

TOWN OF PATTERSON
PLANNING BOARD MEETING
July 28, 2011
Work Session



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Shawn Rogan, Chairman
Charles Cook, Vice Chairman
Michael Montesano
Thomas E. McNulty
Ron Taylor

Planning Board
July 28, 2011 Work Session Meeting Minutes

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

APPROVED

Present were: Chairman Rogan, Board Member Cook, Board Member Montesano, Board Member McNulty, Rich Williams, Town Planner, and Ted Kozlowski, Town of Patterson Environmental Conservation Inspector.

The meeting began at 7:01 p.m.

There were approximately 6 members of the audience.

Michelle Lailer was the Secretary and transcribed the following minutes.

Alpine Restaurant Discussion

Mr. Dave Pierro was present.

Chairman Rogan stated conditions going on at Alpine, Dave Pierro...

Mr. Pierro stated we have a C.O. issued the end of last week or the beginning of this week I forget...

Board Member McNulty stated one C.O. for the whole building.

Mr. Pierro stated excuse me.

Board Member McNulty stated is it one C.O. for the whole or separate...

Mr. Pierro stated no, its separate C.O.'s...

Board Member McNulty stated so you have the apartment...

Mr. Pierro stated the apartment has to go, to a do site walk and go before the ZBA on the 24th, site walk is on the 22nd.

Board Member McNulty stated so the restaurant has the C.O.

Mr. Pierro stated the restaurant has a C.O., it still doesn't have an operating because they have to complete fire exit lights and central station, other stuff. You have a copy of that, so you have it...

Board Member Montesano stated you have it.

Mr. Pierro stated yeah, I have it...

Board Member Montesano stated all right.

Mr. Pierro stated the reason I came in tonight is because most of you know that the property in question is deficient as far as parking spaces are concerned on the southerly lot and most of us who have been around for awhile have read or seen letters from Patterson Center LLC maintaining that this easement does not provide access to that south lot, this is preliminary, my client believes that that is not the case, it will probably go to litigation but the reason I come to you guys tonight is we are looking into contracting an engineer to provide a cite plan or at a least a conceptual review to construct a parking area in this south lot and that would eliminate a lot of problems. We know for fact that we have access from here, from Thunder Ridge Road and we also know that there was past access from Old Route 22, I believe that when Mallory Stephens created this easement to provide for the restaurant and the ski area, which at that time he owned, he did not prohibit access to the south lot. There is, there was in fact and I want Mr. Taylor to have one of these, this is an overhead photograph of Thunder Ridge property, prior to it being a restaurant, prior to the original easement road being prepared, this building in the upper right hand corner is the ski lodge as we know it now, these other buildings are gone but if you look in the lower portion, in the center of the photograph, you'll see a driveway off Route 22, going into the south lot.

Chairman Rogan stated driveway off [Route] 22 going to the south lot.

Mr. Pierro stated that is the south lot, that is 50, that is 75 feet south of the existing...

Board Member McNulty stated that is the restaurant here.

Mr. Pierro stated this is the restaurant.

Chairman Rogan stated oh it is, wow, okay, got it.

Mr. Pierro stated this is the access driveway that was there 50 years ago, long before Mr. Williams and I...

Chairman Rogan stated this building is no long there.

Mr. Pierro stated right, that house is gone, in fact this house, this house here belonged to a Mr. Stephens' I believe it was Henry Stephens and then subsequently to a Williams family so I just wanted you guys to...

Chairman Rogan stated it should be framed.

Mr. Pierro stated it was framed Shawn...

Chairman Rogan stated that's awesome.

Board Member McNulty stated is this Birch Hill Road.

Chairman Rogan stated no it's here, no longer there, probably an old access road.

Mr. Pierro stated it was framed and you know how I found that, I'd like to dazzle you and tell you that my great investigative experience...

Chairman Rogan stated it was hanging in Town Hall...

Mr. Pierro stated no, I get a call from Willis Stephens Sr., who tells me Dave I know you have the Alpine listing, when they opened up I gave them a picture, framed picture of the Alpine site when I was a young boy and its got a picture of me standing next to my horse and I'm looking upside and that's him right there and I would like to get the pictures, so I scoured the restaurant and I found it and I took it and I made copies and gave it to everybody because its interesting.

Chairman Rogan stated wow that's pretty cool Dave.

Mr. Pierro stated it is pretty cool, Rich thought it was pretty cool too.

Board Member McNulty stated all right, where are we going with this.

Mr. Pierro stated I don't know if we are ever going to get access without negotiating with Patterson Center LLC, as I spoke to Rich today on the phone I think it's the wisest choice for the ski area or the property owners...

Board Member McNulty stated wouldn't the deed outline any access for anything that's happened.

Mr. Pierro stated we have all of the deeds, in fact they are in your files here because I made copies of them and I will e-mail them to you, I made copies of them, I did a title search, I have them...

Board Member McNulty stated did the deeds say anything about access.

Mr. Pierro stated it doesn't prohibit, the only people that prohibit access from the right of way to the south lot are the Ryder's...

Board Member McNulty stated the owners...

Mr. Pierro stated because they are devaluing this land, now they have a ski area with not enough parking, but you know we have a restaurant with not enough parking so somewhere in between there, there is a balance. My mindset is to approach them to either buy the whole property or allow us to park on Rentoulis land along this right of way here and then we will then give them access without site plan approval, mind you, to park in the field during the ski season. In other words, if they won't deal with us we are going to file site, we're going to file for a site plan for here, now we're going to be limited because we understand there are going to be stormwater issues that are taken into consideration, we may need a future septic for the restaurant, so we don't want to use up this area, so there are a lot things there to consider, I wanted to bring this before you gentlemen and let you ponder it, think about it and if my client gives me the okay, we are going to file the, do the surveys and do a conceptual review, something to about.

Chairman Rogan stated you guys have certainly been busy out there...

Mr. Pierro stated we have, we have a C.O. and Rich was really helpful and...

Chairman Rogan stated good, good...

Mr. Pierro stated it wasn't without a fight but we got it done...

Board Member McNulty stated are we holding on to these or do you...

Mr. Pierro stated if you want them, you can have them if not, they'll be in your e-mail box when you get home tonight...

Board Member McNulty stated I'll show it to my sons, they ski...

Chairman Rogan stated that's awesome.

Mr. Pierro stated yeah, something to think about, so that is where we're going...

Chairman Rogan stated thank you.

Mr. Pierro stated and thank you all for your help, we will have an approval hopefully for the residence and a sign under the stanchions, with the stanchions that are there so hopefully, we'll let you know how that goes.

Chairman Rogan stated excellent, thanks Dave.

Ted Kozlowski stated okay.

Mr. Pierro stated thank you, thanks for letting me jump ahead of you, my wife is going to be happy.

Chairman Rogan stated Mr. Monteleone, I have a feeling we are going to need the whole table for the, for this...

Board Member McNulty stated I didn't bring...

Chairman Rogan stated you said something about...

Rich Williams stated are you doing Pete or Anthony...

Chairman Rogan stated are you sure, okay...

Mr. Boniello stated (inaudible).

8) ANTHONY BONIELLO – Concept Review

Mr. & Mrs. Boniello were present.

Chairman Rogan stated Mr. Boniello, let's see what you got.

Mr. Boniello stated I thought you guys had everything.

Chairman Rogan stated well we do but we figured you have something in your hand and so you know.

Mr. Boniello stated well it's a small little thing, it's a...

Chairman Rogan stated there's nothing wrong with that, everybody is pretty familiar with the...

Mr. Boniello stated I'm looking through the lot line adjustment, like we, you have it Rich, right the...

Rich Williams stated the lot line adjustment...

Chairman Rogan stated give us some bearings here first, where are we.

Mr. Boniello stated this is the northern, my house right here, this is [Route] 22.

Chairman Rogan stated all right, where is your commercial yard.

Mr. Boniello stated I hope, it's over here.

Chairman Rogan stated got it.

Ted Kozlowski stated this is the wetland separates it...

Chairman Rogan stated this is your existing home.

Mr. Boniello stated this is my existing home.

Chairman Rogan stated understood.

Mr. Boniello stated so I want to do a lot line, I hope my engineer sent you everything, he probably didn't, because he's paid in full and I'm going to be upset, he didn't send you it.

Rich Williams stated I haven't seen a thing, no.

Chairman Rogan stated who are you, oh I see...

Rich Williams stated I told you I'd call you when I got it.

Chairman Rogan stated all right but we're here trying to have a conversation...

Mr. Boniello stated I already paid for, Bergendorff, she did the lot line adjustment, well I want to cut this off, this is part of Empire Tool right here the whole thing...

Chairman Rogan stated got it.

Mr. Boniello stated so I just want to cut it off here and try to get it way back to the back of the property.

Chairman Rogan stated not this is the property that a couple of years ago we walked in from the other, what was that Leonidas at the time, the subdivision...

Rich Williams stated we walked in the back side, a couple years before that we walked in from this side and went back.

Chairman Rogan stated okay and I remember there being an area up there and at that time you were looking for two houses up there, you and your brother...

Mr. Boniello stated yeah.

Chairman Rogan stated and it was, we all said this is really usable property, how do we get to it.

Mr. Boniello stated well now I'm looking for three.

Chairman Rogan stated three off of here.

Mr. Boniello stated no, I'm looking for one.

Chairman Rogan stated yeah.

Mr. Boniello stated right off here, yes.

Board Member Cook stated what do you want a driveway...

Mr. Boniello stated a driveway going through, after the lot line is done...

Board Member Cook stated so this piece.

Mr. Boniello stated and just come right through here and way up there.

Board Member McNulty stated now is this property part of this lot or are you going to create an easement through this property.

Mr. Boniello stated I, yes, I want this lot to be all one so its probably going to be about thirteen acres to the back.

Board Member Cook stated so where do you want to put the houses.

Chairman Rogan stated off this plan.

Board Member Montesano stated up there.

Ted Kozlowski stated Anthony, time out, this is...

Mr. Boniello stated that's my house now...

Ted Kozlowski stated your house here, so you want this house part of the other, up here too.

Mr. Boniello stated well how would you break it up from my commercial property, how would we break that up.

Ted Kozlowski stated I don't, Rich I don't understand the zoning here but my thought was you'd have a driveway through here to a separate parcel...

Chairman Rogan stated through a separate parcel, like a 280-A or something.

Mr. Boniello stated yes.

Ted Kozlowski stated separated from the commercial zone, nothing to do with the commercial thing...

Board Member Cook stated correct.

Ted Kozlowski stated and nothing to do with this parcel.

Chairman Rogan stated its own stand alone parcel.

Ted Kozlowski stated this would be its own parcel.

Mr. Boniello stated yes.

Ted Kozlowski stated one big lot where you could build your house.

Rich Williams stated so that is a lot line adjustment with a subdivision.

Mr. Monteleone stated a flag lot, a flag lot.

Rich Williams stated no, it would be a lot with no frontage.

Board Member McNulty stated it's a landlocked piece.

Chairman Rogan stated it would be a lot without frontage.

Rich Williams stated it wouldn't be landlocked because you're providing access as part of the process creating the lot line adjustment and the subdivision, so it's not really landlocked...

Board Member McNulty stated it becomes a subdivision, two parcels, two houses within a property is that what were...

Chairman Rogan stated well right now you have two properties you're going to turn it into three.

Rich Williams stated no you have a separate property but you'd have a piece of property with no frontage and there is a mechanism that he can follow to go to the Town Board to get it approved based on there being a recommendation from the Planning Board and easement created to get back there.

Ted Kozlowski stated because my understanding when I was out there with you was that you wanted to build a new house here...

Mr. Boniello stated yeah.

Ted Kozlowski stated and then sell this house because if you're going to do that, you're going to need two separate lots.

Mr. Boniello stated yeah.

Chairman Rogan stated yeah, which makes the most sense to have each on their own lot.

Board Member Montesano stated well the most that you're doing this now, you might as well make, if you can get the approval to put just the driveway in, separate that, separate that and put the driveway in...

Mr. Boniello stated that's what I'm going to do.

Chairman Rogan stated exactly, this way you're separating the uses.

Ted Kozlowski stated he's going to have to cross the wetland here but there is an existing travelled way through the wetland and I really want the Board and Rich and everybody to go out and take a look at this, I think there is a way of doing it without too much grief, it is the narrowest point, so...

Rich Williams stated there is another way to skin the cat as well, if you're only looking to build a second house and rent the first one, you can do a lot line adjustment, its in the C-1 zoning district, the commercial property, so you have to keep two acres with that, break that off on it's own two acre parcel...

Mr. Boniello stated what, what, I understand that Rich but what if something happens to me and my wife has to do something, you know...

Rich Williams stated let me finish up.

Mr. Boniello stated okay.

Rich Williams stated you do a lot line adjustment here, you do a lot line adjustment back here, you build a second house back here with a special use permit as long as its bigger than this one and there are some size issues that we have to talk about at some point. Then you've got, you know you've got two houses on one property, a lot line adjustment is an easier process to go through rather than doing a subdivision.

Mr. Boniello stated that's what I thought was going to happen, if I could subdivide, I would be much better off if I could subdivide it.

Rich Williams stated well you can subdivide it.

Chairman Rogan stated I was going say...

Rich Williams stated it's just a longer process.

Chairman Rogan stated so to follow up, to follow through with what Rich was saying, if you had two houses on one lot...

Mr. Boniello stated (inaudible) and then later on subdivide it or...

Rich Williams stated yes but I want to be frank with you, you know nothing ever gets easier.

Mr. Boniello stated no.

Rich Williams stated all right.

Chairman Rogan stated I would go through with the, let's at least put this out on the table because we started this process with you a couple of years ago and we tried, in my opinion, a lot logical ways to get access from to that property from the other subdivision, we were close originally, now it's under new ownership and it's off the table that's not your fault and that's not our fault.

Mr. Boniello stated yup.

Chairman Rogan stated you were trying to go through the commercial yard which I'll be honest, I was one of the biggest people against that because I didn't think it would appropriate to go through a commercial yard...

Mr. Boniello stated nope.

Chairman Rogan stated for a future owner, not necessarily you.

Mr. Boniello stated no question, no question.

Chairman Rogan stated if we can figure out a way to get access to this lot, get a subdivided lot up there, the property itself is very easily buildable, its just the slope going to it, crossing the wetland and the access issues, if we can layout the procedures so that it's clear to everybody so that even though it's a longer procedure we are working so that you're, whoever you choose to do the work, we're all on the same page so we are not wasting, we're not spinning our wheels because that is the frustrating part when you think people are doing work for you and their not and...

Ted Kozlowski stated see I went out there a couple of times, once with Anthony and once on my own and I really think this is probably his best route, it's the least disruptive and it separates...

Mr. Boniello stated I'll post (inaudible)...

Ted Kozlowski stated it separates the commercial from this lot and then yes we have to cross a wetland but the mitigation would be over here.

Chairman Rogan stated this is already disturbed area...

Ted Kozlowski stated this is all lawn, so we could you know, we could do some mitigation on this existing wetland, I really, Anthony, the best thing for everybody is, you have residential here, residential here and you have commercial here and your yard isn't the prettiest thing to look at...

Mr. Boniello stated oh I know, I got all the trees of there.

Ted Kozlowski stated the thing to do here would be to vegetate this and make this a nice wetland buffer between these properties and this, get you in, get your house up on top...

Mr. Boniello stated what are you trying to say, I'm a mess over there.

Ted Kozlowski stated no, I'm just saying if I was your neighbor, I wouldn't want to look at your yard so I am just saying let's fix this as a mitigation to the wetland crossing, you get your property up there, you get your house, you subdivide this or you do whatever you and Rich want to work out and then...

Mr. Boniello stated going further what is the best way to do it, is subdividing it...

Chairman Rogan stated yeah because then once it's done, you're done, you have (inaudible)...

Ted Kozlowski stated once you're done, you're done.

Board Member McNulty stated question, this is all commercially zoned currently or it's...

Mr. Boniello stated yes.

Board Member McNulty stated but its pre-existing so the residence...

Mr. Boniello stated this has always been a residence, listen I've been paying taxes on commercial, so it commercial...

Board Member McNulty stated the house with the lot is commercial.

Rich Williams stated yes, it is probably all commercial out there.

Mr. Boniello stated the whole thing.

Board Member McNulty stated but it can remain residential because it is now, correct.

Rich Williams stated right now it is a pre-existing, non-conforming lot...

Board Member McNulty stated and the lot behind it...

Rich Williams stated there is going to have to be a zoning change in there somewhere.

Mr. Boniello stated my question to you I guess is how close can we get to this pond without...

Ted Kozlowski stated no you don't want to go into the pond, Anthony you have enough room, Rich, twelve feet is the driveway, how wide is the driveway.

Rich Williams stated well normally its ten feet...

Ted Kozlowski stated okay.

Rich Williams stated but if you're going past 1,000 feet or 1,500 feet there are certain other requirements, you need a slightly wider driveway, you need pull offs things like that.

Ted Kozlowski stated Anthony you got it, because I saw it and the Board has to go take a look at it...

Mr. Boniello stated is it one driveway or is going to be two split off...

Chairman Rogan stated no, you're going to keep your existing driveway and put one in.

Ted Kozlowski stated this house gets it own driveway, your driveway is here to your own house...

Chairman Rogan stated you're on the property line for the most part.

Ted Kozlowski stated so nobody is sharing your driveway.

Chairman Rogan stated you don't want to deal with somebody other...

Mr. Boniello stated no...

Chairman Rogan stated you're going to need a plow truck though...

Board Member Montesano stated and this way its done.

Mr. Boniello stated plow truck...

Chairman Rogan stated or a four wheeler or...

Board Member McNulty stated he knows a guy with a snow blower...

Mr. Boniello stated and a plow truck maybe.

Chairman Rogan stated all right so for the purposes of a concept meeting, which is why we're here, the idea of what we're looking to do going forward with the subdivision makes sense for what we are trying to achieve, give the property that is up there and everything, we should probably...

Board Member Montesano stated (inaudible) in front of the ZBA.

Rich Williams stated no, Town Board, well it depends, it depends, if he's keeping it one lot just as a lot line adjustment, then we're talking about getting special use permit for an accessory dwelling on the property, if he's doing a subdivision, that goes before the Town Board.

Chairman Rogan stated yeah and that's what for open space development, like a 280-A or something, okay, that sounds like the way I would probably go.

Ted Kozlowski stated Rich is the fact that it goes from commercial to residential on the same piece of property is that going to be an issue.

Rich Williams stated it's pre-existing, non-conforming again in order...

Ted Kozlowski stated so it's not an issue...

Rich Williams stated in order to build a house in the back there is going to be zoning change some place because right now its zoned commercial and to build a residential home you're going to have to turn that back to residential.

Mr. Boniello stated well I think its back enough where hopefully somebody is going to build next to me and build nice homes and it's going to be consistent...

Chairman Rogan stated consistent with the neighborhood and the other thing is you wouldn't probably want a commercial use way up there, having to go in that distance, up that grade, you know...

Mr. Boniello stated it ways up high, yeah, it's way up high.

Chairman Rogan stated its pretty steep that one, when we can down off that hill with a four wheeler, I remember...

Mr. Boniello stated yeah I cut it down...

Chairman Rogan stated it's...

Ted Kozlowski stated yeah I don't know about the slope going up the hill but (inaudible) that's another thing to deal with it.

Chairman Rogan stated yeah, but that's not even, that is the least of our issues right now.

Board Member Cook stated you need to file an application.

Mr. Boniello stated okay.

Board Member Cook stated submit plans...

Chairman Rogan stated so we're doing a subdivision application...

Board Member Cook stated and then we can go and take a look and start the process.

Ted Kozlowski stated and Anthony, do yourself a favor, with regards to the wetland be sure you have somebody that knows what their doing with wetlands...

Mr. Boniello stated yeah.

Ted Kozlowski stated so you're not frustrated, you're not going back and forth, all right, just make sure you get the right people on your team...

Mr. Boniello stated so you're telling me get a new engineer...

Chairman Rogan stated no, don't say that.

Ted Kozlowski stated I'm not tell you anything other than make sure that the people that are helping you with this, have experience with this, know what their doing, so that the process is cheaper and shorter for you.

Mr. Boniello stated okay.

Chairman Rogan stated let's throw it out here this way, Rich, given what we just spoke about as a subdivision with the right people working on it, doing the right work, what would a reasonable turn around time because on something like this, start to completion.

Rich Williams stated well let's take the zoning change out of it, just the subdivision we can turn around, it's a minor subdivision, 280-A, three, three and a half months...

Chairman Rogan stated so if you get somebody reasonable and it takes you more than six month...

Rich Williams stated in an ideal world.

Chairman Rogan stated something is wrong, right...

Mr. Boniello stated okay.

Chairman Rogan stated so working through the process as we go and that means from the time the clock starts ticking which is filing a complete application and I say the clock ticking in terms of being reasonable. If we are not making steady progress and I think you have to be in on every meeting, seeing what's going on, that is the only way to do it and if we don't bang this out in four or five months, something is wrong.

Mr. Boniello stated that's including the lot line change from...

Chairman Rogan stated it would be a subdivision.

Mr. Boniello stated okay.

Rich Williams stated let me be clear, that's our process, that's not the Health Department and...

Mr. Boniello stated okay.

Chairman Rogan stated right.

Rich Williams stated if the City triggers that's not the City it's just us...

Chairman Rogan stated us, we don't have control over other agencies but that is I think a good conversation to have for this type of meeting to say hey what would be reasonable, what can we expect. If we had said oh its going to take four years, you know and it may take four years if we hire the wrong people...

Mr. Boniello stated well it took me a long time for my other stuff too, you sure you didn't get nothing because I am going to call him tomorrow morning, I'll call him right now.

Rich Williams stated Anthony, I'll let you go in my office and go through it, really why would I not tell you I got something.

Mr. Boniello stated I'm going to go right to his office tomorrow morning, I apologize for that.

Ted Kozlowski stated Anthony I think though what you got here tonight is what you need to work on...

Chairman Rogan stated no, I think what we have is fine.

Ted Kozlowski stated so whether you got stuff from him or not, you know what to do now.

Mr. Boniello stated okay.

Ted Kozlowski stated all right.

Mr. Boniello stated thank you.

Chairman Rogan stated ask plenty of question, that's what we're here for, all right.

Mr. Boniello stated take care, I didn't even say hello to you.

Board Member Montesano stated now I have to check for my wallet.

Chairman Rogan stated have a nice evening Michele.

Mrs. Boniello stated thank you very much.

Mr. Boniello stated thank you we can get back to my kids a little earlier.

Chairman Rogan stated all right, Mr. Monteleone thank you for letting them go ahead of you.

Ted Kozlowski stated good night guys.

7) PETER MONTELEONE – Concept Review

Mr. & Mrs. Peter Monteleone were present.

Board Member Taylor stated okay.

Chairman Rogan stated now you have the room to yourself.

Mr. Monteleone stated see what I mean (inaudible)...

Chairman Rogan stated see that.

Mr. Monteleone stated we have the whole table come right up to it.

Chairman Rogan stated we're going to clear everything right off for you, if you need it.

Board Member Montesano stated that includes you.

Mr. Monteleone stated yeah M&S...

Chairman Rogan stated sorry, his home number, would you look up his home phone number online.

Board Member McNulty stated what is this Rich.

Board Member Montesano stated it's a rolled up paper.

Rich Williams stated this is what the Board asked me to do...

Chairman Rogan stated what we've been talking about.

Rich Williams stated this is Patterson Interstate Business Park...

Board Member McNulty stated this is a conglomerate look.

Rich Williams stated yup.

Chairman Rogan stated perfect.

Rich Williams stated all right, I over laid...

Chairman Rogan stated this looks great.

Rich Williams stated I over laid and pasted the existing development on it...

Board Member McNulty stated your street.

Rich Williams stated and pasted the wetlands on it.

Chairman Rogan stated all right, so this is the bus garage...

Board Member McNulty stated the playground...

Chairman Rogan stated this is great to look at this like this.

Board Member McNulty stated that's Eurostyle.

Rich Williams stated that's Eurostyle.

Board Member McNulty stated this is where M&S wants to go.

Rich Williams stated yes, the landfill is back here.

Board Member McNulty stated which lots are yours.

Mrs. Monteleone stated this one, this one...

Chairman Rogan stated and this is the one that is questionable.

Mr. Monteleone stated this is the one that we have a contract on but we don't want to adopt anything, we have already adopted enough shit.

Board Member Cook stated who is this guy here...

Rich Williams stated Lea Rome.

Ted Kozlowski stated Lea Rome...

Board Member McNulty stated that's where they put the fence, right...

Rich Williams stated I have it three times over.

Chairman Rogan stated so part of what the reason and we've all talked about this over the last year is looking at this property, at what's left and looking at it in it's totality to see if we can figure out a way to make the best use of all the lots and do a little bit improvements to the onsite wetlands, realizing that some are more valuable than others, there might be some that we can make a little more intrusion into, last month we were talking about this lot if I remember correctly, this is the one that has the, all the storage on it right now, correct...

Rich Williams stated yes.

Chairman Rogan stated and one of the conversations we had last work session, I believe was the idea of possibly an entrance road and I think we were talking about here and here to access these two lots together and have a little bit of a sharing because right now if you access this lot, there is such little space with that steep slope the way it is here, even if you blasted that back all the way it is still very limited, it probably makes more sense to look at a little bit of improvement, a lot of the flow here if I remember correctly, we're looking here from this point anyway that is kind of heading this way, well here it's a hump right...

Mr. Monteleone stated from here it goes underneath the landfill.

Board Member McNulty stated there is a high spot right here.

Chairman Rogan stated right there, that's the, okay and what is the lot, that must be here, that we walked years ago that was nothing but yet, didn't we walk this before Mr. Monteleone owned this.

Rich Williams stated that's wet down there, yeah.

Mr. Monteleone stated the back is all wet.

Chairman Rogan stated this backs up to Eastern Jungle Gym.

Mr. Monteleone stated yeah but this is a separate lot, this is a lot that I don't know who owns but its...

Chairman Rogan stated okay, yeah.

Mr. Monteleone stated I don't think anything is ever going to be built...

Chairman Rogan stated so...

Mr. Monteleone stated this lot here we happen to have a guy this week that was looking to, one of the local guys that wanted to put up a 15,000 square foot building, commercial, computer processing, it will bring in about forty jobs.

Board Member McNulty stated this lot.

Chairman Rogan stated up here.

Mr. Monteleone stated no, no, this one, this is Jungle, this one nothing can ever be done, this is wet...

Chairman Rogan stated oh, oh, I was flip flopping them in my brain.

Mr. Monteleone stated right, this is the one that only has a little bit of wet area here and wetland in the back, the rest of it is all...

Chairman Rogan stated so what we have to kind of look at is can we create some usable area here by improving, do something maybe to even improve the water quality on some of the areas that you know aren't as usable.

Mr. Monteleone stated but this one at all and it's a wetland...

Chairman Rogan stated yeah.

Mr. Monteleone stated I mean somebody from California bought it at an auction or something and they just own it, they think that...

Chairman Rogan stated they are still paying taxes on it...

Mr. Monteleone stated (inaudible).

Chairman Rogan stated I don't know.

Mr. Monteleone stated but its nothing that I...

Board Member Cook stated this is yours, no.

Chairman Rogan stated no, that's what he's saying California. So we have an existing application here, this is M&S, forget about that, that doesn't have any issues on it...

Mr. Monteleone stated it has no wetlands.

Chairman Rogan stated so we have two here that we've been talking about...

Mr. Monteleone stated this one here and this one here which I would like to subdivide, this, to see if we can build something on here...

Chairman Rogan stated this is the one where you've been doing the hammering on Saturday morning's right...

Mr. Monteleone stated Saturday and all week long but now we stopped.

Chairman Rogan stated I can hear it from my house, I'm just teasing...

Board Member Montesano stated he keeps going with that little megaphone.

Mr. Monteleone stated making stonewall rock...

Board Member McNulty stated you've got an entrance here it looks like.

Mr. Monteleone stated yes, it's in there.

Board Member Cook stated this is the whole property here, right, am I doing this right.

The Secretary stated Shawn, he's unlisted.

Board Member Cook stated this here.

Mr. Monteleone stated this, this is all totally wet...

Rich Williams stated that is a DEC regulated wetland in the back.

Board Member McNulty stated who owns it.

Rich Williams stated a good portion of it is owned by the people that own this lot, this actually goes right down and around.

Board Member McNulty stated oh this circles back.

Rich Williams stated yup.

Chairman Rogan stated so it seems like a logical way to approach this would be forget about what anybody wants to do, how can we get the best usable space out of what you have...

Mr. Monteleone stated right.

Chairman Rogan stated and you know if we have to intrude on some wetlands in some areas and let's do it in a way that compensates, that is a compromise between the two because everyone in this room agrees that this is a great spot for commercial development, the land isn't that great but the location and the way its been set up, its designed for that. In hindsight maybe this wouldn't have been the best place with all the wetlands issues but its already done. How do we proceed, what would be the smartest way for us to look at this balance Rich, how to assess this, now we have our wetlands delineated...

Rich Williams stated well now you have, we have wetland reports; I can give you a little bit more detail on the specifics of the wetlands you know any time you want, if you are going to talk about eliminating wetlands you have to make a determination as part of the process that you know, there is a reason you're eliminating them, you don't need to replace them, you don't need to recreate them or you have to acknowledge that there are important functions associated with those wetlands and they need to be

recreated in some other area that is appropriate for them to be recreated in, for example Army Corp of Engineers has a standard policy that if you are going to eliminate wetlands within the same drainage area, you are going to look at creating a two for one wetland mitigation.

Board Member McNulty stated what would happen if this would be combined and then this one subdivided, would this lot be better combined.

Mr. Monteleone stated (inaudible) seven acre lot with, I don't know...

Board Member McNulty stated how did would this be if you...

Mr. Monteleone stated four acres.

Rich Williams stated let's talk about you know, some of the here, this is a regulated wetland here, there is clear surface flow between this wetland, this wetland, and this wetland, so in essence its all created and therefore all going to be regulated, that being said, to get back here, you're going to have to cross through a wetland area so you're going to be losing wetlands here or you can combine the lots somehow or do it by easement so you have a driveway coming and you've got access through an already disturbed area which has bisected the wetlands down towards the end and you know getting access between the two lots, you can do that.

Mr. Monteleone stated this lot here, you can come in this way, if you wanted to.

Rich Williams stated yeah, well, same way, you can come all the way around the wetlands if you wanted to.

Chairman Rogan stated weren't we talking a little bit about maybe using this area, this low lying area as a stormwater area for this development, the development of this area.

Mr. Monteleone stated you can't get the water from here to come over here.

Rich Williams stated yeah and everything slopes this way.

Chairman Rogan stated okay, that's great, so from this point right here, it's...

Rich Williams stated but you could use this for say development on this lot.

Mr. Monteleone stated development on that one.

Chairman Rogan stated yeah.

Board Member Cook stated if you eliminated this wetland, this wetland, this little piece here, here...

Chairman Rogan stated now you're getting back into the...

Board Member Cook stated but if you take those three and you put them over here, it's uphill...

Chairman Rogan stated no, this is a steep slope.

Mr. Monteleone stated it's really steep, from here to here you have a 20 foot difference.

Chairman Rogan stated yeah, this is very high up in here.

Board Member McNulty stated but with all this being wet, can you look at the process and see if you know, you could eliminate that that would absorb it, I don't know that all works.

Mr. Monteleone stated (inaudible) this and put it over here on the and build on this half...

Board Member McNulty stated I don't know the slope of it...

Chairman Rogan stated and it's not simply a matter of just saying we're going to create some more wetlands, I think the way to do it is to look at the functional component of what you're affecting and to improve the functionality of what you have, that doesn't mean, in my opinion, you're saying using the Army Corps as one guideline, as the two formal, we don't necessarily have to do that...

Rich Williams stated no you don't.

Ted Kozlowski stated no...

Chairman Rogan stated what we should be looking at is we're taking an area that we are all agreeing is relatively low quality for functionality of a wetland and that goes in terms of all the different functional analysis that we look at and then we take an area that's moderately functioning and we can enhance it and make it that much better, that could be that that kind of a, you know, a compromise...

Board Member McNulty stated mitigation for...

Chairman Rogan stated Rich you've been looking at this more than anyone, do you have any ideas on how you might want to proceed with this.

Rich Williams stated the easiest thing if you are going to have to recreate wetlands is hydrology always flows down hill, so you want to look at the low points of wherever you want to go, you know the low point is the area adjacent to the stream and then working backing up, so you've got a couple of areas to look at, now let me talk about the White Birch wetlands first...

Chairman Rogan stated okay.

Rich Williams stated you know I took a look at the wetlands, I calculated out the size requirements, essentially under our Code my opinion we regulate the pond, we regulate the stream that's there but the adjacent wetlands are not necessarily regulated because it falls under the half acre size requirements, so those are not really regulated wetlands in those areas. So we've got some flexibility with playing in those areas if we wanted to, now when I say they are not regulated, they are not regulated by the Town of Patterson, I want to be clear on that because the Army Corps pretty much regulates everything, DEC regulates twelve and a half and larger and then the DEP jumps in there if the DEC is involved. Black Birch site is going to be, that site is going to be a little bit more challenging because the green line is the general line of the DEC regulated wetland buffer, now they haven't been out there to map this thing in a long time and the person that mapped it several, eight years ago I think was Joe Steely and Joe Steely wasn't the best, he saw a stonewall between the uplands of the wetlands and he put it along the stonewall, that was about

what he did. The little wetlands, the first three little wetlands, not that, first one, hit the first one Charlie, that is isolated from everything else...

Mr. Monteleone stated that was manmade by (inaudible) when they built the road.

Rich Williams stated possibly.

Mr. Monteleone stated they used the top soil to back the curbs.

Rich Williams stated and it's a little bit challenging on the wetlands on that site because it is a very disturbed site, the whole site has been disturbed.

Chairman Rogan stated we walked that, that's got the swales all over the place, yeah.

Mr. Monteleone stated yeah they used the soil to back the curb and they left it on that because at the time there were all sorts of things going, you know, twenty-five, thirty years ago, they needed fill, they just dug a hole, that's like this guy here from the island, on the original map, this wasn't a wetland here but the guy went in the center and dug it all our and then was going to fill it in with stone, that was the end of it now we have...

Rich Williams stated the rest of the wetlands in that line though, I've been out there are clear indicators of surface runoff connections between all the wetlands, meaning that there is a possibility if DEC goes on the site, they are going to flag the wetlands all the way up through there, in addition you should all be aware that a couple of court decisions limited the Army Corp's regulatory authority to navigable water ways, tributaries of navigable waterways but not isolated wetlands, the EPA is currently weeks away from adopting new guidance documents which would re-regulated all those area, they are not only claiming surface water connections but if there is underground hydrologic connections that the wetlands would be regulated by the EPA and the Army Corps, you know that is going to make that lot a little bit more challenging with other regulatory agencies to deal with, it is certainly not good news to anybody.

Chairman Rogan stated so...

Mr. Monteleone stated might as well stop paying taxes on it and let the Town take it over, plant trees, I mean they get the deer.

Chairman Rogan stated right.

Rich Williams stated so you know as far as functionality, the functionality of most of the wetlands on the site are limited to stormwater, I did do, some place, you know, a break down for everybody of you know what the functions were, the sizes, just so you had an idea and really there's not a lot of high quality wetlands on the site...

Chairman Rogan stated okay.

Board Member McNulty stated okay, so this Black Birch...

Rich Williams stated Black Birch...

Board Member McNulty stated White Birch.

Rich Williams stated White Birch...

Chairman Rogan stated Liotta.

Mr. Monteleone stated Liotta is this one...

Rich Williams stated Liotta is the little one and Stone Hill is the big one.

Chairman Rogan stated oh yes.

Mr. Monteleone stated and Stone Hill is that one and Patterson Outdoor Storage, here...

Chairman Rogan stated which doesn't have wetland issues, so, the only one on the whole place, just teasing you. Looking at this you can almost see how, see the way they designed the road, look at the line here how it goes.

Board Member McNulty stated I'm very impressed how you got those pictures to match...

Chairman Rogan stated you did it awesome.

Board Member McNulty stated that had to take awhile.

Rich Williams stated not really, this was a Saturday afternoon project...

(Inaudible – too many speaking at once).

Rich Williams stated yes.

Ted Kozlowski stated a Saturday afternoon project.

Rich Williams stated yeah this right here is all a wetland area but again it's...

Chairman Rogan stated well yeah, I was just looking at the lines here that is clearly...

Board Member McNulty stated which one here is the Stone Hill site.

Chairman stated here...

Board Member McNulty stated oh okay...

Mr. Monteleone stated here...

Board Member McNulty stated and where is Liotta.

Chairman Rogan stated here.

Board Member McNulty stated (inaudible).

Chairman Rogan stated there is the storage yard. I mean it sounds like what we're really looking at is how do we get the best use out of here, this area and this are because it sounds like this might be out of our hands.

Rich Williams stated well I think the first thing Pete should do with that site is get the DEC out there to do a flagging because...

Chairman Rogan stated good luck, we can't even get them out on...

Mr. Monteleone stated I already got the one guy to go out there to flag there, what's his, the guy that flagged it already, I spent a thousand dollars...

Rich Williams stated well I understand that but he flagged based on wetlands based on the site, he didn't flag it out to determine, to identify where the DEC wetland boundaries are and that's not going to cost you anything for them to go out there but that is going to determine exactly what you can do, if they stay off of that site, then we've got a lot more flexibility on what we can do out there, if they go on to that site, then you're going to have some headaches but its really going to drive the bus right now what the DEC does with that wetland boundary in that area.

Board Member McNulty stated has the DEC ever flagged that.

Rich Williams stated yes, again, they flagged it many years ago, Joe...

Board Member McNulty stated we can't work off those records.

Rich Williams stated no because it's been so long that they are going to require you to do a new delineation on the wetlands.

Mr. Monteleone stated does things change from one town to another, I mean nothing happened over there...

Board Member McNulty stated do it right now, it's the driest time of the year.

Rich Williams stated wetlands don't typically, my opinion, wetlands don't typically change in short periods of time, it takes a long time of soils being inundated, hydrology changing, changes in vegetative cover, that being said people that flag wetlands do it differently, we had recently a gentleman from the DEC come down and the flag the wetlands over here at Benfield's...

Board Member Montesano stated and DEC is taking their sweet time.

Rich Williams stated and flag the wetlands because there phragmites right up into the blacktop area, so and we had one of the most conservative guys flag the wetlands out there that didn't flag that.

Board Member Cook stated so if somebody from DEC comes in, they flag these and over here.

Rich Williams stated no, they won't touch those because they are under their size requirements.

Chairman Rogan stated they are just here because of the connectivity from this.

Rich Williams stated LC-50 is a DEC regulated wetlands...

Mr. Monteleone stated would the DEC wants this property by any chance.

Rich Williams stated probably not...

Mr. Monteleone stated because then its one of those things...

Board Member Montesano stated because they can if they want to.

Rich Williams stated let me back up and try to do this again, it is a DEC regulated wetland, at least in the back so regardless of what you do on the site, you're going to have to have the DEC out there to flag the wetlands in the back...

Board Member McNulty stated you're in the buffer.

Rich Williams stated yes unless you're going to stay right up on the road.

Mr. Monteleone stated the wetlands are over here right...

Chairman Rogan stated right.

Rich Williams stated right.

Mr. Monteleone stated if there's a stonewall, am I right or this one is the stonewall, this is a stonewall.

Chairman Rogan stated okay, yeah.

Rich Williams stated can't see it from here.

Mr. Monteleone stated this is a stonewall so the wetlands are in here, so what is the worst scenario they can say, okay its wet up to here but this is your property, so can you do something with this...

Chairman Rogan stated they are already saying its here, right, that's what that green line means, that's the old line...

Rich Williams stated here, let me...

Chairman Rogan stated so they are already saying that was from the old one.

Mr. Monteleone stated but does that mean that you can do nothing here because of that.

Chairman Rogan stated no what Rich is saying is that he's afraid that with the new regulations that they might not come up even a little further...

Rich Williams stated what they, here...

Board Member McNulty stated they might bring that whole green line up.

Rich Williams stated what they did a few years ago, that is their wetland layout, so clearly they are bringing their finger back up towards your site, this little finger right here comes back up from the stream...

Chairman Rogan stated here is the stream, its right here.

Mr. Monteleone stated but now this is this lot though.

Chairman Rogan stated yeah but it comes up over.

Board Member McNulty stated yeah, that is this whole green area.

Chairman Rogan stated see this curve in the road is here, so they are showing it, here is this finger, they are showing it come down like this.

Mr. Monteleone stated now how close can you work to that.

Rich Williams stated you have to stay a hundred feet away, if you're within a hundred feet, you need to get a DEC permit and it's up to them whether they are going to give you a permit.

Mr. Monteleone stated okay so what I'm saying is, then with that said...

Chairman Rogan stated so...

Mr. Monteleone stated this actually is not right here, if I take this like this, this is the lot right here, exactly right here.

Board Member McNulty stated you can't make any disturbance within a hundred feet of that.

Chairman Rogan stated so that is what this yellow line is.

Mr. Monteleone stated okay so that means within a hundred feet this and a hundred feet this way, the lot is shot, I might as well give it to you now.

Rich Williams stated but that is what I'm saying.

Mr. Monteleone stated give the Town the lot and stop paying the taxes next month.

Rich Williams stated until you know where the DEC actually is going to flag it, these are only guidelines, the DEC may put the wetland line way back here...

Chairman Rogan stated it might gain you some space.

Rich Williams stated or they may bring the wetland line way up here, until we know where that is, you don't know.

Chairman Rogan stated but either way anything you do on, because the reality is if we work off this yellow line right now...

Rich Williams stated stop, stop, stop.

The Secretary stated excuse me.

Board Member Montesano stated you have to get a hold of DEC and have them come down.

(Tape 1, Side 1 Ended – 7:47 p.m.)

Rich Williams stated I can't think of the guys name...

Ted Kozlowski stated Dogwood...

Rich Williams stated Doug Dogwood, and he'll come down and flag it and then you'll have to survey locate it on the plan but even before you survey locate it, you'll have idea about you know...

Mr. Monteleone stated because some of the (inaudible) like this right here, looks like I can do nothing...

Chairman Rogan stated which one.

Mr. Monteleone stated without going, this one right here, the Stone Hill lot.

Chairman Rogan stated no, no I wouldn't say that.

Mr. Monteleone stated if it's a hundred feet away from there, then...

Chairman Rogan stated yeah but we're talking, that is a different story, let's, this is different because of DEC, here if it's...

Rich Williams stated this is just us...

Chairman Rogan stated right, it's only us, so we might be able to...

Rich Williams stated so we can do what we want to do.

Chairman Rogan stated right.

Rich Williams stated this is just us, we can do what we want to do, if you were going to do something down here this is another DEC wetland, that is a DEC wetland down there so...

Mr. Monteleone stated what about this...

Rich Williams stated well again it is outside for the most part of a DEC wetland, except when you get over close to the stream...

Board Member McNulty stated where here...

Board Member Cook stated its across the road.

Rich Williams stated a hundred feet is a hundred feet, Anthony Boniello had to get a wetlands permit from the DEC for the wetlands on the other side of [Route] 22.

Chairman Rogan stated yeah, [Route] 22.

Mr. Monteleone stated yeah, I see, this is the line, this is a hundred feet, this is fifty and a another fifty, I still could build it here unless you guys jump in and say don't do nothing...

Chairman Rogan stated no, no, I think in this case...

Mr. Monteleone stated it looks like all these lots but between you, the DEC and Army Corps anybody can say to me, you can do nothing and...

Chairman Rogan stated I think what Rich is saying though...

Mr. Monteleone stated and I'm at the point where I am spending twenty thousand dollars a year in taxes, I'm at the point where (inaudible).

Chairman Rogan stated Pete, I think what Rich is saying though is that the DEC in this case is your most restrictive person to deal with and if we just deal with the yellow line right now which is your hundred foot buffer from the green line, this you see is not a lot of usable area, I mean look how much usable area they use in there for this little nothing building, you don't have enough room in here to do what you want to do, so the best thing is to have to know where you stand here.

Mr. Monteleone stated all right.

Chairman Rogan stated all right.

Board Member McNulty stated and maybe you'll get lucky and this green line drops back.

Chairman Rogan stated yeah.

Board Member McNulty stated that's what.

Rich Williams stated that's what I'm saying.

Chairman Rogan stated yeah.

Mr. Monteleone stated is this original green line here something to...

Rich Williams stated that is what I'm plotting off of the old maps and the DEC maps, that is my line, that's a guess.

Board Member Cook stated is this DEC regulated also.

Rich Williams stated no.

Chairman Rogan stated no.

Rich Williams stated they're not even Town regulated.

Board Member Cook stated so just here is the...

Rich Williams stated that is the big concern.

Board Member Cook stated is here.

Chairman Rogan stated right because this wetland is so big and it continues over you see, so, this is a tough lot, I remember walking that and when we walked it, I think its eight years ago, when we walked it, we said wow there is nothing you are going to be able to do with this lot, its all riddled with trenches and stuff...

Board Member McNulty stated is it real low that lot...

Chairman Rogan stated its been just, its just been tore all up...

Mr. Monteleone stated there's trenches, they dug trenches all over to dig, they quarry that lot because it was soil...

Chairman Rogan stated right.

Mr. Monteleone stated I did tests in here for the Health Department, they were good perc, up here...

Chairman Rogan stated yeah.

Board Member Montesano stated yeah but 25 years ago, they got away with that, today you're not getting away with it, that's the whole problem.

Chairman Rogan stated good, yeah, well we were talking about it recently, so you have something that would want to consider for this lot...

Mr. Monteleone stated I have the perfect tenant, a guy wants to put 16,000 square foot, two foot, two story, 8,000 and 8,000, bring in 40 jobs in this place...

Chairman Rogan stated people already for these...

Board Member McNulty stated have you laid that size building out to where it could fit in the...

Mr. Monteleone stated yeah sure, I had it laid out double the size, I had it double, you have it here, no.

Board Member McNulty stated can you...

Rich Williams stated probably.

Board Member McNulty stated can you put the building on and limit the disturbance...

Mr. Monteleone stated can we have it, Black Birch.

Rich Williams stated Black Birch.

Mr. Monteleone stated sure, so it's outside this yellow line.

The Secretary stated top drawer.

Board Member McNulty stated if you could do that...

Mr. Monteleone stated Black Birch.

Chairman Rogan stated the, I think the problem is that even well the moment that you step over that yellow line you have to go to the DEC and they might screw you all up on it, that is what I think everybody is trying to avoid.

Board Member Montesano stated the biggest problem right now is...

Chairman Rogan stated to not waste time up front...

Board Member Montesano stated to get one of them to come down, the idea is that it doesn't cost you anything but the trick is to get the guy here and the present time...

Chairman Rogan stated we haven't had much luck lately.

Mr. Monteleone stated so what happens if they don't come.

Rich Williams stated they would come, it just may take a little time...

Mr. Monteleone stated year.

Councilman Capasso stated no, I called them they came right away.

Chairman Rogan stated did they.

Councilman Capasso stated yeah, because I knew somebody.

Board Member Montesano stated its always beneficial.

Councilman Capasso stated you let me know if you need someone there, I'll get them there.

Rich Williams stated now we've seen three or four plans, is that the one you're talking about.

Mr. Monteleone stated yeah.

Rich Williams stated okay.

Chairman Rogan stated you have to orient it though here.

Board Member McNulty stated yeah, where's the road.

Chairman Rogan stated (inaudible) and lay it along side of it, so this is oriented, here is the road...

Board Member McNulty stated where are the property lines on here.

Chairman Rogan stated here, this line...

Board Member McNulty stated (inaudible).

Chairman Rogan stated see this dog leg, is this right here so this is laying in, so here, this line is coming right...

Board Member McNulty stated here is the stonewall...

Chairman Rogan stated through here. That yellow line is coming right through here...

Rich Williams stated right.

Chairman Rogan stated which means you're cutting corner off your building and all your parking.

Rich Williams stated here are the wetlands coming up in.

Mr. Monteleone stated this was a 30,000 square foot building.

Chairman Rogan stated yeah, that's what kills it, oh, oh I'm sorry...

Board Member Montesano stated thirty-three...

Board Member McNulty stated you may want to cut it in half.

Mr. Monteleone stated half, the guy would like to put a half, I have a prefect tenant that would...

Board Member Montesano stated is that going to be a two story or one.

Mr. Monteleone stated two story, yeah.

Board Member Montesano stated okay.

Mr. Monteleone stated there is thirty-three two story, the other one would be sixteen two story...

Chairman Rogan stated sixteen, so it would thirty-two total...

Mr. Monteleone stated no, no, no, it would be eight and eight.

Board Member Montesano stated eight and eight.

Chairman Rogan stated oh wow, so that is you know, only a quarter of the footprint...

Mr. Monteleone stated half of this.

Rich Williams stated a quarter of it.

Mr. Monteleone stated no, half...

Chairman Rogan stated no, thirty, or this is showing thirty-three are two floors...

Mr. Monteleone stated two story.

Chairman Rogan stated so this is a fifteen thousand, sixteen thousand footprint...

Mr. Monteleone stated the other was a half of that...

Chairman Rogan stated I got it, understood.

Mr. Monteleone stated the guy happens to be a guy that...

Board Member Montesano stated so that line...

Mr. Monteleone stated see this is warehouse...

Chairman Rogan stated I understand.

Mr. Monteleone stated the guy wants to put office, to bring in...

Mr. Monteleone stated data processing...

Mr. Monteleone stated it was data processing, 40 or 50 people...

Board Member Montesano stated that line comes in where, through here...

Board Member McNulty stated the stonewall...

Chairman Rogan stated the yellow line comes in right here.

Board Member Montesano stated yeah, that's what I'm looking for.

Board Member McNulty stated right out the side...

Chairman Rogan stated here, right here and it goes up through somewhere about here.

Board Member Montesano stated so we've got this area approximately from here, all right...

Chairman Rogan stated right there.

Board Member Montesano stated so we have to be a hundred feet off of this.

Chairman Rogan stated no, this is the hundred foot.

Board Member Montesano stated oh that's the hundred, so then we could possibly put that straight across...

Rich Williams stated you can probably get the building, you're going to start running into problems with parking...

Chairman Rogan stated its ridiculous...

Board Member McNulty stated parking and septic.

Chairman Rogan stated the killer on this right now is where this is delineated and we need, the reality is it would be great if they did something like this in here with this.

Mr. Monteleone stated I don't think that's going to happen.

Board Member McNulty stated how big is this lot.

Mr. Monteleone stated two and a half acres...

Board Member McNulty stated two and a half...

Chairman Rogan stated yeah but two and a half up to where it dog legs all back in here, so you take, so you're looking at an acre, acre and a quarter, not even, right, that's probably an acre here.

Rich Williams stated that green line is different than this, this was Joe Steely's line...

Chairman Rogan stated right, got it.

Board Member McNulty stated it looks close.

Rich Williams stated it is close but there are differences it cuts back here, it cuts back here...

Chairman Rogan stated oh I see, this, this area right here, so this finger is right here...

Rich Williams stated and then that is what Pete's current wetlands consultant flagged out.

Chairman Rogan stated so Rich correct me if I'm wrong, what you're saying is that regardless of what we want to do, if Pete shows any intrusion on this yellow line, he has to go for a DEC permit.

Mr. Monteleone stated yeah but you can get a DEC permit.

Chairman Rogan stated no, I'm just saying that...

Rich Williams stated he's got to have a DEC permit to do it, if he is doing impervious surface on the other side of the yellow line then he will also need to deal with New York City DEP.

Mr. Monteleone stated if you guys are lead agency and...

Rich Williams stated you still have to get permits from...

Chairman Rogan stated you still have to get a permit from them, it helps that we are in favor of it, you know.

Board Member Montesano stated you still gotta...

Mr. Monteleone stated the key thing that I have found, ideal client to take the lot.

Chairman Rogan stated ideal type of use.

Mr. Monteleone stated ideal type of use.

Rich Williams stated I mean its office, I mean that is an ideal use anywhere.

Board Member McNulty stated office, cut the building way down in size so it fits...

Mr. Monteleone stated (inaudible) half...

Board Member Montesano stated the trick is if we can get DEC to come down, put that line, that lets him know what he's up against.

Chairman Rogan stated well I think what Pete' is saying is hey should I deal with what I have now and go for it but it sounds like you're, rather than rolling the dice and being you know and I'm up for whatever way you want to go this is separate from the other issues we have you know we can proceed...

Board Member Montesano stated you're playing Russian roulette.

Chairman Rogan stated but you're proceeding at your own risk, which is everything...

Board Member Montesano stated and now you have four shots in the five shot gun.

Mr. Monteleone stated question is definitely a risk, I mean I didn't think...

Board Member McNulty stated if you went with the property the way its outlined here and you just put in for a DEC permit, will that initiate them to re-flag it or will they operate off their old records.

Rich Williams stated they are going to want the re-flagging, they are going to want a map showing the flagging, survey located on the survey with a signature block...

Board Member McNulty stated but they won't take the old records...

Rich Williams stated as part of the plan.

Board Member McNulty stated and there is an old record that has that now.

Rich Williams stated I'm sure there is.

Board Member McNulty stated you don't think they would accept that.

Rich Williams stated the validation blocks typically have the validation is good for so many years and after then they are going to want to go back out and re-flag it.

Board Member McNulty stated so that should be what you look at, you have to see what your date is.

Chairman Rogan stated well we know it's eight years ago.

Rich Williams stated that was a long time ago, Joe Steely is long gone.

Ted Kozlowski stated Joe Steely did not have a good reputation, if anything he did (inaudible)...

Board Member McNulty stated you need to assess costs and do that first step...

Chairman Rogan stated we had him out at the moving company lot...

Mr. Monteleone stated I just spend \$4,000 as it is and really...

Chairman Rogan stated Clancy when they wanted, remember when we walked out, didn't he just flag that when we walked that wetland.

Mr. Monteleone stated (inaudible) I think I might up here in the back.

Rich Williams stated out on [Route] 22...

Chairman Rogan stated I'm trying to think, we walked, Brewster Honda wanted to use it remember.

Mr. Monteleone stated (inaudible) \$4,000 here, (inaudible)...

Rich Williams stated no, I don't think so, Clancy that was Doug Dogwood...

Ted Kozlowski stated yeah.

Rich Williams stated yeah.

Chairman Rogan stated who was it.

Rich Williams stated Doug Dogwood, the guy that we have now who...

Mr. Monteleone stated (inaudible) taking the stone walls out...

Ted Kozlowski stated he blew that one.

Rich Williams stated yeah well he's blown a lot of them, Doug is not somebody that we are crazy about either.

Mr. Monteleone stated (inaudible).

Chairman Rogan stated yeah, no, we walked out I remember, we were standing at the edge of the wetlands and we were looking at flagging 100 feet in front of us.

Mr. Monteleone stated and there is something (inaudible) industrial lot and now all of a sudden can't do nothing with none of them.

Board Member Montesano stated we got to get Mr. Cuomo to change some more rules.

Chairman Rogan stated all right, so aside from whatever we're going to do with this, do we have proposals or ideas of what you want to do here.

Mr. Monteleone stated no, that's it, I can't invest any more money, I invested ten grand over here, fifteen over here, almost thirty over here...

Chairman Rogan stated right, what have you done for the ten and fifteen.

Mr. Monteleone stated I did the plans, I did the survey, you know whatcha ma call it, I did preliminary building plan for here...

Chairman Rogan stated okay.

Mr. Monteleone stated and I got engineer...

Board Member McNulty stated will this user work on this lot...

Mr. Monteleone stated and what.

Board Member McNulty stated will this user that you want work up here.

Mr. Monteleone stated no you have to have, he would to be in a place more industrial, it doesn't look as good. The only lot he was interested or he was going to a lot on Fields Lane that...

Chairman Rogan stated and not this one here because would be a slam dunk for him that looks like, looks like he'd have all the room in the world back here for maybe ten thousand.

Board Member McNulty stated that's steep though isn't it.

Mr. Monteleone stated the only problem is he's looking for the real fancy building and over here you have these junkyards, I mean its not a junkyard but there's a junkyard in the lot, you know what I mean.

Rich Williams stated that's why they make big trees.

Chairman Rogan stated well here he's going to be looking across at the synagogue...

Mr. Monteleone stated but its up, you know this what he wanted to do, what the guy wanted to do was he wanted do something in here, he was talking about doing something in the, actually he wanted to see if he could purchase this land and make it a...

Rich Williams stated some walking trails and a park...

Mr. Monteleone stated walking trails and stuff like that...

Chairman Rogan stated that's nice for the...

Mr. Monteleone stated he really had the, I thought he was the ideal client to go there but...

Chairman Rogan stated well...

Mr. Monteleone stated chances are we lost him so I think I'm wasting the time because we had a meeting last week and after that they didn't call no more...

Chairman Rogan stated really...

Rich Williams stated he seemed to walk out of here fairly positive though.

Mr. Monteleone stated he called the realtor, he said I'm sixty-something years old, I don't think I'm going to, I guess he looked into the history and they know there was one time...

Chairman Rogan stated yeah...

Mr. Monteleone stated I mean I could call him back if you guys want to talk to him you know I can see if I can ask him but...

Board Member Cook stated I think you should get DEC in here anyhow get it flagged, then you'll know where you're at, it doesn't cost you anything, let them do it, call whoever you have call to find out any names...

Mr. Monteleone stated how long does it take to get, sometimes a year...

Rich Williams stated no, months, weeks, well it took me three weeks to get them out here to Benfield's...

Mr. Monteleone stated if you don't mind giving me the guys number, I'll him because otherwise I mean, I'd like to do it actually before September because I got that kind of news, I don't even want to pay September's taxes, I want you guys to take it over...

Board Member Montesano stated why wait for that, do it.

Chairman Rogan stated I agree with what you're saying...

Councilman Capasso stated get the (inaudible).

Mr. Monteleone stated we're at the point now that it's the break point, I mean, yeah...

Chairman Rogan stated I think I mean the idea of what you're saying is ideal I agree and I would say...

Mr. Monteleone stated and you walked the lot and this particular things that came in here...

Chairman Rogan stated yeah, its nothing.

Board Member Montesano stated we're going to talk all night long and get nothing done because we can't.

Mr. Monteleone stated say again.

Board Member Montesano stated we're going to talk all night long and get nothing accomplished because we got to get that guy to come out here.

Mr. Monteleone stated right.

Board Member Montesano stated and that is the main thing...

Chairman Rogan stated the line in the sand.

Board Member Montesano stated get the number, call the guy up and let him move, the faster that's done...

Chairman Rogan so now on the other two, we are going to be looking at what, and that is something we have to look a little bit at, what is the functionality of these areas, what can we best do to create some usable area in here, this yellow is just the buffer, this isn't the rock ledge, the rock ledge is further back in here right and that can be hammered back.

Rich Williams stated yeah the rock ledge basically starts I mean this was a no brainer for flagging the wetlands out...

Chairman Rogan stated right.

Rich Williams stated the rock ledge and the steep slopes basically start right at the edge of the green line...

Chairman Rogan stated okay, wow, these are the ones that we have to figure out what we're going to do to create some usable space, you don't have anything up front except access, so we are looking at just the narrow band...

Board Member Montesano stated this end comes into here...

Chairman Rogan stated there has to be some creative narrow use...

Board Member Montesano stated the flow will come through here, into here...

Chairman Rogan stated nothing in the back other than just access way for maintenance, you know right...

Rich Williams stated it does right now.

Chairman Rogan stated everything up front, wouldn't you say if you put buildings here, it would have to be lineal and nothing in the back except maintenance...

Rich Williams stated its going to be linear...

Chairman Rogan stated just a maintenance aisle or something...

Rich Williams stated you might be able to get a driveway up around like you said...

Chairman Rogan stated yeah but not loading docks or anything just...

Mr. Monteleone stated where would you put the building against the wall.

Rich Williams stated you're going to have to build it right into the side of the slop, I would imagine...

Chairman Rogan stated because you're going to need the parking.

Rich Williams stated tiered building.

Chairman Rogan stated you know you might end up with a row of parking across the front double.

Mr. Monteleone stated that particular lot happens to be the one that drains to the landfill, are you guys thinking of blocking that drainage...

Board Member Montesano stated he can always...

Rich Williams stated the DEC, if I remember that closure plan said that they wanted that blocked off because...

Mr. Monteleone stated I know but when I talked to you guys here, you said I can't do that...

Rich Williams stated well if you block that off, then you've got a pond there...

Mr. Monteleone stated right.

Rich Williams stated the water is going to start backing up, its going to have no place go except for infiltrating in the ground and clearly the soils out there aren't the greatest for infiltration in that area.

Chairman Rogan stated any way to connect underground to connect the two, I mean how, it didn't seem like the...

Rich Williams stated connect what.

Chairman Rogan stated because you're saying from here, everything drains this way, can you set this up to drain, I know you can't drain the fill but it would be twelve foot deep...

Rich Williams stated yeah sure you can (inaudible).

Chairman Rogan stated huh?

Rich Williams stated and for most of this, this drains this way, they show a pipe out here...

Chairman Rogan stated right.

Rich Williams stated I've tried three times to find that pipe, I can't find that damn pipe.

Chairman Rogan stated and they show it coming this way, the arrows.

Mr. Monteleone stated no, the other way.

Chairman Rogan stated the arrow is pointing...

Rich Williams stated it supposed to be going the other way.

Chairman Rogan stated oh, I understand.

Mr. Monteleone stated it goes towards Martin...

Chairman Rogan stated leave it to those engineers to screw up a plan.

Board Member Montesano stated could have been that this might exist and this may be the cut-off line where we stopped.

Rich Williams stated well you can see, I mean when you go into this pocket wetland over here...

Chairman Rogan stated yeah.

Rich Williams stated there is no flow that I can find that is going this way there are clear sediment trails coming from here around and into it and then back out to Martin but I can't find that pipe, I can't find sediment trails coming into the pipe or wash coming into the pipe...

Mr. Monteleone stated I mean we can put it in, if its to be...

Rich Williams stated no, I'm just, I'm not asking you to put it in, I'm just saying if that pipe is not there then the only way any of this water is getting out, is this way.

Mr. Monteleone stated it can't, it would go out this way first, it has to go up four feet before it comes down, this here is four feet higher than this...

Chairman Rogan stated right.

Mr. Monteleone stated that water just dies over there, I can shoot the grades, I can tell you, we (inaudible) there is no way this water from here goes that way, impossible unless somebody with a bucket carries it over.

Rich Williams stated well I have to tell you, I was out there and it sure seemed like the surface flow flowed at least in this area, this way.

Mr. Monteleone stated I bet you anything, from this pond here the water never could run out of.

Board Member Montesano stated one dye test coming up.

Board Member McNulty stated can you connect this pond from here to here is that what you were saying...

Rich Williams stated well you could.

Mr. Monteleone stated we'd have to dig down and its all rock but you could, if you want to chip through the rock and get this to drain that way but its, the common, the natural way to drain is this way...

Chairman Rogan stated what's the...

Mr. Monteleone stated plus you have to drain right out on the road here...

Chairman Rogan stated Rich what's, all this is taking all the flow that comes off of this hill down into that area...

Rich Williams stated correct.

Chairman Rogan stated nothing is coming off the road this way really, right because its being...

Rich Williams stated no, not really, I mean...

Chairman Rogan stated it's not coming off this lot...

Rich Williams stated most of this lot is coming this way, this lot is going this way.

Chairman Rogan stated so its just a low lying area that is catching some runoff.

Rich Williams stated right, eventually this wetland probably went right through as a linear wetland with a stream on either side.

Chairman Rogan stated right.

Mr. Monteleone stated but then it got filled by the landfill.

Chairman Rogan stated so what's the, in terms of wildlife habitat and everything, we're really looking at Liotta and the stonewall, it's, the quality of this area seems to be pretty darn low, how can we enhance this to increase the functionality, maybe even right on site, is there a way to increase functionality but compress the wetland so it does a better job within a smaller...

Rich Williams stated sure you can increase the functionality. You know my recommendation at this point let's see what the DEC does but I would anticipate that you're going to have problems with Black Birch...

Chairman Rogan stated that's that one.

Rich Williams stated give up Black Birch, maybe there is something we can do with the MS-4 and on the Stone Hill site, yup, that will give you a halfway decent lot and Liotta the same thing...

Chairman Rogan stated use this as your enhancement...

Rich Williams stated shrink the size of the wetland, use it for a stormwater pond and give yourself a little bit more usable area in that area because at that point, the whole thing is impacted...

Chairman Rogan stated right.

Rich Williams stated you know you have a problem with water going out of the Stone Hill site through a contaminated fill area that the DEC wants stopped anyway, take a look at how maybe we can you know eliminate that flow, you know...

Board Member Cook stated this are point was a wetlands, lot five.

Rich Williams stated I think there were, at least a long linear wetland coming through, there is a stream that is shown right here...

Board Member Cook stated so that was filled in...

Mr. Monteleone stated the top is all rock, where you have your pencil, the thing is all rock.

Rich Williams stated this is all rock right in here.

Mr. Monteleone stated actually Peter got a good perc, on top here, way up, from here to here is a 40 feet in elevation change, I have the maps, I have the topo, but from here you go down to here this is all wetlands...

Board Member Cook stated you don't own this.

Mr. Monteleone stated I only have a contract on that.

Chairman Rogan stated so Pete what it sounds like though is you got easy build, somewhat more difficult but still a really good piece of property and with a little bit of work, an area in here that can be really good with some compensation, you know, you might have a really good idea, as Richie was saying, you might really hit the homerun by doing that...

Mr. Monteleone stated where are we with the M&S site, are we going talking approved or its...

Rich Williams stated we're working on the stormwater designs.

Mr. Monteleone stated he gave you that.

Rich Williams stated he gave us the designs, he was using an older manual...

Mr. Monteleone stated this week he brought you the new ones right.

Rich Williams stated and yes and we are going to set up a meeting to go through everything with him because he still missing some of the key points.

Mr. Monteleone stated who, the engineer.

Rich Williams stated yes so we're going to sit him down and we're going to walk him through it.

Board Member Cook stated let me ask something...

Board Member McNulty stated you and Andrew.

Rich Williams stated mmhmmm.

Board Member Cook stated can any or all of this area be filled in...

Chairman Rogan stated that is kind of along the lines of what Rich was just saying that...

Board Member Cook stated right...

Chairman Rogan stated the better functioning areas down in here...

Board Member Cook stated but you need DEC.

Rich Williams stated no.

Board Member Cook stated no.

Chairman Rogan stated no.

Board Member McNulty stated just us.

Board Member Montesano stated us.

Rich Williams stated you may need, you may need Army Corps if the regulations change and they are looking to change them, they would have to come out here and make a delineation and decide whether these are regulated wetlands or not but that's a big if at this point.

Chairman Rogan stated let's work with what we have.

Board Member Montesano stated let's go forward with what we can do on that particular one and see if we can get done in a reasonable time...

Chairman Rogan stated why not.

Board Member Montesano stated and then by that time maybe they'll pass them.

Chairman Rogan stated why not there is a home run with these four, you have a good project already on the books here.

Board Member Cook stated home run meaning...

Chairman Rogan stated use the property for what it was intended, do some improvement, do a little bit of stormwater work to capture the water because right now we do have water coming through this area, so we do have to pick that water up and treat it which means there might still be a use somewhere in here for stormwater, correct and it is the obvious area to do it, you might be able to pull this right down...

Ted Kozlowski stated (inaudible – too many talking at one time).

Mr. Monteleone stated I have done...

Chairman Rogan stated no.

Mr. Monteleone stated I have done a cut of fill one time...

Chairman Rogan stated yup.

Mr. Monteleone stated if you were to take all the material out of here, not up here because that is where the septic area would have to be pumped to...

Chairman Rogan stated right.

Mr. Monteleone stated if you take all the material out of here and dump it into here, fill it in, it would be a cut and fill and have a pond over here that you could drain right into there and its free drainage for the excess water...

Chairman Rogan stated yeah.

Mr. Monteleone stated we had the water treatment, what do you call, water treat...

Chairman Rogan stated like a stormwater pond or something.

Mr. Monteleone stated stormwater pond will overflow into the thing...

Chairman Rogan stated I think that's...

Mr. Monteleone stated but again that takes more work.

Chairman Rogan stated but that is the whole point of what we've been trying to talk about, let's talk about this rather than looking at what the building lays out, let's talk about the lot as it exists and what we can do to make it usable. Again, everybody agrees that this you know a good place for this kind of development and it goes back to functionality, it this came out and everybody said wow this is a beautiful wetland, its really functioning well then maybe we wouldn't be as quick to say this but you still have to treat the water as it runs off but if we can do something to improve this and that is what we're here in this particular area.

Board Member Cook stated hypothetically, if the property owner had the approval to fill this in with the understanding that he, they had to capture the runoff in some way, shape, or form that could work, right...

Chairman Rogan stated yeah. You just have to be able to articulate why you're doing it, what the uniqueness is of this area as opposed to some other area and be able to show that we are improving things and I think that is where we are saying there is some improvement that can be made here, there is some improvement that can even be made here but by doing that you might be able to...

Board Member McNulty stated who makes that assessment...

Chairman Rogan stated we, well we can make that assessment and its part of our record and just defend yourself, if somebody says hey you did it here and you're not letting me do it over on this place that you know, you have to be able to...

Board Member McNulty stated well we compare the functionality and that allows us.

Chairman Rogan stated yeah.

Mr. Monteleone stated now let me ask you a question, this here...

Chairman Rogan stated yeah.

Mr. Monteleone stated if I can come for a subdivision, I have all the paperwork ready to subdivide this four or this six acre, what is entailed, where am I, am I chasing tail or I could get it subdivided with no problem or...

Chairman Rogan stated subdivided...

Mr. Monteleone stated I want to make them two lots.

Chairman Rogan stated let me ask this, are you trying to get a subdivision for no approval of a building there, just subdivided it or are you trying to get an approval where you say okay now I know what its good for...

Mr. Monteleone stated what happens is, I can't get no, I have three or four people that interest in it, unless its subdivided and then...

Chairman Rogan stated sure.

Mr. Monteleone stated the company wants their lot, so being that this is all ten acres and the buildings occupied by six acres, there is four acres left...

Chairman Rogan stated right.

Mr. Monteleone stated now there is nothing I can do with this, I have a mortgage on this property, I can not build here unless I cut them off and (inaudible) the bank and...

Chairman Rogan stated let me ask you this Pete, what is more valuable to you, a subdivided four acre lot that has an approval for it that says you can put on a 14,000 square foot building and here is the parking and you can sell it that way or a four acre lot that has not approvals other than it is it's own stand alone lot...

Mr. Monteleone stated no what happens is a subdivided four acre lot with an approval that makes sense, nobody wants, 14,000 square foot, it won't pay for anybody to buy it...

Chairman Rogan stated I see.

Mr. Monteleone stated no one will be interested...

Chairman Rogan stated and I just picked a number out of the hat...

Mr. Monteleone stated 22,000 on, talking about four acres is 160, 170,000 square feet, if you can't put 25,000 square feet, 30,000 square feet on a 170,000 square feet and then something is definitely wrong, I mean I got 15,000 square feet in the building in Pawling and its only an acre...

Chairman Rogan stated right.

Mr. Monteleone stated (inaudible)...

Chairman Rogan stated it doesn't have these same site constraints, that's the problem with dealing with...

Mr. Monteleone stated it had rock over there, I chopped up the rock and I put up the building.

Board Member Montesano stated put a nice wall up.

Mr. Monteleone stated put a nice wall in front and that was it.

Chairman Rogan stated look at this, a cornfield, crazy.

Mr. Monteleone stated I got 65 parking spaces on an acre and 15,000 square feet.

Chairman Rogan stated can you imagine if this commercial property had been done, the same layout but this was all flat, just all, the entire thing usable, it would have been a whole different, what an easy job we'd all have huh?

Mr. Monteleone stated if anything (inaudible).

Board Member Montesano stated it would have been easier if they put all the buildings up then.

Chairman Rogan stated yeah.

Ted Kozlowski stated (inaudible).

Mr. Monteleone stated what happened is it was done wrong right from the beginning, like I said, this, all these packets here, the guy just dug out, Liotta came along and he dug in the center of this area, this, you look at the original map, this hole wasn't here, you stopped him or somebody stopped him from digging...

Chairman Rogan stated yeah.

Mr. Monteleone stated you stopped him right, yeah he just kept digging out of the center, I don't know what he was doing, creating something and then it became one layer, so every one of these things got mostly handicapped by their own...

Chairman Rogan stated people screwing around...

Mr. Monteleone stated right.

Chairman Rogan stated yeah.

Board Member McNulty stated so go back to this, if you divide this to four acres...

Mr. Monteleone stated yes.

Board Member McNulty stated you need to have a 30,000 square foot...

Mr. Monteleone stated at least 20,000, 25,000 square foot...

Chairman Rogan stated so wouldn't it make sense to go through the process and have somebody lay it out.

Board Member McNulty stated you'd have to lay it out.

Mr. Monteleone stated I would like to do that but I need to get in here to do the, my test pits, I have to cut the trees, I have to get a permit to burn here, I don't know if, am I allowed to burn here, cut the trees without a permit or can I get a permit to cut, something that would be up here.

Board Member McNulty stated why do you have to clear just to dig a couple holes...

Rich Williams stated if and, I want to give you fair warning before you walk out of here, DEC I know has been out to your site, they looked at that, they thought you were doing a mining activity, they were going to take another look at it, I don't know...

Mr. Monteleone stated which one...

Chairman Rogan stated where you were crushing all the rock.

Rich Williams stated White Birch...

Mr. Monteleone stated what did they thought that I was doing...

Rich Williams stated they weren't and they wanted your contact information and they were going to contact you directly, if they thought there was a violation.

Mr. Monteleone stated how long ago.

Rich Williams stated a month, so obviously they haven't contacted you so hopefully it's a question of they don't have the staff anymore or they changed their mind. That having been said, any time you disturb more than 5,000 square feet of soil, you are supposed to have a permit...

Board Member McNulty stated whether its in the wetlands or not.

Rich Williams stated an erosion control permit, whether in the wetlands or not, 5,000 square feet of disturbance anywhere, you have to get an erosion control permit, with the Town, the DEC has passed all their regulations on so the Town has to do all the work on it and they still issue their own permit based on the Town's work.

Board Member McNulty stated where do you do that, through the Building Department or through the Planning Board.

Chairman Rogan stated but you don't need to clear any property to test for, to do deep test holes.

Mr. Monteleone stated I have to cut some trees to get up here, I have to...

Chairman Rogan stated yeah but cutting a couple of trees to get a backhoe up here is different than clearing a whole area...

Rich Williams stated right.

Chairman Rogan stated you know, you can weasel it in...

Rich Williams stated so and that is where I was going with this, if you're talking about a couple of trees, its not regulated, and I told you the wetlands, the pond on White Birch and the stream on White Birch are regulated within a hundred feet of those features that is regulated but those small little wetlands all below the two acre size...

Mr. Monteleone stated down here, their not...

Rich Williams stated so they are not regulated by us, they may be regulated by other; I don't want to tell you something that isn't true, you know they may be regulated by the Army Corp because the Army Corp has broad jurisdiction...

Ted Kozlowski stated Rich the Town regulates half acre...

Rich Williams stated what did I say.

Ted Kozlowski stated two acre.

Rich Williams stated I'm sorry, half acre, less than a half acre...

Mr. Monteleone stated right, okay. If I wanted to do some test pits in here, I could just go in without any situation...

Board Member McNulty stated as long as you're under 5,000 square feet of disturbance.

Chairman Rogan stated again, you're doing test pits, you're doing deep test holes with a backhoe...

Mr. Monteleone stated with a backhoe.

Chairman Rogan stated they are just, we saw them in the woods down in here that there was really no trees cut.

Mr. Monteleone stated right, I got a permit to do that though...

Chairman Rogan stated but I'm saying I didn't see that you need other than once in awhile the backhoe just pushing a tree like this out of the way, they really didn't have to knock any trees down, you know, its minimal.

Mr. Monteleone stated if I, once I do this, if I get an approval, you guys have are in agreement with me separating this four acres.

Chairman Rogan stated absolutely, I think it is just a matter of what you can fit then. What you can fit on there, we'll have to look at this individual wetland as we progress with the plans, right...

Board Member McNulty stated we don't have a problem making lot change, we don't...

Mr. Monteleone stated okay but (inaudible)...

Chairman Rogan stated speak a little more frankly.

Board Member Montesano stated then you better.

Mr. Monteleone stated I have to get an engineer to separate, I did the paperwork already, if I go in here and I hire an engineer to get this designed, the building and do all this and we start coming back with the wetlands like this one over here, I'm 250 feet away, I'm 200 feet away, I might as well as quit beforehand, I'm at the end of my rope, I'm just saying...

Board Member Montesano stated this one we have control over...

Board Member McNulty stated well we have to make sure this...

Board Member Montesano stated this one we don't.

Mr. Monteleone stated yeah but out of this line...

Board Member McNulty stated you have to stay out of this line.

Mr. Monteleone stated so if this line has (inaudible) that makes this unbuildable too...

Board Member McNulty stated what you need to have applied...

Mr. Monteleone stated so I'm at the point where everything...

Chairman Rogan stated you're engineer though that you're working doesn't he advise you on some of this stuff.

Mr. Monteleone stated he advise on some of the stuff and what he thought could be done and what I'm hearing is that I almost can't build on really none of these lots with the exception of that last...

Chairman Rogan stated well what's, this is all usable area once you (inaudible).

Board Member McNulty stated no, his concern is if he's within a hundred feet of this buffer, this would get limited here, even though we've changed this is he a hundred feet within the DEC, that is where you need a plan that plots the hundred foot buffer and then you're back to getting this guy out here to get the firm line, so you know where your DEC line is.

Mr. Monteleone stated if you meet me tomorrow...

Chairman Rogan stated got it already.

Board Member Montesano stated its already taken care of, very good.

Mr. Monteleone stated see what happens, have a starting point.

Board Member McNulty stated yes, it shouldn't cost you anything.

Mr. Monteleone stated and then from there we...

Chairman Rogan stated I think you ought to...

Board Member Montesano stated then you can put your glasses together and get to work.

Chairman Rogan stated I think you ought to start working with your people with Rich on what we can potentially do here because it seems like this is a great potential to have some real great usable area...

Board Member Montesano stated one step at a time, get rid of that and get in here.

Chairman Rogan stated you know but you got a lot going on at once here and it's spinning your head here and I understand that, there is a lot to think about but you know...

Mr. Monteleone stated okay this (inaudible) should abandon it for now, right, we wait for this...

Chairman Rogan stated no...

Board Member Montesano stated get the guy to come down.

(Inaudible - too many speaking at one time.)

Mr. Monteleone stated give this a shot, we might have lost him after the other day's meeting but there's a chance.

Chairman Rogan stated once and awhile things...

Board Member Montesano stated hey if the guy comes down and suddenly says I see no problem with it and you call him up and tell him we got no problem with it, he says so in writing, then we just move ahead.

Board Member McNulty stated if he moves this, just get lucky and he moves this 20 feet, you gain 20 feet by a hundred feet, how much land is that...

Chairman Rogan stated I have a feeling you have to be lucky in some things, you married a beautiful lady...

Mrs. Monteleone stated put your glasses back on.

Rich Williams stated does that mean he's going to lose on this.

Mrs. Monteleone stated so does that...

Mr. Montesano stated okay with M&S...

Mrs. Monteleone stated I was just going to ask, M&S time frame wise its close...

Chairman Rogan stated M&S is that the people that are doing the work need to make sure they need to do their work a little...

Mrs. Monteleone stated so you think maybe, we're talking two months or...

Chairman Rogan stated I think they need to, if they meet where we...

Rich Williams stated I think Andrew, our engineer was fairly clear with your engineer about what the requirements were that he needed to look at and we were disappointed when the submission came back in which is why now we are going to sit down with him and walk him through...

Mrs. Monteleone stated does he know that already, have you guys spoken to him or...

Rich Williams stated I have not, I have to take care of it tomorrow, I just saw Andrew tonight and the, you know he was in here picking his mail up...

Chairman Rogan stated yeah.

Board Member McNulty stated I take it the engineer has Andrew's memo.

Rich Williams stated no he's going to get that tomorrow.

Board Member McNulty stated oh okay, so you might ask your engineer for a copy of that, I don't know if we give them out.

Board Member Montesano stated you have to step on your (inaudible).

Mr. Monteleone stated you have Andrew's memo now, and the new one.

Rich Williams stated yup.

Mrs. Monteleone stated can we get a copy of that.

Rich Williams stated yup.

Board Member McNulty stated I may have a copy right here.

Rich Williams stated do you mind.

Board Member Montesano stated its like having too many projects at one time.

(Inaudible – too many speaking at one time.)

Chairman Rogan stated that's their deal, I used to read all that stuff but then I realized they are the engineers they are supposed to tell us, continue on...

Board Member McNulty stated I have it on an e-mail, I can always forward it.

Chairman Rogan stated but it seems like...

Board Member Montesano stated sometimes they just have too many people or not enough staff...

Chairman Rogan stated we're closer to getting things done. Okay...

Mr. Monteleone stated this is the...

Mrs. Monteleone stated this is a copy we can take.

Mr. Monteleone stated a copy of the latest one that he did.

Rich Williams stated I think so, check the date.

Board Member McNulty stated his latest review.

Chairman Rogan stated all right.

Board Member McNulty stated nice job on that Rich.

Chairman Rogan stated yeah this is great, a lot of hard work.

Board Member Montesano stated (inaudible) next Saturday, you didn't have anything important to do.

(Inaudible – too many speaking.)

Rich Williams stated the boy's got skills.

Mr. Monteleone stated thank you very much.

Chairman Rogan stated all right, thank you.

Mr. Monteleone stated Joe good night.

The Secretary stated good night.

Mrs. Monteleone stated congratulations.

The Secretary stated thank you.

Rich Williams stated that's it (inaudible).

Mr. Monteleone stated what do you think this is Town Board...

Rich Williams stated yeah you're better off on the Town Board.

Chairman Rogan stated have a good night.

Councilman Capasso stated good night Rich, good night Michelle.

The Secretary stated good night.

Councilman Capasso stated curly hair tomorrow.

The Secretary stated no, that all depends on the weather.

Board Member McNulty stated that map helped a bunch.

Chairman Rogan stated I'm sorry.

Board Member McNulty stated that map helped a lot...

Chairman Rogan stated oh that.

Board Member McNulty stated that was a nice way to see it.

Chairman Rogan stated Rich, that map helped a lot because if you can't, we've been talking hypothetically that was time well spent, honestly...

Rich Williams stated I knew that's what you were looking for.

Ted Kozlowski stated what (inaudible).

Chairman Rogan stated we're giving him kudos and where is, Mike had to go to the little boys room.

Board Member McNulty stated we haven't heard.

Chairman Rogan stated no, we don't know.

Board Member McNulty stated hopefully he's all right, maybe he's in white suit tonight.

Chairman Rogan stated do you want to pause this for a minute.

The Secretary stated just hit stop.

Chairman Rogan stated oh, that's all right.

The Secretary stated there you go.

Chairman Rogan stated okay...

1) JOSEPH STILWELL – Wetlands/Watercourse Permit Application Public Hearing

Chairman Rogan stated so Stilwell we're having a public hearing...

2) MATTHEW CASTELLANO – Wetlands/Watercourse Permit Application Public Hearing

Chairman Rogan stated Castellano we're having a public hearing...

Chairman Rogan stated Bill Reynolds we have some, no just kidding, so we don't have anything any on the first two actually, we are squared away.

Rich Williams stated you're going to have site walk comments on Castellano which basically say the Board looked at it, they thought you could fill in on the edge of the road, no other issues were observed.

Chairman Rogan stated great.

Board Member Cook stated are you going to have a resolution for us on...

Chairman Rogan stated both of them.

Board Member Cook stated on Stilwell.

Chairman Rogan stated we won't get resolutions they are, right, you don't do them for watercourse...

Rich Williams stated I go both ways, its really...

Chairman Rogan stated well considering...

Rich Williams stated if its really complicated I do a resolution, if its fairly basic I figured you guys could wing it but if you want resolutions I can do them.

Chairman Rogan stated well we need to give the young bucks practice since the more, I almost said the old buck...

Board Member Montesano stated he just wants to get more time.

Chairman Rogan stated sorry Charlie, okay what do we have for Bill Reynolds, we have some sign applications...

3) BILL REYNOLDS GARAGE DOORS INC., - Sign Application

Board Member McNulty stated Castellano gets a resolution...

Rich Williams stated there was a store out, well you know where this is, it's the little plaza that is owned by Putnam County National Bank...

Board Member McNulty stated right before Apap...

The Secretary stated yes.

Rich Williams stated yeah which has the Duffle Bag in it...

Chairman Rogan stated oh yeah.

Rich Williams stated there was a store in there, Hot Wheels...

The Secretary stated Smokin' Wheels.

Chairman Rogan stated oh they're gone.

Board Member McNulty stated NASCAR...

Board Member Montesano stated all right.

Rich Williams stated apparently they've gone out of business and he is looking to replace in kind the sign that was on the building and the sign that was in the free standing sign out front...

Chairman Rogan stated it meets with all the requirements and everything.

Rich Williams stated I haven't thorough review on it but I've done a cursory review and it appears that it meets the requirements.

Board Member McNulty stated I looked at this quick tonight, it looks like he's just replacing the signs that are existing.

Chairman Rogan stated yeah.

Rich Williams stated right.

Chairman Rogan stated all righty, Verizon Wireless...

4) VERIZON WIRELESS/WIRELESS ZONE – Sign Application

Rich Williams stated yes, Verizon not so much. I have also taken a quick look at Verizon, I've got to do a much more in depth review but...

Chairman Rogan stated okay.

Rich Williams stated the sign that they are looking to...

(Tape 1, Side 2 Ended – 8:26 p.m.)

Rich Williams stated 18 square feet, I think that was what was permitted as per a zoning variance and they are replacing if I recall not having the information in front of me, it was about 145 square feet.

Board Member McNulty stated it went from what to what.

Chairman Rogan stated 18 to 145.

Rich Williams stated 18 to 145.

Board Member McNulty stated on the building.

Rich Williams stated yeah.

Chairman Rogan stated does this, this doesn't meet any of the...

Board Member McNulty stated so he wants to put it in this oval here, is that what they are proposing to...

Chairman Rogan stated that's what it looks like, yeah.

Rich Williams stated yeah.

Chairman Rogan stated 145 and when we changed the zoning, is this area now considered a regional retail, its not a regional retail center, right when we changed all that.

Rich Williams stated it is not a regional retail center but the zoning was changed for signs in this area so I have to take a look at that.

Chairman Rogan stated okay.

Board Member Cook stated it looks like he wants to put it on the side, a sign on the side of the building that faces...

Rich Williams stated [Route] 22...

Board Member Cook stated [Route] 22...

Rich Williams stated that I didn't pick up on.

Board Member McNulty stated on here it looks like this faces out into the parking lot.

Chairman Rogan stated are you sure that's not the side of the building that face [Route] 22...

Board Member McNulty stated oh that's on the Blockbuster side. Is that where they are going, in the Blockbuster space...

The Secretary stated yes they are looking to go in the old Blockbuster space.

Rich Williams stated oh.

Chairman Rogan stated okay.

Board Member Cook stated it looks like...

Board Member McNulty stated the sign looks like its 13 by 2...

Board Member Montesano stated the old Blockbuster...

Board Member McNulty stated so you're looking at...

Chairman Rogan stated the corner that faces [Route] 22.

Rich Williams stated I just assumed they were taking over the old Verizon.

The Secretary stated no...

Board Member McNulty stated no, no, it's the Blockbuster.

The Secretary stated he wanted the bigger space.

Board Member McNulty stated so there is a sign on each face.

Board Member Montesano stated that's a hell of a sign.

Chairman Rogan stated okay.

Board Member McNulty stated unless they are subdividing the space.

The Secretary stated no.

Board Member Cook stated this, if you go by there, this here is empty...

Board Member McNulty stated that's Blockbuster and there is the old Verizon store right next to it.

Board Member Montesano stated do we have two locations...

(Inaudible – too many speaking at one time).

Rich Williams stated again I have to take a look at this, I haven't done an in depth review.

Board Member Montesano stated all right because what I'm looking at is, this is Bill Reynolds...

Chairman Rogan stated yeah, okay, too many people talking at once, I'm not saying to stop Mike, you go ahead...

Board Member Montesano stated what I'm saying is we're talking about Verizon and...

Rich Williams stated you had two applications for Bill Reynolds.

Board Member Montesano stated yes.

Rich Williams stated a free standing and a building mounted and then you had three applications for Verizon.

Board Member McNulty stated which is each side of the building, plus the monument.

Board Member Montesano stated okay, right, okay.

Rich Williams stated possibly.

Board Member McNulty stated that's what it looks like.

Board Member Montesano stated okay.

Chairman Rogan stated all right.

Board Member Cook stated we can just take a ride on our own to take a look at it.

Chairman Rogan stated yeah.

Board Member McNulty stated here you can see here, the corner of the building, this is the [Route] 22 side...

Chairman Rogan stated you're right.

Board Member McNulty stated this is the parking lot side.

Board Member Montesano stated they really like their name.

Chairman Rogan stated (inaudible) both sides.

Board Member McNulty stated and it looks like its 13 by 2 feet, so...

Board Member Montesano stated well they figure they got the towers, so they are going to...

Board Member McNulty stated 26 square feet.

Rich Williams stated that would 26 square feet per sign.

Board Member McNulty stated per sign and you said a hundred and...

Rich Williams stated well their application I think said a 145, something crazy.

Board Member Montesano stated size of the sign, 250 inches or is that...

Rich Williams stated 250 feet, they multiplied the feet times the inches.

Chairman Rogan stated its inches, yeah.

Board Member Montesano stated yeah, I was going to say somebody has to get it square root with calculator...

Chairman Rogan stated instead of forty something square feet it looks like it says 452 square inches.

Board Member McNulty stated I think they calculated the entire sign space of the monument.

Chairman Rogan sated four fifty, no, here, they're saying its 33 ¼ inches so its 2 foot by 13...

Board Member McNulty stated oh I got the wrong...

Chairman Rogan stated so that's you know, they are looking at 39, 40 foot, right.

Board Member McNulty stated that's Bill Reynolds.

Chairman Rogan stated oh, I apologize.

Board Member McNulty stated three different things.

Chairman Rogan stated oh man.

Board Member Montesano stated there are two for Reynolds, three Wireless Zone Patterson.

Board Member McNulty stated they have 7 ½ square feet...

Chairman Rogan stated okay.

Board Member McNulty stated 48 square feet and 48 square feet for Verizon.

Chairman Rogan stated all right, the bottom line is Rich is going to give us the skinny on it before next meeting or...

Rich Williams stated yeah pair it with the variances and the current sign regulations and let you know what is and what is not.

Board Member Montesano stated you have a 5 foot by 16 inch sign going on the wall, I mean going on the one side for the standing sign and he's not happy with that, that's crazy.

Rich Williams stated let me take a look at it.

Chairman Rogan stated yeah, let's...

Board Member Montesano stated because he's going, he's putting a sign in the front of the building, a sign on the free standing sign and then he wants another one for there...

Board Member McNulty stated just like Blockbuster, Blockbuster had it...

Chairman Rogan stated yeah, it's just a different exposure, one is front of the building and one is the...

Board Member Montesano stated what is he selling garage doors incorporated...

Board Member McNulty stated oh no...

Board Member Montesano stated no that's the phone company, I'm saying...

Chairman Rogan stated right.

Board Member Montesano stated I thought maybe he was bringing the garage door guy in on the side.

5) CENTRUM PROPERTIES – Site Walk Comments

Chairman Rogan stated yeah okay, Centrum Properties we did a site walk, looked at the pipe, we are going, Ted is going to continue to work with the gentleman and hopefully he'll resolve issues we're not going to approve anything at this time.

Board Member Cook stated wait a second, has mike Liguori answered your e-mail where you asked him questions about this, can the Planning Board approve an application submitted...

Rich Williams stated at the last Planning Board meeting.

Chairman Rogan stated yeah we talked about it last meeting, he recommended we did not...

Board Member Cook stated did not but he didn't reply to you...

Chairman Rogan stated he did.

Rich Williams stated in writing, no he replied to the Planning Board...

Board Member Cook stated at the meeting, okay.

Chairman Rogan stated no he did reply.

Rich Williams stated he may, he did reply...

Chairman Rogan stated no, we got an e-mail, you know what it was you got the e-mail and I got it, the Board didn't get it...

Board Member McNulty stated yeah I don't remember seeing that.

Chairman Rogan stated it was just to you and I.

Rich Williams stated I'll make sure the Board gets it.

Chairman Rogan stated we can just forward it around.

Board Member Cook stated (inaudible).

Chairman Rogan stated I picked that up and I thought we were going to send it around or figured we'd have it, I apologize...

Rich Williams stated but he did respond at the Planning Board meeting as well.

Chairman Rogan stated yeah he did.

Board Member Cook stated yes. Now, he sent you I guess, yes you, Rich another e-mail that showed the Town of Southeast I guess has in their Code, do we have that in our Code...

Rich Williams stated no.

Board Member Cook stated no, should we think about that for our Code, you think, you're thoughts.

Rich Williams stated you know what I think...

Board Member Cook stated pardon.

Rich Williams stated I think that would be a very question to ask the Town Board come January 1st.

Board Member Cook stated can I see that.

Chairman Rogan stated here you go.

Rich Williams stated right about now I'm not going to ask these guys anything.

Chairman Rogan stated okay.

Rich Williams stated do you disagree Mr. Cook.

Board Member Cook stated excuse me.

Rich Williams stated do you disagree with that.

Board Member Cook stated no, no, no...

Rich Williams stated that I shouldn't be asking these guys anything right now.

6) RCA ASPHALT PLANT SITE PLAN – Site Walk Comments

Chairman Rogan stated okay RCA Asphalt, we did our site walk, we have the information on it, let's move forward through that process.

Rich Williams stated before we go past Centrum, I did do site walk comments, you do have, if you have questions, problems, changes.

Chairman Rogan stated do we have them, we must.

Board Member Montesano stated well we got this one...

Chairman Rogan stated all right, Centrum Properties, no I believe you Rich, I just didn't see them. I think I put them back in the pile.

Board Member Montesano stated but you didn't say anything about getting attacked by the chicken.

Chairman Rogan stated I thought the chicken was pretty well behaved.

Rich Williams stated I didn't think the chicken was relevant to the site walk.

Chairman Rogan stated no.

Board Member Montesano stated very important, (inaudible) going to be soup.

Chairman Rogan stated got this, thanks, okay, all right and we did Monteleone, we did Boniello we have anything back yet for Levine...

9) OTHER BUSINESS

a. Levine Site Walk

Rich Williams stated no.

Chairman Rogan stated I am really getting a little worried about this one now, we're starting to really...

Board Member Cook stated age...

Chairman Rogan stated yeah, you know...

Rich Williams stated oh boy did I just realize what...

Ted Kozlowski stated (inaudible).

Rich Williams stated I screwed up.

Ted Kozlowski stated going on over a year now.

Board Member McNulty stated with regards to Centrum are we ready to approve that wetlands/watercourse...

Chairman Rogan stated we're not doing...

Board Member McNulty stated we're going to wait.

Chairman Rogan stated we're not doing anything on it, we are just going to...

Board Member McNulty stated based...

Chairman Rogan stated Teddy is work with him stabilizing that and we can't approve anything until he fixes the violations, so its in limbo.

Board Member McNulty stated based on the attorney's recommendation.

Chairman Rogan stated correct, so my feeling is that after next week, we don't have it on our agenda now until something, we kick it back over to...

Board Member McNulty stated Zoning or...

Chairman Rogan stated I mean it sounds like a terrible process because the reality is the guy...

Ted Kozlowski stated I was with him this evening and I said Denis, all of this equipment is just out here rotting, why don't you have an auction...

Chairman Rogan stated losing value.

Ted Kozlowski stated auction it off right on the site and just get rid of it, you're not using it, its wasting away...

Chairman Rogan stated right, make some money on it.

Ted Kozlowski stated somebody can use it, you'll make some money and you'll clear up your violations, all in one swoop.

Board Member McNulty stated what was his thing...

Ted Kozlowski stated good idea.

Board Member Montesano stated good, I have to go bid on a tractor, I need one for my backyard so I could...

Chairman Rogan stated I agree.

Ted Kozlowski stated that's what I would do, it's a money (inaudible).

Board Member Montesano stated I have to get rid of all the frogs in my pool.

Chairman Rogan stated and its just rotting, yup, we haven't good equipment auction around here in a long time anyway.

Ted Kozlowski stated no but he's got the field for it, he doesn't have to move it anywhere, its right there...

Board Member Montesano stated and everything can be working and running...

Chairman Rogan stated all right, so...

Board Member Montesano stated okay.

b. Local Law Gas Stations

Chairman Rogan stated Local Law Gas Stations we have, this looks like a zoning map, let me get my bearings here...

Board Member McNulty stated yup I think you had it right.

Chairman Rogan stated okay, so this is...

Board Member McNulty stated this is Patterson...

Chairman Rogan stated Crossing...

Board Member McNulty stated this is, is this Patterson Crossing...

Chairman Rogan stated yeah, Lake Carmel, no the opposite way.

Board Member McNulty stated oh, Patterson Crossing...

Chairman Rogan stated is here.

Board Member Cook stated what are we doing.

Chairman Rogan stated this is our, here Patterson Crossing, Fair Street...

Board Member McNulty stated State highway garage...

Chairman Rogan stated Ludingtonville, State highway garage is probably right here...

Board Member Montesano stated hot dog truck.

Chairman Rogan stated yeah, Mike Tatch...

Board Member Cook stated would you say the Patterson Crossing, here.

Chairman Rogan stated yup, this is the Town line right here, well it's probably the zoning line but also the Town line, here you go Mike...

Board Member Cook stated this is, all over in here is Kent.

Board Member McNulty stated where is the cell tower on that, up in here.

Rich Williams stated yes, yeah it's not on the map.

Chairman Rogan stated yeah, all right, so...

Board Member Cook stated and this is Fair Street down here, right.

Chairman Rogan stated yup.

Board Member Montesano stated and there is a little blue box.

Board Member Cook stated what is that, the little blue box.

Board Member McNulty stated I didn't bring the law but how is the law stated again, within two hundred...

Rich Williams stated 2500 feet of the intersection of [Interstate] 84 and [Route] 311.

Chairman Rogan stated (inaudible).

Rich Williams stated so essentially here's the Town line, if affects everything from this side this way, it doesn't really affect anything this way.

Chairman Rogan stated so in essence its one, this is pretty much all wetland, this is a good one.

Rich Williams stated this really is the parcel that would qualify.

Chairman Rogan stated right, yup.

Rich Williams stated there is a little house on this parcel, potentially they could redevelop that...

Chairman Rogan stated that would be tough...

Rich Williams stated and it is possible, this is the and I still haven't figured this out the County put a big park and ride in here...

Chairman Rogan stated yeah.

Rich Williams stated all right so that park and ride was Ryder's frontage to this property...

Chairman Rogan stated wow.

Rich Williams stated you could also put something in here if you wanted to.

Board Member Cook stated is this Ryder's...

Chairman Rogan stated no.

Rich Williams stated no, the C-1, see this C-1...

Board Member Cook stated yes.

Rich Williams stated that is the Ryder's property.

Board Member McNulty stated this is Shaw Welding here, out here on the corner.

Rich Williams stated right here, yeah.

Board Member McNulty stated so there is no way to get from here back in here is there.

Rich Williams stated that is all a DEC wetland.

Chairman Rogan stated it's all wetland, see this deep dark wetland...

Board Member McNulty stated all this, yeah.

Chairman Rogan stated yeah, that's shot.

Board Member McNulty stated and this is all possible here.

Chairman Rogan stated that's one lot.

Rich Williams stated it is but it drops off very steeply from this way out towards the wetland, so really have a little area right in here, they started to cut a driveway in...

Board Member McNulty stated and this is considered industrial zone here...

Rich Williams stated yes...

Board Member McNulty stated this whole area.

Rich Williams stated everything in green.

Board Member McNulty stated gotcha.

Board Member Cook stated everything in green.

Board Member McNulty stated back this way.

Board Member Cook stated this is Herrlich isn't it.

Chairman Rogan stated Clover Lake...

Board Member Cook stated where is Camp Herrlich.

Board Member McNulty stated off the map.

Rich Williams stated down.

Board Member Cook stated down here.

Board Member Montesano stated just down like this...

Chairman Rogan stated yeah down here, there is some of their field area.

Board Member Cook stated (inaudible) go in the...

Chairman Rogan stated yeah.

Board Member Cook stated okay. So the...

Ted Kozlowski stated it looks like you guys are taking an exam.

Board Member Cook stated 2500 feet...

Board Member McNulty stated gasoline stations.

Board Member Cook stated get you to Fair Street, correct.

Rich Williams stated right and you have to remember the way the law it written the property has to have a driveway off of [Route] 311.

Board Member Cook stated correct.

Chairman Rogan stated one, two, possibly three...

Board Member Cook stated so this one...

Rich Williams stated right.

Board Member Cook stated where is the...

Board Member McNulty stated this doesn't count.

Chairman Rogan stated no they are not large enough parcels and these are residential off of...

Board Member McNulty stated what is this little spot...

Board Member Cook stated two...

Chairman Rogan stated just a...

Board Member Cook stated where is the third one.

Rich Williams stated C-1...

Chairman Rogan stated not big enough though or...

Board Member Cook stated here...

Rich Williams stated yup they can do something in there...

Chairman Rogan stated what about this.

Board Member McNulty stated no that's outside of the green.

Rich Williams stated and potentially you know the house which is in the wrong zoning district but we could rezone that...

Board Member McNulty stated what is this, State highway...

Rich Williams stated if they wanted to redevelop it but the reality is that that is probably not going to ever happen.

Board Member McNulty stated one, two, three lots...

Board Member Cook stated but this is what...

Rich Williams stated well it's not in a commercial zone, we would have to rezone it.

Board Member Cook stated okay.

Board Member McNulty stated this is nothing here.

Rich Williams stated that's a wetland.

Chairman Rogan stated Rich said this...

Board Member Cook stated over here, is this Kent also...

Chairman Rogan stated Rich said this, they expanded like that.

Rich Williams stated yes that is Kent.

Board Member McNulty stated oh this isn't the extension.

Chairman Rogan stated they extended it...

(Inaudible.)

Chairman Rogan stated they extended it much more.

Board Member McNulty stated no I think that's the end of it because here is the original.

Board Member Montesano stated no it was...

Rich Williams stated the driveway is over here.

Chairman Rogan stated it's longer than that, that was the original and they expanded it.

Board Member McNulty stated you think so.

Chairman Rogan stated yeah, that goes way up, close to, maybe not as far as I drew it but...

Board Member Cook stated so...

Board Member McNulty stated they wouldn't have access here for this property.

Rich Williams stated you're still going through a park and ride.

Chairman Rogan stated you mean off of Ludingtonville [Road].

Board Member Montesano stated now is this the highway garage or is that the nursery...

Board Member McNulty stated and the Ryder's don't own that...

Rich Williams stated I don't know which is which...

Board Member McNulty stated this is all Wonderland up in here.

Rich Williams stated I think the nursery is up front but I'm not sure whether the nursery is this far up front or (inaudible).

Chairman Rogan stated this I guess that (inaudible).

Board Member Montesano stated over there, I think that's going to be the highway.

Chairman Rogan stated well it's a shame because this would have been a good, right here...

Board Member McNulty stated but its not Patterson is it.

Chairman Rogan stated no but it would have been nice, pull off, easy on, access.

Board Member McNulty stated I don't have much of a problem because it would be nice to have a gas station there.

Chairman Rogan stated it would be nice if it was here.

Board Member Montesano stated yes, well maybe you could...

Rich Williams stated in a perfect world.

Board Member Montesano stated maybe if you go down to the next exit.

Board Member Cook stated all right so...

Board Member McNulty stated yeah or here.

Board Member Cook stated here's a couple questions, there is a no need for a traffic study relative to putting a gas station in Town...

Rich Williams stated no, (inaudible).

Board Member Cook stated either place...

Rich Williams stated because you're not, you're still going to be in an industrial zoned area which is going to generate similar traffic.

Board Member Cook stated no wetlands issues.

Rich Williams stated that would be parcel specific, there is a parcel there that could qualify that has wetlands one it, two parcels there...

Chairman Rogan stated yeah, right here see.

Rich Williams stated but odds are it wouldn't happen.

Board Member Cook stated and the Town of Kent has been notified...

Rich Williams stated yes.

Board Member Cook stated of this.

Rich Williams stated and we've gotten no response.

Board Member McNulty stated no response from Kent.

Rich Williams stated Kent.

Chairman Rogan stated yeah but the notification was a public hearing notification correct, so it didn't illicit a response, it didn't request or specifically ask for a response, it was notification of the Town Board's considering a zoning change and there is a public hearing at such and such...

Rich Williams stated yes.

Board Member McNulty stated and in Putnam Lake we're really looking at possibly one lot that's affected.

Rich Williams stated pretty much, we would allow Justin's Auto, the old Justin's Auto...

Board Member McNulty stated the former Justin's...

Rich Williams stated yeah, the old gas station.

Board Member Montesano stated reopen.

Chairman Rogan stated I guess they don't want it to be.

Board Member McNulty stated that's the old Bob's Garage...

Chairman Rogan stated they wanted to do a, they wanted to do a 24 hour...

Board Member Montesano stated 24 hour station and...

Board Member McNulty stated I think they just kind of make it there now...

Chairman Rogan stated yeah, Kent turned them down.

Ted Kozlowski stated why.

Board Member Montesano stated because they didn't want the lights obstructing the people that live on the top of the hill, good excuse.

Board Member McNulty stated what's this shaded line.

Board Member Cook stated its okay by me.

Ted Kozlowski stated its just an overlay of the aerial photos.

Chairman Rogan stated oh, the sun was shining brighter on this side.

Board Member McNulty stated yeah, I just, steep slope...

Board Member Montesano stated I hear no comment, well we're missing one man.

Chairman Rogan stated that is pretty good.

Board Member Cook stated what.

Board Member Montesano stated he says do you want to make a recommendation tonight.

Board Member Cook stated yeah.

Board Member Montesano stated its all right with me.

Board Member McNulty stated do we want to have Ron here.

Board Member Montesano stated it depends, if we end up with a two-two vote then we need Ron, respectfully.

Board Member McNulty stated I'll go on the record, I don't have a problem with it for either Putnam Lake or there...

Board Member Cook stated I don't either.

Board Member McNulty stated because there is not, there is a limited number of parcels that are...

Board Member Montesano stated make it three, what was there in Putnam Lake is there, the building is still there...

Board Member McNulty stated I haven't been over there...

Board Member Montesano stated it has to be, the tanks were never replaced...

The Secretary stated they were removed.

Board Member Montesano stated so they'll have to be replaced, they were removed, so they are going to be replaced so that's not a problem, this one, the other thing is going to be something new, they've got to conform to all the new stuff unless they put the tanks above ground.

Ted Kozlowski stated he's my dentist.

Chairman Rogan stated you go to Danny...

Board Member Montesano stated you still go to D.D.

Chairman Rogan stated did you guys just do a motion or are you just...

Board Member McNulty stated it's a recommendation to the Town Board...

Chairman Rogan stated expressing...

Board Member Montesano stated express a motion to the Town Board that we would give a positive recommendation for the areas in questions in the zoning change...

Rich Williams stated you want to provide reasons within that recommendation.

Chairman Rogan stated it's up to you, you made the motion.

Board Member Montesano stated do you want to have a reason...

Board Member McNulty stated well economic reasons just to add a gas station to take that extra eight miles out of the loop to get gas...

Rich Williams stated deficiency of service within the area...

Board Member Montesano stated yeah that sounds very good.

Board Member Montesano stated that is a fine way to put it because we are limited, I for one travel that way often to get to [Interstate] 84, it means I have to go Mobil first which I try not to do or go all the way out to Ludingtonville where there's cut the price.

Ted Kozlowski stated isn't there a gas station...

Board Member Montesano stated the same situation in Putnam Lake...

Ted Kozlowski stated isn't there an existing gas station in Putnam Lake.

Board Member McNulty stated yes there, this is one.

Rich Williams stated yes, it's out on Fairfield Drive...

Board Member Montesano stated its out, its on...

The Secretary stated almost to the Connecticut line.

Board Member McNulty stated take a right at the monument.

Chairman Rogan stated oh.

Board Member Montesano stated you have to go out towards the Connecticut line, so if you are coming into New York to go to work, there are no service stations until you get into Brewster so for the convenience of the people and ease of the fire company to get petrol...

Board Member McNulty stated but also take into consideration the number of lots that it affects is minimal so it doesn't appear to be that a big of an impact to the area or possible impact...

Board Member Montesano stated okay.

Chairman Rogan stated Rich what is the density allowed within the proposed code change, because it used to be that they weren't allowed to be more than one per thousand foot or however long it was along [Route] 22, so what is the proposed, does the proposed change in the zoning affect that density because...

Rich Williams stated you know off the top of my head I don't know but that would be a good thing to put in your recommendation if that is a concern.

Board Member McNulty stated density of gas stations.

Chairman Rogan stated well because my question would be if there are only three lots that can prosper in this area from this zoning change it sounds like it would be the first one to the punch because that would rule out the other two based on our existing zoning, potentially.

Rich Williams stated but our existing zoning, we took all that out if you remember so...

Chairman Rogan stated we did, I don't remember, no.

Rich Williams stated I don't think it's not even in the code, there is nothing in the code right now about gas stations so limiting distance for a gas station would not be in the code.

Chairman Rogan stated okay because it used to be, right, okay.

Rich Williams stated it used to be, so you may want to...

Board Member McNulty stated so if that can be verified that we don't...

Rich Williams stated I'm pretty sure, that's what I'm saying...

Board Member McNulty stated that the density issue is not an issue...

Rich Williams stated if your concerned about proximity of gas stations so you don't have one stacked on top of the other than that would be a good thing to throw in the code.

Board Member Montesano stated such as occurs on [Route] 22...

Board Member McNulty stated I don't know if I want to limit it, I think I'd rather have competition, if only up to three lots that can possibly...

Board Member Montesano stated and we don't even have to suggest it, if the three lots were, even if...

Board Member McNulty stated they will compete with each other and if they are lone wolf they'll...

Board Member Montesano stated of course, with all due respect if you go down [Route] 22, it seems that they are never at more than a penny difference on most of them, all of a sudden for the last couple of years, at one time it used to be very difficult to do that so I don't know, I'm not saying it's but there is something that went on that everybody is within at least a penny of each other.

Chairman Rogan stated well let's at least say this without getting specific, given the lot configuration of the parcels that may be impacted by this zoning change, there is a very little potential for more than one gas station to be located in close proximity to Route 312, it just doesn't...

Board Member McNulty stated 311.

Board Member Montesano stated 311.

Chairman Rogan stated 311, I'm sorry, so you have the potential for one gas station to be located close to the road and one to be located much further from the road so that alone separates the competition between the two, so that, if that is tying into your guys reasoning, I'm just throwing it out there, you know, you build one here, you're going to end up with the other one over here.

Board Member Montesano stated more than likely.

Chairman Rogan stated so anybody coming off the highway is going here.

Board Member McNulty stated yeah.

Board Member Cook stated this one.

Chairman Rogan stated either way they are not going to go up there unless they are...

Board Member Montesano stated unless they have a reason to.

Board Member McNulty stated but either way it brings you, it provides a service is no where in sight now unless you go back on the highway.

Board Member Montesano stated I love this when you get off and you see the signs on [Interstate] 84 that you can go to Burger, I mean McDonalds, if you get off at 19...

Board Member McNulty stated oh the [Route] 312 exit.

Board Member Montesano stated and you're seven miles into the road...

Board Member McNulty stated there's not gas at exit 19 either.

Board Member Montesano stated the closest one is the Shell station.

The Secretary stated no, off 19, you get off 19, the nearest one is the Hess station.

Ted Kozlowski stated the Hess.

Board Member Montesano stated 19...

The Secretary stated 19 will take you out to 312.

Board Member McNulty stated well I second any motion we mode.

Board Member Montesano stated if you get off at 19, if you get out towards Route 6...

The Secretary stated you're going off in the other direction.

Chairman Rogan stated it sounds like the motion has been all over the place, he ought to reiterate whatever he's doing.

Board Member Montesano stated yeah.

The Secretary stated I went opposite you.

Board Member Montesano stated you go out to the Shell station, that was the closest gas that they had, well the former Shell station, I don't know what the hell it is now.

Chairman Rogan stated Rich does the Town Board have an action on this between now and next Thursday.

Rich Williams stated no.

Chairman Rogan stated all right, so it doesn't matter.

Board Member McNulty stated this isn't really a motion anyway, its just a recommendation, correct.

Chairman Rogan stated no, it's a motion for a recommendation.

Board Member Montesano stated no, it's the motion for the recommendation which I started and we discussed.

Chairman Rogan stated it is a motion.

Board Member McNulty stated well wait until Thursday and get Ron's input, might as well get everybody's feedback.

Chairman Rogan stated that's fine.

Board Member Montesano stated fine.

Board Member McNulty stated since nothing can be done before then anyway, right.

Chairman Rogan stated exactly, doesn't have an impact. Okay, anybody have anything new...

Board Member Cook stated this other one now, is that also a...

Rich Williams stated you received a letter today from Putnam County National Bank asking for the release of their bond which was put in place to secure the improvements necessary for the Front Street project. There are a couple of different ways you can go on this I believe, one is you can acknowledge that the site plan was approved more than a year ago, has now expired and they no longer have an approved project and release the bond and so inform them or you can tell them that you know, by eliminating the bond you would in essence be eliminating the approvals and you know try to convince them to keep the bond in place and you know if you're going to do that, you'll probably want to re-up the approvals because they have lapsed.

Chairman Rogan stated so this is for right down here on Front Street.

Rich Williams stated yup.

Ted Kozlowski stated to do what Rich.

Rich Williams stated to build a building between Kathy Pettey's building and...

The Secretary stated the restoration place.

Rich Williams stated yeah.

Chairman Rogan stated that was a long time ago.

Board Member McNulty stated there was a site plan approved for that.

Rich Williams stated yup.

Chairman Rogan stated yeah they had a full approval.

Board Member Cook stated before my time.

Board Member McNulty stated because my time, we would have to revisit that.

Chairman Rogan stated eight years ago.

Ted Kozlowski stated so if they're asking for the bond back, they are just, that to me tells me that they are not interested in doing this project.

Board Member Montesano stated they never were.

Rich Williams stated I would say that's true.

Board Member Montesano stated why change now.

Board Member Cook stated we'll wait for Ron on this too, I (inaudible).

Chairman Rogan stated yeah, let's talk about it at the next meeting.

Ted Kozlowski stated it might have something to do with Thunder Ridge.

Board Member McNulty stated are we within our right to deny termination, just to notify them that if they terminate it that their approvals terminate as well.

Rich Williams stated I think that since the approvals have lapsed by code, they are entitled to their bond back, the only question is that if they take their bond back then they definitely aren't in a position to get the approvals renewed.

Ted Kozlowski stated they should at least get a letter putting them, I would put that in writing and then a document...

Chairman Rogan stated yeah.

Rich Williams stated well that is the question, whether you want to, I mean this isn't on the agenda, this letter came in today...

Chairman Rogan stated okay.

Ted Kozlowski stated but I do that, I would document that.

Rich Williams stated the Board can ask me to send a letter or we can do it on Shawn's signature, whatever, saying you know, we'll be happy to consider your request but understand if you take your bond back then the Planning Board is not going to be in a position to renew any approvals for the project.

Ted Kozlowski stated he's basically starting from scratch.

Board Member Cook stated I would put that in a letter form for Shawn to sign because it was addressed to Shawn.

Chairman Rogan stated do we want, they send, unfortunately they send everything to my name, do we want any kind of a...

Rich Williams stated (inaudible) you're chairman.

Chairman Rogan stated no, I'm saying in that very same logic.

Rich Williams stated yeah they called me and said what do we do, I said you make a letter to the Planning Board.

Chairman Rogan stated so we want any kind of back up for the Town from counsel or is it not necessary or is it so clear cut that it's not necessary.

Rich Williams stated listen, if I have to send them a letter, I'm going to detail it out, I am going to say the project was approved per the resolution and by Code, it expired, the Planning Board can consider renewing the approvals but they can't consider renewing the approvals with no bond in place.

Chairman Rogan stated that would be great, can you please do that.

Rich Williams stated I will do that.

Chairman Rogan stated all right, Teddy did you see the...

Board Member Cook stated did you see this card.

Chairman Rogan stated okay, anything else.

10) MINUTES

Board Member McNulty stated minutes, you have on there but no dates because you haven't sent them out yet.

The Secretary stated there's probably not going to be any, by the time you guys get them, it will be to close to the meeting for you to approve them.

Board Member McNulty stated okay.

Chairman Rogan stated okay, motion to adjourn.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Taylor	-	absent
Board Member McNulty	-	aye
Board Member Montesano	-	aye
Board Member Cook	-	aye
Chairman Rogan	-	aye

The motion carried by a vote of 4 to 0.

The meeting adjourned at 9:03 p.m.