

**TOWN OF PATTERSON
PLANNING BOARD MEETING
October 26, 2006 Work Session
AGENDA & MINUTES**

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Maria Di Salvo

**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

**Planning Board
October 26, 2006 Meeting Minutes**

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

Present were: Board Member Mike Montesano, Board Member Dave Pierro, Board Member Shawn Rogan, Board Member Maria DiSalvo, Rich Williams, Town Planner, and Ted Kozlowski, ECI, arrived late.

Meeting called to order at 7:30 p.m.

6 Members in the audience

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

Vice Chairman Montesano led the salute the flag.

1) ALLIED POLLUTION CONTROL – Sign Application

The Board reviewed the application for a few minutes.

Vice Chairman Montesano stated it is twenty-four square feet and not twenty.

Board Member Rogan asked where is this located.

Board Member DiSalvo replied the old Fredericksburg Feed store.

Vice Chairman Montesano asked Shawn did you see this, the mistake in the calculations.

Rich Williams stated gentlemen, and lady if you are going to talk you have to talk up a little bit otherwise we are not going to get it recorded.

Vice Chairman Montesano stated we have twenty square foot; four times six is not.

Board Member Pierro stated it is not twenty.

Vice Chairman Montesano stated we will make it a twenty-four.

Board Member Rogan asked Rich, it looks like they are trying to put the sign right next to, is that their well out front. It looks like it is hidden behind the picture of the sign.

Rich Williams replied there is a well in the back. I don't know that there is a well in the front.

Board Member Rogan stated there is something that is shown.

Vice Chairman Montesano stated there is something there.

Board Member DiSalvo stated it could be the old area where the old sign was.

Board Member Rogan stated it could be.

Board Member Pierro stated if you look at the other rendering it is not there.

Board Member DiSalvo stated it looks like a pile of leaves maybe.

Board Member Pierro asked are they proposing any lighting.

Rich Williams replied they are not proposing any lighting but I have had discussions with the Applicant on this who said they might be reconsidering that. It is something worth bringing up at the meeting to make sure of their full intent.

Board Member Rogan asked and this lot is still within the Hamlet.

Rich Williams replied it is not. The Hamlet actually stops at the NYSEG line.

Board Member Rogan stated given the proximity to the Hamlet but more importantly given the architecture of the building this sign does not really, the colors anyway don't really do anything with regard to the building and it would seem that they could look to maybe do something a little bit more appropriate.

Rich Williams stated their intent as I laid out I believe in their application was to match the colors of the building.

Board Member Rogan stated okay then it is just the picture then.

The Secretary stated it is probably the way it printed because when you print on certain printers because the sign company actually emailed the pictures and I downloaded them and printed them. It does depend on the printer.

Board Member Rogan asked so the intent is for the lettering to match the color of the building and then a white background.

Rich Williams replied it is a Lancaster white so it is kind of off, beige white.

Board Member Pierro asked what color is the lettering.

Vice Chairman Montesano replied blue.

Board Member Pierro stated it is carved wood so it would be indented.

Board Member DiSalvo asked can we have the Applicant for next week's meeting bring us a sample color in so that we can be sure that it does match the building.

Board Member Pierro stated that is fine with me.

Board Member Rogan stated or even just better pictures, pictures that are more realistic.

Board Member Pierro asked Rich, my other question is between now, the meeting is the Applicant going to come up with a lighting plan, and has he been made aware of the Code.

Rich Williams replied he has been made aware of the Code.

Vice Chairman Montesano stated let's say we approve the sign it will be without lighting. If he wants lighting, he is going to have to come back and get re-approved.

Board Member Pierro stated if he comes in with a plan, we might as well get it all done in one shot.

Vice Chairman Montesano stated it would be nice.

Board Member Rogan stated I don't know why but this style of the sign to me does nothing for the location. The location is almost historic or it has a certain feel to it. You know what I mean it is one of the old structures in the Town that has a certain style to it and,

Rich Williams stated looking at the style frame, I mean it is not a straight four by four post.

Board Member Pierro stated it is a very colonial post.

Board Member Rogan stated it is probably because the lettering is not in a style that is similar to the style of the house. Do you know what I mean. The lettering is just regular almost arial font. The font of the lettering is probably the part, it is probably what they have on their trucks.

Board Member Pierro stated it may be their logo on their paperwork. Is there any letter from them.

Vice Chairman Montesano stated the only thing that I can say is he might be able to change that.

Board Member Rogan stated I think it is more the lettering that stands out to me as not being within the character of the building but I mean if that is their logo and it is going to look fine then I am okay with it.

Board Member Pierro stated if we have any problems with that I think we ought to communicate that to them now in advance of the meeting.

Vice Chairman Montesano stated this is a urethane sign so it is going to be plastic.

Board Member Pierro stated I read carved wood.

Rich Williams stated they have both.

Vice Chairman Montesano stated it says carved, high density, urethane sign, double-sided, to me that means it is going to be a vacuum made sign. It is going to be plastic.

Vice Chairman Montesano stated if that is their logo, all you can do is change the outline of it somehow.

Board Member Pierro asked Rich can you have some contact with them over this before the meeting.

Rich Williams replied yes.

Board Member Pierro stated that we are concerned about the style of lettering.

Rich Williams stated I have it all down.

Board Member Pierro thanked Rich.

Board Member Rogan stated to me the sign, in the picture with the building it just does not look like it goes with the building at all.

Board Member Pierro stated it does not do anything for me either.

2) **GYM MAGIC GYMNASTICS – Sign Application**

The Board reviewed the sign application for a few minutes.

Board Member Rogan asked where is that one going.

The Secretary replied on the building.

Board Member Rogan stated no I mean where is the location.

Vice Chairman Montesano replied 2031 Route 22.

The Secretary stated near Dilmaghani.

Board Member Rogan asked they are just planning on putting lettering on the building.

Rich Williams replied yes they are going to get two by two block style lettering and just hang them on the building.

Vice Chairman Montesano asked what size is this going to be. Approve to erect a four and a half by seventeen foot.

Board Member Pierro stated this is what the kid did in art class that morning from Gym Magic.

Board Member Rogan asked and no proposal for a stand-alone sign out by the road.

Rich Williams replied freestanding no.

Board Member Rogan stated not yet.

Vice Chairman Montesano asked if I am reading your memo, we have approximately a seventy-six and a half square foot sign.

Rich Williams replied correct.

Vice Chairman Montesano asked is that a hundred percent of the building or is it fifty percent of the building.

Rich Williams replied our Code says that you can have a building mounted sign that is one and a half square feet per linear foot of building with a maximum of a hundred square feet. So, with a two hundred and twenty-five linear foot building of course the limiting factor there is the hundred feet. As Gym Magic is only occupying fifty percent of the building, my recommendation is their portion of allocating the sign that they should only be allowed fifty square feet of the sign area.

Vice Chairman Montesano asked now, we allow that just a letter mounted thing on the building not a,

Rich Williams replied it is very similar to what was there for Ship-N-Out.

Vice Chairman Montesano stated it didn't help Ship-N-Out too much.

Rich Williams stated I don't know that they even got a sign permit either.

Vice Chairman Montesano stated with them I don't think so.

Vice Chairman Montesano asked and there is nothing in the Code that would prohibit them from just mounting it without having it mounted on a plaquered of some sort.

Rich Williams replied our Code does allow them to put it on the building without putting it on a piece of wood and hanging it on the building.

Vice Chairman Montesano stated I would like to see something more professional as to what it is going to look like because if it is going to look like that it is not going to,

Rich Williams stated I am sure they are going to have the letters professionally done.

Board Member DiSalvo asked what is it like at their existing place.

Rich Williams stated I don't know. I was going to take a ride down there, take a look, and get some pictures. I was also going to try to get some pictures of this building.

Board Member Rogan stated that would be an excellent idea to get some actual photos of the building but also have them submit even if it is off of a computer the font of the letters that they are going to do so that

we have a style because otherwise I would not feel comfortable just based on this especially in lieu of having the guy in front of him, Allied Pollution Control asking him to do a little bit better and this is a bit of a rough sketch.

3) EDWARDS FILL PERMIT

Rich Williams stated I have some photographs for you. Mr. Edwards actually started placing the fill on the property. I went out and got him to stop. There is some photos of the fill that he had brought in on to the site and there is also in there an aerial photo that I put together showing basically the location of the fill based on what he submitted. What he is proposing to do so the Board had a better idea of what was out there and the area that he was going to put it in.

Board Member Rogan asked the fill that he has already brought on site Rich, I can see already it looks like there is some blacktop and concrete and C&D.

Rich Williams stated it was full of C&D material. That was one of the issues.

Board Member Rogan stated and I guess my concern right off the bat would be not only him removing what is visible but maybe, my recommendation would almost be to have them do some type of an exploring, to scratch the surface to see what is buried there. If it is all C & D through which the surface would indicate I think we should have him remove some of that material off site.

Rich Williams stated he did bring in dumpsters, Joe Dapuzzo over saw and he removed as much as he could see that was readily visible at the surface. I don't know that he removed it all because it looks like all the fill is laced with C & D material and so of course to get it all out you would have to really re-excavate the whole site. I just don't see that happening.

Board Member Rogan stated there are bricks in there.

Rich Williams stated there was everything.

Board Member Pierro asked where is he getting this material from.

Rich Williams replied I do not know and he is not giving any indication on his application where it is coming from.

Vice Chairman Montesano stated we can ask him when he gets here and if we are not satisfied we don't have to approve it. I am looking at he has got eight feet across here and a hundred and ten here but this wanders off.

Board Member Rogan stated that is what this is here. He owns the two parcels.

Board Member DiSalvo asked this is an empty lot.

Rich Williams replied yes.

Board Member Pierro asked Rich have you been out there to take a look at this.

Rich Williams replied yes. I met Mr. Edwards the first time and then had to go back with the Sheriff to post a Stop Work Order.

Board Member Pierro asked why with the Sheriff, he was combative.

Rich Williams replied yes.

Board Member Pierro stated maybe we ought to go take a look before the meeting.

Vice Chairman Montesano stated we can do that.

Board Member Rogan stated there is a couple of questions that I would want the Board to consider and that is number one, if these are vacant parcels what is his intended purposes and we had this over in, was it Put Lake that one we looked at where they were filling in vacant lots.

Rich Williams replied yes.

Board Member Rogan stated if he is planning on doing anything with the lot in terms of building a house and it is not serviced by community sewer, which I am sure it is not I think the Board, we may be remiss in approving a fill permit without at least notifying the Health Department that this is going on. At least the file is started or something because I mean this is clearly material that when they dig through they should know it is fill but I think it never hurts to notify people that there is an action going on a vacant parcel that may impact on future development. The change in grades,

Rich Williams asked is that a suggestion that we do with all fill applications that we copy the Health Department on not only the application but the decision.

Board Member Rogan replied well, let's talk about it. Vacant parcels I think especially,

Vice Chairman Montesano stated I think it is a great idea.

Board Member Rogan stated vacant parcels I think are a great idea because,

Board Member Pierro stated especially if the area that is going to be filled is going to be part of a future sanitary septic.

Rich Williams stated the problem with just vacant is you don't know that they are not unless it is clear that there is no way they are going to subdivide that area off. You don't know that they are not getting ready to do a subdivision on the property.

Board Member Rogan stated it may be worth at least asking the powers that be at the Health Department if it is something that they are interested in being notified on. I am thinking more of the, I know that you can't clearly define what the use will be at this property but when you have these vacant parcels; I am assuming that the intent is, does he live next door.

Rich Williams replied yes.

Board Member Rogan stated I am assuming the intent is to use it for some maybe parking area.

Board Member Pierro stated yard area.

Board Member Rogan stated yard area. If that is the case, it is not like the lots are merged.

Vice Chairman Montesano asked are the areas that are already, Board Member Pierro stated do you know where the origination, excuse me Mike, do you know what the origination of the fill is.

Rich Williams replied no.

Board Member Pierro stated is it Westchester, Vice Chairman Montesano stated do me a favor, Board Member Pierro stated I said excuse me and I started talking before you. Vice Chairman Montesano stated I know that. I am not asking you, if you have got a question give it to me first then I can give it to Richie. This way we don't look foolish enough to be doing this, fair enough.

Board Member Pierro asked Westchester County Department of Public Safety and Putnam County Department approved, on the origination what is that.

Rich Williams replied I don't know what that is.

Board Member Rogan stated it says Westchester and Putnam County DEP approved lots. It is coming off of lots that are, he is stating but that does not make any difference they may be demolition lots.

Vice Chairman Montesano asked what did they approve it for.

Rich Williams stated it does not make any sense. I can see if, Putnam County and the DEP are going to approve a septic system so I don't know what that has to do with bringing fill in.

Board Member Rogan stated there is definitely some issues that need to be clarified with this application, in terms of the quality of the fill, what the intent is for the area. It says to fill in slope on property, make level to extend grass-covered yard but what is the future use of that area. At least to get it on record, at least to ask the question, what the intended use for this lot might be five years from now. Then I think to have a conversation with the Health Department maybe using this as an example or using the idea of this as an example. We have a vacant parcel, the gentleman is looking to put a thousand yards of fill to level an area when we have a vacant lot; we have slope requirements that I think you want to establish a base line on this lot. What is the existing grade before you filled. That would have an impact. If it is a twenty percent grade and he is re-grading it to six percent ten years from now he is going to have an engineer out there saying this is six percent I want to put a septic system in.

Board Member DiSalvo stated it also looks like the lot next to it is vacant also. I wonder if he owns that one too.

Rich Williams asked who do you suggest I talk to at the Health Department or do you suggest somebody else talk to somebody at the Health Department.

Board Member Rogan replied I would suggest it certainly would be Rob Morris, Director of Environmental. If he wants to kick it down to Mike Budzinski as Direct of Engineering but one of those two gentlemen. I would think to say this is what is going on and this is the Board's concern. Is this something that you guys would like to be notified being proactive knowing that we have a vacant parcel

and then maybe bring up the conversation what if this is a parcel, somebody wants to fill. We wouldn't issue a fill permit if somebody came in and said I want to put a thousand yards of fill over my septic area. I would think that we would say, it would be prudent for this Board to say okay but go get a letter from the Health Department of no objection first before approving it. I would hope that is what we would remember to do. So, maybe it is just in this case because it is a vacant parcel this might be a good test to see if they are interested.

Board Member Pierro asked Rich, have you checked with the Assessor's office on the parcel numbers here because there is three separate parcel numbers. What is required to build in Putnam Lake, four lots or five lots.

Rich Williams replied the minimum lot area now is 19,500 square feet but there is a provision within our Code that says if you meet all the other dimensional requirements except for area you can still pull building permits and you can still build on your property. Just so you know, the old way of doing it, five lots, it didn't give you five tax map numbers.

Board Member Pierro asked it didn't.

Rich Williams replied no.

Vice Chairman Montesano stated five lots would be,

Board Member Pierro stated usually one tax map.

Rich Williams stated it was whatever the property was because there are people that had fifteen lots and still one tax map number. That was a great misconception with our Putnam Lake area for a very long time. The original sub divider came in and created these twenty by a hundred lots, then he sold them off in blocks to an individual and that created the lot and the tax map was assigned that then became one lot.

Board Member Pierro asked is 17 Salisbury Road the address for this tax parcel.

Rich Williams replied yes. It is Salisbury Road I am not exactly sure of the number.

Board Member Rogan asked Melissa, can I see those pictures again that Rich took.

The Secretary replied sure and handed him the pictures.

Vice Chairman Montesano stated it would be easy to go out and take a look at it.

Board Member DiSalvo stated yes.

Board Member Rogan stated yes I think that is a good idea.

Board Member Pierro asked can we do it this week.

Board Member Rogan stated I am leaving tomorrow night but you guys have a ball. I still think it is a good idea to take a look at it.

4) GREEN CHIMNEYS SCHOOL – Amended Site Plan

Rich Williams stated this is a hold over from the last meeting; they had come in with an application for an amended site plan. The Board went out and did a site walk.

Board Member Rogan stated you remember what was it the infirmary which we didn't see as a problem and then the extension on the barn. It seemed like no problem.

Board Member Rogan stated good evening Ted. Ted Kozlowski arrived at the meeting at this time.

5) GREENLANDS LLC - Discussion

Rich Williams stated Greenlands, this is an application for a parcel down on Route 22 at the intersection of 164 where the Applicant has come in and made a request. The initial request was to allow a retail business, something else, we have a letter from the Applicant's Attorney that you each have gotten a copy of requesting that the application be amended and have given their opinion about our zoning code.

Vice Chairman Montesano asked do we have our legal opinion on our Zoning Code versus theirs.

Rich Williams replied you would have to ask our Attorney that.

Board Member Rogan asked what happened last night.

Rich Williams replied we asked the Attorney for a clarification on the decision, we didn't get one, well we got somewhat of a clarification but I don't think it is sufficient. The Town Board went into executive session.

Board Member Rogan stated I see we have the minutes from the September meeting when we really discussed the options on this at length. I have not had a chance to go back through the minutes but we probably should do that before, it was a long session, we really kicked that around.

The Secretary stated it was really long.

Vice Chairman Montesano stated it is all in you imagination.

Board Member Rogan stated then I have a very vivid imagination.

The Secretary stated if you look on the cover sheet it will tell you how many pages.

Board Member Rogan stated I see it is twenty some odd pages.

Board Member Rogan stated I will say again that every time that I am in the area and can swing in, I swing into that lot just to kind of get a feel again for the traffic flow or just driving in. I wish they had a little more room in their parking lot, a little bit more width because quite often when you are in a retail outlet and you feel like you are in a tight, in fact I was thinking when we get reviewing Patterson Crossing and some of

these larger complexes if you drive through the A&P shopping center in Brewster that is a terrible traffic pattern. There was another one that I was thinking of that I drove through that was just horrendous.

Rich Williams stated Home Depot.

Board Member Rogan stated Home Depot is a bad one.

Rich Williams stated and I have got to say my opinion of Patterson Crossing is their traffic layout isn't that good. It is very much like they have down in Southeast with the Home Depot where they have got intersecting traffic especially right there by Applebee's.

Board Member Rogan stated that is the one that I was thinking of.

Rich Williams stated what a mess.

Board Member Rogan stated that is what I meant actually I was thinking of the A&P but last night we were at Applebee's and Applebee's, Dunkin Donuts is the worse one that I have seen in the County. That is like an example of how not to do a parking lot. It might look good on paper but boy, when you are out there people don't know which way to go and it is very, very tight to maneuver.

Board Member Rogan stated but anyway, my point is with this particular project is that especially because it is a one way in, one way out it is a very difficult parking lot especially if you are driving anything larger than say, Rich's vehicle, that little pup truck of his, no insult intended of course.

Rich Williams stated no insult.

Rich Williams stated when we were looking at that we were looking at the whole parking layout based on office use, which is considerably less volume of traffic than some of the other uses that could go within the C-1 Zoning District.

Board Member Rogan stated I think the Board needs to hear from some opinion from Anthony.

Vice Chairman Montesano stated oh, definitely because getting in and out of there if you ever tried, I mean I have gone in there to drive while people are trying to come out and it can be succeedingly exciting.

Board Member Rogan stated and also I don't think that I was on the Board when this project first came up but what was the reaction of say the residents of the area in terms of going through the process, the original reviews, the public hearings, the comments in terms of the traffic flowing on to the residential roads.

Vice Chairman Montesano stated if I recall we did more worrying about than the people that lived there.

Board Member Pierro stated there was very little input from the people on the road.

Rich Williams stated there is very little people that live there. There is only one neighbor across the road. He was fairly vocal. I mean there is not a lot of people that live in that area.

Board Member Rogan stated and one out of three is a pretty big percent. If you have a hundred neighbors and three of them complain.

The Secretary stated I could pull them if you want.

Board Member Rogan stated I think it would probably be helpful.

Rich Williams stated you have to query Hunter Pollock.

Board Member Rogan stated my concern I think with that site is more the internal traffic flow and the site not being set up appropriately for the proposed use then the residential road issue.

Board Member Pierro stated my recollection was we were hampered because of the steep slope to the north of the property and there just wasn't a lot of property to the south of that building. I don't recall what the side yard, the distance from the side of the parking lot to the adjoining lot is maybe that is a way to get around this if it does get changed over that we do some expansion of the drive lane around the back of the right-hand side of the building.

Rich Williams stated I don't think, the grade out there is such that I don't think you are going to expand that driveway.

Board Member Pierro stated to the right of the building, to the south. It is steep to the south, I don't recall.

Rich Williams stated it is steep to the south. They graded it back I believe they are two on one slopes now.

Vice Chairman Montesano stated you have actually got parking spaces in that corner so that if someone parks there it is going to be even narrower passing by.

Vice Chairman Montesano stated we have to wait for Anthony to give us an opinion.

6) BONIELLO SUBDIVISION

Vice Chairman Montesano asked Boniello, is there anything that was submitted.

Rich Williams replied yes Mr. Boniello has submitted a plan.

Board Member Rogan stated significantly different.

Rich Williams stated which shows the driveway coming in from the adjacent residential property right behind the house that is on that property.

The Secretary asked could you guys just do me a favor when you are opening the plans don't talk, wait until your plans are settled because the one meeting it was horrible. You just couldn't hear.

The Board reviewed the plans for a few minutes.

Board Member Rogan stated as I recall one of the major concerns the Board had was obviously going through a commercial yard to get to two residential lots, with this plan they have tried to mitigate that. We still have the wetland crossings, although Ted, seemed to indicate that this plan, this area would be something more amenable.

Ted Kozlowski stated this is the first time I am seeing this.

Board Member Rogan replied us also.

Ted Kozlowski stated the only thing that I have talked to Tony or Anthony about is going to the right. I never looked at this scenario.

Board Member Rogan asked to the right, to which direction.

Board Member Pierro stated he is utilizing the existing driveway.

Ted Kozlowski stated when I met with Anthony a couple of years ago, we talked about access to the back and there was non-wetland to the right if you were going up the existing driveway through the business.

Board Member Rogan asked do you mean to the south.

Ted Kozlowski replied yes to the south. I have never discussed this scenario with anybody.

Rich Williams stated I think that you will find that the wetland impacts are going to be the same regardless of where you come in.

Ted Kozlowski stated right and when I met with Anthony years ago it was commercial, it was his own private access. We never discussed a residential road and subdivision or anything like that. This is all new to me.

Board Member Rogan stated but I think you did discuss it,

Ted Kozlowski stated I discussed it but I discussed it going to the south not going to the north. Going to the south there was a way of avoiding going through pure wetland. This road is going through a wetland.

Board Member Rogan stated also the house that is shown adjacent to the proposed driveway on now or formerly Ginnel, is that a proposed house or existing.

Board Member Pierro stated it is existing.

Vice Chairman Montesano stated that is where he is living now.

Board Member Rogan stated that driveway looks like it is proposed about fifteen feet behind the house and that is ridiculous. I realize the grade is going up right behind the house but you can't have two houses accessing a driveway by common drive that needs to be maintained and plowed fifteen feet behind someone's. They are showing a deck on the house it looks like or a bump out but we would need to definitely take a look at that. I appreciate what they are trying to do and they are getting into that steep grade very quickly but that is tough. I like that option better than going through the commercial yard still but that does not mean that it is a viable option.

Vice Chairman Montesano stated they are trying can't argue that.

Board Member Pierro stated the other alternative is to come around the front of the house.

Board Member DiSalvo stated where is the septic.

Board Member Pierro stated and they are still close to the house.

Rich Williams stated it is still close to the house and in that scenario you have got the issue of coming along side the pond and stream and being within a hundred feet and not being able to pave under DEP regs.

Ted Kozlowski stated it still seems to be full of red flags.

Vice Chairman Montesano stated if that was the only access and it was the most viable, I am not saying it is I could even see not blacktopping it but you would have to show me.

Board Member Pierro stated what disturbs me with this plan even more so than what you guys are looking at I mean the wetland impacts I figure are the same as before or the buffer impacts anyway but the third building remains in this scenario, with the last scenario he was going to take that down which would have,

Rich Williams asked how can you tell from that plan.

Board Member Pierro asked from the last scenario.

Rich Williams stated what I am saying is if you look at this plan how can you tell what he is taking down and what he is not.

Board Member Pierro stated well he is obviously taking one of the buildings down because the new building is on top of it.

Rich Williams stated obviously.

Board Member Pierro stated but this building is clearly, the building with the existing shop is still on the plan. The last plan he committed to taking three buildings down.

Rich Williams stated right but the way he is showing the buildings on the plans at least in my opinion the last plan he submitted this plan there is no difference. You really can't see a difference which he is taking down and which you can't. We know he was taking three down because he stood here and said it.

Board Member Pierro stated he said it. I was more concerned about what he said about committing to take the three buildings down so that we can clean up that mess because it is just a storage yard.

Board Member Rogan asked do you think that he just threw this plan in for concept for the driveway and didn't really, let's tackle that first the access to those lots and then,

Rich Williams stated yes.

Vice Chairman Montesano stated he is trying to see if this will fly.

Board Member Rogan stated once you get to the site and this remains the same regardless of how they access the lot, going up that steep hill when we walked down it, I would be amazed that this meets fifteen

percent grade but this turn here once you get to the lots they probably wouldn't be so bad once you get to them.

Board Member Pierro asked this turn up here wasn't that fairly level.

Board Member Rogan replied no it was steep the whole way.

Rich Williams stated you have got to remember too there was good area up on top Shawn but where he showed the houses,

Board Member Rogan stated ledge.

Rich Williams stated it was all ledge.

Board Member Rogan stated yes the same thing with the septic area. We were standing on a ledge outcrop but that is for them to explore. This is still concept.

Board Member Pierro stated I still think his best way, his best endeavor is to do the commercial parcel without doing anything residential here and then wait for access from the back.

Board Member Rogan stated I agree with you.

Ted Kozlowski stated I think you are absolutely right on that.

Board Member Pierro stated I mean we could string him along but he is going to be spending a lot of money and I don't want to be part of wasting this man's money by telling him,

Ted Kozlowski stated he has got a lot of hurdles no matter what scenario you look at.

Board Member Rogan stated why don't we come to a consensus as to,

Vice Chairman Montesano stated I mean I would love to whether he has the patience to do it, he has waited this long, I would love to see him have the patience to wait a little longer and see what occurs there. You don't know what the other gentleman is going to do,

Board Member DiSalvo asked is there anything more on that property.

Rich Williams stated no.

Board Member Rogan stated but you are not denying him use of his property. The use is there, he has got a commercial and you are allowing him the opportunity to add a large commercial building. We are not denying him the use of his property. It is just you are denying him the use of two residential lots that don't fit on the property.

Vice Chairman Montesano stated look at this scenario, if he were to ask and I am not saying that he is and don't want to put ideas in his head but let's say his brother wants to put that house back there and they are going to go through the yard as long as they are there I would not have a problem. It has got to be that if he ever sold it.

Board Member Rogan stated you have no control of that though. I understand what you are saying Mike but realistically as soon as the house is up you have got no control, in real estate.

Ted Kozlowski stated Mike, no one lives forever, if his brother lives a hundred years the next guy comes in what do you do.

Board Member Pierro stated the only alternative I see of this is taking down that little house, the one on the old Ginnel lot.

Ted Kozlowski stated but he still has wetlands, he still has the steep slopes,

Vice Chairman Montesano stated he still has the same problems it is just that you are moving,

Board Member Pierro stated that was a shack four or five years ago and he renovated it,

Vice Chairman Montesano stated fine he can live there.

Board Member Pierro stated it is now a lot nicer.

Rich Williams stated he is living there.

Board Member Pierro stated he is living there.

Board Member Rogan asked Maria, what is your feeling on this.

Board Member DiSalvo stated I agree with Mike, that we are not denying him if he wants to fix up the front with commercial and as far as the back I don't see any way of getting to it.

Vice Chairman Montesano stated he has been trying for how long now.

Board Member Rogan stated if this was a vacant parcel currently and they wanted to put two houses or even one house in the back and didn't have any use you would be more opt to approve the wetland intrusions because it is the use. You would also hey, wait there is usable property up front so you would push them to use that but let's just say for the sake of argument that none of the up front property was usable and all the usable property was in the back, very similar to the one that we just did with the twelve or fifteen hundred foot long driveway off of Old 22. What is that name.

Rich Williams replied Mezger's.

Board Member Rogan stated wetland intrusions but it is the only way to get to a landlocked parcel. That is the kind of a scenario you are thinking about that if you are pushed into a corner and it is someone's only use of the property then you have to consider some impacts. You are not subdividing the property, you are allowing that single use.

Ted Kozlowski stated the difference with Mezger is that it is all residential.

Board Member Rogan stated understandably.

Ted Kozlowski stated you are dealing with two zones here.

Board Member DiSalvo stated I have been to this site numerous times, I get all my equipment fixed there,

Rich Williams asked Ted on who.

Ted Kozlowski stated on Boniello.

Rich Williams stated just remember you are not dealing with two zones. That whole parcel is commercial. He needs a zoning change to do this.

Ted Kozlowski stated oh there is another red flag.

Rich Williams stated wait, to do this he needs a zoning change, he needs a number of variances, he needs an open development area because he has no frontage. The lots have no frontage anywhere so there is a lot of zoning issues that he needs to get through even if this Board has a favorable recommendation.

Board Member DiSalvo stated I even suggested to him to take the other house down, the smaller house and come in there,

Board Member Rogan stated behind the commercial building.

Board Member DiSalvo stated but he has the problem of the new building where he wants to put that or talk to Enrico, the fellow that owns the property next door about buying some of that property and come in on this side.

Board Member Rogan stated which is what Ted was talking about, come in from the south.

Ted Kozlowski stated you still have got that steep slope even if you circumvent the wetland you still have got that steep slope and then you have to deal with how are you going to get a fire truck up there or emergency vehicle or even an oil truck.

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

Board Member Rogan stated the Board sounds like they are in consensus that short of coming in a better way there is an awful lot of hurdles for this.

Vice Chairman Montesano stated too much.

Board Member DiSalvo stated I would suggest that he does go along with the commercial improvements in the front.

Board Member Rogan stated absolutely.

Vice Chairman Montesano stated that is all he can do.

Board Member Rogan stated drop this idea unless he can find access from the rear. I mean given the wetland impacts you have got three issues just on this plan alone. You have the proximity of the proposed driveway to the back of the house. I don't even know what the length of the proposed driveway from here

all the way back out because really it goes all the way out to 22. You have got the wetland crossing issue, you have got the steep slopes to tackle.

Ted Kozlowski stated and you have got zoning issues too.

Board Member Rogan stated I mean just from our perspective. I think what Dave said is true though, give the guy good direction now so we don't waste his time.

Vice Chairman Montesano stated I think it has been tried. He has been coming in for how long, ten years.

Rich Williams stated yes but nobody ever sits up and says no.

Vice Chairman Montesano stated well you try to work with it and then he disappears for a while then he comes back in and it didn't do anything.

(TAPE ENDED)

7) WHITE BIRCH REALTY – Amended Site Plan

Vice Chairman Montesano stated Joe you are up.

Mr. Joe Buschynski, Bibbo Associates and Mr. Pete Monteleone, Applicant was present.

Board Member Rogan asked Rich, is the one that you said the stonewalls were a little bit in the right of way and they needed to be moved back three inches, (joking).

Rich Williams stated he can own the road I don't care.

Board Member Rogan stated that would be good out there.

(Unable to transcribe too many talking at the same time).

Mr. Buschynski stated we submitted a plan showing requested revisions that we would like to make. Some of these are in response to suggestions that were made at the field inspection. We are struggling with how to reconcile having buses exit from the building that does not conflict with entering traffic. What we did was swing that driveway out, the old driveway is here very close to the building and with the grade of the land and the room available, property available it can be improved considerably by bumping the road out to the north. We are still ensuring that the right turns for the buses only are with bollards so that it prohibits their maneuvers to the left. Signage would include stop signs, no left turn signs, and no parking signs in the area. We hope it meets with your approval. The suggestion was made by Rich for more parking on the site and we could easily accommodate three, four spaces in the corner of the lot. We would like to revise the large vehicle parking arrangement that we had shown you previously to a more convenient turning maneuver for those vehicles backing in and out as opposed to the cordoned off area that we had originally shown. We had an island on essentially three sides of that parking area and in the long run we thought that would not be practical. The reason for it being shown that way originally was for the screening aspect. We were able to screen these vehicles more effectively. We feel that in reality with the view from the road, it is essentially blocked by trees and the building. You can't really see across the pond to that area so we

thought we would take that landscaping and put it over here to the south side of the bus parking which I think would be more effective screening not only for these large vehicles but for bus parking. The owner would like to add a door for the bus garage at this location. It requires fuel tanks to be removed, one would remain. There are three two will be removed and one will remain. Rich brought up in one of his comments that this plan should show the dust collector location and all exterior doors which we will add to the plan.

Board Member Rogan asked Joe, can you explain to me why the bus parking or the large vehicle parking, I will say the bus parking is furthest away from the area where it is going to be utilized. I mean you have the regular vehicle parking directly opposing the door, the entrance doors to the bus garage and I am wondering why you don't have your bus parking closer so that there is less distance to travel through an area where you know,

Ted Kozlowski stated it looks like you can back up more.

Mr. Buschynski stated that is a feasible suggestion.

Board Member Rogan stated I am just asking what your reasoning is really so I can understand what you are thinking and why.

Mr. Buschynski stated we get a little more small vehicle parking in this location than we would here. There could be some additional spaces arranged if this were small vehicles. It might equal out with some reconfiguration.

Rich Williams asked Shawn which area are you talking about.

Board Member Rogan replied I am talking about the area,

Mr. Buschynski asked you would like to see the buses here (referring to the plan).

Board Member Rogan replied not even that I would like to see it. I am questioning why they are not shown there given where they are entering the building. When I looked at it, I tried to portion off the area that would be utilized if that were bus parking and it seems to limit the travel patterns when you come around the corner into that lot, with the buses in that area you are making it maybe not a tighter turn but it condenses everything down. I was thinking that was what you were going to say. It seems that we are sending the buses further than we need to through this parking lot. I just kind of wanted to talk about it is all. I am not really recommending a change but wondering why we are doing things the way we are.

Board Member Pierro stated my feeling is Shawn that in times of high movement of personnel, employees going in and out of that place, I would rather them not go behind the possibility of a moving bus with a lot of the small cars when they are getting out of there. I think it is advantageous to have the buses further in the back. So an employee has to walk another fifty feet and there may be as Ted suggested, there may be more room to negotiate backing those busses out of those positions there. It strikes me as a little safer having the buses in the back parking area especially if they are going to be static for a while. They are not going to be moving in and out as much. I would rather see them further away from the building just in case, God for bid there is any need for emergency rescue equipment or fire trucks and things like that nature in the back of that building. Keep them further away from the building.

(Unable to hear Mr. Buschynski)

Board Member Pierro asked that is being done now right.

Mr. Buschynski replied yes.

Board Member Pierro stated I think some of that is already being accomplished.

Board Member Pierro asked have you been out there Rich since our site walk.

Rich Williams replied a couple of times, a few times yes. The construction is coming on it is looking nice.

Board Member Rogan stated Joe, I am not opposed to the idea; I would kick it back to our Engineer and Planner to say that yes, we can safely accomplish the patterns that we are showing here. That we are not going to end up with a parking lot that is a disaster with traffic flow patterns. I mean it is obvious that when a bus leaves this garage, the private garage they can only go one way because they don't have the turning radius to leave the facility from here. We have expressed many times including on the site that we do not ever want to hear about buses trying to back because the garage is full they want to take a short cut and back the buses in to that area. Right now, we are talking about this in a clockwise fashion being utilized. I would be very disappointed if I ever heard about it being used counter-clockwise, backing the buses in because that is not what it is being designed for. I just want to make sure that is what we are shooting for here because that I think is when you are going to end up with an accident out there. You are going to have someone coming in to look at their cabinets or to look at tile, marble, you are going to have a bus come back and around that turn and we are going to have a problem. I think the bump out that you did helps the traffic pattern, extending the parking lot out certainly helps, extending even just the ten feet is going to help a lot. I would look to our Engineer and our Planner to say yes, okay we can do this. The concept is what we are here really to talk about. I am okay with the concept. Boy, we really don't have any more room to compartmentalize this place any more though; that is it. There is no more breaking this building up. I think if I had my way I would not even have the one, four thousand square foot box, the upper corner which is necessitating some of this. Is that the one that is for the mechanic, what is his name, Zotola.

Mr. Monteleone stated no the eight thousand is his.

Board Member Rogan stated no the eight thousand square feet is. So, the public garage is Zotola.

Rich Williams stated the private garage is the buses. The un-leased is blank space right now.

Board Member Rogan stated office.

Rich Williams stated we don't know what it is going to be and that is one of my concerns.

Board Member Rogan stated absolutely.

Rich Williams asked if you want me to just jump in here for a minute.

Board Member Rogan replied sure.

Rich Williams stated the original scenario that Joe had proposed, our Engineer was okay with that. I was not. I didn't think it worked at all. I am still not crazy about this whole concept but I think Joe has done a good job assuming it is Joe that came up with this, in coming up with a scenario that I think that makes the traffic circulation patterns within the lot work. I think this is something that everybody can live with,

having said that right now my big concern has been and remains with the number of users on that site at this point, I think that we are going to find that this site is parking challenged. I was out there this morning very early, very, very early and right in front of the bus garage there were already six cars parked. I don't know where the six,

Mr. Monteleone stated they were taking the buses out.

Rich Williams asked they were taking the buses out.

Mr. Monteleone replied yes what happens is because we have all the containers and all the sand and everything on the end there is right now we don't have a place setup for them to park.

Rich Williams asked so then this site is not used for repairing the buses but it is where the buses are stored and the drivers come and take the buses out from.

Mr. Monteleone stated yes take the buses out and the other problem that we are having right now is they can't put their buses inside. Once the inside is finished then they can keep their cars in, take a bus out. They don't park the buses outside.

Rich Williams asked so what you are planning on doing is as the buses pull out of the large spaces that is where the cars are going to park.

Mr. Monteleone replied right.

Mr. Monteleone stated the buses are supposed to stay in the building. They have space for fourteen buses and they have fourteen buses so the whole key is they park their car where the small spaces are in the front, park their car there, take their buses and leave.

Board Member Rogan asked does that account for fourteen buses outside plus six inside.

Mr. Monteleone replied no, no.

Board Member Rogan asked so if any were inside, (too many talking unable to transcribe).

Mr. Monteleone stated they have space for fourteen buses inside.

Board Member Pierro stated and they only have fourteen buses.

Mr. Monteleone stated and they only have fourteen buses.

Board Member Rogan stated so the assumption would be if any were in the garage being worked on there would be vacant spaces supposedly, outside. If there is only fourteen and we are providing fourteen spaces but there is four in the garage over night there should be four empty spaces outside.

Rich Williams stated right but you are already talking about a bus garage now that has fourteen employees, fourteen cars going up for work and on the plan I think we are showing two cars, five cars, some small number.

Board Member Rogan stated we should stack them in the bus spots and have them pull on in after the other and put three cars in the spot.

Mr. Monteleone stated the reason why Joe put the parking spaces for cars, it was that the buses were supposed to stay inside and when they come in they park their car here and they go inside and get their bus and leave. (Unable to hear too many talking at the same time). All buses are supposed to stay inside. All the buses are supposed to fit from here to here (referring to the plan), twelve and two will be in the rack facing out the other way. They recycle them every week, they put them up for inspections, tests for DOT and all that stuff.

Board Member Rogan asked they say they can fit all fourteen buses in there.

Mr. Monteleone stated we did it.

Board Member Rogan asked you did that.

Mr. Monteleone replied we did that already and they do fit because you have forty feet from here to there times a hundred and sixty, actually they are supposed to be able to fit all fourteen sitting here, no I am sorry, twelve. They are supposed to be able to fit twelve. The buses are forty some odd feet and they are supposed to be able to fit four stacked three times and that is twelve and two over here is fourteen. That is what I was told and that is what they had at one point. (Unable to hear too many talking at the same time).

Rich Williams stated my point is that we have got now fourteen people showing up for work early in the morning.

Mr. Monteleone stated and here we have spaces (referring to the plan).

Rich Williams replied and how many spaces do you have there.

Rich Williams stated don't count, thirteen and you have two in front so now all those spaces are used up and Zotola and his guys show up for work, and then the cabinet guys show up for work.

Mr. Monteleone stated the cabinet guy only has two, three spaces. In here, we have this as buses but really we are probably going to end up parking some cars in here for the cabinet guy. The buses are supposed to be handled between this and inside then we are supposed to have rear parking left over under the assumption that they are having buses going out, ten employees, or twelve employees and that is what they tell us they have. They are only supposed to be able to use this and this referring to the plan.

Vice Chairman Montesano asked let me see if I can get something, those spaces on the back end, in between, those spaces (referring to the plan).

Mr. Monteleone stated those are supposed to be for everybody between Zotola and couple of guys from here.

Vice Chairman Montesano stated no buses are going to be parked there because they are going to be in the building.

Mr. Monteleone stated they are supposed to be in the building.

Vice Chairman Montesano asked so what are those spaces utilized for.

Mr. Monteleone stated if somebody shows up for a truck to be repaired by Zotola, he puts it outside before it goes inside so we do have fourteen or fifteen spaces here.

Vice Chairman Montesano asked those spaces you can fit a bus in there.

Mr. Monteleone replied you can fit a bus you can fit a truck.

Vice Chairman Montesano stated so that means you can possibly put in two cars, two guys that are working in there can back up at least two cars in there.

Mr. Monteleone stated the key is though in order to keep harmony there what I told them was that they are going to have assign spaces each one of them. They will have their own spot I am going to spray their name on it.

Rich Williams stated and that is all fine but when we are planning out parking layouts we are planning out for not just specific uses like we are doing here. We know that this one has two employees, this one has three employees but we are planning out in generalities because people are going to change and your next person may not have the same.

Board Member Rogan stated right. You are planning it out based on the square footage. If there is forty thousand square foot and you have got seven you get twenty percent of the parking or whatever it comes out to.

Rich Williams stated depending on the use and depending on the number employees.

Board Member Rogan stated you have it allotted to and you decide to let someone else use part of it then that is your decision but then the next guy that comes in knows he can have his four spots.

Rich Williams stated granted but then we start talking in using industry standards like ITE. Light industry you want to provide a parking space for every seven hundred and fifty square feet.

Vice Chairman Montesano stated as long as it is not retail.

Rich Williams stated now the cabinet guy owes us thirteen by itself.

Board Member Rogan stated you would not approve the light industry you would say you have to provide more parking for that you don't have the parking on site.

Rich Williams stated but that is what I am saying,

Board Member Rogan stated I understand what you are saying.

Rich Williams stated that is where I am trying to push this and maybe it is just something that we need to take a step back and talk about or think about for a little bit. They are showing very specific parking on the site based on the number of employees they know are going to be there today and what I keep suggesting is we can't really do it that way. We have to look at what may be there in the future. We have to use some basic standards that we find from ITE or within our Code.

Board Member Rogan asked Rich is there any other area for usable parking for I am just talking regular people.

Rich Williams stated I have taken a look at this, I don't know that you are going to get any more parking spaces on the site. It is possible to get another row of parking in front of the existing road and you can do it just by striping but then what you are doing is the traffic circulation for the larger vehicles is going to make it very, very tight.

Board Member Rogan stated that would be difficult.

Vice Chairman Montesano stated well it would be future parking if necessary.

Mr. Monteleone stated for the uses that are there now you have more than enough space.

Rich Williams stated granted but what happens when the use changes and needs more parking. That is what I am trying to figure out. It is great that this site works,

Board Member Pierro asked can we allow parking in the front of the building on that grass swale. Is it limited.

Rich Williams asked where are you talking about, the direct swale in the front of the building.

Board Member Rogan stated it is no longer a swale the grass area is what he is referring to.

Board Member Pierro stated it is no longer a swale it is grass.

Rich Williams stated well they have to put the swale and the grass in.

Board Member Pierro asked in the front of the building in between the stonewall and that drainage area there could you allow,

Rich Williams asked up in here referring to the plan.

Board Member Rogan replied no he is pointing right there.

Rich Williams stated no.

Board Member Pierro asked you could not allow a row of cars in there.

Rich Williams replied no. You have got the stream right there which drops off to the stream. You have got a utility box in your way.

Mr. Monteleone stated if the use changes and you go to small vehicles, this here could be changed the other way around too so you could come this way and have parking both ways.

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

Rich Williams stated just as long as we are clear that that may be the way it is going to have to go.

Mr. Monteleone stated yes if it changes use, we change the parking lot.

Rich Williams stated you are going to have to come in and do a whole new parking layout.

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

Board Member Rogan stated what I recommend that you do Pete, is that for the next year or two you be a very good landlord and check on these guys and say you are not parking where I want you to be parking, do it or you are gone. Set a good example here.

Mr. Monteleone stated I am going to assign spaces to all of them.

Board Member Rogan stated and if they are not following it tell them they have to put their vehicles in the building. You said the buses will be in there. Tell the other guys, you don't have enough space put it in the building.

Mr. Monteleone stated based on the lease space that they are all going to have they are all going to have their outside space. I discussed that with them already.

Board Member Rogan asked Rich, do you want to talk about that your memo states something about the process here. How we are going to proceed with this in terms of an amended review or a separate.

Rich Williams replied there are two tracks you can go down in my opinion. We may want to bring this up and talk to Anthony a little bit about it but you never actually signed the site plan. The site plan has not been signed and that ends that process.

Board Member Rogan stated then this would be an amended site plan, a different site plan.

Rich Williams stated and this would be an amended site plan but because you haven't actually taken that step, is this a continuation of the original process.

Board Member Rogan stated it could be. There has not been a large break in review time or a disconnect in this project.

Vice Chairman Montesano stated it is an ongoing thing.

Board Member Rogan stated it is just a matter of making sure we are covering ourselves in terms of SEQRA and making sure we are not missing anything there, modifying it. That is really up to how the Board feels.

Rich Williams stated if this is a continuation you have done SEQRA, well you don't even have to it is a Type II action it is done. If this is an amended site plan you have to follow the same proceedings, you have to do a public hearing and everything else. If this is just revisions to the original site plan because of changes in field conditions which we have had a couple then it is just a matter of re-acknowledging the changes are acceptable and signing off.

Board Member Rogan stated it depends on whether the Applicant is reliable in getting the work done properly. That is really up to you.

Rich Williams stated I will tell you this he is impossible to stop.

Board Member Rogan stated I have heard that. No means go ahead.

Rich Williams stated everything he has done so far has been okay. It has been good. What he does is good or better than good. He does good work. You can't get him to slow down either.

Vice Chairman Montesano stated I have no problem with it because everything that I have looked at and it always looks good. It looks like it is clean for the first time.

Board Member Rogan stated the site looks nice. It is the best looking site on Commerce Drive.

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

Vice Chairman Montesano asked do you want to do it tonight.

Board Member Rogan stated no do it at a regular meeting plus you want to talk to Anthony about the process.

Mr. Buschynski asked so we will be back at the meeting.

Board Member Rogan replied yes.

Mr. Monteleone stated thank you very much.

Board Member Rogan stated Pete, don't start paving tonight.

8) CIPRIANO SITE PLAN

Vice Chairman Montesano stated Cipriano.

Rich Williams stated this is our bi-annual review on Cipriano.

Board Member Rogan stated I looked at them earlier but because it has been a few months I can't immediately see any significant changes and have been wondering what they have been doing.

Rich Williams stated the only significant changes are down by Route 22 where we have now worked out the scenario. He gave you a letter. Myself, Charlie Williams, Gene Richards, I can't think of his,

Board Member Rogan stated Dominic Montagna.

Rich Williams stated we all met and talked about how this should be worked out on Route 22 and this is basically what we came up with. I have a couple of other suggestions that might make things a little easier.

Board Member Pierro asked is the realignment in the site plan.

Rich Williams replied yes that is what he is basically proposing at this point and that is basically what He is back in for. They moved the stormwater ponds around now because they realized they are not going to get them on this site but they bought the property out on 22.

The Board reviewed the plans for a few minutes.

Board Member Rogan asked Rich, does that mean they are going to close down everything to the north of the entrance road of Old 22 other than a little area to push off snow.

Rich Williams replied right. We have been talking about abandoning that whole section.

Board Member Rogan stated it would be safer the road alignment.

Rich Williams stated yes. It will give us better sight distance coming out.

Board Member Rogan asked is there any chance of these detention basins up front being more of an attractive feature to the site meaning not mucky, dry somewhat seasonally dry basins.

Rich Williams replied well they are not supposed to be seasonally dry so much anymore. Everything has to be wet ponds.

Board Member Rogan stated because the ponds over at Ace Endico up in Brewster while the sidewalls are rather steep they are used daily by water fountains which is kind of a nice feature.

Rich Williams stated you should go out and look at the ones out on Cornwall Hill Estates. That is what we are trying to design. We are trying to make these attractive features within the landscape. I want to take a look at this because,

Board Member Rogan stated instead of pot holes. A lot of them look like pot holes. They are round and,

Rich Williams stated they are the old detention ponds. They are before the new DEC design criteria which has changed a lot of that but they still are stormwater ponds. We need to make sure that they drain down and that is one of the things that hurts the attractiveness.

Board Member Rogan asked traffic flow through the two because there is really two distinct parking lots on this site, the lower and the upper, two way all the way around or one way all the way around.

Rich Williams replied I have to take a look at the width but I would imagine we are probably going to drive it to one way around.

Rich Williams stated because he has got this whole loading area up on top I think it is more critical on the top. I think the lower parking lot there was a twenty-four foot wide aisle which will accommodate two way traffic.

Board Member Rogan asked two way traffic with nobody backing out.

Rich Williams stated but it has been awhile since I have looked at this also.

Board Member Rogan stated it seems like we keep, I mean we set standards but they are minimum standards and I would love for somebody to come in and say you know what I know they are twenty-four I am going to provide thirty. You get a different feel. When you are in a parking lot that is tight you automatically get almost like nervous.

Board Member DiSalvo stated especially when you drive trucks.

Board Member Rogan stated a little bit anxious or something because you are looking and you are afraid somebody is going to back into you. I know it increases impervious surface but give people a little bit more room and a little less fender benders and it seems like it is a win for everyone.

Board Member Rogan stated this again, is one of those projects that I am excited about seeing. Rich has done a lot of really good design work on this and ideas.

Board Member Rogan stated I keep getting back to the idea of getting out of your vehicle and enjoying a place rather than going in and leaving and buying what you want. This should be a great project but I don't want to approve it unless they put in a small ice cream stand (joking).

The Secretary stated I know you say it every time.

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

Board Member Rogan stated I am not even a big ice cream person I just think that when you go to one of these places you sit there in this courtyard with your kids, with the flowers and the fountains it would be nice to say hey, let's go get an ice cream cone and you are kind of creating that family atmosphere, open air market.

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

9) BURDICK FARMS SUBDIVISION

Rich Williams stated last meeting Shawn had brought up a number of lots that and I didn't bring it in with me,

Board Member Pierro stated that are hampered.

Rich Williams stated I did bring it in with me. A number of lots that he felt were just too tight and he suggested that some of these lots be taken another look at. Rich handed the board copies of the lots.

The Board reviewed the lots for a few minutes.

Vice Chairman Montesano asked Shawn, see if that covers the ones you recall.

Board Member Rogan replied I thought the memo we have covers it, no.

Vice Chairman Montesano replied yes it is the same thing.

Board Member Rogan stated yes we have copies. They are actually very good color copies.

Board Member Rogan stated I appreciate the,

Board Member Pierro stated that wasn't too difficult.

Mr. Conditto stated no it was pretty easy actually.

Board Member Rogan stated and recognizing that the Applicant was trying to stay within the confines of our Code in trying to keep some of these lots the size that they are supposed to be. I am willing to lose a little bit of open space to gain on these properties using what they are going to be designed for. It is negligible, in terms of open space it is negligible but in terms of the people's use of the lots I think it is every square foot in some of these lots is going to make the difference.

Board Member Pierro stated right Lot 6 was kind of created, it is interesting.

Board Member Rogan stated the reverse dog leg.

Mr. Conditto stated it does give you side area.

Board Member Rogan stated yes. The hard part there is I don't know if that is wooded or open field but let's say it is open field the demarcation of those lots is going to be up to the property owner's and they are going to have to pay attention to that. A straight line is a little bit more easy for people to visualize. For Lot 6 that is a good benefit.

Vice Chairman Montesano stated you can ask Pete to put up some walls.
(The Board laughed).

Rich Williams stated there were a couple that I had a couple of suggestions on, Lot 19, I didn't really see that we were gaining all that much. I thought there was a fair amount of area there but you know right now they are showing the property line pushed back over the access road to the stormwater pond and that scenario I am really not crazy about.

Board Member Pierro stated yes I was wondering why that was happening.

Rich Williams stated I don't know if you can move this, Board Member Pierro asked was it side yard you were concerned with or was that the front of the house.

Board Member Rogan replied no it is just backyard look at the building envelope.

Rich Williams stated move the whole road down (unable to hear).

Mr. Conditto stated he said swerve the road back. It is actually swerved. (He pointed it out on the plan).

Board Member Rogan asked so you are just recommending moving the road so that it is not on Lot 19.

Rich Williams replied yes.

Board Member Rogan stated that is fine.

Rich Williams stated the other one,

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

Board Member Rogan asked which lot are you talking about.

Board Member DiSalvo replied 21.

(Unable to hear Rich Williams explaining the lot configuration to Mr. Conditto & the Board).

(TAPE ENDED).

Rich Williams stated have the property lines follow the stonewall out in the field, save the stonewalls and you have a natural feature.

Board Member Rogan stated so use the stonewall as the natural feature property line and put the house up in here. That is fine.

Board Member Rogan stated I like the stonewalls being the property line. That is nice.

Mr. Conditto stated I am more concerned with the driveway entrance being close to the stop sign.

Rich Williams stated I like driveway entrances. There is nothing in the Code and every subdivision we have ever approved up until now they put the driveways coming out almost right on top of the intersection. I like them setback a hundred-fifty feet.

Mr. Conditto stated I would agree with that.

Rich Williams stated so the one that I drew I laid it out so I could get the center line of the driveway a hundred and fifty feet back from the edge of the intersection.

Board Member Rogan stated Rich, I like that idea.

Rich Williams stated I just like the front of the house coming towards the intersection, you hit both roads as you are coming in you see the house and that is going to make it more saleable, it is going to give it a better overall appearance and also,

Mr. Conditto stated (hard to hear) something in regards to the view.

Rich Williams stated it also then puts everything behind the house so the house blocks from as much road area as we can. Here is one of the problems we run into all the time, if this property lines goes all the way over then this all front yard. (Too many talking at the same time unable to transcribe).

Mr. Conditto stated okay so basically it is the one lot (unable to hear).

Mr. Conditto stated the second thing I wanted to discuss was the timing or scheduling of a final approval with conditions. Basically, at this time we are at final, we have already had our plans reviewed twice. Last

month we got memos from Rich and Gene those memos (unable to hear). They will meet next week and tomorrow we are going to meet with the Health Department. We are waiting for comments back from your Town Engineer before we submit with the DEP, the final stormwater stuff. (Unable to hear).

Board Member Rogan stated for the final you need the other agency approvals stamped right, DEP,

Mr. Conditto stated that can be done as conditional.

Board Member Rogan stated no but my point is in order to actually sign off on the plans, the physical signature.

Rich Williams stated right but generally as a rule we don't give conditional approval until we have got something back from the agencies to know that they have got a comfort level like DEP will issue a Notice of Completion and we get a copy of that.

Mr. Conditto stated that is essentially finishing with the DEP. At this point, we have already gone through (unable to hear).

Board Member Rogan asked let me ask a stupid question because it is what I am thinking. What benefit does the conditional get you I mean it does not get you a stamped set of plans any quicker, it doesn't get you a building permit any quicker. All it gives you the confidence level that we have made up our mind.

Mr. Conditto stated I think from a legal issue what it does is it starts the clock on any Article 78 conditions that could occur. If you give me a condition based on let's say at that point in thirty days later that if there is a lawsuit against the project or against the Town like there was at the Findings Statement and that starts the clock in parallel with these others and that is my main reason.

Board Member Rogan stated I would want since I am not a legal person, what do you think Anthony would say about that.

Rich Williams stated I can't tell you.

Board Member Rogan stated it is not fair for me to ask that of you.

Rich Williams stated here is the thing we are up to almost two hundred thousand dollars this year in legal bills.

Board Member Rogan stated Mr. Noblet has a question Mike, do you want to entertain that.

Vice Chairman Montesano asked in reference to what this thing again, not really.

Board Member Pierro stated Mr. Noblet.

Mr. Noblet asked the question that I have (hard to hear).

Board Member Pierro asked would you speak into the mic, Sir, would you stand up and come up to the mic please.

Vice Chairman Montesano stated I guess the new Chairman is taking over.

Board Member Pierro replied I would like to go home.

Mr. Noblet stated the question is, the first lawsuit that I wrote was dismissed because it was not right.

Board Member Rogan asked not what I am sorry.

Mr. Noblet stated the condition was not approved yet so it was dismissed. That means that two years now the condition was approved, does that mean that if I sue again it is going to be dismissed because (unable to understand).

Board Member Rogan stated I don't understand the context of what you are saying but that is,

Board Member Pierro stated in order for him to file an action there has to be conditions in effect. It has to be ripe.

Board Member Rogan asked is that actually a,

Board Member Pierro stated yes that is a legal,

Rich Williams stated that is a legal term yes.

Board Member Pierro stated it has to be ripe. We have to have committed an action or made a determination and that Mr. Noblet is a question for our Counsel. We can't answer that.

Rich Williams stated for his Counsel.

Board Member Pierro stated and your Counsel.

Mr. Conditto stated my Counsel seems to think that it can be on a conditional approval (unable to hear).

Board Member Pierro asked have you guys been made aware what transpired at the Town Board meeting last night relative to the barn issue.

Mr. Conditto stated no.

Board Member Pierro stated Rich go ahead.

Vice Chairman Montesano stated Rich, go ahead.

Board Member Pierro stated you can tell me.

Rich Williams stated as far as I know the Town Board accepted ownership of the property, contracts will be signed shortly.

Board Member Rogan stated wow.

Mr. Conditto stated tomorrow.

Board Member Rogan asked let me ask this then, when contracts are in hand this Board would be in a better position to consider conditional approval at the next meeting. I mean obviously we are not going to take an action tonight without that. I would think that is something we can talk about. Is Anthony going to be at the next meeting.

Rich Williams replied yes.

Board Member Pierro stated I spoke with Mr. Diorio and Vinny after the meeting last night just for principles, or just for your information. I have got a furniture builder from Millbrook whose putting it on the wire that the barn is available for timbers and we are trying to make some arrangements to take some of the residue lumber. They are putting that on the wire. They are letting all the furniture builders know on the East coast.

Mr. Conditto stated this is more of a personal thing but I have asked several people to look at the condition of the barn and write a report based on what they find. (Hard to hear). Basically they all say it is a so, so issue because it is not quite old, the barn was built in 1910 or 1920 but it is,

Board Member Pierro asked how old was your father-in-law.

Board Member Rogan replied eighty-four and that was a year ago so eighty-five years ago,

Mr. Conditto stated 1920.

Board Member Rogan stated would have been 1920 when my father-in-law was born the barn was already clearly there and in use so it was probably in that time probably sometime anywhere from ten to forty years before that.

Mr. Conditto stated we think based on the construction, here is the problem that we have. These guys can go in and they can tell immediately from the construction. The problem is that the barn is a little too new. If it was 1880 it would be a gold mine so 1920 there is a big difference. What they see is, they look for hand sawn lumber, which this is not. It is machine sawn. They look for a certain type of wood, a spruce or,

Board Member Rogan stated or American Chestnut.

Mr. Conditto stated Chestnut, this is not. This is all Hemlock including most of the timbers.

Board Member Rogan stated that is interesting.

Rich Williams stated it is interesting.

Mr. Conditto stated the one thing that they did say is that the outside of the barn, the one unique part of this barn is it is large so that has its advantages and disadvantages. It makes it difficult to disassemble but it is really nice inside. Actually, some guys are thinking of cutting it in half. We have had a lot of interest in this so far especially when you tell them they can just take it. They are all excited but most of these guys what they do is they try to find a client first and that is the problem so the six month time frame we have might be perfect for this.

Board Member Pierro stated excellent that is good.

Ted Kozlowski stated Chestnut was wiped out by 1920 in this area. It showed up in the Bronx Zoo in 1915.

Ted Kozlowski stated the barn would have been made out of American Chestnut.

Board Member Rogan stated if it was before that yes. The floor boards in the farmhouse are American Chestnut and the support beams are American Chestnut but that certainly is older than the barn, much older.

Board Member Rogan stated thank you for this it is interesting. I am looking forward to reading this.

Board Member Pierro stated thank you for your time.

Mr. Conditto asked something in regards to the resolution for final approval (hard to hear).

Board Member Rogan stated I think we just need to talk to Anthony next meeting and have the signed papers in hand and then if upon advice from the Town Planner.

Rich Williams stated Gene and I are still going through the latest submission. We haven't finished.

Board Member Rogan stated I think this Board certainly would be remiss in not making sure things were buttoned down of course especially given how long everybody had been working on this darn thing.

Vice Chairman Montesano asked who do I put my retirement papers into (joking).

Board Member Rogan replied jokingly you worked for the Burdick Farms Corporation for the last ten years.

Vice Chairman Montesano stated well I have been part of Burdick Farms for as long as, ten years no.

Board Member Rogan stated I don't know I am just guessing.

Vice Chairman Montesano asked when was the original started on this thing.

Rich Williams replied all right maybe we should just move right on.

Board Member Pierro stated yes.

Vice Chairman Montesano stated all right he is getting upset.

Mr. Conditto stated maybe I will see you guys next week.

Vice Chairman Montesano stated that is in jest.

Rich Williams stated I understand I just don't know how funny a Judge would find it.

Board Member Pierro stated right.

10) OTHER BUSINESS

a. Forest View Apartments

Rich Williams stated Forest View Apartments, they are back in, they have put a letter in to request an extension.

Vice Chairman Montesano asked they are still waiting on the same problem.

b. Rosewood Subdivision

Rich Williams stated Rosewood Subdivision,

Board Member DiSalvo asked which one is that.

Rich Williams replied a very old subdivision. It may even be before your time. It is off of Tammany Hall Road. It was eight or ten lot subdivision.

Board Member DiSalvo asked is that Victorian Heights.

Rich Williams replied no it is around the corner.

Ted Kozlowski asked is that still around. That was Peder Scott.

Rich Williams replied yes.

Rich Williams stated they are in to get the bond released. The improvements are all done.

c. Clover Lake Congregate Care Facility Site Inspection

Rich Williams stated and Clover Lake was the site walk that the Board did which I did not accompany you on.

Board Member Pierro stated it was the subdivision.

Board Member Pierro asked is Clover Lake coming back in.

Rich Williams stated this is just on for the site walk.

d. Site Walks

Vice Chairman Montesano stated speaking of site walks do you guys want to.

Board Member DiSalvo stated but Shawn is going away.

Board Member Rogan stated but you guys go ahead and do whatever you need. I am leaving tomorrow right after work.

Vice Chairman Montesano asked when are you going to be back.

Board Member Rogan replied I will be back Sunday before Election Day. Go ahead and do whatever you guys do. I will catch up with whatever is an outstanding issue. Don't do it based on me.

Vice Chairman Montesano stated it is the fill permit that is basically it. If you want to go look at it we could send these two gentlemen out to look at it because he has been there already a couple of times.

Vice Chairman Montesano stated you can take his word or you can go out and take a look at it.

Ted Kozlowski asked Richie, is there wetlands involved.

Rich Williams replied I don't know.

Ted Kozlowski stated there usually is.

Rich Williams stated here is the thing, it was a lot that Maureen Lobraico had that she tried forever to get a building permit to build, Health Department to build and could not because of either a watercourse or a stream.

Vice Chairman Montesano asked Dave, the Edwards Fill Permit do you want to take a walk out there on Monday or Tuesday in the afternoon or in the morning.

Board Member Pierro replied that would be fine.

Board Member DiSalvo stated I could do it Tuesday or Monday afternoon.

Board Member Pierro stated fine just give me a call.

Vice Chairman Montesano asked Rich what is your schedule for Monday.

Rich Williams replied I think I am open. I am trying to get through some of these plans.

Board Member DiSalvo stated I can do it after two.

Vice Chairman Montesano asked Dave.

Board Member Pierro stated that is fine. Just give me a shout the day before.

Vice Chairman Montesano asked do you want to meet here.

Board Member DiSalvo replied yes I won't be able to find it.

Vice Chairman Montesano stated Monday at two-thirty we will meet out here.

The Castle & Real Estate Office Discussion

Board Member Pierro asked Rich, 173 Haviland Drive is that relative to

Rich Williams asked who.

Board Member Pierro replied 173 Haviland Drive, a real estate office in Putnam Lake.

Vice Chairman Montesano stated they asked to be put on the agenda,

Board Member Pierro asked what building is that.

The Secretary replied the castle.

Vice Chairman Montesano replied the castle. They want to put a real estate office in.

Board Member Pierro asked they have a separate entrance there.

Rich Williams replied yes underneath there is a couple of old offices that, as far as I can tell from the old records they were created as storage and then over years people were allowed to renovate them. There was an ice cream shop in there, a couple of retail offices.

Board Member DiSalvo asked in the castle.

Rich Williams replied in the castle. That is all gone, the castle came in renovated the building but there is still a couple of store fronts down underneath. They came in, I did the research and came back to them and said I don't know what the parking is. I don't know what the septic is.

Board Member Rogan stated the septic was re-done at the time without a permit and then as subsequently they got a repair permit. I remember the owner at the time was the guy who used to own the place in Brewster, Crossroads. I can't come up with his name but anyway I remember what was only supposedly fixing a pipe ended up being a new tanks and new system but it is under the parking lot and it is not significant. It is not failing because the restaurant is going but it is not significant.

Rich Williams stated well you know the Health Department's definition, correct me if I am wrong of a failing septic system is effluent coming up to the top.

Board Member Rogan stated that is right.

Rich Williams stated you blacktop over the top of it you never got a failing septic system.

Board Member Rogan stated you know what I don't think that whole area though, I think it is gravel in the back there.

Rich Williams stated I don't know.

Board Member Rogan stated yes I don't think the whole thing is paved but regardless you are right.

Rich Williams stated ultimately I was kicking it back to the Health Department.

Board Member Rogan stated but it still does come up through the blacktop quite often with the hydraulic pressure and everything.

Board Member Rogan stated I will tell you he did call, the owner called and talked about putting in a water meter so we have an idea of what the use is out there for water so that the Health Department can get an idea of whether it is applicable to put in an office. I am not involved in it but the guy called me asking what a water meter was. I told him how to proceed.

Board Member DiSalvo made a motion to adjourn. Board Member Rogan seconded the motion. All in favor and meeting adjourned at 9:10 p.m.