

**TOWN OF PATTERSON**  
**PLANNING BOARD MEETING**  
**September 3, 2009**

**AGENDA & MINUTES**

	<b>Page #</b>	
1) <b>Anthony Boniello – Wetlands/Watercourse Permit</b>	1, 20 – 21	Public Hearing cancelled. Public Hearing rescheduled for 10.1.09.
2) <b>John T. Mayfield – Wetlands/Watercourse Permit</b>	1– 2, 21	Public Hearing cancelled. Public Hearing rescheduled for 10.1.09.
3) <b>Patterson Crossing Retail Center – Continued Review</b>	2, 21	Town Planner met with Attorneys, resolution pending.
4) <b>Rimaldi Site Plan – SEQRA Determination</b>	2, 21 – 22	Negative Determination of SEQRA granted.
5) <b>Taggart Estates Subdivision</b>	2, 22 – 29	Discussion of lots, wetlands and staking for site walk.
6) <b>County Line Getty – Amended Site Plan</b>	29 – 37	Discussion of site walk, parking spaces, set backs and collision center.
7) <b>Verizon Wireless at 801 Route 311 – Initial Application</b>	2, 6 – 20	Discussion of silo, tower location, access road and agricultural exemption
8) <b>Dodd Lot Line Adjustment</b>	3 – 5	Lot Line Adjustment granted with conditions.
9) <b>Other Business</b>		
a. <b>Benderson (Patterson Commons) Performance Bond</b>	5 – 6	Bond release tabled until 10.1.09
b. <b>Steger Zoning Amendment</b>	37 – 38	No action taken.
c. <b>Brewster Plastics</b>	38 – 41, 71 – 85	Discussion on bond, inspection fees and final plat submission.
d. <b>Fair Street Self Storage Bond</b>	41 – 43	Bond reduced to 10% of original bond.
e. <b>Watchtower DEIS</b>	43 – 46	Special Meeting scheduled for 9.29.09
f. <b>IO Wellness – Sign Application</b>	46 – 47	Discussion of sign.
g. <b>Field and Forest Apartments – Guide Rail</b>	47 – 70	Discussion of guide rail, site walk, and landscape plan.
10) <b>Minutes</b>	70 – 71	6.25, 7.9, 7.30 & 8.6 approved.

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**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**ZONING BOARD OF APPEALS**

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

**PLANNING BOARD**

Shawn Rogan, Chairman  
David Pierro, Vice Chairman  
Michael Montesano  
Maria Di Salvo  
Charles Cook

**Planning Board  
September 3, 2009 Meeting Minutes**

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

Present were: Chairman Rogan, Board Member Pierro, Board Member Montesano, Board Member DiSalvo, Board Member Cook, Rich Williams, Town Planner and Ted Kozlowski, Town of Patterson Environmental Conservation Inspector, Andrew Fetherston from the Town Engineer's office, Maser Consulting and Carl Lodes from the Town Attorneys office, Curtiss and Leibell.

The meeting began at 7:30 p.m.

There were approximately 7 members of the audience.

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

Chairman Rogan led the Salute to the Flag.

Chairman Rogan stated thank you.

**1) ANTHONY BONIELLO – Wetlands/Watercourse Permit**

The Applicant did not appear.

Chairman Rogan stated number one, Anthony Boniello, anyone here for Mr. Boniello this evening, nope.

**2) JOHN T. MAYFIELD – Wetlands/Watercourse Permit**

The Applicant did not appear.

Chairman Rogan stated number two, Mr. Mayfield we've already covered, that is going to be.

Rich Williams stated Mr. Chairman...

Chairman Rogan stated I'm sorry, public hearing for Anthony Boniello, is not being held tonight and Mayfield public hearing is not being held tonight, both for not meeting the requirements for the public hearing.

**3) PATTERSON CROSSING RETAIL CENTER – Continued Review**

Chairman Rogan stated who is here for Patterson Crossing, nobody.

**4) RIMALDI SITE PLAN – SEQRA Determination**

Chairman Rogan stated moving along, anyone here for Rimaldi.

**5) TAGGART ESTATES SUBDIVISION – Continued Review**

Chairman Rogan stated Taggart, who is here for Dodd, let's move right to the...

Board Member DiSalvo stated maybe we are just moving too fast.

The Secretary stated you have somebody here for Verizon Wireless.

**7) VERIZON WIRELESS AT 801 ROUTE 311 – Initial Application**

Chairman Rogan stated Verizon, let's take care of Verizon. Sir, come on up please and I know there was a gentleman earlier for County Line Getty who stopped and I said you're number six you probably won't, I said don't worry when you get here we'll take care of it.

Rich Williams stated can I do this now.

Chairman Rogan stated sure.

Rich Williams stated John Watson with Insite [Engineering] for Verizon Wireless...

Chairman Rogan stated okay.

Rich Williams stated he is not here.

Chairman Rogan stated okay.

Mr. Fry stated if you can, give him some time to show up.

Chairman Rogan stated sure, there is a gentleman here for Dodd Lot Line adjustment and that we can take care of this business.

**8) DODD LOT LINE ADJUSTMENT**

Mr. John Dodd was present.

Chairman Rogan stated we did a site walk on Tuesday, was it Tuesday.

Rich Williams stated yea.

Chairman Rogan stated Tuesday after work, everybody checked the lot line. That's okay, you're, we told you didn't even have to be here if you didn't want to.

Mr. Dodd stated well I figured I would show up just in case.

Chairman Rogan stated why don't you show up in case anything doesn't go your way. The issue with this lot line adjustment is that both these lots are not of adequate size, so you will have to go to the Zoning Board of Appeals. We have a resolution prepared which would be a conditional approval contingent upon you obviously getting a favorable review from Zoning, which we hope and recommend that they look favorably on that. Any questions or anything from anyone, on this.

Board Member Montesano stated no.

Chairman Rogan stated no, anything from you gentleman, no. Who would like to do the resolution?

Board Member Cook stated I'll do it. Whereas the Planning Board has been presented for approval a lot line adjustment plat which plat adjusts or alters the lot lines between properties owned by John Dodd and Martin Fallman, prepared by Terry Bergendorff Collins dated August 26, 2009. Now therefore be it resolved that the Planning Board of the Town of Patterson...

Board Member Pierro stated sorry.

Board Member Cook stated finds that the proposed action will not have significant adverse environmental impact pursuant to the 6 NYCRR Part 617 and issues a negative determination of significance and further be it resolve that in the application of John Dodd and Martin Fallman for a lot line adjustment pursuant to chapter 138 of the Town Code. The Planning Board finds that the subject application and lot line adjustment plat, as modified in accordance with any applicable conditions set forth in this resolution, complies with all requirements of the Town Law and chapter 138 of the Town Code and hereby grants the lot line adjustment approval, subject to the application compliance with 6 general and 1 special condition within 62 days of the date of this resolution. Further be it resolved that this lot line adjustment approval shall be deemed null and void if the applicant fails to comply with all the conditions stated above within the time period set forth above for such compliance unless such time period is extended by resolution of the Planning Board for good cause shown; and further be it resolved that in any event this lot line adjustment approval shall expire 62 days from the date that the plat is signed by the designated representative of the Planning Board unless it has been filed in the office of the Putnam County Clerk.

Board Member Montesano seconded the motion.

Chairman Rogan stated Rich, just for discussion, we have a second. Under the section before the general conditions its states that basically everything meets chapter 138 of the Town Code, however it doesn't

because they have to go to Zoning, it uses that special condition as a caveat but maybe council should weigh in. Is it okay for that to state that the way it does.

Rich Williams stated while he's reviewing that condition, my opinion would be it does meet everything within [chapter] 138...

Chairman Rogan stated okay.

Rich Williams stated the plat does, it does not meet the requirements for [chapter] 154...

Chairman Rogan stated okay.

Board Member DiSalvo stated okay.

Chairman Rogan stated the requirements of [chapter] 154 would be the bulk dimensions.

Rich Williams stated the bulk area dimensions.

Board Member Pierro stated bulk area dimensions.

Chairman Rogan stated okay...

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated any opposed. Thank you sir, please keep us informed about the bear situation.

Mr. Dodd stated I will, pictures are coming, I hope tonight.

Board Member Montesano stated next time use a van and not the trap this way he'd be there.

Mr. Dodd stated okay.

Board Member Cook stated you should stop in the office and get a copy of the resolution so you know exactly what...

Board Member DiSalvo stated you want this.

Chairman Rogan stated you can have one of these.

Mr. Dodd stated you sure.

Chairman Rogan stated sure.

Mr. Dodd stated thank you.

Rich Williams stated it will get mailed to you.

Chairman Rogan stated yea but at least you have that.

Mr. Dodd stated okay.

Board Member DiSalvo stated take it home.

**9) OTHER BUSINESS**

**a. Benderson (Patterson Commons) Performance Bonds**

Chairman Rogan stated okay, why don't we talk for a minute about Benderson Patterson Commons performance bond. We had sent letters to both the DEP and the Health Department and we've heard back from Health Department you said.

Board Member Pierro stated nope.

Rich Williams stated we initially heard from a Health Department representative who indicated that they did not have an issue. The beginning of this week I heard from Dan Shedlow from New York City DEP who said that they had scheduled a meeting with the Health Department to review the data that had been generated by the monitoring and requested that the Board hold off until they've heard from them.

Chairman Rogan stated okay.

Rich Williams stated so with the Board's indulgence I will place this on for the next agenda.

Chairman Rogan stated make a motion that we hold off Benderson Performance Bond for the next meeting...

Board Member Pierro seconded the motion.

Chairman Rogan stated to wait for the DEP.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated I can see that...

Board Member DiSalvo stated didn't we do the other two.

Chairman Rogan stated this was specific.

Board Member DiSalvo stated these are the balance ones that we wanted to clear off the...

Chairman Rogan stated this was specific to money being held for the, it was, I thought it was...curtain drain...

Rich Williams stated curtain drain monitoring around the septic system.

Chairman Rogan stated it's already done.

Ted Kozlowski stated oh...was he here.

Chairman Rogan stated yes, he will be visiting you later tonight.

Ted Kozlowski laughs.

Board Member Montesano stated I hope you didn't bring your bicycle.

**7) VERIZON WIRELESS AT 801 ROURE 311 – Initial Application**

Mr. Jordan Fry of Snyder & Snyder and Mr. John Watson of Insite Engineering were present.

Chairman Rogan stated Mr. Watson, are you ready for us.

Mr. Watson stated yes sir.

Chairman Rogan stated anytime you're ready, let's see what you have for us.

Board Member DiSalvo stated (inaudible – not using microphone).

Chairman Rogan stated this is going to be good, Monday will be good.

Board Member Montesano stated all right, let's see what we got.

Board Member DiSalvo stated (inaudible).

Board Member Pierro state what's Monday.

Chairman Rogan stated Rutgers is playing.

Board Member Pierro stated oh good.

Mr. Fry stated good evening, Chairman Rogan and Members of the Board, my name is Jordan Fry from the law firm of Snyder & Snyder that is 94 White Plains Road, Tarrytown, New York. Accompanying me is John Watson of Insite Engineering. We are here to represent New York SMSA Limited Partnership doing business as Verizon Wireless. Verizon Wireless proposes to install a public utility wireless communications facility at 801 Route 311, Patterson New York, basically what the facility consists of is antennas within an existing silo and an equipment compound at the base thereof. You guys have any questions, John and I would be happy to help you with anything.

Chairman Rogan stated we had also had a gentleman from your firm...

Mr. Fry stated yes, Michael Sheridan.

Chairman Rogan stated represent at the work session, gave us a run down, we spoke with him for a little bit of time. I believe, John, maybe you can speak to this, the Board wanted to confirm that the antenna and the structure are not going to change from the outside, the silo.

Mr. Watson stated correct, the intent here was to keep the silo looking exactly the way it does now, right now it's a silo, its made out of concrete block and then there is a dome that I believe is some type of metal. The intent is to leave the concrete portion of the dome, I'm sorry of the silo, take the dome off, replace it with an RF transparent, radio frequency transparent material, painted the same color at the silo that's. The dome that's there now and put the antenna's inside the silo so it will be completely hidden from sight, so it will look, when it's done the silo will look exactly like it does now.

Board Member Montesano stated there is no additional space at the top of the silo that will be required.

Mr. Watson stated no, there is no additional...

Board Member DiSalvo stated the silo is staying the same height.

Mr. Watson stated correct.

Board Member DiSalvo stated kind of small for a cell tower, don't you think.

Board Member Pierro stated well it's the existing height of the area there.

Board Member DiSalvo stated (inaudible).

Mr. Watson stated it is also filling, now that there are some towers in Town already, as you are aware...

Chairman Rogan stated yea.

Mr. Watson stated trying to fill in holes, you don't need the big towers anymore at all these sites, some of them you can get away with these lower ones in the valley because it is pretty flat, in the valley there, it's pretty flat between mountains.

Chairman Rogan stated actually from the high spot on Cornwall Hill Road, where Couch Road intersects, just as you crest the hill and you're looking towards the old farm property, I thought you could just make out the top of that silo, I thought silo-ing, so that obviously has a pretty good span over that valley.

Board Member Montesano stated have any other properties been looked at for this silo.

Mr. Watson stated say that again.

Board Member Montesano stated have any other properties been looked at for this...

Board Member DiSalvo stated antenna.

Board Member Montesano stated antenna.

Mr. Fry stated I believe Verizon Wireless did look at other properties but since they were able to use the silo and have the antennas inside the silo, such as not to have such a visual affect on the neighborhood, I believe that was the best option. I would have to go back to my client because I can't speak as to what properties.

Board Member Montesano stated because I'm wondering how this particular property got picked.

Board Member DiSalvo stated yea.

Chairman Rogan stated Carl, can I ask a question, can I just interject for a second. It's a great question but I'm curious, is that more for the purview of Zoning Board.

Carl Lodes stated yes.

Chairman Rogan stated our review of this project is specific to the site plan and analysis and conversation of the appropriateness of the coverage is more appropriate for Zoning Board, correct.

Carl Lodes stated that is correct.

Chairman Rogan stated okay, so not that I'm not curious about it also but let's stick to the site plan issues if we can, I don't want to run amok or a foul of our purview.

Board Member Montesano stated fine then I'll stick to this, that property is approximately what, six acres.

Board Member DiSalvo stated mmmhmmm.

Mr. Fry stated 6.5 acres, approximately.

Board Member Montesano stated all right, 6.5 acres, how many animals are on that property at the present time.

Rich Williams stated I have no idea.

Board Member Montesano stated this is something I would like to find out, if we go on a site walk I would like to have that because when you pass by there, it's always crowded.

Board Member DiSalvo stated the parking lot is crowded.

Board Member Montesano stated and I want to see where the parking...

Board Member DiSalvo stated the road is closed.

Board Member Montesano stated I don't know if those cars that are there employee cars, riding personnel and since we've got six and half acres of property, how of the property is being utilized because there is an awful lot of buildings.

Mr. Fry stated just to give you an idea since you guys will be doing a site visit and you will be able to see for yourself but the silo and the facility and John you can help me out here, is approximately six hundred feet away from Route 311, its in the rear, its pretty far away.

Board Member Montesano stated what I am looking at right now is not...

Chairman Rogan stated what's that.

Board Member DiSalvo stated (inaudible).

Board Member Montesano stated pertaining because the building already exists, you are also putting up some kind of a smaller building to house...

Mr. Watson stated if you could, I will walk you through the entire property, this is New York State Route 311, Brickhouse Road is up here...

Board Member Montesano stated I know where the location of the site is, that's not a problem.

Mr. Watson stated okay, there is a dwelling and a barn and a parking area in the front of the property here and there are several barns clustered here and a couple run-ins for horses, there is paddock fencing back along this side and up on the north and south sides. There is a steeper area here with about 20 feet of grade change, this area sits above this pad here, there is now a driveway and then it goes to dirt and then it goes to grass and the grass riding track back here. We're looking to, the silo is this circle here, we are proposing to improve this gravel driveway to make so it's a stabilized driveway and we are placing our equipment shelter on the south side of the silo which is this little area here. So right now, this is all grassy and its brush and meadow down through this area, so all of our work is just an improvement of the driveway and the work back here, whereas the farm operation is down in this area here.

Board Member Montesano stated what I am looking at is actually the operation itself but the size of the property...

Chairman Rogan stated okay.

Board Member Montesano stated and the amount of animals involved.

Chairman Rogan stated well in other words, it sounds like what you're asking Mike is how will the use of this property for the cell tower impact on the current use...

Board Member Montesano stated well...

Chairman Rogan stated in other words, is this going to take use space away that they needed.

Board Member DiSalvo stated space away.

Board Member Montesano stated well what I had mentioned is its an agricultural district...

Chairman Rogan stated yea.

Board Member Montesano stated if this goes up, does that eliminate that agricultural district...

Board Member Cook stated designation.

Board Member Montesano stated designation or does it limit or does it take away from it and in so doing, I don't know the exact law for agricultural size. I know it has to be over a certain acreage, I'm worried about this affecting that acreage and what that will mean to us as a Town.

Chairman Rogan stated right, Maria, can you speak to that.

Board Member DiSalvo stated well it's my understanding when they do cell towers they block out the area of the cell tower and the building around it and create like a separate lot on that property. So that area will be taken away from the total acreage of that property.

Chairman Rogan stated that agricultural exemption.

Board Member DiSalvo stated yea and if that building already has an agricultural exemption for a farm building, that will be taken away also because its not used as a farm structure anymore.

Board Member Montesano stated (inaudible).

Chairman Rogan stated well in essence what you're saying is that as a taxable structure, its not going to be part of the farm anymore.

Board Member DiSalvo stated no but then it will be taxed as a cell tower.

Chairman Rogan stated right.

Board Member Montesano stated what I'm worried about is if it's an agricultural district and we have x amount of animals on that property...

Board Member DiSalvo stated and that property is being taken away.

Board Member Montesano stated and that property is being taken off the tax rolls for it, will that still give it enough property to be an exemption and are we going to hinder that in anyway...

Chairman Rogan stated I think that will probably.

Board Member Montesano stated I'm just covering the legal end of this...

Board Member DiSalvo stated it may hinder the amount of animals she can have on that property.

Chairman Rogan stated right, well we are going to have to, when we take a look at it, go ahead, I'm sorry.

Mr. Fry stated respectfully, any tax exemptions that she has, I should say the Pien's have, you know that is something that I don't really feel is relevant to this site plan. We are here to discuss the actual plan that we are proposing but I do understand...

Board Member Montesano stated okay, your property shrinks into a different category, that means there may be a violation of the Town law in allowing her to have the farm.

Board Member DiSalvo stated because we are keeping animals on the property...

Mr. Fry stated I think...

Chairman Rogan stated I understand your process, you're saying that if this is a six acre parcel and you're going to take an acre away and you need more than five acres for the ag exemption, you don't want to create a non-conforming lot.

Board Member Montesano stated right.

Chairman Rogan stated we'll get into that as we...

Board Member Montesano stated we'll get into it (inaudible).

Mr. Watson stated just order magnitude, just so you know...

Chairman Rogan stated yea.

Mr. Watson stated the lease area that we described, the lease area is I think 22 by...

Chairman Rogan stated not much bigger than this room, yea.

Board Member Montesano stated yea but she's only got...

Mr. Watson stated it's like six or seven hundred square feet.

Board Member DiSalvo stated and the diameter of the silo.

Chairman Rogan stated well right.

Board Member Montesano stated well even that there, the object would be, are we going to create something by removing this because it is no longer an agricultural usage and its right in the middle of the farm.

Chairman Rogan stated yea, well, it's not in the middle.

Board Member Montesano stated its on the back end of it.

Board Member Pierro stated so you're saying the total lease area is roughly.

Mr. Watson stated 22 by 30 feet and six inches.

Board Member Pierro stated does that include the silo base.

Board Member DiSalvo stated that's the building.

Mr. Watson stated no, it does not.

Chairman Rogan stated no.

Board Member Montesano stated all right, does it include the road.

Mr. Watson stated no.

Board Member Montesano stated are you maintaining the road, you're going to improve the road.

Board Member DiSalvo stated its like a whole section with a big box around it.

Board Member Montesano stated so does that mean that you're improving, you maintain it, does that cover (inaudible).

Mr. Fry stated just to give you an idea, we are improving the road but that road is only going to be used by Verizon Wireless, approximately once a month. So its beneficial to the property owner as well, even, I don't want to say its more beneficial but its beneficial to both parties and its not part of Verizon's leased area. Verizon can't put an improvement on the road without getting another, more square footage, its just access, the road is just access back and forth once a month.

Chairman Rogan stated Carl, do you have anything to add, it looks like your wheels are spinning on this one.

Carl Lodes stated well I'm not sure whether those are concerns of the owner, not necessarily concerns of yours. I presume they are represented by council, I presume whoever drew up this agreement.

Chairman Rogan stated yes.

Carl Lodes stated if they are concerned about losing their agricultural exemption that is their concern.

Board Member DiSalvo stated its not so much that, it's about them losing property...

Board Member Montesano stated property...

Chairman Rogan stated that they can currently use.

Board Member Montesano stated and what included, in other words...

Board Member DiSalvo stated yea, it's important because that is a total of that land.

Chairman Rogan stated yea.

Board Member Montesano stated you must have, if I remember, you must have a certain amount of property to get an agricultural district exemption, if you give up part of that property, does that mean that the Town will benefit by having a higher tax rate, to be perfectly honest at this time because if they lose that exemption and in losing the exemption. Let's say for arguments sake we lose the exemption, does that mean that the Town would now have the right to tax them as a nonfarm and would they fall under the same category as an agricultural district with the amount of animals they have, the procedures that they do there.

Board Member Pierro stated Rich, how much acreage is required or how much area is required to get an ag exemption.

Board Member DiSalvo stated (inaudible).

Rich Williams stated not very much.

Board Member Pierro stated right.

Rich Williams stated there have been bee farmers as long as they meet the economic thresholds that qualify for that ag exemption and always be clear that there is a difference between ag exemption and ag district.

Board Member Montesano stated okay.

Rich Williams stated okay, so ag district has to do with the regulations really we can impose, ag exemption has to do with their taxable status.

Board Member Montesano stated all right.

Board Member Pierro stated and this process, does it have an agricultural exemption.

Board Member DiSalvo stated mmhmm...

Board Member Pierro stated or is it in an ag district.

Board Member DiSalvo stated both.

Rich Williams stated both.

Board Member Pierro stated its both.

Mr. Fry stated this is a residential district.

Board Member Pierro stated okay but is there...

Board Member Montesano stated no.

Rich Williams stated on top of that residential district...

Board Member Pierro stated there is an overlay.

Rich Williams stated Putnam County can designate certain properties to be in an agricultural district and this is one of the properties that I believe has received that designation. So, they do, and what that is going to mean to you just so you know, you'll want to take a look at it, there is going to be some additional notifications and forms that you are going to have to fill out once we go through the process.

Mr. Fry stated okay.

Board Member Pierro stated so the fact that we are going to minus out an area large enough to have the silo and the ancillary building leased out, minus that from the property do you believe that this farm will lose its ag exemption.

Board Member DiSalvo stated I don't think they'll lose their ag exemption, they may lose the amount of animals they can have on that property. What can they currently have on six something acres.

Board Member Pierro stated that's the first question.

Rich Williams stated well first, they have an agricultural district status...

Board Member DiSalvo stated right.

Rich Williams stated so, the Town can no longer go in there and tell them how many animals they can have on the farm.

Board Member DiSalvo stated that's not true, we still have to comply with Zoning.

Rich Williams stated we are very restricted as far as what we can do and its very clear that we can no have any rules or regulations which circumvent farming.

Board Member Pierro stated (inaudible).

Rich Williams stated our zoning rules still apply on properties in an agricultural district but we are restricted to what we can tell a farm to do, we can't unduly restrict farm operations. With regard to animals, we really can't tell them how many animals, right now our Zoning dictates how many horses you can have per acre...

Board Member DiSalvo stated right.

Rich Williams stated when you're an equestrian center...

Board Member DiSalvo stated right.

Rich Williams stated I can't go into your farm and now tell you how many horses you can have there, that is a matter of your business practices as a farm.

Chairman Rogan stated are there known and qualified best practices for, like for instance horse farming, for horse boarding that say hey you need x number of acres per five horse and maybe the same thing applies for whatever kind of animal. This might be a question for somebody involved in the ag district to say, you have this much property, you have this many animals, this seems to not follow good practices...

Board Member DiSalvo stated right, right.

Chairman Rogan stated that's an internal conversation that might maybe at some point, has to be had.

Rich Williams stated that is a determination made by the Commissioner of Ag and his staff.

Chairman Rogan stated right.

Board Member DiSalvo stated now you eliminate, you're taking away some land, you know, she may be a little bit under...

Chairman Rogan stated there is an impact on that.

Board Member DiSalvo stated maybe a little bit over six acres now, I mean to have twenty-five or, I don't know what she has but she has a lot of ponies and horses and live stock...

Chairman Rogan stated yeah.

Board Member DiSalvo stated it may not be enough room, it may not be enough land.

Board Member Cook stated I think this is a red flag that Mike is bringing up that you gentlemen need to go back and make sure that it is understood by the owner of the property, Verizon and anybody else.

Chairman Rogan stated yea.

Board Member Cook stated that's it, I mean...

Board Member Montesano stated (inaudible).

Board Member Cook stated if you need to communicate to our counsel or something relative to Putnam County Ag District exemptions or whatever, make that part of the process.

Board Member DiSalvo stated I know this is pretty popular in upstate New York putting cell towers in silos but remember upstate New York, you're talking hundreds of acres that its sitting with no real impact to their corn business or diary farms. Besides maybe the house, another house won't be for a hundred miles away or something like that. Again, there are houses around there, there is, it just creates less land to work on.

Chairman Rogan stated on the flip side though, it's a silo that is not currently being utilized; they don't need it for the farming, for the ag practice they are currently doing...

Board Member DiSalvo stated right.

Chairman Rogan stated and Town wide we are disheartened when we see these structures come down, so I mean there is nothing stopping them from saying well we're not going to do a cell tower, we don't need the silo, we're going to knock it down.

Board Member DiSalvo stated right.

Chairman Rogan stated then people are going to be saying we are losing the rural character of the community, the idea of putting a cell tower in a silo, I don't like cell towers in the scheme that I wish we had better technology but if we are going to site them, to me this is the least impact I've seen of any cell tower we've reviewed, at least in my tenure on the Board.

Mr. Watson stated that's what we thought.

Board Member DiSalvo stated its still in a residential area.

Board Member Montesano stated you're still going into a residential neighborhood and the people that I see...

Chairman Rogan stated yea.

Board Member Montesano stated when they talk to you, this to me is we are covering ourselves, whether I like it personally, it doesn't bother me...

Chairman Rogan stated I understand.

Board Member Montesano stated Verizon works fine, that means I don't have to go out on the deck to go make a phone call which I love but I can't say that because its not polite and I'm being asked questions so I'm asking them.

Mr. Fry stated just to, a broad look at what we are providing here, first off Verizon Wireless is considered a public utility and we have a, Verizon Wireless has a gap in coverage which includes emergency cell phone service et cetera. Verizon Wireless is proposing to cover their gap in service, use a used silo, you can't see the antennas and we are proposing approximately John, 600 square feet would you say.

Mr. Watson stated the building is 240 square feet, the building is small, just like a (inaudible) square foot.

Mr. Fry stated the equipment shelter is actually designed to match existing structures on the property, so what we have here is, we are using, if you want to call it stealth technology to kind of hide the facility, have a very small impact on the community visually because you're looking at the same silo except for now we are adding an RF transparent dome to look exactly like the silo that is already there, so I just think that, representing Verizon Wireless, I think I did a very nice job in trying to accommodate everybody.

Board Member Montesano stated can we go back, what is it, twenty-five years when Verizon Wireless owned, one, two, three, four pieces of property in the Town, they chose to come in, have a house condemned, tear it apart and enlarge their own facility then they sold off the other four lots that they had because it would have been inconvenient for them so it was made inconvenient for the Town and the population and the gentleman who went to court for, let's see, roughly ten to twelve years before he got what his property was worth. In one day they came in, condemned the property, came in with bulldozers and took the man's house down.

Mr. Watson stated I think you are confusing Verizon, the landline company with the Verizon Wireless, they are separate companies.

Board Member Montesano stated the names are, the companies are subsidiaries of each other...

Mr. Watson stated but they are different.

Board Member Montesano stated the object is, the name is there and unfortunately, you talk to people out here and they talk, this is the thing they ask. They were four beautiful pieces of property that they could have utilized at the time, instead they put a truck inside of a postage stamp and people don't forget and those people are still around...

Mr. Fry stated you know, again...

Board Member Montesano stated but that's neither here nor there with this.

Mr. Fry stated I'm not sure the accuracy and I'm not here to discuss the past, we are just here for any comments you guys may have on our site plan and if we can help.

Chairman Rogan stated at the work session with spoke with the gentleman from your council, that we were going to try and do a coordinated site walk with the Zoning Board on this, right.

Rich Williams stated correct.

Chairman Rogan stated okay.

Rich Williams stated if the Board so chooses.

Chairman Rogan stated so why don't we try to see what the Zoning Board's schedule and set up a site walk for October and take a look at this or late September the earliest.

Board Member Montesano stated very late September.

Board Member DiSalvo stated you going away.

Chairman Rogan stated I'm going away for two weeks, so, I'm out.

Board Member Montesano stated very late September.

Chairman Rogan stated if you could stake out though the area around that you anticipate using, for the building, there is going to be fencing around the building, correct, so stake out that area and then any area for the drive that is not currently existing. If it's existing and you're just improving it then you don't have to do anything there.

Board Member Montesano stated is there a possibility of a generator being put on that property also.

Mr. Watson stated yes.

Board Member Montesano stated is it going to be in the enclosed area.

Mr. Watson stated yes.

Board Member Montesano stated because I know there is one generator that is not in the enclosed area.

Mr. Watson stated Verizon is required to provide back-up power, a back-up generator which will be located even behind.

Board Member Montesano stated well I know they have one generator in the enclosed area, the larger one that they put up is outside of the enclosed area.

Mr. Watson stated once again we are here for this site.

Board Member Montesano stated which makes law enforcement very happy.

Chairman Rogan stated let's keep to this. Anything from any of you gentlemen that you want to bring up tonight on this application.

Rich Williams stated the only thing I have, the only other action the Board may want to consider so we can move the site plan process along is they are proposing an access drive coming in off of the existing driveway running around over a farm road, they are proposing to improve that. They are currently proposing to put in an item four surface except for a small section which crosses an existing track which may be grass pavers. I raise the question on that as far as what the use of the track is, whether it would be appropriate or they just want to stay item four through it. In order them for them to do it and not create additional impacts to stormwater run off, they need a waiver from the Board from applying asphalt paving to it.

Chairman Rogan stated we can certainly think...what were you saying Maria.

Board Member DiSalvo stated we should go look at it.

Chairman Rogan stated because the area is pretty rural in nature, its not like we are going to pave, you know, I don't think, you're certainly not going to come from a gravel drive and pave a section when its not necessary to go back there once.

Board Member Pierro stated we were talking about the width of the driveway, the access driveway that will be paved on the track.

Rich Williams stated no...

Mr. Watson stated the entire driveway.

Rich Williams stated but its not going to be paved, it's a different product, it's a grass paver.

Chairman Rogan stated but I agree with what Maria said, why don't we take a look at it, let's get out there.

Board Member Pierro stated but it's the width of the driveway.

Rich Williams stated yes.

Board Member Pierro stated okay.

Chairman Rogan stated but it seems like everybody is pretty reasonable with the idea of that but let's take a look at it and make sure everybody is comfortable.

Mr. Watson stated can we be there for the site visit because I know the owner...

Chairman Rogan stated I think in case any questions come up, if we want to, let's talk between us and the Zoning Board, they may want you there.

Rich Williams stated well typically the Zoning Board requires you to be there.

Mr. Watson stated that's good, we prefer to be there and since it is a working farm, there are a lot of animals, the owner doesn't want people just walking around unannounced.

Chairman Rogan stated understood.

Mr. Fry stated we would like to at least give the owner 48 hours notice.

Board Member Pierro stated absolutely.

Chairman Rogan stated we should be able to give more than that I would say. Just coordinating with the Zoning Board, we are going to pick a day, we'll get correspondence to you and see if that works and we'll set it up.

Rich Williams stated I would imagine they are going to need to make the application to the Zoning Board...

Chairman Rogan stated before they'll even look at it.

Rich Williams stated so the Zoning Board has the authority to look at it.

Mr. Watson stated do we need a referral for that.

Chairman Rogan stated do they need.

Rich Williams stated simply by making the application, I believe the Town Law allows you to go directly to the ZBA.

Mr. Watson stated okay.

Chairman Rogan stated okay, fair enough.

Board Member Montesano stated (inaudible).

Chairman Rogan stated thanks John.

Mr. Watson stated thank you guys.

Board Member Montesano stated thank you.

Mr. Fry stated thank you.

Chairman Rogan stated appreciate your time. We skipped around so much on the agenda...

Rich Williams stated let me know when you're ready to go back to Boniello.

Board Member Montesano stated thank you.

Mr. Fry stated thank you very much.

Chairman Rogan stated you want to go back to Boniello.

**1) ANTHONY BONIELLO – Wetlands/Watercourse Permit**

Rich Williams stated at the work session the Board had indicated that if he had put his application in, the Board would reschedule the public hearing.

Chairman Rogan stated oh okay, are we in a position that he's stated to you that...

Rich Williams stated he submitted an application, he's submitted the fees, he brought a plan in but he didn't bring enough copies so he has to bring new plans back.

Chairman Rogan stated but his intention is, he wants a public hearing next...okay, one note on that though, if we schedule a public hearing for next time and he does not follow through, even though it's a small fee, I want the Town's notice fee to be reimbursed and we'll make that part of the motion and we'll end up wrapping it into. I don't know if we can actually, Carl, can we do that.

Carl Lodes stated include the fee in the...

Board Member Pierro stated if he doesn't show.

Chairman Rogan stated well let's say we set a public hearing, we do all our due diligence and send it out to the papers, I know it's a small fee and the Town incurs a cost and the gentleman doesn't follow through and we don't have the public hearing, is there a way to basically back charge the applicant for that public notice fee or is it just the cost of doing business.

Carl Lodes stated I think it's a cost of doing business.

Chairman Rogan stated okay, fair enough. Motion to set a public hearing for the October meeting for Mr. Boniello.

Board Member Pierro seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated okay, thanks Rich for keeping us on that.

**2) JOHN T. MAYFIELD – Wetlands/Watercourse Permit**

Chairman Rogan stated actually for Mr. Mayfield, public hearing, John Mayfield's application for the October meeting as well.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated okay, no is here for Patterson Crossing...is anyone here for, we don't need anyone here for Rimaldi.

Rich Williams stated you want to do Patterson Crossing.

**3) PATTERSON CROSSING RETAIL CENTER – Continued Review**

Chairman Rogan stated sure.

Rich Williams stated just to give the Board a quick update, I had provided you with a draft resolution. Yesterday I met with our attorney Anthony Mangone and their attorneys; we made a number of substantive changes to that resolution. We are currently working on that and should have that to you by the next meeting.

Chairman Rogan stated okay, great.

Board Member Pierro stated very well.

Chairman Rogan stated thanks, that's great.

**4) RIMALDI SITE PLAN – SEQRA Determination**

Chairman Rogan stated I don't expect that anybody would be here for that, we are just doing a SEQRA Determination, enough time has passed.

Rich Williams stated correct.

Chairman Rogan stated Maria, did you want to do that, negative dec. for Rimaldi.

Board Member DiSalvo stated on...

Chairman Rogan stated SEQRA Determination.

Board Member DiSalvo stated in the matter of Rimaldi Site Plan, I make a motion that the Planning Board of the Town of Patterson finds the proposed action will not have a significant impact on the environment and hereby issues a negative declaration of significance.

Board Member Pierro seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated okay, do we have anyone here for Taggart Estates.

Rich Williams stated you do.

Chairman Rogan stated who said that.

## **5) TAGGART ESTATES SUBDIVISION – Continued Review**

Mr. John Watson of Insite Engineering was present to represent the application.

Board Member DiSalvo stated somebody out in the hallway.

Board Member Montesano stated (inaudible).

Ted Kozlowski stated you're up.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated first John and then you're up next.

Board Member Pierro stated Dodd is done, County Line Getty and (inaudible).

Chairman Rogan stated we're good, we're on five.

Mr. Watson stated I'm here for Theresa tonight, she'll be back next month, I promise.

Chairman Rogan stated I don't want to say you have big shoes to fill because I know you're very confident but Theresa does well with our Board.

Mr. Watson stated I know, she's a tough act to follow.

Chairman Rogan stated she is a tough act to follow.

Mr. Watson stated I will not, I can guarantee I won't be as nice, we'll start with that and work down from there.

Chairman Rogan stated how are you John.

Mr. Watson stated I'm great, thank you.

Chairman Rogan stated good.

Mr. Watson stated as the Board may recall because I know some of the Board Members have been here for a couple years, this is the old Leonidas Subdivision, which is what it was called previously, now it's the Taggart Estates Subdivision. It's a new owner, a new applicant to your Board, same general subdivision layout, there have been a couple changes, since you saw it last, I would like to walk you through it quickly.

Chairman Rogan stated please.

Mr. Watson stated its now a 13 lot subdivision, it was previously 14 [lots]. There is a wetland, DEC wetland corridor that runs down through the central portion of the property that flows south and sort of divides the site in half. There are four lots on the west side of the wetland, that all have frontage right on Ballyhack Road and then we are proposing a new Town road through this portion of the property ending in a cul-de-sac here, the balance of the 13 lots are on the cul-de-sac. One of the other substantial changes since you've seen this plan last, is to relocate this Town road completely outside of the wetland buffer that was one of your concerns I think April 2006 was the last time we were here. That has been moved out, the driveway and house for lot 12 were pulled off the steep slopes in a rock knoll. There have been some layout changes based on your input at the last meeting, these are the big plan changes, I know that the DEC wetland was verified today by DEC.

Chairman Rogan stated okay.

Mr. Watson stated so if Ted can go out and look at that, it's ready to look at.

Chairman Rogan stated okay.

Board Member DiSalvo stated which lot is the existing house.

Mr. Watson stated the existing house is down here, its on lot 2. The house that burned down.

Board Member DiSalvo stated the house that burned down.

Mr. Watson stated that is on lot 2, that's right here.

Board Member Montesano stated isn't that the one that we got some kind of notification.

Chairman Rogan stated I guess there is just a concern of the safety aspect of that structure and I know our Fire Inspector, Fire Inspector, that's Dave [Raines].

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated who basically just requested, if the Board could take an action to get that resolved and taken down in a timely manner we would appreciate it, it would be a good faith gesture from the property owner.

Mr. Watson stated we'll look at that.

Chairman Rogan stated so we don't create an attractive nuisance.

Mr. Watson stated okay, a couple other items, there is a proposed vegetative buffer, which is an area of no development that we proposed off of this side, on the east side of the property, also relocated all the stormwater basins outside of the wetland control zone. So, at this time there are no improvements within the wetlands or the wetland buffers on the property and the other item that was discussed in 2006 was the right of way, across the frontage of the property on Ballyhack Road and this plan includes an area reserved for street widening. Which has been, at this time, shown as 25 feet off center line of the road, we haven't mapitized everything yet but we are headed in that direction and just so you know all the lot areas and dimensional requirements have been based on the proposed lots.

Chairman Rogan stated okay.

Mr. Watson stated inclusive of that reserve strip.

Chairman Rogan stated I remember when we were out there a few years ago, the area shown as I think lots 3 and 4, had a lot of difficult topography up front close to the road that you had to conquer to get to the usable area.

Mr. Watson stated correct.

Chairman Rogan stated and I know that we were concerned about the area currently shown as lot 5 because the house is so close to these stormwater mitigation ponds, I know that there has been concerned expressed about getting those ponds on their own parcel basically. There may be some shifting of things obviously as we work through this, we are looking to do a site walk because Andrew and Charlie have never been on the site.

Mr. Watson stated okay.

Chairman Rogan stated and I believe when we walked it, it wasn't fully staked.

Rich Williams stated correct.

Chairman Rogan stated we went and took a look at it with what we had the time.

Mr. Watson stated okay.

Chairman Rogan stated but in this case I know that the Board had expressed that they wanted it staked with house locations, septic, roadway and driveway locations. For what it's worth, we may want to consider at least those comments and stake what we believe will work with the Board's concerns and we can talk a little more about that.

Mr. Watson stated okay.

Board Member Pierro stated Rich, what is the limitation, the Town Code's limitation on the length of the roadway, 1500 [feet].

Rich Williams stated 1500 [feet].

Board Member DiSalvo stated and this is how long.

Board Member Pierro stated and that is inclusive of Ballyhack [Road].

Rich Williams stated my opinion would be yes.

Chairman Rogan stated based on that we wouldn't have anything, no subdivision, just driveways.

Board Member Pierro stated right.

Board Member Cook stated even though this is a brand new road.

Board Member Pierro stated right.

Chairman Rogan stated yea because Ballyhack [Road] is a one way in, one way out road, so its considered like a dead end.

Board Member Pierro stated from here, from the intersection of [Route] 22. Where do you anticipate putting fire suppression.

Mr. Watson stated we haven't gotten to that level of detail yet.

Chairman Rogan stated okay but at least we'll know to think about it.

Board Member Pierro stated we had discussed it way back when.

Mr. Watson stated okay.

Board Member Pierro stated in fact we were...

Board Member DiSalvo stated where were we putting it way back when, remember.

Board Member Pierro stated I don't remember.

Chairman Rogan stated I honestly don't remember.

Board Member DiSalvo stated at the end of the cul-de-sac.

Chairman Rogan stated Rich could you...

Board Member Pierro stated something we have to think about.

Chairman Rogan stated can you just speak real quickly about how this lot is impacted if at all by the cluster overlay, I mean is there a requirement in our code to at least consider a cluster overlay plan for this.

Rich Williams stated we have without subdivision Code a provision which makes a consideration of a cluster overlay mandatory. That provision can be waived on recommendation by the Planning Board and approval by the Town Board, for those lots that really don't warrant that cluster overlay but every subdivision that comes in within that cluster overlay district has to at least consider doing a cluster subdivision.

Chairman Rogan stated okay, the topography out on this site is pretty restrictive.

Board Member Pierro stated cluster overlay would allow for smaller lots and provide for additional area for green space.

Rich Williams stated correct.

Chairman Rogan stated you know...

Rich Williams stated you would reduce the lot size to between 40 and 80,000 square feet, there is a formula for doing that and then you would be setting aside larger area of open space to maintain the rural character of the Town.

Chairman Rogan stated if this DEC were not, if this was all usable property up front...

Rich Williams stated right.

Chairman Rogan stated given the length of Ballyhack [Road] then a cluster overlay would probably be ideal to protect some of the back area of the lot. If we didn't have any of this wetland to contend with and the ridiculous topography to contend with, its going to be difficult on this one.

Rich Williams stated the other issues are the septics, there is a lot of bedrock out there which dictates where you are going to push things around.

Chairman Rogan stated if I could just reach out to the audience for a second, Ron [Taylor] a couple of years ago when we first considered this application, we weren't, I don't believe anyway doing the reviews that you have been so kind to do. Would you consider taking a look at this since we are looking at this again.

Mr. Taylor stated yes.

Chairman Rogan stated appreciate that, thank you.

Board Member Pierro stated Rich, in your memo, you mentioned I think, it was eight or nine or nine or ten the width of the lots, although they were...

Rich Williams stated eight and nine.

Board Member Pierro stated although the lots were the correct size...

Chairman Rogan stated they don't meet the...

Board Member Pierro stated they don't meet our standard...

Rich Williams stated Andrew also picked that up.

Chairman Rogan stated I saw that.

Board Member Pierro stated that is something else you need to look at.

Mr. Watson stated yes.

Board Member Montesano stated the 1700 foot...

Chairman Rogan stated roadway, that's a concern...

Board Member Montesano stated roadway.

Chairman Rogan stated see if we can figure out a way to reconfigure things to work with on that.

Mr. Watson stated okay.

Chairman Rogan stated the Board has been in a position in the past to make exception to that but with obviously being able to justify then given Ballyhack [Road], this roadway is already a concern I think that is going to be tough to do John.

Mr. Watson stated okay.

Chairman Rogan stated okay, I'm sure everybody is excited to take a look at this property first hand again and get out there. If you would let us know when, whatever plan you think will honestly work, I put a little look at that, talk with the owners, knowing what we've seen in the past and challenges, I mean you know full well better than we do in this case. As soon as its staked, let us know, we'll get out there.

Mr. Watson stated do you want us to revise it, tweak it before we stake it or do you want us to stake this and we'll...

Chairman Rogan stated no, I think, if you're thinking there are going to be some revision that you can make, that make sense let's do that first, this way we are not looking at something that's not (inaudible).

Mr. Watson stated its okay to stake it before you see it and show you.

Chairman Rogan stated I think so, yea, if you feel comfortable with it then that's.

Rich Williams stated as long as we have a plan showing the (inaudible).

Chairman Rogan stated we need a plan to walk the site of course...

Mr. Watson stated of course, we'll come back to you (inaudible).

Chairman Rogan stated you can kick him on the way out, it's all right, we won't, it doesn't show up on the record.

Mr. Watson stated if that's the worst I get I'm in good shape.

Chairman Rogan stated all right, great.

Mr. Watson stated the other issue was the zone, I know that based on the new zoning this back piece is now part of the C-1 zone.

Chairman Rogan stated and you said that is proposed to be an open space...

Mr. Watson stated right.

Chairman Rogan stated that would need to be appealed to the Town Board to re-zone that as residential and that would seem appropriate.

Mr. Watson stated okay and that's what and that would be, you would drive that.

Chairman Rogan stated they would apply, we would do the recommendation correct...

Rich Williams stated or you could simply make a recommendation but no they don't need to apply if you think its appropriate.

Chairman Rogan stated okay.

Mr. Watson stated okay.

Chairman Rogan stated that seems appropriate, that'll make sense, great.

Board Member Pierro stated Teddy, you comfortable with the wetland flagging, do you think its...

Chairman Rogan stated he hasn't been out there.

Ted Kozlowski stated I'm going to go out there.

Chairman Rogan stated they just did it today.

Board Member Pierro stated oh, I thought this was flagged briefly back in the old days.

Ted Kozlowski stated back in 2006 I reviewed it and I had an issue with some of the flagging them, I don't even remember what it was but I knew, I thought it was off. I called Jeff last week, Friday after the work

session and he told me it was going to get it flagged and that is when I would go out. I'll probably go out there Saturday morning but I agree with your concerns, I know the topography is rough I know some of those lots and lot 5 I think is going to be problematic.

Mr. Watson stated okay.

Chairman Rogan stated okay, thanks John.

Mr. Watson stated thanks for your time.

Chairman Rogan stated have a great evening.

Rich Williams stated you want to make a motion to refer this to the Town Board for rezoning.

Chairman Rogan stated no, let's wait until we look at it all.

Mr. Watson stated thanks.

Chairman Rogan stated that's not going to slow down the process.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated tell Theresa she was missed.

Mr. Watson stated I will.

Board Member Pierro stated don't tell her she had shoes to fill. Tell her she casts a giant shadow.

Board Member Montesano stated jeez.

Mr. Watson stated she always said it was tough coming here and now I know.

Chairman Rogan stated she's been complaining, that Patterson Planning Board, you have to pay me more. Oh boy.

Mr. Watson stated thank you.

Board Member Pierro stated Tyree

Chairman Rogan stated this is County Line Getty.

## **6) COUNTY LINE GETTY – Amended Site Plan**

Mr. Richard Perullo of Tyree was present to represent the application.

Board Member Pierro stated Tyree, County Line Getty.

Chairman Rogan stated good evening.

Mr. Perullo stated good evening.

Chairman Rogan stated what's your name sir.

Mr. Perullo stated Richie Perullo.

Chairman Rogan stated and you are.

Mr. Perullo stated I work with Tyree.

Chairman Rogan stated you're here representing them, great. You know we did a site walk a couple of nights ago, Tuesday night...

Mr. Perullo stated yea, yesterday, Tuesday night.

Chairman Rogan stated generally speaking, we liked what we saw on the plan, we loved the idea of cleaning up the site and getting around back, I think that is going to help everybody out.

Mr. Perullo stated right.

Chairman Rogan stated you obviously need room out there.

Mr. Perullo stated and yeah and it won't be a hazard, a fire hazard back there.

Chairman Rogan stated there are a lot of vehicles and things out there.

Board Member DiSalvo stated parking hazard.

Mr. Perullo stated we told the person that is there that he is going to have to clean it up once we settle everything up but to, for your site walk, I haven't added those to the plans yet. Where the dumpster is, I'll put it on the site plan, I'll take those trees down and the bollards are going around the kerosene tank and the other fuel tank that is there. So we have them already going in.

Chairman Rogan stated just to slow you down for a second.

Mr. Perullo stated yes.

Chairman Rogan stated we weren't necessarily saying you had to knock the trees down, we were just noting that the area shown on the plan seemed to correspond where the trees were. So if that is your intent then yea, you would have to remove the trees but...

Mr. Perullo stated okay we can just relocate the dumpster.

Chairman Rogan stated it looked like where the dumpster was located would probably work if it was cleaned up and obviously a concrete pad, so...

Mr. Perullo stated right.

Chairman Rogan stated and I don't know if that is where you were going to go.

Board Member Pierro stated I wanted to ask a question about the set back on the oil tank or the kerosene tank and the propane tank, if there an issue that we have to deal with there.

Rich Williams stated there is, they are right up on the property line, they don't meet our Town setbacks.

Chairman Rogan stated there is nothing you're going to do with that except either move them or do a lot line adjustment or something which, I don't whether...

Rich Williams stated or a variance.

Chairman Rogan stated or a variance...at least they are not off the property.

Board Member Pierro stated right, you have to be aware of the other, of all the issues...

Mr. Perullo stated so we don't meet that requirement then, I thought when, the set back. Is this what you're talking about for the propane tank and the kerosene tank.

Board Member Pierro stated the kerosene tank is behind the propane tank.

Mr. Perullo stated but you're talking about the propane tank off the property line.

Rich Williams stated they are, they are.

Mr. Perullo stated oh, they're fine.

Rich Williams stated no, that is what they are talking about.

Board Member Pierro stated they are not fine but we would have to either, they would have to get a variance or we would have to grant a waiver.

Chairman Rogan stated no, Zoning Board.

Board Member Montesano stated we couldn't, Zoning Board would have to.

Chairman Rogan stated your table here says minimum side yard accessory set back would be twenty feet and obviously they are not twenty feet off the property line. So that is something that you know, its existing, we are just talking about making it legitimate by going to Zoning and requesting that variance.

Mr. Perullo stated okay.

Chairman Rogan stated and based on the fact that these things are existing, it will carry a little bit more weight then if you were proposing it in that place.

Board Member Pierro stated right.

Board Member Montesano stated even if you got the tank, I don't know, do you have the property line on yours.

Board Member DiSalvo stated to deal with a ....

Mr. Perullo stated yea.

Board Member Montesano stated well here if you want, this is yours...

Mr. Perullo stated same one right.

Board Member Montesano stated yea, is it the same one.

Mr. Perullo stated yes.

Board Member Montesano stated all right, the kerosene tank is right on the line...

Mr. Perullo stated okay, if...

Board Member Montesano stated what I'm wondering they are full and they are pains in the neck...

Mr. Perullo stated right.

Board Member Montesano stated maybe at least it can be done where it would be twisted around little bit to give you a little more clearance on that.

Mr. Perullo stated yea, I can see if my guys can do that, if its possible.

Chairman Rogan stated yeah.

Board Member Montesano stated at least that will give you some clearance there.

Mr. Perullo stated right, its right up against the fence.

Board Member Montesano stated yea, right there.

Board Member DiSalvo stated now you're moving it into the parking area.

Board Member Pierro stated the concern I have for that...

Board Member Montesano stated no, all we are doing is this, where this area is here, its that its doing this to it, so you'll still be here, you'll still be clear of the parking area...

Chairman Rogan stated that will be great in the minutes.

Board Member Montesano stated that line but it will give you something.

Board Member Pierro stated the other concern I have with that tank being so close to the property line, if something were to happen there, its one thing to pollute their own property, its another thing to pollute their neighbors property.

Mr. Perullo stated (inaudible).

Board Member Montesano stated you could, there is, if I recall, on a above ground tank you can put some type of container...

Chairman Rogan stated like an apron of some sort.

Board Member Montesano stated yea, around it that would be in case...

Mr. Perullo stated where, on the ground.

Board Member Montesano stated yea, in case of a spill it would be...

Board Member DiSalvo stated spill pan.

Mr. Perullo stated right.

Board Member Montesano stated right, something like that. The only thing I would worry about is that in the future if that property in the southern side is developed, what is that person going to worry about.

Chairman Rogan stated well that's a good point because you know, now you have a neighboring property owner that has right on the property line a kerosene tank, so.

Board Member Pierro stated we allowed it...

Chairman Rogan stated and maintenance of the tank my require you to go on somebody else's property and they might not be happy with that, so its something definitely worth talking over with the owner. Obviously parking was evident, we used up a few of your spaces, its incredibly difficult getting in and out of that site when its busy...

Mr. Perullo stated plus with all the cars parked that the guy is working on, once those are moved, I'm sure there will be more spots.

Chairman Rogan stated there were weeds growing up underneath some of them, they hadn't been moved in six months, maybe I'm being polite in six months but overall I think everybody was very excited about the idea of this site being cleaned, its going to make better use of the site being able to get around back.

Mr. Perullo stated just out of curiosity...

Chairman Rogan stated sure.

Mr. Perullo stated what were you talking about the advertisement on the pole that obstructed the view on Route 22.

Chairman Rogan stated the banners that are just tied up...

Board Member DiSalvo stated those banners for Marlboro and beer signs and...

Board Member Cook stated heading north on [Route] 22...

Mr. Perullo stated right.

Board Member Cook stated right there at the edge of the property, that mish mosh of banners and...

Board Member Montesano stated and the State of New York.

Board Member Cook stated placards and what not.

Board Member Pierro stated I had an issue with on the north side of the building, there are three air conditioner units, located, I don't see two red waste oil container units located on the map. They are there, there is no bollard protection on those waste oil tanks.

Mr. Perullo stated as of right now, no there isn't. There are two 240 gallon above ground storage tanks there, so we would have to put the bollards around those.

Board Member Pierro stated its number two fuel.

**Unknown Speaker** stated those are heating oil tanks.

Mr. Perullo stated heating oil.

Chairman Rogan stated isn't that what was in them.

Mr. Perullo stated fuel oil.

Board Member Pierro stated I thought they were waste tanks.

**Unknown Speaker** stated number two.

Board Member Pierro stated they are marked fuel oil, I thought they were waste tanks.

Board Member Montesano stated if something hits one of those and ignites, you have to put something there to protect it.

Board Member DiSalvo stated fuel oil, heating oil for the heat.

Board Member Pierro stated at minimum there has to be some bollard protection as well.

Mr. Perullo stated okay.

Board Member Pierro stated especially with all the parking you have out there, somebody is going to back a trailer into one of those things and create a nightmare.

Board Member DiSalvo stated and I want you to know that we all had to go north to go south there coming out of that parking lot.

Board Member Pierro stated yea, that's a bust spot.

Chairman Rogan stated yea.

Board Member Montesano stated blame that its busy...

Board Member Cook stated is part of this clean up you see getting rid of a number of vehicles.

Mr. Perullo stated a number of vehicles and also the...

Board Member Montesano stated two tens.

Mr. Perullo stated the steel tanks, not tanks, the containers back there are going to be removed as well.

Chairman Rogan stated great.

Mr. Perullo stated he has one, I think it's a painting, where he paints his cars.

Chairman Rogan stated you can also mention the two tent structures that are back there as well.

Mr. Perullo stated yea and then also the metal storage and the fence all along the back also, so we have access to all the back, you decide.

Chairman Rogan stated so can we get a slightly modified set of plans, show exactly what we spoke about what's in the memo, get it back to us...

Mr. Perullo stated yes.

Chairman Rogan stated we'll get you out of here, we'll get you over to Zoning if need be for that kerosene.

Board Member Cook stated one more thing there, is there a way you can designate parking spaces for people who are going into the little store.

Chairman Rogan stated have them outlined an available for people, rather then cars being worked on.

Mr. Perullo stated have a sign on the wall that says for Getty parking only or and paint the lines, we will paint the lines as well.

Chairman Rogan stated yea.

Mr. Perullo stated I will indicate that as well.

Chairman Rogan stated those parking spaces, I agree with you Charlie, they should be for customer parking only, in other words not for vehicles that are being worked on.

Mr. Perullo stated we'll do that more in the front of the building and I guess wherever he works.

Chairman Rogan stated great.

Board Member Pierro stated one of the other things that I thought about was that we want to see the body shop business and mechanic shop business survive but having forty vehicles there is excessive.

Mr. Perullo stated it does not work here, it's a little too much.

Board Member Pierro stated and it looks, its more conducive to a junk yard, a dismantler than it is an auto repair.

Mr. Perullo stated it looks like some of those cars are pretty much junk though, so that I why I don't (inaudible).

Board Member Pierro stated there is some valuable stuff there too though.

Mr. Perullo stated yea, I understand.

Board Member Pierro stated but there is a place for it.

Mr. Perullo stated now, is there a limit on how many cars he can have at that, you know, his garage.

Chairman Rogan stated is there a limit, not if you have space for them.

Mr. Perullo stated let's say is he allowed, right now let's say he has 20 cars there, can he have all 20 cars there, of course there is not space for 20 cars so...

Chairman Rogan stated well right now he has a lot more than 20, he had 20 on one side.

Mr. Perullo stated okay.

Board Member DiSalvo stated you may want to ask him what cars are being worked on for like collision work...

Mr. Perullo stated right.

Board Member DiSalvo stated what cars he's buying at the auction to recondition.

Mr. Perullo stated okay.

Board Member DiSalvo stated you can limit him to a (inaudible) business.

Chairman Rogan stated Rich, you must have a square footage, you must have a simple calc for square footage you can figure out what a storage area, if its so many square feet how many vehicles you can safely...

Rich Williams stated well a vehicle, just rule of thumb is 300 square feet...

Chairman Rogan stated yeah, including room around it...

Rich Williams stated the parking, room around it, typical parking stall, plus a portion of a drive aisle.

Chairman Rogan stated so take your back area, figure it out, divide it by three hundred and see what you come out with, if it comes out with 25 vehicles, fantastic.

Rich Williams stated its one of the issues that I did raise in the memo is that they should be showing storage and drive aisles and being what you're going to do and if you want more.

Mr. Perullo stated okay.

Chairman Rogan stated great.

Andrew Fetherston stated if you are striping parking, stripe a handicap space as well.

Board Member Pierro stated especially in the front of the store.

Board Member Montesano stated is there any room for a handicap spot.

Board Member DiSalvo stated (inaudible).

Rich Williams stated and if your striping you need to do your fire lanes.

Mr. Perullo stated okay.

Board Member Montesano stated and a handicap spot, that little curb, somebody comes out with a wheelchair out a van, they may not be able to get up on there.

Mr. Perullo stated well I think he's got a curb cut in the front of the store, you can come out.

Board Member Montesano stated okay.

Chairman Rogan stated Michelle, can I ask something of you, please.

The Secretary stated sure.

Chairman Rogan stated because you've been great and I think we've gone all over the place right now, tonight, your head must be spinning because I can barley remember everything we said. Can you get a copy of the minutes from tonight's meeting and get them to this gentleman, as soon as they are available so you can kind of run back through because there were a lot of things discussed, they are not all in the memo so...it can be a little bit difficult, we want you to be able to nail this on a revision and be done with it.

Mr. Perullo stated sounds good.

Chairman Rogan stated so you don't waste any time or money.

Mr. Perullo stated thank you, very much.

Chairman Rogan stated okay....Verizon Wireless we did, Benderson we did...

**9) OTHER BUSINESS**

**b. Steger Zoning Amendment**

Chairman Rogan stated Steger, is anybody here from Steger. Maybe we can knock this out, we talked about this Zoning Amendment...

Rich Williams stated you had asked me to do a Zoning Amendment, Zoning Revision that you could then review, just haven't had time to get it done between now and the work session.

Chairman Rogan stated fine, no problem.

**c. Brewster Plastics**

Mr. Jim Velleman of BVH Integrated Services was present to represent Brewster Plastics.

Chairman Rogan stated we do have someone where from Brewster Plastics, correct.

Rich Williams stated yes.

Chairman Rogan stated okay, let's get us through this. What great timing.

(Side 1 Ended – 8:27 p.m.)

Chairman Rogan stated that's what we are working on...

Board Member Pierro stated we didn't get calcs.

Chairman Rogan stated no.

Board Member DiSalvo stated no.

Chairman Rogan stated okay, all right, just state your name for the record sir.

Mr. Velleman stated Jim Velleman from BVH Integrated Services, here to represent Brewster Plastics.

Chairman Rogan stated okay Jim, between you and Andrew because you guys were basically here the performance bond, you want to take us through where we are tonight for the Board and if we can take an action, we certainly will.

Andrew Fetherston stated we have...we received a series of bonds, we've received a series of plans, the latest plans that we have are to be updated, I believe we received updated plans this evening by e-mail. So, what we are going to try to do is tomorrow, we are going to review those plans versus the bond that we received and see that everything is in order and issue a memo.

Chairman Rogan stated okay, as long as everything works out and Andrew says the numbers work and Rich usually confirms, this is something we can do procedurally at our next work session, which would be three weeks from now.

Board Member DiSalvo stated the last week in September.

Chairman Rogan stated you already have conditional approval on this plan, so this is just setting the bond, it sounds like we just got plans tonight so that...

Mr. Velleman stated yup, I guess just let me ask one question...

Chairman Rogan stated sure, ask as many as you'd like.

Mr. Velleman stated Brewster Plastics is poised to put a shovel in the ground...

Chairman Rogan stated okay.

Mr. Velleman stated as soon as possible and I guess with acting at the next work session in the three weeks, does that mean nothing can happen until then.

Chairman Rogan stated Rich, procedurally...

Rich Williams stated procedurally we don't even have a signed site plan at this point. There are still a number of revisions, there is still the SWPPP that needs to be addressed, I had issued comments back in July on the SWPPP, that haven't been addressed yet.

Chairman Rogan stated so the bond isn't holding them up as much as the...

Rich Williams stated we still need to get the bond, we still need to get the inspection fees done.

Chairman Rogan stated do you...

Rich Williams stated there are still a number of a different things.

Mr. Velleman stated the...okay, I know that you had comments and we, you should have received updated plans, I believe a week or so ago and a letter that went along with it that...

Rich Williams stated I received a drainage report which didn't address the comments that I had on the SWPPP. We received a full package of plans which didn't reflect the sketches that you had provided that both Andrew and myself had reviewed you know showing the changes to the grading and some of the other things.

Mr. Velleman stated understood, if I could stop you there for one second, the set that I had sent you or I didn't actually send it, it came from LADA...

Rich Williams stated right.

Mr. Velleman stated the set that was sent, a week or a week and a half ago, I was not aware that that didn't meet any, that didn't meet what you were looking for. There was no memo that I saw issued to us that said that it didn't meet that otherwise we would certainly have addressed or tried to address that. Secondly, the sketches that were issued, were something that came out late breaking about a week ago when we had gotten updated information from our surveyor which actually all of those sketches and I have copies here if you would to see them are a betterment to the job.

Chairman Rogan stated okay.

Mr. Velleman stated I can go through those real quickly and as I had asked in my e-mail with the drawings to both Rich Williams and actually I think it went to Andrew Fetherston I had asked if it was possible to give the sketches and address those comments on a CD set of documents as opposed to sending in another set of ten or twelve site plans. I believe the answer to that was yes, that is acceptable and we had received a memo from Andrew Fetherston Maser Engineer, addressing the things that we had done and concurring with those.

Andrew Fetherston stated if I can Jim, Mr. Chairman, we spoke with Jim and to expedite and to make things simple, he had some 11 by 17 sketches that showed some changes to the plans based on recent survey information. All of them were improvements, they were all noted in our memo we issued a memo to Jim and to Rich for the Board, we spoke to Jim after that, we worked everything out, we didn't have any issues with those 11 by 17's. After our discussion I think everything was addressed, what we don't have right now are the 11 by 17's on the full set of plans in our possession at this immediate second, we got, you have to realize that we are reviewing this as it comes in...

Chairman Rogan stated understood.

Andrew Fetherston stated and we are going to get something and I believe I have something in my e-mail this evening...

Mr. Velleman stated yes.

Andrew Fetherston stated which we've yet to print, yet to look at but tomorrow is the day and we are going to take the time to review it and check it versus the bond estimate that we have.

Chairman Rogan stated okay.

Board Member Montesano stated they took it in.

Mr. Velleman stated I guess the bigger issue for me is not understanding from you Rich, that the set of plans that was sent in a week ago, a week and a half ago, did not meet the comments that came to us. That is news to me to be honest otherwise I certainly would have addressed that.

Rich Williams stated well, I understand but I got them a week ago, other things had to be taken care of. I got to them today trying to get them out in a timely fashion, I did finish the comment memo tonight, didn't get a good, solid chance to proof it but a lot of the issues that almost everything in there are issues that I had raised previously.

Mr. Velleman stated if I may, since this is the first time I've seen this, can I read it.

Chairman Rogan stated you want to read it, sit down, we'll move on and come back to you.

Mr. Velleman stated I'd liked to because I would like to have a chance to address this.

Chairman Rogan stated why don't you do that, of course you realize that we are reading this too and we are not going to sit while there are other people here and read through this.

Mr. Velleman stated I understand I would just like to state...

Chairman Rogan stated sure.

Mr. Velleman stated for the record that while this is fast tracked, we've been working back and forth and I understand...

Chairman Rogan stated sure.

Mr. Velleman stated that everyone is trying to make that process happen, Brewster Plastics again is poised to put a shovel in the ground right now...

Chairman Rogan stated understood.

Mr. Velleman stated and it is imperative to his business plan to do so.

Chairman Rogan stated I understand and we have always stated we'll never, if you do your work, we'll do ours.

Mr. Velleman stated yup.

Chairman Rogan stated at this point we are trying to make sure you've done your work and when we are told from our consultants that we are not sure if you've done your work then we certainly are not going to act. So why don't you sit down, we'll motion to table this...

Mr. Velleman stated thank you.

Chairman Rogan stated for a few minutes and we'll move on...

Board Member Montesano stated so moved.

Chairman Rogan stated second.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated okay...okay...

**d. Fair Street Self Storage Bond**

Chairman Rogan stated Fair Street Self Storage Performance Bond did we...

Rich Williams stated yes...

Chairman Rogan stated didn't we do the performance bond, that was Gus Boniello, wasn't it.

Board Member DiSalvo stated no.

Chairman Rogan stated Fair Street Self Storage.

Board Member Pierro stated I don't believe we acted on it.

Board Member DiSalvo stated I've never seen this place.

Chairman Rogan stated Rich, it's from...and it's old. It's next to Shaw Welding, the road that goes up...

Board Member Montesano stated I thought that was...

Chairman Rogan stated no, it was well before, we are just doing the performance bond, its just procedural.

Board Member DiSalvo stated have you seen what the building looks like.

Chairman Rogan stated I don't think, its road work, the performance bond, the road, the building isn't up.

Board Member DiSalvo stated this one.

Board Member Pierro stated 10 d.

Rich Williams stated we're looking, it's...

Chairman Rogan stated what are you looking at.

Andrew Fetherston stated Fair Street.

Rich Williams stated we're looking for the memo.

Andrew Fetherston stated I believe that was completed but I am trying to confirm that.

Chairman Rogan stated we have a memo on it, it was here. The bond, it says that, as discussed on the phone all work has been completed on the road, regarding our Fair Street property. At this time I am a requesting a release of the performance bond, in reference to your letter of October 9<sup>th</sup> of 2007, I would prefer using the 765 Fair Street address, signed Gus Boniello.

Andrew Fetherston stated I do not have anything in my box about that.

Rich Williams stated typically what we do is we reduce the bond to ten percent of the original bond amount. If the Board wants to make that motion because we do know that the improvements have been completed.

Chairman Rogan stated okay, so we don't have an actual number we can make a motion to reduce the bond to ten percent of the original amount.

Rich Williams stated correct.

Board Member Cook stated second.

Chairman Rogan stated so moved, for the matter of Fair Street property bond.

Board Member Pierro stated Gus Boniello.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated any opposed, okay.

**e. Watchtower DEIS**

Mr. Richard Eldred and Mr. Joel Hier were present.

Chairman Rogan stated Watchtower, I see there are gentlemen here from Watchtower.

Rich Williams stated this was placed on the agenda...

Chairman Rogan stated so set a meeting.

Rich Williams stated yea.

Chairman Rogan stated yea, everybody was supposed to bring their calendars for later this month. I think we had mentioned the Thursday, not the Thursday but the week of our work session as being a possibility. We have a Thursday work session the end of the month, which would be, Michelle do you have a date.

The Secretary stated the 24<sup>th</sup>.

Chairman Rogan stated 24<sup>th</sup>, the 23<sup>rd</sup> is a Wednesday, 24<sup>th</sup>, you're correct. I'm coming back on the 23<sup>rd</sup>, so maybe the week of the regular meeting. What nights are not good for this room.

Rich Williams stated what do you want to do.

Chairman Rogan stated a special meeting for the Watchtower DEIS.

Rich Williams stated the second and forth Wednesdays, we are coming into Budget time, so I'm not sure what meetings the Town Board is going to schedule for that because they've done a different schedule this year.

Chairman Rogan stated okay but we tentatively could do a Tuesday.

Rich Williams stated I have to check for that, tentatively Tuesdays are usually good.

Chairman Rogan stated let's set a meeting for Tuesday prior to our regular October meeting, so it would be Tuesday the 28<sup>th</sup>, not the 29<sup>th</sup>.

Board Member DiSalvo stated yeah.

The Secretary stated the 29<sup>th</sup>.

Chairman Rogan stated to do a special meeting for the Watchtower DEIS. Rich, it's nice to see you sir.

Mr. Eldred stated it's good to be here.

Chairman Rogan stated I am driving out to Colorado in a few days and I said to these guys and I don't know if it was maybe me subjecting myself to more than I should, you know I'll take the DEIS, it's a long drive 32 hours out and back. I'm sure I can read it all between now and then, not while driving of course.

Board Member Montesano stated although they are going to charge you an extra \$25 dollars to bring on the suitcase.

Chairman Rogan stated yea.

Board Member DiSalvo stated you'll over weight the plane.

Chairman Rogan stated I'll bring a highlighter and sharp pencil...

Rich Williams stated Shawn, do you want to start that meeting earlier.

Chairman Rogan stated we certainly can but you know what people have to, that's into September, people are working later hours...

Board Member Montesano stated Tuesday...

Chairman Rogan stated you want to do it at 7.

Rich Williams stated well that's up to you.

Chairman Rogan stated I don't think it's going to be a terribly long meeting...what does everybody feel.

Board Member DiSalvo stated the 29<sup>th</sup>, go out again.

Board Member Montesano stated all right.

Board Member DiSalvo stated that is going to be the special meeting that we are doing...

Chairman Rogan stated the special meeting.

Board Member Montesano stated yea the 29<sup>th</sup>, is a Tuesday.

Chairman Rogan stated the 29<sup>th</sup>, 7 or 7:30, ladies and gentlemen.

Board Member Pierro stated 7 p.m. is fine.

Board Member Montesano stated 7.

Chairman Rogan stated is 7 okay with everybody.

Board Member Montesano stated yea.

Chairman Rogan stated 7 p.m. on the 29<sup>th</sup>, going once, twice.

Board Member Pierro stated sold.

Chairman Rogan stated so moved, do I have a second.

Board Member DiSalvo stated I'm a little confused, what is this meeting exactly about the 29<sup>th</sup>.

Chairman Rogan stated remember what we did with Patterson Crossing.

Board Member Pierro stated we are going to go through the DEIS.

Board Member DiSalvo stated right.

Chairman Rogan stated we will go through and see what comments and concerns, we are going to do it in a special meeting instead of as part of a normal meeting because it's a voluminous...

Board Member DiSalvo stated I thought we were going to take a few weeks to do this.

Chairman Rogan stated we're not going to do the whole thing.

Board Member DiSalvo stated oh okay.

Chairman Rogan stated that is the first meeting, if we don't get through it, which I don't know that we will in an entire meeting, we're not going, you know, so maybe we'll do two meetings on it something like that...

Board Member DiSalvo stated okay.

Chairman Rogan stated okay.

Chairman Rogan asks for all in favor:

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

Chairman Rogan - aye

Motion carries by a vote of 5 to 0.

Chairman Rogan stated the 29<sup>th</sup> it is, gives everybody a target date to work towards.

Mr. Eldred stated sounds good.

Chairman Rogan stated and if nobody has any comments for that meeting, its going to be a very short meeting...

Board Member Montesano stated are you trying to imply that we shouldn't have any comments.

Chairman Rogan stated no I'm trying to imply let's make sure we do our homework. Okay, we discussed at the work session...Rich, do you have anything you need from us tonight other than setting that meeting.

Mr. Eldred stated yea, Andrew just turned in a letter on our pump test plan and so do I address that by writing something back to Rich Williams and Andrew.

Board Member Pierro stated yes.

Chairman Rogan stated sure.

Rich Williams stated to Shawn, he's the boss.

Chairman Rogan stated don't say that, that puts a big target...

Board Member Montesano stated he's going out after those poor little Bambi's and he wants a target on them.

Chairman Rogan stated right, right.

Mr. Eldred stated okay, I'll send the letter back to him and copy it to you.

Rich Williams stated that's fine.

Mr. Eldred stated I could give you the answers tonight but I'll put it in writing.

Chairman Rogan stated thank you sir.

Mr. Eldred stated thank you very much.

Chairman Rogan stated nice seeing you.

Mr. Eldred stated we appreciate it.

**f. IO Wellness – Sign Application**

Chairman Rogan stated okay, IO Wellness we did speak at the work session about the signs, we had the 24 square foot sign that is occupied by the castle, doesn't leave any room and we need to do something on this.

Board Member DiSalvo stated I thought he was going to reduce his signs right.

Rich Williams stated we are working on it.

Chairman Rogan stated great.

**g. Field and Forest Apartment – Guide Rail**

Mr. Harry Nichols, the engineer and Joseph Reilly of Farm to Market Associates were present.

Chairman Rogan stated Mr. Nichols.

Mr. Nichols stated yes sir.

Chairman Rogan stated you're up sir. All things considered...

Board Member Pierro stated (inaudible).

Chairman Rogan stated can't see anything from here.

Mr. Nichols stated can't reach...

Chairman Rogan stated what are you implying Harry.

Mr. Nichols stated you put those up there on purpose.

Chairman Rogan stated Harry, your plan is so busy over there, from here it only looks like a lot of blue lines.

Mr. Nichols stated well actually it is.

Chairman Rogan stated at least you can point to things.

Board Member DiSalvo stated Rorschach test.

Board Member Montesano stated (inaudible).

Chairman Rogan stated good evening Mr. Reilly, how are you sir.

Mr. Reilly stated good.

Chairman Rogan stated good.

Mr. Nichols stated I guess we are here to discuss the request that we sent in to the Board...

Chairman Rogan stated yea.

Mr. Nichols stated mainly centered around the stone retaining wall in front of the building, the landscaping, the guide rail and...

Chairman Rogan stated let's start, let's do them one at a time.

Mr. Nichols stated okay.

Chairman Rogan stated the guide rail, thank you for putting the flagging, we got out there obviously and we took a look at it...

Mr. Nichols stated well that is in lieu of the metal guide rail.

Chairman Rogan stated yea and that's fine.

Board Member Montesano stated I thought it was a rubber band, in case it can be a sling shot.

Chairman Rogan stated no, that's good, that will just pop them back.

Mr. Nichols stated we got that special color because it looks like rust.

Chairman Rogan stated help me out with one thing though, since I can't see the plan from here.

Mr. Nichols stated yes.

Chairman Rogan stated is the section that you flagged, the only section that was proposed to have guide rail or the section you are looking to do...

Mr. Nichols stated the section we are looking to do.

Chairman Rogan stated or to not do, to get a...

Mr. Nichols stated no, no, to do.

Chairman Rogan stated so you want to do there but nothing else.

Mr. Nichols stated well that is a suggestion, no we understand that we had originally shown it all the way in on the left, what's that, the west side and we are here to discuss it.

Chairman Rogan stated okay.

Mr. Nichols stated the slope looks a lot flatter than we ever anticipated, it turned out the access road going in there was, had been disturbed and was a little wider so it afforded us an opportunity to make that slope a little flatter.

Chairman Rogan stated I do want to preface by saying I gave the Board misinformation because after speaking with you directly, when we walked there, I said this is the area where Harry doesn't want to put one. So we were looking at it from the standpoint that this is the area where it was proposed but we don't want to do it here...

Mr. Nichols stated oh no, no.

Chairman Rogan stated and everybody thought what are we crazy.

Mr. Nichols stated right.

Chairman Rogan stated so at least consider that when we are talking about this tonight. Andrew mentioned this evening that he feels that there are areas that it was proposed and its not really required. The Board, when we were out there, many members of the Board felt that from the point of the binder course all the way back to the building and even some areas that weren't even shown like past the dumpster area, going towards the stormwater pond. Where somebody could drive straight and continue right on through was a concern.

Mr. Nichols stated well that would be closed off. That is not for the public that is just for access to get to those basins for maintenance.

Chairman Rogan stated no, no, I'm sorry, when you are driving; the building is on your right.

Mr. Nichols stated right.

Chairman Rogan stated you're driving in, you put the flagging to the left, and there are the electrical boxes...

Mr. Nichols stated yes.

Chairman Rogan stated there looks like there is going to be some type of peninsula sticking out that hadn't been done with binder, correct...

Rich Williams stated yea, if I can, that is a hammerhead.

Chairman Rogan stated a hammerhead.

Rich Williams stated and the proposed guide rail goes all the way around the hammerhead and comes back to the access drive which goes down and is then gated.

Mr. Nichols stated yea, if the slope, actually I missed that...

Chairman Rogan stated okay.

Mr. Nichols stated if the slope over there is as it is in the area where we are proposing it we certainly would because vehicles are going to be turning in that area and its best to protect it.

Board Member Pierro stated unless they are being chased in high speed pursuit down that driveway, somebody may vault off that thing.

Mr. Nichols stated well we are going to limit the speed to five miles per hour.

Board Member Pierro stated okay.

Chairman Rogan stated so what you're saying is as you drive toward the building is on your right...

Mr. Nichols stated yes.

Chairman Rogan stated and then there is the walk way that begins...

Mr. Nichols stated yes.

Chairman Rogan stated straight ahead that is going to have guide rail, before you get to the embankment.

Mr. Nichols stated only the turn around, we would not propose it for the access road down...

Chairman Rogan stated we are talking about the same thing...

Board Member Montesano stated the access road theoretically.

Mr. Reilly stated that would be across from the garbage area.

Chairman Rogan stated that is what I'm referring to.

Board Member Pierro stated right.

Chairman Rogan stated I don't mean the access road down to the basin.

Mr. Nichols stated okay.

Chairman Rogan stated I'm just talking about the paved area for the public, not the private area or maintenance area.

Mr. Nichols stated yes, that should have guide rail on it.

Chairman Rogan stated okay.

Mr. Nichols stated there is a piece over there we neglected to...

Chairman Rogan stated I'm very happy tonight, I will say, that I was misunderstood with our conversation because the area you put the flagging, I thought Harry's got to be crazy, he can't be asking for this. The area from where you flagged back out, I understand the grade is a lot gentler through there.

Mr. Nichols stated and the other thing I would like to point out, vehicles are driving parallel to it...

Chairman Rogan stated understood.

Mr. Nichols stated and if they observe the speed limits, which we are going to post five miles per hour in that area, the main road coming from Farm to Market [Road] will be posted at fifteen and we know that people are always going to go a little bit faster, we want them to.

Chairman Rogan stated sure, we did.

Mr. Nichols stated those slopes are pretty gentle and for somebody going say five or ten miles per hour.

Chairman Rogan stated that was Andrew's point was that you are running parallel to the slope and that you know...

Mr. Nichols stated yes.

Chairman Rogan stated what is the feeling on the Board.

Board Member Montesano stated the slope is gentle, we are running parallel, everything is ideal in the world unfortunately we have erasers on pencils. So as gentle as that slope is, I know even at a slow speed something can disrupt you and one way or the other you can turn and go down that slope, you may survive, you may try to cut your wheels like a normal person would try to do and it would roll over. It would be much safer with the rail.

Mr. Nichols stated we could say the same thing about a flat area.

Board Member Pierro stated yea.

Mr. Nichols stated off the side of a road, you could drive in there and hit a tree.

Board Member Montesano stated but I'm not worried about a flat area on your property. The gentle slope may not be gentle enough. No one looks for trouble but that is why we buy insurance, just to be on the safe side.

Mr. Nichols stated exactly.

Board Member Pierro stated Harry, what is the parking configuration in front of where that barrier is supposed to be.

Mr. Nichols stated where the barriers, we suggested that it go...

Board Member Pierro stated yea.

Mr. Nichols stated oh that's, well you saw the little short straight piece up here and you saw the well casing sticking up. That short stretch that moves to the north that is the first three spaces for parking, that whole area will be striped out with ten foot wide spaces, all the way over to where the hammerhead is and stopping short of that. It will also be striped against the walls, the stonewalls, there is a curbing going in three feet out from those...

Board Member Pierro stated for the most part there is going to cars parked along that curbing.

Mr. Nichols stated yes there will be.

Board Member Pierro stated so somebody would have to vault the cars to most likely get down into that little gentle slope.

Chairman Rogan stated (inaudible).

Mr. Nichols stated they would have to and there is a curb that just went in today so they would have to jump the curb.

Board Member Pierro stated right, I mean anything is possible.

Mr. Nichols stated oh sure.

Board Member Pierro stated and I was more inclined to want to see the whole thing with guide rail just to protect the motoring public but after speaking with Andrew tonight I see his point.

Mr. Nichols stated and there is also an issue with maintenance, maintenance becomes a problem. Guide rail, it gets beat up, where its needed obviously we put it but where its not really necessary we would like not to put it in.

Board Member Pierro stated right.

Mr. Nichols stated it helps to keep the landscaping in much better condition.

Board Member Pierro stated and its easier to landscape.

Mr. Reilly stated easier to maintain.

Board Member Pierro stated easier to maintain the property.

Mr. Nichols stated yes, absolutely.

Board Member Cook stated what was the thought process behind the original approval for this guide rail, there had to be something that said this guide rail was necessary from point A to point Z.

Mr. Nichols stated the original access road that went through there, all the way down to where the well is, was a road through the woods and that extended further over to the west then we had anticipated, the road itself was not located on the survey, so when we graded that out and planted it, top soil and seeded it also, it just made sense to cover up the ruts in that road and to make it all look uniform and that is the way it was landscaped. So it allowed a flatter slope instead of...

Chairman Rogan stated so the grade has changed.

Mr. Nichols stated the grade has flattened out.

Chairman Rogan stated okay, to answer you, the grade has changed.

Board Member Cook stated it still looked to me that a guide rail would be necessary.

Mr. Nichols stated are you saying on the whole thing or just in certain portions.

Board Member Cook stated the whole thing just kind of caught me.

Chairman Rogan stated I have a question Harry.

Mr. Nichols stated yes.

Chairman Rogan stated the guide rail that was spec'd out and that would be required is made of what material.

Mr. Nichols stated that's steel.

Chairman Rogan stated okay.

Mr. Nichols stated they call it a W-section.

Chairman Rogan stated is there a way for the Board to waive a requirement for something like that. In other words, if tonight everybody said we didn't want it in this section, its not required, it doesn't, then you wouldn't be putting the metal, could you then in place of the metal put in what we said when we were on site is the wood guide rail. It doesn't meet the requirements of the metal but if it's a lesser standard because we are saying there is a lesser need or something...I don't even know the difference in relative cost, you might say hey put the wood ones in, is as much money as putting the metal one in, I don't know.

Mr. Reilly stated I don't think its money that we are concerned about, its more of an appearance.

Chairman Rogan stated okay because when we were talking about the wood one we said, Maria actually said we thought it would, the front of the building with the railing system you have, it already puts the wood out there and that is why we said oh, if the guide rail was those twelve by twelve's tapered up top with two by twelve slats. It would tie everything together and been appealing but I'm understanding that that doesn't...

Board Member DiSalvo stated as opposed to metal.

Chairman Rogan stated even though we see them all over the place, that doesn't meet the requirements, is that what I understand.

Mr. Nichols stated well it doesn't meet the DOT specs, it does not mean that it can not meet your specs, if you have a spec for it.

Chairman Rogan stated okay...

Rich Williams stated the answer to your question is, if you wanted to change the standard from metal to wood, you could do so by motion of the Board. I would recommend that as part of that motion you require that a design detail be submitted to the Town Engineer, reviewed and approved by the Town Engineer.

Chairman Rogan stated Rich...

Andrew Fetherston stated location.

Chairman Rogan stated which is location...

Rich Williams stated both location and design, style.

Andrew Fetherston stated the Board Members are not all saying the same thing.

Chairman Rogan stated no, I realize.

Andrew Fetherston stated yea.

Chairman Rogan stated I am just throwing it out there for idea and there are typical design details on this stuff, we see them all the time for these wood...and I realize that is a maintenance issue too. It looks great now but in eight or nine years from now they have to be maintained.

Mr. Nichols stated it maintains its look, I think a lot better than metal guide rail.

Chairman Rogan stated absolutely and I agree also with what Andrew said tonight for the flatter section, I would be willing to compromise on that too. I definitely want, I am so glad I was misunderstood with what you were presenting because they are definitely needed around the hammerhead area...

Mr. Nichols stated yes.

Chairman Rogan stated and the steeper slopes.

Board Member Pierro stated absolutely but that portion along the west side of the driveway...

Chairman Rogan stated west side of the driveway.

Board Member Pierro stated I would be happy with post and rail fence along that area, just to line it out.

Mr. Nichols stated there is a section...

Chairman Rogan stated you mean the east side.

Board Member Pierro stated no the...

Chairman Rogan stated no, you're the west.

Board Member Pierro stated is very gradual.

Mr. Nichols stated where the drop off is gradual and there is some where the drop is maybe eight to ten feet in height. Now, certainly we could take that portion in the middle if this would, you know meet with your approval and put that wood guide rail in there but eliminated in the areas where the drop is not that high and knowing that people are going to go parallel and it's going to be a very low speed.

Chairman Rogan stated there is no turning around in that area.

Mr. Nichols stated there is no turning around...

Chairman Rogan stated its not like there is...

Mr. Nichols stated there are no people driving head on to get into a parking space.

Board Member Pierro stated that would be fine.

Mr. Nichols stated and we could work that out with maybe the Town Engineer.

Chairman Rogan stated Andrew.

Andrew Fetherston stated sure.

Chairman Rogan stated seem reasonable.

Andrew Fetherston stated yea.

Chairman Rogan stated a bit of a compromise.

Rich Williams stated are you okay with the Town Engineer deciding where it needs to go and where it is.

Chairman Rogan stated I am okay with that.

Rich Williams stated okay.

Chairman Rogan stated provided the conversation we had and we are all in agreement with and again I'm okay with the idea if everybody else is, with doing the wood instead of the metal but I will leave that to you.

Mr. Reilly stated I would certainly rather the wood.

Chairman Rogan stated I like that, I think it looks nice, its going to certainly tie in with the front. The building by the way looks fantastic, everybody really liked what they saw out there.

Mr. Nichols stated wait until the curbing and top coats are in and some of the plantings and...

Chairman Rogan stated the walls up front look really sharp, real nice, you obviously had rock to work with.

Mr. Nichols stated spent a lot of money and had a lot of good talent in there doing it.

Chairman Rogan stated I bet.

Board Member DiSalvo stated we talked about the well head, is that going to be protected in any way.

Chairman Rogan stated well let's just before we move on.

Mr. Nichols stated the well head, we are going to put a couple of, what you call pile-ons in there.

Chairman Rogan stated since we are tackling a couple of issues, let's finish this and move on so we don't lose our train our thought.

Mr. Nichols stated okay.

Board Member Cook stated Shawn, I have a question...

Chairman Rogan stated sure.

Board Member Cook stated are you putting curbing all along...

Mr. Nichols stated curbing will be three feet out from the wall and that area in there will have gravel put in.

Board Member Cook stated what area are we talking about.

Mr. Nichols stated right in front of the stone wall that runs across the front of the building.

Mr. Reilly stated I think he is asking about all the curbing.

Mr. Nichols stated oh, all the curb.

Board Member Cook stated are you curbing this roadway.

Mr. Nichols stated yes, we are curbing the road way.

Board Member Cook stated both sides.

Mr. Reilly stated both sides.

Mr. Nichols stated both sides.

Board Member Pierro stated its in today, is that all in today.

Mr. Reilly stated it got done today, tomorrow the top coat will be finished, the curbing got completed today.

Chairman Rogan stated okay. How do we word the motion for the guide rail, I'm trying to think of the proper wording to allow for the discretion of the Town Engineer.

Andrew Fetherston stated guide rail should be placed by the discretion of the Town Engineer.

Chairman Rogan stated yeah because that sounds a bit loose, doesn't it.

Mr. Nichols stated well its pretty definite.

Chairman Rogan stated and we are really speaking about the flatter part of the road. We have already established that the area shown on the plans, directly in front of the new building, the hammerhead area is all getting done.

Mr. Nichols stated where you saw the red flagging up...

Chairman Rogan stated that is all getting done.

Mr. Nichols stated and down where the hammerhead is, we would have.

Chairman Rogan stated we're talking about from the building back towards the old buildings, that straight away, the areas in that is the discretion part we are referring to.

Mr. Nichols stated yes.

Board Member Pierro stated let me throw a wrench into it...

Chairman Rogan stated why would you do that.

Board Member Pierro stated if we are going to allow wood to be built in some steeper areas along the west side of the roadway, why can't we make it all consistent and put wood at the end around the hammerhead.

Chairman Rogan stated we are.

Mr. Nichols stated we are, it will be consistent.

Chairman Rogan stated you're on the right path.

Mr. Reilly stated so it will be that area that had the red tape...

Board Member Pierro stated yea.

Mr. Reilly stated and then north of that, down by the garbage area.

Chairman Rogan stated right.

Mr. Reilly stated but there is an area between the red tape and hammerhead, this is half way, here is the red tape here and the hammerhead is down here.

Board Member Pierro stated right.

Mr. Reilly stated where you're talking about, there is an area that is all flattened out because we had additional fill and this area was the...

Mr. Nichols stated detention pond, the silt pond.

Mr. Reilly stated the silt pond.

Board Member Pierro stated right.

Mr. Reilly stated so this area from here down. We would like to eliminate the guide rail and then from here over, of course this is going to be all guide rail.

Chairman Rogan stated Harry, is this grading accurate.

Mr. Nichols stated no.

Chairman Rogan stated it doesn't look it.

Mr. Nichols stated we had the sediment pond here, okay, now rather than just put it down to the grade it was, we had a lot of material left over, it was filled in, it was covered over with some gravel and it was top soiled and seeded. It's a nice little flat area in there.

Chairman Rogan stated okay.

Mr. Nichols stated and it extends back about another thirty or forty feet.

Chairman Rogan stated right and then Harry, the other area we were concerned about just to be clear was...

Board Member Pierro stated a fence in front of the NYSEG area.

Chairman Rogan stated right there.

Mr. Nichols stated right there, that will be done.

Chairman Rogan stated that will all be done.

Board Member DiSalvo stated yea a lovers lane.

Board Member Pierro stated you need a fence in front of the NYSEG gate.

Chairman Rogan stated so what we are really, the discretionary part we are really talking about, can I write on this...

Mr. Nichols stated absolutely.

Chairman Rogan stated here to about here, this side...

Mr. Nichols stated yes.

Chairman Rogan stated is what we are looking at and certainly if you feel that that is a concern but you know with the amount of parking spaces Harry, can we just do that anyway.

Mr. Nichols stated you got it.

Chairman Rogan stated and only do it in here where, if at all where it's needed, do from the rail right around this whole thing and be done with it but you have parking spaces there. If the idea of running parallel doesn't really fly there, sound reasonable.

Mr. Nichols stated yea.

Mr. Reilly stated can I just...

Board Member Cook stated this is the curb.

Chairman Rogan stated yea, we drove in marked it...

Board Member Cook stated this is where the curbing is going to go...

Mr. Nichols stated yes.

Mr. Reilly stated yes...it's all blacktop, the curbing.

Chairman Rogan stated you need to speak up a little bit.

Board Member Cook stated so then this marker is your discretion.

Chairman Rogan stated how do we put that into a motion...

Board Member DiSalvo stated at the discretion of the Town Engineer...

Andrew Fetherston stated I'm just wondering, Shawn because I wasn't there at the site walk, we don't have a plan of where the line is...

Chairman Rogan stated right.

Andrew Fetherston stated if we could just take it in, get a photocopy of that, I can take that out.

Chairman Rogan stated great.

Andrew Fetherston stated our inspector is going to be going out tomorrow, I believe, maybe I can join him and we can get this done first thing tomorrow morning.

Chairman Rogan stated great.

Mr. Nichols stated is this plotted, this is measured in the field.

Chairman Rogan stated this plot, I thought you meant me just drawing the line in.

Mr. Nichols stated no, no and this shows that those thirty feet, that is a well sticking up, its thirty in this direction and (inaudible) feet in this direction.

Chairman Rogan stated okay.

Andrew Fetherston stated its, I just want to make sure where the rail is, where the Planning Board wants it, that it is correct in the field, so if I could just get a photocopy of this that I could. Once we do that inspection then I can verify it for the Planning Board and based on the discretionary area as well.

Board Member Pierro stated yea.

Mr. Nichols stated here is an actual copy.

Chairman Rogan stated why don't we do this.

Andrew Fetherston stated that's great.

Chairman Rogan stated gentlemen, we are all in agreement as to what we are saying, we are all in agreement. We don't have something in writing that shows that you're going to go out there or Bob Falk is going to be out there tomorrow.

Andrew Fetherston stated yes.

Chairman Rogan stated put that down on paper because you're going to need it anyway at some point. We'll say as a Board that we agree on this and get something in writing and we'll memorialize it at our next work session.

Board Member Pierro stated work session.

Chairman Rogan stated in other words, go ahead and do, we'll work on exactly what we are saying and in the end it will be your as built sketch, it will modified and we'll approve that, we'll memorialize, this way we are not trying to concoct some motion tonight that doesn't make any sense.

Mr. Nichols stated sure.

Chairman Rogan stated so the next thing was our plantings, let's move on to that.

Mr. Nichols stated okay.

Chairman Rogan stated we had approved plantings, we, Harry and let me start out by saying that this is exactly what we were hoping for, there are changes going on, give us a letter or a quick call and let's talk about them. Some things we are going to work with you on and some things maybe we won't but at least we are all on the same page, so thank you for that. Harry had given us a listing of some plants that you were looking to do in place of maples and pin oaks and things, plants that are longer lived and designed to grow a little larger and shade the pavement and things like that. The list that was given to us, I guess, we should talk a little bit about how those species were derived, who came up with them because the feedback that we got was that they are not the hardiest nor the longest living plants. They may not achieve what we were looking to achieve with the locations where they were proposed. So I think we need to have a quick conversation about that, so we are all on the same page.

Mr. Nichols stated okay, Joe.

Mr. Reilly stated I mean, again, its an appearance so we changed them for the appearance of the whole development area and just to add some color in the spring time and early summer.

Chairman Rogan stated okay.

Mr. Reilly stated I didn't think it would matter, its not a wetlands planting, so I didn't think it would effect anything to do with the site. Landscape is amazing, is again an appearance thing when we are done building a house, we landscape it, we make it look nice.

Chairman Rogan stated except that along the roadway, it produces a very definitive impact on stormwater because of cooling the surface the road, you get run-off on that, it changes in the regard. You gentlemen are more qualified to speak to this than I am certainly but...when they spec out these larger trees, these shade trees that are going to live for a hundred years, it's a little different than what you end up with, with

like a crab apple or something like that. The trees that we are referring to, correct me if I'm wrong, are those the ones that were currently planted along the roadway.

Mr. Reilly stated yea, I mean those are temporarily planted, you know, if we have to we'll leave them planted.

Chairman Rogan stated if we approve them, do you leave them as is, they don't have to do anything else to them.

Mr. Reilly stated no, there are other plantings that go along with.

Chairman Rogan stated right but they are...

Mr. Reilly stated but those I just didn't want them to die, we had them...

Chairman Rogan stated okay.

Mr. Reilly stated so I didn't think it was going to this far as a discussion, I thought I was just swapping out a tree.

Chairman Rogan stated yea.

Mr. Reilly stated I'm not asking to eliminate trees or anything like that. As far as stormwater, is this something that is required, is it a national thing because it's the first time I've heard.

Chairman Rogan stated anytime we do your planting diagram, one of the things we are looking towards are those types of issues, again of how a site is going to you know work a few years from now, in terms of things like stormwater. Aesthetics are certainly important but that is not the driving force behind why we spec out certain trees in certain locations and again guys you can jump in any time.

Ted Kozlowski stated what were the trees that were planted Shawn.

Chairman Rogan stated you had the list, do you remember the list.

Ted Kozlowski stated no but what was planted along the roadway.

Chairman Rogan stated do you remember the names, I only...

Mr. Reilly stated it would be crab apple and kousa dogwoods.

Ted Kozlowski stated okay and how close are they to the edge road.

Mr. Reilly stated I would say about ten or twelve feet.

Chairman Rogan stated ten, twelve feet.

Ted Kozlowski stated are road salts going to be used on that road.

Mr. Reilly stated well we hope not, I mean if we plant larger trees that is going to effect how we maintain the road, so if we can let the sun in during the winter then the snow is going to melt quicker.

Ted Kozlowski stated I would think you're going to use road salts, whoever is maintaining the road is going to use road salts. Kousa dogwood is not going to survive road salts, it just doesn't. I manage an arboretum, I have 30 years of experience with planting trees, okay, those tree species are not suitable road side trees.

Chairman Rogan stated in other words they are better suited for plant...let me ask you a question.

Ted Kozlowski stated the original landscape plan for trees that were...

Chairman Rogan stated salt tolerant.

Ted Kozlowski stated suitable for that salt tolerant but you're also looking for some of the other attributes that Rich had mentioned about stormwater but you are also trying to keep the natural aspects of the surrounding forest.

Chairman Rogan stated yea.

Ted Kozlowski stated the tree species that are selected now are exotic, they are not native to the area, they are short trees, they are not long lived trees and they are prone to stress from roadside conditions.

Mr. Reilly stated I mean...

Chairman Rogan stated Mr. Reilly, would it be appropriate, can you use, you had said that they are temporarily, in other words, if you have to move them, you're not necessarily going to lose the trees per se, you can still use them on side. Are there areas of the site where they would fit better into the landscape...

Ted Kozlowski stated yea, as long as they were...

Chairman Rogan stated where they are not going to be close to the road.

Ted Kozlowski stated they are not street trees, those kind of trees are never recommended to be street trees.

Mr. Reilly stated crab apple trees or...

Ted Kozlowski stated crab apple trees especially along side a road. This year case in point, its been so rainy, the fungus diseases are rampant. You're building in a maintenance situation where if you're selecting native trees and trees more tolerant to the conditions you have less of a maintenance issue. The pin oaks are one of the best street trees you can possible plant, it can take any kind of condition and its going to, you know and that is what the original plan called for.

Chairman Rogan stated we as a Board, we have routinely swapped out plants for people, as long as they achieve, as long as these guys say hey, they are, its basically apples and apples, you know it's a different tree but its performing the same function. We have in the past, even thrown around ideas of even bonding trees which is kind of a silly idea in the sense that it becomes a headache to try to follow through with, we say look okay, leave the trees in place but put up, or we hold back a bond for those trees and if they die because of road salt then you're putting in pin oaks or whatever. That becomes a headache to be honest

with you, I would prefer that we either work with the trees or work around them including, in other words putting in the trees that were required either in between or something, that may crowd them or just use them some place else to off set, like if you came in and said hey, I want to keep these trees on site but I can I swap them out with a landscape planting here and still use them. I think, probably, the Board would be in favor of that, so you're not losing the trees off site, they are beautiful trees, I just planted a crab apple in my yard, they are fantastic in the spring.

Ted Kozlowski stated those kind of trees are more suitable in the yards and the open areas...

Mr. Reilly stated well I know like Maplewood North has, that subdivision is about fifteen years old and they have crab apple trees going right up the center strip there...

Chairman Rogan stated the median.

Mr. Reilly stated and they've never been replaced and the same thing with the Oakridge subdivision on Route 312, which is right around the corner.

Chairman Rogan stated is that the one in Dykeman's there.

Mr. Reilly stated yea and they've been there and maintained by the Town. These are going to maintained by us.

Chairman Rogan stated yea.

Mr. Reilly stated and again its just an appearance, we have 47 acres out there and I think 43 of them are oak trees. We are taking down trees and we would rather have ornamental trees and just have our place look like a home, we're renting it, its going to be homes to 42 families.

Chairman Rogan stated sure.

Mr. Reilly stated oak trees, as far as oak trees, if a limb falls down in 15 years, it's a larger limb than a smaller tree, the root system is going to grow into...

Chairman Rogan stated well the thing with fifteen years is they are still small trees because they are so slow growing, pin oak even, they don't grow that fast. So you end up with, in my lifetime you won't have a limb hurting anybody unfortunately.

Mr. Reilly stated so as what point does it effect the drainage.

Chairman Rogan stated well I think and Rich or Andrew can certainly speak to that better but the impacts of having the cooling effect on the pavement or anything, you want to speak to any of that.

Mr. Reilly stated I don't understand the cooling...

Andrew Fetherston stated its just the shading, pavement gets incredibly hot, heats up the water, the stormwater run off, its called, they call it, it's a thermal impact, that's what they call it. You have smaller trees, the Board is just saying that you're going to get less shade, if you have a larger tree and it will take time to grow but if you have a larger tree then you will get more shade.

Ted Kozlowski stated and the run off that comes off that road in a storm will be cooler than if it's a road baking in the sun.

Chairman Rogan stated yea.

Ted Kozlowski stated in a summer storm.

Chairman Rogan stated Dave ran away but for the rest of the Board, any input or thoughts on this issue.

Board Member DiSalvo stated well...

Board Member Cook stated I think that we should stick with the approved trees and relocate the temporary trees to elsewhere on the property.

Mr. Nichols stated let me just offer something, suppose we, in the areas of concern we plant the required trees, the oaks, the pin oaks, whatever they are along anything close within a certain distance of the pavement and those other trees that are being placed behind the building, around the building, allow those to be the ornamental.

Chairman Rogan stated and we had said that.

Mr. Nichols stated oh okay.

Chairman Rogan stated we said you keep the trees on site.

Mr. Reilly stated I thought we would be (inaudible)...

Mr. Nichols stated okay.

Mr. Reilly stated the ones on the street...

Chairman Rogan stated oh every...

Mr. Reilly stated where we were talking about the curbing.

Chairman Rogan stated everybody I think is in favor of keeping the trees on site, just put them in an area where you can supplement them from another tree that might have been spec'd for a planting area.

Ted Kozlowski stated just don't use those as street trees.

Mr. Nichols stated okay.

Chairman Rogan stated no, that's fine.

Board Member Pierro stated but there are places though along the north east side of the highway going in, between the old building and the new building on higher ground, there are places where those ornamentals...

Mr. Reilly stated where the ornamental (inaudible).

Chairman Rogan stated I mean yea, that would make, if you cluster them...

Board Member DiSalvo stated all right that would like nice, get some color.

Board Member Pierro stated fifty feet away from the street.

Chairman Rogan stated that would look great.

Rich Williams stated just so I'm clear, what I'm hearing, you're okaying that he swap the trees out or you're suggesting that he augment.

Chairman Rogan stated I think we were approving swapping the trees out, in other words, you're taking the number of, let's say you have 30 trees out there planted, you can take 30 trees off of the approved list and swap them out provided they are in a non-street area and work with it. We are talking about swapping out a tree for a tree, so if on the plan we'll have to take a look at it and see...

Mr. Reilly stated if there a hundred trees, we end up with a hundred trees.

Chairman Rogan stated you end up with a hundred trees but work them into the landscape, they are beautiful trees, I mean they will be, right now, like you said they are a little bit stressed, which I'm sure is why you wanted to get them into the ground, you know they look like they had been from the heat and from the rain and just sitting out. So let's work with that, again just I had mentioned to you, Harry when I spoke with you that the plan that we had for landscaping didn't match what was there because things had been changed like sidewalks and stuff so let's make sure when we are done, we have a plan that shows exactly was built, how things were modified and where the plantings are and then just show where these trees have been supplemented.

Board Member Pierro stated when is the optimum time to move those trees.

Ted Kozlowski stated now.

Board Member Pierro stated right now.

Chairman Rogan stated and they were just put in, so.

Mr. Reilly stated I plan on planting the dogwoods that are there now and I'll do everything next week.

Chairman Rogan stated okay.

Mr. Reilly as far as ordering the oak trees, I don't know if we'll be able to get them in, in time, we might have to do that in the spring.

Chairman Rogan stated yea, okay. Whatever it is, it is, its going to finish out the site. Okay, that was that discussion, what was the next, the wall you mentioned, I don't remember reading about that, we got stuck on the first two issues but you mentioned something about the wall in front of the building, in your opening.

Board Member DiSalvo stated the curbing I think.

Mr. Nichols stated I mentioned that we had curbed in front...

Chairman Rogan stated okay.

Mr. Nichols stated and there will be gravel put in between the curb and the wall...

Chairman Rogan stated okay.

Mr. Nichols stated which will sort of soften it and provide an overhang for the vehicles.

Chairman Rogan stated great, when we walked about the back of the building on our way back out, because the pavement was still a little bit tacky when we were there, so we figured the less we walk on it the better. We went around the back of the building and Board Members had mentioned our site walk out there months ago and when you had asked for some relief from putting, I think at one time it was stonewall or actually a retaining wall where the bank is and we said the rock is solid, in place but we were talking about some post and rail fence at the base of the wall, top end base and that has yet to be done.

Mr. Nichols stated right, I wouldn't recommend post and rail for the top. I think you need something more like a chain link fence because you want something, a barrier that is going to prevent somebody from spraying through.

Chairman Rogan stated yea, it was and it was black and I think we were saying something that it wasn't going to be visible but you're right. At the base it was more along the lines of, again that ledge is an attractive nuisance, I wanted to climb up on it when I was there on the site walk.

Mr. Reilly stated that's going to be a problem.

Chairman Rogan stated you almost have to put up that fence and have little signs on there for whoever the owner is to say you know stay off, do not, as a liability, but I know I would have been up there.

Board Member Pierro stated as a I said, I would be nailing pitons in there if I was 13 again, repelling off of it with ropes, as I'm sure some kids are going to do.

Mr. Reilly stated right.

Board Member Pierro stated they may be repelling off your fence though, so you have to take that into consideration.

Mr. Reilly stated well Harry and I discussed it, what is really going to stop a kid but I think what we are concerned about a younger child that is three years old.

Chairman Rogan stated right.

Board Member Pierro stated right.

Chairman Rogan stated maybe even...

Mr. Reilly stated a ten year old kid is going to climb the fence and we are just going to have to police the area the best we can.

Board Member Pierro stated right.

Mr. Reilly stated as far as the area, the whole backyard is kind of on a U shape.

Chairman Rogan stated yea.

Mr. Reilly stated then we are just going to kind of...

Chairman Rogan stated I would just come a few feet off the existing rock, so you're not tight up against it, whether your like three foot off of it or something to just put up your fence, decide whether or not you want any wire backing to is, so children just can't go under, you know...

Mr. Reilly stated okay.

Chairman Rogan stated something, you usually use black fencing, it disappears, you don't see it but I'll leave...

Mr. Reilly stated right.

Chairman Rogan stated but anyway, we just had discussed that because we remembered the discussion and okay...

Board Member DiSalvo stated so what is that area really designated for, behind the building there, people put bar-be-que's out to cook in the evening.

Mr. Reilly stated I guess its for the people that are living there, I mean we had to disturb that to build the building, there is a little drainage back there, some yard drainage that was called for on the plan.

Board Member DiSalvo stated there was a concern about when we pulled, you know, you may not see it as much up here but kids riding bicycles on the road. So now you took the area away with the new building, close to the old buildings for any kind of play area for the kids.

Chairman Rogan stated right, the kids are right in the road.

Board Member DiSalvo stated where are they going to be now, up and down that road.

Mr. Reilly stated well we have that huge septic area, all on the right...

Board Member DiSalvo stated where is that.

Mr. Nichols stated as you drive in, the big grass area on the high side.

Mr. Reilly stated as you drive in, you pass the two existing buildings.

Board Member DiSalvo stated they are going to play on the hill.

Chairman Rogan stated what she is saying that they were riding bikes out on the pavement and now they are riding bikes where now there is going to be a lot of traffic going through.

Board Member DiSalvo stated and have a longer road to ride on.

Chairman Rogan stated I'm surprised they weren't playing in your construction site as much.

Mr. Reilly stated well, you know...

Chairman Rogan stated it will be done eventually...

Mr. Reilly stated we are there all the time, we talked to the kids and we talk to the parents, they know they're not allowed.

Chairman Rogan stated yea.

Mr. Reilly stated and they've been listening, thank god.

Chairman Rogan stated so, Harry, any other topics or issues that you have for tonight or were those the big issues.

Mr. Nichols stated I can't think of anything.

Chairman Rogan stated okay, all right.

Mr. Nichols stated we are glad to hear that you like the building.

Chairman Rogan stated the building looks sharp.

Board Member Pierro stated yea.

Chairman Rogan stated in fact we are really hoping that you know obviously the rest of the, the existing buildings, I know you're putting, the owner is putting upgrades into those, bring them up to snuff.

Mr. Reilly stated what we intend to do is finish building number three, which we are framing, if you noticed and then we are hoping to finish that this winter.

Chairman Rogan stated awesome.

Mr. Reilly stated and then in the spring, as we have now generated money from the two buildings being rented. We are then going to re-do the faces of the two existing buildings, new windows, new siding and we'll be adding the little dormers that are on the new buildings, a little bit smaller, so they will all look the same.

Chairman Rogan stated nice.

Mr. Reilly stated they will be the same color, the siding will be the same color and then the plantings of course.

Chairman Rogan stated let me ask you question...

Board Member Cook stated pin oaks.

Chairman Rogan stated the railings of the ramp that go up to the left side of your new building, it looks almost like thing electrical conduit or something, it's very flexible, I was surprised.

Rich Williams stated let me just jump here because after the site walk I know that was a concern so I did talk to Nick Lamberti, Code Enforcement Officer, who was aware of the condition of the railing, had inspected them and they do meet Building Code.

Chairman Rogan stated okay great.

Mr. Reilly stated they are not finished, yes they are flimsy and they are not ready for an inspection.

Chairman Rogan stated in fairness, to get to the back, I'm pretty tall I kind of stepped over and kind of leaned on it and it went, I said oh but okay. The site is looking great, we are looking forward to you obviously finishing up, I'm sure you are as well.

Mr. Reilly stated when we are ready to go for a C.O. which is going to be probably by the end of the month, we'll be ready for our final inspections, what would you guys look for us to do.

Chairman Rogan stated you mean a C of O just on that particular building.

Mr. Reilly stated on that building, you know I'll be calling the Building Inspector, he'll do his routine, we are working with the Health Department next week, is there anything that the Planning Board needs to see.

Chairman Rogan stated I can't think of anything.

Rich Williams stated its going to be up to Nick Lamberti, he's got to make sure that the improvements around that building such as the dumpster enclosure, the ADA parking striping, things like that are all there to support that building.

Chairman Rogan stated right, are done per the plans, yea.

Rich Williams stated and then he'll issue the C.O.

Board Member Pierro stated what are the sizes of the apartments in the new building.

Mr. Reilly stated 1,000 square feet.

Board Member Pierro stated two and three bedroom.

Mr. Reilly stated just two.

Board Member Pierro stated just two.

Mr. Reilly stated the first floor are handicap accessible, they are very nice, oak floors.

Board Member Pierro stated they should go quickly.

Mr. Reilly stated we have a lot of people just waiting on the okay.

Chairman Rogan stated Harry let's make sure that we, there has been a lot of discussion about making sure that your plans reflect existing conditions, I think we need to jump on while things are a little slow.

Mr. Nichols stated well the handicapped ramp access, that is on the plans, the walls are on the plans...

Chairman Rogan stated the grading.

Mr. Nichols stated we just neglected to show the trees can not be planted in the stone beds and the blacktop, so we'll take care of that.

Chairman Rogan stated fair enough, okay, thank you for your time gentlemen.

Mr. Reilly stated okay, thank you.

Chairman Rogan stated thank you for coming in.

## 10) MINUTES

Chairman Rogan stated we have minutes for June 25<sup>th</sup>, July 9<sup>th</sup>, July 30<sup>th</sup>, and August 6<sup>th</sup>, I'll move to.

Board Member Pierro stated so moved.

Chairman Rogan stated second.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated anything from you four gentlemen.

Rich Williams stated you still have Brewster Plastics.

Chairman Rogan stated that's right, we tabled him, let's get him back in.

Board Member Montesano stated he's still on the phone, yea.

Chairman Rogan stated is he.

Board Member DiSalvo stated Watchtower (inaudible).

Chairman Rogan stated sure, Thursday the 24<sup>th</sup>, I'll be back on the twenty, it might be three weeks from now I guess.

Board Member Montesano stated the night we are reviewing the DEIS...

Chairman Rogan stated that is later than our work session.

**Brewster Plastics – Recommendation on Performance Bond continued...**

Chairman Rogan stated sir, let's re-open our conversation on Brewster Plastics.

Mr. Velleman stated sure, Jim Velleman again from BVH Integrated Services representing Brewster Plastics. I have had a chance to review these comments, I know that the Board has not, I'm willing to go through them any way you want, whether you want to go through them or not, I had reviewed them, I do understand the comments from Rich Williams. I believe, a lot of these have been addressed, some of them though do hinge on the fact as to whether or not they are on a site plan submission or the CD document submission...

Chairman Rogan stated say that again.

Mr. Velleman stated or on the construction document...

Chairman Rogan stated oh.

Mr. Velleman stated let me just step back, as, again I appreciate the comments and we would certainly like to address these and we will address them is we want to make sure that both the engineer and the Town Planner are happy with the plans. Since the resubmission to the Commission with the last set of comments, as I had alluded to a little earlier, there have been some surveying items that have been brought to our attention, there have been some geotechnical items that have been brought to our attention. We have indicated in those sketches and again if you would like, I have some copies here that you can see those but we have indicated in those sketches how we are going to do that and basically what that does is it actually limits disturbance that we are planning to do and it betters slope revetment and that sort of thing. Our hope was to get those on a set of documents for construction and provide you with those to make sure that the Town Engineer and Planner and Commission, have the latest and greatest set of documents so we are all on the same page.

Chairman Rogan stated sure, that would be our hope as well.

Rich Williams stated if I could jump in here, your intent is to now show those grading changes on the site plan but rather show them on construction documents.

Mr. Velleman stated no, I think we are getting mixed up in semantics. There was a final site plan submission, which we had made. We had made an initial submission to the Commission; we've picked up those comments.

Board Member Pierro stated time out.

Chairman Rogan stated sorry.

(Side 2 ended – 9:22 p.m.)

Mr. Velleman stated after the initial submission we went through the comments, we went picked up those comments and we felt that we addressed the comments and we made a resubmission which unfortunately I didn't think we were going to be speaking about this, so I didn't bring it. We made a resubmission about a week ago, I believe or a week and a half that we felt that had satisfied the comments. Subsequent to that, these items have come about and to our knowledge and wanting to be up front and not keeping anything hiding; I was asked by my client to put together these sketches and get them to Andrew Fetherston and Rich Williams to make sure that they knew what we were doing. I didn't want to just do something without them know. I was hoping that these changes could just show up on the final set of documents which would also be re-submitted so they would be shown on the site plan just like they are on the sketches. They would be shown on the site plans, the utility plans would be revised, the landscape, the demo, all of those items would be revised on a final set of documents that would be submitted to the Planner and to the Engineer and to yourselves, so that we are all on the same page. The sketches themselves were really an avenue to get out late breaking news to the whole team to say hey, this has come about; we want to keep you guys in the loop as to what we are doing, so they will be incorporated in the site plan certainly...

Rich Williams stated that's fine.

Mr. Velleman stated not only for you guys but for construction and the contractors to make sure that it is done. Getting back to the comments, I think a lot these stem from not having that information shown on the drawings, on the present set of drawings and unfortunately that information came in subsequent to the resubmission set of drawings be sent out.

Chairman Rogan stated okay.

Mr. Velleman stated we certainly can get them on there and resubmit a submission set to the Board, however we are hoping to finalize all of this in the next day or so and actually get a construction set of documents which incorporates all of these items out to everybody. That was our hope was to wait to do that and then get a final set over to you that picked up all of the conditional comments on the original...

Chairman Rogan stated I don't disagree with anything you've said, I am just very confused procedurally about what you expect from us tonight that would promulgate you guys starting construction, you guys getting a shovel in the ground. Its sounds like we have comments, we have concerns, you're saying that technically we've addressed them, they are just on different concerns we just need to now pull them all together and get them on our main set of plans.

Mr. Velleman stated more or less...Obviously its up to the Commission, I can only implore that Brewster Plastics would like to start as soon as they can...

Chairman Rogan stated and we would like them to start as soon as they want too but...

Mr. Velleman stated the drawing themselves, the original drawings, had comments from Town Staff.

Chairman Rogan stated understood.

Mr. Velleman stated we picked those comments up, we got them back on the resubmission, now they might not be to the level that the Planner and the Engineer are satisfied which we have to remedy that. The sketches again were a good faith effort to say hey, these just came about, we are looking to do this and this is what we are incorporating into the plans. That was after the resubmission, so we are waiting to get all of these things on the plans, one set of plans, so that we can resubmit them to the Engineer and the Planner and to yourself.

Chairman Rogan stated okay.

Mr. Velleman stated to be quite honest I wasn't prepared to speak about this tonight because my understanding was that this was about the bond, tonight's meeting.

Chairman Rogan stated right.

Mr. Velleman stated I had many talks with Andrew about the about so I guess what I'm asking from the Commission tonight is a review of the project and bond and understanding where we are with the design and where we with the documentation and that there are a few minor items that need to get on the plans which are issued in the next couple days and Andrew actually has a set in e-mail, although he hasn't had a chance to...

Andrew Fetherston stated can I interrupt.

Mr. Velleman stated sure.

Andrew Fetherston stated sorry...

Chairman Rogan stated thank you.

Andrew Fetherston stated we got the sketches on Thursday the 27<sup>th</sup>, we reviewed them immediately, issued a notice, a memo earlier this week, we spoke with Jim and went through the sketches and found that they were all, pretty much, they found out good information from their surveyor at a late date period. They incorporated those, that information in here and it was helpful, it was good, it made the plan work better, some of the grading works better; we went over that Jim and we were satisfied with that. We reviewed that, we have a set of plans that were received by the Town on the 27<sup>th</sup>, those don't incorporate those 11 by 17 sketches. These plans we're not going to review, we are not going to look at those sketches because now I have another set of plans in my e-mail from tonight, which do incorporate these.

Mr. Velleman stated they do and the only reason I sent you that set was because of all this late breaking news and questions about the bond so I just wanted to make sure that you...

Andrew Fetherston stated right.

Mr. Velleman stated and I understand the time constraints and I do really appreciate that time you're putting in and the short notice and acting on this. I wanted to make sure you had the plans...

Andrew Fetherston stated I can...

Mr. Velleman stated tomorrow or Monday, sets are being printed that we feel have all the comments addressed including those sketches, including the concerns from Planner Rich Williams.

Andrew Fetherston stated can I stop you for one more time.

Mr. Velleman stated sure.

Andrew Fetherston stated sorry Jim, so I have this set that was received by the Town on the 27<sup>th</sup>, I'm not going to look at those because those are now outdated, they don't have the latest information. Are the plans that I got sent tonight, are those the latest plans or am I waiting for a plan that wouldn't come Monday but Tuesday of course with the holiday weekend, am I waiting to review, am I not reviewing those plans because those are still not...

Mr. Velleman stated if I may make a suggestion, those plans there are, in our opinion, short of the sketches, up to date based on the comments.

Chairman Rogan stated so the sketches have components to them that are not on those plans...

Mr. Velleman stated correct because they came after.

Chairman Rogan stated so 99% of the project is on those plans, with the exception of these.

Mr. Velleman stated correct, now in order to not waste your time, I would say yes, hold off on that...

Chairman Rogan stated okay.

Mr. Velleman stated or you can look at those quickly if you want with the sketches, the plans I sent you an e-mail tonight again. I would say don't waste your time on that, the only reason I had sent those to you was in case you wanted to review them in the very few spare moments you had before this meeting to discuss the bond.

Andrew Fetherston stated they were received at five, there was no time.

Chairman Rogan stated okay.

Mr. Velleman stated so, I guess my suggestion would be that in the next day or so and a day or two after Labor Day, you should be receiving a full set of documents that has the sketches incorporated. They have all the comments from the first set of comments from the Planner and the Engineer addressed and the second set which do take into account these because as Rich, you had said, a lot of these are repeat comments. I would have to go back and honestly check whether or not these were addressed and again I don't have any plans with me so I can't state to that.

Rich Williams stated Jim, let me say, if you have any questions, please call me, we'll work it out, if you want to spend a few minutes before you run out of here tonight.

Mr. Velleman stated that would be great.

Rich Williams stated we'll look at some stuff, the plans are up on my board right now.

Mr. Velleman stated that would be great, I would love to do that. So again, I think all the reviews are there, I guess what I'm asking now tonight is to, whichever way the Board can come up with a mechanism to speed up the process as best you can and I know you are looking to help us with that. That is all I can do at this point and we will certainly turn around documents we can in a timely manner and address any comments, I will meet with Rich after this and do whatever is necessary.

Chairman Rogan stated we haven't even started talking about bonds yet but let's...let me just slow down quick because I think all of us are a little bit confused on this. Let me just...if we had some kind of conditional motion tonight that said final approval subject to getting these plans and Rich Williams and Andrew Fetherston saying yes they meet with everything, all the comments we've done. We still, Vice Chair and myself, have to sign off on the final document, right...

Rich Williams stated correct.

Chairman Rogan stated okay, until that is signed off, you can't pull any permits to do any site work, correct.

Rich Williams stated they can't start site work.

Chairman Rogan stated okay, that, I'm trying to figure out how we are helping you by giving you something conditionally that we've already given you conditional approval that said give us these things and we'll sign off on the plat...

Mr. Velleman stated right.

Chairman Rogan stated you don't even have a plat prepared that we can sign yet. Believe me I am the first person to go out on a limb for someone to try and get a conditional approval but I don't see how that is going to get you to then getting a machine out there Monday morning or Tuesday morning because its not going to happen between now and then anyway.

Mr. Velleman stated no and I, if you misunderstood I apologize. They are not looking to start digging on Tuesday.

Chairman Rogan stated okay.

Mr. Velleman stated I believe they are looking to start doing something within the next week or two.

Chairman Rogan stated okay.

Mr. Velleman stated so we can certainly deal with Andrew Fetherston tomorrow on the bond, go through each one of the line items, the unit prices, the lengths, make sure that he is satisfied and his folks are satisfied, adjust is necessary to get him satisfied with the bond. We can also do the same between now and the middle next week, let's say with Rich Williams and Andrew to go over this set of plans that I was talking about that has all of the responses and comments included in them and get a final set of drawings. I guess the question then comes down to you and the Commission as to when is the earliest that set of documents would be able to be signed off...

Board Member Pierro stated unless we have a special meeting...

Mr. Velleman stated Rich Williams...

Chairman Rogan stated I have a question for counsel.

Rich Williams stated as soon as Andrew and I say everything is complete, you can sign.

Chairman Rogan stated yea, I have a question for counsel.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated can I appoint someone to sign for me because I'm leaving Tuesday morning and I won't be back until the 23<sup>rd</sup> of September, I'm gone for two weeks.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated I'll be out of fax mode, out of anywhere, I am not available for two weeks, so can the Chairman.

Carl Lodes stated the Vice Chairman.

Chairman Rogan stated yea but you need two signatures.

Rich Williams stated you need to signatures on it.

Board Member DiSalvo stated appoint him and then have him appoint a deputy.

Chairman Rogan stated when I'm, that is what I was going to say, when I'm away, he is actually Chairman, so can he appoint someone to sign...

Board Member DiSalvo stated deputy.

Carl Lodes stated there is no roll back.

Chairman Rogan stated not with three people.

Board Member DiSalvo stated no.

Chairman Rogan stated no.

Rich Williams stated the reality in all this though if we have the plans ready to go and it would be great if we could get one signature on them and we had the bond and we had inspections fees...

Chairman Rogan stated nobody is going to hold out for that.

Rich Williams stated then we could start, we could do the preconstruction meeting, they could start doing mark outs, they could start getting their erosion controls...

Chairman Rogan stated right.

Rich Williams stated you know and then you're done.

Chairman Rogan stated so it sounds like we can do that anyway.

Mr. Velleman stated that would be fantastic.

Chairman Rogan stated so let's switch the conversation to the bond because we haven't even discussed that yet. What do we need to do to set a bond amount.

Rich Williams stated well that is where it gets really complicated is because the process, typically the process is that Andrew comes up with a calculation.

Chairman Rogan stated right.

Rich Williams stated the Planning Board makes a recommendation and it goes to the Town Board.

Chairman Rogan stated when it is their next meeting.

Board Member DiSalvo stated when is the next meeting.

Rich Williams stated right.

Chairman Rogan stated yea we are running close on everything.

Board Member Pierro stated could we have a special meeting for that purpose.

Board Member DiSalvo stated we could still have a special meeting to set the bond calcs.

Rich Williams stated you could have a special meeting for that purpose or it has happened in the past, not too frequently, they don't like doing but the Town Board can set the bond and inspection fees without...

Chairman Rogan stated without our...

Rich Williams stated a recommendation.

Chairman Rogan stated that is true too.

Board Member DiSalvo stated and they'll have all the figures and...

Chairman Rogan stated yea.

Rich Williams stated well I don't know, the next meeting is next Wednesday.

Chairman Rogan stated all right, here is the next thing, has our Board ever gone against the initial recommendation of the engineer, in other words, you come up with a bond amount, you, now give me a second...

Rich Williams stated okay.

Chairman Rogan stated you say yes I concur and this is the amount with the inspection fees and we approve it, I know that we have changed bond amounts on some projects where there was discrepancy but I'm talking about everybody agreeing, no.

Rich Williams stated well discrepancy is discrepancy, the Town Engineer made a recommendation, the Board felt based on discussing it with the design engineer, that the Town Engineer over-valued the improvements and dropped the bond amount.

Chairman Rogan stated but if we, in that case, if we had said we make a motion to recommend to the Town Board that the bond and inspection fees be what is recommended and approved by the Town Engineer, we would have been more stringent in that case because we went middle ground, we went less than what the Town Engineer had said, correct.

Rich Williams stated yes.

Chairman Rogan stated right, so that was the only case we went less but by saying we, we've never, that is the only time we've gone away from the Town Engineer because there were discrepancies that weren't explained to the Board why they existed, it was like well there was a difference in numbers. So the Board took a middle road approach.

Board Member DiSalvo stated the applicant was questioning some of that too.

Chairman Rogan stated oh yeah, absolutely, rightfully so.

Andrew Fetherston stated I guess I have a question of timing, Friday, tomorrow, Tuesday and Wednesday, Wednesday night Board meeting.

Chairman Rogan stated yea.

Board Member DiSalvo stated Town Board meeting.

Andrew Fetherston stated Town Board meeting, how long does the Board need prior to their meeting, I mean...

Rich Williams stated the Town Board.

Andrew Fetherston stated we're talking three days to get a...

Board Member DiSalvo stated tomorrow, right, the material.

Chairman Rogan stated in other words the Town Board...

Mr. Fetherston stated you know, its really, when can I get the plans that will correlate with the bond that we can review and get to the Town.

Chairman Rogan stated yeah.

Andrew Fetherston stated as soon as I get them I'll, you know what I mean.

Mr. Velleman stated well if I can jump in on that, the e-mail plans I sent you are those plans.

Andrew Fetherston stated okay.

Mr. Velleman stated if you're able to plot them, those are the plans to look at. Other than that we can you know, if you're not, we can try to get you a set of plans via courier or something.

Andrew Fetherston stated we will review the plans, the e-mail, assuming that...

Mr. Velleman stated but those are the plans.

Andrew Fetherston stated if we have any problem with the plans, I'll call you certainly.

Mr. Velleman stated give me a call.

Andrew Fetherston stated we'll do that in the morning.

Chairman Rogan stated tomorrow morning.

Andrew Fetherston stated yea and then get them, get a letter out to the Town Board.

Chairman Rogan stated is that letter in sufficient time for the Town Board's agenda for next Wednesday.

Board Member DiSalvo stated I think it's the Friday.

Rich Williams stated well you know, I can go to the Supervisors office tomorrow, I can get it put on the agenda as long as I have Andrew's recommendation...

Chairman Rogan stated yea.

Rich Williams stated by Wednesday.

Andrew Fetherston stated we'll work it out tomorrow.

Rich Williams stated I can work out, I can write the resolution...

Board Member DiSalvo stated we can say that we are recommending that he recommends.

Rich Williams stated the Board will have it the only issue is the Town Board is getting more and more that they want a little lee time...

Chairman Rogan stated sure.

Rich Williams stated with the materials they get. I don't know what they are going to do with it.

Chairman Rogan stated I think in this case, given what is going on right now recession wise in the nation and everybody really being in your corner here to try and get this going...

Rich Williams stated true.

Mr. Velleman stated yes, I understand, thank you.

Chairman Rogan stated I think this probably would give some, so Carl, can you please help the Board to craft a motion that would give that approval, that recommendation to the Town Board without actually having a number, is that something that we.

Rich Williams stated why would you.

Carl Lodes stated why don't you just leave it up to the Town Board.

Chairman Rogan stated just leave it up to the Town Board.

Rich Williams stated just let it go.

Chairman Rogan stated fair enough.

Rich Williams stated send it to the Town Board without a recommendation.

Chairman Rogan stated fair enough.

Board Member DiSalvo stated but what are they going to be approving, what figure.

Chairman Rogan stated they'll have the figure, we don't.

Board Member DiSalvo stated right, right.

Chairman Rogan stated they'll have all the info.

Board Member Montesano stated just on the off chance why can't we pass something, recommending that the Town Engineer...

Chairman Rogan stated that is what I was originally starting with and counsel said there is no point because we don't have a number and they will have it...

Board Member Montesano stated and get it over with it.

Board Member Pierro stated we don't have a number.

Board Member Montesano stated but he'll have the number and we are trusting him.

Board Member Pierro stated we don't have a number now.

Board Member Montesano stated we know where you live.

Chairman Rogan stated Mike, that is exactly where I was going...

Board Member Montesano stated that is what I'm saying though...

Carl Lodes stated you can't delegate your authority though, you don't have even have an idea now.

Chairman Rogan stated you're right.

Board Member Pierro stated no.

Chairman Rogan stated that is why we asked.

Carl Lodes stated even if there is a range.

Chairman Rogan stated right, if you had said we came up with...

Mr. Velleman stated forgive me, there is a number...

Board Member DiSalvo stated there is.

Chairman Rogan stated there was...

Mr. Velleman stated there is.

Chairman Rogan stated how you came up with that was (inaudible).

Mr. Velleman stated let me step back and forgive my ignorance here, I guess I don't understand the complete process of this. We were asked to put together an estimate for restoration and performance and did that.

Chairman Rogan stated and it was not complete, correct, by these gentlemen's ascertain.

Mr. Velleman stated it is complete by, in our opinion, being the engineer of record, it is complete, however the Town Engineer has, there were a few estimates out there, let's put it that way and in working with the Town Engineer, I believe it is now to a figure that is correct and its right now in the Town Engineer's court and I know that he hasn't had time to actually check the quantities but I don't want to put an pressure on the Town Engineer because he hasn't had the time but I just wanted the Commission to know that there is a number.

Chairman Rogan stated what was that number...come on now, you have to have that number right off the top of your head.

Andrew Fetherston stated the last number was \$267,799.

Mr. Velleman stated that was for performance and \$24,800 for restoration.

Andrew Fetherston stated that's correct.

Chairman Rogan stated and what about inspection fees, ten percent of the bond.

Rich Williams stated oh yea, that works for me.

Chairman Rogan stated five percent.

Rich Williams stated five, yea.

Chairman Rogan stated so what does that come out to.

Board Member DiSalvo stated thirteen.

Board Member Montesano stated oh, an engineer with calculator.

Board Member Pierro stated this number still may not be correct.

Chairman Rogan stated right.

Rich Williams stated correct.

Board Member Pierro stated upon further review by the engineer.

Chairman Rogan stated that is exactly correct. If its not correct, then you take those numbers directly to the Town Board and they disregard our motion, what the heck is the difference. Our motion is just a recommendation.

Rich Williams stated why muddy the waters.

Chairman Rogan stated if you, exactly, we are spinning our wheels, if these gentlemen think the process can be done without us because we are just doing a recommendation anyway, let's make a motion that we recommend that the Town Board look favorably on the recommendation of the Town Engineer. We are spinning our wheels.

Board Member DiSalvo stated Town Engineer.

Board Member DiSalvo seconded the motion.

Board Member Montesano stated so moved.

Chairman Rogan stated get that done, all right.

Board Member DiSalvo stated is that good enough.

Board Member Pierro stated is that it.

Board Member Montesano stated who wants to second the motion.

Board Member DiSalvo stated I did, that's it.

Chairman Rogan stated I was kind of kidding around when I made the motion it was...

Board Member Montesano stated well too bad, it's a matter of record.

Chairman Rogan stated well then...

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated in essence we are all trying to get you to the same spot, as soon as we can get you there.

Mr. Velleman stated and I appreciate that, so I can ask procedurally, so I understand, Andrew and I need to work out with the plans and with this and make sure that he is comfortable...

Chairman Rogan stated yes.

Mr. Velleman stated that then gets put forth to the Town...

Chairman Rogan stated Board.

Board Member Montesano stated Town Board.

Mr. Velleman stated Board...

Board Member DiSalvo stated Wednesday night.

Mr. Velleman stated for an approval.

Chairman Rogan stated Rich is going to have to go and get you on the agenda but he can't do that until he has heard from Andrew that he has reviewed the numbers, this is what the numbers are and everything is lined up.

Mr. Velleman stated understood.

Chairman Rogan stated then he can try to get you on the Town Board agenda.

Mr. Velleman stated so the Town Board reviews, let's say they agree, as far as the actual bond amount and that sort of thing, how that transpires.

Board Member Montesano stated if not you will wait for next month.

Rich Williams stated let's assume that the Town Board approves the bond amount and inspection fees, then your client needs to post with the Town a sum for an escrow for the inspection fees for the engineer, whoever is going out to do the inspections out there...

Mr. Velleman stated okay.

Rich Williams stated and they need to post either a performance bond or a letter of credit or a cash bond with the Town to cover the costs should the applicant default and we need to go in and restore the site.

Mr. Velleman stated and that can happen a few days after the approval of the final number, correct.

Rich Williams stated yup.

Board Member Pierro stated lead you through.

Chairman Rogan stated just that we can do (inaudible) okay.

Board Member Montesano stated and with that we are still a month ahead of the situation, at least, if not this would have gone on until October and then you wouldn't get anything done until November.

Board Member DiSalvo stated these three day weekends.

Mr. Velleman stated right, one of the issues and the reason that we are looking to move this and I appreciate your help in this matter as the site itself, once you get into the later months. Once you start doing earth work in those conditions, it's a mess.

Chairman Rogan stated we understand, okay.

Mr. Velleman stated so where did we leave off the plans.

Andrew Fetherston stated I am going to review them.

Mr. Velleman stated for the bond and then...

Board Member Pierro stated Andrew is reviewing tomorrow...

Mr. Velleman stated that's right, yup.

Board Member Pierro stated going to speak with Rich about that review, Rich is going to meet with the Town Supervisor and attempt to get you on the agenda, if Andrew...

Chairman Rogan stated that's the bond, he's not talking about the bond, he's talking about the half...

Mr. Velleman stated right.

Rich Williams stated the other thing, you are going to get us revised plans, we are going to talk about...

Mr. Velleman stated go over it.

Rich Williams stated a little bit maybe before hand about what I'm looking for and what Andrew is looking for...

Mr. Velleman stated okay.

Rich Williams stated a little bit about the SWPPP and you're going to get us those and we are going to review them, you know when we feel that everything has been addressed and start (inaudible).

Board Member Pierro stated from that point, we can sign it.

Chairman Rogan stated if that gets done and these gentlemen say hey, they're good to go and you're ready, he'll contact the Board if I'm not around and say hey, can we have a special meeting on this, if you're willing, we're willing, whether I'm here or not, you have a Board of four, you've got the support.

Rich Williams stated I'm saying I don't think you need it.

Chairman Rogan stated it doesn't matter.

Board Member Pierro stated okay, one of us can sign it.

Rich Williams stated one will sign it.

Mr. Velleman stated okay.

Chairman Rogan stated all right, so fair enough.

Rich Williams stated you know, that gives them the ability in the in term...

Mr. Velleman stated thank you.

Rich Williams stated really it needs to be done before the building permit, it really should be done before any site work, you know if they've got 99.9% there.

Mr. Velleman stated thank you for the flexibility and I hope you enjoy your vacation.

Chairman Rogan stated thank you very much.

Board Member Pierro stated I'll sign them.

Board Member Montesano stated give it a shot.

Chairman Rogan stated it doesn't matter, it won't hold anybody up.

Board Member Pierro stated no.

Board Member DiSalvo stated motion to adjourn.

Chairman Rogan stated hold on...anything from you gentlemen.

Board Member Montesano stated yea, good night.

Chairman Rogan stated motion to adjourn.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

The meeting adjourned at 9:45 p.m.