

**TOWN OF PATTERSON
PLANNING BOARD MEETING
September 28, 2006 Work Session
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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

**Planning Board
September 28, 2006 Meeting Minutes**

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

Present were: Board Member Mike Montesano, Board Member Dave Pierro, Board Member Rogan, Board Member Maria DiSalvo, Board Member Charles Cook, Alternate Planning Board Member, Rich Williams, Town Planner, and Ted Kozlowski, ECI.

Meeting called to order at 7:32 p.m.

7 Members in the audience

Vice Chairman Montesano took the seat of the Chairman in his absence.

Vice Chairman Montesano led the salute the flag.

Board Member Pierro was not present at this time.

Vice Chairman Montesano stated tonight the Town Board has appointed an Alternate Member of the Planning Board and we would like to introduce Mr. Charles Cook of the Town of Patterson.

Board Member Rogan stated welcome aboard.

1) BURDICK FARMS SUBDIVISION

Vice Chairman Montesano stated the Burdick Farms Subdivision we have a public hearing on that next week.

Rich Williams stated Burdick Farms Subdivision at the last the Planning Board meeting the Planning Board scheduled a public hearing conditioned on mine and Gene's review of the plans. Honestly, I have not had a chance to touch them at this point and I am not sure where Gene is in his review.

Board Member Rogan stated I noticed on the plans the proposed parking spaces for Putnam Land Trust have not been added to the plans, at least on the cover page.

Rich Williams asked are you looking at the subdivision plat.

Board Member Rogan replied yes.

Rich Williams replied that just came in today.

Board Member Rogan stated but the layout is consistent with what we have been looking at. Now, after the public hearing we were talking about if they can acquire the property across the street they can meet their Findings Statement from the previous Planning Board's Finding Statement, what is the next step after the public hearing, next week,

Rich Williams replied the next step after the public hearing the Board has 62 days by statue in which to make a decision on the application unless a waiver is agreed upon between the Board and the Applicant. They still have some other agencies that they are wrestling with and certainly there are going to be some design issues that are going to need clean up there always are but at this point without having reviewed the plans that have been submitted I can't exactly say how far along we are.

Rich Williams stated I do want to let the Board know that the issue of the transfer of property came up before the Town Board last night and the Town Board expressed reservations about accepting the property and they are evaluating their options.

Board Member Rogan asked you have got to be kidding me.

Rich Williams replied I do not jest.

Board Member Rogan asked do you have any idea what their concerns are.

Rich Williams replied the primary concern that was expressed was the potential liability of having the barn there.

Board Member Rogan stated meanwhile our Attorney has been consistently speaking about trying to get that transfer before the plat is even signed so that we are solid in our stance that we have the ability if the Town decides in the future to realign that road.

Rich Williams stated everybody is fully aware that this present offer is available until the end of October. At the end of October it expires.

Board Member Rogan stated I just don't want our Town Board now to be the hold up on this process.

Rich Williams stated perhaps this Board may want to go to the next Town Board meeting or discuss the issue with the Town Board to reach some sort of resolution. I did try to convey as best as I could the impotence upon which this has been moving right along and how important this is and the opportunity that everybody has at this point.

Board Member Rogan stated this is similar to the situation of getting fire protection recommendations in the eleventh hour. This has been on the table, something that we have been working towards for years and now to bring it up as a concern because I mean I understand that the barn had a condemnation,

Rich Williams stated well it really didn't. It had an engineer report that indicated that portions of the barn may have some structural problems that needed to be remedied. The remedy could have been to remove those sections or the remedy might have been to shore those sections up.

Board Member DiSalvo asked can't we get the developer to take the barn down.

Board Member Rogan stated I don't think we can do that at this point.

Vice Chairman Montesano asked have they secured everything they need to acquire it.

Board Member Rogan stated they may have and they may not have but that is still not really relevant to the concerns. It sounds like the concern is the barn and it is a safety issue. If the Town owns the property what happens if someone goes in there and gets hurt so then does the Town decide to take the property but upon taking it demolish the barn to be done with it or do they make sure it is secure. I don't know, I don't know the answer.

Rich Williams stated there are a couple of different options with that barn and certainly until we acquire the property the Town is without the ability to exercise any of those options but there are companies in New England,

Board Member Rogan interjected but they can talk about them.

Rich Williams stated there are companies in New England that will purchase the barn, actually pay for the lumber in it and remove it.

Board Member Rogan stated that is what I was thinking the Town could maybe recoup some of the costs to do the road improvements by the timbers alone.

Rich Williams stated we could talk to the Historical Society and see if there is any interest in their doing anything with the barn. I would hate to see this solution explored but there is always the potential that we could do some fire fighter training out there.

Board Member Rogan stated the timbers alone though are probably what is most valuable. They are all mortise and tenon joinery.

Board Member DiSalvo stated if they are not rotted out.

Board Member Rogan stated they are pretty solid.

Board Member DiSalvo stated mine rotted out.

Rich Williams stated I can tell you I have moved a number of those barns in my lifetime and the outside looks like it is falling down and the barn is leaning.

Vice Chairman Montesano stated I know how about we contact This Old House and have them wreck the barn.

Board Member Rogan stated no Extreme Makeover.

(All laughed).

Board Member Rogan stated back to the actual layout of the plat that we have in front of us, it appears to be consistent with what we have discussed. I know there was some moving around maybe even of septic areas and different things. I feel like we have accomplished with this the most that we have been able to in the last so many years. I don't want to say eight years because I have only been on the Board five years but I think we have made a lot of progress with this design.

An audience member asked am I allowed to ask a question.

Vice Chairman Montesano replied not at this.

Board Member Rogan replied it is not a public hearing I am sorry. It will be next week.

Vice Chairman Montesano asked so basically we are waiting, we have to discuss this really with the Town Board to find out what direction they want to go in.

Board Member Rogan stated the timing of it I can't help but I feel like I have a lump in my throat because the timing of it for them to be questioning this is really poor.

Board Member DiSalvo stated unless they were under assumption that the barn would be taken down by the present owner or the developer.

Board Member Rogan stated we have never given that impression. We have always been very clear to say that if the property is transferred the Town can decide at whatever time they decide to do the improvements to take the barn down. That is been my assumption.

Rich Williams replied right.

Board Member Rogan stated and we have said it on the record. I guess we just need to clarify what the concerns are and how best to proceed with it but that should not get interference with acquiring that property. That is I think the message that we need to give to the Town Board.

Rich Williams stated I think they got a very clear message last night both from myself and Tom D'Orio that there are problems with the intersection. There are existing problems with the intersection that need to be addressed. The most appropriate and really the only way to address it is through a realignment. They have the opportunity to get the land for nothing to do the realignment or they can chose not to exercise that option and twenty-five years from now they will be purchasing the land.

Board Member Rogan stated not only that, what happens to Mr. Condito with this project. Here is the thing, if he has the ability to offer the land but the Town decides not to take it he has met his Findings Statement. He has made that land available.

Vice Chairman Montesano stated we have had people jumping through hoops and now we are back,

Board Member Rogan stated I think we need to at least make an attempt to be at the next Town Board meeting to maybe address this if we have to.

Board Member DiSalvo asked when is the next Town Board meeting.

Board Member Rogan replied the 4th.

Rich Williams stated October 4th I think is a budget meeting.

Board Member Rogan stated so it would be the week after that.

Board Member DiSalvo stated and it expires at the end of October.

Vice Chairman Montesano stated so he hangs in there and then we end up with nothing.

Board Member Rogan stated that would be a heck of a thing.

Board Member Pierro arrived at this time and apologized for his tardiness. It was 7:43 p.m.

Board Member Rogan stated just for your edification what we have been talking about for the last ten minutes, the Town Board has brought some concerns to light with the idea of accepting the barn property on Burdick Farms because of potential liability for someone getting hurt in there. Rich jump in anytime but it sounds like in a nutshell that is it. I think we need to reaffirm with the Town Board that we have gone through this process for a reason and that we need to do whatever we can to accept that property so we can do the road improvements that are required there.

Board Member Pierro asked is there anyway we can facilitate a faster process in taking down the barn before the Town takes title to it.

Rich Williams replied I don't know. You have got essentially two options; one, the existing property owner, Mr. Mancini takes the barn down at his cost or Vinny Conditto takes the barn down at his cost.

Board Member Rogan stated the thing that you are losing in that is you are losing the Town's ability to just what you said, at least find out if they could salvage something that would offset, defray some of the costs and I think to the taxpayers, myself included that would be a good option.

Board Member Pierro stated it has been my experience in taking down a barn of this size, near my property in the Catskills that we tried for a year to donate a barn that is in far better shape than this, the same year built. We tried for a long time to donate it and we did not get any takers. We went as far as advertising it in the New York Times.

Rich Williams asked do you know the story about the washing machine. A guy put a washing machine out in front of his house, two weeks, three weeks it just sat there. He put a sign on it that said ten dollars and it was gone the next day.

Board Member Rogan stated the best way to get rid of stuff is put a for sale sign on it and somebody will steal it. That is true.

Board Member Pierro stated it is interesting. Have you communicated this concern to Mr. Conditto as of yet.

Rich Williams replied I have not.

Board Member Pierro stated because I am sure we are going to hear that wasn't part of the bargain.

Board Member Rogan stated we were just saying with Rich that if he makes the property available but the Town Board decides that it is a liability that we don't want it he has met his Findings. He has done what he needs to do so he could care less probably. Here it is for the taking, if you guys are somewhat hesitant or foolish enough not to accept it then so be it. I think we just need to communicate to the Town Board that if it is purely a liability of public safety then okay demolish it upon taking it. Do it within a week I mean what is the risk, I mean no one has gotten hurt in the last ten years what is a one week or two weeks for them to go in with a bulldozer.

Board Member Pierro stated I don't even think it will take that long because we are talking about a hollow building. I am sure we have enough twenty yards containers down at the Recycling Center.

Rich Williams stated yes but I think there is a cost associated with removing the building and I don't think that it was ever, Board Member DiSalvo interjected that silo is going to be expensive to take down. Rich stated it was ever the intent that we were going to take the property and the Town was immediately going to go in and remove the barn.

Board Member Rogan stated no absolutely.

Rich Williams stated it was always the intent that we were going to explore some options, see what we could come up with, certainly the barn has to be boarded up so that it is not an attractive nuisance but certainly we were going to go looking for say, ice tea money to maybe start those road improvements and take the barn down at the same time if there were no other options available.

Vice Chairman Montesano stated the problem we are running into right now is next week; I would assume Mr. Conditto is going to be ready to be done.

Board Member Rogan stated no it is just a public hearing. It won't hurt us for next week it is just something that could hurt us at the end of October.

Vice Chairman Montesano stated in the next month we have to get something straightened out, some kind of solution. If they want to converse with us. I don't know how the heck they want to do this so I would appreciate if you can figure it out. Why don't you communicate with them and if they want to sit down and discuss it with all of us, some of us, whatever the case may be.

2) PADDOCK VIEW ESTATES

Rich Williams stated Paddock View is also on for a public hearing. The Board scheduled it at the last meeting subject to mine and Gene reviewing the new submission and making sure that they were complete, up to snuff. I have not heard from Gene at this point but I have gone through it and they have addressed most of the issues that they needed to address, not all of them but most and I think at this point the plan is substantially complete and ready for the public hearing.

3) BEAR HILL SUBDIVISION – DeBaerstrand Letter

Rich Williams stated this is on at the request of one of the adjoining property owners and their attorney. There is a boundary dispute at this point between the property that is being proposed for the subdivision and one of the adjoining property owners and they would like to discuss the issue with the Board.

Board Member Rogan stated so they are bringing something to our attention, we can get information; we can take a look at it.

(Unable to hear Board Member DiSalvo)

Rich Williams stated this goes back to what I did looking at the survey, looking at our existing records, looking at the adjoining property owners, their surveys and it did not line up.

Board Member Pierro asked have you, I know you spoke with Ms. Bauman; you are on a good plain with her at moment.

Rich Williams replied sure, yes.

Board Member Pierro stated that is sort of mediated that problem that she had, correct.

Rich Williams replied it has not been resolved at this point. We are kind of being distracted right now from Evelyn DeBaerstrand and the property dispute. Once that is done then we need to start talking with Mrs. Bauman about perhaps a property transfer so that we can shift this driveway. The Applicant is aware of it, he has been taking a look at it or he has was directed to take a look at it.

4) GUIDING EYES FOR THE BLIND – Sign Application

Vice Chairman Montesano asked Guiding Eyes, a sign.

Rich Williams replied a sign.

The Board reviewed the sign application for a few minutes.

Vice Chairman Montesano asked do they have a sign up there right now.

Rich Williams replied they have a very, small sign right out in front. It is not a very big one. They are looking to install a slightly larger sign for the people visiting the site. The little sign that they have which is about one by one,

Board Member Pierro stated it is actually dangerous because people stop short there to read the sign because they can't see it.

Vice Chairman Montesano stated what I am wondering is since you are in a residential area, what is the opinion; we are not having a public hearing on the sign.

Rich Williams stated no we are not having a public hearing on the sign.

Vice Chairman Montesano stated no I am saying we are having a public hearing on the sign. I am just wondering what we are going to, how the people are going to feel suddenly that we are going to have a larger sign there.

Board Member Pierro asked what size are they proposing, five by four, twenty square feet.

Rich Williams replied yes five by four, twenty square feet which is the maximum allowed by Code.

Board Member Rogan stated with a hanger that they can advertise the day that they have a graduation ceremony.

Board Member Pierro stated I think that will be fine.

(Several conversations going on at the same time unable to transcribe).

Board Member Rogan asked Rich I thought I just heard you say it would be illuminated from the ground.

Rich Williams replied I did not say that but yes, it will be illuminated by incandescent light.

Board Member Rogan stated did I imagine that.

Board Member Rogan asked you didn't just say that.

Rich Williams replied I don't believe I said that.

Board Member Rogan asked did anybody just hear him say that.

Board Member DiSalvo stated maybe you were reading the memo with that in it.

Rich Williams stated one of the issues though you may want to take a look at is they have indicated that they are going to illuminate it from the ground. They don't indicate that the lights are going to be shielded as we require nor are they going to be planted in some sort of landscape screening so that you won't be able to see the lights.

Board Member Rogan stated I think both of those would be appropriate though shielded and plantings especially on that stretch of road and given the fact that the bottom of that sign could use a little bit of landscaping so that is not a big issue. The swinger sign, graduation for ten a.m. is designed obviously to put out on the day of when they have a puppy graduation.

Vice Chairman Montesano asked that is another question, is the sign going to be up on that particular day or is it going to be up for two days, three days, the week before, etc.

Board Member Rogan stated if it said graduation ten a.m. and it was up for three days it would be a bad sign. It would have to say the day of or on Tuesday.

Vice Chairman Montesano stated I don't recall ever mentioning that they would ever put up a sign because of the location.

Board Member DiSalvo asked did you take into consideration the swinging sign into the square footage.

Vice Chairman Montesano stated I am sure the people across the street will enjoy that.

Rich Williams replied I went by what he had on the application.

Board Member Rogan stated it looks like Rich, the location that they are showing; it will be far enough into the property that it should not cause a sight line problem. That would be a concern because that is a fast road and a sharp kind of corner. That is right directly across the street from Plunkett, the proposed entrance to Plunkett.

Vice Chairman Montesano stated if you look at it, you are coming out this way, now I don't know how much space is between here and here but that is that little dip right here. You are going to get it blocked if you are standing here and by the time you creep out you could be, I don't know.

Board Member Rogan stated you could and you also have about four foot, five foot apron on the road there it looks like.

Vice Chairman Montesano stated those are questions that we could ask them when they come in. That is the only thing that I am worried about is that little dip right behind the sign but we can find out about that when they walk in.

5) PLUNKETT LOT LINE ADJUSTMENT

Board Member Rogan asked this is a new application.

Rich Williams replied yes.

The Secretary stated this is a lot line.

Rich Williams stated Mr. Plunkett decided to abandon his subdivision concept and instead is doing a lot line adjustment with the property owner to the south and one of the adjacent property owners who the property surrounds giving them a small portion as well. So, we don't have to worry about the subdivision anymore. A couple of minor issues with the lot line adjustment plat that I have identified.

Board Member Rogan stated you are saying we don't have to worry about a subdivision at least now but the existing Lot #2 whoever ends up owning Lot #2 could at some point in the future come in for a subdivision because the area is still there.

Rich Williams stated well they are going to merge it in. We are going to merge it in with their property and they still (unable to hear plans rattling in the microphone blocking out Rich).

Board Member Rogan stated so a portion of the property is going to the house that says Lowe and that was a good section of the land where the proposed driveway was going up the hill right there. It is valuable for those people to not have a house going up right there so that makes sense.

6) GREENLANDS LLC SITE PLAN

Board Member Pierro asked is that Palazo, Greenlands LLC.

Board Member Rogan replied Greenlands is the 164 and 22.

The Secretary stated Schoen.

Rich Williams stated this is the one they came in last meeting.

Board Member Rogan stated we wrestled with this one quite a bit.

Rich Williams stated essentially it has been an office use that has been permitted on the site. They were looking to have personal services allowed at this site. Personal services within our Code is right around the retail because of the similarity of the use. The Board was going to take a look at how other Towns do it and try to come up with an opinion that somehow differentiated retail from personal services.

Board Member Pierro stated I recall we also had conversations about limiting the percentage of retail.

Rich Williams stated yes.

Board Member Pierro asked weren't we asking the Town Board for some information on whether they would.

Rich Williams replied no I got very uppity with you and essentially dug my heels in that when you are talking about these types of uses there is no difference between personal services and retail in that they are both service oriented, they both have the same parking demands.

Board Member Rogan stated generally customer service.

Rich Williams stated you go into any school of planning they lump them together under the same category. They are under the SIC Codes lumped together.

Board Member Rogan stated I think we would not even be having this conversation if they could have accessed 22 directly.

Rich Williams stated absolutely. We would have made it retail.

Board Member Rogan stated I have driven by that site at least ten times in the last three weeks and I have looked up there every single time and the way the site was designed it clearly looks like an office type of use because of the lack of, you just don't even the facilities that are there, the E-Bay, you can barely see it. It is not the kind of facility like if there was a deli there I know we used that as an example, a small deli I can't imagine anybody driving up and down 22 and saying there is a deli there I am going to go there. It is kind of awkward. It is almost like when you are driving on the highway and you want to stop and get something to eat you want easy on and easy off. You don't want to drive out and around a mile. It is a difficult site. I drove in there after our meeting not that night but the next day with my truck and the

distance between the cars when they are parked is kind of tight for maneuvering it is not something that lends itself very well to a lot of going in and out.

Vice Chairman Montesano stated if you are going south on Old 22 to pull in there and if somebody is coming out you have got to be very careful on the width because you have got to come in and then do that and they have got to come out. That was DOT that came in and said you can't put it any other place.

Rich Williams stated no that is not what happened. What happened was they wanted and this started way before the Suozzi's ever got the building. Mr. Schoen came back in after Kevin Hanna had abandoned the project that he had and wanted to put a particular size building on the site because of the size and the septic system the only place that they could reasonably locate that septic system was right along Route 164. You are not coming in off 22, 164 was the only State road that abutted the site that you could have gotten access from with the septic there you could not put the driveway off of 164 which forced the driveway to come in off of Old Route 22. Recognizing it was a residential road with residential properties across the street, vacant land across the street that is likely going to be developed someday for residential use so the Board was fairly concerned about the impact of traffic going in and out of there.

Board Member Rogan asked how did the Brook Farm Veterinary Center come to be the way it is because you can access it from 22 but you can't leave on 22. You can only leave on that residential road and that probably generates many more trips.

Board Member Pierro stated I think the access is a little better at Brook Farms than it would have been for Hanna or Suozzi because of the grade.

Rich Williams stated there are a couple issues with Brook Farms. Brook Farms was an existing driveway that went through. I remember when there was a residential house there with a driveway that went through but point being the driveway goes through. They have an entry way on to Route 22 so when they converted that over to a commercial use recognizing again that you would want to limit the traffic on a residential road. They limited what you could do coming in and out of the Old Route 22 side.

Board Member Rogan stated it seems like such an awkward site. I don't mean that in a bad way. It is just the nature of the lot.

Board Member Pierro stated for Charlie's edification we are struggling with the Applicant wants to change the use there to allow a beauty salon which is personal services still retail.

Rich Williams stated our Code lumps retail and personal services together as one use category and we break up different uses within our Code. When we do a site plan for a specific use we put that on the site plan and in the case of the Suozzi's, the site plan was limited to an office occupation.

Board Member Rogan stated recognizing the limits of traffic flow for the site and the street in which the traffic empties out on to and comes in from, it is a residential road. I think we really beat this around last meeting because I think we all, let's face it I think we all want our commercial businesses in Town to do well. Nobody I think would refute that. We all want them to do well. There is empty stores there. You don't want to see somebody struggling with a brand new building. A building that has not been able to occupy all of its tenants. There is five up and five down if I remember, five office spaces upstairs and five down and how many of them are vacant.

Mr. Suozzi stated two upstairs and two downstairs.

Board Member Rogan stated so forty percent of the building is vacant. I am not even convinced that is not for our discussion here but I am not even convinced that a barber shop given the location when you drive by it is not my decision whether or not a business will do well. It is just whether the site will handle it, whether this site is setup properly for it. Charlie, one of the things that we talked about is that normally with, (Hard to hear cell phone ringing, Dave's)

Board Member Pierro stated excuse me.

Board Member Rogan stated normally with a commercial site you would plan for loading docks.

Rich Williams stated for retail that is.

Board Member Rogan stated I mean retail I am sorry. Recognizing though that not every retail operation needs a loading dock, not loading dock I am sorry, loading space, a place where a truck can pull up and make deliveries and have it not be a safety hazard and certainly allow area for means of ingress and egress without creating a problem. I don't believe that a barber shop would create a problem with that because I don't see them getting their deliveries not like a little grocery store. I am amazed any food service I go into as part of my day job there is always people in there, vendors, every time I go in there will be two or three vendors at a time trying to sell stuff and they in turn are only trying to sell it but the delivery guys got to come there. Any kind of an operation like that, like a deli would not be appropriate for this site.

Mr. Cook stated a barber shop; the products wouldn't necessitate a truck.

Board Member Rogan stated right.

Rich Williams stated no doubt but we run over the problem again, a barber shop is personal services it is lumped into retail so to say you want a barber shop or a beauty salon in there you automatically allow retail in. He has a barber shop in there for six months, the guy does not work out, he does not like the location, he moves out, now you have opened the door and retail is in and that is the problem with doing that and within the zoning codes we are not that specific for a beauty salon, or a barber shop.

Mr. Cook asked the Zoning Code allows it.

Rich Williams replied the Zoning Code allows in the C-1 Zoning District, retail and customary personal services.

Board Member Rogan stated if the site is adequate for it.

Rich Williams stated right and this site is not designed for it.

Board Member Rogan stated if we had a way for approving a specific tenant use and then saying upon termination of that tenant then it reverts back to the way it is then it would certainly be easier to swallow for everyone because I don't think anyone probably has a problem with a barber shop or a salon going in there. We were really entertaining the one situation but I know the Applicant was at one point talking about maybe two or three types of uses but given the constraints we have, I would be willing to consider the one shop but I would want to be assured that if that tenant left that it comes back to us. It is not an automatic well then we will switch to a hobby shop where people come in and buy models, whatever. That is where Rich comes in that is where he tells us what we can and can't do.

Rich Williams stated and that is where the problem is. We don't narrowly define individual uses within the Code. We try to keep them as broad as possible to allow people to have some flexibility. If we have designed the site for retail, we really don't care what type of retail goes in there within certain parameters but any type of retail because we have designed it so we don't want to sit here and start nitpicking about whether it is a beauty salon or a stationary store or a diamond store. We don't want to get into that kind of detail.

Vice Chairman Montesano stated for deliveries one of the most awkward things I ever seen designed is over there by Kohl's and Home Depot that one section that they put up that beautiful design and all the trucks have to park because they can't drive in there and make deliveries. They have that big four inch steel bar there.

Board Member Rogan stated you know when they designed that some Engineer or Planner must have said the types of facilities going in there,

Rich Williams interjected don't pick on the Planners.

Board Member Rogan stated jokingly it had to be a Planner. The types of facilities going in there will not necessitate large trucks and therefore you can put this up and we will keep the trucks out of there from over night parking. It sounds like it is working.

Vice Chairman Montesano stated let me put it this way I was there one morning and they had three delivery trucks and they were box trucks, they couldn't get in and the guy sat there and had to do everything by hand truck.

Rich Williams stated what amazes me is that they are still up. Somebody should be smart enough to take that thing down.

Board Member Rogan stated they actually put up an original one and then changed the design, took them down and changed the design. They were originally designed differently. I remember seeing it go up unless it was a temporary.

Board Member Rogan asked one last question not to truly belabor this at this point with Greenlands LLC, the Code does not clearly differentiate between the uses, we have all agreed on that. That is more broad spectrum in the way that it defines retail. In order to change that it would necessitate the Town Board re-defining those issues correct.

Rich Williams stated correct.

Board Member Rogan asked is there not a way for us to waive those requirements with specific conditions or does that have to go through zoning by that can we waive the requirements, can we just waive that requirement. It is allowed. In affect, we would be waiving the requirements of having a retail facility on that site where we didn't originally plan for it.

Rich Williams asked can you change the allowable use on the site from office to retail, is that what you are asking.

Board Member Rogan stated it sounds like about what I am asking.

Rich Williams replied yes you can.

Board Member Pierro stated but with restrictions that if that particular use vacated it would not revert back to retail unless they came before this Board.

Rich Williams stated that would not be my opinion.

Vice Chairman Montesano stated once you give it to him,

Rich Williams stated you make a finding that it is suitable to have retail on the site you can't then go back and say well now it is no longer suitable. You have already made that finding.

Board Member Rogan asked what about when we do approvals that are timed, like with the tent for instance at Dilmaghani. We have not by any means said now he can have a tent there forever. We have said you can do this but we are giving you an approval or waiver I think it was.

Rich Williams stated that is a specific improvement on the site. It is a temporary improvement to see how it works out related to the intensity of the site but you are not talking about the use of the site there. The use of the site is retail. He sells rugs there and there is no proposal to only allow him to sell rugs at certain times during the year or for six months and that is the end of it.

Board Member Pierro asked what about a waiver for site specific to allow retail in one specific location.

Board Member Rogan stated you mean one tenant.

Board Member Pierro stated one tenant.

Board Member Rogan stated that would be the percentage thing we talked about.

Rich Williams stated you are getting into a very nebulous area there where you are saying well a portion of the site is suitable for retail but not the whole site. It might be possible if it was very carefully structured and there was sufficient justification there.

Board Member Rogan stated the problem we would have would be even if we could craft that properly it would be opening up to other types of retail that we are not considering right now. Just by saying, we will allow ten percent of the facility to be retail but then a retail operation goes in a year from now that clearly the site is not adequate for that use.

Rich Williams stated the reality is some of the improvements like having the loading area, you can't put at the site.

Board Member DiSalvo stated unless you limit it to personal customary services.

Rich Williams stated you can't. That is what I am saying the Code lumps retail and personal services into one specific category.

Mr. Andrew Suozzi asked so if that is the Code then somebody who wants to do either of those can do it.

Rich Williams replied yes if it is a permitted on the site plan, the site design, the Board adopts a site plan that says this is the use that can be on that site.

Rich Williams stated this is an office building. It can only be used in office type uses. You can't have right now retail or customary personal service like you could not have light manufacturing and warehousing on this site.

Mr. Andrew Suozzi asked why couldn't you have retail if the Code calls for that.

Rich Williams stated it is a permitted use but when we design a site, when the site gets built it gets built for a specific use, the whole layout, the parking layout, whether there is loading spaces. A lot of different things we take a look at when designing and constructing a site.

Mr. Andrew Suozzi stated so what you are saying is this site was basically designed, approved and built for basically office.

Board Member Rogan stated not even basically, exactly.

Mr. Andrew Suozzi asked (hard to hear I believe he asked with regards to having personal services).

Rich Williams replied no an office. A personal service like a beautician,

Mr. Suozzi stated I know. So if something wants to come in they have to have a site plan that accommodates this building or site for the personal services or the retail.

Rich Williams stated right.

Mr. Suozzi asked they are allowed to do it but the site plan has to be tailored to fit those requirements.

Board Member Rogan stated had they originally designed the site for retail it would not have been approved because the site has constraints and that is where the project was on the table and went away and came back with a very specific use then as office space. It changes the requirements of the site plan because there is less that is involved, less infrastructure.

Board Member DiSalvo stated I took the liberty to call certain towns last week and ask and Cold Spring does not allow personal customary services no where.

Board Member Rogan asked Cold Spring has no barber shops maybe they did not understand the question.

Board Member DiSalvo stated she said absolutely no. Putnam Valley includes it with retail there is no separate code for it.

Board Member Rogan stated so that is the same as here.

Board Member DiSalvo stated Southeast has a separate code for it. They faxed me a copy of it. Pawling includes it only in shopping centers which they consider to be two or more stores and it is in with retail and it can only be on the 22 corridor.

(TAPE ENDED)

Board Member DiSalvo stated and couple of other places did not call me back.

Board Member Rogan stated thank you for the effort that was good.

Board Member DiSalvo stated I will bring the Southeast Code with me next week. Carmel, Mahopac includes it with retail.

Board Member Rogan asked so a Chiropractor would be a great example of a personal services retail, the place up on Lake Mahopac that sits up on a hill, it looks like a big mansion of a house, it is Restivo Chiropractic. It is a residential area, well it is on the lake there are restaurants around there and everything but I wonder how they ever got that.

Board Member DiSalvo stated it could have been existing already like home office.

Rich Williams stated yes I mean a few years ago we allowed it you could have one in the Putnam Lake area.

Mr. Suozzi asked am I hearing this right, the Applicant has to work (hard to hear not using mic) relative to the site plan and if it fits the approved use.

Rich Williams stated there is a site plan for that site and there is a use on that site listed as office which is one of the categories within our Zoning Code.

The Secretary stated they submitted the site plan I think.

Rich Williams stated yes they did.

Vice Chairman asked okay do we want to move on.

Rich Williams asked are you going to take another week to consider all the issues or he is going to do some work.

Board Member Rogan stated I think just to recap though the only action we can take it sounds like to me is we can only say, hey, Town Board let's consider segregating these two uses other than that the site is not designed for what we are talking about. What I mean is if we don't separate the two then it is a moot point. We are already saying the site isn't designed for retail. So it seems to me like the decision that we need for next week is whether or not we are going to recommend to the Town Board to consider separating and clearly defining personal services versus retail and that is really it unless I am missing something that is really our only question.

Vice Chairman Montesano stated they met last night so we have time to think about this because they are not going to meet again until after our meeting.

Board Member Rogan stated no but in fairness to the Applicant I think by next meetings,

Vice Chairman Montesano stated no I realize we should have something to state, what I am looking at is their time schedule to get back to us so we would have the month of October to get that done.

Board Member Rogan stated I know that this isn't a public hearing but they are here and I hope that they at least are recognizing that we are seriously considering all the issues here and really laboring over this because we do want our businesses to do well. We definitely want you to have all of your suites rented out. These are the ones that are not as clearly defined and tougher to handle.

7) COUCH ROAD SUBDIVISION

Board Member Rogan asked Couch Road, what are we doing with Couch Road.

Rich Williams stated I do not have a memo on Couch Road. I have been through it somewhat. They were last before the Board in November of 2005 at which time we had the public hearing on the preliminary subdivision plat. We have not actually issued a preliminary subdivision approval yet. I am going to take a look at what they submitted and hopefully have a preliminary resolution ready however principally what they have been doing in the time that they have been absent is taking a look at how they are going to address stormwater.

Board Member Rogan asked how has that screwed us up.

Rich Williams stated I pulled out the sheet so you could see what they are doing with stormwater.

Vice Chairman Montesano asked Ted have you seen the Couch Road stormwater management yet.

Ted Kozlowski replied no.

Board Member Rogan stated any of the areas that we were trying to salvage for conservation easements in the front,

Rich Williams stated gone.

Board Member Rogan stated and it is gone. It is all tied up in stormwater.

Rich Williams stated except where we get down to the very steep slopes down on the end there they still have the hundred foot on the last lot but all the rest of the lots the whole hundred foot conservation easement is gone.

Board Member Rogan stated the whole idea of a visual buffer along the road would be shot by this.

Rich Williams stated gone everything.

Board Member Cook asked is this the section coming off of Cornwall or 164.

Rich Williams asked which way are you going.

Board Member Cook replied 164.

Board Member Rogan stated it would be closer to 164.

Board Member Pierro stated closer to 164 on the left-hand side after the first house on the corner, behind that first house, immediately on your left.

Board Member Pierro asked how many lots are we down to here.

Board Member Rogan replied six.

Board Member Pierro asked was there a common driveway.

Board Member Rogan replied yes, there is one.

Board Member Pierro stated on the furthest north parcel is a common driveway.

Board Member Rogan stated it is amazing that single driveways can necessitate so much stormwater control.

Rich Williams stated it is not just the driveways it is the re-grading of the lot.

Board Member Rogan stated no I understand. I am just venting frustration. It is a good thing that we have these requirements but.

Rich Williams stated you see this is where the requirements don't allow us enough flexibility to do it right. I mean the reality is we could design the site up there that pushes the stormwater off into vegetative areas and you will never see an increase but the New York City DEP requirements requires it to be captured and treated now we have to move it some sort of structure. We have to capture it, we have to move it and put it in some sort of structure and this is what we end up with.

Board Member Rogan stated and I would wonder whether and Ted could probably weigh in on this but I wonder the type of treatment you were just discussing, natural vegetation, putting the water out, dispersing it is better treatment then putting it into a single area and treating it in these basins.

Rich Williams stated it is absolutely better treatment because most of it is treated by infiltration at that point; it is being trickled through the leaf litter which is knocking out all the sediment which carries most of the pollutants. It is absolutely much better than putting into a pond where you are only getting a sixty to eighty percent d.s.s. reduction.

Vice Chairman Montesano stated as long as New York City has the power and they do they will put in what they want and not necessarily correctly but they will do it and get away with it.

Board Member Pierro stated it would have been nice having that buffer in the front.

Board Member Pierro stated so our corridor is gone in the front.

Board Member DiSalvo stated the houses are going to be visible.

Vice Chairman Montesano asked we can't put anything in and that is going to make that whole idea of that road go right down the toilet.

Board Member Pierro asked isn't there a buffer in the back though Rich.

Rich Williams replied there is the whole big area that we are breaking off for Putnam Land Trust.

Vice Chairman Montesano stated and there is no way to get the water up into that area so it has got to be put down here.

Board Member Rogan stated this creates from my perspective, Couch Road a rural country road it creates one of the ugliest subdivisions because now when you look up you are going to see a house with a stormwater pond at the bottom. This would be the example of what we should not be planning for in my opinion. It just clearly is not within the character of the community.

Vice Chairman Montesano stated maybe Edie could call up her friend and find out why they can't give us any leeway because that is a shame.

Board Member Rogan stated we worked so hard to get the driveways to be in tight areas so that we cut down not only impervious but reducing the amount of clearing.

Rich Williams stated you could go farther up the hill but he is just going to have bigger ponds so pushing them back wasn't the answer either.

Vice Chairman Montesano asked so now if he comes in with the houses closer to the road now whatever argument you had is down the toilet.

Board Member Pierro stated blame it on the City.

Vice Chairman Montesano stated move the houses closer to the front and give more land to the back.

Rich Williams stated but you still run into the same problem with New York City where you have to capture and treat the water.

Vice Chairman Montesano stated we are going to have to do that no matter what but the idea is the houses are set so far back and we are still stuck now it is going to be twice as ugly so you might as well let the guy put the houses closer in maybe we would have more open land in the back, less of a driveway possibly.

Rich Williams stated but you also have then no area to capture the water. I mean ideally the best way to do it is to push the water all right across the road and push it down the hill and put a detention pond way down on somebody else's property that would be the ideal way to do it and pick up (unable to hear too many talking at the same time and plans rattling in the microphones).

Board Member Cook asked does the person who owns this live up there.

Rich Williams replied no.

Board Member Rogan stated they plan to.

Board Member Rogan stated it is beautiful property. It backs up to what is it the old Quarry. These are some of the sites since we are not that far into it that would be nice even if you wanted to site walk them and Rich could meet you out there I think it would be worthwhile. Any sites that we are not at the eleventh hour would be worthwhile.

Vice Chairman Montesano stated the shame of it all is all those wood lots that laid down there for all those years and were half abandoned because nobody could find access to put in driveways. If they would have been able to get obtained at one time, all these projects would be boom a lot easier. I remember back in eighty, eighty-one.

Rich Williams stated all these wood lots are being bought by the DEC.

Vice Chairman Montesano stated I think it was back in eighty or eighty-one they had about ten or fifteen acres off Couch Road that somebody was trying to sell but they could not prove access. This guy went out and got a hold of all the landowners that were of record and grabbed all these wood lots and ended up with ten acres of land, ten or fifteen acres and it never sold. What happened to it after that was awkward because there was no access to it. There has got to be a right of way because they were allowed to go down there to cut wood.

Board Member Rogan stated easement by prescription.

8) GREEN CHIMNEYS SCHOOL – Amended Site Plan

Vice Chairman Montesano asked amended site plan are they showing up at all.

Board Member Rogan asked is this related to the last time when, Green Chimneys was in at one point they had not met the requirements of their site plan with plantings and what not and that to my knowledge that never got completed.

Board Member DiSalvo stated they never came back again.

Rich Williams stated yes I believe it did get completed and believe that Ted and Joe Whalen finally did come to some reconciliation. (Unable to hear Rich, no mic).

Board Member DiSalvo stated there are a lot of buildings on this site.

Board Member Rogan stated the building right here out on 22 across from Thunder Ridge that is coming out so nice.

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

Rich Williams stated remember the gravel lot they were going to have for the trailers.

Board Member Rogan stated yes.

Rich Williams stated it is paved. I have to go out and take a look.

Board Member Rogan stated the site looks nice though.

Rich Williams stated Green Chimneys they are doing an addition on to the barn and they are doing an addition on to another building in the central area of the site and on that same building they are taking off a couple of wings.

Ted Kozlowski stated I am interest in their sediment (unable to hear too many talking).

Rich Williams stated they are proposing to remove sediment out of the ponds. It was kind of suggested that they need a wetlands permit to do that. I don't know if they do or not. I can tell you this; the area that the barn is going in is an area of Ridge berry soils though they are not showing that on the plan.

Board Member DiSalvo asked they want to add the barn on to what is there now.

Rich Williams replied yes.

Board Member Cook stated take the one off of Burdick Farms.

Rich Williams stated there you go.

Ted Kozlowski stated I think you should do a site walk.

The Board agreed.

9) CLOVER LAKE CONGREGATE CARE FACILITY – Initial Concept Subdivision

Rich Williams stated this is for a subdivision. They want to do what I consider some pretty strange things.

Rich Williams asked Board Member Cook do you know the Clover Lake facility at all.

Board Member Cook replied I know it is off of Fair Street.

Rich Williams stated Clover Lake is a hundred and twenty units, a hundred and twenty person congregate care facility for seniors. It was approved in 1995; the two lots that are involved in this application and part of the facility were subdivided in 1994. The history on that is they came into to do a subdivision, they were trying to break the property all up so that they could keep part of it for future development but part of it they were breaking off for some HUD requirements, ultimately they decided not to go for the HUD financing so they reduced it to a two lot subdivision which is what got approved. A long driveway going in down to the building with parking up in the front with the lake behind the building.

Board Member Cook asked so that is one parcel.

Rich Williams replied that is all on one parcel then there is an adjacent parcel that wraps around behind the Lake and comes out over to Commerce Drive. There is an emergency access to the building which crosses that parcel. They have an easement to it.

Board Member Rogan stated I can see already this is pretty convoluted.

Board Member Rogan asked Lot #3 Rich, 18.3 acres part of which is the access road, half of the access road but the term to the existing facility. I don't know why we are not combining that with the Lot #1 and making that one parcel.

Rich Williams stated my recommendation to Insite before they submitted this and to this Board is that on a site you have certain improvements that you need to support that site; parking, driveway and they should all be on that parcel.

Board Member Rogan stated absolutely.

Rich Williams stated and I think the idea of subdividing those improvements off and putting them on somebody else's property is not one that should be considered.

Board Member Rogan stated I agree with you.

Rich Williams stated that combined with the fact that if you look at the way they have got the lot lines configured the only way to get to the area on the back side of the lake is going to be owned by the congregate care facility is by boat.

Board Member Rogan stated right there is no land access.

Rich Williams stated okay that is great you are not really going to be doing anything back there, it is really a landlocked parcel but you still are going to have some things that you are going to have to do. You are going to have to post it so you do need access.

Board Member Rogan stated and secondly the access the map shows it but the access to Lot #2, the large lot, the vacant lot would be off of Commerce Drive but to get to any of that property you have to go between the lake and the corner of the property line.

Rich Williams stated a lot of that is existing already though. That was always a concern that you have to cross over a very large stream to get to the property to the west but during the process when we were going through it with the subdivision the Applicant himself admitted that the property back there would be challenging to a Billy goat.

Board Member Rogan stated yes look at the topo on it, it is ridiculous. Are they proposing a use with this application or just a subdivision of land non-jurisdictional.

Rich Williams replied just a non-jurisdictional subdivision.

Board Member Rogan stated also the emergency access to Clover Lake you said goes through this parcel so by approving this you would be putting the emergency access on a separate lot from what it currently is.

Rich Williams stated the emergency access already does cross over through another lot where it goes to Clover Lake. What you are doing with this application is you are putting more of that emergency access on the other lot. That would require amendments to the easement agreement but again more of the improvements to Clover Lake being outside of their control.

Board Member Rogan asked and this other lot would also be zoned commercial.

Rich Williams replied well the commercial, residential, the I-Zoning District, R-4 Zoning District bisects all three parcels.

Board Member Rogan asked so the owner of this 69 acre lot could decide to do one house on 69 acres if appropriate. I mean unless I am missing something if you are guys are looking at what I am looking at the topography on this lot is extremely challenging with the exception of maybe the area that would be immediately accessed after they go past the corner of the property that is the property that we have under White Birch Realty. There is some topography on this site relatively flat but that is not a lot of property. While we could entertain the idea of a subdivision where maybe a two lot subdivision where we combined one and three, make that one lot and then keep two the way it is recognizing that then would give the access to the back part of the property. We don't know the proposed use we can certainly put it into the record that we see this as an extremely challenged site. If somebody wants to put one residential house in there and they can get it and they can improve the access, still maintaining the right of way for the emergency access to Clover Lake, one house on seventy acres.

Rich Williams stated there is already a house on there but it is already falling apart.

Board Member Rogan stated okay but that is very close to Commerce Drive. It is shown on the plan here.

Vice Chairman Montesano asked is that still considered residential area.

Rich Williams replied I don't know it is very close to the line right there. The line should be on the plans.

Board Member Rogan stated this looks like a site walk.

Vice Chairman Montesano stated it is okay with me.

Discussion ensued with regards to the site walk and accessing the property.

Board Member DiSalvo asked weren't there plans about twenty years ago to build houses on that.

Rich Williams stated there were approvals. There were actually approvals to build residential houses all through there and they gave up those approvals to do the senior citizen facility. He could not find anybody to buy and build it but the Planning Board did actually approve a residential subdivision.

Board Member Rogan asked was there something that Zoning approved I think you gave it to us in some minutes or somewhere that if the nursing home was going to go up it had to sit on like fifty acres.

Rich Williams stated that is a Code requirement. It has to be fifty acres and they continue to maintain the fifty acres but there are a couple of issues with this proposed lot line that they no longer will comply with the Special Use Permit requirements. Again, they seem to think, you know they want what they want. There is a possibility that they can do a subdivision out there but they would only be breaking off about five or six lots up in that north west corner.

10) WHITE BIRCH REALTY

Board Member Rogan stated White Birch we gave them a thirty day extension to clear up the wetlands. So, we are just here to see.

Board Member Pierro stated there is a letter in there to Ted.

Ted Kozlowski stated I met with Pete Monteleone on Monday. They planted a bunch of trees and shrubs. (Unable to hear due to the plans being shuffled in the microphone and Ted not using the mic).

Ted Kozlowski stated I did not go back there yet.

Board Member Rogan stated the whole point prior to this wetlands violation was they were coming for an extension correct of their site plan and the modification.

Rich Williams stated right.

Ted Kozlowski stated they shut off that whole access which is what I was looking for but the other thing which is in the letter and I believe what Rich went to look at is that there is a considerable amount of fill, material that Mr. Monteleone brought to that site that he stockpiled and what I don't want to have is that removed and back through the wetland area but that could not happen now anyway. I told him that he would have to talk to you guys on where he is at, what he is supposed to be doing, what he is not supposed to be doing, what is the outcome of all that material that is piled.

Board Member Rogan stated for two reasons I think that we should also site walk this one once this is cleared up for the new proposal, one because Charlie has not been there but also we should really get where we have access to the building to kind of get a feel for those trucks how they would be going through there and when they come out. How that whole thing would look and feel.

Board Member DiSalvo asked he has done a lot of improvements to there right since.

Ted Kozlowski stated he has done a lot of work.

Rich Williams stated yes work.

Vice Chairman Montesano asked has it been beneficial work.

Ted Kozlowski asked beneficial.

Rich Williams stated we don't have an approved site plan on this. Actually, it is ready to be signed one of you two gentleman have to sign the plans I think the other one already has and we finally got the bond in place Tuesday.

The Secretary asked is it right though.

Rich Williams replied it is right at this point. He called me up because he wanted to talk about what has been going on, the issue with the fill and show me some of the stuff. You can't talk to this guy. There is no stopping him. I have been telling right along you cannot start the work out there. You can't do any of the work until the site plan is in place then we will have a pre-construction meeting, then we will go do the work. I go out there Tuesday to talk about the pre-construction meeting; at that point, the bond was not in, he had dropped it off on his way out to meet me out there. The dry hydrants are in, the sidewalks are in, the grading is done, the stream, the headwall is all poured. He did it completely different and then is pouring another retaining wall on top of the headwall.

Ted Kozlowski stated that happened since Monday.

Rich Williams stated yes the walls are going up.

Vice Chairman Montesano asked tell me something is all the stuff that he is doing is any of it bad.

Rich Williams replied it looks great which is why I did not stop him but I did chastise him about this is not the way you build a relationship with the Town because for example the plans call for a retaining wall with specific wing walls that is one foot wide. He did not build that. He built a five foot wide, I am sorry headwall over the pipes. I seriously doubt that he actually diverted the stream the way he was supposed to divert it he just kind of formed them up and just did it.

Ted Kozlowski stated my parting words to him Monday night were don't do anything else until you talk to the Town Planner.

Rich Williams stated listen it looks great, the work is great,

Ted Kozlowski stated he is putting a tremendous amount of work, I mean those stonewalls.

Board Member DiSalvo asked doesn't he have to do that pipe.

The Secretary stated he did it Rich said.

Rich Williams stated he it is done.

Board Member DiSalvo stated well you only have a certain time frame to do it.

Rich Williams stated I understand that but he was specifically directed not to do it. Nobody inspected how it went in, nobody knows what it looks like in the pond.

The Secretary stated he might have taken pictures remember he had pictures of his other jobs of that.

Rich Williams stated that is the problem we need to do inspections to make sure the work is done properly and he is doing it and covering it up.

Board Member Rogan stated it looks great but if it fails in ten years.

Rich Williams stated the air handler is in for the woodworking shop that he wants to put in.

Board Member Rogan stated that we have not even considered yet formally.

Rich Williams stated he does everything well.

Board Member Rogan stated you know what though that is the same old logic of, you are going to be happy I am going to do everything to Code okay but whose Code. Hopefully they do it that way but.

Rich Williams stated he is just driving me and the engineers crazy. He is driving his own engineer crazy.

11) OTHER BUSINESS

a. Putnam County National Bank – Extension Request

Vice Chairman Montesano asked Rich, did Insite give you any reason why they both need extensions.

Rich Williams replied they both sent letters in. Putnam County National Bank I don't believe there was any reason it was just please give us an extension. I don't recall Kessman's.

Board Member Rogan stated if Putnam County is not here, we don't extend it.

Rich Williams stated here is the thing with Putnam County National Bank the only remaining issues are paying the inspection fees and posting the bond. They have everything ready to go. That is the only two outstanding issues. What they are doing is they don't want to be in a position where they have to go build this thing and they don't want to have to pay the fees. My recommendation to the Board was give them a two week extension.

Board Member Rogan stated boy that is funny because then there is no other meeting. I will go for that.

Board Member Cook asked where is this.

Rich Williams replied this is right down here on Front Street, the vacant lot, it is a commercial building that the Board granted a conditional approval for.

Board Member DiSalvo asked when is it due to expire.

Rich Williams replied this next meeting.

Board Member DiSalvo asked then we are going to go two weeks, October 5th.

Rich Williams stated that brings them into the middle of the month, there is no other Board meeting they do it or they lose it.

Vice Chairman Montesano asked is there any chance of us ever getting a Town Code book.

Rich Williams replied you are not going to get a Town Code book. I don't know why we backed off on doing it but I have to pull together the relevant chapters.

Vice Chairman Montesano stated well I would like to because when you are trying to do research,

The Secretary stated we could put them in binders.

Vice Chairman Montesano stated something.

Rich Williams stated I know I started doing it I don't know why I didn't.

b. Kessman Subdivision – Extension Request

Board Member DiSalvo asked how long do you want to give Kessman.

Rich Williams stated Kessman is a little bit different in that that is a subdivision so statutorily they can get a 180 day plus two, 90 day extensions. I have not had a chance to take a look at where they are in the process.

Board Member Rogan asked you will find out where we are at.

Rich Williams replied yes. Just so we are clear the 180 is from the initial approval so when you make the initial approval they have a 180 days if you are doing an extension it would be a 90 day.

East Branch Road

Rich Williams stated one last thing, I want to talk to you about there has been some issues expressed, East Branch Road there is a farm that is intended to be a polo farm.

Board Member Rogan asked Mel Carbone's old place.

Rich Williams replied yes, Mel Carbone's.

Rich Williams stated they want to be a polo farm which means they are going to be constructing an additional barn and some polo fields.

Ted Kozlowski asked where are they going to put the parking. I did not see the parking.

Rich Williams replied I don't know. I was out there today, I was talking to the individual who is doing the construction out there. They have actually already started construction of the improvements even though I did talk with Sam Ramirez. H he did know he needed a Special Use Permit but they were under the impression or they are under the impression that they are going to be in the Ag District as of the beginning of the year and therefore they will be exempt from local controls. We won't be able to issue a Site Plan or a Special Use Permit so he figured well let me start a little ahead of time anyway. I did explained to him that and told him he had to stop what he was doing right then and there that under our current rules and regulations right now he is still obligated to get a Special Use Permit and Site Plan approval

Ted Kozlowski stated and a Wetlands Permit.

Rich Williams stated and regardless of whether he goes into the Ag District or not it is the Town's position that he would need sediment and erosion controls for out there and a Wetlands Permit if he is going to do anything in the wetlands.

(TAPE ENDED)

Rich Williams stated the principal's name, the owner's name is Samuel Ramirez and I have talked to him a few times and he seems like a very nice guy but they are proposing to construct a couple of

ponds. One of them appeared that it might be right up against the stream in the middle of the wetlands. I got a preliminary site plan I took a look at it.

Vice Chairman Montesano asked and New York City hasn't come up yet to find out if it is in the agricultural water district.

Ted Kozlowski stated It is a regulated pond too. He has DEC.

Board Member DiSalvo stated they have been flagged the wetlands.

Rich Williams stated they have been flagged and verified by the DEC.

Ted Kozlowski stated if he puts (unable to hear Rich and Maria talking at the same time).

Rich Williams stated but not by us.

Board Member DiSalvo stated it is not a commercial entity. It is a private place. It is not opened to the public for polo.

Rich Williams stated it does not matter. He still has to meet our code requirements and everybody that is running around Town telling him that he does not have to because he is going to be in the Ag District in a few months is totally irresponsible.

Board Member DiSalvo stated I am not telling him that.

Rich Williams stated okay I am not saying you did, did I.

Board Member DiSalvo stated no but it has been a farm, it has agricultural assessment,

Rich Williams stated but I am telling you I was out there and he is out there saying,

Board Member Pierro interjected it hasn't been a farm Maria.

Board Member DiSalvo stated yes it has he turned in financial statements every year from Carbone for the last fifteen years.

Rich Williams stated well that would be surprising,

Board Member Pierro stated it has been a contractor's yard, it has been a saw mill, they grew some corn,

Board Member DiSalvo stated that is not what the agricultural assessment is for. It is for growing hay and growing corn.

Board Member Pierro stated Maria, I really think that you have a conflict with this particular issue.

Board Member DiSalvo stated you have a conflict Dave. You have the conflict.

Vice Chairman Montesano stated ladies and gentlemen,

Board Member Pierro stated I want to hear it from our County about the agricultural,

Vice Chairman Montesano stated can we please listen to Richie and then,

Board Member DiSalvo stated you will tomorrow.

Rich Williams stated I just want to let everybody know that yes the construction had started, yes I did go out there and tell them that they could not continue. They agreed to stop until the whole issue either they have got approvals or they are in the Ag District and have whatever they need to do.

Board Member DiSalvo stated but he does have Building Permits to do the work on the barn.

Rich Williams stated yes nobody is disputing that.

Board Member DiSalvo stated so then tell people that.

Board Member Pierro stated nobody is disputing that he has got Building Permits.

Rich Williams stated he has got Building Permits, I have talked with Dave about it, we are in agreement there is no problem with him doing the minor renovations to the barn such as the roof and the siding and some of the other improvements. He is not doing any new construction.

Board Member DiSalvo stated right.

Board Member Rogan stated people have spoken about other Planning Boards in other towns and how people watch because they turn into a free for all. Let's please, all do a little bit better than,

Vice Chairman Montesano stated yes I don't want to be on television.

Board Member Rogan stated let's just realize that we can always agree to disagree but still respect each other as a Board Member.

Board Member Pierro stated I would like to hear from Tony on the agricultural,

Board Member DiSalvo stated you will hear from the Department of Agricultural tomorrow morning they are calling.

Rich Williams stated I could care less.

Board Member DiSalvo stated I know so don't depend on our Town lawyer to know agricultural law.

Rich Williams stated I don't. I depend on myself as you know I always depend on myself.

Board Member Rogan made a motion to adjourn the meeting. Board Member Pierro seconded the motion. All in favor and meeting adjourned at 8:58 p.m.