

TOWN OF PATTERSON
PLANNING BOARD MEETING
July 25, 2013
Work Session



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

**Planning Board
July 25, 2013 Work Session Meeting Minutes**

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

APPROVED

Present were: Chairman Shawn Rogan, Board Member Thomas E. McNulty, Board Member Michael Montesano, Board Member Ron Taylor, Board Member Edward J. Brady, Jr., Rich Williams, Town Planner, and Ted Kozlowski, Town of Patterson Environmental Conservation Inspector.

The meeting began at 6:55 p.m.

Michelle Lailer was the Secretary and transcribed the following minutes.

Chairman Rogan called the meeting to order.

Chairman Rogan stated okay, good evening everyone, good evening Erin, how are you.

Erin Brady stated good.

Chairman Rogan stated good, okay, alrighty, so Rich, what do we have for Dew Construction site plan waiver.

1) PAUL GOULD/DEW CONSTRUCTION SITE PLAN – Site Plan Waiver

Mr. Taren Cummings, property manager, was presenting representing Mr. Paul Gould.

Rich Williams stated Mr. Gould has approached the Town, he is interested in purchasing and stop me when I go afield, he is interested in purchasing the old Wingdale Diner, the box car style diner, taking the back off so it is just the main part of a diner, bringing it down to the DEW Construction building which he now owns and placing it on the site and using it for offices. It is conceivable under our Zoning that he could do that, if the Board finds it acceptable providing it is, you know, properly installed.

Chairman Rogan stated Rich, would that be similar to the trailer type office space that we used to have out here that we did on a, wasn't that an approval given on a yearly basis, though or something that wasn't something that was just...

Rich Williams stated they asked for a temporarily trailer down there, he's looking for something a little bit more...

Chairman Rogan stated yeah.

Rich Williams stated permanent but yeah, that was a temporary trailer while they did some renovations on the interior that ended up going for a considerable amount of time.

Chairman Rogan stated so this is the facility that is off on [Route] 22...

Rich Williams stated behind the sporting goods store.

Chairman Rogan stated behind, okay, got it.

Board Member McNulty stated right across from my place.

Chairman Rogan stated so it's not something that's seen from the...

Board Member Brady stated ok, this is behind the sporting goods store.

Rich Williams stated it is approximately a 7,200 square foot building and has a little bit more than 800 square feet of office on the interior when it was originally designed, I don't know what it has in there now.

Chairman Rogan stated okay, 14 ½' by 41' and the site where he's proposing doesn't have any impact to...

Rich Williams stated well let's push the site to the last thing...

Chairman Rogan stated okay.

Rich Williams stated and talk about some of the other issues that the Board needs to think about and that is septic for the offices, I believe they're talking about using the building septic, people who work in the trailer or work in the office would need to go into the building for septic, I don't know if we need to refer this back to the Health Department or condition it on Health Department approval, you know...

Board Member McNulty stated so you're saying they want to tie these bathrooms into...

Chairman Rogan stated no.

Board Member Taylor stated no, they're not going to have bathrooms.

Board Member McNulty stated no bathrooms.

Chairman Rogan stated they just want to utilize.

Rich Williams stated if you want to have a bathroom, you've got to go in the building, the main building.

Board Member McNulty stated okay, so there's no water in the building.

Rich Williams stated there's water and septic...

Chairman Rogan stated no, no, in the...

Rich Williams stated in the office building, no there's not.

Board Member McNulty stated no, no, in the new...

Chairman Rogan stated in the proposed.

Board Member McNulty stated relocated building.

Rich Williams stated no, no, potable water for the building, I'm assuming they're going to use, you know, coolers, bottled water. Egress in and out, traffic flow on the site, all things you need to think about. Now we're going to go back to, you know, the issues with the site, by our Zoning, the trailer has to be 30' away from the side yard and 50' away from the rear year and 15' away from the building.

Chairman Rogan stated okay.

Rich Williams stated the drawing that he's provided you isn't a scale drawing so when we scale it out, you might want to take a look at this, when we scale it out, the red lines that I did, there's your 30' set back, you're 50' setback, 15' from the building. He's proposing at 14 ½' trailer by 41' long, is what he's showing on the drawings.

Mr. Cummings stated that is correct.

Rich Williams stated okay, this is to scale, so I made you a little visual aid here, so if you want to move it around on the site...

Chairman Rogan stated got it.

Rich Williams stated and figure out where you want to put, if you want to put it...

Board Member Taylor stated he's got room...

Chairman Rogan stated so he's got room to do it as sketched.

Rich Williams stated it can be done.

Chairman Rogan stated yeah.

Rich Williams stated the other issue out there is parking and parking spaces when you've got all that done, currently the building is designed and requires under our code eleven spaces which he has out there, adding this trailer would add another three spaces. What I'm seeing in this proposal is that wherever you're going to put the trailer you're going to lose parking, so again, if the Board is comfortable with the concept, comfortable with the amount of parking out there, reduced amount of parking out there, then you would need to also grant a waiver for whatever number of parking spaces you're giving up.

Board Member McNulty stated is this pavement here.

Board Member Taylor stated yeah, it's all paved.

Mr. Cummings stated no.

Rich Williams stated this is a line and the...

Chairman Rogan stated comes off the corner of the building.

Rich Williams stated east of the line is gravel.

Board Member McNulty stated oh, so it's...

Mr. Cummings stated yeah, this all gravel.

Board Member McNulty stated oh okay, so this is the gravel.

Chairman Rogan stated so it's gravel to get back to the...

Board Member Taylor stated this is all gravel.

Board Member Brady stated what about moving it over here because this is going to be parking here.

Ted Kozlowski stated excuse me.

Rich Williams stated see the setback lines.

Board Member Taylor stated you'll be away from the building, you're going to be, it won't make it, it won't fit in there.

Board Member Brady stated no.

Board Member Taylor stated so it's got to be...

Board Member Brady stated in there.

Rich Williams stated now I don't know if there's a fence back there, is there.

Mr. Cummings stated pardon.

Rich Williams stated is there a fence back there between the main parking and the...

Mr. Cummings stated yes, I believe the map shows the fence.

Chairman Rogan stated sir, can you just state your name for the record, so we can get it on...

Mr. Cummings stated sure, Taren, T-A-R-E-N, Cummings, C-U-M-M-I-N-G-S.

Chairman Rogan stated thank you Taren. This enclosure for the garbage, is that something that a truck has to get back there to, that's a dumpster location.

Mr. Cummings stated yeah and let me just, can I move this just a little.

Chairman Rogan stated sure.

Mr. Cummings stated okay, he's thinking 5' from the blacktop, the opening here like 30' or more...

Board Member McNulty stated it says 23' by this drawing that was proposed.

Mr. Cummings stated by his, what he proposed.

Board Member McNulty stated 23', 12' back...

Mr. Cummings stated alright, he, this is a fence this line along here and the wall goes back there to the corner of the building, this garbage container is just a little set, set a little bit back a little, you can get in here with ease and let me think what else, the parking spaces that are, won't affect the parking at all, what's there now. This is all parking, there is all parking over here and it's all striped out.

Board Member McNulty stated that's the eleven spaces total.

Mr. Cummings stated that's right.

Board Member McNulty stated you currently have.

Mr. Cummings stated at least eleven. Back here there's a, don't know how it got there but it's there, there's a blacktop space, the prior owner blacktopped it and kept, I don't know some product or something on it but more parking spaces could be made back there if it becomes necessary.

Board Member McNulty stated he'd have to remove this fence then, right.

Mr. Cummings stated no, no, no, no, there's plenty of room right in front of the fence, the fence can stay.

Board Member McNulty stated oh okay.

Board Member Taylor stated so where is that blacktop area.

Mr. Cummings stated no, this is all gravel there.

Board Member McNulty stated no...

Board Member Taylor stated you said there was a blacktopped area.

Mr. Cumming stated everything here is blacktop.

Board Member McNulty stated no, from the previous owner.

Mr. Cummings stated oh, there's a patch back there that would probably make two parking...

Board Member Taylor stated okay so that could be used for parking there.

Mr. Cumming stated easily two parking spaces on it.

Board Member Taylor stated yeah but then you'd have to remove the fence.

Mr. Cummings stated no, no.

Board Member Taylor stated you said this is fence.

Rich Williams stated that's not a fence.

Board Member McNulty stated that's not a fence.

Board Member Brady stated this is the fence right here, this is the fence.

Mr. Cumming stated behind the fence, right here.

Board Member McNulty stated that's a drainage pipe.

Rich Williams stated that's a drainage pipe.

Board Member Brady stated the fence is here.

Mr. Cummings stated oh, I'm sorry, yeah, these are gone, there used to be some cement.

Chairman Rogan stated the bins are not there.

Mr. Cummings stated no.

Board Member Taylor stated alright, so this is your fence.

Board Member McNulty stated yes.

Mr. Cummings stated that's right, I'm sorry, I'm looking at the map wrong.

Board Member Taylor stated okay...

Board Member McNulty stated this is a 15" diameter.

Board Member Taylor stated you just pointed at the wrong line, so okay, so you could use it as parking then.

Mr. Cumming stated yup.

Board Member Taylor stated alright.

Board Member McNulty stated are the setback distances an issue for us or Zoning.

Rich Williams stated Zoning.

Board Member McNulty stated that's what I thought.

Rich Williams stated well they're an issue for you as well; it's a zoning requirement, so you're saying the gate is up close to the building.

Mr. Cumming stated I'm sorry...

Rich Williams stated the gate is close to the building.

Board Member McNulty stated which gate.

Mr. Cummings stated there's no gate there.

Rich Williams stated there's no gate to get in the back.

Mr. Cummings stated nope, it's all open.

Chairman Rogan stated so since the bins are not there, the only necessary access to that area really, is for garbage removal at this point is what you're saying.

Mr. Cummings stated that's right.

Chairman Rogan stated okay, what did they have a change in their business to not require because originally when they came in, when we did this, it was for storage of...

Rich Williams stated they've sold the business.

Chairman Rogan stated oh I didn't know that, the building.

Rich Williams stated I'm sorry, they haven't sold the business, they've sold the site.

Chairman Rogan stated okay, I did not know that. So this was the DEW and Macal, right...

Rich Williams stated that was DEW Construction's construction yard.

Chairman Rogan stated that's right, two different, I always forgot, they're two different buildings, right.

Rich Williams stated Macal is up here.

Board Member McNulty stated Macalouso is in here too, right.

Chairman Rogan stated yeah.

Rich Williams stated that's what we're talking about.

Chairman Rogan stated yeah, the other site.

Mr. Cummings stated yeah, Macalouso's in the other building, the one that's up here.

Board Member McNulty stated oh okay.

Chairman Rogan stated okay, got it.

Board Member McNulty stated so is this truly a trailer, is it on wheels or is going to be a permanent structure.

Rich Williams stated it's just like Rocco's Pizza, it's that building.

Board Member McNulty stated no, I understand but does it have, if you took the skirt off, are there wheels under it or is something you have to lift and trailer it down and...

Chairman Rogan stated a trailer frame.

Rich Williams stated I, probably going to trailer it, yeah.

Mr. Cummings stated it will have to be lifted and...

Board Member McNulty stated and this is offices for one of the tenants that's in the building.

Rich Williams stated it's for the owner. I'm not sure what he's going to do with it other than office space.

Board Member McNulty stated for Mr. Gould.

Mr. Cummings stated yup.

The Secretary stated yes, Mr. Gould.

Chairman Rogan stated you know, Mike is probably the only one on the Board that has the experience with this from years ago that we had a lot of commercial sites that were putting storage containers, we've talked about this a lot and we always tried to promote the buildings, the commercial buildings adding on to theirs, it wasn't so much just to be taxable space, it was that these temporary things start popping up all over the place and they start filling a need that should be within the confines of the building or you know, so a question would be is, once this is on place, it would be treated as a structure, not as something that's just temporary, so it would be a permanent...

Rich Williams stated it would be a permanent fixture.

Chairman Rogan stated okay.

Board Member Montesano stated yeah...

Board Member McNulty stated yeah, it looks to be a permanent...

Rich Williams stated this is slightly different from a construction trailer or a box you would, a storage box, a shipping container, talking with Mr. Gould a little bit, he was as much interested in the style of the building...

Chairman Rogan stated really.

Rich Williams stated yes, as he was having the office.

Board Member McNulty stated yeah, it's kind of an interesting concept, to gut the inside and make some offices out of them.

Board Member Taylor stated what does the Code say about, the Building Code say about not having water and not having...

Rich Williams stated generally water and sewer are an issue with the Health Department...

Board Member Taylor stated not the Code.

Rich Williams stated as long as you have it on the site and it's accessible to the people in the building, we're going to be okay with that. The question then goes back to the Health Department whether they're going to be okay with that.

Board Member McNulty stated and then building your egress, that type of thing would be the Building Department.

Rich Williams stated correct.

Chairman Rogan stated so is the location of the doors, you have the overhead doors and then entry doors located on the map, they are correct, sir, to the best of your knowledge. The entrance doors, there is one in the front, there is one on the side here...

Mr. Cummings stated yes and there is an overhead door right here.

Chairman Rogan stated yeah, okay, I'm thinking you wouldn't open an overhead door to walk in to use to the bathroom but, so there, the access would be about 50-60' away to get into the building and then within the building, where are the bathrooms.

Board Member Brady stated that might be issue for the plumbing company...

Mr. Cummings stated there are 2 overhead doors here, there is a small door with a hallway here, the bathroom is right here.

Board Member Brady stated the Building Department will take care of...

Board Member McNulty stated might be.

Chairman Rogan stated any concerns that anybody has, I mean obviously the issue of access to the dumpster location, we'd want to make sure that that's not hindering.

Rich Williams stated well it sounds like there is only one location that he can put it on the site that meets our setback requirements and allows him to keep the 11 spaces...

Chairman Rogan stated okay.

Rich Williams stated and that would also negate any issue with the access to the back.

Chairman Rogan stated okay, anybody have any...

Board Member Brady stated the exit out of the trailer, where is that, the exit out of the trailer is it on the, is it going to be on the front or on the ends.

Mr. Cummings stated front, center front.

Board Member Montesano stated the front.

Chairman Rogan stated center, okay.

Board Member McNulty stated yeah, I've had many a breakfast in that place.

Mr. Cummings stated hmm...

Board Member McNulty stated I've had many breakfasts in that building.

Mr. Cummings stated you know it's been up there 43 years.

Board Member McNulty stated yeah.

Chairman Rogan stated so you're saying Rich that there is the potential to put it in a location that meets all zoning and doesn't hinder existing parking spaces which would be optimum.

Rich Williams stated right.

Chairman Rogan stated okay.

Rich Williams stated then you would have to waive the additional three.

Board Member McNulty stated to waive three spaces.

Chairman Rogan stated waive additional three.

Board Member Taylor stated or they put two spaces in the back and we waive one.

Rich Williams stated you could, the issue with the, I'd have to look at it, the issue with the spaces in the back and why that may be gravel is because of the set back to the stream, I don't remember, I thought we kept the edge of the parking area and all disturbance out of the 100' buffer but I want to check.

Chairman Rogan stated do you have a pen...

The Secretary stated do you want another Maser pen? Here, throw that one away.

Chairman Rogan stated this is fine, thank you.

Board Member Montesano stated where you've got those four pits back there...

Board Member McNulty stated no, they've been removed he said.

Board Member Montesano stated yeah I'm saying, the spaces...

Rich Williams stated the storage pits.

Board Member Montesano stated the storage pits that still have the spacing, the spacing was there, alright and this is just a pipe underneath but would that possible to be used as a parking area because that would give you four spaces right there.

Chairman Rogan stated you're right, we could even have that reserved as future parking if need be, you know, we've done that a lot in the past...

Board Member Montesano stated the idea is that they were in use before.

Chairman Rogan stated to not be further encumbered with...

Rich Williams stated bulk storage areas.

Chairman Rogan stated yeah, well with anything they can't be moved, no permanent structures or anything. Okay, anything from anyone else. Alright, so it sounds like everybody's on board with this, so site plan waiver, we have to do a SEQRA determination on this...

Rich Williams stated type II action.

Chairman Rogan stated it's a type II, so we don't, okay, it's minimal, okay so...

Board Member Taylor stated just one suggestion, I think we need a note or something from them saying that this plan which is marked as being proposed, everything is proposed on it, was actually built.

Rich Williams stated no, that plan that they proposed can't be built.

Board Member Taylor stated but they did build it, didn't they.

Rich Williams stated oh that.

Board Member McNulty stated the overall plan.

Rich Williams stated the overall plan has been built.

Board Member Taylor stated yeah it's just that what we have...

Chairman Rogan stated yeah, we have a copy...

Board Member Taylor stated says proposed, proposed, proposed, everything is proposed on here.

Chairman Rogan stated we have final as-builts in...

Rich Williams stated yeah we have, well I don't know that we have final as-builts but we've been out to the site on this, when it was constructed...

Board Member Taylor stated so you do.

Rich Williams stated so we know it's been constructed...

Board Member Taylor stated okay.

Board Member McNulty stated you have a final set of plans, to some degree.

Rich Williams stated we were doing construction inspections out there on the site and I know the building is where it's supposed to be.

Board Member Taylor stated okay, alright, alright...

Board Member McNulty stated you have a plan of record.

Rich Williams stated I don't know I have plan, a final as built site plan.

Board Member Taylor stated okay but there is something in the record that says that, alright.

Rich Williams stated yeah.

Board Member Montesano stated we need a final as built, okay.

Board Member Taylor stated alright.

Chairman Rogan stated okay, so let's see if we can get all this, in the matter of Paul Gould DEW Construction Site Plan, 2644 Route 22, I make a motion that the Planning Board grant a site plan waiver to allow that addition of a 14 ½' by 41' office trailer to be located on the site within zoning regulations to not infringe on any...

Board Member Taylor stated it wouldn't be a trailer.

Board Member Montesano stated no, I wouldn't use trailer.

Chairman Rogan stated oh, I'm sorry, change that trailer to be structure, conditioned on waiving or not conditioned on but waiving three required parking spaces but to offset that waiver, requiring that the area of the former bin storage be reserved for future parking, if at a point in time in the future the Planning Board requires such from problems on the site and conditioning the approval on Putnam County Health Department approval for the new structure not having water and sewer.

Board Member Montesano seconded the motion.

Chairman Rogan stated that sounds about right, okay.

Chairman Rogan asked for all in favor. The motion carried by a vote of 5 to 0.

Rich Williams stated so when Mr. Gould comes back or whoever is going to move this trailer, maybe he wants to come into the office, we'll have a conversation about where it actually has to be on the site...

Mr. Cummings stated okay.

Rich Williams stated and if that's acceptable, then you're good to go.

Mr. Cummings stated okay, thank you very much.

Chairman Rogan stated alright, thank you sir.

Board Member Montesano stated piece of paper.

Rich Williams stated well I'm going to glue that on and copy it and send him a copy.

Chairman Rogan stated when we were laying out and designing our house I made all the furniture to scale to the plans so that we could lay them in the room and it worked pretty well to see, for visualization.

Board Member Montesano stated and to think that somebody went ahead and designed a whole package that you could sit there...

Chairman Rogan stated I know, I know...

Board Member Montesano stated with graph paper and everything so you could put the little chair here and the table and he wouldn't do it.

Chairman Rogan stated I know, I know, it probably wasn't to the right scale that I needed. Okay, Dana Simmons...

2) **DANA SIMMONS – Wetlands/Watercourse Permit**

Mr. Dana Simmons was present.

Mr. Simmons stated hello.

Chairman Rogan stated yes sir, how are you.

Mr. Simmons stated good.

Chairman Rogan stated good, we have a wetlands/watercourse permit.

Mr. Simmons stated you do.

Chairman Rogan stated Teddy.

Ted Kozlowski stated is this, we might, hold on one second...

Mr. Simmons stated holding on.

Ted Kozlowski stated I was out there today, alright, I met with Gavin DeBecker who is the owner of the property and the area that this pool and future enclosure around the pool is going, is all on lawn and I did a measurement from the high water mark of the pond to the edge of the pool and it is 98' 6" okay, the enclosure when that's erected is going to be about 4' closer to the wetland, I would recommend to this Board that we waive this permit requirement. There are no impacts whatsoever to a buffer that is already lawn, it's not going to add, there is, it's on level ground because it's a pool so there is no threat of any kind

of sedimentation or anything going into the pond, I really don't think it's necessary to go through a full blown wetlands permit in this case.

Chairman Rogan stated okay.

Rich Williams stated just one question, Mr. Simmons, you would agree with that that the building when it's finished is only going to be about 4' away from the edge of the pool.

Mr. Simmons stated ah we can make the building, I had drawn the building 12' away from the end of the pool.

Rich Williams stated okay.

Mr. Simmons stated but we're flexible on that, we can go as little as 4' at any part.

Ted Kozlowski stated Mr. DeBecker today showed me exactly where he wanted the edge of this enclosure and even if it's 6', whatever, it's really...

Board Member McNulty stated it's not an intrusion of any kind.

Ted Kozlowski stated there isn't, there really is no impact, I...

Rich Williams stated that's fine there's no impact, we just on the record, exactly what they're doing.

Ted Kozlowski stated we need to know exactly how far.

Mr. Simmons stated well I was, I'm submitting plans to the Building Department, I submitted plans already that were 12' from the edge of the pool figuring that you guys would say no, make it 4', so I was trying to be one step ahead of you guys, so that works out perfect, 4' is what we're actually looking for, we'll go with that. We also would like to do another structure closer to the, did Gavin talk to you about the possibility of a small, lean-to structure, like a screen porch.

Ted Kozlowski stated that's on the existing deck.

Mr. Simmons stated it's where the existing deck is, yeah.

Ted Kozlowski stated yes, he showed me that but he did not indicate to me that that was part of this...

Mr. Simmons stated no, no, it's not, I'm just saying that...

Ted Kozlowski stated okay.

Mr. Simmons stated since it's also on an area that's not disturb will we require a watercourse permit for that as well.

Ted Kozlowski stated you would need and I explained this to him and Gavin did show me what he, the house...

Rich Williams stated is it on the deck or not.

Ted Kozlowski stated it's on a deck...

Mr. Simmons stated there is an existing deck there.

Ted Kozlowski stated there is an existing deck and the McCauley's when they lived there, they had this awning that would retract and go out, what Gavin wants to do is just build an enclosure to sit out there and it would be an attachment to the building, he will need a building permit...

Mr. Simmons stated for sure.

Ted Kozlowski stated he will be about 75' from the edge of the pond, that's another case where I really, you know because there is no site disturbance, it's really unnecessary in my eyes to have a wetlands permit for that but I still think when the time comes for that, you need to come to the Board because this whole plan could change...

Mr. Simmons stated okay.

Ted Kozlowski stated it could be something that I was not aware of...

Mr. Simmons stated sure, sure.

Ted Kozlowski stated so for the purposes of this permit, I am only considering the pond and this enclosure, this next thing that he wants to do, we need to determine whether they...

Mr. Simmons stated well I'll submit drawings and so on and then but I would come back to the Board anyway.

Ted Kozlowski stated right so just please, please don't build this other thing now.

Mr. Simmons stated I would never build anything without a permit, for the record I've done no work out there, I was hired to come out there and...

Ted Kozlowski stated I understand, Florida North put the pool in, he was in Italy, I understand, it's...

Board Member McNulty stated can you just clarify this plan, I'm confused over what pool is what and where, what we're talking about...

Board Member Brady stated yeah, I am too.

Mr. Simmons stated that's an existing in ground pool that's there now, that was installed, that's the old one...

Ted Kozlowski stated yeah this is the old one, this is the new pool.

Board Member McNulty stated this is in ground.

Ted Kozlowski stated they're both in ground.

Board Member McNulty stated okay, this is the new pool and what do you want to build.

Mr. Simmons stated we want to build an enclosure...

Ted Kozlowski stated enclosure so he can have year round...

Mr. Simmons stated so he can have year round and he's making an indoor pool.

Ted Kozlowski stated it's a very narrow...

Board Member McNulty stated 4' out from the edge...

Mr. Simmons stated correct.

Ted Kozlowski stated Tommy, it's...

Board Member McNulty stated which would bring it to 108'...

Ted Kozlowski stated it's a 4, no it's a, it will 96' from the pond. See the enclosure is going to go on either side of the pool...

Board Member McNulty stated is this small square the pool or is this overall.

Mr. Simmons stated yes, that small square is the pool.

Board Member Taylor stated a lap pool.

Ted Kozlowski stated no, no, the pool is what they call a lap pool, it's very narrow...

Board Member McNulty stated it's motorized.

Ted Kozlowski stated and it's just so we can do, you know, swim back and forth, it's like 20' long...

Chairman Rogan stated Michelle, did we get this gentleman's name for the record.

The Secretary stated his name is Dana Simmons.

Chairman Rogan stated oh it is.

Mr. Simmons stated that drawing there was from the surveyor, it's not accurate, they were just surveying the lot lines, I used it and copied it and they did not accurately place the pond, so it is not 100', it's 98' to the pool, not 112' to the pool...

Ted Kozlowski stated and all this area here Ron, all of this from here, from these steps all the way to here is lawn...

Board Member Taylor stated yeah, I know, I looked at the aerial.

Ted Kozlowski stated it's all lawn.

Mr. Simmons stated that's the pool that's in the ground now.

Board Member McNulty stated alright.

Board Member Taylor stated and all this, most of the rest of the area is mowed too.

Board Member McNulty stated and this is what you want to build here.

Mr. Simmons stated correct but we're going to make it smaller.

Board Member Brady stated what's happening to the other pool.

Ted Kozlowski stated he's using that as a trampoline, for his kids.

Mr. Simmons stated right, it's a trampoline now.

Rich Williams stated seriously.

Ted Kozlowski stated seriously, there is a trampoline...

Board Member Brady stated [to his daughter Erin] you better make friends these kids.

Board Member McNulty stated all it takes is money.

Mr. Simmons stated that's all it takes.

Ted Kozlowski stated he's an author, he writes books and he's got a trampoline over it. The pool, that old pool was a small pool, it was really, Mr. McCauley was very, very arthritic, I knew then when they lived there and that pool was heated and it was really more of a Jacuzzi kind of setup, so it could relieve his arthritis.

Chairman Rogan stated questions or comments from anyone, no.

Board Member Montesano stated no.

Chairman Rogan stated okay.

Mr. Simmons stated you guys will be *inaudible* – *spoken over*.

Board Member McNulty stated and I don't have a problem with the waiver, based on Teddy's...

Chairman Rogan stated all based on the impacts and the assessment, somebody else please ask him something.

Mr. Simmons stated I just said you'll get an as-built when we're done, for sure.

Chairman Rogan stated through the Building Department, right.

Mr. Simmons stated yup.

Chairman Rogan stated okay, so, in the matter of Dana Simmons Wetlands/Watercourse Permit 80 Big Elm Road, make a motion that based on the recommendations of our Town E.C.I. Ted Kozlowski and the

minimal impacts, if any, to the wetland buffer that the Planning Board waives the wetlands permit application to allow the construction of the new in ground pool with the enclosure as submitted on the application.

Board Member Montesano seconded the motion.

Chairman Rogan asked for all in favor. The motion carried by a vote of 5 to 0.

Chairman Rogan stated okay, thank you sir.

Mr. Simmons stated thanks.

Board Member Montesano stated your turn.

Board Member Brady stated no, that doesn't matter to me, I was actually paying attention.

Mr. Simmons stated have a good night fellas.

Chairman Rogan stated take care.

Board Member McNulty stated you too, take care.

Board Member Brady stated take care.

3) M&S IRON WORKS – Request for Extension

Chairman Rogan stated and M&S...

Board Member Brady stated we're almost done.

Rich Williams stated M&S Iron received a conditional approval in June of 2012, the initial approval was required that the conditions be met with 180 days, that brought you to December 4, 2012, that's when the approvals expired. They are back in looking for an extension, I would imagine that they would want at least another 6 months.

Chairman Rogan stated do a one year, I would think a year...

Rich Williams stated so you want to...

Chairman Rogan stated which would take them, my point is from December 4th, right, we would go to December 4th of this year which would...

Rich Williams stated so you would do a six month retroactive plus a year which would take you to December 4, 2014.

Chairman Rogan stated 6 month retro, six month forward, a year in total, isn't that...

Rich Williams stated well that's where I was going, 6 month retro, 6 month forward...

Chairman Rogan stated correct, one year total.

Rich Williams stated would bring you...

Board Member McNulty stated 2013 December.

Chairman Rogan stated December 4th of '13.

Rich Williams stated excuse me.

Board Member McNulty stated you said 2014, December 2014 it would take it to.

Chairman Rogan stated it would take it to this December.

Rich Williams stated yes, this December 2013.

Chairman Rogan stated do you think they can wrap up in that time.

Rich Williams stated I think they could have wrapped up already, I think there are other economic factors in play here which is why they haven't gone forward.

Board Member McNulty stated most definitely.

Chairman Rogan stated okay.

Board Member Taylor stated do you know if they got their SWPPP yet or not.

Rich Williams stated I don't.

Chairman Rogan stated okay, anybody have a problem with the one year extension in total, no.

Board Member McNulty stated no.

Board Member Brady stated no.

Chairman Rogan stated someone want to make a motion on that.

Board Member Montesano stated second...

Board Members laugh.

Board Member Montesano stated we've already discussed it for the last 5 minutes, nobody remembers the dates, December 2013.

Chairman Rogan stated no, we got it, yeah, alright, so we're doing a one year extension from the date that it expired, which would bring it through December 4th of this year, 2013. So Mike seconded...

Chairman Rogan asked for all in favor. The motion carried by a vote of 5 to 0.

4) ACCURSO CONSTRUCTION – Sign Application

Mr. Dominick Accurso was present.

Chairman Rogan stated alright, is it Accurso Construction.

Mr. Accurso stated Accurso.

Chairman Rogan stated okay, sign application, what do we have going on here.

Board Member Taylor stated before we start this, I've got a question, a procedural question or a point of order, did we not say that anything could not come before us if they had outstanding violations or owed money to the Town.

Rich Williams stated outstanding violations.

Board Member Taylor stated but not, do they owe money to the Town, is there an outstanding violation on this since we still don't have an approved site plan.

Rich Williams stated we don't have an approved site plan, therefore he can't do what he was proposing to do.

Board Member Taylor stated but is that considered a violation.

Rich Williams stated no.

Board Member Taylor stated okay.

Board Member McNulty stated he hasn't done what he wanted to do, so he's not...

Rich Williams stated he can't add the building, he can't go back and this is a use going into the building which is a legal conforming use, now there is one other issue on this sign and that is its 20 square feet and...

Mr. Accurso stated I actually reduced the sign down to 4' by 4' from 4' by 5'.

Rich Williams stated so you only want 16 [square feet].

Mr. Accurso stated 16 [square feet].

Rich Williams stated okay, so...

Chairman Rogan stated so does that leave room for some other...

Rich Williams stated that would leave room for others but we don't have other signs approved out there, even though there are other signs up.

Chairman Rogan stated so is this business to take over where the lawn mower, oh the hot dog place...

Rich Williams stated hot dog...

Chairman Rogan stated not Empire Power Tools, okay. So, what, I guess I'm not clear as to the total amount of signage that would be on the site because Empire Power Tools has a sign, right.

Rich Williams stated right but what I would do is, I mean he doesn't have a permit for that sign, he knows he doesn't have a permit for that sign...

Board Member Taylor stated so is that a violation.

Rich Williams stated yeah, what I would suggest is you know, if you're going to approve this sign or even if you're not, maybe send a letter over to Nick saying, you know, time to have that sign taken down or he needs to get in and get a permit for it.

Mr. Accurso stated the one that says power equipment, I'm actually taking that down when this gets approved, he told me to take it down.

Rich Williams stated but he does want a sign up there.

Mr. Accurso stated yeah which he knows he has to come to you guys, I actually talked to Anthony today and I said that that's coming down when I put the new one up and that was one of the reasons why I shrunk it down from 4' by 5' to 4' by 4', it gives him room to put his sign back up.

Chairman Rogan stated okay.

Board Member Taylor stated I think that should be a stipulation for the approval for this sign, then.

Chairman Rogan stated right.

Board Member McNulty stated that the existing sign comes down.

Board Member Brady stated right.

Board Member McNulty stated I'm not familiar with what the sign setup is and looks like, I pass it every day but I don't look at it.

Chairman Rogan stated its funny, like you said, you pass it every day and then you don't...

Mr. Accurso stated it's a 2' by 3' black and yellow sign that's screwed to a piece of plywood, it had been torn down during the storm and then he just screwed it back up.

Board Member McNulty stated you're going to put new...

Mr. Accurso stated the posts are to remain but the sign board is all Azeck and then it's got vinyl sticker over the front and back of it and that will be up there that sign and then I'll just paint the posts white to match and they'll have vinyl caps on them because the original caps are all deteriorated, so I took them off, they were just rotted away with nails sticking out, so I had to clean all that up and he had a pre-existing lights that are in the ground, they are the landscape lines that point up, which I thought didn't work and I just changed the bulbs to figure and they still actually do work.

Board Member Taylor stated so the application is wrong them, there is lighting.

Mr. Accurso stated yeah that's not for, that was in the ground, the landscape lighting that was there, yeah.

Board Member Taylor stated just does it illuminate the sign.

Mr. Accurso stated no, it just illuminates the landscaping that's there, it doesn't point up at the sign, it points up at the trees and stuff.

Board Member Taylor stated points up at the trees.

Rich Williams stated and just so we're all clear, this is going to be an office space and showroom, it's not a contractor's yard, it's not equipment storage...

Mr. Accurso stated right.

Board Member Brady stated there's equipment back there now, isn't there, besides the lawnmowers and stuff, there's...

Rich Williams stated Anthony's equipment which again, never seems to come off the site.

Board Member Brady stated yeah, I remember there being an excavator back there, a backhoe back there...

Mr. Accurso stated yeah, yeah, there's a bobcat and a backhoe there, the excavator is gone and my stuff would just be my truck.

Chairman Rogan stated if, I mean we have an application before us but I guess because it's, it doesn't include the existing Empire Power Tools sign, we can't approve that sign that's existing, in other words I'm thinking we already have a sign here that's going to go up on 4 by 4's, why, if it was within our purview, why wouldn't we also just approve the existing 2' by 3' sign that he was talking about taking down.

Rich Williams stated because you don't have an application.

Chairman Rogan stated because we don't have an application.

Board Member Montesano stated we have no application.

Chairman Rogan stated it's the paperwork...

Board Member McNulty stated it's a maximum 25 square feet.

Chairman Rogan stated it's funny because it's been there, you know.

Board Member McNulty stated is that what it is.

Rich Williams stated 25 square feet maximum in total.

Chairman Rogan stated so he's got 16 [square feet] and 6 [square feet]...

Board Member McNulty stated you're looking at 16 [square feet] and...

Chairman Rogan stated 22 [square feet]. So why don't we, alright, okay, anybody have any other comments on this.

Board Member Taylor stated well I just say, go back to my original question, I just, the comments I've heard is that there are problems on that site, now are they violation-able problems or not, you were just talking about there being equipment parked there that shouldn't be parked there. Are we skirting this, are we not talking about this, is there some reason we keep avoiding this guy and not going after him, here is a case where we can simply say look, you know, clean up your mess before you move forward and while we're at it, pay us what you owe us. So, sorry Rich but that's, I'm getting a little tired of all this.

Rich Williams stated there are potential violations on this site, there are...

Board Member McNulty stated but there are no open violations at this time.

Rich Williams stated excuse me.

Board Member McNulty stated there are no open violations.

Rich Williams stated there are no open violations at this time and there seems to be no inclination to issue violations for the site.

Board Member Taylor stated politics, huh.

Rich Williams stated call it what you want.

Board Member Taylor stated yeah, call it what you want, right, okay.

Chairman Rogan stated okay.

Board Member Montesano stated tough economy.

Chairman Rogan stated alright so...

Board Member McNulty stated well I think by looking at this, we'll get an improved sign, compared, I knew, I know it was blown down in the storm, I haven't paid much attention to it since then.

Rich Williams stated I'm actually encouraged he's going to go take Anthony's sign down, that solves one problem.

Board Member Taylor stated yeah, right.

Board Member Brady stated right, that's one potential violation that's gone.

Chairman Rogan stated and I apologize, I missed the conversation about the lighting because I was thinking about Anthony's sign and how to wrap the two together.

Board Member Taylor stated he said it was landscaping only.

Mr. Accurso stated he has those small, they're like this big, like 2" lights and the landscaping that's out there, he's got one pointing at a red maple and then two pointing at a giant overgrown green bush which you barely can see the light because the thing is so overgrown.

Chairman Rogan stated okay.

Mr. Accurso stated but they don't point up at the sign, they just point, they illuminate like kind of, just like, almost like landscape lighting is what it is.

Chairman Rogan stated and so are you proposing any lighting for your sign.

Mr. Accurso stated no.

Chairman Rogan stated okay, so it's just the application we have, just changing the size to 4' by 4'.

Mr. Accurso stated right.

Chairman Rogan stated okay. In the matter Accurso Construction sign application, I make a motion that the Planning Board grants a negative determination for SEQRA, second.

Board Member McNulty seconded the motion.

Chairman Rogan asked for all favor. The motion carried by a vote of 5 to 0.

Chairman Rogan stated and approves the sign as submitted with the change of the sign before 4' by 4' totaling 16 square foot and the existing Empire Power Tools sign comes down as part of the installation of this sign.

Board Member Brady seconded the motion.

Chairman Rogan asks for all in favor. The motion carried by a vote of 4 to 1.

Board Member Taylor stated nay...

Chairman Rogan stated thank you sir.

Board Member Taylor stated I vote nay on the second one.

Chairman Rogan stated got it.

Board Member McNulty stated okay.

Chairman Rogan stated did you vote on the impact though.

Board Member Taylor stated yeah.

Ted Kozlowski stated nay, you got approved.

Mr. Accurso stated for my sign and I've just got to take Anthony's down.

Board Member McNulty stated yes.

Mr. Accurso stated okay, alright, thank you very much.

Chairman Rogan stated alright, good luck to you.

Board Member Taylor stated good luck.

The Secretary stated thank you for taking the chairs.

Mr. Accurso stated oh you're welcome.

6) MINUTES

Chairman Rogan stated alright, we have minutes for June 27th and July 2nd.

Board Member McNulty stated I haven't had a chance to look at them yet.

Board Member Taylor stated I sent Michelle a list of minor corrections...

Chairman Rogan stated okay.

Board Member Taylor stated basically there were words that were wrong, like waterfall and should have been water flow and food when it should have been foot, just a few things like that...

Chairman Rogan stated okay.

Board Member Taylor stated just to clarify the discussion on the Ice Pond...

Board Member Montesano stated it was done before lunch, so maybe that was on her mind.

Chairman Rogan stated so with the changes that Ron has made, any other comments on the minutes, you were there.

Board Member Taylor stated they were very nicely done, I will say that.

Board Member Brady stated I am going to abstain from July 2nd because I wasn't there.

Chairman Rogan stated duly noted. Okay, let's do June, minutes on June 27th first, motion to approve.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor. The motion carried by a vote of 5 to 0.

Chairman Rogan stated motion on July 2nd, with again the comments that Ron...

Board Member Taylor stated it was the 27th, the changes were on the 27th, nothing on the 2nd.

Chairman Rogan stated okay, got it, on July 2nd, can I have a second.

Board Member McNulty seconded the motion.

Chairman Rogan asked for all in favor. The motion carried by a vote of 4 to 0.

Chairman Rogan stated any abstain.

Board Member Brady stated I abstain.

Chairman Rogan stated okay and any other business that anybody wants to talk about on the record.

Board Member Brady stated carnival.

Board Member Taylor stated not about this stuff.

Chairman Rogan stated well let's see what we have here.

Board Member McNulty stated Empire Drive, John Petrillo where we did the site walk, Rich asked him to remove that concrete block or we asked him...

Board Member Taylor stated oh right, yes.

Board Member McNulty stated and we approved it last month.

Board Member Taylor stated so what did he do, bury it.

Rich Williams stated no, it's sitting at the end of the driveway to be buried.

Board Member Taylor stated oh okay.

Rich Williams stated there is some confusion about whether you want him to bury it or not, I was a little conservative but the other issue was he's pulling all sorts of fill on the site and we have no idea where it's coming from or...

Board Member McNulty stated which we would asked him, we would need, I remember discussing that.

Board Member Brady stated that was clear in the minutes.

Board Member Montesano stated he supposed to have it.

Rich Williams stated absolutely.

Board Member Brady stated that was very clear.

Board Member Montesano stated yes it was.

Board Member Brady stated the block, from what I read originally when you were talking about it in the back of the property it was going to be taken off the site...

Board Member Taylor stated yes.

Board Member Brady stated and then later on in the meeting it was going to be put up by the driveway and broken up under the driveway so...

Chairman Rogan stated right.

Board Member Brady stated its like, he just like double talked everything.

Rich Williams stated it's not even broken up at this point; he just put it at the end of the driveway to bury it.

Board Member Brady stated because there was a discussion about pieces of blacktop in the pile that was there and stuff.

Chairman Rogan stated right, right.

Board Member Taylor stated okay.

Chairman Rogan stated alright.

5) OTHER BUSINESS

a. Danial – Wetlands/Watercourse Permit

Board Member McNulty stated anything to discuss on Danial, that was kind, we kind of skipped over that, nothing really, he's completed everything.

Rich Williams stated just to let you know it was done.

Ted Kozlowski stated he's done, for now.

Chairman Rogan stated and then...

Board Member Taylor stated we've got one more, what's this, was...

Board Member McNulty stated this is Justin's, Wunner.

Rich Williams stated yes.

Board Member McNulty stated any response from him.

Rich Williams stated yes, he came in, he picked up a sign application, said he's refusing to do a site plan that Rich's opinion doesn't matter, his attorney's does, you're about to get an opinion from our attorney.

Board Member Taylor stated that makes sense then, so they've finally gone after him, he was one of the top ones on the list, right.

Board Member McNulty stated is this all...

Board Member Brady stated Justin's Automotive, excuse me...

Board Member McNulty stated these Notices of Violation, are they from our discussion we had back I guess in the early spring when we met with the Town Board, is this a product of that joint meeting we had.

Rich Williams stated not really, they're flowing from other issues.

Board Member McNulty stated okay, anything particular or just Town Board and Building Department is just getting after people.

Rich Williams stated the Building Department has been a little bit more proactive.

Board Member McNulty stated guess there's no building going on.

Board Member Brady stated better start your job.

Board Member McNulty stated make a motion to adjourn.

Board Member Brady seconded the motion.

Chairman Rogan asked for all in favor. The motion carried by a vote of 5 to 0.

The meeting adjourned at 7:35 p.m.