

**TOWN OF PATTERSON
PLANNING BOARD MEETING
September 1, 2005**

AGENDA & MINUTES

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Planning Board
September 1, 2005 Meeting Minutes

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

Present were: Chairman Herb Schech, Board Member Mike Montesano, Board Member Dave Pierro, Board Member Shawn Rogan, Board, Board Member Maria Di Salvo, Rich Williams, Town Planner, Gene Richards, Representative from Town Engineer's Office, Anthony Molé, Town Attorney and Ted Kozlowski, Town ECI.

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

There were approximately 27 audience members.

1) DINGEE WETLAND WATERCOURSE PERMIT – Public Hearing

The Secretary read the legal notice.

Mr. Dingee was present.

Chairman Schech asked Mr. Dingee to make his presentation to the audience.

Mr. Dingee stated my name is Mark Dingee and I applied for a wetlands permit because I have a lot of wetlands on my property, twenty acres obviously not all cleared. I would just like to put an above the ground pool in what they consider the buffer zone that is why I applied for the permit.

Chairman Schech asked is there any questions from the audience. There were no questions.

Chairman Schech asked for a motion.

Board Member Rogan made a motion in the matter of the application of Dingee Wetlands Watercourse Permit that the Planning Board closes the public hearing. Board Member DiSalvo seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 5 to 0.

Board Member Rogan asked Ted were you able to get out there and take a look at the trees.

Ted Kozlowski replied no not with that particular thing. I met with Mrs. Dingee and spoke with them several times. We discussed the location of the pool. I don't have a problem of the location of the pool because it is in a lawn area that has already been cleared when the house was built years ago. My conditions would be and I discussed this with your wife; the tree line which is the natural forest which separates the lawn from the wetlands that should remain. That should be the area that signifies the buffer zone. The only question I would have is we discussed two trees that would be removed I don't know if there are more being removed but we certainly don't want to remove that forest buffer and that I did discuss with your wife on the site and that is why we picked that one particular site because it was pretty much in full sun all day and the trees were not an issue.

Mr. Dingee stated right.

Board Member Rogan stated we also asked you to either supply or go out it probably would be better if we could get you to go out to the site one more time and actually spell out which trees and then mark the tree line with your wetland markings. It is just little triangles about this big but it would actually be a good demarcation in case you sell the property a couple of years from now.

Ted Kozlowski stated actually I wanted to wait for this public meeting because it was unclear to me at our work session whether this was going to be an above ground or an in-ground and the in-ground would involve more site disturbance but Mr. Dingee, I met with him on the way in this evening and you indicated it is an above ground pool so the site disturbance is considerably less. What I would like to do is meet with you and your wife and or your wife and identify the trees to be marked that will be removed and then the conditions of the permit that I would make as a recommendation to the Board would be this is it. This is the area for the pool; this is the area that you leave untouched.

Chairman Schech asked do you want to give us the conditions.

Mr. Dingee stated I am not looking to push my property back or anything like that.

Ted Kozlowski stated that is the condition and I will have that in writing and I will supply it to Rich because he will do up the permit.

Rich Williams stated I got it.

Board Member Rogan made a motion in the matter of the Dingee Wetland Watercourse Permit that the Planning Board grants a negative determination of significance of SEQRA and grants the wetlands

watercourse permit to include no additional removal of trees with the exception of the two that the Wetlands Inspector will designate and to also post the wetland delineation markers on the existing tree line, no further entrance into the wetlands for construction activities. Board Member Montesano seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 5 to 0.

Board Member Rogan stated thank you for your time.

Mr. Dingee thanked the Board.

2) **TRONCONI WETLANDS WATERCOURSE PERMIT – Public Hearing**

No one was present the application.

The Secretary stated Tronconi did not come in and pick up the notice of public hearing, and notify the adjacent property owners so we cannot have a public hearing.

Board Member Pierro asked do we need a motion on this to postpone it.

Chairman Schech replied no.

Rich Williams asked do you want to re-schedule the public hearing for the next meeting and I will send a written notice.

Board Member Rogan stated let's do it.

Chairman Schech stated I would put it on them not you.

Board Member Rogan stated what you are saying is we have to schedule a public hearing.

Board Member Pierro made a motion in the matter of the Tronconi property that the Planning Board reschedules the public hearing to October 6, 2005. Board Member DiSalvo seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	aye
Board Member Pierro	-	aye
Board Member Rogan	-	aye

Board Member DiSalvo	-	aye
Chairman Schech	-	aye

Motion carried by a vote of 5 to 0.

3) FRANTELL SITE PLAN – Public Hearing

The Secretary read the legal notice.

Ms. Theresa Ryan, Insite Engineering and Joe Mansfield, Architect was present representing the Applicant.

Ms. Ryan introduced herself and Joe Mansfield, Architect for the project.

Ms. Ryan stated the project is located on Route 22. It is in the C-1 Zone. What we are proposing is a 22,500 square foot retail building with associated parking, stormwater management areas and septic areas. The application is for a site plan approval. We are going to need a Special Permit from the Town Board and we are also requiring a wetland permit for some wetland disturbance associated with grading with the stormwater basin and adjacent to the parking area. It is a very minimal amount. The original application had hard improvements such as building and parking in the wetland, everything was pulled out and we have a very minimal amount of wetland buffer disturbance now. There is no wetland disturbance at all. That is it.

Chairman Schech asked any comments from the audience. There were no comments from the audience.

Chairman Schech stated Edie you are very quiet.

Board Member Rogan made a motion in the matter of Frantell Site Plan that the Planning Board closed the public hearing. Board Member Pierro seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 5 to 0.

Chairman Schech asked did you receive the letter from DEP.

Ms. Ryan asked DEP or DEC.

Chairman Schech replied DEP.

Ms. Ryan replied no.

Chairman Schech stated they want to witness deep holes.

Ms. Ryan replied that one yes. We did have the holes witnessed last week and one of the other items that they needed on there for completion was a SEQRA determination or something from the DEIS so we are asking that the Board consider a SEQRA determination tonight.

Board Member Rogan stated Theresa; one thing that I thought was interesting was the wetlands analysis that was done back in 92 that we are going to update because the project has gone through so many different changes.

Ms. Ryan stated we have asked Lou to retain a Wetland Consultant, we recommended Beth Evans because I guess they have the history with this project. They go way back to 92 like you said. I think they also updated something in 99 but as you said, it was a long time ago. We have asked him to retain them. They sent him a proposal it is just a matter of him signing it and them getting to work.

Board Member Rogan stated it looks like we are down to a lot of stormwater issues.

Chairman Schech asked first do we grant the wetlands permit.

Ted Kozlowski stated Herb, I spoke with Theresa earlier in the week and I spoke with Rich too, hopefully Beth Evans will revise the 1992 Functional Analysis that was done. It needs to be updated it is thirteen years old and I wanted to see a planting plan for the detention basin.

Ms. Ryan stated we have asked them to handle that too because it is going to be wetland vegetation.

Ted Kozlowski stated but the Applicant has made significant progress in pulling everything out.

Chairman Schech stated but we still need some work done.

Ted Kozlowski stated yes.

Chairman Schech stated so we can put off the wetland permit for a while.

Board Member Rogan stated yes we can do the neg dec.

Board Member DiSalvo made a motion in the matter of Frantell Development Site Plan that the Planning Board of the Town of Patterson finds that the proposed action will not have a significant impact on the environment and hereby issues a negative declaration of significance. Board Member Rogan seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 5 to 0.

Ms. Ryan thanked the Board.

Board Member Montesano asked can I ask a question; we are giving it a negative dec now and we still have a wetlands permit that we have to investigate.

Board Member Rogan replied yes but this project is pretty well nailed down Mike.

Rich Williams stated we do have a functional analysis on the wetlands. It has under gone considerable review; we are just looking to update that report.

Ted Kozlowski stated this is like the half the size as originally proposed.

Board Member Montesano stated just checking thank you.

Ms. Ryan thanked the Board.

Board Member Rogan stated it was a good question Mike.

4) PUTNAM COUNTY NATIONAL BANK SITE PLAN – Public Hearing

The Secretary read the legal notice.

Ms. Theresa Ryan, Insite Engineering was present representing the Applicant.

Ms. Ryan stated the project Architect could not make it tonight, Kurt Johnson. I have a copy of his drawing I will try to represent it if anyone has any questions about it.

Chairman Schech asked do you have something that you could paste up there.

Ms. Ryan stated the project is on Front Street in the Hamlet. It is on .26 acres in the GB-Zone. What we are proposing is a 3,200 square foot footprint for a retail office building. The lower 3,200 square feet is proposed to be retail and the second floor is proposed to be office building. At one time, I guess there is three individual lots at one time they were all developed with residential units and they were raised and now we are proposing one building and upon approval, we are very hopeful we will combine those lots into one. We have six parking spaces on site. It is very limited because of the size of the property. We have one loading space on site and we have eight spaces that we are re-striping along Front Street, along the frontage and we are going to provide two handicapped spots, which are not available right now.

Chairman Schech asked do you want to show them the picture of the proposal.

Ms. Ryan flipped the plans to the architectural drawing.

Ms. Ryan stated this is the building that we are proposing. This is the front of it, which will face Front Street. It will have clapboard siding. It will beige color, white trim with a charcoal shingled roof. This is a cross section to the side view basically there will be a false roof in the front and partially on the side so

mostly what you will see is roof and the front of the building as you come down Front Street. The back of it is just going to have a flat roof, which is visible from the rear property lines. This is the first floor plan. Basically, the ability is to break it up into four separate tenant spaces or two separate tenant spaces however, it works out. This is hopefully what the building will look like in relation, the Architect took pictures of the existing buildings on Front Street and hopefully this will fit in with the architecture there. There are two significantly different buildings on either side of it. This is some of the aspects of this building that are very similar with this building that we are in right now, the Town Hall with the tower and the clapboard siding. Hopefully that will blend in with the neighborhood.

Chairman Schech asked any comments from the audience.

Brian Callahan stated his name. I just wanted to ask if this is all commercial that she is proposing or is there going to be allowance for apartments on the top.

Ms. Ryan stated no it is supposed to be just retail,

Chairman Schech stated that is office.

Mr. Callahan asked it is supposed to be or is it going to be.

Ms. Ryan stated retail and office is what it is proposed to be.

Mr. Callahan replied thank you.

Brian Benedict stated his name. I am a proprietor on Front Street. You said you had six parking spaces on site are you referring to the back of the building or.

Ms. Ryan replied yes there is three here parallel parking and there is three right here.

Mr. Benedict stated because as a merchant one of the few, where I am down from your site it is really tough having parking. We have so many residents in these apartments and some of them have two cars. Somebody goes to work and the cars are all in front of my place. I can't unload my truck safely. I am always sticking out and you know if we are going to have retail in this Town people have to have a place to park. I have people come by and they say, gee you know I was going to come in but you were so busy.

Board Member Rogan stated and you were not busy.

Mr. Benedict stated not busy it is all the residents who park there. They park their trucks do you know what I mean. It is very tough so I hope in the scope of things when they fix this parking maybe you could take into consideration the other end of the retail district and maybe do something or enforce some of the regulations of limits. It says one hour time limit there. I realize residents have to have vehicles but it is very hard. In this day and age, nobody wants to park down in the railroad station and walk up to my place especially if they are bringing kids. I have a lot of families come in my place. I just wanted to know about the parking that is all.

Chairman Schech stated if they are parking there twenty-four hours, it shouldn't be and something should be done. I would definitely talk to the Town Board also.

Board Member Rogan stated it is a good comment. We have someone from the Town Board here it was probably noted.

Councilman Edmond O'Connor stated I made a note.

Board Member Rogan stated it brings up a really good point because we have spoken about revitalization of Front Street, we have been talking about this for years and tying in all these pieces and knowing that there isn't adequate parking and trying to figure out how to make a community center that is a walkable community where people do get out of their cars and do walk up and down Front Street. This is all part of the process. I think we are working towards that goal.

Chairman Schech asked any other comments.

Mr. Benedict stated one thing that I should add because it is a business district with the all the residents that are there in the last six to eight months there is a tremendous influx of little kids under the age I will say eleven. Little kids want to ride bikes, want to play in the street that is a problem too. On the way down here, I just saw two quads on the sidewalks that were so very controversial not too long ago. Kids want to play but it is a business district what are we going to do here; little babies in strollers and stuff. There is just this influx of people in that business area and it could be a safety issue too.

Chairman Schech asked any other comments. There were no more comments.

Board Member Montesano made a motion in the matter of Putnam County National Bank Site Plan that the Planning Board closed the public hearing. Board Member Pierro seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 5 to 0.

Rich Williams stated Mr. Chairman if I might, there was one issue I want to remind you of we talked about at the work session and that is the issue of the placement of utility signs and poles.

Board Member Rogan stated it seems that looking at the plans that you are showing the telephone poles in the walkway, and one idea we thought, I mean I hate walking down a sidewalk, I don't tend to pay attention too well when I walk down sidewalks I am probably not the only one to walk into one but is it possible to put them just off the curb into the street but have them right on the demarcation of a parking spot because when people pull in right on the line there is enough room for a pole there.

Ms. Ryan asked are you talking about the parking signs or the pole.

Board Member Rogan replied the utility poles.

Board Member Pierro stated yes if we could put the pole right into the line so that it would not be a hindrance to park.

Ms. Ryan stated sure it is NYSEG's call but certainly we can propose it.

Chairman Schech stated just off the sidewalk.

Ms. Ryan stated sure.

Board Member Rogan stated so in other words we can do our best and NYSEG can just put them wherever they want like they have done in so many other instances actually or Verizon for that matter.

Rich Williams asked you are okay with the utility signs being placed in the sidewalk. You don't want them on the edge of the curb.

Board Member Rogan replied edge of the curb minimum if not right on.

Ms. Ryan asked the what.

Board Member Rogan replied the utility, Rich Williams replied the signs.

Chairman Schech stated you are better off if you put them right on the edge too because you walk into a sign it hurts more than the pole.

Ms. Ryan asked you actually want them in the pavement.

Board Member Rogan asked in other words if you are saying a parking sign,

Chairman Schech replied yes just against the curb in the pavement.

Board Member Rogan stated yes we can get them on.

Gene Richards stated Herb, I had talked to Rich about this last week and did a little study of it and I think we can get some of the signs placed back behind the sidewalk. I can meet with Theresa and discuss that. There may be one or two other signs that would still be within the sidewalk just because of their placement along the street. Those maybe we can push up front towards the curb.

Board Member Pierro stated there may be some locations between the building and the sidewalk area. I am sure you are not going to want to have a sign in front of a window but there may be a proper placement or placement that would be more palatable then right in front of a glass window of a shop.

Ms. Ryan stated there are some support posts maybe some of them can line up with those and right on the posts. We can work that out.

Board Member Pierro stated we appreciate you looking into that Theresa.

Chairman Schech stated in other words we really don't want to see them on the sidewalk.

Ms. Ryan stated we would also like a SEQRA determination on this project and a referral to the Town; no we don't need the Town Board on this one. We needed a Town Board referral on Frantell or can we just go for the Special Permit.

The Secretary stated you go to the ZBA.

Rich Williams stated the Zoning Board of Appeals.

Ms. Ryan asked did we need a referral on that or can we just go.

Rich Williams replied you can just go.

Board Member Rogan stated from an environmental standpoint I feel more comfortable about this than the last one that we just did a neg dec. This is straight forward.

Board Member DiSalvo made a motion in the matter of Putnam County National Bank that the Planning Board of the Town of Patterson finds that the proposed action will not have a significant impact on the environment and hereby issues a negative declaration. Board Member Montesano seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 5 to 0.

Ms. Ryan thanked the Board.

5) COUCH ROAD SUBDIVISION

Mr. Joe Buschynski, Bibbo Associates was present representing the Applicant

Board Member DiSalvo asked we don't have anything on it do we.

Board Member Rogan stated I don't remember having much on this other than the DEP letter.

Rich Williams stated if I might there isn't anything the Applicant is here tonight just for the SEQRA determination so that they can proceed with the Town Board variance request.

Chairman Schech stated so we didn't do SEQRA on this yet.

Board Member Rogan stated no we are doing it.

Board Member DiSalvo made a motion in the matter of Couch Road Subdivision that the Planning Board of the Town of Patterson finds that the proposed action will not have a significant impact on the environment and hereby issues a negative declaration. Board Member Montesano seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 5 to 0.

Mr. Buschynski thanked the Board.

6) KESSMAN BROTHERS SUBDIVISION

Ms. Theresa Ryan, Insite Engineering was present representing the Applicant.

Chairman Schech asked Kessman, we just have to schedule a public hearing.

Board Member Montesano made a motion in the matter of the Kessman Brothers Farm Subdivision that the Planning Board schedules the public hearing on October 6, 2005. Board Member DiSalvo seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 5 to 0.

Board Member Pierro asked Rich, one question the last time the Kessman's were in we asked for a descriptive letter has that been provided.

Rich Williams replied at the Board's request I did contact the Applicant's representative and relayed your request.

Ms. Ryan stated that was submitted right after the meeting.

Rich Williams stated okay I think we were looking for a little bit more detail.

Ms. Ryan stated we did not get that direction.

Rich Williams stated I will be more specific.

Board Member Pierro stated there were a couple of items on the site, we wanted a better description of what was there to sort of memorialize the uses that were going on.

Board Member DiSalvo stated who was living in the house trailer and,

Ms. Ryan stated I think they put who was living. It was in one of those letters, right after that meeting they submitted a letter clarifying who was living in the building but if you want to be more specific about what you want.

Board Member Pierro stated I think you ought to consult with Richard during the week.

Ms. Ryan asked Rich do you know exactly what they want.

Rich Williams stated yes.

Board Member Pierro stated we have discussed this at nauseum with Rich. I did not see the letter, I think I did see the letter that they brought in but we wanted a little additional information.

Ms. Ryan stated there was one and then they revised it and sent it in.

Chairman Schech stated he gave us additional information verbally also but we want to see it in writing.

Ms. Ryan thanked the Board.

7) REGAN/ALLSTATE SIGN APPLICATION

Mr. Regan was present.

Mr. Regan stated I would like to amend my sign application from the stand alone sign to be placed on the marquis and continue with my other sign application for a sign on the building itself, the store front.

Chairman Schech stated and you know the colors that we have in the Hamlet.

Mr. Regan replied yes the blue and white.

Board Member Rogan stated you can use the blue it just has to be like a colonial blue.

Mr. Regan stated right it is the same color of the signs that I went around and took pictures of.

Board Member Rogan asked what was your name.

Mr. Regan stated John Regan.

Board Member Rogan asked so what you are saying is instead of having the stand alone mounted on a four by four posts you are going to take the same sign but put it on the marquis that exists.

Mr. Regan replied that is correct.

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

Board Member Rogan asked so the sign that will be on the marquis will be six feet by two feet, twelve square foot total.

Mr. Regan replied no the sign on the marquis is a small I don't know the exact dimensions at this time but it is an existing marquis that the signs have been there.

Board Member Pierro stated it can't be any bigger than the ones that are already on the marquis.

Mr. Regan stated that is right they are the same size.

Rich Williams stated if I might interject I have taken a look at it as it has been placed on the marquis and it conforms with the other similar signs that are on there in size and shape so it fits in well.

Board Member Rogan stated I have no problems.

Board Member Rogan made a motion in the matter of the Regan/Allstate Sign Application that the Planning Board grants a negative determination of significance of SEQRA and approves the sign application to include one, building mounted sign and one sign on the marquis. The total square foot not to exceed,

Board Member Rogan asked what is the square footage for the building is that the six by two.

Rich Williams replied it is in my memo.

Board Member Rogan continued with the motion and stated not to exceed the square footage listed in the Planner's memo dated August 25, 2005. Board Member Montesano seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 5 to 0.

8) COSTA'S BAR AND GRILL SIGN APPLICATION

Mr. Costa was present.

Mr. Costa stated my name is Angelo Costa I am purchasing the old Tavern 22. I am here for a sign application. It is going to be four by six. It is just going to be taking one sign down and putting one up.

Board Member Rogan stated four by six, twenty-four square foot that does meet our Code.

Chairman Schech stated twenty-five is allowed you have got twenty-four so you are fine on that.

Board Member Rogan asked is this going to be like a bar and grill.

Mr. Costa replied yes a family restaurant, seafood.

Board Member Pierro stated not to complicate the matter but we had a discussion at the work session regarding the New York State right of way where that sign is located currently. Do we want to try and pull it back or I forget what our final decision was.

Chairman Schech stated if the State wants it back they will come along and tell him.

Board Member Rogan stated Mr. Costa what we are basically going to do is approve your sign application but approve it a minimum of ten foot outside the right of way. Now, if the current location is in the right of way then obviously that is not the location we are approving so if it becomes an issue with you and the State, Mr. Costa stated if I have to move it I have got to move it. Board Member Rogan stated you are going to have to pull it ten foot out.

Mr. Costa stated not a problem.

Board Member Rogan made a motion in the matter of Angelo Costa, Costa's Bar and Grill that the Planning Board grants a negative determination of significance of SEQRA and approves the sign application for the six by four not to exceed twenty-five square foot in this case twenty-four square foot sign at least ten foot out of the State right of way. Board Member Pierro seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 5 to 0.

Board Member Rogan stated good luck to you.

Mr. Costa stated I am just going to put coming soon on the bottom.

Chairman Schech stated yes that is temporary.

Board Member Rogan stated call your local Health Department so they can get in there and take a look around and make sure you are okay.

Mr. Costa stated yes I did that.

Board Member Rogan asked you did okay.

Board Member Rogan stated I am your guy so.

The Board laughed.

Board Member Rogan stated you haven't called me yet. I will talk to you tomorrow morning.

Mr. Costa stated I will give you a buzz.

Mr. Costa thanked the Board.

9) WYNDHAM HOMES LOT 28 WETLAND WATERCOURSE PERMIT

Mr. Joe Darnell, Representative from Wyndham Homes was present.

Chairman Schech stated you are here again.

Mr. Darnell stated this should be our last wetland permit.

Board Member Rogan stated really.

Mr. Darnell stated we were supposed to get three and this is the third one.

Board Member Rogan asked did we finish the lot with deck did we.

Chairman Schech stated yes we did.

Chairman Schech stated we want to do a site walk on this okay.

Mr. Darnell stated okay.

Board Member Pierro asked do we need anything staked Rich.

Board Member Rogan asked right now is it cleared.

Mr. Darnell replied no.

Board Member Rogan stated but there is a stonewall if I remember right that looks like it is going to be a really good demarcation, the lower,

Mr. Darnell asked the old stonewall.

Board Member Rogan replied correct.

Mr. Darnell stated that will still be there. We have not done anything on this lot yet.

Board Member Rogan stated can they do center line of driveway, center line of the house.

Rich Williams stated if you want. What we have been talking about Ted and I actually went out and took a look at this lot and what we talked about doing was allowing them to go back to the edge of the stonewall and maybe doing a vegetated buffer at the foot of the stonewall. There is a break in the stonewall and have them fill that in.

Board Member Rogan stated we spoke about that at the work session.

Ted Kozlowski stated the drainage easement kind of divides the natural woodland buffer from what is going to be developed.

Chairman Schech asked so we don't need any flags or anything.

Ted Kozlowski replied I don't think so.

Board Member Rogan stated we will go take a look at it. It sounds pretty straight forward but we want to at least see the lot.

Mr. Darnell stated it is consistent with what we have done before.

Rich Williams stated procedurally the Board needs to have a public hearing on the application at some point.

Board Member Rogan stated so let's set a public hearing knowing that we are going to walk it. Would it be okay to set a public hearing for October 6th.

Ted Kozlowski asked and walk it before the next meeting.

The Board replied yes.

Board Member Pierro made a motion in the matter of Wyndham Homes Lot 28 Wetland Watercourse Permit to schedule a public hearing for October 6, 2005. Board Member Rogan seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 5 to 0.

Rich Williams stated now for the really bad news. The DEC is proposing a wetland map amendment to their existing wetland maps and they are designating the wetland adjacent to this site as a DEC regulated

wetland. Since the process has started they are going to require you to also get a permit from the State DEC for any disturbance within a hundred feet of that wetland.

Board Member Rogan asked does he have to seek that permit consecutively with our.

Rich Williams stated we can run our process while they are working out their process yes.

(Unable to hear Ted Kozlowski).

Rich Williams stated everybody in this audience should be aware of this basically they are taking any wetland that is hydrologically connected to the Great Swamp and by default of the East Branch Reservoir Watershed so many, many properties are going to be affected.

Chairman Schech stated and you should all have registered letters by now because I got one.

Mr. Darnell asked Rich so that is a wetland permit also from them.

Rich Williams replied from the DEC.

Mr. Darnell asked but that is what it is called a wetland permit.

Rich Williams replied we are still trying to figure out where the DEP plays in all this.

Board Member Rogan asked Mr. Darnell how many lots are left un-built or that have not started construction.

Mr. Darnell replied we have ten left to build, change that we broke ground out of that ten. You are talking about that we have not broke ground yet.

Board Member Rogan replied correct.

Mr. Darnell replied we have I think six left.

Rich Williams stated there are probably maybe two more lots that may be affected.

Mr. Darnell asked by this DEC thing, 28 being one of them.

Rich Williams replied 28 and then, Mr. Darnell asked 26 the one right behind it.

Rich Williams stated there is another one down behind the detention ponds.

Mr. Darnell stated that is behind the detention ponds but we are all up hill of it.

Rich Williams stated the cul-de-sac it was wedged right in, in between the wetlands.

Mr. Darnell stated that is the one that is right next to this one, 28 and 26 are right next to each other. This one has a small little envelope within the buffer.

Rich Williams stated we can't talk about this some other time.

Board Member Rogan stated Herb said he got a notification so did other people from this change, Mr. Darnell you didn't get a letter from the DEC certified mail.

Mr. Darnell replied not that I know of.

Board Member DiSalvo asked are you listed as the owner.

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

Mr. Darnell wished the Board a good evening.

10) DONALD KING WETLAND WATERCOURSE PERMIT

Mr. Joe Buschynski, Bibbo Associates and Mr. King were present.

Mr. Buschynski stated with me tonight is Don King, owner of this parcel. This is the second lot in on Mountain View Road from 164 on the right hand side. It is an undeveloped, one acre piece adjacent to Mr. King's present residence. The owners would like to develop the parcel with a three bedroom home. The lot is a one acre lot in the R-1 District meeting the dimensional requirements of the R-1. The property has a neighboring drainage way that by regulation the hundred foot offset comes on to the subject lot and the access to the house site with the driveway requires that infringement in the one hundred foot be requested. We have submitted the wetland watercourse application. The way this application is not as routine as it might be is we are requesting the Board to consider allowing the existing driveway serving the King residence to remain by way of an easement across the subject parcel. The reason for that is it is the most logical spot for a driveway to continue to this parcel. We could struggle up the hill similar to what we are doing here but we feel it would be best in terms of minimizing disturbance if we could leave that driveway in tact. That is one of the issues.

Chairman Schech stated it looks like a challenging job.

Mr. Buschynski stated the plan is moderately steep. A lot of it is twenty percent until you get to the house site, septic area and then it continues up again. The driveway can be constructed with a nice platform going into a fifteen percent slope for approximately two hundred feet and then back to a flat. We have submitted our profile.

Chairman Schech stated we are going to do a site walk on this. Give us a house location and the center line of driveway too.

Board Member Montesano asked Don, the property up at the top on that side is yours right.

Mr. King replied yes.

Board Member Montesano asked is there someway rather than having a right of way there to cut off that section there and add a piece up on the top to get that one acre coverage so you don't have to come in for a right of way.

Mr. King replied I supposed it is possible (hard to hear).

Mr. Buschynski stated it would be deficient in terms of,

Board Member Montesano asked by how much.

Mr. Buschynski replied frontage is 100 feet and I have got a scale.

Board Member Montesano stated I am just trying to figure out rather than go through a right of way would it be better to allow that on the frontage then going through the process of a right of way.

Board Member Rogan asked are you talking about doing a lot line adjustment.

Board Member Montesano asked is that the way the property exists or is that what you are proposing.

Mr. King stated this parcel exists.

Board Member Montesano stated so if you had a lot line up at the top.

Board Member Rogan stated I understand what you are saying.

Board Member Montesano stated this way that right of way nonsense is completely out of the property.

Mr. King stated the existing house is right here. The only issue with this is there is probably seventy, eighty foot pine trees that parallel this driveway up.

Board Member Montesano stated what I am trying to say is if you gave a chunk of property up at the top maybe we can get away with that right of way all together. The only problem is we would have to go to ZBA for the road frontage and we can recommend a positive recommendation just to avoid that possibility in the future.

Board Member Rogan asked Joe what did you come up with while he was saying transfer property up top to compensate and still stay over an acre.

Mr. Buschynski stated roughly fifty-two feet the frontage.

Board Member Rogan stated so you are talking about a fifty foot variance.

Board Member Montesano stated the thing is you are going to ask for a right of way and that footage there with the right of way doesn't really belong to the person that owns the property at any rate although it still covers our regulation. Wouldn't it be better to make it a clean cut.

Rich Williams stated it would but you are making a non-conforming parcel so you are eliminating one problem and creating another.

Board Member Rogan stated at least the right of way it is already an existing driveway.

Board Member Montesano stated what I am trying to avoid is the right of way nonsense.

Board Member Pierro stated let's take a look at it.

Rich Williams stated there is another issue that I haven't been able to resolve internally at this point and I will just throw it out there. Right now, this lot provides road frontage to Mr. King's house and basically what we are doing is we are taking away his road frontage. Our Code requires that you gain access from your road frontage so even though he has land that comes down to Route 164 that does not work for his road frontage but this is on another piece of property owned by a corporation not strictly by Mr. King. Is this a pre-existing, non-conforming condition or are we creating a non-conforming condition. I have not been able to resolve that internally either.

Chairman Schech stated let's take a look maybe we will come up with something on the site walk. Get that staked first and let us know before the next meeting.

Mr. Chairman again, procedurally we are going to need to have a public hearing on this. I don't know if the Board is comfortable with the current application and wishes to schedule a public hearing.

Chairman Schech stated sure.

Board Member Montesano asked do you want to.

Chairman Schech asked or do you want to do the site walk first.

Board Member Rogan stated let's do the site walk first on this one.

Mr. Buschynski thanked the Board.

11) PATTERSON GARDEN CENTER (A.K.A. Poppy's Place)

Ms. Theresa Ryan, Insite Engineering was present representing the Applicant.

Chairman Schech stated so I guess we are getting away with the port-a-potties and using the facilities in the owners.

Ms. Ryan stated apparently, what I was told if there are facilities within two hundred feet of the building they are permitted to use those.

Board Member Rogan stated and they are on the same lot obviously.

Ms. Ryan stated and they are on the same lot.

Board Member Rogan stated we have on this a reso but we also have the sign that goes along with that they are proposing. It is forty-eight by sixty.

Board Member Rogan asked Rich the spotlights are okay on the sign, the existing spotlights.

Rich Williams replied I didn't look.

Board Member Rogan stated it says two spotlights from ground up.

Rich Williams stated I would just amend the resolution about providing that they be screened and not visible.

Board Member Pierro asked the screening Rich are you talking about a mechanical, metal type of screening or would you like plant growth to be placed at the base of the sign.

Rich Williams stated it is always better to have a plant growth and the metal shield. It is a nursery.

Board Member Pierro stated Theresa, we request that metal shields be placed on the lights themselves at the base of the sign and that some of your nursery stock be planted in the ground at the base of the sign also to protect the on coming cars from the lighting at night.

Ms. Ryan stated okay.

Board Member Pierro made a motion in the matter of Patterson Garden Center Site Plan that the Planning Board grants Site Plan approval with the five general conditions and three special conditions written in the resolution dated September 1, 2005 and in addition the Planning Board approves the sign with the conditions of the shielding being placed on the light stems and vegetation being planted on the base of the light and no larger forty-eight by sixty. Board Member Rogan seconded the motion.

Ms. Ryan asked does that include the wetland permit or is that a separate resolution.

Rich Williams stated it includes the wetlands permit.

Board Member Pierro stated it includes the wetlands permit.

Ms. Ryan asked is it possible to get a copy of that reso.

Board Member Montesano handed her a copy.

Rich Williams asked do you want it after it is signed or before.

Ms. Ryan replied I would like a copy of the before too.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 5 to 0.

Board Member Pierro asked is further explanation required relative to the Building Inspector's letter.

Board Member Rogan asked can we add that into the minutes.

Board Member Pierro stated can we add that into the minutes that we had received a letter from Paul Piazza stating that he wanted a bathroom or a septic system on site but being that this property is contiguous with the Cuckoo's Nest and Tela Cooke Realty that there are bathroom facilities.

Rich Williams stated this is really a Building Department issue (unable to hear).

Board Member Pierro stated I just asked if we could put it in.

The Secretary asked you want the letter into the minutes.

Board Member Pierro stated put the letter in. (See letter attached to these minutes)

Ms. Ryan thanked the Board.

12) BURDICK FARMS SUBDIVISION

Ms. Kristina Burbank, Kellard Engineering was present representing the Applicant.

Board Member Rogan stated there was some rumor that we were going to meet a builder tonight.

Ms. Burbank replied yes absolutely I have two missions this evening. The first was to get whatever memos we have and the second one was to ask for five minutes of your time to introduce the selected builder for the project and that is Toll Brothers. I have two representatives here from Toll Brothers to do a brief presentation for five minutes if you are willing.

Board Member Rogan stated I don't see any reason why not. It is up to the rest of the Board.

Board Member Rogan stated we have been working on this for so long and we know you so well so.

Ms. Burbank stated I have Tom Hausle and Richard Rang from Toll Brothers.

Board Member Rogan stated gentleman we just need your names for the record and please spell them.

Mr. Hausle stated my name is Tom Hausle, H-a-u-s-l-e. I am Assistant Vice President with Toll Brothers. (TAPE ENDED).

Mr. Hausle stated this is Richard Rang, R-a-n-g.

Mr. Rang stated I do speak by the way.

Mr. Hausle stated we are here just to make a brief introduction. If you don't know us we are a national builder based out of Pennsylvania. We currently operate in 22 states. We have been operating in New York out of the Armonk area for about ten years and I have been with the company that long and a good number in the New York division have been with the company that long. Although, we are a national company our New York operation has pretty much been in tact for most of that ten years. We currently sell out of approximately 200 communities similar to Burdick Farm. Some of them larger, some of them smaller. We

have with us some pictures of the type of product, which fits in with the lot size for Burdick Farm. They put the pictures of the home up on the board.

Mr. Hausle stated we currently are building in the Town of Fishkill, Town of East Fishkill, in Cortlandt in Westchester County. This will be our first project in Patterson obviously.

Board Member Rogan stated I was kind of smiling probably three quarters of the lots you are going to have to bring a lot of large trees because it is of course farm land so that will change a little bit.

Mr. Hausle stated we show a few. The backdrop certainly we show them for marketing. We have been in business about thirty-five years now. We started out as a small company and we just grew over that thirty-five years to the company we are today. I am trying to think of what else I could tell you to help you fit with our community and what we envision here.

Board Member Rogan asked a project of this size say thirty-seven lots would you anticipate building a project like this start to finish in what kind of time.

Mr. Hausle replied I would say start to finish is probably a two to three year window. We do have an on site construction staff for each community. We build a model home and we have a sales staff on site. We generally don't have more than one or perhaps two spec homes under construction. We sell under contract. People come in and buy a home and then we build it. At least for the past few years the pace has been about twenty to twenty-five homes a year. So, by the time you ramp up and do the improvements, build the homes and ramp down, and close out I would say this community would take two to three years to complete.

Board Member Rogan stated because one of the positive points about building a community in that time frame is at least you are getting all of the major improvements done in a short time frame. The noise certainly attributed to building a subdivision I would rather see that as compared to a seven or eight or ten year project that is always being built and is always going on.

Mr. Hausle stated one of the advantages of being a big builder is we can come in and we have the financial capacity to put all the improvements in at once. It makes sense for the construction phasing to do it that way and we don't have to stage it for a community this size to be more than one phase.

Board Member Rogan asked your company does all your own excavation.

Mr. Hausle replied we don't. We subcontract out all of our work. Most of the subcontractors are from the Westchester, Dutchess, and Putnam County area. A few come across the river have followed us over time but primarily we have vendors that live in Pawling. We use Dutchess County Heating. We use all local vendors basically.

Board Member Rogan stated because mostly when it comes to developing the site we are most concerned with excavation, with the stormwater, with roadways going in, with drainage. A lot of it comes down to that. We don't have as many problems with the actual, physical construction of the home.

Mr. Hausle stated on all of our current communities being built in New York we have weekly inspections and comply with the DEC regulations so we work very closely with that whole governing body.

Mr. Rang stated we support the Department of Environmental Conservation on our project up in Fishkill, New York, the Van Wyck & Merrick Park project actually held a seminar there on stormwater management.

Rich Williams stated if I might interject I was part of that seminar and you did not get passing grades from the class.

Mr. Hausle stated it is not easy to get a passing grade.

Rich Williams stated that was an interesting site.

Mr. Hausle stated it sure is. That is one of our biggest in the area and certainly you can imagine we are in the first phase in that community, I think it is going to end up being almost eight hundred homes so it is a totally different concept than this type of community. We do all different types of products from flats to singles to multi-family.

Board Member Rogan asked Rich anything you want to ask.

Rich Williams replied no.

Mr. Hausle stated thank you very much, appreciate the time.

Ms. Burbank thanked the Board.

13) EUROSTYLE MARBLE & TILE SITE PLAN

No one present to represent the application.

Board Member Pierro stated this application expires before the next meeting.

Rich Williams stated no they had the public hearing at the last meeting and the sixty-two days runs out before the next meeting. You either need a waiver or you need to take an action or you can take an action at the work session.

Board Member Pierro stated I would rather take an action at the work session as long as they are going to be present.

Board Member Rogan stated maybe they will be here.

Board Member Pierro stated let's postpone it maybe they will show up at the last minute.

14) CIPRIANO SITE PLAN

Ms. Jennifer Cipriano was present.

Ms. Cipriano stated Jennifer Cipriano.

Chairman Schech stated you don't look like Peter.

Ms. Cipriano stated my husband Peter is out of town.

Chairman Schech stated it has been so long that we would like to do another site walk on the site.

Ms. Cipriano stated okay.

Chairman Schech stated so far plan wise it looks okay but we would like to do a site walk.

Board Member Rogan stated one Board Member has never been on the site. It has been a couple of years since we started this project. I think the Board overall though feels comfortable with the way we are moving with this and the ideas that we are bringing in because we have a lot of high hopes for this site. The ideas that are going into it could be really great.

Board Member Pierro stated and for the edification of the audience this is at the corner of Route 22 and Ballyhack Road. It is a future garden center.

Board Member Rogan stated and more. I want to get an ice cream stand in there.

Ms. Cipriano stated we would love to see something like that. That is what we are going for.

Board Member Rogan stated the hope is that we can get a project in here that will have the ability to get people to get out of their car and spend some time in like a courtyard area where we can have a couple of different shopping. They say Adams Fair Acre Farms but I have not been there yet.

Ms. Cipriano stated somewhat like that.

Board Member Rogan stated we are trying to get something really special here. I think the site lays out well for it. There is a review memo that you can take back.

The Secretary stated I did not give Steve Miller a copy so if he wants to call I can fax it.

Ms. Cipriano stated or I can get it to him.

Board Member Pierro stated Rich do we need anything staked for a site walk there.

Chairman Schech stated no we are okay.

Ms. Cipriano thanked the Board.

15) FOREST VIEW APARTMENTS SITE PLAN

Mr. Harry Nichols and Jay Hogan were present.

Mr. Hogan stated I think we sent you all a smaller version of the proposed building. I know you have been asking for it for a few months. This is kind of what we are looking at. I want to know what you all thought of it. Does it look all right to you.

Chairman Schech stated the picture looks great.

Mr. Hogan stated the idea is basically that if Lord willing this gets approved we are going to take and make the older buildings that are on the property look just like this. So, we will have to put some gables in and do the like.

Board Member Montesano asked all those Red Maples too.

Mr. Hogan laughed.

Mr. Hogan stated there was also a question about the type of retaining wall that is being proposed for the back. There is a three tier retaining wall that is being proposed.

Board Member Pierro asked Jay, what kind of siding are you proposing for this building.

Mr. Hogan replied it is going to be vinyl siding. From a maintenance perspective, I guess maybe I took it from my own perspective I have a wood house, I am painting every three years, I am painting the outside every four years it is ridiculous. I figured something that will look nice you know we haven't really decided it could be hardy plank, if it is hardy plank it is a ten year thing. You have to stain it every ten years. We haven't really sat down and decided whether it is going to be hardy plank or vinyl.

Board Member Montesano asked Gene did you a copy on the retaining wall.

The Secretary stated Rich went to make copies of it.

Board Member Rogan stated it looks like a pre-fab block that has a what is that stone called like a cultured stone face to almost.

Mr. Hogan stated I think you have something similar to what is on the front on 164 &,

Board Member Montesano no.

Mr. Hogan stated I am only saying that, that is more of a high profile location this is behind the building.

Board Member Rogan stated this is a smaller block dimension.

Mr. Hogan stated yes much smaller.

Board Member Rogan stated that is whole different right there.

Board Member Montesano stated I can show you what the thing looks like so before we go too much into it because that is what the retaining walls by my house are.

Mr. Hogan stated we got the name of the person that we have to deal with down at MTA to find out where that one drain pipe that is over in the railroad bed why everything runs out of there so nicely. We are

assuming that we can get a design, something that they are going to show us that you are going to see that it is probably running through a pipe. I just can't think of anything else that runs so well without having a pipe underneath the tracks.

Chairman Schech stated so we got a name.

Mr. Hogan replied well we got a name, well listen I was doing a development in the Town of Southeast that took us six months to get an easement out of the same fellow so we are going to hound him.

Board Member Rogan stated I am looking at the M&M Precast Corporation sheet you gave us and it shows the wall stepping back and looking at least to the right side of your picture it seems to show several tiers of wall.

Mr. Hogan stated I think this is a three tier wall.

Board Member Rogan stated and we better set this up right now what we want done on those tiers because speaking of our favorite wall on 164 we had a wall that went in that had a planting tier remember. That was a big what to do with that tier. Do you plant it, do you not plant it. What are you proposing with yours.

Mr. Hogan replied I have got a consultant that we are going to contact to come up with a landscaping plan that is being sought and I think that has got to be part of it what he is going to plant in there.

Board Member Rogan stated because they virtually guaranteed us in that other application that nothing would grow in them.

Chairman Schech stated over here it shows a planting tier.

Board Member Rogan stated yes I know I am just kind of being,

Rich Williams stated the tiers on this are a little bit different because they are staggered back farther. The retaining wall that you are referencing basically started out I think with a foot or a two foot planting and then they changed the design so they had little planting pockets then the gentleman came back and said even those there are planting pockets we can't plant them.

Mr. Hogan stated it is not going to live because I guess it does not hold any,

Rich Williams stated right.

Mr. Hogan stated it just runs off as soon as it hits.

Mr. Nichols stated it is set back to six to eight feet.

Mr. Hogan stated there is going to be a lot of soil in there to be able to hold it.

Board Member Montesano asked you are not putting a fence up like they have in this picture.

Mr. Hogan stated no.

Board Member Rogan stated we are comfortable with the way we are proceeding again,

Mr. Hogan stated I think what we are asking if you could declare yourselves Lead Agent and I am just wondering if you would consider setting the public hearing for SEQRA at the same time if that is possible. I know I raised this in July or so.

Board Member Rogan stated we would consider it if our technical people tell us that Harry is doing a good job but it sounds like stormwater wise and stuff there is a lot going on.

Rich Williams stated I will tell you you don't need to have a public hearing on SEQRA. There is no requirements within the State law or our law that you have a public hearing on SEQRA unless the Board issues a positive determination in which case then there are public hearing requirements.

Board Member Rogan stated the flip side is if we have the public hearing we always seem to get locked into these time frames.

Mr. Hogan asked you make a determination at that point whether or not you want to have a public hearing for SEQRA purposes.

Rich Williams replied no that is what I am saying SEQRA does not require any public hearing unless you make a positive determination. I know Southeast does it completely different.

Board Member Rogan made a motion in the matter of Forest View Apartment Site Plan that the Planning Board declares their intent to be Lead Agency and circulate as a coordinated review on this project. Board Member Montesano seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 5 to 0.

Mr. Hogan stated and just so you know we are also going to meet with, Harry has got an appointment with the State Dec Wetlands person September 19th with respect to this property and their feelings about where the wetlands exist down there.

Rich Williams stated this is another one that DEC is taking.

Board Member Rogan stated it seems though in this case again, it comes down to a lot of technical stuff that has got to be ironed out. We seem pretty comfortable with the project keep plugging along and let's get it done.

Board Member Rogan stated Harry looks confused.

Mr. Nichols asked is that a no on the public hearing.

Mr. Hogan stated no we will address that when.

Mr. Hogan stated thank you so much for your time I appreciate it.

16) BUDAKOWSKI SUBDIVISION

Mr. Brendan Mayer, Attorney with Shamberg, Marwell was present representing the Applicant.

Mr. Mayer introduced himself to the Board.

Mr. Mayer stated unfortunately the project engineer is unavailable this evening. We are here tonight to request final approval of the subdivision.

Chairman Schech stated you are not giving us enough.

Board Member Rogan stated Brendan, I think what it comes down to is there is as you know an awful lot of,

Chairman Schech stated a lot of work to do on this thing.

Board Member Rogan stated engineering work that needs to be completed on this.

Mr. Mayer asked would there be any possible way that we may be able to schedule this for a meeting before September 29th if Mr. Karrell is able to get the information,

Chairman Schech stated I think we bent over backwards on this project, stood on our heads and scratched wherever we could scratch and I really don't want to.

Mr. Mayer stated and Mr. Chairman with all due respect I agree and I thank the Board for its time and its energy they spent on this but at the same time they are Applicants and I don't think that they should be injured for a technical difficulty by the project engineer. I would just request that if the Board could grant us one more and then after that if the Board sees fits to call it quits at that time. I am just asking for one more strike.

Chairman Schech stated are you going to be here as engineer or are you leaving.

Mr. Mayer replied I am not the engineer and most likely I will not be here.

Chairman Schech stated so now you are going to push it off on another guy so I can yell at the other guy.

Mr. Mayer stated if need be you can always call me up and yell at me.

Board Member Pierro asked what is the date of the work session Rich for the October 6th meeting.

The Secretary stated it is going to be the week before, the Thursday before October 6th.

Board Member Rogan stated because if it was a matter of Jack tying down the engineering to what we need to do and we could do it at the work session and everything was done again, we are all comfortable with this project.

Mr. Mayer stated it is my understanding, I spoke to my client this afternoon, it is my understanding that Mr. Karrell has informed Mr. Budakowski that these alterations that need to be made as contained in Mr. Williams memo are pretty simple and that he will be able to provide them. That is what I have been told.

Board Member Rogan stated great then let's do it.

Mr. Mayer stated so if the Board would be willing to do that I very much appreciate it and so would my client.

The Secretary stated September 29th is the work session.

Board Member Rogan stated put pressure on Jack and get it squared away. The problem is he has got to have something to you at least, Chairman Schech stated two weeks before. Board Member Rogan stated I was going to say at least seven days prior.

Rich Williams stated no he makes the regular submission date.

The Secretary stated the submission date is before September 29th, it is two weeks and two days before October 6th.

Rich Williams stated I have talked with Jack about this and I have talked with Brendan about this and I just want to let the Board know also this is another one of those projects now that DEC is stepping in, they are taking the wetlands so this project is going to need a wetlands permit from the DEC and maybe also from the DEP. We are not sure how that is going to shake out.

Board Member Rogan stated Rich, your memo contains a lot of information, a lot of technical information that is lacking, there are things that are inconsistencies from one plan, just looking at one of the plans myself I saw driveway profiles that changed location from one plan to the other. There are a lot of things that need to be ironed out but as long as Mr. Karrell thinks these are simple things and we can iron them out my concern is we have a wetlands permit on this, we have a lot of information that has got to occur.

Rich Williams stated the reality is we don't have a wetlands permit application even filed at this point I believe. We have not had a public hearing on it. We have got to get through all that.

Board Member Rogan asked can we do a final plat approval and then the condition would be that you have to have a wetlands permit in place before we actually sign the plat.

Rich Williams stated right it would be similar to other agency permits it would be a condition of but that whole design within that wetland watercourse permit and the work in the stream is going to be subject to this subdivision approval and at this point we got a design report in from the engineer this week. I really haven't taken a look at it neither has the Town Engineer but talking with the project engineer he indicated that the pipe that has been installed is undersized. He has to come back with a plan showing how that is going to be removed, how a new pipe is going to be installed.

Board Member Rogan stated that would entail obviously a construction sequencing, erosion controls.

Mr. Mayer stated there is a lot of engineering work to be done before any permits are going to be granted anyway and Mr. Karrell is aware of that.

Board Member Pierro stated Sir, I hope Jack can take the next three weeks off to finish this. We can't make any promises. We can only make you one promise this is over.

Chairman Schech stated he has only got two weeks to do it in.

Board Member Pierro stated this is over after the 29th. It is finished.

Board Member Rogan stated not for us.

Rich Williams stated yes let's be clear, Board Member Rogan stated our review just continues as we are going.

Rich Williams stated yes we are just looking at a subdivision.

Board Member Rogan stated you are specifying a time frame I am not really familiar with what you are referring to but it does not make a difference to me.

Mr. Mayer stated for the Board, we could extend the Board's determination on this I am just asking a courtesy from the Board and I appreciate you granting that to me.

Board Member Rogan stated so that is what we are looking at.

Chairman Schech stated we will listen to him on the 29th but he has got to get the papers in two weeks before like a regular meeting.

The Secretary stated two weeks and two days before if you want to call me tomorrow for the actual date.

Mr. Mayer stated I certainly will and I appreciate that thank you Melissa.

Chairman Schech stated I wish you a lot of luck in your new endeavor.

Mr. Mayer replied thank you kindly.

Gene Richards asked Mr. Chairman, I would just like you to be aware that our office did issue a memo on this project as well.

Mr. Mayer asked the one dated today.

Gene Richards replied yes.

Mr. Mayer stated I was just provided that this evening.

Gene Richards stated I did fax it over to Jack's number on his plans so I assume that is his house, this afternoon.

Mr. Mayer stated I certainly hope so but we will see to it that Mr. Karrell receives a copy of that as well.

Board Member Rogan stated good luck to you.

Mr. Mayer stated thank you very much and we appreciate your time.

17) PATTERSON OUTDOOR STORAGE SITE PLAN

Mr. Nick Pouder, Landscape Architect and Mr. Matt Moran, Project Manager were present.

Mr. Pouder stated Jack Karrell is also the engineer on this as you know he can't make it tonight. We just got the review memo this evening and obviously there are a fair number of punch list items that we have to take care of but we thought we could at least appear before you and answer any questions that you have.

Board Member Pierro stated again for the edification of the audience and people that have a confused look on their face this is on Commerce Drive.

Board Member Rogan stated just about at the end the cleared area to the right just before you get to the cul-de-sac, the area that has already been cleared.

Board Member Pierro stated off of Fair Street, the Industrial Park.

Edie Keasbey asked before the dump.

Board Member Pierro stated yes.

Chairman Schech stated jokingly on the other end of Couch Road on the left hand side.

Some audience members laughed.

Mr. Moran asked do you want to just go over the project.

Mr. Pouder stated yes we can just review it because there have been some changes since the last time. I think as you recall when we originally submitted this we were looking at doing this in two phases and obviously construction will be phased. We are going to build one building then the other but we are looking at it now as a total project with the two buildings going in more or less one right after the other. The intended use of these is going to be basically a woodworking, cabinetry production and warehousing facility. We also have heavy equipment, machinery repair facility for their own equipment for their construction company. We have made a few changes. We met with Paul Piazza earlier and he asked that we widen the roads, which we have done. We have basically pulled this over so we now have loading area. We did size it for that WB-50, wheel base truck as you asked but the idea is that this is really going to be sort of smaller vehicles on the top. If we get a tractor trailer through there we can move it through but that is not the intended use.

Board Member Rogan stated he goes in there just because he picked the wrong side.

Mr. Pouder stated if they go in there because they make the wrong driveway that is fine so be it. The idea is that this is really going to be more sort of the production of stuff. This level we have access into the lower side of the building as you may recall this is the second floor of this building with garage bays on this side then into the lower level, grade level access from this side. We have played around with the elevations of these buildings to try and balance cut and fill and we have got it down to about 1,500 cubic yards now of excess where we had substantially larger amount of fill coming out there before. A few other things, we have got some storage areas in here where we can stack trailers or,

Mr. Moran stated we have our own delivery vehicles for custom doors and the cabinetry that we have. The building was turned this way on one of the concept plans, now it is turned this way to allow for a turning radius here for large vehicles and the water quality basin. The reason Jack is telling us that he can't totally finalize his plans is the DEP is ultimately going to dictate the design for the water that comes off this site. He has got a Stormwater Pollution Prevention Plan submitted and he has met with the DEP and the DEC and he said when we get their comments back then we will,

Chairman Schech asked the new regs apply to this too.

Board Member Pierro asked Rich you seem confused.

Rich Williams stated yes I mean DEP regulations have been around long enough so that everybody should understand them. The DEC regulations though new are relatively straight forward. You should be able to design, come very close to having a design on the stormwater plan even prior to submitting to them and not waiting for them to design by review.

Mr. Pouder stated I know he has submitted.

Mr. Moran stated I know we have seen the plans in the package of submissions but he is still waiting to hear back from them.

Mr. Pouder stated there were a couple of other items, site plan items that have come up; one was access to the buildings for employees and I just picked up in the memo you said that access to the upper level of building three we really feel strongly about not having access where the trucks are going to be. What we are thinking we can do is add some stalls in here and have a doorway that goes in through a set of stairs. This is actually a little higher than the floor elevation, no I am sorry it is the other way around. We need stairs to get from the parking lot into the first floor of the building, the top floor. Frankly, we prefer that most of the access go through the main building but that is another way of doing it if you really want access to that. Also similarly on the bottom level we had originally planned this as storage but we have it now as parking stalls on the lower level as well. If there are employees in there they can park their car and they don't have to walk all the way around. Besides that I don't know that there are any other major changes short of the water control stormwater management devices being a bit more hashed out and the septic system being located and some of these changes in the roadway circulation.

Mr. Moran stated he created a size and a shape to the pond and some pipes going to and fro and then he has added these water quality basins, they don't show up too well.

Mr. Pouder stated he has a bio-filter through here and one there.

Ted Kozlowski stated just while you are in this planning stage and just beware and I want to be very upfront with you and I did read Steve Coleman's report, I have great respect for him, I know him, he is

good guy and I agreed with most of what he said, having said that there is a vernal pond over here off the property, off the subject property that I have been, that is one of the three ponds that we were studying this winter, late winter, early spring Rich and I have been there several times. It is somewhat productive and I am as part of the wetlands permit if you are within a hundred feet I am looking to preserve the integrity of that pond which would also mean it is very important to that vernal pool that this existing natural forested area that is there remain there. Keep that in mind in your planning and if you have to pull this back I would rather see this all developed because this is all part of the commercial zone but this is the one area in that corner of your property that I think is important to that vernal pool. Your current plans are right on top of everything see if you can pull that back because I am going to be suggesting that to the Board. I am just being upfront while everything is on paper and you are still moving things around I am focusing on that okay.

Chairman Schech stated okay guys.

Mr. Pouder and Mr. Moran stated okay.

Mr. Pouder stated so I am assuming it is too early to start the Lead Agency process.

Chairman Schech replied yes.

Board Member Montesano stated to the Chairman you said it and he is waiting for an answer he didn't listen to you.

Mr. Pouder stated it seemed like there is confusion.

Board Member Rogan stated just to clarify confusion since there was a look, what does Rich for my sole edification since everybody else probably understands this better than I do, when you set Lead Agency you are initiating the SEQRA process, you are circulating to the other involved and identified agencies that may or may not have approvals on this. Is there a point in a project that you say okay we have nailed down the concept now it is okay to do intent for Lead Agency and we haven't reached that yet.

Rich Williams replied what you want to look for in the level of detail when you are submitting your Intent for Lead Agency is to have a project concept that is fairly well defined and an environmental assessment form, which is complete, and having identified all the real potential areas of concern, environmental concern.

Board Member Rogan asked so that what you are circulating to those other agencies is accurate information and they can make their,

Rich Williams stated they can make an informed decision about what the project really entails and what the potential impacts are.

Mr. Pouder stated I guess maybe I should rephrase my question, obviously we don't want to start the SEQRA process until we are basically sure internally that we don't have any potentially large impacts that are going to trigger a pos dec so that is our goal to not do that. Are you going to need this Stormwater Pollution Plan as approved by DEC before you have that level comfort to make that determination.

Rich Williams stated well let's be clear about that DEC currently they are doing generally a cursory review if they do any review at all on the Stormwater Pollution Prevention Plans and are expecting the towns to

actually do the hard look and make sure that the plan is really up to snuff before it heads down. The DEP is a little bit of a different agency but no generally most people are submitting the Stormwater Pollution Prevention Plan to the town and getting at least the initial comments from the town before they go to the DEP or DEC that I am aware of.

Ms. Theresa Ryan stated generally yes.

Rich Williams stated usually we have already looked at the Stormwater Pollution Prevention Plan once or twice before DEC or DEC even sees it.

Gene Richards stated and one thing I heard Matt you say earlier was that Jack Karrell has submitted to DEP.

Mr. Moran replied yes he has.

Gene Richards stated he is doing that without any review from the Town. If he comes back with an approval from the DEP and then the Town reviews it and has changes that affects your DEP approval potentially. I am not saying there necessarily would be changes but he should be submitting to the Town as well. The Town has to review this and it is very important.

Board Member Rogan thanked the gentlemen.

The gentlemen thanked the Board.

18) OTHER BUSINESS

a. T&T Associates – Request for an extension

Ms. Theresa Ryan, Insite Engineering was present representing the Applicant.

Rich Williams stated I did do a memo. T&T is back in they are looking for an extension of the time frame in which they need to meet the conditions of the site plan approval. The letter lays out the date when the initial site plan was approved and when it expired.

Board Member Montesano stated it expired a 118 days ago according to your memo.

Rich Williams stated that is correct.

Board Member Montesano stated and they are asking to be extended now.

Rich Williams stated that is what she is here for.

Ms. Ryan stated good evening I am Theresa Ryan from Insite Engineering.

Chairman Schech stated you know what I would like to see is a plan of the septic that they installed, an as-built.

Rich Williams stated the current site plan shows the location of the septic system.

Chairman Schech asked as an as-built.

Rich Williams stated it is not an as-built it is a site plan.

Chairman Schech stated I would like to see an as-built just for the hell of it because I want to be a pain in the butt.

Ms. Ryan stated our office was not directly involved with that.

Chairman Schech stated apparently nobody was.

Ms. Ryan stated we were told that one of the adjoiners went to the Health Department for a repair on that and installed it. It was not through our office.

Board Member Pierro stated we are a little concerned. We were quite clear that the second apartment was going to be abandoned and utilized as retail space.

Ms. Ryan stated correct that is still on the plan that way.

Board Member Rogan asked so in other words the apartment will be used for retail, the septic system stays and it is on the property.

Ms. Ryan stated right and that septic system will still serve that section of the building. Right now,

Board Member Rogan asked what water usage will be in that section.

Ms. Ryan stated prior that septic system that served that apartment was on the adjoining lot so apparently they moved it to the subject property but it is still connected to that space so that space when it becomes retail will use that septic system.

Board Member Rogan asked so it will be retail but it will be separate retail than from what is here.

Board Member Pierro stated no it was supposed to be connected, my recollection is that the retail space, Board Member Montesano interjected excuse me, can I make a suggestion, Board Member Pierro stated the retail space was going to be connected to the basement.

Ms. Ryan stated we never said that.

Board Member Montesano stated before I give an extension that is 188 days old I would like to have the people come in and explain to me why they need an extension. What is the circumstances. The first thing I get is a letter by Burkman and Hudak explaining that they would like our cooperation on what. I would like to know what I am cooperating on.

Ms. Ryan stated I will try to explain that. We were just contacted this week about this project. We thought we were finished with it when we came in to the Planning Board and were granted Final Site Approval then we found out there were complications because they were trying to sell the property. There were complications with the sale so we came back for an extension and we thought we were done with it. We just found out this week that the sale never went through, the conditions

were never met. They were aware of what had to be done. There are still complications with the sale, which happens on many occasions, which is sometimes out of their control. Apparently, there are still some things, some complications going on with the sale. The only outstanding item from what we understand is that the bond has to be posted and the inspection fees have to be paid. There is some discrepancy about who is going to pay that whether it is going to be the purchaser or the original applicants. Since I just found out about it this week I did contact both the buyer and the seller and asked them how this was going to be resolved. I have letters here one is from the buyer's attorney indicating that if they purchase the property that they will post a letter of credit. Then I also have a letter here from the Applicant's, the original Applicant saying if there is a failure of sale, if it does not go through they will post the bond and pay the inspection fees. I don't know how much longer this will take but obviously the approval ran out in May or March or sometime.

Rich Williams stated May 5th.

Ms. Ryan stated obviously a three month extension is only going take us to August 5th, which has already past. What I have been asked to do is just ask the Board what they would consider the longest extension that they would grant knowing that this is the only outstanding item hoping that the buyer and purchaser can work out their issues in a timely fashion.

Board Member Montesano stated I realize you are just getting this information and now we are just getting this information yet we have a time period that says we should have it two weeks before this nonsense even starts to request it and they had a 118 days before they even requested anything.

Board Member Pierro stated Rich I have no recollection of ever having any discussions that that illegal apartment was going to be converted to an additional retail business.

Board Member Rogan stated I don't either.

Board Member Pierro stated I thought our discussion was that it would be taken over by the existing tenant on the lower level.

Chairman Schech stated for storage.

Board Member Pierro stated for retail.

Board Member Rogan stated for whatever.

Chairman Schech stated whatever I thought it was storage.

Board Member Pierro stated not for another retail outfit to come in here. I have never heard of that.

Board Member Rogan stated which really would not have site plan approval anyway.

Board Member Pierro stated right.

Rich Williams asked okay but why. Let me back up and say I agree with your recollection that generally when we talked about the retail it was assumed that the retail would be attached to the existing retail area. It was going to be used for storage and some other things. The note on the plat just simply says that upper area is going to be used for retail.

Board Member Rogan asked so retail gets figured based on square footage regardless of the number of retail operations. It is just retail square footage.

Rich Williams stated they could have one, two, three, four different retail operations in there as long as it is retail space it would all still comply with the zoning requirements.

Board Member DiSalvo asked did you read the lawyer's letter,

Rich Williams stated if I could just finish up though,

Board Member DiSalvo stated it looks like the guys that are renting the,

Board Member Montesano stated let him finish.

Board Member DiSalvo stated I am sorry.

Rich Williams stated with one exception if they go to multiple retail stores in the building they would still need to get a Special Use Permit from the Zoning Board of Appeals.

Board Member Pierro stated that was never discussed.

Rich Williams stated it was never discussed nor do they have a Special Use Permit so at this point they would have to get that Special Use Permit if they were going to open a second retail operation in the building but that doesn't mean they would have to amend their site plan if no additional improvements are going to be necessitated.

Board Member Pierro stated I think that should be communicated to the buyer and the seller because he has got current issues with tenants.

Board Member Montesano stated two weeks before and that is 118 days that they had and now we are supposed to take action tonight because we got a letter and I would like to speak to them about it. What their estimates are and what they expect to do.

Ms. Ryan stated just to give a brief,

Rich Williams stated just so we are clear on record they did submit a letter requesting the extension prior to the agenda deadline, which is how they made the agenda in the first place. Tonight they are supplying you with additional information.

Board Member Rogan stated they are on the agenda because of that not because of this letter that we just got.

Board Member Montesano stated thank you for the clarification.

Anthony Molè asked does someone have a letter of credit in place. It looks like from the letter that they actually have a letter of credit.

Ms. Ryan replied that is what it sounds like I mean I didn't speak to them after they sent that letter but that is what it looked like.

Board Member Rogan asked Maria, it sounds like what you are saying is that it seems like the people that are looking to buy it are the people who are currently renting it.

Board Member DiSalvo replied that is the way this letter reads.

Ms. Ryan stated just to give a little bit of history when T&T Associates purchased the property it was indicated to them that there were no problems then after they purchased the property it turns out there were problems. They were issued violations that they were not aware of prior to their purchase. They ended up coming to the Town to try and resolve it to get the site plan approval. They went through the whole process with you, gave you everything that you asked for and all they are trying to do is just clean it up, get everything done and sell it and there is just some kind of minor complication with the buyer. As soon as they can resolve it, it will be sold and the items will be addressed.

Board Member Rogan asked so just so I am clear the issues are the inspection fees and the performance bond.

Rich Williams stated there is also an issue that I would like clarification on the septic system that has come up tonight and maybe we should talk about that right now. In the approval, the approval said that it has to be addressed, all the issues raised in my memo and Gene's memo subsequent to that they did what they did with the septic system. One of the issues in my memo was a note that was to be placed on the plat, which I gave to Dave tonight. Dave had requested it. Basically, I think saying it was going to be eliminated.

Ms. Ryan asked what is going to be eliminated.

Rich Williams replied the septic system.

Ms. Ryan stated on the adjoining property.

Rich Williams stated on the adjoining property.

Board Member Rogan stated which it was.

Ms. Ryan asked so it has to be actually removed.

Rich Williams asked Dave do you have that note.

Board Member Pierro replied oh, boy.

Rich Williams stated I thought you would have it right there.

Rich Williams stated anyway that note was not put on the plat because basically the relocation of the septic system made it moot. The question that I have for the Board now, now that we are back in here is what do we do with that note and the existing septic system and are you okay. I mean the

reality is the septic system is a function of the Health Department and it was approved by the Health Department.

Board Member Rogan stated it says the plan should clearly indicate that the subsurface sewage disposal area located on the adjacent parcel will be abandoned within 90 days of site plan approval and the sewer line between the existing structure and the subsurface sewage disposal area will be removed.

Rich Williams stated and that is the problem.

Board Member Rogan stated so half of it was met and the other half was not. It was met but not met with the intent of what the Board had.

Board Member Pierro stated they installed galleys so they could further utilize that upper apartment.

Ms. Ryan stated it is supposed to be once we get site plan approval it is supposed to be converted to retail space and that will,

Board Member Pierro stated it is the first that I am hearing that.

Board Member Rogan stated I know but Theresa,

Ms. Ryan stated it is on the plan and it has been on the plan all along as retail, proposed retail space.

Board Member Pierro asked retail space attached to,

Ms. Ryan stated that was never discussed.

Rich Williams stated that was discussed at many meetings. (TAPE ENDED)

Rich Williams stated the devil is always in the detail.

Board Member Rogan stated the confusion is if you say cut off a septic pipe in other words you are saying remove a septic and remove the pipe that goes from that portion and you don't further say but you can connect to the existing system to utilize that retail space it would seem to indicate that you are not approving a unique, a new retail space because it would not have any plumbing and retail space is going to have to have a bathroom unless they had a lease or something to use the downstairs bathroom. Like you said the devil is in the detail.

Chairman Schech asked where was the downstairs john.

Board Member Rogan stated the other side.

Chairman Schech stated that they removed.

Ms. Ryan stated no there is another on site system that they have been using.

Ms. Ryan stated that is shown on the plan also.

Board Member Rogan stated the point is that with the intention of the pipe being removed it would indicate that that space was going to be occupied and any septic related to that would be on the existing system on the other side of the building. Now, we have part of the note was remedied it was removed from in front of the Noletti's, the old system whether it was removed or not it was cut off. The system didn't need to be removed right. They came now over to this property and put in a new system with galleys to service this space which was not part of the plan that we.

Rich Williams stated it was never shown on the site plan.

Board Member Pierro stated we don't even know if there is a tank in the ground. All we know is that there is galleys in the ground that were put in on a holiday weekend.

Board Member Rogan stated the tank is probably the tank that was existing.

Ms. Ryan asked Shawn I have a question if they came in for a repair would they have to do an as-built for the Health Department.

Board Member Rogan replied yes.

Ms. Ryan asked so there would be something on record.

Board Member Rogan stated they would have to whether they did it or not is another thing but that would be it to get a repair permit.

Gene Richards stated why don't you request a copy of any plans for the septic system.

Rich Williams stated just for my edification if there is an as-built who would have prepared the as-built.

Board Member Rogan stated the contractor can prepare it. It is just a sketch.

Ms. Ryan asked and the Health Department comes out and inspects that repair.

Board Member Rogan replied not necessarily not all repairs get inspected. It depends the contractors need to be licensed and certified with the Department.

Ms. Ryan asked do they have to call the Department and the Health Department makes that decision.

Board Member Rogan stated wait a minute that is a commercial building. Commercial buildings are a little, it is very interesting.

Rich Williams stated it was a holiday weekend, it was a holiday, I happened to drive by, Theresa was at work, I talked to Theresa but the Health Department was closed when it went in.

Board Member Rogan stated I can't really answer for this permit because I don't work in those programs.

Ms. Ryan stated we will see if we can get a copy of it if it exists.

Board Member Rogan stated if it doesn't then it will be a repair.

Board Member Pierro stated in any event Rich I think we should communicate to the potential buyer and the current owner that what they are trying to do here utilizing or making a new retail space is going to require a new Special Use Permit because these people think, they just plopped a new septic system in there figuring they are going expand their income by renting out new space there.

Board Member Rogan stated or use it as a residence currently.

Board Member Pierro stated or use it again as a residence, which is illegal. Our intent was to get it out of there.

Ms. Ryan stated that is a Code issue.

Rich Williams stated right I mean if they did that it would be a code violation and they would have another violation of course they have had violations on this now for years and all they seem to do is get dismissed.

Board Member Pierro stated we are trying to use this as a means to an end. Let's get it straighten out. I don't think we should enable these guys to come in and maximize their profit because they are buying a new building and they decided they can plop a septic system on a holiday, Monday. It is not right.

Chairman Schech stated I remember their intent was to use upstairs for,

Board Member Pierro stated the gun shop was going to use it.

Chairman Schech stated for the gun shop.

Rich Williams stated I think we were all clear on that.

Ms. Ryan asked the did Applicant say they were going to do that or.

Rich Williams replied I would have to go back to the minutes.

The Secretary stated I don't think it was specifically said at a meeting.

Board Member Pierro stated when we were there on the site walk we spoke with those guys.

Chairman Schech stated and they said we need the space look how crowded it is down here.

Board Member Pierro stated when we were there on the site walk the day we discussed moving the boat rack, which is another thing that had to be placed on the site plan.

Rich Williams stated that is on there.

Board Member Pierro stated that boat rack was supposed to be moved away from the building and placed up closer to the corner of the building. I think the gas tanks had to be moved as well.

Ms. Ryan stated no we need to put bollards around it. Now, that is all part of the site plan though so they can't actually do that work until they post the bond or they get site plan approval and then they can. They have to do certain things before they actually act on the site plan.

Board Member Pierro stated there were lights we wanted installed.

Ms. Ryan stated right but that is part of the site plan and once they get the approvals, once the plan is signed off on they can do it.

Rich Williams stated the reality is they can do the work before the bond it is their option.

Ms. Ryan stated but they have to post ten percent of the bond right.

Rich Williams replied yes.

Ms. Ryan stated so no matter what there are certain things they have to do before they actually do that work.

Chairman Schech stated or just do what every they feel like and hope that everyone forgets about it.

Board Member Pierro stated they threw a septic in.

Ms. Ryan stated see one part they did do and now they are in trouble again. (laughing).

Board Member Montesano stated because of the way they did it.

Board Member Pierro stated they did half of it. They dead ended the septic that was on the other guy's property but they also expanded the septic, the remaining portion.

Ms. Ryan stated they did not expand it they said they relocated it.

Board Member Rogan asked all right so what are options on this.

Rich Williams asked so are you okay with omitting that note from the site plan.

Ms. Ryan asked so you want another note on about the Special Permit too.

Board Member Rogan stated like you said the note does not need to be on there anymore because it has already been done.

Rich Williams stated the problem is the note conflicts.

Board Member Rogan stated yes Rich I am fine with removing the first half of your note from the plan, the second half would not make any sense being on there now. The second part of this note was geared towards the removal of that system so there is no harm in removing this note.

Board Member Rogan stated we are talking about an extension based on a performance bond and inspection fees being either paid by the Applicant, seller or the buyer. Why doesn't the seller just pay them. It is none of my business but. Then a note on there well no we don't need a note on the plat saying that it can't be occupied as a residence because it can't by Code.

Rich Williams stated that note is already on there.

Board Member Rogan asked so what are we talking about. We are talking about an extension.

Rich Williams stated an extension in time to meet the conditions that is it.

Ms. Ryan stated your most generous extension.

Board Member Montesano stated you got an extension of a 118 days should we give them another five.

Rich Williams stated no they don't.

Board Member Montesano stated well they took one now they are asking to be extended. We are already a 118 days in the hole.

Rich Williams stated if you don't grant the extension they start over.

Ms. Ryan stated you don't want us back on that level do you.

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

Board Member Rogan asked Anthony is there any pitfall that you can see right that we are right now not thinking about in this case.

Anthony Molè asked the extension is to just post the bond and see that they actually perform the conditions.

Rich Williams replied it is to meet the conditions of the site plan. The only two outstanding conditions at this point are posting the bond and paying the inspection fees. If I get that in my hand and the Planning Board extension, we sign the plans and then we have to start pushing them to do the site improvements, which isn't probably going to happen this construction season.

Anthony Molè stated obviously there is something going on privately between the two. I would say grant the extension that you feel is enough time to have the bond posted and let them worry about (unable to hear no mic). The Board cannot concern themselves with the seller is posting, the buyer is posting it is really out of the Board's realm to even consider that.

Board Member Bodor stated and it doesn't make any difference because either way regardless of who does it, it meets the concern or the criteria of the approval.

Anthony Molè stated right because who ever is posting the bond is agreeing that if the improvements are not done the Town could use those funds.

Rich Williams asked it has to be basically posted by the owner right.

Anthony Molè replied yes.

Board Member Pierro asked doesn't the Applicant have to post the bond.

Rich Williams replied that is what I was just asking. It has to be posted by the owner.

Anthony Molè stated that is what I am saying if the transaction has not gone through yet it looks like the buyer is really going to post the bond but they don't own it yet and there is a complication in the sale obviously so if the Board says the bond has to be posted by such and such date then the seller is just going to have to do it or have the closing take place. I don't know what the complications are but one way or the other it has to be posted.

Board Member Pierro stated I just can't see letting the buyer further screw up the process by posting the bond. If the seller does not want to post the bond and he was the original Applicant.

Chairman Schech asked who is the buyer the tenant that is there now.

Board Member DiSalvo stated that is what it looks like.

Ms. Ryan stated they are listed in that letter that I passed out, the three people.

Board Member DiSalvo stated if you read it right that is what it sounds like the guys renting the gun shop want to buy it.

Board Member Rogan stated we are at 118 today is a thirty day extension from now,

Board Member Pierro stated can I tell you what I know.

Board Member Montesano stated no.

Board Member Pierro stated okay I won't.

Board Member Rogan stated what I am saying if you give like a 160 that gives 42 days.

Rich Williams stated a 37 day extension on top of that gets you just passed the next Planning Board meeting.

Board Member Rogan stated a 160 day extension would get us 42 days from now.

Rich Williams asked do you hear what I am saying 36 days in addition to 118 would get you to the next Planning Board Meeting.

Board Member Rogan asked right so a 160 day extension gets us passed there which is no good.

Rich Williams replied well the question is do you want to make this you know keep this alive at the Planning Board level.

Board Member Rogan stated yes because we can always grant an extension.

Chairman Schech stated suppose we do it as long as they post a bond.

Rich Williams stated so at the next Planning Board Meeting if there has not been significant activity one way or the other you can reconsider the issue.

Board Member Rogan made a motion in the matter of T&T Associates Site Plan that the Planning Board grant a 154 day extension to resolve the issues for the site plan approval.

Board Member Montesano asked from what date are we starting the,

Chairman Schech stated it is from the expiration.

Board Member Rogan stated it is 154 days but it is being extended from May 5th is it.

Ms. Ryan replied yes.

Chairman Schech asked what about the bond.

Board Member Rogan replied that is all involved with,

Ms. Ryan stated that is a condition.

Board Member Montesano seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	aye
Board Member Pierro	-	no
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye
Chairman Schech	-	aye

Motion carried by a vote of 4 to 1.

Board Member Rogan made a motion to adjourn the meeting. Board Member Montesano seconded the motion. All in favor and meeting adjourned at 9:38 p.m.