

**TOWN OF PATTERSON  
PLANNING BOARD MEETING  
August 3, 2006  
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Town Planner's 8/2/06 Memo

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**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**Planning Board  
August 3, 2006 Meeting Minutes**

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

Present were: Board Member Mike Montesano, Board Member Dave Pierro, Board Member Maria DiSalvo, Rich Williams, Town Planner, Anthony Molé, Attorney with Town Attorney's office Curtiss, Leibell & Shilling, and Paul Piazza, Building Inspector.

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

11 Members in the audience

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

Vice Chairman Montesano led the salute the flag.

**1) INTEGRITY HEATING & AIR – Public Hearing**

The Secretary read the legal notice.

Mr. Bill Dean, Applicant was present.

Mr. Dean stated Bill Dean from Integrity Heating & Air. I guess I will just go over what my request was to have the storage containers for the flammables in the back of the building. It is concealed by the building. You can barely see it. It is a neat, clean container and it is vital to my operation as far as storing flammables outside of the building.

Vice Chairman Montesano asked is there anyone in the audience that has any comments or questions. There were no comments from the audience.

Board Member Rogan made a motion to close the public hearing. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 4 to 0.

Board Member Rogan asked just to preface the reason you are putting this container in was because you were asked by the Fire Inspector to store the flammables from your business outside in a suitable container correct.

Mr. Dean replied correct.

Board Member Rogan stated and we were given some documents by the Fire Inspector that would reference acceptable containers. Did you get a copy of this.

Mr. Dean replied no I did not.

Board Member Rogan stated I actually will give you my copy.

Board Member Rogan stated they are containers that are rated for that actually and maybe Paul can chime in if he has to but the container that you have I don't think is a fire rated container. It is not he is shaking his head. Specifically, the Board has discussed that to allow a container it should be for a very specific purpose and that purpose because we see the containers as being potentially harmful to the character of the community. They should be used for a specific purpose for a specific amount of time. For instance, if you had something for your business that you needed temporary storage for a two-month, three-month period it would be applicable to request approval from the Planning Board for that container and we would consider that request. When we were there, you did have some flammables stored in there but it was a very small amount maybe ten gallons cumulatively of product and would not necessitate a storage container that was eight foot by twenty feet I will say. What we don't want to get into a situation of having is storage containers to store extra materials from your business. You obviously had a lot of material around the container on your site. What we would prefer of course I know you are not the property owner in this case but what we would prefer is that a business address the storage that they need in appropriate manner and either extend on to the building or do something in a suitable manner not a temporary storage container and with that I will open it up to the rest of the Board.

Board Member DiSalvo asked in the event that he does purchase the property you said you were trying to purchase it from the owners.

Mr. Dean stated I have discussed it with them and I actually had discussed it with some other people and we are in the works of seeing how we might be able to work that out being that obviously the cell tower is a major income to them.

Board Member DiSalvo asked so would you want to maybe in the event that they do purchase the property to reconsider using one of those fire proof containers instead.

Board Member Rogan stated no I think the fireproof container is something that they should look at to correct this situation because currently the way he is storing it is not an adequate protective measure. The container that you are using right now is not what Dave Raines had in mind when he said to put in a container so I think you probably might want to talk to Dave about purchasing a suitable flammable liquid storage container and they are not very large at all. That I am sure is not a problem for you. The problem is now you have got a container that we really don't want on your site.

Mr. Dean stated and I don't disagree with you on that but part of what is stored in there is also machinery that is gas powered. You are looking at a couple of cans. I don't know if you noticed that there is also machinery that needs to be stored in. I am not trying to say that I don't have other things in there. I mean it is obviously handy to keep some other items in there. What I can do is look for something that is suitable in size to store that. I am just looking at some of these would be ideal for cans.

Board Member Rogan stated and they are not intended for lawn mowers or such.

Mr. Dean stated exactly. That is why I had chosen that type of container. I figured steel container. I can check into the rating on it see what the rating is. Dave, the Fire Inspector probably knows better than me.

Board Member Rogan stated I don't think the Fire Inspector was referring to storing machinery that was gas powered. It seemed like it was more geared towards the containers.

Mr. Dean stated okay.

Board Member Rogan stated in reference to buying something like this we will have to talk to Dave and see what he would like. I think the essence of our conversation here tonight is geared towards your container and whether or not that should be permitted on your site for storing, take away the gas powered equipment, take away the flammables let's just say for pipe fittings and other equipment that you have that is something I think this Board has to determine because we have obviously two others you heard two other cases the other night that we discussed that are very similar really. People that want these simple box containers because their businesses are not large enough quite honestly and I think that is a road that the Town does not want to go down in terms of allowing these things instead of adding on to a building or addressing the situation of the business out growing the location. Generally speaking I was not objectionable to the location you had it. You are right you could not see it from the front of the building, you could not see it from much of the parking lot. You did have a lot of clutter around that building. There was definitely more than what I would want to see if the Fire Department had to go and fight a fire out there.

Mr. Dean stated actually I have been working on that you know since that day myself. I had actually a guy that was supposed to be taking care of that and it was not being done so I am kind of taking care of it myself.

Vice Chairman Montesano stated if I recall that garbage receptacle you had was sitting out where you can see that and if push came to shove I would rather look at the neatness on the container rather than having this open garbage container sitting there staring at you in the parking lot.

Mr. Dean stated I know that is kind of why I had it turned the other side. We try and keep it neat.

Vice Chairman Montesano stated basically I don't think that we are willing at the present time to accept those types of containers as a solution. We are looking for either a more permanent solution or a better

solution than having a bunch of steel boxes dumped on that are actually depending on what you are going to store in them can lead to difficulties. We would rather avoid using them at the present time that seems to be the consensus of the Board.

Mr. Dean stated you know again, I definitely have taking advantage of the size and putting other things in there if I can get something more suitable I will certainly put that in place of that. A lot of the stuff that is in

Mr. Dean stated I am just trying to comply.

Vice Chairman Montesano stated I am trying to get a generalization because Dave isn't here tonight. Basically, from what we understood it was going to be simply the storage of hazardous material and what you have got is two, five gallon cans that we observed and that would be a much smaller container.

Board Member Rogan stated these storage buildings are incredibly expensive. They run anywhere from twelve to thirty-five thousand dollars for a nine by eight by anywhere from eight to thirty-two foot long and I don't think anyone is looking, again if you were to say hey, you know what I want to spend the money. I want to spend thirty-two grand and I am going to get a nine by eight by thirty-two and put my gas cans, my lawnmower and my pipe fittings we would not want you to do that. We don't want an outside building like this like a storage container to turn into extra storage.

Board Member Pierro stated for that kind of dollars you could probably put up a block addition.

Mr. Dean stated I think I understand fully what you guys are asking and I don't have a problem with working that out.

Board Member Rogan stated I would say talk to Dave Raines and see specifically what he wanted you to store out. I keep saying lawn mower but what type of equipment do you have that runs on,

Mr. Dean replied we have a gas powered generator and there is air compressors, they are pretty sizeable. I mean I probably get away with something half the size of that. I don't know if you can rent something like that. The Pods that you see now would probably be half the size but then I am right back to where we started.

Board Member Rogan stated and they are not designed for the chemicals.

Mr. Dean stated I will ask Dave and we will take it from there thank you for your time.

The Board thanked Mr. Dean.

Rich Williams stated before we wrap all of this up if I might there are a couple of issues. There is a pending application before the Board that some decision needs to be made on, from what I am hearing tonight there seems to be additional discussion that is needed as to how this is all going to be resolved. If we make a decision on this tonight, if the Board makes a decision now he is in violation and the problem really has not been remedied. Maybe the Board might want to consider holding this over to the next meeting, give Bill an opportunity to take a look at the lease he has got, see what he can do with a sealed container, take a look at some other options for outdoor storage because I am sure Paul is going to want to see any outdoor storage, any change to the exterior he is going to need a site plan this way he has the opportunity to amend the existing application.

Vice Chairman Montesano stated okay we will table a decision until at least next month.

Board Member Rogan stated that sounds great. I think that is all what we were kind of thinking but thank you for saying it so well.

Rich Williams stated so Bill you are going to go out and do some additional work and try to figure out what you are going to do out there and then you are going to come back at the next meeting and hopefully we can resolve that.

Board Member Rogan stated that would be great.

Mr. Dean asked that is the first Thursday next month.

Rich Williams replied September 7<sup>th</sup>.

## 2) PALMERI WETLAND/WATERCOURSE PERMIT APPLICATION

The Secretary read the legal notice.

Mr. Palmeri was present.

Board Member Pierro asked your name for the record Sir.

Mr. Palmeri stated Richard Palmeri, the homeowner.

Board Member Rogan asked Richard if you could just please explain for the audience and the Board a recap of what you are looking to do.

Mr. Palmeri stated yes add on to an existing septic system.

Board Member Rogan asked and that was to increase the bedroom count.

Mr. Palmeri replied three to four and the expansion area would be into the one hundred foot buffer not the extra field that I am going to be putting in now but it would be the expansion area that would be encroaching in that hundred foot.

Vice Chairman Montesano asked does anyone in the audience have any comments on this application. There were no comments from the audience.

Vice Chairman Montesano stated I will take a motion to close the public hearing.

Board Member Rogan made a motion to close the public hearing. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 4 to 0.

Board Member Rogan stated if I remember correctly when Ted was here we were going to ask for delineation on the back of your property with the wetland tags.

Rich Williams stated if I might, Ted's recommendation was that as a condition of the permit that we post the little post it signs that we have along the wetland boundary. Also, in talking with Mr. Palmeri before the meeting the engineer has taken another look at the plans and actually has made some revisions to the plan, which further reduce the intrusion into the wetland buffer.

Mr. Palmeri stated yes.

Rich Williams stated so if the Board is incline to move on this application tonight they should probably reference the revised plans.

Board Member Rogan asked do you know the date of those revised plans Rich.

Mr. Palmeri stated if you want I can give you a copy now.

Board Member Rogan stated that would be great just to take a quick a look at it. We will give them back to you. I know they are expensive.

Mr. Palmeri stated you can keep it.

Board Member Rogan stated well Rich needs a set but he will get them.

The Board reviewed the plan.

Mr. Palmeri stated he added on to the one side of the existing as much as he could so it lessens going back.

Board Member Rogan stated so he probably took one set of trenches off. Now, we are looking like we are only approximately twenty feet into the buffer in just this section.

Vice Chairman Montesano asked has Ted seen these at all.

Rich Williams replied no.

Board Member Pierro stated most circumstances now a days if a septic fails they are using the original septic and repairing it and re-installing it.

Board Member Rogan stated this area shown into the buffer isn't even being utilized at this time. It is future expansion.

Board Member Pierro stated right and there is chance that if the septic failed they would not even use the expansion area.

Rich Williams stated in addition I would like to remind the Board Ted didn't find this to be a huge issue because we are talking about an existing lawn area.

Board Member Rogan stated not even a small issue if I remember right.

Mr. Palmeri asked will you need nine more copies of this or.

Board Member Rogan replied no.

Board Member Pierro made a motion in the matter of Richard Palmeri that the Planning Board grants the wetlands/watercourse permit at Danand Lane so that he may expand his existing septic system and slightly encroach on the wetlands buffer as long as he provides three copies of the new map to Rich Williams. That new map is dated revision date 7/18/06 by Petrocelli Engineering, Valhalla, New York.

Board Member Rogan stated you have to do SEQRA.

Board Member Pierro replied you do SEQRA.

Rich Williams stated we are going to add the condition that Ted is going to post the buffer.

Board Member Pierro stated right.

Rich Williams asked and SEQRA was included in that.

Board Member Pierro replied no it wasn't go ahead Shawn.

Board Member Rogan made a motion in the matter of,

Board Member DiSalvo stated I will second that.

Board Member Rogan stated let's finish the first motion.

Board Member DiSalvo stated I will second the first motion.

Rich Williams stated wait, you can't approve it until you have done SEQRA.

Board Member Rogan stated I will amend Dave's motion to amend the motion to include a negative determination of significance of SEQRA.

Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 4 to 0.

Board Member Pierro stated and include Ted's request for a wetlands flagging, Mis.

The Secretary stated the wetland markings, Ted is going to mark it.

Mr. Palmeri thanked the Board.

**3) DILMAGHANI STE PLAN**

Vice Chairman Montesano stated Dilmaghani Site Plan has requested to be moved to the bottom.

**4) BREWSTER PLASTICS SITE PLAN – Request for waiver**

Mr. Brett Wallace, Vice President of Brewster Plastics was present.

Mr. Wallace stated my name is Brett Wallace, Vice President of Brewster Plastics. Just to refresh everyone the reason why we have the cargo containers out on our property is that a customer requires us to have both their raw materials and finished product stored outside the confines of our building. They are for the most part medical filtration systems and they are afraid of contamination from scents and odors from within the building getting into their product so we must store it outside to avoid this type of contamination.

Rich Williams stated if I might interject also subsequent to the last meeting the application has been amended to include a outdoor shed I believe a ten by twenty shed.

Mr. Wallace replied yes I am not sure of the dimensions but yes.

Vice Chairman Montesano stated twelve by twenty-four we have here.

Mr. Wallace stated twelve by twenty-four.

Board Member Rogan asked that was the wooden shed that was on site that we saw.

Board Member Pierro asked was that a pre-fab shed delivered to the site or did you build it there.

Mr. Wallace replied that was delivered to the site.

Board Member Rogan asked Rich do you remember when we were looking at these storage containers they were open a couple of them and it seemed to me like there was something being stored in there that was not the product that we were talking about. Do you remember what that was.

Rich Williams replied cardboard boxes I believe stored inside.

Mr. Wallace stated yes.

Board Member Rogan asked so you are saying everything that goes into their product.

Mr. Wallace replied everything, anything that comes in contact with their raw material as far as plastic, packaging materials. The company supplies us the actual filter, media itself, all that media must be stored outside.

Board Member Rogan asked how would other companies that do contracts such as this deal with that same requirement.

Mr. Wallace replied I am assuming they would have to do the same thing.

Board Member Rogan stated or a separate temporary building or something.

Mr. Wallace stated it would have to be something like that. Again, one of among other things one of the products that we do for Valvoline is making car air fresheners is really what spurred this on in the first place. We actually mold the fragrance portion of the air fresheners as well as the cases that they go in and when we mold those fresheners the entire building ends up smelling like apples or cherries or whatever which is fine for everyone except for them because their filter media especially their carbon media is designed to absorb those types of things. They can't send filters out to blood testing companies when they smell like apples or cherries so that is what spurred this on in the first place to look into this and subsequent to that they were concerned about other odors normal odors within the company itself.

Board Member Rogan asked how long have you been up until today you talked about a yearly contract how long so far have you been doing this contract.

Mr. Wallace replied it goes back to well prototyping stage goes back to the summer of 2004, production was probably December of 2004, January 2005.

Board Member Rogan stated so you are roughly two, two and a half years into it. What is your anticipation for continuing this contract.

Mr. Wallace replied according to my contacts at Valvoline they are very happy with us and we are actually the only people in the United States that do this so they are planning on staying with us. When we run it and what quantities we run all depends on the market place. They could call up tomorrow and say get going on everything. It is not like we have a set purchase order that we know we are going to be running this product for the first two months of the year and that is it. It is all on demand.

Board Member Rogan stated obviously you heard the conversation we had with the gentleman from Integrity.

Mr. Wallace stated yes.

Board Member Rogan stated and again, I think the direction that the Board is looking at is if you come to us and say we have got a contract for the next three months we need to store this stuff outside and that is it and we are done that might be something that would be looked as an appropriate temporary storage container situation. I am not so sure that I agree with and I hope you do a fantastic business but to then have something that for the next four years we are using, there was a lot of materials out on your site. The place looked like a not a warehouse, a warehouse outside.

Mr. Wallace stated that is all unfortunately they have now become with the exception of Valvoline our biggest customer.

Board Member Rogan asked a customer that is so good that you would consider changing the configuration of your building, adding on a wing to your building.

Mr. Wallace replied if I knew that they would stay with us for the next ten years yes but there is no written, Board Member Pierro stated that may be the course of action that we take the next time out.

Mr. Wallace stated that would be nice but unfortunately I have no guarantees. They could go find another molder tomorrow and pull everything away from us.

Board Member Rogan stated unless you ask the question I guess you don't know the answer. Say hey, my local Planning Board is giving me a tough time, they are terrible they have been yelling at me.

Mr. Wallace stated I can assure you they don't care. They want their product as cheaply and quickly as possible. Again, it is not like we have yearly contracts with them. The contract with them is the length of whatever the purchase order they give me. They own all the molds themselves and they can pick up and go someplace else tomorrow.

Vice Chairman Montesano asked so basically the twelve by twenty-four shed is what you require for this particular contract.

Mr. Wallace replied no the shed is separate to that, the cargo containers,

Board Member Pierro stated no we added the shed at the site walk.

Board Member Rogan stated the shed is an amendment.

Vice Chairman Montesano stated so these containers out here now we are up to what, four now.

Mr. Wallace replied there are four. There have always been four.

Vice Chairman Montesano stated we have to come up with a better solution.

Board Member Rogan stated I agree a hundred percent.

Vice Chairman Montesano stated we have to come up with a better solution I think. I don't like the fact that they are there.

Board Member Rogan stated using a temporary solution for a long term, to fix a long term. You understand where we are coming from on this you have heard us discuss this.

Mr. Wallace stated I do unfortunately I am in a position where it could all end tomorrow and the problem could be solved that way.

Vice Chairman Montesano stated I hope it isn't for you. There has got to be a better solution than what you are offering right now.

Board Member Pierro stated I think we as a Board may be incumbent on us to make a recommendation to the Town Board to amend the Code.

Vice Chairman Montesano stated definitely.

Board Member Rogan stated to be honest with you though I don't know that, currently we have the ability to approve storage containers as a use on commercial. I thought what we are saying as a Board is that we don't see that they are what we want in the character of our community. We would rather see infrastructure improvements rather than temporary. I personally if you are saying to recommend that the Town Board change something to allow them.

Vice Chairman Montesano stated no.

Board Member Rogan stated I would not be in favor of that.

Board Member Pierro stated no I am saying to take them out. Have a date certain that there are no further additional approvals.

Board Member Rogan stated I do think there are some limited instances where I would be agreeable to having them on site but it would be temporary. I know in your eyes you are figuring hey, I could lose this contract in five months. If you said hey, they have notified me it is five months and we are done I might be inclined to say keep them there for five months and get rid of them. If the contract gets renewed we are in the same position that is not as a temporary situation as I think we are thinking for allowing these. I don't know how to solve your dilemma here.

Board Member DiSalvo asked what about using more wood sheds.

Board Member Rogan stated even the wood sheds, whether it is metal or a wood shed.

Vice Chairman Montesano stated it is a temporary thing that is going to end up haunting you for the rest of your life.

Board Member Rogan asked does the wooden shed because it is larger than ten by twelve is that a taxable structure.

Rich Williams replied yes I believe it is.

Board Member Rogan stated so a wooden shed larger than ten by twelve is a taxable structure is an infrastructure improvement but yet the metal sided containers are not. Paul is it a hundred or a hundred twenty square foot for a Building Permit.

Paul Piazza replied Building Permits are required for a hundred forty square feet.

Board Member Rogan stated a hundred and forty, twelve by twelve.

Rich Williams stated and I think the Assessor starts looking at over two hundred square feet.

Board Member Rogan stated which this is over two hundred. Maybe the idea is to look at wooden shed that are the size that you need that would allow you to do the same thing that would be considered more of a, see they are still temporary, you can move those things.

Board Member Pierro stated they are still temporary.

Mr. Wallace stated I need access to them with a forklift so it is not like I can bury them back in the woods someplace.

Vice Chairman Montesano stated for the money you are going to take and fill these things up, I don't know if you are renting these containers or,

Mr. Wallace stated we are renting them yes.

Vice Chairman Montesano stated then even putting a structure on the side of the building that comes off and would still be separate to me I would rather see something like that. Having these boxes around is getting very annoying.

Board Member Rogan stated it seems like you would be able to do some kind of pole barn out the back there.

Vice Chairman Montesano stated if I recall the original plans there is expansion possibilities on that building that were approved at one time.

Rich Williams stated yes it was done in two phases and with certain regulatory changes he would really have to come back in and renew those permits but there always was contemplated a second phase. I think what you are going to hear from the Applicant is it was almost doubling the size of the building. It was a fairly substantial increase in size and that is going to be a fairly substantial increase in expense.

Vice Chairman Montesano stated what I am looking at is it is there so that means if we were to allow a phase two to be half or a quarter of what the original phase two would be there would still be the possibility of expanding on the building rather than having all this temporary stuff stuck on the side.

Mr. Wallace stated the issue with that is that the expansions would be cutting through the internal walls of our plant and increasing the cement foundation, which would not be acceptable to my customer because now there is,

Board Member Rogan asked are you saying there is not a way to add on to your building and make it an attached but separate use.

Mr. Wallace stated we would have to look at that. I mean if I am going to add on to the building for half of million dollars, a million dollars and have to drive a forklift out into the snow to get into it. I don't know the logistics of how that works.

Board Member Rogan stated but you have to drive the forklift out into the snow currently with the storage containers.

Mr. Wallace replied no not necessarily because again, we have the two located in the rear of the building near where the loading dock is so we can unload their trucks on to our loading dock and then hand load in the containers from there. The two containers that are on the north side of the building are there for product that is either finished product or the filter media itself that gets used right inside that door because our molding machine is right there at the end.

Vice Chairman Montesano asked we are going to keep them in the same location these boxes. I was under the impression that we were moving them all together maybe I misunderstood something.

Board Member Rogan stated no I had the same impression.

Vice Chairman Montesano stated I thought everything was being moved into one location.

Rich Williams stated no I go back to the original application. The original application was we have got two here, we have got two over here that is what we would like approved worse case scenario if we have to move two here is a location we could move them to but we would like to keep, the original application was we have got two on the north side and two on the south side.

Vice Chairman Montesano stated as long as I could not see them when I am driving into the building I would not have a problem with that but I see them the minute you come down the road so you see those.

Board Member Rogan stated I wouldn't say that though you can't see them at Integrity.

Vice Chairman Montesano stated what I am saying is when you come into the property Integrity has a problem of having the dumpster located in the parking area where you come in and see it instead of having the dumpster behind the building because now he has a container back there. If you put the smaller fire proof container back there then the dumpster can probably get hidden behind the building again. With this situation when you come down you drive right in that is the first thing you see here when you swing around then you look at the ones over here. It would be easier to have them on one location because now you have the product running in and out. He has got the room. If they were to move these here they would have access to them. Here we have some being shipped out here because it is easier for them to come out this way once the product is brought in this way and they do this by hand if they have to.

Board Member Rogan stated I mean I will concede to the fact that I acknowledge that you have a business that is requiring you to do something outside of your structure that is a highly variable thing in that the contract may or may not be there in the future. I hope that it is because I do want you in business right where you are. There is some uniqueness in that the request comparative to the last gentleman that was here that is using it to try and fill one request but also to store pipe fittings for instance that could and should be inside his building or another request we have where they are store carpeting that should be in their warehouse also really does not have a whole lot of uniqueness to that. I can understand that there is some specialty to this case. I don't like it.

Mr. Wallace stated I don't like either. It was the only thing that saved us keeping this business in the first place and if the containers had to go all into the back behind the wood fence that we have there it is just extra work for me but obviously if that is what is required I have no problem doing it.

Board Member Rogan asked what about putting those four containers where they are showing them behind the fence, cleaning up the yard with the wooden shed and only approving until the end of the year then if you renew your contract you have got to do something about it. If you renew your contract you have got your advance on it that we need a more permanent solution.

Mr. Wallace stated okay.

Board Member Rogan stated to me that seems pretty reasonable.

Vice Chairman Montesano stated the object is it would give us a chance (unable to hear too many talking at the same time)

Board Member DiSalvo stated you are talking like three months, three and a half months.

Board Member Rogan stated it is August right so five months.

Mr. Wallace stated if the solution is to make an addition on to our building that does not cut through the building I mean that could be a years worth of work right there.

Board Member Rogan stated true enough but then it is a work in progress and we are working towards the resolution of a concern so that I would be willing to accept.

Vice Chairman Montesano stated yes that you work with.

Board Member Rogan asked when does your contract renew.

Mr. Wallace replied there is no set date for a renewal. We usually go by the calendar year or the date at which the contract first went into production, which in this case is more or less around the same time, but again, the down side to something like this is I don't have a contract for anything. It could all end tomorrow, it could all continue tomorrow.

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Board Member Pierro replied yes.

Mr. Wallace replied they are forty footers,

Board Member Rogan stated eight by forty.

Board Member Pierro stated sixteen hundred square feet right.

Board Member Rogan stated that is pretty big amount of room. Then if you have a building unless you can stack everything in you have to maneuver around stuff it becomes before you know it you are about a,

Board Member Pierro stated five thousand square foot building.

Board Member Rogan stated I don't know what the Board wants but I am still willing to give him a couple of months on this but then knowing that this temporary approval will expire and you would either be in violation unless you come back to this Board with plans for some resolution to this other than just storage containers.

Board Member Rogan asked Rich do you have anything you want to add to this.

Rich Williams stated the only thing that I am thinking that I just want to throw out there is if he is going to come back in for an expansion or a larger building sometimes the approval process takes some time to get through so I would not want to see the Board lock themselves in that in three months or six months they have to be gone. You may want to consider another extension as they are going through the site plan approval process.

Board Member Rogan stated with an initial application we would have the ability to do an extension on the time frame that would be appropriate.

Vice Chairman Montesano stated the main goal would be the elimination of them.

Board Member Rogan stated I would request to put Brewster Plastics on the January agenda and you will have plenty of time to think about it. I know it is not plenty of time but.

Mr. Wallace stated I will have to sit down with me and my father and try to figure out what we can do and what we can afford to do and how much it would cost because the cost is really what would be the issue.

Board Member Rogan asked would the waiver include the amendment of the twelve by twenty-four foot shed but that would be allowed on site because that is not considered a storage container. Is that the way you are looking at this.

Rich Williams replied yes.

Board Member Rogan stated are we lumping these as five units or is it four units and one that would be allowable that is what I am asking.

Rich Williams stated you can do a waiver on each of the structures. You can Anthony, jump in at any time you can structure your waiver so that four of the structures have a temporal component and a time frame and the fifth one the shed you can allow as a permanent waiver.

Board Member Rogan stated because at least that is a taxable structure.

Vice Chairman Montesano stated I am not worried about the taxes. I am just worrying about the appearance.

Board Member Rogan made a motion in the matter of Brewster Plastics that the Planning Board grants a waiver of site plan for the four storage containers on a temporary basis until the end of the year contingent upon the owner or the representative of Brewster Plastics coming up with some long term resolution and being at the January Planning Board meeting with some proposal.

Mr. Wallace asked do we know what the date of that January meeting will be.

The Secretary stated it would be the first Thursday of the month.

Rich Williams stated we haven't set the schedule yet.

Board Member Rogan stated and the waiver to include on a permanent basis the twelve by twenty four wooden shed in the location that it currently exists.

Board Member Rogan stated yes Paul but you have got to come up Missy says.

Paul Piazza stated I just want to clarify that twelve by twenty-four foot shed will have a Building Permit issued. He has to come in and apply for a Building Permit.

Board Member Rogan stated please include Paul's comments in the motion, Missy.

Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 4 to 0.

Mr. Wallace thanked the Board.

## **5) AMERICAN LEGION HALL Sign Application**

Board Member Rogan stated Mr. Chairman for the American Legion Hall since the sign is for the Office of the Aging, which is a County Department, and I am a County employee I am going to recuse myself.

Board Member Rogan stepped down from the dais.

Mr. Tom McGoldrick stated my name is Tom McGoldrick I am a Life Scout with Carmel Troop 1 and I am doing an Eagle project with the American Legion building over there for the organization of the Office of the Aging. They proposed a sign for recognition of the building and that is what I proposed with my application.

Board Member Pierro asked what is the size of the sign Sir.

Mr. McGoldrick replied it is six square feet, three feet by two feet.

Board Member DiSalvo stated it looks like the sign for the Town Hall the same type of coloring.

Mr. McGoldrick stated it is the same color.

Vice Chairman Montesano asked would you know if the American Legion has okayed that the sign be put on their property.

Mr. McGoldrick replied yes Mr. Huestiss is the one who runs the building and he said that it is okay.

Vice Chairman Montesano stated he runs the building.

Rich Williams stated there is already an existing sign up there for the Office of the Aging.

Vice Chairman Montesano stated what I am looking at is, I realize that there is a sign there, what I am looking at is the property is normally under the control of the National American Legion. What I want to know is do we have anything since Mr. Colt has passed away I believe.

Board Member Pierro stated Mr. Huestiss signed the application as the owner.

Vice Chairman Montesano stated I am looking for somebody from the American Legion. The County does not own the property they lease it as far as I understand.

Board Member Pierro stated they lease it during the day.

Vice Chairman Montesano stated so what I am looking at do we have a confirmation, I don't mind the sign what I am looking for is to make sure that we have confirmation from whoever is in charge of the American Legion to authorize them to allow the sign to be put on their property. I don't want to have the kid doing a great job, I don't want to have the sign put up and then we get American Legion to come down and say who are you to authorize it we didn't authorize it. I don't know who to contact.

Rich Williams stated I don't know. The application came in with Bill Huestiss signing as responsible party.

Mr. Goldrick stated yes because Ms. Buzzutto whose in charge of the organization said that I had to get it signed by her boss when I asked who I get signed by and that is who she told me.

Vice Chairman Montesano stated well as long as they have some kind of comment. I just want us to have the basis covered. I would like to find out from somebody from the American Legion to okay that we are approving the sign. I don't want to see the sign get kicked in the teeth because we approved something and they say no.

Board Member Pierro asked Mr. Chairman on the matter would you accept a motion to approve the sign application contingent upon receiving a letter from someone in the American Legion permitting that the sign be approved and place.

Board Member DiSalvo stated and the old sign removed.

Vice Chairman Montesano stated I have no problem with it I just want to make sure we are covered.

The Secretary asked Dave was that a motion.

Board Member Pierro replied yes.

Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 3 to 0.

Board Member Pierro asked how old are you son.

Mr. McGoldrick replied sixteen.

Board Member Pierro I am proud of you.

The Board and audience applauded.

Vice Chairman Montesano stated you did a good job.

Board Member Pierro stated what do you think about that ladies and gentleman. We have got him in Patterson this kid is going someplace.

Mr. McGoldrick thanked the Board.

Vice Chairman Montesano stated Dave make a negative declaration on the sign.

Board Member Pierro made a motion in the matter of American Legion Hall sign application that the Planning Board grants a negative determination of SEQRA. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 3 to 0.

Vice Chairman Montesano stated that was done prior to the approval.

Board Member Rogan resumed his seat on the Board at this time.

**6) FOX RUN CONDOMINIUMS WWTP – Waiver of Site Plan**

Mr. Catalano stated Mark Catalano with Milnes Engineering representing Fox Run Homeowners Association.

Board Member Rogan stated good evening. Could you run us through a little bit about what you are planning to do and why you are here tonight.

Mr. Catalano stated the Homeowners Association has entered into an agreement with New York City DEP to upgrade, to allow the DEP to upgrade their waste water treatment plant. The upgrade that we are proposing is really to eliminate and take out of service the existing plant and replace it with a more advanced structure. The reason we are doing this is because so many of the requirements are being made more stringent that the existing treatment plant really can't accommodate them affectively.

Board Member Pierro asked one question Sir, is this current plant considering any expansion for any future construction on that site.

Mr. Catalano replied the treatment plant will not have any greater treatment capacity than the existing discharge permit however that discharge permit right now is sized large enough for both phases of the development. Phase one is currently built, phase two has not been.

Board Member Rogan asked so you are saying the old system was designed for both phases.

Mr. Catalano replied yes it was.

Board Member Rogan asked based on current codes, based on the current design flows.

Mr. Catalano replied based on the current design.

Board Member Rogan asked or based on the design flows of 1970. I don't know when the initial Fox Run was built.

Mr. Catalano replied it was built in the 1970's.

Board Member Rogan stated so certainly in the 1970's the design flows were less than they are today as if they were building Fox Run in 2006. I guess what Dave is referring to is will this expansion be large enough or this new system be large enough to handle a phase two under current codes or would it be allowable.

Mr. Catalano stated I believe so because we are really dealing with more stringent water use requirements that there were in the seventies. Plumbing fixtures now consume less water.

Board Member Rogan stated but the design standards are a lot different than they were while people may theoretically by use of a plumbing fixture use less people shower more and use more water at the time this was built which is why the design flows are so much,

Rich Williams stated Shawn I don't know that is necessarily true that the design flows between 1971 and now have changed radically. There certainly has been some adjustment. When we were looking at Fox Run Phase II and we were going through that whole thing there was adequate capacity to handle the additional flows from Phase II.

Board Member Rogan stated and the reality is placement of this system at tonight's meeting isn't going to matter one way or the other when they go to build Phase II if and when they ever do it that would be something they would have to tackle at that point.

Rich Williams stated at this point it is nebulous as to whether they can build it at all.

Mr. Catalano stated I would also like to add that the current flows to the treatment plant are less than thirty thousand gallons per day and the capacity of the plant is sixty-nine thousand four hundred.

Board Member Pierro asked what level of treatment are you proposing on this.

Mr. Catalano replied there will be tertiary micro filtration as well as sand filtration.

Board Member Pierro stated drinking water quality coming out.

Board Member Rogan stated I am not drinking it.

Rich Williams stated I will give you a glass.

Board Member Rogan stated from your system to his lips.

Vice Chairman Montesano asked Rich according to this the building is over forty-feet high.

Mr. Catalano stated it came to our attention that the way you're measuring that it is forty-feet high and we can easily accommodate that within your regulations by changing the pitch of the roof. If I put a six on twelve instead of the seven on twelve that is shown I can get it down to thirty-seven feet, ten and quarter inches.

Vice Chairman Montesano stated that would still be above. Is that still above.

Rich Williams replied it is a residential zone, Mr. Catalano stated I believe it is 38, Rich stated the height limitations in the residential zone are thirty-eight feet.

Board Member Pierro stated Mark, one other question, Tunkhannock.

Mr. Catalano stated yes.

Board Member Pierro stated Tunkhannock I pronounced it correctly, Tunkhannock, in Pennsylvania okay very well.

Board Member Rogan asked does anybody want to take a look at this.

Board Member DiSalvo stated I do.

Board Member Pierro stated I would like to.

Vice Chairman Montesano stated yes definitely.

Board Member Rogan asked does the old system have a building over it.

Mr. Catalano replied there is a small building.

Board Member DiSalvo asked and they are going to take that one down right the old building.

Mr. Catalano stated we will take the building down and we will fill the tanks in and grade over them.

Board Member Pierro asked is there any standard as to removing those old tanks or filling them in.

Rich Williams stated yes absolutely.

Board Member Pierro asked can they be just filled in or do they have to be removed.

Rich Williams asked are we talking about the sand filters.

Board Member Pierro replied the old tanks that are existing. I guess they are sand filters.

Rich Williams stated you are talking about the sand filters.

Mr. Catalano stated there are sand filters, which are large shallow beds, then there are deep tanks. The tanks have poured in place concrete walls. The sand filters do not. The sand filters have just wooden retaining walls. We would propose to take the sand filter walls out completely and grade over that area. We would propose to grade over the deep tanks by first removing the contents, filling them in with excess material from the site and grading over them. The building of course will be removed.

Board Member Pierro stated okay schedule this for a site walk.

Vice Chairman Montesano asked one question, the debris that is going to be left over is going to be used as fill am I understanding that.

Board Member Pierro stated no that is not what he said.

Mr. Catalano stated excavated material from digging the new.

Rich Williams asked Mark you are not proposing to bury c & d material on the site.

Mr. Catalano replied not at all.

Vice Chairman Montesano stated okay thank you. We will go take a look at it.

Mr. Catalano thanked the Board.

**7) CALLAHAN WETLAND/WATERCOURSE APPLICATION**

Mr. Callahan was present.

Mr. Callahan stated Kevin Callahan I own 124 Big Elm Road. I am here tonight to talk about adding a two car garage that winds up being in the watercourse, not in the watercourse in the buffer zone.

Board Member Rogan asked which house is this on Big Elm I am driving up and down the road all night and I can't think of where.

Mr. Callahan replied right next to Ted Kozlowski's house.

Board Member Rogan asked higher or lower.

Mr. Callahan replied higher.

Board Member Rogan stated okay it is for sale for quite awhile.

Board Member Pierro stated it was recently renovated.

Mr. Callahan replied yes.

Board Member Pierro asked is this house still for sale.

Mr. Callahan replied actually we are getting close to being in contract we have an accepted offer on it so it is moving along.

Board Member Pierro stated for the record I believe this is a Houlihan listing and I am associated with that company.

Mr. Callahan replied no it is Remax.

Board Member Pierro stated you took it from Houlihan.

Mr. Callahan replied no we bought it actually after the Houlihan Lawrence listing expired. We bought it directly from. (TAPE ENDED)

Board Member Rogan asked so you will be the new owner or.

Mr. Callahan replied I am the current owner.

Mr. Callahan stated there are some questions on the site plan to show the hundred foot buffer. I brought a plan that has that on it. Do you want to take a look at it.

Board Member Rogan replied yes.

Rich Williams stated if I might, Ted has issued a memo outlining a number of issues that need to be addressed by the Applicant for the next meeting.

Board Member Rogan stated he better not say he wants nice hedges on the southerly side of the property I am sorry northerly side.

Board Member Pierro asked do we have that memo.

Rich Williams stated yes you should.

Rich Williams stated to Mr. Callahan essentially what you are going to do is take that memo address them, resubmit everything for the next meeting.

Mr. Callahan asked so a public hearing would not be until,

Board Member Rogan stated we could probably schedule the public hearing.

Mr. Callahan asked for next month.

Board Member Rogan stated let's talk about this.

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

Board Member Rogan asked no loft in it.

Mr. Callahan replied no loft.

Board Member Rogan stated so trusses.

Mr. Callahan stated I believe it would be yes.

Mr. Callahan stated it is pretty basic.

Board Member Rogan stated twenty-four by twenty-four.

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

Board Member Pierro asked how far is it to the buffer.

The Board reviewed the new plan for a few minutes.

Board Member Rogan stated the whole site virtually is within except their septic.

Board Member Rogan asked is this something that anybody wants to take a look at the site.

Board Member Pierro stated we are going out we might as well go look at it.

Board Member Rogan stated especially since the entire, Board Member Pierro stated site is within the buffer.

Vice Chairman Montesano stated all right we will go out and take a look see.

Board Member Rogan stated let's just go through the comments that Ted had. The site plan shows the one hundred foot buffer currently this plan does show the one hundred foot buffer. We do have a visual plan. We don't have erosion control measures shown protecting the stream that is pretty straight forward. New driveway or renovation is proposed.

Mr. Callahan stated there is a driveway there now which would be renovated.

Vice Chairman Montesano stated it is in the buffer zone and he would like to have it shown.

Board Member Pierro asked and how are you renovating that driveway is it going to be blacktopped.

Mr. Callahan replied it is blacktopped now but it is not in good shape so I want to be able to just.

Board Member Rogan stated I think when we take a look at it we will be able to tell how much material they are going to have to bring in. Could you please put markers, well it is so close to the house it is twenty-four we don't need markers on that.

Rich Williams stated it is pretty straight forward once you get there.

Vice Chairman Montesano stated the only thing that he wants is that if you are going to renovate the driveway it actually should become part of the application.

Board Member Rogan stated we can set a public hearing.

Board Member Rogan made a motion in the matter of Callahan Wetlands Watercourse application that the Planning Board schedules a public hearing for the next regularly scheduled Planning Board meeting. Board Member Pierro seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 4 to 0.

The Secretary stated you will need to get in touch with me for the notices.

Board Member Rogan stated Missy is your best friend.

Board Member Rogan stated and I would talk to Rich about any of these items that need to be addressed.

Vice Chairman Montesano handed the new plan and garage plan to the Secretary.

Board Member Rogan stated that is it. We will schedule a site walk we will get out there between now and the next meeting. Talk to Rich about modifying the plan and we will do a public hearing and if everything is in order we ought to be able to wrap it up next meeting. You will be off to building your garage. A twenty-four by twenty-four is awful small though for a two car garage

Mr. Callahan stated we will make it work.

Mr. Callahan thanked the Board.

### **8) ALPINE RESTAURANT SITE PLAN**

Mr. Bill Baker was present representing the Applicant.

Mr. Baker stated good evening. I received a memo from the Planning Board and a copy of a Consulting Engineer report. I had reviewed it not to bore the Board we had requested a we are looking for either a conditional site plan approval because of the economic situation on the site and I did review the Planner's recommendations. To take your lead from the last m Tdway,0 Td[ these )Tj0.0004 Tc -0.0009 Tw -18.33 -1(Ryde

Mr.ginliad yesI aead fsaody-fod w Td[the si

Board Member Rogan stated now just give us a second so that we can like I said because you are throwing a lot at us. The fence was an issue that Ted brought up because of garbage being dumped in the stream.

Rich Williams stated no this is something new that Gene Richards, the Town Engineers just brought up. He is recommending that the Board consider putting a fence at the end of a couple of parking spots near the stream. His concern is that there may be further encroachments into that buffer area by vehicles parking where spaces are not marked out and or the potential for snow plowing to push snow towards the stream.

Board Member Rogan stated so a post and rail fence wouldn't stop that other than stopping the plow. A simple post and rail fence would not suffice for that.

Rich Williams stated yes.

Board Member Rogan stated and a post and rail fence is,

Mr. Baker stated it is not an issue to us.

Board Member Rogan asked it is not an issue.

Mr. Baker stated it is not an issue to us.

Board Member Rogan asked then it is not a problem for you then.

Mr. Baker replied yes it is not a problem.

Board Member Pierro asked which of the two spaces that he is referring to.

Mr. Baker replied it is these two areas here referring to the plan.

Board Member Rogan stated you are talking about a twenty foot length post and rail fence.

Mr. Baker stated twenty or forty whatever it comes too.

Board Member Rogan stated that is a couple of posts and what do you run them eight or ten foot.

Mr. Baker stated they are eight foot sections.

Board Member Rogan stated so that is not a big deal.

Board Member Rogan asked the building in the front while that is part of this, with the approval of this site plan that would also approve the front building for use by a tenant for a specific use meaning retail.

Rich Williams replied right now there is no indication about what use that building is going to be so no. They may want to if they know a specific tenant that is going in there that would be different from something that has been there before they want to amend the application to include a specific use.

Mr. Baker stated from the best of my knowledge there was a bicycle shop there, there was a,

Board Member Rogan stated the sneaker store.

Rich Williams stated it would be a retail operation was the last permitted use.

Mr. Baker stated from my understanding and the person has been interested for years he is a mortgage bank.

Rich Williams stated customary personal services.

Mr. Baker asked is that permitted.

Rich Williams replied yes.

Mr. Baker stated the owner is aware he wants to keep it clean and small. He does not want to have a conflict with that as well as the building in the back. The building in the back where they had the fire has been left since I was allowed to clean it out by the Building Inspector last August. I did submit a full blown set of prints to him although it is not going to be a tear down and I did submit engineering drawings and I did get conformance from the Putnam County Board of Health in reference to that because there are no changes. What we did was we went in and we stripped out all of the burnt and found out that the Fire Department had done an excellent job in keeping this fire down and it is just a matter of one header and of course some interior studs and then re-wiring and plumbing and insulation and siding. It would I feel immensely clean up the property sooner than later. I don't know the procedure for time wise for this but it has gone on a year and again, the owner is in dire straights.

Board Member Rogan asked Mr. Baker how long will it take for your office or the engineer's office to do the performance bond that we need for this project.

Mr. Baker stated the cost estimate for the site plan was we were going to go in and do gravel and place the bumpers and the signage. There is going to be no additional paving. We had removed the work in the State right of way to keep it simple and after we were asked to redraw the plan. That cost I think it is a sixty-two or sixty-seven thousand dollar number total for what it was going to cost us.

Board Member Rogan asked is that from a year ago.

Mr. Baker replied yes from a year ago now we are not doing any curbing so it is probably similar. I mean if you want seventy-five thousand dollar performance bond.

Board Member Rogan stated Paul you have got to come up front that is why we want you to sit in one of those seats.

Rich Williams stated while Paul is coming up the site improvements out there that were being proposed were not very extensive at all. I don't know that seventy-five thousand dollars isn't well over estimating the cost.

Mr. Baker stated it is.

Rich Williams stated and the problem with sitting here and doing that tonight is now he is going to have to pay for a seventy-five thousand dollar bond.

Mr. Baker stated I am trying to cover all the basis. I mean the work it is a matter of spreading four inches of Item-4, placing the bumpers, nailing them down, putting up the silt fence. There is going to be no paving and relocating the dumpster area.

Board Member Rogan stated it seems so simple you would have thought they would have done it a year ago.

Mr. Baker stated they should have done it four years ago.

Board Member Rogan stated yes I know but things happen I understand that.

Mr. Baker stated financially is why it didn't.

Mr. Baker stated I think the Building Inspector has a new issue, which I would like to deal with tonight.

Paul Piazza stated I have two more or less housekeeping issues. One the single story residence that is in reality is a two story. They have storage for the restaurant downstairs and the residence upstairs. The way the Code defines it that is a two story structure. Item number two, there is a note in the note block to the right that specifies no steel containers on site. At the present time and it has been there for years there is a steel container there does the Board want that trailer pulled out.

Board Member Rogan stated that is tight up against the building.

Paul Piazza stated that is tight up against the building right behind the kitchen.

Mr. Baker stated it has a roof on it and if it is not an issue what we could do is what I listened to last month with the religious organization down the street they offered to side it and paint it. We could put siding on it and paint it.

Board Member Rogan asked let me ask a question, the steel container it is used for restaurant storage.

Mr. Baker replied to the best of my knowledge when,

Board Member Rogan asked what is it used for Nick.

Nick replied the compressors for the refrigerator.

Board Member Rogan stated okay so it is not things that are coming and going.

Nick replied there is two things in there and that is it.

Board Member Rogan stated so it is something that must stay for the business it is not paper goods or anything like that.

Nick replied we have no storage in there at all.

Board Member Rogan asked the Board do we want to side it and make it look like,

Board Member Pierro stated let's dress it up Paul and make it part of the structure.

Paul Piazza stated I just wanted to make the Board aware of it. I just picked up on it the other day.

Board Member Rogan stated I always wondered what was in there.

The Board thanked Paul.

Mr. Baker stated getting to the Town's memo I did want to point out that on number three the existing outlet over here we had sent a letter to the Putnam, the Ridders, the Ryder's or whatever they are, the Putnam Bank and we had said that we were going to do no work in the right of way but the Consultant said he had a concern as to how the existing right of way would be addressed. We are going to leave it as it is because we don't want any litigation from these guys and it flows now where you come in and you make a left and you go in.

Mr. Baker stated in reference to page "B" of the site plan comments again, addressing the common sense issue on these bumpers. If you go to some old parking lots they just would paint them. We are going to put the two rows of bumpers and as we said I know it was a concern that there was no walking room between the two rows of cars in the front. As I said at the last meeting common sense is going to have to prevail there. In reference to that all the other items we will do. We will change the date on the sheets. I was not aware that the zoning was not classified correctly. It will be changed and in reference to number six which is again the detailing of curbing. We are going to remove those in his exuberance the engineer's assistant did not take off the curbing as I detailed. There was a question though on the plans of a topo plan and I will have to clarify that one line of a topo was missing. This came off a computer disk from a surveyor and we are not moving any topos. We are not changing anything. Again, we are asking for this conditional approval. I don't know what the Putnam County Division of Planning and Development approval would be.

Rich Williams stated don't worry about it.

Mr. Baker stated in reference if you want to set a price for a bond or for this work on that we could reduce the numbers or we can leave it as I proposed.

Rich Williams stated I don't think that we can act on that without a recommendation from the Engineer.

Board Member Rogan stated the Engineer you have a memo from, Stantec.

Mr. Baker asked Escalades.

Board Member Pierro replied no Stantec.

The Secretary stated from our Engineer.

Mr. Baker asked how would we go.

Board Member Rogan stated you submit something, you have to break it down.

Rich Williams stated generally the way that works with setting a bond is the Design Engineer will submit a cost estimate to our Engineer for the site improvements, our Engineer reviews it and then makes some adjustments usually upward and makes a recommendation then to the Planning Board who then makes a recommendation to the Town Board who establishes the bond contingent on approval by the Attorney.

Mr. Baker asked how many months is that going to take is my concern.

Board Member Rogan stated if you get the cost estimate here in a week, the Engineer will have us a determination by the next meeting. If you have everything else amended we could be in a position to make that recommendation next meeting and we might also make that approval.

Rich Williams stated the Planning Board isn't going to make a recommendation until the September 7<sup>th</sup> meeting, the Town Board meets right after that I think a week a later.

Board Member Rogan stated we could have that wrapped up.

Board Member Rogan stated the one question that I have and we have discussed this I think we have agreed to disagree on some of these issues but when you are looking at the parking to the right of the front framed building, you have the five parking spots and I agree with Gene our Engineer that people backing out of those spaces are going to be in jeopardy of being hit by people pulling off Route 22 into that parking lot. There is not enough room right directly adjacent to where the sign is for the Alpine Restaurant showing five spaces. Two of them the closest to the building I can understand when they back out if they back out in front of the building they will be a little safer but the other three I see that as an accident waiting to happen.

Board Member Pierro asked can we redirect the entry coming around the other side.

Mr. Baker asked what we could do with that because the new Engineer said why didn't he put six there I said leave it. What we could do is we could take those parking lot lines because it is a paved area and we will herringbone them all the way over to the property line and put the bumpers at that angle so it creates the turning radius.

Board Member Rogan asked so you are shifting them, as you are looking at the plan the front of the space to the right.

Mr. Baker replied I am going to rack them to the right.

Rich Williams stated that is going to create a problem with people pulling in.

Board Member Rogan stated they won't be able to pull in and,

Rich Williams stated they are going to have to pull in and cut across the front of the building.

Mr. Baker stated again, if someone is pulling in at a reasonable speed and someone is backing out somebody is going to blow the horn.

Board Member Rogan stated forget about that for a second. If somebody is pulling in to that entrance and they want to get into the first spot next to the building with the angle being what you are saying they have to almost go past the spot and then turn and I don't think they have the turning room. I appreciate your shot at trying to resolve it but I agree with Rich I don't think that changing that to that configuration will work. It will probably for the first two spots closest to the property line but not for the other ones.

Mr. Baker stated well then why don't I just rack the second two and keep the other three straight. It is a matter of painting a line at an angle.

Rich Williams stated I still say my bigger issue with that is stacking out on to 22 where people are pulling in and out of those parking spaces somebody pulling in off of 22 has to sit on 22, there is no turn lane.

Board Member Rogan stated there is not a shoulder there.

Rich Williams stated there is not a good shoulder. You are forcing them to sit on 22 that is my bigger concern.

Mr. Baker stated again I reviewed that because I knew by moving that bumper was a critical issue and my Engineer said well, we should have put the six in there because that is a grass area.

Board Member Rogan asked Rich is there any reason we need that curb cut at all right where we are talking about and we couldn't just use the further entrance into front building.

Rich Williams replied no.

Board Member Rogan asked or is that creating a worse situation.

Rich Williams stated you probably could run a curb across the front but now you open the door to where, Mr. Baker stated how are they going to turn around, Rich stated he is going to need a DOT Permit.

Board Member Rogan asked just to extend the curbing.

Rich Williams replied yes and Mr. Baker maybe right without looking at it they may not be able to back out. I would have to take a harder look at it.

Board Member Rogan asked the curbing that is shown on the plans exists right now.

Rich Williams replied yes.

Mr. Baker replied everything exists.

Board Member Rogan stated all right don't worry about this issue at this point in time. We brought it up as a concern. We are going to be out we are just going to take a look at that when we are out doing our site walks and see take a look at what the shoulder is there.

(Unable to hear Vice Chairman Montesano and Board Member Rogan were discussing the plan with regards to the parking spots).

Mr. Baker asked would the Board consider lines like this, the ones on the right if we swung the lines on the right, herringbone to the right, painted a no parking "V" in the center, instead of being the planter to the left swing that off to the left leaving this as a not a parking space but an area where they pull into the right or they pull in to the left. It is just a matter of painting lines.

Board Member Rogan stated so he is saying the two spots to the right would be angled, herringboned one way, the other ones would be either straight or herringbone the other way.

Board Member Pierro stated I like that better than this.

Mr. Baker stated and I will have my Engineer confirm that it is feasible.

Board Member Rogan stated all that does though is change the two furthest spots to the right so that when they are backing out, they are backing out, turning closer to the front of the store as opposed to into the oncoming traffic. Are we all in agreement on that.

Mr. Baker stated that is what my understanding would be.

Vice Chairman Montesano asked what is in this area here referring to the plan.

Board Member Rogan stated it is a drive, Board Member Pierro stated it is a drive around. It drives around the side of the building.

Board Member DiSalvo stated we have to keep that distance there.

Vice Chairman Montesano stated we need the distance. What is this distance.

Board Member Rogan stated ask him that.

Mr. Baker asked what would the distance be.

Vice Chairman Montesano asked as you are facing the framed building to the left. You have got a block of some kind what is that an entrance way.

Mr. Baker stated that is existing pavement.

Vice Chairman Montesano asked where the block is, is that a parking area right there next to the building.

Mr. Baker stated that is one.

Vice Chairman Montesano asked what is the distance between that parking spot and where the line cuts over where the asphalt area is.

Mr. Baker replied it appears to be based on the scale taking a thumbnail or a piece of pen here it is at least an inch, seven eighths of an inch which is one in thirty foot scale so it is approximately twenty-seven feet wide.

Vice Chairman Montesano asked can we get another parking space there without interfering with that lane instead of having number five there move it over to that side of the building and this way you have got four spots that we can rack out which might make it that much easier.

Mr. Baker stated I would say that I would rather keep a wider, I understand what you are trying to work with here. I will have the Engineer look at it.

Vice Chairman Montesano stated see because I am looking at the fact that most people are not going to park there so you are going to have that spot and it is going to be open most of the time but then you are going to eliminate on the right hand side.



Board Member Rogan asked clean up of.

Mr. Baker replied the gentleman wanted to clean up the interior to change it from retail to an office.

Board Member Rogan asked clean up versus construction.

Mr. Baker replied clean up meaning paint, rugs, and interior.

Board Member Rogan stated paint and rugs they could do anyway.

Mr. Baker stated we have been told not to do anything not even put a sign up.

Board Member Rogan stated a sign no.

Mr. Baker stated a sign up to rent.

Board Member Rogan stated he could put a sign in the window for rent couldn't he.

Mr. Baker stated we were told to take it down.

Board Member Rogan asked a for rent sign.

Mr. Baker replied correct.

Paul Piazza stated according to the Planning Board they could not rent that space until the site plan issues were resolved.

Mr. Baker stated we have had a lease proposal sitting there for almost a year to use that space and it is creating a tremendous financial drain on that facility.

Board Member Rogan stated understanding of course that if you start to advertise it or decide to sign off on a lease on it and then you don't come back next meeting you don't have anything anyway. That would be a really silly thing to do wouldn't it.

Mr. Baker stated it would be stupid and I was always trying to convince Mr. Piazza that what we wanted to do was clean up the property and maintain the property and I didn't realize that this thing had such a tale to it when I came here. I mean I was called in to rehab a fire job.

Board Member Rogan stated you have done a fine job. You are almost there look at the bright side.

Vice Chairman Montesano stated the heat wave broke so.

Board Member Rogan stated other than the signage issue I am okay with them well you don't have to put a sign in you have somebody ready.

Mr. Baker stated it isn't that what I am saying is can we have permission to go ahead and do painting improvements, come in and file for I think he is going to change some lighting, put down new rugs. Can I get a little input here.

Nick stated air conditioning.

Board Member Rogan stated he has to file permits anyway.

Board Member Rogan stated let him start the process Paul and file the permits.

Board Member Pierro stated any signage would need permits.

Rich Williams stated let's back up and get Paul off the hook here. It is one thing to do minor repairs or rehab like painting or rugs,

Board Member Rogan stated that does not require a permit.

Rich Williams stated Paul is precluded from issuing a Building Permit where there is no site plan.

Board Member Rogan stated correct but that is exactly my point is he can apply for the permits Paul does not have to approve them but he is starting the process. He certainly can go in and do carpeting and painting, apply for the permits for lighting any electric permits or whatever hold off on approving them until September 7<sup>th</sup> or after they get site plan but they can start their process.

Paul Piazza stated well the problem is if they are going to be putting in lighting, air conditioning unit anything like that,

Board Member Pierro stated that is going to need electrical permits.

Paul Piazza stated they need an electrical permit, which means they need a building permit, but they can't do any carpeting and painting until after that is done anyway.

Board Member Rogan stated okay you are saying all that work has to be done before the electric well that is up to them if they want to do it first.

Mr. Baker stated he is aware, as I am aware of the flow of construction.

Board Member Rogan stated so the answer is you are not going to get a Building Permit until after site plan because we don't have the authority to issue a Building Permit.

Mr. Baker stated I understand that but I was looking for a recommendation because he has been chasing everybody including myself out of the office and just saying no get out, right.

Paul Piazza stated I have not been rude like that but I have told you,

Mr. Baker stated no.

Paul Piazza stated as per the Planning Board I cannot issue a Building Permit until the site plan issues are resolved.

Board Member Rogan stated right and it is taking it out of his hands because he is right he can't issue a Building Permit. You certainly are not asking him to do something he can't do or is allowed it.

Mr. Baker stated I wouldn't dare.

Board Member Rogan stated I know you are gentleman so we will see you next meeting.

Mr. Baker asked so if someone is in there cleaning trash and debris out I will be sure that if the lease is happening they do no construction work what so ever but if there is clean out.

Board Member Pierro stated nobody is going to prevent you from cleaning out and painting and things like that. Don't do any electrical or anything that requires a Building Permit.

Mr. Baker stated I had to get a permit to clean out the fire though, a demo permit.

Board Member Pierro stated that was a different story.

Paul Piazza stated that was a different story. Originally that came in that was going to be a total removal and reconstruction now you are throwing something else out that you were going to rehab the building as is. There is issues in the Building Code that have to be addressed with that so yes we let you clean the place up but at the same time to issue a Building Permit to put a modular or any other work until site plan approval is granted.

Board Member Rogan stated have a good evening Mr. Baker.

Mr. Baker stated thank you for your time.

## 9) **BONIELLO SUBDIVISION**

Mr. Joel Greenberg and Mr. Michael Bonniello were present.

Mr. Greenberg stated Rich and Melissa were nice enough to fax me the memo and we have gone through it. I think basically tonight we just want to have direction obviously there are things that have to be done. Rich brought up the fact that we requested that the area in the rear where we want to put the two residential buildings are in a R-2 Zone and Rich pointed out that the area behind which we did realize is an R-4 again, the reason I did that is because this seemed like a logical place to change from residential to commercial. Obviously, if this Board or the Town Board felt it had to be R-4 obviously we would have to move this line down. I guess it could be done. It just seemed more logical (unable to understand). Again, that would be up to this Board and I guess the Town Board will make the final decision on this. With regard to one of the comments that were mentioned in Rich's report is to get a Wetlands Consultant out to flag the wetlands and then having it confirmed by the Town which is no problem we can do that. I think again, I said tonight we would like to just get some direction from you and you can make the recommendation to the Town Board or can we make the application it has been indicated in this report that we can make an application to the Town Board. We look to your advice.

Board Member Rogan asked who wants to start.

Vice Chairman Montesano replied well you are ready. Do you want to start.

Board Member Rogan replied sure.

Board Member Rogan stated the Board as a whole has never liked the idea of going through the commercial yard for access to two residential lots and certainly I think everyone would agree to that. It is less than a proper way to put in residential housing. Possibly the Bonniello's would end up owning these houses and living in them and that would be great because of the business there but certainly they have the option of selling that three years from now so we obviously are going to deal with that from the standpoint of some stranger owning them. What happens to the gate for the facility for instance that which is closed down at the end of business with reference to these house. The Board had directed the Applicant to consider trying to get access from the rear. Of course you know that is an issue. That is something that we would love to see you do because then I think this would become a rather easy application for us. The grade of the road going in the proximity to the wetlands they are all basic.

Mr. Greenberg stated just to back up you mentioned a perfect solution, which we have talked about with my clients. What is the status.

Board Member Rogan replied it is a current application. We site walked it. It has not been dropped has it.

Board Member Pierro replied it hasn't but those gentlemen have some issues going on of their own.

Rich Williams stated it has not been withdrawn yet, the application. We have only done a conceptual on it but recently I have had a couple of developers inquire because I guess it is up on the market.

Mr. Greenberg asked can I ask a question I have not seen the plans but if that plan or some version of that plan is eventually brought to this Board formally would there be a possibility that some sort of right of way could be bought here so that we could extend the roadway into here.

Board Member Rogan stated well that is exactly what, Board Member Pierro stated that would be between your client and the future developer there. We would have no problem with that.

Board Member Rogan stated in actuality, it would not go through then to the so it would not be a secondary access so forget about that.

Mr. Greenberg stated no it would come into I guess like a cul-de-sac.

Board Member Rogan stated there was one lot that was proposed that when we walked that property, we walked this property and that one the same day and the way the roadway came in, we should get well we can't release a copy but he could look at a copy of that.

Rich Williams asked of what.

Board Member Rogan replied of the proposal.

Rich Williams stated if he foils he can have it.

Board Member Rogan stated but the main road came in and was perpendicular, Board Member Pierro stated there was one particular lot at the end of the cul-de-sac on the adjoining subdivision that had I believe it was two stormwater ponds it did not leave a lot of,

Mr. Greenberg asked and that abutted this property.

Board Member Pierro replied right, right at the back and it did not leave a lot of room to have a lot on that particular site but we felt in relation to that property that might be a good place for the Bonniello's to access that. I personally, I mean my mother used to say there is no accounting for taste in this world and I believe that these gentlemen have a right to use their land. Would I want to drive through a commercial site, no but it is their business but I think we ought to seriously consider this and our ability to clean up this site. I mean we have two small garages in the back. One of them is right up against the wetlands. There is a forty foot tractor-trailer box there. There is fifty some odd tractors, machines that are sitting out in the rain and we have an opportunity to get a seventy-two hundred square foot building on the tax rolls and get rid of one maybe two of these existing buildings here.

Board Member Rogan asked is that seventy-two hundred square foot part of the proposal.

Board Member Pierro replied yes.

Mr. Greenberg stated Shawn, it is this building here referring to the plan.

Board Member Rogan asked is that something new since we have gotten this in.

The Board replied no.

Board Member Rogan stated I don't remember them sorry.

Board Member Pierro stated you can't be forgetting you are the youngest one here.

Board Member Rogan stated I agree with Dave in the standpoint of people being able to utilize their property but when you then take and again, if they had this property, one contiguous piece with one residential house in an area of the property that would support it. When you start subdividing the property then I have a concern that the access to me is just, the access stinks. I mean I don't know how to say it any other way. The access is not appropriate. Permitting that if Mr. Boniello lived in the house no it is not problem he lives at the place he works but I am not in favor of the way the access goes through the commercial yard. I don't know how else to say it other than that.

Mr. Greenberg stated as you realize we certainly would love to have this access.

Board Member Rogan stated understood.

Mr. Greenberg stated but at this moment you don't have a formal application. There is nothing in the books that says and it may be ten years before somebody does something.

Board Member Rogan stated and likewise this back property may be very valuable to that developer as a contiguous parcel to his piece accessible from there. It is not my project.

Mr. Greenberg stated I understand that. I guess what I was leading up to is that we would certainly love to do this versus that but at the moment this is our only access to Route 22.

Board Member Rogan stated and at the moment I don't like the project. That is just the way I feel about it. It is not something that I am in favor of.

Board Member Pierro stated and I respect your opinion Shawn but we have to look up and down 22.

Board Member Rogan stated they can do this seventy-two hundred square foot building without these. That hey om

Board Member Pierro stated I think this is very close. We had problems with it being close to the wetlands when we allowed the fences to go there, the display area for the fences. It is very close. I am looking at getting rid of these two buildings.

Vice Chairman Montesano stated I am not even looking at getting rid of the buildings I just wanted to avoid going through that area period if there is some way to do it.

Board Member Pierro stated I think taking down both of those buildings the one where the shop is and the one where the storage shop is.

Vice Chairman Montesano stated but you are still coming up through the main drive.

Board Member Pierro stated you have no other alternative. You have no other alternative.

Board Member Rogan stated only one but one that you don't like.

Board Member Pierro stated well one that is not available at this point.

Board Member Rogan stated no no.

Vice Chairman Montesano stated no I am not talking about that.

Mr. Greenberg stated I think what Herbie is talking about and again, we will get this thing currently delineated it will be in the buffer but I think what Herb is saying is the possibility of doing something like this referring to the plan.

Board Member Rogan stated hey Joel, Herb is not here that is Mike.

Mr. Greenberg stated I am sorry.

Board Member Rogan stated you are right though that is the area that is currently used for the display of the fences correct.

Vice Chairman Montesano stated explain to him will you please it is very difficult.

Board Member Pierro stated yes but we are talking about another wetlands encroachment on the left side and still the road is going to go into the same place Mike.

Vice Chairman Montesano stated no it is not if you look at it and it can be done that way that means we section the whole commercial end you are going an end run around it, you are not involved in it and this way if somebody else is to buy the house when they hit the lottery they are not going to stay there. If he hits the lottery that means they can sell that off and sell the business and the guy can go around it to come in. Let's see what the possibility is. Then by time the if the other guy gets the approval.

Board Member Pierro asked we are not talking about a subdivision of these two separate lots are they the residential lots.

Mr. Greenberg asked what do you mean.

Board Member Rogan stated a subdivision with no road frontage. We are looking at eventually this will be three lots.

Board Member Pierro asked we are talking about subdividing these into three lots.

Mr. Greenberg replied yes.

Rich Williams stated yes.

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

Rich Williams asked Mike, let me ask you a question on your scenario about that road. That road is going to be within a hundred feet of a stream. Are you willing to approve a road coming in off of Route 22 that is going to be dirt.

Vice Chairman Montesano stated what I am looking at is if he comes into the beginning, if we came in here up to in front of the building if there is some way to getting around where the fences are and come in or if we can get the other thing from 22 if you can pave it.

Rich Williams stated it is all going to be dirt.

Board Member Pierro stated it is going to be dirt. It can't be impervious.

Rich Williams asked are you okay with that.

Board Member Rogan stated no.

Vice Chairman Montesano stated it can be a problem.

Board Member Rogan stated I applaud you. It is a great idea.

Mr. Greenberg stated okay Mike (Bonniello) just came out with an excellent solution, this is the house that Anthony lives in at the present time, there is an existing driveway coming off of 22 which I guess there is an easement to this other property what if we do something like that referring to the plan.

Vice Chairman Montesano stated I know you don't like it but the idea would be one way to separate it. I am just looking for options.

Rich Williams stated no it is certainly an improvement in that it gets you out of the wetlands well actually there is no way, there is no way it is not going to cross the wetlands. You still have to cross the wetlands never mind.

Board Member Rogan stated at least where you are you are using an existing.

Mr. Greenberg stated and we are using an existing curb cut on 22 and if that is paved it can stay paved.

Board Member Pierro stated Mike and I will try one more time to let you think about.  
(TAPE ENDED)

Board Member Pierro stated Tarky is commercial up front going through to residential. Larry Herman's,  
Board Member Rogan asked wait say that one again because I don't know.

Board Member Pierro stated Tarky rock blasting.

Vice Chairman Montesano stated they are on the left-hand side as you are coming north on 22.

Rich Williams stated wrong example.

Board Member Pierro stated Tarky has got a mix of commercial and,

Rich Williams stated good where is the site plan. Where is the site plan.

Board Member Pierro stated Larry Herman's right.

Rich Williams stated Larry Herman you are right.

Board Member Pierro stated okay commercial in the front and residential and commercial in the rear on one lot or two lots.

Rich Williams stated it has got a pre-existing use on the lot and going back to Shawn's point it is one contiguous lot where the owner and the business owner are the same person.

Board Member Pierro asked isn't that an option for the Bonniello's.

Board Member Rogan stated one house.

Rich Williams replied if you are going to do a subdivision and break these two lots off you can't impose that kind of condition on them that the future owners five, ten, twenty years down the road are going to own the business in the front.

Board Member Rogan stated but what you can say is that you are going to allow one house on this lot with the commercial use.

(Unable to hear Mr. Bonniello's question).

Board Member Rogan stated no and not make a subdivision and just put a house.

Mr. Greenberg stated I was going to say eliminate the subdivision.

Board Member Rogan stated eliminate the subdivision the business could only be leased.

Mr. Greenberg asked that would require mucho variances wouldn't it.

Rich Williams replied no it would still require an amendment to our Code because our Code now does not mix and match commercial and residential.

Board Member Rogan stated that probably based on area should be considered because if you have a commercial use but you have got forty acres and the commercial use is only a small percentage of that use then maybe a residential I don't know.

Rich Williams stated I specifically took it out for the reason that people were building residential projects on commercial pieces of property.

Board Member Rogan stated and then mad that they built commercial next door.

Board Member Rogan stated I understand commercial property is worth so much more than residential but how much of it can you use obviously you could not put a commercial building where you are proposing the residential.

Mr. Greenberg stated right that would not make sense at all. Again, you also have to look at the piece of property. This is obviously along 22 this makes sense being commercial but why this was ever left commercial I don't know.

Board Member Rogan stated just because it was part of the property.

Rich Williams stated I can answer that.

Mr. Greenberg stated here would have been a perfect example, which I know from a planning standpoint, which you don't do, but here would have been a perfect example to divide it a single piece of property into two separate zones.

Vice Chairman Montesano stated the problem was that no one foresaw doing this with enough sense to say you can't build on forty feet from the property line so that there could have been a driveway put in along the side.

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

Rich Williams stated if I can back up and just interject something here because I was the one that did all the zoning and responsible for all these problems. It was a commercial piece of property all right the old way of doing the zoning was we were setting the zones lines based on five hundred feet, four hundred feet or some arbitrary name or distance and we were finding that we were having problems with that because people were coming in who owned a piece of property and the zoning designation divided their project. Generally they want to come in they want to do either residential or commercial but not both. I did take a look at this piece of property it was commercial. It was commercial use up front. I wasn't sure that you could ever get to the back but if you are going to get to the back and put that road in we are still better off having an office building in the back then we are having two residential homes in the back. From a Town's perspective it made more sense to zone the whole property commercial than have this line splitting it whereas half commercial half residential so that was my thought process. I did similar things along Route 22 in a number of different areas.

Vice Chairman Montesano asked okay what is on the agenda gentlemen.

Board Member Rogan asked Maria what do you think. We haven't heard much from you.

Board Member DiSalvo stated I understand why they want to do that. It is an Italian thing you want to live there and work there. They do have a right to access their property. I just don't know if it can be done with wetlands and everything. Maybe because we are not looking at it with the new buildings being, the old buildings being taken down and the new building being put up. I mean I pull in there I go there a lot and all I see are buildings around and it is hard to imagine where the road is going to be, how it is going to go, what it is going to look like when everything else is taken down and the larger building put up. I don't think it will look that bad and like Dave says to get rid of some of the other buildings up front it may be worth it.

Board Member Pierro stated and the environmental nightmare that is sitting there. Tons of equipment sitting outside.

Board Member Rogan stated but also acknowledge that is a concern regardless of this application. That would be a concern whether they were here for a subdivision or not. If you have a problem with the way they run their business then you have a problem with it regardless of this application.

Board Member Pierro stated yes but a lot of this stuff is pre-existing.

Board Member DiSalvo stated I wish they could go through to the back I mean that was perfect.

Vice Chairman Montesano stated fine unfortunately if the back ever presents itself I am sure they would be happy to jump on it because it would save in the long run. The object would be we can't do that right now.

Board Member DiSalvo stated I would like them to at least clean the front up and get that process going.

Board Member Rogan stated Joel I think in theory everybody agrees that they should have a right to use this property for what they are trying to do in theory.

Mr. Greenberg stated that is why I am here you have to tell me how to go about doing it.

Board Member Rogan stated no I can't.

Vice Chairman Montesano stated no we will give you an idea or suggestion that this is how we would like to see you do it then you have to come up with the impossibility.

Mr. Greenberg stated I understand that I just need at least send me either this way or this way.

Board Member Rogan stated in theory I agree with using the property. The reality is this property is not setup the way it lays out, the way we would like it to lay out certainly any of us to allow it to be planned properly. I can't think of a good way to do this one other than coming in the other way or dividing right where you are showing your line and trying to sell the property to the other but I know that those are things that are out there. It is not within my purview. How would you work the whole gate issue with the business and the property owners assume for the second, explain it to me as if two strangers owned those houses because that is the way I think we have to look at this application.

Mr. Greenberg stated yes but that is probably going to be so far down the road. The plan now is for each one of them to have their own house.

Board Member Rogan stated yes but,

Vice Chairman Montesano stated but that is how we have to look it when you are planning. You don't plan for today we have to go that far down.

(Board Member Pierro and Paul Piazza were talking at the same time as others unable to transcribe).

Board Member Rogan stated I think that is great if that is what they want to do. I want them to build them and sell them but I want to plan for it so that I am not embarrassed then saying well, we did it because we knew Tony and Mike Bonniello were going to live there.

Board Member Rogan stated nobody is saying they don't like the business or like the guys. They are gentlemen both of them and you are a gentleman as well but I have a hard time with the way this is laid out.

The Secretary stated hold on there is conversation going on here and one here I can't do this.

Board Member Pierro asked Michael, the existing Bruen house, the rental house to the right to the south that garage.

Mr. Bonniello stated that little garage is coming down.

Board Member Pierro asked it is coming down that is going to be the parking for the new seventy-two hundred garage plus whatever space can be held in the rear of this building.

(Unable to hear Mr. Bonniello's response).

Mr. Greenberg stated what is going to happen is we are showing this as an existing building but once this is built this will also come down.

Board Member Pierro asked we are talking about removing three existing buildings and this is already two lots. They own Bruen. They own this next door. This garage is coming down,

Mr. Greenberg stated to answer your question about the square foot what I did was I added this into the entire parcel but they should have been taken off.

(Unable to hear Board Member Rogan and Mr. Greenberg discussing the plan on the side where the plans are put up on the easel).

Rich Williams asked yes but how is it being used.

Mr. Bonniello replied it is used as residential.

Rich Williams stated so it is pre-existing, non-conforming.

Board Member Rogan asked why not come in off this curb cut, move this building over to this area that you are already showing and then bring this in this way so that you have separation of commercial and residential. I still don't like any of this but I am trying to get you past this cluster. Why not use this.

(Unable to hear too many talking at the same time).

Rich Williams stated then you impervious surface within a stream.

Board Member Rogan asked where.

Rich Williams replied moving the building over. I don't know that DEP would ever allow it to happen.

Board Member Rogan asked but wait a minute where is the hundred foot off.

Board Member Pierro asked Shawn which building are you talking about.

Board Member Rogan replied the proposed six, (unable to hear too many talking at the same time).

Mr. Greenberg stated actually Shawn had an interesting concept. We talked about over here, we talked about over here but Shawn said why don't you come in there is an existing curb cut that already exists to this Bruen property which they now own. Shawn was suggesting maybe we get rid of this building, which we are eventually going to do anyway and get this building up over here and come around this way, but then that puts this building right into the stream.

Board Member Rogan stated when you start to look at the available area forget about the rest of the property but from this point from the bottleneck,

(Too many conversations going on at the same time unable to transcribe).

Board Member Rogan stated if you came in with this vacant what would we be looking at boy it would be tough. It would be real tough.

Vice Chairman Montesano asked Joel with that building the large building that is proposed if we were to take that and twist it this way,

Mr. Greenberg asked faced towards 22 in other words.

Vice Chairman Montesano replied yes in other words if we brought it into the space where, Mr. Greenberg asked here referring to the plan, Vice Chairman Montesano stated over there and bring it up can we possibly clear that with the driveway.

Mr. Greenberg asked in other words turn it this way and come around this way.

Vice Chairman Montesano replied right.

Mr. Greenberg stated that is another possibility. Actually, you are all correct no matter where you put this building it is going to be in the buffer of something.

Rich Williams stated yes but the issue Joel at least as I am looking at it is where that building is right now you could consider that impervious coverage so nobody is going to say anything. Once you start moving it around and start impacting vegetated surface that is where DEP is going to step in and say,

Mr. Greenberg stated right.

Vice Chairman Montesano stated I just figured we are taking down all the initial buildings around there and there is already impervious there where the orange is.

Board Member Rogan asked is the driveway proposed to be paved in that area between the bottleneck.

Mr. Greenberg stated here obviously again we can't because of DEP regulations once we get over here we can.

Board Member Rogan stated a challenging site.

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

Board Member Pierro stated I think it would be wise to get a functional analysis before we even broach that or maybe broach it after we get a functional analysis.

Rich Williams stated it is hard to say which way to go on this.

Board Member Pierro stated okay we gave you some direction.

Board Member Rogan stated I don't think we did.

Mr. Greenberg replied you told us to go this way.

Board Member Rogan asked so Rich would they be able I mean it is kind of a hard question to ask but in thinking lesser of evils coming off that other house and avoiding going through the commercial area that is established obviously they would need easements to access that but there is less,

Rich Williams asked coming off of Ginnel.

Board Member Pierro replied Ginnel. We don't like flag lots remember.

Board Member Rogan stated how would it be any different than a flag lot then what they are proposing. It is actually not a flag lot it is a,

Rich Williams stated it is a land locked lot.

Board Member Rogan stated a land locked lot that gets either way it is getting access by easement regardless.

Rich Williams stated you are coming off 22 you are going through commercial no matter where you go. Ginnel at least gives more of an appearance of residential but you don't know what is going to be there in the future.

Board Member Rogan asked you mean Ginnel.

Rich Williams stated Ginnel.

Board Member Pierro stated it can be converted in heartbeat.

Rich Williams stated yes I have had people come in looking to tear that down and put up bigger buildings. Nobody has because once they do the site evaluation they keep saying there is steep slopes and bedrock.

Mr. Greenberg stated just so you know Bonniello's own this house.

Board Member DiSalvo stated yes that is the one that Anthony lives in.

Board Member Pierro stated another thing that they know on this site that it would be difficult to sell their individual houses up in the back and still have the commercial establishments up front. It would be difficult.

Vice Chairman Montesano stated these are all ideas that we are throwing out. You guys have to sit down and decide if you want to continue with what you have I mean then that is going to be it with the hopeful of the future being that and if you can ever get the lot on the other side of it that would probably make the whole problem go away and that would be to your benefit to do it later on. The idea is right now this is an agreeable, it is a plausible situation you may not like it.

Board Member Pierro stated right not accounting for taste.

Vice Chairman Montesano stated if in the future they ever get access to it from the developer comes in and,

Board Member Rogan stated Mike there is no future if you approve this the way it is your septic areas would potentially ruin, they are not going to get access here then five years from now pay for access through another subdivision.

Board Member Pierro stated it would behoove them to do that though if they could. The values of their property would be so much more because they are accessing it off of a residential neighborhood.

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

Vice Chairman Montesano stated for argument's sake what we are saying is if this gets approved the way it is then there is no sense in really looking at the future going the other way.

Mr. Greenberg stated no but I think Dave just brought out a very good point. Let's say one way or the other we get the approval here and these two houses are built and this is built and then let's say five years down the line this thing comes through and as you just pointed out if the access to these houses are from here you probably added fifteen, twenty, thirty percent to the value of these houses versus doing this.

Vice Chairman Montesano stated the way the design is on the houses those houses can be positioned no matter what because with the road ending the way it is now you can make two individual driveways going out the other way thereby separating the properties completely.

Board Member Pierro stated Sir, plus they have ample amount of property in the back that maybe advantageous for the future developer in the rear to have a portion of that as well. It may be a great trade off.

Board Member Rogan stated because there was some difficult property on the other side.

Mr. Greenberg asked just out of curiosity how many lots were they talking about.

Board Member Rogan replied fifteen.

Board Member Pierro stated they were looking for fourteen.

Mr. Greenberg stated that must be a huge piece of property.

Board Member Rogan stated it is.

Board Member Pierro stated yes but there is wetland issues and stormwater ponds that have to be developed and then we had some issues with fire protection, we had to put tanks in.

Board Member Rogan stated you know what all we did was do an initial walk on it. There has not been any movement since then.

Mr. Greenberg stated all right I thank you for your time and ideas.

The Board thanked him.

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

Board Member Pierro asked I don't know if you guys agree but the big building up front they are talking about moving three buildings, taking down three buildings if moving the other building might help us all swallow this.

Vice Chairman Montesano stated well we have to watch what we move because what is there is existing, what you move then you have got another agency that can come in and say no and know what do you do.

Board Member Pierro stated right there is wetland issues with the main building, the big building.

## **10) NEW LIFE CHRISTIAN CHURCH**

Mr. Rich Schult, Elder and Treasurer of the organization and Pastor Tony Kobert were present.

Mr. Schult stated the last meeting was a result of the walk through by the committee and there was a general discussion.

Board Member Rogan stated that seemed like that was six months ago wasn't it.

Mr. Schult replied January or February.

Board Member Rogan stated longer that was a long time ago.

Mr. Schult stated six months ago.

Board Member Rogan stated I wondered where you had gone.

Mr. Schult stated we have tried to address the things that I heard at the last meeting.

Board Member Rogan stated well you also had received at the last meeting that you were at you received site walk comments.

Mr. Schult stated yes.

Mr. Schult stated at the last meeting I received site yes.

Board Member Rogan stated that is what I mean that would have probably been the next meeting after we site walked it.

Mr. Schult stated and I am trying to address those.

Vice Chairman Montesano asked the status on the wetlands watercourse permit is still starting or you never applied.

Rich Williams stated they have an application in, they submitted an application with the initial submission, and Ted reviewed it. He had made some recommendations and requested that it be amended along with some issues that came up from the Board at the site walk and while they have submitted additional material for this meeting they have never actually amended that wetlands application to include the additional issues raised by either Ted or the Board.

(Unable to hear Mr. Schult, I believe he said I thought that this would do that).

Rich Williams stated it is a step in the right direction.

Mr. Schult stated well we tried.

Vice Chairman Montesano asked did they get a copy of this review.

Mr. Schult stated I just did I looked at it.

Rich Williams stated the review just outlines where we have been and where we are.

Board Member Rogan stated your review memo is dated August 6, 2006.

Board Member Pierro stated I did not get that review memo Rich.

Rich Williams stated I will tell you I went through my Alpine memo tonight I was embarrassed how many typos there were.

Vice Chairman Montesano stated he has been so far ahead the last couple of weeks it is hard catching up.

Board Member Rogan stated I always look at the minutes and say did they capture the intent of what we were saying not every single word because we would be correcting every little thing.

The Secretary stated it could be worse they could be summarized and not capture what you are saying trust me because everybody summarizes differently and some words can make a big difference. That is why I don't do it.

Board Member Rogan stated okay so the first concern we have is to outline the process by which they should follow which we postponed because we wanted to take a look. Maria, do you want to.

Board Member DiSalvo stated since we have been out there nothing has really been done right, no fence was put up, and none of the debris was removed.

Mr. Schult stated no.

Board Member DiSalvo asked the gutters there were some coming off in the front.

Mr. Schult stated the water well I addressed the concern of the runoff of that water. There is a drain under that slab and believe me if there was any water getting back into the building that was causing any problem we would know.

Board Member DiSalvo stated and then there was the issue with the steps.

Mr. Schult stated the steps are coming out and that will be graded.

Board Member DiSalvo asked so none of that has been done just refresh my memory on this.

Board Member Rogan stated we have to outline the process by which we are going to.

Board Member Pierro stated are we going to require a site plan that needs to be discussed.

Board Member DiSalvo stated I think we were intending not to the last time we brought this up right.

Board Member Pierro stated no that was not my recollection I thought we were going to do some portion of the site.

Board Member Rogan stated it sounds like you are talking about the middle option, which would be requiring a site plan but waiving many of the requirements.

Board Member Pierro stated right I thought we wanted to get a base line on paper.

Board Member Rogan stated I seem to recall something similar. Get on paper what is there, fix the issues that are out there, waive some of the requirements of the site plan.

Board Member DiSalvo asked do you still want to move ahead with all the suggestions that you had last time with the deck and the door there.

Mr. Schult replied yes essentially a fire escape.

Board Member DiSalvo asked so nothing has changed since last time.

Mr. Schult replied no.

Board Member Pierro asked Rich what do you feel about the wetlands, did Ted flag any of the wetlands that are there or do we need to have somebody come in and delineate them.

Rich Williams stated as memory serves that was one of the comments that Ted put in a previous memo that the wetlands had not been flagged or delineated and he was looking for somebody to do that and then he would go out and verify them.

Board Member Pierro stated that would be the only thing, I mean I would be comfortable waiving full site plan but the wetlands delineation I would like to have done and have Ted inspect that as well so that in the future everyone knows where we are at and that there will be no incursion into those wetlands in the future.

Rich Williams asked so if I am hearing you correctly what you are asking them to do so that I can be clear and they can be clear is they are going to have to get somebody to flag the wetlands, Ted is going to verify it. They are going to have to get a surveyor and they are going to have to show that on a survey.

Board Member Pierro asked is that the normal course of conduct, course that we use is having the wetlands flagged.

Rich Williams stated let's go to the extreme yes Patterson Crossing would get a surveyor, they would survey the property boundaries, they would survey certain features on it and in the case of a wetlands or stream they would have somebody delineate it, the Town would verify it and the surveyor would show that feature on the plan.

Board Member Pierro asked there is no existing survey on this parcel.

Rich Williams replied I don't know.

Mr. Schult stated when we bought the property there was a survey done.

Rich Williams asked do you know who the surveyor was.

Mr. Schult replied no.

Rich Williams asked Terry Bergendorf Collins.

Mr. Schult stated Terry.

Board Member Pierro stated then she could do the wetlands delineation right.

Rich Williams stated I don't know that she would do the wetlands delineation. She would in the normal course of operation she would go out and pick up the flags and show them on the survey.

Board Member DiSalvo asked would Ted do it.

Rich Williams replied that is going to be up to Ted and he is not here tonight to speak.

Mr. Schult stated the wetlands are pretty clearly delineated by elevation.

Rich Williams stated I won't disagree that the wetlands are pretty obvious out there.

Mr. Schult stated you can even see it on the aerial photographs.

Rich Williams stated I won't dispute that the boundaries are pretty obvious.

Mr. Schult asked so why delineate them.

Rich Williams stated the issue is why delineate them. You delineate them so that you have a snapshot in time of exactly where those boundaries are. That is not quite as clear of snapshot that we are talking about here (referring to the aerial photograph that Mr. Schult had). Also to relate them with dimensions to other features on the property.

Board Member Pierro stated buildings, driveways, basketball courts.

Board Member Rogan asked this aerial photo is this off the computer.

Mr. Schult replied it is off the net.

Board Member Pierro stated live local.

Board Member Pierro stated Shawn I was discussing with Rich what I thought was the need to have the survey prepared and have the wetlands delineated.

Board Member Rogan asked you were saying you thought there was or was not a need.

Board Member Pierro replied I think there is a need.

Board Member Rogan stated I would agree with you but I think that like you said the wetlands are fairly discernable and so therefore pretty easy for someone to put down on to a map.

Board Member Rogan asked you have future aspirations for this property I would imagine more than just what is there currently to utilize it.

Mr. Schult replied no just the building that is there.

Board Member Rogan stated I mean proper parking.

Mr. Schult stated there is adequate parking.

Board Member Rogan asked on this site or the shared parking lot.

Mr. Schult stated this is all church property.

Board Member DiSalvo stated we don't know if the current survey has the wetlands flagged.

Rich Williams stated I would imagine that it doesn't.

Board Member DiSalvo asked you only purchased it recently right.

Mr. Schult replied no it was several years ago.

Rich Williams stated regardless they are going to do a basic survey for a purchase which is just the property boundaries and maybe,

Mr. Schult stated the property boundaries and the building.

Board Member Rogan stated right spot the building, spot the property lines.

Mr. Schult stated and the encroachment of any and there were some encroachment.

Rich Williams asked from the neighbors.

Mr. Schult stated yes they had to move a building.

Board Member DiSalvo stated I would kind of go along with what Dave was recommending that we just get the wetlands flagged and put it on the survey. I would go along with waiving the site plan.

Board Member Rogan asked the survey would not encompass any of this parking is what you are saying because it is,

Mr. Schult replied that is a different, separate lot.

Board Member Rogan stated a separate parcel.

Mr. Schult stated and so is this wetland is a separate parcel so that would not be included.

Board Member Rogan asked are the two parcels owned by the same organization.

Mr. Schult replied everything is owned by one organization.

Board Member Rogan asked so why not merge the lots because right now we have a use that is I mean I am just asking but we have a use that has no parking.

Mr. Schult replied I would rather not go through the legal expense of doing that.

Board Member Rogan stated no the properties get merged.

Rich Williams stated the legal expense entails the cost of a letter.

Board Member Rogan stated yes that is not an issue.

Rich Williams stated it is just a letter to the Assessor's office and the parcels would be merged. In fact, if you take a look at our Code it says that non-conforming parcels, Board Member Rogan stated automatically get merged. Is it non-conforming this parcel. It does not have any parking on it.

Rich Williams stated well it does not have sufficient area certainly and you have other site plan issues.

Board Member Rogan stated even merging it though still doesn't remove the need for a site plan or for something to be down on paper. I guess I just said that as a knee jerk to not having parking on this parcel. I understand you have parking on another parcel that it is shared by use.

Mr. Schult stated this is all parking and there is parking in the front.

Board Member Rogan stated off street parking certainly is not adequate for the use of the building. I agree with you in the sense that you are using parking, the back lot where we parked when we went to the site, which is owned by the same organization but on a different tax parcel I will agree with you on that. It sounds like what the Board would like though is to get a survey with some wetlands delineation, clean up the issues that we have already all agreed to and finish this up.

Board Member Pierro stated get the fences put in.

Board Member Rogan stated get some minor work done which you want to do anyway in furtherance of your use of the property in removing concrete from a wetland which serves no function at this point other than a detriment to the wetland. Agree or not I agree with what I am saying.

Board Member DiSalvo stated yes.

Board Member Rogan stated I am actually asking them.

Mr. Schult stated we will be glad to do those things.

Board Member Pierro stated thank you very much.

Board Member Rogan stated so the process so we are clear as a Board would be requiring a site plan but waiving some of the requirements for instance; topography would not be required. That would be a large item when doing a survey.

Mr. Schult asked say that again I am sorry.

Board Member Pierro replied topography.

Board Member Rogan stated topography.

Mr. Schult asked you want a topographic.

Board Member Rogan replied no, no what we are saying is we would waive it.

Mr. Schult asked suppose I delineate the wetlands and have the survey put those spots and let Ted come out and look at it.

Rich Williams stated let me talk to Ted about it first.

Board Member Rogan stated maybe Ted would put markers up and let the surveyor spot them. That would probably be appropriate.

Mr. Schult stated it is pretty clear.

Board Member Rogan stated I think that Ted would probably be willing to do that. It seems reasonable. You have the surveyor do the perimeter, if Ted is agreeable have him put his flagging, which would be up so that he delineates the stream corridor and the wetland. If we incorporate into that plan a plan showing the remediation of the concerns, we waive the other requirements and you are done in a nut shell. I know that took probably over simplifying it.

Rich Williams stated a public hearing.

Board Member Rogan stated yes a public hearing is involved in that. It would take you a little bit of time to get the survey done anyway. Let us know when you have that stuff done, we take a look at it, we set a public hearing and we are done.

Mr. Schult stated I think I understand.

Board Member Rogan stated actually us talking through it helps us understand a little bit too. Thank you for your time.

Mr. Schult thanked the Board.

## 11) MOONEY HILL SUBDIVISION

Mr. Harry Nichols, Engineer was present representing the Applicant.

Board Member Pierro asked Harry, do we have that map or is this the old one.

Mr. Nichols replied yes you do.

Board Member Rogan stated (jokingly) Harry, during the next depression we will use your plans to wallpaper our house.

Mr. Nichols stated this plan basically the reason we submitted it this is a plan that we moved the water quality basins from the buffers and placed them outside the buffer areas. They are outside of the buffer areas, eleven of them. They are located as three sets of ponds we moved it outside of it and we have been able to maintain the same lot count.

Board Member Rogan asked quick question Harry, we didn't get copies, the Board has not gotten copies of this yet.

Mr. Nichols replied we submitted them.

Board Member Rogan stated we don't have copies of it Rich probably has them. This is the first chance we are getting,

The Secretary stated if you remember he did submit the month before for the last meeting. They were in the box. You have to speak to Rich because I don't do it.

Board Member Rogan stated okay we did not receive copies but it does not make a difference. It is concept anyway.

Mr. Nichols stated basically the ponds have been moved outside the buffers.

Board Member Rogan stated thank you.

Board Member Pierro asked what is the length of the road Harry.

Mr. Nichols replied it is,

Board Member Rogan asked what does it connect through to the other.

Mr. Nichols replied it connects through. It is not a dead end road.

Mr. Nichols stated originally we came in with two concepts. One was an extension of the dead ended road anyhow, Board Member Rogan went up to see the plan closer.

Board Member Rogan asked this is the wetland line.

Mr. Nichols stated that is the wetland line the buffer is the dots.

(TAPE ENED)

Vice Chairman Montesano stated they are having a private conversation you don't have to type that.

Vice Chairman Montesano stated whatever you are explaining to him you can talk to us later on.

Board Member Rogan stated we were waiting for the change of the tape.

Mr. Nichols stated the Planner's memo has got three items in here that I would like to discuss I know it is getting late.

Board Member Rogan stated we are all yours Harry.

Mr. Nichols asked the ponds, you want the ponds on separate lots as opposed to being part of the open space.

Board Member Rogan stated not separate lots individually per say but separate from the open space lot. Is that what you,

Board Member Pierro stated yes so there can be some way to maintain them.

Board Member Rogan asked the ponds on separate lots.

Rich Williams replied I would prefer because of instances that we have had in the past that the ponds be on their own individual lot.

Board Member Rogan asked but that does not mean three ponds, three lots that means three ponds on one lot.

Rich Williams stated it means that if you are going to have a separate stormwater practice like a pond it should be on its own lot. It may mean three ponds three lots.

Board Member Rogan stated if they were all over the subdivision but if there is one next to the other.

Rich Williams stated everything goes on one.

Mr. Nichols stated in that case we have two ponds here they would be on one lot. The one pond up here would be on its own lot.

Board Member Rogan asked the lot for stormwater is subject to no zoning issues.

Rich Williams stated lots used for utilities are exempt from our zoning requirements.

Board Member Rogan stated so you can't use the bulk area of a pond to make your bulk area of a residential lot.

Board Member Rogan asked what was the second question.

Mr. Nichols stated we do show some swales in other words the managed stormwater (unable to understand) the areas where the runoff will not change of running through developed areas otherwise that has to be treated also. We have shown some swales intercepting that water and sending it over to a level spreader because all this is area that will not be changed other than creating those swales. One of the comments in here indicates that we can't do that.

Rich Williams stated the intent of the law was to create these open space parcels that were going to remain in a natural condition. You know then what you are going to start putting stormwater practices on them, you are going to put community wells on them, you are going to put community septic systems on them, what are you going to do. The law says very clearly if there is going to be an open space parcel it is open space.

Mr. Nichols asked well can they be made part of the stormwater management lot itself.

Rich Williams stated now you are getting into a design issue about whether it is appropriate or not. You are going to have these little lots scattered all over with diversion swales. It does not make a lot of sense.

Mr. Nichols stated no it doesn't I agree.

Board Member Pierro asked Harry have we also discussed this Board's intention to ask for fire suppression tanks to be installed.

Board Member Rogan stated I don't think we brought it up in October.

Mr. Nichols stated I don't think it has been brought up.

Board Member Pierro stated we are letting you know in advance that all new subdivisions we are having an amount of water for fire suppression in buried tanks, sometimes with or without wells as long as they can be filled fairly easily right Paul.

Mr. Nichols stated I can't see the Applicant not complying with the Town's request.

Board Member Rogan stated just put it on the record of August 2006.

Board Member Pierro stated so mentioned at the meeting.

Board Member DiSalvo asked any idea of how many we are going to need for this subdivision.

Vice Chairman Montesano replied it depends on how many we are going to approve.

Board Member DiSalvo stated assuming that,

Mr. Nichols asked are we talking one location.

Board Member Pierro asked how many lots are we talking now.

Mr. Nichols replied we have twelve lots.

Board Member Rogan asked are there any fire tanks in the subdivision that it connects to.

Board Member Pierro replied I don't believe so.

Board Member Rogan asked no dry hydrants or anything.

Paul Piazza asked how long is the road.

Board Member Pierro stated it is a through road Paul.

Mr. Nichols stated it is a through road.

Paul Piazza asked how long.

Board Member Pierro replied I bet you it is two thousand feet.

Mr. Nichols replied twenty-one hundred.

(Too many talking at the same time unable to transcribe for a few minutes).

Paul Piazza stated I prefer a well the Planning Board has (hard to hear no mic). I would rather see a well.

Board Member Rogan stated the well would be nice as long as it is exercised regularly. If it sits idle for seven years and then you need it, it probably is going to be,

Paul Piazza stated point of fact what I have said before the Fire Department has to test and we have to exercise them in order to get credit for them.

Board Member Rogan stated if they are willing to put a well in and you want that that is minor at this point.

Rich Williams stated I thought what we had decided was we were going to back away from that because the well needs a control panel, maintenance issues.

Board Member Pierro stated that is why we backed away from it.

Vice Chairman Montesano stated Paul is going to do that. He is going to get out there with his little hand generator and make sure it is running.

Board Member Rogan stated the well issue is to be determined.

Board Member Pierro asked when do we get there has been no functional analysis done on this yet.

Mr. Nichols asked has the Town determined who is going to maintain these.

Board Member Pierro replied we are discussing that now with the Town Board.

Board Member Rogan stated D'Ottavio we have had this conversation but we are shooting for Town wide fire suppression district for maintenance.

Paul Piazza stated but it still has to be discussed with the Town Board.

Rich Williams stated by the way we do have a Fire District.

Board Member Rogan stated no I know but including these as part of the district yes you are right I did not mean forming a district.

Vice Chairman Montesano asked what are we talking about next.

Board Member Rogan stated the general layout.

Mr. Nichols stated the general layout we have complied with the basins out of the buffers and we would like to proceed.

Board Member Rogan stated if the basins are out of the buffers I think our main wetland concern here is the crossing of the wetland with the main road but it is an area that has been at least in the crossing was disturbed. I know Ted hates that.

Mr. Nichols stated Ted does not object to that crossing.

Board Member Rogan stated really.

Rich Williams stated he hasn't.

Mr. Nichols stated he is the one that said run the road through. We originally were going to have no road coming in from here just have frontage lots and then bring a road in from here but Ted said since the crossing has already been disturbed and the road has been roughed in.

Rich Williams stated of course he has not seen the latest plan with a hundred feet of riprap.

Mr. Nichols stated well that is going to shrink.

Rich Williams stated I think so.

Mr. Nichols stated they had sale on that (joking).

Board Member Rogan stated let me go on record saying Harry that let's ensure up front that all lots that are proposed have sufficient area in their backyard outside the one hundred foot buffer for a, Board Member Pierro interjected sheds, decks, Board Member Rogan stated possibly a pool. If you start getting tight on the back lots I am going to push for those lots to not be on the plan because we are trying to avoid those issues but from here what we need is a concept that we are agreeable to and get it staked. We only ever did walk the roadway we never walked the lots when we were out there.

Mr. Nichols stated you didn't do it because they were staked then. I mean the locations have changed now.

Rich Williams stated yes they were staked at that time.

Board Member Rogan stated but if they have changed if you could stake the changes.

Board Member Pierro stated (jokingly) October 14<sup>th</sup> is fine by me.

Board Member Rogan stated (jokingly) yes Saturday, October 14<sup>th</sup> we will be out there actually Maria you will have to bring us some coffee because we will be there at six a.m.

Mr. Nichols stated I will have to go out and pull out the ones that are in there now.

Board Member Rogan stated yes please do that and then we will go take a look.

Mr. Nichols asked is that just one stake in the middle of the house, one in the center of the driveway.

Board Member Rogan replied center of septic, center of house that would seem appropriate.

Mr. Nichols asked is that okay or do you want corners staked.

Board Member Rogan stated whatever you guys want is fine with me.

Rich Williams stated I would do the driveway entrance.

Board Member Pierro stated yes driveway entrance and center of the house and center of septic.

Mr. Nichols asked fifty foot stations on the road.

Board Member Pierro replied yes.

Rich Williams asked so I am clear the Board is okay with this concept.

Board Member Rogan replied well we are okay with going and looking at the concept in the field that does not mean, I mean you go in the field and you see something,

Rich Williams stated the reason we didn't go the last time was because the, Board Member Rogan stated the road issue, Rich stated there was too much uncertainty about whether that configuration of lots was going to work or not. Again, do you really want him to stake something out that you know you think there is a potential that you might not like some of the lots.

Board Member Rogan stated having the admission now that we have had these plans since last month but I have not looked at them I thought we were supposed to get them tonight.

(Unable to hear Rich Williams no mic).

Board Member Pierro stated my concern is those two lots in the front. The ones in the back were not as, I am concerned about them being wet in the front which ones in the back are you concerned with the ones on the steep slope.

Board Member Rogan reviewed the plan on the easel up close.

Rich Williams stated the one with the house over there and the septic over there.

Board Member Pierro stated I have not seen it.

Vice Chairman Montesano stated get up and go take a look.

(Unable to transcribe the conversation between Harry Nichols and Board Member Rogan).

Mr. Nichols stated we are kind of limited in the area that we can give them in the zone by the overlay district.

Board Member Rogan stated I understand.

Mr. Nichols stated so you re not going to be able to get all those amenities in there.

Board Member Rogan stated but these people want those amenities so if that is the case we have to amend our overlay really because everybody buying these houses wants to have a pool and a shed.

(Unable to hear the discussion regarding the plan with Mr. Nichols, Board Member Rogan and Board Member Pierro no microphones for several minutes).

Board Member Pierro stated okay let's go here.

Board Member Rogan stated so you have got two funny lots in this subdivision.

Rich Williams asked so I go back to my original question do you want it staked.

Board Member Rogan replied the reality is yes because even if we don't agree with the two lots it is not reconfiguring those lots it is getting rid of them so if you don't like the layout of the lot then you push to lose the lot but that does not mean switching things around. The reality is that Lot 10 and Lot 4 are the two

that people are going to be concerned with. One with the septic all the way and the flag lot even though it has frontage it is still a flag lot.

Board Member DiSalvo stated and Lot 1 does not have much useable land.

Board Member Rogan stated and Lot 1 for useable land we will have to look at because of the buffer and the restrictions. If you throw a parallel line in front of the house and then the driveway there is very little useable,

Rich Williams stated just so you know those houses can be shifted (unable to hear the rest of his statement no mic). They can be edged up to about thirty-five feet.

Board Member Rogan stated all right so you have three difficult lots. Have them staked and we will take a look at them.

Vice Chairman Montesano stated next.

Mr. Nichols thanked the Board.

## 12) DILMAGHANI SITE PLAN

Mr. Dilmaghani was present.

Board Member Pierro stated Mr. Dilmaghani come on up Sir.

Board Member Pierro asked did you get copies of these photos or did you provide these Sir.

Vice Chairman Montesano stated no we just got them for ourselves. Richie came up with them for discussion.

Rich Williams stated let's back up with a little bit background. Dave Raines has been working with Mr. Dilmaghani and the tent company to come up with a configuration on the site. That got faxed this morning and Dave supplied that to the Board. When I took a look at it I just had the suggestion of re-orienting to the rear of the building so it would allow better access to larger vehicles, cars.

Vice Chairman Montesano stated and we as a Board have agreed to your conceptual design.

Rich Williams stated the Board has not agreed to anything at this point.

Vice Chairman Montesano stated let's put it this way we haven't agreed to anything because we have not shown it to the Applicant.

Board Member Pierro stated show it to the Applicant.

Vice Chairman Montesano handed the Applicant the sketch and explained to Mr. Dilmaghani what they are suggesting.

Board Member Pierro asked what is the dimension of that rear tent.

Mr. Dilmaghani replied the rear tent is forty by eighty.

Board Member Pierro asked and that will be sufficient for you needs Sir.

Mr. Dilmaghani replied yes that will be fine.

Board Member Pierro asked and the representative tent will be four hundred square feet.

Mr. Dilmaghani stated the one in the front that is approximately twenty by twenty yes.

Mr. Dilmaghani stated I don't know it is situated towards the north end.

Board Member Rogan stated you would have to trim the pine trees for that to fit the way it is shown.

Mr. Dilmaghani asked how recent is this picture.

Rich Williams replied that particular picture was an aerial photo done in April of 2001.

Mr. Dilmaghani stated all right because a lot of these trees are not here anyway. You mentioned about the trees.

Board Member Rogan stated I am just thinking of when we were out on the site walk both times that they were over growing into your parking area reducing the area you had available for the tent but if they were trimmed back you would gain much more area.

Rich Williams stated the ones in the back corner where the tent is proposed I think were taken out. It was the ones along the driveway coming in that are still hanging quite a bit out into the driveway.

Mr. Dilmaghani stated okay we should probably trim them back.

Mr. Dilmaghani asked the tent in the front do we have leeway as to where we can put that.

Board Member Rogan stated when we were out on site we delineated and said anywhere between the setbacks required by fire and the setbacks required by your front right a way left you a certain amount of room I seem to remember we figured it was like thirty-five feet of width. Anywhere in that zone that is not blocking traffic you can put that twenty by twenty tent. I think Mr. Raines is probably feeling that by pushing it a little further to the back of your parking lot you are maximizing your space.

Rich Williams stated I did that.

Board Member Rogan stated that seems reasonable.

Rich Williams stated I just put a twenty by twenty tent and zoomed it in there just so everybody could see. It was not intended to be that that is the location.

Board Member Rogan stated from what I remember that was what was agreed upon in theory anyway at the site walk for the area. I don't remember the numbers but I know it was so many feet off of the curb.

Paul Piazza stated the curb in front of the building it would be twenty feet off that curb including your guide wires.

Board Member Rogan asked and how many feet off the right of way.

Paul Piazza stated that allowed for enough room to bring you within the right of way, twenty feet off the right of way.

Board Member Rogan stated the State right of way.

Mr. Dilmaghani stated the other question is Mr. Piazza was saying we have to have a fire lane all the way around it. Am I understanding correctly.

Paul Piazza stated no. When you had the big tent up front that is a whole different scenario. This little tent you can place that little tent up front towards the north end of your driveway, your parking area twenty feet out from your curb between there and 22. You can shift it parallel to 22 anything you want to do.

Board Member Rogan stated as long as it is not blocking safe ingress and egress. It seems like both those ideas will work for you for your tents.

Mr. Dilmaghani asked and the one in the back also we don't need to have a fire lane on the west side.

Paul Piazza replied the one in the back yes. That size tent yes you need to provide the access.

Vice Chairman Montesano stated Paul why don't you come up I don't know if you have seen this picture.

Paul Piazza stated I have not seen it.

Vice Chairman Montesano stated what he is looking at is the way it is setup there.

Paul Piazza came up and looked at the photo.

Paul Piazza stated you need to pull this forward and over a little so we can get around it twenty five foot, twenty foot I am sorry.

Board Member Rogan asked that is twenty foot from the guide, Paul Piazza stated from the guide wires.

Mr. Dilmaghani stated they told me they were like five to six feet out.

Board Member Rogan stated so if you can make that work in the two areas then it sounds like that is agreeable but the storage containers are another conversation. I wish you had been here earlier we ran through this with the two others. The last time they had the ability to listen to us go through it with you. Here we went through it with them first in terms of the Town's position on the storage trailers.

Mr. Dilmaghani asked so what is that.

Board Member Rogan stated they are blocking a little bit of your loading area where they are currently situated.

Mr. Dilmaghani stated we don't use that door that is the third door over.

Board Member Rogan stated and the conversation basically went something like this I am going to abbreviate it very concisely. If it is a for a temporary use that is very specific to the operation that you have things that you need to store for a three month period that is outside the normal operation of you business, anybody on the Board want to help me out with this explanation please do.

Board Member DiSalvo stated then we would grant like a temporary,

Board Member Rogan stated a temporary approval for the container. If you are using the containers to augment the storage of your store long term which we kind of believe that is what you are doing here, not an appropriate use of the containers.

Mr. Dilmaghani stated well actually the containers are there because we had some storage racks that were taken from a location that we had closed so it was an unexpected situation and those are housing the arm racks.

Board Member Rogan asked the physical racks that hold, so what are you going to do with those arm racks.

Mr. Dilmaghani replied hopefully they will be put in another location at some point. We had a concession in a furniture store that was closed and we wound up having to bring all this back.

Board Member DiSalvo asked do you see that you are going to be using them within the near future again.

Mr. Dilmaghani replied I hope so.

Board Member Rogan asked in other words you would have to acquire a new location and use that as your physical structure to display your rugs at the new store.

Mr. Dilmaghani replied exactly and in this case I don't know how long it would be.

Vice Chairman Montesano stated this is what the problem is. We are trying to avoid having you use that facility as the storage area. If it was an emergency and you needed it temporary let's say you have an over abundance of rugs that come in you need it for a sixty day period that would be fine but to sit there and say it is going to be a year round process we are trying our best to avoid that. It is something that I think the Board has gotten to the point where we dislike using them at all.

Board Member Rogan stated in one case tonight we are pushing the Applicant to serious consider adding on to their building because it is a very specific use that they have based on a contract that fill. That is kind of a unique situation. They need exterior storage. We don't want storage containers to be that exterior storage. If it is a contract issue add on to your facility. In your case I understand the need to store this stuff temporarily. If you had told us or were telling us that we have a place, we are looking, we need this for the next four months and that is it I think the Board would probably be perfectly fine with that because there is an end in sight.

Mr. Dilmaghani stated we are in that position although I don't know that in four months I will have something for sure maybe in that period time we should then agree to take them out. I don't know.

Vice Chairman Montesano stated this is what we are looking at basically because they are getting to the point where they are getting numerous, they are unsightly. We realize it is a business situation but it is also something that we are trying to avoid getting involved in and that is why we only like to use them for a temporary purpose.

Board Member Rogan asked and along that line I don't mind allowing them with a definitive end in sight. With Integrity we are trying to say look, come in with a plan let's get rid of these things. Here we want to get rid of these things. If we were to say that we would allow them until the end of the year then you have got to have them out regardless that is something that you would have to be willing to accept.

Mr. Dilmaghani stated I think that would maybe be reasonable on our part to say.

Board Member DiSalvo asked so you think you would find another use for them at a new location by the end of the year or.

Mr. Dilmaghani replied I hope so. Also we are trying to make some other changes within the building not at this point adding on but just make changes that will free up space so that perhaps if we don't have another location we will bring that stuff inside and just bite the bullet and keep it inside if we have to. I hope that won't be the case.

Board Member Rogan asked what do you think Dave.

Board Member Pierro stated I think we could grant the waiver.

Board Member Rogan asked the Vice Chairman are you all right.

Vice Chairman Montesano replied by the end of the year.

Board Member Pierro stated I think the end of the year.

Vice Chairman Montesano stated hopefully it will be out of there if not and make that as part of the agreement.

Board Member Rogan stated just let's remember because we did some adjustments on this application that when Integrity comes in next month with a plan that we probably should be willing to extend the same courtesy.

Vice Chairman Montesano stated definitely. The object is the final outcome is what we are looking for.

Board Member Rogan stated I agree.

Board Member Rogan stated it is a waiver of site plan for the tents and the containers. The containers with a time certain and the tents actually we were going to do also. We were not doing that permanent. We were going to see how that worked out from what I recall. Is that the way everybody remembered it.

The Board replied yes.

Mr. Dilmaghani stated that is what you did last year. I had requested that we would be able to do this on a yearly basis if possible. Does that mean every year I have got to come back.

Board Member Rogan stated I will be honest with you Mr. Dilmaghani I don't like the idea of tents in your place at all and I am opposed to it. I don't think that is the kind of business that I want in Patterson. You have a beautiful warehouse. I have not been inside it but the building you are going to do some upgrades to me you have a business that is part of it. To put a tent up is kind of like a flea market. I don't like the idea of it. I am willing to extend the courtesy to allow this to try it and see how it works as we were a few months ago but I am not in favor of it so given that yes I think my feeling is you have to come back in a year at least. If we say hey, you know there was not any problems, it wasn't an eyesore, you can't see the tent in the rear, it worked out beautifully maybe then at that point we are looking at more of a permanent solution but I don't particularly like it.

Mr. Dilmaghani stated I understand. The only thing that I want to say in defense of that is that these days it is a very,

Board Member Pierro stated a very useful marketing tool.

Mr. Dilmaghani stated a very useful marketing tool because in our business we do run into things that have gone out of style or things that for one reason or another need to be moved and it seems that the only way to do it unfortunately is by having a sale like this. People want to go into the tent,

Board Member Rogan stated it is a weird thing isn't. If you had it in the warehouse they would not think it was.

Mr. Dilmaghani stated it is this aura of the tent.

Board Member Rogan stated there is a guy down in Mahopac that has a carpeting store and he hangs the carpeting sale today sign on the back of his van that points to the store but it has been there every day on his van for seven years. He is a very nice man but he always has a sale going on. It is like come on.

Vice Chairman Montesano stated I think a yearly review would have to be.

Mr. Dilmaghani stated I appreciate your consideration and look you said last year if everything goes well come back and we will talk about another one so that is why I am back again.

Board Member Rogan asked the banner signs that are hanging on the building those you said were going to be removed when you do the painting.

Mr. Dilmaghani asked did I say they would be removed when we did the painting or.

Board Member Pierro stated we were hoping they would be.

Board Member Rogan stated I guess that I am wishfully thinking.

Board Member Pierro stated they are not approved signs.

Mr. Dilmaghani stated I thought we were permitted to have a temporary sign on the building as long as it was of a banner nature.

Board Member Rogan stated I think your key might be temporary. They have been up for as long as I can remember.

Mr. Dilmaghani stated we do change them.

Rich Williams stated when they wear them out.

Board Member Rogan stated we are on your side on this we really are.

Mr. Dilmaghani asked what can we do for signage.

Board Member DiSalvo asked how does he plan on marketing the tent sale.

Board Member Rogan stated not those stringers with the diagonal things like the used car lot you know what do they call them.

Board Member Pierro stated sandwich boards.

Board Member Rogan stated no the things that you tie with the ribbons with the triangular.

Rich Williams stated flags.

Board Member Pierro stated they are not permitted anyway.

Board Member Rogan stated they are terrible.

Board Member DiSalvo asked what were you planning on doing for signs.

Mr. Dilmaghani asked what can we do for signage on the building.

Board Member Rogan asked are you talking about temporary signage for the tent sale.

Mr. Dilmaghani stated for the tent sale we have the small tent outside in the front and we will probably put a sign on that just saying tent sale in rear or something.

Board Member Rogan stated you have got to do something in your business that lets people know. I have driven by your place for I am a resident of Patterson now for seven years I have never been in your store on Saturday or Sunday or whenever you are opened because it does not seem very welcoming. Like it is not something you think, it looks like it is abandoned from the outside. You don't see people going in and out. I have never been in the store. You have got to do something that lets people know without having banners on the building that you are open.

Mr. Dilmaghani stated the banner does that.

Board Member DiSalvo stated it is only on weekends it is open.

Mr. Dilmaghani stated it is only on weekends.

Rich Williams stated let's break it down to the fact that any sign he needs to come in front of the Board so whatever he wants to put up really needs a sign permit.

Board Member Rogan stated and generally speaking people don't usually come in for sign permits for a banner it is usually a fixed, permanent sign that either is illuminated or not illuminated. It is something that is mounted to the building or on a free-standing post.

Mr. Dilmaghani asked how do we publicize to people.

Board Member Rogan replied the tent is supposed to do that.

Mr. Dilmaghani stated no but I mean after the tent sale and we are open on weekends.

Rich Williams stated you should have a free-standing sign out front.

Board Member Rogan asked he does not have one.

Board Member Pierro stated no he has got an illegal one up in the front right now, a wooden one. I don't think there is an approval on it.

Mr. Dilmaghani stated we were told a three by two sign was acceptable I thought without a permit or something not by Mr. Williams but somebody at some point..

Rich Williams stated no sign is legal in the Town of Patterson without a permit but I do believe and I would have to check I thought at one time they came in for a free-standing sign and they got a permit. It was about the time with the issue of removing the junipers out front came up.

Board Member Rogan asked the square footage allowable for this commercial operation for a free-standing sign would be what.

Rich Williams replied twenty-five square feet.

Board Member Rogan stated so you could certainly come in with the idea that you have twenty-five that is a lot of square footage to work with. If you put Dilmaghani carpets and you could put opened Friday through Sunday. There is plenty of room on twenty-five square feet to do a nice free-standing in front of the building not in the right of way but out in the area where people see it driving by. It does not block your sight visibility because you are coming in from the area and that would lighting, not lighting, some plantings around it and it would be an awesome addition to the front of that.

Mr. Dilmaghani asked what is the height.

Board Member Rogan replied it is up to you it is twenty-five square feet but it probably should not be any higher than eight foot tall right, generally speaking somewhere between three and eight feet tall. That is a lot of area twenty-five square feet.

Mr. Dilmaghani stated smaller than a four by eight sheet of plywood.

Board Member Rogan stated true but with four inch lettering I know people drive more than fifty-five on it.

Board Member Rogan stated the sign is a different issue.

Board Member Rogan made a motion in the matter of Dilmaghani Site Plan that the Planning Board grants a waiver of site plan to allow a 20' x 20',

Board Member Pierro stated a representative tent,

Board Member Rogan stated tent in the front parking area with the applicable offsets for the building and right of way and a 40' x 80' tent in the rear southwesterly corner of the parking lot with also the applicable safe twenty foot offsets for fire lane from the outriggers of the tent and also to allow the

(TAPE ENDED)

Board Member Rogan continued with the motion and stated the three existing storage containers to remain on the site until December 31, 2006 at which point in time the Applicant needs to remove them from the site. The motion includes approval on tents until that same day. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 4 to 0.

Mr. Dilmaghani stated I guess the one thing I do want to ask you about in closing about this signage thing, if we have to take the signs off the building obviously we will take them down. I am concerned because it may have a very noticeable affect on business. Can we at least leave the signs up until we get a sign in place in front.

Board Member Rogan stated I mean the reality is the signs are,

Mr. Dilmaghani stated I will get something up there as quickly as possible.

Board Member Pierro stated I don't see a problem with leaving them up until the building is painted.

Rich Williams stated time out,

Board Member Rogan stated you can't allow it. It is illegal.

Rich Williams stated you can't tell somebody they can do something illegal.

Board Member Pierro stated well they are already doing it illegal. We haven't written them up.

Rich Williams stated that is an issue for somebody else.

Paul Piazza stated that is my issue and I will deal with that.

Board Member Rogan stated so that is the reality of it. You have to deal with Mr. Piazza on the sign issue. He may give you a time frame to have it corrected by. If he says have it corrected within a hundred and twenty days I don't know what his time is but I am just saying then that gives you the time frame in order to have a sign application in and be working towards it.

Mr. Dilmaghani stated maybe you can make a friendly suggestion to him.

Board Member Rogan stated I think he heard a friendly suggestion.

Mr. Dilmaghani stated okay I will try to get something in.

Board Member Rogan stated thank you from going away from canary yellow on the building. I like the what was it mustard yellow.

Mr. Dilmaghani asked did you see the sample on the building.

Rich Williams stated applesauce.

Mr. Dilmaghani thanked the Board.

### **13) MINUTES**

Vice Chairman Montesano asked June 1<sup>st</sup> and June 29<sup>th</sup> minutes did everybody get a chance to look at them.

Board Member Pierro made a motion to approve the June 1, 2006 and June 29, 2006 minutes. Board Member DiSalvo seconded the motion. All in favor and minutes were approved by a vote of 4 to 0.

### **14) OTHER BUSINESS**

#### **a. White Birch Realty**

Board Member Pierro asked Rich have you gotten any contact with White Birch Realty regarding he did not want to file a bond.

Rich Williams replied he has been reluctant to file a bond, I talked about it with Anthony, I have got to get back a hold of him and say that he has got to get it in. The problem that I have got with White Birch Realty and why it got thrown on the agenda, I did do a memo for you. He had sixty-two days to meet the conditions that expired awhile ago. If you want this thing to stay valid and enforce.

Board Member Rogan asked have they requested an extension.

Rich Williams replied they have not.

Board Member Pierro asked are they aware that it is expired.

Rich Williams replied I don't know if they are or not.

Board Member Rogan stated we can extend it one month and let them know that they have got to request it on their own.

Rich Williams stated that goes until September.

Board Member Pierro made a motion in the matter of White Birch Realty that the Planning Board extend the time frame for approval ninety-one days until,

Board Member Rogan stated until the September meeting.

Anthony Molé stated pursuant to the memo.

Board Member Pierro stated thank you Anthony, pursuant to the Town Planner's memo dated August 2, 2006. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 4 to 0.

**b. Mushkolaj Site Plan**

Rich Williams stated keep me from getting in trouble here. Mushkolaj came in and got a conditional site plan approval fourteen months ago, awhile ago. Let me finish the story first, in part this was my fault. He had to do certain improvements out on the site, one of them was put up a stockade fence for a dumpster. He kind of tucked it in around the building just a little bit farther back than it was supposed to. Every time I go out to look everything is gated up, I look around I can't see it and I have been playing tag with him and this has been going on for awhile and I haven't pursued it aggressively. Sure enough he was right I was wrong it is up so the only thing is I am looking for the Board is by resolution to authorize the Chairman and Vice Chairman to sign the plans.

Board Member Rogan stated so moved.

Board Member Pierro seconded the motion.

Vice Chairman Montesano asked all in favor.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 4 to 0.

**c. Patterson Crossing**

Rich Williams stated Patterson Crossing the public hearing is coming up the 23<sup>rd</sup> what do you guys want to do about sitting down and talking about how it is going to proceed, who is going to do what, is there going to be time frames.

Board Member DiSalvo stated I think we should do the same thing that we did last time.

Board Member Rogan stated well it is not a scoping session so it is a little different.

Vice Chairman Montesano stated so we are looking for the Rec Hall.

Rich Williams stated we have the Rec Hall.

Vice Chairman Montesano stated so we will set this up the same way we did the first one.

Board Member DiSalvo stated the tables, the chairs.

Vice Chairman Montesano asked you want comments from these people are they going to sign in.

Board Member DiSalvo stated like we did last time.

Vice Chairman Montesano stated exactly the way we did it the last time. We are going to time the amount of time they have to talk.

Board Member DiSalvo asked are we going to do the two minutes again or.

Board Member Pierro stated my wife said she would work the table at the front to sign in.

Rich Williams stated the first meeting was on the scoping, everybody was limited to what two minutes speaking.

Board Member Rogan stated I thought it was three.

Rich Williams stated three minutes.

Vice Chairman Montesano stated if we give them the three minutes for each person to talk this gives everybody an opportunity to say something. If they want to go on after that then they come back up.

The Secretary stated up until eleven o'clock.

Vice Chairman Montesano stated we don't close the meeting we just adjourn until the next night.

Board Member Rogan stated we also said that we would not use the second night unless we had people that had signed up that had not had a chance to speak. We are not talking about second time around. We have an initial sign up list.

Vice Chairman Montesano asked do you want to change it from three to five minutes.

The Secretary stated we couldn't advertise it that way.

Rich Williams stated we are going to have to show up the second night regardless of what happens. It may go for five minutes once we are there but you have to show up for the next night.

Board Member Rogan stated do you have to allow, it does not make any difference to me whether you do or don't but do we have to allow people that signed up the first night to speak the second night.

Board Member Pierro stated if they didn't get a chance to speak the first night.

Board Member Rogan stated no that is not what I said. People that spoke the first night,

The Secretary asked and re-sign up on the second night.

Board Member Rogan stated right because I mean that is like almost filibustering.

Anthony Molé stated I think what you should do is hear on the second night anyone who has not spoken on the first night first.

Vice Chairman Montesano asked on the point of having the limited time how far can we go with that. In other words you are going to find somebody that comes in and has five minutes of repeating his name then you can have another guy come in and have five minutes of explaining something that is damn right sensible and then needs seven minutes. What do we tell him.

Rich Williams stated the Attorney representing us in this application Anthony Mangone had asked at the last meeting to sit with one or more of the Board Members and work these issues out.

Board Member Pierro stated fine. Do you want to set that up at the next work session. Is the next work session after it.

Rich Williams stated if three or more are going to show up it has got to be an advertised meeting unless we do a waiver. If you want to designate one person.

Vice Chairman Montesano stated I will do it as the acting Chairman. Do you want to come in Shawn.

Board Member Rogan replied no I have full confidence in your decision making.

Vice Chairman Montesano stated we need at least two people here.

Board Member Pierro stated I will come in with you.

Rich Williams stated let me see what I can set up with Anthony.

**d. Container Discussion**

Vice Chairman Montesano asked Paul you had something.

Paul Piazza stated on these trailers,

Board Member Rogan asked trailers or,

Paul Piazza asked storage containers do you want everybody that wants to put one of these things in to come to the Planning Board.

Board Member Rogan replied absolutely.

The Secretary stated that is the way it is supposed to be.

Paul Piazza asked or do you want to short cut that out,

Board Member Pierro stated no we want site waiver.

Board Member Rogan stated we can't cut it out unless we change the zoning right.

Rich Williams replied they have to the right to come in and apply.

Board Member Rogan stated but you can definitely give them the heads up and say the Planning Board is looking as these for specific needs not for general expansion so they don't waste their time. If they say I want to add a storage container because I want to have extra surplus then forget it.

Board Member Pierro made a motion to adjourn the meeting. Board Member Rogan seconded the motion. All in favor and meeting adjourned at 10:37 pm.