

TOWN OF PATTERSON
PLANNING BOARD MEETING
October 30, 2008 *Work Session*

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PLANNING BOARD

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

**Planning Board
October 30, 2008 Work Session Meeting Minutes**

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

Present were: Chairman Rogan, Board Member Pierro, Board Member Montesano, Board Member DiSalvo, Board Member Cook, Rich Williams, Town Planner and Ted Kozlowski, Town of Patterson Environmental Conservation Inspector, Dave Raines, Town of Patterson Building Inspector and Gene Richards from the Town Engineer's office, Stantec Engineering.

The meeting began at 7:31 p.m.

Michelle K. Russo was the Secretary and transcribed the following minutes.

Chairman Rogan stated good evening everyone.

Dave Raines stated it's very sad.

Gene Richards stated I need some direction from the Board.

Board Member Montesano stated out the door, make a right, make another right, on your left, push the button, down you go.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated alright, we are going to start, rather than jumping right to Meadowbrook Farms, though, you said you had a couple things right off the bat.

4) THUNDER RIDGE SKI AREA – Wetland/Watercourse Permit

Dave Raines stated I have a meeting tonight (inaudible). On Thunder Ridge, I'm kind of twisted between as to whether we should really be pushing hard, Richie and I spent a lot of time out there, Richie has spent more time than me, to try to get that right, to try to get a plan together. I'm not sure that we are going lose a lot of value

and something, and it's your decision, I just, my input is, I'm not sure there is a ton of value in having a full blown engineering study to do that, to do the pond clean up. I think historically we have done it without it and I think what Richie had laid out is a very clear course of action for how to do it safely and effectively but I do think we should try to come to some kind of understanding so I can give Rich or I can give them a direction as to whether, you know, stop coming to the Board and go get an engineer or we are going to let you proceed, that is my only thought there and I know you guys will discuss that in depth.

Chairman Rogan stated for the record, on this one, I'm recused on this case but for the rest of the Board to discuss.

Dave Raines stated okay.

Board Member Pierro stated I somewhat agree about the pond remediation but I, there are other things going on there that need to be looked.

Dave Raines stated correct, I was just speaking specific to the.

Board Member DiSalvo stated well.

Board Member Pierro stated specific to the pond, I'm not hard and fast about having an engineer do that but there are other things going on there and we spoke at a meeting that you weren't at, a few weeks ago about that particular Sunday when we were having all that horrible rain. That parking lot got flooded in the back and it washed into Alpine's back door and they put that hobo sump pump in a bucket behind the back door, which is a violation, a safety violation.

Dave Raines stated which I immediately reacted to and like I said I was up there and said you can't do this, this and this.

Board Member Pierro stated right.

Dave Raines stated I issued violations right away so that they can.

Board Member Pierro stated yeah, if somebody gets hurt there, we are all hanging out, especially that one (inaudible).

Dave Raines stated as far as from (inaudible) perspective, I met with Charlie and talked to Charlie a little bit about what we can and can not do on the, I call it Old 22 but whatever that road is there.

Board Member Pierro stated right.

Dave Raines stated so yeah again, that is just specific to the pond, that is the only thing I have any intimate knowledge about, I walked through with Richie we were up there a bunch of times, I would like to see the Board give him clear direction either stop coming up with stop gap plans or go get an engineer and we will follow whatever the engineer or the environmental.

Board Member Pierro stated any body else with your thoughts.

Board Member Cook stated with some of the handouts tonight, we have a proposed resolution dealing with Thunder Ridge that we could discuss, we could discuss it now or later, you know, it covers more than just the pond.

Dave Raines stated I was just looking, Charlie just looking, to we can really say to them, this is the deal, you know, thank you we appreciate you coming up with a plan here but it's a bigger picture or separate the issues and deal with the pond. That is one process and deal with the overall runoff on the site is another issues, I think the runoff on the site is a substantial issue because it's trying to get the pond where we have some level of attention. My concern is if it goes to long, we'll wait on them; we are going to have bigger problems with that pond continuously, causing a kind of domino effect from what I saw. If we can't get water to start running through there, I feel its going to cause a bigger problem maybe I'm mistaken Rich but.

Rich Williams stated no, I mean when I went out there this year and saw the amount of silt that was clogging up around the pipe and Bob is telling me that the pipe flowing free and everything is fine, but you know, I don't know how because it was over the invert of the pipe that they draw off of for the snow making, so if, my opinion, you know he had other issues going on that necessitated cleaning some of the pond out but certainly he needed to clean out around that pipe so that they can have a viable operation out there this year otherwise he was likely to get half way through the season, the silt is going to jam the pipe and he's never going to get it out.

Dave Raines stated I'm also worried about, again the building up coming up and over the top of that again, running, running, (inaudible) but anyway.

Rich Williams stated there is an outlet structure on the top so it should not ever over top the dam unless we get an incredible (inaudible).

Dave Raines stated okay, well good, that is my input there.

5) JUSTIN'S AUTOMOTIVE – Sign Application

Dave Raines stated with Justin's Automotive, Shawn and the rest of the Board.

Chairman Rogan stated yes.

Dave Raines stated again, everybody is aware of what I did, I let him move from Putnam Lake to there, we got the building fixed up, we got a lot of the building code violations, under the auspice that he has to come in for a site plan approval and a special use permit. I told him explicitly do not put a sign out in the right of way, they put a sign out in the right of way, I have since violated him. He has a violation, he will be going to court on it, within probably sixty days, I would like to see the Planning Board not take any, not issue him approval for the sign until he comes in for site plan approval. I don't think he should he get any special dispensation, even consider the sign, he has to come in for site plan approval. He was given a huge gift to save his business because he had no place to operate, he tried, he looked at a bunch of other locations on the [Route] 22 corridor, outside of Patterson and I stepped up and put him and the Wunner's together to try to, A. save the structure because the next step was call the Town Engineer and have the thing condemned and I really, you know, I know I pissed off Jimmy Byron in the process but what am I going to do.

Board Member Pierro stated yeah.

Board Member DiSalvo stated hey, you know.

Chairman Rogan stated but if in the end if we have a site plan on the property, then that deals with the issue of the site, it will also wrap up the sign application.

Dave Raines stated absolutely but my concern is that if we move forward and give him the sign, its going to really slow the.

Chairman Rogan stated yeah.

Dave Raines stated we'll have no trump card, so to speak and this is what I told him, I said listen, I am going to recommend that they don't move forward on the sign approval, we are going to go to court on the sign, the judge is going to tell you to take the sign down and you are going to have come in for site plan approval. When you do that, if they want to consider giving you the sign ahead of the site plan, that's fine but you have to be before them with a viable site plan and that's again, you know.

Board Member DiSalvo stated the say that we were supposed to go out there and look at the sign permit, where the sign was going to be and you said don't go.

Board Member Pierro stated because we don't have permission.

Chairman Rogan stated we didn't have, yeah.

Board Member DiSalvo stated right but is that where, was it supposed to go where it is now.

Chairman Rogan stated I have no idea.

Dave Raines stated I told him not to put it in the state right of way period.

Rich Williams stated that is not where it was on the plan that he submitted to the Planning Board.

Board Member DiSalvo stated okay.

Dave Raines stated okay.

Board Member DiSalvo stated alright.

Rich Williams stated he actually moved it out of there, it was originally, his original plan was in the center island.

Dave Raines stated center island, right right.

Board Member DiSalvo stated right, right.

Dave Raines stated which I told him don't even bother asking because it's a line of sight issue, forget about what the Planning Board wants to do, it's a safety issue.

Chairman Rogan stated right.

Dave Raines stated and then I saw it up and then I got a phone call from you and several other people, saying that he put the sign in and his argument was I put it where the old sign was for forty years and I said I don't care, I want it down, he said no, he didn't say no, he says I will take down, the sign was up two days later, so I violated him. That's that.

Board Member DiSalvo stated he still has a sign on the building though.

Dave Raines stated there is a sign on the building, he still has a sign in the right of way.

Chairman Rogan stated its to the north of the center of the island.

Dave Raines stated right.

Chairman Rogan stated right.

Dave Raines stated but still I think its still in the right of way, I mean its still.

Chairman Rogan stated yup.

Dave Raines stated so anyway, my only input there is I would not like to see the Board move either way on it and use the, I wouldn't even want you to say no because then.

Chairman Rogan stated no.

Dave Raines stated that's going to slow down the site plan process.

Board Member DiSalvo stated if we say no, then.

Chairman Rogan stated right, oh we definitely through the site plan process, we want any business to have a viable sign location and I thought that the position that the Board had stated last month was that we wanted to get them in here for site plan approval, not belabor the point but make a concerted effort to get this guy in and out of here and get a site plan that everybody would be comfortable with. So we know what's going on there, we approved the location of things.

Board Member DiSalvo stated is he totally out of Put. Lake now, that building is empty.

Dave Raines stated totally, he's empty, he's posted off.

Board Member DiSalvo stated what's going on there.

Dave Raines stated Barrier Fuel has a new partner, they came out of, not chapter eleven.

Board Member DiSalvo stated thirteen.

Dave Raines stated and they got another partner, they wrote a letter to me, an e-mail, and just saying basically that they want to come in and put a gas station and a convenience store there. So I asked them to write a letter of intent to the Town Planner and myself, saying this is what we want to do, just a letter of intent so we have something legal saying, so we can answer to that, so we can send them through the process. I have since been corresponding with the DEC to try and get those tanks removed because my position is they haven't pumped gas since 2004, five, 2005, I locked the pumps out because they didn't meet fire code and they shouldn't be allowed to pump gas there ever, ever, ever again.

Board Member DiSalvo stated no, until they get new tanks.

Dave Raines stated as the fire inspector, that is my position as the fire inspector, not as obviously from the Planning Board perspective.

Board Member DiSalvo stated well that would be good to have another gas station in Put Lake, there really is nothing up there.

Dave Raines stated my problem with this whole operation is, its never been right, going all the way back to the over hang and the safety systems, the building itself, the doors, it's a disaster.

Board Member DiSalvo stated so there will be no car or truck repair there, it will just be like in and out, convenience store gas station.

Dave Raines stated well no, they are, they are still going along with repairs, he wants repairs, a convenience store and a gas island.

Board Member DiSalvo stated where is everybody going to fit on that site.

Dave Raines stated again, this what they, you know, and my base line issue is well can we even allow someone to come in and pump gas, after ceasing that operation for years. I don't know, that is something that we would have to look out to see if there is still a use there, if that use has been discontinued long enough to say, if you read the code, it has been, if you go by our town code, he's ceased to do that, it hasn't. If someone wanted to have a repair shop I don't think we could make that much of an argument but as far as pumping gas.

Board Member DiSalvo stated with the repair shop, maybe in two years, they will be in the same situation that Justin was in and outgrow the site.

Dave Raines stated there is some talk somebody coming in, the house behind them is foreclosed, it's a separate piece of property, there is talk of someone coming in and doing a gas station on that whole site, that's per the DEC but.

Board Member Cook stated Dave, just going back to Justin's for a minute. Your recommendation is for us to not take any action on the sign application until the Planning Board gets a site plan.

Dave Raines stated correct.

Board Member Cook stated next week.

Dave Raines stated because I think that's the more important piece of this that we get a handle on because that, A. if he doesn't move on this in November and he's not in front of you in November, I'm going to go right to, he's already been notified in a letter, return receipt letter which he received and the Wunner's received, they are going to go right to court, we are not going to do the violation and wait the 30 days out, we are just going to go right to court. I will give court the whole time line of what we did, the Judge is already aware, I mean because Dolores Wunner has already called the court, as a preemptive thing because she thinks I'm picking on her but you know, the first time she's had rent there in how many years. You know, so, that's again just my thought, I think the big picture, the important item is getting that site plan in front of you guys and you giving him direction as to what he can and can't do out there.

10) OTHER BUSINESS

b. Eurostyle Marble & Tile

Dave Raines stated Eurostyle Marble, I was up there tonight to do a preliminary final and I'm going to need direction on you guys in the coming weeks because they are looking for a C.O. to get the bond released and yada, yada, yada.

Chairman Rogan stated we did a bond reduction on that.

Dave Raines stated you did a bond reduction.

Board Member DiSalvo stated yeah, right.

Chairman Rogan stated they are looking for the whole thing.

Dave Raines stated what, I know that it's the skin of the building that is not in line with, god bless you, what was approved by the Board.

The Secretary stated thank you.

Dave Raines stated I know there is other site work, going through Rich's memos and what not, that is not in line with what was approved and of course I'm not going to issue a C.O. until the Planning Board issues are resolved or there is some kind of agreement of how we are going to get to that resolution. He's pushing hard, I mean he's called the office pretty much everyday for the last couple weeks, looking for action from me and I was out there tonight because I wanted to see what the lighting looked like in the dark and what not in comparison to across the way at the.

Board Member DiSalvo stated how does it look.

Dave Raines stated as far as illumination, it's almost identical to the Utz pretzel place, it's the same lights, the same angle, you get barely enough illumination on the walkway when it gets pitched dark, I don't if whether it's the height or the type of bulbs. I thought it was going to be over powering but its not even, I drove back down to the playground place and drove back up, he's got to do some building code things for me that he hasn't completed, I gave him a laundry list today of stuff inside, he still hasn't had an electrical final.

Board Member DiSalvo stated did he put the clock in yet.

Dave Raines stated yeah the clock is down here, the clock is inside or outside.

Board Member DiSalvo stated on the (inaudible).

Rich Williams stated it goes in the tower.

Dave Raines stated there was one down in the thing, hanging two feet off the floor, so, which was odd.

Board Member Montesano stated maybe he's waiting to bring the tower down.

Dave Raines stated its like three feet across but anyway, no he didn't put the clock up. So I'll be looking for in the coming weeks, some direction from you guys as to what we are going to allow him to do, not do and you know.

Dave Raines stated and on North County Homes.

Board Member DiSalvo stated oh, that one. That's with the foundation right.

Dave Raines stated I have no idea what to do there, that is kind of shocking to think that the DEP is going to allow them to leave that there.

Board Member Pierro stated oh god.

Dave Raines stated you know, so I know you guys will probably have a long discussion on that, you know. I don't know what, I'm going to have to go back to Tim Curtiss now and say Tim, listen, what legs do I have to stand on if we, we have to let them move forward, I'm going to go back and full court press is going to be I'm still waiting for the engineer to sign off on the footings, the foundation and everything, they didn't get approved. And then, what process does it have to go back through to you guys because they flipped the house, I don't know what supersedes what, I mean, just because DEP says okay, that doesn't necessarily mean that we have to acknowledge that, correct.

Rich Williams stated correct.

Dave Raines stated because the house is absolutely flipped, its on a different angle, the driveway is different, so that would go back under this Board to make a determination.

Rich Williams stated this Board can say we accept the house, we don't accept the house location, they need to modify something.

Dave Raines stated so there will be some time before its back in my court, as far as.

Board Member Cook stated I think that this Board should go back out there, with Joe Buschynski, who got the letter from DEP and have him interpret it the way he thinks he's getting approval and doing all these little facets.

Rich Williams stated I have the plans here.

Board Member Cook stated so we can, you know, understand it better.

Dave Raines stated okay.

Rich Williams stated yeah I know I realize that.

Dave Raines stated okay.

Rich Williams stated we got one copy, I can pull it out now or you want to do it late, or whatever you want to do.

Dave Raines stated but again, I'm not going to do anything, they've already called me and I said I need to go back to the Planning Board, I'm not going to say anything to them until we have a clear.

Chairman Rogan stated yeah.

Dave Raines stated because I really thought we were at the point where we were going to start pulling foundation in the spring.

Chairman Rogan stated right.

Dave Raines stated when it was dry enough and it was stable enough.

Board Member DiSalvo stated almost like a year now with this.

Dave Raines stated where, you know, certainly we don't want to touch it with the instability of the ground now and how wet it is but I figured come spring we were going to be pulling those walls in and doing whatever we need to do but it sounds like it might be a bit of a discussion now back with the client.

Chairman Rogan stated again your issue with Tim Curtiss is to the ability of whether or not they can keep the foundation based on structural because you have not inspected.

Dave Raines stated right and again, making the assumption, let's say they move forward, in a positive light, I, even if you moved it forward I can't say go ahead because I stopped them and I stopped them based on a mired of things.

Board Member DiSalvo stated I like Charlie's idea.

Dave Raines stated structural and what not, so, I'm not going to do and correspondence with them other then let them know its being reviewed right now because I don't want them to have any misconceptions that Dave thinks its okay or.

Board Member Pierro stated right.

Dave Raines stated or Richie thinks its okay or anybody else thinks it okay.

Chairman Rogan stated well that's important because even if this Board said hey, you know what, what they did, we are willing to accept it, everything great, if you can't get through your process.

Dave Raines stated right.

Chairman Rogan stated and issue a building permit or a compliance based on the fact that you don't know the structural integrity of that foundation, the rest of this is all a moot point.

Dave Raines stated right.

Chairman Rogan stated rip it out, even if they wanted to re-build exactly what they had, we might allow that but he would, they would have to pour new concrete.

Board Member Cook's cell phone sounds.

Dave Raines stated again, remembering the last correspondence from their engineer wasn't the engineer of record, I had asked for the engineer of record to say this was okay and they gave me some other engineer that never saw the job before.

Chairman Rogan stated that's right.

Dave Raines stated so I said, well this isn't adequate so I'm really, they are really behind the eight ball as far as getting an approval, so I'll just sit here and.

f. Forest View Apartments – Request for Bond Reduction

Dave Raines stated oh and the last piece is Forest View.

Chairman Rogan stated Forest View, yes.

Dave Raines stated Forest View, Field and Forest Apartments gave me two sets, two single sheet plans for what they are showing as their deviation from the approved plans from the fire tanks. Instead of putting two, what I thought were going to be poly-tanks interconnected with a dry hydrant that we gave them the standard detail for, they started pouring a concrete fire tank. Which I am at this point, I have reviewed this, I sent it out, I actually scanned this at IBM and had it shrunk down and sent it out to National Fire Sprinkler and an NFPA Engineer, to look at it. I got some comments back from the NFPA Engineer, the first thing he flagged was exactly what you said.

Rich Williams stated no vents.

Dave Raines stated there are no vents and also he doesn't agree with the construction this way, he thought it was two separate tanks with two separate suctions and I said no its one tank, so anyway, the bottom line is I'm not okay with them deviating from the original plan of having a poly or fiberglass, I am going to send this to our Town Engineer, I just have to get approval from the Town Board to send it to the Town Engineer and get some comment here. I wrote five or six areas where it deviates from our, both New York State Code and NFPA Code.

Board Member Pierro stated how far have they gone on the concrete installation.

Board Member DiSalvo stated the base.

Dave Raines stated they've poured the base.

Rich Williams stated I think they've poured an under sized pad, I'm not sure, if you look at that drawing and Dave, maybe I can get your opinion, they segmented the bottom pad, I didn't understand why it wasn't a continuous pour and they are showing it pinned back together with rebar. Whether that was because the original pad out in the field was too small and they needed to extend or what the deal was.

Dave Raines stated irregardless whatever they poured isn't going to fly, it wasn't inspected, it wasn't anything.

Board Member Pierro stated right.

Dave Raines stated they just poured.

Board Member Pierro stated if their engineer signs off on that, can they use those pads that are poured.

Dave Raines stated no, absolutely not.

Board Member Pierro stated can they use those pads that are poured, listen to my question.

Dave Raines stated oh, sorry, sorry.

Board Member Pierro stated as a base for the poly tanks.

Dave Raines stated potentially but I don't think the elevations are going to be right but yes, absolutely, I would have no issue with them doing that.

Board Member Pierro stated if their engineer signs off on it.

Dave Raines stated yeah.

Board Member Pierro stated we don't want to liable for it.

Dave Raines stated yeah but.

Board Member Pierro stated if it cracks.

Dave Raines stated I don't think, like I said, this is, I wasn't in favor of a concrete tank to begin with and I'm certainly not in favor of a concrete tank that is pieced together like this with gaskets and I just, never in my wildest imagination would I have come up with a design like this. So, at this point, they have a letter saying that you know, stop what you're doing with the tank and you know, I'm going to have to send them back to you guys whether I approve this or not, I have to send them back to you guys. So, whether I'm going send them back to you guys first because they, if they are not going to do what they were supposed to do, then they have to come up with viable to meet Planning Board requirements, unless they want to continue with Plan A, then they have to go back to the plan that was approved and put the right tanks in.

Board Member Pierro stated my experience with a poly tank that is not at the correct elevation that stuck out of the ground, fractured.

Dave Raines stated oh absolutely.

Board Member Pierro stated and a bunch of kids went through it.

Chairman Rogan stated oh, I polled the Board I this regard and I didn't hear from Mike but everyone else said that by and large they didn't care if we deviated from the plan if it was in the same location, if it served the purpose and if it met with your and the technical approval because bottom line is, we are approving that what it does for the subdivision, not the technical component of it but obviously this design is inferior and so, you know.

Dave Raines stated well it appears so, again I'm not a P.E., I'm a mechanical engineer but not a structural engineer, I am going to send it to the Town Engineer.

Chairman Rogan stated okay.

Dave Raines stated but I wanted feedback from the Fire Code side because this is a big concern.

Chairman Rogan stated because some locales, correct me if I'm wrong but some areas actually require concrete and not poly.

Dave Raines stated correct, correct.

Board Member Montesano stated but it is usually one solid tank.

Dave Raines stated but I never saw a design like this, not that I've seen that many.

Board Member DiSalvo stated when they do these developments and we require tanks, do we give them a choice.

Dave Raines stated I have not given them a choice.

Chairman Rogan stated no, poly.

Dave Raines stated we've been sticking with the same cut sheets pretty much for everybody.

Chairman Rogan stated so it's consistent.

Rich Williams stated well Maria, the history on this, is we've put in concrete tanks over on Quail Ridge and they leaked terribly and it took us forever to get them sealed back up and you know, it was a problem with the fire department because they were constantly low on water in there so.

Dave Raines stated the one on Phillard Court is now empty. That we thought was.

Rich Williams stated oh is it leaking again.

Dave Raines stated empty, to the bottom, they filled it Sunday, we are going to see how long it takes, if they filled it Sunday, so we'll see what happens.

Rich Williams stated so after that, we've just walked away from concrete tanks, certainly you are not going to use steel tanks because of longevity and other issues.

Board Member DiSalvo stated (inaudible).

Board Member Pierro stated does it make sense to change the Town Code to bar concrete tanks.

Rich Williams stated well if that's the case then we'd have a problem with Pondview, I mean, there is always the exception.

Chairman Rogan stated it would be like a pre-existing.

Rich Williams stated it seems to be doing concrete at Pondview.

Board Member Pierro stated why didn't we go away from concrete at Pondview.

Chairman Rogan stated I have no idea.

Rich Williams stated well you are doing one big concrete tank at Pondview, aren't they.

Dave Raines stated I don't think its.

Gene Richards stated they were proposing that, they switched to smaller tanks.

Dave Raines stated they switched, yeah they switched to a bunch of smaller tanks, didn't we do three smaller tanks.

Gene Richards stated I forget the number.

Board Member Pierro stated that was my recollection that they were.

Dave Raines stated three smaller tanks, they came in, they changed it.

Rich Williams stated (inaudible).

Dave Raines stated they had this one massive tank that they were going to use for potable water and fire water.

Rich Williams stated right.

Dave Raines stated right.

Rich Williams stated and everybody was questioning that.

Dave Raines stated no, we went to three poly tanks.

Rich Williams stated and I thought, okay.

Dave Raines stated we gave him the same detail that we had for Bullet Hole.

Board Member DiSalvo stated didn't we request them to come in with like an architectural design of what the buildings are going to look like.

Chairman Rogan stated Pondview.

Rich Williams stated yeah, you did. No, you had somebody come in and they explained the change to architectural.

Board Member DiSalvo stated he didn't actually say, he said it was going to be like a colonial style or something.

Chairman Rogan stated yeah.

Board Member DiSalvo stated he didn't actually show us.

Board Member Pierro stated that is all that anybody wants anyway.

Board Member DiSalvo stated I don't remember them saying that was going to be it.

Dave Raines stated I appreciate you listening to me and I will sit quietly until I get the phone call I need to leave.

Board Member Pierro stated we will hold you to that.

Rich Williams stated do you want to talk to Gene real quick, since you are bouncing all over.

Gene Richards stated Rich, I was going to say one other thing to but with Phillard Court, the problems up there with the tanks, they leaked, the water was going through the ground and I think it entered one of the basements in the development.

Dave Raines stated a New York City Fire Captain.

Rich Williams stated yeah that was hard.

Gene Richards stated so I mean that created additional problem with that.

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

Board Member Montesano stated well he's a fireman, right.

Dave Raines stated he wasn't too happy.

Chairman Rogan stated what I wonder is, the areas that require concrete tanks, if their design is similar to what you have or if it's a, like you said if it's a single walled or monolithic pour to create the tank or if they do it in sections.

Dave Raines stated this was a subdivision in New Fairfield because this tank was supposedly built that, I called the engineer, he was from New Fairfield and he says oh, it works up there and I called Pete Benz, the fire chief, Mike Crawford, the fire marshal up there, they don't have this process so it is what it was, it went in.

Chairman Rogan stated right.

Dave Raines stated you know, great, we have a dry hydrant, thank you and that was the end of that.

Chairman Rogan stated if it has water in it, it's a bonus.

Dave Raines stated right, so they don't, they didn't up until recently have a process.

Chairman Rogan stated okay.

Board Member DiSalvo stated well, we'll stick with our feelings about if it meets the engineering and everything.

Chairman Rogan stated yeah.

Dave Raines stated if it has no impact on the site plan, I'll tell you that in writing that their design of placement, isn't but, again even the pad out there, like Rich said, is much smaller then what is drawn on here, so I'm not sure how that can all play out.

Board Member Montesano stated it should be a professional (inaudible).

Chairman Rogan stated Gene, what do you have, that you would like to discuss.

Gene Richards stated I came in for one project and that's Barjac.

6) BARJAC EQUESTRIAN CENTER – Continued Review

Chairman Rogan stated okay.

Gene Richards stated we have received plans and a bond calculation from Insite Engineering (inaudible) they are all done but in going through the bond calc, one of things that Insite has not done, we all know there is a bridge near the entrance where they cross the wetlands and it's a significant bridge and it's a significant feature of the design. They have not included that in the bond calc and in their letter to the Board, they have actually talked about, I'll just quote what they wrote here "the additional information requested from our office, relative to the bridge design will be included on the final bridge design drawings, we suggested that the final bridge drawings be submitted with the building permit subsequent to final site plan approval." This kind of, this is the sort of thing that we have dealt with in the past on significant retaining wall designs, where they didn't want to do it until following on the approval and generally my recollection is, we have always had them do the calculation up front and with a wall like that, that is included in the bond calculation. Insite's letter isn't talking about including this in a bond calculation at all, its just looking to do the bridge design subsequent to site plan approval, what that would also mean is there is no way we can include in that bond calculation at the same time because we don't know what its going to cost. Insite doesn't know what's going to cost. So, they've submitted a bond calc without it and my question to the Board is, what would want our office to do with that, I mean, it should include the bridge design as well and that is going to be a big ticket item.

Chairman Rogan stated that is a huge component of the, you can't get to the site without the bridge.

Gene Richards stated one thing would be to hold off on doing any bond recommendations until we have a bridge design and we get an associated cost with it, then we can go into the bond calc and that can be process.

Chairman Rogan stated so you can make the bond calcs part of the conditional approval, in other words, the bond calcs would have to be done at a later time but prior to final approval on the site.

Gene Richards stated prior to the chairman signing the plans.

Chairman Rogan stated that doesn't relinquish any authority or oversight from any of us, does it. As long as it gets done before an approval, it's not like they are pulling a building permit. I'm fine with that as long everyone feels comfortable in that process. As long as it gets done, whether it gets done now or six months from now, you know.

Gene Richards stated then the timing of that then will be driven by Peckham Materials, when they want to build their project, they will have to come back and finish up the site plan requirements in order to get the approval.

Chairman Rogan stated right.

Board Member Montesano stated a question.

Chairman Rogan stated well doesn't, excuse me, one second Mike, doesn't the conditional approval, much like the subdivisions we've dealt with recently, have a time frame in which they have to meet the requirements of that, which would be the.

Rich Williams stated we typically building some sort of time frame within the resolution, I have done a resolution for you with time frames in it. I would recommend to the Board that you do grant a conditional approval so we can move the process forward.

Chairman Rogan stated rather than leaving it open, that ties them, then, into the time frame of let's say what, a year, in order to meet the requirements or lose that conditional approval, so its not just a project that is hanging out there in some limbo and I agree with that. I would rather have that then an unfinished status.

Rich Williams stated right.

Chairman Rogan stated you know.

Board Member Montesano stated the only thing I'm worried about right now would be since DEP and DEC seem to really pay attention when we do things, is there the possibility that they are going to try to get an approval from them to do something other than a bridge. Which now would give them a time frame, additional time to do it, I have no problem if they, I don't like them when they bypass us but I'm just wondering if there is something. Either they'll put a culvert pipe and cross it that way or whatever, its just that they are not including us and.

Board Member DiSalvo stated (inaudible) they are going to do that.

Chairman Rogan stated (inaudible).

Board Member Montesano stated if you are going to have a project.

Chairman Rogan stated we pushed, we move them in the direction of bridging it.

Board Member Pierro stated we pushed them towards a bridge.

Chairman Rogan stated because of the facts.

Board Member Montesano stated we pushed it, the object I would be worried about is if the State organization and the City, gives their okay, to do something other than a bridge, if we end up in the court room, they are going to have two state, they are going to have the state and city backing what they are doing.

Gene Richards stated they also need to get a wetlands/watercourse permit from the Planning Board.

Board Member Pierro stated from this Board.

Chairman Rogan stated right.

Gene Richards stated and that would be difficult.

Board Member Montesano stated thank you.

Rich Williams stated that is built into the site plan resolution.

Chairman Rogan stated resolution, right and that's but that site plan is specific.

Gene Richards stated unless they do something different with the bridge that would.

Rich Williams stated and it would hold true also for the site plan. When you approve the site plan you approve the bridge.

Chairman Rogan stated and the bridge is a specific component of that site plan so deviation from that is deviation from the site plan, they would have to do an amended site plan.

Board Member Montesano stated alright.

Rich Williams stated and Mike, understand as far as DEP's view on things or DEC's, they would much rather have the bridge than the culvert pipe.

Chairman Rogan stated they want to be more restrictive.

Rich Williams stated he has already proposed the bridge.

Board Member Montesano stated alright.

Rich Williams stated it would be unlikely that he would go back to some design that would have a greater impact.

Board Member Montesano stated I just worry about when we get something like that in there, especially when they have access to all the gravel they need.

Board Member Cook stated it's a good point you're bringing up and I think that we have that discussion with the applicant or the applicant's representative when they come in and say this is, you're asking for this to be held off, we want you to know that we are expecting a bridge.

Chairman Rogan stated right.

Rich Williams stated one more thing, the resolution that I gave, typically it has the typical 62 days in which to meet the conditions, if we are going down this road, where we are talking about you're not going to wrap everything up until we have bridge design certainly that needs to be a much longer time frame.

Chairman Rogan stated absolutely.

Board Member Montesano stated well could we put something in there that would say, you still have access to extensions, we have extension that we can give.

Rich Williams stated yeah and its in there, its built in there that they can come back for extensions.

Chairman Rogan stated so normally it says 62 days and subsequent to that they request an extension and we've done, we have two 90's and one 180 day extension.

Rich Williams stated that is a subdivision, this is a site plan so you can set the time frame whenever you like and extend it whenever you like.

Chairman Rogan stated oh okay.

Board Member Montesano stated that is the advantage of that.

Chairman Rogan stated so you don't run into the same time frame issues as you do with a subdivision.

Rich Williams stated yes, a subdivision you get two 90's and one 180 and that's it.

Chairman Rogan stated so based on that, should we switch the 62 day time frame to start out at 180 days.

Board Member DiSalvo stated no, I wasn't shaking my head on that.

Chairman Rogan stated in other words, if they are going.

Board Member Pierro stated that's fine with me.

Board Member Montesano stated yeah.

Board Member DiSalvo stated yeah.

Board Member Montesano stated I wouldn't have a problem starting it out that way, we've already bent over, although I think if we were worried about anything else, should we just give them the 62 days and then let them come in and we'll give them the extensions as we go along.

Board Member DiSalvo stated so it stays before us.

Chairman Rogan stated its also not a problem because we do a lot of these extensions at the work session.

Board Member Montesano stated right, well the idea is that we are going to extend it.

Chairman Rogan stated it doesn't matter they'll be sending a letter in.

Board Member Montesano stated we look like we are working with you that much easier, you want to come in for an extension, sure we'll give you the extension, we'll give you 90 days at time.

Chairman Rogan stated yeah, you're right though, it also brings it up for discussion with the applicant.

Board Member DiSalvo stated right.

Chairman Rogan stated what's going with the bridge.

Board Member Montesano stated every time they come in for an extension, we could ask.

Board Member DiSalvo stated we keep mentioning it, mentioning it and they say oh.

Chairman Rogan stated as long as everybody, as long as the Town is assured that they can't circumvent the process like Mike was just saying for something other then what we permit.

Board Member Montesano stated well this is what I worry about.

Chairman Rogan stated the only way they can do that is if the Board changes their mind and they say well now a bridge isn't so important.

Gene Richards stated so what I've heard then, its okay if our office does not give you a bond calc for this project.

Chairman Rogan stated sure, because it sounds like a bond recommendation won't be made until we have that calc, so we won't make any bond recommendation as part of the preliminary approval.

Gene Richards stated then we will have one for you next Thursday on Tractor Supply.

Board Member Pierro stated okay, I understand they are pricing that project out, they are going to local contractors and taking bids.

Rich Williams stated don't know.

Board Member Pierro stated yeah, just wanted to clue you in.

Board Member Montesano stated (inaudible).

Chairman Rogan stated so we'll have a resolution on Barjac.

Gene Richards stated we have to base our bond estimates on, being that this is a common.

Board Member Pierro stated right.

Gene Richards stated source of bigger estimates.

Board Member Montesano stated do we get that big rat, put it across that.

Board Member Pierro stated oh, okay.

Gene Richards stated I don't think the Board needs me for anything else.

Board Member Pierro stated you're excused Gene.

Chairman Rogan stated I certainly understand if you don't want to stay.

Board Member Pierro stated what.

Board Member DiSalvo stated on Justin's Automotive, the sign permit (inaudible).

The Secretary stated party pooper.

Chairman Rogan laughs.

Rich Williams stated I don't (inaudible).

Board Member Montesano stated and what are you going to do getting home this early on a Thursday night.

Gene Richards stated thanks.

Chairman Rogan stated thank you Gene, we appreciate your time. Okay, so back to the beginning.

1) MEADOWBROOK FARMS SUBDIVISION – Public Hearing

Chairman Rogan stated we have a public hearing on Meadowbrook Farms, we don't have anything really new on that.

Rich Williams stated nothing new.

Chairman Rogan stated okay.

Rich Williams stated has come in on Meadowbrook Farms.

Board Member DiSalvo stated so what did the letter say Mike.

Board Member Montesano stated I don't know, I didn't bring, it just informs me.

Board Member DiSalvo stated did you open it up.

Board Member Montesano stated yeah I opened it up.

Board Member DiSalvo stated did you sign for it.

Board Member Montesano stated no, my wife did because its made out to the two of us, so the only thing I could figure is that we are within five hundred feet of.

Chairman Rogan stated you might be.

Board Member Montesano stated I'll bring it in just to verify it.

Board Member DiSalvo stated that's kind of (inaudible).

Board Member Montesano stated I think it is but I.

Chairman Rogan stated but you know, in fairness though just the very nature of being with 500 feet of a project doesn't necessitate recusing yourself, unless you feel like there is some neighbor conflict type issue that, you know.

Board Member Montesano stated well, I haven't in the past when there is a project involved, on occasion I had no choice when they were building across the street from me.

Chairman Rogan stated understood.

Board Member DiSalvo stated (inaudible).

Board Member Cook stated this is just a wetlands permit too.

Chairman Rogan stated right, so its not big deal.

Rich Williams stated whatever you are comfortable with.

Chairman Rogan stated whatever you're comfortable with.

Board Member Montesano stated I don't want to leave us open for any.

Board Member DiSalvo stated it's not like its across the street, blogging.

Board Member Pierro stated its not like you got Harry D. on your ass, excuse my French. That is whoever wrote that e-mail.

Board Member Montesano stated I don't know, maybe I do and just don't know it, maybe that was that tick I (inaudible).

2) **OVER THE RAINBOW OF PATTERSON – Public Hearing**

Chairman Rogan stated Over the Rainbow of Patterson, we have a public hearing also on them.

Board Member Montesano stated alright.

Rich Williams stated they have resubmitted plans, I have been through those. They address all the Board's previous comments, the only outstanding issue is I don't recall how we left it was, that patch of vegetation between the outdoor play area and the building, whether that was going to remain or come out.

Chairman Rogan stated you mean the slope.

Rich Williams stated yup.

Chairman Rogan stated they were going to leave that vegetated the way it was, is what they wanted to do because I asked about visibility and they said to the play area from the building, they said that wasn't important to them, so that would remain vegetated.

Rich Williams stated okay and I've got a resolution ready to go.

Chairman Rogan stated great.

Board Member Cook stated I've been meaning to ask, they talk about this existing three room apartment, three bedroom apartment. Who is going to use this apartment.

Chairman Rogan stated there is no existing, three bedroom.

Board Member DiSalvo stated that's above, the office space above, right.

Board Member Cook stated they say it their letter.

Rich Williams stated I confirmed with the Building Department that they feel there is a legal three bedroom apartment upstairs.

Chairman Rogan stated and the Building Department confirmed that.

Board Member DiSalvo stated where did Dave [Raines] go, we can ask him.

Rich Williams stated Cheryl did, I don't think Dave.

Chairman Rogan stated that its three bedrooms, wow.

Board Member DiSalvo stated has it ever been rented recently or.

Rich Williams stated I don't know if it's been rented or not.

Board Member Cook stated just from the architect's letter, it just talks about an existing three bedroom apartment.

Chairman Rogan stated it may say that on the Town records but it doesn't need to be part of our, they are trying to promulgate or continue a use that they want out there for that upper.

Board Member DiSalvo stated well it may interfere with parking.

Rich Williams stated yeah.

Chairman Rogan stated but not only that, can you imagine a daycare coupled right with a three bedroom apartment, whose renting it, you have no background checks on the people that live there.

Board Member DiSalvo stated yeah well, sexual predators stuff and anything like that.

Board Member Cook stated thank you.

Chairman Rogan stated you know, it's a mixed use that is inconsistent with what you normally see with daycare centers that I am thinking of.

Board Member DiSalvo stated maybe its part of their lease that they are not to rent upstairs.

Chairman Rogan stated that could be.

Board Member DiSalvo stated if they can.

Chairman Rogan stated well let's, are we doing okay on the tape.

The Secretary stated I was just checking to make sure the speaker was on.

Chairman Rogan stated well that, my only issue with that is again the mixed use and how that relates to the site plan because we are approving a site plan for daycare center and whether or not by having it on the site plan that we would be making a case for them to continue a use that maybe isn't legal with Cheryl, you said did check it and its on there though. I don't ever remember that coming up before.

Rich Williams stated I haven't talked to Dave about it.

Board Member DiSalvo stated Dave.

Chairman Rogan stated that's interesting.

Board Member DiSalvo stated Dave.

Chairman Rogan stated did Noletti's Bakery ever have I wonder.

Board Member Montesano stated well.

Rich Williams stated again I went in and checked with Cheryl, she pulled the building records and said they have a valid building permit and a C.O.

Chairman Rogan stated wow.

Board Member Pierro stated former Nollelli's Bakery is where Over the Rainbow is going. We have a question about a three bedroom apartment up above.

Dave Raines stated it was right across from the (inaudible). Prior to the building, is that an approved use.

Rich Williams stated I checked, again when I saw, when they brought it back in with a three bedroom, I went into Cheryl and said what's the status and she said you know on the original site plan, there is a C.O. for it, it was a legal three bedroom. I have no information about.

Dave Raines stated that is the note that she wrote to me, I didn't know that you have spoken to her about it.

Chairman Rogan stated yeah.

Dave Raines stated I thought maybe you had different information.

Rich Williams stated I have no information about, if it's currently rented.

Dave Raines stated it's not, it's empty.

Rich Williams stated and how long it's been empty.

Dave Raines stated I was in, I walked through the whole building, it's been empty since probably just after Integrity moved out of there.

Board Member Pierro stated did it lose it's use.

Chairman Rogan stated there is no separate entrance from the outside. Again, a mixed use of going through a childrens center to go up to an apartment.

Board Member Montesano stated I think you have to go through the building.

Chairman Rogan stated you would have to, yeah.

Dave Raines stated yeah its in the lobby, there is a door, there is a separate set of doors in the reception area or whatever you want to call it.

Chairman Rogan stated any daycare center I go to, you have to show three forms of I.D. to get into the place.

Dave Raines stated right.

Chairman Rogan stated you know, they are pretty strict but.

Board Member Pierro stated I have some issues about the.

Chairman Rogan stated we should discuss that at least, to see.

Board Member Pierro stated who the applicant is going to be if, who the occupant is going to be, if they are going to use it for themselves, that maybe a different story but.

Chairman Rogan stated yeah, an office use or something.

Rich Williams stated do we know whether its been vacant for a year, more than a year. I mean if it's been vacant for more than a year then.

Board Member Pierro stated it may have lost it's use.

Dave Raines stated Integrity has been out of there longer than a year.

Board Member DiSalvo stated we should ask the owner.

Chairman Rogan stated yeah.

Board Member Montesano stated they have to, they've got to give you receipts of some kind, although I think they could probably get away with it.

Board Member DiSalvo stated she may not want to lose that use, (inaudible).

Chairman Rogan stated oh sure.

Board Member Pierro stated and these are tenants, the people that are applying for the daycare or did they buy the building.

Chairman Rogan stated yeah.

Dave Raines stated no, the tenant, she's not selling the building.

Board Member Pierro stated then this may be a problem for the land owner.

Board Member DiSalvo stated right, I just said that.

Chairman Rogan stated it's interesting.

Board Member Pierro stated and the applicant's has to know that that may be a problem for her business.

Dave Raines stated has Over the Rainbow asked to continue the apartment but they didn't indicate whether its for staff or for themselves or for the person who obviously.

Rich Williams stated I don't know that they, one of my questions was what are you doing upstairs because that effects some of the other improvements on the site like parking.

Dave Raines stated right.

Rich Williams stated so I felt it was important that the Board understand what was going on, they came back with three bedrooms.

Board Member Pierro stated well we have to ask them about that at the meeting.

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

Chairman Rogan stated I mean, that to me is an interesting, it could be a question.

Board Member Pierro stated could be a deal killer, you never know.

3) GENOVESE SITE PLAN – Public Hearing

Chairman Rogan stated okay, Genovese Site Plan, we also have a public hearing on that.

Rich Williams stated no new information on that.

Chairman Rogan stated okay.

Board Member Pierro stated didn't, we had some discussion about the well being moved closer to Boniello, didn't we, were we okay with that.

Rich Williams stated the well or the retaining wall.

Board Member Pierro stated I thought it was a well too.

Rich Williams stated there are two existing wells out there.

Board Member Pierro stated they are very close to Boniello's property line.

Rich Williams stated they are existing.

Board Member DiSalvo stated property line.

Board Member Pierro stated they are existing, oh, doesn't bother it.

Rich Williams stated if you recall if they are that close to Boniello's, there was the issue about Boniello's retaining wall being on this site.

Board Member Pierro stated retaining wall, okay. So we are going, so we are okay with that.

Chairman Rogan stated okay.

Board Member Pierro stated next.

4) THUNDER RIDGE SKI AREA – Wetland/Watercourse Permit

Chairman Rogan stated item four, Dave spoke about Thunder Ridge earlier, I'm recused, does anybody. Do you want to bring it up for further discussion.

Board Member DiSalvo stated I thought we had kind of agreed on what Charlie was suggesting at the site walk there, in the spring about requesting an engineer review the plans.

Rich Williams stated yeah.

Board Member Cook stated well we go back now to this proposed resolution, so everybody can take a look at that, maybe take a couple minutes now and see if anybody wants to add anything or.

Board Member Montesano stated well we (inaudible).

Dave Raines stated on the Over the Rainbow thing, should I follow up with them tomorrow. So I can write a letter to the Board tell them what their intent is, so they have an idea or should the Board just direct it to the, whoever is proposing this.

Board Member DiSalvo stated so we know by the meeting next week, I would do that.

Rich Williams stated um.

Dave Raines stated what I'm asking, should is should I call the contact I have for Over the Rainbow and say hey.

Rich Williams stated well I was going to call Cheeri Nolletti the owner.

Dave Raines stated oh okay.

Rich Williams stated and say there's been an issue with the Board.

Dave Raines stated okay.

Rich Williams stated can you please show a (inaudible – too many speaking).

Dave Raines stated I would just rather do that then have then into the.

Board Member Pierro stated cold.

Rich Williams stated no I absolutely would.

Dave Raines stated cold and say we thought, bah, bah, bah, you know, oh okay, that's fine, good, I won't.

Board Member Pierro stated did you catch this Mike.

Rich Williams stated I don't know if you want.

Dave Raines stated just copy it back to me (inaudible – too many speaking).

Board Member Pierro stated number two, the conditions.

Board Member Montesano stated yeah, I was looking at that.

Board Member Pierro stated the applicant shall provide the Planning Department professional drawings.

Board Member DiSalvo stated will.

Board Member Pierro stated huh.

Board Member DiSalvo stated will provide, right.

Board Member Pierro stated shall.

Dave Raines stated (inaudible) Ms. Nolletti and walk through the apartment (inaudible).

Rich Williams stated would you like me to (inaudible – too many speaking) to have her call you to make an appointment.

Dave Raines stated she's probably not going to want to open (inaudible – too many speaking).

Board Member DiSalvo stated but we are making it will.

Board Member Pierro stated are we.

Board Member Montesano stated well I would say, shall provide, yeah, or you will is more forceful of a word.

Board Member Cook stated change it.

Board Member Montesano stated and the whole thing would be if you won't.

Board Member DiSalvo stated you must provide.

Board Member Montesano stated that would even be a stronger word.

Board Member DiSalvo stated much too strong.

Board Member Montesano stated must provide would even be better, what a great English lesson.

Board Member DiSalvo laughs.

Board Member Pierro stated okay. Charlie may I change your copy.

Board Member DiSalvo stated have it will provide.

Dave Raines stated (inaudible – too many speaking) I'll go out.

Board Member DiSalvo stated must provide.

Dave Raines stated does that leave (inaudible – too many speaking).

Board Member DiSalvo stated then we have to get rid of.

Board Member Pierro stated will provide is certain.

Board Member DiSalvo stated number one too, is the shall in there again, we have to get rid of this word shall.

Board Member Pierro stated that's okay because it's a permit that they have to produce anyway.

Board Member DiSalvo stated shall seems like in the future, will is.

Rich Williams stated shall is mandatory as opposed to may.

Board Member DiSalvo stated no we wanted one word stronger.

Board Member Pierro stated we already have a copy of that permit, don't we, the environmental permit, the New York State environmental permit.

Rich Williams stated have an old one, I don't think we have a permit now.

Board Member Pierro stated oh okay.

Board Member Montesano stated what we are trying to figure out is shall, will or must.

Rich Williams stated well shall, will or must are all pretty much mandatory language, so.

Board Member Montesano stated okay.

Board Member DiSalvo stated which one can't be misconstrued.

Board Member Montesano stated I haven't checked Roger's yet, so I can't tell you.

Rich Williams stated shall is definitive.

Board Member Montesano stated okay.

Rich Williams stated you think something else.

Board Member DiSalvo stated I don't know.

Board Member Pierro stated we want it without a doubt.

Board Member DiSalvo stated clearer.

Board Member Montesano stated complied immediately.

Board Member Pierro stated the same thing with number five, the applicant will/shall provide a cross section detail swale based upon stormwater calcs for review by the Town Engineer. Well, shall or will, number six the applicant will meet the Town Planner and Town Engineer to review in detail, their comments.

Board Member Montesano stated let's call Judge Judy, she's on T.V. maybe she can tell which words to use.

Board Member Pierro stated okay, are you all.

Board Member DiSalvo stated you know who I saw one night.

Dave Raines stated sorry.

Board Member DiSalvo stated what's her name with the red hair, Sally Jesse.

Board Member Montesano stated oh.

Rich Williams stated I just want to reinforce what Dave said earlier especially with the Conklin's. They have difficulty in using an engineer to do this, they don't have a problem with cleaning the pond out and using appropriate techniques and doing the pipe slope drain but they always and I'm not making a case for them.

Board Member Montesano stated alright (inaudible).

Rich Williams stated but I just, they have always had great difficulty in pursuing this with an engineer, they are more than willing to cooperate, they just really don't want to do with an engineer.

Board Member Pierro stated well.

Rich Williams stated I'm just letting you know.

Board Member Pierro stated well, if that is the way the Board wants to go, then I want to have some definitive language in there that any future permit application for this process will be done at a time when we do have engineering for the front of the whole site because we are standing here allowing Stephen's Brook to get clogged. I want to make it more definitive and that is only my opinion, I'm only one vote.

Board Member Cook stated I have absolutely no trouble requesting that an engineer be involved.

Board Member Pierro stated okay.

Board Member Cook stated how its spells it out.

Board Member DiSalvo stated how can we work that in, as far as a wetlands permit, I mean, the wetlands permit is for the pond not for, like you talked about the parking lot with the discharge of water their too.

Board Member Montesano stated well.

Board Member Cook stated (inaudible).

Dave Raines stated that is my only concern, I think we need to address the bigger issue as well, I don't know how you do that under this venue but I think you need to not let the whole run off and the whole lack of erosion control and everything else that is going on.

Board Member Pierro stated go by the wayside.

Dave Raines stated that needs to be managed.

Board Member Pierro stated right, it needs to be managed.

Dave Raines stated I think.

Rich Williams stated well I understand that and we've made great strides this year with Bob and getting him to start implementing some of these things, he needs to do a much better job certainly but I think they are more, you know he's been more receptive, I think if he's approached in a reasonable manner, that perhaps we can continue to encourage him. The alternative to that is you know, to start an action and bring him into to court and force it to be done.

Board Member Montesano stated go back to the old way.

Rich Williams stated we certainly could pursue that but you know, I've had great difficulty with that in the past.

Board Member DiSalvo stated have we mentioned to Charlie [Williams] about looking at that drain by the back of the parking lot by the Alpine.

Rich Williams stated I have not.

Board Member Pierro stated that drain goes into Stephen's Brook, that is part of the problem.

Board Member DiSalvo stated right but that would prevent a lot of that from washing into his property.

Board Member Pierro stated it would prevent going into Alpine but its not preventing the damage to Stephen's Brook.

Board Member DiSalvo stated right but that water is going to go in there one way or another from the street, is what I'm saying.

Board Member Pierro stated but it's the run off from the ski area that I think is the biggest problem.

Board Member Montesano stated well, we didn't have, we were there that day and you could see where the water came across, I mean, we've got to get something done with that drainage, that drain that is there is not adequate enough to contain the water.

Board Member DiSalvo stated and then if it doesn't work, then it's coming from somewhere.

Board Member Montesano stated it's going to end up in the brook, one way or the other, to get over that way, I realize that but if we have the, for arguments sake, if we put a fifty gallon tank in instead of a ten gallon, we could leave, an overflow might be higher up so that there is a chance to catch most of the sediment coming off.

Board Member Pierro stated Mike , I don't understand why these folks are ever the applicants, they're not even the property, they are not property owners, we are talking about the wealthiest guys in the County. I'm not going to waste time discussing, I don't want to waste time discussing this anymore, let's put our feet to the ground and dig them in and just say we want engineering design.

Board Member Cook stated that is what this resolution calls for.

Board Member DiSalvo stated right, for the pond.

Board Member Pierro stated so let's go with the resolution.

Board Member Cook stated alright.

Board Member DiSalvo stated right.

Board Member Pierro stated let's go with it. I appreciate everybody else's comments but I've got big shoulders I can handle it.

Dave Raines stated is this specific to the pond or to the whole site.

Board Member DiSalvo stated this is specific to the pond.

Board Member Pierro stated this is specific to the pond but at this time, we are going to tell them, we can tell them, we'll issue this permit, we can put it in the resolution, if it has to be changed but any additional problems out at that site, there must be a stormwater study.

Dave Raines stated we have additional problems and I would like to take it a step further and violate them and get them into a process because I was out there Tuesday and you know, I could swim from the parking lot to the Alpine.

Board Member Pierro stated is it necessary to violate them though, can we get their attention by mandating them to do the engineering for this pond site.

Rich Williams stated that is not going to do anything for the rest of the site.

Dave Raines stated that's apples and oranges, you know, the pond is the pond and whatever the engineer says, hopefully they'll do it the way the engineer says.

Board Member Pierro stated right.

Dave Raines stated and (inaudible) then we have.

Board Member DiSalvo stated what would you suggest about the parking lot, how would you.

Board Member Pierro stated then violate them, then I say violate them.

Board Member Montesano stated hey.

Dave Raines stated somebody would have to say you have to evaluate this (inaudible).

Board Member DiSalvo stated get an engineer to look at it.

Board Member Montesano stated say.

Rich Williams stated there needs to stormwater controls, there need to be stormwater controls all over the site and Dave, you weren't around when I tried to do this, you know I was having problems, they didn't want to talk to me, I went to the Town Board and said I've tried everything, they really don't want to talk about it, I need to violate them to get their attention. Tim Curtiss stood up and said I've got a conflict, I can't do it.

Dave Raines stated there is going to be a conflict again, I realize that, I already know because I have other violations out there that I'm trying to clean up, that are minor in nature before the ski season that Tim can't handle for me, so.

Board Member Pierro stated I say we violate them, we issue this resolution with the requirement that it be done by a design engineer and if the Town Board, does not choose or the Town Attorney does not choose to write the violation, I think we ought to be at the.

Dave Raines stated no, I write the violation I just got.

Board Member Pierro stated if they choose not to prosecute then I think some of us should attend the Town Board meeting.

Dave Raines stated I will ask for a change of venue like I've done before but unfortunately it's June before Southeast or Kent or somebody feels like or O'Rourke gets it and kicks it right back and says stop telling them what to do, at the County level. We've lost every single case that has gone to O'Rourke because he's not pro-municipality, you know, so. Again, its going to go, I just feel, back to my original comment, I don't think we need to engineer the pond but I do think we do need to engineer the site but if you feel the need to engineer the pond and the site, then great.

Board Member Pierro stated I don't we can.

Board Member DiSalvo stated what is before us now.

Board Member Cook stated what is before us is the pond.

Board Member DiSalvo stated have to address.

Dave Raines stated okay, fine.

Board Member Cook stated and we are engineering the pond.

Board Member DiSalvo stated and this should be like a sign of things to come with that.

Dave Raines stated I'm going to take a look at the site under wet conditions, dry conditions with that and we'll get back to the Planning Board and we'll do whatever.

Board Member Pierro stated we'll adopt the resolution as read.

Dave Raines stated deal with the pond right now and we'll go from there.

Board Member Pierro stated and we'll adopt the resolution as read, okay, that is where we are going at the meeting then.

5) JUSTIN'S AUTOMOTIVE – Sign Application

Chairman Rogan stated okay, Justin's Automotive, we are pretty clear on where we are going with that, we want a site plan, we are not going to act on the sign application.

Board Member Pierro stated right.

6) BARJAC EQUESTRIAN CENTER – Continued Review

Chairman Rogan stated Barjac, it looks like we are going to have a resolution, sorry.

Board Member Pierro stated oh, tape.

Chairman Rogan stated perfect.

Dave Raines stated what are you doing with Barjac, are you moving forward.

Chairman Rogan stated we are moving forward with a.

(Side 1 ended – 8:25 p.m.)

The Secretary stated alright, go ahead.

Chairman Rogan stated okay, on Barjac, after speaking with Gene, we just discussed doing a resolution with the bond not being done, until, it will be a condition of the preliminary approval.

Board Member DiSalvo stated for the bridge.

Chairman Rogan stated for the bridge. Tractor Supply.

Board Member Cook stated excuse me one minute.

Dave Raines stated so you guys know, I'm still kicking around with Barjac, they sent me, you know, floor plans, I'm still trying to get a handle on sprinklers so we may need to put a tank in there some place.

Chairman Rogan stated okay.

Board Member Pierro stated okay.

Dave Raines stated just so you guys know that.

Chairman Rogan stated fine.

Dave Raines stated but they still haven't been clear to me exactly how, their final, final thing because they have an and or an or and a maybe.

Board Member Pierro stated right.

Dave Raines stated and I need to know exactly what the residential is going to be.

Board Member Pierro stated okay.

Dave Raines stated is it going to be fire separated. That is a for profit, Maria this is for you, that is a for profit equestrian center, right, that is not the.

Board Member DiSalvo stated yeah like.

Board Member Pierro stated no.

Dave Raines stated because there is a difference in the Code, it's a clear distinction.

Board Member DiSalvo stated its like Sam, its' like Laura Parker.

Chairman Rogan stated versus like a.

Dave Raines stated Sam's one building has stalls and they are his horses, the other building is for profit that is why it's sprinkled.

Board Member DiSalvo stated right.

Dave Raines stated so, but that's, this is clearly a for profit.

Board Member DiSalvo stated maybe.

Chairman Rogan stated we should get that cleared up first.

Board Member Pierro stated absolutely.

Dave Raines stated they are going to have to sprinkle the whole thing and you need to talk about where you are going to put a tank.

Board Member Pierro stated can you put a call into Theresa and ask her for a more definitive square footage design, instead of this maybe and/or possible sizes.

Rich Williams stated I'm sorry, I missed the conversation.

Dave Raines stated it wasn't the sizes, it was the set, they had given me a plan during the site plan review showing a separation between then two structures.

Board Member Pierro stated right.

Dave Raines stated because they wanted to see if they could get enough separation where they didn't have to sprinkle everything. Now we have one, really, actually one big building, it's two separate buildings but it's one bid building, based on building code, it's all connected.

Board Member Pierro stated so they must know, they must realize that they are going to have to sprinkle that.

Dave Raines stated right, so they said well if you are going to make us sprinkle it, then we might do B and I said well I think you're a little late in the process to do B and I had mentioned that to you and you said no, I think that, it is what it is. That was pretty much your answer to me, what they gave you is what they were going.

Board Member DiSalvo stated she's going to phase it too.

Dave Raines stated so.

Board Member Pierro stated can we get something more definitive.

Dave Raines stated okay, if you could just get an answer from her that what they submitted that's what it and then we are going to talk to her.

Rich Williams stated as far as the floor plan.

Dave Raines stated yeah, we have to talk about where we are going to put a fire tank because we have sprinkle the entire structure with the exception of arena.

Board Member Montesano stated what's going on the roof.

Board Member DiSalvo stated usually backed into the corner or something else.

Dave Raines stated you guys make the call whether they are going to bury this tank or they are going to build a structure around it.

Board Member Pierro stated I would say they would have to put a structure around it because you have a horse stand on it.

Board Member Montesano stated they are going to go up to Canada, they have those.

Board Member DiSalvo stated unless you, like an oil tank.

Board Member Montesano stated they are going to buy a plane that can drop the water.

Board Member Pierro stated okay.

Board Member DiSalvo stated you can't put it above, it may freeze.

Chairman Rogan stated I was going to say, they don't freeze.

Dave Raines stated we have residential also.

Chairman Rogan stated one thing about a water tower, it's moving all the time but.

Board Member Pierro stated next one.

Board Member DiSalvo stated you'd have bury it or put it inside the barn.

Dave Raines stated well that's why I said in a structure, but if it's in a structure, that is another issue you guys got to deal with, as far as site plan.

Board Member DiSalvo stated is there barn heated.

Chairman Rogan stated but we won't move forward on a resolution.

Dave Raines stated there is no detail on my.

Board Member DiSalvo stated like Laura's barn has propane blowers.

Chairman Rogan stated until we have that resolved.

Board Member Pierro stated absolutely.

Dave Raines stated but there is also a residence incorporated in the plans I have.

Board Member Pierro stated no reso until structure.

Dave Raines stated it is in the minutes because I looked it up from previous meetings when I brought it up at the Planning Board saying you'll probably have to sprinkle this based on how to figure out your final floor plan.

7) TRACTOR SUPPLY SITE PLAN – Continued Review

Chairman Rogan stated Tractor Supply Site Plan, we are getting some bond calcs from Gene.

Board Member DiSalvo stated we still didn't hear from DEP on them, there is an incomplete received.

Rich Williams stated DEC, there are apparently some issues for the DEC and the DOT, not previous to how that has been worked out yet.

Board Member Cook stated could you tell Theresa that we are interested in where they stand with the various outside agencies.

Rich Williams stated I'm sure she will (inaudible).

Board Member Pierro stated so what are we on.

8) PATTERSON CROSSING RETAIL CENTER – Continued Review

Chairman Rogan stated we are on Patterson Crossing Retail Center, continued review.

Board Member DiSalvo stated that's still around.

Chairman Rogan stated a busy agenda.

Board Member Pierro stated have you had a chance to review that Rich.

Rich Williams stated I have no had a chance to take a look at it yet.

Chairman Rogan stated alright.

Board Member Pierro stated we can peel this apart and see what changes they've made.

Board Member DiSalvo stated well last time they were in, we were discussing the parking lot layout.

Chairman Rogan stated the parking lot layout, the size of some of the spaces, sidewalks and lighting.

Board Member Cook stated the spaces, the parking spaces.

Board Member Pierro stated alright, we had no.

Board Member Montesano stated the only thing I.

Chairman Rogan stated what are you on Mike.

Board Member Montesano stated from the City of New York, that lovely piece of paper that they sent us.

Chairman Rogan stated on which project.

Board Member Montesano stated on Patterson Crossing.

Chairman Rogan stated okay.

Board Member Montesano stated I'm just looking at their paragraph that reads, the review of your application will not commence until received the necessary information and determine the application is complete. I like that, it's a shame we can't do it more often when people don't give us what we ask for and we still continue to review it and that one statement in that letter is, it's so nice, maybe if we handed those out every so often people would start paying a little more attention to us.

Chairman Rogan stated bottom of the page.

Board Member Montesano stated towards the bottom. The large paragraph, I just love the way that is worded, I may not agree with them necessarily but I do like that word, that we won't go any further. North County is one thing that seems to be the problem, we will not review it until you comply.

Board Member Cook stated it reads very nicely.

Board Member Montesano stated period.

Chairman Rogan stated and to back up for a second, on Tractor Supply, the issues they have with DOT and DEC, it looks like Theresa outlined in the letter to Mr. Raveson, that we are copied, did you read this.

Rich Williams stated I'm sorry (inaudible).

Board Member DiSalvo stated the small print.

Chairman Rogan stated the DOT and the DEC issues, it looks like Theresa has responded to that, to explain what is going on and what the hold-ups have been.

Rich Williams stated yeah, I got a copy of that letter.

Chairman Rogan stated I haven't read it yet but.

Board Member DiSalvo stated it's a hard reading in that little print.

Chairman Rogan stated it's a tough print, the fax version. Okay, so let's everybody take a look at the plan for Patterson Crossing.

9) SOUTH PATTERSON BUSINESS PARK WEST – Initial Application

Chairman Rogan stated South Patterson Business Park West, brand new application.

Rich Williams stated a brand new application.

Chairman Rogan stated where is it located.

Rich Williams stated own near Panino's deli.

Chairman Rogan stated oh, okay.

Rich Williams stated about two years ago the Board did a subdivision, there was an existing house on it.

Board Member Montesano stated the stone house.

Chairman Rogan stated oh right, yeah, we walked that down along the back.

Rich Williams stated yup.

Board Member DiSalvo stated that bog brook.

Board Member Montesano stated right.

Chairman Rogan stated isn't it closer to Old Route 22 or it's up the hill a ways.

Rich Williams stated no, it's up the hill.

Board Member Montesano stated no it's up the hill.

Board Member DiSalvo stated Foggintown.

Board Member Montesano stated it's closer to the barbershop.

Board Member Pierro stated Ballyhack.

Chairman Rogan stated right, right, okay.

Board Member Montesano stated right across from the barbershop.

Chairman Rogan stated the stone building, there was the truck in there.

Board Member DiSalvo stated the electrical trucks were parking there.

Chairman Rogan stated remember there was a whole bunch of stuff going on in the back, right.

Rich Williams stated yup.

Chairman Rogan stated okay, so it's that site.

Rich Williams stated yup.

Chairman Rogan stated alright, great.

Rich Williams stated they've got plans in, the plans are actually fairly complete for an initial submission.

Chairman Rogan stated wow.

Board Member DiSalvo stated for what.

Rich Williams stated for an office warehouse building.

Board Member Cook stated I am not familiar with it and haven't been there on any previous.

Chairman Rogan stated no, we'll go out on an initial application on this, we were out on subdivision but nobody really remembers what, so once we do the initial, we'll set up a site walk with them.

Board Member Pierro stated I don't remember it.

Board Member Montesano stated basically Charlie, it's basically across from the barbershop and where the center, the floral center, or whatever he is going to open, Ballyhack Road and all that.

Chairman Rogan stated alright.

10) OTHER BUSINESS

a. Fox Run Phase II

Chairman Rogan stated Fox Run Phase II, Richie had prepared a little memo for us, a little cross reference sheet, I just got it e-mailed I guess today.

Rich Williams stated I did send it to the engineers, the engineers did review it and commented on and I incorporated their comments in on it.

Chairman Rogan stated okay.

Rich Williams stated so.

Chairman Rogan stated the engineers being their.

Rich Williams stated our engineers, the Town Engineer.

Chairman Rogan stated okay.

Rich Williams stated I also e-mailed it to Jonathan Walsh so he could take look at it.

Chairman Rogan stated okay.

Rich Williams stated and explain that he's on for the next agenda.

Chairman Rogan stated alright, where we are at with this, if everyone recalls, is that they are asking for a change of use for the site to be multi-family up by Fox Run. And the Board really has been struggling with the idea of whether or not the site can handle that increased usage, especially given the length of the road, the intersection with Bullet Hole.

Board Member DiSalvo stated the condition of the road.

Chairman Rogan stated the condition of the road, the condition of the site and.

Board Member Montesano stated the infrastructure doesn't support it.

Chairman Rogan stated versus what is currently allowed there, which is single family homes. And so that is really where we are at, we had asked Rich, Charlie had asked Rich to do a little bit of a write up, a comparative between the two, what is allowed and what is proposed and how that impacts on the site, so we basically, what we need to do is make a decision. Are we in favor of multi-family on that site and if so then we need to make a recommendation to the Town Board to change the zoning for that site or do we agree with the existing zoning of single-family homes and we deny the request for a change of zoning for the site.

Board Member Montesano stated well, let's look at it as multi-family, the project that exists at the present time is in dire straits, so why do we want to add the same situation again, that is my feeling on it.

Board Member DiSalvo stated they went through this in Mount Vernon, there is condo development down there that the management company is going bankrupt, it's like a twist (inaudible).

Board Member Montesano stated well right now.

Board Member DiSalvo stated I guess (inaudible).

Board Member Cook stated I have the question about.

Board Member DiSalvo stated and they are going to shut off their electricity and everything in the building.

Board Member Cook stated what the existing infrastructure there, is it going to support the proposed phase II or will phase II support itself.

Chairman Rogan stated your first scenario, the infrastructure is existing.

Rich Williams stated its complicated in that, originally they had the rights to water system, the waste water system and the driveway network now, you know I have to check back in on that easement that they had but I don't believe that easement created any burden on them to help maintain it so, that is going to be issue that you know is going to cause some consummation between people. The other thing that is very complicated about this is, they are building a new waste water treatment plant out there, under the upgrade program because the existing plant that they had a right to, has reached it's life expectancy and the water supply system, which they had absolute right to, the distribution system is still there as it was when they built the original proposal,

unfortunately. But we have an all new water treatment plant out there, all new, and that was created as part of a district for phase I.

Board Member Cook stated what is going to support phase II.

Rich Williams stated well I mean, if everybody is in agreement that we are going to forward with phase II, then we have to talk about expanding the water treatment district, we'd have to talk about the conditions of the road and we'd have to you know, talk about tying into that waste water treatment plant.

Board Member Cook stated I see, I think your letter is good in that it covers the roads and the traffic scenarios and the bedrooms and number of people and number of cars and that type of thing but I think that it needs to go just that little bit further relative to the infrastructure part which we are talking about.

Rich Williams stated the problem is there are complicated issues that really not only a planner and an engineer looking at them but also an attorney looking at them. There is a multitude of issues and.

Board Member Cook stated okay, but how can we recommend what they want to the Town Board if we don't have that.

Rich Williams stated because they have two options, alright, I mean let's say you recommend the condo project and you find out that they don't have any rights to the water system or the waste water system. They have to build their own, you know they have to find a way to do it on that site.

Chairman Rogan stated or you simply don't recommend it until they prove that they can do it. But where we're at right now it sounds like what the board is basically saying that the other burdens that have been expressed maybe more than what the board's willing to recommend, maybe creating a situation where the Board does not feel comfortable recommending that the Town Board change the zoning out there to allow multi-family.

Board Member Cook stated agree. I you know perhaps there is enough here to do that. I just think that if we had that other information and we convey that to the applicant's architect or engineer that this is what we need, what are you doing with wastewater or water supply.

Chairman Rogan stated well, this is what's lacking.

Rich Williams stated: And that's been hit, that's been touched on in previous memos that I've done. You know, making that applicant aware that we now have a water treatment district out there and circumstances have changed and calling in to question the wastewater treatment plant. And the burden is now on them to prove that they have a right, they maintain that they have a right to use it.

Board Member DiSalvo stated just by this comparison that you did the difference is tremendous except for maybe two items you know, but if the wastewater generates like close to 16, 000 as opposed to 4,200 you know, was this a day?

Chairman Rogan stated yeah, daily.

Board Member DiSalvo stated vehicular trips? I mean everything is creating more of a mess there than they would (inaudible) And we're not even sure it they're going to be rental units or condos.

Chairman Rogan stated the main concern that I have with it, I'm comfortable with the water usage if the plant can handle it. What I'm more looking at is the increased of volume of traffic on a road, that if it was a blank

piece of land and they came in and said we want to put multi family on this road, we'd say Bullet Hole Road? Are you kidding me? You know, not the road to do it on. Um, so I think for me that that's almost that, and then driving through the existing roadways to get to this, to increase this without the infrastructure improvements um, is my main concern.

Board Member Montesano stated to me it's going to end up becoming the way Phase I is. If you allowed that.

Board Member DiSalvo stated that you have to spend money to make money. And I don't think they want to spend.

Board Member Montesano stated they don't want to spend anything.

Board Member Cook stated I'm not disagreeing with anybody but I would just feel more comfortable if we knew, if we had just a little bit more information, and we knew for a fact that if they are planning on using what's existing to support Phase II, and we said that can't work, or are they going to have a support system in phase II alone.

Board Member DiSalvo stated even the recreation aspect that we spoke about.

Chairman Rogan stated although I think Rich touched on it. They're building a new wastewater treatment facility out there, and that facility is sized to encompass Phase II. Correct?

Rich Williams stated I believe it is, yes.

Chairman Rogan stated so wastewater and generation of water off of the existing water supply the reality of it is they probably are sized for that, to handle that

Rich Williams stated the water supply system is not.

Chairman Rogan stated but that's simply a probably a matter of expanding on the system, drill a well and you know, or two. And, that I think is less of a concern.

Board Member DiSalvo stated I don't think the use is ever going to go down out there, I don't think it will ever go down with the number of people living there and more people living there that what people think live there.

Board Member Montesano stated another problem when you start to dig your well for 3 or 4 big wells, for arguments sake, to bring it up so that the whole phase I and II can utilize it. Is that going to affect the existing house that are there?

Board Member DiSalvo stated on bullet Hole?

Board Member Montesano stated you have Bullet Hole, you have got Fair Street, you have all the houses on Highview, and you've got quite a few new houses in there. Well, they're newer than the existing buildings that are there now. It just scares me when I look at a company that's bought into this and they're looking before they did their homework they bought it. Now, they're going to come in and try to muscle something.

Chairman Rogan stated Rich, let me understand the process a little bit here. If the property was zoned multi family and we had these same concerns would we issue a positive deck and have them go through and Environmental Impact Statement? So, but because it's not zoned for it you haven't even got to that part of the process?

Rich Williams stated if these are legitimate concerns and they want to re zone it, and you know, and everybody goes and says, yeah, we are going to consider re-zoning, then, you may need to do an EIS which addresses these things. If everybody is going to say no we are not going to change the zoning it's pointless to even worry about it.

Chairman Rogan stated Ok. But that helps me understand.

Chairman DiSalvo stated I just have a problem concentrating a large number of people that are there already and adding to the concentration like they're thrown in the middle of nothing over there. And all of this creating a problem for the outside area.

Board Member Montesano stated the original concept is like 30 or 40 years old.

Board Member DiSalvo stated you can't support it

Rich Williams stated 73 or something like that.

Chairman Rogan stated well isn't Pond View the water, we're doing the water course permit the same, it's multi family housing in the middle of nowhere really, it's the same concept in essence, it's up in the middle of nowhere with nothing around to support it.

Rich Williams stated Townhouse housing.

Chairman Rogan stated difference is, in my opinion, is that it's emptying out on to a more appropriate roadway. You know, and they're building all their infrastructure for this. It's not existing roads, it's not existing.

Board Member Cook stated again let me say I'd feel a little more comfortable if we knew about the infrastructure relative between Phase I and Phase II, who supports which?

Board Member DiSalvo stated maybe from a sales point of view, maybe they want phase II to take care of Phase II, I can't see them telling people in phase II to go down the block and use that dinky little pool over there...

Chairman Rogan stated they haven't proposed anything to support, granted this is just a concept of plan, but, they haven't proposed any recreational facilities, that

Rich Williams stated we haven't gotten that far in the process.

Chairman Rogan stated, right.

Chairman Rogan stated now, if it was something that you wanted, you could say to them, look we would be in favor of this concept and recommend that we change zoning if you provide X Y and Z. Whatever the case may be.

Board Member Montesano stated why don't we get Charlie's information and reschedule.

Rich Williams stated well, Charlie's information is a very difficult legal answer.

Board Member Montesano stated alright well right now they haven't convinced me so far to say to the town board that I recommend that you go ahead and approve it. It just doesn't feel comfortable.

Board Member Cook stated I guess we could give the recommendation to the Town Board that says we are not in favor of this change and the applicant comes back in so, obviously he would know (inaudible) that and at that time say look and there's these other issues. You know.

Chairman Rogan stated Rich the process for a denial of the request isn't through the Town Board thought right, it's just a denial of not

Rich Williams stated all your doing is making a recommendation to the Town Board and it's up to the Town Board to take that recommendation and proceed with it and accept it or not accept it.

Chairman Rogan stated so, in essence the applicant can go to the Town Board for re zoning regardless of the planning Board they're just the normal course of action is for the Town Board to request a recommendation.

Rich Williams stated code requirements are that there be a recommendation from the Town Board.

Chairman Rogan stated so the recommendation would be no we don't like it and the Town Board could still say... well, even though ...they've done it with other things, but um

Board Member Cook stated that's fine.

Chairman Rogan stated, O.k. Fair enough, so let's move this one along.

b. Eurostyle Marble and Tile –

Chairman Rogan stated Euro Style Marble and Tile, we did a site walk out there and it sounds like the biggest issue, before the Board, that we struggled with was the building. Before we went out there the majority of the Board has decided on three sides of the building. I heard some other talk while we were out there. Most of the issues were pretty easy to resolve, they were as we discussed, moving things, making sure the lights meet you know, most of them, I think we were able resolve. To me it seems like the main issue is what everybody wants to do with the building. You know people brought up arguments on all sides of the coin, so let's bring this to some resolution.

Board Member Cook stated what authority do we have? I mean the guy built the building, it's sided, outside the code. Is it, can we grant a waiver, we recommend to the Town Board to grant a waiver?

Rich Williams stated you can grant a waiver.

Chairman Rogan stated you can grant it.

Rich Williams states that there's a provision in there were it relates to site plan issues planning board can vary the standards.

Chairman Rogan states just have to justify it, why you're doing it.

Board Member Montesano states well my thing is still it is in the industrial park. I don't think it's going to behoove him to let it deteriorate because he's operating his business. If we look at the worst scenario and they guy give up his business, and someone else comes in, no matter what, that's your building. If the building

deteriorates to the point where it can be condemned, for a business, I mean for somebody in business, is going to (inaudible)

Chairman Rogan states then that could happen if it was sided or not, in fairness, you know.

Board Member Montesano states Right. So like I say if it was here, on 22 or 311, but it is hidden away and you do see it very, as far as I'm concerned, on I84 you get a glimpse of it, it will probably be more prevalent now because of the trees being bare but even then you are on highway and you're not going to see it because of the speed of you're going and the way these cars are if you look too long, you're going to get nailed, one way or the other. But, I still feel it's in an industrial park, I'm more willing to give in there, then if it was out here. And, that's my feeling on it. It is in there, and we're not going to take it over. I refuse to see that happen again.

Board Member Cook stated I don't disagree I would also like to make sure that the applicant adheres to Rich's memo of October first, where he outlines, you know, various things that have to be done and etc. etc. But, yeah, I think you have a point, Mike, where it's up there in the industrial park and not even an industrial park that highly visible so

Chairman Rogan stated O.k.

Board Member Montesano stated there's that real estate term "location, location, location" (laughing)

Chairman Rogan Stated Dave and Maria what do you feel?

Board Member DiSalvo stated I agree with Charlie and Mike, it's a beautiful looking building, I brought a friend of mine there last week who's also a very big tile and Granite person in the city, and I said I have to show you this building. He was like, he never saw anything like that before. And, do you know what this cost?? You know what this granite cost? He just couldn't believe it. He said, what a beautiful building. You know the way it was designed, the landscaping, everything he just couldn't stop talking about it.

Chairman Rogan stated Wow.

Board Member Montesano stated one thing though, if he puts that clock in, I want it to say the right time.

(Laughing)

Board Member DiSalvo again, being in an industrial area maybe if Pete wants to bring some projects before us let him step up to the plate and let his buildings look as nice as that one too.

Board Member Pierro stated we already have the authority to waive that.

Rich Williams stated you bring up an interesting point though. When Pete comes in, the code, unless the code is revised, is still going to say no metal sided buildings and then you are going be in that situation again.

Board Member Pierro stated but we already have the authority to waive that requirement, correct?

Rich Williams stated yes you do.

Chairman Rogan Stated seems like we waived parking spaces every other day.

(all speaking at once, inaudible)

Board Member Cook stated that also be changed in the Town code that industrial parks, you know, give us

Board Member DiSalvo stated we have to agree, we have to think about where we want that kind

Chairman Rogan stated it'd probably be just easier to have the discretion to be able determine, because you could have a lot within the corporate park or industrial park that does have really good visibility from a certain road, and you may say wow, this is a unique feature of this site.

All speaking at once re: Robin Hill

Board Member Montesano stated Robin Hill is an argument, there you have a residential section on one side that can see and you have 22. And you have a conglomerate in here.

Board Member Cook stated thought we had that discussion relative to one of the occupants there who had the tractor trailer boxes in the back lot put an addition

Board Member Montesano stated Brewster Plastics.

Board Member Cook stated, yeah, didn't we say to him that your next construction would have to abide by Town code?

Chairman Rogan stated I don't really remember. I'm in favor of the board having discretion, I think it's a good thing as long as we always state why we're doing something. Mike just stated it, you know, and everybody kind of agreed to it. They're willing to allow the metal sided building because of the uniqueness of the site, the lack of visibility, so Ok.

Board Member Cook stated how does this get handled formally? Do we have to do a resolution?

Chairman Rogan stated well we would do a motion on a waiver and then we had changed their bond calc because of this. We did not release all of their bond because of that, but there are other issues that still have to be done. So we release everything when the other little items come in.

Board Member Pierro stated is that a new memo about the gap in the propane tanks, excuse me, I'm sorry to cut you off, but was that a new memo?

Rich Williams stated yes that was a new memo because he's now proposing propane tanks on the building. He's proposing to have 2 thousand gallon tanks,

Chairman Rogan stated 500's I thought you said.

Rich Williams stated on a concrete pad to the rear of the building which is not shown on the site plan. And while we're there you also had the issue about the expanding rear from what I heard at the site as you were looking for him to come in with and amended site plan

Chairman Rogan stated Right.

Board Member Montesano stated Right.

Rich Williams stated to show that.

Chairman Rogan stated yes.

Board Member Montesano stated he's got to show the tanks.

Chairman Rogan stated you have to hear from Dave on the propane tanks? I'm concerned about having 500 gallon, two 500 gallon tanks above ground. Is that?

Dave?

Dave Raines. Isn't that a fire department issue?

Dave Raines stated you don't want to bury them.

Chairman Rogan stated you don't want to bury them?

Board Member Montesano stated No

Dave Raines stated no you don't want to bury them because they have the potential for leaking and rust.

Chairman Rogan stated mmmm

All speaking at once not able to transcribe.

Chairman Rogan stated they put (inaudible) around them I'm sure.

Rich Williams stated there are no other tanks above ground.

Inaudible

Rich Williams stated Dave is aware, Dave is the one who actually referred it back into me.

Board Member Pierro stated that's going to require some engineering that has to have bollards (?) and protection right?

Board Member DiSalvo stated (inaudible due to train)

Board Member Montesano stated according to the memo we should have discussed about reducing this guys bond.

Chairman Rogan stated we shouldn't even just reduce it at all anymore until it's done, because it's going to be all done

Board Member DiSalvo stated we did what we had to do and that gave him some working capital.

Board Member Montesano we gave him his money that he needs.

Board Member DiSalvo stated let's finish up what we're talking about.

Inaudible due to train. All speaking at once.

Chairman Rogan stated that's correct.

Chairman Rogan stated as soon as the train goes by.

Rich Williams stated he's good with his siding he needs to address amended site plan.

Chairman Rogan stated correct.

Rich Williams stated with the propane tanks and the parking.

Board Member Cook stated and your memo, the rear expansion

Rich Williams stated the rear and the back, some of these things, you know, they're done, some of the things they'll have to be done.

c. **Frantell Site Plan – Request for Extension**

Chairman Rogan stated how much are they looking for?

Board Member Montesano stated 12 month extension.

Rich Williams stated as much as you can give them.

Chairman Rogan stated is that a sign of the times they're just basically hanging in there?

Rich Williams stated I'm sure it's a sign of the times. But, it's been a sign of the times with Louie for

Chairman Rogan stated yeah, I understand.

Board Member DiSalvo stated it's a sign of the times...

Board Member Pierro stated for like 3 years.

Board Member Montesano stated well he wants a 12 month extension according to this.

Chairman Rogan stated O.k. well that's longer than we've done in a while.

Board Member Montesano stated how about we give him 6 months?

Board Member Pierro stated I agree.

Chairman Rogan stated o.k. do 6 months.

Board Member Pierro stated to make a motion that we grant Frantell Site Plan a 6 month extension.

Board Member DiSalvo seconded the Motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

d. Clover Lake Subdivision – Request for Extension

Chairman Rogan stated now here they're stuck to the time frame because it's a , now here they've got a year to get this done, how long are they looking for 90 or 180?

Rich Williams stated this would be the first 90 days you could grant both 90 day extensions or you could just do the one.

Chairman Rogan stated in this case why don't we do the two 90 day extensions,

Board member Pierro made a motion to grant Clover Lake Subdivision two 90 day extensions.

Board Member DiSalvo seconded the motion.

Chairman Rogan asked for all in favor.

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

The motion carries on a vote of 5 to 0.

e. Boniello Site Plan – Request for 90 day Extension

Board Member Pierro states in regard to Boniello site plan I make a motion we grant a 90 day extension.

Board Member DiSalvo Seconded the Motion.

Chairman Rogan asked for all in favor.

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

The motion carries on a vote of 5 to 0.

Board Member DiSalvo states what are they going to do with the bond? Boniello. Wasn't there something with the bond?

Rich Williams stated he has to post it.

Chairman Rogan stated Yeah.

Rich Williams stated that's why he needs the extension, everything else is done.

f. Forest View Apartments – Request of Bond Reduction

Chairman Rogan stated we know the concrete tank design is not currently acceptable, Dave is working on that.

Chairman Rogan stated North County Homes, let's talk to Joe Pachinski (?).

Rich Williams stated while we were talking about forest view you do have a recommendation from the town engineer on the bond reduction.

Chairman Rogan stated O.K.

Board Member Montesano stated I don't know if we should take any action until we find out what's going on.

Board Member DiSalvo stated we figure out what's going on.

Board Member Montesano stated with the tanks

Chairman Rogan stated does the bond?

Board Member Pierro stated look at the bond reduction look at how much money they've got in there and then make a decision based on that.

Chairman Rogan stated yeah.

Rich Williams stated the reduction does take into account the need to put in those tanks

Chairman Rogan stated O.K. So we can do a recommendation for a bond reduction.

So we have a recommendation from the town engineering staff to allow from 806 down to 403 or 50% reduction. I'm throwing numbers out, I shouldn't do that. (paper shuffling) They're looking to reduce it down to 530,000.00 which is what Stantec recommends from 806 to 530,000.00.

Board Member DiSalvo stated is that 530 to cover what, what else.

Chairman Rogan stated to cover whatever else is left on the site including the tanks.

Board Member DiSalvo stated and the road the road too?

Chairman Rogan stated Yup.

Board member Pierro stated motion?

Chairman Rogan stated sure.

Board Member Pierro stated in the matter of Forest View Field and Forest Apartments Site Plan I make a motion we reduce the bond amount to 530,000.00.

Chairman Rogan stated and that's a recommendation to the Town Board do I have a second?

Board Member DiSalvo seconded the motion.

Chairman Rogan asked for all in favor.

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

The motion carries on a vote of 5 to 0.

g. North County Homes – NYS DEP letter

Chairman Rogan stated we've got the letter from the DEP they've approved modification to the site. Let's talk to the Engineer on this, possibly schedule a site walk with them present as Charlie had asked. And, take a hard look at the plans with Joe Pachinski at the meeting to see what changes they've proposed. Do that at the next meeting.

h. 2009 Agenda Schedule

Chairman Rogan stated everyone take a quick look at that. You can always make modifications to this if something comes up.

Paper shuffling....

Chairman Rogan made a motion to approve the tentative meeting schedule for 2009.

Board Member DiSalvo seconded the motion.

Chairman Rogan asked for all in favor.

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

The motion carries on a vote of 5 to 0.

Chairman Rogan stated we can always change these, zoning board changes their meetings when people can't make the meetings, we tend not to do that but I think our board is pretty good at making all the meetings.

Board Member Cook stated speaking of which, the next work session, the November work session, what's the date?

Secretary Russo stated the 25th, it's a Tuesday.

Chairman Rogan stated I'm here on that day. That's before Thanksgiving. It's Tuesday before Thanksgiving

Board Member Montesano stated, now don't forget it's a Tuesday

Chairman Rogan stated Its a week and 2 days after opener.

11) MINUTES

Chairman Rogan made a motion to accept the minutes.

Board Member DiSalvo seconded the motion.

Chairman Rogan asked for all in favor.

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

The motion carries on a vote of 5 to 0.

The meeting was adjourned at 9:00 pm.