

TOWN OF PATTERSON
PLANNING BOARD MEETING
July 30, 2009 *Work Session*

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Charles Cook

Planning Board
July 30, 2009 Work Session Meeting Minutes

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

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

The meeting began at 7:32 p.m.

Michelle K. Russo was the Secretary and transcribed the following minutes.

Board Member Pierro stated at once.

The Secretary stated you're on.

Chairman Rogan stated we're on the record.

Board Member Pierro stated can't talk about it.

1) BREWSTER PLASTICS – Public Hearing

Chairman Rogan stated okay, Brewster Plastics, we're having a public hearing, we did a site walk last time. Rich says there are just a few minor issues, he's going to take a look at everything. Hopefully we will have a resolution unless anything major comes up with this public hearing.

2) ANTHONY BONIELLO – Wetland/Watercourse Permit

Chairman Rogan stated Mr. Boneillo, we don't have anything in writing yet.

Board Member Pierro stated no.

Chairman Rogan stated Ted was going to reach out to him about the wetlands/watercourse permit to be able to document what he's proposing.

3) JOHN T. MAYFIELD – Wetland/Watercourse Permit

Chairman Rogan stated Mr. Mayfield, number three, did not show up for the last meeting, we had sent a letter stating that we were unhappy, disheartened that he didn't appear.

Board Member DiSalvo stated has anybody heard from him since then or.

Rich Williams stated Ted did go out there and talk to him.

Chairman Rogan stated Ted.

Board Member Pierro stated Teddy went out.

Chairman Rogan stated so hopefully we'll get this over and done with.

4) GUIDING EYES FOR THE BLIND SITE PLAN

Chairman Rogan stated Guiding Eyes for the Blind, we have new information, we are prodding along on that, hopefully moving forward and onward and upward. Rich do you have anything, have you had a chance to review it yet.

Rich Williams stated I have, you do have a memo, a few minor issues, a couple of details they need to guide in, I believe. I briefly talked with Andrew about that also.

Board Member Montesano stated bicycles, oh hi.

Mr. Reilly stated hi.

Chairman Rogan stated just go grab a chair Joe.

Board Member DiSalvo stated pull up a chair. Grab a chair in the other room.

Mr. Reilly stated okay.

Chairman Rogan stated okay.

Rich Williams stated and.

Board Member Cook stated did you address the guide rail.

The Secretary stated who is that.

Rich Williams stated Joe Reilly.

The Secretary stated oh.

Rich Williams stated I'm sorry what.

Board Member DiSalvo stated on that memo, I didn't see it.

Board Member Cook stated the guide rail location.

Rich Williams stated no, that is one of the.

Board Member DiSalvo stated you're talking about in front of that tank, right, in front of the tank, the one.

Rich Williams stated we're at Guiding Eyes for the Blind.

Board Member DiSalvo stated oh no I'm talking, oh no.

Rich Williams stated Dave had originally raised the issue about putting a guide rail in front of the pond for cars coming down. They, the engineer had come back and shown guide rail in front of the pond but it wasn't, I don't think, in the location that you thought it should be in. So, you need to take a look at that and see if its in the location that you wanted it to be in.

Board Member Pierro stated I'll take a look at it.

Rich Williams stated okay.

Board Member Pierro stated I don't want to open up the plan now but.

Rich Williams stated but there is, there is guide rail now shown in front of that pond on both sides actually, of the driveway, the expanded driveway.

5) PATTERSON CROSSING RETAIL CENTER

Chairman Rogan stated okay, so Patterson Crossing, we have some, certainly some new architectural renderings and some site plan, it looks like they've tried to address some items. They've also made mention that there are construction details that they have not addressed yet, things like sound barrier walls, retaining wall, lighting, pavers et cetera but I think we need. I think we should, need to take a look at the architectural, match them up against what we had approved, see how the design elements relate to what we had liked about the other one and see what they had to offer on this. You have not done a review yet of this site plan.

Rich Williams stated I have not gotten that far yet.

Chairman Rogan stated and Andrew, is Stantec still.

Rich Williams stated no, Stantec is gone.

Chairman Rogan stated so Andrew would be doing any review now.

Rich Williams stated Andrew is on, yes Maser now is taking over.

Chairman Rogan stated okay, did I say Stantec, I meant Maser, yeah, okay.

Rich Williams stated yeah, they are looking at it.

Chairman Rogan stated okay, so everybody take a look. At least everybody take a look at the architectural sets closely and I think if you have them compare them up against what we had previously. We now have, remember we have three sets we had the set we approved, we had the second set which we were working on, which reduced some of the heights, which we were slightly in favor of, we didn't like as much as the first set and now we have this third set which supposedly complies with all Zoning, so let's take a look at those.

Board Member DiSalvo stated I don't like it all.

Chairman Rogan stated see if anybody has any strong opinions or thoughts one way or the other on this.

6) WINDING GLADES SITE PLAN

Chairman Rogan stated oaky Winding Glades Site Plan, formerly Patterson Corporate Park.

Board Member Montesano stated Patterson Business Park.

Rich Williams stated its in the location, excuse me.

Board Member Montesano stated Patterson Business Park.

Rich Williams stated Patterson Executive Business Park.

Chairman Rogan stated oh.

Board Member Montesano stated yeah, we'll get it all straightened out, okay.

Rich Williams stated I'm not sure, it was originally.

Chairman Rogan stated Patterson Corporate Park is what they calling it.

Rich Williams stated right, it was originally approved as Patterson Corporate Park, somewhere along the lines as it changed owners, the new owners decided to call it Patterson Executive Park, then it went back.

Board Member Montesano stated sounds like a plan.

Rich Williams stated so they, so my understanding is they bought all the lots within the Patterson Corporate Park.

Chairman Rogan stated okay.

Rich Williams stated and this was a corporate park across from Robin Hill Corporate Park.

Board Member DiSalvo stated so the total of all those parcels would be over a hundred acres, right.

Rich Williams stated a hundred and seventy-three acres.

Board Member DiSalvo stated and they only want to use like twenty-something.

Rich Williams stated well yeah, that's part of the difficulty with the application is, it looks like they bought all the parcels, they bought the whole project.

Board Member DiSalvo stated so did they combine all the parcels or is it still five or six separate.

Rich Williams stated it doesn't look like they are combining the parcels but they want to not build the road that they need for the subdivision but just build you know this, this club down on the back two parcels.

Board Member DiSalvo stated it'll be and it will be on two parcels that are separate from the other parcels.

Rich Williams stated yes.

Board Member DiSalvo stated so they'll still have what, three parcels in the front, or how many in the front.

Rich Williams stated three or, I think there are four or five.

Chairman Rogan stated wow.

Board Member DiSalvo stated so we don't know what they had in the future, planned on doing with that.

Rich Williams stated no.

Board Member Pierro stated it was, for there to be the Patterson Business Park, there had to be a road entering the project, correct.

Rich Williams stated there at some point should have been a subdivision road constructed for the Patterson Corporate Park.

Board Member DiSalvo stated um.

Board Member Pierro stated and this pre-dates our current stormwater rules and regulations.

Rich Williams stated the original subdivision does, yes.

Board Member Pierro stated yes.

Rich Williams stated this has always been one of the difficulties for those of you who know the lots, the lots are very steep, very difficult to build on.

Board Member Pierro stated yeah, I've hunted back there.

Board Member DiSalvo stated so on the original plans from the subdivision, did it show like where a road would be.

Chairman Rogan stated it looks like its shown on here.

Rich Williams stated yes it did.

Board Member DiSalvo stated is it the same one that's there in that one.

Rich Williams stated yes.

Board Member DiSalvo stated so that hasn't changed.

Rich Williams stated they show the, what happened was, they did the subdivision, the road was some nebulous, it was attached to the back parcel in the back and there was a court decision done some time in the 80's which broke the road away from the back parcel and made it its own separate parcel, I'm not sure when that occurred.

Chairman Rogan stated you can see it on the plans here.

Rich Williams stated but, you know if you look at it on the plans, that is the way the court ordered it, you know it goes back, there is no cul-de-sac, there's nothing.

Chairman Rogan stated they show, Rich, this area shown as a proposed skid pad, the six and half acres.

Rich Williams stated yes.

Chairman Rogan stated does that mean that that is supposed to be some sort of level surface.

Rich Williams stated typically a skid pad is a level blacktopped area, where you're going to set up parking and cones.

Chairman Rogan stated wow.

Rich Williams stated and you know you drive the cars around this very fast area to test the tires or to test out the suspension.

Board Member DiSalvo stated they put Clorox on the tires and they smoke 'em.

Chairman Rogan stated there is a seventy to eighty foot of elevation change over the course of the box they showed.

Rich Williams stated that's correct.

Chairman Rogan stated wow.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated huge (inaudible).

Board Member Pierro stated doesn't our Town Code have any exclusion for outdoor automobile racing.

Rich Williams stated what they are doing is they are saying they are a not for a profit club, this is a private club.

Board Member DiSalvo stated sort of like the airplane club, the airplane club.

Rich Williams stated right.

Chairman Rogan stated so they'll need a special use permit from Zoning.

Board Member Pierro stated but it's in our Code that it's not a permitted use.

Rich Williams stated if he wanted and just do it on the property as of right.

Board Member Pierro stated right.

Rich Williams stated or as a for profit business.

Board Member Pierro stated right, he couldn't do it.

Rich Williams stated couldn't do it.

Board Member DiSalvo stated so then this.

Board Member Montesano stated so you when walk through the alleged gate and you put a donation in the box.

Chairman Rogan stated no you're charged for membership, the membership has club dues.

Board Member DiSalvo stated like the airplane club, they are limited to hours that they fly and the planes (inaudible).

Chairman Rogan stated right, its part of club dues or something.

Board Member Montesano stated membership to club, that would be mostly for the drivers but what I'm thinking is that if you want people walking in.

Chairman Rogan stated spectators.

Board Member Montesano stated for spectators and they suddenly start dropping donations for the track.

Chairman Rogan stated yeah well its an extremely interesting concept, I'm looking forward to talking to him about it and learning a little bit about it and see. I mean we have to give it the same hard look as any application that's brought in proper form and go from there.

Board Member Pierro stated is the application complete Rich, so far.

Rich Williams stated (inaudible) it's a conceptual application.

Board Member Pierro stated okay.

Chairman Rogan stated yeah.

Rich Williams stated there is a lot of information missing from even the application form.

Chairman Rogan stated okay.

Rich Williams stated and I did give you a memo identifying some of the bigger, very broad issues you need to look at.

(Board Member Pierro's cell phone rings).

Board Member Pierro stated excuse me.

Chairman Rogan stated that's some ring.

Board Member DiSalvo stated think you heard it.

Board Member Montesano stated no, I can't hear.

Chairman Rogan stated okay.

Board Member DiSalvo stated it's just like probably Lime Rock.

Board Member Montesano stated yeah.

Board Member Cook stated yeah, you're right. I would be interested in the type of cars that they are going to race on here.

Board Member DiSalvo stated sure.

Board Member Montesano stated can I bring my rally car out of the garage and go whipping around.

Board Member DiSalvo stated little engine midgets or whatever, depending on how wide it is.

Board Member Montesano stated I don't know if I can afford the club.

Chairman Rogan stated probably not.

Board Member Montesano stated that's like that country club that was minor, enjoy it, sixty thousand dollars a year.

Board Member Pierro stated Watchtower DEIS that is on the floor.

Board Member DiSalvo stated this is coming in (inaudible).

Chairman Rogan stated I was just going to say they are still looking at the map.

Board Member Cook stated this is on [Route] 22.

Board Member DiSalvo stated no, the first property is 22, the first map this is the second map that takes you into.

Board Member Pierro stated hello Ted.

Chairman Rogan stated hey Ted, how are you.

Board Member Cook stated just curious that there is nothing like a gate house that people would show their membership card or.

Board Member Montesano stated well they've got a guy patrolling.

Rich Williams stated well I go back to if he's going to keep those other lots there, this is still a commercial subdivision, you still need a road to provide access to these lots.

Board Member DiSalvo stated to get to this he has to put a road in.

Rich Williams stated you know, if he wants to re-combine them all so its just one lot, well then you can talk about a driveway.

Board Member Pierro stated and I, I don't know what they paid for this but that really locks them into a tough situation for future development if they decide to make it a common driveway to those lots and combine all those lots at this point.

Rich Williams stated oh yeah.

Board Member Montesano stated what would it take, I mean.

Board Member DiSalvo stated (inaudible – mumbling).

Board Member Montesano stated basically if he wants to put a track in the back there and put a road in, which he's going to need if they are coming in with their cars on flatbeds or trailers or large eighteen wheelers.

Rich Williams stated sure.

Board Member Montesano stated he's going to need a road, he can still put that, well let's get rid of one headache at a time.

Board Member Pierro stated yeah right.

Chairman Rogan stated let's find out some more about it.

Board Member Pierro stated we'll see.

Chairman Rogan stated and see what the proposal is all about. It's always nicer hearing it from the people who are proposing it.

7) WATCHTOWER DEIS

Chairman Rogan stated okay, Watchtower, we have a Draft Environmental Impact Statement and Rich the project is basically what, that they are proposing, to bring everybody back up.

Rich Williams stated they were, this started several years ago, they had approached the Town about expanding the dormitory facilities, I haven't had a chance to open it up and it's been a number of years. I think it was about 70,000 square foot addition.

Chairman Rogan stated now, when I first got on the Board they were, we did a site walk with both Boards, it was for like a, an Audio/Visual expansion that never went anywhere, we went up and took, that is what I remembered.

Rich Williams stated well that got built.

Board Member Montesano stated the Audio/Visual building is up.

Chairman Rogan stated it is.

Board Member DiSalvo stated yeah.

Board Member Montesano stated yes.

Chairman Rogan stated I don't remember that.

Board Member Montesano stated its way up on the back on the hill.

Chairman Rogan stated and that was from.

Board Member DiSalvo stated all I remember is that they were trying to raise the heights of the building years ago.

Chairman Rogan stated okay.

Board Member DiSalvo stated or something.

Board Member Montesano stated it went up, in fact, I don't remember if you were with us that day but we went in for production in the new studio, they were showing us the productions that they were doing when we went into the building.

Chairman Rogan stated so have we, has the Planning Board done, I mean not that, we would need to go up and do a site walk anyway, Charlie hasn't been, you were up to the facility just around.

Board Member Pierro stated for the silos.

Chairman Rogan stated the silos.

Board Member Montesano stated we went for the silos.

Board Member Pierro stated the water towers.

Chairman Rogan stated have we done official site walk for this proposal.

Rich Williams stated I don't think so, I don't think anybody ever asked to do it but again this, I think.

Chairman Rogan stated okay.

Rich Williams stated god, I think I wrote the scope for the DEIS back in 2002.

Chairman Rogan stated all right, so everybody has a little bit of reading to do in the next week.

Board Member DiSalvo stated do they want to expand the dormitories there and increase the population, by how many.

Rich Williams stated I don't recall and I haven't started reading this so I don't know.

Board Member Montesano stated they are going to be.

Board Member Pierro stated does this exceed the original intent of the permit where this thing was initially started.

Rich Williams stated I don't believe it does but I believe that was one of the issues that they had to address in the DEIS because they were given the height variance as a trade off to not encumbering as much as they would normally be allowed to. I think it was fifteen percent at the time but I think they were still the last time at six or seven percent, they still had a few percentages to expand.

Board Member Pierro stated and with this addition, do we have number yet.

Rich Williams stated I've got to look, I don't know if they gave it to me or not or if I'm going to have figure it out.

Board Member Pierro stated all right.

Board Member Montesano stated well figure its 680 acres on that parcel, between the two of them.

Board Member Pierro stated there is a lot of useable land.

Board Member Montesano stated that is where the farm was when remember that.

Board Member Cook stated to answer Maria's question, it says here, the proposed project would add approximately five hundred residents to the WEC who would work and live on site.

Board Member DiSalvo stated how much would the bring them up to.

Board Member Montesano stated and what's sad is that they don't vote.

Board Member DiSalvo stated how many people would it bring them up to.

Board Member Montesano stated they don't believe in it.

Rich Williams stated I'm sure it's all laid out in their Draft Environmental Impact Statement.

Board Member Pierro stated we can read it by Thursday.

Chairman Rogan stated sure is it's very interesting.

Rich Williams stated please everybody take it because we need the space.

Chairman Rogan stated yeah, okay on your.

Board Member Montesano stated do you have hand trucks so we carry this out.

Chairman Rogan stated we'll make a couple of rounds and we'll carry it them out for you. Now that we are done with the regular stuff under Other Business, we only have twelve items.

Board Member DiSalvo stated your letters.

Board Member Montesano stated I'm glad to hear that.

Chairman Rogan stated sorry, I just.

Board Member Pierro stated had to stick that in there.

8) OTHER BUSINESS

a. Field and Forest Site Plan Bond Reduction

Mr. Joseph Reilly was present.

Chairman Rogan stated we have Field and Forest Site Plan bond reduction, we have Mr. Reilly here.

Board Member Montesano stated do we get overtime for that Mr. Chairman.

Chairman Rogan stated you can get anything you'd like if the Town Board will approve it.

Board Member Montesano stated you're giving us the business, you were getting the business.

Chairman Rogan stated the request is for a reduction in the bond amount and Joe you want to start, you're here just to listen or are you here to speak.

Mr. Reilly stated not here for the bond reduction, I was just kind of informed by the Building Inspector that I should probably come to the Town meeting next week.

Chairman Rogan stated okay.

Mr. Reilly stated and I am going to be away so I asked if I could come tonight.

Chairman Rogan stated great, actually we appreciate that.

Mr. Reilly stated so what I'm here to discuss which is news to me is the letter from Rich Williams to the Planning Board. So that way...

Chairman Rogan stated as soon as I find it, we'll...

Board Member Cook stated this is the July 8th...

Mr. Reilly stated yeah.

Rich Williams stated this was from the last meeting.

Chairman Rogan stated I don't have that in front of me. It was in essence, it's what, things that were changed from the approved the site plan that we're trying to contend with. The Building Inspector has done some inspections, I'm assuming Maser has done the, Maser is doing inspections out there right.

Mr. Reilly stated he comes out twice a week, just the same as Tom McGinn also before the new inspector.

Chairman Rogan stated okay.

Mr. Reilly stated so, we have made some changes to the project out there.

Chairman Rogan stated okay.

Mr. Reilly stated all along working with the individuals at the time, the Building Inspector, the Fire Marshal, the Town Engineer and Harry Nichols as the site engineer. So we have been working all along with this we have other changes into the Health Department.

Chairman Rogan stated what kind of changes.

Mr. Reilly stated we moved the water room and the water tank is noted here, from side of the building to the other side of the building. So the changes are basically, the Health Department is reviewing engineers plans I guess apples from apples for the water room, making sure everything that was in one water room, is kind of reconfigured because its on the other side of the building is in that water room.

Chairman Rogan stated okay.

Mr. Reilly stated so that we are currently in review.

Chairman Rogan stated and you mention the tank, the water storage tank, we have a letter from Mike Budzinski on the tank being closer to the, basically to the septic system then what it was originally proposed.

Mr. Reilly stated right.

Chairman Rogan stated and saying that he doesn't.

Mr. Reilly stated the (inaudible) problem, even if it was a well we are still far enough away, we are up gradient, it was kind of reviewed before we would even make a move like that.

Chairman Rogan stated okay.

Mr. Reilly stated and also its about thirty feet higher than the septic tank even though if you look at it from a bird's eye view, its so close we are thirty feet above the septic tank. This is news to me, I've kind of had a long week, this was kind of thrown at me this week when I was going to pour the footings.

Chairman Rogan stated you said you just got it this week, who'd you get it from.

Mr. Reilly stated I got it from Nick, the Building Inspector.

Chairman Rogan stated oh okay, what is the date on that.

Mr. Reilly stated July 8th.

Chairman Rogan stated okay.

Mr. Reilly stated so anyhow, and the way I got this is and I'm just here for a little clarification besides that to let everybody know where we are at out there.

Chairman Rogan stated okay.

Mr. Reilly stated is at what point you know, working with the other towns and this town, we go through the process of getting approved and its approved, once the Planning Board approval is done and everybody else is done, we work with Building Inspectors and usually Town Engineers. So this week I was stopped out on the job through Rich Williams who told Nick, the Building Inspector not to issue the building permit until we had a letter from the Health Department that the move of the water tank was satisfied. Which, we really don't need until we go for a C.O., I mean the new building is a thousand feet away, we already paid for the building permit and we didn't bring it in front of the, we didn't bring it in front of the Planning Board for review, we were working with the Health Department on this. So, what I'm concerned as, we had a hole dug and Nick knew we dug the hole and I kept him informed you when we were doing inspections, I let him know what's going on as well as everybody else out there. And, you know yesterday we about three inches of rain and we almost didn't pour the footings and I had to kind of jump through hoops and call the Health Department myself and basically say listen, can I have this letter, they said yeah, no problem. So at what point does, am I to, instead of working with Nick, the Building Inspector of the Town Engineer, should I just have Rich Williams come out and be my go to man. I don't see what the reason for having these guys out here if they are going to get.

Chairman Rogan stated yeah, I think the clarification should be and correct me if I'm wrong, or if Ted, anyone jump in any time, that everyone has an appropriate role. Nick certainly has a role that Rich can not fill and vice versa and from the Planning Board's perspective anything that is going to be changed on the site that isn't from the originally approved plan that affects the use of the site or creates any kind of changes to grading, to you know, the location of the building or the way the building is utilized on that site,

my impression is that's something that should come before us so that we can make sure that its something that everybody at the end of the day is going to be real happy with. I know there was a change in the elevation of one of the buildings; you were talking about a six foot difference or something.

Mr. Reilly stated yeah, I'm kind of confused by that, I think there is a little confusion, I looked at the original plans.

Chairman Rogan stated okay.

Mr. Reilly stated I don't know if there is a mistake with Mr. Nichols but it does show that the building is like seven feet higher than the parking area.

Chairman Rogan stated okay, so does the grading from the approved plan match up to the final grading of what. In other words, maybe not in numbers but in terms of the way the slope works up to the building and everything from say the road or from the walkways, is that all the same as what was proposed, regardless of what the numbers say.

Mr. Reilly stated there is a staircase going to the building and on the plans it shows, its really hard to tell, a staircase or just walk but.

Chairman Rogan stated I guess my point is and I'm probably not explaining it very well, if the first floor elevation was going to be up here. Regardless of what the numbers said and the existing grade what they were coming up to, was four foot lower, is it now with the new, with the building set at this elevation, the same difference between the first floor elevation and existing grade or has that changed by six feet.

Mr. Reilly stated I think it's the same.

Chairman Rogan stated you think it's the same.

Mr. Reilly stated I think its all the same, I think there is some confusion, I looked at the original plan but.

Chairman Rogan stated all right, okay, could be confusion but okay.

Mr. Reilly stated all along, I went with the Building Inspector on the planting shelves that were done in the front of the building, they are fieldstone walls, they look beautiful and with then Nick taking over with the handicap ramps and they are all in.

Chairman Rogan stated okay.

Mr. Reilly stated so, I'm just a little confused, I was stopped this week from working and I had a hole that was hundred fifty feet by fifty feet and that is no time to stop a job when we are ready to pour footings. I just couldn't understand that, how the Planning Board could step in and say you do not get your building permit which we already paid for and the check was cashed and it was like a year ago, how we were stopped by the Planning Board.

Chairman Rogan stated Charlie.

Board Member Cook stated don't you think that changes like that should be brought back to the Planning Board, you have an approved plan and don't you think that, you knew about what you were going to do, well before this week.

Mr. Reilly stated oh, I totally understand that.

Board Member Cook stated I mean, why wouldn't you come in, get on the agenda to talk to the Planning Board and say you want to make this change.

Mr. Reilly stated that's what I'm here for tonight.

Board Member Cook stated and before you dig a hole in the wettest summer we've had in 20 years or whatever.

Mr. Reilly stated right, well I was under the assumption that I had the building permit. I paid for it about 14 months ago. There are two separate building permits, a building three and a building four.

Chairman Rogan stated what building are you doing the pour for, you said.

Mr. Reilly stated building three, building four kind of had (inaudible) but building four had all the guts for everything, so we have to do that, we had to put the infrastructure inside four.

Chairman Rogan stated and the building number that was changed, the one we were talking about, the change in elevation, what number is that.

Mr. Reilly stated that was building four, the one that is currently up.

Chairman Rogan stated building four.

Mr. Reilly stated right.

Chairman Rogan stated so its buildings three and four and then one and two were the existing buildings.

Mr. Reilly stated yes.

Chairman Rogan stated okay, I forget the numbers from when we, it seems like we did this so long ago.

Mr. Reilly stated it was a long, long time ago, we had a break over the winter and we just couldn't work for eight months.

Chairman Rogan stated sure.

Mr. Reilly stated so.

Chairman Rogan stated I know that Rich has said that between Nick and looking at the plans and the engineers, there are some changes that, you know they are changes to the plan but Rich was the first one to say you know, there are changes but they work. There are some things that work, there are some things that are concerns that we want to just make sure we, everybody is comfortable with the way the changes

were made and that the site is still, will still be utilized the way it was designed and that seems reasonable, I don't think anybody would argue with that.

Mr. Reilly stated nope, you're right.

Chairman Rogan stated so if we can look at the major changes item by item, figure out whether we need to take an action, approve a modification or whether that is done as a field change, go and take a look or something we can.

Board Member DiSalvo stated (inaudible – too far from microphone).

Board Member Montesano stated what I'm thinking right now and you can correct me again, you have an engineering firm that goes out and checks a project, I'm just going in general. If there is a field change from engineer A, who represents the applicant with our engineer, who sees nothing wrong with it, we used to say okay, that was acceptable then, I don't know if we changed the rules.

Rich Williams stated practice has been for the twenty years I've been here, in order to not hold up somebody constructing the site, if they run into unforeseen circumstances, the engineer has the ability to allow them to keep going so that we don't stop them and wait for a Planning Board meeting. Then those changes generally come back to the Planning Board, depending on the extent of the changes, they may require some Planning Board action, if there is a material change on the layout.

Board Member Montesano stated I can see the shed all right the movement of the water that I can see us looking at because it's going to be in a different place.

Rich Williams stated sure.

Board Member Montesano stated but some of the changes we're talking about with the elevations and stuff, if our engineer okay's it then, isn't that acceptable.

Rich Williams stated but you know just to follow up on what Joe said, nobody is sure that there is change in the elevation. Harry put in the memo that he submitted for that last Planning Board meeting, there was six foot difference in elevations to the building which has confused everybody, I think.

Chairman Rogan stated is it a six foot change that it was going to be six foot above grade and now its twelve foot or is it a six foot change that the number went from a elevation of, five hundred foot to five oh six. In other words, the relative heights are the same as what was proposed; only the numbers were wrong, you know what I'm getting at. If its just that the numbers were wrong but we're still, the building is still where it was supposed to be, then I could care less.

Board Member Pierro stated right.

Chairman Rogan stated if it's a true change that building is six foot higher out the ground then it is supposed to be then my only concern is how like you said the ADA handicap ramps, how the site is utilized, we have retaining walls to contend with, so that is really only.

Rich Williams stated that leads back to where we are now, is because there was something happening and nobody knows for sure what, there were some side walks added in, some ADA ramps, the stairwells, the retaining walls in the front of the building so.

Chairman Rogan stated yeah.

Rich Williams stated and Harry submitted for the last Planning Board meeting three sets of plans, showing those changes.

Mr. Reilly stated and what, right, and what is kind of the confusion out in the field on our end is talking with Tom McGinn, again this is going back from our outside, our field inspector from the Town Engineer, we went all along with this with him and we would go over this with him and we had an eight month period where we didn't work out there to rectify problems out there to move material off the site. When we started back up again, there was new engineer and Tom McGinn said that when we do things, we need to redline and get a plan in. So we can't just start red, marking up.

Chairman Rogan stated what does that mean, redline them.

Mr. Reilly stated oh you know, if we are going to move something.

Rich Williams stated take a red pencil and you mark it out on the plan what is done.

Chairman Rogan stated so you're showing field changes on the plan.

Rich Williams stated so you have a master plan to show.

Mr. Reilly stated there were some changes made because of the rock that we hit.

Chairman Rogan stated okay.

Mr. Reilly stated and we, eight months later when we picked up again, we finalized the water room and then we started drawing up the water room again. You know so that takes some time and its going to take some to review it.

Chairman Rogan stated understood.

Mr. Reilly stated so we are in that process right now, so with these changes we made them, we gave three copies to the Town Planner, here are the changes we made, they've all been discussed out in the field, the walls in the front were discussed with, at the time, Dave Raines when we were getting that and then there has been a change with now Nick, whose taken over but pretty much Dave has brought Nick for the most part, up to speed on everything. All our handicap ramps, we would have done anything without making sure that we meet the Code to the handicap ramp.

Chairman Rogan stated because you don't meet that code, you're kind of in trouble.

Mr. Reilly stated which they do and all of this I think comes down to when we go for a C.O., if we move drainage or parking, thirty feet this way or something like that, we moved parking spaces only because of the change on the handicap ramps. We make this change and we come back and at the end of the project, we do an as built and at the as built, where we have a licensed surveyor, they'll come in with exactly everything.

Chairman Rogan stated understood.

Mr. Reilly stated and at the time, if we are wrong, we don't get a C.O. we have to rectify whatever the problem is but we are out there in the field working with the outside inspectors, not on the inside with the Planning Board, pre se.

Board Member DiSalvo stated okay.

Mr. Reilly stated so that's my confusion because I met with Nick a month ago, July 1st before the holiday weekend, introduced myself through you know, Dave, I said I'm getting ready to start building number three, I was with Cheryl in the office, went through everything I went on vacation the following I said I'll be away next week, I can't answer any questions. The following week, I met with Nick out in the field, I assumed everything was okay because our permit was paid for and Dave said, at the time Dave could have issued both permits, I said I only need the one now and when we get done we are going to start the other building but we paid for both of them. So I told Nick we were digging the hole out, I was up front, the following week I called for a footing inspection and then three days later he said no, I'm sorry I've been informed by the Planning Board until I get this letter you have no building permit, you have to stop work out there and I just didn't think that was, it wasn't sensible.

Board Member Pierro stated it probably wasn't I wasn't aware of this that this was going on, I don't know if anybody else was.

Board Member Montesano stated well I'm just reading the July 9th.

Board Member Pierro stated my concern was Rich, if you needed a letter and he needed to provide a letter for the Health Department. Couldn't we have picked up the phone and called the Health Department from your office, just to expedite the process instead of slowing the man down and making it look like we are out to jam it in his backside.

Board Member DiSalvo stated (inaudible – mumbling).

Rich Williams stated that's your interpretation of this Dave, I'm going to tell you right now that Nick and I work very closely together, I like Nick, Nick is very professional about things.

Board Member Pierro stated right.

Rich Williams stated not once did I ever tell Nick to stop that project. The memo that I did was for the Planning Board based on the three plans that Harry submitted back to the Planning Board about the changes that were made to the site, which typically the Planning Board will review and sign off. And we do that Joe, as the project is going along so that you don't when you get to the end and you do your as built, you know, you haven't extended all this time and effort only to find out that the Planning Board is not going to accept the changes, so its better to do it as the process goes along, rather than catch you in the end.

Mr. Reilly stated but I don't understand why I need to work then with the field inspectors rather than just have you come out full time. Why am I working with the Building Inspectors on retaining walls where they are saying okay, where you're saying at the end the Planning Board will say no. I don't understand that, like what I'm trying to get is, we all have a higher power so if I work with one higher power and then somebody else steps in and overrides that higher power, there is about thirteen or fourteen people that financially are going to get hurt in a couple of weeks.

Rich Williams stated sure.

Mr. Reilly stated and what happened this week is exactly that case, so Nick knew I was digging, I shook his hand I told him we paid, I totally up front with him, I'm always with everybody, I FYI'd him out in the field when we were going an inspection on sidewalks. Nick, I just want to let you know I'm back, we're going to excavate the hole, okay, the following week on Monday I called, Nick we excavated, looking for a footing inspection on Wednesday, what's good for you, ten o'clock, at three o'clock, at two o'clock in the afternoon he calls me up with terrible news saying you don't have a permit and until you get this rectified you will not get a permit. Now I don't understand where that came from when its been a month that we were, we had an open relationship and you're right, Nick is a good guy and I just think that and I tried to explain to Nick, I said Nick, you're new on board here, maybe you should check with Dave, it's a go, and I said if you have a blue collar history, I told you what's going, you allowed me to open the hole, we've got three inches of rain scheduled to come, this is no laughing matter, its time to pour the footings, if we don't pour footings and we get three inches of rain, we rip everything out, we have to re-excavate it to get to dry earth again and then pour the footing, I don't know if anybody understands this, this is what took place this week. So if I can't work with the Building Inspector, I want to work with the person that calls all the shots and that is why I'm here tonight. I need to know who calls all the shots because Nick didn't this week, somebody informed to stop it or something happened between Monday morning when I called at let's say 8:30 and two o'clock that afternoon.

Rich Williams stated Joe, I mean if that is your concern, you really want to know who did that, I will be happy to talk to Nick in the morning, I'll talk to Mike Griffin, we'll pull a meeting together.

Mr. Reilly stated he said it was the Planning Board.

Rich Williams stated well then we'll get Nick in a room and we'll get that clarified.

Mr. Reilly stated I came to the Planning Board when Nick said the Planning Board and I'm asking the Planning Board tonight, is this the way it works. I'm asking the Board, I'm not asking Rich.

Chairman Rogan stated no, I know but I can't speak for how Nick does his job.

Mr. Reilly stated Rich is part of the Board.

Chairman Rogan stated so, nobody on this Board said Nick, don't allow a building permit to be issued.

Board Member DiSalvo stated right.

Chairman Rogan stated or don't allow him to pour footers, what was brought to our attention was that as the process was going along there were changes to the plan that may affect the use of the site. We need to clarify the distance between a water tank and a septic tank and we said, let's get, it's not our deal, if its buried I don't really care but let's something from the Health Department and.

Board Member DiSalvo stated and that was at the last meeting, so what took so damn long for this letter to come.

Board Member Pierro stated I'm surprised that it took this long.

Board Member Montesano stated we got correspondence last month on July 9th.

Chairman Rogan stated Harry.

Board Member Montesano stated July 9th, July 8th.

Chairman Rogan stated July 8th.

Board Member Montesano stated and July 3rd, all pertaining to this, which was at the last meeting.

Chairman Rogan stated you have that letter.

Board Member DiSalvo stated (inaudible – too far from microphone).

Mr. Reilly stated what the latest change with the Health Department and why you didn't see a letter so quick was that they wanted to give a complete review and we made another field change in the water room, where we have two fire tanks that feed the sprinkler systems and it was overlooked by the Health Department, whoever, how is this getting fed. So it was going to manually fed and I asked our engineer Harry, I would like to have it fed by the water, so we have to have a triple check valve in order to feed it so there is no cross contamination.

Chairman Rogan stated excuse me.

Mr. Reilly stated so that was another thing that was added and that was something that Health Department was waiting on from Harry, the diagram of the triple check thing and the wait on that. So when I called the Health Department, I said listen guys I have a jam here.

Chairman Rogan stated sure.

Mr. Reilly stated these guys are holding me hostage until I get this letter and they said well we can't give it to you, I said well, we're not done with our review and they said what are you exactly looking for and it was the satisfaction of the water tank being moved.

Chairman Rogan stated yeah and that is all we were looking, that is all we asked for.

Board Member Pierro stated that's all we asked for.

Mr. Reilly stated and they gave it.

Chairman Rogan stated yeah.

Mr. Reilly stated and they gave it but I don't understand that, I don't understand then how Nick, a qualified Building Inspector gave me the okay to dig the hole, the okay to give me a footing inspection and then a couple of hours later to change his mind. I mean, think of it, it's not fair, its just not fair what happened this week. That is a very large hole out there that we excavated and not only that Dave Raines.

Chairman Rogan stated but you did pour though, right.

Mr. Reilly stated I did pour and I had a Building Inspector.

Chairman Rogan stated you did pour.

Mr. Reilly stated a guy that I just met, who pretty much wanted to rip my head off who had a stop work order in one hand and a building permit in the other waiting for the phone call from this office, to say that they got the letter. And I felt bad for the Building Inspector because he didn't want to be there and do that.

Chairman Rogan stated sure.

Mr. Reilly stated he knew it wasn't right.

Chairman Rogan stated sure.

Mr. Reilly stated so again and this is the second time I'm in front of the Board and I'm asking and I'm, no body is giving me an answer.

Chairman Rogan stated well the first time you were in front of this Board, you weren't asking that question.

Board Member DiSalvo stated well what did Nick say, why was it held up.

Mr. Reilly stated the Planning Board.

Board Member DiSalvo stated did he say us as a Board.

Mr. Reilly stated he said the Planning Board and that is why I'm coming in to get answer the questions tonight. So, if this is the case, that's fine, I'll work with Rich and I don't need to work with somebody.

Board Member DiSalvo stated you need to work with the Building Inspector.

Rich Williams stated Joe, let's be clear though, I'm not the Planning Board, I work for the Planning Board just like Nick does, just like the Town Engineer does, when it comes to things with the building and what's going on right now, I'm working with the Town Engineer and with Nick. I'm supporting their efforts, so you would still be working with Nick if I was told to do something on your site you would still for the most part be working with Nick and I would be reporting back to Nick and the Planning Board.

Chairman Rogan stated right.

Mr. Reilly stated well.

Rich Williams stated just as Nick does or just as the Town Engineer does.

Mr. Reilly stated but I, and, the other few towns that I have worked in and built subdivisions and currently am working in, when its time to go to the Planning Board, either the Building Inspector or the Town Engineer says hold on a minute, its time to go to the Planning Board, I have not been told that.

Chairman Rogan stated well you were.

Mr. Reilly stated I was told this week.

Chairman Rogan stated but wasn't Harry in last month, didn't we talk to Harry about this.

Rich Williams stated he brought in the changes.

Chairman Rogan stated your engineer, to be honest with you, if Harry is in here, I feel like I'm talking to you, you're paying the guy that is as good as me talking to you, in fairness.

Mr. Reilly stated you are.

Chairman Rogan stated so we had the discussion with Harry about some changes and said we need just clarification from the Health Department and let's get a review of how these changes impact on the site, impact how the site works. Nobody on this Board said send a memo to Nick to tell him not to issue any permits.

Mr. Reilly stated well at that time was there a time frame.

Chairman Rogan stated was there a time frame.

Board Member Pierro stated not that I'm aware of.

Mr. Reilly stated you know the Health Department is no different then a Planning Board or anything.

Chairman Rogan stated sure they've got other work going too, I understand.

Mr. Reilly stated they need to review and they need sufficient time. I don't understand what happened.

Chairman Rogan stated I'm a little confused myself, sure, go ahead, no go ahead.

Board Member Cook stated last meeting, because we have the minutes from last meeting.

Chairman Rogan stated right.

Board Member Cook stated it states that we had a concern about the closeness of moving this tank near the septic.

Chairman Rogan stated right, which is why we needed.

Board Member Cook stated it was felt that we can't take an action on these changes at least until we know from the Health Department and from Andrew the engineer about the water storage tanks being so close. So maybe that is what got translated out.

Board Member DiSalvo stated there's the letter.

Chairman Rogan stated there is the letter, so that is where it is then.

Board Member Cook stated okay but we were talking about this on July 9th.

Board Member Pierro stated and July 20th.

Board Member DiSalvo stated July 29th.

Board Member Montesano stated its July 20th, I believe.

Chairman Rogan stated okay, thank you for looking at those minutes though, that helps remember.

Board Member Montesano stated Dave, what is the date on that.

Mr. Reilly stated no, I know, my concern is that in most places that I work with once the project is reviewed, I then.

Board Member DiSalvo stated July 29th, yesterday.

Board Member Pierro stated yeah.

Board Member DiSalvo stated yesterday this came.

Chairman Rogan stated yeah.

Board Member DiSalvo stated the 29th.

Board Member Montesano stated the 29th.

Board Member Pierro stated I'm sorry.

Mr. Reilly stated am handed off from the Board to now the field inspectors.

Chairman Rogan stated yes.

Mr. Reilly stated and then if there is a problem the field inspectors then advise me you need to go to the Board.

Chairman Rogan stated understood, in other words if the field inspectors in their experience see changes that you're making, field changes that are significant they say Joe, let's slow down for a minute, let's go make sure the Planning Board is good with this.

Mr. Reilly stated absolutely.

Chairman Rogan stated it sounds very similar to what's going on to be honest with you because you didn't see it coming because Harry doesn't communicate with you as much as.

Mr. Reilly stated no, its not Harry, it's the Town Engineer and the Building Inspector has never said, hey let's slow down.

Chairman Rogan stated okay.

Mr. Reilly stated Harry knows about all these changes.

Chairman Rogan stated oh I know, I realize.

Mr. Reilly stated the Town Engineer knows about all these changes and so does the Building Inspector.

Chairman Rogan stated okay.

Mr. Reilly stated we just don't, on ourselves say we're moving that tank, we're putting it there, no, we don't even do that, we talk to the individuals and say this is the problem, this is what we are going to do, we're going to make the changes, its an as built and we look at it, its going to work. Now as far as fifteen foot separation...

Board Member Cook stated excuse me.

Mr. Reilly stated you guys bring that question up, well are we too close, is it up to the Board to decide that we are too close.

Chairman Rogan stated no, it's not that is why we requested the opinion from the Health Department.

Mr. Reilly stated right so who called the Health Department, we are in the Health Department.

Chairman Rogan stated we sent Harry to the Health Department, we said Harry go get an approval from the Health Department.

Mr. Reilly stated okay, we are currently working on that.

Chairman Rogan stated you got it now. Well isn't that what that letter.

Mr. Reilly stated that was through having a gun pointed at my head.

Board Member DiSalvo stated you have the letter in our file.

Chairman Rogan stated have the letter, we have a copy.

Mr. Reilly stated and so with this, I don't think I'm still getting my answer. It is a Health Department decision to make.

Chairman Rogan stated yeah.

Mr. Reilly stated it's a field call to make, I don't understand why Nick was informed by the Planning Board not to issue a building permit.

Board Member DiSalvo stated he should have said he was waiting for the Health Department letter, shouldn't he have said that instead.

Chairman Rogan stated I understand what Joe is saying.

Board Member Cook stated he didn't have the Health Department letter when he told you to stop.

Board Member DiSalvo stated he should have just said it was the Health Department holding it up.

Mr. Reilly stated right but I didn't know and Harry didn't know and nobody knew that there was a time frame to get this Health Department letter. The time frame in my mind would be for when we go a C.O., the Health Department is going to have their final sign off, they are going to do their testing, the infrastructure under the ground which we already tested and passed, we are going to do the testing, the Town Engineer was out there to witness it. Are we wasting our time, should Rich be out there rather than the Town Engineer witnessing it, is he going to question the testing, like the septic tank has been questioned.

Board Member Cook stated I think what he was doing was based on our last meeting, where we said we had this concern and we wanted the Board of Health to issue a letter so that is where he represents us, okay to communicate that out, to say.

Mr. Reilly stated is the job stopped at that point.

Board Member Cook stated excuse me.

Mr. Reilly stated is the job stopped.

Board Member Cook stated no, I don't know that, that's not up to us, we just said you have to get that letter.

Mr. Reilly stated okay, right and we were working right on it.

Board Member Cook stated and if that implies to stop by whether its Rich or Nick or whoever, then they say stop.

Board Member DiSalvo stated it would have to come from Nick really.

Mr. Reilly stated so Rich has the authority or the Planning Board. I don't understand that, that is where I'm confused.

Chairman Rogan stated well the Building Inspector does.

Board Member DiSalvo stated I would say the Building Inspector, that's what he's for right.

Chairman Rogan stated and I'm, Joe just to be clear for a minute here, I'm walking through this process with you and I understand you're looking for hey, what's the threshold here, you know what is a minor change, what becomes an issue that we need to stop or you know. My feeling is that when you know there is a change going on even if Harry knows about it, if it something that changes from the site plan, that is other than just changing a component, its supposed to have one valve and its going to have another, that is a silly field change we don't need to know about that. You are going to take something that is physically shown on the plan and you're going to move it to the other side of a building, if I were in your shoes I'd say Harry, send a quick memo over to the Town and say hey this is what we need to do, we are working on a field, we are working with the engineers, FYI, so that everybody is on notice so that its not when you get a memo or a plan and it shows a dozen or two dozen deviations from the plan that we don't know now. I mean, Harry's got to figure out this elevation thing, whether its his fault or whether it's a mistake or what, I want to know whether the building, I'll tell you right now, me knowing how that building relates to what we approved I'm concerned about. Not concerned enough to stop you but concerned enough to know to get the right answer here.

Mr. Reilly stated right.

Chairman Rogan stated just to find out from some kind of base line survey, where the building ended up.

Mr. Reilly stated and you do get that Shawn on as built.

Chairman Rogan stated right but I don't want to wait for an as built to know that then the grading doesn't work the way I know in the end the ADA compliance law but the grading doesn't work the way it was intended because the building is now twelve foot above the parking lot when it was supposed to be six foot. We were supposed to have four stairs and now we've got twelve, those are the things that I want to know whether or not that means a stop work order or not, I think its based on when we find out about it, if we find out about it right up front hey everybody's on board, we know the changes are coming. We find out about it after the fact, its like hey they caught us, I know you're working with your guys but that doesn't mean we know about it.

Mr. Reilly stated well no, we're working with the Building Inspector and the Town Engineer, so we...

Chairman Rogan stated yeah.

Mr. Reilly stated if we work it out with them and let, for instance we did a four foot foundation rather than eight foot foundation. The Building Inspector couldn't have been any happier about that change because again as a Building Inspector he doesn't have to worry about what's in the basement anymore, its storage, it just can't be utilized, for a rental.

Chairman Rogan stated just a crawl space.

Mr. Reilly stated right, so that's not on here, you know.

Chairman Rogan stated that's because you didn't go down, you kept the elevation of the building the same, you didn't drop the building four foot.

Mr. Reilly stated we didn't drop it.

Chairman Rogan stated you kept the first floor elevation as what it was proposed.

Mr. Reilly stated right but it was a major change.

Chairman Rogan stated yeah but materially from our standpoint probably doesn't change anything because the use of that was probably dead space.

Rich Williams stated its not something this Board is involved in, or this department even, it's a Building Department issue.

Mr. Reilly stated exactly now we are doing staircases, walkways.

Rich Williams stated all of that is solely Nick.

Chairman Rogan stated yeah.

Mr. Reilly stated yeah and part of this is that, our ramps our staircase going up.

Rich Williams stated those are site plan issues, those are issues identified in the Code as relevant to the site plan and issues to the Planning Board.

Chairman Rogan stated yeah.

Rich Williams stated in addition to being issues for myself, Nick and the Town Engineer, we all have our little piece that we deal with.

Mr. Reilly stated and that is what I'm trying to clarify tonight so I don't look.

Chairman Rogan stated moving the water tank for instance.

Mr. Reilly stated right.

Chairman Rogan stated yeah we concentrated on wholly, they put it right next to the septic tank, you know is that okay with the Health Department but the other concern when the Board reviewed the site plan is you're putting in a storage tank. If this was a fire suppression tank, you'd say, in this case it is a domestic water tank, we're correct on that.

Mr. Reilly stated right.

Chairman Rogan stated but let's say it was a fire suppression tank, we'd say wait a minute, is that okay with the fire department because they moved the location, is it going to be the best location for them, I know that they hit ledge over there and it seemed reasonable to move it over to the other side of the building but let's just make sure everybody is on Board before we get too far into the project and now are compliance time and they say oh by the way we moved the storage tank over and the fire department says well we don't like that, well now you know how it is on a compliance, everybody is willing to accept a lot more.

Mr. Reilly stated I completely understand.

Chairman Rogan stated I'm still not a hundred percent clear on the whole stop work order deal, we were clear at the meeting that before we were moving forward with approving the changes, right, approving the changes that were outlined that we wanted a Health Department letter. How before we approve the changes turns into a don't issue or a stop work order on a building I'm not very clear on, there is maybe some communication we all have to have with Nick and get on the same page but your initial question about who ultimately is the authority here, I think it isn't very easy to answer because there isn't any one person.

Mr. Reilly stated it's a Board.

Chairman Rogan stated I think it is kind of dance, it's a dance, its Board, it's a Planner, it's a Building Inspector, its an Engineer, its your Engineer, its your construction guys, you know.

Mr. Reilly stated so as far as like making any submissions to the Planning Board.

Chairman Rogan stated yup.

Mr. Reilly stated do I make them through Rich.

Chairman Rogan stated well yeah because Rich is, everything goes through, through Rich and through Michelle, everything goes through here for us.

Mr. Reilly stated okay.

Board Member Pierro stated and you have to understand that we don't get them until a week later, sometimes two.

Mr. Reilly stated okay.

Chairman Rogan stated especially if we don't all stop in all the time, so like some of this stuff, a lot of it we are seeing it for the first time right now.

Mr. Reilly stated okay.

Chairman Rogan stated and that's not that it hasn't been sitting here for four, five days but you know, I'll be the first one to admit it, I don't get in here once a week because I have a full time job and other things.

Mr. Reilly stated okay.

Chairman Rogan stated so sometimes we are reading this stuff for the first time tonight, that is why this is a work session, that is why we do this sort of stuff, it gets us prepared for our regular meetings.

Mr. Reilly stated now am I following the right procedure when I'm making a field change, I'm making them with the correct people, the Building Inspector, Fire Marshal, Town Engineer, they're doing all their jobs.

Chairman Rogan stated that seems reasonable (inaudible).

Mr. Reilly stated so when Rich sees something in front of him, that is a change that we made in the field and we are bringing it over to.

Chairman Rogan stated I think when it's a location change or a change to elevations and I think you have to almost define what the and I think you are getting a sense of that.

Mr. Reilly stated I am.

Chairman Rogan stated when it's a component change that doesn't impact on the function of something, hey they spec'd out one particular plumbing part and we are going to, that's a, those are field changes, it doesn't effect the site.

Mr. Reilly stated right.

Chairman Rogan stated there are field changes, it doesn't effect the site, when you take something and move it, when retaining walls move, landscaping moves, lighting changes, things that we have purview

over. I think at a minimum a really quick letter from Harry or from yourself saying hey guys this is what we are intending to do because of X, Y and Z, you know if we need to do anything else, please let us know. That puts people right on notice and we can just go back and say no we mentioned it, we talked to Harry, we got the spec on it, no big deal and its not coming before the Board and its not.

Mr. Reilly stated so when we send this letter from Harry to Rich, he's not going to take it upon himself to answer.

Chairman Rogan stated its to the Planning Board in a sense.

Mr. Reilly stated he'll then just forward it to you guys and you'll all discuss it.

Chairman Rogan stated yeah because its, that is absolutely correct.

Board Member DiSalvo stated I would copy the Building Inspector too and the Town Engineer.

Board Member Pierro stated right.

Chairman Rogan stated right.

Mr. Reilly stated generally we are out there with them already and that is how it arises.

Chairman Rogan stated our goal in all this while right now it doesn't seem like it from your perspective, I understand, our goal in this is try and make this be smoother, nobody wants to slow you down. We want you to build those buildings and build them according to what we approved, I realize things comes up and things change, everybody knew you were going to hit tons of rock out on that site. That is why we had concerns about some of the walls and some of the steep banks you know, we want to make sure that the functionality of the building, you don't change a building location, move it so that you walk out the back door and into a stormwater pond or something, let's face it.

Mr. Reilly stated okay.

Chairman Rogan stated we have the letter; we were basically comfortable, the ADA stuff I'm comfortable with, if it meets the requirements, it has to meet the requirements and we couldn't say we are comfortable with it, if it didn't.

Board Member DiSalvo stated you couldn't get a C.O. without it.

Chairman Rogan stated right, if it didn't.

Mr. Reilly stated all the parking is still the same, the position of the ADA because of the handicap.

Chairman Rogan stated yeah, they still have to be so many feet away from the main entrance or in proximity, so even though you've changed the location they still meet the requirements, you know.

Mr. Reilly stated right, okay, so just to bring you up to date, we are getting ready to go for our final compliance on building number three.

Chairman Rogan stated three, okay.

Mr. Reilly stated and we've started building number four now.

Chairman Rogan stated okay.

Mr. Reilly stated so just to bring you all up to date, that is where we are, do we look to the Planning Board for anything. I have never dealt with a Planning Board on the end for compliance, what do I look for on this project.

Board Member Pierro stated any field changes on this building.

Board Member DiSalvo stated the building is going to be in the same spot right.

Mr. Reilly stated so the field changes that we've made. The only field change that we have coming up now which you guys will see shortly, is the guide rail, some of the area is eliminated because of the slopes and that will be coming in front of yours probably in the next week or so. So that's it then, we get those field changes.

Chairman Rogan stated and we've had, for instance, we were up at, remember the site up at commerce drive, the quarry facility, what was that called, the one that we.

Board Member DiSalvo stated Eurostyle.

Chairman Rogan stated Eurostyle, remember there was a section that on the plans had shown a guide rail, remember right up top but because of the grading that was actually final grading, the guide rail was pointless. It was the kind of thing it was shown and we approved it as obviously it wasn't needed, even though it was shown on the original plan, it didn't make any sense to even have it, so we did a, we did a waiver or just acknowledge that the.

Rich Williams stated by motion you accepted the changes that were made in the field.

Chairman Rogan stated we accepted the change, right, right, there were a number of them, there was probably twenty of them that we looked at. We did a quick site walk, we looked, basically the building was ready for a C of O. So, you know, it may be in this case that before you go to C of O, we run out there and we take a quick look you know. The grading and the landscape plans on one of the buildings has probably changed, we go out and just make sure it meets with the intent of, hey let's face it, does it look nice, does it serve the purpose was intended to, does it control erosion. We only have so much authority in this too, remember we are not building inspectors.

Mr. Reilly stated well we know, I know, I know, I just want to be able to separate.

Chairman Rogan stated I don't want to have any more, yeah.

Mr. Reilly stated which part I work with, who I work with at certain times.

Chairman Rogan stated we have enough to contend with, with all these codes, we don't want to put anymore on ourselves and we don't want you to have to deal with us more than you have to.

Mr. Reilly stated okay.

Chairman Rogan stated okay, so why don't we try to, let's open up the lines of communication when there are changes that are more significant, you know, so we at least know about them as soon as you contemplating them.

Mr. Reilly stated okay.

Chairman Rogan stated if you let us know as an FYI, this is what I'm thinking about because we encounter rock or this is going on, nobody is going to fault you for that.

Mr. Reilly stated okay.

Chairman Rogan stated you know it works to expedite everything.

Mr. Reilly stated I think you guys are up to date on all the changes from that last submission, with the exception of the guardrails.

Chairman Rogan stated okay.

Rich Williams stated there is one other issue everybody should probably talk about real quick and that's because of some of the rock you hit out there and certainly because you moved the location of the tank and some of the other changes. The original landscape plan for this, no longer works.

Chairman Rogan stated right.

Rich Williams stated so, does that matter, do you want anything...

Chairman Rogan stated this is around building three.

Rich Williams stated four.

Chairman Rogan stated building four, so will the landscaping, it doesn't work, wait let me ask specifics, it doesn't work because of what.

Rich Williams stated well because of changes he's made, for example he had shrubs, now he's got sidewalks, so he's not going to be able to put the shrubs in, of course.

Chairman Rogan stated right, so it will still be the intent of what was original approved, the shrubs or the landscape theme around the sidewalks that are now in those areas.

Mr. Reilly stated yes, up against the building, its funny too between both buildings if you look, with building number three, we need a sidewalk across the whole building to access the building and that is why its changed the landscape plan.

Board Member Pierro stated the landscape plan.

Mr. Reilly stated again I mean, I don't know how good you guys get each project but a project of this size, when it comes down to this I don't think you can get everything wrong from the planning, twenty months before you start the project.

Chairman Rogan stated and in fairness Joe, that is the frustration you spend the time up front knowing full well that things are going to change, you try to nail it all down but you can't nail everything down.

Mr. Reilly stated there are too many things.

Chairman Rogan stated there are too many things that change and too many things that happen and I understand certainly from your perspective the frustration and from our perspective and Rich's and the people that review it. You spend all this time knowing that it may change and that you know you're kind of spinning your wheels and it kind of feels like a waste of everybody's time to some extent. I would say that I am comfortable with changes in landscaping...

(Side 1 Ended – 8:29p.m.)

The Secretary stated okay.

Chairman Rogan stated okay, I'm comfortable with changes in landscaping provided that what is completed meets with the intent of what was originally approved and I'll leave it at that kind of a thought that you see what was proposed you got to make what you have now, kind of meld with what was approved. If you have area then you have to plant it in the same general theme of what was approved, if it meant certain types of shrubs that were going to do well on site, were going to control erosion and look nice on the site, that is what you want to have out there anyway.

Mr. Reilly stated right.

Chairman Rogan stated you spent the money to have it all approved initially.

Mr. Reilly stated I think the building looks nicer than we even originally.

Chairman Rogan stated so, I think on this one when you get closer to C of O, it probably would be a good idea for Harry to create a comprehensive list of changes that exist and we go out just like we did with Eurostyle. We just walk through them with Harry, with you, to just go through them, just so we can say yes, yes, yes, okay, we got to do something, whatever so its all hammered out and we're done, at the end of the day everybody is happy.

Mr. Reilly stated okay.

Chairman Rogan stated I know that I speak for everyone.

Mr. Reilly stated is there a time.

Chairman Rogan stated on the Board that we want you to build this out, do it right and move on to other projects, nobody is looking to slow you down here. We are trying to get people, we are trying to promote these kinds of projects, and we've got other people we are trying to fast track through projects, you know try to make sure that they get them done as quickly as possible.

Mr. Reilly stated okay good and would you mind clearing the air with Nick, it kind of got us off on the wrong foot.

Chairman Rogan stated yeah, we're going to, absolutely, we absolutely will.

Mr. Reilly stated okay.

Chairman Rogan stated we're going to have a discussion with him to figure out exactly where, if there was any miscommunication how we can resolve it for the future. I think again having better communication with you and Harry and us on changes as they occur and again we need to kind of set a common sense threshold to what those are, you're moving something, you're changing grades, things that impact on what we approved and Harry should know full well, you know.

Mr. Reilly stated okay.

Chairman Rogan stated okay.

Mr. Reilly stated thanks for your time.

Chairman Rogan stated thanks very much Joe, appreciate your time.

b. Benderson (Patterson Commons) Bond Release

Chairman Rogan stated okay we have Benderson, Patterson Commons bond release, Benderson, so that's the A & P.

Board Member Pierro stated the A & P, is there anything outstanding there Rich, are we holding any money, are we holding any bond.

Board Member DiSalvo stated (inaudible).

Rich Williams stated I did give you a money, a memo, pardon me.

The Secretary laughs.

Rich Williams stated we are currently still holding four bonds on Benderson's projects. Twice its been before the Planning Board, twice the Planning Board...

Board Member Montesano stated rejected it.

Rich Williams stated has not considered releasing those bonds.

Board Member DiSalvo stated what's (inaudible) over there.

Rich Williams stated you know, opinion ladies and gentlemen is its twelve years this project has been open, everything is there.

Board Member DiSalvo stated yeah, I mean what else the ponds are there.

Chairman Rogan stated you said twice though we didn't release it, what was the reason for not releasing it, you remember.

Rich Williams stated different reasons both times and both times they were looking for different bonds back of the four. Dissatisfaction with the way the wetlands looked, there was some striping along the.

Board Member DiSalvo stated they've been cutting, they've been keeping them clean in there.

Board Member Pierro stated they just went in there this past week.

Chairman Rogan stated yeah.

Rich Williams stated there was some striping along the west side of the building that was not done, that is done, there is some striping on the south side of the building is done.

Board Member DiSalvo stated some of those gutters can use fixing, right where that hot dog stand is now, during the rain, that gutter is broken and is flooding down.

Rich Williams stated that's, I mean we can address that as a Building Department issue under property maintenance. Do you really want to hold \$ 434,000 dollars.

Board Member DiSalvo stated no, no, no.

Board Member Cook stated he's only, wait a minute, he's only asking for.

Chairman Rogan stated a hundred.

Board Member Pierro stated a hundred grand.

Board Member Cook stated release on a hundred grand for wetland restoration.

Rich Williams stated right.

Board Member DiSalvo stated so give him that.

Board Member Montesano stated give him that.

Rich Williams stated but why are we holding any of it.

Board Member DiSalvo stated why doesn't he want it all back.

Board Member Cook stated I don't know.

Board Member Pierro stated he hasn't asked for it for one.

Board Member DiSalvo stated why don't we ask him.

Rich Williams stated it is more of a housekeeping issue.

Chairman Rogan stated why don't we release, do a recommendation to release a hundred and do a quick review of the remaining monies and.

Board Member Montesano stated they might like it because it is money that's there.

Board Member Cook stated what has to be done.

Board Member DiSalvo stated more savings.

Board Member Pierro stated curtain drain installation.

Rich Williams stated done.

Board Member Pierro stated site construction performance bond.

Rich Williams stated let's say this, the thirty-five thousand dollars because there was a thirty and a five was there in case the wastewater treatment system, sub-surface system did not function properly, they would have the money to secure installation of a curtain drain. Again, its been up for twelve years, as far as I know, that system has been functioning reasonably well.

Board Member Pierro stated has anybody done any inspections over there to verify that.

Rich Williams stated but I'm talking about, I've gone out there and back in, when it came back in, in 2004, I talked to Mike Budzinski at the Health Department.

Board Member Pierro stated can we make a current check of the area just to make sure we're.

Chairman Rogan stated Rich.

Rich Williams stated sure.

Chairman Rogan stated who would be responsible say five years from now when those wetland ponds need to be, work need, you know, work needs to be done to them, whether they fill in with sediment and they need to be dredged or, you know.

Board Member DiSalvo stated do they assess the renters for that.

Rich Williams stated well Benderson would be, right now I would be responsible for making sure they got cleaned out.

Chairman Rogan stated okay but who would pay the bill, Benderson would.

Rich Williams stated Benderson.

Chairman Rogan stated okay, the mechanism in place to have them pay it is what.

Board Member DiSalvo stated like an assessment on the rent probably.

Rich Williams stated a bank account, no, you know.

Chairman Rogan stated no, no, I'm being honest, so if they say well we don't have the money to clean them out, well they're not functioning, yeah but we don't have the money, we're not doing it.

Rich Williams stated right.

Chairman Rogan stated you know.

Rich Williams stated back then when we were setting all of this up, we didn't set the mechanism, the correct mechanisms in place to do that. Nowadays we are doing that but we would rely on some sort of enforcement action.

Chairman Rogan stated okay.

Board Member DiSalvo stated is there way to ask them before this hundred thousand released if they have some kind of a plan.

Board Member Pierro stated hang the four thirty-four in front of their face.

Rich Williams stated a plan for what.

Board Member DiSalvo stated for the wetlands restoration.

Board Member Cook stated shouldn't we ask the ECI guru, his opinion on.

Rich Williams stated well he's recommended against releasing it so I was hoping you didn't.

Chairman Rogan stated of course he's so quiet.

Ted Kozlowski stated every year, I didn't last year because I pretty much get frustrated, when they go in there, Dave you said they went in there.

Board Member Pierro stated last week.

Ted Kozlowski stated and cut it again.

Chairman Rogan stated yeah, mow it all down.

Board Member DiSalvo stated a week or two ago.

Ted Kozlowski stated they hire people that can't speak English and I've stopped in there to tell them not to cut down everything, leave the cat tails up, I have personally shown them what a cat tail was, as opposed to phragmites, I didn't see it this week but I fear they did what they do very single year which is to obliterate everything and I would say let's not give it all back, let's hold something until they it right. This, I stop and I talk to the people who are actually doing the work.

Chairman Rogan stated well you point out the cat tails and sure enough because you point them out, they get everyone.

Board Member DiSalvo stated they go yes.

Ted Kozlowski stated and it was the guy, the last time I spoke to an English speaking person, was the guy that runs the flea market over here, I forget his name now, he had the people in there.

Board Member Pierro stated Jay Maxwell.

Ted Kozlowski stated yeah, Maxwell, Jay Maxwell but I don't know if he has a contract.

Board Member DiSalvo stated (inaudible – too far from microphone).

Rich Williams stated Ted, all I'm going to say is twelve years now we've had this, twelve years there is no correspondence saying you're doing it wrong, you didn't do it right.

Board Member DiSalvo stated yeah.

Rich Williams stated you know, we've got to have better compliance out here.

Board Member DiSalvo stated no documentation.

Ted Kozlowski stated Rich.

Rich Williams stated you know and so this is my problem, listen I can appreciate.

Ted Kozlowski stated even if there was correspondence they would still be doing it wrong.

Rich Williams stated and you know what but then you would have some sort of justification for holding the bond or pulling the bond.

Ted Kozlowski stated well there are letters, not recent letters but there are letters on file from me about that (inaudible).

Chairman Rogan stated all right, so why don't we do this, we've talked about it just now, why doesn't the Planning Board ask for a letter from our ECI outlining the past history of some of these issues out here. Let's make a recommendation to the Town Board to release the hundred thousand, let's hold the rest until a date certain in the near future.

Rich Williams stated well.

Chairman Rogan stated go ahead.

Board Member DiSalvo stated they're not asking for anything else back.

Rich Williams stated if I can, if you're going to hold something because of the wetland, it's the hundred thousand dollars that you've got to hold.

Board Member DiSalvo stated right.

Chairman Rogan stated so let's release a hundred of the four hundred and thirty-four.

Rich Williams stated well the four hundred and thirty-four is the site bond.

Board Member DiSalvo stated we want the hundred, the wetland restoration.

Chairman Rogan stated okay.

Rich Williams stated you know are there any site improvements that are outstanding.

Board Member Pierro stated from what you said earlier, there aren't.

Chairman Rogan stated so let's recommend that we release four hundred and thirty four and hold on to the rest of the time being, hundred and thirty-five. You know, that place is a disaster in terms of trash, I can't imagine, I don't believe that they don't have people cleaning up that parking lot over there, it blows all up towards the south, its really unbelievable.

Board Member Pierro stated its one of the things we can bring up, one of their representatives will be at the meeting.

Rich Williams stated no.

Chairman Rogan stated (inaudible), no.

Rich Williams stated no, they come (inaudible).

Chairman Rogan stated given our conversation, let's ask our ECI to put together a little bit of a summary.

Ted Kozlowski stated I will put something together but you know the aesthetics of that place isn't the greatest.

Chairman Rogan stated horrible.

Rich Williams stated then I would also suggest that the Board go out there, between now and next meeting, take a look, identify any issues.

Chairman Rogan stated okay.

Rich Williams stated we'll give them a list.

Chairman Rogan stated so we don't have to take an action on this recommendation tonight, we can do it next week, all right.

Board Member Pierro stated okay.

Board Member Cook stated can I ask one question.

Chairman Rogan stated of course.

Board Member Cook stated on the curtain drain installation, they've been installed.

Rich Williams stated no, they were there in case the septic needed to have them installed. They have to do constant monthly monitoring out there.

Board Member Cook stated so.

Rich Williams stated and based on that monitoring, the septic system is adequate. The Health Department, the thirty thousand was a bond that the Health Department requested that we hold for if the Health Department came back and said not working, you have to install a curtain drains, it was there to install them.

Chairman Rogan stated okay, boy that carnival is loud over there.

Board Member Pierro stated yeah.

c. Patterson Auto Body Site Plan

Chairman Rogan stated Haviland Holdings, is the Bryon site plan, we have site walk comments and well everybody was there, we don't have to talk about it tonight.

Board Member Montesano stated well I did go out and look at it.

Chairman Rogan stated oh I'm sorry, Mike you weren't there, I apologize.

Board Member DiSalvo stated (inaudible).

Board Member Montesano stated that's all right, I went out and spoke to Mr. Byron who took me around and showed me the property.

Chairman Rogan stated yeah, what did you notice.

Board Member Montesano stated well all the boxes are there for recycling.

Chairman Rogan stated all the containers.

Board Member DiSalvo stated the containers, we saw that.

Chairman Rogan stated okay.

Board Member Montesano stated he said that's all recycling, all the stuff that goes in those containers get taken out.

Rich Williams stated the two metal roll offs.

Board Member Montesano stated right.

Chairman Rogan stated okay.

Board Member Montesano stated which is something that we had a problem with before as went around.

Chairman Rogan stated yeah.

Board Member Montesano stated but his is there not as a storage facility per se, its there to support his recycling.

Chairman Rogan stated yeah, yeah, the open ones. What about the closed ones, did you talk to him about those at all.

Board Member Montesano stated yeah, all the ones he has there is storage for parts when they take something apart, that is how they can contain it without it becoming all over the place. So they put them in there and then they are emptied out whenever the guy comes and picks up the excess metal. So I didn't know what we wanted to do with that.

Chairman Rogan stated well.

Board Member Montesano stated I mean it's a reasonable thing, you can cut the top off and say it's a recycling box or get a dumpster but that's what he uses.

Chairman Rogan stated yeah, we were just mentioning that with a couple of facilities about a year or so ago. We got rid of them and Brewster Plastics was one, we said we'd really like you to put this stuff inside and expand your facility and that is what they're doing.

Board Member Pierro stated well whenever we've had the opportunity we've made people get rid of them.

Board Member Montesano stated what I'm looking at is he's got them inside, he's got them inside a fenced area.

Board Member Pierro stated and it's in NYSEG's right of way.

Board Member Montesano stated and the fence was never to my knowledge ever asked to be put up, he did that one his own.

Chairman Rogan stated good point.

Board Member DiSalvo stated to contain it.

Board Member Montesano stated to contain it, because he didn't want his neighbor next door looking at a bunch of wrecks laying there.

Chairman Rogan stated yeah.

Board Member Montesano stated and he didn't want the people driving by to see the wrecks.

Chairman Rogan stated and you're right in one regard, that fence and the way that building, like I said when we were walking around, the facility doesn't really reveal itself until you walk through it, from the front it doesn't look nearly as big as what it is.

Board Member DiSalvo stated or complicated.

Chairman Rogan stated that's kind of good.

Board Member Montesano stated he still says he's got some kind of agreement with NYSEG where they because he cleans it up and they don't mind, so I said well if you had something in writing, he said well they're discussing because apparently they don't like giving out anything because their insurance rates are (inaudible).

Board Member Pierro stated he also provides access otherwise they would have no access to those wires.

Board Member Montesano stated definitely.

Board Member Pierro stated because on both sides its swamp.

Board Member Montesano stated yeah.

Board Member Cook stated so we're not going to take any action on his application to do that expansion until he does a site plan.

Chairman Rogan stated right, right, he's going to come in with a site plan, he's already got the.

Board Member DiSalvo stated right.

Chairman Rogan stated he's got three quarters of it done. He doesn't even have a complete application yet, right.

Rich Williams stated he has not submitted a site plan application at all.

Chairman Rogan stated okay so we'll get a site plan application, the site walk comments were to basically find out.

Board Member Pierro stated Rich.

Chairman Rogan stated like any other application, is there anything we are identifying that he has to address on that site plan and we need to at least consider and talk to him about the idea that those boxes are not currently allowed by Code. We'll either have to do a waiver from them with just cause or what I was saying earlier, not show them on the site, we're not approving them, meaning if ever changes over they are out of there, they are not part of the approved site plan.

Board Member Pierro stated are all of those boxes on his property.

Chairman Rogan stated well that is a good point, probably not.

Board Member Montesano stated yeah most of the, the ones you see, right opposite that back of the building.

Chairman Rogan stated that's a real good point.

Board Member Cook stated right.

Board Member Montesano stated that's on NYSEG, the ones further up, that's all his property, closest to where the restaurant is.

Board Member Cook stated Rich made the good point when we were out there is all he needs to show is his property and just to show, you know, the line, the property line and the rest is NYSEG, so.

Chairman Rogan stated yeah.

Board Member Pierro stated the.

Ted Kozlowski stated I could not be at that meeting, something came up at work and I didn't get home until late that night but do you still want me to flag the wetlands out there.

Chairman Rogan stated I don't, do you think it's necessary.

Board Member Pierro stated I really don't think its necessary Ted.

Board Member DiSalvo stated you'd be flagging NYSEG's wetlands.

Board Member Montesano stated they're not his.

Ted Kozlowski stated well if you're doing a site plan don't you want the wetlands on the site plan.

Chairman Rogan stated well, the wetlands are going to, his property line.

Board Member DiSalvo stated (inaudible).

Board Member Pierro stated is in the wetland buffer.

Chairman Rogan stated is probably all in wetlands buffer, I mean the wetlands buffer probably goes through his buildings. What did we say though, Ted help me out.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated we said that you had offered to flag it for him.

Ted Kozlowski stated I'd flag it for him.

Chairman Rogan stated go flag it for him because it's not going to cost him anything.

Ted Kozlowski stated you know it's just that anything he does there is in the buffer.

Chairman Rogan stated right.

Ted Kozlowski stated technically he needs a permit for that.

Rich Williams stated the problem you're going to run into.

Chairman Rogan stated is getting.

Rich Williams stated and I was getting ready to bring this up, I might as well do it now, is after the site walk, Jimmy asked me if he could take the survey and drawn the improvements on the plan itself and submit that as a site plan and I responded its been done in the past and as long as there is no engineering involved in it.

Board Member DiSalvo stated right.

Chairman Rogan stated relating to those items.

Rich Williams stated he's just doing the layout, that it may be feasible that the Planning Board would accept it.

Board Member Pierro stated what about.

Chairman Rogan stated better than what we have now.

Rich Williams stated if you're doing the wetlands though, now you're getting into a situation where those boundaries really should be survey located on that survey.

Ted Kozlowski stated guys, look, if you know, wetlands are there, and its also state wetlands, I mean, I know this is a Pandora's box for everyone but technically and legally the wetlands should be shown to make Boniello and everyone else who comes before this Board, god willing.

Chairman Rogan stated so Ted, your recommendation is to have him, you're going to flag him and then have them shown on the plan.

Ted Kozlowski stated I would be happy to do it if he's worried about the cost.

Chairman Rogan stated maybe he can draw them in very accurately.

Ted Kozlowski stated I would be happy to do it but he's surrounded by wetlands and the whole damn place is within the buffer.

Chairman Rogan stated yup, all right.

Board Member Cook stated it doesn't change anything so let's just have it done.

Board Member Pierro stated it is what it is.

Ted Kozlowski stated what do you want to do.

Board Member Montesano stated pre-existing.

Ted Kozlowski stated I didn't put it there guys, its there.

Board Member DiSalvo stated does it have to be survey located on there.

Chairman Rogan stated it has to be accurately reflected.

Board Member DiSalvo stated okay.

Chairman Rogan stated how's that.

Board Member DiSalvo stated so one inch would equal how many feet.

Board Member Pierro stated the pad that the used cars are on, sort of the elevated pad, is that four foot, that doesn't require engineering, no.

Board Member DiSalvo stated its pretty level over there.

Board Member Pierro stated no, he's on a four foot wall, he's got a like thing that lifts off the ground.

d. Rimaldi Site Plan

Chairman Rogan stated Rich, what do we have with Rimaldi, Zoning Board went out on Rimaldi.

Rich Williams stated they have been out, they went out the same night that you went on Patterson Auto Body.

Board Member DiSalvo stated what.

Chairman Rogan stated the deli.

Board Member DiSalvo stated oh okay.

Rich Williams stated there is currently an application pending in front of the Zoning Board for a special use permit. The Zoning Board can not act on that special use permit until SEQR has been completed and they would prefer to have the Planning Board resolve SEQR.

Chairman Rogan stated okay.

Rich Williams stated so step one, lead agency.

Chairman Rogan stated do lead agency right now, such a minor thing. Circulate lead agency, we don't have to hold that off for next meeting do we Rich.

Rich Williams stated you don't, you do it tonight, I can send it out tomorrow.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated anybody want to do a motion for.

Board Member Pierro stated Rimaldi.

Chairman Rogan stated yeah, for lead agent.

Board Member Pierro stated in the matter of Rimaldi Site Plan, Route 22 Patterson, I make a motion that the Patterson Planning Board assumes status as lead agent.

Chairman Rogan stated and circulates our intent, right.

Board Member Montesano seconded the motion.

Board Member Pierro stated circulate our intent, right.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated okay, Rimaldi, so actually they are off, so see Mike, we have one less other business.

Board Member Montesano stated no, no, no, no we're not at the meeting, we are going to end up with a Q and an X.

Board Member Pierro stated okay.

e. Paddock View Estates Bond

Chairman Rogan stated Paddock View Subdivision, the bond cost estimate.

Board Member DiSalvo stated they did that estimate, what happened with that.

Chairman Rogan stated it came out about the same.

Board Member DiSalvo stated the same.

Chairman Rogan stated based on our, I mean basically you get down, based on our review on the comments listed above, we do not see anything that would drastically change the total price of the estimate. So in essence, let's send this copy, if it hasn't already been done so to the owner, Mark Porcelli and we don't have the information to make a recommendation to change our prior bond recommendation, everybody agree with that.

Board Member Pierro stated right, I agree.

Board Member DiSalvo stated right.

Board Member Cook stated right.

Chairman Rogan stated I mean, its unfortunate but we asked for our engineer to.

Board Member DiSalvo stated it was a chance he took.

Chairman Rogan stated yeah exactly, there were some things that were cheaper and there were some things that he found that were more expensive than what was quoted, so it is what it is, he took a gamble.

f. Steger Zoning Amendment

Chairman Rogan stated Steger Zoning Amendment, Rich you want to take us quickly through Steger.

Board Member DiSalvo stated its coming back to us.

Rich Williams stated sure, Steger.

Chairman Rogan stated Steger.

Rich Williams stated this is the lot where the post office is, there is also the bodega, the dry good retail store and the two story structure attached to that. He had applied for a use variance for the ZBA, the ZBA denied that use variance, he filed a lawsuit, that lawsuit has been temporarily stayed pending an application, a petition that was made by the applicant to the Town Board, requesting that the zoning designation of just that two story portion of that building be changed to permit single-family residential occupancy. The process is, the Town Board has accepted it, and they've made a recommendation over to the Planning Board for a report on the appropriateness of the zoning change.

Chairman Rogan stated and the zoning change is to allow, residential use mixed with the commercial use which personally, I went back to when we did the site walk, that most main street areas do have that mixed use and I kind of think its appropriate provided that you can plan for it and have proper access and security and place for parking. I don't have a problem with the idea of that mixed use on the main street type area, I think it kind of helps make some of the main street type areas.

Board Member Montesano stated at least he's before us with a mixed us.

Board Member Pierro stated that's right.

Board Member Montesano stated some people have mixed use and they don't even come here.

Board Member DiSalvo stated so he wants it to be single family.

Rich Williams stated yes, he want to simple move the boundary line over to cover that portion of the building.

Chairman Rogan stated so he would have single family in part of the property and he would have.

Board Member DiSalvo stated the post office and the deli.

Chairman Rogan stated the post office and the deli or the bodega, you know.

Board Member Pierro stated bodega, that's fine.

Board Member Cook stated so it's the Planning Board's recommendation to the Town Board.

Board Member DiSalvo stated make it in the motion.

Chairman Rogan stated we have to file a report.

Rich Williams stated well before you do that do you want me to give you an opinion on it, do you want to talk to the Town Attorney on it.

Board Member DiSalvo stated what is the alternative if we can't make it single family.

Rich Williams stated my concern isn't so much whether its appropriate, I'll leave that to your discretion, whether you think its appropriate to do, my concern is I'm going to tell you right up front.

Board Member Pierro stated is future building.

Rich Williams stated is the way he's proposing to do it, I don't believe it's appropriate, I don't believe it can be done that way.

Board Member DiSalvo sated what, how is it.

Board Member Pierro stated are you talking about the way he's applying.

Chairman Rogan stated (inaudible – too many speaking).

Rich Williams stated he wants to change the zoning line which will allow for a detached single-family home, it ain't.

Chairman Rogan stated oh, oh, oh.

Board Member Montesano stated it's not.

Chairman Rogan stated we're thinking, our intent is fine but he might not meet our intent of what we were just talking about.

Board Member Montesano stated our intent and his intent maybe not be the same intent.

Rich Williams stated I think Mike Liguori may be at the Planning Board meeting and I would prefer to discuss everything with him in the room, you know.

Chairman Rogan stated great, let's do that.

Board Member Cook stated you want wait until that happens, give us a recommendation, an opinion.

Rich Williams stated I'm going to give it to you so you have it for the meeting.

Chairman Rogan stated okay.

Board Member Cook stated and what about getting a similar opinion from counsel.

Rich Williams stated I don't know that he's doing a written opinion but I'm sure he'll be there, if you want it written I'll pass that on.

Board Member Pierro stated my only concern is.

Board Member Montesano stated well we should give him a heads up on what we are talking about.

Board Member Pierro stated my only concern is if we allow him to do this, what prevents us to have a, another multi-family or multi-use building convert to residential/commercial now, that is all residential.

Rich Williams stated that is the inherent problem with changing the zoning, you know, you change it for one and you have a similar situation, an identical property, you really have to change it for all.

Board Member Montesano stated all right we have a unique situation, I love that word because we have a grocery store, we have a post office, we have now a residence that was a former commercial building he would like to make into a residence.

Rich Williams stated correct.

Board Member Montesano stated now, if you can show me where we have another post office, another grocery store and the possibility of a residence on another piece of property in this location, with the railroad.

Rich Williams stated it is unique.

Board Member Pierro stated the building I sold on the corner of, antique shop.

Board Member Montesano stated yeah.

Board Member Pierro stated that's three units, its commercial down stairs, residential upstairs and there is an office on the first floor.

Board Member Montesano stated but that exists.

Board Member Pierro stated pre-existing.

Rich Williams stated I can show you almost every property in the Hamlet, Mike.

Board Member Montesano stated yeah but I'm saying they have all been in operation pre-existing.

Rich Williams stated well I understand.

Board Member Montesano stated where his situation is unique because if what he had, he changed around so many times.

Rich Williams stated but in those instances, he can not expand, you know you could open the door so you could expand.

Board Member DiSalvo stated well he couldn't rent it out commercially, you can't, we don't want it to be a two family house.

Board Member Pierro stated that's what he's going to do, its going to residential upstairs, its going to be multiple use.

Board Member Montesano stated a multi-family house.

Board Member DiSalvo stated but now he wants the whole house to be a single residence, is that what he wants.

Rich Williams stated correct.

Board Member Pierro stated I thought he was just asking for the upper level to be.

Board Member DiSalvo stated no, up and down.

Rich Williams stated no, he wants the whole portion.

Board Member DiSalvo stated the whole, up and down.

Rich Williams stated he wants the whole portion, again, inherent problems with his request is that the bodega extends into that area.

Board Member DiSalvo stated is attached, how can he not extend, does it go into that first floor, I never really been in the way back.

Rich Williams stated yeah, there's probably a hundred square feet of the bodega in that two story portion of that building.

Chairman Rogan stated what is the problem with allowing...You take any particular property that is in that zone and you allow residential or retail or what was the third use.

Rich Williams stated personal services.

Chairman Rogan stated what three is he doing right now, he's doing residential, retail up front.

Board Member DiSalvo stated retail and retail, the post office.

Chairman Rogan stated either way, whether its commercial retail you know, or whether its residential, you allow a mixed use, however its suitable for that site. If that means you have a store front up front, which makes sense because of customers and you walk up a flight of stairs and you go up to an apartment, that is a typical main street scenario.

Board Member Montesano stated that is what used to have on Front Street before they moved it out.

Board Member DiSalvo stated Mount Kisco.

Chairman Rogan stated what would preclude us from creating a zone through there that would allow those uses on a, if the guy decided I don't want to have commercial up front, I just want to keep residential for the whole thing, it is what it is, I mean its.

Board Member Montesano stated theoretically the Brunow building.

Chairman Rogan stated so then he's taking away the retail for time being.

Board Member Montesano stated he's retail with residence.

Chairman Rogan stated you know.

Board Member Montesano stated I mean it always was, before the two buildings.

Chairman Rogan stated yeah.

Board Member Montesano stated were removed on Front Street, they were residential with a business.

Board Member DiSalvo stated downstairs.

Board Member Montesano stated downstairs, the same thing with right across the street here, you have people living upstairs.

Rich Williams stated yeah.

Board Member Montesano stated and you have two businesses going on downstairs.

Chairman Rogan stated I mean plus.

Board Member Montesano stated so if we go along with that idea and just stretch it.

Board Member DiSalvo stated see it's on the (inaudible).

Board Member Montesano stated it's not really a stretch.

Board Member DiSalvo stated so you want the first floor to continue to be used as retail.

Chairman Rogan stated well I think the owner.

Board Member DiSalvo stated the deli is using now.

Chairman Rogan stated its going to be in their better interest, correct me if I'm wrong, but when you're in a commercial zone or a retail zone, you're not going to want to convert it into residential because its probably not as profitable as retail for rent. If I was the owner of the building and I had the ability, I would say let me choose, if I want to make it residential, the whole thing just for a time being because its easier to rent right now than for retail because nothing is doing well retail, I don't know. I'm just kind of, trying to think of some of the places that I've lived where I've been right in the city, right in the main streets, through college and we had once house that was all.

Board Member DiSalvo stated Mount Kisco, the city of Mount Kisco.

Chairman Rogan stated residential, right next to a retail center and it was main street type thing.

Board Member Montesano stated go through any of the five burrows of the city of the New York.

Board Member DiSalvo stated Pawling, where it was once.

Board Member Montesano stated and there are still apartments upstairs and retail businesses downstairs.

Chairman Rogan stated right.

Board Member Montesano stated and it's the main section of the town, it always has been, it always will be.

Chairman Rogan stated right.

Board Member Montesano stated if you go into Pawling, you still have residential.

Board Member DiSalvo stated yeah (inaudible).

Chairman Rogan stated yeah well what that can do, the nice part about that, it brings people to your main street, even the people that live there are, you know.

Board Member Montesano stated Carmel's got it right there, you come right off of Fair Street, what's in front of you.

Rich Williams stated so does Brewster.

Board Member Montesano stated so does Brewster but they are not going to survive.

Rich Williams stated so does Brewster.

Chairman Rogan stated but in fairness, you're saying it with a notation of ethnic.

Board Member Montesano stated yeah that's going to end up.

Rich Williams stated I'm saying there are and have been for a long time.

Chairman Rogan stated right.

Rich Williams stated occupation problems with the village of Brewster and everybody will admit, they've lost their village.

Board Member DiSalvo stated but Pawling didn't.

Rich Williams stated but Pawling is, I mean more and more, they are having problems with the rental apartments up there and I'm not, understand where I'm coming from Maria.

Board Member DiSalvo stated I don't know.

Board Member Montesano stated yeah.

Rich Williams stated I'm not opposed the idea.

Board Member DiSalvo stated I know, I know but you know, if we want to have a main street effect, this is the risk that you take.

Rich Williams stated I understand that but what I'm suggesting to the Board and I'll propose it for you next week, I just want to flush it out is the appropriate way to do it, so there are adequate controls to make sure that we build the type of community that we want to build.

Board Member DiSalvo stated well I don't.

Rich Williams stated you know, I, you know.

Board Member DiSalvo stated did that in Germany, didn't they.

Rich Williams stated they did that in Germany.

Board Member Pierro stated yeah.

Board Member DiSalvo stated I'm talking about the Nazi's.

Board Member Montesano stated we could always end with a.

Board Member Pierro stated Kristalnacht.

Board Member Montesano stated we could end up with a wrong kind of situation.

Chairman Rogan stated that is the way talk about our government, socialists.

Board Member Pierro stated yeah.

Chairman Rogan stated okay, so we are going to have some info to think about for next week.

Board Member Pierro stated yeah.

Chairman Rogan stated we are beating this dead horse a little bit.

Board Member Pierro stated and what about the parking issue, now that we let him move his shed, now he wants to convert this to residential.

Chairman Rogan stated we said he has to have enough parking, he has extra space there though, that he hasn't utilized that he can create parking. So, he might have to consider that.

Board Member DiSalvo stated right.

Board Member Pierro stated where.

Chairman Rogan stated there's the lawn area that we were talking about maybe moving the shed.

Board Member Pierro stated the lawn, okay.

Chairman Rogan stated he might have to create more parking.

Rich Williams stated the reality is that residential probably has less of a parking demand than if you looked at it totally commercial.

Chairman Rogan stated probably.

Board Member DiSalvo stated all right.

g. Papitto Site Plan

Chairman Rogan stated okay, Papitto Site Plan, he wants to change the building siding from what was approved to potentially some metal siding with insulation in between, he gave us a couple of samples to take a look at.

Rich Williams stated want me to pull them out.

Chairman Rogan stated real quick, yeah.

Board Member Pierro stated should we make a recommendation that.

The Secretary stated I'll hold one.

Board Member Pierro stated do we have to make a recommendation to the Town Board that this also be considered for future use.

Board Member DiSalvo stated commercial's only.

Rich Williams stated for what.

Board Member Pierro stated aren't we prohibited from allowing metal sided buildings.

Rich Williams stated our Code says that you can not have metal sided buildings.

Chairman Rogan stated problem is, you have to turn these.

Rich Williams stated it also says the Planning Board.

Board Member Pierro stated can waive.

Rich Williams stated in regards to a site plan, has the ability to waive.

The Secretary stated I'll hold it the right way.

Chairman Rogan stated great.

Rich Williams stated and you know, fine, waive it.

Board Member DiSalvo stated so that's what he wants to do.

Rich Williams stated just recognize why that's in the Code and why you're waiving it.

Chairman Rogan stated here you go, I take that one.

Board Member DiSalvo stated is that even metal, it looks like aluminum.

Chairman Rogan stated it looks almost plastic-y.

Board Member DiSalvo stated its kind of a (inaudible).

Ted Kozlowski stated it looks almost like.

Board Member Pierro stated it looks like vinyl.

Board Member DiSalvo stated and the insulation is built right in.

Board Member Montesano stated we're back to the aluminum.

Rich Williams stated (inaudible).

Board Member DiSalvo stated so it's already, the foam is already in.

Chairman Rogan stated yeah, well, you know what's interesting though, the sheen if its more of, its not a real high gloss.

Board Member DiSalvo stated it's flat.

Chairman Rogan stated so it doesn't appear as much like metal as it does like vinyl right.

Board Member Pierro stated right.

Board Member DiSalvo stated those come in like I guess big sheets.

Board Member Montesano stated don't like white.

Board Member Pierro stated in elevated light, that is going to look like siding, the outside.

Board Member Montesano stated white it.

The Secretary stated they like the one I'm holding.

Chairman Rogan stated I liked it better horizontally, it looked like clapboard.

Board Member Cook stated now, is this.

Board Member Montesano stated now are they going to hold it that way or.

Rich Williams stated no, this is the way it goes.

Board Member DiSalvo stated yeah so the grooves are (inaudible).

Board Member Montesano stated so we're going to go with vertical, not horizontal.

Rich Williams stated right.

Board Member Cook stated this is for the.

Chairman Rogan stated no that's.

Board Member Pierro stated oaky Vanna.

Board Member DiSalvo stated the other side of it.

Rich Williams stated this is an alternative, this is fake stucco siding.

Chairman Rogan stated yeah.

Board Member Cook stated okay.

Rich Williams stated where that's more like a T-111.

Board Member Montesano stated I like that one better.

Board Member DiSalvo stated if you lived in Queens, you'd go with that.

Board Member Cook stated you also have the.

Chairman Rogan stated all right, got you.

Board Member Cook stated cool forest green to show us or something.

Chairman Rogan stated that's the roofing material.

Rich Williams stated yeah, there was, in your packet.

Board Member Montesano stated he gave this Charlie.

Board Member DiSalvo stated it's the same colors as the horse hospital, the beige and the green.

Chairman Rogan stated I like that.

Board Member Montesano stated no, you have a leaf green versus forest green, which green, can you tell me.

Chairman Rogan stated remember that we approved a metal sided building up on Commerce [Drive].

Board Member Montesano stated thank you Vanna, can we get an autograph.

Board Member DiSalvo stated right.

Chairman Rogan stated and this one isn't visible, its tucked way up in there.

Board Member Pierro stated right.

Chairman Rogan stated you know, they've done a nice job so far with this site.

Board Member Montesano stated well with all due respect I would appreciate it, being next to the bus garage, which we had no control over what so ever, burns me like a hot flame and they put up whatever the hell they wanted.

Board Member DiSalvo stated so do you want to make a recommendation now or.

Chairman Rogan stated well they are coming in right, are they planning on coming in next week.

Board Member DiSalvo stated we'll see the same sheet of metal.

Rich Williams stated unless you wrap it up now and they don't have to.

Chairman Rogan stated given the, what do you think Dave.

Board Member DiSalvo stated Dave.

Board Member Pierro stated right.

Board Member DiSalvo stated think its complete.

Chairman Rogan stated given the site layout.

Board Member Pierro stated right.

Chairman Rogan stated what is that one called, the one with the strips in it, the beige but its that, its also that texture, not just the color, right.

Rich Williams stated correct.

Chairman Rogan stated okay, that with the, what is it, the green roof that would go along with that.

Board Member Montesano stated is that a parchment or a metallic silver, I'm just reading the paper.

Board Member DiSalvo stated (inaudible).

Board Member Montesano stated I'm just looking at the color chart.

Board Member DiSalvo stated so we need a waiver for the. . .

Board Member Pierro stated metal sided building.

Board Member DiSalvo stated metal sided.

Board Member Montesano stated or is regal gray, sandstone, beige.

Board Member DiSalvo stated one of them, its going to blend in with the trees.

Chairman Rogan stated in the matter of Papitto Site Plan, I make a motion that we allow a waiver, we grant a waiver to allow them to use the beige colored metal siding with the insulation in between and the green roofing material color that they submitted.

Board Member Montesano stated can we use their explanation of the word.

Chairman Rogan stated please do, can you add that to it.

Board Member DiSalvo stated oh yeah.

Board Member Montesano stated what I'm saying is the premium II, metallic exterior colors.

Chairman Rogan stated sure.

Board Member DiSalvo stated was that it.

Board Member Montesano stated well I'm looking at what we have here.

Board Member DiSalvo stated no (inaudible).

Board Member Montesano stated we have standard exterior colors.

Board Member Pierro stated a piece of metal.

Board Member DiSalvo stated let's see what it says on the sample. We'll approve what has been displayed tonight.

Chairman Rogan stated it's the desert beige.

Board Member Montesano stated it says the panels would be the CF fluted style.

Chairman Rogan stated yeah, okay, desert beige with the cool forest green roof, so moved.

Board Member Montesano seconded the motion.

The Secretary stated do you need help Dave.

Board Member Pierro stated no, I got it.

The Secretary stated are you sure.

Board Member Montesano stated oh you're going to (inaudible).

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Board Member Pierro stated see you later.

Board Member DiSalvo stated you voting on this one.

Board Member Pierro stated aye.

Board Member DiSalvo laughs.

Chairman Rogan stated okay, all in favor and I'll just add to that motion as explanation for what its worth, this site is not visible or will not or will be barely visible from Fair Street and I don't think it will have an impact and I think the building will look rather nice.

h. Bayswater Wetlands/Watercourse Permit

Chairman Rogan stated and H, is a new wetlands/watercourse permit.

Board Member DiSalvo stated who is Bayswater.

Rich Williams stated no, Bayswater.

Chairman Rogan stated Bayswater, oh Pondview, I'm sorry.

Rich Williams stated you approved the.

Board Member DiSalvo stated (inaudible).

Rich Williams stated Bayswater/Pondview Wetlands/Watercourse a year ago. . .

Board Member DiSalvo stated the pond view of the pond that's not going to be there.

Rich Williams stated that expires this August, they are looking for a one year extension.

Ted Kozlowski stated fine with me.

Chairman Rogan stated okay with you.

Board Member Montesano stated its okay.

Chairman Rogan stated a motion for a one year extension.

Board Member Montesano stated in the matter of Bayswater/Pondview LLC Wetlands/Watercourse permit, grant an extension for one year.

Chairman Rogan stated second.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Cook	-	aye
Board Member DiSalvo	-	aye
Board Member Montesano	-	aye
Chairman Rogan	-	aye

Motion carries by a vote of 4 to 0.

9) MINUTES

Chairman Rogan stated okay, we have some minutes to review.

Board Member DiSalvo stated (inaudible).

Mayfield Discussion

Ted Kozlowski stated you guys, Mayfield, Rich.

Chairman Rogan stated we just said that you spoke to him.

Board Member DiSalvo stated you said you went out there, you went out again.

Ted Kozlowski stated I went out there, I spoke with him and I spoke to Winston, his engineer.

Board Member DiSalvo stated and.

Ted Kozlowski stated and I haven't heard from anybody.

Chairman Rogan stated if. . .

Rich Williams stated the mic's over here.

Chairman Rogan stated if he doesn't show up for next week's meeting, I think we should send, whoever our Code Enforcement to issue you kind of something.

Ted Kozlowski stated I told him . . .

Chairman Rogan stated I like the guy a lot but. . .

Board Member DiSalvo stated when did you go out Ted.

Ted Kozlowski stated I went out, last week, like Saturday, last Saturday, not this past Saturday, the Saturday before, he was out there and I told him that he's putting us all in a very uncomfortable position because if he doesn't follow through on this August meeting, we've got to send him a summons.

Chairman Rogan stated that's it, basically what he's saying.

Ted Kozlowski stated I don't know what else to tell you or tell him.

Chairman Rogan stated Ted, you've bent over backwards for the guy, I think we are very willing to be. . .

Ted Kozlowski stated he's a nice, I mean, he's a likable character.

Chairman Rogan stated of course he is.

Ted Kozlowski stated he's just . . .

Chairman Rogan stated yeah.

Ted Kozlowski stated I don't know what to tell you. The other thing is, I see Boniello is on . . .

Chairman Rogan stated we have nothing on him.

Ted Kozlowski stated I went to see him as well.

Chairman Rogan stated okay.

Ted Kozlowski stated I don't think he's coming through with anything right now.

Chairman Rogan stated if he's not at the meeting, then we are not even going to discuss anything.

Board Member DiSalvo stated do we . . .

Rich Williams stated he made the application.

Ted Kozlowski stated I know.

Chairman Rogan stated yeah, well. . .

Ted Kozlowski stated it didn't sound like he was coming in any time soon.

Board Member DiSalvo stated can he withdraw.

Chairman Rogan stated and we don't have anything yet, I'm almost willing to table Boniello at this point. If we don't have anything on it. . .

Rich Williams stated well he did, he submitted and didn't show up for the meeting.

Board Member DiSalvo stated right.

Chairman Rogan stated right.

Board Member DiSalvo stated he was away at the zoo that night or something.

Chairman Rogan stated and we reached out to him and said you know, give us a little bit more detail.

Ted Kozlowski stated I went to see him.

Chairman Rogan stated yeah, so . . .

Ted Kozlowski stated I went to see him after that and you know, nice guy too and I want to help him but . . .

Chairman Rogan stated all right, very nice guy.

Ted Kozlowski stated before you end this meeting, I took a look at those plans for some race track.

Chairman Rogan stated yeah, you can't wait for it, huh.

Ted Kozlowski stated this is the first I'm seeing it, I have never seen the delineations in the field.

Chairman Rogan stated okay.

Ted Kozlowski stated and I don't know who delineated the wetlands and we need to approve that, okay.

Rich Williams stated its in the memo.

Board Member DiSalvo stated well their engineer.

Board Member Montesano stated well that is where we are having the water races.

Ted Kozlowski stated do you know who delineated the wetlands.

Rich Williams stated I don't know that they have been delineated.

Ted Kozlowski stated according to him they've been delineated.

Board Member DiSalvo stated I saw some trucks (inaudible).

Board Member Montesano stated what's a matter, that's where the bog races are going.

Board Member DiSalvo stated I have my money on the rabbit, not the turtle.

Chairman Rogan stated motion to adjourn.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Cook	-	aye
Board Member DiSalvo	-	aye
Board Member Montesano	-	aye
Chairman Rogan	-	aye

Motion carries by a vote of 4 to 0.

The meeting adjourned at 9:05 p.m.