

**TOWN OF PATTERSON**  
**PLANNING BOARD MEETING**  
**August 4, 2011**



**AGENDA & MINUTES**

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2) <b>Matthew Castellano Wetlands/Watercourse Permit – Public Hearing</b>	6 – 10	Public Hearing opened and closed. Negative Determination of SEQRA granted. Wetlands Permit granted with conditions.
3) <b>Bill Reynolds Garage Doors Inc. - Sign Application.</b>	10 – 13	Negative Determination of SEQRA granted. Building Mounted and Pylon Signs approved.
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**PLANNING DEPARTMENT**

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**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**ZONING BOARD OF APPEALS**

Lars Olenius, Chairman  
Howard Buzzutto, Vice Chairman  
Mary Bodor  
Marianne Burdick  
Gerald Herbst

**PLANNING BOARD**

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

**Planning Board  
August 4, 2011 Meeting Minutes**

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

**APPROVED**

Present were: Chairman Rogan, Board Member Cook, Board Member Montesano, Board Member McNulty, Board Member Taylor, Rich Williams, Town Planner, Andrew Fetherston of the Town Engineer's office Maser Consulting, and Mr. Michael Liguori of the Town Attorney's office Hogan & Rossi.

Chairman Rogan called the meeting to order and led the Salute to the Flag.

The meeting was called to order at 7:00 p.m.

There were approximately 11 members of the audience.

Michelle Lailer was the Secretary and transcribed the following minutes.

**1) JOSEPH STILWELL WETLANDS/WATERCOURSE PERMIT – Public Hearing**

Mr. Robert Cameron of Putnam Engineering and Mr. Danny Finney of DEW Construction were present.

Chairman Rogan stated thank you, okay Michelle would you please read the public hearing notice for the first application, Stilwell.

The Secretary read the following legal notice into the record:

**NOTICE IS HEREBY GIVEN** by the Town of Patterson Planning Board of a public hearing to be held on Thursday August 4, 2011 at 7:00 p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled **“Joseph and Monika Stilwell Wetlands/Watercourse Permit Application to allow for existing dam rehabilitation along with improvements to the existing stormwater storage, conveyance and treatment.”** The property is located at **480 Route 164**, Patterson, New York. All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Chairman Rogan stated thank you, good evening Mr. Cameron.

Mr. Cameron stated good evening, Robert Cameron from Putnam Engineering.

Chairman Rogan stated how are you sir.

Mr. Cameron stated I can give a brief description if you want...

Chairman Rogan stated sure.

Mr. Cameron stated as mentioned in the public notice this is a dam rehabilitation, it's an impoundment structure, its on the Stilwell property, they have about a hundred twenty-four acres or so located east of Couch [Road] and I guess north of [Route] 164. The application is basically for them to repair and rehabilitate the existing impoundment structure on the site, I believe this was previously before the Planning Board to do some of the environmental work, drainage and now they are back for the public hearing and that's...

Chairman Rogan stated do we have questions or comments from anyone in the audience.

**Barbara Fast** stated yes.

Chairman Rogan stated ma'am just please come up and use the microphone, state your name for the record.

**Barbara Fast** stated my name is Barbara Fast, we have property next to his, we just want to why, why the dam.

Chairman Rogan stated I know that they were originally before use some months ago to dredge the lake and when they did the dredging work and Rob you can speak more to this than I probably can but when did the dredging work they found that there were some flaws with the structure that needed to be upgraded.

**Barbara Fast** stated so it's already a dam there then.

Chairman Rogan stated yes.

**Barbara Fast** stated so this isn't going to affect the Great Swamp in any way...

Chairman Rogan stated its not increasing the size of the pond, it's not, and it is just designed to improve what is already there.

**Barbara Fast** stated it's not going to restrict the water like to our property.

Chairman Rogan stated I don't know where your property is ma'am but can you, do you know where you are in relation.

Mr. Cameron stated this little map here [Route] 164, the dam...

**Barbara Fast** stated we must be right here then...

Mr. Cameron stated the water is flowing actually that way.

**Barbara Fast** stated well we are on the Great Swamp, we have the river in our backyard...

Mr. Cameron stated yes.

Barbara Fast stated okay.

Mr. Cameron stated I don't know if I have an aerial, the Great Swamp kind of takes a turn and goes back towards this way and this water is actually draining back towards those parcels there.

Mr. Finney stated that water directly goes into the Great Swamp from that pond, it wouldn't back you at all.

Chairman Rogan stated thank you ma'am. Any other questions, concerns from anyone in the audience, Michelle do you want to...

The Secretary stated oh no, thanks I'm good.

Board Member Montesano stated a motion to close the public hearing.

Board Member McNulty seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Taylor	-	aye
Board Member McNulty	-	aye
Board Member Montesano	-	aye
Board Member Cook	-	aye
Chairman Rogan	-	aye

The motion carried by a vote of 5 to 0.

Chairman Rogan stated okay, gentlemen, you have everything you need on this, any...

Andrew Fetherston stated I just have one, just one or two butts on it, the low level orifice is 1.2 inches, its very, very small, I'm just thinking of clogging, the size of the screen that you're using for trash, I just, I don't know that its not going to be a nuisance over time, that is an incredibly small opening for stormwater algae everything that goes into a pond...

Mr. Cameron stated unfortunately that is how it has to be because that orifice design is designed based on the release of the flow that is calculated. If it does get clogged up, you know it has to be maintained...

Andrew Fetherston stated right.

Mr. Cameron stated but you know even if it does get clogged there is an overflow, if it does get clogged the dam is going to go up and flow over the spillway...

Andrew Fetherston stated there are devices called hydrobreaks, I don't know if it would take it down that small, that is incredibly small, this device is called hydrobreaks that create a vortex and that air just limits the amount of water that can possible go through a larger opening so it prevents clogs, its self-cleaning, I

don't know if you wanted to look at it, you know, it may be something that might be less maintenance intense. The only other thing I looked at was the watershed line on the map, that map is not up here but the watershed line in the stormwater report strikes the line at [Route] 164 and the pond is studied for all storms up to the hundred year, commonly ditches and roadway drainage are designed for ten year and twenty-five year storms, so I didn't know if the watershed map was going to be true for a larger storm event, say the hundred year storm event when those swales could be over and beyond capacity, does it go across the road and create a larger drainage area, I didn't know if you looked at that, I did not look at those ditches or swales, the steepness of the road, could it come over the road and be a...

Mr. Cameron stated I have looked at that but typically that is something that is really hard to predict you know...

Andrew Fetherston stated sure, yeah...

Mr. Cameron stated the swale along the road is used as the demarcation line that most of the stormwater is going to get across [Route] 164 but you know honestly in a hundred year storm event...

Andrew Fetherston stated in a hundred year storm event, you have a lot of problems...

Chairman Rogan stated yeah.

Andrew Fetherston stated he's got emergency overflow beyond the hundred year but it is just something I would maybe take a peak at, you know, that's it...

Mr. Cameron stated thank you.

Rich Williams stated if I could just weigh in on that, this pond has been here for many, many years at this point, it survived [Hurricane] Floyd without the improvements they are going to put in, so...

Chairman Rogan stated Ted, anything.

Ted Kozlowski stated no, no other questions or environmental issue, this is basically a farm pond that's in the middle of a field that's been there for a long time and it does need a lot of renovations.

**Barbara Fast** stated so the watershed people they don't mind, they don't care.

Ted Kozlowski stated no it's not, it's not a big brook and its not taking away, it's, if anything it is a detention basin for what is going into the Great Swamp and its settling our stuff before it gets into the Great Swamp, so (inaudible – too far from microphone) that is not the intent, it was a proper farm pond many years ago and the gentleman who owns it wants to maintain as (inaudible), so this is not a significant environmental impact in any way.

Chairman Rogan stated okay, Thomas.

Board Member McNulty stated all right, I make a resolution here...

Chairman Rogan stated sure.

Board Member McNulty stated I move the adoption of the resolution granting the wetlands/watercourse permit for the Monika and Joseph Stilwell at 480 Route 164...

Rich Williams stated time out.

Board Member Taylor stated we need SEQRA.

Chairman Rogan stated oh I thought it was contained within your resolution, I apologize, want me to do the SEQRA on this. In the matter of Monika and Joseph Stilwell 480 Route 164, I make a motion that the Planning Board grants a negative determination of significance of SEQRA. Second?

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Taylor	-	aye
Board Member McNulty	-	aye
Board Member Montesano	-	aye
Board Member Cook	-	aye
Chairman Rogan	-	aye

The motion carried by a vote of 5 to 0.

Chairman Rogan stated continued Thomas. Actually I thought we did SEQRA before doing the public hearing, setting the public hearing, that is where I was wrong...

Rich Williams stated (inaudible).

Chairman Rogan stated okay, thank you.

Board Member McNulty stated whereas the Planning Board of the Town of Patterson pursuant to Chapter 154 of the Town Code has considered the application of Monika and Joseph Stilwell for approval of a wetlands and watercourse permit number ww0511-02; whereas the Planning Board has determined the proposed action will not impair the character and function of the pond in furtherance of public safety; whereas the Planning Board opened a duly noticed public hearing on the subject application and final site plan at it's meeting on August 4, 2011 and closed the public hearing on the same night after receiving comments from the public; now therefore be resolved in the application of Monika and Joseph Stilwell for approval of wetlands/watercourse permit application ww0511-02, pursuant to Chapter 154 of the Patterson Town Code, the Planning Board finds the subject application and plans as modified in accordance with the application conditions set forth in this resolution, complies with all the requirements of the Town law Chapter 154 of the Town Code, hereby grants approval to the said wetlands/watercourse permit subject to the applicant's compliance with the seven general conditions attached to this.

Chairman Rogan stated can I have a second.

Board Member Taylor stated second.

Board Member Montesano stated nine general.

Board Member McNulty stated nine general conditions.

Board Member Montesano seconded the motion.

Chairman Rogan stated thank you Mike, Mike seconded.

Chairman Rogan asks for all in favor:

Board Member Taylor	-	aye
Board Member McNulty	-	aye
Board Member Montesano	-	aye
Board Member Cook	-	aye
Chairman Rogan	-	aye

The motion carried by a vote of 5 to 0.

Chairman Rogan stated okay, thank you.

## 2) **MATTHEW CASTELLANO WETLANDS/WATERCOURSE PERMIT – Public Hearing**

Mr. & Mrs. Castellano were present.

Chairman Rogan stated hey Michelle can I have the public hearing notice for Castellano, please.

The Secretary read the following legal notice into the record:

**NOTICE IS HEREBY GIVEN** by the Town of Patterson Planning Board of a public hearing to be held on Thursday August 4, 2011 at 7:00 p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled “**Matthew Castellano Wetlands/Watercourse Permit Application to allow for re-grading of area around the pond for lawn area, the installation of a draw down pipe in the pond, and associated driveway disturbance. The property is located at 740 Route 311, Patterson, New York.** All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Chairman Rogan stated good evening.

Mr. Castellano stated good evening, I'm Matt Castellano.

Chairman Rogan stated Mr. Castellano, is anyone in the audience here for Mr. Castellano's application, okay, could you just give a brief overview of your, the reason for this application and the work that you are planning on doing.

Mr. Castellano stated I put an application in for around the existing spring fed pond, I removed the brush, a few trees that were overgrown, maintain grass around the pond area and the driveway from Route 311, the state road, there was a, from the existing owner, the previous owner had a permit for the blacktop apron, asphalt apron to connect that apron to the existing driveway which is at that point 150 feet going through, within 150 of wetlands.

Chairman Rogan stated and the Board did a site walk last week at this application and thought the property looked fantastic, what a beautiful place you're going to have there.

Mr. Castellano stated thank you very much.

Chairman Rogan stated and the only comment noted was that leaving the driveway, we were hoping Rich could reach out to the DOT, the sight line distance to the right as you're leaving your property is pretty bad because of some overgrowth so we were hoping we can just get that trimmed back. Questions or comments from anyone in the audience, please come on up, use the microphone, state your name for the record please.

**Lee Davis** stated hi, my name Lee Davis, I live at 734 Route 311, the adjoining property.

Chairman Rogan stated okay.

**Lee Davis** stated I had concerns earlier in the year because regardless of a draw down pipe, there was an overflow pipe installed in the pond and that was trenching daylighted above my property, directly above my property and now we have a lot of ground water coming out of the ground on the back of my house and I've had to put a curtain drain in and I just wanted to...

Chairman Rogan stated so you're the property, you're the adjoining driveway...

**Lee Davis** stated yes.

Chairman Rogan stated so you're property, this pond is up and behind your house.

**Lee Davis** stated yes, yes.

Chairman Rogan stated I don't remember, we didn't see the outflow to that when we were out there, Ted you want to use the microphone...

Ted Kozlowski stated I've been up there a number of time I never saw the water coming out of that pipe.

Chairman Rogan stated yeah but I think that is something that Ted could we ask that you stop by and meet with the property owner and just take a look at that outflow.

Ted Kozlowski stated sure, (inaudible) tomorrow.

**Lee Davis** stated all right, very good.

Chairman Rogan stated this way if there are any issues, from what I'm seeing on site, I have no doubt that you guys are going to be great neighbors...

**Lee Davis** stated okay.

Chairman Rogan stated and have a real good relationship, that is the best thing that I think you can ever hope for to resolve any issues is to work...

**Lee Davis** stated right.

Chairman Rogan stated you know cooperatively between the neighbors, you might need him someday and he might need you, so it makes sense to work together.

**Lee Davis** stated okay, all right.

Chairman Rogan stated all right, thank you sir.

**Lee Davis** stated thanks.

Chairman Rogan stated okay on this application I'll make a motion that...

Board Member Cook stated close the public hearing.

Chairman Rogan stated oh, I'm sorry, I apologize, motion to close the public hearing.

Board Member McNulty seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Taylor	-	aye
Board Member McNulty	-	aye
Board Member Montesano	-	aye
Board Member Cook	-	aye
Chairman Rogan	-	aye

The motion carried by a vote of 5 to 0.

Chairman Rogan stated you want to, someone else want to do SEQRA on this.

Board Member McNulty stated I'll do it. Where is my little cheat sheet, in the name of Matthew Castellano at 740 Route 311, the Planning Board Patterson finds the proposed action being listed as an unlisted Type I action, will not have a significant impact...

Chairman Rogan stated its one or the other Tom...

Board Member Cook stated Type II action...

Board Member McNulty stated its unlisted, unlisted action, correction, will not have a significant impact on the environmental and hereby issue a negative declaration of significance.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Taylor	-	aye
Board Member McNulty	-	aye
Board Member Montesano	-	aye
Board Member Cook	-	aye

Chairman Rogan - aye

The motion carried by a vote of 5 to 0.

Chairman Rogan stated and the resolution.

Board Member Taylor stated do we want to wait on this until we hear back from Ted.

Chairman Rogan stated I think we just have Ted, just check that out, you were up there weren't you on that site...

Board Member Taylor stated but we were there in the spring when the water dried.

Chairman Rogan stated I'm comfortable with Ted you know working with these people...

Board Member Taylor stated okay.

Chairman Rogan stated and I think they are going to do a great job up there.

Board Member Cook stated I am also Ron just so...

Board Member McNulty stated good to go.

Chairman Rogan stated sure.

Board Member McNulty stated I move the adoption of the resolution granting the wetlands/watercourse permit for Matthew Castellano for 740 Route 311, whereas the Planning Board has complied the requirements of Article 8 the environmental conservation law SEQRA and New York City RR part 617 and has duly filed all appropriate SEQRA determinations in accordance with that law; whereas the Planning Board determined the proposed alteration of the wetland buffer will have a minimal impact on the character and functions of the wetland and whereas the Environmental Conservation Inspector has reviewed the application and has raised no objections to the proposed activities subject to certain conditions included herein and whereas the Planning Board opened a duly noticed public hearing on the subject application and final site plan at its meeting on August 4, 2011 and closed the public hearing on the same night after receiving comments from the public. Therefore be it resolved in the application of Matthew Castellano for approval of wetlands/watercourse permit number ww0511-01 pursuant to Chapter 154 of the Town Code, the Planning Board finds the subject application and plans as modified in accordance with any applicable conditions set forth in this resolution complies with all said wetlands and watercourse permit applications subject to the applicant's compliance with the following general conditions, there are nine of them attached to this and one special conditions. Nothing in this approval shall consider a waiver from any Town requirement for provided improvement driveway including, but not limited to the asphalt surface.

Chairman Rogan stated thank you, can I have a second please.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Taylor - aye

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

The motion carried by a vote of 5 to 0.

Chairman Rogan stated any opposed, okay, thank you.

Mr. Castellano stated thank you.

Chairman Rogan stated good luck with your building and also we wanted to say thank you for your service to our country, you're a veteran and I think that is very...

Mr. Castellano stated you're welcome and (inaudible).

Chairman Rogan stated appreciative, thank you.

Board Member McNulty stated thank you Matt.

### 3) **BILL REYNOLDS GARAGE DOORS INC. – Sign Application**

Mr. Bill Reynolds was present.

Chairman Rogan stated okay, do we have anyone here for Bill Reynolds Garage Door, come on up sir, please. Okay, we have a sign application for Bill Reynolds, this is going to go into the spot that Smokin' Wheels...

Mr. Reynolds stated Smokin' Wheels...

Chairman Rogan stated and I understand that you're using the old frame that's on the, same frame...

Mr. Reynolds stated the same frame stays up there, the box, yeah.

Chairman Rogan stated okay, so the application, the size of the sign on this, what is our total square footage Rich...

Rich Williams stated I thought it was 20, maybe 20 in change.

Board Member Cook stated 240...

Chairman Rogan stated 33 ¼ inches by okay...

Board Member McNulty stated three square feet on the monument I think it was.

Rich Williams stated correct.

Chairman Rogan stated and none of the lighting is changing or anything like that, it's just replacing...

Mr. Reynolds stated no, the same (inaudible) I'm just taking the other letters off and...

Chairman Rogan stated great, okay...

Mr. Reynolds stated yeah the only difference is its something about the bronze, I don't know where that came from, that's the font that black copper, I guess it's the font of the letter, they are actually red...

Chairman Rogan stated red...

Mr. Reynolds stated I don't know where the copper came from.

Rich Williams stated I thought it was in the application.

Mr. Reynolds stated no, if you look it says the font is copper black, I don't know if that is the design of letters...

Chairman Rogan stated copper black font, letter type, colors of letters it says red.

Mr. Reynolds stated (inaudible).

Rich Williams stated I just assumed there should be a comma after the copper.

Mr. Reynolds stated yeah because if you look at the letters it says red.

Chairman Rogan stated oh yeah, copper black font, colors of letters, red, okay so its going to be the red.

Rich Williams stated I did the same thing on the next application as well...

Chairman Rogan stated so there is a font that's called copper black.

Mr. Reynolds stated I guess.

Chairman Rogan stated oh.

Board Member Montesano stated you have to (inaudible).

Board Member McNulty stated there is a font copper black.

Chairman Rogan stated yeah, you know I'm thinking I remember seeing it now but I've never used it but okay.

Board Member Cook stated so basically the, there is no increase in size, everything is just using the existing frames and...

Chairman Rogan stated yeah.

Board Member Cook stated do you want a motion.

Chairman Rogan stated sure, I need SEQRA and a motion to approve.

Board Member Cook stated I make a motion with regard to the sign application of Bill Reynolds Garage Doors Inc., dated 7/18/2011 that there is no SEQRA determination...

Rich Williams stated negative determination.

Board Member Cook stated negative determination, no impact on the environment.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Taylor	-	aye
Board Member McNulty	-	aye
Board Member Montesano	-	aye
Board Member Cook	-	aye
Chairman Rogan	-	aye

The motion carried by a vote of 5 to 0.

Board Member Cook stated make a motion with regard to Bill Reynolds Garage Doors Inc., application, sign application 7/18/2011 to approve this sign application as presented.

Chairman Rogan stated perfect.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Taylor	-	aye
Board Member McNulty	-	aye
Board Member Montesano	-	aye
Board Member Cook	-	aye
Chairman Rogan	-	aye

The motion carried by a vote of 5 to 0.

Chairman Rogan stated I think we have, sometimes we want to say more than we need to and its contained within the documents that you are referring to.

Rich Williams stated just for clarification they are two separate sign applications submitted, you just approved both of them.

Board Member Taylor stated yes.

Chairman Rogan stated the other one was out on the, replacing what was out on the free standing.

Mr. Reynolds stated we're doing the same thing, taking his out and sliding mine in.

Chairman Rogan stated fantastic, glad you're there.

Mr. Reynolds stated okay, thank you, thank you.

Chairman Rogan stated good luck.

Board Member McNulty stated you're welcome Bill.

#### **4) VERIZON WIRELESS – Sign Application**

Mr. Brian McLynn of San Signs and Awnings was present.

Chairman Rogan stated Verizon Wireless.

Mr. McLynn stated how are you, I'm Brian McLynn from San Signs, we are doing the installation for Verizon Wireless.

Chairman Rogan stated great, how are you Brian.

Mr. McLynn stated good.

Chairman Rogan stated okay Verizon Wireless, I'm on the wrong page here, here we go, okay, Rich can you bring us up to speed, we had some discussion at the work session about the size and...

Rich Williams stated I did, I took another look at it, realizing that it wasn't the, replacing the existing Verizon Wireless store that was out there but actually taking over the Blockbuster, based on that the sign dimensions were fine. They are actually proposing three different signs, a channel sign, a box sign, both on the south side and the east side of the store and then to replace in kind the sign that is existing on the large pylon sign out front, all the signs are within the requirements of our Zoning Code for area...

Chairman Rogan stated that makes it easy doesn't it.

Board Member Cook stated is Verizon taking over the Blockbuster space.

Rich Williams stated apparently.

Chairman Rogan stated that is a pretty good size space.

Board Member Cook stated can you answer that...

Unknown Speaker stated it's a big space.

Rich Williams stated it is.

Mr. McLynn stated that is the, they are from Verizon...

Board Member Cook stated yes...

Chairman Rogan stated he's the sign maker, those are the applicants.

Board Member Cook stated are you taking the current Verizon store and the Blockbuster space.

Unknown Speaker stated no, just the Blockbuster space, 3,700 square feet.

Chairman Rogan stated how many square feet.

Unknown Speaker stated it's 3,700 square feet, its going to be a big store.

Chairman Rogan stated you need bigger phones.

Board Member McNulty stated is it going to be (inaudible).

Board Member Montesano stated (inaudible).

Unknown Speaker stated (inaudible) texting (inaudible).

Board Member McNulty stated I only had one comment and if the new sign doesn't cover the façade, will the façade be touched up or repaired...

Mr. McLynn stated yes.

Board Member McNulty stated you may want to talk to the landlord about that because you have the old holes and the old stain from Blockbuster...

Mr. McLynn stated it would look like Swiss cheese if you don't do it, you have to do it.

Chairman Rogan stated yeah...

Board Member McNulty stated okay.

Chairman Rogan stated is that something you take care of or is that something they do...

Mr. McLynn stated it's usually just a little patch work and you touch up the paint, its not a big deal.

Chairman Rogan stated all right, so the three signs, any other concerns, questions, comments, no...

Board Member Cook stated with regard to the Verizon Wireless sign application I move that the application, Planning Board finds that the proposed action will not have a significant impact on the environment and hereby issues a negative declaration of significance.

Chairman Rogan stated well said, can I have a second.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Taylor	-	aye
Board Member McNulty	-	aye
Board Member Montesano	-	aye
Board Member Cook	-	aye
Chairman Rogan	-	aye

The motion carried by a vote of 5 to 0.

Board Member McNulty stated that covers all three.

Board Member Cook stated all three, with regard to...

Chairman Rogan stated we can do the motion on all three.

Board Member McNulty stated we had to do SEQRA.

Board Member Cook stated Verizon Wireless, here we go again, Verizon Wireless sign application I move that the Planning Board approve it as presented in their application dated July 18, 2011.

Board Member Montesano seconded the motion.

Chairman Rogan stated and let's just let the record show that this is for all three sign applications presented before the Board.

Chairman Rogan asks for all in favor:

Board Member Taylor	-	aye
Board Member McNulty	-	aye
Board Member Montesano	-	aye
Board Member Cook	-	aye
Chairman Rogan	-	aye

The motion carried by a vote of 5 to 0.

Chairman Rogan stated thank you.

Mr. McLynn stated thank you.

Chairman Rogan stated good luck there.

Unknown Speaker stated thank you so much.

Unknown Speaker stated thank you.

Board Member Cook stated all the best.

Board Member McNulty stated Rich I have a quick question, when people apply for these signs, this is three separate applications and fees or they do it all under one.

Mr. McLynn stated I thought there'd be three fees, that is why there are three application.

Board Member McNulty stated I'm just curious.

Rich Williams stated we usually take a fee per sign.

Board Member Cook stated per sign, makes sense.

Chairman Rogan stated does it though...

Board Member McNulty stated no, I'd like to see it go to per building per...

Chairman Rogan stated per application, per process.

Board Member McNulty stated something for future discussion maybe.

Rich Williams stated we can start working for free.

Board Member McNulty stated we should be everybody pays it.

#### 5) **CENTRUM PROPERTIES – Wetlands/Watercourse Permit Site Walk Comments**

Chairman Rogan stated okay Centrum Properties we've had some site walk comments and at this point we, I think this Board at this point is hand off, Teddy is going to continue to work with the owner and we are hoping that they will clear up the violations that have been noted, someone said I think the guy should have an auction out there, I think that's a great idea, he has a lot of valuable equipment out there, you know the, there is a little bit of touch up work for the existing pipe, its not posing a significant hazard at this point in time so, anything from anyone...

Rich Williams stated there is a pending wetlands/watercourse application, why don't we give him a couple of months and I'll throw it on automatically just...

Chairman Rogan stated thank you.

Rich Williams stated so we can wrap it up.

Chairman Rogan stated especially since we're not going to have the automatic reminder here potentially.

Board Member McNulty stated so we're not going to proceed further on this...

Chairman Rogan stated no.

Board Member McNulty stated until the violations have been cleared from counsel...

Chairman Rogan stated on advice from counsel we will...

Mr. Liguori stated I'll give Dave a call and we'll...

Chairman Rogan stated thank you.

Rich Williams stated Dave...

Mr. Liguori stated Raines...

Rich Williams stated Nick Lamberti...

Mr. Liguori stated oh sorry, Nick, I'm behind.

Chairman Rogan stated that's okay.

Mr. Liguori stated and we'll try to solve this thing.

**6) RCA ASPHALT PLANT SITE PLAN – Site Walk Comments**

Mrs. Theresa Ryan of Insite Engineer was present.

Chairman Rogan stated RCA Asphalt Plant, Theresa, the Board did a site walk last week, we managed to salvage the nice weather part of the day it was fine.

Mrs. Ryan stated I know it was perfect.

Chairman Rogan stated toward the proposed road area, didn't hear a whole lot of concern, I think everybody agreed this is a good thing for both the community and the applicant.

Board Member Taylor stated I had one comment that didn't get included which was a discussion about maybe putting culverts so that you don't...

Mrs. Ryan stated yup, we took a look at it and there is one place where we can put a culver so it won't trap water and its actually not at the beginning because mostly it will be sloping down off that hill toward to and then...

Board Member Taylor stated in the middle.

Mrs. Ryan stated toward the end, there is a spot that is already trapping water that we would like to put a culvert in so next go around, next submission we're going to include that.

Chairman Rogan stated great.

Board Member Taylor stated that is just because the road goes from the ridge down in and then back out again so there is potential for trapping water in behind the road in some spots.

Rich Williams stated yeah generally the drainage I believe in both those areas flows opposite away from the road.

Ted Kozlowski stated do you think you can connect the two, I mean the side of the wetland.

Mrs. Ryan stated yup.

Ted Kozlowski stated on either side of the wetland, that's fine.

Chairman Rogan stated everybody comfortable. Theresa unless you have any objection we're going to do a SEQRA determination and maybe move to have a public hearing.

Rich Williams stated ah, no.

Chairman Rogan stated what would you like.

Mrs. Ryan stated you're not going to make me ask.

Rich Williams stated do the public hearing.

Chairman Rogan stated wouldn't you like us to do a SEQRA determination before the public hearing.

Rich Williams stated not until the 30 days has expired...

Chairman Rogan stated oh we haven't had the thirty days, I apologize.

Rich Williams stated for lead agency.

Board Member Cook stated I make a motion that with regard to the RCA Asphalt application, what's the date...

Board Member Montesano stated September 1<sup>st</sup>.

Board Member Cook stated yeah I know I'm trying to get the date of the application...

Chairman Rogan stated it doesn't matter.

Board Member Cook stated whatever the date is of the application and we schedule a public hearing for September 1, 2011.

Chairman Rogan stated September 1<sup>st</sup> is our meeting, wow, summer's over. Can I have a second.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Taylor	-	aye
Board Member McNulty	-	aye
Board Member Montesano	-	aye
Board Member Cook	-	aye
Chairman Rogan	-	aye

The motion carried by a vote of 5 to 0.

Chairman Rogan stated okay.

Ted Kozlowski stated football season.

Board Member McNulty stated so.

Mrs. Ryan stated did you want to talk about the waivers too tonight.

Chairman Rogan stated sure.

Mrs. Ryan stated I know Rich brought it up but suggestion that the road be paved except for where it falls within the buffer and we're okay with that...

Chairman Rogan stated yeah.

Mrs. Ryan stated so it would be a partial waiver, if you want us to amend the request, we can do that.

Chairman Rogan stated everybody good with that, its okay with your truck traffic.

Mrs. Ryan stated mmhmm.

Rich Williams stated well its not ideal but you know I understand the regulatory issues if we say it has to be paved fully...

Chairman Rogan stated right and they have plenty of item four to fill pot holes.

Mrs. Ryan stated yeah, it would just be a short distance.

Board Member Cook stated Mr. ECI are you okay.

Ted Kozlowski stated mmhmm.

Chairman Rogan stated all right, do yeah we'll, sounds good.

Mrs. Ryan stated do you want me to amend the waiver request or is just a verbal okay.

Chairman Rogan stated no, I don't think you need, we can do that verbally can't we just to...

Mrs. Ryan stated okay.

Chairman Rogan stated all right, you want to do that in the form of a motion gentlemen so that we can at least move forward from that issue.

Board Member Cook stated all right.

Rich Williams stated you know what you're doing, yeah.

Board Member Cook stated I have the waivers in front of me.

Rich Williams stated okay.

Chairman Rogan stated he's got highlights all over the place.

Board Member Cook stated I make a motion the Planning Board approve the waiver request from RCA Asphalt requiring topographic map of property at two foot intervals, reference to the nearest USGS approved benchmark requiring the location and proposed used and height of all buildings location and dimensions of all parking and truck loading areas with access and egress drive thereto and waiver from requiring that the site plan show contour lines outside the areas that will be subject to re-grading is appropriate.

Board Member Taylor stated as appropriate.

Board Member Montesano seconded the motion.

Board Member Taylor stated can we have some discussion on that first.

Chairman Rogan stated sure.

Board Member Taylor stated this second waiver request about not having a site plan of buildings that are there, do we have a site plan for the buildings.

Rich Williams stated we do not what they are proposing to do is just focus on this and then if they do anything in the future they would have to come back and amend their site plan, if you remember when we did the site walk the foundation that they had initially put in is not there anymore, I'm not sure if they buried or dug it out so I mean that is a non-issue at this point.

Board Member Taylor stated okay I'm just trying to go back to the last meeting where we said we were trying to go back to the last meeting where we said we were trying to get existing site plans and everything we were doing or we were going to specifically give reasons why we were exempting.

Rich Williams stated we have an existing site plan showing what is out there now...

Board Member Taylor stated okay, all right so we do...

Rich Williams stated we do have an existing site plan that was approved in the early '90's they are not proposing to change that at this point...

Board Member Taylor stated and they haven't...

Rich Williams stated and they haven't...

Board Member Taylor stated because they buried that one foundation or removed it, okay.

Chairman Rogan stated because it is no longer visible, you made the motion, it was seconded...

Board Member Montesano stated second.

Chairman Rogan stated discussion...

Chairman Rogan asks for all in favor:

Board Member Taylor	-	aye
Board Member McNulty	-	aye
Board Member Montesano	-	aye
Board Member Cook	-	aye
Chairman Rogan	-	aye

The motion carried by a vote of 5 to 0.

Chairman Rogan stated okay...

Rich Williams stated on to the second one.

Chairman Rogan stated the second one...

Mrs. Ryan stated the pavement.

Rich Williams stated where we started off was a, they were asking for a waiver from the requirement that they have to pave the driveway and you agreed that that waiver request would be limited to just the area of the DEC wetland buffer.

Chairman Rogan stated I make a motion that we approve the waiver request to limit the areas that will not be paved to the areas of the wetland buffer that will be impacted, is that what you just said, for RCA development...

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Taylor	-	aye
Board Member McNulty	-	aye
Board Member Montesano	-	aye
Board Member Cook	-	aye
Chairman Rogan	-	aye

The motion carried by a vote of 5 to 0.

Chairman Rogan stated okay.

Mrs. Ryan stated thank you very much.

Chairman Rogan stated I missed some of what you were saying Charles, I didn't realize you hadn't covered that so I was kind of.

Mrs. Ryan stated thank you.

Chairman Rogan stated thank you Theresa, you too, thank you, enjoy the rest of your summer, it feels like its gone.

**7) PETER MONTELEONE – Concept Review**

Chairman Rogan stated okay, Mr. Monteleone we had discussed at the work session, some concept plans, we were at least notified that the DEC has already been out on site. Haven't confirmed whether the delineation was done because the words that were or what I was told was the DEC was favorable and didn't have any problem with what they were proposing and I said we didn't have any problem either, we wanted the delineation so I wasn't 100% sure that that delineation had occurred but I guess we'll find out. It seems logical that it would have occurred but...

Rich Williams stated well if it would have occurred, I think the next step was you know for us to take a look at it...

Chairman Rogan stated to verify it.

Rich Williams stated and see where it laid out you know really if the applicant wants to proceed forward he does so with his own peril...

Chairman Rogan stated sure.

Rich Williams stated I want the DEC buffer laid...

Chairman Rogan stated right.

Rich Williams stated just so we knew how it would impact his project...

Chairman Rogan stated right.

Rich Williams stated sooner or later that is going to happen, whether he wants to do it on the front end or he wants to spend thousands of dollars in engineering and do it on the back end of the design.

Board Member McNulty stated I had a thought on this, if the wetlands buffer takes a portion of his property, is it within this Board to grant some waivers to alleviate any restrictions within our Code.

Rich Williams stated it's only within your purview to grant, grant relief from whatever restrictions are Town imposed that the Code very specifically allows you to grant waivers on, such as driveway surfaces. There is some leeway...

Board Member McNulty stated that's what I'm getting at...

Rich Williams stated within the wetlands code that allows you to grant some waivers on certain areas, in this case we are talking about State regulation, you have no jurisdiction there.

Board Member McNulty stated I understand but I'm thinking if the buffer lays out and he loses 30% of his property, can we then look at this property and say within the Town Code, impervious surface, height restrictions different things like that, to give him a waiver to may utilize the property better.

Rich Williams stated you can either give him a waiver or a permit...

Board Member McNulty stated special use permit.

Rich Williams stated no, site plan approval, wetlands permit...

Chairman Rogan stated well I think, let me jump in it, a for instance might be if they wanted to go closer to their set backs, front, side, that would be something that would go with a recommendation from the Planning Board to the Zoning Board of Appeals, correct...

Board Member McNulty stated Zoning Board...

Chairman Rogan stated so that would be one way that you might be able to justify that recommendation by the site constraints, how this would lay out within the commercial area that we set up there, so...

Board Member McNulty stated I'm not saying to over build but maybe to compensate some how so he has a tenant that's interested, maybe we can make it work still.

Board Member Taylor stated one of the reasons we were looking off this is comprehensive for all these lots was we knew there were problems in the lots...

Chairman Rogan stated right.

Board Member Taylor stated and we were trying to see if we could, by rearranging some of the problems, we could give him compensation in that way rather than lot by lot.

Chairman Rogan stated and actually Ron, I'm glad you mentioned that because that was a large component of the conversation that we had at the last meeting, at the work session, was looking at the totality of the remaining lots, how the drainage has worked together and looking at what the least functioning areas of the wetlands were that could maybe be impacted greater, maybe looking at some of the more functioning areas and enhancing them, using some of those approaches to, exactly, to look at this from a holistic approach and I think we said it enough that I hope that Mr. Monteleone heard it because he's been coming in with individual applications a lot and we keep saying, the approach was supposed to be we were going to look at all this together and at the end of the day when we were done with this look, everybody would know more, what we're going to fit, what you could build on each lot and we really haven't gotten there yet, we looked now, Rich did you take a look at the plan that Rich put together...

Board Member Taylor stated yes.

Chairman Rogan stated which was fantastic, the overview...

Board Member Taylor stated I was briefed on the discussion.

Chairman Rogan stated that helped a lot I think.

Board Member McNulty stated yeah, it was a good plan.

Chairman Rogan stated and I think we need to proceed with that comprehensive plan.

Board Member Taylor stated and so I would be in favor of doing that rather than doing what Tom was...

Board Member McNulty stated I was kind of...

Board Member Taylor stated asking about.

Board Member McNulty stated being specific to the Black Birch property...

Board Member Taylor stated right, I understand.

Board Member McNulty stated I think it kind of stood alone and the State wetlands buffer imposed most on, I agree we should look at the other lots maybe they can be co-joined at different entrances and...

Board Member Taylor stated but we also may be able to compensate him...

Chairman Rogan stated right.

Board Member McNulty stated yeah.

Board Member Taylor stated for the problems on the Black Birch property.

Chairman Rogan stated right and that discussion...

Board Member Taylor stated and some of the other properties...

Chairman Rogan stated that was a, if you remember, a big part of what we were saying at the work session was, it may be at the end of the day that functionality of the wetland on the Black Birch lot is such that maybe that is the best place to put our energies, our focus towards improving that and maybe eliminating some of the areas, especially the two lots side by side which are incredibly challenged as they site, so I think...

Board Member McNulty stated yeah that steep hill behind them too...

Chairman Rogan stated Mr. Monteleone got the sense...

Rich Williams stated behind Liotta and Stone Hill.

Chairman Rogan stated right.

Board Member McNulty stated yeah.

Chairman Rogan stated and I think he got the sense that we were willing to be flexible but we needed to, you know you need to look at what you're giving up and what you're getting and I think we need to have a plan for that.

Board Member McNulty stated that one Black Birch lot though I think kind of stood alone in the drainage scheme, did it not or did it drain...

Board Member Taylor stated yes...

Rich Williams stated that's the thing, it really doesn't and I keep emphasizing this to Mr. Monteleone and everybody else is that water always is going to flow downhill and if you're going to be looking at areas to enhance wetlands, you want to do it at the low point no the high point, he keeps wanting to focus on maybe doing something, giving up say Stone Hill, well if you're going to eliminate a wetland that is probably the one to eliminate, it's at the high point and its there mostly because you know the drainage put it there and you know the functionality is low compared to you get down to the DEC regulated wetland, it is a much bigger wetland area, it has much greater value for things like wildlife habitat and stormwater degradation, you know so I yeah, I would be focusing if we are going to talk about recreating wetlands, either on the Black Birch site or on the adjacent site which Mr. Monteleone does not own, rather than looking at the top of this hill or even across the street at White Birch, those are areas probably that should be slated for development.

Board Member McNulty stated okay, that is the only comment I have.

**8) ANTHONY BONIELLO – Concept Review**

Chairman Rogan stated okay, we also met with Mr. Boniello and the idea of a concept review for gaining access to the back of his property and I think the ball is in his court at this point.

**9) OTHER BUSINESS**

**a. Levine Site Walk**

Chairman Rogan stated Rich...

Rich Williams stated sir.

Chairman Rogan stated Levine site walk, you had some information.

Rich Williams stated yes, I finally got an e-mail back from Mr. Steve Parisio who is the DEC official who came down and took the soil samples, he let me know that they are still in the process three months later of testing the samples, they are not yet complete.

Chairman Rogan stated okay, well at least we have a response from them.

Rich Williams stated do you have a comment.

Board Member Taylor stated so it we're going through another winter, it looks like.

Board Member Cook stated Rich, you got that verbally or in writing.

Rich Williams stated its an e-mail.

Board Member Cook stated could you...

Board Member McNulty stated forward it to us.

Rich Williams stated sure.

Board Member Cook stated to the group.

Rich Williams stated yes.

Board Member Cook stated thank you.

Chairman Rogan stated feel free to respond back.

**b. Local Law Gas Stations**

Chairman Rogan stated and lastly we have some additional information that Rich prepared for the zoning change for the local laws gas station, discussion.

Board Member Taylor stated one of the things that struck me when I thought about this is that I don't think we should approve a circle because that wasn't really what the intent of what we were talking about; we were talking about things that were there was access to off of [Route] 311...

Rich Williams stated on the circle is just a guide...

Chairman Rogan stated that circle is just the...

Board Member Taylor stated I understand but I think we need to word this so it's not so many feet but it's so many feet along [Route] 311 or something like that.

Rich Williams stated that is the way the local law is written...

Board Member Taylor stated okay.

Chairman Rogan stated it's, is it 2,500...

Rich Williams stated its 2,500 feet with access to [Route] 311...

Chairman Rogan stated so within 2,500 feet.

Rich Williams stated so the property has to have front on [Route] 311.

Chairman Rogan stated within 2,500 feet of the 84, in this case [Interstate] 84 corridor...

Rich Williams stated correct.

Chairman Rogan stated so it only goes so far on the one side of course because of the Town line...

Board Member Taylor stated right.

Chairman Rogan stated it goes the other side towards Fair Street.

Board Member Taylor stated okay and then I just had one other comment which concerned our last meeting, I don't know about the rest of you but I rely on our experts who sit in the audience for information and especially for information to counter some of slanted information we get from that other experts who come before us, the engineers who tend to say things that aren't quite true or can be interpreted in different ways or ignore other things or submit the wrong plans, under the old code and I've felt that the Town Board had put Rich in a bad position of removing his, trying to pressure him to remove his neutrality as a professional to us and I just want to put it on record I think that is not something the Town Board should be doing. I think we need our professionals if they want our opinion we should be able to give a rational, well thought out, grounded opinion, not opinion based on slanted evidence or missing information and I don't know what else to say, I had a statement but I lost in my computer somewhere...

Rich Williams stated well let me just, let me (inaudible) this with my apologies to the Board for you know, not perhaps being, providing full disclosure on everything but we are trying very desperately to get a project up and running in very difficult economic times and run into one hurdle after another so I've become a little bit more guarded on trying to get things up with this project, you know with the direction that I've got that you know, its got to get done.

Chairman Rogan stated I'll just say that when a proposed zoning change affects so few parcels, my opinion is that we should just view, review application for those parcels and recommend the zoning change on a case by case basis, this way we are into the process and we are reviewing the attributes and the positive and negative of the impacts of that application which we have not done in this case. I would be much happier to review a proposed gas station for a specific property owner and go through the motions in full transparency and review it and make the recommendation to the Town Board to change the zoning that is what we will be doing with Mr. Boniello, it is a single application and I think that is an appropriate use of the zoning change when, if this were to impact on thirty-five properties, then I agree that maybe this is the right approach, so I just, I'm not necessarily against putting a gas station in this area, I am against the zoning change in this instance and that, that's, I don't want to say more than I already have...

Board Member Montesano stated do you...

Rich Williams stated if I could just expand on that, this zoning change was in the works prior to any individual person coming forward and indicating an interest in utilizing it so you know I wasn't dishonest when I you know I told the story about I was approached by Eurostyle Marble, that is what prompted this and that is also what prompted you know Ed O'Connor really to say we really need to do something along the Putnam Lake lines as well. This was coming in before somebody expressed interest, now we have somebody that has actually expressed an interest in it.

Board Member Montesano stated okay are we going possibly into this spot zoning gooey mess that can come up.

Rich Williams stated no, well I'll let Mike hit that.

Board Member Montesano stated that's who I was going to dump it on.

Mr. Liguori stated there is a misconception as to whether or not the zoning of one particular piece of land simply qualifies as spot zoning, its spot zoning if it is not in conformance with your comprehensive plan or your master plan, so if you have a comprehensive plan that says we want to rezone these particular areas and gets referred to the Planning Board and you guys paint, kind of like with the Zoning Board, you paint

with a fine brush where the Town Board paints with a broad brush and if you guys say well these are the properties that are the ones that we feel are appropriate then and you zone those particular parcels or a parcel then you're not spot zoning, spot zoning is zoning not in conformance with your plan and plans come about different ways, sometimes they come about through Planning Committees, sometimes they come about through politics, it is just that reality of the function of government...

Rich Williams stated and if I could just expand on that, in a question that it is okay to still do that zoning on a particular parcel, not in conformance with your master plan, comprehensive plan, if in doing so you justify why you are doing it to that particular property and is there quid pro quo between the Town and the developer...

Mr. Liguori stated the quid pro quo aspect is contract zoning, that is illegal, you (inaudible) but there are instances where you could have a rezoning of the same (inaudible) that's not in conformance with your master plan and still isn't spot zoning but again it, what the Town has to do is it needs to set forth a rational basis for why its doing what its doing and that is what gets examined by the court in a litigation, in a spot zoning litigation, well what was the basis for thing is it, there are some things maybe that weren't looked at, at the time or the circumstance changes, there is a quote that gets put in the papers every single time that there doesn't need to be slavish servitude to a plan, times change and that is something that is recognized by the court, the question is while you have to look at the case by case, it is hard to talk about spot zoning in the abstract, it really is, when the case comes before you then you can sit down and say okay well this is you know, did the Town do enough to justify what it did, if it didn't then generally you're going to be in hot water, so that is what it comes down to.

Chairman Rogan stated it makes sense.

Board Member Cook stated I agree.

Board Member Taylor stated comprehensively this looks like, as it first was presented where we were talking about where is there a need for gas stations in Town, Putnam Lake had a particular place where there had been one, it makes sense to have one again, are there other places in Town, we have enough on [Route] 22, what about on [Route] 292, what about on Fair Street, if this looked at and from that perspective as an analysis of the whole Town where there should be gas stations it would function to serve the people of the Town, this interchange makes sense to have gas stations at this interchange and I have no objection to that, I just object to what go added in later on, which almost seems like a quid pro quo in some ways in terms of the way the Town is reacting this potential from money from this developer, it is a little too much sticky politics being inserted into a rational process, so I guess I don't share your feeling about because I see it as if it is presented as this and Putnam Lake and an analysis if there is really no place else, I mean we talked about it a little bit, there is no place we can put something along [Route] 292...

Rich Williams stated [Route] 292 for the most part is a residential area and you really want to keep your gas stations isolated away from your residential areas...

Board Member Taylor stated yes, the same problem with Fair Street...

Rich Williams stated exactly.

Board Member Taylor stated something on Fair Street, we could one on Ice Pond Road, that would be the other outlet where everybody goes out of Town...

Board Member Montesano stated we did have a nice one [Route] 311 many years ago and that got removed, shall we say...

Rich Williams stated and the only other place to consider is the south end of Town, along Route 22 but you go right over the line into Southeast and you have one right after that other...

Board Member Taylor stated right, so I would, we had that discussion and it seems like these are the two places that make sense to have them.

Board Member McNulty stated politics aside, I think the economics of a gas station in that area makes a lot of sense.

Board Member Taylor stated yes I agree.

Andrew Fetherston stated for the interstate traveler...

Board Member McNulty stated interstate traveler and also in Putnam Lake to be a little bit more competitive for them.

Chairman Rogan stated are we finished with discussion, yes...

Board Member Taylor stated yes.

Board Member McNulty stated yeah.

Chairman Rogan stated does anybody have a motion.

Board Member Cook stated I'll make the motion that the Planning Board respond to the Town Board with a positive recommendation with regard to the proposed Chapter 154 zoning amendment relative to gas stations both in the Putnam Lake area and the [Route] 311 and [Interstate] 84 interchange.

Board Member Montesano seconded the motion.

Chairman Rogan stated Michelle, can I have a roll call vote please.

Roll Call Vote:

Board Member Montesano	-	yes
Board Member Taylor	-	yes
Board Member McNulty	-	yes
Board Member Cook	-	yes
Chairman Rogan	-	no

The motion carried by a vote of 4 to 1.

Chairman Rogan stated motion carries, thank you...

**10) MINUTES**

Chairman Rogan stated we have minutes that Michelle worked very hard on...

The Secretary stated no, you don't.

Board Member Montesano stated no, we don't.

Board Member McNulty stated no, we don't.

Chairman Rogan stated we do, we have them from last month, you don't want to approve those twice, and they were very good.

**Putnam County National Bank Bond Release Request**

Board Member McNulty stated we have this letter is that on the agenda...

Chairman Rogan stated what's that, the bank.

Board Member McNulty stated from the Putnam National Bank.

Chairman Rogan stated we sent a response letter...

Board Member Cook stated which was...

Chairman Rogan stated we got copied on it, which Rich, do you want to...

Rich Williams stated essentially on behalf of the Chairman I drafted a letter per his signature for him to review which said to the bank that within our code there is a time limit on the time that a site plan is allowed to run and we are way past that, it is still possible for the Board to renew that because we find that the project and would like another project on Front Street, between Kathy Pettey's building and the frame shop, the vacant parcel...

Board Member Cook stated okay.

Board Member Taylor stated you didn't give us an address.

Rich Williams stated no, I'm sorry but that project is an important one to the Town and the Planning Board would generally be still interested in seeing it move forward and would probably consider re-upping the approvals or extending the approvals however that could not happen should there not be a bond in place and if he, you know is giving up the project at this point, then certainly he would be entitled to his bond back and the Board will take an action at the next meeting but he should consider that.

Chairman Rogan stated and that letter was drafted after our discussion at the work session, (inaudible) a copy of all that, it puts them on notice and says hey if you want to pull the bond just know what the implications are to it.

Board Member Taylor stated right and he didn't say that he was withdrawing the application.

Rich Williams stated yup, I think he just wants his money back and he'll sit on that.

Board Member McNulty stated so we just make ourselves clear that that is the situation if he pulls his bond.

Chairman Rogan stated it puts the cards on the table and lets everybody know where we stand...

Board Member Taylor stated okay.

Chairman Rogan stated that's good so and we can copy that, actually you probably can e-mail it if you have it on, e-mail it to the rest of the Board just for Charlie's records.

Rich Williams stated I do, we just have to get your signature on it and give him a copy.

Chairman Rogan stated great, anything from anyone else.

Board Member Taylor stated have we heard from Watchtower.

Rich Williams stated no, I thought they were going to be in by now but no we have not.

Board Member Taylor stated they were wanting to break ground in March, okay.

Board Member Montesano stated (inaudible).

Board Member Taylor stated its not like we said no...

Board Member McNulty stated which applicant was there.

Board Member Taylor stated Watchtower...

Board Member McNulty stated they did break ground, I've seen them digging out there in the swamp, I passed the other day...

Ted Kozlowski stated yeah what is going on there...

Board Member McNulty stated they were digging away down in the west half of [Route] 22.

Ted Kozlowski stated (inaudible).

Rich Williams stated they are, yes, they are putting in their new well field, that was all reviewed by the Board two years ago.

Chairman Rogan stated oh right, okay.

Board Member McNulty stated and I just had a question, this violation Martin Ruballas, it looks like another situation like a contractors storage yard.

Rich Williams stated where is it.

Board Member McNulty stated on Fair Street.

Rich Williams stated oh yeah...

Board Member McNulty stated 550 Fair Street.

Rich Williams stated I haven't actually been out there, its on the corner of Fair Street and, oh god, what is that subdivision out there, Highview Drive...

Chairman Rogan stated Highview...

Rich Williams stated yeah.

Board Member McNulty stated Highview.

Rich Williams stated yeah, as it comes out on to Fair Street, yeah Nick's issued the violation...

Chairman Rogan stated residential area.

Board Member McNulty stated okay, so that's...

Board Member Taylor stated and we had some letters about McManus Road property, the way, that was a couple of months ago...

Chairman Rogan stated over by your house...

Board Member Taylor stated yeah, a couple of months ago you went out and looked at it, has anything happened with that.

Rich Williams stated (inaudible).

Board Member Taylor stated that one up on the hill.

Chairman Rogan stated oh, it's really off like what [Route] 164 but it's a McManus [Road] address because of the frontage or something...

Ted Kozlowski stated Peder Scott's property. I sent him an e-mail and cc'd Rich on the e-mail response, there is a wetland issue there and on the bottom of the hill and it's got a stream coming out and there's like an old well house or pump house or something right there and there is a wetland area so you know I told him that he'd have to have that delineated and have to see if its big enough to be called a wetland but he's got a stream coming through, its coming through those two properties underneath and in and then it drains down at the base of [Route] 164 where he wants to put the septic, so he's got some challenges ahead and I haven't heard from him since I sent that e-mail a few months ago, its been a long time...

Board Member Taylor stated okay.

Chairman Rogan stated yeah.

Board Member Taylor stated and any action on the, your list...

Board Member Cook stated the what.

Board Member Taylor stated the list...

Board Member McNulty stated the project updates.

Chairman Rogan stated you're supposed to complete your list before you retire.

Board Member McNulty stated close it out before you retire.

Board Member Cook stated I will have it prepared for Michael by next meeting.

Board Member Taylor stated okay.

Chairman Rogan stated Charlie keeps a nice list of outstanding projects that we're waiting to hear back from and he usually us on, usually get these guys on task to what their progress is.

Board Member Montesano sated and that will be Tom's job in the future so he better start paying attention.

Board Member McNulty stated wait, what's that.

Board Member Montesano stated you're sitting on that side of the table.

Chairman Rogan stated motion to adjourn...

Rich Williams stated wait, before you do that, do you want to talk about the training issue and Ron...

Chairman Rogan stated oh yes, thank you for bringing that up. I had asked about the amount of money in the budget, it sounded like we had about three hundred dollars in the training line...

(Side 1 Ended – 7:55 p.m.)

Chairman Rogan stated okay so we have three hundred dollars in the training line left for the year and I asked Michelle how much the cost of the conference was and it depends on lodging correct...

The Secretary stated yes.

Chairman Rogan stated but it sounded like Ron, you might be amendable to the idea of going to the training and basically using up whatever we can in that line and maybe we can even get something from another line and seeing where we stand.

Board Member Taylor stated does anybody else want to do.

Rich Williams stated what other line do you have.

Chairman Rogan stated the equipment line, pencils, pens, those sorts of things, we're all using Maser's so don't blame us.

Rich Williams stated what other line do you have.

Board Member McNulty stated site walks.

Board Member Cook stated how much is the conference...

The Secretary stated you can't take my office supplies budget I love them.

Chairman Rogan stated Michelle, the conference itself is a hundred and...

The Secretary stated its I think, I have it on my desk hang on, I'll get it.

Chairman Rogan stated it wasn't that much...

Board Member Montesano stated is it the conference...

Board Member Taylor stated it is in Albany.

Board Member McNulty stated where is it in Albany.

Board Member Taylor stated that is why I'd be willing to do.

Board Member Montesano stated its cheap enough but it's the overnight stay and...

Chairman Rogan stated in their hotel especially they try to milk you for but the ones we've gone in the past to Lake Placid is where we went...

Board Member McNulty stated that's where we went last year, Mike and I went...

Board Member Montesano stated yeah this is the same conference, this is the same conference.

Board Member Taylor stated where you guys went last year...

Chairman Rogan stated I went years ago.

Board Member Montesano stated yeah we went years ago, you've got...

Mr. Liguori stated yeah I'll take classes...

Board Member Montesano stated this one is being held in Albany, sometimes they are held up in Lake George, sometimes they're...

Board Member Taylor stated but you think its worth going to.

Board Member Montesano stated this one, yes.

Chairman Rogan stated Ron...

Board Member McNulty stated Ron...

Chairman Rogan stated there are too many people talking.

Board Member McNulty stated it was good for me to see how other, the overall state sees things.

The Secretary stated it depends on what you go up for, the registration is \$110.00, if you're not staying at the hotel and you want Sunday reception its \$27.00 or Monday lunch is an additional \$25.00. So, it's like a hundred and forty bucks to go up there and that doesn't count lodging which is, if you go for one its \$212.00, if you got for two nights it's \$397.00.

Chairman Rogan stated and there's probably, you're in Albany which has piles of hotels all over the place, you probably go with the same hotel if you go online and look for a reservation, you can probably get it for 89 dollars.

Mr. Liguori sated right.

Chairman Rogan stated you know...

The Secretary stated its being held at the Crowne Plaza in Albany City Center.

Board Member Montesano stated now does that reservation include meals.

The Secretary stated it includes one breakfast, one lunch, afternoon and morning break and then I think that may be it.

Board Member Taylor stated I'm better off eating on my own then eating hotel food...

Chairman Rogan stated well you could registration and then do like a night, take a look at the opportunities for lodging in the area.

Board Member Taylor so can I submit a bill for lodging separate from the conference, we don't have to buy it through the conference do we.

Rich Williams stated there is a conference request form that you're going to want to fill out your mileage, your hotel you know, the conference on that gets approved by the Town Board.

Board Member Taylor stated right, but we don't have to order it through the conference is what I'm saying.

Rich Williams stated yeah, you don't have to order it through them.

Chairman Rogan stated especially if you're trying to save money.

The Secretary stated and everybody got this, the registration, the last two pages are the conference registration and the lodging...

Chairman Rogan stated which you can do for Ron.

The Secretary stated I can do it for if you'd like.

Chairman Rogan stated I'd recommend you go...

The Secretary stated just tell what you want to do and (inaudible).

Chairman Rogan stated not because I think you need but because it's very interesting.

Board Member Taylor stated the last one was interesting...

Board Member McNulty stated its worth it Ron.

Board Member Taylor stated the one the three of us went to was very interesting, all right so let's work it out and if no one else wants to go then make it happen.

Rich Williams stated you need to let us know what you want to do as far as the cost...

Chairman Rogan stated right.

Rich Williams stated and then we can take a look at you know maybe we can steal some money from the Zoning Board training line or...

Chairman Rogan stated there might be, you know...

Rich Williams stated they're not doing anything.

Board Member Montesano stated we're requisitioning.

Chairman Rogan stated if no one is looking to go.

Board Member Cook stated maybe there is...

Ted Kozlowski stated take it from my training line, I have five hundred dollars that I don't touch.

Board Member Montesano stated you have to use requisition as the word.

Chairman Rogan stated thank you Ted.

Board Member Cook stated thank you Ted.

Chairman Rogan stated but we're not talking about the full, just trying to make this happen so Ron can do.

Rich Williams stated yeah.

Board Member Taylor stated than I'll price out some hotels.

Ted Kozlowski stated but take it from mine.

Chairman Rogan stated what its going to cost you Ron is that when you come back you're going to have to do a one hour training with the rest of the Board and enlighten us and we're going to put in for our hour of training.

Board Member Taylor stated fine, then I charge you forty dollars each and that makes up for the, yeah, okay.

Chairman Rogan stated yeah.

Board Member Montesano stated we used reverse psychology on that, you have to pay us.

Rich Williams stated also want to bring to your attention, you know last year went through this with the budget, we had a thousand dollars in there for a training line, with some of the training you're going to and you're getting more active in training even a thousand dollars may be light and the Town Board cut it down to \$750...

Chairman Rogan stated right.

Rich Williams stated and that's really why we're talking, having this conversation, it is also budget time again, I'm starting to prepare that budgets you know if you have any input, certainly we welcome any input, we will show you what your budget lines are going to be next year, that being said when it gets to the Town Board you know nobody's there saying you know you can't cut our budget like this.

Chairman Rogan stated well I think everyone recognizes the economy and we're trying to make due with whatever we can, if we can send one Board Member to a yearly Planning Federation training, I mean that, that is something worthwhile...

Board Member Montesano stated it's always nicer to have more than one going, you need that second opinion.

Chairman Rogan stated no, I agree.

Andrew Fetherston stated Maser Consulting just started Maser University, what we're doing is we're doing webinars with a very large firm that spans the gamut we have structural guys, environmentalists, we have planners, we have all kinds of different specialties where these guys need or are required to get training, just like attorneys do, the same thing. I can take a look and see if there is Planning Federation type classes or something that would count toward being a Planning Board Member in New York State...

Rich Williams stated not so much the New York Planning Federation but the American Planning Federation and the Center for Watershed Protection, there is a number (inaudible) do planning related webinars, they are usually between the hours of 12 and 2:30.

Chairman Rogan stated okay.

Andrew Fetherston stated well these webinars, I sign on any time 24/7 and we could, I could see, I'm sure my firm would be amenable to doing this, to helping out Boards you know that we're working with...

Chairman Rogan stated sure.

Andrew Fetherston stated you know, take a Saturday or an after hours, or something like that we'll get dinner, we get a couple of pizzas and watch a seminar but you have to take a test as you do it, you're questioned on but let me see if there is something that directly applies to this and I can see if we can do it for no cost really, its part of my firm.

Chairman Rogan stated great, you know it goes back to what we talked about earlier last year as we went down, we spent that nice morning with down at Lasdon, great wetlands experience, just everybody kind of getting their feet wet and not having the pressure of an application just looking at what it is...

Andrew Fetherston stated let me see what that would be, I would set yourself up for this conference but let me see what I can do, let me talk to them.

Chairman Rogan stated but we can still get three good trainings over the next couple of years out of you gentlemen right here, we can do a half hour some time after, like this where we set up and say okay let's do a little of training Planning Board related for you know the legal aspect, how to build a better record, how to keep us out of trouble, things like that.

Mr. Liguori stated even just to look at the various sections of Town Law that applies to the Planning Board.

Chairman Rogan stated yeah that would be great and that would all, that all applies towards us getting out credit for the year, it's just documentation really, right it's saying what you're doing.

Board Member Montesano stated do we have, excuse me, does the Town Board ever give us credit for attending the classes.

Rich Williams stated we keep a log, yeah.

Board Member Montesano stated yeah I know we keep a law but...

The Secretary stated all of your attendance stays in your personnel file.

Board Member Montesano stated you have accreditation from the Planning Federation and from the State, that was those forms that we had picked up...

Chairman Rogan stated yeah.

Board Member Montesano stated but the Town has to pass the law that says we are giving credit for attending these classes.

Chairman Rogan stated oh.

Board Member Montesano stated and that is where we've always had that stop for some reason, its not a spectacular thing, it just says that the Town of Schmokingo agrees that these people attended this seminar, the guy there signs it and you get credit for it.

Board Member Cook stated acknowledgment.

Chairman Rogan stated yeah.

Board Member Montesano stated where we give, we may say yeah it's in our file that we attended but that's like, that extra little piece comes in handy of course it's a double edge sword because theoretically if you are supposedly trained, now you can be slapped hard, so that is another thing to look at.

Chairman Rogan stated all right let's give Michelle a break here on the minutes.

Board Member Montesano stated motion to adjourn.

Chairman Rogan seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Taylor	-	aye
Board Member McNulty	-	aye
Board Member Montesano	-	aye
Board Member Cook	-	aye
Chairman Rogan	-	aye

The motion carried by a vote of 5 to 0.

The meeting adjourned at 8:03 p.m.