of the hill.

Ted Kozlowski stated I had faxed Joe some plant materials and we spoke about terracing he was supposed to put this together as part of the finality of this permit, but I haven't seen anything submitted and obviously Rich hasn't, so I guess he was coming in tonight to.

Board Member Pierro stated they haven't gone forward with any deck improvements yet.

Ted Kozlowski stated I'm sorry.

Board Member Pierro stated they haven't gone forward with any deck improvements yet.

Ted Kozlowski stated no, but I, we both felt that putting some sort of pad there would be good.

Board Member Pierro stated we have to cover our butts on that one I think we have liability there if somebody gets here; Sorry it's slipped by the first time.

Ted Kozlowski asked so Rich when you spoke to him did he have stuff.

Rich Williams stated no he didn't.

Ted Kozlowski stated oh so.

Rich Williams stated listen I'm a little under the weather so.

Board Member Rogan stated I hope you feel better.

Board Member Pierro stated make a motion to adjourn. Board Member DiSalvo seconded the motion. All in favor. Meeting adjourned at 10:10pm.