

TOWN OF PATTERSON

PLANNING BOARD MEETING November 25, 2008 *Work Session*

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**TOWN OF PATTERSON
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**Planning Board
November 25, 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, Rich Williams, Town Planner.

The meeting began at 7:29 p.m.

Arriving shortly thereafter were Ted Kozlowski, Town of Patterson Ted and Dave Raines, Town of Patterson Building Inspector.

Rich Williams was the secretary and Eileen Seirup transcribed the minutes.

1) MEADOWBROOK FARMS SUBDIVISION – Public Hearing

Chairman Rogan stated Meadowbrook Farms Subdivision Public Hearing, we held this one over you remember because the gentleman brought up a lot of concerns from the existing HOA with the developer and he was going to provide some information to the Board and to Rich. It looks like he gave us a letter.

Board Member Pierro stated I thought there was some discussions with the Attorney relative to the Bond the amount that still remains in the Bond. For the original project, didn't we discuss that?

Board Member DiSalvo stated I don't know we were just so taken aback at that meeting with all their comments.

Board Member Pierro stated I thought we were discussing.

Board Member Montesano stated oh, for the record I'm still recusing myself because I'm within the 500, I will make comments, but I'm not going to take a vote.

Rich Williams stated yes, after the last planning board meeting I checked with both the building department and the Town Supervisor and neither party was aware that there was anything going on at Meadowbrook Farms subsequently Mr. Cantor came back in and talked to Cheryl then met with him and we asked him to provide us additional information. I do have the HOA if anybody wants to take a look at it. I was going take a look at it myself and talk to Tim about it in the morning because Mr. Curtiss is coming in here. And I did ask Mr. Cantor to provide us with a letter with a summary with all the issues out there to see if there's anything the Town can do. I haven't had a chance to take a look at that letter it just came in this afternoon.

Chairman Rogan stated okay will Tim be able to based on the information provided, relay how this impacts or how it could potentially impact on the application before us and by that I mean so that we don't end up approving something that ends up with same problems inherent to the HOA so that they can re occur so easily.

Rich Williams stated I would assume that he can. The bigger issue is the HOA is looking for the Board to use their leverage with the current approvals to try and rectify some of these issues and that's somewhat of a gray area.

Board Member Montesano stated very gray, we have to proceed. We should normally proceed with his application if there are personal conflicts with their HOA and him theoretically it wouldn't involve the planning board we could move ahead with it. That's what Timmy was saying.

Board Member Pierro stated we asked that question at the meeting and you know but the bond there's still bond money in place for the road that was never finished.

Board Member DiSalvo stated right.

Rich Williams stated yes there is a bond it was established back in the early 90's.

Board Member Montesano stated which would pay for the gravel maybe today.

Board Member DiSalvo stated yeah.

Board Member Pierro stated it was a sizeable amount of money though right Rich it was 50,000 or something like that? It would buy some of the blacktop.

Rich Williams stated you said that correctly "some".

Board Member DiSalvo stated some.

Chairman Rogan stated it would buy some of the blacktop.

Board Member Pierro stated what's (inaudible) getting now? 500 a 500.00 dollars a ton.

Board Member Montesano stated no problem we'll get about a third of a ton and we'll call it even.

Chairman Rogan stated is there a mechanism in the Town Code to allow for bonds to be increased or inflated over time when they have not been finished?

Rich Williams stated we've established a procedure where that could occur, yes but trying to get an applicant to do that

Chairman Rogan stated may take an act of God.

Board Member Montesano stated well we've got him now because he's got an application before us so we can either increase that bond

Chairman Rogan stated oh yeah.

Rich Williams stated you certainly can take a look at a bond amount sufficient to cover all the improvements at this time.

Board Member DiSalvo stated but we haven't heard from JZG whatever the name of the developer is.

Board Member Montesano stated no.

Rich Williams stated other than through their applicant through their engineer.

Board Member DiSalvo stated I mean as a result of the Public Hearing that was in such an uproar that night we have never heard from the developer on this?

Rich Williams stated no we've had no communication since.

Board Member DiSalvo stated I mean Harry said to us he had no idea of what was.

Board Member Montesano stated if you get a chance can I get a copy of the agreement that they have. You don't have to do it now Rich, I can pick it up during the, you know after next week. I'd just like to see what Dave got in there that may leave them open too I mean we can get Timmy to do it but if we

Rich Williams stated really?

Board Member Montesano stated yeah that's the whole thing? On second thought, now that you mentioned it, I'll just read what they wrote.

Board Member DiSalvo stated so that's why they couldn't get an attorney. Who's going to breeze through that for nothing?

Board Member Montesano stated when you go up to the Attorney Generals office and you go into look at some of these

Board Member DiSalvo stated maybe that's what we should do

Board Member Montesano stated that's a teacup, some of these people, they've got homeowners and if you get the ones out of NYC the coops

Board Member DiSalvo stated I was going to say that.

Board Member Montesano stated and the HOA they have the right to refuse ownership acquisition etc. and it's just amazing.

Chairman Rogan stated sir what application are you hear for tonight?

Audience member stated Field and Forest Farm to Market.

Chairman Rogan stated Field and Forest do you want to jump.

Rich Williams stated I would prefer to wait until Dave gets back.

Chairman Rogan stated oh okay that makes sense because Dave did have a, are you Joe Reilly?

Mr. Reilly stated yup.

Chairman Rogan stated oh okay Good evening Mr. Reilly.

Board Member DiSalvo stated we were waiting for Dave to.

Chairman Rogan stated well as soon as Dave gets back we'll jump ahead and get you out of here.

Mr. Reilly stated okay.

2) EUROSTYLE MARBLE AND TILE AMENDED SITE PLAN – Public Hearing

Chairman Rogan stated Eurostyle Marble and Tile Amended Site Plan Public Hearing and we have a set of plans which should show the existing site conditions which we have spoken about. They extended the gravel yard and have you had a chance to take a look at them?

Rich Williams stated I have had a chance to take a look at them I haven't completed a review memo on them because I don't believe the current plans I believe substantially reflect the changes that were made to the site but there are some discrepancies there are all sorts of issues that he had committed to address and I want to go out and see what the status of that is before I issue a review memo.

Chairman Rogan stated did they show the buried propane tank that we talked about 1000 gallons

Board Member DiSalvo stated you were just making a comment Rich that maybe if you could add a line on this form because if you look at this we don't know what application it refers to. If you could put a line that says project name and address.

Rich Williams stated do you want to take a comprehensive look at all the forms that we use?

Board Member DiSalvo stated just think about it. It's just as we go along you know.

Chairman Rogan stated Eurostyle Marble and Tile aside from making sure that these plans reflect our comments from site walk when we went out there as long as everything else is good on that we should be in a position to move forward on that. What else do we have.

3) WETLANDS/WATERCOURSE APPLICATION – John Petrillo/Sullivan Road

Chairman Rogan stated we have a new application for John Petrillo for Sullivan Road it's a Wetland Watercourse permit application.

Board Member Pierro stated did we visit this once before Rich?

Rich Williams stated I don't believe so.

Board Member DiSalvo stated you're thinking of that other one that subdivision.

Chairman Rogan stated unless anyone has any objection we're going to skip ahead to.

7) OTHER BUSINESS

a. Field and Forest (a.k.a. Forest View) Apartments

Mr. Joe Reilly was present.

Chairman Rogan stated Mr. Reilly is here on that application we were talking about the tanks the water storage. Where do we stand with that?

Dave Raines stated I completed my review and I spoke to Mr. Reilly last week and advised him that we can go ahead and proceed with the concrete tanks 40,000 gallons Joe?

Mr. Reilly stated 40,000 gallons.

Dave Raines stated I got the Fire Department out there as part of this review process and they had asked based on the location of the tank which is going where the site plan shows so we asked, I had asked Joe if he would consider putting in 2 PVC dry hydrants facing opposite directions in either of the tanks so that access for weather conditions or snow buildup wouldn't be limited not also because the fire loading in there the Fire Department pointed out there's limits to (inaudible) line to their ladder truck and that would be utilizing one dry hydrant where the sprinkler system for the buildings or another fire department could be supplying from another dry hydrant and 40,000 gallons of water could go a long way. I realize that's not in the site plan initially Mr. Reilly said he'd work with me he didn't say absolutely he'd build but he said he'd work with me and that's something that we do in the field. We're going to look if that's doable when we get to that point.

Chairman Rogan stated so are you waiting on engineer

Dave Raines stated and I'm waiting for a letter from Mr. Reilly's engineer just to say that this tank is designed to hold this way. The design itself is fine for a tank but I'm waiting for a letter that says specifically that the tank is designed to hold X number of gallons of water for use as a static fire tank.

Chairman Rogan stated okay so basically his engineer is going to give you a letter saying it will meet with the proposed use.

Dave Raines stated right, that's it, that's all.

Chairman Rogan stated in a safe manner. And Rich we had this on for an amendment to the site plan?

Rich Williams stated well originally Mr. Reilly expressed some concern about you know how the review of the tank was proceeding and he sent me a letter, so ultimately I guess everything got worked out.

Dave Raines stated as far as the tank goes but I think we might have some other concerns.

Chairman Rogan stated Joe you have anything you want to add or speak up with?

Mr. Reilly stated, yup I talked with Dave a couple other things came up. We are pulled off the project. We hit a lot of stone out in the house the apartment area. So, by hitting all that stone we really had no place to put it except on site. Since then Rich has asked me to get the, we have to remove the stone. The Town Engineer Tom McGinn is our inspector asked us I told him we have no place to put it. We have no place to put it. We put it on an easement part mostly is on our easement that goes through a NYSEG easement that leads to stormwater area. To get it out so we could do our stormwater drainage there's no place to sell the material there's nobody that's building, there's nobody that will take the material. We gave it away for free, we usually give rock away to Dave ? who crushes stone and he was overloaded because he's not selling too much material. So we are now pretty much shut down on the job. NYSEG we need to move telephone poles out there to finish our drainage. One happens to be right dead center of drainage pipe to connect the 2 last catch basins and we'd be done. So NYSEG has asked us to get all the material off the property also off the easement and if we can't do it they can't give us any gas. They will not work with us. So Dave asked we'll do anything you know whatever we need to do to get moving along and basically what I told Dave is Rich you checked with NYSEG you told me to see if it's alright there on the easement which I think put a red flag up to NYSEG so.

Rich Williams stated Tom McGinn flagged that it was on the easement we both because there's problems getting the drainage down through there it's in the way of getting back to the ponds both of us, yes had pushed you to get that stone off the site at your earliest convenience absolutely.

Chairman Rogan stated so in other words you can't move forward with completing this site stormwater issues without getting that stone out of the way and you've got no where to

Mr. Reilly stated we get the power (inaudible) the building is all erected floorings down it's painted.

Dave Raines stated and this is where I sit now I have a building with tremendous fire load that I can't get to. I don't have any water don't have any fire alarms to tell us an early detection if there is God forbid, whether it's vandalism or a failure.

Board Member Pierro stated have you exhausted I mean I'm sure you have contacts but what about the municipalities possibly looking for stone.

Mr. Reilly stated talked to Mike Burdick on he works for the Brewster, right. No.

Chairman Rogan stated the State of New York.

Mr. Reilly stated I didn't go there.

Chairman Rogan stated because they have a big yard maybe

Mr. Reilly stated I started another road in Connecticut.

Chairman Rogan stated oh, okay

Mr. Reilly stated it's going to take me 4 or 5 weeks now to get the road where at a state where the town has been working with me over there and said yup you know just get this cleared up here and bring the material we have no problem.

Dave Raines stated I'd like to see if we could have the Town, I don't know when I say the Town whether it's you whether (inaudible) put you on to NYSEG and see if we could get some dialogue going to try and move forward with the understanding obviously we're not going to give them a CO we're not going to let

Board Member Pierro stated liability huge liability for us too.

Dave Raines stated what's a huge liability?

Board Member Pierro stated the liability I'm not having any fire protection on an investment here

Dave Raines stated the perception is that that we flagged it and that's what shut things down whether that's accurate or not but maybe we can reach out to NYSEG and

Board Member DiSalvo stated did you talk to NYSEG.

All talking at once unable to transcribe unable to transcribe.

Dave Raines stated I didn't say that we caused it but

Board Member Pierro stated I understand what you said that that's the appearance or the

Rich Williams stated but the issue really became where Mr. Reilly stockpiled a whole lot of gravel that he didn't anticipate having.

Dave Raines stated he's claiming I told him he could because when I was going out there he says is this okay and I said yeah. It's okay because we don't want it here here or here so you know what put it there.

Rich Williams stated but the reality was that it wasn't okay to put it there. It was in the way of the construction sequence. And now we're running into that problem so

Mr. Reilly stated what part of the construction sequence.?

Rich Williams stated let me ask you this can you move that up to where you got proposed building 3?

Board Member DiSalvo stated where the playground is?

Mr. Reilly stated no because we will pretty much contaminate that area up there we have gravel up there so we pretty much exhausted that area where building 3 is. So can I? I mean I guess yeah, but is it sensible to do that? How are we going to construct building 3?

Rich Williams stated well you still have to get the gravel off the site.

Mr. Reilly stated right.

Chairman Rogan stated it seems like it would make sense to move it once not twice, right?

Mr. Reilly stated right.

Board Member Pierro stated can you estimate how much gravel.

Mr. Reilly stated about 7000 yards of material.

Board Member Pierro stated that's there now.

Mr. Reilly stated it's crushed stone, crushed stone.

Rich Williams stated so I understand the issue

Dave Raines stated when we did Eurostyle and I told the guy to leave the pile at Eurostyle it didn't bother anybody there. I mean that's what's really getting me. Tom McGinn should have come to me first and said Dave we've got a problem. But, no once again, shot gun blast, and we have

Rich Williams stated what are you talking about? This is a site plan issue that

Dave Raines stated lose your temper Rich lose your temper.

Rich Williams stated I'm not losing my temper.

Dave Raines stated and I'll make 5 copies of the tape.

Rich Williams stated go ahead and make 5 copies of the tape.

Dave Raines stated once again we shot gun blast the decision.

Rich Williams stated we didn't shot gun blast any decision.

Dave Raines stated I found out from the client Rich that NYSEG was notified that the stone was on their easement.

Rich Williams stated okay who notified NYSEG?

Dave Raines stated it wasn't Joe Reilly was it?

Rich Williams stated I didn't check with NYSEG about the easement, I never talked to anybody with NYSEG about the stone being on the easement. What I said was that Tom McGinn and I both flagged that that stone was in the easement area that it shouldn't have been stockpiled there and we both asked you to move it out of that area. But, I didn't go to NYSEG about that.

Dave Raines stated this is the Town Planner's purview how?

Rich Williams stated because it's a site plan issue because I'm out there doing

Dave Raines stated I issued the Building Permit. This is why I'm a little aggravated because now I have to deal with Mr. Reilly and his partners and now I stopped the job.

Rich Williams stated so what are you talking about that I shouldn't be on the site doing compliance inspections?

Dave Raines stated reach out to NYSEG hey listen, how can we move this forward instead of waiting until February and then we really can't move it

Rich Williams stated but are you telling me I shouldn't be out on the site doing construction compliance inspections?

Dave Raines stated I don't know what you should be doing. I know that this shit happened once again. And if we're going to pick on piles of stone let's tell Eurostyle Marble not to stockpile 7000 yards of stone on their site either. I mean you know what let's just be consistent.

Board Member Pierro stated can we contact NYSEG and see if we can get a pass on this?

Rich Williams stated well we haven't even found out what's going on with NYSEG specifically why their saying their not coming in with the utility lines. I met with Joe what 6 weeks ago on the issue with utility poles and signed off on moving the utility poles around.

Mr. Reilly stated that was in the summer time that was about 3 months ago.

Rich Williams stated 3 months ago.

Mr. Reilly stated right.

Rich Williams stated so as far as I knew 3 months ago then NYSEG was coming in, you told me it was a timely issue, NYSEG was coming in.

Mr. Reilly stated and this popped up.

Rich Williams stated okay so NYSEG will not come in and put the power in because

Mr. Reilly stated they will not take the poles out and they won't assist us until the material is moved off of the easement the electrical easement. I don't have a place to move it onto the property. I'm not going to move it up to building #3. I'm putting in a road in Connecticut, New Fairfield and it will be done. I mean I moved all my equipment. And there's nothing I can do now. You know it sucks, I'm catching wind from partners and I'm there with and 4 weeks ago we were stopped with the fire tank. So I have nothing else to do. I did the septic, I built the buildings, I just can't finish the project. I just can't do it. I'm stopped.

Dave Raines stated so what do you want us to do? In a perfect world what do you want us to do?

Mr. Reilly stated there's nothing I can do now. It's done.

Dave Raines stated okay that's the answer. And you were stopped on the fire tank because it deviated from what it was approved.

Dave Raines stated Ted you building any roads down at the Park?

Rich Williams stated but I didn't stop you on putting the electric in I mean that was NYSEG. Right, we're clear on that.

Mr. Reilly stated NYSEG somebody raised a red flag with NYSEG they got involved and I'm not going to fight with NYSEG we are on our easement. Most of our property is on our easement that goes through the NYSEG easement.

Rich Williams stated I understand that but nobody from the Town contacted NYSEG about that gravel being in the easement. If NYSEG came out and when they were looking at what you were doing and saw the gravel there, that's not our responsibility.

Ted Kozlowski stated it's couple of different piles, it's ¾ and 1 inch and big

Mr. Reilly stated I have it all it's going to erode

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Dave Raines stated I'm sure you would have beat me to the punch and called them that's what I want. I want to know (inaudible) what action needs based on who said so. That's all I'm looking for. If they're office contacted NYSEG well then we'll find out who gave that direction, but somebody did. Somebody, they didn't. This wasn't an accident.

Rich Williams stated why do you think anybody from the Town contacted NYSEG.

Dave Raines stated because that's what I was told by Tom McGinn's office.

Rich Williams stated Tom told you he contacted NYSEG?

Dave Raines stated no, it wasn't Tom. And that's why I called Joe Reilly to find out what happened there, did they reach out to NYSEG and say we have a problem.

Ted Kozlowski stated how do you know the NYSEG guys didn't discover it? Aren't they checking their power lines all the time?

Mr. Reilly stated Craig Lincoln came out and said that they got a call from Town, (inaudible) from Binghamton from Town of Patterson and he had to come out here and I had to meet Craig out there on the job. This is what I got this is all I can do. Fine me, go ahead and fine me, there's nothing else I can do.

All talking at once unable to transcribe unable to transcribe

Ted Kozlowski stated so you have a home for this gravel?

Mr. Reilly stated I have a home for this gravel, I've been waiting for a subdivision to be approved it's not mine, it's one that I'm putting a road in. I'm bringing all the material over there.

Ted Kozlowski stated so you have to wait for that to be ready for the material?

Mr. Reilly stated right and that's going to take another 4 weeks or so before we can move it all out and then I could then call NYSEG and they got to take telephone poles down we then need to put one section of pipe in.

Board Member Pierro stated where is this road you're building?

Mr. Reilly stated it's on Shorewoods Road over in New Fairfield.

Dave Raines stated well I guess we gotta wait until you're ready and move. If at any time that we need to reach out to NYSEG then you need to tell us or correspond and say the stone is moved and you know we'll do an

inspection once I find out from the Town Attorney whose purview it is on determining the conditions on the construction site.

Audience member stated you need a site to bring it to to let it sit

All talking at once unable to transcribe

Mr. Reilly stated no I'm not moving it, there's not reason to be move it, there's nothing wrong with where the pile of material is, there was nothing wrong with it when we put it there you know

Rich Williams stated except it's in the way for completing the site.

Mr. Reilly stated no, that part of it is completed, we did the piping and we put it all on top of the underground drainage.

Rich Williams stated I thought you had to put piping through there.

Mr. Reilly stated no I have to put it where NYSEG needs to take the existing poles down. One pole is smack dam in the center between two catch basins and in order to do that we have to get the poles down, NYSEG won't take the poles down. So that's where I'm at and you know while we're all talking about this, I've come into this Town about 7 years ago and every little job that I do, I'm a builder, I'm not a developer I buy improve stuff and I build on it. Each piece that I've bought I feel like I'm a criminal and one way or the other whether I have a Board of Health Approval before I buy it, because I buy everything through my legal side of it, I've been stopped. And it just seems that I don't know one person has it in for me in this Town, or if everybody is against developing in this Town or if somebody wants to be the Builders Boss, I'm a great builder I build two hundred houses, over two hundred houses. I have employees that have been with me for 20 years. I'm a hands on guy. I'm probably one of the last hands on guys around here and no matter what I do I get stopped in this Town. I work in Brewster, Patterson, Pawling and New Fairfield. That's it. I don't work anywhere else and I'm trying to have a home and I just pray to God every Sunday that I can just finish up whatever I have in this Town and never look back again. I don't know what it is. I've bought approved lots that I had to put 30 50,000.00 dollar septic in that were approved by your Town before I even bought them. And I was stopped when I bought them. Currently I have a lot on Farm to Market Road in Indian Hill that my agent, Tom Fresca came in and asked you, we purchased that are we okay? And you told Tom as long as you don't try and subdivide it that it was an approved building lot. I bought the dam thing and now I'm in a wetlands.

Ted Kozlowski stated Joe, Joe that's

Chairman Rogan stated is that the one up front

Ted Kozlowski stated you know what, time out, that's not fair

Rich Williams stated and that is not true.

Ted Kozlowski stated that is not true and that is not fair.

Mr. Reilly stated it's perfectly true

Ted Kozlowski stated Joe that is not true. You bought some lots that were questionable and you met me before you bought some of these lots

Mr. Reilly stated no I didn't.

Ted Kozlowski stated and I told you to avoid

Mr. Reilly stated you're lying

Ted Kozlowski stated I told you to Farm to Market Road was in DEC wetlands

Mr. Reilly stated I bought it.

Ted Kozlowski stated well Joe I talked to your Attorney Jay Hogan and I told me

Mr. Reilly stated and I talked to the Attorney who was mine and represented me when I bought it, and he told me to go ahead and purchase it because we had BOHA.

Ted Kozlowski stated Joe, I have correspondence with that, so please don't go there with that.

Mr. Reilly stated why can't I go there? Are you hired by this Town to help people or to make peoples lives miserable.

Ted Kozlowski stated JOE I told you Farm to Market Road, the DEC declared that wetland they expanded it when they came into Putnam County and declared more area for under their State Wetland regulations. You've got letters you've got correspondence from DEP, from me

Mr. Reilly stated I've correspondence from DEP didn't say that.

Ted Kozlowski stated I spoke specifically to Jay Hogan before you bought the property telling him I don't think he should buy this he's going to get in trouble.

Mr. Reilly stated Ted I bought the lot

Ted Kozlowski stated Joe, but that's what you did.

Mr. Reilly stated is that what I did Ted? I bought the lot and then you said you're not going to let me build on it.

Ted Kozlowski stated oh, I have no authority to say yes or no.

Mr. Reilly stated well you think you do.

Ted Kozlowski stated no I don't.

Chairman Rogan stated please let's get back to, Joe so far this Board has treated you with nothing but respect, and I think we're getting a little off track here, so let's stick to Field and Forest and how we can move forward on this. You got a pile of gravel in the way, I can't think of anything you can do with it, you already have a place lined up for it, if there's any way that this Board can reach out to NYSEG, it doesn't sound like it's going to correct anything. It sounds like 4 weeks from now, you're going to be moving the stuff and you're going to be moving forward with this project.

Board Member Montesano stated they won't finish your job as long as you got that there, is that interfering with them doing the work.

Mr. Reilly stated yeah we can't do anything.

Board Member Montesano stated no no not you, I'm talking about you said NYSEG has to come in and remove a couple of poles.

Board Member Pierro stated they won't do anything.

Board Member Montesano stated just let me finish. Now it's not interfering with them moving those poles.

Mr. Reilly stated right.

Board Member Montesano stated okay then if we were to ask NYSEG they seem to be always cooperative to waiting for a gas line, maybe we can ask that we have a guarantee that they'll be out within 4 weeks, I hope, we'll give you 5 weeks.

Mr. Reilly stated they said that when it's off to call them

Board Member Montesano stated alright I'm saying if we were to with the Board's permission or agreement, we contact NYSEG tell them we have the guarantee that it will be off there within 5 weeks everything will be cleared out, will you please proceed with the work you have to do, unless that gravel is interfering with

Chairman Rogan stated you know the problem Mike is and I appreciate your trying to bring this to some resolution is the approvals you're talking about that have to be in place over in New Fairfield there are no guarantees on that.

Mr. Reilly state, no we started construction.

Chairman Rogan stated oh okay the approvals are in place you're just not at a point where you can move the material yet.

Mr. Reilly stated right we're boxing the road out and

Chairman Rogan stated I thought you said you were waiting for approvals when you started tonight.

Mr. Reilly stated we were waiting for approvals, we have them now and we got the green light to start construction, which we did, we cleared the property.

Chairman Rogan stated does Craig Lincoln want lead time on when you're going to have it removed or is he just saying Joe, call me when it's gone?

Mr. Reilly stated call. He's pretty annoyed with me.

Chairman Rogan stated okay We've dealt with Craig before on a number of issues and had variant levels of success.

Board Member Montesano stated yeah variable

Chairman Rogan stated well it depends on what is going on.

Board Member Montesano stated to me this is a ballywho about nothing really when you get down to it, it's going to be gone the man said it will be gone. It's not interfering with what you have to do if not then we'll go from there.

Chairman Rogan stated and I'm a little unclear as to what this Board can really act on.

Dave Raines stated I'm not sure that you can.

Board Member Montesano stated we can't but the only thing we can do is ask. We deal with them.

Dave Raines stated but it seems like it was acted upon because it's a site plan issue so that's how it comes back to the board, unless I misunderstood.

Chairman Rogan stated well it would only come back to the Board if it's either impacting on the site where we can't now finish the site the way it was proposed or it's going to be a change in the site so that we have to amend the site plan.

Board Member DiSalvo stated right now we are only looking to amend the fire tank.

All talking at once unable to transcribe

Dave Raines stated (inaudible) loophole in the field we have to look to see if we can even do 2 dry hydrants out there and that's one tank and not get into

Board Member Montesano stated right now there's no chance of a tank being put in because of his problem.

Mr. Reilly stated no no the tank can be put in we took the equipment off the site to

Board Member Montesano stated to do the road over there.

Mr. Reilly stated right because there was no more work to do.

Board Member Montesano stated okay now do you have equipment that this tank can be installed?

Chairman Rogan stated they're building it on site. It's being built.

Mr. Reilly stated we need to excavate it and what I'll try to do, this is a short week and I hope sometime next week we can move one of the excavators back over and excavate the

Board Member Montesano stated what I'm trying to say we need the tank in the ground if for nothing else for the safety of the building that is already up there and the possibility of a fire. That tank would be beneficial to the community. So, if we ask NYSEG to give us a hand so that we can benefit our community by getting this tank installed and allowing the gravel to sit at least if we do have a fire it's much easier to fill up a truck when a tank has got water in it.

Dave Raines stated part of us wanted to do a tanker shuttle or something to fill it with 40,000 gallons of water so

Board Member Montesano stated and that would be beneficial.

Dave Raines stated plus I don't think Joe is not going to be able to pour in the middle of February. You know concrete.

Chairman Rogan stated yeah.

Mr. Reilly stated I'm sure there will be you know breaks in the weather.

Chairman Rogan stated Rich does the Board have to take an action to approve the change in the tank?

Rich Williams stated from concrete to fiberglass?

Chairman Rogan stated no from fiberglass to concrete?

Board Member DiSalvo stated if we're going to go that way.

Chairman Rogan stated well we are that's what he's doing

Board Member Pierro stated Dave's okay with it.

Rich Williams stated because it's on the site plan it's a requirement of the planning board I would say yes, but there's some question whether the Fire Codes says that the Fire Inspector has ultimate jurisdiction over the tank. Certainly Dave knows more about these fire tanks than anybody sitting in this room and

Dave Raines stated I reached out to everybody I could reach out to and it's not the first choice but

Board Member DiSalvo stated didn't we talk about doing a barrier rounds if somebody drives over it.

Board Member Pierro stated some bollards.

Chairman Rogan stated the planning board is approving the intent that there be a fire protective feature there in the location and of a sufficient size and as long they have the same area and the same size and it meets with their approval then I don't care if it's concrete or fiberglass.

Board Member Montesano stated we can just dump it on the Fire Inspector.

Chairman Rogan stated I like the fact that there's some uniformity in the Town going and say all, you know, so that inspection is made more standardized but as long as the Fire Inspector is okay with it.

Board Member DiSalvo stated so I was at a meeting up in Millbrook the other night, and I remember someone saying hey there's a 40,000 gallon fire tank that they're taking out of one of the schools up there, they're looking to give it away. So I said is it concrete, or is it plastic? They said it's steel. I said that's probably why they got to get rid of it. I was trying to think how big 30 or 40,000 gallons was.

Board Member Pierro stated well it will be going to a scrap yard and cut up.

Chairman Rogan stated yeah it's worth more that way than it is to move it.

Dave Raines stated do we have anything else? That's it.

Chairman Rogan stated Joe thanks for your time.

Mr. Reilly stated thank you.

3) WETLANDS/WATERCOURSE APPLICATION – John Petrillo/Sullivan Road

Chairman Rogan stated back to item #3 we have a new application John Petrillo/Sullivan Road it's a wetland/watercourse application. We have not been on the site. Rich is it a new house that they are proposing?

Rich Williams stated it's a single it's an existing house that is very deteriorated. They're looking to tear the house down and rebuild on the existing foundation and think it will need a wetlands/watercourse permit. With the improvements that they are proposing essentially they are looking to do a new septic system.

Board Member DiSalvo stated is it occupied now?

Ted Kozlowski stated no no take a look at this Rich. I've been to the site. That house really has to be torn town.

Dave Raines stated isn't it in there?

Board Member Montesano stated does it have historical significant?

Dave Raines stated I agreed on the violations that we gave to the previous owner and this guy Joe Petrillo bought it. That was supposed to come down anyway. There are still violations all over this property.

Ted Kozlowski stated John Petrillo met with me out on the site because he wanted to understand. There's a couple issues on this property. The house was bought by people as a spec you know to fix it up, and they started working on it and then they just dropped the ball. The house has been getting the elements it's shot. It's got a lot of inherent problems. Everything is within the wetland buffer, the house the septic, everything. The other thing is he's got it, and this is why Richie called me about Public Hearing, I think he should have a Public Hearing, don't waive it, because that property Petrillo is the one who told me this, that property somebody's shed is actually on the property a rear neighbor.

Board Member Montesano stated a wood shed?

Ted Kozlowski stated because part of his property is located on this property. So they have to resolve that.

Rich Williams stated I've got to point out something. This drawing may not show the totality of the property and I've got to check with the assessors.

Board Member DiSalvo stated do we have a picture of it, we don't want this turning into that one that happened a few years ago.

Ted Kozlowski stated the whole rear property is wetland. The only developable dry spot is where this house is there's well and septic and the little out shed. But everything in the back is all wetland and I don't have issues with it. He's got to make the house habitable.

Board Member Montesano stated okay they have a 100 foot buffer line here. Now is this what they're talking about? (Looking at drawing)

Ted Kozlowski stated that's the edge of the wetland.

Board Member Montesano stated that's the edge, no he's got an arrow here and an arrow here.

Ted Kozlowski stated that's the 100 foot buffer. The whole thing is within 100 feet.

Board Member DiSalvo stated but the house is there.

Ted Kozlowski stated it's preexisting

Board Member DiSalvo stated is this the shed we're talking about?

Ted Kozlowski stated yeah he's going to remove Petrillo told me he's taking it out.

Dave Raines stated you want some pictures what # Sullivan is it?

Board Member Pierro stated this is not the whole property.

Board Member DiSalvo stated it just says Sullivan Road.

Chairman Rogan stated 25.62-1-60.

Ted Kozlowski stated my understanding that this is not the whole property. The property goes way out into here. He's got more lots than are showing there.

Board Member DiSalvo stated it wouldn't benefit him.

Board Member Montesano stated if we had it out here, for arguments sake then he would be in the wetlands itself.

Ted Kozlowski stated my understanding Mike, now I could be wrong, but I was told that this property goes all the way over, there's a neighbor here, and his shed is right there and John Petrillo was the one that told me that his is on the property, so I don't think this represents the whole property.

Board Member DiSalvo stated so it's not that shed.

Board Member Montesano stated because I'm looking here and the wetlands and that's the edge of it.

Ted Kozlowski stated it's surrounded by wetlands

Board Member Montesano stated so you got 100 foot comes out now he's got it coming up to here. But from here over to here and here he's right in it.

Ted Kozlowski stated well he's showing 100 feet for the well, but it's probably less than 100 feet this way.

Chairman Rogan stated it's showing it as an existing well.

Board Member Montesano stated this says 50 minimum right to here. If we go this way that means I would say he's got he's in it.

Board Member DiSalvo stated so this is a proposed driveway or there's no existing?

Ted Kozlowski stated right now the way to get in is where he wants to put the new septic. The septic we don't know where it is.

Board Member Montesano stated right here, 1000 gallons, up there.

Ted Kozlowski stated you see the way they were coming into the property is right where they but this is the driest but you see he's really

Board Member Montesano stated do we have the right to recommend the septic system or is that the Health Department.

Chairman Rogan stated to recommend the septic system.

Board Member Montesano stated in other words he's got a septic system here.

Chairman Rogan stated well at least look at the bright side he's putting the proposed septic system as far away from the wetland as he can get it.

Board Member Montesano stated what I'm looking at is he's got 10 feet from the edge of the septic field

Dave Raines Rich you're right I want to show something a cut a cut sheet that's a better snapshot.

Ted Kozlowski stated if I were the Board I would recommend you guys, if he's going for a wetlands permit he should show the whole property and this is really deceiving because this doesn't show you. You thought this was the property and it's not.

Dave Raines stated that's the property, big difference.

Board Member DiSalvo stated but he can't use any of this.

Ted Kozlowski stated he can't but you know what Maria, you're going to make a document now that shows the wetland and this is John Petrillo he's going to sell this to somebody. The guy that comes in here is going think oh wow I got all this property when in fact he really doesn't.

Board Member DiSalvo stated here's the shed and he thought it was this one.

Dave Raines stated but you can't tell the property looks like it ends here as far as

Board Members stated right.

Chairman Rogan stated well it would seem that if we can get the entire survey on the map and determine where the delineated edge of wetland is at least we can get that line in the sand because remember we have these issues with new houses and like Ted saying that they want to go further in, so we might want to maybe even where the property line is shown he could put up a fence or something like that.

Ted Kozlowski stated and another thing is that we don't know is that are they suggesting because this is more than the legal requirement for a lot.

Board Member DiSalvo stated 5 lots.

Ted Kozlowski stated so is Petrillo saying that he's subdividing this and giving this guy this other property.

Chairman Rogan stated that's a good point he may be because the shed is on it, he may have approached the other guy and said

Ted Kozlowski stated we don't know what he's doing.

Board Member Montesano stated yeah, divide and sell him this piece and these guys he can come right down the middle and sell off a chunk to each person and make all the money he spent on it right here.

Laughing

Chairman Rogan stated well let's get him in here and ask some question and site walk.

Changing tape

Dave Raines stated this was done by him September 29th.

Chairman Rogan stated in the older way he would be able to increase the size of the house for bedrooms is by increasing the septic to current codes. I don't think they'll take the use away from him. They'll just make him put a septic in to the greatest size that they can for the area allowed.

Board Member DiSalvo stated is that going to happen?

Chairman Rogan stated that's a lot of approvals on that to still get that done. You know this is just a beginning for this.

Ted Kozlowski stated Petrillo told me he wasn't going to increase the size of the house.

Dave Raines stated that's what he told me too.

Ted Kozlowski stated he is just going to stay with the footprint and fix it up you know clean up the property and new septic and I think he's got to get that well checked out. I don't know how old that well is.

Chairman Rogan stated he'll probably have to do a new water sample.

Ted Kozlowski stated but I think you've got to resolve which is the property. You know what are we? Harry Nichol's map looks like

Board Member Montesano stated Harry is going to what he was directed to do. Give him the benefit of the doubt I'm the client I'm telling you what to do. The thing is Harry should know better because it's his

Ted Kozlowski stated but are they subdividing the property and is that under the Boards review

Rich Williams stated well if they're subdividing the property, it absolutely is. Those lots are all in contiguous ownership that they should have been merged and shouldn't be able to do a subdivision out there without Board approval.

Dave Raines stated absolutely you know he just spoke to me and there was no word and we looked at that this is what we looked at.

Rich Williams stated well this is just probably area

All talking at once unable to transcribe

Dave Raines the property is deceiving and I was going to say where are you going to put septic system.

Board Member Montesano stated it's amazing. No we should have the original piece of property with the original with as it stands now the driveway etc. and then give use the whole thing.

Board Member DiSalvo stated is that property listed?

Chairman Rogan stated and we have to remember that we're not starting with a vacant piece of property, we're starting with there's a house on it so the use is already there.

Board Member Montesano stated it's uninhabitable.

Board Member DiSalvo stated and we've done a few we did Triconni that house came out really nice and then the one next to it that we kind of got out of hand on.

Chairman Rogan stated okay let's move on.

4) COUCH ROAD SUBDIVISION

Chairman Rogan stated I've wondered what's going on with this. It's been the absent child for a while.

Rich Williams stated yeah they're back in with pro plans stormwater pollution prevention plan. I still have to get through it.

Chairman Rogan stated okay

Board Member DiSalvo stated how many houses does it look

Board Members stated 6

Board Member Montesano stated it was 7 originally

Board Member Pierro stated 6 with a common driveway

Talking at once unable to transcribe

Chairman Rogan stated end of Couch Road on the right hand side. Okay so let's take a look at that.

5) GREEN CHIMNEYS SITE PLAN

Chairman Rogan stated this is for the dormitories so we're just plodding along

Rich Williams stated yeah, they're back in they've worked out their issues with the DEP as best they could and didn't do well

Dave Raines stated it sounds like the DEP is a little bit up to meeting with you guys or my meeting with them that we could work the grey area through with Green Chimneys did you have that discussion with Paul Agostini?

Rich Williams stated no not at all. DEP walked in and said this is going to be a watercourse

Dave Raines stated right not I understand that but then some of the issues that arose after that decision was made was well you're going to have to go back to the Town and talk about talk well you didn't have that discussion.

Rich Williams stated I didn't have that discussion with anybody nobody's talked to me about it any of the grey issues.

Dave Raines stated well through (inaudible) it all came up at a construction meeting out there, Andron and the Health Center and we got off into this

Rich Williams stated the stormwater they declared the stormwater pond is a watercourse and therefore they would want to regulate the area which forced the applicant to redesign their stormwater ponds increased the amount of disturbance by 5 – 10,000 square feet.

Dave Raines stated Rich I understood all the impacts that the Town will have to deal with I can't speak to it but, so you may see things now that are impacted that weren't or that's a (inaudible) now I have to go back and work with you and the Planning Board and talk about how what the DEP said will be instituted how that impacts the rest of the site which may be minor

Board Member DiSalvo stated does DEP feel that there's too much going on, on that site, after this is done.

Rich Williams stated I can't speak to what they feel. I can say that we have a new individual reviewing permits for this area some of her decisions I feel are highly questionable. Calling a stormwater pond a stream calling a 60 foot wide isolated wetland a stream is now we're having an issue with Powe subdivision right across the street the individual dug a ditch to try and drain the property so they

Board Member DiSalvo stated that just got sold or something that property

Rich Williams stated I don't know

Board Member DiSalvo stated I saw them surveying there a couple weeks ago on Cushman

Rich Williams stated well no Powe, Powe's is not finished yet.

Board Member DiSalvo stated no across the street, there's what 14 or 15 acres there

Rich Williams stated DEP has decided that that curtain drain is a stream.

Board Member DiSalvo stated you could dig a hole in the ground and come up with water is that a stream?

Board Member Montesano stated what is her formal background?

Rich Williams stated yeah

Chairman Rogan stated is it engineer?

Board Member Montesano stated what is it

Board Member DiSalvo stated it sounds like she is going to get sued

Board Member Pierro stated who is it

Chairman Rogan stated Mary Gallasso and everybody smiles

Dave Raines stated she said to me when she's out there if there's any discharge that's a stream that's what you got because I asked her as far as that and she said if there's any discharge point it's a stream it's a watercourse it's not stormwater retention. I said okay it's a waterway.

Chairman Rogan stated you know this is

Rich Williams stated this is one of the ones that said a curtain drain was a potential stream on Burdick Farms.

Dave Raines stated because it discharges someplace

Chairman Rogan stated did you guys ever read that letter from years ago that Paul Camarda wrote to the DEP about Mary Gallasso and a few of the other it was you know, his concern was if the water was following a 4 wheeler trail so if the 4 wheeler had made a right instead of a left the stream would have went that way and not this way and that's basically the water was following the trail that his kid rode his 4 wheeler up through. It was a pretty interesting letter. I don't have it anymore it was years ago, how long ago was that 7 years?

Board Member Montesano stated it's on file somewhere.

Chairman Rogan stated oh yeah I'm sure. I just don't have it anymore but anyway so we'll take a look at that

6) MARTINS SUBDIVISION

Chairman Rogan stated lastly we have Martin Subdivision they are back in with a plan after the denial from the Town Board of the 280 A so now they're showing a standard subdivision. I'm assuming a Town Road.

Board Member DiSalvo stated no I think a driveway off a.

Board Member Montesano stated no separate driveway. Do we have to go out and look at this new design?

(Inaudible – too many speaking.)

Chairman Rogan stated guys, we looked at the entrance which was I mean we walked up through that whole lot, so I don't feel like we have to go back it's just

Board Member DiSalvo stated I'm just worried about the sight distance with that pole there that Gene had a concern about if it's going in that same spot.

Rich Williams stated single family residential

Audience member stated we have a separate series of driveways?

Board Member DiSalvo stated so is that house going in the same spot?

Rich Williams stated yes it's at the crest of the hill except its

Chairman Rogan stated I'm glad they rotated it.

Board Member DiSalvo stated well we were concerned about the house next door too.

Chairman Rogan stated yeah and it does take good use of the views it gives them, it gives these people a little more privacy that facing backwards like that they were one on top of another.

All talking at once unable to transcribe

Chairman Rogan stated why don't we finish up this meeting and then we can talk about all kinds of other stuff.

Board Member so we don't need to go look at this again.

Chairman Rogan stated no so let's take a look at it. It needs some variances for road frontage and different things that are outlined in the memo from Badey and Watson.

Board Member Montesano stated the only thing I can say is that pole.

Chairman Rogan stated the width and the frontage.

Board Member DiSalvo stated and the driveway

Chairman Rogan stated they're one and the same really.

Dave Raines stated so is there Rich is there substantial changes in this site plan for Martin

Board Member Pierro stated no they just erased the back lot that's all.

Rich Williams stated essentially got rid of the common drive going in the front.

Chairman Rogan stated anybody got anything else?

7) OTHER BUSINESS

b. Patterson Crossing Retail Center - Signage

Board Member Montesano stated yeah, what's this Patterson Crossing Retail Center Signage.

Rich Williams stated I've got to do some research and give you a proposal to change the code for signage.

Board Member DiSalvo stated yeah we talked about at the so we can get an idea of what it's going to look like.

Board Member Montesano stated oh about 75 feet tall about 300 feet wide

Board Member DiSalvo stated new heights to attract business

Board Members laugh.

Board Member Montesano stated and flood light on the top spinning around.

Board Member DiSalvo stated dancing girls.

Board Member Montesano stated no dancing girls aren't allowed.

Board Member DiSalvo stated well they'll have the signs like they're going out of business.

c. South Patterson Business Park

Board Member Montesano stated any site walks we're looking to do

Chairman Rogan stated yeah we have a

Rich Williams stated South Patterson Business Park is staked out

Board Member DiSalvo stated and foundation for a

Rich Williams stated I have not heard back with Joe

Chairman Rogan stated well that will be a coordinated effort so

Rich Williams stated I can contact Joe if you so desire

Chairman Rogan stated South Patterson Business Park well Charlie said Saturdays were okay for him.

Rich Williams stated any Saturday in December

Board Member Pierro stated that in includes this Saturday

Chairman Rogan stated so you want to shoot for it would be the weekend after, let's tentatively shoot for that.

Board Member DiSalvo stated the weekend after our meeting next week

Chairman Rogan stated correct let's shoot for that for South Patterson Business Park. We can also potentially go and look at this new case we have, Sullivan, yeah the wetlands if that works out.

Board Member Montesano stated and if we want to reach out to the other gentleman we'll have 2 weeks that's all he can do if that's o.k but we have to tell him.

d. Justin's Automotive

Chairman Rogan stated right, anybody have anything else? What's the latest with Justin's Automotive they haven't come in for anything? They were on the agenda last month right and nobody ever showed up?

Rich Williams stated for the sign and nobody showed up.

Chairman Rogan stated yeah something will come to a head I guess.

Dave Raines stated I have a meeting Friday with Mrs. Wunner. Son is basically telling (inaudible All talking at once unable to transcribe) screw the Town blah, blah, blah. Mrs. Wunner owns the property now so I called her she had her attorney call me and we set it up for I'm going to meet her at Justin's on Friday and explain to her why she's responsible for making this happen.

Board Member Montesano stated are we adjourned?

Chairman Rogan made a motion to adjourn.

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	-	absent

The motion carries on a vote of 4 to 0.

The meeting was adjourned at 8:40 p.m.