

TOWN OF PATTERSON
PLANNING BOARD MEETING
September 27, 2012
Work Session



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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

Lars Olenius, Chairman
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PLANNING BOARD

Shawn Rogan, Chairman
Thomas E. McNulty, Vice Chairman
Michael Montesano
Ron Taylor
Edward J. Brady, Jr.

**Planning Board
September 27, 2012 Work Session Meeting Minutes**

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

APPROVED

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

The meeting began at 6:56 p.m.

There were approximately 4 members of the audience.

Michelle Lailer was the Secretary and transcribed the following minutes.

4) WHITE BIRCH REALTY – Concept Site Plan

Mr. & Mrs. Peter Monteleone, Mr. Ralph Alfonseti and Mr. Herb Lackner were present.

Chairman Rogan stated fair enough, okay so we are here tonight we have White Birch Realty concept site plan, Mr. Monteleone, it sounds like you've brought some plans with you.

Mr. Monteleone stated I have another copy.

Chairman Rogan stated okay.

Rich Williams stated one or two.

Mr. Monteleone stated I only found one more but I'll bring more.

Chairman Rogan stated and who is this young man you brought with you.

Mr. Alfonseti stated I'm Ralph Alfonseti, I'm the engineer.

Chairman Rogan stated Ralph, nice to meet you.

Mr. Alfonseti stated this is the existing site right here, this is the entire parcel.

The Secretary stated can you just please speak, so we can get you.

Chairman Rogan stated yeah, you have soft voice.

Board Member Taylor stated and which one is this.

Board Member McNulty stated which parcel out on Commerce Drive.

Rich Williams stated the bus garage parcel.

Mr. Lackner stated the bus garage.

Mr. Alfonseti stated the first...

Chairman Rogan stated oh, the existing.

Mr. Alfonseti stated the first one on the left as you come in.

Chairman Rogan stated got it.

Mr. Alfonseti stated and then this area here is where we want to develop.

Chairman Rogan stated where all the rock hammering and stuff has been going on for years, okay.

Mr. Alfonseti stated and this is a blow up of that area there, with some topo.

Chairman Rogan stated okay.

Mr. Alfonseti stated and this is the proposed, we have a building here that's approximately 33,000 square feet, parking here, here, some in here, some stormwater mitigation here. The septic system will be located in this area.

Chairman Rogan stated and the drive out to Commerce is the existing cut, with the chain across it or something.

Mr. Monteleone stated yes, right and there will be a right through vein to the other property, just in case anybody...

Chairman Rogan stated oh okay, so it's not proposed to be a through access, it's just an emergency...

Mr. Alfonseti stated emergency, yup.

Board Member McNulty stated a single story building.

Mr. Alfonseti stated yes.

Mr. Monteleone stated single story with a mezzanine for office.

Mr. Lackner stated it's actually burred into the hillside.

Mr. Alfonseti stated yeah, we're looking to do this a green building, it's going to be cut into the hillside, the roof will be a green top and the pavement, we're looking into doing porous pavement.

Board Member McNulty stated when you say green roof, what kind of green roof.

Mr. Lackner stated grass.

Mr. Alfonseti stated grass roof, yeah.

Board Member McNulty stated grass roof, I'm familiar with it.

Mr. Lackner stated with goats on it.

Chairman Rogan stated with pepper plants and tomatoes and...

Board Member McNulty stated it will be easier to get that grass that only grows this high.

Mr. Monteleone stated maybe, we don't know...

Chairman Rogan stated yeah.

Mr. Monteleone stated right now we're starting with goats.

Chairman Rogan stated goats.

Mr. Monteleone stated (*Inaudible*).

Mr. Alfonseti stated this is the front view, you know that would be, that's what you would see basically, maybe plus or minus the goats.

Mrs. Monteleone stated he even drew the goats on there.

Chairman Rogan stated oh he does, he has them on there, I see one anyway, a couple of them.

Board Member Montesano stated nanny's or billy's.

Mr. Alfonseti stated and this will be the side view, so you know its cut into the hillside and you have the slope going down the side there.

Board Member McNulty stated when you say side view, what, is that from the south into, trying to get orientated here.

Mr. Alfonseti stated this would be looking...

Chairman Rogan stated Mike, the mic.

Mr. Lackner stated so this is the high side.

Board Member McNulty stated here's the road.

Mr. Lackner stated right.

Mr. Alfonseti stated so the hillside comes down here.

Chairman Rogan stated he put it on the record.

The Secretary stated I'm sorry, your name.

Chairman Rogan stated I'm sorry, Herb can you just state your name for the record please.

Mr. Lackner stated sure, I'm Herb Lackner, I'm the architect.

Chairman Rogan stated thank you.

Mr. Alfonseti stated we're just trying to get a sense of what you guys think, what, any obstacles you see.

Board Member McNulty stated can you open the topo again.

Board Member Taylor stated the wetlands and all that stuff.

Board Member McNulty stated I want to see something worked out.

Mr. Alfonseti stated it's upside down for you.

Board Member McNulty stated okay, so this building, this is the hillside here.

Mr. Alfonseti stated yup, the building would somewhere right in here about and there's the break in the stone wall so that's where the entrance would be.

Chairman Rogan stated got it and then your ponds would be adjacent to the existing pond over right here...

Mr. Alfonseti stated yeah, pond here, pond here...

Chairman Rogan stated septic and this...

Mr. Alfonseti stated septic is somewhere around here.

Chairman Rogan stated around that ledge.

Mr. Alfonseti stated yup, maybe, obviously not on the ledge but...

Chairman Rogan stated okay.

Mr. Monteleone stated and this...

Board Member McNulty stated so this entry way is...

Mr. Alfonseti stated a turn around.

Board Member McNulty stated let's turn them around.

Chairman Rogan stated hello Ted.

Ted Kozlowski stated hey guys, oh I've got some mail.

Board Member McNulty stated okay so this is the same correlation as this entrance way.

Mr. Alfonseti stated yup.

Board Member McNulty stated what is this over in here.

Mr. Alfonseti stated this existing pond is right there, that is a spring that's existing right now.

Board Member Taylor stated it's a wetland correct.

Mr. Alfonseti stated it is a flagged wetland down here.

Board Member Taylor stated and you have the buffer to deal with.

Mr. Alfonseti stated and the buffer.

Board Member McNulty stated this is the buffer.

Mr. Alfonseti stated the buffer is there.

Mr. Lackner stated this is the buffer right.

Board Member Taylor stated okay.

Board Member McNulty stated oh this half is, where is the buffer...

Mr. Alfonsetti stated this is the buffer line.

Board Member Taylor stated and how much wetland.

Mr. Alfonseti stated I don't have the exact area of it; it's down in this area here.

Board Member Taylor stated that's what we need to know, we need to know how much, you're proposing to move it.

Mr. Alfonsetti stated what do you mean by move it, it's going to, we have a stormwater pond here for mitigation, so that will kind of be in this area.

Chairman Rogan stated we have been looking at Commerce Drive and that wetland packs for, it seems like forever now but what, one of the things that we've come to realize is that when we disturb these wetlands areas, that the Army Corps requires a two for one in certain instances, now certainly we would defer to Rich and to Ted generally for wetlands information...

Mr. Alfonseti stated okay.

Chairman Rogan stated but we need to be looking at that that would be probably one of the concerns that would probably one of the concerns that going to jump out. I have a question, what's the intended use of the building.

Mr. Monteleone stated right now, warehousing.

Chairman Rogan stated warehouse.

Mr. Lackner stated yeah, basically, right now it's divided into seven different areas...

Chairman Rogan stated okay.

Mr. Lackner stated and it depends on the combination of tenants that we might get, as to how we'll subdivide that.

Chairman Rogan stated okay and so what would some of the potential, give us a sampling of who you think might be the type of tenants.

Mr. Monteleone stated I have so far, a furniture guy...

Chairman Rogan stated okay.

Mr. Monteleone stated I got two who wants to sell furniture, wholesale.

Chairman Rogan stated okay, so in other words, storage and manufacturing, light manufacturing.

Mr. Monteleone stated light manufacturing.

Rich Williams stated well he is selling it out on the site.

Mr. Monteleone stated no, no...

Chairman Rogan stated okay.

Mr. Monteleone stated he would be just manufacturing.

Board Member McNulty stated production facility.

Chairman Rogan stated so similar to the marble guy, is over on the other side.

Mr. Monteleone stated yeah.

Chairman Rogan stated but people, customers do go there but for the most part it's more the manufacturing end of it because that certainly relates to parking.

Board Member McNulty stated in this area here.

Mr. Monteleone stated you have the carpet guy that's there now, he needs more space.

Mr. Alfonseti stated yes, right in there.

Board Member McNulty stated okay.

Mr. Monteleone stated but again, you know that's a hit and run, because we have somebody interested now, six months from now they find someplace else and...

Chairman Rogan stated yeah and Rich...

Mr. Monteleone stated (*Inaudible*).

Chairman Rogan stated for that that kind of use we have a standard for parking for, that we can use to figure out.

Rich Williams stated once space per 750 square feet.

Mr. Lackner stated 250 for the office, for mezzanine areas.

Chairman Rogan stated I mean that would be my only concern is that number one, obviously can we fit it on the site and number two can we mitigate the impacts. From my perspective, I think it's great you're doing a you know, green roof, green structure, if it fits on the site, it's Commerce Drive, we've all be pretty up front about wanting this type of use on these site, it just has to fit, as long as it fits, me personally, I'm not speaking for the Board, I'm speaking for myself and I'm very happy to see this in front of us.

Mr. Alfonseti stated the biggest thing is the two to one, the two to one I think...

Chairman Rogan stated well, and again, we'll have to look at that but I just wanted to throw that out...

Mr. Alfonseti stated yup.

Chairman Rogan stated because that's been on the table.

Rich Williams stated yeah and let's touch on that, Army Corp regulates wetlands that are part of the waters of the US but isolated wetlands they do not and this is a wetland that perhaps, there are two wetlands on the site bisected by the road going in, the wetlands, there are some minor impacts to the wetlands on the left side of the road, most of the impacts are to the wetland on the right side of the road, which might be considered by the Army Corp as an isolated wetland, not regulated, might be, they've got to get the Army Corp determination on that. You know, originally I think this was one big wetland that went across the road, across Commerce Drive, it's been filled in over the years, it's been disturbed, this is a disturbed wetland site, certainly, so I don't know how value the Army Corp is going to place on this but they are going to have to get that Army Corp Jurisdictional Determination first before we can, you know, start talking about mitigation.

Ted Kozlowski stated the other thing you should know about Army Corp regulations is that they do not regulate buffer, so the only thing that comes into any calculation when you're going for an Army Corp is the wetland itself, not the buffer.

Mr. Alfonseti stated okay.

Mr. Lackner stated okay.

Board Member Taylor stated well I've been pushing all along for making these sites developable, if we can meet the Army Corp requirements, if you can do your stormwater mitigation in such a way that it could qualify as wetland, that might take up some of the need to have, you also have this area here which you have nothing on now, which is buffer, not wetlands, you could do something here...

Mr. Alfonseti stated there is a stream there, I think, its not shown on this plan here but it's right here.

Chairman Rogan stated yeah.

Board Member Taylor stated so it may be wetland there.

Mr. Alfonseti stated yes.

Chairman Rogan stated yeah, runs right behind the other building.

Board Member Taylor stated but you still, you would have some banks and you'd have areas where you could tuck it in and make it work.

Mr. Alfonseti stated well maybe we can, like you said, we can incorporate the stormwater mitigation into a wetland feature.

Chairman Rogan stated and also the areas that you're not showing on the, on this particular site that are on the other side of the existing building because this is still one tax parcel, correct.

Mr. Alfonseti stated yes.

Chairman Rogan stated so yeah, great, I, any other thoughts.

Board Member Taylor stated in terms of buffers too, we still haven't come up with a policy about the buffer but I think we're willing to bend a little bit on buffers...

Board Member McNulty stated with the proper mitigation.

Board Member Taylor stated yeah, if you can, for my thinking, if you can provide the functionality of a buffer without the area of a buffer, then do it, there's no, it seems like the 100 foot is kind of arbitrary but if we can define or if there's a definition of what that hundred feet should be doing functionally...

Rich Williams stated functionally it's a transitional area between the upland areas and the wetlands area, designed to do such things as provide thermal cooling, filtering of the stormwater getting into the wetlands so as to reduce the nutrients and sediment and other issues, so if we're capturing the stormwater before it's going in, diverting it over to the pond and then discharging into the wetland, we're providing the same basic function.

Board Member Taylor stated then...

Mr. Alfonseti stated okay, so if we bring the stormwater, this, the runoff, to this stormwater basin and then it spills over into the wetlands, that will work.

Chairman Rogan stated so you're saying first step would be to get a determination from Army Corp is that what you're saying.

Rich Williams stated I think that's going to be one of their initial first steps...

Chairman Rogan stated yeah because that's a guide.

Rich Williams stated to firm up their design a little bit more so that they understand what the potential impacts are going to be and it's also a second step that they need to take.

Chairman Rogan stated okay.

Rich Williams stated and then you can come back to us when you're ready and start the process, file an application and the Planning Board generally takes a site walk out there after you've staked out the corners of the building and all the features of the site and start the SEQRA process.

Chairman Rogan stated get it opened and closed and built as quickly as possible.

Mr. Alfonseti stated that's the goal.

Chairman Rogan stated assuming you guys do your work, we'll do ours, I promise you that.

Board Member Taylor stated it looks good, it looks well thought out.

Ted Kozlowski stated I would have a conversation with Army Corp tomorrow, it takes a long time for them to respond to things.

Mr. Alfonseti stated okay.

Board Member Taylor stated you have experience in dealing with the Army Corp.

Mr. Alfonseti stated I have.

Board Member Taylor stated okay.

Board Member McNulty stated it will excite you but...

Chairman Rogan stated maybe that will help.

Board Member Montesano stated what do they prefer Nubians or what.

Mr. Lackner stated your nose is going...

Mr. Alfonseti stated we'll get the (*inaudible*)...

Chairman Rogan stated sound good.

Mr. Alfonseti stated yes.

Chairman Rogan stated excellent, okay.

Mr. Lackner stated very good, thank you.

Chairman Rogan stated lady, gentlemen.

Mr. Alfonseti stated okay.

Mr. Monteleone stated have a good night.

Chairman Rogan stated have a good night.

Mr. Monteleone stated good night.

Chairman Rogan stated see you soon.

Board Member McNulty stated okay, (*inaudible*) is here.

Ted Kozlowski stated see you later guys.

Mr. Monteleone stated have a good night.

Chairman Rogan stated nice.

Board Member Taylor stated I say that looks like real progress

Board Member McNulty stated it goes.

Board Member Taylor stated what do you think.

Rich Williams stated the devil is always in the details but...

Board Member McNulty stated yeah.

Rich Williams stated it's a baby step forward.

Chairman Rogan stated fair enough.

Board Member Montesano stated but at least it's forward.

Board Member McNulty stated just optimistic.

Board Member Taylor stated all about.

Board Member McNulty stated how was your...

Chairman Rogan stated it must have been fun, right.

1) PAWLING CYCLE & SPORT – Sign Application

Chairman Rogan stated Pawling Cycle & Sports, we have many sign applications all rolled into one.

Rich Williams stated the applicant is seeking to replace an existing freestanding sign...

Board Member McNulty stated come on Shawn...

Chairman Rogan stated I can't.

Rich Williams stated Blue Outfitters with a sign for his business and also install 6 separate signs on the building, in various locations. As far as the area of the signs go, they are all conforming with our Code.

Chairman Rogan stated the style looks nice, they're all simple to read, actually and the font on them is very easy to read, driving by Sauro's, I didn't slow down enough to see it but I couldn't read it driving by, the second or third sign down from the top on the freestanding sign by the road, it looked like a mix of letters, I couldn't even, it was a weird, almost a calligraphy kind of script.

The Secretary stated the pizza place.

Rich Williams stated yeah, the pizza place.

Board Member McNulty stated that might be Mama's Pizza.

Chairman Rogan stated it was so horrible...

Board Member Brady stated there, you might need these.

Chairman Rogan stated no, no, I just got brand new ones, I can see better but it was red lettering and it was in such a kind of a funny font, I had no idea what it said, I actually was going to turn around and go back.

Board Member Brady stated I drive there every day, I probably couldn't tell you what's on any of the signs.

Chairman Rogan stated I just couldn't imagine, I don't remember ever reviewing anything like that.

Rich Williams stated you haven't reviewed anything for Sauro's...

Chairman Rogan stated fair enough.

The Secretary stated Exciting Expressions was in.

Rich Williams stated along the building you did.

Chairman Rogan stated right because I remember the All State was upstairs, we did.

Rich Williams stated did we, because they changed that, they've changed that out.

Chairman Rogan stated well that's a nice looking sign, huh.

The Secretary stated Exciting Expressions came in.

Chairman Rogan stated I like that.

Rich Williams stated *inaudible*.

Board Member Montesano's cell phone rings.

Chairman Rogan stated very sharp, they certainly did a very nice job on the application packet.

Ted Kozlowski stated that sounds a frog in a can.

Board Member Montesano stated excuse me.

Ted Kozlowski stated it sounds like a frog in a can.

Board Member Montesano stated that's why it pays attention...

Rich Williams stated this is the one who called me up...

Board Member Montesano stated you know when you go to some place and you've all got the same ring.

Rich Williams stated before he even made the application, we talked about how to make the application, it makes a difference.

Chairman Rogan stated sure does.

Board Member McNulty stated yeah because if you don't, you don't know what you're doing with the applications.

Chairman Rogan stated right.

Rich Williams stated yeah well it was very clean, it was you know, not trying to cram everything onto one application.

Chairman Rogan stated yeah, for the building mounted signs, all appear to be, well all the spots...

Board Member McNulty stated and he's within the square footage from what you could tell...

Chairman Rogan stated it's like forty...

Board Member McNulty stated 42.

Rich Williams stated yeah, it was fairly liberal.

Chairman Rogan stated good.

Board Member McNulty stated can we approve it tonight.

Chairman Rogan stated we can, any questions or comments or concerns from anyone.

Board Member Taylor stated I think I need to put on the record that I'm good friends with his mother, not that it affects this in any way, she probably drew the, drew it up.

Chairman Rogan stated fair enough, okay, can we do...

Board Member McNulty stated want to do SEQRA.

Chairman Rogan stated we'll do SEQRA and the approval for the sign applications all rolled into one, 1, 2, 3, 4, 5, okay, I make a motion in Pawling Cycle & Sports that the Planning Board grants a negative determination of significance for SEQRA and approves the sign applications, A, B, C, D, I want to call it E but the, including the free standing and the light box, so moved.

Board Member Montesano seconded the motion.

Chairman Rogan asked for all in favor. Motion carried by a vote of 5 to 0.

Chairman Rogan stated as per the submitted applications...

2) **GUIDING EYES FOR THE BLIND – Recommendation for Release of Remaining Escrow**

Chairman Rogan stated alright, Guiding Eyes for the Blind, what's going on there.

Board Member Montesano stated they want money back.

Chairman Rogan stated I don't have any...

Rich Williams stated they are essentially asking for the release of their escrow that we've been holding for review of the site plan, which was approved some time ago, it's just administrative stuff.

Chairman Rogan stated is there a fee amount or it doesn't.

Rich Williams stated \$145.00.

Chairman Rogan stated ah.

Board Member Montesano stated so moved.

Chairman Rogan stated you're recommending the Town Board release that.

Board Member Montesano stated yes.

Chairman Rogan stated all right, I'll second.

Chairman Rogan asked for all in favor. Motion carried by a vote of 5 to 0.

Chairman Rogan stated alright.

Board Member Taylor stated so when do we get our tour.

Chairman Rogan stated yeah, that would be really neat.

Board Member Brady stated yeah that would be.

The Secretary stated when they actually start construction, sure.

Rich Williams stated didn't they already do that.

The Secretary stated no.

Board Member Brady stated the road, there was...

Chairman Rogan stated well the road was done.

The Secretary stated they were supposed to come in with something else...

Rich Williams stated no, no, no, the tour. Right after we gave them the approvals, they had this big party, I'm sorry, never mind.

Chairman Rogan stated no, we were invited to that.

Rich Williams stated I thought you were.

Chairman Rogan stated yeah, we were...

Board Member McNulty stated yeah we were.

Chairman Rogan stated I don't think anybody went.

The Secretary stated I wasn't.

Rich Williams stated oh I did.

Board Member Montesano stated oh, some people, did yeah.

Board Member Brady stated I would of went, I would've made sure I went to that.

Rich Williams stated the puppies are cute.

Board Member Brady stated yeah.

Chairman Rogan stated we saw them at A&P plaza...

Board Member Brady stated I would have been stuffing them in my car.

Board Member Montesano stated they're fifteen hundred dollars apiece, what do you want.

Chairman Rogan stated we were at A&P plaza a couple of weeks ago, last week I guess, they had four puppies out, socializing them...

Board Member Montesano stated we don't use that word, requisitions.

Chairman Rogan stated I'm surprised you don't have a dog, a puppy or something, I know you said I have no...

3) ROAMING COMPUTER SERVICE – Sign Application

Chairman Rogan stated okay, Roaming Computer Service, 1116 Route 311.

Board Member McNulty stated this is Tom's Barbershop.

Rich Williams stated it is Tom's Barbershop.

Board Member McNulty stated that little space to the left of it.

Rich Williams stated he finally found somebody that will lease that little space.

Board Member McNulty stated good for him.

Board Member Brady stated he's finally got that rented out.

Chairman Rogan stated so he went to ZBA for the, wasn't there an issue with he couldn't, I thought it was an apartment and he couldn't rent it as such and everybody said I'd rent it for commercial and we were trying to legitimize that, I thought.

Board Member Montesano stated he had...

Rich Williams stated he wants to, he wanted to rent it as a residential apartment which is not permitted by our Code.

Chairman Rogan stated oh, oh, oh, oh.

Rich Williams stated he kept talking about going to the ZBA for a use variance so he would do that.

Chairman Rogan stated got it, I see, I understand that conversation in reverse...

Board Member Montesano stated but he never went.

Chairman Rogan stated that it was for residential and he wanted it back for commercial.

Rich Williams stated no, we dug in our heels and said it's got to be commercial.

Chairman Rogan stated okay, great.

Board Member McNulty stated yeah because if it did get approved residential, then he couldn't use it for commercial, correct.

The Secretary stated it could be mixed use.

Chairman Rogan stated no, you're right, I'm sorry.

Rich Williams stated not both.

Board Member McNulty stated mixed use.

Chairman Rogan stated you're right, I was screwed up.

Rich Williams stated yeah, that's fine.

Chairman Rogan stated you're right, that's why he said he couldn't get commercial, everybody was saying I'd love to rent it as a residence; it was a little, a cute little two bedroom whatever it was.

Board Member McNulty stated it's not even that, it's small.

Chairman Rogan stated well I know but...

Board Member McNulty stated perfect for a little computer guy.

Rich Williams stated absolutely.

Chairman Rogan stated all right, it doesn't look like any issue with the, black and white, it looks pretty straight forward, anybody have any issue.

Board Member Taylor stated no.

Board Member McNulty stated no.

Chairman Rogan stated it looks about as straight forward a sign as you can get.

Board Member McNulty stated no light right.

Chairman Rogan stated nope, okay, SEQRA and a motion for this.

Board Member McNulty stated I make a motion to, where is my little sheet here.

Chairman Rogan stated there you go.

Board Member McNulty stated move that the...

Board Member Taylor stated one question; the blue is the Hamlet approved blue, do we know.

Rich Williams stated I don't know.

Board Member Taylor stated do we want to require that.

Rich Williams stated I would make that a condition of his permit. He has been informed...

Board Member Taylor stated okay.

Rich Williams stated you can see there are two pages to the application, for was the original that he came in with, the second was after he came in with the original, we talked to him about needed to meet the requirements of the Hamlet colors...

Board Member Taylor stated yup.

Rich Williams stated so he changed the yellow to white.

Chairman Rogan stated oh, got it, background color, instead of yellow is white.

Board Member Taylor stated okay, alright so that's it.

Board Member McNulty stated he's got blue and black.

Board Member Taylor stated sorry I interrupted Tom.

Board Member McNulty stated no problem.

Rich Williams stated we just to make sure the Dark blue, do you have the colors...

Board Member McNulty stated I make a motion in the name of Roaming Computer sign application to determine a negative declaration of SEQRA.

Chairman Rogan stated second.

Board Member Montesano seconded the motion.

Chairman Rogan asked for all in favor. Motion carried by a vote of 5 to 0.

Board Member McNulty stated and I make a motion in Roaming Computer to approve the sign application as submitted with the white background and to note that the blue should be the Hamlet specification with blue, darker blue.

Board Member Brady stated I'll second that.

Chairman Rogan asked for all in favor. Motion carried by a vote of 5 to 0.

5) EAST PUTNAM DEVELOPMENT CORP. – Concept Site Plan

Chairman Rogan stated fine job, alright, we have a concept for Eastern Putnam Development Corporation...

Board Member McNulty stated I'm going to recuse myself from the Board on this application.

Board Member Montesano stated good, we can talk about him again.

Chairman Rogan stated head down the hall, go get a glass of water.

Ted Kozlowski stated I think I should recuse myself too, I'm good friends with Tommy McNulty.

Chairman Rogan stated go hold his hand.

Board Member Montesano stated who's that.

Ted Kozlowski stated but I will tell you that I did look at the site, there are no wetlands on the site but...

Chairman Rogan stated I didn't even hear you, you just recused yourself.

Ted Kozlowski stated no but I'm just saying, I shouldn't be...

Chairman Rogan stated fair enough.

Board Member Montesano stated well actually, what do we do now.

Chairman Rogan stated what do you mean, what do we do now.

Ted Kozlowski stated call in the deputy ECI.

Rich Williams stated there's no wetlands on the site, who cares.

Chairman Rogan stated we're going to look at the plan, it doesn't matter.

Ted Kozlowski stated you've got to go to the deputy ECI.

Board Member Taylor stated I think he's going to be restoring that stonewall.

Chairman Rogan stated what do we got here.

Board Member Brady stated there is probably some creature living in that wall.

Inaudible – too many speaking at one time.

Chairman Rogan stated you've got to read it in the Sunday paper like everybody else. Alright, so this is a vacant parcel.

Rich Williams stated the part closest to the road is existing...

Chairman Rogan stated to be demolished.

Rich Williams stated he's going to add onto that.

Chairman Rogan stated one story office/retail/personal services, Harry Nichols.

Board Member Montesano stated gee, I like this picture better.

Chairman Rogan stated okay, proposed office and retail, personal services. Rich, give us a sampling again of the personal services.

Rich Williams stated personal services are those types of service for sale that would, I don't know how to say this, service the community such as barbershops...

Chairman Rogan stated accounting.

Rich Williams stated accounting, accounting would be considered more professional office...

Chairman Rogan stated oh okay.

Rich Williams stated oh god...

Board Member Taylor stated nail salons, tattoo parlors...

Rich Williams stated thank you Ron.

Chairman Rogan stated all right.

Rich Williams stated you're hired.

Board Member Taylor stated beauty shops, yeah.

Board Member Montesano stated gun stores, violence.

Rich Williams stated I know it when I see it.

Chairman Rogan stated two phases for this one.

Board Member Taylor stated okay.

Chairman Rogan stated okay.

Board Member Taylor stated yup.

Chairman Rogan stated Pine Island Plaza, I like it. That's abandoned right now, it's a dilapidated structure.

Board Member Montesano stated we'll use it at the end of next month.

Board Member Taylor stated it much not be too bad if he's going to keep it.

Chairman Rogan stated yeah but did you see what they were able to renovate down on [Route] 164.

Board Member Brady stated oh man.

Board Member Taylor stated oh I know what you're talking about.

Chairman Rogan stated so in fairness.

Board Member Brady stated and it's starting to look nice.

Rich Williams stated now, if it only conforms to zoning.

Board Member Taylor stated that's minor problem.

Board Member Brady stated my understanding is that's a problem by itself, in that spot.

Chairman Rogan stated so...

Rich Williams stated but it didn't need to make it worse.

Board Member Montesano stated they had a built in trampoline.

Rich Williams stated we didn't find that out until after the building permit was issued.

Chairman Rogan stated where is this.

The Secretary stated right across from Nolletti's.

Chairman Rogan stated oh, oh, oh.

The Secretary stated right next to Olsen's...

Chairman Rogan stated so I'm looking at the spot shop up there, that's that road that goes up to DEW and Macal.

The Secretary stated yes, yes and then...

Rich Williams stated the wonderful Building Inspector issued a building permit and never looked at the survey.

The Secretary stated that's Olsen...

Chairman Rogan stated the printing place, yup.

The Secretary stated yup and the other side is Buzzy, he's right in between...

Rich Williams stated close to the property line and not even on the property, so I took a look at it...

The Secretary stated the piece that Buzzy is around, backs up to and around it...

Chairman Rogan stated okay.

Rich Williams stated this looks wrong, where's the survey, he didn't give it to me.

Board Member Montesano stated and you can put a tree stand right here.

Rich Williams stated they're coming in for variances now.

Chairman Rogan stated alright, so...

Rich Williams stated and it's a shame because they've done so much work.

Board Member Montesano stated you didn't hear that.

Chairman Rogan stated I was listening, I just...

Board Member Montesano stated avoided it.

Board Member Brady stated the one in the back I know...

Chairman Rogan stated Rich, you've had a chance to just look through this.

Rich Williams stated I have had a chance to peruse it briefly, it was conforming to zoning except for the front yard setback which is pre-existing conforming...

Chairman Rogan stated okay.

Rich Williams stated as well as the lot area which is pre-existing non-conforming.

Chairman Rogan stated he look at that, they added a loading area, we don't seem to get those too often.

Rich Williams stated yeah, they did.

Board Member Brady stated no, I think he listened to our last walk through out there on [Route] 22, we were talking about that loading area (*inaudible*)...

The Secretary stated Rimaldi.

Rich Williams stated for the most part it's pretty straight forward, it's a small site, it's a small building going on the site, usable in size and the layout looks fairly straight forward.

Chairman Rogan stated yeah, can we get a notice to Harry to stake it out as normal, so we can site walk it.

Rich Williams stated sure can.

Chairman Rogan stated awesome.

Rich Williams stated now, before we do that...

Chairman Rogan stated yeah.

Rich Williams stated can we get an application.

Chairman Rogan stated sure, this is scoping, you're right, well as part of that, I keep always thinking we're moving forward on everything.

Rich Williams stated at this point, I have no money to pay you guys, so unless you want to go out for free.

Chairman Rogan stated oh I definitely would do that, my (*inaudible*) to the Town.

Board Member Montesano stated they'll have to get breakfast.

Chairman Rogan stated yeah, that sounds great.

Board Member Montesano stated we'll go to Tavern on the Green and we'll have breakfast, of course.

Chairman Rogan stated everybody good with me to get our members back in here.

Rich Williams stated do you have to.

Board Member Montesano stated what do you want a pet for.

The Secretary stated I just love puppies, I would love for him to get a dog.

Board Member Montesano stated look at how funny this guy is.

Rich Williams stated you would love for me to get a dog.

Board Member Brady stated I want to get a dog just to get rid of my cats.

Board Member Montesano stated I got a great idea, I know a lady trying to get rid of a monkey.

Rich Williams stated you're going to miss me while I've gone.

Board Member Brady stated get rid of a what.

6) OTHER BUSINESS

a. Administrative Permits

Chairman Rogan stated okay, administrative permits Rich.

Rich Williams stated administrative permits, I just put that on the agenda to let you all know that I've been asked by the Town Board to take a look at our process and look at the permits and approvals, the Planning and/or other Boards may be issuing to see if there is any way that we can convert them from discretionary permits to administrative permits, so that they, we can streamline the process and try to cut the cost because...

Chairman Rogan stated yeah.

Rich Williams stated this is all stemming from the budget that the Town Board is wrestling with now which is very, very difficult. As I recall they said, you know, just with the increases in health insurance and with employee contributions for retirement, they were at 5% on the budget they can't go over 2% on.

Chairman Rogan stated can you give us an example...

Board Member McNulty stated just for the record, I'm back on the Board.

Chairman Rogan stated oh thank you, sorry about that.

Rich Williams stated yeah, sure I can give you an example...

Chairman Rogan stated an example of an administrative permit.

Rich Williams stated fill permits.

Chairman Rogan stated yeah.

Rich Williams stated but, fill permits under a certain volume and meeting certain criteria.

Chairman Rogan stated right, excluding certain impacts and things.

Rich Williams stated not fill permits like Mr. Levine has asked for.

Chairman Rogan stated fair enough.

b. Kent Supply Site Plan

Chairman Rogan stated okay and Kent Supply, that's an open one, huh.

The Secretary stated it's been open for a long time, we just need some direction from you guys as to, do you want to have the Building Department issue violations to get him back in here, to finish up the site plan.

Chairman Rogan stated in fairness, there's a whole pile of things that would fit the, I mean we had from Charlie when he left...

Board Member McNulty stated that leads it, I had some comments for Other Business tonight...

Chairman Rogan stated yeah.

Board Member McNulty stated I pulled out, I finally got to Charlie's pack that Shawn passed down to me, that I asked for and I only, Kent Supply wasn't, Kent Supply, there was no information about it in there. There was Eurostyle Marble, there was Justin's and Centrum Properties and Boniello and I didn't see any information about Kent Supply and I think that's before I was on the Board because I don't remember anything about it.

Chairman Rogan stated yeah, it is.

Rich Williams stated Kent Supply is a commercial site down in Robin Hill Corporate Park...

Board Member McNulty stated I know where it is, yup.

Rich Williams stated and we wrestled with him a little bit, finally got him a conditional site plan approval, he didn't want to post a bond, he wanted to do the improvements, started doing the improvements, never finished the improvements he was supposed to and we have the site plan to be signed, if he ever finishes, up in the box still, right below Anthony Boniello's site plan.

The Secretary stated it's right above.

Rich Williams stated oh I'm sorry, right above Anthony Boniello's site plan.

Board Member McNulty stated was there a time frame on the conditional site plan.

Rich Williams stated there are always time frames.

Chairman Rogan stated yeah.

The Secretary stated and he's way beyond that.

Ted Kozlowski stated is he moved in there or is...

The Secretary stated he's been there, yeah.

Chairman Rogan stated oh yeah, there in there.

Board Member Montesano stated they've been in there for years.

Board Member Brady stated there've been there a couple years.

Chairman Rogan stated they were in there when they came to us for site plan.

The Secretary stated I want to say 2008 maybe, he's been in there since.

Board Member McNulty stated four years.

Chairman Rogan stated that's about right.

Rich Williams stated with a C.O.

Chairman Rogan stated doesn't this get back, wasn't there somewhere where we were looking for direction from the Town Board and it came down to budget because we were talking about lawyer's fees etcetera that would result from going after them, in essence, and they were saying maybe we can do one or two at a time, pick you, you know, pick your worst ones and let's punch them off the list, so maybe...

Rich Williams stated the reality is...

Chairman Rogan stated yeah.

Rich Williams stated if he's not in compliance and you feel that enough time has passed and you want to try to get him into compliance, the solution is to direct the Building Inspector...

Chairman Rogan stated yeah.

Rich Williams stated or you can't direct him but you can request the Building Inspector to issue a violation, take him to court.

Chairman Rogan stated well the good thing is we have good support from a good number of our cases and really even if it's just to get him to say hey, we're giving you 30 days, get in to see the Planning Board or

get your stuff done or come up with a reason why you're not or something, I think that's the process and I would support that.

Board Member McNulty stated so you're talking about a notice of violation to give to Kent Supply.

Rich Williams stated yeah but honestly before you know, I started something like that with Kent Supply, I would send them a letter...

Chairman Rogan stated yeah.

Board Member McNulty stated sure.

Rich Williams stated under the Chairman's signature, saying you know this is the status of your project that was approved so long, we've not heard from you, we would like you to follow up and you know, address and outstanding issues and finish the process, you know, prior to us you know referring it over to the Building Inspector for further...

Board Member Brady stated can't we do that for all of the outstanding ones and just send letters out as a batch...

Chairman Rogan stated yup, we have to, I think in fairness.

Board Member Brady stated and then pick where you want to go.

Rich Williams stated that's fine but I think we should talk about every one of them before you do that because they're not all the same.

Chairman Rogan stated right.

Board Member Brady stated right.

Board Member McNulty stated Eurostyle, Centrum still has violations on it too, correct.

Rich Williams stated he's trying to sell the property, he's probably still got equipment all over the place.

Board Member McNulty stated how about the pipe, has that been completed.

Ted Kozlowski stated the last time I talked to him, he sold a few piece of equipment, he's trying to sell the equipment.

Board Member Brady stated where is all the equipment.

Chairman Rogan stated right on, next to Nolletti's on [Route] 22.

Board Member Brady stated oh okay.

Ted Kozlowski stated he's trying to sell the equipment, he's trying...

Rich Williams stated he wants out of here, every time I see he says I'm getting out of Town, don't talk to me, I'm getting out of Town.

Chairman Rogan stated so that might be self-resolving.

Board Member McNulty stated refresh my memory though, we did not finalize the wetlands permit or approve it based on conditional...

Chairman Rogan stated no, we did.

Ted Kozlowski stated we did.

Board Member McNulty stated but there were outstanding violations, weren't there.

Rich Williams stated there were.

Chairman Rogan stated we separated the two and one was because it was, it was a remediation.

Ted Kozlowski stated remediation.

Chairman Rogan stated yeah, so it was a little different than an approval to build a garage or something but yeah, I mean I think, so why don't we...

Board Member McNulty stated I had Justin's, Eurostyle, Centrum and now add Kent Supply to this list.

Chairman Rogan stated and Justin's doesn't even have a site plan, correct, for what their doing.

Board Member McNulty stated well there, he's got a number of notice of violations.

Rich Williams stated Justin's is probably the most difficult one for the Town to wrestle with.

Chairman Rogan stated and for Justin because he's not given authorization by the owner, correct.

Rich Williams stated correct.

Chairman Rogan stated so he's kind of like...

Board Member McNulty stated but the notices of violation were given to the property owner, were they not.

Rich Williams stated they were, the original violation for Justin was initially taken over to our court, Judge King didn't feel he should hear it so he sent it down to Southeast. Town Board hired special counsel and sent Paul Piazza with special counsel to Southeast, that didn't work out so well because, I don't know how to put this tactfully, they were idiots.

Chairman Rogan stated that's pretty tactful.

Rich Williams stated they didn't do what they were going do, they made representations to the Judge and the Judge clearly saw that situation was confusing and then Paul left and then Dave Raines took over. Dave Raines was not about to you know, try to fix Paul's problems, so the whole thing got dismissed without prejudice and we were allowed to re-file and it's never been re-filed. The problem is and again this is...

Board Member McNulty stated but since there, weren't there additional notices of violation given after that court dismissal, okay.

Rich Williams stated not that I'm aware of. And the issue for those of you who are not aware, what this is, is he had a gas station which was permitted in the NS-1 Zoning District, for whatever reason the Town in their zoning did not permit public garages, except as an accessory use of the gas station. The Wunner's, the property owners, went in and pulled out the tanks, the gas tanks, essentially converting a gas station which was permitted to a garage which was not permitted and then they moved somebody else without...

Board Member Taylor stated telling them.

Rich Williams stated getting site plan approval and that went on for a number of years, us trying, that's when the violations were issued, that person left and the place sat vacant for more than a year, again, losing its pre-existing, non-conforming status and then Justin's was moved in on to the site, with the understanding that he would come in and get site plan approval and he actually hired an engineer, DC Engineering out of Pawling to make the application and started doing the work on it, at which time the property owner said, no I'm not complying, you know I've already been to court, the Town can't touch me, I'm not complying.

Chairman Rogan stated and they have won because we haven't done anything in three years, so...

Rich Williams stated yeah.

Board Member McNulty stated is the Town in a position now to pursue any of these violations if we...

Rich Williams stated I'd...

Board Member McNulty stated motioned to do that.

Rich Williams stated I'd have to talk to the Town Board, honestly, the process is, Nick issues a building permit, a violation, takes him to court, we have somebody we already pay to be sitting over there in court, so I don't think there would be any issue with the Town budget wise...

Board Member McNulty stated okay.

Chairman Rogan stated okay.

Board Member Taylor stated well then, I was going to ask if we could prioritize these but if that's the case, then why don't we just do them all and they will prioritize themselves, in the process to a certain extent.

Chairman Rogan stated the last time I heard and it's been several months was through via mail was that Boniello was a matter of some payments, I know there are issues out there but it was also the payments that we were concerned with and there were some payments or a payment, at least that I know of.

Rich Williams stated yeah, the, since Charlie's been on the Town Board, there has been great pressure on Mr. Boniello to make monthly payments and actually they've had Mr. Boniello at this point, sign an agreement, agreeing to make those monthly payments. That was three months ago...

Board Member McNulty stated probably about that, I remember when that...

Rich Williams stated and he's made two payments...

The Secretary stated two or three.

Rich Williams stated that payments are due the 15th of the month and he's now delinquent again.

Board Member Taylor stated at least we got two out of him.

Rich Williams stated I know Charlie is you know, focused and less than thrilled with Anthony.

Board Member McNulty stated also, I believe Getty was on that list at one time but didn't we approve their plan or they never finalized it.

Rich Williams stated yeah, Getty we finally cleaned up.

Chairman Rogan stated yeah.

Board Member McNulty stated yeah, and they've met all the conditions of the site plan.

The Secretary stated they've been done.

Board Member McNulty stated I mean physically on site, I haven't noticed.

Rich Williams stated yeah, everything is cleaned up, everything is where it's supposed to be.

Chairman Rogan stated okay.

Board Member McNulty stated okay, I, I'll get together, I'll work on a list, try and maybe we can get this all together so we can go after it.

Chairman Rogan stated that'd be great.

Rich Williams stated okay.

Chairman Rogan stated Ted.

Board Member Montesano stated going after them.

Ted Kozlowski stated Rich, before I brief them on Danial, has anything new come up since I last talked to you.

Rich Williams stated on Danial.

Ted Kozlowski stated yeah.

Rich Williams stated no.

Ted Kozlowski stated I went to court on Tuesday for Imed Danial, I met with his attorney and Laura Roberts, is she the Town, what is her official title, Town Attorney Assistant...

Rich Williams stated she represents the Town over in court, she prosecutes all cases in court.

Board Member McNulty stated this is the property in Putnam Lake.

Ted Kozlowski stated this is the Putnam Lake...

Board Member Brady stated the spill.

Ted Kozlowski stated the spill, I met with the, Nick, the Building Inspector was there too and we met before we went before the judge and Laura wanted to see if we could iron out things and I think we did, you never know, the bottom line is this, Mr. Danial is going to come before you guys for a wetlands permit for the fence and the shed, I assured him that you would not be biased and that you give it a fair shake, which I don't even need to say but he needed to hear that, he said. I'm not going to issue a violation for the pool because the pool was taken down. The permit fee is triple because of what's going on, so he'll be paying a \$300.00, that's what Nick said, so I didn't argue.

Rich Williams stated double.

Ted Kozlowski stated well they agreed to \$300.00.

Rich Williams stated I was wondering how you got there.

Ted Kozlowski stated that wasn't my math. Mr. Danial, well the attorney for Mr. Danial because I didn't speak directly with Mr. Danial at that conference, the attorney for Mr. Danial agreed that he would talk to Mr. Danial and recover the \$7,000.00, well the number we came down to was \$7,000, I wanted \$10,000 but the number is \$7,000 to reimburse the Town, not as a fine but as a reimbursement for services rendered in the cleanup, so and the last one which I have to say I am very disappointed in, no reflection upon Shawn at all but I am very disappointed in the Putnam County Health Department, there was a, there is a grey water waste pipe that Mr. Danial installed in his house, that exited out under the property, directly into the wetland, I saw it that night I had an ENCONN office witness, the next day I met with Mr. Rob Morris from the County Health Department, that Saturday, I showed him exactly where it was, he agreed, he said he would investigate it and from that point on he disappeared, did not return my phone calls, I spoke to him once, he told me his inspectors were out there and there was no pipe and I, yes that was my reaction, I informed him again where the pipe was, I reminded him where we both witnessed the pipe, apparently Mr. Danial covered the pipe with some soil, inspectors said that there was no pipe coming out of the house, I went back there, the pipe is still coming out of the house, it is easily seen, I kept calling Mr. Morris, I talked to Rich Williams about it, I've recorded it in my journal, I must have called him 15 or 20 times and if you guys know me, I don't give up when something like that happens, I just keep going at it. Finally, I spoke to a very angry Mr. Morris, who told me there was no pipe there and then when I told him there was a pipe there, he then told me that they have to witness the pipe discharging in order to issue a violation and at that point I just fed up with it and said thank you, that was it. Just an aside to this, I met with Mr. Danial, Tuesday night after the hearing, I met with him in the parking lot with his attorney and Nick, Mr. Danial admitted the pipe is still there, told me what he was doing and I'm not issuing a violation unless he doesn't have it removed or stop it by October 1st, he agreed to give me his phone number and I have full access to property when I want, as long as I call him. So, I am going to stay on top of that, I assure you, until I am satisfied that the pipe is no longer in service and that I have access to the wetland to make sure that that is not his dumping ground and I put it in those words to him. Mr. Danial does have a water problem in his basement and he asked for assistance on suggestions on what he can do, I told him I would come out there and meet with him and look at and send him in the right direction because after all this is for the benefit of

the neighbors and Putnam Lake. So that's where we are and I asked Shawn for assistance and he tried to help out in that matter and I am just, between the DEC and this now with the Health Department, nobody seems to want to be the bad guy or whatever it is you want to call it.

Board Member Taylor stated what is the DEC doing.

Ted Kozlowski stated the DEC, I don't know exactly because I have no spoken, I've spoken to a Vince McCabe, who is in charge of the cleanup, Vince assured me, now this was another point that I had, a problem with DEC and the cleanup, they were on there cleaning and getting the oil of the water but there were piles of debris that Mr. Danial put there in the wetland that was saturated with oil and it wasn't take out, so it was a constant source of oil going into the wetland and you know, that's not going to go away, that's going to stay like that for years. I spoke to Lisa from Tri-State Environmental, who was hired by DEC for the cleanup, she told me that they were going to go in there and McCabe told me that they were going to go in there and clean it up, now I haven't verified that yet but I will stay on top of that as well because I know some other people in DEC that are going to be making sure that that happens. After the, after all that explosion of activity, it just seemed like a lot of people just let things go and that's always the case these days where it just makes headlines and then everybody kind of disappears.

Board Member McNulty stated there's another case to move on to, put on the fire.

Ted Kozlowski stated so that's where we are, I think, I heard and correct me Rich because you heard some stuff too that DEC is not going to press criminal charges but they are going to go after him for cleanup costs, those cleanup costs will be significant, that wasn't cheap.

Chairman Rogan stated it never is. Alright, so we should expect some application for wetland application for the next...

Ted Kozlowski stated two applications.

Chairman Rogan stated next month.

Ted Kozlowski stated two things on one application.

Chairman Rogan stated okay.

Ted Kozlowski stated okay, now he was supposed to come in the next day, do you know if he came in to get the applications.

Rich Williams stated applications for what.

Ted Kozlowski stated wetland applications, I hope he gave me the right phone number.

Rich Williams stated download it from the site, it's all online.

Board Member McNulty stated Domino's Pizza.

The Secretary stated make sure all the digits are there Ted.

Chairman Rogan stated we have...

7) **MINUTES**

Board Member Brady stated the 22nd, wasn't it the 23rd...

The Secretary stated sure.

Board Member Brady stated because I wasn't here, that's the only reason I know.

The Secretary stated yes, it was the 23rd, no, it was not, it should have been the 30th...

Chairman Rogan stated yeah, right the 22nd seems too soon.

The Secretary stated did you look at...

Rich Williams stated for the record I didn't put the minutes on the agenda.

The Secretary stated oh I had the Zoning Board minutes on my desk too.

Chairman Rogan stated August 30th, you weren't here then either.

Rich Williams stated Chairman Olenius too.

The Secretary stated stop it.

Rich Williams stated who is that.

The Secretary stated I don't know.

Board Member McNulty stated I don't hear anybody.

Chairman Rogan stated I don't either.

Board Member Taylor stated somebody walking around.

Rich Williams stated I saw him.

Chairman Rogan stated wow.

Ted Kozlowski stated hi, can help you.

Unknown Speaker stated yeah, where's the meeting for the park district.

Ted Kozlowski stated the park district.

Chairman Rogan stated wrong...

Board Member McNulty stated park district.

The Secretary stated it was last night.

Ted Kozlowski stated it was last night.

Rich Williams stated no, it wasn't even last night...

Ted Kozlowski stated hold on, hold on.

Rich Williams stated it was a week ago, it was the ZBA meeting night.

The Secretary stated the public hearing was last night.

Rich Williams stated oh for the Putnam Lake park district.

Unknown Speaker stated yeah.

Rich Williams stated yeah, that was last night.

Unknown Speaker stated all right thanks, you know if there's going to be another one.

Rich Williams stated there is not going to be another one.

Unknown Speaker stated okay, thank you.

Chairman Rogan stated okay, minutes of July 22nd, August 2nd and August 30th.

The Secretary stated the 30th.

Chairman Rogan stated with the exception of...

Board Member Brady stated I'm just going to abstain from the 30th.

Chairman Rogan stated okay.

Board Member McNulty stated I haven't looked them over from the 30th either.

Chairman Rogan stated okay, so how about we do July 22nd and August 2nd, I'll move that we approve those minutes, can I have a second.

Board Member Brady seconded the motion.

Chairman Rogan asked for all in favor. Motion carried by a vote of 5 to 0.

Chairman Rogan stated and we'll wait on the 30th until next time. Okay, also, considering what we did tonight and what we don't have to act on at this point, I make a motion that we cancel the meeting that would have normally been schedule for next Thursday.

Board Member Taylor seconded the motion.

Chairman Rogan asked for all in favor. Motion carried by a vote of 5 to 0.

Chairman Rogan stated because there's nothing else, we ran through everything tonight and especially in this economy and just to not have a meeting for the sake of meeting, even though I like all you gentlemen and especially lady, anything from anyone else, for the record.

Rich Williams stated just one last thing, just to inform you all, we have been sued again for not providing the Costco site plan gas station, which doesn't exist.

Board Member Taylor stated the notes I sent in on Commerce Drive, should we send them on the engineer...

Rich Williams stated our engineer.

Board Member Taylor stated no, no, no.

Rich Williams stated their engineer.

Board Member Taylor stated their engineer or how do you feel about that.

Board Member McNulty stated I've had a chance to review them, I think it's, what Ron did was great, put together some direction for maybe the property owners out there at Commerce Drive to look at and give it to their engineers for food for thought.

Board Member Montesano stated if we're going to send them out, we have to make a motion where they are legitimately from all of us, accepting it to be sent out.

Chairman Rogan stated nothing in there is construed to be a...

Board Member Montesano stated a final...

Chairman Rogan stated de factor approval of any kind...

Board Member Montesano stated right.

Chairman Rogan stated you know we're agreeing that it still has to be on paper and it still has to go through process as normal, so I'll, you know, I certainly support that.

Board Member Brady stated it's just...

Board Member Montesano stated it's guidance thing.

Chairman Rogan stated just like a copy of our discussions of, you know, I think it's great, alright so...

Board Member McNulty stated can they be incorporated into the minutes and then forwarded as minutes.

Rich Williams stated no, it's probably easier for me to take them and put them in a memo.

Chairman Rogan stated sure, why don't we do that.

Rich Williams stated and send them on as a recommendation from the Planning Board for the overall concept...

Chairman Rogan stated okay.

Rich Williams stated of Commerce Drive.

Chairman Rogan stated let's do that then, this way...

Board Member Taylor stated and you can add something about where they should look for buffers or, if they need that, I don't know if they'll need it.

Rich Williams stated you're not going to replace buffers, you're going to replace their functions but you're not going to replace buffers because of the purpose that they serve.

Board Member McNulty stated did we discuss earlier that the ponds could function as part of that, wouldn't reduce the buffer.

Rich Williams stated you're going to replace the functions...

Board Member McNulty stated or does the pond become a wetland and then you still have the buffer, I mean.

Rich Williams stated no, the ponds, in my opinion, the ponds a stormwater function not a wetlands requiring a buffer, you know that being said, if you don't create a buffer around them, you may treat some of the water going in if it's going in by sheet flow.

Board Member McNulty stated but we can reduce that buffer, isn't it within our...

Rich Williams stated yeah.

Board Member McNulty stated okay.

Board Member Montesano stated sir, your opinion, I mean we're going to reduce buffers, can we do that.

Ted Kozlowski stated in general with, when you have a commercial zone or a commercial area that is highly impacted, let's take Boniello's site for instance, okay, you've got pavement and you've got stuff all over the place and that's buffer, okay, there's really no good, there's really not a practical function there okay, so then I would look at that buffer and do things to improve stormwater, to improve things that are going into the main part of the wetland to improve water quality and that's a function of the buffer and that's something I can hang my hat on.

Board Member Taylor stated so we're on the same page then.

Ted Kozlowski stated when you have a big large state wetland that's massive and then you've got all these little pocket wetlands that are being degraded but they're feeding into that wetland, stormwater and improving the functions of those pocket wetlands to the bigger picture which is the bigger, giant wetland, that's a positive thing to do and that's another thing that you can say to anybody, that look, you know, if we leave those wetlands along, they're just going to degrade and they're not going to really improve things, but if you improve their functions and you give up the loss of the buffer which is already lost, I think the net gain is greater.

Chairman Rogan stated okay.

Board Member McNulty stated so there's wiggle room.

Ted Kozlowski stated there's always wiggle room.

Chairman Rogan stated nothing's black and white 100%.

Ted Kozlowski stated there is always room.

Board Member McNulty stated is it a problem.

Chairman Rogan stated anything from you Michelle.

The Secretary stated nope.

Chairman Rogan stated motion to adjourn.

Board Member McNulty seconded the motion.

Board Member Brady stated ah.

Chairman Rogan stated no, go ahead, go ahead.

Board Member Brady stated it's alright, it's alright.

Chairman Rogan asked for all in favor. Motion carried by a vote of 5 to 0.

The meeting adjourned at 7:49 p.m.