

TOWN OF PATTERSON
PLANNING BOARD MEETING
October 2, 2008

AGENDA & MINUTES

| | Page # | |
|--|----------------|--|
| 1) Meadowbrook Farms Subdivision | 1 – 5 | Public Hearing Schedule for November 6 th . Discussion on road dedication. |
| 2) Over the Rainbow of Patterson | 6 – 11 | Public Hearing Scheduled for November 6 th . Discussion of play area and handicap access. |
| 3) Genovese Site Plan | 11 – 17 | Public Hearing Scheduled for November 6 th . Discussion of wetlands and retaining wall design. |
| 4) Justin’s Automotive – Sign Application | 17 – 18 | No action taken. |
| 5) Other Business | | |
| a. Martins Subdivision | 18 | Town Board Denial of 280-A. |
| b. Fox Run Phase II | 18 | Held over until November Meeting |
| c. Eurostyle Marble Table | 18, 24 – 36 | Discussion of site plan deviations and site walk scheduled for 10/7/08 |
| d. Patterson Interstate Business Park | 18 | Discussed at September Work Session. |
| e. Powe Subdivision | 19 | 90 Day extension granted at the September Work Session. |
| f. Thunder Ridge Ski Area – Wetlands/Watercourse Permit | 19 – 22 | Discussion of drainage and memos. Held until October Work Session |
| g. Barnes Subdivision | 23 | Granted at the September Work Session |
| 6) Minutes | 23 – 24 | July 17 th , August 7 th , & August 28 th Approved. |

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

Howard Buzzutto, Chairman
Mary Bodor, Vice Chairwoman
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PLANNING BOARD

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

**Planning Board
October 2, 2008 Meeting Minutes**

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

Present were: Chairman Rogan, Board Member Pierro, Board Member Montesano, Board Member DiSalvo, Board Member Cook, Rich Williams, Town Planner and Gene Richards with the Town Engineer's office, Stantec Consulting Services Inc, Dave Raines, Town of Patterson Building Inspector, Ted Kozlowski, Town of Patterson Environmental Conservation Inspector and Tim Curtiss from the Town Attorneys Office, Curtiss & Leibell, P.C.

The meeting was called to order at 7:30 p.m.

Michelle Russo was the secretary and transcribed the following minutes.

There were approximately 5 audience members.

Chairman Rogan led the salute to the flag.

Chairman Rogan stated thank you ladies and gentlemen, please be seated.

Board Member Pierro stated I think I left mine on the table.

1) MEADOWBROOK FARMS SUBDIVISION

Mr. Harry Nichols was present to represent the applicant.

Chairman Rogan stated Meadowbrook Farms Subdivision, Harry.

Board Member Pierro stated do you want me (inaudible).

Mr. Nichols stated good evening.

Chairman Rogan stated how are you Harry.

Mr. Nichols stated good.

Board Member Pierro stated thank you ma'am.

Chairman Rogan stated you want to bring us up to speed on what you've been doing since the last time we met.

Mr. Nichols stated well I responded to the memo from Stantec along with Insite responding to their comments on the drainage report, trying to bring it up to today's standards. As you know the when the first phase went in on this, the standards looked quite different and (inaudible) elected to use the old drawings and modify them as necessary but the old standards are still there because we never updated. They are hopefully close.

Chairman Rogan stated what kind of input are you looking for tonight.

Mr. Nichols stated well I'm sure there is going to be a list of comments on the submission.

Chairman Rogan stated Gene do you have anything you want to talk about or discuss for this evening.

Gene Richards stated Harry, just so you know, what we are now doing with the Board is going through project and if there is enough comments then we just meet with the consultants directly and go through things and try to clean it up directly with you. Its just easier that way and it's a little more expeditious. So, we have not completed the review but we have seen a number of comments so, that is what, how we propose that we just sit down with you at some point, the stormwater I still have to go through but at the time.

Mr. Nichols stated what day would be good for you.

Gene Richards stated probably later next week sometime, whatever works for your schedule.

Mr. Nichols stated whatever time you think.

Gene Richards stated okay, you want me to give you a call tomorrow, or you can call me.

Mr. Nichols stated yeah, meeting with Rich.

Gene Richards stated that's really up to him, he can be here if he wants to join in.

Mr. Nichols stated you don't have your office anymore up here.

Gene Richards stated we lost our lease, so right now we are working out of Newburgh.

Mr. Nichols stated right.

Gene Richards stated we can always meet here at the Town Hall, we can borrow a conference room.

Mr. Nichols stated I can come to Newburgh if you need.

Gene Richards stated okay, all right.

Mr. Nichols stated all right.

Chairman Rogan stated that seems to be helping to stream line the process.

Mr. Nichols stated yeah, I agree.

Chairman Rogan stated for you to meet directly. Rich, do you have anything you would like to discuss.

Rich Williams stated yeah I would, essentially this is just an application pending before the Board for a wetlands/watercourse permit. I wish Ted had been here to see what his input would be but I just want to relay to the Board that the next step in the process I believe is to set a public hearing on the application, which we haven't had yet. So you may want do that to procedurally get that out of the way, pending any comments from Ted. I think Gene and I, both our comments are related to drainage and you know, erosion and sediment control and not so much the wetlands application which is really why they are here, you agree.

Chairman Rogan stated so you both, gentlemen feel comfortable that the layout as its, at least in terms of where the placement of these ponds are, they're not going to move.

Rich Williams stated if, well, if the Board is okay with the intrusions into the wetland buffer for the stormwater ponds. We are just reviewing it basically for the design of the ponds, to make sure the ponds function.

Chairman Rogan stated understood.

Rich Williams stated and do not create further problems within the stream channel.

Chairman Rogan stated Charlie, you looked like you wanted to say something.

Board Member Cook stated two things, one now, just to follow up on Rich, is that perhaps before setting a public hearing, we should get Ted's input as one thought and second that when you do your review, Harry your memo answered Stantec's memo of April 3rd, there was also and April 10th memo that needs to be addressed so, you.

Mr. Nichols stated I thought I addressed both of those.

Board Member Cook stated did you.

Board Member DiSalvo stated did you combine them.

Mr. Nichols stated if you look half way through the memo, you'll see the second one listed. The 3rd and the 10th.

Board Member Cook stated you did, my apologies.

Chairman Rogan stated okay, to date has Ted had significant comment; I can't remember Ted having a lot of opposition with this, we, when we walked this site. You remember Ted had concerns about showing the wetlands delineation, that have been done, there the stone wall was.

Board Member DiSalvo stated right.

Chairman Rogan stated over the property line. Why don't we set a public hearing, if Ted comes up with something between now and then, we can always cancel that hearing but we can set it for the next meeting.

Board Member Montesano stated November 6th.

Chairman Rogan stated is that sufficient time for gentlemen.

Rich Williams stated yes.

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

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated any opposed.

Mr. Nichols stated what is that date.

Board Member DiSalvo stated November 6th.

Chairman Rogan stated November 6th.

Board Member Montesano stated November 6th.

Chairman Rogan stated the same time and hopefully you and Gene can meet in the next couple of days or week and iron out some of the technical issues and we can proceed with wrapping this up.

Mr. Nichols stated okay.

Gene Richards stated Harry, Harry, before you take that down, I have one question that would maybe be appropriate to talk about now and that is in regard to the status of the road, Merle Drive. There is a note on your plan that talks about it being dedicated, I believe.

Mr. Nichols stated well I don't believe the intent, this is Merle [Drive], we don't know which ones will be dedicated and which ones won't and the way I tried to address it in my memo was if it was dedicated. Sonnet obviously would have to go first otherwise you (inaudible).

Gene Richards stated correct and Sonnet did at one time, have a proposed, I'm sorry, it currently has a cul-de-sac up at the top and its not even called Sonnet Lane today. Its the road through here is called Meadowbrook Court, I believe but.

Mr. Nichols stated I didn't know that they changed, it was always called Sonnet on the drawing.

Gene Richards stated well I think if it connects through, then it has to become Sonnet Lane.

Mr. Nichols stated does it.

Gene Richards stated and the only reason its not called that now is because it doesn't go through but the original intent was to have a town road connect through and I think residents were opposed to that, at least on the Meadowbrook side. Rich, correct me if I'm wrong about that.

Mr. Nichols stated I think this side too was very much against it.

Gene Richards stated probably so, if, I don't think the Town really cares if it's never dedicated.

Rich Williams stated it can vary.

Gene Richards stated okay.

Chairman Rogan stated who currently does the maintenance of the road.

Rich Williams stated its private.

Chairman Rogan stated so the Town isn't going in there at all, snow plowing or anything.

Rich Williams stated they are on the other side, on Sonnet Lane.

Chairman Rogan stated okay.

Gene Richards stated but as you said, if Sonnet Lane were not to be dedicated for whatever reason, I don't see the Town ever taking Merle Drive.

Mr. Nichols stated right, I understand.

Gene Richards stated so, okay.

Mr. Nichols stated yeah, I think that was in your comments you had two scenarios about that.

Gene Richards stated okay, just so its on the board and everyone is aware of it.

Mr. Nichols stated okay.

Chairman Rogan stated alright, thank you.

2) **OVER THE RAINBOW OF PATTERSON**

Mr. James Nixon, the architect and Mrs. Rita Acerno, the applicant, were present.

Chairman Rogan stated Over the Rainbow of Patterson. Good evening.

Mr. Nixon stated good evening, I'm James Nixon, I'm the architect for the project. Oh I'm sorry.

Chairman Rogan stated you can remove the microphone, if you'd like Mr. Nixon, if that will help you out, you're okay.

Mr. Nixon stated okay, so far I'm fine. I'm James Nixon, I am the architect for the project, also with me this evening is Rita Acerno, who will be the operator of the daycare center and Mr. and Mrs. Nolletti, the owners of the property.

Chairman Rogan stated okay.

Mr. Nixon stated I did receive the Planner's comments earlier today, I looked through them and there is nothing that causes a problem for us.

Chairman Rogan stated were they, the site walk comments that he's referring to.

Rich Williams stated I did both my review and site walk [comments].

Chairman Rogan stated okay, fair enough, making sure we are talking about the same thing. Okay, yeah the Board went out to the site of the last week and I think generally speaking the Board felt that it would be a good site for this type of use. We were just looking to clean up some of the issues on site to make it accessible and allow the use that you are looking do and just make sure we put everything down on paper.

Mr. Nixon stated okay, that sounds good.

Chairman Rogan stated okay.

Mr. Nixon stated is there anything in particular that you would like me to address at this time or.

Chairman Rogan stated well specifically access and again I know its in the memo but access to the play area, how that will be obtained whether that is to the right hand side of the parking lot up the grass area or whether there will be stairs. It mentions the vegetated area between the building and the play area and we weren't sure if you were planning on removing some of that to provide a visual, we didn't know if you want to have any, the ability to see the play area from the building, no, okay.

Mr. Nixon stated Mrs. Acerno and I had discussed the grade there, the access from the building to the play area and we could have steps or not or something more and in general the feeling is that that, although it's sloped, the grass is safer for little children then steps.

Chairman Rogan stated that's fine, sure.

Mr. Nixon stated you can see where the area is, so I guess, in general the intent is that the area has sufficient supervision, you know by staff at the site of the play area that it didn't additional visibility from the building.

Chairman Rogan stated is the intent of the play area, are you going to put playground equipment in the area, slides and swings and things like that.

Mrs. Acerno stated play sets.

Chairman Rogan stated will that require the sub-soil to be removed and have the, I know with some play areas, they have to put some many inches of a certain type of surface whether its shredded bark or rubber or sand for injury prevention.

Mrs. Acerno stated we put rubberized.

Chairman Rogan stated ma'am could you come up please, because we really do want to get you for the record.

Mrs. Acerno stated okay.

Chairman Rogan stated thank you and just please state your name again.

Mrs. Acerno stated Rita Acerno, right now currently we use rubberized wood chips in the play area I have now and its six inches under each play set.

Chairman Rogan stated okay, so the plan for this area is to remove certain areas of the grass and where the play areas are, the play sets are and replace that with this approved base material.

Mrs. Acerno stated correct.

Chairman Rogan stated okay and when the Board was on site we did note that the one maple tree that is in that, that whole area is like a beautiful park, we really thought it was fantastic for, you know, this use. We weren't sure whether your plan included fencing that tree or out.

Mrs. Acerno stated I would like to have the tree in.

Chairman Rogan stated okay because the stakes that were on site didn't seem to indicate that, it seems to come just on the downhill side of it.

Mrs. Acerno stated okay.

Chairman Rogan stated the one concern that the.

Mr. Nixon stated it will end up sort of in this corner.

Chairman Rogan stated okay, the one concern that was mentioned was just, a climbing hazard, maybe a little bit of light pruning on the lower end to keep it from being an attractive nuisance, I imagine your insurance person will tell you that though.

Mrs. Acerno stated yeah.

Rich Williams stated if I can just interject, if the intent is to remove the top soil layer a couple inches, six inches and put the rubberized material down, that if going to effect the health of that tree. You are liable to actually kill that tree if by removing the soil, you start banging out the flared end of the root section.

Mrs. Acerno stated okay and I would have the tree in there.

Chairman Rogan stated what about keeping any of those areas away from the drip line, would that be sufficient distance.

Rich Williams stated well certainly any activity within the drip line of a tree has the potential to compacting soil which inhibits oxygen percolating into the ground so, you know potentially it could be damaging a tree. You know, the question is how much is the activity, you know, how many children are running across it but certainly if you can move the play area away from the trees, that certainly would protect the trees.

Chairman Rogan stated and then the other option is to just remove just the sod layer and then with some type of enclosure raise up the grade and put. In other words, if you just ripped off the top soil and put in railroad ties, just for the sake of argument and then sloped up to them with the soil, so you didn't have a trip hazard. You would only be removing maybe two inches of soil and then building up from there and that would have less, certainly still may cut down on the air going from, you know through the soil but it wouldn't be the same impact.

Rich Williams stated correct.

Chairman Rogan stated to getting into the roots.

Board Member Montesano stated with the rubberized play area, since that shouldn't compact any great necessity because its going to keep bouncing up and down, theoretically.

Rich Williams stated right, the rubberized play area will add a buffer so the underlying soils won't compact.

Chairman Rogan stated okay, so I'm sure that we'll be able to work out a plan that will be suitable for the play area. The notes about the handicap accessibility, you have a plan to kind of address that.

Mr. Nixon stated yeah well, yes but we haven't finalized that.

Chairman Rogan stated okay, that's fine.

Mr. Nixon stated we should be able to put a ramp at the front door where this is a step (inaudible – not using microphone).

Chairman Rogan stated okay, whichever you decide will work better for your business and provide the greater accessibility to the building, we would be happy to take a look at. Anyone else have any other comments that they wanted to address or speak to the applicant about.

Board Member Pierro stated I'm fine.

Chairman Rogan stated Rich.

Rich Williams stated just one last issue, we did get a memo tonight from the Building Inspector.

Chairman Rogan stated okay.

Rich Williams stated recommending that you meet with him early on to talk about any issues he may have with regard to lighting, fence and how the building interior how its all going to be laid out so that you are not delayed in the process.

Mr. Nixon stated that's good.

Chairman Rogan stated we had one other question.

Board Member DiSalvo stated did we get a sign application yet for this site plan, did they want to.

Mrs. Acerno stated I have all the paperwork, I was just, I thought this was the first step.

Chairman Rogan stated no, its, you're in the right place we are just asking the questions.

Mrs. Acerno stated okay.

Rich Williams stated actually if you can just include that with the next site plan submission, that will all be included with that site plan submission and you won't have to worry about a separate application.

Mrs. Acerno stated oh, okay, great.

Chairman Rogan stated okay and internal to the operation, you are going to have a food service installed.

Mrs. Acerno stated yes.

Chairman Rogan stated so you know to go to the Health Department on that.

Mrs. Acerno stated yes, I already spoke with them and they are working on a design.

Chairman Rogan stated fantastic.

Board Member Cook stated you have a copy of Dave Raines' memo.

Board Member DiSalvo stated the Building Inspector.

Chairman Rogan stated its from the Building Inspector, you can have mine, you can have that one.

Mr. Nixon stated thank you.

Chairman Rogan stated okay, thank you.

Mrs. Acerno stated thank you.

Rich Williams stated Mr. Chairman.

Chairman Rogan stated yes.

Rich Williams stated you know there are a couple of issues on this, there is really limited review by other agencies on this application, so SEQR probably would be sufficient to do an uncoordinated review, that being said the next step in the process would be a public hearing.

Board Member Montesano stated public hearing.

Rich Williams stated if the Board is comfortable with the application as it is or you know whether you want to see the additional information that you've requested put on the plan.

Chairman Rogan stated okay, so does someone want to do a.

Board Member Montesano stated Over the Rainbow of Patterson daycare center, I move we make a public hearing for November 6th.

Chairman Rogan stated do you want to do the SEQR determination first.

Board Member Montesano stated okay.

Chairman Rogan stated type II action, uncoordinated review.

Rich Williams stated yeah, I'm sorry, it's a type II action.

Chairman Rogan stated don't need SEQR, I was thinking that.

Rich Williams stated sorry.

Chairman Rogan stated okay, quite all right.

Board Member DiSalvo stated I'll second on the public hearing.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated great, any opposed. Motion carries. Thank you for keeping us on track.

Mr. Nixon stated do we have to do anything with the public notices.

Chairman Rogan stated yes.

Rich Williams stated you will.

Chairman Rogan stated please speak to Michelle.

Mrs. Acerno stated thank you.

Chairman Rogan stated hey Ted, good evening.

Ted Kozlowski stated hi.

Chairman Rogan stated Meadowbrook Farms, Harry Nichols was just in before.

Ted Kozlowski stated yup.

Chairman Rogan stated do you have any objection, we set a public hearing for the next meeting, the only hold out was you weren't here and we didn't want to set something that you might have major issue with.

Ted Kozlowski stated no, the thing was the wetland flagging and we got that resolved.

Chairman Rogan stated got it, thank you, we just wanted to touch base with you.

Ted Kozlowski stated thank you.

Chairman Rogan stated while there was time to you know possibly cancel.

Board Member Montesano stated all right, don't let it happen again.

Ted Kozlowski stated have a big day Saturday.

Chairman Rogan stated yes, I understand, hopefully it will be a good game, we'll see.

Board Member DiSalvo stated I thought it was hunting season or something.

Chairman Rogan stated West Virginia and Rutgers are playing each other and we are both having a horrible season, so it should be interesting.

3) GENOVESE SITE PLAN

Mrs. Terri-Ann Hahn of LADA Land Planners was present to represent the application.

Chairman Rogan stated Genovese Site Plan.

Board Member Montesano stated some people.

Chairman Rogan stated it won't be as exciting as two years ago Ted.

Ted Kozlowski stated yeah I know, it ruined my Christmas party.

Chairman Rogan stated I know it did, I'm glad I didn't go to that party. Good evening.

Mrs. Hahn stated good evening.

Chairman Rogan stated how are you.

Mrs. Hahn stated good, Terri-Ann Hahn, principal of LADA P.C. Land Planners with the site plan for the project.

Chairman Rogan stated yes.

Mrs. Hahn stated since we last saw you, there were just a couple of changes specifically related to the change of the New York State DEC stormwater regulations, so we had to go back to our basins and re-look at that. We also, at your request, looked at the property to the north and got two, additional survey information which resulted in a slight change to the entrance road and a change to the grade around the front entrance. We found that there is an existing retaining wall relative to the property to the north that is on this property that we were, in our grading would be obliterating, so that has been eliminated and so the grading has been pulled away and the driveway has changed slightly. The basins got slightly both bigger and smaller because of the various different things, there were a couple of little retaining walls that were added in just to sort of make things work a little bit smoother. That is essentially the changes that have occurred.

Chairman Rogan stated that retaining wall, is that off the back end of Boniello's site. Are they abutting sites, I've never seen that when we walked through that.

Board Member Pierro stated yeah.

Chairman Rogan stated okay.

Mrs. Hahn stated yeah, this one right over here, actually across the property line.

Board Member DiSalvo stated it's on their property.

Board Member Pierro stated it was always across the property line.

Chairman Rogan stated it's been there a long time, that wall.

Board Member Pierro stated yeah, for the most part.

Rich Williams stated about six years.

Chairman Rogan stated not that new, huh, okay six years.

Mrs. Hahn stated rather than getting into a neighborly dispute, it was just easier to re-grade around it.

Chairman Rogan stated you're very wise; the path of least resistance usually is the best way.

Mrs. Hahn stated we did respond to comments from both Stantec and Rich and we did have two meetings with Gene to go over the erosion control plans and a number of various site plan elements.

Chairman Rogan stated okay.

Mrs. Hahn stated as part of also, your review, there wasn't a wetland permit application submitted because the existing well here, which is a nice well, we have to go through the buffer in order to get access to that particular well. In addition to the new survey information, we contacted DEC and we came to a determination, a general determination because it's not our property, where the DEC wetland across the street is and therefore the front entrance here. This whole area here is within the one hundred foot buffer area for the DEC wetland, in that area.

Chairman Rogan stated that is separated by Route 22.

Mrs. Hahn stated that is correct.

Chairman Rogan stated okay, so those are the only two intrusions that you would need requiring a wetlands permit for.

Mrs. Hahn stated that is correct.

Chairman Rogan stated that is pretty straight forward, okay, anything Gene, Rich, that you want to bring up or discuss tonight. We are moving forward nicely on this.

Gene Richards stated I spoke to Terri briefly before the meeting and just noted the three big items that we saw that are outstanding, number one is stormwater.

Mrs. Hahn stated we have plans but we don't have a drainage report just yet.

Gene Richards stated yeah, we haven't seen that, so we will have to review that as we go forward. Retaining wall design, there are retaining walls greater than four feet. Typically that requires an engineered design, it is during the Planning Board review process.

Mrs. Hahn stated the applicant has requested that that be waived because typically its, especially retaining walls that have been design build lately, they have been mostly placed. So just, the applicant has asked that that be waived until either a building permit or some other process that might be allowed to (inaudible).

Rich Williams stated can I ask the question, what would be different between designing it now and designing when you go to construct it.

Mrs. Hahn stated quite honestly, when you do design build through the retaining wall company, you don't pay for the design and the applicant was looking to go in that particular direction. So the request has been made, certainly you can say no that's not going to work but it's.

Chairman Rogan stated we have had some problems with similar instances with waiting on the design and then having site problems.

Rich Williams stated I just don't want to get into a situation where we are designing, all of a sudden we are designing a wall that the Planning Board hasn't reviewed and may not be, may not find acceptable.

Chairman Rogan stated right.

Gene Richards stated or there could be impacts to the layout based on the walls design that you don't know until you do the design.

Chairman Rogan stated sure, in other words, if the wall for instance is a terraced back wall, you are going to change your site disturbance that way, as opposed to a straight wall.

Rich Williams stated or it could be a really big block, a big white.

Chairman Rogan stated planting beds in it.

Rich Williams stated that don't exist.

Gene Richards stated and then the last item, not to cut you off Shawn.

Chairman Rogan stated no, please go ahead.

Gene Richards stated the last item was performance bond but that is something that occurs at the very end, once the site layout is set. Those were the three items that we see still being out standing.

Chairman Rogan stated okay, but I think, how does the rest of the Board feel on the design on the wall.

Board Member Montesano stated now, its better now, so we can review it than five minutes before they need it.

Chairman Rogan stated I understand.

Board Member DiSalvo stated me too.

Chairman Rogan stated Charlie.

Board Member Cook stated I agree.

Board Member Pierro stated I agree.

Chairman Rogan stated that gives you some pretty clear direction, let's design that out now and save the trouble later.

Mrs. Hahn stated okay.

Chairman Rogan stated acknowledging that it is a little more financial impact to your client, we get it done clean now and we all know what we're approving.

Gene Richards stated Terri, I would think on a well design like that, you know if your client has a particular manufacturer in mind and he goes to them. They can do the design today with the understanding of course that when it goes under construction that manufactures product will be used.

Chairman Rogan stated put a deposit on the wall.

Gene Richards stated I don't know how they work the financial aspect of it.

Chairman Rogan stated the wall (inaudible).

Mrs. Hahn stated there is a deposit on a contract now.

Gene Richards stated okay.

Chairman Rogan stated okay.

Mrs. Hahn stated so it's a (inaudible).

Chairman Rogan stated understood.

Rich Williams stated I'm trying to get in the middle of this a little bit, if we know the basic layout, we know how the walls are going to layout within the site and we know the style of wall. I mean if we want to wait until the end of the process to get stamped plans, I really don't see the harm in that.

Mrs. Hahn stated that would work okay.

Chairman Rogan stated that meets the intent of what the Board wants.

Rich Williams stated as long as we know the style, the design, how its laying out on the site.

Chairman Rogan stated because then we know what its going to look like and we know what the impact will be horizontally in terms of how much room it is going to take up.

Rich Williams stated right.

Mrs. Hahn stated that would actually be a reasonable compromise that would work.

Gene Richards stated I take what you're saying meaning that it would still be prior to the Chairman signing the site plans or is that not what you're saying.

Mrs. Hahn stated that would be now, is the way I understand it. I mean, we would have to get those plans now for you.

Rich Williams stated what I'm saying is not have the final engineered design.

Chairman Rogan stated but type size and style.

Rich Williams stated prior to having the plans signed but having those stamped plans before the building permit is pulled.

Mrs. Hahn stated right.

Rich Williams stated the only concern I might have is if they decide to put the walls in before a building permit is pulled, you'll have to think about that a little bit.

Mrs. Hahn stated I would suggest that you make that a condition, that it can't be done that way, it would be the easiest way to do.

Rich Williams stated if we could, we could work it out.

Mrs. Hahn stated I understand the issue but I think that becomes, essentially a condition, no excavation on the site or however it would work until those things were done, to be done, just to clarify.

Chairman Rogan stated why don't we step in and make this really clear because I can see from the Board's reaction, why don't we just get this designed out now, get it designed out now. Let's make it clear cut, the back and forth I'm seeing and what I'm feeling up here that, let's know exactly what we are going to have out there for the wall. You guys are progressing beautifully with the site plan and I appreciate all your diligence, we are close to setting a public hearing on this, I think you know, that wall isn't going to change things drastically. Ted the wetlands issues are pretty minimal, the site gentlemen feel that we are close enough to schedule a public hearing or.

Gene Richards stated they've come a long way.

Chairman Rogan stated how does the Board feel.

Board Member Pierro stated I'm fine with setting a public hearing.

Board Member Montesano stated no problem.

Chairman Rogan stated anybody want to do that motion please.

Board Member Pierro stated in the matter of Genovese Site Plan, Route 22 Patterson, I make a motion that we schedule a public hearing for November 6th.

Board Member DiSalvo seconded the motion.

Board Member Pierro stated second.

Chairman Rogan stated she said seconded.

Board Member Pierro stated I was questioning the date.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated any opposed, motion carries.

Mrs. Hahn stated thank you very much.

Chairman Rogan stated thank you very much, you have a wonderful evening.

Mrs. Hahn stated thanks, you too.

Chairman Rogan stated thank you.

4) JUSTIN'S AUTOMOTIVE – Sign Application

The applicant did not appear.

Chairman Rogan stated okay, Justin's Automotive.

Board Member Pierro stated did you do the site walk.

Chairman Rogan stated we did not because.

Board Member Pierro stated so I was trespassing out there earlier.

Chairman Rogan stated well you were on the road and at that point in time we actually had information that was you know different then what we later found out.

Tim Curtiss stated special (inaudible) failed.

Board Member Pierro stated right, no mens rea though, there was no criminal intent.

Chairman Rogan stated Rich brought up the fact in essence the authorization for the application had not been signed by the property owner which was a de facto.

Board Member Pierro stated sure.

Chairman Rogan stated not a withdrawal of the application but we just don't currently have a complete application.

Board Member Pierro stated do we have that satisfied now, has anything changed.

Chairman Rogan stated no.

Board Member Montesano stated no.

Board Member Pierro stated so we are not reacting to Justin's at the moment.

Board Member DiSalvo stated right.

Chairman Rogan stated we're not.

Board Member Pierro stated okay, any other action on that, anything.

Chairman Rogan stated all we did was re-affirm, like we said at the work session, the Board's intent to do a site plan on this.

Board Member Pierro stated okay.

Chairman Rogan stated and have this properly evaluated.

5) **OTHER BUSINESS**

a. **Martins Subdivision**

Chairman Rogan stated Martins Subdivision, we discussed at the work session, the Town Board had turned down their request for a 280-A and a common drive. So I imagine that Mr. Miller will be talking to the owner and coming in.

b. **Fox Run Phase II**

Chairman Rogan stated Fox Run Phase II, we had discussed at the work session. We did not make a determination or did we.

Rich Williams stated no, what you had asked was for Gene and I to get together, to come up with a narrative about all of the potential issues that might exist by allowing multi-family housing out there. With everything that I had going on and the fact that Gene was on vacation, we are going to have to put this over to the next meeting.

Chairman Rogan stated no problem.

c. **Eurostyle Marble and Tile**

Chairman Rogan stated Eurostyle Marble and Tile, we have a bond reduction issue that we discussed at length at the work session.

Rich Williams stated if I might Mr. Chairman, I don't think Rob is here yet and I know he was coming tonight.

Chairman Rogan stated no problem.

d. **Patterson Interstate Business Park**

Chairman Rogan stated Patterson Interstate Business Park, Mr. Montelone came in to discuss future plans for a lot out there which at some point we will do a site walk on.

e. Powe Subdivision – Request for Extension

Chairman Rogan stated Powe Subdivision, we granted a 90 day extension.

f. Thunder Ridge Ski Area – Wetlands/Watercourse Permit

Mr. Bob Conklin, the applicant was present.

Chairman Rogan stated Thunder Ridge Ski Area, I am going to recuse myself from this application, I see Mr. Conklin is here for this.

Board Member Pierro stated I was away while you conducted the site walk and I sent an e-mail to Gene, requesting that he review Rich's four points for doing remediation to the stormwater pond. Do you have any comments on that Maria.

Board Member DiSalvo stated (inaudible).

Board Member Cook stated yeah, I'll comment from the standpoint that we just received Gene's memo this evening, as well as from the Conklins, one agreeing to Rich's memo, this is the Conklins agreeing to Rich's memo. We have Gene's memo from Stantec which is in more detail and I would suggest that we discuss Gene's memo in conjunction with site walk and in conjunction with Rich's memo, at the next work session.

Board Member Montesano stated second.

Board Member Pierro stated is it, obviously its acceptable to one of the members of the Board, is it acceptable to you Maria.

Board Member DiSalvo stated yes, yes.

Board Member Pierro stated I agree.

Board Member Cook stated I just think we need some time to.

Board Member DiSalvo stated and we wanted to get Ted's input too.

Board Member Pierro stated right, Ted have you been able to review.

Ted Kozlowski stated I just got it today and I did not attend the site walk the other night.

Board Member Pierro stated yes.

Board Member Cook stated and that is the other thing Ted, if you could provide us with any comments.

Ted Kozlowski stated sure.

Board Member Cook stated prior to the next work session, that would help us.

Ted Kozlowski stated well I'm in agreement with Rich and I read Gene's comments at work today and then I just re-reviewed them and make sense. So, I would like to see this expedited and I would like to see a more permanent solution to the pond situation, as long as Thunder Ridge is operational, they are going to have to dredge that periodically. We can come up with a way to do this properly each time, then I'm for it.

Board Member Cook stated okay.

Board Member Pierro stated Mr. Conklin, during the site walk at the pond the Board Members investigated a complaint and there may be no connectivity to this, a smarter mind than I will research it but there has been a certain amount of flooding in the parking lot of Alpine Restaurant. There is a lot of water coming off the road and from what I've read in Gene's, in Rich's memo, the drain out there, the road drain, is that what it is, a culvert.

Rich Williams stated you're thinking about the road drain along Thunder Ridge Road.

Board Member Pierro stated yes.

Rich Williams stated correct.

Board Member Pierro stated is not pitched properly so that may be some of the cause of that but when I was out there two weeks ago on a Sunday. There was three or four inches of water in that rear parking [area] and with my novice eye, it looked like it was coming off the road.

Board Member DiSalvo stated can we suggest that Charlie [Williams] take a look at that drain on that road.

Rich Williams stated I talked to Charlie [Williams] on several issues that I have to meet with him on, he asked me to.

The Secretary stated (inaudible).

Rich Williams stated to give, actually draft a list of all the issues that I need to talk and that is on the list that I'm going to bring to his attention.

Board Member DiSalvo stated okay.

Rich Williams stated that you know, we've got the drain coming in along Thunder Ridge and there is a section of the road where, you know, run-off can run right across the road and there really is no swale on the eastern side of Thunder Ridge Road. So there is a small contributing area coming off of Thunder Ridge, which on very, I mean very heavy rainfalls could conceivably jump over the road and go down into Alpine or Daniel J's parking lot. Which again the whole parking lot is pitched right to that door, so even if you intercept on the road, the parking lot in itself is still going to create a problem and he's got no roof leaders on the building, so that's all going.

Board Member Pierro stated I'm not saying it's the only causing factor but.

Rich Williams stated so there are a lot of factors in this.

Board Member DiSalvo stated right, so let's eliminate the road.

Board Member Pierro stated that roadbed there, that driveway bed there is part of the right of way and Daniel J's has no authority to do any maintenance in there.

Rich Williams stated I wasn't referring to that right of way.

Board Member Pierro stated that portion.

Rich Williams stated I was talking about just the parking lot in the back.

Board Member Pierro stated okay, because I had suggested to them that they possibly re-grade that area and they said they couldn't touch it because it was part of the Ryder's property. Even if they wanted to repair the portion of the driveway that intersects with Thunder Ridge Road, because its not their land. They had offered in the past to share some of the cost but that was apparently turned down and this is only hearsay from what they told me. On the site walk comments, it looks an electrical and pipe list, is this related to this project. Supply and install all necessary wiring devices and hardware.

Rich Williams stated no its not.

Board Member Pierro stated oh okay, I was a little confused there.

Board Member DiSalvo stated going to get electrocuted.

Board Member Pierro stated this looks like a laundry list, it doesn't go there.

The Secretary stated don't look at me, I didn't write the memo.

Board Member DiSalvo stated let me see then.

Board Member Cook stated (inaudible).

Board Member Pierro stated maybe part of Stantec's memo for something.

Rich Williams stated no, I'm seeking out the bids for temporary electrical service out back.

Board Member Pierro stated okay.

Rich Williams stated I threw that list on my side table and then I threw the site walk comments paper clipped together on that, it must have gone together and somebody copied them.

The Secretary stated I don't make copies, what are you talking about.

Board Member Pierro stated it happens.

Board Member DiSalvo stated do you just want to reiterate that we are going to review the memos at the work session.

Board Member Pierro stated I think it's clear on the record but Bob, the next work session, which is what date.

Board Member DiSalvo stated probably the 31st.

The Secretary stated the work session.

Tim Curtiss stated oh boy.

The Secretary stated it's the 30th, I'm sorry.

Board Member Pierro stated on the 30th of October we will be comparing the memos from Stantec and our Planner and see if we can work out a reasonable.

Mr. Conklin stated if you want me there, I'll be there.

Board Member Pierro stated if you would like to be, you are welcome to come.

Board Member DiSalvo stated and maybe by then, we can have some comments from Charlie [Williams] on the drain.

Mr. Conklin stated (inaudible – too far from microphone).

Board Member Montesano stated if you get away with that, please let me know.

Board Member Pierro stated so you were wondering what that was for as well.

Mr. Conklin stated I gave that a double take.

Board Member Pierro stated okay.

Board Member DiSalvo stated okay and we are just waiting on a decision.

Board Member Pierro stated do you have any questions Bob, thank you. Okay Shawn, you're allowed to come back now.

Tim Curtiss stated want me to go get him, Shawn come back.

Board Member Montesano stated we are just going to continue, he can always come back tomorrow.

Board Member DiSalvo stated so who are we just waiting on, just Bob Cameron right.

Board Member Pierro stated right.

Tim Curtiss stated I was just going to say I like this.

Chairman Rogan stated this isn't a twelve o'clocker.

Tim Curtiss stated (inaudible).

Board Member Pierro stated we are going to be able to catch the debate.

g. Barnes Subdivision

Board Member Pierro stated Barnes, we took care of.

Chairman Rogan stated we took care of it.

Board Member DiSalvo stated we are waiting on Eurostyle for the bond.

Chairman Rogan stated do you know that Rob is coming.

Rich Williams stated I did talk to Rob today at about four o'clock and yes, he did say he was coming around eight, eight thirty.

Chairman Rogan stated okay.

Board Member Montesano stated yeah, well good for him.

Chairman Rogan stated what I would say is, we get whatever we get from Rob, the Board had pretty clear direction as to where were going with this, what we wanted from him, we can always take an action at the work session, if he provides clear information.

Board Member Pierro stated they weren't under, he didn't say he was under, well the door just opened up.

Chairman Rogan stated no, that was closing.

Board Member Pierro stated oh okay.

Board Member Montesano stated (inaudible).

6) MINUTES

Chairman Rogan stated does anybody want to do a motion on the minutes that we have before us on the agenda.

Board Member Montesano stated I make a motion that the July 17th, August 7th and August 28th, be approved.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated anything from you gentlemen, that you would like to discuss.

c. Eurostyle Marble and Tile

Rich Williams stated yes, I would to jump back to Eurostyle Marble, even if Rob isn't here.

Chairman Rogan stated sure.

Rich Williams stated I did go out at the Board's direction, I looked at the site improvements, I did come up with an estimated reduction in the bond amount, but also while I was out there, I identified one or two items that are deviations from the plans.

Chairman Rogan stated conditional.

Rich Williams stated yeah, do you have the memo.

Chairman Rogan stated I don't know that I do, I must.

Board Member Pierro stated I do.

Rich Williams stated some of them I was aware of, some of them I was accepting of as he was going through the process.

Board Member Pierro stated specifically what number Rich, excuse me.

Rich Williams stated what number.

Board Member Pierro stated yeah.

Board Member Montesano stated its other business, c.

Board Member DiSalvo stated no, the, on the October 1st memo.

Board Member Pierro stated no, I'm talking about in the memo.

Rich Williams stated there are various things, well number one, let's start right off with number one.

Board Member Pierro stated okay.

Rich Williams stated I was fully aware that he had substituted granite curbing for the concrete curbing, you know, I think that was an upgrade, certainly it has the same wear and the same durability as concrete but certainly presents a much more attractive appearance. He also replaced the asphalt curbing which is a much cheaper style of curbing with the granite, of course I was aware of that and kind of accepted that but there were a couple of other issues that were not, and I think maybe we should take some time just to go through this to see what the Board's opinion is. I would very much like to go and see the debate too but.

Chairman Rogan stated sure, this might be a better one.

Rich Williams stated you know I want to, being as there is an issue going on with this, I would like to try and wrap up some of these and there is one big issue here that I do think we do need to wrestle with a little bit. I don't know how you want to do this, if you want to take a minute and go through or.

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

Rich Williams stated you want to go one by one.

Chairman Rogan stated the number three, you have a grass island that was supposed to divide up the traffic flow right, it was an island that, so you would have an entrance and an exit. That has not been installed.

Rich Williams stated that has not been installed, honestly I'm not a traffic engineer but to me that's just an obstacle that everybody is going to run into. It is certainly going to inhibit snow plowing out there, and didn't have a real problem with seeing that eliminated.

Chairman Rogan stated any of these eliminations, do we do this in the form of a motion so that we are changing from the deviated site plan, the approved site plan I mean.

Rich Williams stated or you could do it all at once at the end.

Chairman Rogan stated okay.

Board Member Pierro stated okay.

Rich Williams stated just decide which ones you are going to accept and which ones you want further action on.

Chairman Rogan stated okay.

Board Member Pierro stated you want to poll the Board as we go through them.

Chairman Rogan stated sure.

Board Member Pierro stated I have no problem with removing the grass swale and putting painted lines in.

Board Member DiSalvo stated what number is that.

Chairman Rogan stated its number three, if anybody has an issue, if Rich is saying that it's acceptable. If anybody has a counter opinion, please speak up at that point, otherwise, we'll continue.

Board Member Pierro stated okay.

Rich Williams stated let's just jump back to number two real quick, they put in unilock brick pavers, instead of the concrete sidewalks. Again, if you go out and take a look at the site, its very attractive, the one issue that I do have with that is the fact that it requires them to construct a ramp out into the parking lot. It's not going to effect the parking but you know, they are going to do a blacktop ramp out into the parking lot, instead of, as was specified on the plan, a sidewalk and curb drop.

Board Member Montesano stated drop curb.

Gene Richards stated drop curb.

Rich Williams stated drop curb.

Tim Curtiss stated (inaudible).

Rich Williams stated I talked to Rob about it today, it's a very easy thing to actually knock out a section of the Belgian block, take out the sand and re-slope that unilock, so as to provide for that. I think that is the way it should go rather than having this blacktop ramp coming out into.

Chairman Rogan stated blacktop or concrete.

Rich Williams stated well.

Board Member Montesano stated (inaudible).

Rich Williams stated yeah, when I talked to Martin, he was going to do it when he did the top course, so I'm assuming its going to be blacktop. Typically it would be concrete.

Board Member Pierro stated re-shape the unilock.

Chairman Rogan stated I tend to agree with the re-shaping of the brick pavers, everybody.

Board Member Pierro stated okay.

Chairman Rogan stated great.

Rich Williams stated with the guard rail I did talk to Rob about it. He felt that the guard rail was no longer needed in that area because of the changes to the site grading. It is relatively level, right now the way that they've graded the site in this area, whereas in the approved plans, it did slope off quite a bit requiring the guard rail. So again I don't have a problem with that.

Board Member Pierro stated what is that area that has been graded, what is that going to be, is it going to be hard pan or black top or grass.

Rich Williams stated its grass.

Board Member Pierro stated okay, fine.

Rich Williams stated it is grass, the site is totally stable and vegetated, it is grass.

Chairman Rogan stated and Rich, maybe I missed it and forgive me if I did but why was the grading so much different then what was shown on the approved plans. What changed the grading out there and if so why was it so off the original plans.

Rich Williams stated some of it was a bust in the topography, there are changes in the grading through out the whole site, with exception of the stormwater ponds which came in right where they needed to come in.

Chairman Rogan stated okay.

Rich Williams stated due to excessive hammering and blasting.

Chairman Rogan stated I mean, did they change the first floor elevation of the building.

Rich Williams stated I have not gotten the as built yet, I understand there is an as built, we haven't gotten that yet, so I don't know for sure.

Chairman Rogan stated okay.

Gene Richards stated Mr. Chairman.

Chairman Rogan stated yes.

Gene Richards stated if I can make one suggestion relative to the guide rail, since that was something that was on the approved site plan. Maybe if the Town can get a statement from the project engineer, stating that due to site changes or change in topography, whatever, the warrants for the guide rail are no longer present so that guide rail is not required.

Chairman Rogan stated sure.

Gene Richards stated that puts the.

Chairman Rogan stated the liability the insurer.

Board Member DiSalvo stated it put the liability back on them.

Chairman Rogan stated someone has an accident there and they find out there was supposed to be a guide rail that would have prevented that.

Board Member Pierro stated wouldn't that be true with all of the items that we are dealing with now.

Tim Curtiss stated you should probably get a statement from the project engineer that due to changes in the site, they are requesting these changes to the site plan.

Board Member Pierro stated okay, you earned your pay tonight Mr. Curtiss.

Mr. Curtiss stated oh, thank you very much.

Chairman Rogan stated wonderful.

Rich Williams stated number five.

Chairman Rogan stated and we've given him some time.

Board Member DiSalvo stated nope, its another door.

Chairman Rogan stated no.

Board Member Pierro stated signage.

Rich Williams stated yeah, number five he recognizes that he has put the signage up.

Chairman Rogan stated okay.

Rich Williams stated the only question I had for Gene and I can work this out later, is the sign that he put up, it says handicap parking, where it normally you know.

Gene Richards stated its not the normal sign for handicap parking.

Rich Williams stated no, its not what's required by DOT and MUT. Well it is blue but the blue signs are supposed to say reserved parking, not handicap parking, I don't know if that's a big deal, I didn't find it a big but.

Board Member Montesano stated well that depends on who comes up, if you get someone that's handicap, they can make an issue out of it. Unfortunately it was in the news not too long ago.

Rich Williams stated what is the issue that they are going to make. That they are parking in a handicap parking spot and the sign says handicap.

Board Member Montesano stated yes, they don't want that wording on there. They want the whole thing properly, that is why they had the law passed.

Gene Richards stated I don't know that there's.

Board Member Montesano stated it doesn't make a hill of beans.

Gene Richards stated I don't know that it would matter, it obviously intended to identify that it is a handicap parking spot but we typically recommend that they use the DOT standard sign just because of its familiarity to motorists. Everybody instantly knows it's a handicap parking spot and you need a permit. It probably would still function if just had a blue sign with white lettering that said handicap parking.

Board Member Pierro stated I don't see it being as critical.

Board Member Montesano stated they made a comment about that movie which was really important to do and that alleged comedian where they made that fiasco with that war type movie in it they used terminology relating to handicap people. They didn't use that exact word but, they made a big deal to do about it, it did get on the news to waste more time.

Chairman Rogan stated okay, so.

Board Member DiSalvo stated so what do you want to do with this.

Board Member Montesano stated just let it go.

Board Member Pierro stated I think the handicap signs as marked are okay.

Board Member Montesano stated if they are marked, they're marked.

Rich Williams stated now we are getting into some of the bigger issues, though not so critical. They had a proposed location for a dumpster, they ultimately didn't put the dumpster there, instead the dumpster as you drove into the site was dead ahead, was straight ahead. Over on the site in the rear of the building, they had designated an area to be enclosed in a chain link fence that they were going to store outdoor materials. Becoming more familiar with their operation, I have no idea how they were going to do that because the materials were going to be well outside of that fenced in enclosure. What they ultimately did is they shortened up that storage area enclosure and moved the dumpster location over into that storage area and then put double gates, so they could get behind the building. The original plan only had a very narrow access drive, so they could get to the septic running along behind the building. They re-graded that whole area in the back to there is now a flat area that is about 110 feet wide, the length of the building 180 feet which, with double gates going into it, it doesn't take a rocket scientist to understand that they intended to use it for outdoor storage.

Board Member Pierro stated eventually it will evolve into that.

Rich Williams stated yeah, you know, initially he denied all intent of using it for outdoor storage but eventually came around and acknowledged that maybe well a truck or two or three and then maybe this. Honestly, I took a look at it and it makes a lot of sense with the site layout to have that kind of storage area. Its behind the building, it's in an area that, except when the leaves some off, you might be able to see a portion of it; you're not going to be able to see anything back there.

Board Member DiSalvo stated somebody calling you.

Rich Williams stated yup.

Board Member Pierro stated Rob Cameron.

Rich Williams stated probably.

Board Member DiSalvo stated hurry up, run, run, run.

Rich Williams stated the only thing is it's not really set up, it doesn't have the correct surface, there are some safety issues with regard to the slope and honestly I think if they are going to use that for outdoor storage they should be coming back in with a plan. Showing what they are going to do back there and amending their site plan to do it but I do think its something that should be seriously considered and addressed now because its there and he's going to be doing it anyway.

The Secretary stated I wasn't moving fast enough.

Rich Williams stated whose phone was it.

The Secretary stated I'm not sure if it was yours.

Board Member Pierro stated maybe he figured if the phone wasn't answered then there was nobody here.

Tim Curtiss stated he wouldn't have to come.

Chairman Rogan stated do we have this many issues with most of this size projects, that are done without coming back to the Board.

Rich Williams stated no.

Chairman Rogan stated because it seems like and Charlie was a little bit upset when were talking about the siding on the building and doing things. We were out on site, we spoke with gentlemen but I would like to think that an applicant would feel comfortable coming in and saying look, we realize now that we are building the site, we really want to use this. Just come in and talk to us, are we that bad to come before.

Rich Williams stated no, they do it.

Chairman Rogan stated it seems like they just plow forward.

Rich Williams stated you know, having gone through this now, I can say up until about two months, I was doing inspections on the site to make sure that the site stable and they were building according and that was mostly related to the drainage which for me, is kind of the critical aspect. Then I got tied up with other things so I haven't been out there in the past two months and you know, I did identify some of the issues that two months were deviations from the plan, such as the siding, such as the.

Chairman Rogan stated but none of that seems to matter because you speak to these people and you tell them no, do what's on the plan, don't do what you've said and they do it anyway and so.

Rich Williams stated Shawn just so you're aware.

Chairman Rogan stated I'm frustrated with this application at this point, seeing all these things that have been changed.

Rich Williams stated sure and I don't blame you and I have to say I've been doing this a long time and I don't think we've ever had a commercial site that or even a residential site for that matter that has building exactly what is on the plat.

Chairman Rogan stated I understand that.

Rich Williams stated a lot of times, sometimes they'll come in, a lot of time they won't we just had one the other.

Chairman Rogan stated and they take a risk of these things not being approved either.

Rich Williams stated absolutely.

Chairman Rogan stated these people are investing a lot of money in this.

Board Member DiSalvo stated can we do another site walk.

Chairman Rogan stated I think we need to do one with this memo.

Rich Williams stated you can do anything you'd like.

Board Member DiSalvo stated and visually see what the issues are.

Chairman Rogan stated that is kind of what I'm feeling.

Board Member Pierro stated okay, can, does everything up until this point I've been okay with rolling it all into one but when I see the extent of the storage or what may soon be the storage area outside, I want to get back out there before we take any other action, I would like to look at it.

Rich Williams stated well understand that my recommendation to the Board is that there are a lot of issues here that you may accept such as the brick paver sidewalk.

Board Member Pierro stated that is (inaudible).

Rich Williams stated but when it gets to that outdoor storage area.

Board Member Pierro stated that's pretty large.

Rich Williams stated that is a huge change which should require an amended site plan.

Board Member Pierro stated okay, so that is the way I would like to go.

Chairman Rogan stated that is kind of where I was, in thinking about this as we were going through was that there are so many changes, let's get this on an amended site plan so we have in writing what we are approving. You've got twenty-five items, be it some of them are minor but let's go back out there.

Rich Williams stated well and some of those twenty-five are outstanding items that we all know and it was just, I was generating almost a punch list also, like the top course.

Chairman Rogan stated right, fair enough.

Rich Williams stated he knows, I know, it just hasn't been done yet.

Chairman Rogan stated let the access way to the septic system. They indicated a certain type of compacted fill with a seed and mulch cover, they put in gravel, do we then tell him that gravel is fine but throw some seed over it and just let it naturalize or just leave it alone, let it naturalize, it'll seed over.

Rich Williams stated I would just leave the gravel surface, I think its, you know.

Chairman Rogan stated but they aren't going to maintain the gravel surface, the intent it that it naturalizes but it's a compacted, once every so many years access road if they need. So, not unlike the access way the goes through Montelone's site.

Board Member Pierro stated right.

Chairman Rogan stated it goes from Commerce into the site, the back out.

Rich Williams stated right.

Board Member Montesano stated (inaudible).

Chairman Rogan stated so, okay, I think everybody is on the same page about going out and taking a look, Mike.

Board Member Montesano stated yup.

Board Member Pierro stated yup, sooner than later.

Chairman Rogan stated let's get, let's see if we can schedule a site walk with, is there a reason to have the owner present for this, he's in Ireland right now, he said but we aren't going to do this this week anyway.

Board Member DiSalvo stated unless you want to meet with Bob Cameron.

Rich Williams stated the only thing I would like to bring to the Board's attention is that Rob did make the plea at the work session that there is a money issue involved in this.

Chairman Rogan stated yeah.

Rich Williams stated the applicant has a letter of credit and he's looking to get rid of that letter of credit so that frees up his money so he can finish the site work out there.

Board Member Pierro stated I think this answers our earlier discussions Mike.

Rich Williams stated which is.

Board Member DiSalvo stated (inaudible).

Board Member Montesano stated yeah.

Board Member Pierro stated you know with this amount of extra stuff that has to be done, I think we ought to protect our selves and the Town and keep a little bit more than the suggested 40,000 dollars.

Rich Williams stated whatever you want. My bond recommendation was strictly based on what the original performance bond was and the amount that they've done and these are items that by Code we bond. There are other issues out there certainly, like the building siding which is not bonded issues but I don't disagree with what you're saying.

Board Member Pierro stated right but that twenty-five or so issues that we were going to roll into one site plan amendment, can we bond those items.

Rich Williams stated yeah, no, you certainly can.

Board Member Pierro stated okay.

Rich Williams stated some of them for example are the changes to the landscaping.

Board Member Pierro stated right.

Rich Williams stated you know I gave him full credit for the landscaping for the trees, simply because he had put in that much and then more, even though they were different varieties. Overall the landscaping of the site came out very nice, with the exception of the front that I'm not crazy about.

Board Member DiSalvo stated let's go look.

Chairman Rogan stated but the amount, we aren't in a position to, even if we agreed with the 40,000, we aren't in a position to recommend a bond reduction because Rob was going to figure the additional expense, if I remember correctly for the siding because the Board was looking to bond that even though you say its not a bondable issue, whether or not you say its for the siding or you just say the siding it seventy grand and we are going to change this forty to one hundred and ten, whatever you want to call it but. I mean the flip side is to not release any of this until the siding is on the building, that is not going to help the guy any and we are all looking to help the guy out to release this bond but he's got to have the other one in place.

Board Member DiSalvo stated I say, let's go take a look.

Chairman Rogan stated so, Rob's not here to (inaudible – too many speaking).

Board Member Pierro stated it depends on how much of a gun this guy is under at the moment.

Board Member Montesano stated if, for an idea, if we released or recommended a release of two fifty, that will leave one hundred and forty laying there, I believe. A hundred and forty thousand should cover what we need for the 24 items that are here and two hundred and fifty ought to give him some cash if he wants to proceed with getting the approval of the building.

Board Member Pierro stated so moved.

Chairman Rogan stated but the only codicil to that motion is that the new, because he's doing a new bond, we are doing a complete, in essence we are releasing the entire bond and putting another one in its place.

Tim Curtiss stated they'll have to issue a new letter of credit.

Chairman Rogan stated a new letter of credit for.

Board Member DiSalvo stated it would be a hundred and twenty.

Rich Williams stated a new bond.

Chairman Rogan stated so the new performance bond for a hundred fifty.

Board Member Montesano stated a hundred and forty (inaudible).

Chairman Rogan stated a hundred and forty thousand dollars, obviously has to be in place before they release.

Tim Curtiss stated yes, you have to have the bond in place.

Chairman Rogan stated okay and that is (inaudible) into the process, they would already know all that, okay.

Board Member Pierro stated but how, my question is, he has a letter of credit for three-ninety.

Tim Curtiss stated yeah.

Chairman Rogan stated yeah.

Board Member Pierro stated how does he do that at the same time, unless he has to provide the hundred thousand dollar bond and then he can get his hands on the three-ninety.

Chairman Rogan stated yes.

Tim Curtiss stated yes, he has to have a bond in place before we can release that letter of credit.

Board Member Pierro stated okay.

Rich Williams stated I don't know the particulars of what he's going to do but for example if he was going to get a bond for a hundred and forty thousand dollars he would have to have a fourteen thousand dollar premium. Which is a lot different than having a hundred and forty thousand dollars tied up in the bank to secure your letter of credit.

Chairman Rogan stated well okay, the motion was to make a recommendation for the Town Board to release two hundred and fifty thousand of that three ninety. Mike made the motion, Dave you were seconding.

Board Member Pierro stated seconding.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated any opposed, motion carries. Let's try to set up a site walk for this site for, anybody want to do it next week.

Board Member DiSalvo stated we can do it earlier than that.

Board Member Montesano stated next week would be easier because Saturday.

Chairman Rogan stated a week night, I mean.

Board Member Montesano stated yeah.

Rich Williams stated next weekend is Columbus Day weekend.

The Secretary stated hang on.

Board Member Cook stated how about we just do it next Tuesday.

(Side 1 Ended – 8:29 p.m.)

Chairman Rogan stated I have to stick away from Saturday morning, I have a lot going on this weekend with other work.

Board Member DiSalvo stated okay.

Board Member Cook stated Tuesday.

Board Member DiSalvo stated Tuesday at 5.

Chairman Rogan stated Tuesday at 5:15, on site, would that work for everyone.

Board Member Pierro stated that works for me.

Board Member Cook stated good.

Rich Williams stated what was it.

Board Member Pierro stated Tuesday.

Chairman Rogan stated this Tuesday, 5:15, on site.

Gene Richards stated do you need us there.

Chairman Rogan stated I was going to ask that, is there anything that you see that we would want Gene's input on.

Board Member Pierro stated if we are going to site plan amendment.

Board Member Cook stated why not.

Board Member DiSalvo stated do you want Bob Cameron there too.

Board Member Pierro stated its going to be pretty extensive.

Rich Williams stated I think its all pretty cut and dry but (inaudible).

Board Member Pierro stated for the storage area I'm talking about.

Rich Williams stated Gene has a tremendous knowledge base that he brings out there with him.

Chairman Rogan stated yeah and then do you want to let, there aren't double doors Tim, so he's okay getting out of here.

Board Member Montesano stated he wouldn't mind coming from Newburgh early to come down here with us.

Rich Williams stated he'd have to leave at like 3:30 or so.

Board Member Pierro stated traffic gets heavy at that time of night.

Tim. Curtiss stated three or four.

Chairman Rogan stated and Rich, while we don't normally do it.

Board Member Montesano stated why don't you just come Sunday and don't bother.

Chairman Rogan stated want to let Rob know and he's certainly welcome if he has the time to accompany us on this.

Board Member Pierro stated anything else.

Board Member Montesano stated anybody know what the date is for Tuesday.

Tim Curtiss stated October 7th.

Board Member Montesano stated thank you.

Chairman Rogan stated wonderful.

Tim Curtiss stated no, next weekend, the 13th.

Board Member Pierro stated anything else.

Board Member Montesano stated well you have the parade in Mahopac on Sunday.

Tim Curtiss stated that's right.

Chairman Rogan stated Tim, do you have anything that you need to discuss with us or anything.

Tim Curtiss stated no.

Chairman Rogan stated okay, motion to adjourn.

Board Member Pierro stated I make a motion we adjourn.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated thank you everyone for your time.

The meeting adjourned at 8:31 p.m.