

TOWN OF PATTERSON
PLANNING BOARD MEETING
September 25, 2008 *Work Session*

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**TOWN OF PATTERSON
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ZONING BOARD OF APPEALS

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PLANNING BOARD

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

**Planning Board
September 25, 2008 Work Session Meeting Minutes**

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

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

The meeting began at 7:31 p.m.

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

Chairman Rogan stated we are on.

1) MEADOWBROOK FARMS SUBDIVISION

Chairman Rogan stated Meadowbrook Farms subdivisions, Rich, what do we have going on with Meadowbrook Farms.

Rich Williams stated I have not had a chance to look at the materials that have been submitted. Essentially if the Board will recall, this involves a wetland/watercourse permit application, where they are modifying the stormwater retention pond and replacing the outlet into the stream channel just northwest of the existing bridge crossing, driveway entrance.

Chairman Rogan stated and this is up to [Route] 292, where Harry Nichols is the engineer, we walked it about a year with Gene.

Rich Williams stated yup.

Chairman Rogan stated okay, its phase two or something right.

Rich Williams stated it is phase two. (Inaudible) new houses are going into phase two.

Chairman Rogan stated okay.

Rich Williams stated a new subdivision road, its all under the new (inaudible) erosion control formula.

Chairman Rogan stated but for us it's a wetlands/watercourse permit.

Rich Williams stated correct.

Board Member Pierro stated no, change of zoning is needed.

Rich Williams stated no.

Board Member Pierro stated okay.

Chairman Rogan stated okay, so we are going to get a review from you, are we going to get a review from Gene on this as well.

Rich Williams stated I have him looking at it also.

Chairman Rogan stated great.

Rich Williams stated but his review, again is limited to the erosion control and stormwater.

Chairman Rogan stated right.

Board Member DiSalvo stated well.

Chairman Rogan stated hey Ted.

Ted Kozlowski stated in here.

Chairman Rogan stated hello Ted.

Ted Kozlowski stated in here, work sessions are in here. I want everybody to know that I have my own pen tonight.

Board Member DiSalvo stated oh.

Chairman Rogan stated you do, Rob, why don't you grab a chair and bring a chair in.

Board Member Pierro stated grab a chair.

Ted Kozlowski stated I want that on the record.

Board Member Montesano stated where did it come from, the office.

Ted Kozlowski stated someone's drawer, I don't know I found it.

2) **OVER THE RAINBOW OF PATTERSON**

Chairman Rogan stated Over the Rainbow of Patterson. Over the Rainbow, is that the one that used to be right here off of, oh, out by the, on [Route] 22.

Board Member Pierro stated it's the old bakery.

Chairman Rogan stated they are going in there but weren't they are one point on [Route] 22 and they moved.

The Secretary stated I don't think so.

Chairman Rogan stated yeah, they were.

Board Member Pierro stated you may be right.

Board Member DiSalvo stated you're thinking of the one by Harry Nichols.

Board Member Pierro stated they may have been north of Boniello's.

Board Member DiSalvo stated that's still there Just 4 Kids or something, I think that's still there.

Chairman Rogan stated right, something like that.

Rich Williams stated Just 4 Kids.

The Secretary stated that's Just 4 Kids.

Board Member Pierro stated it may have been.

Chairman Rogan stated maybe and that is probably what I'm thinking of.

Board Member Pierro stated why do you make him drive all the way out there.

Board Member DiSalvo stated we are going to put Charlie on a project to drive around and find signs that.

Board Member Cook stated I am.

Ted Kozlowski stated he wanted to.

Chairman Rogan stated you can pull a chair in, bring a chair in if you like.

Board Member Pierro stated (inaudible).

Rich Williams stated I don't know. Genovese, other than that.

Chairman Rogan stated Over the Rainbow.

Rich Williams stated Over the Rainbow is at the former site of Integrity Heating and Air and Nolletti's is where the cell tower is.

Chairman Rogan stated (inaudible).

Rich Williams stated they are looking to convert the building into a daycare center.

Chairman Rogan stated okay.

Board Member DiSalvo stated on the bottom floor, the ground floor.

Rich Williams stated on the bottom floor, they are not showing what they are going to be doing on the second floor. Just wanted to comment (inaudible) and there is a memo on this. The only real improvements they are doing to the site is a five foot fenced play area to the east of the building, up in the grass area. At the request of Mr. Cook, I did contact the applicant, it is staked and ready to be looked at.

Chairman Rogan stated good, weather permitting, can anybody do this Saturday morning.

Board Member DiSalvo stated are they sure that five feet is enough for kids.

Chairman Rogan stated good question.

Ted Kozlowski stated its going to be tough Saturday morning, it supposed to be nasty out there.

Chairman Rogan stated rain, yeah.

Rich Williams stated early Saturday morning.

Board Member Pierro stated I want to.

Rich Williams stated late Saturday I'm not.

Chairman Rogan stated well, we always do everything early anyway.

Board Member DiSalvo stated during the week.

Chairman Rogan stated think its going to not work.

Board Member Pierro stated I want to blow Town, I have an obligation out of Town.

Chairman Rogan stated oh okay.

Board Member Pierro stated if you guys want to go.

Chairman Rogan stated or do you want to try and play the weather and see if we can do it right after work, I mean, its not, I can meet you guys there by ten after five.

Board Member Pierro stated that's fine.

Board Member DiSalvo stated yeah.

Rich Williams stated that's good because 5:30 is tough.

Chairman Rogan stated 5:30.

Board Member Pierro stated let's call a day.

Chairman Rogan stated November 2, I checked the calendar, its November something.

Board Member Pierro stated let's call a day for during the week.

Chairman Rogan stated what do you have going on with, you have anything that would prevent you from doing like a Tuesday.

Rich Williams stated I think the only thing I've got next week is Planning Board Thursday.

Chairman Rogan stated alright, let's shoot for Tuesday on this. The only reason we would reschedule is if Tuesday is a complete blow out weather but if its not pouring Tuesday, right at Nolletti's, five plus o'clock. I'll be there by ten after.

3) GENOVESE SITE PLAN

Ms. Terri-Ann Hahn of LADA Land Planners was present.

Chairman Rogan stated okay, Genovese site plan.

Rich Williams stated this is a new application, this is a commercial building a little greater then sixty thousand square feet, south end of Town, across from Old Route 22, down just next to Empire Tool. I haven't seen this application in a while.

Chairman Rogan stated oh.

Rich Williams stated they've been busy on it for awhile.

Chairman Rogan stated but this is the.

Board Member Pierro stated the Flex Building.

Chairman Rogan stated they are making jackets and the different items.

Board Member Pierro stated he was.

Board Member DiSalvo stated right, right, (inaudible).

Board Member Pierro stated you know, I don't know (inaudible).

Chairman Rogan stated we walked it; it's relatively flat close to the back where the septic is.

Board Member Pierro stated I don't know if its at all.

Board Member DiSalvo stated up by Ballyhack, it was kind of up that way.

Chairman Rogan stated okay, alright.

Rich Williams stated I haven't found anything super critical at this point.

Chairman Rogan stated okay.

Rich Williams stated you know a few comments here and there, I'm not finished with my review.

Chairman Rogan stated okay.

Rich Williams stated and the Town Engineer.

Chairman Rogan stated are you here for the project, Genovese.

Ms. Hahn stated yes.

Chairman Rogan stated okay, there is probably not, unless you have something that you want to.

Ms. Hahn stated well I just wanted to bring to the Board's attention that it does include a wetland application now because there was some discussion in an earlier review, the wells are in the buffer area.

Chairman Rogan stated okay.

Ms. Hahn stated and so in order for (inaudible) the wells the shortest distance, now needs a wetland permit (inaudible).

Rich Williams stated there is one issue on that wetland permit that was issued. The permit that was issued was for a Town wetland just for running the water lines through the wetland. There were a couple of comments relative to that.

Ms. Hahn stated there has been no permit, we just applied.

Rich Williams stated well that application.

Ms. Hahn stated for the application.

Rich Williams stated for the application, the application does not include the area of the driveway coming in that is also within the state regulated wetland. Typically a wetland application to the Town will include that also.

Ms. Hahn stated you want that included.

Chairman Rogan stated okay.

Rich Williams stated I don't know how that Board or Ted feels about that.

Chairman Rogan stated Ted.

Ted Kozlowski stated which one is this.

Chairman Rogan stated Genovese down on [Route] 22, the property near.

Board Member DiSalvo stated next to Empire.

Chairman Rogan stated next to Empire Tools.

Board Member Pierro stated the wells were in the back of the building.

Ms. Hahn stated we are across the street from a DEC wetland and our (inaudible – too many people talking).

Board Member DiSalvo stated that was like the same thing with Boniello.

Ted Kozlowski stated where is this building.

Board Member Pierro stated south of Boniello's.

Board Member DiSalvo stated across the street.

Ted Kozlowski stated right next door.

Board Member Pierro stated we walked it extensively with.

Ted Kozlowski stated right, that was the auto dealership.

Board Member DiSalvo stated was going to go there.

Board Member Pierro stated originally, then we looked at a Flex Building for.

Ms. Hahn stated that is the same one.

Ted Kozlowski stated right, now what are you asking me.

Board Member DiSalvo stated they are going into Dill's on [Route] 22.

Rich Williams stated the question is this, they are putting a driveway in, right across the street of [Route] 22, on the west side [Route] 22, there is a DEC regulated wetland I believe its BR-9. So the driveway entrance is within one hundred feet of that DEC regulated wetland. They made an application to the Town for a Town regulated wetland intrusion related to the well line being put in which is up in back but did not include in the wetlands application the new driveway.

Ted Kozlowski stated the driveway.

Ms. Hahn stated do you want it in or do you want it out.

Ted Kozlowski stated you would just make it complete by having it in there but I don't see the impacts from it.

Rich Williams stated no, not from that.

Chairman Rogan stated so it would be included in the application but its not a big concern.

Ted Kozlowski stated just to make it complete and.

Board Member DiSalvo stated (inaudible).

Ted Kozlowski stated the Board right.

Rich Williams stated right.

Ted Kozlowski stated technically it is within the one hundred foot buffer but it is separated by Route 22.

Rich Williams stated there is going to be, when everybody sees the memo, there are going to be that, a couple of other things.

Ms. Hahn stated okay.

Rich Williams stated nothing that's.

Ted Kozlowski stated we should just cover ourselves on that and include it.

Chairman Rogan stated Rich.

Ms. Hahn stated thank you.

Ted Kozlowski stated that's it.

Ms. Hahn stated yeah.

Rich Williams stated a long way for a short meeting.

Ms. Hahn stated see you guys next week.

Chairman Rogan stated have a nice weekend. Would anybody mind if we jumped down to Eurostyle Marble and Tile, Rob, that is what you're here for.

Mr. Cameron stated yes.

Chairman Rogan stated would anybody mind if we did that and get Mr. Cameron out of here.

5) **OTHER BUSINESS**

c. Eurostyle Marble and Tile

Mr. Robert Cameron of Putnam Engineering was present.

Chairman Rogan stated under other business, item c, Eurostyle Marble and Tile. Rob, you want to let everyone know what you are looking for.

Mr. Cameron stated actually what we are looking for is a bond return. In my cover letter, I indicated what we are looking for and what hasn't been done. Some minor items on the site have not been completed yet and I detailed those, (inaudible – papers shuffling) that pavement.

Rich Williams stated if I could just in and be clear.

Chairman Rogan stated sure.

Rich Williams stated we are looking for a reduction or a release.

Mr. Cameron stated okay what he needs to have happen is he needs to have the lien released from the Town Board and he will re-establish a new bond for the remaining items. When he got his construction loan from the bank, they put a lien on the construction loan for the amount of the bond and with his construction approves the bond amount. Now the bank isn't going to give him the bond amount back until he satisfies the criteria of the Town which has the lien, the Town is holding a lien on this for the three hundred and ninety thousand dollars.

Rich Williams stated so who is holding the lien.

Mr. Cameron stated Putnam County Savings Bank.

Rich Williams stated the bank is holding the lien.

Mr. Cameron stated yes but unfortunately I don't have the letter with me, they sent me the letter and I will fax that over tomorrow, I thought I had sent it.

Rich Williams stated that's fine.

Board Member Pierro stated he wants to create a new bond for thirty-five thousand dollars.

Board Member DiSalvo stated right, yeah so its (inaudible).

Chairman Rogan stated yes and have that in place prior to the release of the other.

Rich Williams stated you are going to establish the second bond before the first bond is released.

Chairman Rogan stated correct.

Rich Williams stated okay.

Board Member Pierro stated I don't see a problem with that, as long as the Town Board is happy to accept one.

Chairman Rogan stated yup.

Board Member DiSalvo stated we are going to have bridge bonds now.

Mr. Cameron stated the Planning Board is going to have to take an action and agree that my bond reduction is correct.

Board Member DiSalvo stated make a recommendation.

Mr. Cameron stated and you know.

Chairman Rogan stated based on the outstanding issues.

Board Member Montesano stated when is the next Town Board meeting, Wednesday.

Rich Williams stated October 8th.

Board Member Montesano stated oh good.

Chairman Rogan stated so we are before that.

Board Member Montesano stated and we don't have a problem.

Board Member Pierro stated so do we typically.

Rich Williams stated well, there are a couple of other issues that you need to decide on. I mean I can go out and evaluate the site improvements, look at the schedule of values that are prepared by both engineers, you know come up with a number and you know, that's easy enough to do.

Chairman Rogan stated right.

Rich Williams stated but the two outstanding issues really are what we are going to do with that rock face front area, which the Planning Board had looked at and said they would like to see some evergreen vegetation established in there.

Board Member DiSalvo stated I think he put them up.

Chairman Rogan stated they put in grasses.

Rich Williams stated they put in grasses.

Board Member DiSalvo stated I saw something up there the other day, sprouts.

Chairman Rogan stated sprouts.

Board Member DiSalvo stated oh, that's what I saw.

Mr. Cameron stated he has the junipers up, I believe at the very top, I mean, I'm not a landscape expert but I think the junipers at the very top, that is the side and he has the junipers at the top and what whole other slope there he put the grass along it.

Rich Williams stated and the other issue is, I mean the picture shows it very well. He's committed to doing stone panel facing on the whole building and he has done that only on the front portion of the building.

Chairman Rogan stated and I have to say, based on, I saw that today but I don't think that building would look so hot with all that stone on the entire thing, that's a very.

Board Member DiSalvo stated it would look like a castle.

Chairman Rogan stated like marble, it's a very deep, its not what I was expecting.

Board Member Montesano stated yeah.

Rich Williams stated I don't know if those were the colors, I don't know if that is the color that is supposed to be there.

Mr. Cameron stated it was actually going to be two colors. The front was going to be the darker color and then the back was going to be, I think it was a color similar to the beige, that is the metal sided beige.

Chairman Rogan stated and the original plans that we approved did they show the building with like a hardy plank.

Rich Williams stated no, it was called a stone flex panel.

Chairman Rogan stated stone flex, okay, Rob has them.

Rich Williams stated it's on the last sheet.

Board Member DiSalvo stated will junipers grow in this gravelly soil now.

Mr. Cameron stated I'm not an expert but he said that his landscaper recommended that the grasses would do better then the junipers on that material but I am just passing on the word.

Board Member DiSalvo stated he could always put cactus.

Chairman Rogan stated yeah.

Mr. Cameron stated I have no.

Chairman Rogan stated well the intent though, if we get back to it, the intent of even the junipers was the cascading effect that would in essence soften.

Board Member DiSalvo stated not that height, we want the width

Chairman Rogan stated it would soften the features of that gravel.

Board Member DiSalvo stated something else (inaudible).

Chairman Rogan stated will there.

Ted Kozlowski stated the grasses.

Chairman Rogan stated will the grasses, we only have one grass at my house and the thing takes over like ten square, fifteen feet, the thing is huge.

Ted Kozlowski stated what is the grass, Rob, is it switch grass, what is it.

Mr. Cameron stated I don't know.

Board Member DiSalvo stated it looks like it.

Chairman Rogan stated ornamental, not switch grass, you were being.

Ted Kozlowski stated ladies and gentlemen, there are about five hundred and fifty varieties of grasses, I don't know what this is.

Board Member Montesano stated it came in from Vietnam.

Ted Kozlowski stated some like wetlands, some like prairie style, some like to be irrigated, this looks like that arid situation, I don't know if these grasses are going to survive. So you don't know what your client put in.

Mr. Cameron stated no.

Board Member Montesano stated alright.

Board Member DiSalvo stated call the landscaper.

Board Member Pierro stated hopefully you can find out.

Ted Kozlowski stated we need to know Rob.

Board Member DiSalvo stated unless they have tags on the plants.

Ted Kozlowski stated where'd he buy them.

Mr. Cameron stated don't know.

Ted Kozlowski stated try to find out.

Mr. Cameron stated yes.

Board Member Montesano stated they were supposed to be junipers, will junipers grow in that kind of atmosphere.

Chairman Rogan stated and that is what's along that top bank.

Ted Kozlowski stated what does the Board want, the Board specified something.

Chairman Rogan stated well.

Board Member DiSalvo stated yeah, I have them, have a water or a Snapple too.

Ted Kozlowski stated thank you.

Chairman Rogan stated in fairness the Board wanted what we just said, was to soften that landscape, that hard-scape and you know, junipers, grasses, the main thing is to soften it. The grasses are going upward, the junipers would have been more a horizontal growth.

Ted Kozlowski stated from a landscape design.

Chairman Rogan stated it doesn't so much does it.

Ted Kozlowski stated the big mistake he made was he set it like soldiers.

Chairman Rogan stated yeah.

Ted Kozlowski stated its set up like the Radio City Rockettes.

Board Member Pierro stated can't we tell him that we would like to see some more in there and staggered so that it loosens it up.

Ted Kozlowski stated well he should stagger it and diversify it and its not and that looks awful and really unattractive.

Rich Williams stated (inaudible) it is a tall aspect of the landscape instead of low flat, that was the whole idea.

Chairman Rogan stated (inaudible).

Ted Kozlowski stated yeah.

Chairman Rogan stated horizontal would have helped with the front of that building too.

Board Member DiSalvo stated (inaudible – too many speaking).

Ted Kozlowski stated he probably spent a lot less money on that than the junipers.

Rich Williams stated oh sure.

Board Member DiSalvo stated you're never done before (inaudible).

Board Member Montesano stated we are going to have a sale on grasses.

Chairman Rogan stated and then the bigger issue really, this is really minor compared to the other issue of the building itself.

Rich Williams stated and you have a problem there where our Code says no more metal sided buildings, he was fully cognizant of that fact. He agreed to it by signing the plans and he admitted that he never intended to comply with that out on the site.

Chairman Rogan stated the interesting thing about this building is that it is a lot different from a lot commercial buildings because its in its own commercial/corporate park per se. And ironically the way its sits, its one of the best looking buildings, I think if not the best looking building in the whole corporate park. The only one in there that is not metal sided I believe is Northeast Mesa, which is in my opinion not the most attractive building that you can see from Commerce Drive. I don't know the one that we've been dealing with that's over the hill in, that has so many problems, you can't really see that from Commerce Drive. The intent of not having.

Mr. Cameron stated the front and side is all stone, just the major portion that you see, the other three sides and the back.

Chairman Rogan stated and the colors, they, the colors look really good on the site, the intent of the metal sided building, I mean when you drive up and down [Route] 22, or you drive our.

Board Member Pierro stated oh man.

Chairman Rogan stated got it Dave, we already got it.

Board Member Montesano stated don't worry about it Dave, just take his glass away from him.

Chairman Rogan stated get him a sippy cup. We'll just let it go.

Board Member DiSalvo stated where is that garbage pail again.

Chairman Rogan stated well, just let it run, we aren't going to run out of a tape.

Rich Williams stated (inaudible).

Board Member DiSalvo stated no.

Chairman Rogan stated five minute intermission, when he comes back. Oh, your glasses.

Board Member Pierro stated it's Charlie's glass case, if it was mine, I'd let it dry.

Board Member Montesano stated did you wash it nice.

Board Member Pierro stated yes I did, a little water in there, got the tea out.

Chairman Rogan stated beautiful.

Board Member Montesano stated you can't put your glasses in for another twenty-four hours.

Board Member Cook stated that's fine.

Board Member Pierro stated it smells lovely Charlie.

Board Member Montesano stated like an old coffee cup.

Board Member Pierro stated sorry.

Chairman Rogan stated it's alright. So anyway, the issue that I was basically saying with this was that these buildings in Commerce Drive, are not something that you drive up and down our main roads that you see, it's a different situation. Rich, take us back to when we changed the Code and really what we were trying to avoid, where are some examples of what we didn't want to have happen again.

Board Member DiSalvo stated dented buildings, fading colors.

Rich Williams stated the problem with metal sided buildings, butler buildings, generally they are cheaper looking, they don't hold up as well, they wear out quicker, they, you know the paints fade, the metals fade, they become very unattractive features on the landscape. We were looking to, by eliminating metal sided buildings within the Code, we were looking to improve the quality of businesses within in the Town, looking for a better type of clientele. Most of the metal buildings were warehouses and light manufacturing or more specifically contractors' yards and we were looking for something of a better quality. The perfect example is the way New England Equine came out, I think everybody will recognize that even though that was a big building and hardy plank sided, that is what we are looking for in this Town, that kind of appearance and even with Patterson Interstate Business Park, we are also looking. Even though we've got a lot of these older buildings, which some of them are in very rough shape, such as White Birch Realty, if anybody recalls what that building looks like, rusted and water stained and dented and beat up you know, there is a push on to upgrade Patterson Interstate Business Park with a better kind of clientele with new buildings that may be going in which are of better quality. Pete Montelone should be here later tonight to talk about some of the things that might be in Patterson Interstate Business Park and its specific, one of the site across the street from White Birch Realty, the type of business, the type of clientele that he's looking to move in there.

Board Member Pierro stated what did we do with Spano's building, the oil guy and blacktop guy, he built a building up there two years ago, three years ago.

Rich Williams stated he did but I don't believe its metal sided but.

Board Member Pierro stated I don't think it is.

Rich Williams stated I think it was before our Code too.

Chairman Rogan stated which one is that Dave.

Board Member Pierro stated Spano, its across the street.

Rich Williams stated Centerline, its where Utz Potato Chip company always parks.

Board Member Pierro stated yeah, I don't think that was a metal.

Rich Williams stated I don't think it is either.

Board Member Pierro stated its more attractive then a metal building but it may be.

Chairman Rogan stated every time I drive up there, Utz has trucks out in the road, they don't seem to have enough, they park them out of Commerce [Drive].

Rich Williams stated it wasn't designed for that.

Board Member Pierro stated yeah.

Rich Williams stated and when Utz came in and they asked to put Utz in there, it was just going to be a warehouse, where they were going to come, pick up their wares and then take them out and deliver them, not keep the trucks there.

Board Member Pierro stated but the problem in most municipalities, you can't park those vehicles in a residential zone, so the guys are tending to leave the vehicles there.

Board Member Cook stated I have a question.

Chairman Rogan stated yeah.

Board Member Cook stated the problem with this building is that this was built and it should have been this.

Chairman Rogan stated or that, they were going to use some type of rock facing for that but they could even use, they could keep the same color and use a hardy plank over this metal siding and it would meet the requirements.

Mr. Cameron stated it was going to be the hardy plank and stucco in the back, I think, it was going to be, according to this.

Board Member DiSalvo stated you don't even notice the sides or the back.

Mr. Cameron stated I would say like stone flex.

Rich Williams stated yeah, stone flex.

Board Member DiSalvo stated from any angle.

Mr. Cameron stated stone flex and.

Board Member Pierro stated is he still, so this is an open issue as far as what the stone flex application on the front of his building, it still remains to be.

Rich Williams stated he does not want to put the stone flex on the back portion of the building.

Board Member Pierro stated what do see, where do you see the side of this building, do you see it from [Interstate] 84. Do you see it just from within the site.

Board Member DiSalvo stated no.

Board Member Montesano stated yeah, if you drive past it you'll see it.

Board Member DiSalvo stated if you pass it and look down.

Chairman Rogan stated I think.

Rich Williams stated you can see it from [Interstate] 84, you can see it from Fair Street.

Board Member DiSalvo stated I see the front of it.

Chairman Rogan stated yeah, the front is what your saying.

Board Member Pierro stated the front definitely, this right side I would be inclined to do that in stone flex.

Board Member DiSalvo stated if you are looking for the side of it you shouldn't be looking that long, driving on [Interstate] 84.

Chairman Rogan stated right, you'll be in a ditch.

Board Member Pierro stated I think I could swallow the back side unless this wooded lot over here on the left is coming out and then you are going to be exposed on that side as well.

Chairman Rogan stated I think everybody should probably, if they get a chance, drive back up Commerce Drive and take a look at it.

Rich Williams stated I think you are going to have.

Chairman Rogan stated you have to either do or don't, you know.

Rich Williams stated exactly, even if you do one side or two sides and leave the other side, you are always going to be able to see it from some angle and its going to look poor. You might be able to skip the very back side but.

Chairman Rogan stated but even then.

Board Member Pierro stated we didn't waive, just to remind everybody, we didn't waive for the folks up on Fair Street.

Chairman Rogan stated Papitto.

Board Member Pierro stated right, Papitto, we did not waive.

Chairman Rogan stated and that is less visible then this site certainly.

Board Member Pierro stated right.

Chairman Rogan stated I tend to agree with what everybody is saying, that, I don't think that the rock would look good on the whole building. I think, like a hardy plank with the same color as what he has, colored it and skinned it.

Board Member Montesano stated no I think.

Board Member Pierro stated unless he comes up with something you know, he's in the business, unless he comes up with some kind of stone work.

Chairman Rogan stated or whatever he wants.

Rich Williams stated I think it depends on the panel that he puts up.

Chairman Rogan stated right.

Rich Williams stated if he puts that same panel that he's got on the front, its going to look horrendous.

Chairman Rogan stated horrendous. I'd rather what they have right now to be honest but.

Board Member DiSalvo stated we already have one castle in Patterson.

Chairman Rogan stated and it doesn't do very well.

Rich Williams stated well as Rob indicated it was supposed to be much lighter stone flex than this.

Board Member Pierro stated they probably got a good deal on it.

Board Member DiSalvo stated depends on the quarry they get it from too, doesn't it.

Chairman Rogan stated so we have to at least find, Rob, if we could at least find out what he planted out there.

Mr. Cameron stated yes.

Chairman Rogan stated what the genus and species for Ted, if it was something, if these grasses were going to expand, maybe he can still throw some junipers in, spread out through out, leave what's there and still soften it with that.

Board Member DiSalvo stated because (inaudible).

Chairman Rogan stated some of them don't look so hot as this picture was taken.

Rich Williams stated that maybe natural to the species though, we don't know.

Chairman Rogan stated right, well they, true most of them we just them back, in the next couple weeks, you cut them back for the year and then they don't do anything.

Ted Kozlowski stated there are a lot of grass species that are not suitable for growing in rock.

Chairman Rogan stated right.

Ted Kozlowski stated so that's going to be a problem.

Board Member Cook stated but our situation is that this is not what was approved.

Chairman Rogan stated well actually, to even be more, a tad more clarity, this rock was not approved, this was supposed to be a soft landscape.

Board Member Cook stated right, I'm talking about the building.

Chairman Rogan stated correct. This is not finished enough to have a compliance with the building.

Rich Williams stated grass, it was supposed to be grass.

Chairman Rogan stated this was supposed to be all just grass.

Rich Williams stated just so Ted is clear, they actually asked me if they could put the stone in the front and I told them no.

Chairman Rogan stated right and they did it anyway.

Rich Williams stated I told them that they had to stay with the plan and then they did it anyway and said that they got the permission from the DOT.

Board Member DiSalvo stated so that front was supposed to be still the metal.

Chairman Rogan stated no.

Board Member Pierro stated no, the rock.

Chairman Rogan stated he's talking about the rock here.

Board Member Pierro stated the landscape.

Chairman Rogan stated the aggregate was supposed to be green, supposed to be grass and they called Richie and said can we put in the gravel and he said no and they did it anyway. That is when we met him out on the site.

Board Member DiSalvo stated right.

Chairman Rogan stated and we said well, the rock walls look great, they did a beautiful job out there with that, what if we put in some junipers or whatever we can determine would grow well in the and he said absolutely and he went and put the grasses in, instead of the, he put the junipers up top.

Rich Williams stated understand that the number of deviations from the site, that are not on the plan. I mean some of them like the wall; I was aware and very attractive.

Chairman Rogan stated its more aesthetic then anything.

Rich Williams and I let him go and some of them he just chose to do and (inaudible).

Chairman Rogan stated you said the curbing right, the Belgian block curbing instead of the poured.

Rich Williams stated I was aware that that was going in but it was to be it was a better quality product.

Ted Kozlowski stated so this gentleman disregarded the first plan and then asked for permission which was not granted and then you told him okay, put junipers in and he went ahead and put grass in.

Chairman Rogan stated basically.

Ted Kozlowski stated so why, I'm just curious why is the Board entertaining this, pull it out and put what was approved on the plan.

Board Member DiSalvo stated let's see if the junipers would do well there.

Rich Williams stated at this point it would be such a headache to pull them out.

Board Member DiSalvo stated or it gets the first frost.

Ted Kozlowski stated how many times do we go through this.

Chairman Rogan stated I don't really care whether its juniper or grasses, as long as it will do well, personally, as long as it softens the aggregate.

Board Member Pierro stated right.

Chairman Rogan stated they do look; they don't look so well the way they were planted like Ted said, in a solider course, they could have been more dispersed.

Board Member DiSalvo stated natural.

Board Member Pierro stated more random.

Board Member Montesano stated maybe he's got a military contract.

Chairman Rogan stated as long as they are going to survive, I think the greater issue here really comes down to the building.

Ted Kozlowski stated well (inaudible) grasses need moisture and certain conditions and those are pretty rough conditions that is a hot, dry area.

Chairman Rogan stated Rich, how do we, with new projects, how do we guarantee that all the plantings that we have specified on a plan, if they die six months later, that they get re-planted, is there any kind of a one year bond on any of that stuff, its not.

Board Member DiSalvo stated if they die, it means that they didn't take well to that condition.

Chairman Rogan stated I said earlier, I've been watching Ace Endico in Brewster by my office, I drive by that daily and they are continually ripping out. They planted, I'll say spruce trees and they really, they were large caliber trees and they just didn't do a good job planting them, they were blowing over in the wind.

Board Member DiSalvo stated that is what the Town wanted though.

Chairman Rogan stated they wanted too much too quick, instead of going with maybe a two inch tree and waiting three or four years and getting a much healthier tree, they put in like six inch diameter trees, they are blowing over every time the wind blows.

Rich Williams stated well I mean, with Ace Endico that would be the exception of Patterson because generally we are watching how they are putting them in. You know, Ted has a lot of experience, I have a experience with planting and we can tell when something isn't planted right, isn't guide right and we are going to correct that before they problems, like they do at Ace Endico. With regard to the landscape, it comes down to an enforcement issue.

Chairman Rogan stated okay.

Rich Williams stated you know, if they are not following the site plan, if they do something over the disrepair, it would require us to take some kind of enforcement action.

Board Member DiSalvo stated what do you want to suggest.

Chairman Rogan stated well let's, I think the immediate concern that Rob had really was the bond reduction, we all sound like we are on the same page there. Let's make sure that they quantity, the cost estimates that Rob provides, that Rich can confirm that that will still protect the Town and give us, put the new bond in place before the old bond is release. Then have the owner come in and talk about or through Rob, talk about the building and what we are going to do to resolve that.

Rich Williams stated I can do that but the problem we are going to run into is that the building siding was more then likely not included in that bond estimate.

Chairman Rogan stated right, of course not, because its not a.

Rich Williams stated so now we have the situation where not following the site plan is going to cost a lot of money. We are not going to have that included in the bond estimate. I don't know if you want to come up with an estimate for it.

Board Member Pierro stated yes, want to get.

Mr. Cameron stated I thought it was a site plan issue that he's not going to get his final approval.

Chairman Rogan stated get his final.

Mr. Cameron stated so.

Board Member DiSalvo stated right, right.

Rich Williams stated I understand but the bond, the purpose of the bond is also to ensure that the site improvements get complete, it's another incentive.

Board Member DiSalvo stated he's not going to get a C.O. unless everything's.

Mr. Cameron stated then you guys, obviously you need to change the way you write your bonds to include stuff like that because its really not in there.

Rich Williams stated that's what I said.

Chairman Rogan stated yeah, yeah.

Board Member Montesano stated well.

Chairman Rogan stated the guy, like you said, the guy really can't get his C.O. until the site plan is complete right. He can't get his C of O. So the only thing that would happen is he would either walk away.

Rich Williams stated I will say this, Dave Raines has been very good about you know, checking with these things and working with me and making sure everything is complete, I don't know if Dave Raines is going to. Come on in, grab a chair.

Board Member DiSalvo stated bond it.

Chairman Rogan stated he's got one right here. I pulled one in.

Rich Williams stated I don't know that Dave Raines is going to be here in six months and I don't know what building inspector is going to do.

Chairman Rogan stated true.

Rich Williams stated I can tell you, the past two building inspectors didn't care, to the point where we have the Dunkin Donuts out at the A & P. That is a building that totally wasn't the building approved by this Board.

Chairman Rogan stated yeah, Rob, you had said the owner is going to be out of town for next Thursday, he is going to be in Ireland, so he won't be here. Have you had any other dealings with the guy to get a sense, other then the couple of bad things we've heard.

Rich Williams stated I've had a lot of dealings with the guy and he's always been a gentleman, he's always been very receptive but at the same time you know very concerned when it came down to, ultimately came down to the site plan. He didn't follow the plan and knew he didn't follow the plan and again, I come back to when we were out on the site walk and first saw this and he was there. He was talking about it, he fully acknowledged that he had bought the building and had not intention of doing it before he even got the signed plans.

Chairman Rogan stated right.

Board Member Cook stated to make sure I understand something.

Board Member DiSalvo stated we're talking about your tenant, Eurostyle.

Board Member Cook stated the bond does not include.

Rich Williams stated the siding.

Board Member Cook stated the siding or the landscaping issue.

Rich Williams stated it probably covers the landscaping.

Chairman Rogan stated it covers more of the physical features of the site than the actually building related, roads and stormwater.

Rich Williams stated we usually do (inaudible).

Board Member Cook stated if he did not comply with the landscaping plan, you know, that should be added to the bond and he should do the front the way that it was agreed to and you're saying that the C of O will take of the.

Chairman Rogan stated it should.

Board Member Cook stated the siding, he can't get a C of O unless he meets the site plan.

Rich Williams stated yes.

Board Member Montesano stated what is the maximum amount that we can retain, do we have to, let me rephrase that. Do we have to give him back three hundred and fifty-four thousand dollars.

Rich Williams stated we don't have to give him back anything but.

Board Member Montesano stated then.

Rich Williams stated there is, they are in here asking for a reduction based on a difficulty that they are having about obtaining the financing to finish the project. So, that's the two sides that the Board has to weigh.

Board Member Montesano stated well my feeling right now is since we could say well okay we can give you that and then forget about it next week and then we will be in the same boat he is. In other words he spoke to us and said yeah I'm going to take care of this and then proceeded to do what he wanted.

Board Member DiSalvo stated pretty soon he'll need another bond too.

Chairman Rogan stated yes.

Board Member Pierro stated yeah but can we do.

Board Member Montesano stated yeah but the bond he's doing is for thirty-five thousand not three hundred and fifty-four.

Chairman Rogan stated the question everybody is struggling with is whether or not the new bond should be for thirty-five five or whether it should be for some increased about to include the amount of adding siding to the building, right, let's pull this together.

Board Member Montesano stated so.

Board Member Pierro stated and then we need to get somebody to get us a number on what the siding would cost unless its in the plans in a previous.

Chairman Rogan stated or unless Rob can provide some.

Board Member Cook stated and the landscaping in the front that's.

Board Member Pierro stated right, in addition to that yes.

Board Member Montesano stated so give him back the thirty-five thousand and keep the rest.

Chairman Rogan stated well I guess the question to make sure everybody is clear on, are we all as a Board agreeing that we want the building sided with something whether it is hardy plank or something that is agreeable to the Board.

Board Member Pierro stated absolutely.

Board Member DiSalvo stated I don't think I would want the whole building done.

Chairman Rogan stated well that, the rules are for the whole building.

Board Member Pierro stated the rules are for and that is what we've done in the past.

Chairman Rogan stated the Code. I want to get to that decision before we decide what we are talking about with the bond because it's a moot point unless we decide what the heck we want.

Board Member DiSalvo stated I would say just hardy plank the front and both the.

Chairman Rogan stated because if you are doing just that, I guess, what we need to be clear then, is to be able to articulate why we are only requiring that and we have required it on other.

Board Member DiSalvo stated visual.

Board Member Pierro stated you can see it.

Board Member DiSalvo stated and you're talking about building another building back there if you are going to hardy plank that building.

Board Member Cook stated we are almost faced on monthly meeting basis, people who are doing something not according to the approved site plan and they are not doing it, even as an improvement

almost. So my personal take is however we deal with the bond issue, he has to comply with the approved site plan.

Chairman Rogan stated New England Equine, is that a metal sided building with hardy plank or something over it.

Rich Williams stated yes.

Chairman Rogan stated so it's the same situation, it's the same building we have here but they did it the way they were supposed to. So then I guess I agree with Charlie and just say you know, let's make it where he's got to follow the plans either the approved plans or a different substance or sub straight that they come in and said well we don't really don't want to do what's on the plans, would guys be willing to accept this, you know, whether it's a hardy plank or some other material that is more cost effective.

Board Member Pierro stated on the other side of this building.

Rich Williams stated (inaudible) process, he's going to have to follow it.

Chairman Rogan stated well no, in this case we are saying that, going through this process and then doing the bond to include.

Board Member Pierro stated where are those photographs.

Rich Williams stated garbage can.

Chairman Rogan stated they got passed down.

Rich Williams stated where is the garbage can.

Chairman Rogan stated is that empty.

Board Member Pierro stated yeah, its empty.

The Secretary stated here.

Board Member DiSalvo stated before it falls again.

Board Member Pierro stated the south side of this building.

Board Member DiSalvo stated its too high.

Board Member Pierro stated maybe Pete would know.

Mr. Montelone stated the back side, nobody really sees it.

Board Member Pierro stated the back side, right.

Mr. Montelone stated you could actually leave it metal, it would be easier to maintain, the back against the woods.

Board Member Pierro stated the lot here.

Mr. Montelone stated there's nothing, I own the lot next door, if I could ever do something with that.

Board Member Pierro stated you're going to tear that down and you're going to be looking at a metal sided building.

Mr. Montelone stated no, it's more into the back.

Rich Williams stated the back won't be seen at all. The issue really is three of the sides, really need to do one. If we can do all three sides or none of three sides but you can't do one side because the other two sides are going to look funny.

Chairman Rogan stated right.

Mr. Montelone stated the one who hits the fence though, the one thing, on the north side, it's never going to get sun, and the metal will be a better product to keep maintained. If he puts the strip across, like a cut in, instead of it being like a tall barn, like half way into the building on a line, it would be a much easier building to maintain when you don't get sun, the northern exposure and the other two side, I mean you look at a lot homes, are built that way, they are brick in the front and they have something on the side and the back and they still look presentable.

Board Member DiSalvo stated I know.

Mr. Montelone stated I mean I have no dogs bite because I'll lose a tenant but it probably could do a lot in the back leave it the way it is, just with a strip across that kind of cuts it or brings it in.

Board Member Pierro stated I can swallow and I agree with what Rich says, generally but I can swallow the front and the two sides being done and leave the back as metal.

Rich Williams stated which is what I said.

Chairman Rogan stated Rob, what were you going to say.

Mr. Cameron stated well, are you guys going to go out there and take a look at this and see how it looks and how much visibility there really is to the sides of the building.

Chairman Rogan stated well I think.

Mr. Cameron stated because I can propose a plan to show either the front covered, the side, a strip, maybe some of the metal would be better off staying because when you look at the metal at an angle it kind of all blends. When you look straight on at the metal, if I'm looking straight at that file cabinet and I can see that it's a metal file cabinet but if I go over there and I look at it at a severe angle, you really can't tell what the material it is or what the impact is.

Chairman Rogan stated the material.

Mr. Cameron stated in this situation is that building is set back pretty far from the street.

Chairman Rogan stated it is, partly.

Mr. Cameron stated and up a hill.

Chairman Rogan stated part of what I think we are trying to protect though also is the future build out of that site, knowing that something will be on the left and the right because all those lots have potential.

Rich Williams stated and something else that you have to factor in here too, I mean very shortly the leaves are going to be off the trees and it is going to be much more visible.

Chairman Rogan stated right.

Board Member Pierro stated right.

Board Member Cook stated plus you can approve site plan, we have the Code.

Chairman Rogan stated well and if ever, like we just said about Papitto's site, if ever there was site to say oh the back, you don't have to, but we didn't know what was going to happen behind the site, we didn't know what going to happen along the side. We ended up asking them, not asking, requiring them to do just what we are talking about here. So what is everybody's feeling on this, the front and the two sides and they can decide what to do with the back on their own.

Board Member Cook stated I said all three sides, I appreciate what you're saying.

Chairman Rogan stated you mean all four sides.

Board Member Cook stated well the remaining three sides.

Chairman Rogan stated well the front still isn't done.

Board Member Montesano stated the front still has the metal on it.

Board Member Cook stated then all four sides.

Chairman Rogan stated okay.

Board Member Cook stated and the landscaping re-done in the front.

Board Member DiSalvo stated right well that's, yeah.

Rich Williams stated with junipers or grass.

Board Member Montesano stated whatever we approved.

Board Member DiSalvo stated whatever.

Board Member Cook stated what was approved.

Rich Williams stated okay, my recommendation to the Board at this point.

Board Member DiSalvo stated and just grass.

Rich Williams stated is to leave the stone and add the junipers because its appropriate simply because removing the stone at this point and having to replace it with top soil.

Chairman Rogan stated I don't think that is what Charlie meant, I think he meant what we talked about on site with the junipers.

Rich Williams stated oh okay, alright.

Chairman Rogan stated not removing the stone that is there, correct me if I'm wrong, I think you meant, just in terms of the plantings.

Board Member Cook stated yeah, that's fine, get the grass out and put the junipers in.

Rich Williams stated okay.

Chairman Rogan stated right.

Mr. Cameron stated you want the junipers inter-placed between the grass.

Chairman Rogan stated to me that.

Ted Kozlowski stated I think that is going to look like crap to tell you the truth.

Rich Williams stated not aesthetically pleasing.

Ted Kozlowski stated looks like crap.

Board Member Montesano stated pigeon or chicken.

Chairman Rogan stated Mike, what is your feeling on this.

Rich Williams stated there are a lot of funny (inaudible – too many talking) in the minutes.

Board Member Montesano stated well we approved something and I think we put the time and effort into approving, like Charlie says if we are going to. Normally I wouldn't give a hoot because in all honestly it is an industrial park but then if you go up to Robin Hill, its an industrial park.

Ted Kozlowski stated but you know, Mike, Pete is here, he did a great job down the street.

Board Member Montesano stated yes.

Chairman Rogan stated beautiful.

Ted Kozlowski stated its landscaped beautifully; there is no reason that the whole rest of that place can't be nice.

Board Member Montesano stated I agree with you. I don't want him to lose his tenants either.

Chairman Rogan stated Maria.

Rich Williams stated no, no, no.

Board Member Montesano stated but we approved it and now to be told to your face I'm not going to do it, that doesn't right seem either.

Chairman Rogan stated Maria.

Mr. Montelone stated when it comes to the bond, does he have a cash bond up or a bond, insured bond.

Rich Williams stated performance.

Mr. Montelone stated cash bond.

Rich Williams stated no.

Mr. Montelone stated just a bond.

Rich Williams stated performance.

Mr. Montelone stated performance; its all cash or it's partial.

Rich Williams stated no, it's written by a company that writes that kind of insurance policy.

Board Member Pierro stated yeah it holds.

Mr. Montelone stated maybe release half of the bond and the other half we are going to release it. He needs money from the bond to finish the work, which sometimes can be the case but if he needs half, hold the half.

Chairman Rogan stated yeah.

Board Member Pierro stated the bank.

Chairman Rogan stated we are actually looking at releasing 90 percent of it.

Mr. Cameron stated let's say he borrowed a million dollars, the bank is holding three hundred and ninety thousand dollars of that million dollars of his construction loan.

Chairman Rogan stated right.

Mr. Cameron stated he needs that money back.

Chairman Rogan stated and I think the Board is already comfortable with releasing that bond and re-issuing a new bond to cover whatever it is we are talking about, that I think we've already cleared through.

Board Member Pierro stated we need to put a number on what its going to cost to side that building.

Chairman Rogan stated we are just trying to figure out how to get to that number.

Board Member Pierro stated in addition to the thirty-five.

Chairman Rogan stated Maria, your thoughts on this.

Board Member DiSalvo stated the hardy plank is going to be the same color as the building.

Chairman Rogan stated or whatever they.

Board Member DiSalvo stated the tan color or (inaudible).

Chairman Rogan stated hardy plank is what we've been talking about, they haven't proposed that.

Mr. Cameron stated its called stone flex or something like that.

Chairman Rogan stated its stone.

Mr. Cameron stated I don't know.

Chairman Rogan stated it's a lighter stone.

Rich Williams stated it was a.

Mr. Cameron stated what the color is.

Rich Williams stated I thought it was beige.

Mr. Cameron stated I thought so as well.

Board Member Pierro stated its going to be close.

Rich Williams stated its similar to what is going to be there but its just.

Board Member DiSalvo stated with different colors.

Rich Williams stated its going to be a similar color.

Board Member DiSalvo stated the beige.

Rich Williams stated the beige.

Board Member DiSalvo stated with a flat finish.

Rich Williams stated with a flat finish, rather then the corrugated metal finish.

Board Member DiSalvo stated I don't know, I don't think you need the back done. I would go with the front and the sides, I hope that is going to look better then this does, I just don't want it looking like a cemetery, a mausoleum.

Mr. Montelone stated the back never sees sun and if we put a stucco back there, it will all mildew and it will grow.

Board Member Montesano stated that (inaudible) very well.

Chairman Rogan stated power wash it.

Mr. Montelone stated you can power wash it.

Chairman Rogan stated Dave, its up to you, your thoughts.

Board Member DiSalvo stated can you power wash the material that you put on.

Board Member Pierro stated I am quite comfortable with.

Mr. Cameron stated that stuff, after you power wash it a little while, it starts to age.

Board Member Pierro stated putting a hardy plank or similar type of material on the front and two sides of the building. I think that we should get estimates on a cost of that and add in the cost of the siding of that building and the thirty-five thousand mentioned early in the numbers provided by the engineer.

Board Member DiSalvo stated like we did for the landscaping.

Chairman Rogan stated right.

Board Member Pierro stated and hold that money in bond.

Board Member DiSalvo stated Pete do you have any idea what the hardy plank would cost on something like this.

Mr. Montelone stated one hundred.

Board Member DiSalvo stated a hundred.

Board Member Pierro stated that's what I was thinking.

Board Member DiSalvo stated so we'd have to add that back on to the second.

Board Member Pierro stated we need some numbers to sort of narrow down that.

Chairman Rogan stated we don't even know what the cost is of, certainly Rob would be able to give us a cost estimate for what was proposed on the plans because they were going to work with that material, that stone.

Board Member Pierro stated the stone flex.

Chairman Rogan stated the stone flex, I'll be honest with either of what everyone spoke about, either four sides or three, the back side I could eat because you're not going to see it. The owner may get to that point and say well heck I've done three sides and might as make the building complete, that is up to him but I am fine with the front and the two sides as well. It sounds like that was the majority, let's go with that for now. Make sure that we get cost estimates for the plantings, just to, or, just to get those plantings some juniper put in there and let's find out what the. Maybe we can salvage some of what has been planted, if its tolerant to the site, I agree with what Rich said, intersperse some junipers and soften it up but it doesn't look the way it should the way it is and let's get the numbers checked that we need for next week so that we can recommend to the Town Board for a bond release or a bond reduction with the other one in place to cover costs and let's finish this up. Let's move on.

Board Member Pierro stated okay.

Chairman Rogan stated thanks Rob.

Mr. Cameron stated thank you very much.

4) JUSTIN'S AUTOMOTIVE – Sign Application

Chairman Rogan stated okay, Justin's Automotive, sign application. It looks like we've got some trouble here from the Building Inspector.

Rich Williams stated trouble in River City.

Board Member Pierro stated that is an interesting letter form Jim Byron.

Chairman Rogan stated Jim Byron, who is he.

Board Member Montesano stated Patterson Automotive, Route 22, across from the diner.

Chairman Rogan stated so Justin's Automotive is part of Patterson Automotive.

Board Member Pierro stated no, Patterson Automotive wrote a letter complaining about decisions on this project in the past.

Board Member DiSalvo stated but when it was Downey, who was complaining then.

Board Member Pierro stated I think, my intent, my impression was that it lost its use because it was vacant for so long, is that correct Rich.

Board Member DiSalvo stated you can say that about Mayfield's restaurant too.

Rich Williams stated yeah but the difference between this and Mayfield's is one is pre-existing, let's go back.

Board Member DiSalvo stated ah.

Rich Williams stated it could have been considered pre-existing non-conforming, the other one is a legitimate use, so Mayfield's is a restaurant even if it was vacant for five years.

Board Member DiSalvo stated ten years.

Rich Williams stated ten years, whatever.

Board Member DiSalvo stated since we are living up here.

Rich Williams stated it never loses its pre-existing non-conforming because its not pre-existing non-conforming, it's a permitted principal use within that district, which they are just continuing the past use of that site.

Board Member DiSalvo stated yeah.

Rich Williams stated okay, where its different with this and if you want the history, I can give you the whole history, as quick as I can. Essentially this was a gas station in the NS-1 zoning district, at the time of zoning done in 1976, the NS-1 zoning district, permitted gas stations but specifically excluded public garage.

Board Member Pierro stated I will get it out of there later.

Rich Williams stated so in the mid 1980's, the then property owner came in and discontinued the gas business and discontinued, took the pumps out, took the tanks out and essentially making a public garage which was specifically prohibited within that zoning district. He never vested any rights under a pre-existing, non-conforming use. He essentially went from a legally permitted use to a non-permitted use within that zoning district. Then the Building Inspector said yeah but it always was a garage, so what, allowed him to continue business until we get to Paul Piazza. At which time he ended up taking the owner to court, again, not fully comprehending the Code or the history for expanding a pre-existing, non-conforming use, even though there really was no pre-existing, non-conforming use. Fast forward, that case gets dismissed without prejudice, yeah without prejudice, so if the Town wants to re-file we can, the reason it was dismissed is at the time Paul Piazza was brought up on charges and dismissed. So the person making the claim could no longer pursue and Dave [Raines] didn't have the background or the information, did not want to proceed with it. Since that time, I've been approached in this office by a number of individuals who looked to put a garage in there or some other use and I have explained to everybody that's come in, that's fine, it looks like a duck, it quacks like a duck, to use Dave's analogy, it probably would be a perfect fit for a public garage, you now need to comply with out zoning requirements. My opinion is, you need a special permit because that is what our Code requires you have and site plan approval. It should be a fairly easy process because the site is already existing, you are not really going to do an additional improvements except you are going to be required to put up a fence and a sign. So we can certainly make it a very stream line easy process for anybody who comes in, the Wunner's and their attorney have a different opinion and they believe that they have any absolute right because its been a garage for so many years. They are not going to comply with the regulations. I believe that Dave [Raines] is kind of on the fence in this, in the middle, I don't want to speak for Dave, unfortunately he couldn't be here tonight. He agrees that they need site plan approval and he's not so sure that they need a special use permit. With site plan approval, we have some controls.

Chairman Rogan stated so and they are resistant even coming in for site plan approval.

Rich Williams stated yeah.

Chairman Rogan stated why don't we get something from Anthony.

Rich Williams stated they are so resistant, that place has been unoccupied for who knows how many years.

Board Member Pierro stated can the tenant come in for site plan approval.

Rich Williams stated with permission from the Wunners. Dave has issued a letter to them saying that, he has issued a letter to the Board also, on the sign, saying you know give them. He [Dave Raines] is not opposed to giving them a temporary sign, our Code doesn't really allow for a temporary sign but you know, you might put some conditions in, you can have a sign that will come down.

Board Member DiSalvo stated we did it for the tanning salon.

Chairman Rogan stated but we did for a facility that didn't have question as to whether they should be there or not. We had a facility that was a no brainer and they just didn't have money for the right sign.

Board Member Pierro stated have you discussed this with counsel, Rich, relative to issuing a sign.

Rich Williams stated at various times, again I've done a letter on this, I can give the Board correspondence on this if you want to review it.

Board Member Pierro stated I want to hear from counsel on what they think and then we'll react to it.

Rich Williams stated your question was have I ever discussed this with counsel and the answer is.

Board Member Pierro stated at this juncture.

Rich Williams stated at this juncture I have not but the original letter which lays this all out was reviewed by counsel before I sent it out.

Board Member Pierro stated my concern is that if we issue a sign permit, are we giving them a de facto approval.

Chairman Rogan stated I was thinking the same thing, I wasn't comfortable giving the sign approval.

Rich Williams stated well at some point you start running a foul of the law.

Board Member Pierro stated that's.

Rich Williams stated you're absolutely right and this has been, you know, my concern with Dave right along.

Board Member DiSalvo stated there have been some improvements there right, I mean I pass by and it looks like the dormers are being re-built.

Board Member Pierro stated well the roof was falling in.

Board Member Montesano stated well she had various violations according to Dave.

Board Member DiSalvo stated so there aren't building permits issued for that.

Board Member Pierro stated its in Dave's letter.

Rich Williams stated and to Dave's credit, I mean the building was an eyesore and Dave has worked very hard to get these people to come in and get these people clean the site up. There were some very dangerous situations with regard to the overhangs, the facades that were.

Board Member Pierro stated falling off.

Rich Williams stated in deteriorating conditions and he's trying to get the building made safe.

Board Member Pierro stated where are the fences required.

Rich Williams stated well this is one of my issues and my concerns with doing site plan approval, right now we have a building out there that potentially could be used as a public garage. We don't know where the cars are going to be parked, we don't know how traffic is going to flow on the site.

Board Member Pierro stated we don't know where the property lines are.

Rich Williams stated well we do have a survey, we do have that, we don't know how many cars he's going to have on the site and there is not limitation on how many cars he can have on the site.

Chairman Rogan stated when we do site plan approval for these types of facilities, do we make sure that any water that is generate from that garage repair area, goes to an oil/water separator.

Rich Williams stated if it was new, yes we absolutely would, we have never run into a situation where they are coming in after the fact, I think that it might be a good idea to see where the stormwater is running.

Chairman Rogan stated sure.

Rich Williams stated and make sure there is some sort of detention out there but putting in an oil/water separator in this kind of a situation might be a fairly expensive proposition.

Chairman Rogan stated I agree with what Dave said though, I would like to make sure that we are not putting the cart before the horse here, let's make sure we are doing this in the right order, so we don't end up approving a sign and then we are too far ahead on this and they are already operation. Even if we put conditions on it, we can get them in there here for a sign approval, a sign, I'm sorry for a site plan, that is ultimately what we need on this.

Board Member Pierro stated my other question is, who is doing the improvements. Is it the applicant, is it the tenant or the owner of the property.

Rich Williams stated I believe it's the owner.

The Secretary stated the building permit is under the owner's name.

Board Member Montesano stated according to Dave [Raines] he advised her to do this.

Board Member Pierro stated okay.

Board Member Montesano stated and.

Board Member Pierro stated okay, alright, fine, I haven't read that whole letter yet.

Board Member Cook stated currently I am allowing the property owner under a building permit.

Board Member Pierro stated fine.

Chairman Rogan stated okay, he needs to notify them that they need site plan approval.

Board Member Pierro stated excellent.

Rich Williams stated let's get into the specifics of the sign.

Chairman Rogan stated sure.

Rich Williams stated I mean they have given us a design for a sign which essentially creates a sign structure. A fairly large structure which is six and a half feet by eight feet with an asphalt shingle roof on top covering the sign, lights are going to be recessed up in that roof area, shining down on the sign, there is no detail about where the lights are going to be. I think the biggest issue with this sign is the fact that he doesn't give us a location but I think you know from the materials, you see the picture, I think his intent is to put it in that grass area which is not on their property.

Board Member DiSalvo stated what is that, DOT.

Chairman Rogan stated is that the DOT right of way. Really this sign it says six and half by eight but its really only a three by five sign, the actually structure isn't.

Board Member Pierro stated yeah.

Board Member DiSalvo stated it will have to go on the other side of the telephone pole.

Chairman Rogan stated you know its, it's a brick, so.

Rich Williams stated right.

Board Member DiSalvo stated which might interfere with parking.

Board Member Pierro stated that is going to take away a lot of parking.

Rich Williams stated well it depends on what he's doing and where he's doing it on the site.

Board Member DiSalvo stated Downey had a sign on the building instead right, he didn't have a (inaudible).

Board Member Pierro stated time out.

(Side 1 Ended - 8:28 p.m.)

Board Member Cook stated the applicant.

Rich Williams stated no, I just did that at six o'clock tonight.

Chairman Rogan stated one more time Charlie.

Rich Williams states so.

Board Member DiSalvo stated so maybe he's better off with the sign on the building.

Board Member Montesano stated well, let's put it this way.

Chairman Rogan stated watch.

Rich Williams stated I've been waiting for the tape to go back in.

Board Member DiSalvo stated now you have to wait for the train.

Rich Williams stated he did, Downey did have a free standing sign, it was never approved but he did not have a permit (inaudible).

Board Member Montesano stated yeah.

Board Member Pierro stated in front of the parking lot, in the grass swale in front of the parking lot, within, outside of the right of way.

Board Member Montesano stated you can take your choice, you can either go on this end where the machine is in this picture or come on the southern end and put the sign up.

Rich Williams stated you're going to want to go on the northern end because putting it on the southern end, traffic coming up [Route] 22, they are never going to see it.

Board Member Pierro stated yeah.

Board Member Montesano stated alright.

Board Member Pierro stated maybe we can take a peek at this when we are out Tuesday night.

Board Member DiSalvo stated yeah.

Chairman Rogan stated sure, okay.

Board Member Montesano stated bring a flash light.

Chairman Rogan stated anybody mind if we jump to, you're here for Patterson Interstate Business Park, correct.

Mr. Montelone stated (inaudible).

Board Member DiSalvo stated is it for consultation, consultation here.

Chairman Rogan stated well that is fair enough, that rarely happens around here, you may not want their advice.

Mr. Montelone stated I think (inaudible).

5) OTHER BUSINESS

d. Patterson Interstate Business Park

Mr. Peter Montelone was present.

Chairman Rogan stated Pete Montelone, what say you, what would you like to talk about Pete.

Mr. Montelone stated I have nothing to show.

Chairman Rogan stated that's okay.

Mr. Montelone stated but I'd like, first I would like to thank you for my bond release, supposedly its coming back. I wanted to, I went to Abbey Carpet and told him he has to move his containers, promised he would move it and he said, I know you have more property here, he says I would like to know if you are going to be building, I really could use eight thousand square feet of space, this way I don't need a container. I said that's good, I knew that.

Chairman Rogan stated which gentleman is this that you're talking about.

Mr. Montelone stated Abbey Flooring, he's got the metal container in the front.

Board Member DiSalvo stated with the saw dust on the side.

Chairman Rogan stated oh yeah.

Board Member Pierro stated next door, he's got a third of the building.

Rich Williams stated yes, he's got a small portion.

Mr. Montelone stated well five thousand, four or five thousand.

Chairman Rogan stated okay, the cabinet shop, right.

Mr. Montelone stated no, no, this is the guy that sells the flooring.

Chairman Rogan stated the flooring, I'm sorry.

Mr. Montelone stated at the beginning.

Rich Williams stated I don't know that he was ever in there when you were out there.

Chairman Rogan stated I don't think so.

Mr. Montelone stated he usually, what they do is the guys go there in the morning, they pick up their carpets and tile and they go and install them all over from Manhattan all the way to Albany. Listen, I just happen to be talking to the guy, my question was on the other properties that you know I have along the park there which is fortunately or unfortunately, all of them are not built. Everyone of them that is not built right now I (inaudible) I would like to figure out a way to come forward one at a time and start building something with it and take it away from the deer and create some tax revenue and some business for the area.

Board Member Pierro stated we would absolutely being willing to look at it Pete, first we have to start out, I don't know if you have surveys available.

Mr. Montelone stated oh no I have surveys.

Chairman Rogan stated we walked that site, Charlie hasn't and Maria, have you.

Board Member DiSalvo stated yeah.

Board Member Pierro stated my only concern was I remember Ted speaking about some wetlands buffer issues on the southern.

Chairman Rogan stated yup.

Board Member Pierro stated no on the inside.

Mr. Montelone stated on the inside.

Chairman Rogan stated this is not the lot that had the trenches dug through it, remember there was a dug or trench or something dug through partially through the center of the lot. You've been in there brush hogging a little bit, right.

Mr. Montelone stated yeah.

Chairman Rogan stated yeah, just what you were able to open up a little bit, but that basically is closest to Eastern Jungle Gym on the corner there.

Board Member Pierro stated it was a rear access drive that we were concerned about that might be in the buffer, Ted, am I right.

Mr. Montelone stated it might have been from before the beginning of the project.

Board Member Pierro stated right.

Mr. Montelone stated but nobody has been going in there anymore.

Board Member Pierro stated right.

Rich Williams stated there is actually another parcel located between this and Eastern Jungle Gym.

Chairman Rogan stated oh good.

Rich Williams stated which is actually all wet.

Chairman Rogan stated yeah, that might be the one we walked.

Rich Williams stated the trenches start on that property and come across, I don't know, some of the Board members may remember that there was a previous application filed for a project called Bri Car. That is what Dave was referring to.

Board Member Pierro stated right.

Rich Williams stated and the driveways and the fenced area and the area that was used for a contractors' yard on Bri Car, were outside of the buffer on the backside, where it was mostly wet but the Board had agreed to allow them to intrude into the buffer on the northern side and then they were putting stormwater ponds in the back within the buffer.

Chairman Rogan stated and that is the same parcel we are talking about now.

Rich Williams stated that is the parcel you're talking about.

Mr. Montelone stated I mean, I'm hoping for either one of them, I would like to start with one and do something with one of them.

Chairman Rogan stated sure.

Board Member Pierro stated maybe we can take a look at this on a Saturday in the next few weeks, before you and I start to disappear.

Chairman Rogan stated I won't be gone too much, I'll be around.

Board Member DiSalvo stated you'll build a hardy plank building.

Board Member Pierro stated oh yeah well.

Mr. Montelone stated I would like to build more of a, I have two hardy plank buildings I'm trying to figure out if the product is good, this one on [Route] 22 is hardy plank and I just put one in North White Plains about two years right on [Route] 22 in hardy plank. It seems like its holding up, sometimes with a new item, new product.

Chairman Rogan stated you don't know, yeah.

Mr. Montelone stated you know its like in the 50's and 60's everybody used asbestos shingles and then we find out what we're dealing with.

Chairman Rogan stated right, it was great product except for the health.

Board Member Pierro stated its still a good product.

Chairman Rogan stated it still holds up.

Board Member Pierro stated as long as you don't touch it.

Rich Williams stated this building hardy plank.

Mr. Montelone stated yeah, so usually, I think they do hold and I really think that doing hardy plank or some kind of stucco that could be pressure washed and kept to. If you can't maintain them, then you can't.

Board Member Montesano stated there is a house that we put up twenty years ago with hardy plank.

Mr. Montelone stated and its good.

Board Member Montesano stated and that was surprising because that was like the first run that was done and it's a private house but it does exist and its been up for over twenty years. I know it was first run because it was a deal and a half.

Mr. Montelone stated well now it went up, it did, the price went up ever higher then cedar siding almost.

Board Member Pierro stated right.

Chairman Rogan stated yeah.

Board Member Pierro stated it's all about demand.

Mr. Montelone stated but based on the maintenance that they claim it is going to work.

Chairman Rogan stated have you seen the fake cedar shake vinyl siding, I saw that on a house down in the Jersey Shore, that was beautiful, it looked like painted cedar shakes and it was vinyl.

Board Member DiSalvo stated it was vinyl.

Board Member Montesano stated if I got to my attic and find the original piece we had, oh boy. Its all molded plastic, vinyl.

Board Member Pierro stated how about we schedule a site and got take a look at these two parcels.

Chairman Rogan stated well we could defiantly take a look, you know, you're not sure what you want to do, you are just looking to building up that'll fit.

Mr. Montelone stated I'm looking to put a building that will fit in one of the properties.

Chairman Rogan stated putting something that fits, is the key. You put something that fits right off the bat, you'll run through the process. You see what we deal with, you'll run through the process.

Mr. Montelone stated well.

Rich Williams stated that is the question.

Chairman Rogan stated whether it fits or not.

Rich Williams stated whether it fits and how you term whether its fits or not. Certainly all those site are commercial sites out in Patterson Interstate Business Park but all the sites are going to be challenged.

Chairman Rogan stated of course.

Rich Williams stated and you know, how much of an intrusion are you going to allow into the wetland buffer. Are you willing to consider mitigation, giving up some wetland areas here and enhancing them someplace else.

Mr. Montelone stated and (inaudible).

Rich Williams stated and I think that's really what Pete is looking for.

Board Member DiSalvo stated yeah.

Rich Williams stated is some indication by the Board whether they would consider some flexibility in the design recognizing that have to balance the environmental concerns with the economic concerns to get any sort of realistic development on the site.

Board Member DiSalvo stated and this would go towards the end where dump, isn't there a dump on the end, what is going with that.

Mr. Montelone stated the landfill, that is another one.

Board Member Pierro stated the landfill.

Rich Williams stated this is closer.

Board Member DiSalvo stated I know the one he's talking about but you own the landfill also.

Mr. Montelone stated I own the landfill also but I commented and nobody ever answered me on that, nobody's paid taxes on that, nobody is doing anything on that. All I have is a binder on the landfill that I have to give them.

Board Member Montesano stated whose name is on there now.

Mr. Montelone stated I'm sorry, say again.

Board Member Montesano stated your name is on.

Board Member Pierro stated probably the realtor from Heelan.

Mr. Montelone stated somebody is on there.

Board Member Montesano stated Ed Heelan's company.

Mr. Montelone stated all I do have is a binder that I went as far as going to Albany and getting the okay from DEC, just to cap it and gave them some kind of plan, they agreed, they came down but then it is of course, I mean its like I get the land for next to nothing but it's a million dollars to cap to landfill so I don't want to sound like (inaudible), I need something from the Town that.

Chairman Rogan stated yeah.

Board Member DiSalvo stated when you cap it you can't.

Mr. Montelone stated I can't build on it.

Board Member DiSalvo stated you can't.

Mr. Montelone stated only thing we are allowed to do is drive onto the other side and how will.

Board Member DiSalvo stated for recreation, make it park land.

Mr. Montelone stated if I make it like a park like land, there are two acres.

Chairman Rogan stated wow.

Mr. Montelone stated and that is all we have to make it a park like land.

Board Member Pierro stated do you own property on the other side of it, so. So you can't build on it but can you put a parking lot on it.

Board Member DiSalvo stated asphalt it or gravel parking lot.

Mr. Montelone stated you couldn't but I wouldn't. Well we want to put a liner on it and put two feet of gravel on it and then, first put the liner so there is no intrusion. No water from the top, so whatever gets down to it will slide off and then put, have the pipes that come through the liner for the venting situation, because there still may be a little venting and then just drive through across and build because there is another fourteen acres on the other side of the landfill. That has been foreclosed twice by the County and then the County keeps giving it back to Patterson Interstate Business Park, which one owner is dead and the other guy doesn't care, bankrupt.

Board Member DiSalvo stated no one owns that road either, right.

Mr. Montelone stated no, I just own most of the land on the road, that's about it.

Chairman Rogan stated the actual Commerce Drive.

Board Member Pierro stated whose doing the maintenance on the road.

Mr. Montelone stated everybody is doing there own.

Board Member Pierro stated their own front.

Mr. Montelone stated they are cutting the grass and doing their own.

Chairman Rogan stated a common drive.

Mr. Montelone stated a big common drive but ultimately.

Board Member DiSalvo stated you would want to buy the road, but the rights to.

Mr. Montelone stated I would want to take the road and put a guard shack in the front and kind of keep it as a private park.

Board Member DiSalvo stated secured.

Mr. Montelone stated secured area, so I can build.

Board Member Pierro stated you need more income in order to do it.

Mr. Montelone stated I need more then the income of White Birch to do that but that's one of my sort of dreams or goals if I can ever get to that.

Board Member Pierro stated sure.

Chairman Rogan stated I think but, so the question really is thought what, what is the Board's flexibility in terms of the wetlands intrusions. Buffers we certainly need to talk to Ted but we need some flexibility in this park, we want this park to be you know.

Board Member DiSalvo stated right.

Chairman Rogan stated to move forward.

Board Member Pierro stated not to, you know, lean on ethnicity, my Italian grandfathers always used to tell me that you can't make a silk purse out a sow's ear.

Board Member DiSalvo stated I never heard that.

Rich Williams stated its an old (inaudible – too many speaking).

Chairman Rogan stated I remember, I heard it all the time.

Board Member Pierro stated I heard it. What do we got here, we got a landfill, we got a pig sty, the guy is trying to make it nice.

Chairman Rogan stated yeah.

Board Member Pierro stated I think I would be willing to give up wetlands that are, Ted do you think they are viable in the area that we are talking about.

Board Member DiSalvo stated to enhance.

Ted Kozlowski stated (inaudible).

Chairman Rogan stated be careful remember what we did with the jungle gym place there.

Board Member Pierro stated I think the areas that we are talking about are not.

Chairman Rogan stated we just need to be careful, that's all.

Board Member Pierro stated that's all.

Board Member DiSalvo stated do you know what jungle gym did, they bought another yard on Route 9.

Board Member Pierro stated right.

Ted Kozlowski stated I'll go out there and look at it, you have to understand what (inaudible).

Board Member Pierro stated right.

Chairman Rogan stated I agree with that.

Board Member Pierro stated the stream corridor across the street, we took care of pretty much at jungle gym.

Rich Williams stated not exactly.

Board Member Pierro stated we made some steps in the right direction there, we got everything out.

Rich Williams stated they came in with a concept that never got followed through, it never got site plan approve.

Board Member Pierro stated he never did.

Rich Williams stated he never finished it. He never did any of the improvements.

Board Member DiSalvo stated he bought another lot, that's what he did.

Board Member Pierro stated where is the enforcement action.

Rich Williams stated he is still parking on the septic system.

Board Member Pierro stated where is the enforcement action then, what do we do.

Board Member Montesano stated now he has a place to go so he (inaudible).

Board Member DiSalvo stated he's going to put a for sale sign out there.

Rich Williams stated we have a part time building inspector who is running his tail off.

Board Member Cook stated it sounds like we need a site plan.

Board Member Pierro stated yeah, so I'm not willing to tear up the wetlands but I'm willing to be reasonable and I think that's, reasonable is key.

Chairman Rogan stated sounds like everybody is.

Board Member Cook stated let's call it a draft site plan or something, that at least we would know.

Chairman Rogan stated a concept plan.

Mr. Montelone stated a concept.

Board Member DiSalvo stated this is assuming that you get the landfill area too.

Mr. Montelone stated oh yeah but that's years down the road.

Board Member Pierro stated maybe later down the road.

Mr. Montelone stated you know something that I could jump in there right now or I'd like to and I know it takes time and I'm looking to take one step at a time.

Chairman Rogan stated great.

Mr. Montelone stated do one, finish it, do another one, finish it. I mean, I can get the banks, my investors will come in and say okay I need twenty million dollars to put in Patterson Interstate but that was a square foot, that isn't going to happen either.

Chairman Rogan stated right, right.

Board Member Pierro stated right.

Mr. Montelone stated but you keep going.

Rich Williams stated to bring a little clarity to this, you know. Pete has been looking at the different properties in there and he has the rights to build on the landfill and to exercise those right in the future.

Mr. Montelone stated right.

Rich Williams stated but the one we are talking now, specific Bri Car and a couple of the other, he actually owns those at this point and those other lots.

Mr. Montelone stated Avtiech and Peckham.

Rich Williams stated he is looking to do something on those sites, not so much the landfill right this minute.

Board Member Pierro stated right, I understood that but we're talking more towards the existing building he's got.

Board Member DiSalvo stated we are trying to plan for the future here.

Board Member Pierro stated that is exactly the site I was considering.

Rich Williams stated I understand that but we just keep drifting back to the landfill.

Chairman Rogan stated what we need is some kind of a concept idea, get your guys to work on a concept, we've been I mean, we don't even have to go out to the site until we have a concept plan.

Board Member DiSalvo stated didn't we have something for Bri Car, I remember like two buildings there at one time.

Chairman Rogan stated well they did.

Mr. Montelone stated yeah they had a building, I don't know how big it was, my, the concept. A lot of guys and before me, twenty-five years ago would like to put a construction yard, I'm out of that business, there is only so much you can do with a construction yard without it looking like a junk yard.

Chairman Rogan stated yeah.

Mr. Montelone stated so I'm looking to put up a building like with an office.

Chairman Rogan stated sure.

Mr. Montelone stated it would be two stories, the second floor will be shallow, stay within the thirty feet limit that we need to stay.

Board Member Pierro stated that would be fine.

Mr. Montelone stated bring a (inaudible) hard roof down, so they don't look as tall as my friends building there and have the same building but looking half as tall, as the roof.

Board Member Pierro stated yeah.

Board Member DiSalvo stated more pitched.

Mr. Montelone stated coming down, so you have less to maintain, the rest is like a cedar shake or some kind of roof that you can do that looks pleasing and the keys is and I will just give you my mistakes, you need the square footage to make it work and you need the economy to make it work. I just put up this building in Pawling, all of the analysts that I went to and everybody said you are going to get twenty dollars are square foot, guess what you can't get twenty dollars a square foot in Pawling.

Board Member Pierro stated no.

Board Member DiSalvo stated it's beautiful.

Mr. Montelone stated that building is sixty-six percent empty right now only because I didn't do what I should have done a year ago. I could have rented it for fifteen dollars, sixteen dollars a square foot, I went to the bank and they said you have to get twenty dollars per square foot and now I finally got the okay to go down.

Board Member DiSalvo stated now you have to listen to yourself now.

Mr. Montelone stated sometimes when you borrow, when you are in that situation, the smart people with the pencils they know more then the guy that does it in the field, that's okay, I mean, it all works so.

Board Member Montesano stated that is why we have sergeants in this world.

Mr. Montelone stated on the empty building on the White Birch building, so called, we get six dollars a square foot, seven dollars, it is full rented, there are people always calling to come in there. I honestly don't look to put those kind of people in there, what we have in there, although I like them they are my, I try to get people one step better, like Abbey Flooring, maybe like a kitchen company, maybe a furniture company, maybe there are a lot of other things that we can do, one step better, light manufacturing and if you, I can offer seven dollars a square foot property including an office on the first floor, the place will become a viable place where I will be able to maintain it and do what I'm doing with White Birch. At the same time when you go into that situation, a lot of stuff goes into a pie, like the parking rule, you can have less parking because people are only going to go there to rent six thousand square feet.

Board Member DiSalvo stated right.

Mr. Montelone stated and there are only two cars or three cars there the rest of it is a little bit of storage, a secretary and the owners that come by. As long as you have eighty percent or ninety percent of the parking instead of one hundred and ten percent, I think we'll do okay and at the same time if you always have another spot next to it that you can turn around and put the parking just in case you get in a pinch.

Board Member Pierro stated that was my point.

Mr. Montelone stated just in case we made a mistake, like the White Birch building as you come in on the right, there was an area that was originally dedicated to parking for twenty cars. It was never exercised because they are supposed to park in there and the place was a jungle anyway.

Board Member Pierro stated right.

Mr. Montelone stated something like that being in the area you can always relive the parking from the next door parcels as long as they are the same owner and the same situation. I'm not looking for, say you if you need fifty cars, put twenty but maybe if the law says fifty, then forty-five, if it works.

Chairman Rogan stated yeah.

Mr. Montelone stated because what I found even in White Birch, I drove in there a couple times during the day, the place was half empty, we do have a lot parking but its okay, I would rather see it empty then have cars parked in the middle of the road blocking the fire lane.

Chairman Rogan stated sure.

Mr. Montelone stated don't get me wrong, I look at every angle, so that is one of the things that.

Board Member DiSalvo stated so we should walk those sites again, I don't think Charlie has ever been on them.

Chairman Rogan stated yeah, we can take a look, yeah.

Board Member Cook stated well I've been over, White Birch I guess it is.

Board Member DiSalvo stated no, like the other sites.

Board Member Cook stated oh no.

Chairman Rogan stated we'll take a look. So I think you need to start making your plans, come up with some concepts for the preliminary.

Mr. Montelone stated I would like to come up with one or two concepts, the preliminary and I will come back.

Chairman Rogan stated beautiful.

Board Member Pierro stated we don't need the pastry.

Mr. Montelone stated (inaudible) it goes back because I thought we were in the other place, I don't want it look like (inaudible).

Board Member Pierro stated thank you but we don't need the pastry.

Mr. Montelone stated I'm on a diet, we can all cheat together.

Chairman Rogan stated great, that sounds good, no but it sounds like you have an interested audience and we are certainly looking forward to working with you on these project, so, we are you know. So I think we'll be reasonable.

Mr. Montelone stated with that in my head, I will leave you guys.

Chairman Rogan stated okay thank you.

Rich Williams stated (inaudible) White Birch.

Chairman Rogan stated oh you did a fantastic job over there.

Board Member Pierro stated it looks nice.

Chairman Rogan stated the aesthetics there are beautiful.

Mr. Montelone stated (inaudible).

Chairman Rogan stated looking forward to see what that place will look like, the whole Commerce Drive in ten years.

Mr. Montelone stated I would like to clean it up and make it look.

Board Member DiSalvo stated the wall is going to go all the way up to the.

Mr. Montelone stated the walls, the curbs, the.

Chairman Rogan stated well you're a gentleman and we appreciate your time, thank you very much.

Mr. Montelone stated thank you very much, okay, take care because your close.

Board Member Pierro stated take care, be well.

Mr. Montelone stated bye.

Board Member DiSalvo stated bye, take care.

Mr. Montelone stated you I see everyday.

Rich Williams stated (inaudible).

Chairman Rogan stated okay.

a. Martins Subdivision

Chairman Rogan stated Martins Subdivision.

Rich Williams stated Martins.

Chairman Rogan stated I saw the letter that went to the Town Board.

Board Member Pierro stated that got turned down.

Rich Williams stated I placed it on the agenda just to you know, let the Board know at the meeting the Town Board consider the recommendation that the Planning Board and opted not to approve the 280-A.

Chairman Rogan stated okay.

Rich Williams stated so at this point.

Chairman Rogan stated that is why we have a Town Board.

Rich Williams stated the applicant needs to decide you know what they are going to do (inaudible – too far from microphone).

Chairman Rogan stated okay.

b. Fox Run Phase II

Chairman Rogan stated Fox Run Phase II.

Rich Williams stated Fox Run Phase II, you know again I placed this on the agenda there is a request made for the Board to make a recommendation to the Town Board concerning the potential zoning change, to allow multi-family housing back there. My concern was that you know, as we've seen with so many projects they will come in, they will apply for the project and then we'll be sitting on it for god only knows how long, we don't know if they've walked away from it, we don't know what they are doing. I've been trying to encourage the Board to actually make a decision whether they would favorably recommend the zoning change or you know not in favor. At a couple of meetings ago, I believe Charlie, you know Jon Walsh was in and there was a lot of discussion about what they are going to do out there and Charlie had made the recommendation that he would like to see a plan for a single-family development out there, similar to what we were doing with Martins.

Board Member DiSalvo stated and we also wanted some signage done in the pool area and other little.

Rich Williams stated well the signage for the pool area is an enforcement issue with the existing Fox Run Condominium project. My concern with what Charlie asked and you know I respect the Board looking at all the various aspects but with Martins you asked for you know, a couple of build out potentials because they were all essentially doing the same thing. They were trying to evaluate the appropriateness of different designs of the same concept, the single family residence. In this instance you have an applicant coming in looking for a zoning change for something that is not permitted by zoning under the first Code, which is a different type of development and the way I would approach it would be. To look if that type development is appropriate for that site, regardless of anything else and the fact that single-family homes are permitted on the site really isn't something that is called into question. Its not like you have to come up with a balance of which is more appropriate, single-family homes or multi-family homes. The only question really is, are single-family homes appropriate for the site, if it is, then you may want to recommend that the zoning be changed.

Chairman Rogan stated you mean multi-family.

Rich Williams stated multi-family.

Chairman Rogan stated yeah.

Rich Williams stated if its not then you would justify the reasons why its not and you know send that recommendation on to the Town Board. If it is not, then certainly the applicant has every right to exercise his rights under our zoning code which would be single-family residences.

Chairman Rogan stated right.

Rich Williams stated he could come in with a design at that point but I'm not sure what you're going to gain by having him come in with a design for a single-family residence. Now two weeks, three weeks ago, I did call Jon Walsh, I did ask where he is in the process, I left a message, I did not get Jon Walsh, he has not called me back and I haven't gotten a call and I haven't been able to reach him since. So I don't know where this is, don't know if it's a question of, you know again this is going to cost the applicant money to

design a single-family project out there and simply for the Board to evaluate it and whether it's a question the applicant is going to sit on it for another three or four years.

Chairman Rogan stated right.

Rich Williams stated the history on it, I'm sorry for being so long winded Charlie but you know the history on this is, he came in and did a subdivision in 1986 with his intent to go forward, it didn't come back again to the Board with a multi-family project until 1989, which was around you know, sporadically until 1991 and then it didn't come back again until 2002, where we ended up in court. You know, so, this has just been going for years and years with this gentleman.

Board Member Cook stated could I ask you, we had several conversations about the infrastructure being able to handle the multi-family development and there were a lot of, I guess you would call it concerns, brought up about that, is there anyway that say yourself and Gene, could summarize those for us, relative to the multi-family development then.

Rich Williams stated there are trip generations you know, relative to multi-family that we could certainly give you, there is a quantity of waters.

Board Member DiSalvo stated I think he was talking about the length of the road, the condition of the road, the width of the road.

Board Member Pierro stated stormwater run off, it needs to be managed.

Board Member DiSalvo stated stormwater run off, the traffic, again the traffic, coming out onto Bullet Hole Road.

Board Member Pierro stated the ability of the septic to handle this, they maintain that their septic is adequate.

Board Member DiSalvo stated the fact that there is no mass transit there for anybody.

Rich Williams stated they maintain that they have the right to tie into the waste water treatment plant and from what I've seen, that's correct.

Board Member Montesano stated well.

Board Member Pierro stated but is it adequate.

Rich Williams stated well they are doing a whole upgrade and with the upgrade they are basically doing a whole new plan, so.

Chairman Rogan stated Rich, if the Board was to, just the way the conversation is going right now, if the Board was to say that we did not feel that this application warranted a zoning change for the property, that the property could not handle based on the current infrastructure, based on the current access to Bullet Hole Road, whatever. How would we do that in a way that we are not opening, how do we do that in a way that we properly articulate ourselves so that we don't open up a can of worms and just say well the Board just didn't like it or the Board didn't like the. Maybe they don't like the way the current project looks and that

is why they are denying use of the rest of it. That we don't maintain what we have but that is no reason to deny what we want to do or something.

Rich Williams stated with any application, Martins, any of them, I always encourage the Board to very clearly articulate what your concerns are. If your concerns are you know the condition of Bullet Hole Road and adequacy of Bullet Hole Road to maintain traffic or the amount of water that is going to withdrawn out the ground. You know, certainly having Gene and I give you a memo saying these are, you know, what is going to occur.

Chairman Rogan stated that is what I think Charlie was pointing towards.

Rich Williams stated well we can do that but I don't understand the relevance, you know in my mind, maybe you can explain it to me you know, knowing what a single-family subdivision will do on the site.

Chairman Rogan stated no, no, I mean just now what he requested.

Rich Williams stated okay.

Board Member Cook stated say I withdraw that request.

Rich Williams stated okay.

Board Member Cook stated okay and now, so we are faced with do we make this recommendation or not. We've talked about all this infrastructure.

Chairman Rogan stated right.

Board Member Cook stated or lack of, or concerns about the infrastructure being able to support this next multi-family development. I'm just wondering if that can be summarized.

Rich Williams stated sure, sure, we can look at the geometry of the road and characterize that, we can look at the driveway geometry and characterize that. We can talk about the number of vehicle trips that are going to be generated, we can talk about the waste water that is going to be generated and the water that is going to generated. Stormwater is a little ify because depending on the design its going to be how they are going to manage the stormwater on the site.

Board Member Cook stated that is what I'm asking.

Rich Williams stated yeah, we can do that.

Board Member Montesano stated to me though.

Chairman Rogan stated no, please Mike, go ahead.

Board Member Montesano stated alright, with that infrastructure in a multi-family situation are they going to be part of the now condominium.

Board Member DiSalvo stated association.

Board Member Montesano stated association.

Chairman Rogan stated in other words are we going to be increasing the size the existing association.

Board Member Montesano stated the association yes but also you have pool A, its that big.

Board Member DiSalvo stated to handle some extra units.

Board Member Montesano stated if we are going to almost double the amount of people coming in are they going to have access to that pool in a safe and conscientious manner.

Board Member DiSalvo stated is there enough recreation area to handle more people living there.

Rich Williams stated that is a great question, it is possible for phase I to expand to include phase II, the question is will they.

Board Member Pierro stated its possible for phase II to develop their own as well.

Rich Williams stated absolutely.

Board Member Montesano stated well.

Rich Williams stated it could be that phase I says we want no part of phase II, so phase II has to do their own thing.

Board Member DiSalvo stated they still have to drive through phase I.

Board Member Montesano stated but you still have to go through phase I.

Chairman Rogan stated personally my biggest issues I have with this proposal are traffic through phase I and access to Bullet Hole Road and the increased multi-family on that road with knowing what else we have going on. Flip side of it is, I would not be overly enthusiastic about single-family homes having to drive through phase I, I wouldn't want to buy a house up where I would have to drive through all that. Other people do, there are places in Brewster we've mentioned that have to drive through that.

Board Member Cook stated the first part that you said is very objective, the second part was subjective.

Chairman Rogan stated no you're right.

Board Member Cook stated so if we could get Rich to do the objectives.

Chairman Rogan stated you're right.

Board Member Cook stated just to summarize.

Rich Williams stated I will throw this out, I know its been a concern about what you are going to do with this parcel and the fact that single-family homes are going to drive through this. I will say this to the Board, it is possible to get access to this property from another area and I would prefer to leave it at that.

Chairman Rogan stated okay.

Rich Williams stated we just talked about it.

Board Member Cook stated let's.

Chairman Rogan stated a lot of things adjoining that I guess.

Board Member Pierro stated I didn't think there were too many locations in there, now I have to go look, now you caused me start Dick Tracy Real Estate, I gotta go find it now.

Board Member Cook stated ask Mr., contact Mr. Walsh, tell him to hold up on that request, as we evaluate what we are talking about.

Board Member DiSalvo stated I don't know, its zoned for single families, let's see what their single-family concept would look like, if its zoned for it.

Board Member Cook stated its just.

Rich Williams stated and that.

Board Member Cook stated thinking that if the.

Board Member DiSalvo stated they obviously must have had a plan in mind to figure its not profitable for them to do the single family homes and do the multi-family right.

Rich Williams stated is that the question or is the question that it is not as profitable.

Board Member DiSalvo stated I don't know, obviously.

Board Member Pierro stated I would say its not as profitable to do single-family.

Board Member DiSalvo stated I know but if its zoned for that they must have had some kind of a concept plan to come up with that.

Board Member Montesano stated my biggest fear is looking at the building that exist and the condition that they are in.

Board Member DiSalvo stated and the assessments that people are getting on those units now.

Board Member Montesano stated and the fact that now we want to be enticed into allowing another section to be put in and the company that operates it. In this case, it will be people that come in with their eyes open that they are going to buy a condominium, are they going to be able to maintain what is there.

Board Member Pierro stated I think with any new construction of multi-family units up on the top, people are going to have to swallow deeply. If they buy up on top, new construction and new design, they are going to have swallow deeply to drive through the old place and it may get the people down in the old place to spend some money and rehab a little bit more. But Maria, you've got to look closely over there, they've been doing a lot of work.

Board Member DiSalvo stated and they've been paying for it too.

Board Member Pierro stated of course they're paying for it but.

Board Member DiSalvo stated so how you like to be in an old unit.

Board Member Pierro stated or else its going to go in the tube.

Board Member DiSalvo stated how would you like to be in an old unit, paying more than the person in the new unit, that could happen.

Board Member Pierro stated but that is an investment in homeownership down there, there was a time, not to get into real estate but there was time when you couldn't get fifty thousand dollars for one of those places and now they are all in the hundred and sixty and hundred and seventy range.

Board Member DiSalvo stated they're not that much.

Board Member Pierro stated yeah, well.

Board Member DiSalvo stated people can't afford to live there.

Rich Williams stated understand the history, a little history on this, they are struggling financially at this point.

Board Member Pierro stated of course.

Rich Williams stated they have invested a lot of money trying to repair the conditions out on the site, retaining walls that have failed.

Board Member Pierro stated or collapsed.

Rich Williams stated the water system.

Board Member DiSalvo stated the flat roofs.

Rich Williams stated the roof system, the siding, to the point where they actually approached the Town about trying to for other districts. Hoping the Town would be able to find financing for them at a cheaper rate, we really can't.

Board Member Pierro stated you can't.

Rich Williams stated but they are.

Chairman Rogan stated (inaudible).

Rich Williams stated they are in trouble out there.

Board Member DiSalvo stated bail me out.

Chairman Rogan stated bail 'em out.

Board Member Pierro stated but I don't that building a new project up on top, whether it be single or multi-family, is going to help them.

Chairman Rogan stated alright, so it everyone is kind of, it sounds like everyone is more or less on the same page on this that we have concerns about access. We have concerns about the length of the roadway infrastructure. Rich is going to put something together with Gene as to articulate that.

Board Member DiSalvo stated and we never really got a clear straight answer on whether they would be rentals or condo units.

Chairman Rogan stated right.

Board Member DiSalvo stated so in a bad market, they may not be able to sell but they may be able to right.

Board Member Pierro stated sure.

Board Member DiSalvo stated so.

Board Member Pierro stated that has another impact on the community obviously.

Chairman Rogan stated okay, we did.

e. Powe Subdivision – Request for Extension

Chairman Rogan stated Powe Subdivision, request for extension.

Board Member Pierro stated on the motion.

Board Member Cook stated he didn't say how much of a extension.

Board Member Pierro stated 90 days.

Chairman Rogan state 120.

Rich Williams stated it's 90.

Board Member Pierro stated in the matter of Powe Subdivision, I make a motion that we grant a 90 day extension.

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 any opposed.

Board Member Pierro stated that's it.

f. Thunder Ridge Ski Area – Wetland/watercourse permit

Chairman Rogan stated Thunder Ridge Ski Area, wetland/watercourse permit.

Board Member Pierro stated interesting.

Chairman Rogan stated what do we have going on, I read a lot of different e-mails on this in the last couple weeks.

The Secretary stated wait, Shawn recused himself.

Chairman Rogan stated oh, I recused, I will continued to recuse myself on this. I apologize, thank you for reminding me.

Board Member Pierro stated thanks Shawn.

Chairman Rogan stated well you know, I want to be consistent.

Rich Williams stated what's going on with this is, I had a discussion with Mary Conklin who let me know that they had a previous application that was never decided on by the Board and she wanted to get a decision. She felt that it was still appropriate to do the pond, they recognized that they were fast approaching October 1, their DEC permit does not allow them to go into the pond between October 1 and April 1 but they would like to get the permit squared away so they can do it next summer. I dusted off the application, I provided the Board with all the information from the old application, completed my review memo, I did a subsequent memo to clarify my position about what I thought was appropriate to provide a sequence of construction that would protect the resource out there. I got a little bit more specific than I'm comfortable doing and this has been going on for a long and we need to resolve this one way or another.

Ted Kozlowski stated who is the (inaudible).

Rich Williams stated excuse me.

Ted Kozlowski stated what's that.

Rich Williams stated well, you know there are a couple of ways.

Ted Kozlowski stated they can base it on a two year storm but.

Rich Williams stated there are a couple of ways you can do it. You can go out there and look at the stream channel, you know the stream channel is going to form essentially to the one year, plus a little bit more when you go to the free board on a stream bank. You can calculate out the cross sectional area that and come up with a pipe size.

Ted Kozlowski stated who is going to do, I'm asking.

Rich Williams stated that's up to the Board.

Board Member Pierro stated time out, I have a couple of questions, I've been reading, I read Rich's memo and I've been studying old stuff that I had on this at home. In the past.

Board Member DiSalvo stated if its checked.

Rich Williams stated somewhere its been checked.

Board Member DiSalvo stated mine's not checked, so I can do it between that time.

Rich Williams stated yes you could.

Board Member DiSalvo stated hers isn't checked either, maybe she's not reading right.

Rich Williams stated I've seen it checked some place, I don't know where I've seen it but she also acknowledge it, her permit is limited.

Board Member DiSalvo stated maybe she's just reading like I did and never checked. Maybe she should call them up.

Rich Williams stated I'll take another look but it is (inaudible).

Board Member Pierro stated that permit that you provided with us, expired in 2005, when does the current permit they have with DEC.

Rich Williams stated they keep this going every year, with the DEC.

Board Member Pierro stated okay, I have some questions. There have been memos bounced around this particular site over the last couple years about violations that are existing there.

Rich Williams stated you're talking about the erosion on the site.

Board Member Pierro stated right.

Rich Williams stated yes.

Board Member Pierro stated there have been memos written about clean water act, DEP/DEC violations, about other things going on up there. If as a Board, we come across issues where there are violations outstanding where people are noticed and they need permits, particular example is D'Ottavio, we don't deal or react to those permits until the violations are corrected. Now we've got violations on the site and there had never been any advancement, they have been noticed, correct Ted, didn't you notice them about

violations, two years ago, they have been noticed and no enforcement action was taken. So I think the first thing that we have to do is we have to decide on whether or not the Town's failure or inability and I'm not pointing fingers whether the Town's failure or inability to make that enforcement action go forward if truly there is an action, if there is a violation. I have to tell you, in my world, if you walk down the street and you see a violation of the law for three years running down the same street and you never take the enforcement, the time you go to make that enforcement, you get thrown out of court because its not a violation because it was never advanced. So either we decide that there are violation existing or not and we go forward with this application. Now nobody wants to hurt the ski area, it's a viable asset to the Town, we want to see them succeed but just from out observations last week, you know Ted or Dave brought Rich up there because of what he thought was an emergency condition. Mr. Conklin was told to do certain things, he dug a sump and he was told to put the spoils on one side of the stream bed and you give him an inch and it went to the point where it was spread out on the base of the mountain and no erosion controls were put in. This was happening during a rain storm, so still my point is if you give these guys an inch, they take a mile.

Board Member DiSalvo stated so how would he fix the erosion now first, before we do this.

Board Member Pierro stated I don't know if the DEC permit required an engineer.

Rich Williams stated no, it didn't.

Board Member DiSalvo stated no.

Board Member Pierro stated did they waive it or.

Rich Williams stated they didn't look at anything, they looked at the same plans that you've got right now.

Board Member Pierro stated okay but our Town Code requires that they have an engineer for us to issue a stormwater permit, correct or a wetlands.

Rich Williams stated no.

Board Member Pierro stated it does not.

Rich Williams stated there is nothing in our Code that says that. My issue with having an engineer is, I'm a certified CPESC, I can do erosion, I can do hydraulics, there is no law that says I can't, there is no law that says you can't.

Board Member Pierro stated right.

Rich Williams stated there is New York State Education Law that says.

Board Member Pierro stated somebody's got to be certified.

Rich Williams stated well let me say this, let me be very clear on this, I can do hydrology, you have to be a licensed engineer to do hydraulics.

Board Member Pierro stated right.

Rich Williams stated water flowing through a fine channel or a conduit is hydraulics.

Board Member Pierro stated okay.

Rich Williams stated so that is where I always get back to, you know somebody should be looking at the volume of flow going through the stream and why. Back in 2005, I said you know you really should be talking to an engineer about designing this, you know here we are.

Board Member Pierro stated they don't feel they need to.

Rich Williams stated I know, they don't want to, they don't want to go through that expense but here we are three years later, there is a common sense approach we can take on this. I'm a little concerned about the conduit, you know the size of the pipe but you know everybody is comfortable with letting the Conklin's approximate the size, that's fine. Let me talk real quick, while I've got the floor here about something else. There was a problem with the pond, Dave [Raines] brought me up there, I looked at it, I worked out a scenario with Bob Conklin, the scenario was to dig a sump, divert the channel, dig the other side out, stock pile the soils, put silt fence up, stabilize it because the rain was coming and then once the rain was gone, get rid of it and that is exactly what he did. The day that you were up there and got pictures of it, yes he hadn't gotten the silt fence up yet because they were spreading it, they were throwing the grass seed down and then it started to rain very, very hard, he got caught in it and I remember that day and it wasn't supposed to rain until that afternoon, he got caught by surprise. I went up there, I got your e-mail I immediately went up there, I talked to Bob about it, as soon as it stopped raining, he went back out and put the silt fence up that he was going to put up so.

Board Member Pierro stated that part I'm fine with.

Rich Williams stated we're getting better, you know, I'm working with the gentleman, he's being reasonable about things, you know, he's taking more care when he's disturbing sites. There is still a lot of bare soil up on the site, there are still a lot of steep embankments, I don't know what we are ever going to do with them.

Board Member Pierro stated I will say this that if this continues to go on this way and I'm a novice and granted you guys have more experience at this than I but if this continues to go on with the siltation coming off that mountain, Stephens Brook is going to be Stephens Lake and you are going to flood out the back parking lot of Alpine and that little building. There is not going to be enough pipe for water to go underneath [Route] 22, his parking lot is going to flood out, something has to be done. This is the perfect time and I'm not adverse to issuing the permit but it gives us the opportunity to go in and go forward and clean up issues aside from the pond.

Ted Kozlowski stated well, can I speak.

Board Member Pierro stated sure.

Ted Kozlowski stated this has been going on for a long time and Richie and I have been frustrated many times over the years. This is one of those things as Thunder Ridge, we want it to succeed, it is an identity to the Town.

Board Member Pierro stated sure.

Ted Kozlowski stated there is a tremendous amount of silt that comes off there, Bob Conklin doesn't

always do the right land management, is all the stuff coming off from Thunder Ridge, no but I have no way calculating how much is coming from Thunder Ridge and how much is coming from up the hill or beyond it. We have made small strides, we have always had the threat of enforcement and legal action hanging over them, I personally have been hesitant to do it because I have made small strides, Rich has made small strides.

Rich Williams stated I want to be clear on this, you know I mean, I make no bones about it. We did try to work with Ryders, we didn't get much resolved, I went to the Town Board and I said listen, its time, I have to do an enforcement action to get their attention and that point I was told point blank.

Ted Kozlowski stated yeah.

Board Member Pierro stated you said it on the minutes the other night Rich.

Rich Williams stated Tim Curtis said he had a conflict.

Board Member Pierro stated no one would do the enforcement.

Rich Williams stated I don't have an attorney to take it into court, they didn't appoint special council, there is nothing I can do and my hands are tied. The best I can do at this point is try to continue to work with the Ryders, continue to work with the Conklins, which I have been doing and try to improve this situation and it has been improving.

Ted Kozlowski stated well, I want to just say that working with the Ryders has been very frustrating for me because it's almost like you get patted on the head and promised and it doesn't matter. When Mary got elected I was hopeful because she got elected and because she now had a more prominent position that she would be a little more responsive to the needs and that had seemed to happen. She has been in communication with me, Bob's relation with Rich has improved, it used to be very adversarial now it's better, so they are making strides. We are gaining small victories but it hasn't been complete by any stretch of the imagination, it has not been a complete success but we've made strides.

Board Member Pierro stated can we approve this wetlands, this pond cleaning permit, or whatever it is, wetland/watercourse permit with condition that they take some additional forward steps to design a stormwater remediation plan for the bottom half of that mountain for the parking lot. When I was up there, I went out there, the Saturday night of the heavy rain storm and the pipe coming out underneath the road there, was three quarters filled with water and the road was flooded with silty mud all across where the bridge is there. I have to tell you Rich, that next morning on my way out of Town, I drove up Birch Hill and I looked into Stephens Brook and you could drink it, it was busy but it wasn't silted, it wasn't muddy. So as far as none of the stuff, all of the stuff not coming from a mountain, I don't agree with.

Rich Williams stated listen, I'll reinforce that, I've heard that from them, from a lot of people, that there is a lot of sediment coming down from the top and if you go and look at their stormwater pond, clearly there is sediment coming down but I, for four or five months took water samples.

Board Member Pierro stated I saw them.

Rich Williams stated down below just past Thunder Ridge and up above Thunder Ridge from Stephens Brook, now the water coming out from up above, the samples were clean, there was very little sediment in it, the samples coming out by Thunder Ridge were like mud.

Board Member Pierro stated right, the velocity hitting the pond.

Rich Williams stated its not, it's the concentration of the sediment within the water. What is coming off of Thunder Ridge is coming out of a pipe that leads to a series of catch basins that goes directly to where the exposed soils are, you're getting a tremendous amount of sediment concentrated in that water that's coming off the site and very little water.

Board Member Pierro stated I've seen the stream corridor that's caused by melt off that comes down the small trail on the left hand side of the mountain when you are looking at it and it gets two feet deep and sometimes we lost kids in there in March or April. Kids would drop right down in there, it needs a pipe from the top of the left hand side of the mountain to a siltation basin or some sort of basin that will allow the.

(Tape 1 Ended – 9:13 p.m.)

Board Member Pierro stated water to be collected somewhere and have a silt drop out, maybe another pond, they have plenty room up on the top. They can divert it off to the left side of the mountain and maybe put another pond in there but this is going to take a hydrologist to.

Board Member DiSalvo stated you mean like on top of the lift there, all the way on top.

Board Member Pierro stated yeah, on left of midway down.

Rich Williams stated you know again, the water samples I'm taking are just above that snow making pond were coming out clean. Which is a large portion of the upper portions of that site that is coming down and hitting that stream, the issue is he's not either disturbing soil up in that area or its filtering through the grass before its gets.

Board Member Pierro stated not anymore, the last time I was up there, he took a lot of trees out of there and on the left hand side, I don't know what his intention was.

Rich Williams stated the real problem is, is the driveway which is all dirt and the very steep embankments which comprise the main ski slopes which he constantly goes in and digs up. His [Bob Conklin's] opinion at the time that. I had the conversation with him, is he has to get rid of the top soil because its not good for snow making but the top soil is what keeps your vegetation in place.

Board Member Pierro stated right.

Rich Williams stated and that is what keeps the soil in place.

Board Member DiSalvo stated is there any danger right now, with them doing the hay rides now up there.

Board Member Pierro stated I wouldn't make a decision on that and in addition to all this, the top of that mountain is a disgrace.

Rich Williams stated but to answer your previous question, I mean, this is a wetland application for an activity in the pond and really you can't extend the conditions to cover other permits that may be issued by the Town.

Ted Kozlowski stated so if you went down that road with Fox Run, Fox Run, it was the.

Board Member DiSalvo stated Pondview.

Ted Kozlowski stated the pond, Pondview, there were concerns about the site above the wetlands and this is a wetland permit, you have to act on it, Dave.

Board Member Pierro stated we either have to act on it.

Ted Kozlowski stated you know, its frustrating, I'm going to be real honest with you guys, I have problem with Blue Willow horse farm, the same thing, the stuff coming off, they are in violation but I have a hard time and this is very difficult to say. I have a hard time hammering those people when our own Highway Department is creating so many of the same damn erosion problems and sediment basin problems by doing very poor practice and we can't control that.

Board Member Pierro stated my point.

Ted Kozlowski stated how can I go after you, Dave and tell you that your sediment in that stream when just right up the street the Highway Department is just doing whatever they want and its flowing in the same stream.

Board Member Pierro stated then how can we go after Mr. D'Ottavio, how can we go after anybody else for doing the same violation if we aren't going after the most obvious one now in front of us. That is where its selective and its arbitrary.

Ted Kozlowski stated its not selective, we are doing the best we can.

Board Member DiSalvo stated well they would want to address the issues that you're bringing up, wouldn't they want to do that.

Board Member Pierro stated I don't think so.

Board Member DiSalvo stated why.

Board Member Cook stated can we approve this permit with the conditions that you outlined in your memo.

Rich Williams stated (inaudible) Charlie.

Board Member Pierro stated can we approve this permit and have DEP and DEC monitor the digging that goes on there, its their permit and have you guys.

Ted Kozlowski stated Dave, I wanted to finish what I was going to say.

Board Member Pierro stated okay.

Ted Kozlowski stated because DEC is allowing this.

Board Member Pierro stated right.

Ted Kozlowski stated and they are not going through any scrutiny because I was with DEC, two falls, last fall, was it Rich, when we were out there with.

Rich Williams stated oh remember that, Jack Issacs.

Ted Kozlowski stated Jack Issacs.

Rich Williams stated and Brian Chamberlin.

Ted Kozlowski stated and they point blank told me that they weren't going to do it because that was an existing practice, they weren't going to go after the ski area, they were going to allow them to maintain the pond that wasn't a natural pond and that was it.

Board Member Pierro stated yeah but our permit, our permit.

Ted Kozlowski stated Dave, I don't have, we don't have, I don't have a lot of backing here, okay, to go to court against Thunder Ridge to take an enforcement action, I'm going to get my head handed to me.

Board Member Pierro stated so be it, that happens.

Ted Kozlowski stated that's easy for you to say.

Board Member Pierro stated no, that happens, I've been there Ted.

Ted Kozlowski stated yeah, I've been there too.

Board Member Pierro stated sometimes you get your head handed to you.

Ted Kozlowski stated I've been there too, many times.

Board member Pierro stated but you could never get accused of not trying.

Ted Kozlowski stated I've trying.

Rich Williams stated but you aren't solving the problem and [we] want problem solvers.

Board Member Montesano stated I'll give you the AK-47, instead of the shield and the sword.

Board Member Pierro stated you know, there are probably twenty trucks on the top of that mountain and you've seen the pictures.

Board Member Montesano stated give you the Taliban.

Board Member Pierro stated twenty trucks up there, rusted out, oil, god knows what's in them.

Rich Williams stated that's enforcement issue, that has nothing to do with us.

Board Member Pierro stated maybe it would be an opportunity, it would be an opportunity to completely inspect the whole site and say look.

Rich Williams stated Dave, if you want to talk to Dave Raines about inspecting the whole site, he's the enforcement individual that you need to direct that too but that conversation's been had before. You know, I've got a summer shack that was converted to a single-family home that does not have a driveway during the winter. How do you access that if there is an emergency and that was signed off as being perfectly okay. You know, Dave can fight that fights that he can win sometimes.

Board Member Pierro stated you have to fight all the fights and you can't be selective and you can't be arbitrary because eventually we are going to go and we are going to slam somebody on the same kind of violation. And they are going to say to us and you, you didn't do it over here, you're enforcement is arbitrary and capricious and the next thing you are going to hear is a judge banging the gavel.

Ted Kozlowski stated and our Town does (inaudible).

Board Member Montesano stated that's not our job.

Ted Kozlowski stated (inaudible – too many speaking).

Board Member Montesano stated we are not here to enforce it.

Ted Kozlowski stated okay.

Board Member Pierro stated its not about what Town practices Ted, is about what a court of law is going to decide for you.

Ted Kozlowski stated our Town does not practice what you are preaching.

Board Member Pierro stated well.

Ted Kozlowski stated and that's the truth.

Board Member Pierro stated let them issue.

Ted Kozlowski stated nobody wants to hear that but that's the truth.

Board Member Pierro stated then let them issue the permit.

Rich Williams stated so what does the Board want to do with the permit, do you want to consider it, do you need more information, you want to deny it.

Board Member DiSalvo stated they aren't going to do it until the spring anyway, right.

Rich Williams stated right.

Board Member Pierro stated then why are they here, can't we, can we not ask for a engineered drawing of this clean out.

Rich Williams stated absolutely.

Board Member Pierro stated can we ask for that, I want, Rich, not that, I want to lay it off on somebody else, I want to have somebody else's design in front of us you know, although you are probably very qualified to design it, at least its their design.

Rich Williams stated I full recognize right from day one, I am not an engineer I do not do hydraulics.

Board Member Pierro stated yeah and again I don't want to see them go under. I want to see them stay but we are allowing a problem to continue and we are going to start eventually, we are going to start very soon I'm sure, we are going to start damaging other people's property because of this. We have already damaged Clancy's stream corridor. We have already damaged Doctor Lepler's place is getting hurt again. Eventually the water gets deep enough in Stephens Brook and the beavers are going to move in there and we are going to pumping out Alpine parking lot.

Rich Williams stated I just, again, she brought it to my attention as an open permit, she's absolutely right, this permit has been open since 2005, you know and really can't go on forever.

Board Member Pierro stated they created the hardship by not doing anything about it.

Rich Williams stated I understand but if you want to say, listen, this is what we are looking for specifically, and could you give us a date and if you don't respond by such and such a date you know we are going to act on the permit, that is appropriate. But to have a permit from 2005 that might not get decided until 2010, to me, you know give the people a decision.

Board Member Pierro stated yeah.

Board Member Cook stated yeah, what if.

Board Member Pierro stated when is the cut off date, excuse me one second Charlie, April, they can't do it after April.

Rich Williams stated I have to go take another look at it, I recall seeing that they couldn't go in the stream because it's a trout stream between October 1st and April 1st, Maria pointed out that the box isn't checked, I'm not sure why.

Board Member Pierro stated right, so.

Board Member Cook stated here is what I was going to say, we have four basically conditions here in Rich's memos of September 5th.

Board Member DiSalvo stated yeah.

Board Member Cook stated okay, anything else to be added, why don't we have Rich add, prepare a resolution and we act on it at the November meeting.

Board Member Pierro stated who wrote these conditions Rich.

Rich Williams stated in my memo.

Board Member Pierro stated yeah.

Rich Williams stated I did, that is my opinion about the appropriate sequence that should be.

Board Member DiSalvo stated so make that part of the permit.

Board Member Pierro stated and would you normally have Stantec review this, just to have another set of eyes look at it.

Board Member DiSalvo stated would Gene look at it.

Rich Williams stated would, Stantec always gets a copy of my memo, they are always familiar with what I do, that's coming from me. No I don't, typically my memos are not reviewed by Stantec, if the applicant had submitted that and there was civil engineering aspects to it that needed to be review, of course we would have Stantec review it.

Board Member Pierro stated well if the applicant excepts these conditions that you have and basically they are excepting the design. Would it be so difficult to have Stantec look at it just to take some, have another set of eyes, maybe there is something that you and I don't see on this.

Rich Williams stated no, I can do that.

Board Member Pierro stated I would appreciate if you did that.

Rich Williams stated Gene will be here next week, my understanding was that you aren't going to take an action on this until November.

Board Member Pierro stated no.

Rich Williams stated you can bring it up to Gene and say please review this.

Board Member Pierro stated no, I never said anything about when I was going to, when I wanted to take action on it, I quite frankly would like to get it off my plate sooner than later, I was hoping that Gene would be here because.

Board Member Montesano stated (inaudible).

Board Member Pierro stated there is another issue, the other concern that I had was if, the other side of the coin is they can hang. They can hold on to you for your design, if something goes seriously wrong.

Rich Williams stated Dave, I recognize that and like I said, back in 2005 I didn't make these specific recommendations. I kind of led them to this direction but I didn't get as specific as I got right now because I'm not a civil engineer and I'm not trying to be a civil engineer.

Board Member Pierro stated that's fine.

Board Member DiSalvo stated why are we holding this off until November.

Rich Williams stated that was just a number that I heard, you don't have to.

Board Member Pierro stated well I was under the impression from the last meeting that this thing was going to get done because the permit was expiring in 30 days and now that is not the case.

Board Member Cook stated that is the only reason I said November because was it, it doesn't have to be done for the October meeting.

Board Member DiSalvo stated oh alright, that means you want to drag this on another meeting.

Board Member Pierro stated they are not going to do this until.

Board Member Cook stated you want to do this at the October meeting, that's perfectly okay by me.

Board Member DiSalvo stated yeah.

Board Member Pierro stated they are not going to.

Ted Kozlowski stated it was my impression that they wanted this.

Board Member Pierro stated Rich, what did you just say a few moments ago, that they wanted to get this approved so they could do this in the spring.

Board Member DiSalvo stated this was like.

Rich Williams stated next summer, they aren't going to do it in the spring, they are going to wait until the water stops flowing.

Board Member Pierro stated yeah.

Ted Kozlowski stated I thought they wanted to do something before October 1st.

Rich Williams stated that was not ever communicated to me, (inaudible) we are never going to get this permit before October 1st and we can't do anything after October 1st.

Board Member Pierro stated it's the 25th, there is no way they are going to get in there now and if that happens Rich and Ted, its my, knowing Bob Conklin, its going to be a rush job, if we were to grant him a permit tonight, he is going to run in there and attack that thing to try to get it done.

Ted Kozlowski stated how bad is the sediment.

Board Member Pierro stated two to three feet.

Rich Williams stated the pond, it was probably a foot over the inlet structure that draws water into the snow making operation.

Board Member Montesano stated question, gentlemen, we are doing.

Board Member Pierro stated and ladies.

Board Member Montesano stated and ladies, excuse me, I stand corrected or sit corrected, anyway we are going to have some type of a heavy down pour for the next day or two, what is that going to do to that silt in that pond and down through the stream.

Board Member Pierro stated they took it out at the end of the pond with a sump.

Rich Williams stated they opened it up, they created a sump, so that is going to take some of it out, what's going to happen, it has a very small outlet structure.

Board Member Montesano stated narrow.

Rich Williams stated so what's going to happen is the initial flush of water is going to go through, its going to mix up, you are going to get some muddy discharge but then as it builds up because the outlet structure is so small, that pond is actually going to start filling up for awhile. Unless they close it off because they are getting ready to do the.

Board Member Montesano stated that's what I'm worried about.

Board Member DiSalvo stated will that pond over flow.

Rich Williams stated yes but there is an outlet structure that allows it to over flow.

Board Member DiSalvo stated okay, yeah it works on the.

Rich Williams stated and the outlet structure is sized large enough so.

Board Member Montesano stated if you gave them an approval would they have, they have until October 1st, its not going to work.

Board Member Pierro stated no.

Board Member DiSalvo stated I would rather just get this done as soon as possible.

Board Member Montesano stated I would like to (inaudible) thing.

Board Member Pierro stated Maria.

Board Member DiSalvo stated providing that Gene looks at these issues.

Board Member Pierro stated trust me, its going to be a soup sandwich if he goes in there today.

Board Member DiSalvo stated meaning next weeks meeting.

Board Member Montesano stated what do we, what would you.

Board Member Pierro stated it's the 25th, he's got five days.

Board Member DiSalvo stated next week is October, this will be expired then, you can't do it.

Board Member Pierro stated they can renew it and do it at the right time of year, the right time of the year for this to happen is late July and August, correct Ted.

Board Member DiSalvo stated it depends on these hurricane seasons lately.

Ted Kozlowski stated August.

Board Member Pierro stated yeah.

Board Member Montesano stated all right, would they gain anything if we gave them a permit now.

Rich Williams stated (inaudible).

The Secretary stated no it wasn't.

Board Member Montesano stated in your opinion.

Ted Kozlowski stated (inaudible) Dave.

Board Member Pierro stated its not enough time Ted.

Board Member DiSalvo stated I'm not saying they are going to run out with it, I just want to get it off the agenda.

Board Member Pierro stated not enough time.

Board Member DiSalvo stated providing that Gene reviews everything.

Rich Williams stated probably not.

Board Member Pierro stated not enough time.

Board Member DiSalvo stated I'm not saying for them to run out and do it, I'm saying to get it off of our schedule and out of our hair.

Board Member Pierro stated it took them three days to get rid of, I don't know, ten or fifteen yards of spoils from digging the sump on the hill, okay.

Board Member Cook stated hey look, if Gene can review it the way you want.

Board Member DiSalvo stated right.

Board Member Cook stated and we have his input by next week and you want to.

Board Member Pierro stated the permit expires on the first of October, correct.

Board Member DiSalvo stated forget about that, just to get it off our.

Rich Williams stated you are.

The Secretary stated I am.

Board Member DiSalvo stated our plate, right, do you want to do this again in November.

Board Member Pierro stated if the permit expires, the DEC permit expires in the end of November.

Board Member DiSalvo stated right, no September.

Board Member Pierro stated well if we, in the beginning of October, I take that back.

Board Member DiSalvo stated right.

Board Member Pierro stated if we give them a Town permit, he can go in there, he can go renew that DEC permit because as Ted said, they're easy, there is not supervision.

Board Member Montesano stated but they renew it every year.

Ted Kozlowski stated they can renew the permit, we just piggy back the state (inaudible).

Board Member Montesano stated its been open since 2005.

Board Member DiSalvo stated yeah, so that's (inaudible).

Rich Williams stated they just renew every year.

Board Member DiSalvo stated I renew mine every year.

Board Member Pierro stated all right, come on Shawn, come back in, we are done.

g. Barnes Subdivision

Chairman Rogan stated what do we have going on with Barnes Subdivision, what happened.

Rich Williams stated Barnes Subdivision.

Chairman Rogan stated resolution.

Rich Williams stated I gave the Board two resolutions, one for subdivision, one for site plan, I left the people who made the motion and the second so you could see who actually did it. Here is the problem with that, our records show that SEQR was never done.

Board Member Pierro stated oh boy, Shawn was new at Chairman at that time.

Rich Williams stated which is as long as nobody asked.

Chairman Rogan stated well this is, oh, when was this, this wasn't that long ago.

Board Member DiSalvo stated it must have been on the tape you probably didn't pick it up.

Rich Williams laughs.

The Secretary stated SEQRA was probably done prior to me typing the minutes.

Board Member Pierro stated when did you start as Chairman.

Chairman Rogan stated this is my third year.

Board Member Pierro stated this should be back then.

Chairman Rogan stated no, I think its, Harvey Barnes, how old is this.

Board Member DiSalvo stated at least three years.

Chairman Rogan stated a year, no it's the new lot that Badey & Watson, we had the fifteen percent grade issue, a year.

Rich Williams stated its not that old.

Chairman Rogan stated so we are looking for a resolution for final subdivision approval and site plan approval.

Rich Williams stated but you need to do SEQRA first.

Board Member Montesano stated do SEQR.

Board Member Pierro stated hold on a minute, hold on a minute.

Chairman Rogan stated isn't it usually in the reso.

Board Member Pierro stated 2006.

Rich Williams stated its never an issue unless somebody asks, well DEP asked.

Chairman Rogan stated it is what it is.

Rich Williams stated and I talked to the attorneys, the attorneys said no harm, no foul, just re-do it.

Chairman Rogan stated re-do it, that's all. Hey, does that change their time frame for the approvals.

Rich Williams stated it's a filed map.

Chairman Rogan stated its already done, all right. Oh, I'll make the motion.

Board Member Pierro stated somebody else is going to have to stand in for me on this, I'm voting against it.

Chairman Rogan stated in the matter of Harvey Barnes Subdivision, but you voted for it last time.

Board Member Pierro stated I know but now I have new information.

Board Member DiSalvo stated on this.

Chairman Rogan stated I'll make a motion in the matter of Harvey Barnes Subdivision and Site Plan approval that the Planning Board grants a negative determination of significance of SEQRA.

Board Member DiSalvo seconded the motion.

Board Member Cook stated hold on a second, where is this, I'm not sure if I was here.

Board Member DiSalvo stated [Route] 164.

Board Member Pierro stated (inaudible).

Chairman Rogan stated you were new then, you shouldn't.

Board Member DiSalvo stated no you weren't on the Board then.

Rich Williams stated Shawn, he voted on it last time.

Chairman Rogan stated oh you did, so you were on the Board.

Board Member DiSalvo stated on [Route] 164 and Couch Road over there.

Rich Williams stated there were all five Board Members that voted yes.

Chairman Rogan stated its right across the street from Couch Road, you go down [Route] 164 here and its on the right, the guy has one house and he divided the lot into two lots.

Board Member Pierro stated do you have that resolution.

Chairman Rogan stated its not built yet, its being cleared, it was cleared a couple of month ago.

Board Member DiSalvo stated it looks like everything stopped.

Chairman Rogan stated Maria seconded the motion on the SEQRA determination.

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.

Board Member Pierro stated no.

Rich Williams stated you want me to go pull the resolution.

Board Member Pierro stated forget it, I'll.

Chairman Rogan stated motion carries, all in favor. In the matter of Harvey Barnes Subdivision, I introduce the resolution granting Final Subdivision Approval and Site Plan Approval with the seven general and two special conditions contained.

Rich Williams stated they have all been met, so it doesn't matter.

Chairman Rogan stated so moved. All if favor, actually can I have a second, I'm sorry.

Board Member Montesano seconded the motion.

Chairman Rogan stated Mike seconded on both the site plan.

Board Member Montesano stated on the original and carbon.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 4 to 1.

Chairman Rogan stated any opposed, motion carries.

Board Member Pierro stated I oppose.

Chairman Rogan stated Dave is opposed on site plan approval and subdivision, both of them.

Board Member DiSalvo stated pick one.

Chairman Rogan stated we did both of the motions together.

Board Member Montesano stated we did.

Chairman Rogan stated okay, one opposition, motion carries. We have a site walk, Tuesday night, five-ish at Nolletti's.

Board Member DiSalvo stated Nolletti's and then go there.

Chairman Rogan stated anyone have anything else for tonight.

Board Member Montesano stated and maybe [Route] 22.

Board Member DiSalvo stated where are we going to go afterwards.

Board Member Montesano stated Downey's old place.

Board Member Pierro stated we are going to look at the sign.

Chairman Rogan stated we will look at Downey's, great. Motion to adjourn.

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.

The meeting adjourned at 9:34 p.m.