

TOWN OF PATTERSON
PLANNING BOARD MEETING
October 25, 2007 *Work Session*



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TOWN OF PATTERSON
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ZONING BOARD OF APPEALS
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PLANNING BOARD
Shawn Rogan, Chairman
David Pierro, Vice Chairman
Michael Montesano
Maria Di Salvo
Charles Cook

Planning Board
October 25, 2007 Work Session Meeting Minutes

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

APPROVED

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

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

Michelle Russo was the secretary and transcribed the following minutes.

There were approximately 4 audience members.

1) CHARALAMBOUS WETLAND PERMIT APPLICATION – Public Hearing

Chairman Rogan stated it is Charalambous, I keep messing it up, wetland permit, we are ready, hopefully they are going to have everything proper for this public hearing.

The Secretary stated hopefully, she came in, she spoke with Rich.

Board Member Pierro stated the fence was moved and that was inspected, right.

Rich Williams stated I haven't gone out there yet.

Board Member Pierro stated okay, so you will be able do that.

Rich Williams stated but they did say that they moved the fence.

Board Member Pierro stated okay.

Chairman Rogan stated five second recess.

Rich Williams stated that is why we keep the windows closed.

Chairman Rogan stated I know but it was so hot.

Rich Williams stated (inaudible – Train whistle).

The Secretary stated we won't hear you.

Chairman Rogan stated you'll get a chance to check that fence before next Thursday, okay, the Board I think was pretty comfortable with the rest of the issues on that. I know that Ted was comfortable with the application once we determined the situation with the fence. A public hearing on that and we will be doing a motion to approve the wetlands permit.

2) PAPIITTO SITE PLAN – Public Hearing

Chairman Rogan stated Papitto public hearing, do we have anything, we don't have anything new on Papitto do we.

Rich Williams stated there is nothing new, we did have a meeting with the Town Engineer, myself, the Papittos and their engineer up at the Town Engineers office last week. We went through all the site issues the design issues that were outstanding.

Chairman Rogan stated I understand what you mean, Michelle is going to have a terrible time. [closes windows].

Rich Williams stated you can't win.

Chairman Rogan stated no you really can't, you are losing, it was awful warm in here.

Rich Williams stated it was. So hopefully they are revising the plans to address all the issues and how we've worked it out. They are going to approaching the Board with one issue and that is putting a couple of catch basins in at the base of the driveway and doing the front portion of the driveway before they get site plan approval. The issue is the potential for the blacktop plants to close before they have an opportunity to do that and this will give them ability to later in the winter tie into the catch basins, the catch basins are only going to benefit the road right of way so it really is not an issue.

Chairman Rogan stated is it something that we are allowed to do to, you're approving a portion of a site plan, do we have the ability to flex that.

Rich Williams stated I think you are okay to let them go in put drainage in the County right of way providing the County issues the permit. It is not really site plan it is drainage improvements along the right of way and that should be fine.

Chairman Rogan stated okay. And Rob Cameron will be there.

Rich Williams stated he should be.

Chairman Rogan stated talking about this.

3) **CINGULAR WIRELESS/MALDUNN SITE**

Chairman Rogan stated okay, Cingular Wireless/Maldunn Site, this is the Camp Re site.

Rich Williams stated yes.

Chairman Rogan stated I know that we had some material safety data sheets that were given to us last time on the product that they were cleaning out.

Board Member Montesano stated utilizing.

Chairman Rogan stated no utilizing but the product with the drums that we were concerned about that they were crushing down.

Board Member Montesano stated right.

Board Member Pierro stated right.

Chairman Rogan stated and.

Rich Williams stated you all also have site plans issued.

Board Member Montesano stated isn't that nice.

Rich Williams stated don't say a word.

The Secretary stated I had a bad day I'm not going to.

Board Member Pierro stated this is Maldunn.

Board Member Cook stated this is what we requested of the applicant.

Rich Williams stated yes, you requested to look at the overall use of the site.

Board Member Pierro stated I just want to get a number on this before I stack it on the pile.

Chairman Rogan stated number three. So the gravel drive with the lollipop area, that is where they were doing the.

Rich Williams stated yes.

Board Member Pierro stated the cans.

Chairman Rogan stated the cans.

Board Member Pierro stated the 55 gallon drums.

Chairman Rogan stated correct.

Board Member Pierro stated and this storage garage where the horns were on the.

Chairman Rogan stated yup.

Board Member Pierro stated where is the.

Chairman Rogan stated cell tower.

Rich Williams stated the cell tower is not on the site, it is just south of the septic.

Chairman Rogan stated okay so we are looking, let's do this.

Board Member Pierro stated so this is the front and we were up standing up in here.

Rich Williams stated yup.

Chairman Rogan stated yup.

Board Member Pierro stated and where is the cell tower going to go.

Chairman Rogan stated back here, the second location.

Board Member Pierro stated the secondary location.

Rich Williams stated that is where the ZBA [Zoning Board of Appeals] approved it.

Chairman Rogan stated yeah.

Board Member Pierro stated I wasn't aware of that, okay.

Chairman Rogan stated they felt that from the balloon tests and from the visuals that the building would block part of the tower that that was a better location.

Board Member Pierro stated that is a good point.

Chairman Rogan stated yup.

Board Member Pierro stated because we don't have control over this parcel here and if that gets denuded, you know they clear that tree line there, it will be exposed.

Rich Williams stated there is one more issue on this and that is the Town has prevailed in the lawsuit that Camp Re filed.

Board Member Pierro stated and what was their lawsuit.

Rich Williams stated Camp Re filed a lawsuit saying that the ZBA [Zoning Board of Appeals] was without the authority and violated rules and practices in approving the cell tower.

Board Member Pierro stated okay, that's fine.

Rich Williams stated it was very harshly dismissed because Camp Re never raised an issue during the ZBA review.

Board Member Montesano stated somebody messed up.

Board Member Pierro stated interesting. What court was that in.

Rich Williams stated Judge O'Rourke.

Board Member Pierro stated Andrew.

Rich Williams stated yes, it was one of the quickest decisions that we have seen him write.

Board Member Pierro stated wow.

Rich Williams stated we are still waiting on Burdick Farms.

Board Member Pierro stated yeah.

Chairman Rogan stated I was going to ask about that too.

Rich Williams stated we are still waiting. With Camp Re, he saw the case and made the decision.

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

Board Member Pierro stated you read your work place violence.

Ted Kozlowski stated I did.

Rich Williams stated everybody has to sign it.

Chairman Rogan stated everyone had to sign that.

Ted Kozlowski stated I signed mine and handed it in today.

Board Member Pierro stated I haven't read it yet.

Chairman Rogan stated that is only acknowledgment of the plan though, that is not going through the training, we still have to go through the training.

Board Member Montesano stated but did you have to do that first. How could you sign it without going through the training.

Board Member Pierro stated they are brining our wives in.

Chairman Rogan stated when you do as much as we do.

Board Member Pierro stated they are going to debrief our wives here too so, see if there is any violence at home. Okay, back to the issue.

Chairman Rogan stated do you remember looking at the MSDS sheets on that product though, it wasn't completely innocuous, it wasn't like a product that you could just, you know if there was any residual that you could just dump on the ground I don't have it in front of me. When reading through that there were some precautionary statements in there and I want to take a look at that and see, we want to make sure in looking at this site plan that we are addressing the issues that are going to be created by crushing those barrels down where they are doing it.

Rich Williams stated my suggestion you know to the Board, I don't care what they are doing, it shouldn't be out in the open on bare soil, it should be in a contained area.

Chairman Rogan stated yeah.

Board Member Pierro stated is that use still on going.

Rich Williams stated yeah.

Chairman Rogan stated oh yeah.

Board Member Montesano stated apparently it is because they've got stacks.

Rich Williams stated they started again and they should be just about ready to crush them all.

Board Member Pierro stated what was the material again, was it a sealing compound.

Chairman Rogan stated yeah.

Rich Williams stated it was a water based sealant.

Board Member Montesano stated water based, what is the rest of it.

Rich Williams stated water soluble.

Chairman Rogan stated water soluble, which is probably worse.

Board Member Pierro stated water soluble.

Chairman Rogan stated you get it on the bare ground with a little bit of water.

Board Member Montesano stated on the ground.

Board Member Pierro stated and it washes away and nobody knows.

Board Member Montesano stated it washes in.

Chairman Rogan stated right.

Board Member Cook stated this is it, they say it was crushing empty noxious containers on the bare ground.

Chairman Rogan stated and the noxious containers what they provided, what we asked for was an MSDS sheet on that product and if you start looking at the MSDS sheet, I have it at home, it talks about precautionary statements, health risks any okay, you start talking about any of that and I don't think, like Rich said, should be done out on open.

Board Member Montesano stated that is what annoyed me when we first looked at it, that they were crushing it on there.

Board Member Pierro stated and it is up gradient of the pond and the open well.

Board Member Montesano stated you don't know what else.

Chairman Rogan stated the well is right there.

Board Member Montesano stated the water washes right down.

Rich Williams stated it is okay, you capped it.

Chairman Rogan stated yeah we capped that.

Board Member Pierro stated we capped that above grade.

Chairman Rogan stated did we paint it.

Board Member Montesano stated right.

Rich Williams stated yes, bright orange.

Board Member Cook stated are they still doing it.

Board Member Montesano stated yeah.

Chairman Rogan stated the crushing, yes.

Board Member Montesano stated and that is why.

Ted Kozlowski stated who is this.

Board Member Pierro stated Maldunn.

Chairman Rogan stated this is the cell tower site where we walked down in the woods and the gentlemen were crushing barrels and putting them in the dumpster.

Board Member Pierro stated Rich did we have a conversation about this, were you informed of the loss of this business on site would not be horrible because I understand they are only getting a couple hundred dollars a month, right.

Rich Williams stated okay, do you have the site plan open.

Board Member Pierro stated yes.

Chairman Rogan stated yes.

Rich Williams stated Shawn, where is the septic systems.

Board Member Montesano stated right in front.

Rich Williams stated where are the septic systems for those two buildings.

Board Member Montesano stated there is none.

Chairman Rogan stated they don't have it or they are not showing them.

Rich Williams stated so how do you have an office occupation that don't have water and sewer.

Ted Kozlowski stated what is this, that, and that.

Chairman Rogan stated no these are up gradient.

Board Member Pierro stated proposed.

Chairman Rogan stated right, one story office, well they have water, they are showing water connections.

Rich Williams stated where is the water going.

Chairman Rogan stated where is it going, right, right.

Board Member Montesano stated into the barrels before they crush them.

Chairman Rogan stated yeah, that is good point, the one story office, the warehouse.

Board Member Montesano stated the garage.

Rich Williams stated those two buildings were never meant for permanent occupancy.

Board Member Pierro stated right.

Chairman Rogan stated right.

Board Member Cook stated where is the septic for the big building.

Board Member Montesano stated right there in the back of the building.

Chairman Rogan stated right here, next to where the cell tower is proposed to go.

Board Member Pierro stated and this is expansion.

Chairman Rogan stated existing septic per owner, I don't know if that's.

Board Member Pierro stated right.

Rich Williams stated either they missed it.

Chairman Rogan stated they have three of them, they've got three septic shown for that main building.

Rich Williams stated so either they missed it or it doesn't exist or somebody put a cesspool in the ground and it is not legal to do that.

Chairman Rogan stated right.

Board Member Montesano stated no.

Rich Williams stated it is more then likely it is the third.

Board Member Montesano stated so.

Chairman Rogan stated so in that case, I'm sorry Mike, would we kick them over the Mike Budzinski to get approval for that building, let them explore that.

Rich Williams stated if you want that building to be lease-able space, you've got two options you can do whatever it is going to take, have Dave go out there and review the buildings, Health Department review the buildings, make sure that they are going to be safe and healthy, viable lease-able space or you know say listen, the warehouse space on site, garage space and they can't be used the way you are using them.

Board Member Montesano stated question if I can.

Rich Williams stated of course.

Board Member Montesano stated would that crushing operation going on, DEC, DEP shouldn't we at least notify them that this is going on.

Ted Kozlowski stated it depends on what they are crushing.

Board Member Montesano stated they will find out because we have the information.

Board Member Pierro stated they are crushing steel drums that contain a water soluble sealant, a noxious substance.

Chairman Rogan stated the barrels that their sealant comes in.

Board Member Montesano stated and they are doing it on open dirt, could care less.

Board Member Pierro stated yea, do we know the names of these individual companies that are operating there.

Rich Williams stated the only one that I know is the Dutch Boy.

Board Member Montesano stated they have C.O.'s for those buildings.

Rich Williams stated I have no idea.

Board Member Montesano stated I was just wondering are there C.O.'s for the buildings.

Rich Williams stated I know that Dave has been out there on fire inspections.

Board Member Pierro stated I think that it is important that we identify the ownership of the companies because if there is any environmental hazard that develops later on in the future, we know who to go after.

Rich Williams stated this is Joe (inaudible).

Board Member Pierro stated okay.

Rich Williams stated he knows.

Board Member Montesano stated yeah.

Ted Kozlowski stated I would think that this has to be done on an impervious surface in a proper environment.

Chairman Rogan stated yup.

Ted Kozlowski stated I don't think that you can do this.

Board Member Pierro stated with drainage and separators.

Board Member Montesano stated they have been doing it for quite awhile and nobody has said anything so they are going to continue it.

Chairman Rogan stated at least it would (inaudible) any spills or anything.

Board Member Pierro stated right.

Board Member Montesano stated unfortunately.

Ted Kozlowski stated no because these containers aren't certified cleaned, right there have to residue.

Chairman Rogan stated there has to be waste.

Board Member Montesano stated they are cleaned there, they wash them out, that is what the guy was telling us, I don't understand.

Ted Kozlowski stated what do they do with the waste water.

Board Member Montesano stated it just rolls right into the ground.

Ted Kozlowski stated is that really.

Rich Williams stated yeah.

Chairman Rogan stated that is what it sounds like.

Board Member Montesano stated take a look that is what I saw.

Board Member Pierro stated I didn't think that they had water out there, that far out, Shawn says it is on the map.

Chairman Rogan stated water to the building, not to the area where they are crushing, it doesn't show water.

Board Member Pierro stated right.

Board Member Montesano stated I don't remember if there was hose or something there that they were using.

Ted Kozlowski stated is this an occasional barrel or is this like.

Board Member Montesano stated no this is everyday.

Board Member Pierro stated it is like fifty barrels.

Chairman Rogan stated they were filling dumpsters with crushed barrels from their operation, they are in the sealing business, they seal driveways, tennis courts.

Rich Williams stated basement foundations.

Chairman Rogan stated basement foundations.

Rich Williams stated that is what they are sealing.

Chairman Rogan stated okay, so it is that.

Ted Kozlowski stated I can make a phone call right now and find out.

Chairman Rogan stated okay, cool.

Ted Kozlowski stated I will do that.

Rich Williams stated I know.

Ted Kozlowski stated this to me, sounds ridiculous.

Board Member Pierro stated right.

Chairman Rogan stated it sounds kind of crazy to us too when we were out there.

Board Member Pierro stated okay.

Chairman Rogan stated do you want to move on while.

Rich Williams stated where are you going.

The Secretary stated cell phone.

Chairman Rogan stated he doesn't want us listening to his conversation and revealing his source.

Board Member Montesano stated what are you getting jealous already.

Board Member Pierro stated right.

Rich Williams stated he could go into my office and shut the door.

The Secretary stated he can't sit at Sarah's desk, I have her chair, he could stand at Sarah's desk.

Board Member Montesano stated he could sit on her desk.

Chairman Rogan stated okay, so that we are all on the same page with this. They are in for site plan approval to codify what is out there right now, to try and get approval for what is existing, right, Rich.

Rich Williams stated yes.

Chairman Rogan stated and this was something that came up through the cell tower review that we were looking at a site that did not have site plan approval and if I remember right, we segmented the, well, because the cell tower is not on this, so isn't that a segmented.

Rich Williams stated no because now that is just one sheet of a set of sheets you are going to approve.

Chairman Rogan stated okay, fair enough. So.

Board Member Cook stated but we don't have an application from the owner right.

Rich Williams stated I would have to go back and check to see if an application was submitted.

Board Member Cook stated I just have this feeling that the only application we have is from the cell tower company.

Rich Williams stated I will check on that.

Board Member Montesano stated and we are going to, so now with that note in mind we are going to review something that we can't give it any kind of approval because we don't know what is going on with the rest of the property. Well you've got a possible contamination area right behind where they are going to build, so what run off are they going to create that will run into the contaminated area.

Rich Williams stated they are really not going to create any run off because everything is on a gravel surface except for the tower and a couple of bases for the equipment.

Board Member Montesano stated but the landlord is going to make the profit and then we are going to try and see if we can get him to explain what is going on.

Board Member Pierro stated I think that the intent was to have him get everything in place before.

Rich Williams stated right, you are going to take a look at this at this point and you are going to say Dutch Boy is okay to be there or it is not or this is what you have to do to keep them there.

Chairman Rogan stated if you want it there.

Rich Williams stated and based on that you are going to approve or deny the site plan including the cell tower, if there is a clean up issue out there because of some sort of contamination that is probably going to be addressed by another agency, not even by this Board. So they are going to have to clean it up whether they get site plan approval or not.

Chairman Rogan stated right.

Board Member Montesano stated okay.

Board Member Pierro stated we can hold their feet to the fire a little bit.

Rich Williams stated absolutely.

Board Member Pierro stated right.

Board Member Montesano stated I would just like to see that thing gets cleaned up as fast as possible.

Board Member Pierro stated absolutely.

Board Member Montesano stated once and then approve, if we can't then we can't.

Rich Williams stated I didn't say you couldn't.

Board Member Montesano stated on that basically, I would have to say, we would have to figure out what is the best to go.

4) BONEILLO SITE PLAN

Chairman Rogan stated move on to Boniello.

Board Member Pierro stated yes, I spoke with Rich last night, Boniello, Anthony is going to be away for the meeting but he is sending his brother and hopefully his engineer, has come to the point where he has addressed all the issues that we sent him to do the last time out and I understand that he is dealing with a company, Rich, Boniello is speaking with a company Morton Buildings and he is bringing some examples of facilities that they construct. Anthony did have a question yesterday and I did not have a proper answer

for him, Morton Buildings are metal sided buildings which are not allowed by our Code but these look like, it looks like vinyl, I said Anthony, take a look I gave him the example of taking look at Doctor Cook and Harold Lepler's building, the horse hospital.

Chairman Rogan stated New England Equine.

Board Member Pierro stated it is the same style, Morton Style Building with the steel framing and a fascia that could be made to look like wood, you know, I thought he ought to go that route, but I didn't think, I thought that the process would be extended to terrible long if he were to attempt to get a vinyl sided building that is made out of metal to get our Code expanded to permit that, I don't know if this Board is ready to make that recommendation to Town either, that is pretty tall order.

Board Member Montesano stated you could get the metal building through Morton and then they put a board on the outside that is not metal.

Chairman Rogan stated that is like the hardy plank that we were talking about.

Board Member Montesano stated similar to that.

Board Member Pierro stated hardy plank is concrete.

Chairman Rogan stated people buying a metal building and then siding basically, this case the guy was trying to kill two birds with one stone and get a metal building that also looked like hardy plank and you have to hand it to him to find something like that but you know, I think you were right pushing him in that direction.

Board Member Montesano stated right.

Board Member Pierro stated right.

Chairman Rogan stated so, Rich how did Mr. Greenburg do with his technical.

Board Member Pierro stated his homework.

Rich Williams stated I have cracked the plans and looked at it, I haven't really done a hard review on it, he certainly, you know, he is out of the wetlands as much as he can, they have done their due diligence with the DEC, we have a signed plan, Ted may want to address some issues that he had with that.

Chairman Rogan stated yeah.

Rich Williams stated so in general I think, my initial concern was that he was not being real about showing all the features of the site and I think that he has taken care of that at least now so we can move on and start worrying about specific design issues.

Chairman Rogan stated and we have now addressed the issues with the wetlands across the street, in terms of identifying them, having them look at any new implications to this site plan based on their looking into those wetlands.

Rich Williams stated yes.

Chairman Rogan stated yeah, so they had to shift things around.

Rich Williams stated not a lot. Essentially what it is, they are saying that the wetlands on the other side of the street are DEC regulated wetlands. They show it running along the whole front of the property which is what I maintained from the beginning. So they are not doing any changes to the driveway entrances and once you get into the site the surrounding wetlands are all Town regulated and the DEC is not saying there is any hydrologic connection so it is strictly a local issue.

Chairman Rogan stated okay. Boy it looks like they are showing plenty of parking on this site now, 26, 29, 30, 31 spaces that is a lot of parking. We are just hoping that when it is done we don't have lawn mowers parked in those spots.

Board Member Pierro stated right.

Cingular/Maldunn Site Discussion

Ted Kozlowski stated want to hear what I found out.

Chairman Rogan stated yes.

Ted Kozlowski stated I spoke to a friend of mine who works for the DEC, he is a spill investigator, he actually heads it up, if the drums are clean and certified clean, and they are just you can eat out of them and they are crushing them on the ground, that is fine. If the drums are empty but there is residue and that residue is getting onto bare ground and you in the New York City watershed and you are in the Great Swamp, that is a violation.

Chairman Rogan stated okay.

Ted Kozlowski stated and that he said just call and Encon officer, he said better yet call DEP, because their police officers are better. He said that would be defiantly in violation.

Chairman Rogan stated I wonder whether.

Ted Kozlowski stated of the Clean Water Act.

Board Member Pierro stated Clean Water Act.

Chairman Rogan stated I wonder when we saw those drums they were, they were popping them open and letting them air dry until they are in tacked so it is a solid substance.

Board Member Pierro stated to be honest with you the ones that I looked into, they were fairly clean and I didn't see any residue on the bottom.

Ted Kozlowski stated they could be coming from someplace where they power cleaned out and you are just getting.

Board Member Pierro stated they could be cleaning them on site.

Ted Kozlowski stated you know, but why would do that there and then send it some place else, you would probably do it in the same operation, but it can not be on the bare ground.

Chairman Rogan stated okay.

Rich Williams stated no, all we did was a survey by Terry Bergendorff for the as built.

Board Member Pierro stated my thought is that they were probably cleaning them where they were operating, wherever they were pumping them out of and just stacking the empties back on the truck and then bring them there and dumping them off because crushing is probably better off on a large scale operation like they are doing 50 at a time.

Ted Kozlowski stated is this associated with what is that company.

Board Member Pierro stated the cell tower, Maldunn.

Rich Williams stated Maldunn.

Ted Kozlowski stated are they part of.

Board Member Pierro stated no, it is a tenant.

Ted Kozlowski stated oh, to me it is.

Board Member Pierro stated it is a violation.

Ted Kozlowski stated unless these things are clean.

Board Member Pierro stated and the only way we can verify that is by inspection.

Ted Kozlowski stated right.

Board Member Pierro stated and that is not our purview, we have to send Dave out, maybe Dave hooking up with DEP at the same time and going out there.

Ted Kozlowski stated I think you should send Dave out there because Dave is a compliance officer for IBM.

Chairman Rogan stated that is a big operation.

Ted Kozlowski stated he knows what to look for. If he sees that they are dirty then he'll call.

Board Member Pierro stated he kills two birds with one stone, if he takes DEC or DEP with him when he goes to make the inspection.

Chairman Rogan stated I would think he would go on his own first and see.

Ted Kozlowski stated I don't think you want to cry wolf until he verifies.

Chairman Rogan stated right.

Board Member Montesano stated yeah.

Rich Williams stated that addressed the immediate situation but the long term situation about are you going to allow it to continue and maybe when Dave goes out there because all those drums are clean, are they going to stay clean in the future.

Chairman Rogan stated well what you do is for the assumption of the site plan you have to, if you are going to approve that operation, you have to approve it on this assumption that this is how they are doing things and if they are not doing things it is in violation regardless of our site plan, it is in violation of environmental law, you know, we could say yeah we are fine with it but it doesn't allow it under environmental law.

Board Member Pierro stated is there any minimum standard that a two car garage like this must have its own bathroom facility or sewage treatment.

Chairman Rogan stated any building that we have been approving now, any warehouse related building , now a two car garage, might be, no, any building that we have been doing now, we have been requiring a bathroom.

Rich Williams stated any building for occupancy.

Board Member Pierro stated okay.

Ted Kozlowski stated is this what they do, are they doing this five days a week, eight hours a day.

Chairman Rogan stated crushing, no.

Board Member Pierro stated no, I think that they are storing material there.

Chairman Rogan stated on an as need basis.

Board Member Pierro stated they store material there and they load the cans up on the truck and they go to sites where they apply it and then when they come back they park their vehicles and then leave the empties on site.

Ted Kozlowski stated at a minimum some spill containment.

Board Member Montesano stated if you look at the site plan, it says that they have containers stacked, now are those empty containers are they full containers.

Board Member Pierro stated I think the ones that are palletized are full, they were wrapped in plastic.

Board Member Montesano stated and the whole thing is that we have no control over that as far as containment because they are right on dirt, they are not in a building so that means if the truck goes by and flips a rock through it and punctures one of them it just goes in the ground and they will take it and chalk it up to unfortunate situation but we've got all those.

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

Chairman Rogan stated okay, so I think that we should at least talk to them about again get it on record about how they are doing their operation, how it is, and we can ask these very specific questions, are they cleaned out, if so where are they cleaned out, you know, just that if it is off site, it might be fine for the site plan it doesn't mean that it is fine in general.

Board Member Pierro stated fine.

Chairman Rogan stated and bring up the situation with the septic system for the office building, we need to know if there is system that is acceptable for that building, you know and go from there. I think either way I would still like to request that the Building Inspector to go out and take a look at that.

Board Member Pierro stated absolutely.

Boniello Site Plan

Chairman Rogan stated and make that official. Okay, so back to Mr. Boniello, Ted have you looked at Boniello's most recent plan.

Ted Kozlowski stated yes I have.

Chairman Rogan stated are you smiling because you are overjoyed with how well they are coming along or because now they have created new problems.

Ted Kozlowski stated no, I just, Richie & I had a conversation and I had conversation with DEC about that, it was very interesting. Yes, I did look at it.

Chairman Rogan stated I want to make sure I wasn't covering up the microphone.

The Secretary stated no, you're good.

Ted Kozlowski stated like I said, my concern is I don't want to see anymore encroachment in here and it looks like they did come up with a fence or something to define the boundary commercial and then the wetlands.

Chairman Rogan stated that is this grey line all the way around, although why would you.

Ted Kozlowski stated I don't know, I don't understand that.

Chairman Rogan stated why wouldn't they just connect that, that is silly, unless.

Board Member Pierro stated the angle is probably just to great.

Board Member Montesano stated is there a slope or something there.

Chairman Rogan stated it is shown on the, it is not on the key, doesn't it seem like this is awful close, this turn, of this is shown as outdoor storage still, so they have a curb area between the building and the curb area, they can use that for palletized lawnmowers.

Board Member Pierro stated or their storage of repair equipment hopefully, that was the area that I wanted to see an overhanging shed, you know like.

Chairman Rogan stated like a lean to.

Board Member Pierro stated to keep that stuff if it was going to be outside but I think they are going to need this somewhat clear to get back here because this is going to be a lot of outside storage up here.

Board Member Montesano stated which sheet is that.

Chairman Rogan stated 2.

Board Member Pierro stated thirty foot set back, thirty feet is a large area.

Chairman Rogan stated the spot where they had the floor plan. I'm looking at the over, the overhead garage doors, are they going to have enough room for that overhead, that is kind of tight isn't.

Board Member Pierro stated that was retail space wasn't it.

Chairman Rogan stated yeah so are they showing, it looks like the same kind of.

Board Member Pierro stated it looks like it but I think this is mainly for moving smaller equipment into the sales type of thing. Most likely that is equipment, if you go into this current space, that is equipment that is already operating that they can drive in and out so it is the biggest, so probably the scags, the ride around scags, the tigers things like that and tractors which is what they have inside now, I don't think we have to be concerned about a vehicle backing in that space but we ought to ask him anyway.

Ms. Groepl stated I would like ask a question, I understood that this is a public meeting tonight.

Chairman Rogan stated this is a work session.

Board Member Pierro stated this is a work session, it is not a public meeting you are allowed to sit.

Chairman Rogan stated well it is a public meeting, but not a public hearing.

Ms. Groepl stated I just wanted to find that out.

Chairman Rogan stated sure. I am just going to, what Dave and I and the rest of the Board, we are just looking at the first, the corner of the retail space of the building closest to one of the existing buildings, it looks, right in here, they show overhead garage doors across the entire front of this building, this is retail space.

Board Member Pierro stated right.

Chairman Rogan stated just curious, I want to make sure that that says as retail, if that were used as garages for bigger equipment you know dump trucks or larger sized equipment, that is going to be a difficult area.

Rich Williams stated why would you have dump trucks or larger equipment on there.

Board Member Pierro stated I don't.

Rich Williams stated this is a lawn mower shop.

Chairman Rogan stated okay.

Board Member Pierro stated this is going to be their retail sales, which is what is going on here now.

Ted Kozlowski stated are you thinking about in the future if this is no longer a lawn mower place.

Chairman Rogan stated not that alone but they have some larger equipment on site don't they.

Board Member Montesano stated (inaudible).

Board Member Pierro stated a couple.

Rich Williams stated it is not legal to have a contractors yard there.

Board Member Pierro stated they have dump trucks, they have a dump truck parked there.

Chairman Rogan stated okay.

Board Member Pierro stated they have a tractor.

Chairman Rogan stated does anybody have anything else.

Board Member Pierro stated that is a question for Joel.

Chairman Rogan stated yeah just to you know, codify it, if this is retail space, in fact if this is retail space, do they even need the garage door there or can they get away with one on here.

Rich Williams stated they probably should need, it wouldn't make sense to have a garage door there in the first place.

Chairman Rogan stated we were saying if they were putting in their retail space scag mowers and stuff, they need a way to get them in and out, you know things on display.

Rich Williams stated bring them in from the back.

Board Member Cook stated is there any regular door shown on that.

Chairman Rogan stated you mean a door for the public to.

Board Member Cook stated yeah.

Chairman Rogan stated we need the architectural on this because it is not showing on the.

Board Member Pierro stated I would think.

Board Member Cook stated we should ask him that also.

Board Member Pierro stated I would think my, I mean, from personal knowledge, my scag, my walk behind commercial scag, is almost 50 inches wide in the front I don't know that the best they could hope for is a double, the smallest they could hope for is a double French door, all glass.

Chairman Rogan stated okay.

Rich Williams stated typical lawn mowers shops, if you go to a lawn mower shop.

Chairman Rogan stated you don't bring them in front door.

Rich Williams stated you don't bring them in the front door.

Chairman Rogan stated right.

Rich Williams stated you are going to have a front door that is set up to entice customers to come into the shop, you better bring your wares into the repair bays where you are going to assemble them.

Board Member Pierro stated well let's have him explain.

Rich Williams stated yeah and everything comes in from the inside.

Chairman Rogan stated yeah because it shows.

Board Member Pierro stated it looks like, the width looks like a garage door.

Chairman Rogan stated over garage doors.

Board Member Pierro stated and I agree with Shawn's point in bringing it out.

Board Member Cook stated Rich will you be able to have for next week some sort of a come back.

Rich Williams stated oh yeah. I have just been having so much fun.

Board Member Cook stated I understand that.

5) **GENOVESE SITE PLAN**

Chairman Rogan stated okay, Genovese Site Plan.

Rich Williams stated they did crazy stuff (inaudible).

Chairman Rogan stated it seems like Genovese hasn't been in, in a long time.

Rich Williams stated since 2006.

Chairman Rogan stated maybe they wanted to get it right and didn't want to come back.

Board Member Pierro stated I hope so.

Rich Williams stated yeah, its up to you.

Chairman Rogan stated so this is south of Boniello, the very next door.

Board Member Pierro stated the next building.

Chairman Rogan stated this is where they were originally they talked about Brewster Honda.

Board Member Pierro stated right.

Chairman Rogan stated we entertained that for just a short amount of time, this is the.

Board Member Pierro stated 50,000 square foot.

Chairman Rogan stated I want to say sewing but it is not sewing it is the jackets and.

Board Member Pierro stated it is warehouse and some manufacturing.

Chairman Rogan stated light manufacturing.

Board Member Pierro stated wasn't a portion of that.

Rich Williams stated it is taking jackets and embroidering.

Chairman Rogan stated embroidery that is that word I couldn't think of.

Rich Williams stated and stitching.

Board Member Pierro stated and putting it together, putting the pieces together. Shawn are you opening that plan.

Chairman Rogan stated sure.

Board Member Pierro stated okay.

Rich Williams stated Genovese.

Ted Kozlowski stated yeah, I think so.

Board Member Pierro stated the architectural are a little limited but I didn't think.

The Secretary stated LADA.

Rich Williams stated too far under.

Board Member Montesano stated too far.

Board Member Pierro stated the largest one Mike.

Board Member Montesano stated oh okay, thank you. I knew they were here somewhere.

Chairman Rogan stated following, looking for the floor plans, exterior elevations.

Board Member Pierro stated the last one in the group.

Chairman Rogan stated it is not there.

Board Member Pierro stated A 2.

Chairman Rogan stated they go from D 3 and they end.

Board Member Pierro stated well.

Chairman Rogan stated so.

Rich Williams stated what are you looking for.

Board Member Pierro stated A 2.

Chairman Rogan stated the site plan part of it that was going to show floor plans, A 2, the grading plan, just to get an overall look at the site.

Rich Williams stated just so that you are aware, when they initially came in I believe that they came in with a 51,000 square feet and I think that they are up to about 63,000 square feet.

Board Member Pierro stated right, what is.

Rich Williams stated there was a significant jump.

Board Member Pierro stated what is the limitation.

Rich Williams stated 65 percent.

Board Member Pierro stated okay.

Rich Williams stated for the total impervious.

Board Member Pierro stated have you calculated what they are up to now.

Rich Williams stated I have not but they are not even close.

Board Member Pierro stated okay and it is their intent to eventually use the rear portion of this property for another use, that is what he said the last time he was in.

Rich Williams stated that is correct.

Board Member Pierro stated but is that total, does this portion of impervious surface get added to that back lot or is that treated as a second lot.

Rich Williams stated it is only one lot.

Board Member Pierro stated okay.

Chairman Rogan stated so it that why they are showing the road spur that heads towards the back of the area and then end.

Board Member Pierro stated yeah.

Rich Williams stated the road spur goes back to the septic system.

Chairman Rogan stated okay.

Board Member Pierro stated the septic system is all the way up here, could they use that septic system road for any future uses on the second lot.

Rich Williams stated possibly.

Board Member Pierro stated does that septic system road have to be built to a certain design standard if they are going to use it as a secondary access.

Rich Williams stated oh sure, depending on the use that they are going to have in the back, we take a look at the appropriateness of the design, the width, pull offs.

Board Member Pierro stated okay.

Chairman Rogan stated the one area about midway back is pretty steep, they have a grade change going through not that they couldn't.

Ted Kozlowski stated isn't that an existing road way.

Board Member Pierro stated no.

Chairman Rogan stated there is an existing roadway that we walked back on.

Board Member Pierro stated dirt road.

Chairman Rogan stated like a dirt road.

Rich Williams stated yeah but it ended pretty much at the end of Boniello's.

Board Member Pierro stated it wasn't far, it was only where that turn around was where they had cleared out the, there was an old shed there that they had knocked down and put it into dumpsters.

Rich Williams stated and the road doesn't go all the way back to the proposed septic area.

Chairman Rogan stated okay.

Board Member Cook stated Rich, do we have to send this applicant to the Zoning Board.

Rich Williams stated yes, they will have to be going to the ZBA. You don't have to send them there, it is a special use permit, they can simply go and apply anytime they are ready.

Chairman Rogan stated once they confident in the site plan, they don't want to go there before their time.

Board Member Pierro stated they may have to make changes.

Rich Williams stated and with the latest application they did include the ZBA application with it, so there are things that they have to change.

Chairman Rogan stated now when we walked this site the one comment I remember the Board discussing more then anything was trying to maintain that buffer between the road and the building on that slope from [Route] 22.

Board Member Pierro stated right.

Chairman Rogan stated trying to maintain a little bit of that but where the building was proposed, where the storm water was proposed it was gentle grade, it wasn't the really, there was nothing unique that I can remember a couple of trees that people spotted.

Board member Pierro stated a couple of larger trees.

Chairman Rogan stated beyond that, it really wasn't anything.

Board Member Pierro stated but has the expansion of the building, the additional 11,000 square feet plus or minus has that gone into that buffer.

Chairman Rogan state no.

Board Member Pierro stated no.

Chairman Rogan stated here is the buffer shown, this is 100 foot off set.

Board Member Pierro stated that is the back line. So they go closer to it, it looks like they built the building out back more instead of going forward and interfering with the tree line.

Chairman Rogan stated I don't think that they can because of grade.

Board Member Pierro stated right.

Chairman Rogan stated that drops pretty steep from, I don't think they can go any closer to [Route] 22 on that.

Board Member Pierro stated right which protects our, which automatically protects our view shed there, our tree line.

Chairman Rogan stated okay.

Board Member Pierro Charlie you didn't walk this, you were on the Board when we walked this site.

Chairman Rogan stated oh yeah.

Board Member Cook stated I was actually just looking at Rich's site inspection memo and you are right on with the stuff that you are bring up, we should all review that again I guess.

Board Member Pierro stated okay.

Board Member Montesano stated that is when we walked down to the next property and found the house (inaudible).

Ted Kozlowski stated I was looking at this watch [to the Secretary].

Chairman Rogan stated okay.

Board Member Cook stated you mentioned about it being visible from [Route] 22.

Chairman Rogan stated yeah.

Board Member Cook stated you were also concerned the project will be visible from the residential areas to the west, is that what they are saying a connection, the site lighting we were concerned about.

Chairman Rogan stated okay.

Board Member Montesano stated where Ballyhack would cut in.

Rich Williams stated way back.

Board Member Montesano stated I am trying to think of the house that are being built back there with the light.

Chairman Rogan stated are you going, do you want me to tape it for you.

Ted Kozlowski stated I tried to get tickets.

Chairman Rogan stated it is going to be good, tonight's is going to be good too, the one that is on right now.

Ted Kozlowski stated we'll see.

6) TRACTOR SUPPLY SITE PLAN/TOJANT PROPERTY SUBDIVISION

Chairman Rogan stated Tractor Supply, what is new with Tractor Supply. This is different.

Ted Kozlowski stated the wetlands applications is incomplete.

The Secretary stated that is the A 1 & A 2 that you were looking for.

Chairman Rogan stated see that, it was driving me crazy, thank you.

The Secretary stated you're welcome, just watch the microphone.

Board Member Pierro stated Tojant is the subdivision and Tractor Supply is the applicant on the building, correct.

Rich Williams stated no.

Board Member Pierro stated no.

Rich Williams stated Tojant is the property owner who is applying to put up a retail building.

Board Member Pierro stated right.

Rich Williams stated he suggested that Tractor Supply is going in there.

Board Member Pierro stated okay, so they should be combined on the agenda.

Rich Williams stated should they be combined.

Board Member Pierro stated yeah.

Rich Williams stated it is really (inaudible).

Chairman Rogan stated so one is an application for approval for the commercial space and the other is a subdivision.

Rich Williams stated I did it that way on the agenda so that you wouldn't really confuse the two applications.

Board Member Pierro stated and I am confused.

Rich Williams stated because you want to consider them separately, they are two separate issues.

Board Member Pierro stated right. So again, Tojant is the property owner.

Rich Williams stated yes.

Board Member Pierro stated looking for a subdivision.

Rich Williams stated Tojant is Tom Raveson.

Chairman Rogan stated Rich, the most glaring thing right off the plan is that they are not providing any useable land for access through the property, all the frontage is [Route] 22, which is all wetlands.

Rich Williams stated I think that there was something left off of the plan, I was talking about this with Theresa [Ryan] and I will tell you more about our conversation in a little while but I brought that up to her and said you are not showing anyway of getting to the parcel and she said, oh yeah, the driveway easement is right there on the plan and I said no it isn't. She said it must have been left off but apparently and I did take a look at it and depending on the grading it is possible to get a 24 foot wide driveway past the septic system.

Chairman Rogan stated are you saying then that they would use the same access to the proposed Tractor Supply.

Rich Williams stated yes.

Chairman Rogan stated so they would make that 24 foot wide and then extend it beyond the radius into the next lot, between the property line and the septic area.

Rich Williams stated yes.

Board Member Pierro stated so there is no requirement for expansion on a commercial application.

Rich Williams stated sure there is.

Board Member Pierro stated there is.

Chairman Rogan stated expansion of what, the septic.

Board Member Pierro stated yes.

Chairman Rogan stated sure, 100 percent, it is just shown in the whole box, it shows primary and expansion when they do boxes like that even when they do subdivision.

Board Member Pierro stated okay.

Chairman Rogan stated okay so I defiantly want to see that not only as an easement but making sure that any grading that it works and.

Rich Williams stated my suggestion is you've got to build out. It has got to be built out right to the property line.

Chairman Rogan stated because otherwise you are going to have an issue with that septic might not be put in the right place or grading will end up, something.

Rich Williams stated yeah.

Board Member Pierro stated the soils will be different because that is a steep bank there, isn't it.

Chairman Rogan stated you wonder why they can't take this septic and bring it down and shift it over a little bit, closer to the storm water.

Rich Williams stated they are at 108 separation between the storm water ponds and then septic. They are right on the line.

Board Member Pierro stated Ted.

Chairman Rogan stated that is tight in through there.

Rich Williams stated and it gets better.

Board Member Pierro stated it is going to be tight.

Rich Williams stated because this is the conversation that I had with Theresa [Ryan] is they are going to be moving everything back farther onto the site about another fifty feet.

Chairman Rogan stated you mean south.

Rich Williams stated south.

Board Member Pierro stated even the proposed.

Chairman Rogan stated everything.

Rich Williams stated I haven't seen the plans but she said yes they are sliding everything back because Tractor Supply liked the fact that the building was being moved back onto the site.

Board Member Montesano stated so they put all the stuff in front of the building.

Chairman Rogan stated that brings them further away from the wetlands.

Board Member Pierro stated why is the application not complete Ted.

Ted Kozlowski stated first of all they didn't pay their fees.

Rich Williams stated yes they did, you just didn't get a copy of it.

Ted Kozlowski stated I talked to Theresa today, she said they didn't pay.

Rich Williams stated Theresa didn't pay Tom Raveson paid.

Ted Kozlowski stated he calculated the right fees.

Rich Williams stated yes.

Ted Kozlowski stated are you sure.

Rich Williams stated yes.

Ted Kozlowski stated there was no functional analysis.

Rich Williams stated that is true.

Board Member Montesano stated okay.

Ted Kozlowski stated and that is biggie, there are probably a lot on incidentals but if they are moving that back, they will probably be in the DEC wetland buffer.

Rich Williams stated let's talk about how deep this hole is really going to go here.

Chairman Rogan stated okay.

Rich Williams stated my recommendation to the Board, if they are going to subdivide the property you have to at least have a minimum analysis of the new parcel to make sure that it is build-able. They are not really showing a lot of detail on the new parcel, they are showing the boundaries, but they are not showing the wetland boundaries, they are not showing topography, you know, they are not showing how they could get anything onto the site. I think that is something that the Board needs to take a look at.

Chairman Rogan stated sure.

Board Member Pierro stated back to my initial questions. Is the secondary access or the secondary parcel part of this application at present.

Rich Williams stated two separate applications, one is for a subdivision, the other is for site plan approval.

Board Member Pierro stated on Tractor Supply.

Rich Williams stated yeah so there are two separate applications which, he doesn't want site plan approval if he can't get the subdivision.

Board Member Pierro stated right.

Rich Williams stated so one is predicated on the other.

Board Member Pierro stated okay.

Rich Williams stated in that regard they are tied together.

Board Member Pierro stated okay but if we give him the subdivision and he gets site plan approval to build out this Tractor Supply building, that doesn't automatically grant him any rights construct a building on the rear parcel.

Rich Williams stated no, he would still need to come for site plan approval.

Board Member Pierro stated so it is his risk, he is rolling the dice.

Rich Williams stated yes.

Chairman Rogan stated the problem is that we end up with a subdivided lot that then they are going to want to come in and build that doesn't meet Code, they are going to end up wanting waivers on things and.

Rich Williams stated to do that.

Chairman Rogan stated to build another use on that, that is why I think it is incumbent upon us to just like you said to have the wetlands the topo and figure out what would be left on this on lot that would be useable because if and when you are all said and done there is no way to access the useable property, then why allow it to be subdivided.

Ted Kozlowski stated you are creating a monster.

Chairman Rogan stated you are creating a monster, you are creating, you guys approved it as a subdivision, now I have a right to build.

Board Member Pierro stated we are not, we are approving the subdivision, and we are not approving a use to that secondary lot.

Chairman Rogan stated the uses are Zoning.

Board Member Montesano stated the object is if we provide a subdivided lot and lets say the lot, because of various things what land boundaries etc, you are giving him permission to put something up because he is going to go before somebody and say wait a minute I have a lot that was approved now I want to put this building on it and they are telling me no and you know.

Board Member Pierro stated can we require the functional analysis to encompass the whole parcel.

Rich Williams stated sure you can if the development of parcel is going to significantly impact the wetland. What I am suggesting is, you get enough information from him on the second parcel to see that you could see something reasonable on that parcel. And that means seeing where the wetlands are on the property, seeing where the slopes are, you know I've never seen a subdivision that we didn't make them prove out a septic system.

Board Member Pierro stated okay.

Ted Kozlowski stated the other thing is, if they are pushing this back, they did a new wetlands permit based on this plan, not on the new plan.

Board Member Pierro stated right.

Ted Kozlowski stated so we don't know what the new plan is.

Board Member Pierro stated so we have to ask for a wetlands application.

Rich Williams stated well he is going to have to amend his application based on whatever he is going to do.

Ted Kozlowski stated if he pulling it back he will probably be out of the buffer. You still, well no he is going to be within the buffer for the roadways. He needs a functional analysis.

Chairman Rogan stated he is going to be close.

Rich Williams stated we don't know and that was, I had some words with Theresa because they submitted a plan.

Chairman Rogan stated this plan is invalid.

Rich Williams stated she wanted to know if I wanted her to submit the plan right away so everybody can start looking at it and I said I have already done my review and I don't have time to do another one.

Chairman Rogan stated submit the other plan and pull it from this month agenda.

Board Member Montesano stated Tractor Supply standards always use the front of the building, that is where they display everything and that is where they store everything.

Ted Kozlowski stated that is good point, does this Board know enough about this company Tractor Supply, would you want them to come and give a presentation on what they.

Chairman Rogan stated they already did.

Ted Kozlowski stated they did already.

Chairman Rogan stated they went through that whole.

Rich Williams stated let's talk about, you are not hearing anything with Tractor Supply.

Chairman Rogan stated that was the builder.

Rich Williams stated you are hearing Tom Raveson say, this is what Tractor Supply wants, there was never and direct dialogue and frankly I know there has never been any direct dialogue between the engineers designing the project and Tractor Supply.

Chairman Rogan stated and I think that we were pretty clear in one of the original meetings that they are saying Tractor Supply wants X, Y and Z and we were pretty clear in saying that if it doesn't work for the plan I don't care what they want.

Board Member Pierro stated right.

Chairman Rogan stated because you don't get this area you lose Tractor Supply, that is not my problem we are not going to approve something just to get a Tractor Supply I could care less.

Ted Kozlowski stated you are going through an intermediary and.

Chairman Rogan stated right, who has a vested interest in.

Ted Kozlowski stated we don't know when Tractor Supply finally shows up on the scene, what they are going to do there, you are just being told by somebody who is selling this piece of property.

Chairman Rogan stated two fold, him, the property owner and the gentleman who was in like the construction business for building for Tractor Supply.

Rich Williams stated he was in the real estate.

Chairman Rogan stated okay.

Ted Kozlowski stated these are guys, this property has been under somebody's control for a long time in this market and stuff he wants to get rid of the property, this is like a Home Depot kind of thing.

Chairman Rogan stated yup.

Ted Kozlowski stated they probably have a cook book of what they do. Does this Board feel comfortable.

Board Member Montesano stated they have two cook books.

Ted Kozlowski stated hearing it from the guy selling the property who is going to be out of there once it is done.

The Secretary stated go ahead.

Ted Kozlowski stated the property owner once he develops the property, once he goes away.

Rich Williams stated it is a lease, so he won't do that.

Ted Kozlowski stated how do we know what they want as they go on.

Chairman Rogan stated well you know, in a sense I could say it almost doesn't matter what they want, it is what they are showing on the plans and what we are reviewing that we have to go by, you know.

Ted Kozlowski stated and you are shoe horning big box operation in our hamlet, sandwiched between a major wetland and a smaller wetland and it is going to very visible, so I would think that.

Chairman Rogan stated there is nothing around to block it.

Ted Kozlowski stated I would think that we will do there and make sure it fits.

Rich Williams stated we did hire an architectural consultant to look at the architecture realizing that it is going to visible. To make sure that the appearance is good, now they really haven't been engaged at this point because we don't have enough information but they are sitting on the sidelines to work on the design and the Board is very adamant that they wanted a quality design and not a typical (inaudible – train whistle).

Board Member Pierro stated a stone façade, its ugly.

Rich Williams stated yeah so.

Ted Kozlowski stated that looks like a big block white building.

Rich Williams stated yeah, so I mean that that is still one of this issues that needs to be wrestled especially with Tractor Supply and the problem you are having is that you are not going to be dealing with Tractor Supply to find out what they want for building architecture. And what we can work with them on and you are going to be working with the owner who is going say well this is what they want and one of the things that I heard today that is going to come at you is that they like the fact that the building got pushed back because now it is more visible but now one of the make or break deals is that they are going to want Tractor Supply on the side of the building facing [Route] 22 large enough so you can see it clearly visible from [Route] 22.

Ted Kozlowski stated and probably lit up like a Christmas tree at night.

Board Member Montesano stated well you go down through Pennsylvania or Virginia or these places and you see Tractor Supply, they don't do anything small like Dunkin' Donuts, their signs are much bigger and they cover three sides of the building, the three sides that are visible.

Chairman Rogan stated well we already have some good news in this case, we have a sign ordinance and we stick to what they are allowed.

Board Member Montesano stated that is not a problem.

Chairman Rogan stated they may want to have, you know.

Ted Kozlowski stated you know what Shawn, this brings back memories of the Dunkin Donuts and On The Run and we were promised that the On the Run was going to look like the cute little Mobil station on the Hutchison River Park Way. Then we were promised that the Dunkin Donuts was going to look like the A&P.

Rich Williams stated I understand but those were problems with our Building Department and communications between the Planning Department and the Building Department, we have since worked that all out. What gets designed still gets reviewed by this department before it gets built and Dave and I work very well together.

Ted Kozlowski stated and Dave is very good and what scares me about this is shoe horning this big thing in that small spot.

Rich Williams stated one of the other issues that is going to come, that was in their EAF, the site is bog turtle habitat.

Board Member Montesano stated yes.

Ted Kozlowski stated endangered species.

Board Member Montesano stated that was very cute.

Ted Kozlowski stated functional analysis.

Chairman Rogan stated they did a lot of work.

Rich Williams stated they did that to themselves, so, typically, there are a couple of different ways you can approach it when you have bog turtle habitat, you can suit the whole site as Bog Turtle habitat and develop a management plan on how you are going to protect everything and the other one is that you study to find the bog turtles and where they are going to go and how they mate and that is generally a two year study.

Ted Kozlowski stated yeah but there are people out there who might have information.

Rich Williams stated as far as.

Ted Kozlowski stated bog turtle.

Rich Williams stated no site specific.

Ted Kozlowski stated maybe, maybe not.

Rich Williams stated this is what happened to Peckham Materials residential subdivision, they had to do a two year study on the bog turtle, Eric Tivian came down.

Ted Kozlowski stated right.

Chairman Rogan stated can you do the two study simultaneous with the review, in other words, you do the review continuing on while they are out there doing their bog turtle research.

Ted Kozlowski stated I don't think that it would hurt if the Board had a conversation with Michael Clemens or somebody to give us input because I don't know enough about it.

Rich Williams stated you could but you know, are they going to want to spend the money continuing to design a project with a report that may come back in and say you can't put the building there.

Chairman Rogan stated right.

Ted Kozlowski stated they must be saying that because they probably contacted the Natural Heritage Program, did that standardized thing and got back the piece of paper that says red lights, bing, bing, bing, here we are.

Chairman Rogan stated this area is home of, yeah.

Rich Williams stated that is exactly what happened.

Ted Kozlowski stated and they've got to acknowledge it because if they don't they are lying and then it's a.

Chairman Rogan stated 99 times out of 100 it gets stamped we don't know of anything on site that is natural history.

Ted Kozlowski stated right, we don't know of anything but now we do, so and that is part of this whole thing questioning the functional analysis and to look at this but. What worries me is just the speed of which this being thrown at us and like I said it is just, yes it is a commercial site.

Rich Williams stated I don't think that it has been thrown.

Board Member Pierro stated I don't think that it has been that fast, they haven't been in two months, three months.

Ted Kozlowski stated well, let me take that back.

Board Member Pierro stated if this were a viable bog turtle habitat wouldn't it have been found across the street at the A & P site when that was built.

Ted Kozlowski stated not necessarily, that wetland that we are next to, that Tractor Supply, is significantly different then what was at the A & P.

Board Member Pierro stated it is connected.

Rich Williams stated yes they are, that is why it got flagged because they found the bog turtle walking across the road and out a radio transmitter on it.

Board Member Pierro stated right.

Rich Williams stated and then it went down across the site and it got recorded, so yes.

Board Member Pierro stated I know that there are snappers in that field, I found one about two feet wide about two months ago.

Ted Kozlowski stated they are very common.

Board Member Pierro stated big.

Ted Kozlowski stated I'll be very honest, my guard is up because the whole beginning situation with, no it is not connected wetland and we found the connection.

Chairman Rogan stated right.

Ted Kozlowski stated in two seconds and we were told.

Board Member Pierro stated we were told that connection was there Ted, that was part of the A & P site wasn't it, wasn't that pipe part of the A & P construction.

Ted Kozlowski stated no, that was pipe was there.

Board Member Montesano stated remember that pipe I told you about once, it had a stinky smell coming out of it according to certain people, that a certain tank was leaking.

Ted Kozlowski stated it just didn't make sense Dave.

Board Member Pierro stated that pipe doesn't feed into the wetlands.

Ted Kozlowski stated it absolutely does.

Board Member Pierro stated but its clogged.

Ted Kozlowski stated it is not clogged.

Board Member Pierro stated its not clogged.

Ted Kozlowski stated its running, you can go there and you'll see water running.

Board Member Pierro stated okay, I didn't see it.

Rich Williams stated it wasn't part of the DEP construction.

Board Member Pierro stated okay.

Rich Williams stated it was a DOT pipe.

Board Member Pierro stated okay.

Board Member Cook stated in the applicants environmental assessment form they call out that the where it says does the project site contain an species of plant or other life that is identified as threatened or endangered and they say potentially, and then they say according to the New York Natural Heritage program, the bog turtle, so you know.

Chairman Rogan stated right.

Board Member Pierro stated good catch Charlie.

Ted Kozlowski stated that is good, the triggers a whole nother.

Rich Williams stated issues to wrestle with.

Chairman Rogan stated so why don't we, does the Board feel that should tackle that issue first and get that one out of the way because then I mean.

Ted Kozlowski stated you have a responsibility to ask that.

Board Member Pierro stated I think we ought to ask for the functional analysis immediately.

Chairman Rogan stated well a functional analysis for the wetland but who is the determining factor, who would they hire to do the research into that site.

Ted Kozlowski stated I think if I may, this is bog turtle, that is a big thing to a lot of people I think we have to at least, no matter who they bring before us, Dr. Utter, whatever his name is.

Chairman Rogan stated yeah, Jim.

Ted Kozlowski stated Jim Utter and Michael Clemens, are the people that are up and down this corridor a million times and know it well.

Rich Williams stated or Eric Tivia who is one of the experts.

Ted Kozlowski stated right Hudsonia.

Rich Williams stated who is doing a biodiversity training program.

Ted Kozlowski stated right and I think we just have to ask them and let them know that this here, this is what has come up, do you guys have anything to add to this because you are going to get criticized. You approve this project their consultant comes in and says no, it is not bog turtle habitat, whoever this consultant is, you know the other side is going to say well, and the other side always brings in Utter and Clemens, so let's go right to it and get it done.

Chairman Rogan stated it is going to be a paid consultant.

Board Member Pierro stated right.

Chairman Rogan stated let's bring them in, how do we go about reaching out to them.

Rich Williams stated give them a call.

Chairman Rogan stated so will they come for the next meeting.

Board Member Pierro stated how would they remediate.

Rich Williams stated I will talk to them and see what they suggest and you know.

Ted Kozlowski stated and say don't build there and (inaudible – too many speaking) not going to have a choice.

Chairman Rogan stated you know they are going to appreciate being called in and included especially we were just at the Wilbur Herrlich fund raiser last week and they honored Dr. Utter and he was talking about bog turtle research and you know.

Ted Kozlowski stated and those other people are going to know and let's fine out.

Chairman Rogan stated he is kind of renowned for that, so why not include them.

Board Member Pierro stated I put a call into him today on another matter, I hope he calls me back tomorrow.

Chairman Rogan stated I have had some good conversations with Jim.

Board Member Pierro stated he is a nice man.

Chairman Rogan stated but you know.

Ted Kozlowski stated but just save yourselves the criticism.

Board Member Montesano stated (inaudible).

Board Member Pierro stated okay.

Chairman Rogan stated alright, so we are really both 6 and 7 on this.

Board Member Pierro stated right.

7) GREEN CHIMNEYS SITE PLAN

Chairman Rogan stated Green Chimneys, Green Chimneys is an interesting one. So the proposal is to knock down a couple of old dormitories and put up some new ones.

Rich Williams stated only one.

Chairman Rogan stated only one but there is not net change in bed space is what they are looking at.

Rich Williams stated that is what they are saying.

Ted Kozlowski stated this doesn't involve a wetland, thank god.

Chairman Rogan stated I can tell you that I was in some of the older dormitories on temporary residence inspections and they were falling apart. We were always saying it would be great if you guys ever get the money to change these because they were really, you could see where roofs been tied and cobbled together.

Rich Williams stated and I am sure that they need to expand but you know not so much, it is just my gut that they are going from 14,000 square feet for existing dormitory facilities to 35,000 square feet but there is not net change in bed.

Chairman Rogan stated let's go do a site walk and look at the old.

Board Member Montesano stated you have to change clothes.

Chairman Rogan stated we go do a site walk we can go look at the old facilities because they were pretty crammed.

Rich Williams stated I am sure that they were and I am sure that they need more room but there are a few concerns with this project and I don't want to throw up any hurdles I think it is an appropriate thing, it is a good facility and yada, yada, yada and Shawn this is a question I have. I don't know maybe I should call Mike Budzinski on this but they've got an existing septic system and they are putting up three new buildings in a different location and they are going to tie into the existing septic system I would think that the Health Department would at least want to review these plans.

Board Member Pierro stated absolutely.

Rich Williams stated and they are suggesting that that is not case.

Chairman Rogan stated yeah I guess it would be interesting to see what Mike says.

Rich Williams stated and they are saying that they don't have to touch the septic system because they are not increasing the usage but they are taking two existing dormitory buildings which are about 8,000 square feet and they are going to convert them to other uses and if you are going to have people occupying it that has got to increase the overall use of the septic system.

Chairman Rogan stated probably the easy answer on that is they are saying its, get it in writing.

Rich Williams stated from Mike [Budzinski].

Chairman Rogan stated get a letter of intent on it from Mike [Budzinski] saying that the proposal doesn't seem to impact on the existing septic and we can go from there. Site plan, site plan, here it is, cover that right up. Let's get our bearings here, Gage Road entrance, we just approved a new health center, David's Hall, existing, so.

Rich Williams stated the health center is over here, the barn that you just approved.

Chairman Rogan stated okay, gymnasium, so we are talking up when you pull in the main entrance up and to the right.

Board Member Pierro stated where is the building that is coming down.

The Secretary stated this is the existing health center.

Rich Williams stated that is coming down.

Chairman Rogan stated okay.

Board Member Montesano stated this is Barney's old house.

Chairman Rogan stated yeah (inaudible – too many speaking).

Rich Williams stated this is a dormitory, this is dormitory, there is one.

Chairman Rogan stated I am glad that this is one that they are tearing down because that was that one that I was actually thinking about because it is terrible inside.

Board Member Pierro stated right it looks like a fire hazard from the outside.

Board Member Montesano stated that was one of the original ones.

Board Member Pierro stated I can understand the advantages to combining the spaces and condensing them.

Chairman Rogan stated that is kind of an interesting concept, it kind of reminds you of some of the dormitory style when you go to colleges, where they have a little bit of a court yard and gathering spaces which is kind of a nice aspect.

Board Member Montesano stated yes.

Board Member Pierro stated outdoor living spaces, keeps these kids outside and where is the septic.

Chairman Rogan stated existing expansion area, this is the existing area.

Board Member Cook stated the existing building, is that considered the three.

Board Member Pierro stated the existing dormitory.

Board Member Cook stated the three buildings, three in one.

Rich Williams stated no, that is one of three.

Chairman Rogan stated here.

Board Member Cook stated which are the other ones coming down.

Chairman Rogan stated asphalt.

Rich Williams stated that is only one coming down.

Chairman Rogan stated so they are saying that the number of people they housed in this one building will now be rolled into these three buildings.

Rich Williams stated no, this building, this building, and this building.

Chairman Rogan stated because they are converting uses.

Rich Williams stated they are converting those to other things. Now, David's Hall, I have a past review that lists David's Hall as a dormitory, that is how it got approved but they are not showing it as a dormitory on this. So I am not sure if that is, what they are doing right now is they are talking about the adolescent dormitories, I think they also have adults.

Chairman Rogan stated yeah, I've been in those also. These are much more modern facilities, they serve food in those facilities but it comes from the kitchen, they shuttle it over, cart it over and just do service.

Board Member Pierro stated cart it over.

Chairman Rogan stated but yeah the kids are much older there.

Board Member Cook stated so these are going to say.

Chairman Rogan stated stay as building but not as dormitories.

Board Member Pierro stated just the uses.

Chairman Rogan stated which will reduce obviously water flow, depending on what they put in those, let's talk to them and see.

Board Member Cook stated okay.

Chairman Rogan stated I think that it would be worth us going out and taking a look at the new area but also touring the ones, especially the one they are going to remove.

Rich Williams stated right.

Ted Kozlowski stated what are they going to put there. Are they just going to remove it.

Chairman Rogan stated just remove it, it is in bad area, if you have ever been there, it is in an area where it would be nice to get rid of that building and just free up some space.

Ted Kozlowski stated what happens with that space.

Board Member Pierro stated just parking.

Rich Williams stated they are not saying at this point.

Board Member Pierro stated it would be an excellent place for parking.

Chairman Rogan stated the nursery school has been hurting for outdoor area of playground and stuff, maybe they can you know, let's find out, maybe they can use some of that area.

Rich Williams stated do you see the nursery school playground.

Chairman Rogan stated no.

Rich Williams stated it is that new parking lot, that is where the playground was.

Chairman Rogan stated oh okay, for the health center because this will be new.

Rich Williams stated yeah.

Chairman Rogan stated now this footprint is showing existing this should show the proposal that we approved.

Rich Williams stated it does.

Chairman Rogan stated oh it does. It says existing health center.

Rich Williams stated right, I don't know if it is up or not.

Chairman Rogan stated oh I see, the old one is right here.

The Secretary stated I think they are building.

Chairman Rogan stated interesting.

Rich Williams stated so, um couple of comments that you want to think about, right now a lot of the roads going in there the driveways are twelve foot wide.

Chairman Rogan stated they are narrow.

Rich Williams stated since 1983, since 1989, this thing has, since 1998, this thing has doubled in size and we haven't really addressed access through the site, so I am suggesting that some of the areas be increased to twenty-four feet wide.

Chairman Rogan stated it looks like they could it right here.

Rich Williams stated well that is one of the areas that I am suggesting they take it back just to behind the gymnasium, that new parking lot on the south side of gymnasium, they could simply shift that over and if you look at the three parking areas and driveways that they are proposing for the three new buildings, they really don't show enough area in there to provide for traffic circulation, you know you pull a car in there, there is not enough room in there to back that car around. So I am suggesting that they either eliminate them, reconfigure them, extend that parking lot on the south side of the gymnasium right down the road and then just put a short driveway into the building if they need to get in there. The parking area on the southerly side of the southerly most building, get rid of that parking lot.

Board Member Pierro stated here.

Rich Williams stated yup, move the whole parking lot over the east side of that building where that playground area is, make that a whole parking lot which ties the two driveways together take that play area because you want to keep that play area next to the building move it to the southwest corner of the building right in there, perfect.

Chairman Rogan stated yeah.

Rich Williams stated you know.

Chairman Rogan stated make this all part.

Board Member Pierro stated yeah.

Board Member Montesano stated are they trying to still maintain that they don't want a lot of cars running through there because originally they used to use golf carts to get once they left the parking area.

Rich Williams stated that is fine but look at the amount of development we now have on the site.

Board Member Montesano stated you can't get a truck through there.

Rich Williams stated you are talking probably 150,000 square feet on this site.

Chairman Rogan stated right.

Board Member Pierro stated I can understand them not wanting to have cars on the site but for security purposes they probably have lost kids with cars close to the buildings, kids go and hide and disappear.

Board Member Montesano stated well the main thing I am worried about is how do you get the trucks through.

Board Member Pierro stated right, it is time to change that.

Board Member Montesano stated because even then I can remember trying to go through there with a truck.

Rich Williams stated and then that whole.

Chairman Rogan stated what is fire protection on this site.

Rich Williams stated sprinkler through most of the areas, there is a big water tank over near, I'm trying to think of where it is, I think it is over near this maintenance building over here.

Board Member Pierro stated does that have to re-evaluated for new construction.

The Secretary stated what is that.

Chairman Rogan stated a paddock I think.

Rich Williams stated I'm sure Dave will re-evaluate it.

The Secretary stated oh okay, these are all the animals.

Chairman Rogan stated you've never been up there.

The Secretary stated probably when I was like six or seven.

Chairman Rogan stated oh okay, in the back it is all high ropes areas and stuff.

Board Member Montesano stated I remember when they started up their emergency generators that didn't work.

Chairman Rogan stated this area is all animals.

The Secretary stated there are too many birds, I won't go back there.

Ted Kozlowski laughs.

Chairman Rogan stated alright so, this will be a good one to site walk and.

The Secretary stated they scare me.

Board Member Pierro stated set it up.

Rich Williams stated what.

Ted Kozlowski stated birds.

Rich Williams stated birds, there are a lot of birds back there.

Board Member Montesano stated have you watched Alfred Hitchcock lately.

Rich Williams stated it was on the other night.

Ted Kozlowski stated I watched it, the bird.

Rich Williams stated you did.

Board Member Cook stated Shawn, do you feel that there are any other ones here that need a walk.

Chairman Rogan stated I think that is the only one that all the other we've walked.

Board Member Cook stated right.

Chairman Rogan stated yeah, there is nothing else for site walks.

Board Member Pierro stated we have to make an appointment with Green Chimneys anyway, right.

Chairman Rogan stated we will talk to them, that will be.

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

8) OTHER BUSINESS

a. Town Councilwoman Nacerino's Letter

Chairman Rogan stated under other business, let's talk about the memo from the Town Councilwoman that we got after our last regular meeting. And just talk a minute about that because I think we have to at a minimum I think a letter to the Planning Board from a Town Councilperson, necessitates a written response at minimum.

Board Member Pierro stated we would be, it would not be proper to just let it go by.

Chairman Rogan stated so that we are all on the same page on this, the issue as it was presented to us is trees planting in an area that is delineated as a sight easements in a subdivision but in this case it is in the subdivision plat.

Board Member Pierro stated it is on a private property owner's property.

Chairman Rogan stated okay, so we have a situation where a Town Councilperson comes in to make sure that we have the most up to date information. The property owner doesn't want to remove the trees, they don't see it as a problem with sight line currently but I think given that they are white pines, white pines.

Rich Williams stated two white pines and one big crab apples.

Chairman Rogan stated but you know even if they were all crab apples, I don't think that we would be in a position to try and to change and leave those trees because of not knowing what five years from now could be.

Board Member Pierro stated right.

Chairman Rogan stated I think that the point of clarification on the letter and we were asking this question earlier, is that Rich clarified that the Zoning Code has required these since mid 70's, the existence or creation of sight line easements at all intersections in all subdivisions. They haven't for many years actually been shown on the plans while the Code provides for them, more recently, how many years would you say the last, five years.

Rich Williams stated four to six.

Chairman Rogan stated the last five or six years, we have been better about making sure that they get onto the plans so that it is clear. It doesn't mean that the plans that don't show them that they aren't inherent by virtue of the Code, the Code says a lot of things that aren't shown on the plans, there are a lot of requirements that aren't spelled out on a plan. So the comment that they are not in these other subdivisions, isn't 100 percent correct, they are in there by virtue of the Code, they are just not specified on the plans, so I think that is the point of clarification, while they may not be shown on these plans they are part of the code and now if things have been put into those areas over the years, they are in violation. It is kind of similar to the, before Charlie got on the Board, we had the issue of these boxes, these storage boxes, people were coming in requesting, we were denying, and they were saying but what these other seven people and in fact the one guy brought in a list of twelve different, fifteen different facilities. The reality of it was that because, like the speeding thing because other people are speeding doesn't make it right that you are speeding, so they went out and issued a lot of violations based on those pictures. They were brought to our attention, how can you not react, in this case we don't have, I think it was, the assertion of the Board and we asked Anthony just to back us up legally on this in terms of making sure that we were on firm ground that we didn't have the power as a Board to change that requirement. And in effect it would have to be a change in the Zoning Code, wouldn't it.

Rich Williams stated it would have to be both at this point because it is now a documented filed easement, a change in the Zoning Code and the Town Board would actively have to dissolve the easement.

Chairman Rogan stated okay, so I think that we are left with a situation where I think we just need to clarify to Councilwoman Nacerino that we are making sure from now on subdivisions that they are being put on the plans that while it is in the Zoning it didn't appear on every plan it doesn't mean the sight easement is not implied. Try to clear up any point of lack of communication that were pointed to in her letter that I don't personally see, I think the communication is there.

Board Member Pierro stated I think the problem is this.

Board Member Montesano stated if we can grab Anthony to give us a definition as far as the easement and what we can and can not do with it, up to our basis and then give it back to her and tell her if any changes are to be made you as a Town Board Member have to get votes necessary to change the ruling, we are going by the book.

Board Member Pierro stated and if you read the letter Mike, I brought up that the liability of waiving an easement is huge.

Board Member Montesano stated what I am looking at is white pines are a nightmare.

Board Member Pierro stated fast growing.

Board Member Montesano stated and I have one to prove it and I know what the heck it will be in a couple of years because the things just don't stop growing unless they get sick and die but that white pine is just and it is not the prettiest tree either when you get down to it. Maybe if you want to build it.

Board Member Cook stated I think we need a better (inaudible).

Board Member Montesano stated if you want to build with them, I'll let you have mine.

Ted Kozlowski stated (inaudible) road side traffic.

Board Member Cook stated I think that we need a letter from Anthony, conveying that Charlie Williams wrote to us and how he stated where he is coming from.

Board Member Pierro stated are you suggesting that the Planning Board does not send a letter, Charlie.

Board Member Cook stated not at all.

Board Member Pierro stated okay.

Board Member Cook stated I think that we need a letter from Anthony first, we asked him and then we send a letter.

Board Member Pierro stated Rich, can you facilitate that.

Rich Williams stated yes.

Board Member Pierro stated thank you.

Chairman Rogan stated I appreciate that.

Board Member Cook stated I certainly think that we have to answer the letter.

Board Member Pierro stated I will write a draft, send it to Shawn.

Chairman Rogan stated copy everyone.

Board Member Pierro stated I will copy everyone and then everyone, just my opinion and if you feel that something ought to be crossed out that is fine, well and good, I think that we ought to respond to it.

Board Member Montesano stated yes defiantly but what I am saying, what I suggested is have Anthony give us, what court that ball belongs in and don't come picking on us if we are doing our job.

Board Member Pierro stated absolutely, right.

Chairman Rogan stated but the letter.

Board Member Pierro stated you ought to read the minutes Mike, you'll have a better understanding.

Chairman Rogan stated go back to the minutes but the letter and the very last sentence talks about recognizing that we must communicate within departments more effectively and more collaborative and collaborate in a cohesive manner for the benefit and protection of all. I would agree with that general statement but I don't feel that there has been any lack of communication in this regard, so, you know I think we have a.

Board Member Montesano stated I think on certain issues there be a lack of communication.

Chairman Rogan stated I don't know what better communication could have occurred on this, I guess that is where, if there were specific examples outlined and said here are the three places we could have prevented this, it seems like the documentation was there, the person was notified.

Rich Williams stated there was one area that there could have been better communication and that is why I was a little angry at that meeting.

Board Member Cook stated draft a.

Board Member Pierro stated she could have come right to you.

Rich Williams stated she did and she got the answer.

Board Member Pierro stated she didn't like the answer.

Rich Williams stated no.

Board Member Pierro stated and that is why she came to us.

Rich Williams stated that is why she went to everyone else.

Board Member Pierro stated well.

Chairman Rogan stated does anybody have anything else under other business.

Board Member Pierro stated I do.

b. Patterson Crossing FEIS Meeting Discussion

Board Member Pierro stated I think that we ought to publish an additional date or dates for continued review of Patterson Crossing and do it now so that we can knock off at least another meeting by the first week of November and maybe even set a date a second.

Chairman Rogan stated we were looking at the fifteenth, weren't we.

The Secretary stated yes you were, the first week of November is going to be very hard to notice in time, in order to give people enough notice.

Board Member Pierro stated okay, then let us at least.

Chairman Rogan stated the 15th is a Thursday which we have been trying to stick to because of conflicts with the meeting room and everything.

Board Member Pierro stated right, I really.

Board Member Cook stated didn't we say the 8th but there was a conflict with the calendar.

Chairman Rogan stated I won't even be here.

Board Member Pierro stated that's right.

Chairman Rogan stated unless you feel the need to meet.

Board Member Pierro stated I wrote a note on the 15th and I circled it but I don't see any reason why we couldn't do, I know it is tough and a hardship but we have an obligation to.

Chairman Rogan stated what is the hardship, to do what.

Board Member Pierro stated to do it two nights in a row, maybe do it on a Wednesday and Thursday, is there any reason, we don't have to use that room, I mean if we get four guests or ten guests, we can still do it here.

Chairman Rogan stated here is the question I would pose, first off before we set, date it, is fine for the 15th, the format, which we were looking. Let's first slow down and talk about why we are doing this, the, we are reviewing the document and rather than just review it individually and come back with our comments at a final meeting, I think collectively we thought it would be a good idea to kind of walk through the process together so that as people see things that they have questions about, we can talk about it. Anybody jump in and correct me if I'm wrong but I think that was the intent, it is not a fast read document and I don't think that it is intended to be, it is technical information, it is something that you need to read and go back and read again and get a grasp of. Having said that I want the meetings to be effective and I will be the first person to say that last weeks meeting was as effective as it could have been, we were trying to go through, Mike you weren't here but we were trying to figure out a way to go through this that just made sense, I haven't been a part of going through a document like this or we haven't had one in the five years so I had said to Dave to some other people, I don't want to skip around the document, what I am afraid of that I have a point, I want to talk about here, and then we are jumping back and forth. I want to kind of work chronologically or progressively through a document so we thought we would try this, I don't know if, we tried going say page by page through the document, and if no one had a comment we would move on to the next page and I almost thing that it would be more prudent for people to have their notes, if you find a comment write a note down, comment number, page number and we go right to those, rather than going page by page because it seemed to be a tedious process and I am not sure it was as effective as it could have been and I want these to be the most effective meetings.

Board Member Pierro stated it is a tedious process Shawn and I don't see any other way to go through it, the time involved, in doing this alone, I know that there are a lot things that I went through and may find little pencil marks on paragraphs that I had concerns about and I brought them up. And in looking at the document page by page, I found other things that became important at the time and I understand your concern, this is not going, there is no way to get through this process in a fast manner, I think the way we speed it up is to do it often and to make the dates to do it often, now, at least we have, we are going forward and we have I would love to be able to knock two night, two or three nights in the month of November and I know it is going to be a hardship on me because I am going to be away for a week and I am going have to bounce it around.

Chairman Rogan stated the reason that I wouldn't want two back to back nights because I don't think from one night to next you will have gotten through anymore information. Here is what I want, I want people to be prepared so that you are not sitting and reviewing information the night of a meeting. The meeting is just to talk and maybe it needs to be a little more informal, where we are having more conversations, you almost need to read through the minutes and you will understand what I mean. It was a very difficult meeting to run and it was a very awkward meeting for me anyway, it wasn't as conversational as I would have liked. I just want to make sure that we, if we are doing these meetings that we do them so they are most effective.

Board Member Cook stated I don't think that you have to be too hard on yourself, I think that this was the first meeting like Dave said, you had said it, it is a huge document, okay, you have to find your way on this, through this process and you know, I think our approach page by page while tedious was a way to get us going and we learned and now we can take the next meeting and learn from that you know I agree with you that we can bring up certain things but you are saying and what Dave is saying is almost the same thing because you are saying okay, if we go, makes notes on pages so you can refer to them and Dave is saying which I agree. Let's go page by page, we are hitting the notes and we can move along and if nobody has anything to say about page 3-75.

Chairman Rogan stated yeah, I agree with you, move along.

Board Member Pierro stated move along.

Chairman Rogan stated and I agree with that, I am not disagreeing that process.

Board Member Pierro stated right.

Chairman Rogan stated I think what I was trying to say also, was let's say we had a meeting tonight about this and we got through a certain portion, the only reason to meet the next night is if we ran out of time and we didn't get through whatever body had reviewed. The other night we ended because we had gotten to where everybody had read, it wasn't fair for me to continuing going on on something that I hadn't read.

Board Member Pierro stated beyond 3-30.

Chairman Rogan stated yes.

Board Member Pierro stated I know I started on 3-30 again, actually 3-25 and I re-read the last four or five pages and I am well into the next 30 or 40 pages that's, you know the issues that I had concerns about and in fact one of them I e-mailed and Rich gave me a response, I e-mailed everybody on that and Rich gave me a response on that. My thought process about a staging area for blasting and the time table for that,

would be addressed in the site plan which I think ought to be brought again at the next meeting so that the people that are listening to this realize that we are concerned about their quality of life during this process if it ever comes to be. I don't know Mike, if you got that e-mail, I was suggesting that a staging area be placed for rock crushing on the [Interstate] 84 side of the project and that any soils that are stock piled be done in the middle of site so that it acts as a noise buffer between the residential neighborhood and the rock crushing and I was hoping that the rock crushing wouldn't start until there was a large amount of material already in place and ready to go. I did make a phone call to Peckham and they tell me that the largest size portable crusher that they have available can do 2000 yards a day and usually on a construction site they are limited to having that much raw material close enough.

Chairman Rogan stated close enough.

Board Member Pierro stated so that is what extends the rock crushing process much longer because you go from crushing rock to blasting to moving rock and then it is a nine month process, so that may be something that we will address a little better in the site plan, when the site plan, when and if we ever get to a site plan on this, correct Rich.

Chairman Rogan stated and that is the other part about, there were some things that you had brought up, that we should have probably outlined for those who were present in terms of where we are in the process.

Board Member Pierro stated and what the process is for.

Chairman Rogan stated what this is part of the process, I think that you asked someone out on the street, if the final environmental impact statement were approved, does that mean that they can start building does that mean that they can start building and about half of the people would say yeah that means they got an approval. And it doesn't, it means that we are moving to another part of the process and now we will start review site plan issues, these are the responses to the comments that were brought this is not the whole bag, this is part of the document.

Board Member Pierro stated Mike has been through this before on this scale and for this young lady's edification in back, our responsibility right now is only to find out if all of the comments brought up at the public hearing and during the scoping session are addressed in this document.

Mrs. Cassiter stated and I can respond.

Board Member Pierro stated no, I am allowing you to listen, I am not addressing you.

Mrs. Cassiter stated you're addressing, you are talking to me.

Board Member Pierro stated I am just telling you, I didn't want you to have my back to you while I was speaking but people should be aware that our job right now, is to decide whether or not the document is complete, whether or not all the things have been adequately addressed and what are we sending back to the applicant for further information on and that is it. Not whether we love the project or hate the project or want to the project or don't want the project that is not part of it, right now it is whether the document is complete and any assertion to the contrary is not correct and unfair.

Mrs. Cassiter stated but I can't respond.

Board Member Pierro stated no, not at this time.

Mrs. Cassiter stated that is very unfair, you are singling me out but go ahead.

Board Member Pierro stated there will be a proper time when you can respond. The other issue I wanted to bring up was has everyone gotten through Stantec's memo, the most recent one that we've got.

Chairman Rogan stated I was working on that this morning, it was nice to be able to read the comments from Stantec and back forth and read the comments in the text and then read through, you know.

Board Member Pierro stated right.

Chairman Rogan stated that is nice. Acknowledging what you were saying Charlie about it is a difficult process, sometimes you find something you don't agree with or it could have been explained better in the text and yet we don't know what is coming. It is not like we have all reviewed this entire document and we have our laundry list and we can say that this wasn't adequately addressed in the document, we are saying at this point in time that this doesn't appear to be adequately addressed in this response and I haven't read the whole document yet.

Board Member Cook stated right.

Chairman Rogan stated the only saving grace in all this is that there is very little room for someone to say that the Planning Board isn't reading this document, that is painfully obvious.

Board Member Pierro stated that is important.

Chairman Rogan stated or at least I thought it was the other night. I like the idea of keeping a highlighter handy so you can highlight stuff and not skip over it and jot your notes down but one mistake that I made was that sometimes I had notes they were kind of like to myself and I went to that comment and I almost had to read back because there is so much in there that you almost had to read back through it. Why don't we look at the 15th as another date, I don't think the back to backs are needed.

Board Member Pierro stated okay.

Chairman Rogan stated I think that we can get through how much we are going to get through.

Board Member Cook stated we could think of meetings on weeks that we don't meet, work session regular meeting, not to have back to back days but have back to back weeks.

Board Member Pierro stated the first is our meeting.

The Secretary stated correct.

Chairman Rogan stated and then we skip a week and then we will be.

Board Member Pierro stated we will skip a week and then we will do the 15th, it would be too short notice to notice a meeting for the 7th as you said.

The Secretary stated ten days correct.

Rich Williams stated you need five days notice but we need seven days to get it into the paper on top of the five.

Board Member Pierro stated so we could not do that at this juncture but you will be away on the 7th anyway.

Chairman Rogan stated I won't be around anyway, I mean you could do but.

Board Member Pierro stated no, I would rather have you here.

Chairman Rogan stated I would prefer to be here.

Board Member Pierro stated so we will do the 15th, everybody agree to that.

Chairman Rogan stated alright, now are we starting at 7 instead of 7:30, I thought we would start earlier last time so that we, you know, its off the normal, we normally start at 7:30.

Board Member Pierro stated I just forgot, maybe Rich can remember to send us an e-mail that we are stating at 7 p.m.

Chairman Rogan stated 7 p.m. on the 15th.

Board Member Pierro stated I will leave a note on your calendar over here.

The Secretary stated don't you dare write on my calendar.

Board Member Pierro stated I am only kidding you.

Chairman Rogan stated don't touch the calendar.

The Secretary stated don't touch my calendar.

Board Member Montesano stated what does this say about violence.

The Secretary stated Ted.

Board Member Pierro stated don't Ted, don't tease her.

The Secretary stated don't write, don't write on my calendar, that is the neatest calendar you will ever see.

Chairman Rogan stated we have a work session the following week but I think it is, where is the calendar.

Board Member Cook stated it becomes the 5th Thursday.

Chairman Rogan stated I am just looking at a calendar read quick.

Ted Kozlowski stated don't touch it.

Board Member Pierro stated don't spill your coffee on either, god forbid.

Chairman Rogan stated 15th is a Thursday, the following Thursday is Thanksgiving which is a holiday, we have a work session the 29th which is the following Thursday after Thanksgiving.

Board Member Cook stated what about the 20th.

The Secretary stated and then you have a meeting the following week after that.

Board Member Pierro stated right.

Board Member Cook stated what about the 20th Shawn.

Board Member Montesano stated your schedule.

Chairman Rogan stated the 20th is.

The Secretary stated the 20th is what, a Tuesday.

Board Member Montesano stated the schedule is right there.

The Secretary stated or a Monday.

Chairman Rogan stated I'm looking at other people in the room, Town Board has.

Rich Williams stated second and fourth Wednesdays.

Board Member Montesano stated Wednesdays.

Chairman Rogan stated second and fourth Wednesdays. Zoning Board has.

Rich Williams stated has third Wednesdays, usually.

Chairman Rogan stated Tuesday you mean.

The Secretary stated ZBA, ZBA's meeting in November is on a Monday.

Chairman Rogan stated so if you want to do, you know honestly though, if you do the 15th then the 20th is four or five days later.

Board Member Pierro stated I think that we can do that Shawn, I have no problem with getting enough information out of that document that I would like to discuss in five days.

Chairman Rogan stated okay.

Board Member Pierro stated as long as everyone else will make that commitment.

Chairman Rogan stated that is up to you guys.

Rich Williams stated the 15th and the 20th.

Board Member Montesano stated that's, okay.

Board Member Cook stated okay by me.

Board Member Montesano stated you guys want to try it.

The Secretary stated 7 p.m.

Chairman Rogan stated yeah.

Board member Pierro stated 7 p.m. Rich is going to e-mail and remind us that we are and what day of the week is the 20th Rich.

Board Member Cook stated Tuesday, I mean Shawn.

Board Member Montesano stated oh no, I'm not on Tuesday.

Board Member Pierro stated you're what.

Board Member Montesano stated that is going to be the third Tuesday.

The Secretary stated you're away.

Board Member Montesano stated I won't available.

Board Member Pierro stated where are you going, again, surgery.

Board Member Montesano stated FOP.

Board Member Pierro stated come on Mike.

Board Member Montesano stated sorry pal, that is my commitment to them, I said I would give them a third Tuesday.

Board Member Cook stated the 27th.

Chairman Rogan stated what about the 27th, which is a week later and it gives you about a week and one half, a little less then two weeks time and it will be two days before our work session.

Board Member Pierro stated okay.

Chairman Rogan stated so we will do the 15th and the 27th.

Board Member Pierro stated can you make that Mike.

Board Member Montesano stated the 27th, right now I will say yes unless something comes in that I am not aware of because I haven't got my calendar handy. The 27th I will mark it down.

The Secretary stated when is the 27th.

Chairman Rogan stated it is a Tuesday the 27th.

Board Member Montesano stated Tuesday.

Chairman Rogan stated so we are looking at Thursday the 15th and Tuesday the 27th.

The Secretary stated 7 p.m.

Chairman Rogan stated 7 p.m.

Rich Williams stated so you are going to meet Tuesday and Thursday that night.

Board Member Cook stated that week.

Rich Williams stated that week.

Chairman Rogan stated yeah.

Board Member Montesano stated yeah.

Chairman Rogan stated Thursday would be our normal work session.

Board Member Montesano stated that is the day before thanksgiving.

Chairman Rogan stated no.

Board Member Montesano stated it is the week after thanksgiving.

The Secretary stated it is the Tuesday after.

Chairman Rogan stated the Tuesday after thanksgiving.

Ted Kozlowski stated Thanksgiving is the 22nd.

Board Member Pierro stated thanksgiving is the 22nd.

Rich Williams stated that means I have 14 hours days Tuesday Wednesday and Thursday.

Board Member Montesano stated we are going to have roughly four meetings this month.

Chairman Rogan stated it is a good thing you are so talented.

The Secretary stated thank you Shawn for putting it back.

Chairman Rogan stated I hate when people do that with my calendar at work, they leave it all ruffled. Does anyone have any other business they want to discuss.

Board Member Pierro stated um.

The Secretary stated Rich is raising his hand.

Chairman Rogan stated oh Rich, you had something, what's up.

c. Watchtower EIS Discussion

Rich Williams stated you guys really love doing environmental impact statements just so much.

Chairman Rogan stated that you brought another one.

Board Member Montesano stated oh god.

Board Member Pierro stated oh man.

Chairman Rogan stated I think the environmental impact statement shouldn't kill so many trees.

Rich Williams stated here is the scope for a huge addition onto the Watchtower facility.

Board Member Pierro stated oh man.

Rich Williams stated that they proposed between 2000 and 20002.

Chairman Rogan stated this is the one that we joint walked with the ZBA for the audio/video.

Rich Williams stated yes, I met with them today, they are ready to go ahead.

Board Member Pierro stated oh man.

Board Member Montesano stated we are not, tell them to come back next year.

Rich Williams stated sending you a letter requesting you to take a look at the scope and see if there is anything that needs to be changed in the scope.

Board Member Pierro stated Rich, how large was this addition, refresh memory.

Rich Williams stated it was going to house 500 new people I think it was about 70,000 square feet.

The Secretary stated calm down.

Board Member Montesano stated (inaudible).

Chairman Rogan stated Rich, refresh my memory, we had a scoping meeting on this, scoping public meeting. Maybe the thing to do would just to be consider an additional scoping meeting given that five years time has lapsed.

Rich Williams stated you can do that if you'd like.

Chairman Rogan stated because you may have people that would have interest in a project that previously weren't even around and then only thing good, the only thing that would come out of it is that you would get something additional to add to scoping which isn't a you know or if nothing new comes out then your scoping document stands as printed, you know.

Rich Williams stated you can do it that way if you want to.

Chairman Rogan stated and to be honest, we could actually tack that on to a regular meeting, you know, there is nothing that says a scoping meeting has to be its own separate meeting.

Rich Williams stated nope.

Chairman Rogan stated so we can put it on as an agenda item, you know.

Board Member Montesano stated and this will be on what agenda.

Rich Williams stated and if you are going to so that we are going to have to notice all of the involved agencies about that.

Chairman Rogan stated oh absolutely, but I think then at least you are giving a reasonable amount of time for people who have interest in this.

Board Member Pierro stated absolutely.

Chairman Rogan stated to bring up concerns.

Board Member Pierro stated and given todays climate there may be additional people who have concerns.

Chairman Rogan stated this was a long, this was one of the.

Board Member Pierro stated it was the first one you did.

Chairman Rogan stated like you said six years, it was one of the first site walks I went on.

Board Member Pierro stated we took the bus up there didn't we, didn't we take a bus up there that day.

Rich Williams stated I think we went around in a bus or two buses.

Board Member Pierro stated yeah.

Chairman Rogan stated well, does anybody have anything else.

Board Member Pierro stated that's it, make a motion to adjourn.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Cook - aye

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

The motion carries by a vote of 4 to 0.

The meeting adjourned at 9:12 p.m.